



# LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

**HEARING DATE: February 9, 2023**

**AGENDA ITEM 2**

**Project Description**

**Vicinity Map -**

**APN:** 0602-262-21  
**Applicant:** Robert Zweig, Walsh Brothers Investments LLC  
**Community:** Joshua Tree/3rd Supervisorial District  
**Location:** 61589 DIVISION ST, JOSHUA TREE  
**Project No:** PDCI-2022-00005  
**Staff:** Steven Valdez, Planning Manager  
**Proposal:** A REFERRAL OF A DIRECTOR'S INTERPRETATION REGARDING THE MEANING AND APPLICATION OF SAN BERNARDINO COUNTY DEVELOPMENT CODE SECTION 84.17.040, SUBDIVISION (B), AS IT RELATES TO THE TERMINATION OF A NONCONFORMING MOTEL LOCATED AT 61589 DIVISION STREET IN THE UNINCORPORATED AREA OF JOSHUA TREE. THE PLANNING COMMISSION IS ASKED TO TAKE ACTION ON TWO ITEMS: (1) INTERPRET THE MEANING OF WHAT CONSTITUTES A "DISCONTINUED" NONCONFORMING USE FOR PURPOSES OF SECTION 84.17.040(B); AND. (2) MAKE A FINDING, BASED ON THE FACTS PRESENTED AT THE PUBLIC HEARING, WHETHER THE USE OF THE NONCONFORMING MOTEL AT THE PROPERTY WAS TERMINATED.



**Hearing Notices Sent on : January 28, 2023**

Report Prepared By: Steven Valdez, Planner

**SITE INFORMATION:**

Parcel Size: 0.64 acres  
 Terrain: Developed Site  
 Vegetation: Desert Landscaping

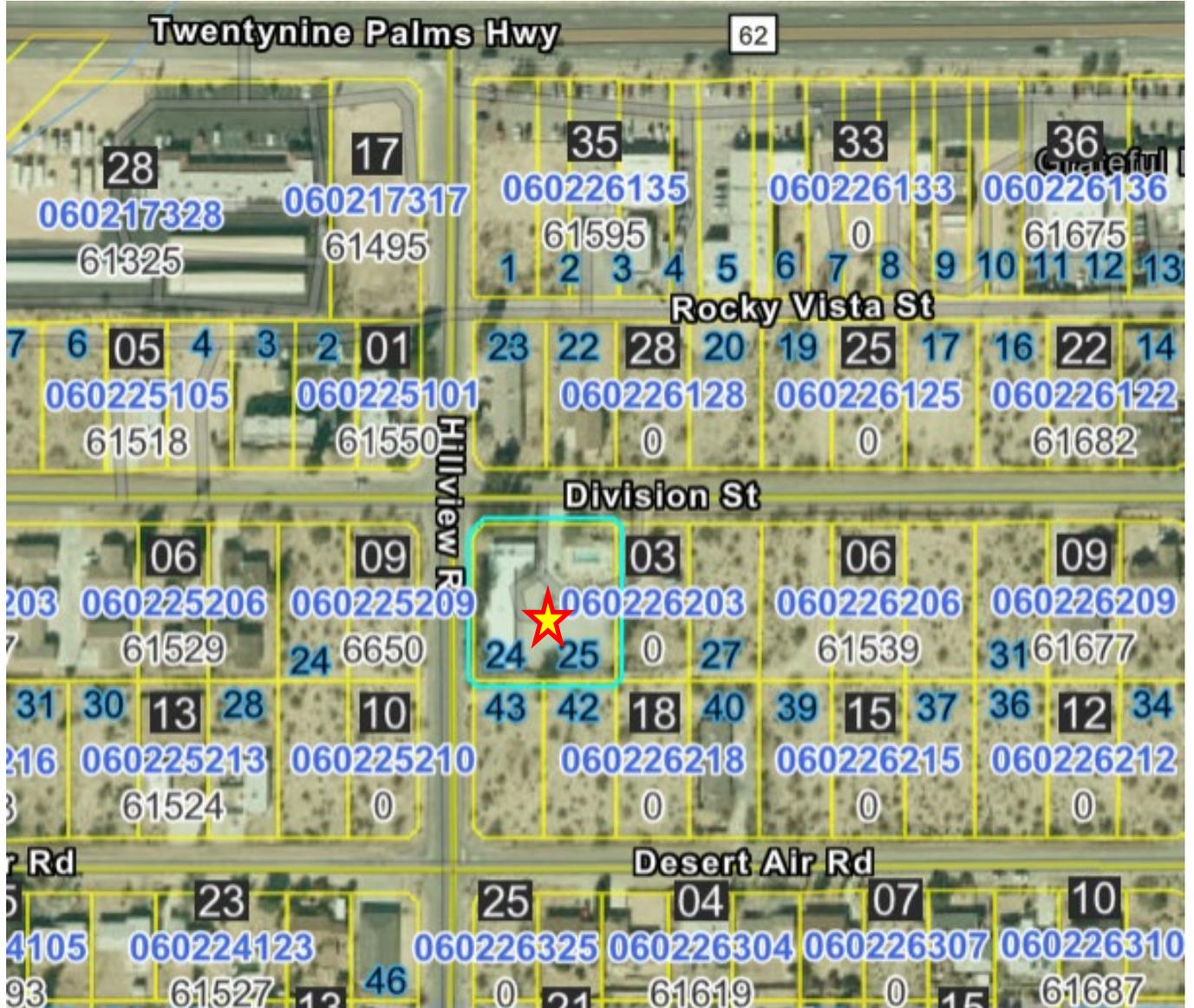
**TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING:**

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT	LAND USE CATEGORY
SITE	Motel	Multiple Residential (RM)	Medium Density Residential (MDR)
North	Single Family & Multifamily Homes	Multiple Residential (RM)	Medium Density Residential (MDR)
South	Vacant	Multiple Residential (RM)	Medium Density Residential (MDR)
East	Vacant	Multiple Residential (RM)	Medium Density Residential (MDR)
West	Vacant	Multiple Residential (RM)	Medium Density Residential (MDR)

**STAFF RECOMMENDATION:** That the Planning Commission interpret the meaning of a discontinued nonconforming use and make a finding whether the motel located at 61589 Division Street, Joshua Tree had been discontinued or no longer legal nonconforming<sup>1</sup>.

<sup>1</sup> In accordance with Section 86.08.010 of the Development Code, the Planning Commission action may be appealed to the Board of Supervisors

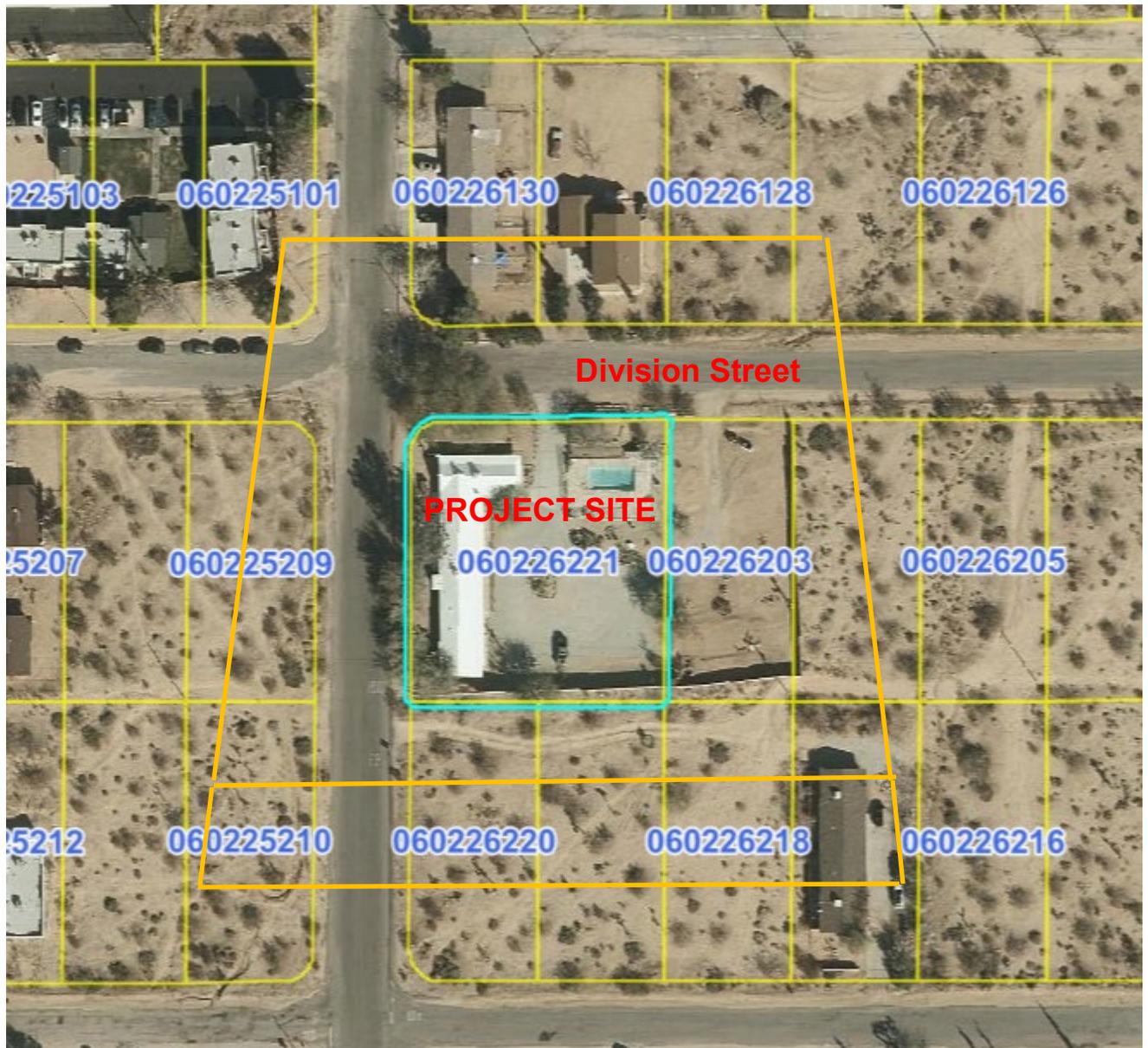
**VICINITY MAP:**  
Aerial view of the Project Site



LAND USE DISTRICT MAP:



**AERIAL MAP:**



## SITE PHOTOS



## **PROJECT DESCRIPTION:**

The matter before the Planning Commission includes a referral of an application for a Director's Interpretation regarding the meaning and application of San Bernardino County Development Code (Development Code) Section 84.17.040, subdivision (b)<sup>2</sup>, as it relates to the termination of a nonconforming motel (Application) located at 61589 Division Street in the unincorporated area of Joshua Tree (Property). Specifically, the Planning Commission is asked to take action on two items: (1) interpret the meaning of what constitutes a "discontinued" nonconforming use for purposes of Section 84.17.040(b); and (2) make a finding, based on the facts presented below and provided at the public hearing, whether the use of the nonconforming motel at the Property was terminated.

## **ISSUE NO. 1: INTERPRETTING THE MEANING OF "DISCONTINUED" FOR PURPOSES OF SECTION 84.17.040(b).**

Section 84.17.040(b) reads as follows:

Discontinued Structures or Land Use. If a part of a structure or parcel occupied by a nonconforming use is discontinued for 180 days or more, its status as a legal nonconforming use shall cease and thereafter it shall only be used or occupied in compliance with this Development Code.

## **Legal Background**

### ***Interpretation of the Development Code***

The Development Code delegates the responsibility and authority to interpret the meaning and applicability of all provisions of the Development Code to the Land Use Services Director. (Section 81.02.020(a).) If a word is not defined by the Development Code, the Director is delegated the authority to determine the correct definition. (Section 810.01.010.) Rather than acting on a land use application, however, the Director may refer a request to the Planning Commission. (Section 86.05.010(a).)

On November 17, 2022, Robert Zweig, managing member of Walsh Brothers Investments LLC (Applicant or Owner), applied to the Director regarding a request for an interpretation of Section 84.17.040(b) as it relates to the alleged discontinued use of a nonconforming motel located on the Property. The Application was submitted in response to a letter previously issued by the Land Use Services Department that concluded that the nonconforming motel use at the Property had been terminated due to the discontinuance of the use for a period of more than 180-days. In response to the Application, the Director has referred the matter to the Planning Commission.

### ***Development Code Regulations***

A nonconforming use is defined to include "[a]ny building, structure or portion thereof, or use of building or land that does not conform to the regulations of the San Bernardino County Code ... and that lawfully existed at the time the regulations, or an amendment thereto, with which it does not conform became effective." (Section 810.01.060(l).) The County's nonconforming uses

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<sup>2</sup> All further statutory reference shall be a reference to the San Bernardino County Code unless indicated otherwise.

regulations are intended to provide for the continuation of a lawfully existing use that would otherwise be prohibited or restricted differently with the adoption of new zoning laws. (Section 84.17.010.) In determining whether a nonconforming use was the same before and after the passage of a zoning ordinance, each case must stand on its own facts.

Nonuse is not a nonconforming use, however, and reuse is prohibited by the Development Code. A nonconforming use may be terminated for at least two reasons: (1) if there is a change of use in the property; or (2) if the use is discontinued for 180 days or more. (Section 84.17.040.) This provision is intended to further the purpose of the County's zoning regulations which discourage the long-term continuance of nonconformities and to bring the uses into conformity with the goals and policies of the County's Policy Plan. (Section 84.17.010(b).)

The term "discontinued" as used in Section 84.17.040(b) is not defined in the Development Code and therefore the Director, or the Planning Commission in this case of a referral, shall determine the correct definition. For purposes of interpreting the Development Code, Section 81.02.020 provides rules of interpretation that do not help resolve the definition.

For additional guidance, a reviewing court utilizes the following guidance in interpreting the meaning of an ordinance:

“ [O]ur fundamental task in construing a statute is to ascertain the intent of the lawmakers so as to effectuate the purpose of the statute.’ [Citation.] In search for what the Legislature meant, ‘[t]he statutory language itself is the most reliable indicator, so we start with the statute's words, assigning them their usual and ordinary meanings, and construing them in context. If the words themselves are not ambiguous, we presume the Legislature meant what it said, and the statute's plain meaning governs. On the other hand, if the language allows more than one reasonable construction, we may look to such aids as the legislative history of the measure and maxims of statutory construction. In cases of uncertain meaning, we may also consider the consequences of a particular interpretation, including its impact on public policy.’ ” (Martinez v. Combs (2010) 49 Cal.4th 35, 51.)

The usual and ordinary meaning of discontinued as provided by Merriam-Webster is defined as “no longer produced or provided.”<sup>3</sup>

With these rules in mind, the first issue presented by the Application is what does it mean for a use to be “discontinued” since the term is not defined in the Development Code.

### ***Court Rulings and Guidance***

What constitutes a discontinued nonconforming use has been the center of a number of court opinions. In Hansen Brothers Enterprises, Inc. v. Board of Supervisors (1996) 12 Cal.4th 533, the California Supreme Court provided the following guidance:

“The term ‘discontinued’ in a zoning regulation dealing with a nonconforming use is sometimes deemed to be synonymous with ‘abandoned.’ Cessation of use alone

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<sup>3</sup> <https://www.merriam-webster.com/dictionary/discontinued>

does not constitute abandonment. [A]bandonment of a nonconforming use ordinarily depends upon a concurrence of two factors: (1) An intention to abandon; and (2) an overt act, or failure to act, which carries the implication the owner does not claim or retain any interest in the right to the nonconforming use. Mere cessation of use does not of itself amount to abandonment although the duration of nonuse may be a factor in determining whether the nonconforming use has been abandoned.” (Id., at 569 [citations omitted].)

The California Supreme Court has also equated discontinuance of a nonconforming use with voluntary abandonment but has never expressly held that the terms are synonymous. Although abandonment of a nonconforming use terminates it in all jurisdictions, ordinances or statutes which provide that discontinuance of a nonconforming use terminates it have not been uniformly construed. Some have been held to create a presumption of abandonment by nonuse for the statutory period, others considered to be evidence of abandonment. In still other jurisdictions the nonconforming use is terminated when the specified period of nonuse occurs, regardless of the intent of the landowner.

The Planning Commission must therefore interpret the meaning of the use of “discontinuance” within Section 84.17.040(b) and conclude whether the provision was intended to be synonymous with the legal requirements of abandonment, or whether the lack of use for the 180-day period alone is sufficient to terminate a nonconforming use, regardless of the intent of the landowner. In construing the meaning, however, the Planning Commission must assume that the County’s Board of Supervisors did not intend an arbitrary or irrational application of this provision.

## **ISSUE NO. 2: APPLICATION OF SECTION 84.17.040(b) TO THE CONTINUED USE OF THE MOTEL ON THE PROPERTY.**

### **BACKGROUND**

#### *Zoning History*

According to historical records, the motel was constructed on the Property in or around 1953 under building permit 68418. The exact zoning district of the Property in 1953 is unknown due to the lack of historical information, however according to the Development Code applicable at the time (1951 Development Code<sup>4</sup>) a motel was a permitted use by right only in the R-3 (Multiple-family Residence District) and C-1 (Neighborhood Business District) zoning districts and subject to uniform development standards. The 1951 Development Code defined a motel use as follows:

“MOTEL. A building or group of two or more detached, semi-detached or attached buildings containing guest rooms or dwelling units with automobile storage space provided in connection therewith, which building or group is designed, intended or used primarily for the accommodation of automobile travelers, including group designated as auto cabins, motor courts, motels and similar designation.” (Section 2.61.)

For the sake of comparison, the current definition of a motel is defined as follows:

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<sup>4</sup> The 1951 Development Code was applicable between 1951 through 1961.

“MOTEL. A building or group of two or more detached, semi-detached or attached buildings containing guest rooms designed, used and intended, wholly or in part, for the accommodation of transients for compensation on a daily or weekly basis. These establishments provide lodging and parking for automobile travelers and the rooms are usually accessible from outdoor parking areas. These establishments may include guest rooms with food preparation areas (kitchenettes) and are designed, intended or used primarily for the accommodation of automobile travelers. Included are lodging establishments designated as cabins, motor courts, and similar designations; not including those facilities defined in residential care facilities or any jail, hospital, asylum, sanitarium, orphanage, prison or other building in which human beings are housed and detained under legal restraint.” (Section 810.01.150(zz).)

After 1953, the Property was eventually rezoned to an RM (Multiple Residential) zoning district which, unlike prior codes, prohibits the use of residential property as a motel use. Given the use of the Property as a motel no longer conforms to the regulations of the current Development Code and because the motel lawfully existed at the time the amended regulations became effective, the use of the Property as a motel attained the status as a legal non-conforming use and could continue in accordance with the County’s non-conforming regulations.

*Property Use*

Since the Property was developed in 1953, the Property has changed ownership six times. As shown in Figure 1, the Applicant acquired the Property on or about May 6, 2019.

Figure 1

Name	R/I	% Int	Type	Acquisition Date	Document Date	Inactive Date	Document Numbers
WALSH BROTHERS INVESTMENTS LLC	<a href="#">SO</a>	100.0000000	<a href="#">B</a>	05/06/2019	05/06/2019	NONE	20190143121
SIMPSON, BLAKE	<a href="#">SO</a>	100.0000000	<a href="#">B</a>	01/24/2014	01/24/2014	05/05/2019	20140035225
GOLDITCH FAMILY PARTNERS	<a href="#">PT</a>	100.0000000	<a href="#">B</a>	10/18/2013	10/22/2013	01/23/2014	20130456892
GONZALES, RAY M	<a href="#">SO</a>	100.0000000	<a href="#">B</a>	03/31/1999	03/31/1999	10/17/2013	19990135895
GRIFFIN, CHRYSTAL G	<a href="#">SO</a>	0.0000000	<a href="#">B</a>	NONE	NONE	03/30/1999	

Given the purchase date and recent change in ownership, the record is devoid of probative evidence regarding the ongoing use of the motel since it attained legal non-conforming status. Rather, as discussed below, the evidence suggests a long cessation of use and overt acts of prior owners to abandon the use of the Property as a motel.

On May 29, 2019, in response to a request for a professional consultation for historical land use of the motel (P201900226), County staff issued a letter determining that the motel had been discontinued for over 180 days and therefore its non-conforming status having been terminated.

(Exhibit A.) According to the investigation, historical records indicate that the prior owner was issued a correction notice in 1999 for illegally converting three rooms of the motel into apartments and using four rooms for long-term rental use instead of to accommodate travelers. The violation was allegedly resolved on December 21, 1999, without permits and no notes were provided on the final report. In addition to the illegal conversion and change of use, statements made by the former owner, Blake Simpson, indicate that the Property was shuttered and discontinued several years before he acquired the property in 2014 and therefore discontinued as a motel for well over 180-days. The County's Tax Collector has no evidence of the prior owners submitting any uniform transient occupancy tax imposed by Section 14.0203 that would be evidence that the motel was in use and an occupancy tax levied on transients utilizing the motel. Based on the overt act of converting a portion of the Property from a motel use to residential use and based on the cessation of use since at least 2014, County staff concluded that the motel's legal non-conforming status had terminated.

The Applicant purchased the Property in 2019, rehabilitated and improved the motel without permits and re-commenced what staff previously determined as a terminated nonconforming use due to the change and discontinued use of the Property as a motel.

**Public Comments:**

Project notices were sent to surrounding property owners within 300 feet of the Project site, as required by Development Code Section 85.03.080.

## **RECOMMENDATION**

### **That the Planning Commission:**

1. Interpret the meaning of a “discontinued” nonconforming use within Section 84.17.040(b) as:
  - a. Creating a presumption that a nonconforming use has been discontinued by cessation of use alone for the prescribed statutory period, regardless of the intent of the landowner; or
  - b. Being synonymous with abandonment and therefore requiring a showing of an intention to discontinue the use and an overt act, or failure to act, which carries the implication the owner does not claim or retain any interest in the right to the nonconforming use; or
  - c. Provide policy direction on an alternative interpretation.
  
2. Find that the nonconforming motel use at the Property is:
  - a. Discontinued pursuant to Section 84.17.040(b), and therefore its status as legal nonconforming shall cease and the Property shall only be used or occupied in compliance with the Development Code; or
  - b. Not discontinued and may continue as a legal nonconforming use in compliance with the Development Code; or
  - c. Provide policy direction on an alternative determination.

### **ATTACHMENTS:**

- EXHIBIT A: Professional Consultation Letter  
EXHIBIT B: Letter of Intent and Supporting Documentation

# **EXHIBIT A**

## **Professional Consultation Letter**



## Land Use Services Department Planning

Terri Rahhal  
Director

May 29, 2019

Sara Tambellini  
P.O. Box 214  
Pioneertown, Ca 92252

**RE: PROFESSIONAL CONSULTATION REQUEST FOR HISTORICAL LAND USE APPROVAL FOR A MOTEL USE LOCATED IN THE JOSHUA TREE PLANNING AREA IN THE MULTI-RESIDENTIAL LAND USE ZONING DISTRICT. PROPERTY ADDRESS: 61589 DIVISION ST IN THE COMMUNITY OF JOSHUA TREE. APN: 0602-262-21. PROJECT NUMBER: P201900226**

Dear Ms. Tambellini:

This letter is in response to your request for research into the historical land use entitlements for an 8-unit motel located in the Multiple-Residential (RM) land use zoning district. The RM zoning district provides sites for multiple residential uses, mixed residential uses, and similar and compatible non-residential uses and activities.

Historical permit research shows that a hotel use was established in the early 1950's. It was later converted to apartments without permits and a correction notice was issued in 1999. The corrections were never permitted. Per the County Development Code Section 84.17.040 (b), the hotel use was discontinued for over 180 days and would not have a legal non-conforming status. Therefore, the hotel use does not have the necessary land use approval to operate legally. A land use application will need to be filed with Land Use Services to establish a legal use, including the establishment of a legal lodging use, for the currently-operating hotel. For a list of allowed land uses in the RM zone, please refer to the County Development Code Chapter 82.04 Table 82-7, which is attached to this letter.

I would suggest that you go through the County's no-cost Pre-Application Development Review process to gain a better understanding of the land use approval process. I am including the Pre-Development Review application for your use.

Please let me know if you have any questions by calling (909) 387-4738 or via e-mail at [Jessie.Bruckhart@lus.sbcounty.gov](mailto:Jessie.Bruckhart@lus.sbcounty.gov).

Sincerely:

A handwritten signature in black ink that reads "Jess Bruckhart".

Jess Bruckhart, Planner  
JB/tp/b

Enclosed: Residential Handout  
Pre-Application

### BOARD OF SUPERVISORS

ROBERT A. LOVINGOOD  
First District

JANICE RUTHERFORD  
Second District

DAWN ROWE  
Third District

CURT HAGMAN  
Chair, Fourth District

JOSE GONZALES  
Vice Chair, Fifth District

Gary McBride  
Chief Executive Officer

# **EXHIBIT B**

## Letter of Intent and Supporting Documentation

Heidi Duron, MPA  
Planning Director, Land Use Services  
County of San Bernardino, CA

November 4, 2022  
PKA: 61589 Division St. Joshua Tree  
AP# 0602-262-21  
**RE: Appl# 22TMP-057819**

Dear Heidi:

Please find herein our **LETTER OF INTENT** as an addendum to the above referenced Application for A General Plan and Development Code Interpretation.

### **PRELUDE**

Upon a visit to the Land Use Department, a planner informed us that the two prerequisites to applying for a Conditional Use Permit were (1) a research of the building permits to determine if the current building / footprint is identical to the original construction; and (2) that the property taxes are paid current;

Subsequently, we downloaded all the permits of this property since the original construction in 1953 and are hereby stating that, to the best of our knowledge, and based on this research:

### **THE ORIGINAL BUILDING / FOOTPRINT is identical to the current building**

Secondarily , we will produce the receipts from the SB Tax Collector and copies of the cashiers checks verifying the property taxes are now paid in full and next due is the Second Installment for the tax year 2022/2023.

### **OBJECTIVE**

Our objective is to request and obtain a Determination from the Planning Commission that the existing use is Legal, Non- Conforming.

The Determination would enable the owners to operate the subject property as it was originally intended and constructed in the early 1950's.

LUS has informed us that this application is required to begin the request process.

If you require any additional information, please do not hesitate to contact me.

Thank you

Sincerely

Robert L. Zweig, MBA

Managing Member: Walsh Brothers Investments, LLC, property owner

Heidi Duron, MPA  
Planning Director, Land Use Services  
County of San Bernardino, CA

October Xx, 2022  
RE: **Appl # 227MP-057819**

**ADDENDUM TO SUBJECT APPLICATION**

**RE: AP #'S 0602-262-04 & 0602-262-05**

Heidi:

Pursuant to our previous conversations, we hereby make the following offer to the Planning Commission

We (The Entrust Group, custodian FBO Robert Zweig IRA) are prepared to submit to having the two subject parcels zoned or regulated to specify a certain number or percentage of the dwelling units (to be constructed ) be designated as low or moderate income housing.

This offer is made with the hope that the Planning Commission will grant a Conditional Use Permit in connection with the subject application. Said permit would allow the owners to operate the property as a motel as originally constructed and intended .

Enclosed is a preliminary title report for the two subject parcels. The owner "The Entrust Group" has been instructed to pay the current and delinquent property taxes.

If you have any questions, please do not hesitate to contact me.

Thank you for your ongoing and continued cooperation.

Sincerely

Robert L. Zweig, MBA

Beneficiary of the trust/owner of the two lots

Managing Member, Walsh Brothers Investments, LLC, owner of the adjacent property:

AP #'s 0602-262-21 and 0602-262-03; PKA: 61589 Division St. Joshua Tree, Ca

Commonly known as The Joshua Tree Ranch House Motel

714-633-5969 res/office

714-381-1031 cell/text

866-567-3106 fax

PEARTREI@AOL.COM

WALSH BROTHERS INVESTMENTS, LLC, PROPERTY OWNER

AP #'S 0602-262-21, 0602-262-03

PKA: 61589 DIVISION ST. JOSHUA TREE , CA 92252

“THE JOSHUA TREE RANCH HOUSE MOTEL”

TO : PLANNING COMMISSION OF SB COUNTY C/O LAND USE SERVICES DEPT.

APPLICATION NUMBER 277-MP-057819

RE: ALLEGED INTENT TO CONVERT EXISTING MOTEL TO APARTMENT BUILDING

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WALSH BROTHERS INVESTMENTS LLC

APP # 227-MP-057819

**SECTION A**

REQUEST AND HISTORY OF COMPLIANCE ATTEMPTS

The applicant is hereby requesting a the Planning Commission to designate the subject property as **“LEGAL – NON CONFORMING”** which would allow a business license to operate said property as it was originally constructed and intended: a small, boutique motel.

Shortly after acquiring the property (May 6, 2019) the owners received a request from the County to complete and submit a REQUEST FOR SHORT TERM RENTAL PERMIT. It was submitted but we have no record of receiving any response.

A second application for a STRP was submitted later and was informed by LUS that the property did not qualify for said permit as it was not a single family residence. LUS instructed us to apply for a business license to operate as a motel. After submitting the appropriate documentation to Fire, Environmental Health and Sheriff Departments, we contacted Planning and were told that the current zoning prohibited a motel.

In September 2022 we began working with LUS to be able to submit the current determination request to the Planning Commission.

**SECTION B**

THE ISSUE

LUS has informed us that in the 1990’s the then current owner (Crystal Gene Griffin) may have considered changing the use of the property from a motel to an apartment building. This is based on a hand written notation by a compliance officer at that time. Based on the best efforts of LUS and the current owners, there is no evidence of this ever being implemented.

**SECTION C**

HISTORY OF THE SUBJECT PROPERTY

The motel was constructed in in 1953 by VL (Virg) Wilson and it was named the Wilson Motel

Enclosed is a chain of title beginning in 1967 and up to and including the current ownership.

(Section C continued on page three)

PAGE ONE

WALSH BROTHERS INVESTMENTS LLC

APPL # 227-MP-057819

**SECTION C (CONTINUED)**

As evidenced by the Chain of Title (page two) the property went into foreclosure in 2013. Following the Trustees Sale, it was sold to the former owner: Blake Simpson. According to Simpson, the property had been shuttered for several years prior to the foreclosure. Simpson made improvements to the property including partially renovating the pool, a new rolled comp roof, new pool deck, and an attractive stone walkway in the front of the entrance to each unit.

Six of the eight units were virtually uninhabitable at the time Walsh Brothers Investments ("WBI") purchased the property from Simpson. Two were barely habitable and rarely rented (by the day).

WBI proceeded to invest approximately \$150,000 into finishing the pool and renovating each room in accordance with the original construction including importing thick, 'old west' style wood paneling and adding furnishings reminiscent of the mid century motif with a western, Joshua tree flavor.

The investment appears to have been well received according to the multiple "five star" reviews we receive from our guests. Copies have been sent to LUS for your review.

**SECTION D**

OWNERSHIP 1967-1999

Please see page two "chain of title"

**SECTION E**

INTENT OF THE OWNER DURING THE 1990'S

We attempted to locate Crystal Gene (Griffin) Lund but learned she passed on March 24, 2017.

Although it is impossible to know what her true intent was during the 1990's, it is important to note that, at the time she purchased the property in 1967, she owned the Monterey Motel in Gardena as evidenced by the grant deed recorded August 10, 1967 (Book 6871, Page 19)

It would seem improbable that a motel owner would purchase the subject property only to convert it to an apartment building.

**SECTION F**

PHYSICAL DESCRIPTION AND CHANGES

As evidenced by the original building permit and the inspection of the building it is readily apparent that NO CHANGES HAVE BEEN MADE TO THE ORIGINAL BUILDING FOOTPRINT. All improvements and upgrades were made to the exterior and interior without disturbing or altering the original building.

PAGE THREE

WALSH BROTHERS INVESTMENTS LLC

APPL # 227-MP-057819

**SECTION G**

EYEWITNESS ACCOUNTS

We were able to locate several local residents that were familiar with and even lived at the subject property in the past.

Debbie Pope (760-490-2084) was born in Joshua Tree and has lived there her whole life. She and her husband own a successful commercial pool service company. Full disclosure: they maintain the pool at the Joshua Tree Ranch House Motel and have since it was completed, fenced and filled in 2019.

Debbie and her husband actually lived at the subject property in the late 1980's for a short period of time. She has been familiar with the property before and after they lived there.

Debbie and her husband , like all the other residents at that time and since then, were renting rooms by the day or week. They were never rented as apartments which would have included formal cooking facilities (stove tops or range and ovens) and other permanent residence conveniences (a laundry room, etc)

Debbie talked to two other people who lived at the motel in the 1990's : Sheri Rains and Lloyd Radford. Each acknowledged that they had no knowledge of the property being run as an apartment building. Both paid rent by the week while they lived there

PAGE FOUR

JOSHUA TREE RANCH HOUSE MOTEL  
61589 DIVISION ST. JOSHUA TREE CA 92252

AP # 0602-262-21 (1)

**CHAIN OF TITLE SINCE 1967**

RE: SBCO LUS APPLICATION # 227MP-057819

**SECTION D**

**OWNERSHIP OF SUBJECT PROPERTY 1967-PRESENT**

<b>DATE</b>	<b>FROM</b>	<b>TO</b>	<b>VIA</b>	<b>REMARKS</b>
1953	Originally constructed by Virg Wilson			Permit # 68418
08/10/1967	Helene H Olivet	Crystal Gene Griffin	Grant Deed	
03/31/1999	Mark Steve Lund	Crystal Gene(Griffin) Lund	Grant Deed	
03/31/1999	Crystal Gene Lund	Ray Mahan Gonzales	Grant Deed	(2)
10/22/2013	Foothill Recon. Corp	Golditch Fam. Prtnrs	Trustees Deed	unpaid bal\$249k
01/24/2014	Golditch Fam.Prtns	Blake Simpson	Grant Deed	\$225k purch price
05/06/2019	Blake Simpson(3)	Walsh Bro's Inv. LLC	Grant Deed	\$590k purch price

- (1) Blake Simpson purchased the adjacent lot (0602-262-03) before selling to WBI
- (2) Simpson informed us that the property had been vacant and shuttered for several years before Gonzales lost the property via foreclosure.
- (3) Simpson also owned the Desert Sands Motel , renovated it but lost it in foreclosure He owed \$575,000 on the JTRH Motel when he sold it to WBI in 2019

Recording Requested BY:  
First American Title



Electronically  
Recorded in Official Records  
San Bernardino County

RECORDING REQUESTED BY:

Order No. U 909372  
Escrow No.  
Parcel No. 0602-262-04-0-000

Assessor-Recorder-County Clerk

DOC# **2022-0351874**

AND WHEN RECORDED MAIL TO:  
THE ENTRUST GROUP FBO ROBERT  
ZWEIG BENEFICIARY OF SHIRLEY  
ZWEIG (DECEASED) IRA 7230019680  
555 12<sup>TH</sup> ST. SUITE 900  
OAKLAND, CA 94607

10/24/2022  
04:17 PM  
SAN

Titles: 1 Pages: 2

C5032

Fees	\$19.00
Taxes	\$0.00
CA SB2 Fee	\$75.00
<b>Total</b>	<b>\$94.00</b>

SPACE ABOVE THIS LINE FOR RECORDER'S USE

TRA: 094004

**GRANT DEED**

THE UNDERSIGNED GRANTOR(S) DECLARE(S) THAT DOCUMENTARY TRANSFER TAX IS \$0 and CITY \$

- computed on full value of property conveyed, or
- computed on full value less liens or encumbrances remaining at the time of sale.
- unincorporated area:  Joshua Tree, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **The Entrust Group Inc., FBO Shirley Zweig IRA #7230009396**

hereby GRANT(S) to **The Entrust Group FBO Robert Zweig Beneficiary of Shirley Zweig (Deceased) IRA 7230019680**

the following described real property in the County of **San Bernardino**, State of California:

Lot 27 of Tract No. 2994 in the unincorporated area, commonly known as Joshua Tree, County of San Bernardino, State of California, as per map recorded in Book 53 Page(s) 86 Inclusive of Maps, in the Office of the County Recorder of San Bernardino County.

More commonly known as: **61615 Division St/Apn 0602-262-04, Joshua Tree, CA 92252**

Date May 2, 2022

S. Woodward  
The Entrust Group FBO Shirley Zweig IRA  
7230009396

By: Christopher Woodward  
Title: Authorized Signer

**First American Title Company has recorded this instrument by request as an accommodation only and has not examined it for regularity and sufficiency or as to its effect upon the title to any real property that may be described herein.**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

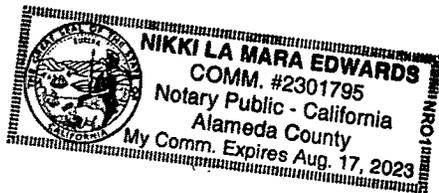
STATE OF CALIFORNIA }  
COUNTY OF Alameda } S.S.

On October 7<sup>th</sup> 2022, before me, Nikki LaMara Edwards Notary Public, personally appeared Christopher Woodward who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Nikki LaMara Edwards (Seal)



Recording Requested By:  
First American Title



Electronically  
Recorded in Official Records  
San Bernardino County

~~RECORDING REQUESTED BY:~~

Order No. U 904377  
Escrow No.  
Parcel No. **0602-262-05-0-000**

Assessor-Recorder-County Clerk

**DOC# 2022-0351875**

AND WHEN RECORDED MAIL TO:  
THE ENTRUST GROUP FBO ROBERT  
ZWEIG BENEFICIARY OF SHIRLEY  
ZWEIG (DECEASED) IRA 7230019680  
555 12<sup>TH</sup> ST. SUITE 900  
OAKLAND, CA 94607

10/24/2022  
04:17 PM  
SAN  
C5032

Titles: 1	Pages: 2
Fees	\$19.00
Taxes	\$0.00
CA SB2 Fee	\$75.00
<b>Total</b>	<b>\$94.00</b>

SPACE ABOVE THIS LINE FOR RECORDER'S USE

TRA:094004

**GRANT DEED**

THE UNDERSIGNED GRANTOR(S) DECLARE(S) THAT DOCUMENTARY TRANSFER TAX IS  computed on full value of property conveyed, or  computed on full value less liens or encumbrances remaining at the time of sale.  unincorporated area:  Joshua Tree, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **The Entrust Group FBO Shirley Zweig IRA 7230009396**

hereby GRANT(S) to **The Entrust Group FBO Robert Zweig Beneficiary of Shirley Zweig (Deceased) IRA 7230019680**

the following described real property in the County of **San Bernardino**, State of California:  
Lot 28 of Tract No. 2994 in the unincorporated area, commonly known as Joshua Tree, County of San Bernardino, State of California, as per map recorded in Book 53 Page(s) 86, Inclusive of Maps, in the Office of the County Recorder of San Bernardino County.  
More commonly known as: **APN 0602-262-05-0-000, Joshua Tree, CA**

Date April 7, 2022

S Woodward  
The Entrust Group FBO Shirley Zweig IRA  
7230009396

By: Christopher Woodward  
Title: Authorized Signer

**First American Title Company has recorded this instrument by request as an accommodation only and has not examined it for regularity and sufficiency or as to its effect upon the title to any real property that may be described herein.**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }  
COUNTY OF Alameda } s.s.

On October 7<sup>th</sup> 2022, before me, Nikki LaMara Edwards Notary Public, personally appeared Christopher Woodward who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he~~she/they executed the same in ~~his~~her/their authorized capacity(ies), and that by ~~his~~her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Nikki LaMara Edwards (Seal)

