

Town of Yucca Valley
PLANNING COMMISSION STAFF REPORT

To: Honorable Chair and Planning Commissioners
From: Evan Willoughby, Planning Technician
 Jared Jerome, Associate Planner
Date: March 3, 2022
Meeting Date: March 8, 2022

Subject: Western Joshua Tree (WJT) Permit 049-22, 5375 Indio Avenue, Yucca Valley
 CA. APN: 0598-132-02; Two Destroyed (2) Western Joshua Trees

Recommendation:

That the Planning Commission reviews the application for WJT 049-22 5375 Indio Avenue, documenting the unpermitted destruction of two (2) Western Joshua Trees, for compliance with Ordinance 291, based upon Section 9.56.070(A) that all necessary submittal materials have been submitted, Section 9.56.120 that all necessary mitigation fees have been paid by the applicant, and Section 9.56.140 that all necessary administrative citation fees have been paid by the applicant for each tree taken without an approved permit.

Prior Review

The Planning Commission has not previously reviewed the Western Joshua Tree violation on 5375 Indio Avenue. The Planning Commission reviewed the violations for the unpermitted removal of regulated Native Plants at their meeting on February 8th, 2022. The Planning Commission has required the applicant to re-vegetate the project site with native plants which are to be removed from other project sites which require the removal of regulated desert native plants.

The two (2) destroyed Western Joshua Trees were identified by the applicant's arborist and Town Staff within the pile of regulated Native Plants removed by the contractor from the project site without a permit.

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: Jacob Zackary / Five Five Two LLC
 Address: 5375 Indio Avenue
 APN: 0598-021-27
 Zoning: Rural Living (R-L-2.5)
 Parcel Size: 2.50 acres

Western Joshua Tree Removal

Staff documented the non-permitted destruction of two (2) Western Joshua Trees that were removed by the contractor during the grading for a new single-family residence.

Section 9.56.140 of Ordinance 291 requires an administrative citation of \$1,000 per western Joshua tree taken or trimmed without a permit, in addition to payment of mitigation fees per western Joshua tree had the permit been issued. The applicant provided the Town payment of these fees.

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 9.56.090 states:

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.

Section 9.56.100 requires "...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," and that all relocations of western Joshua Trees which are one meter or greater in height be completed by a desert native plant specialist.

Section 9.56.120 details the mitigation fees required for the transplant or removal of western Joshua Trees. The applicant has provided the Town payment of these mitigation fees.

Alternatives

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

Fiscal Impact

NA

Attachments:

WJT 049-22 5375 INDIO AVENUE

ORD 291 Joshua Trees

9.60 Permit Procedures



Western Joshua Tree Application

Date Received 2/28/22
 Case WJT 049-22
 By Evie

21.a
 \$
 \$2100
 m/d/yr

General Information

\$2000
 citation

APPLICANT Jacob Zackary / Five Five Two LLC Phone 310.261.6071
 Mailing Address 119 North La Jolla Ave Email Jacob.Zackary@gmail.com
 City Los Angeles CA. 90048 State CA. Zip 90048
 PROPERTY OWNER Five Five Two LLC Phone 310.261.6071
 Mailing Address 119 North La Jolla Ave Email Jacob.Zackary@gmail.com
 City Los Angeles State CA Zip 90048
 Address/Location of Plants 5375 Indio Ave. Yucca Valley CA. ~~92284~~ 92284
 Desert Native Plant Specialist Mike Murphy - Arborpro

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)	2			\$500			\$2100

Reason for removal Contractor accidentally removed. (fired from job) ^{now}

Property owner signature [Signature] Date 1/26/2022

WJT #9 \$1050.00 + \$1000 citation
 WJT #10 \$1050.00 + \$1000 citation

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

Attachment: WJT 049-22 5375 INDIO AVENUE (4264 : Western Joshua Tree (WJT) Permit 049-22 5375 Indio Avenue)

ARBORPRO

58036 DESERT GOLD DRIVE, YUCCA VALLEY, CA 92284 / 760-275-4660

C-27 CONTRACTORS LICENSE #799469 / CERTIFIED ARBORIST #WE-4587A / DESERTTREETDOC@AOL.COM

Western Joshua Tree Take Permit Submittal Requirements

Please note - The census shall tag and count all western Joshua trees on the project site and classify them by size class.

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

Name: Michael Murphy, CERTIFIED ARBORIST #WE-4587A
 Employer Name: ArborPro

2. 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:

Name: N/A
 Employer Name: N/A

3. The date of the census: 2/3/22

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

5. Address of site: 5375 Indio Ave. Yucca Valley
 Client Name: Jacob Zackary

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 (Note: this can be included on the 24"x36" plans).

6. Photographs of each western Joshua tree on the project site, including a visual representation (e.g., tape measure, yardstick, etc.) of the scale of the height of each tree.
7. 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.
8. Narrative written descriptions of each western Joshua tree, its diameter, height, existing health condition and any other information deemed necessary.

The Joshua trees on this property appear to be suffering from drought, rodent bird and insect damage. Joshua trees #9 and #10 are the Joshua trees affected by construction. Their heights and health is marked unknown due to contractor error. Please see census table for size & health info.

Michael Murphy WE-4587A-1

Attachment: WJT 049-22 5375 INDIO AVENUE (4264 : Western Joshua Tree (WJT) Permit 049-22 5375 Indio Avenue)

ARBORPRO

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9. 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.
- All property lines, dimensions, and existing structures, if any, shall be depicted on plans submitted with the application materials.
 - Property owners name, mailing address, phone number, and email address.
 - Applicant's name, mailing address, phone number and email address.
 - Assessor parcel number(s), address, and general location of the property for which the application is submitted.
 - General Plan designation and zoning designation of the subject project site.

Census Table

Tag Number	Height	Diameter	Health	Transplant, Destroy, or Protect in Place	Size Class		
					(Place an "X" in the corresponding column)		
					Class 1 (Less than 1 Meter)	Class 2 (Between 1 Meter and 4 Meters)	Class 3 (4 Meters or Taller)
1	14'+	10"	fair	Protect			X
2	11'	5"	fair	Protect		X	
3	13'	8"	fair	Protect		X	
4	14'+	14"	fair	Protect			X
5	14'+	12"	fair	Protect			X
6	14'+	13"	fair	Protect			X
7	12'	8"	fair	Protect		X	
8	10'	11"	good	Protect		X	
* 9	unknown		unknown	destroyed			
* 10	unknown		unknown	destroyed			
11	11'	12"	good	Protect		X	
12	12'	10"	good	Protect		X	
13	4'	3"	good	Protect		X	
14	13'	12"	good	Protect		X	
15	12'	12"	good	Protect		X	
16	14'+	11"	fair	Protect			X
17	14'+	10"	fair	Protect			X
18	13'	7"	fair	Protect		X	
19	12'	15"	poor	Protect		X	
20	7.5'	6"	good	Protect		X	

Tag Number	Height	Diameter	Health	Transplant, Destroy, or Protect in Place	Size Class (Place an "X" in the corresponding column)		
					Class 1 (Less than 1 Meter)	Class 2 (1 - 4 Meters)	Class 3 (4 Meters or Taller)
21	4.5'	4"	good	Protect		X	
22	11'	9"	fair	Protect		X	
23	12'	9"	fair	Protect		X	
24	14'+	9"	fair	Protect			X
25	5.5'	3"	fair	Protect		X	
26	13'	13"	fair	Protect		X	
27	12'	10"	fair	Protect		X	
28	14'+	9"	fair	Protect			X
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Attachment: WJT 049-22 5375 INDIO AVENUE (4264 : Western Joshua Tree (WJT) Permit 049-22 5375 Indio Avenue)



2





Attachment: 017 F 04022 028 Photo 04/04/2018 - 0204 - Western - Joshua Tree 04/07/2018 10:02:29 AM - 04/07/2018



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Photograph of P-00122 (2018) by R. M. ...





Attachment 17 of 2022-23 Budget Action - 2024 - Western - 2024 - Year 0017 - 2022-23 - 2024 - 2024



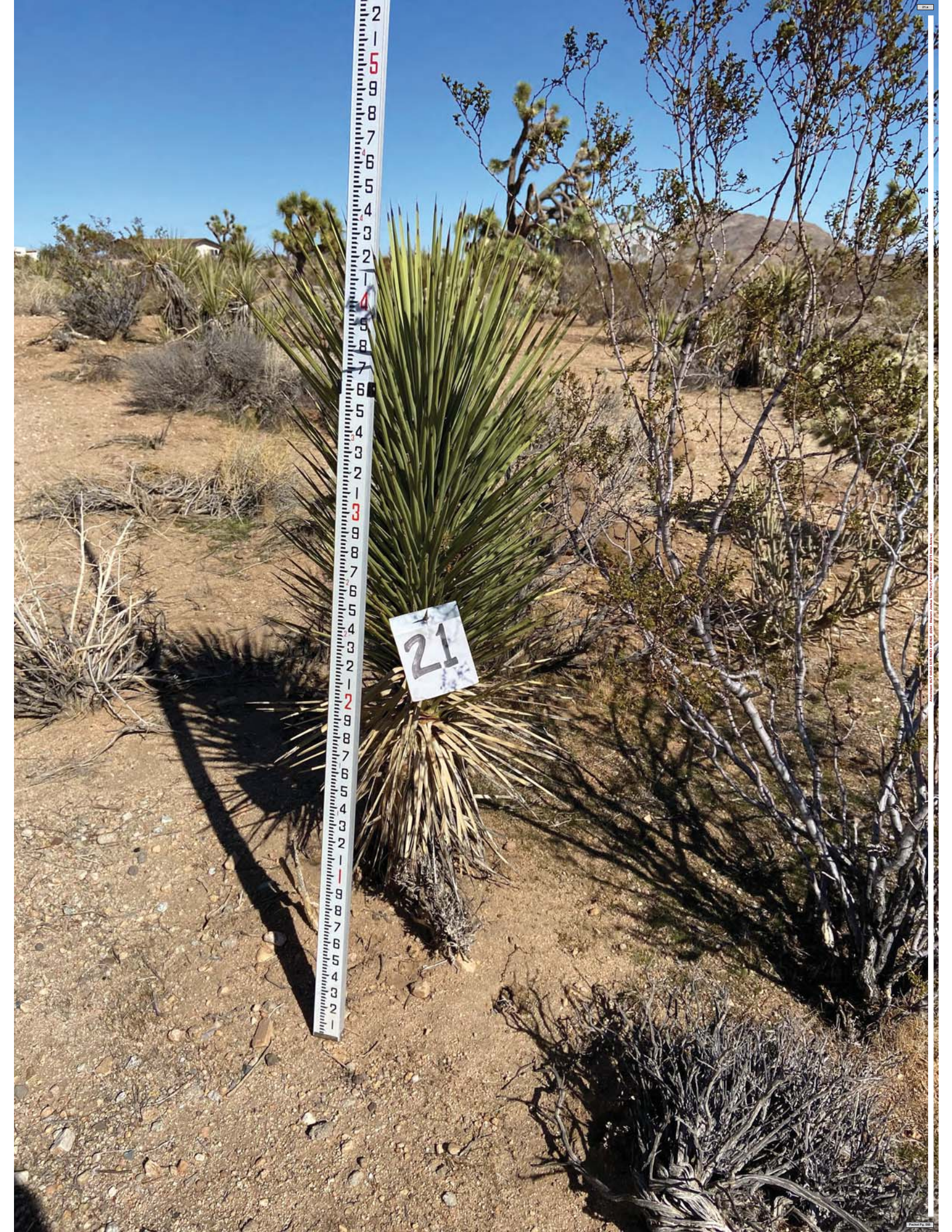
18



Joshua tree with measuring pole and tag 19



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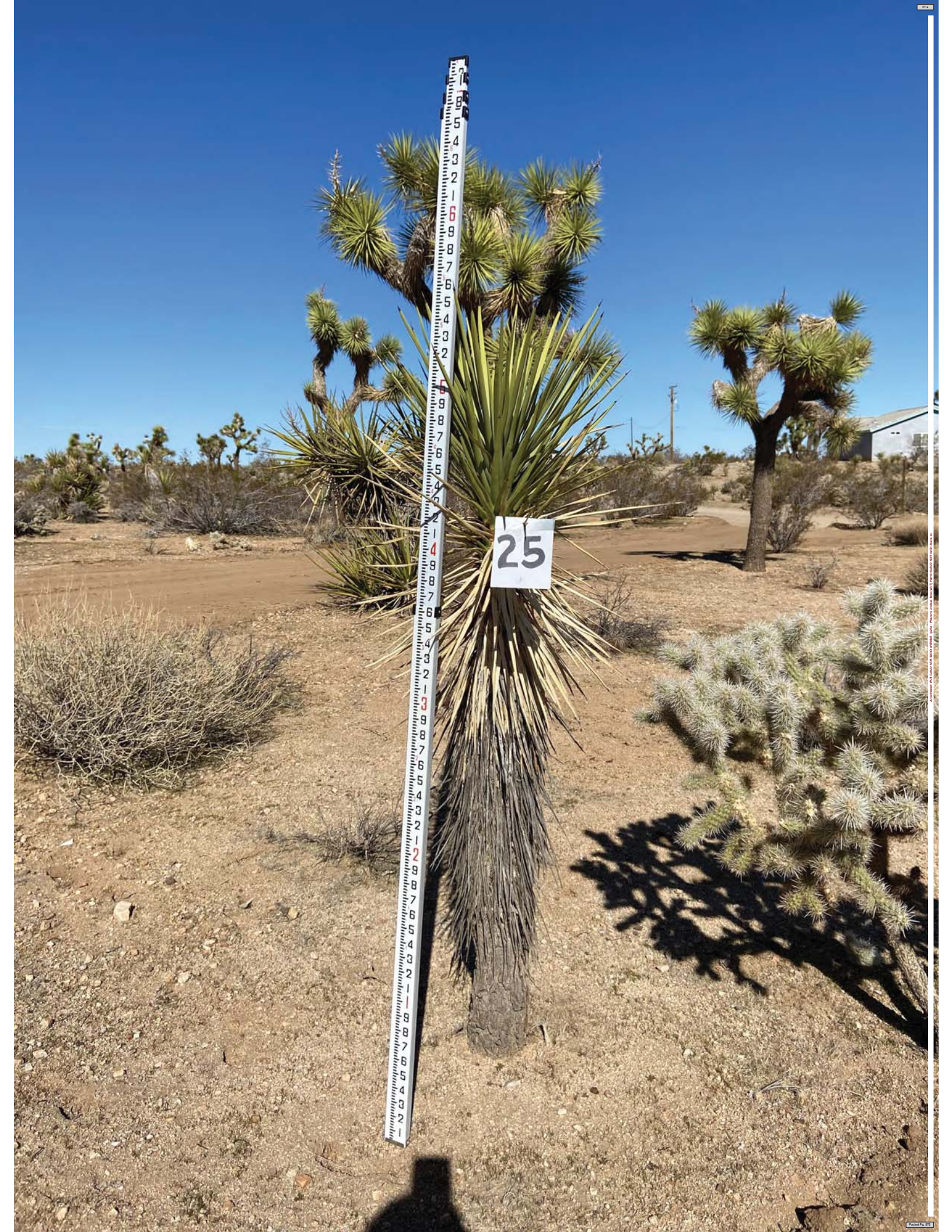




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Town of Yucca Valley
Community Development/Public Works Depts
58928 Business Center Dr
Yucca Valley CA 92284

Receipt # 30227
Date 2/28/2022
Rcvd By Mary

Received From Zackary, Jacob
119 N La Jolla Ave
Los Angeles, CA 90048

(310) 261-6071

Customer Number	Name	Payment Type	Check/Auth #	Amount Received
10738	Zackary, Jacob	Visa/MC	080191	4,600.00

Description : WJT 049-22 and Citation 10085

Code Enforcement Admin Fine	2,000.00
WJT Take Permit Fees	500.00
Wildlife Mitigation State Pass Thru Fees	2,100.00

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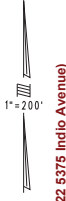
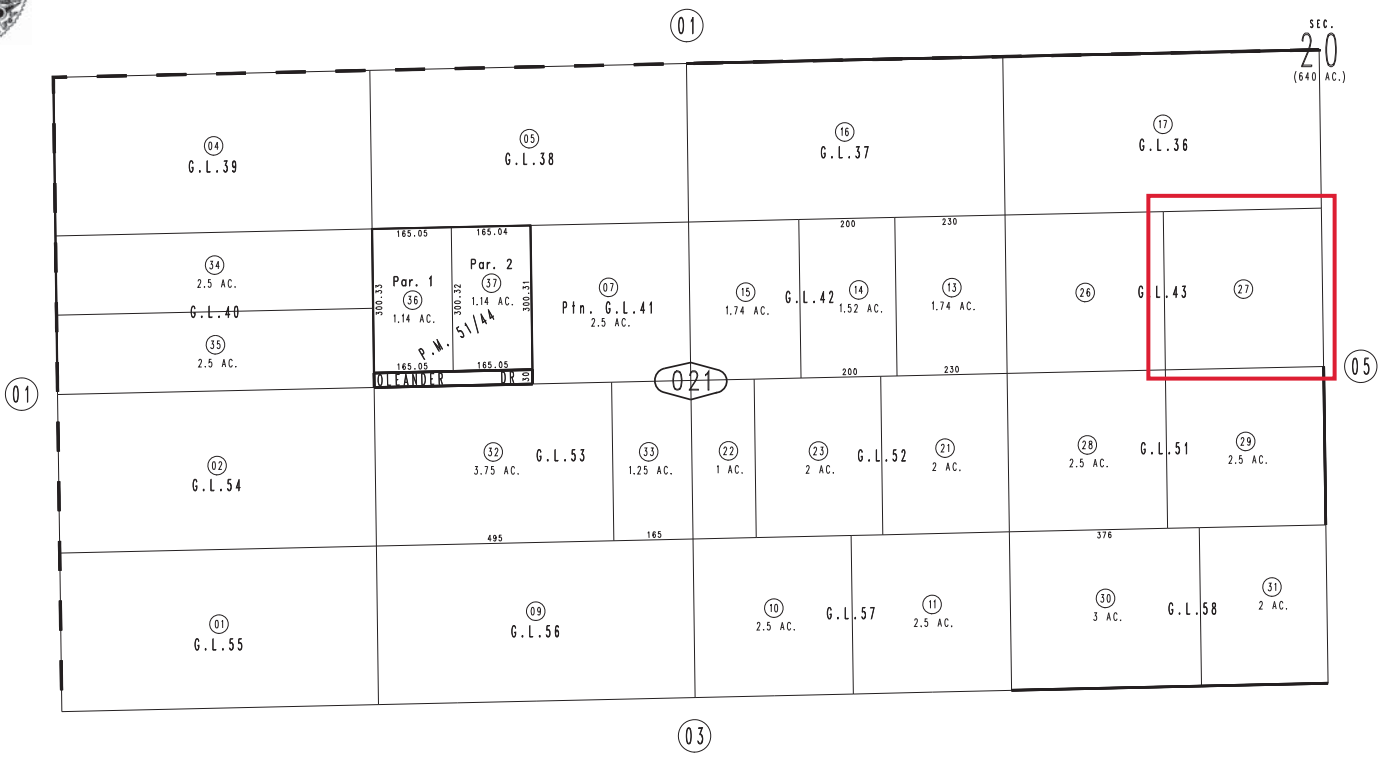
THIS MAP IS FOR THE PURPOSE OF AD VALOREM TAXATION ONLY.

N.1/2, S.W.1/4 Sec.20, T.1N.,R.6E., S.B.B.&M.

Town of Yucca Valley
Tax Rate Area
23008

0598-02

21.a



Attachment: WJT 049-22 5375 INDIO AVENUE (4264 : Western Joshua Tree (WJT) Permit 049-22 5375 Indio Avenue)

January 2005

Parcel Map No. 5327, P.M. 51/44

Assessor's Map
Book 0598 Page 02
San Bernardino County

REVISED
07/30/13 BK
Packet Pg. 577

2014

OFFICIAL ZONING DISTRICT MAP

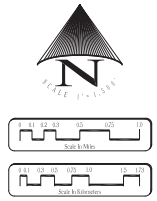
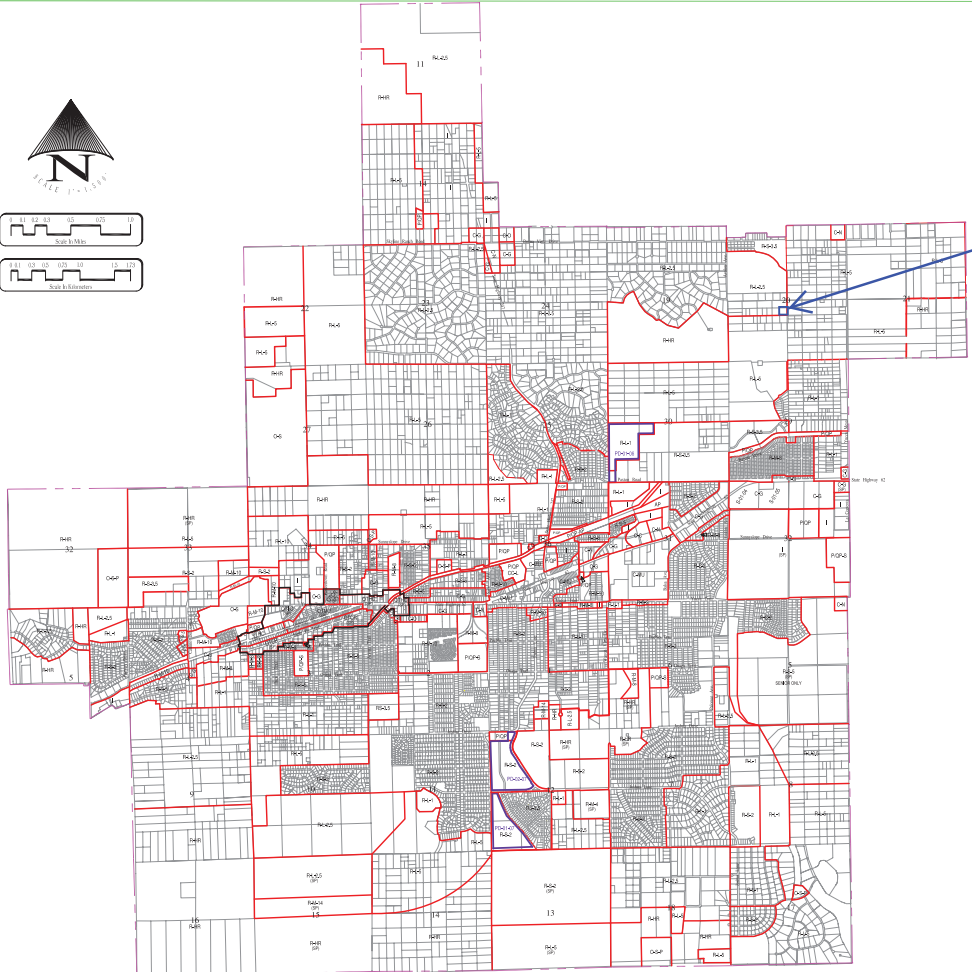
- LEGEND**
- R-HR HILLSIDE RESERVE (1 du / 20 ac.)
 - R-L RURAL LIVING (1 du / 1, 2.5, 5, 10, 20 ac.)
 - R-S RESIDENTIAL, SINGLE FAMILY (0-2, 0-3.5, 0-5 du / ac.)
 - R-M RESIDENTIAL, MULTI-FAMILY (1-10, 0-14 du / ac.)
 - C-MU MIXED USE COMMERCIAL (Varies)
 - C-N NEIGHBORHOOD COMMERCIAL
 - C-G GENERAL 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
 - FS 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



Attachment: WFL 04-20-2013 16:00:00\WEB06 0346 - Western\Location: Town\0177-0000\04-20-2013\04-20-2013\04-20-2013.dwg