

Town of Yucca Valley
PLANNING COMMISSION STAFF REPORT

To: Honorable Chair and Planning Commissioners
From: Evan Willoughby, Planning Technician
 Jared Jerome, Associate Planner
Date: October 21, 2021
Meeting Date: October 26, 2021

Subject: Western Joshua Tree (WJT) 099-21, 57417 Saint Mary's Drive, Yucca Valley CA.
 APN: 0595-233-21; Remove One (1) Dead Detached Western Joshua Tree

Recommendation:

That the Planning Commission approve the application for WJT 099-21, remove one (1) dead detached Western Joshua Tree, based upon Ordinance 291 Section 9.56.130 that a project proponent may remove a detached dead Western Joshua Tree or detached limb.

Prior Review

There has been no prior review of this matter.

Executive Summary

Native plant permit applications are acted upon by 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: Fred Patschke
Address: 57417 Saint Mary's Drive
APN: 0595-233-21
Zoning: Rural Living (R-L-1)
Parcel Size: 0.33 acres

An application has been filed for the removal of one (1) detached Western Joshua Tree. In the consulting desert native plant specialist's opinion, the Western Joshua Tree has fallen over within 30 feet of an existing structure is fully detached from the root system.

Section 9.56.070 of Ordinance 291 requires photos, descriptions of the trees, and a letter from the applicant's arborist; which are attached to this report.

Section 9.56.130 states:

The Planning Commission may issue a permit to authorize either the removal of a dead western Joshua tree or the trimming of a western Joshua tree. The proponent or its agent may remove a detached dead western Joshua tree or detached limb of a western Joshua tree. All other removals and all trimmings of western Joshua trees authorized by permits issued pursuant to this subsection may be completed by a desert native plant specialist. Planning Commission may issue a permit in accordance with this section without payment of mitigation fees, provided that the dead western Joshua tree or the limb(s) to be removed:

- (1) Has fallen over and is within 30 feet of a structure; or*
- (2) Is leaning against an existing structure; or*
- (3) Creates an imminent threat to public health or safety.*

Alternatives

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

Fiscal Impact

NA

Attachments:

WJT 099-21 57417 Saint Mary's Drive
ORD 291 Joshua Trees
9.60 Permit Procedures



Western Joshua Tree Application

Date Received 10/13/21
 Case WJT 099-21
 By Evan

\$20

General Information

APPLICANT FRED PATSCHILE Phone 760-365-6049
 Mailing Address 57417 SAINT MARY'S DR Email _____
 City Yucca Valley State CA Zip 92284
 PROPERTY OWNER (SAME AS ABOVE) Phone _____
 Mailing Address _____ Email _____
 City _____ State _____ Zip _____
 Address/Location of Plants (SAME AS ABOVE)
 Desert Native Plant Specialist _____

Project Information

TYPE OF PLANT	# OF PLANTS BEING DESTROYED	# OF PLANTS BEING TRANSPLANTED	# OF PLANTS BEING TRIMMED	APPLICATION FEE	HEIGHT	DIAMETER	MITIGATION FEE FOR REMOVAL
WESTERN JOSHUA TREE (Yucca brevifolia)	1				13ft	6in	

Reason for removal blown over, Dead tree
 Property owner signature [Signature] Date 10/13/21

Staff Use Only
 Issuance Date: _____ Issued By: _____
 Approved as shown on plot plan _____ photos _____ Total Fees: _____
 Denied _____ Reason for Denial _____

Attachment: WJT 099-21 57417 Saint Mary's Drive (4066 : Western Joshua Tree (WJT) Permit 099-21 57417 Saint Mary's Drive)

PLOT PLAN

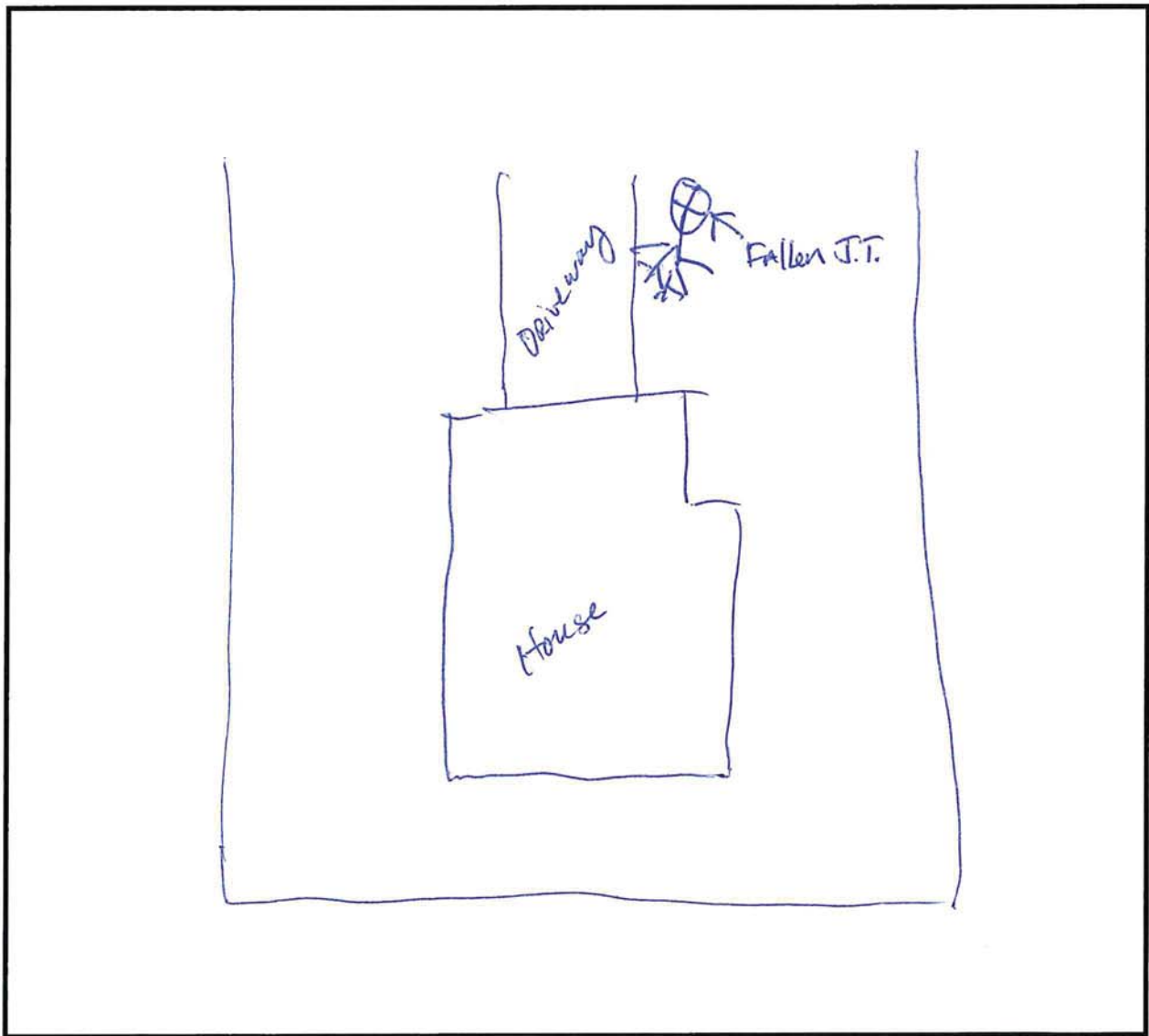
NAME Fred Patzschke

PROJECT ADDRESS 57417 SAINT MARY'S DR.

ASSESSOR PARCEL NO. 0595-233-21

IF YOUR LOT IS NOT RECTANGULAR, PLEASE DRAW CORRECT DIMENSIONS AND SHAPE

REAR PROPERTY LINE



FRONT PROPERTY LINE
STREET



REMOVE A DEAD WESTERN JOSHUA TREE OR TRIM A WESTERN JOSHUA TREE PERMIT APPLICATION

Permit Application to Remove a Dead Western Joshua Tree or Trim a Western Joshua Tree under California Code of Regulation, Title 14, Section 749.11

For removal of a dead western Joshua tree complete Sections 1 and 2. For trimming of a living or dead western Joshua tree complete Sections 1 and 3.

Section 1:

Project Information:

Property owner's name*: Fred Patschile
Property owner's telephone number*: 760-365-6049
Property owner's mailing address*: 57417 Saint Mary's Drive, Yucca Valley, CA 92284
Property owner's email address*:
Location of the western Joshua tree to be removed or trimmed*: County*: San Bernardino Street address*: 57417 Saint Mary's Drive, Yucca Valley, CA 92284 -OR- Assessor's Parcel Number*:

*REQUIRED

Attachment: WJT 099-21 57417 Saint Mary's Drive (4066 : Western Joshua Tree (WJT) Permit 099-21 57417 Saint Mary's Drive)

Section 2:

For removal of a dead western Joshua tree, enclose photographs that visually depict the following for each dead western Joshua tree to be removed:

Photographs must show that the western Joshua Tree is dead, and at least one of the following (check all that apply):

- The dead western Joshua tree has fallen over and is within 30 feet of an existing structure:
- The dead western Joshua tree is leaning against an existing structure:
- The dead western Joshua tree creates an imminent threat to public health and safety:

Check this box if enclosed photographs show that the dead western Joshua tree is fully detached from the root system:

Section 3:

For trimming of a living or dead western Joshua tree, enclose photographs that visually depict the following for each western Joshua tree to be trimmed:

Photographs must show the specific limb or limbs to be trimmed, and at least one of the following (check all that apply):

- The limb or limbs to be trimmed have fallen over:
- The limb or limbs to be trimmed are leaning against an existing structure:
- The limb or limbs to be trimmed create an imminent threat to public health and safety:

Check this box if enclosed photographs show that the limb or limbs to be removed are fully detached from the tree:

Submit this permit application to Planning by either:

Emailing a signed copy to: jyochmowitz@yucca-valley.org

-OR-

Mailing a signed copy to:

Angela Johnson
WE- 10022A

The Town of Yucca Valley
Community Development
58928 Business Center Drive
Yucca Valley, CA 92284

10/16/21

Angela Johnson

Attachment: WJT 099-21 57417 Saint Mary's Drive (4066 : Western Joshua Tree (WJT) Permit 099-21 57417 Saint Mary's Drive)





Attachment: WJT 099-21 57417 Saint Mary's Drive (4066 : Western Joshua Tree (WJT) Permit 099-21 57417 Saint Mary's Drive)





Town of Yucca Valley
 Community Development/Public Works Depts
 58928 Business Center Dr
 Yucca Valley CA 92284

Receipt # 27665
 Date 10/13/2021
 Rcvd By Michelle Rivera

Received From Fred Patschice
 57417 Saint Martys Drive
 Yucca Valley, CA 92284
 (760) 365-6049

Customer Number	Name	Payment Type	Check/Auth #	Amount Received
19600	Fred Patschice	Visa/MC	0000733	20.00
Description : WJT 099-21 57417 Saint Martys Drive				
		Findings of Exemption Fees		20.00

Attachment: WJT 099-21 57417 Saint Mary's Drive (4066 : Western Joshua Tree (WJT) Permit 099-21 57417 Saint Mary's Drive)

THIS MAP IS FOR THE PURPOSE OF AD VALOREM TAXATION ONLY.

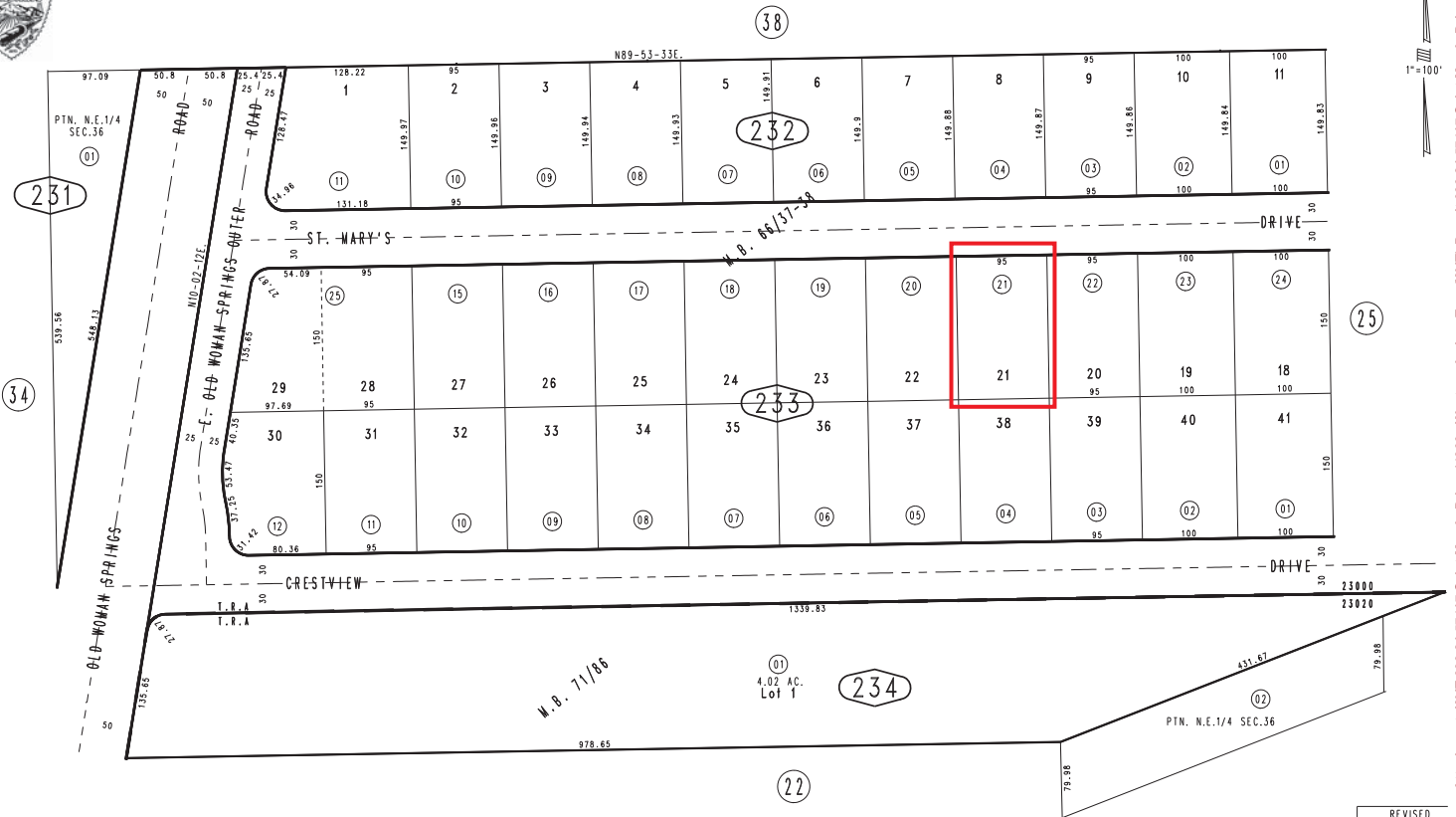


Ptn. S.1/2, N.E.1/4, Sec.36, T.1N.,R.5E., S.B.B.&M.
Ptn. Airport Estates No. 2, Tract No. 5178, M.B. 66/37-38

Town of Yucca Valley
Tax Rate Area
23000 23020

0595-25

5.a



February 2005

Tract No. 5825, M.B. 71/86

Assessor's Map
Book 0595 Page 23
San Bernardino County

REVISED
Packet Pg. 225

Attachment: WJT 09S-21 57417 Saint Mary's Drive (4066 : Western Joshua Tree (WJT) Permit 09S-21 57417 Saint Mary's Drive)

2014

OFFICIAL ZONING DISTRICT MAP

LEGEND

- R-HR HILLSIDE RESERVE (1 du / 20 ac.)
- R-L RURAL LIVING (1 du / 1, 2.5, 5, 10, 20 ac.)
- R-S RESIDENTIAL, SINGLE FAMILY (0-2, 0-3.5, 0-5 du/ac.)
- R-M RESIDENTIAL, MULTI-FAMILY (1-10, 0-14 du / ac.)
- C-MU MIXED USE COMMERCIAL (Varies)
- C-N NEIGHBORHOOD COMMERCIAL
- C-G GENERAL COMMERCIAL
- C-C COMMUNITY COMMERCIAL
- C-O OFFICE COMMERCIAL
- I INDUSTRIAL
- P/QP PUBLIC/QUASI PUBLIC (SEE SYMBOLS)
- O-S OPEN SPACE (SEE SYMBOLS)
- (SP) SPECIFIC PLAN
- OLD TOWN LAND USE**
- OTHC OLD TOWN HIGHWAY COMMERCIAL
- OTI/C OLD TOWN INDUSTRIAL/COMMERCIAL
- OTMU OLD TOWN MIXED USE
- OTC/R OLD TOWN COMMERCIAL/RESIDENTIAL

SYMBOLS

PUBLIC/QUASI PUBLIC

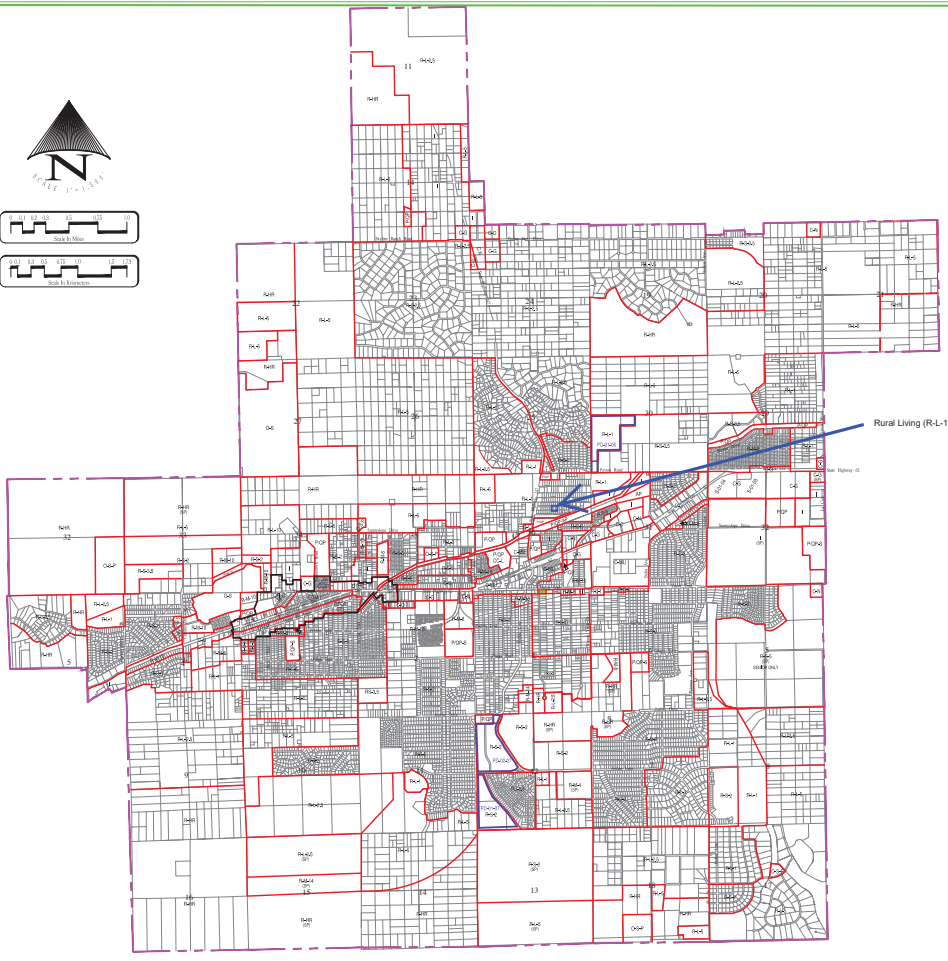
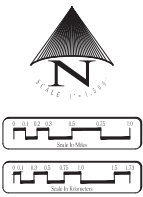
- AP AIRPORT
- CC CIVIC CENTER
- F5 FIRE STATION
- PS POLICE STATION
- H HOSPITAL
- S SCHOOL
- L LIBRARY
- U-SS UTILITY SUBSTATION
- FW FLOODWAY

OPEN SPACE

- P PARK

LAND USE PLANS

- SP SPECIFIC PLAN
- PD PLAN DEVELOPMENT



Town of YUCCA VALLEY

TOWN COUNCIL MEETING
DECEMBER 16, 2014

Ordinance No. 291

AN URGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA ADOPTING AN ADDENDUM TO THE TOWN OF YUCCA VALLEY GENERAL PLAN UPDATE ENVIRONMENTAL IMPACT REPORT, ENACTING EMERGENCY REGULATIONS IN NEW CHAPTER 9.56 FOR IMPLEMENTATION OF THE SPECIAL ORDER RELATING TO TAKE OF WESTERN JOSHUA TREE (*YUCCA BREVIFOLIA*) DURING CANDIDACY PERIOD ISSUED BY THE CALIFORNIA FISH AND GAME COMMISSION IN ACCORDANCE WITH FISH AND GAME CODE SECTION 2084, AND AMENDING SECTIONS 9.07.130, 9.09.050, AND 9.10.040 OF THE TOWN MUNICIPAL CODE TO REMOVE WESTERN JOSHUA TREE (*YUCCA BREVIFOLIA*) FROM THE LIST OF REGULATED DESERT NATIVE PLANTS

The Town Council of the Town of Yucca Valley does ordain as follows:

SECTION 1. Findings. The Town Council finds as follows:

A. On October 21, 2019, the California Fish and Game Commission ("FGC") received a petition from the Center for Biological Diversity to list the western Joshua tree ("Joshua Tree") as threatened under the California Endangered Species Act.

B. On September 22, 2020, after several public meetings, the FGC determined, pursuant to Fish and Game Code Section 2074.2, that listing of the Joshua Tree may be warranted and directed staff of the Department of Fish and Wildlife ("Department") to issue a notice reflecting that finding and indicating that Joshua Tree is a candidate for threatened or endangered species status.

C. On September 24, 2020, the California Fish and Game Commission issued a Notice of Findings ("Notice"). In the Notice, the Commission stated that the amount of information contained in the petition, when considered in light of the Department's written evaluation report, the comments received, and the remainder of the administrative record, would lead a reasonable person to conclude there is a substantial possibility the requested listing of the Joshua Tree as threatened or endangered could occur. The Commission also provided notice that the Joshua Tree is a candidate species as defined by Section 2068 of the Fish and Game Code.

D. In general, under the California Endangered Species Act, no person or public agency may import, export, take, possess, purchase, or sell within California, any species, or any part or product thereof, that has been designated by the Commission as a threatened, endangered, or candidate species, unless that person or public agency has received a permit from the Department.

E. The Joshua Tree is abundant within the Town of Yucca Valley ("Town") and is found throughout the Town on all property types (including developed and undeveloped property) and within all planning zones.

F. Many property owners within the Town have Joshua Trees on their property that periodically need to be pruned or removed in order to prevent potential property damage or injury to persons or animals that may result from a dead tree or falling limbs. Similarly, in the past many property owners within the Town have had Joshua Trees on their property that have fallen over or fallen onto an existing structure and must be removed.

G. The majority of the development that occurs within the Town involves the construction or renovation of in fill single-family residences. Because of the prevalence of the Joshua Tree within the Town, these projects often require the removal of Joshua Trees in order to be completed.

H. The permitting process provided for under the Fish and Game Code Sections 2080 *et seq.* to obtain Department authorization to remove a candidate species is cumbersome and costly. Recognizing that a streamlined process to allow for the incidental take of a limited number of Joshua Trees is necessary to avoid a halt in development within the Town, on December 10, 2020, the Commission, pursuant to Fish and Game Code Section 2084, adopted a Special Order Relating to Take of Western Joshua Tree (*Yucca brevifolia*) During Candidacy Period ("Special Order"). (14 Code Cal. Reg. § 749.12.) Attached hereto as Exhibit "B" is a copy of the Special Order, which is incorporated herein.

I. The Special Order authorizes the Town to issue permits for the take of Joshua Trees associated with the development of single-family residences, accessory structures and certain public works projects, provided the Town follows certain conditions.

J. To be authorized to issues permits for the take of Joshua Trees, the Special Order mandates that the Town adopt an ordinance within 60 days that requires as a condition of any approval or permit for a single-family residence, accessory structure, or public works project that has one or more Joshua trees on the project site, satisfaction of each of the requirements set forth in subsections (d) of the Special Order.

K. The Special Order also mandates that the Town adopt an ordinance that provides for the issuance of permits authorizing either the removal of a dead Joshua Tree or the trimming of a dead limb of a Joshua Tree by a certified arborist, without payment of mitigation fees, provided that the dead Joshua Tree or dead limb to be removed (1) has fallen over; (2) is leaning against an existing structure; or (3) creates an imminent threat to public health or safety.

L. The Town Council has the power under Government Code sections 36934 and 36937 to adopt an ordinance that takes effect immediately if it is an ordinance for the immediate preservation of the public peace, health or safety, and is passed by a four-fifths vote of the Town Council.

M. Given the requirement of the Special Order that an ordinance be adopted by the Town within 60 days, there is no time for the Town to go through its standard process when adding provisions to its development code, which generally involves a hearing before the Planning Commission followed by a first and second reading of the proposed ordinance by the Town Council.

N. Unless the Town adopts this urgency ordinance, the Town will be unable to provide relief and issue permits to its residents for the removal of a dead Joshua Tree or the trimming of a dead limb of a Joshua Tree that may be creating an imminent threat of damage to persons or property, or threat to public health or safety.

O. This ordinance is temporary and limited in scope, and will only be valid during the candidacy period of the Joshua Tree, which is anticipated to be approximately one year.

P. The Town Council desires to adopt this ordinance, pursuant to Government Code sections 36934 and 36937, and in accordance with the Special Order to address the danger to public health, safety, and general welfare presented by the designation of the Joshua Tree as a candidate species under the California Endangered Species Act and the resulting limitations placed on the Town and Town residents to take a candidate species.

SECTION 2. Environmental Review. The Town Council finds as follows:

a. On January 7, 2014, The Town of Yucca Valley adopted Resolution No. 14-01 certifying the Final Environmental Impact Report prepared for the Yucca Valley General Plan Update ("GP Update EIR"), State Clearinghouse No. 2012111021, and Resolution No. 14-01 adopting CEQA Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program for the Yucca Valley General Plan Update Project and approving the Yucca Valley General Plan Update Project and approving the Yucca Valley General Plan Update Project.

b. Because neither the Yucca Valley General Plan Update Project nor the GP Update EIR was challenged, pursuant to Public Resources Code section 21167.2, the GP Update EIR is conclusively presumed to be valid and to comply with CEQA.

c. Consideration and approval of the proposed urgency ordinance is a subsequent discretionary action in furtherance of the General Plan Update Project and pursuant to Public Resources Code section 21067 and CEQA Guidelines section 15367, the Town of Yucca Valley is the Lead Agency for the currently proposed urgency ordinance project. Pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review the proposed project to determine whether any of the circumstances under Public Resources Code section 21166 and CEQA Guidelines section 15162 require additional environmental review.

d. Town staff and Placeworks (the Town's CEQA consultant) have evaluated the proposed urgency ordinance in light of the standards for subsequent environmental review outlined in Public Resources Code section 21166 and CEQA Guidelines section 15162 and concluded that the previously certified General Plan Update EIR fully identified, analyzed and adequately addressed all potentially significant impacts, if any, that could result from the proposed urgency ordinance and that, therefore, no subsequent EIR or mitigated negative declaration is required. Town staff and Placeworks prepared an Addendum to the General Plan Update EIR pursuant to CEQA Guidelines section 15164 to memorialize their evaluation, analysis and findings. The Addendum to the General Plan Update EIR is attached hereto as Exhibit "B" and incorporated herein.

e. The Town Council has been provided the Addendum and has reviewed and considered it together and in connection with the previously certified General Plan Update EIR and hereby finds that the Addendum reflects the Town's independent judgment, that the Addendum and the previously certified GP Update EIR, taken together, contain a complete and accurate reporting of all the potential environmental impacts associated with the proposed urgency ordinance and that the Addendum and administrative record have been completed in compliance with CEQA and the CEQA Guidelines.

f. Based on the substantial evidence set forth in the record, including but not limited to the Addendum, the previously certified GP Update EIR, all related and supporting technical reports, and the staff report, none of the conditions identified in CEQA Guidelines section 15162 requiring the need for further subsequent environmental review have occurred because:

(i) the proposed urgency ordinance does not constitute a substantial change that would require major revisions of the previously certified GP Update EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(ii) there have been no substantial changes with respect to the circumstances under which the proposed urgency ordinance or the Yucca Valley General Plan Update Project will be implemented that would require major revisions of the previously certified GP Update EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

(iii) there has been no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the GP Update EIR was certified that has come to light showing: that there would be one or more significant effects not discussed in the previously certified GP Update EIR; that significant effects previously examined would be substantially more severe than shown in the previously certified GP Update EIR; that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects but the Town Council declined to adopt such measures; or that mitigation measures or alternatives considerably different from those analyzed previously would substantially reduce one or more significant effects on the environment but which the Town Council declined to adopt.

g. The Town Council hereby approves and adopts the Addendum and imposes all applicable mitigation measures from the GP Update EIR, as modified by the Addendum, on the proposed urgency ordinance and any/all projects addressed and permits/authorizations issued pursuant to the urgency ordinance.

h. The Town Council hereby directs Town staff to prepare, execute and file a CEQA Notice of Determination with the San Bernardino County Clerk's Office within five (5) working days of the adoption of this urgency ordinance.

i. The documents and materials that constitute the record of proceedings upon which this Ordinance and its CEQA findings are based are located at the Town of Yucca Valley, Community Development Department, 58928 Business Center Drive, Yucca Valley, CA 92284. The custodian for these records is Shane Stueckle, Deputy Town Manager.

SECTION 3. Chapter 9.56 (Removal of Western Joshua Trees). Chapter 9.56, as set forth in Exhibit "A" attached hereto, is hereby added to the Town of Yucca Valley Municipal Code.

SECTION 4. Existing Native Landscape Regulations. During the effective period of this ordinance, Sections 9.07.130, 9.09.050, and 9.10.040, are amended to remove Western Joshua Tree (*Yucca brevifolia*) from the list of "Regulated Desert Native Plants" set forth in those sections.

SECTION 5. Effective Period. As an urgency ordinance, this ordinance takes effect immediately upon four-fifths vote of the Town Council, in accordance with Government Code sections 36934 and 36937. This ordinance shall remain in effect during the period in which the Western Joshua Tree remains a candidate species as defined by the by Section 2068 of the California Fish and Game Code. This ordinance shall automatically terminate when the Western Joshua Tree is no longer considered a candidate species under Section 2068 of the California Fish and Game Code.

SECTION 6. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The Town Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 7. Publication. The Town Clerk is directed to certify this ordinance and cause it to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED this 19th day of January 2021.


MAYOR

ATTEST:


TOWN CLERK

APPROVED AS TO FORM:


TOWN ATTORNEY

Attachment: ORD 291 Joshua Trees (4066 : Western Joshua Tree (WJT) Permit 099-21 57417 Saint Mary's Drive)

EXHIBIT "A"

9.56.010	Purpose
9.56.020	Definitions
9.56.030	Permit Required
9.56.040	Bi-Monthly Western Joshua Tree Mitigation Fund Payments
9.56.050	Bi-Monthly Western Joshua Tree Permitting Report
9.56.060	Annual Report On Survival of Western Joshua Trees
9.56.070	Permit Required and Take Permit Authorizations
9.56.080	Avoidance
9.56.090	Minimization
9.56.100	Relocation
9.56.120	Mitigation Fees
9.56.130	Dead and Trimming Western Joshua Trees
9.56.140	Enforcement

9.56.010 PURPOSE

The purpose of this Chapter is to establish permitting standards and process for the issuance of take permits for the Western Joshua Tree as authorized pursuant to the Special Order approved by the California Fish and Game Commission pursuant to Fish and Game Code section 2084 on December 10, 2020 ("Special Order"). The requirements set forth in this Chapter are intended to protect the public's health, safety, and welfare by ensuring that take permits for the Western Joshua Tree are only issued consistent and compliant with the Special Order.

9.56.010 DEFINITIONS

The following definitions apply to this Chapter.

Accessory Structure: Accessory structure means a subordinate structure, the use of which is incidental to an existing or contemporaneously constructed single-family residence, and includes: an accessory dwelling unit, addition to an existing single-family residence, garage, carport, swimming pool, patio, greenhouse, storage shed, gazebo, septic tank, sewer connection, solar panels, or gravel or paved driveway.

Desert Native Plant Specialist: Desert native plant specialist means (A) An arborist certified by the International Society of Arborists; or (B) An individual with a four-year college degree in ecology or fish and wildlife related biological science from an accredited college and at least two years of professional experience with relocation or restoration of native California desert vegetation; or (C) An individual with at least five years of professional experience with relocation or restoration of native California desert vegetation.

Department: Department means the Town of Yucca Valley Community Development Department.

Developed Parcel: Developed Parcel means a parcel with an existing single-family residence.

Participating Agency: Participating agency means the Town of Yucca Valley.

Project Proponent: Project Proponent means the owner of a project site for a single-family residence or accessory structure or the owner's agent or the public agency undertaking a public works project.

Project Site: Project Site means the parcel or parcels on which a project proponent proposes to construct a single-family residence or accessory structure or on which a public agency proposes to undertake a public works project.

Public Works Project: Public Works Project means a project for the erection, construction, alteration, maintenance, or repair of any public structure, building, or road.

Single Family Residence: Single-family residence means a single detached building that has been or will be constructed and used as living facilities, including provisions for sleeping, eating, cooking, and sanitation as required by the California Building Code for not more than one household. Nothing in this section shall be construed to authorize take of western Joshua tree for a subdivision or other development that includes more than one single-family residence.

Size Class: Size class means the classification of western Joshua trees by the following three sizes: (A) Less than one meter in height; (B) One meter or greater but less than four meters in height; and (C) Four meters or greater in height.

Undeveloped Parcel: Undeveloped parcel means a parcel without an existing single-family residence.

Western Joshua Tree: Western Joshua tree means an individual western Joshua tree (*Yucca brevifolia*) that has emerged from the ground, regardless of age or size, including all stems that have emerged from the ground within a one-meter radius measured from a single point at the base of the largest stem.

Western Joshua Tree Mitigation Fund: Western Joshua Tree Mitigation Fund means the State Western Joshua Tree Mitigation fund established pursuant to Section 14 Code Cal. Reg. § 749.10(a)(5).

9.56.040: BI MONTHLY DEPOSITS TO THE WESTERN JOSHUA TREE MITIGATION FUND

The Town shall make bi-monthly deposits to the Western Joshua Tree Mitigation Fund, by the fifteenth day of March, May, July, September, November, and January, of all mitigation fees collected during the preceding two calendar months.

9.56.50 BI-MONTHLY WESTERN JOSHUA TREE PERMITTING REPORT

A. The Town shall submit to the State Fish and Wildlife Department by the fifteenth day of

March, May, July, September, November, and January a bi-monthly report that includes the following information for the preceding two calendar months:

1. The number of projects approved by the Town pursuant to Section 9.56.070 that resulted in the removal or relocation of western Joshua trees.
2. The number and size class of western Joshua trees that were relocated pursuant to Section 9.56.100.
3. The number and size class of western Joshua trees removed and not relocated pursuant to Section 9.56.100.
4. The total amount of mitigation fees collected for each of the mitigation categories set forth in Section 9.56.120.
5. Documentation that the total amount of mitigation fees listed pursuant to Section 9.56.120 was paid into the Western Joshua Tree Mitigation Fund.
6. The number of dead western Joshua trees removed and live trees trimmed pursuant to Section 9.56.130.

9.56.060 ANNUAL REPORT ON SURVIVAL OF WESTERN JOSHUA TREES

- A. The Town shall submit an annual report on the survival rates of trees relocated by January 15 of each year beginning in 2022 and continuing for a total of three years. The annual report shall include, at a minimum, the following:
1. The total number of western Joshua trees relocated pursuant to Section 9.56.100.
 2. For each western Joshua tree relocated:
 - a. The street address for the parcel on which the western Joshua tree was relocated. If no street address is available, the property owner may include the assessor's parcel number.
 - b. The date of the relocation.
 - c. Whether the western Joshua tree is alive or dead as of the date of the annual report.
 - d. A photograph of the relocated western Joshua tree in its current condition.

9.56.070 PERMIT REQUIRED, PLANNING COMMISSION APPROVAL, AND TAKE PERMIT

AUTHORIZATIONS

- A. The Planning Commission may authorize the take of western Joshua tree associated with developing single-family residences, accessory structures, and public works projects concurrent with its approval of the project and subject to the following conditions, applications and processes:
1. No project shall be eligible to receive take authorization pursuant to this section if it will result in the take of more than ten western Joshua trees from the project site.
 2. Census
 - a. The project proponent proposing to relocate or remove a western Joshua tree shall cause a census of western Joshua trees to be conducted on the project site by a desert native plant specialist. The census shall tag and count all western Joshua trees on the project site and classify them by size class.
 - b. All applicants shall submit an application to the Department, on forms prescribed by the Department which shall including the following information. Additional information may be required by the Director or by the Planning Commission:
 - i. The name of the desert native plant specialist who conducted the census and the employer of the desert native plant specialist.
 - ii. The name of the desert native plant specialist who will relocate western Joshua trees, if applicable, and the employer of the desert native plant specialist.
 - iii. The date of the census
 - iv. The date or dates of the proposed relocation of western Joshua trees, if applicable.
 - v. A map of the project site that depicts the location of the proposed single-family residence, accessory structure, or public works project; the number and location of all western Joshua trees on the project site; and if applicable, the proposed western Joshua trees for removal, or the proposed placement of each relocated western Joshua tree.
 - vi. Photographs of each western Joshua tree on the project site, including a visual representation of the scale of the height of each tree.

- vii. Aerial imagery of the site in sufficient detail to identify the property and the western Joshua trees that are on the site and are a part of the application submitted.
- viii. Narrative written descriptions of each western Joshua tree, its diameter, height, existing health condition and any other information deemed necessary.

3. Additional Submittals

- a. New construction of single-family residential units as well as accessory structures shall require the submittal of all information on plans measuring approximately 24" x 36", shall be legibly drawn and shall accurately reflect aerial photography and satellite imagery generally available for the subject property.
- b. All property lines, dimensions, and existing structures, if any, shall be depicted on plans submitted with the application materials.
- c. Property owners name, mailing address, phone number, and email address.
- d. Applicant's name, mailing address, phone number and email address.
- e. Assessor parcel number(s), address, and general location of the property for which the application is submitted.
- f. General Plan designation and zoning designation of the subject project site.

4. Approval Process

- a. Authorizations for take may only be granted by the Planning Commission in conjunction with approved building permit plans and applications for public works projects, single family residence and accessory structures. Western Joshua tree take approvals and authorizations shall not be granted by the Planning Commission prior to the applicant receiving construction plan approvals. This does not apply to trimming or removal of dead western Joshua trees pursuant to this Ordinance.

9.56.80 AVOIDANCE

To the maximum extent practicable, the project proponent shall avoid take of western Joshua trees on the project site.

9.56.090 MINIMIZATION

The project proponent shall avoid all ground-disturbing activities within 10 feet of any western Joshua tree, unless those activities will be temporary, will not physically impact the western Joshua tree or its root system, and will not disturb the soil to a depth of greater than twelve inches.

9.56.100 RELOCATION

- A. To the maximum extent feasible, the project proponent shall relocate all western Joshua trees that cannot be avoided to another location on the project site.
- B. For purposes of this subsection, relocation of a western Joshua tree shall be determined to be infeasible if any of the following applies:
 - 1. Relocation of the western Joshua tree on the project site would pose a threat to public health or safety.
 - 2. Relocation of the western Joshua tree on the project site would interfere with existing roadways, sidewalks, curbs, gutters, utility lines, sewer lines, drainage improvements, foundations, structures, or setbacks to any of those structures or improvements.
 - 3. There is no location on the project site that satisfies the requirements of this ordinance.
- C. The project proponent shall ensure that relocation of western Joshua trees satisfies the following requirements:
 - 1. All relocations of western Joshua trees relocations one meter or greater in height shall be completed by a desert native plant specialist.
 - 2. All western Joshua trees to be relocated shall be placed at least twenty-five feet from any existing or proposed structure or improvement and at least ten feet from any other western Joshua tree.
 - 3. Within thirty days of completing the relocation, the project proponent shall provide the participating agency with a map of the project site indicating where each western Joshua tree was relocated.

9.56.110 REMOVAL OF WESTERN JOSHUA TREES

Subject to the limitations of this ordinance, a project proponent may remove western Joshua trees that cannot feasibly be avoided or relocated pursuant to this ordinance.

9.56.120 MITIGATION FEES

- A. Prior to applications being presented to the Planning Commission, the project proponent shall pay mitigation fees for deposit into the Western Joshua Tree Mitigation Fund as follows:
- B. For single-family residence projects and sewer connection projects undertaken on undeveloped parcels and public works projects to erect or construct a new public structure, building, road, or improvement, the project proponent shall pay mitigation fees as follows:
1. \$2425 for each western Joshua tree four meters or greater in height that is relocated.
 2. \$625 for each western Joshua tree under four meters in height that is relocated.
 3. \$4175 for each western Joshua tree four meters or greater in height that is removed and not relocated.
 4. \$1050 for each western Joshua tree under four meters in height that is removed and not relocated.
- C. For accessory structure projects undertaken on developed parcels and for public works projects to alter, maintain, or repair an existing public structure, building, road, or improvement, the project proponent shall pay mitigation fees as follows:
1. \$700 for each western Joshua tree four meters or greater in height that is relocated.
 2. \$175 for each western Joshua tree under four meters in height that is relocated.
 3. \$2100 for each western Joshua tree four meters or greater in height that is removed and not relocated.
 4. \$525 for each western Joshua tree under four meters in height that is removed and not relocated.

9.56.130 DEAD AND TRIMMING WESTERN JOSHUA TREES

- A. The Planning Commission may issue a permit to authorize either the removal of a dead western Joshua tree or the trimming of a western Joshua tree. The project proponent or its agent may remove a detached dead western Joshua tree or detached limb of a western Joshua tree. All other removals and all trimming of western Joshua trees authorized by permits issued pursuant to this subsection shall be completed by a desert native plant specialist. Planning Commission may issue a permit in accordance with this section without payment of mitigation fees, provided that the dead western Joshua tree or the limb(s) to be removed:

- (1) Has fallen over and is within 30 feet of a structure; or
- (2) Is leaning against an existing structure; or
- (3) Creates an imminent threat to public health or safety.

9.56.140 ENFORCEMENT

- A. A violation of any provision of this Chapter shall constitute a misdemeanor and shall be subject to enforcement pursuant to Title 1 or Chapter 9.82 of the Town Code, or any other method permissible by law.
- B. A violation of any provision of this Chapter may be punishable by an administrative citation under Chapter 1.04 of this Code in the amount of \$1,000 per western Joshua tree taken or trimmed without a permit. In addition to the payment of an administrative citation, fine, or any other penalty imposed, any person or entity that takes or trims a western Joshua tree without a permit and in violation of this Chapter shall subsequently pay the applicable per western Joshua tree fee had the permit been issued.
- C. Nothing in this Chapter shall be interpreted as conflicting with or overriding any provision of the California Endangered Species Act (California Fish and Game Code Section 2050, et. seq.) or prohibiting the Department of Fish and Wildlife, or any other entity, from enforcing the California Endangered Species Act as provided by law. If a person or entity takes a western Joshua tree in violation of the California Endangered Species Act, in addition to all other fines and penalties available under the law, the Department of Fish and Wildlife may impose a fine of not less than \$25,000 or more than \$50,000 or imprisonment in the county jail for not more than one year, or both. (See Fish and Game Code Section 12008.1.)

EXHIBIT "B"

Special Order Relating to Take of Western Joshua Tree (*Yucca brevifolia*) During Candidacy Period

Section 749.12 Title 14, CCR, is added to read:

749.12 Special Order Relating to Take of Western Joshua Tree (*Yucca brevifolia*) During Candidacy Period.

The commission authorizes the take and possession of western Joshua tree during the candidacy period for each of the activities described in this section, subject to the terms and conditions specified for each activity.

(a) The take authorization conferred by this section shall apply only to take authorized, pursuant to subsections (d) and (e), by the following counties, cities, and towns:

- (1) City of Palmdale.
- (2) County of San Bernardino.
- (3) Town of Yucca Valley.

(b) Definitions.

(1) Accessory structure means a subordinate structure, the use of which is incidental to an existing or contemporaneously constructed single-family residence, and includes: an accessory dwelling unit, addition to an existing single-family residence, garage, carport, swimming pool, patio, greenhouse, storage shed, gazebo, septic tank, sewer connection, solar panels, or gravel or paved driveway.

(2) Desert native plant specialist means:

(A) An arborist certified by the International Society of Arborists; or

(B) An individual with a four-year college degree in ecology or fish and wildlife related biological science from an accredited college and at least two years of professional experience with relocation or restoration of native California desert vegetation; or

(C) An individual with at least five years of professional experience with relocation or restoration of native California desert vegetation.

(3) Developed parcel means a parcel with an existing single-family residence.

(4) Participating agency means each of the counties, cities, and towns listed in subsection (a).

(5) Project proponent means the owner of a project site for a single-family residence or accessory structure or the owner's agent or the public agency undertaking a public works project.

(6) Project site means the parcel or parcels on which a project proponent proposes to construct a single-family residence or accessory structure or on which a public agency proposes to undertake a public works project.

(7) Public works project means a project for the erection, construction, alteration, maintenance, or repair of any public structure, building, or road.

(8) Single-family residence means a single detached building that has been or will be constructed and used as living facilities, including provisions for sleeping, eating, cooking, and sanitation as required by the California Building Code for not more than one household. Nothing in this section shall be construed to authorize take of western Joshua tree for a subdivision or other development that includes more than one single-family residence.

(9) Size class means the classification of western Joshua trees by the following three sizes:

(A) Less than one meter in height;

(B) One meter or greater but less than four meters in height; and

(C) Four meters or greater in height.

(10) Undeveloped parcel means a parcel without an existing single-family residence.

(11) Western Joshua tree means an individual western Joshua tree (*Yucca brevifolia*) that has emerged from the ground, regardless of age or size, including all stems that have emerged from the ground within a one-meter radius measured from a single point at the base of the largest stem.

(12) Western Joshua Tree Mitigation Fund means the fund established pursuant to Section 749.10(a)(5).

(c) Each participating agency shall:

(1) Within sixty days of the effective date of this section, adopt an ordinance that:

(A) Requires as a condition of any approval or permit for a single-family residence, accessory structure, or public works project that has one or more western Joshua trees on the project site satisfaction of each of the requirements set forth in subsection (d).

(B) Provides for the permitting of take of dead trees and trimming of limbs pursuant to subsection (e).

(2) Within sixty days of the effective date of this section, deposit moneys in the Western Joshua Tree Mitigation Fund as follows:

(A) The City of Palmdale shall deposit the sum of \$10,000.

(B) The County of San Bernardino shall deposit the sum of \$10,000.

(C) The Town of Yucca Valley shall deposit the sum of \$10,000.

(3) Make bi-monthly deposits to the Western Joshua Tree Mitigation Fund, by the fifteenth day of March, May, July, September, November, and January of all mitigation fees collected pursuant to subsection (d)(6) during the preceding two calendar months.

(4) Submit to the department at WJT@wildlife.ca.gov by the fifteenth day of March, May, July, September, November, and January a bi-monthly report that includes the following information for the preceding two calendar months:

(A) The number of projects approved pursuant to subsection (d) that resulted in the removal or relocation of western Joshua trees.

(B) The number and size class of western Joshua trees that were relocated pursuant to subsection (d).

(C) The number and size class of western Joshua trees removed and not relocated pursuant to subsection (d).

(D) The number of dead western Joshua trees removed and live trees trimmed pursuant to subsection (e).

(E) The total amount of mitigation fees collected for each of the mitigation categories set forth in subsection (d)(6).

(F) Documentation that the total amount of mitigation fees listed pursuant to subsection (c)(4)(E) was paid into the Western Joshua Tree Mitigation Fund.

(5) Submit to the department at WJT@wildlife.ca.gov an annual report on the survival rates of trees relocated pursuant to subsection (d) by January 15 of each year beginning in 2022 and continuing for a total of three years. The annual report shall include, at a minimum, the following:

(A) The total number of western Joshua trees relocated pursuant to subsection (d).

(B) For each western Joshua tree relocated:

1. The street address for the parcel on which the western Joshua tree was relocated. If no street address is available, the property owner may include the assessor's parcel number.

2. The date of the relocation.

3. Whether the western Joshua tree is alive or dead as of the date of the annual report.

4. A photograph of the relocated western Joshua tree in its current condition.

(d) Upon compliance with subsections (c)(1) and (2), each participating agency may authorize take of western Joshua tree associated with developing single-family residences, accessory structures, and public works projects concurrent with its approval of the project and subject to the following conditions:

(1) No project shall be eligible to receive take authorization pursuant to this section if it will result in the take of more than ten western Joshua trees from the project site.

(2) Census.

(A) The project proponent proposing to relocate or remove a western Joshua tree shall cause a census of western Joshua trees to be conducted on the project site by a desert native plant specialist. The census shall tag and count all western Joshua trees on the project site and classify them by size class.

(B) Prior to receiving take authorization from the participating agency, the project proponent shall submit to the participating agency a census report that shall include the following:

1. The name of the desert native plant specialist who conducted the census and the employer of the desert native plant specialist.

2. If applicable, the name of the desert native plant specialist who will relocate western Joshua trees pursuant to subsection (d)(4)(D) and the employer of the desert native plant specialist.

3. The date of the census.

4. The date or dates of the proposed relocation of western Joshua trees, if applicable.

5. A map of the project site that depicts: the location of the proposed single-family residence, accessory structure, or public works project; the number and location of all western Joshua trees on the project site; and, if applicable, the proposed western Joshua trees for removal, or the proposed placement of each relocated western Joshua tree.

6. Photographs of each western Joshua tree on the project site, including a visual representation of the scale of the height of each tree.

(3) Avoidance: To the maximum extent practicable, the project proponent shall avoid take of western Joshua trees on the project site.

(4) Minimization.

(A) Notwithstanding subsection (d)(3), the project proponent shall avoid all ground-disturbing activities within 10 feet of any western Joshua tree, unless those activities will be temporary, will not physically impact the western Joshua tree or its root system, and will not disturb the soil to a depth of greater than twelve inches.

(B) To the maximum extent feasible, the project proponent shall relocate all western Joshua trees that cannot be avoided to another location on the project site.

(C) For purposes of this subsection, relocation of a western Joshua tree shall be determined to be infeasible if any of the following applies:

1. Relocation of the western Joshua tree on the project site would pose a threat to public health or safety.

2. Relocation of the western Joshua tree on the project site would interfere with existing roadways, sidewalks, curbs, gutters, utility lines, sewer lines, drainage improvements, foundations, - structures, or setbacks to any of those structures or improvements.

3. There is no location on the project site that satisfies the requirements of subsection (d)(4)(D)2.

(D) The project proponent shall ensure that relocation of western Joshua trees pursuant to this section satisfies the following requirements:

1. All relocations of western Joshua trees one meter or greater in height shall be completed by a desert native plant specialist. All relocations of western Joshua trees less than one meter in height shall be relocated according to the terms of the applicable participating agency's ordinance adopted pursuant to subsection (c)(1).

2. All western Joshua trees to be relocated shall be placed at least twenty-five feet from any existing or proposed structure or improvement and at least ten feet from any other western Joshua tree.

3. Within thirty days of completing the relocation, the project proponent shall provide the participating agency with a map of the project site indicating where each western Joshua tree was relocated.

(5) Removal. Subject to the limitations of subsection (d)(1), a project proponent may remove western Joshua trees that cannot feasibly be avoided pursuant to subsection (d)(3) or relocated pursuant to subsection (d)(5).

(6) Mitigation. Prior to receiving take authorization from the participating agency, the project proponent shall pay mitigation fees to the participating agency for deposit into the Western Joshua Tree Mitigation Fund as follows:

(A) For single-family residence projects and sewer connection projects undertaken on undeveloped parcels and public works projects to erect or construct a new public structure, building, road, or improvement, the project proponent shall pay mitigation fees as follows:

1. \$2425 for each western Joshua tree four meters or greater in height that is relocated.
2. \$625 for each western Joshua tree under four meters in height that is relocated.
3. \$4175 for each western Joshua tree four meters or greater in height that is removed and not relocated.
4. \$1050 for each western Joshua tree under four meters in height that is removed and not relocated.

(B) For accessory structure projects undertaken on developed parcels and for public works projects to alter, maintain, or repair an existing public structure, building, road, or improvement, the project proponent shall pay mitigation fees as follows:

1. \$700 for each western Joshua tree four meters or greater in height that is relocated.
2. \$175 for each western Joshua tree under four meters in height that is relocated.
3. \$2100 for each western Joshua tree four meters or greater in height that is removed and not relocated.
4. \$525 for each western Joshua tree under four meters in height that is removed and not relocated.

(e) Each participating agency may issue a permit to authorize either the removal of a dead western Joshua tree or the trimming of a western Joshua tree. The project proponent or its agent may remove a detached dead western Joshua tree or detached limb of a western Joshua tree. All other removals and all trimming of western Joshua trees authorized by permits issued pursuant to this subsection shall be completed by a desert native plant specialist. Each participating agency may issue permits pursuant to this subsection, without payment of mitigation fees, provided that the dead western Joshua tree or the limb(s) to be removed:

- (1) Has fallen over and is within 30 feet of a structure; or
- (2) Is leaning against an existing structure; or
- (3) Creates an imminent threat to public health or safety.

(f) During the candidacy period, no participating agency shall authorize take pursuant to subsection (d), collectively, in excess of the following limits:

(1) The City of Palmdale shall not authorize take, in the form of relocation or removal, of more than 190 western Joshua trees pursuant to subsection (d).

(2) The County of San Bernardino shall not authorize take, in the form of relocation or removal, of more than 450 western Joshua trees pursuant to subsection (d).

(3) The Town of Yucca Valley shall not authorize take, in the form of relocation or removal, of more than 450 western Joshua trees pursuant to subsection (d), of which no more than 100 western Joshua trees shall be relocated or removed in relation to sewer connection projects.

(g) Enforcement.

(1) The department shall suspend a participating agency's authority to issue take authorization pursuant to subsections (d) and (e) if the participating agency does any of the following:

(A) Fails to make bi-monthly deposits of mitigation fees into the Western Joshua Tree Mitigation Fund, as required by subsection (c)(3).

(B) Fails to provide bi-monthly reports to the department, as required by subsection (c)(4).

(C) Authorizes take for a project not eligible to receive take authorization under this section.

(D) Authorizes take in excess of the limits set forth in subsection (f).

(2) The department shall provide the participating agency with written notice of a suspension within ten days of the department's discovery of facts supporting the suspension. A notice of suspension shall provide the participating agency with thirty days to remedy the failure identified in the notice. If the participating agency provides the department with written documentation that it has remedied the failure within thirty days of receipt of the notice, the department shall lift the suspension.

(3) The department shall revoke a participating agency's authority to issue take authorization pursuant to subsections (d) and (e) if the participating agency fails to remedy a failure identified in a notice of suspension within thirty days of receipt of the notice. All revocations shall be permanent.

(h) Limitations.

(1) Nothing in this section is intended to be or shall be construed to be a general project approval. It shall be the responsibility of each project proponent receiving take authorization pursuant to this section to obtain all necessary permits and approvals and to comply with all applicable federal, state, and local laws.

(2) Nothing in this section is intended to or shall be construed to limit the terms and conditions, including those relating to compensatory mitigation, the department includes in incidental take permits for western Joshua tree issued pursuant to Fish and Game Code section 2081, subdivision (b).

Note: Authority cited: Sections 399 and 2084, Fish and Game Code. Reference: Sections 399 and 2084, Fish and Game Code.

STATE OF CALIFORNIA
 COUNTY OF SAN BERNARDINO
 TOWN OF YUCCA VALLEY

I, Lesley R. Copeland, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Urgency Ordinance No. 291 was adopted at a meeting of the Town Council on the 19th day of January 2021 by the following vote, to wit:

Ayes:	Council Members Denison, Drozd, Lombardo, Schooler and Mayor Drozd
Noes:	None
Abstain:	None
Absent:	None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 22nd day of January 2021.


 Town Clerk of the Town of Yucca Valley

9.60.010

9.60.020

CHAPTER 9.60

PERMIT PROCEDURES; GENERAL PROVISIONS

SECTION:

- 9.60.010: Purpose
 9.60.020: Types Of Procedures
 9.60.030: Review Authority For Land Use And Zoning Decisions
 9.60.040: Referral To Next Higher Review Authority

9.60.010: **PURPOSE:** This chapter establishes the procedures to process land use entitlements and development proposals in any land use zoning district. (Ord. 243, 10-15-2013)

9.60.020: **TYPES OF PROCEDURES:**

A. This development code utilizes the following three (3) basic procedures to review all types of applications:

1. Public Hearing:

a. Formal Open Forum For Public Review: Public hearing procedures are distinguished by a formal open forum for public review of a proposal. During the course of the public hearing, the applicable review authority invites public testimony for and against the land use proposal, reviews evidence and then renders its decision in compliance with chapter 9.85, "Public Notices And Hearings", of this title. A public hearing may be conducted before the council, the commission, or the director.

b. Review Evidence And State Relative Positions: Public hearing procedures shall be used to give all interested parties an opportunity to review the evidence and to state their relative positions in a common public forum before the applicable review authority.

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2. Staff Review With Notice:

a. Based Upon Specific Findings Or Conditions: Staff review with notice procedures are distinguished by land use decisions that are based upon specific findings or conditions that limit the discretion of the applicable review authority.

b. Rendering Of A Decision With Notice: Staff review with notice procedures shall provide written or published notice given to affected and interested parties followed by a decision by the applicable review authority. The notice shall be designed to ensure that all interested parties are aware of the pending decision and are given a chance to comment before the review authority renders its decision.

Such notice will be given at least fifteen (15) days prior to the scheduled hearing date. If no response has been received by the town five (5) days prior to the scheduled hearing date and the applicant has no objections to the conditions of approval, the community development director may elect not to hold a formal hearing.

3. Staff Review Without Notice:

a. Decisions Based Upon Adopted Standards: Staff review without notice procedures are distinguished by land use decisions made by the applicable review authority based upon standards that have been adopted by the town as law or as policy.

b. Rendering Of A Decision Without Notice: Staff review without notice procedures shall be used when sufficient standards have been adopted by the commission or the council to allow the applicable review authority to render a decision without giving notice to surrounding property owners and other parties. (Ord. 243, 10-15-2013)

9.60.030: REVIEW AUTHORITY FOR LAND USE AND ZONING DECISIONS:

- A. Table 4.1: Table 4.1, "Review Authority", of this section identifies the town official or authority responsible for reviewing and making initial decisions on each type of application or land use entitlement required by this development code, the nature of the initial decision (i.e., decision or recommend), and the nature of the response of the subsequent review authority.

9.60.030

9.60.030

- B. Concurrent Processing: Multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or disapproved by the highest review authority designated by this development code for any of the required applications (e.g., a project with applications for both a zoning map amendment and a conditional use permit shall have both applications decided by the council, instead of the commission acting on the conditional use permit as otherwise provided by table 4.1, "Review Authority", of this section).

TABLE 4.1
REVIEW AUTHORITY

Type Of Entitlement Or Decision	Applicable Code Section	Director ^{1,2}	Planning Commission ³	Town Council ⁴
Amendments to development code or zone change	Ch. 9.62	Recommend ⁵	Recommend	Decision
Conditional use permits	Ch. 9.63	Recommend	Decision	Appeal ⁵
Development agreements and amendments	Ch. 9.64	Recommend	Recommend	Decision
General plan amendments	Ch. 9.65	Recommend	Recommend	Decision
Home occupation permits	Ch. 9.50	Decision	Appeal	Appeal
Interpretations	Sec. 9.02.010	Decision	Appeal	Appeal
Land use compliance review	Ch. 9.66	Decision	Appeal	Appeal
Minor revisions to approved actions	Varies	Decision	Appeal	Appeal
Native plant permits	Ch. 9.77	Decision	Appeal	Appeal
Planned development permits	Ch. 9.67	Recommend	Recommend	Decision
Sign permits	Ch. 9.76	Decision	Appeal	Appeal
Site plan and design review	Ch. 9.68	Recommend	Decision	Appeal
Special use permits	Ch. 9.69	Decision	Appeal	Appeal
Specific plans and amendments	Ch. 9.70	Recommend	Recommend	Decision
Temporary special event permits	Ch. 9.71	Decision	Appeal	Appeal

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Type Of Entitlement Or Decision	Applicable Code Section	Director ^{1,2}	Planning Commission ³	Town Council ⁴
Temporary use permits	Ch. 9.72	Decision	Appeal	Appeal
Variances	Ch. 9.73	Recommend	Decision	Appeal

Notes:

1. The director may defer action and refer any permit or approval application to the commission for final determination.
2. All decisions of the director are appealable to commission, and then to the council, in compliance with chapter 9.81, "Appeals", of this title.
3. The commission may refer consideration of an appeal to the council.
4. All decisions of the council are final.
5. "Recommend" means that the review authority makes a recommendation to a higher review authority; "appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier review authority, in compliance with chapter 9.81, "Appeals", of this title.

(Ord. 243, 10-15-2013)

9.60.040: **REFERRAL TO NEXT HIGHER REVIEW AUTHORITY:**

- A. A review authority may refer any application to the next succeeding review authority, based upon the following criteria:
1. Impact upon public services and facilities greater than typical for the type of project proposed;
 2. Impact upon surrounding properties greater than typical for the type of project proposed;
 3. Floor or site square footage greater than typically found in the type of project;
 4. Intensity of use greater than typically found in the type of projects;
 5. Operating characteristics not typical of the type of project proposed;
 6. Other factors including, but not limited to, public opposition to development of the project;
 7. The need for town interpretation of the general plan and/or development code as related to the project. (Ord. 243, 10-15-2013)

Town of Yucca Valley
PLANNING COMMISSION STAFF REPORT

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

Date: September 8, 2021
Meeting Date: October 26, 2021

Subject: Variance, V 03-21 Stypinski, located at 6728 Lindberg Lane (APN 0601-561-66), a request for variance to reduce the required 25-foot front yard setback by fifteen (15) feet, reducing the required setback from 25 feet to 10 feet; and, a request for an accessory structure measuring 2,450 square feet, or approximately 79% of the size of the primary structure. The project is exempt from CEQA pursuant to Section 15303(c), Class 3, as the structure is an accessory to a residence.

Recommendation:

Variance, V 03-21:

That the Planning Commission continues Variance V 03-21 to December 14, 2021.

Prior Review:

The Planning Commission has not previously reviewed this request.

Executive Summary:

The Planning Commission is the review authority for variance applications. The Planning Commission's decision is final unless appealed to the Town Council.

The project was noticed for hearing on September 1, 2021, in the Hi Desert Star, and notice was provided to all property owners within 300' of the project site.

Order of Procedure:

- Request Staff Report
- Open Public Hearing
- Request Public Comment
- Close Public Hearing
- Commission Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question

Discussion:

Case: Variance, V 03-21 Stypinski

Request: A request for variance to reduce the required 25-foot front yard setback by fifteen (15) feet, reducing the required setback from 25 feet to 10 feet; and, a request for an accessory structure measuring 2,450 square feet, or approximately 79% of the size of the primary structure.

Applicant: Jamie Stypinski
6728 Lindberg Lane
Yucca Valley, CA 92284

Property Owner:
Jamie Stypinski
6728 Lindberg Lane
Yucca Valley, CA 92284

Location: The property is located at 6728 Lindberg Lane, north of Nelson Avenue. The property is also identified as Assessor's Parcel Number 0601-561-66.

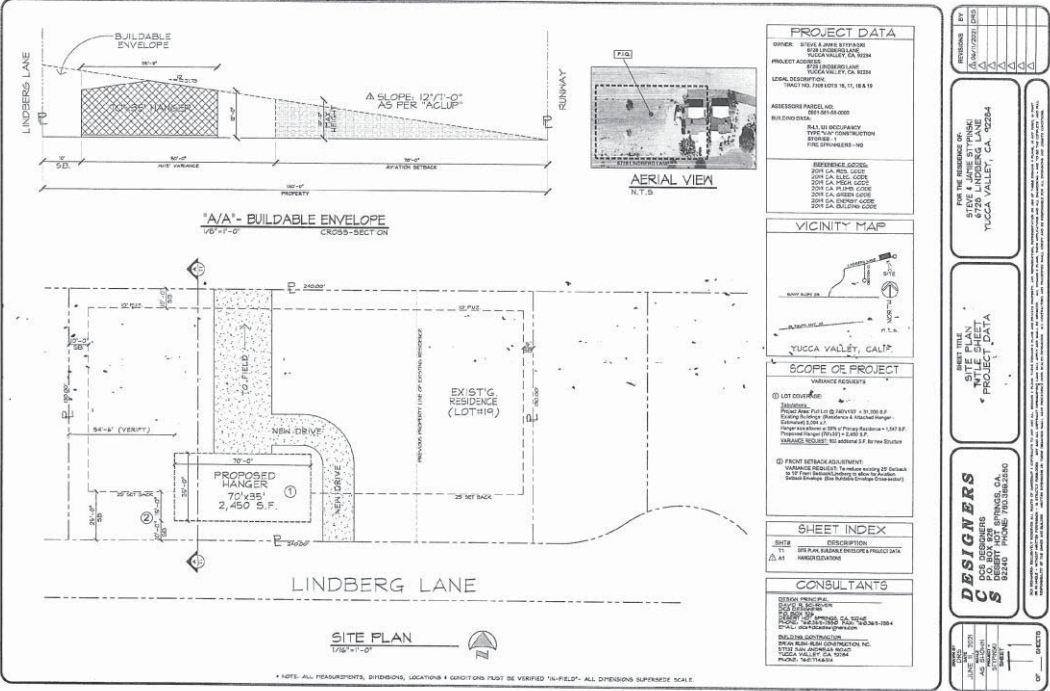
Existing General Plan Designation:
Low Density Residential (LDR) 2.1-5.0 dwelling units per acre

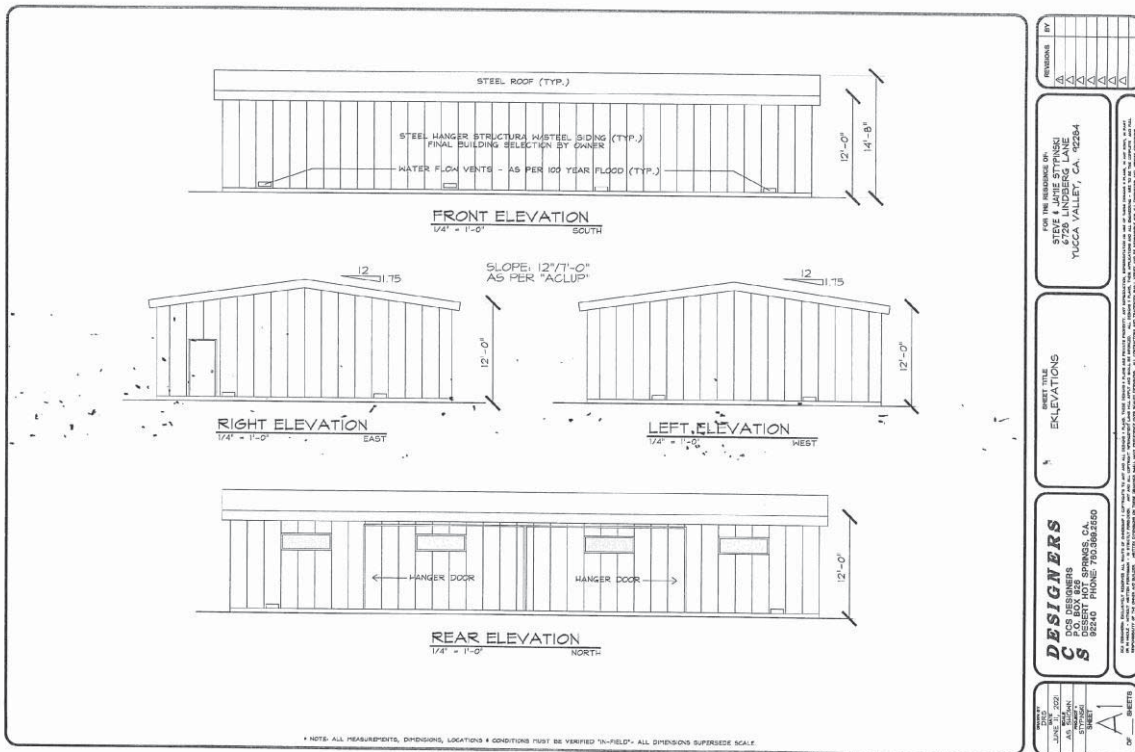
Surrounding General Plan Designations:
North: Airport (A)
South: Low Density Residential (LDR) 2.1-5.0 dwelling units per acre
East: Low Density Residential (LDR) 2.1-5.0 dwelling units per acre
West: Low Density Residential (LDR) 2.1-5.0 dwelling units per acre

Existing Zoning Designation:
Single-Family Residential, 5 dwelling units per acre (R-S-5)

Surrounding Zoning Designations:
North: Public/Quasi Public Airport (P/QP AP)
South: Single-Family Residential, 5 dwelling units per acre (R-S-5)
East: Single-Family Residential, 5 dwelling units per acre (R-S-5)
West: Single-Family Residential, 5 dwelling units per acre (R-S-5)

Surrounding Land Use:
North: Airport
South: Single Family Dwelling
East: Single Family Dwelling
West: Vacant Lot





GENERAL INFORMATION

PROJECT DESCRIPTION:

The request before the Commission is to reduce the required 25-foot front yard setback by fifteen (15) feet, reducing the required setback from 25 feet to 10 feet; and, a request for an accessory structure measuring 2,450 square feet, or approximately 79% of the size of the primary structure.

The development code limits the maximum floor area of a single accessory building to 50 percent of the primary structure. The proposed accessory structure would be a hangar for aircraft and the setback reduction would allow additional space for the aircraft to maneuver to access the runway for the Yucca Valley Airport.

LOCATION:

The property is located at 6728 Lindberg Lane. The property is also identified as Assessor's Parcel Number 0601-561-66.

PROJECT SYNOPSIS

PROJECT AREA	0.71 acres
BUILDING AREA	Single Family Home Site
PHASED CONSTRUCTION	No
FLOOD ZONE	Map 8120, Zone AE, areas that present a 1% annual chance of flooding.
ALQUIST PRIOLO ZONE	No
OFF SITE IMPROVEMENTS REQUIRED	No
ASSESSMENT DISTRICTS REQUIRED	No
RIGHT-OF-WAY DEDICATION REQUIRED	No
UTILITY UNDERGROUNDING	No
AIRPORT INFLUENCE AREA	No
TRAILS AND BIKE LANE MASTER PLAN	No
PUBLIC FACILITY MASTER PLAN	No
PARKS AND RECREATION MASTER PLAN	No
STREET LIGHTS	No
SPECIFIC PLAN/PLANNED DEVELOPMENT	No
GATEWAY REIMBURSEMENT DISTRICT	No
AVALON SIGNAL REIMBURSEMENT DISTRICT	No
FUTURE PLANNING COMMISSION ACTION	No
FUTURE TOWN COUNCIL ACTION REQUIRED	Only if Planning Commission action is appealed

PROJECT ANALYSIS

GENERAL PLAN CONSIDERATION:

The project site is designated Low Density Residential (LDR) 2.1-5.0 dwelling units per acre.

The language below is provided from the Yucca Valley General Plan, Land Use Element, for reference to the Low Density Residential district.

Single-family detached and attached residences within a density range between 2.1 and 5.0 units per acre. Typical lot sizes average 10,000 square feet in size.

DEVELOPMENT CODE CONSIDERATION:

The property is located within the Residential, Single-Family, five (5) dwelling units per acre (R-S-5) zoning designation.

The RS Districts are established to provide areas for the development and preservation of residential subdivisions consisting of detached residences and accessory uses compatible with the residential use of the zone.

Pursuant to the Development Code, the development standards for the Residential, Single-Family zoning district are as follows:

Front setback	25'
Rear setback	15'
Side setback	5'/10'
Maximum Lot Coverage	40%
Structure Height Limit	35'
Maximum floor area of a single accessory building	50 percent of primary building
Maximum accessory structure height	25'

ENVIRONMENTAL CONSIDERATIONS:

The project is exempt from CEQA pursuant to Section 15303(e), Class 3, as the structure is an accessory to a residence.

ADJACENT LAND USES:

The property is surrounded by single family residences, vacant residential properties, and airport.

SITE CHARACTERISTICS:

The property is a 0.71-acre parcel that is rectangular in shape. The property is approximately 130 feet in depth, and approximately 240 feet in width.

AIRPORT COMPREHENSIVE LAND USE PLAN:

The project is located within the Yucca Valley Airport Land Use Plan Safety Review Area 2. The plans for the proposed project were provided to the Yucca Valley Airport Manager for review.

The Yucca Valley Airport District comment letter is attached to this staff report.

FUTURE HDWD SEWER CONNECTION:

The project is located inside the boundaries of Phase 1 of the HDWD Sewer System and has connected to the sewer.

UTILITIES:

The property has existing utility connections.

DISCUSSION:

The applicant has requested to reduce the required 25-foot front yard setback by fifteen (15) feet, reducing the required setback from 25 feet to 10 feet; and, a request for an accessory structure measuring 2,450 square feet, or approximately 79% of the size of the primary structure. The development code limits the maximum floor area of a single accessory building to 50 percent of the primary structure. The proposed accessory structure would be a hangar for aircraft and the setback reduction would allow additional space for the aircraft to maneuver to access the runway for the Yucca Valley Airport.

The property is located within the Residential, Single Family (R-S-5) zoning district and is surrounded by single family residences, vacant lots, and the Yucca Valley Airport. Pursuant to the Yucca Valley Development Code, the front setback for the property is 25 feet, the rear setback is 15 feet, and the interior side setbacks are 5 feet and 10 feet. Tract Map 7306 specifies a 25-foot front building setback for this parcel.

State law and the Town's Development Code are specific in the criteria for the approval of a variance. Variances can only be applied when special circumstances or conditions, such as size, shape topography or location apply to a property which would make the strict application of the Development Code's standards impractical or physically impossible. As a result of the criteria, the findings for a variance are also very specific. The applicant has provided the following answers to the variance findings questions:

1. Will the granting of this variance be detrimental to other properties or land uses in the area or substantially interfere with the present or future ability to use solar energy systems?

"No, this will not impact or be detrimental to any other properties in the area or interfere with solar."

2. Are there exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply to other properties in the same district or vicinity?

"No, there are not any exceptional or extraordinary circumstances or conditions that do not apply to the other properties in the area."

Note: It is not unusual for properties with access to the airport to apply for a variance for accessory structures exceeding 50% of the primary structure to accommodate aircraft storage (e.g., V 03-18).

3. Will the strict application of the land use district regulations deprive such property of privileges enjoyed by other properties in the vicinity or in the same land use district?

"We do not see where what is being requested would deprive the property – same as others."

4. Is the variance request in conformance with the objectives, policies, and programs specified in the General Plan and any applicable plan?

"Yes, it is in conformance with the objectives, policies and programs as per the General or any applicable Plan."

ARTICLE 3. Administration [65900 - 65909.5]

(Article 3 added by Stats. 1965, Ch. 1880.)

Government Code Section 65906 states:

Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. The provisions of this section shall not apply to conditional use permits.

Attachments:

YVAD Letter

V 03-21 Application

V 03-21 Site Plan

V 03-21 Building Elevations

Yucca_DevCode_9.73_VarianceReview

August 30, 2021

Town of Yucca Valley
Community Department Dept.
58-928 Business Center Dr.
Yucca Valley, CA 92284

RE: Variance Application

Thank you for the opportunity to comment on the proposed project.

Changing the building set back alone does not impact the airport. The hanger structure could impact the airport if anything is allowed to penetrate the runway protection zone (RPZ). The RPZ is shown on site plan sheet 1, A/A Buildable Envelope. The RPZ elevation starts at 0ft at the back property line of the lot and is only about 18.5ft at the front of the lot.

The owners of this project have not approached the Yucca Valley Airport about access to the runway and there are going to be a couple of hurdles that will need to be resolved before they would be granted access to the runway for a hanger.

The airports operating permit is issued by Caltrans Aeronautics. Caltrans inspects the airport annually for compliance. At the last inspection we had a compliance issue with the taxiways at the east end of the runway. This includes the taxiway that would need to be utilized by the proposed hanger.

I contacted our Caltrans Aeronautics compliance inspector and discussed this project with him. He told me he would like to be included in any development planning and wants additional changes made to the two taxiways at the east end of the airport. Changes would need to be made in advance of the granting access or in conjunction with the hanger project. Caltrans also wanted to ensure the project would not affect or penetrate the RPZ in anyway. The RPZ is an important part of the airport environment.

I forwarded the plan to Caltrans Aeronautics for review and comment. As of this date I have not received their comments.

Sincerely,

Timothy W. Lewis
Airport Manager

CC: Caltrans Aeronautics
Board of Directors Yucca Valley Airport District

Attachment: YVAD Letter (4019 : Variance 03-21 Stypinski)



Variance Application

6.b

Received	4/29/2021
By	J. Jarone
Fee	\$ 865
Case #	V 03-21

General Information

APPLICANT Jamie Stypinski Phone 7605672178 Fax _____

Mailing Address 6728 Lindberg Ln Email jstypins@yahoo.com

City Yucca Valley State CA Zip 92284

REPRESENTATIVE N/A Phone _____ Fax _____

Mailing Address _____ Email _____

City _____ State _____ Zip _____

PROPERTY OWNER Jamie Stypinski Phone 7605672178 Fax _____

Mailing Address 6728 Lindberg Ln Email jstypins@yahoo.com

City Yucca Valley State CA Zip 92284

Project Information

Project address or location 6728 Lindberg Ln

Assessor Parcel Number(s) 060156158, 060156135, 060156134

Description of variance being requested 1) Lot size for proposed aircraft hangar (2450 S.F. - 70' wide x 35' deep). 2) Front setback request from 25' to 10'

Applicant Signature [Signature]

Property Owner Signature [Signature]

Town of Yucca Valley
 Community Development Department
 Planning Division
 58928 Business Center Dr
 Yucca Valley, CA 92284
 760 369-6575 Fax 760 228-0084
www.yucca-valley.org

Attachment: V 03-21 Application (4019 : Variance 03-21 Stypinski)

Submittal Requirements

The following information shall be submitted along with the completed application form:

- Property Owners List-A list of all property owners and mailing addresses within 300 feet of the exterior boundaries of the property in question. This list will be used for public notification. This information shall be provided on mailing labels. Provide two sets of adhesive labels, one photocopy of labels, one radius map.
- Five (5) copies of a site plan of the property.
- Building elevations, if required for height deviations.
- Variance findings, required per state law.
- Preliminary Title Report, prepared within 60 days of application submittal *email*
- Electronic copy of all material

VARIANCE FINDINGS

Please respond to each question in as much detail as you possibly can.
(Attach additional pages if necessary)

- 1) Will the granting of this variance be detrimental to other properties or land uses in the area or substantially interfere with the present or future ability to use solar energy systems?

No, this will not impact or be detrimental to any other properties in the area or interfere w/solar.

- 2) Are there exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply to other properties in the same district or vicinity?

No, there are not any exceptional or extraordinary circumstances or conditions that do not apply to the other properties in the area.

- 3) Will the strict application of the land use district regulations deprive such property of privileges enjoyed by other properties in the vicinity or in the same land use district?

We do not see where what is being requested would deprive the property - same as others.

- 4) Is the variance request in conformance with the objectives, policies, and programs specified in the General Plan and any applicable plan?

Yes, it is in conformance with the objectives, policies and programs as per the General or any appl. Plan

Owner/Applicant Authorization

Applicant/Representative: I/We have reviewed this completed application and the attached material. The information included with this application is true and correct to the best of my/our knowledge. I/We further understand that the Town may not approve the application as submitted, and may set conditions of approval. Further, I/We understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records. This application does not guarantee approval or constitute a building permit application. Additional fees may be required depending on additional administrative costs.

Name: Jamie Stypinski

Signature: 

Date: 4/28/21

Property Owner: I/We certify that I/We are presently the legal owner(s) of the above described property (If the undersigned is different from the legal property owner, a letter of authorization must accompany the form). Further, I/We acknowledge the filing of this application and certify that all of the above information is true and accurate. I/We understand that I/We are responsible for ensuring compliance with conditions of approval. I/We hereby authorize the Town of Yucca Valley and or/its designated agent(s) to enter onto the subject property to confirm the location of existing conditions and proposed improvements including compliance with applicable Town Code Requirements. Further, I/We understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records. This application does not guarantee approval or constitute a building permit application. Additional fees may be required depending on additional administrative costs. I am hereby authorizing

_____ to act as my agent and is further authorized to sign any and all documents on my behalf.

Name: Jamie Stypinski

Signature: 

Dated: 4/28/21

Attachment: V 03-21 Application (4019 : Variance 03-21 Stypinski)

Town of Yucca Valley
Community Development Department
Planning Division
58928 Business Center Dr
Yucca Valley, CA 92284
760 369-6575 Fax 760 228-0084
www.yucca-valley.org

Agreement to Pay All Development Application Fees

In accordance with Town Council Resolution 04-38 the Town collects certain fees based on the actual cost of providing service. The application deposit for this project (as indicated below) may not cover the total cost of processing this application. I/We are aware that if the account has 25% or less remaining prior to completion of the project, staff will notify the undersigned in writing, of the amount of additional deposit required to complete the processing of the application, based on Staff's reasonable estimate of the hours remaining to complete this application process.

Further, I understand that if I do not submit the required additional deposit to the Town within 15 business days from the date of notification by the Town, the Town will cease processing of the application and/ or not schedule the project for action by the Planning Commission or Town Council until the fees have been paid.

Any remaining deposit will be refunded to me at time of closeout after I have submitted any required approved project plans and forms, including signed conditions of approval, or upon my written request to withdraw the application.

As the applicant, I understand that I am responsible for the cost of processing this application and I agree that the actual costs incurred processing this application will be paid to the Town of Yucca Valley.

Deposit Paid: \$ 865.00

Applicant's Signature 

Date: 4/28/21

Applicants Name Jamie Stypinski
(Please print)

Remaining balance refunded to:

Attachment: V 03-21 Application (4019 : Variance 03-21 Stypinski)

Property Owners Mailing List

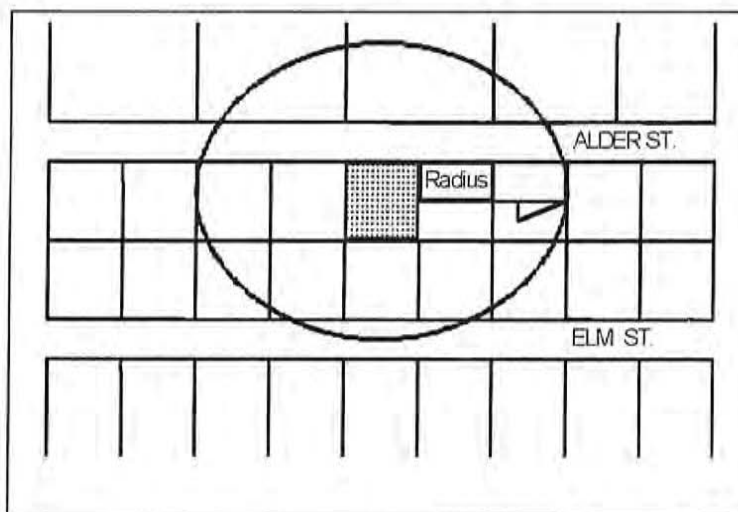
All applications that are subject to a Public Hearing require the applicant to submit a list of property owners who own property contiguous to and within 300 feet of the project site. This process is required by Section 83.010330 of the Development Code to notify residents and property owners in the immediate vicinity. Staff will send public notices to these individuals informing them of the proposed project and scheduled public hearings.

The surrounding property owner information must be obtained from the most current San Bernardino County Assessor's roll or shall be prepared and verified by a title company doing business in San Bernardino County. A County Assessor's office is located at 63665 29 Palms Hwy in Joshua Tree. The general telephone number for the Assessor's office is 760-366-1420.

MATERIALS REQUIRED:

- Two (2) sets of adhesive labels containing the mailing address of the owner(s), applicant(s) and of all surrounding property owners, including vacant properties. Mailing labels must contain: Assessor's Parcel Number, property owners name, address and zip code.
- One (1) copy of the labels sheets.
- One (1) radius map showing the subject property and all surrounding properties. The appropriate radius shall be drawn from the exterior boundaries of the subject property as shown in the sample below. The scale of the radius map shall be large enough to clearly show all surrounding properties.
- One (1) electronic copy of all submitted materials.

Sample Vicinity/Radius Map



Town of Yucca Valley
 Community Development Department
 Planning Division
 58928 Business Center Dr
 Yucca Valley, CA 92284
 760 369-6575 Fax 760 228-0084
www.yucca-valley.org



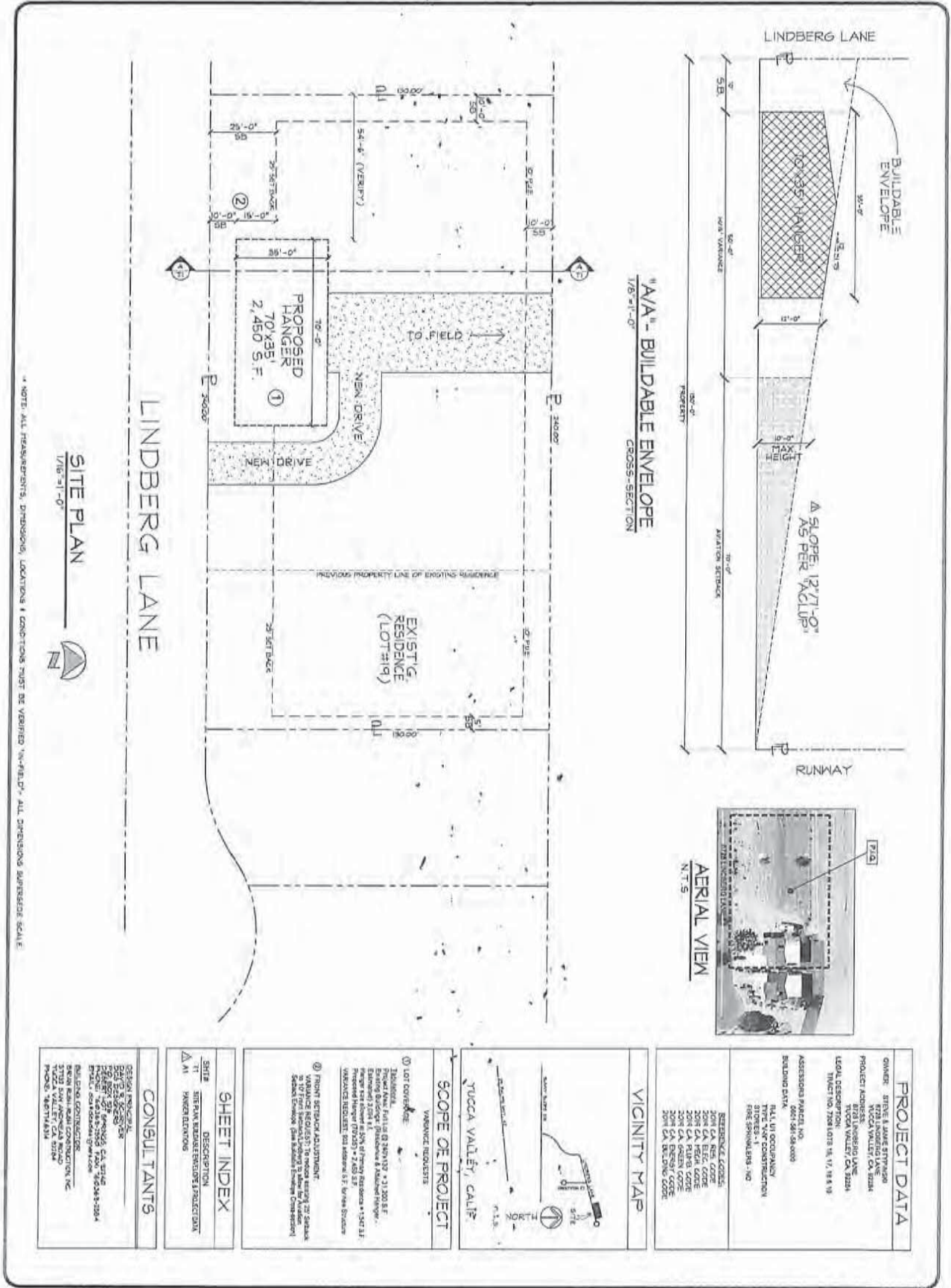
SURROUNDING PROPERTY OWNERS LIST CERTIFICATION
(To be submitted with application)

I, Jamie Stypinski, certify that on 4/15/21 the attached property owners list was prepared by Express Mapping pursuant to the requirements of the Town of Yucca Valley. Said list is a complete compilation of the owner(s), applicant(s) and representative of the subject property and all owners of surrounding properties within a radius of 300 feet from all exterior boundaries of the subject property and is based on the latest equalized assessment rolls of the San Bernardino County Assessor's Office dated 4/15/21. I further certify that the information filed is true and correct to the best of my knowledge; I understand that incorrect and erroneous information may be grounds for rejection or denial of the development application.

Signed: _____

Print Name: Jamie Stypinski Date: 4/28/21

Attachment: V 03-21 Application (4019 : Variance 03-21 Stypinski)



* NOTE: ALL MEASUREMENTS, DIMENSIONS, LOCATIONS & CONDITIONS MUST BE VERIFIED "IN-FIELD". ALL DIMENSIONS SURVEYOR SCALE.

<p>PROJECT DATA</p> <p>OWNER: STEVE & JAMIE STYPINSKI PROJECT ADDRESS: 6728 LINDBERG LANE YUCCA VALLEY, CA 92284 LEGAL DESCRIPTION: TRACT 100, 101, 013 IN 1/4, 1/8 & 1/8 ASSASSIN'S PARADE NO. 2009 CA REG. CODE BUILDING DATA: FULL OCCUPANCY TYPE: AIR CONSTRUCTION FIRE SPRINKLER: NO</p>	
<p>VICINITY MAP</p> <p>YUCCA VALLEY, CALIF.</p>	
<p>SCOPE OF PROJECT</p> <p>VARIANCE REQUESTS:</p> <p>① LOT COVERAGE Total Area: 101,112 S.F. (2.30 AC) Project Area: 101,112 S.F. (2,300 S.F.) Estimated 10% = 23,000 S.F. (0.53 AC) Proposed Project Area: 78,112 S.F. (1.77 AC) VARIANCE REQUEST: 23,000 S.F. (0.53 AC)</p> <p>② FRONT SETBACK ADJUSTMENT VARIANCE REQUEST: To reduce existing 20' setback to 10' front setback. Utility to be placed in front setback through front driveway. Utility to be placed in front setback through front driveway. Utility to be placed in front setback through front driveway.</p>	
<p>SHEET INDEX</p> <p>① SITE PLAN & EXISTING CONDITIONS</p> <p>② FRONT ELEVATION</p>	
<p>CONSULTANTS</p> <p>DESIGN PROFESSIONAL: DCS DESIGNERS 6728 LINDBERG LANE DESERT HOT SPRINGS, CA 92240 PHONE: 760.360.2560</p>	

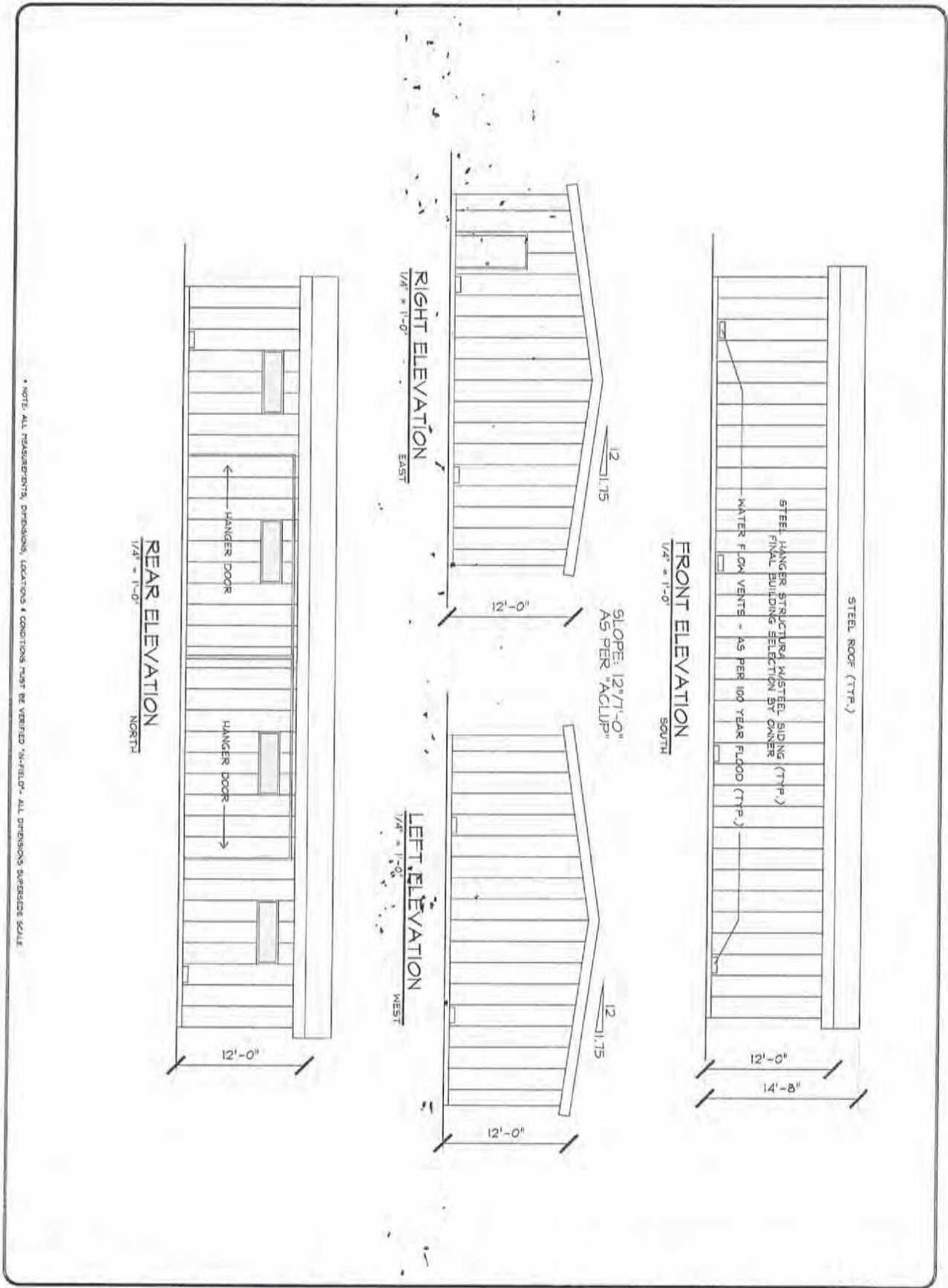
DESIGNED BY	DRS
DRAWN BY	AS SHOWN
CHECKED BY	STYPINSKI
DATE	JUNE 11, 2021
SHEET	1
OF SHEETS	1

DESIGNERS
DCS
 DCS DESIGNERS
 P.O. BOX 528
 DESERT HOT SPRINGS, CA
 92240 PHONE: 760.360.2560

SHEET TITLE
 SITE PLAN
 TITLE SHEET
 PROJECT DATA

FOR THE RESIDENCE OF:
 STEVE & JAMIE STYPINSKI
 6728 LINDBERG LANE
 YUCCA VALLEY, CA. 92284

REVISIONS	BY
△ 06/11/2021	DRS
△	
△	
△	
△	
△	
△	



* NOTE: ALL MEASUREMENTS, DIMENSIONS, LOCATIONS & CONDITIONS MUST BE VERIFIED "IN-FIELD" - ALL DIMENSIONS SUPERSEDE SCALE

Attachment: V 03-21 Building Elevations (4019 : Variance 03-21 Stypinski)

DESIGN BY	DRS
DATE	JUNE 11, 2021
BY	AS SHOWN
PROJECT	STYPINSKI
SHEET	A1
OF	3 SHEETS

DESIGNERS
DCS
 DCS DESIGNERS
 P.O. BOX 928
 DESERT HOT SPRINGS, CA.
 92240 PHONE: 760.369.2550

SHEET TITLE
 ELEVATIONS

FOR THE RESIDENCE OF:
 STEVE & JAMIE STYPINSKI
 6728 LINDBERG LANE
 YUCCA VALLEY, CA. 92284

REVISIONS	BY
△	
△	
△	
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△	

DESIGNERS EXPLICITLY RESERVES ALL RIGHTS OF INVENTION & COPYRIGHT TO ANY AND ALL DESIGN & PLANS. THESE DESIGN & PLANS ARE PRIVATE PROPERTY, AND REPRODUCTION, REPRESENTATION OR USE OF THESE DESIGN & PLANS, IN ANY FORM, IN PART OR IN WHOLE - WITHOUT WRITTEN PERMISSION - IS STRICTLY PROHIBITED. ANY AND ALL COPYRIGHT NOTICES OR LANE SHALL APPLY AND SHALL BE OBSERVED. ALL DESIGN & PLANS, THEIR APPLICATIONS AND ALL ENGINEERING - ARE TO BE THE COMPLETE AND FULL RESPONSIBILITY OF THE OWNER AND BUILDER. WRITTEN PERMISSION OF THESE DESIGNERS SHALL HAVE PRECEDENCE OVER ALL OTHER NOTICES. ALL CONTRACTORS AND TRADESMEN SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND VERIFY EXISTENCE.

Chapter 9.73

VARIANCE REVIEW

9.73.010: PROCEDURES:

- A. Provisions for variances (exceptions to standards) set forth in this code are established to ensure that any property, because of special circumstances, such as size, shape, topography, location, or surroundings, shall be accorded privileges commonly enjoyed by the other properties in the same vicinity, pursuant to Government Code section 65906.
- B. The application shall be accompanied by a fee established by resolution of the council to cover the cost of handling and processing the application as prescribed in this chapter.
- C. 1. Procedure: Public hearing.
2. Reviewing authority: Commission.
- D. A public hearing is required to consider evidence and take testimony prior to acting upon a request for variances and establish any necessary conditions of approval.
- E. Prior to approving a request for a variance, the reviewing authority shall find that the following are true:
1. The granting of such variance will not be materially detrimental to other properties or land uses in the area and will not subsequently interfere with the present or future ability to use solar energy systems.
 2. There are exceptional or extraordinary circumstances or conditions applicable to the property or to an intended use that do not apply to other properties in the same district or vicinity.
 3. The strict application of the land use district deprives such property of privileges enjoyed by other properties in the vicinity or in the same land use district.
 4. The granting of the variance is compatible with the objectives, policies, general land uses and programs in the general plan, this development code and any applicable plan or other ordinance. (Ord. 243, 10-15-2013)

9.73.020: VARIANCE AMENDMENT:

Refer to [chapter 9.83](#), "Permit Amendments", of this title. (Ord. 243, 10-15-2013)

9.73.030: VARIANCE REVOCATION:

Refer to [chapter 9.84](#), "Permit Revocations", of this title. (Ord. 243, 10-15-2013)

Town of Yucca Valley
PLANNING COMMISSION STAFF REPORT

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

Date: September 21, 2021
Meeting Date: October 26, 2021

Subject: Variance, V 04-21 Adventure Dwellings, located at 53925 Ridge Road (APN 0585-301-29), a request for variance to reduce the required 75-foot front and side yard setbacks by 45 feet, reducing the required setback from 75 feet to 30 feet. The project is exempt from CEQA pursuant to Section 15305, Class 5, as the proposed setback variance would not result in any changes in land use or density.

Recommendation:

Variance, V 04-21:

That the Planning Commission considers Variance V 04-21, with the applicant's request for variance to reduce the required 75-foot front and side yard setbacks by 45 feet, reducing the required setback from 75 feet to 30 feet; and, that the project is exempt from CEQA pursuant to Section 15305, Class 5, that the setback variance would not result in changes in land use or density.

Prior Review:

The Planning Commission has reviewed this request at their September 28, 2021 meeting.

Executive Summary:

The Planning Commission is the review authority for variance applications. The Planning Commission's decision is final unless appealed to the Town Council.

The project was noticed for hearing on September 15, 2021, in the Hi Desert Star, and notice was provided to all property owners within 300' of the project site.

Order of Procedure:

- Request Staff Report
- Open Public Hearing
- Request Public Comment
- Close Public Hearing
- Commission Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question

Discussion:

Project Update: At their September 28, 2021 meeting, the Planning Commission requested the applicant make revisions to their request to include analysis of a larger setback and reconfiguration of proposed structures on-site. The applicant has provided new figures, below, illustrating a site plan with 30-foot setbacks and a 40-foot public access easement. With this updated plan, the nearest existing neighboring structure would be located approximately 152 feet from the proposed ADU, which would be the closest proposed structure to the existing neighboring structure. The applicant believes that this would address concerns about proximity to other neighbors and to allow a slightly increased setback as compared to the original request (30 foot setback instead of 25 feet), as well as a more compact layout of the proposed on-site structures.





Case: Variance, V 04-21 Adventure Dwellings

Request: A request for variance to reduce the required 75-foot front and side yard setback by 45 feet, reducing the required setback from 75 feet to 30 feet.

Applicant: Christopher Moore
Adventure Dwellings, LLC
282 Old Woman Springs Road, Suite B #1006
Yucca Valley, CA 92284

Property Owner:
Michael Fisher
10 Courtyard Common
Hilton Head Island, South Carolina 29926

Location: The property is located at 53925 Ridge Road. The property is also identified as Assessor's Parcel Number 0585-301-29.

Existing General Plan Designation:
Hillside Residential (HR) 20 acre minimum

Surrounding General Plan Designations:

North: Rural Residential (RR-2.5) 2.5 acre minimum
South: Open Space (Unincorporated San Bernardino County)
East: Hillside Residential (HR) 20 acre minimum
West: Hillside Residential (HR) 20 acre minimum

Existing Zoning Designation:

Hillside Reserve, 1 dwelling unit per 20 acres (R-HR)

Surrounding Zoning Designations:

North: Rural Living, 1 dwelling unit per 2.5 acres (R-L-2.5)
South: Morongo Valley/Rural Living (Unincorporated San Bernardino County)
East: Hillside Reserve, 1 dwelling unit per 20 acres (R-HR)
West: Hillside Reserve, 1 dwelling unit per 20 acres (R-HR)

Surrounding Land Use:

North: Single-Family Dwellings
South: Vacant Lot
East: Vacant Lot
West: Single-Family Dwelling

GENERAL INFORMATION

PROJECT DESCRIPTION:

The request before the Commission is to reduce the required 75-foot front and side setbacks at the northwest section of the property by 60 feet, reducing the required setback from 75 feet to 15 feet.

LOCATION:

The property is located at 53925 Ridge Road. The property is also identified as Assessor’s Parcel Number 0585-301-29.

PROJECT SYNOPSIS

PROJECT AREA	14.9 acres
BUILDING AREA	Single Family Home Site
PHASED CONSTRUCTION	No
FLOOD ZONE	Map 8855H, Zone D, areas with possible but

undetermined flood hazards.

ALQUIST PRIOLO ZONE	No
OFF SITE IMPROVEMENTS REQUIRED	No
ASSESSMENT DISTRICTS REQUIRED	No
RIGHT-OF-WAY DEDICATION REQUIRED	Yes
UTILITY UNDERGROUNDING	Yes
AIRPORT INFLUENCE AREA	No
TRAILS AND BIKE LANE MASTER PLAN	No
PUBLIC FACILITY MASTER PLAN	No
PARKS AND RECREATION MASTER PLAN	No
STREET LIGHTS	No
SPECIFIC PLAN/PLANNED DEVELOPMENT	No
GATEWAY REIMBURSEMENT DISTRICT	No
AVALON SIGNAL REIMBURSEMENT DISTRICT	No
FUTURE PLANNING COMMISSION ACTION	No
FUTURE TOWN COUNCIL ACTION REQUIRED	Only if Planning Commission action is appealed

PROJECT ANALYSIS

GENERAL PLAN CONSIDERATION:

The project site is designated Hillside Residential (HR) 20 acre minimum.

The language below is provided from the Yucca Valley General Plan, Land Use Element, for reference to the Hillside Residential district.

Single-family residential development with a minimum lot size of 20 acres. Development and use of these lands is generally restricted by topography and slope, as well as drainage and biological resources. The low density allows for private open space preservation and equestrian and

animal keeping uses.

DEVELOPMENT CODE CONSIDERATION:

The property is located within the Hillside Reserve, 1 dwelling unit per 20 acres (R-HR) zoning designation.

The language below is provided from the Yucca Valley Development Code, for reference to the Hillside Residential zoning district.

The R-HR Zoning District is established to provide areas for the development of hillside residential uses and similar and compatible uses.

Pursuant to the Development Code, the development standards for the Residential, Single-Family zoning district are as follows:

Front setback	75'
Rear setback	75'
Side setback	75'
Maximum Lot Coverage	20%
Structure Height Limit	35'
Maximum floor area of a single accessory building	100 percent of primary building
Maximum accessory structure height	25'

ENVIRONMENTAL CONSIDERATIONS:

The project is exempt from CEQA pursuant to Section 15305, Class 5, as the proposed setback variance and building area has an average slope of less than 20% and does not result in any changes in land use or density.

ADJACENT LAND USES:

The property is located adjacent to vacant lots and single-family residences.

SITE CHARACTERISTICS:

The property is a 14.9-acre parcel that is an irregular shape that is generally rectangular. Approximately 10 to 15 feet south of the Ridge Road access road on the northern portion of the project site, the site begins to display significant topographic challenges. The northwest portion of the project site, proposed for development, represents a relatively flat portion of the project site which the applicant proposes to develop.

AIRPORT COMPREHENSIVE LAND USE PLAN:

The project is not located within a Yucca Valley Airport Land Use Plan Safety Review Area.

FUTURE HDWD SEWER CONNECTION:

The project is located inside the boundaries of Phase 3 of the HDWD Sewer System and is

required to connect to the sewer when available.

UTILITIES:

The property has existing development to the north, west, and east, and utilities are anticipated to be available.

DISCUSSION:

The applicant has requested to reduce the required 75-foot front and side yard setbacks by 60 feet, reducing the required setback from 75 feet to 15 feet. The applicant has provided a site plan illustrating an existing 40-foot easement along Ridge Road for HDWD vehicle access, as well as both 15 foot and 25 foot setbacks from the existing easement.

The property is located within the Hillside Reserve (R-HR) zoning district and is surrounded by single family residences and vacant lots. Pursuant to the Yucca Valley Development Code, the front, side, and rear setbacks for the property are 75 feet. The application of the 75 foot setbacks may require construction techniques that would affect the costs associated with site development. However, staff believes that the application of a 25 foot setback would enable the applicant to develop the site in a way that is substantially similar to the application of the proposed 15 foot setback. Therefore, staff recommends a 25 foot setback rather than the proposed 15 foot setback.

State law and the Town's Development Code are specific in the criteria for the approval of a variance. Variances can only be applied when special circumstances or conditions, such as size, shape topography or location apply to a property which would make the strict application of the Development Code's standards impractical or physically impossible. As a result of the criteria, the findings for a variance are also very specific. The applicant has provided the following answers to the variance findings questions:

1. Will the granting of this variance be detrimental to other properties or land uses in the area or substantially interfere with the present or future ability to use solar energy systems?

"It will not. Based on site location, granting this variance will still ensure ample distance between neighbors as desired with R-HR zoning and will actually assist in greater solar energy systems usage today because the variance would allow a new home to be built that requires solar. The closest neighbor in the surrounding R-HR zoning would still be >250' away (neighbor to N 53797 Ridge Rd) which is much greater than the 150' possible minimum based on two lots both having 75' set backs in R-HR Zoning. The neighbor to the west is an empty lot with a bordering section too narrow to infringe on any potential new building in the future and the neighbor to the East (53909 Ridge) is across a road and in RL-2.5 zoning with only 15ft setbacks so this variance wouldn't affect them."

2. Are there exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply to other properties in the same district or vicinity?

“Yes, over 90% of this parcel is a hillside cliff that is not conducive to building. The NW section of the parcel is the only location conducive to building yet requires this variance to do so. The other surrounding properties do not have the same severe topographic limitations inhibiting them from being able to build a home within their zoning setbacks.”

3. Will the strict application of the land use district regulations deprive such property of privileges enjoyed by other properties in the vicinity or in the same land use district?

“Yes, without this variance the lot would be unbuildable where the surrounding lots are buildable.”

4. Is the variance request in conformance with the objectives, policies, and programs specified in the General Plan and any applicable plan?

“Yes, this variance is in conformance with the General Plan/Town’s goals of creating high quality housing to accommodate the diverse needs of residents. Lot coverage, and gross-density for the R-HR zone would still be achieved and it would improve land use while still preserving the natural hillside environment.”

ARTICLE 3. Administration [65900 - 65909.5]

(Article 3 added by Stats. 1965, Ch. 1880.)

Government Code Section 65906 states:

Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. The provisions of this section shall not apply to conditional use permits.

Attachments:

V 04-21 Site Plan 10-5-2021

V 04-21 Site Plan Neighbor Distance 10-5-2021

V 04-21 Application

V 04-21 Site Plan Rev 03
V 04-21 Easement Exhibit
V 04-21 Elevation rendering
COA V 04-21 Adventure Dwellings
Yucca_DevCode_9.73_VarianceReview





In this updated proposed solution, the ADU and the neighbor to the East would be the two closest neighboring structures which would be distanced greater than the sum of each zone's setback back requirements (75' R-HR and RL-2.5 15' rear setback).

This demonstrates that the proposed solution maintains separation / openness between neighboring structures beyond what is expected by the standard setback code requirements by ~62ft.



Variance Application

Date Received _____
 By _____
 Fee _____
 Case # V 04-21

General Information

APPLICANT Christopher Moore Phone 6123851644 Fax _____

Mailing Address 282 Old Woman Springs Rd Suite B # 1006 Email adventuredwellings@gmail.com

City Yucca Valley State CA Zip 92284

REPRESENTATIVE Same as Applicant Phone _____ Fax _____

Mailing Address _____ Email _____

City _____ State _____ Zip _____

PROPERTY OWNER MICHAEL A FISHER Phone 895-715-0114 Fax _____

Mailing Address 10 COURTHOUSE COMMON Email MAFISHER45@E.MAIL.COM

City HOUSTON TEXAS State TX Zip 75926

Project Information

Project address or location Southern parcel neighbor to 53925 Ridge Rd Yucca Valley CA 92284

Assessor Parcel Number(s) APN: 0585301290000

Description of variance being requested Setback adjustment from 75ft (R-HR) to 15ft (RL-2.5)
in the NW section of this atypical parcel to match surrounding neighborhood and allow a SFH to be built

because the 75' setback / 20 acre min. are not possible on this parcel despite having a buildable location consistent with the other homes in the neighborhood.

Applicant Signature *Chris Moore*

Property Owner Signature _____

Town of Yucca Valley
 Community Development Department
 Planning Division
 58928 Business Center Dr
 Yucca Valley, CA 92284
 760 369-6575 Fax 760 228-0084
www.yucca-valley.org

Attachment: V 04-21 Application (4034 : Variance 04-21 Adventure Dwellings)



Variance Application

Date Received _____
 By _____
 Fee _____
 Case # _____

General Information

APPLICANT Christopher Moore Phone 6123851644 Fax _____
 Mailing Address 382 Old Woman Springs Rd Suite B # 1006 Email adventuredwellings@gmail.com
 City Yucca Valley State CA Zip 92284
REPRESENTATIVE Same as Applicant Phone _____ Fax _____
 Mailing Address _____ Email _____
 City _____ State _____ Zip _____
PROPERTY OWNER MICHAEL A FISHER Phone 845-715-0114 Fax _____
 Mailing Address 10 COURTHARD COMMON Email MAFISHER45@PT.MAIL.COM
 City HOLLYWOOD State SC Zip 25926

Project Information

Project address or location Southern parcel neighbor to 53925 Ridge Rd Yucca Valley CA 92284
 Assessor Parcel Number(s) APN: 0585301290000
 Description of variance being requested Setback adjustment from 75ft (R-HR) to 15ft (RL-2.5)
in the NW section of this atypical parcel to match surrounding neighborhood and allow a SFH to be built
because the 75' setback / 20' wide min. lot is not possible on this parcel despite having a suitable location consistent with the other houses in the neighborhood.

Applicant Signature Chris Moore

Property Owner Signature Michael A Fisher

Town of Yucca Valley
 Community Development Department
 Planning Division
 58928 Business Center Dr
 Yucca Valley, CA 92284
 760 369-6575 Fax 760 228-0084
www.yucca-valley.org

VARIANCE FINDINGS

Please respond to each question in as much detail as you possibly can.
(Attach additional pages if necessary)

- 1) Will the granting of this variance be detrimental to other properties or land uses in the area or substantially interfere with the present or future ability to use solar energy systems?

It will not. Based on site location, granting this variance will still ensure ample distance between neighbors as desired with R-HR zoning and will actually assist in greater solar energy systems usage today because the variance would allow a new home to be built that requires solar. The closest neighbor in the surrounding R-HR zoning would still be >250' away (neighbor to N 53797 Ridge Rd) which is much greater than the 150' possible minimum based on two lots both having 75' set backs in R-HR Zoning. The neighbor to the West is an empty lot with a bordering section too narrow to infringe on any potential new building in the future and the neighbor to the East (53909 Ridge) is across a road and in RL-2.5 zoning with only 15ft setbacks so this variance wouldn't affect them.

- 2) Are there exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply to other properties in the same district or vicinity?

Yes, over 90% of this parcel is a hillside cliff that is not conducive to building. The NW section of the parcel is the only location conducive to building yet requires this variance to do so. The other surrounding properties do not have the same severe topographic limitations inhibiting them from being able to build a home within their zoning setbacks.

- 3) Will the strict application of the land use district regulations deprive such property of privileges enjoyed by other properties in the vicinity or in the same land use district?

Yes, without this variance the lot would be unbuildable where the surrounding lots are buildable.

- 4) Is the variance request in conformance with the objectives, policies, and programs specified in the General Plan and any applicable plan?

Yes, this variance is in conformance with the General Plan / town's goals of creating high quality housing to accommodate the diverse needs of residents. Lot coverage, and gross-density for the R-HR zone would still be achieved and it would improve land use while still preserving the natural hillside environment.

Owner/Applicant Authorization

Applicant/Representative: I/We have reviewed this completed application and the attached material. The information included with this application is true and correct to the best of my/our knowledge. I/We further understand that the Town may not approve the application as submitted, and may set conditions of approval. Further, I/We understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records. This application does not guarantee approval or constitute a building permit application. Additional fees may be required depending on additional administrative costs.

Name: Christopher Moore

Signature: Chris Moore

Date: 6/7/21

Property Owner: I/We certify that I/We are presently the legal owner(s) of the above described property (If the undersigned is different from the legal property owner, a letter of authorization must accompany the form). Further, I/We acknowledge the filing of this application and certify that all of the above information is true and accurate. I/We understand that I/We are responsible for ensuring compliance with conditions of approval. I/We hereby authorize the Town of Yucca Valley and or/its designated agent(s) to enter onto the subject property to confirm the location of existing conditions and proposed improvements including compliance with applicable Town Code Requirements. Further, I/We understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records. This application does not guarantee approval or constitute a building permit application. Additional fees may be required depending on additional administrative costs. I am hereby authorizing

Christopher Moore

to act as my agent and is further authorized to sign any and all documents on my behalf.

Name: MICHAEL A FISHER

Signature: [Handwritten Signature]

Dated: 6/11/21

Town of Yucca Valley
 Community Development Department
 Planning Division
 58928 Business Center Dr
 Yucca Valley, CA 92284
 760 369-6575 Fax 760 228-0084
www.yucca-valley.org

Agreement to Pay All Development Application Fees

In accordance with Town Council Resolution 04-38 the Town collects certain fees based on the actual cost of providing service. The application deposit for this project (as indicated below) may not cover the total cost of processing this application. I/We are aware that if the account has 25% or less remaining prior to completion of the project, staff will notify the undersigned in writing, of the amount of additional deposit required to complete the processing of the application, based on Staff's reasonable estimate of the hours remaining to complete this application process.

Further, I understand that if I do not submit the required additional deposit to the Town within 15 business days from the date of notification by the Town, the Town will cease processing of the application and/ or not schedule the project for action by the Planning Commission or Town Council until the fees have been paid.

Any remaining deposit will be refunded to me at time of closeout after I have submitted any required approved project plans and forms, including signed conditions of approval, or upon my written request to withdraw the application.

As the applicant, I understand that I am responsible for the cost of processing this application and I agree that the actual costs incurred processing this application will be paid to the Town of Yucca Valley.

Deposit Paid: \$ 895

Applicant's Signature *Chris Moore*

Date: 6/7/21

Applicants Name Christopher Moore
(Please print)

Remaining balance refunded to:

Christopher Moore
282 Old Woman Springs Rd Suite B, #1006
Yucca Valley CA 92284

Attachment: V 04-21 Application (4034 : Variance 04-21 Adventure Dwellings)



SURROUNDING PROPERTY OWNERS LIST CERTIFICATION
(To be submitted with application)

I, Christopher Moore, certify that on 6/7/21 the attached property owners list was prepared by title company pursuant to the requirements of the Town of Yucca Valley. Said list is a complete compilation of the owner(s), applicant(s) and representative of the subject property and all owners of surrounding properties within a radius of 300 feet from all exterior boundaries of the subject property and is based on the latest equalized assessment rolls of the San Bernardino County Assessor's Office dated . I further certify that the information filed is true and correct to the best of my knowledge; I understand that incorrect and erroneous information may be grounds for rejection or denial of the development application.

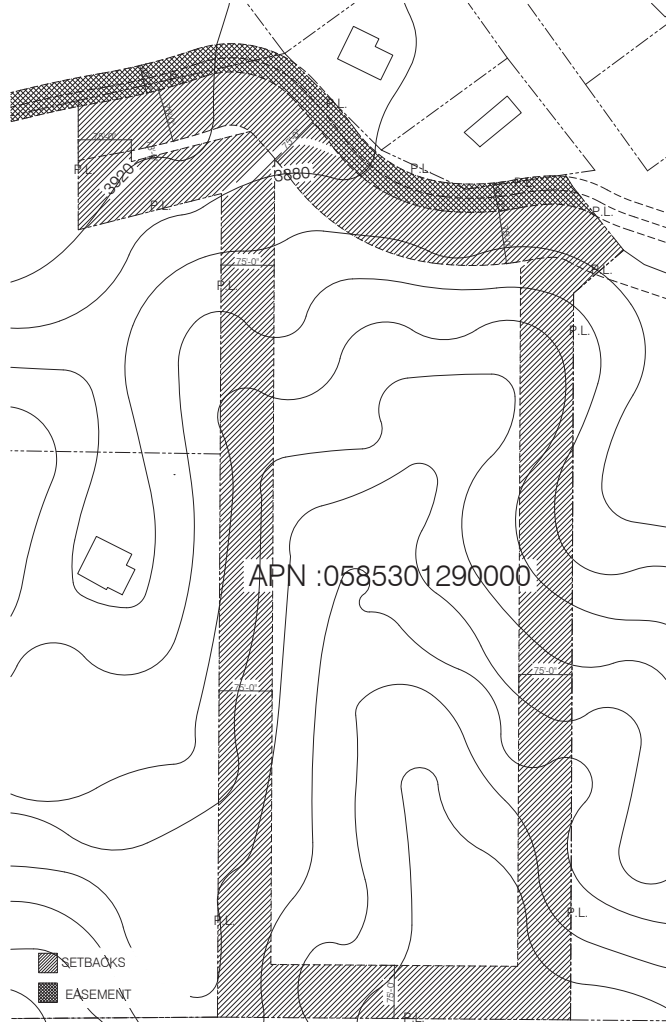
Signed: 

Print Name: Christopher Moore Date: 6/7/21

Attachment: V 04-21 Application (4034 : Variance 04-21 Adventure Dwellings)



NOTE: TOPOGRAPHY REPRESENTS 40' ELEVATION CHANGE



1 SITE PLAN (EXISTING SETBACKS)
SCALE: 1/8" = 1'-0"

Project:
Redwood City (Citywide for Design)
 1000 Serrano Ave.
 Redwood City, CA 94061
 1. 08.02.2018

00000000

This plan and design representation and the contents are prepared by the architect and shall not be construed as a contract. The architect shall not be responsible for any errors or omissions in this plan and design representation. The architect shall not be responsible for any errors or omissions in this plan and design representation. The architect shall not be responsible for any errors or omissions in this plan and design representation.

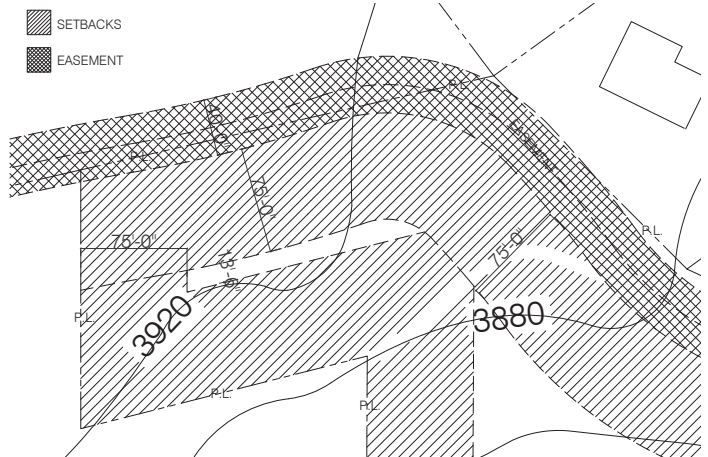
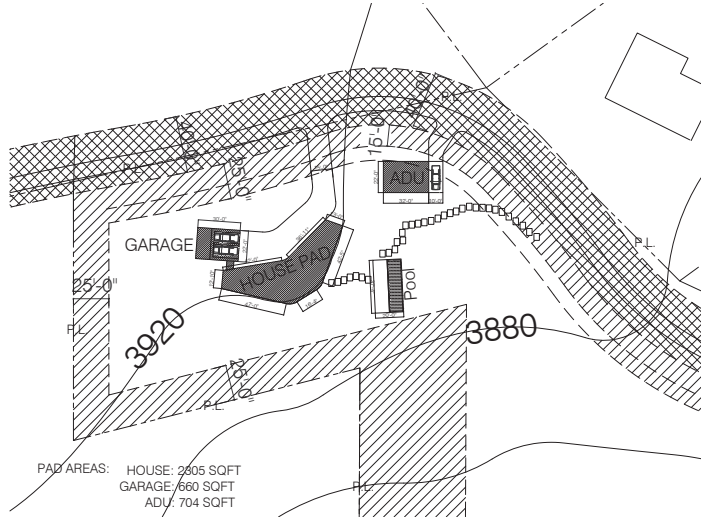
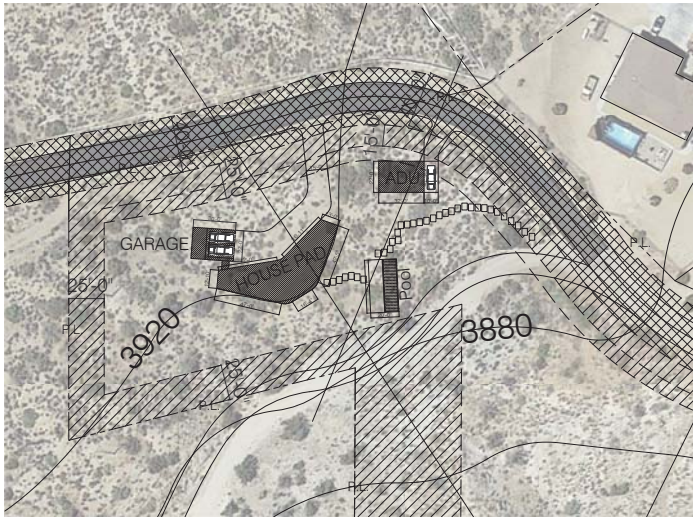
Issue Dates:
 Issue: _____
 Date: _____

SHEET TITLE:

VARIANCE EXHIBIT

DATE: 06-10-21
 SHEET NUMBER:

A 101



2 PROPOSED SETBACKS
SCALE: 1/32" = 1'-0"

1 EXISTING SETBACKS
SCALE: 1/32" = 1'-0"

Project: **Redwood (Accessory for Design)**
3880 Greenwood
Northridge, CA 91324
11/24/2020

Client: **DRS**

The owner of design, reproduction and distribution of printed or electronic files is granted by the client and the client shall retain the right to use the information contained herein for any purpose without further charge, and the client shall be held liable for any third party claims arising from the use of the information contained herein.

Date: _____
User: _____
Date: _____

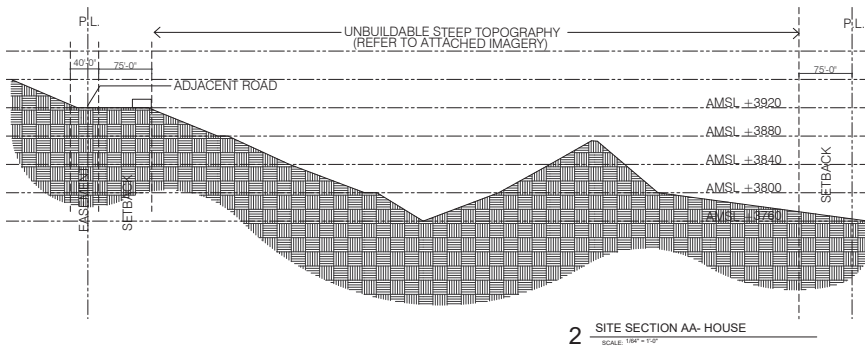
SHEET TITLE: _____

VARIANCE EXHIBIT

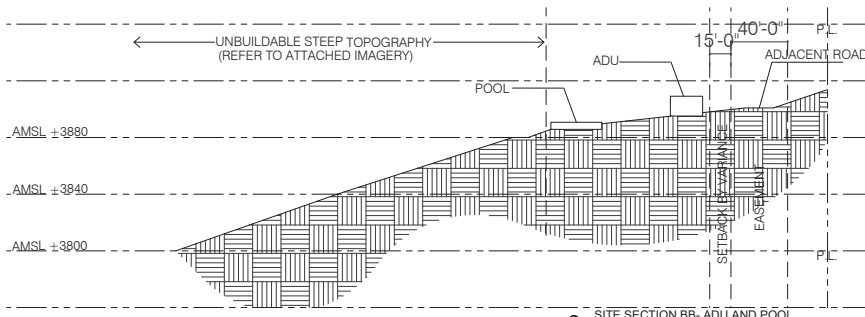
DATE: 06-10-21

SHEET NUMBER: _____

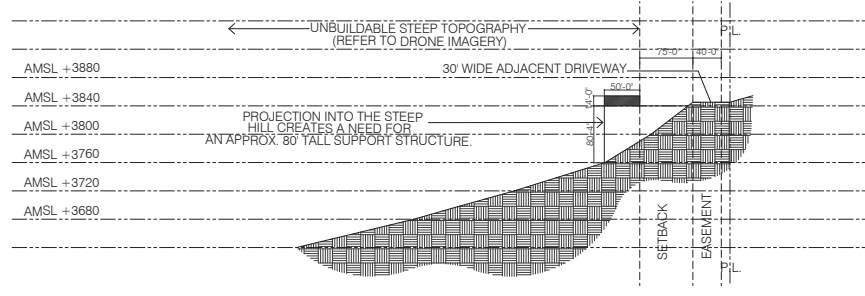
A 102



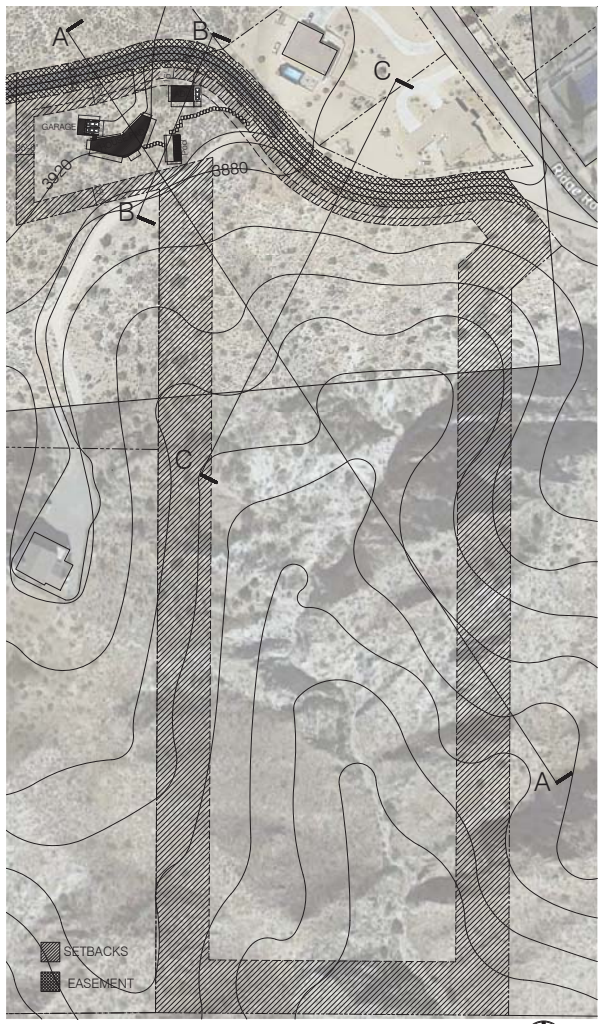
2 SITE SECTION AA- HOUSE
SCALE: 1/8" = 1'-0"



3 SITE SECTION BB- ADU AND POOL
SCALE: 1/8" = 1'-0"



4 SITE SECTION CC
SCALE: 1/8" = 1'-0"



1 SITE PLAN-PROPOSED SETBACKS
SCALE: 1/128" = 1'-0"

Standard (Utility for Design)
06/10/21
1:18:42:34

02/06/2020

The sheet and design information and the sheets are prepared by the designer and the user of the sheet is responsible for the design and the user of the sheet is responsible for the design and the user of the sheet is responsible for the design.

Issue Dates
None
Date

SHEET TITLE

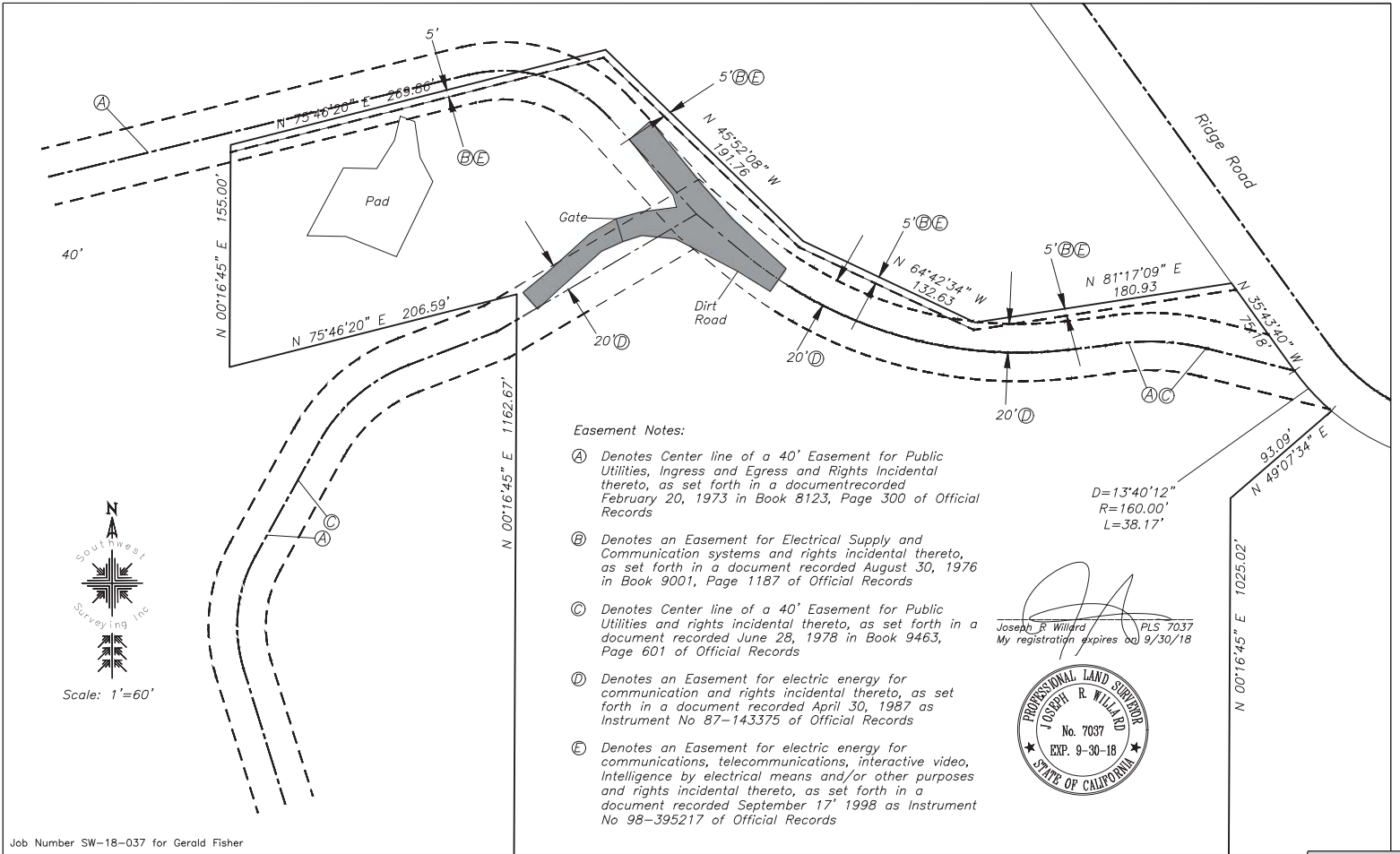
VARIANCE EXHIBIT

DATE: 06-10-21
SHEET NUMBER

A 103


Packet Pg. 2/1

EXHIBIT A



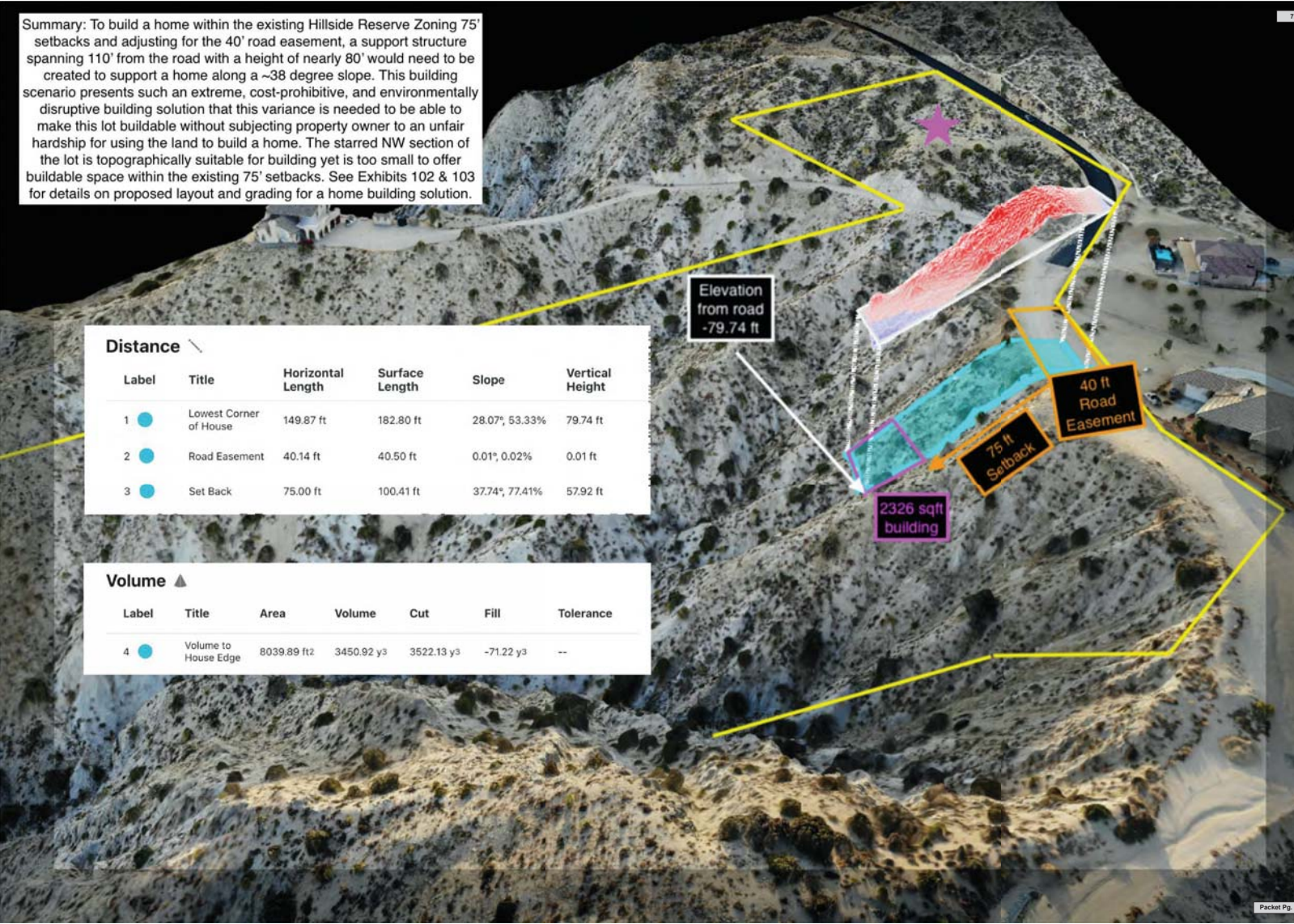
Easement Notes:

- (A) Denotes Center line of a 40' Easement for Public Utilities, Ingress and Egress and Rights Incidental thereto, as set forth in a document recorded February 20, 1973 in Book 8123, Page 300 of Official Records
- (B) Denotes an Easement for Electrical Supply and Communication systems and rights incidental thereto, as set forth in a document recorded August 30, 1976 in Book 9001, Page 1187 of Official Records
- (C) Denotes Center line of a 40' Easement for Public Utilities and rights incidental thereto, as set forth in a document recorded June 28, 1978 in Book 9463, Page 601 of Official Records
- (D) Denotes an Easement for electric energy for communication and rights incidental thereto, as set forth in a document recorded April 30, 1987 as Instrument No 87-143375 of Official Records
- (E) Denotes an Easement for electric energy for communications, telecommunications, interactive video, intelligence by electrical means and/or other purposes and rights incidental thereto, as set forth in a document recorded September 17, 1998 as Instrument No 98-395217 of Official Records


 Joseph R. Willard PLS 7037
 My registration expires on 9/30/18



Summary: To build a home within the existing Hillside Reserve Zoning 75' setbacks and adjusting for the 40' road easement, a support structure spanning 110' from the road with a height of nearly 80' would need to be created to support a home along a ~38 degree slope. This building scenario presents such an extreme, cost-prohibitive, and environmentally disruptive building solution that this variance is needed to be able to make this lot buildable without subjecting property owner to an unfair hardship for using the land to build a home. The starred NW section of the lot is topographically suitable for building yet is too small to offer buildable space within the existing 75' setbacks. See Exhibits 102 & 103 for details on proposed layout and grading for a home building solution.



Distance

Label	Title	Horizontal Length	Surface Length	Slope	Vertical Height
1	Lowest Corner of House	149.87 ft	182.80 ft	28.07°, 53.33%	79.74 ft
2	Road Easement	40.14 ft	40.50 ft	0.01°, 0.02%	0.01 ft
3	Set Back	75.00 ft	100.41 ft	37.74°, 77.41%	57.92 ft

Volume

Label	Title	Area	Volume	Cut	Fill	Tolerance
4	Volume to House Edge	8039.89 ft ²	3450.92 y ³	3522.13 y ³	-71.22 y ³	--

**CONDITIONS OF APPROVAL
VARIANCE PERMIT
V 04-21
Adventure Dwellings**

GENERAL CONDITIONS

- G1. The applicant shall agree to defend, indemnify and hold harmless the Town of Yucca Valley, its agents, officers and employees, at his sole expense, against any action, claim or proceedings brought against the Town or its agents, officers or employees, to attack, set aside, void, or annul this approval or because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition. The Town shall promptly notify the applicant of any claim, action or proceedings arising from the Town's approval of this project, and the Town shall cooperate in the defense.

- G2. Dedicate, or show there exists, sufficient right of way for a 40-foot wide public access roadway.

- G3. All street dedications shall be irrevocably offered to the public and shall continue in force until the Town accepts or abandons such offers. All dedications shall be free of all encumbrances as approved by the Town Engineer.

Signature

Date

Attachment: COA V 04-21 Adventure Dwellings (4034 : Variance 04-21 Adventure Dwellings)

Chapter 9.73

VARIANCE REVIEW

9.73.010: PROCEDURES:

- A. Provisions for variances (exceptions to standards) set forth in this code are established to ensure that any property, because of special circumstances, such as size, shape, topography, location, or surroundings, shall be accorded privileges commonly enjoyed by the other properties in the same vicinity, pursuant to Government Code section 65906.
- B. The application shall be accompanied by a fee established by resolution of the council to cover the cost of handling and processing the application as prescribed in this chapter.
- C.
 - 1. Procedure: Public hearing.
 - 2. Reviewing authority: Commission.
- D. A public hearing is required to consider evidence and take testimony prior to acting upon a request for variances and establish any necessary conditions of approval.
- E. Prior to approving a request for a variance, the reviewing authority shall find that the following are true:
 - 1. The granting of such variance will not be materially detrimental to other properties or land uses in the area and will not subsequently interfere with the present or future ability to use solar energy systems.
 - 2. There are exceptional or extraordinary circumstances or conditions applicable to the property or to an intended use that do not apply to other properties in the same district or vicinity.
 - 3. The strict application of the land use district deprives such property of privileges enjoyed by other properties in the vicinity or in the same land use district.
 - 4. The granting of the variance is compatible with the objectives, policies, general land uses and programs in the general plan, this development code and any applicable plan or other ordinance. (Ord. 243, 10-15-2013)

9.73.020: VARIANCE AMENDMENT:

Refer to [chapter 9.83](#), "Permit Amendments", of this title. (Ord. 243, 10-15-2013)

9.73.030: VARIANCE REVOCATION:

Refer to [chapter 9.84](#), "Permit Revocations", of this title. (Ord. 243, 10-15-2013)