

CITY OF TWENTYNINE PALMS

CRIME & TRAFFIC STATISTICS

- *CRIME STATISTICS & MONTHLY MANAGER'S REPORT*
- *BURGLARY, GTA, & ROBBERY*
- *SELECTED CRIME MAP & GRAPH*
- *CITATIONS, ACCIDENTS, & CALLS FOR SERVICE*
- *ACCIDENT MAP & GRAPH*
- *SCHOOL RESOURCE OFFICER REPORT*
- *TRAFFIC OFFICER REPORT*
- *DETECTIVE MONTHLY STATISTICS*
- *DISTRICT ATTORNEY MONTHLY REPORT*
- *CITIZEN PATROL VOLUNTEER STATISTICS*



**OCTOBER 2006
CRIME & TRAFFIC STATISTICS**

**CITY OF TWENTYNINE PALMS
POLICE DEPARTMENT
MONTHLY MANAGER'S REPORT**

STATISTICS FOR OCTOBER 2006

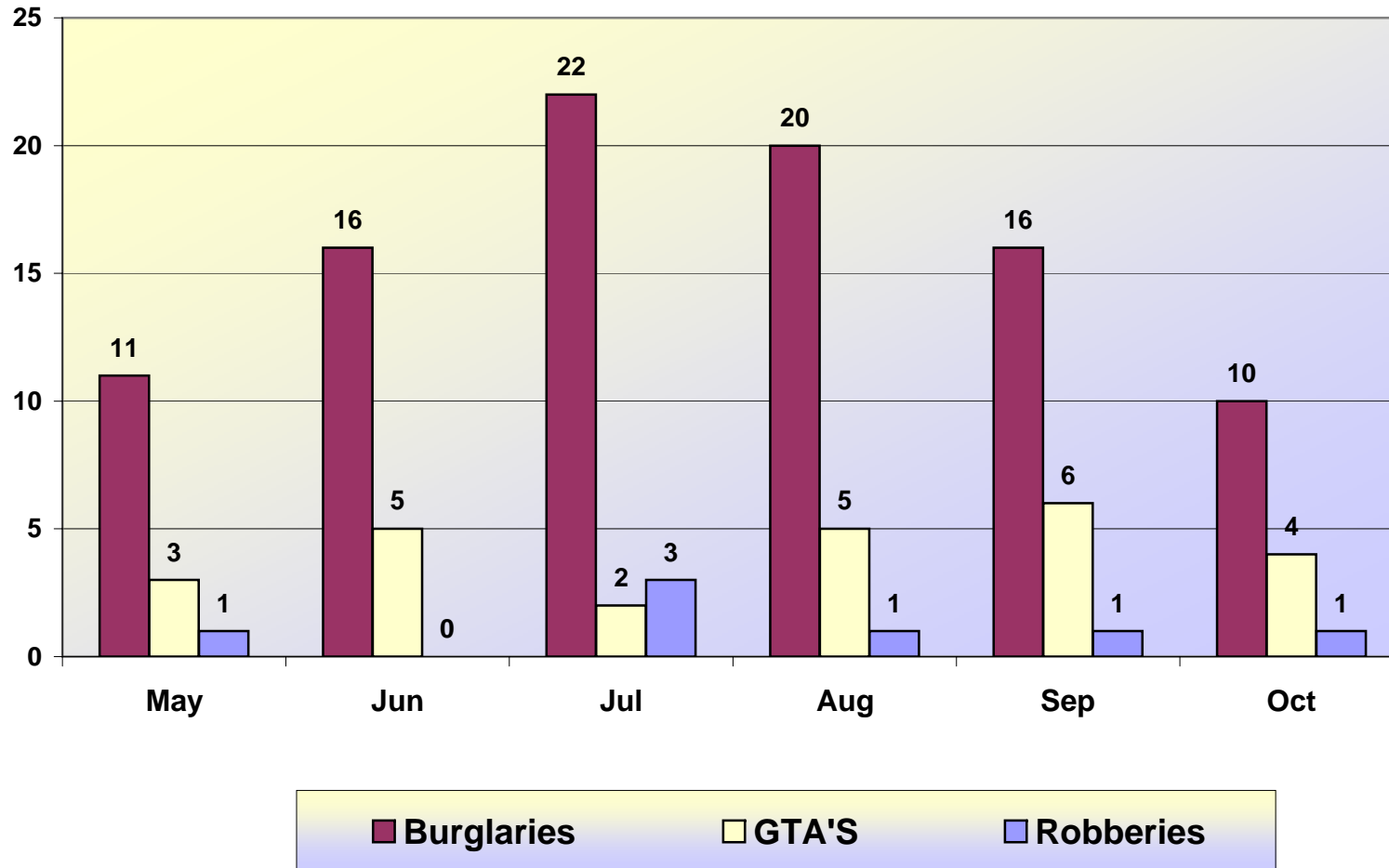
	<i>Current Month</i>	<i>Previous Year</i>	<i>%Deviation</i>	<i>Avg. Month</i>	<i>FYTD</i>
PATROL STATISTICS					
CALLS FOR SERVICE	1584	1326	19.5%	2122	6367
REPORTED CRIMES					
Part I	80	49	63.3%	94	282
Part II	152	216	-29.6%	211	633
Total	232	265	-12.5%	305	915
CASE CLEARED					
Total	164	68	141.2%	163	488
Percentage	70.7%	25.7%	175.1%	53.4%	53.3%
ARRESTS-ADULT					
Part I	42	19	121.1%	34	103
Part II	93	40	132.5%	105	314
ARRESTS-JUVENILE					
Part I	7	2	250.0%	5	15
Part II	22	7	214.3%	19	56
TRAFFIC STATISTICS					
P.D.O	7	10	-30.0%	14	42
Injury	2	8	-75.0%	4	13
Fatal	0	0	0.0%	0	1
Private Property	2	1	100.0%	2	5
TOTAL	11	19	-42.1%	20	61
TRAFFIC CITATIONS					
Hazard	8	28	-71.4%	34	102
Non-Hazard	98	65	50.8%	129	386
TOTAL	106	93	14.0%	163	488
D.U.I. ARRESTS					
	4	12	-66.7%	7	21
RESPONSE TIMES					
	CURRENT YEAR			PREVIOUS YEAR	
Emergency Response	* 5.05 MIN			NOT AVAILABLE	
Non-emergency Response	**7.87 MIN			NOT AVAILABLE	
Average Handling Time	17.34 MIN			NOT AVAILABLE	
Proactive Patrol Time	Target Range			%Used	
NOT AVAILABLE	35 - 100%			NOT AVAILABLE	
	Emergency Calls			*9	
	Non Emergency Calls			**694	

VOLUNTEER HOURS:

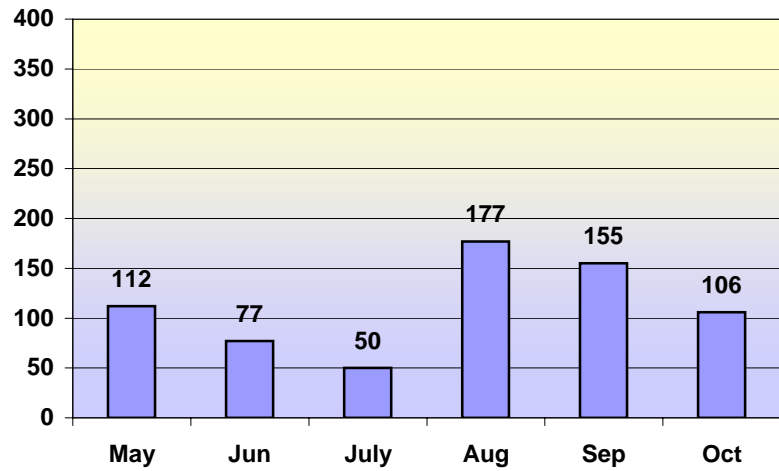
TOTAL = 444

Due to Tiburon, Response Times, Proactive Patrol and Used percentage from June 2005 to current month are not available.

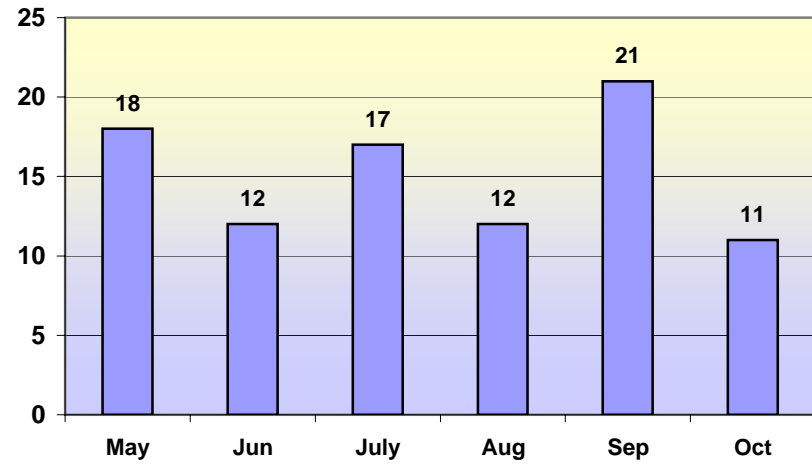
**Twentynine Palms
May 2006 to October 2006**



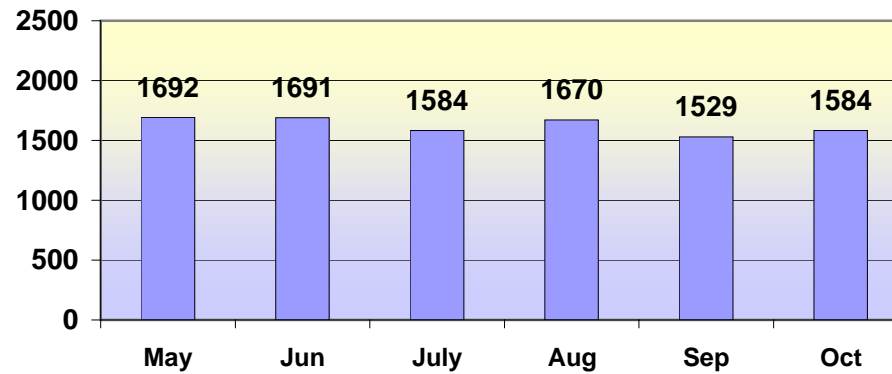
Twentynine Palms Citations



Twentynine Palms Accidents



Twentynine Palms Calls For Service



**CITY OF TWENTYNINE PALMS
POLICE DEPARTMENT
MONTHLY REPORT TO CITY MANAGER
OCTOBER 2006**

PATROL SUMMARY:

During the month of October, the City patrol officers responded to 1,584 calls for service. We wrote 232 reports and cleared 135 Adult crime cases and 29 Juvenile crime cases by arrest.

We currently have 9.3 patrol officers assigned to the City.

INVESTIGATIONS SUMMARY:

The City Investigator was assigned 59 new cases this month. In addition to these new cases, there are 64 cases being investigated. In October, 23 case(s) were cleared by arrest, nine case(s) was cleared by exceptional means, and 19 case(s) were inactivated. There have been 210 year to date cases assigned to the City Investigator.

TRAFFIC SUMMARY:

City patrol officers issued 106 traffic citations and arrested four person(s) for driving under the influence.

The City's traffic officer wrote a total of 54 citations, to include one hazard citations and 53 non-hazard citations.

We investigated 11 traffic collisions; of these, seven involved property damage only and two accident occurred on private property. There were two accident(s) involving injuries and -0- accident(s) with fatalities.

Our enforcement index was 6 :1 based on a total of four DUI's and eight hazard citations with a total of two injury collisions.

CITY OF TWENTYNINE PALMS CITIZEN PATROL UNIT:

The Citizen Patrol Unit volunteered a total of 444 hours; 129 hour(s) in training, 30 hours in administrative duties, 140 hours on patrol, 57 hours in community service, and 88 hours of miscellaneous duties.

**CITY OF TWENTYNINE PALMS
MANAGER'S REPORT
OCTOBER 2006
PAGE 2**

SPECIAL OPERATIONS:

Four grant-funded special operations were conducted in the City of Twentynine Palms during the month of October. Law enforcement personnel conducted traffic safety saturation efforts, security for the City's Pioneer Days's Carnival and parade along with a S.M.A.S.H. and MET/POP operation. During the four special operations there were 58 contacts made that resulted in 18 arrests for various violations and six traffic citations being issued.

On October 21, 2006 thirteen deputies from the San Bernardino County Sheriff's Department's Morongo Station conducted a MET/POP operation during the Twentynine Palms Pioneer Day Parade. Deputies dedicated 40 hours of proactive patrol to the community of Twentynine Palms with bicycles, motorcycles and other patrol units.

Deputies and detectives from the San Bernardino County Sheriff's Department's Morongo Station conducted a S.M.A.S.H. (San Bernardino County Movement Against Street Hoodlums) operation on October 21, 2006. This operation targeted known and suspected members of criminal street gangs in the Twentynine Palms area. During the ten hour operation, several known and suspected gang members were contacted and multiple parole and probation searches were conducted.

Twentynine Palms

	Burglaries	GTA'S	Robberies
May	11	3	1
Jun	16	5	0
Jul	22	2	3
Aug	20	5	1
Sep	16	6	1
Oct	10	4	1

	May	Jun	July	Aug	Sep	Oct
Calls For Service	1692	1691	1584	1670	1529	1584

	May	Jun	July	Aug	Sep	Oct
Citations	112	77	50	177	155	106

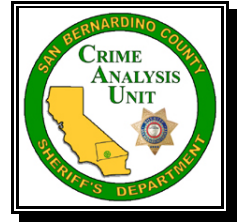
	May	Jun	July	Aug	Sep	Oct
Accidents	18	12	17	12	21	11



City of Twentynine Palms

Selected Crimes

10/01/2006 - 10/31/2006



Date	Time	Beat	RD	Location	Crime Type	Crime Description	DR
CRIME: GTA JUST OCC							
10/5/2006	5:10:02PM	TW1	TW003	GORGONIO DR / MOJAVE AVE,TNP	10851	GTA JUST OCC	TWR0602216
10/25/2006	8:26:51PM	TW1	TW003	5555 MARIPOSA AVE,TNP	10851	GTA JUST OCC	TWR0602388
10/5/2006	8:58:31AM	TW1	TW004	73277 SUN VALLEY DR,TNP	10851	GTA JUST OCC	TWR0602212
10/17/2006	9:54:25AM	TW1	TW004	6364 SMOKE TREE AVE,TNP	10851	GTA JUST OCC	TWR0602307
Total For Crime Type:		10851	4				
CRIME: ROBBERY J/O							
10/17/2006	10:19:21PM	TW1	TW004	6476 SMOKE TREE AVE,TNP	211	ROBBERY J/O	TWR0602316
Total For Crime Type:		211	1				
CRIME: BURGLARY J/O							
10/13/2006	1:46:38AM	TW1	TW006	BASELINE RD / ADOBE RD,TNP	459	BURGLARY J/O	TWR0602274
10/21/2006	10:58:42AM	TW1	TW004	6364 SMOKE TREE AVE,TNP	459	BURGLARY J/O	TWR0602343
10/19/2006	12:22:07PM	TW1	TW003	6339 LUPINE AVE,TNP	459	BURGLARY J/O	TWR0602327
10/30/2006	4:41:34PM	MB2	MB008	71210 INDIAN TRL,TNP	459	BURGLARY J/O	TWR0602416
10/16/2006	7:41:26AM	TW1	TW004	6608 SMOKE TREE AVE,TNP	459	BURGLARY J/O	TWR0602302
10/21/2006	3:19:12PM	TW1	TW003	71761 BUENA VISTA DR,TNP	459	BURGLARY J/O	TWR0602346
Total For Crime Type:		459	6				
CRIME: COMMERCL BURG JO							
10/4/2006	3:32:06PM	TW1	TW004	73455 TWENTYNINE PALMS HWY,TNP	459C	COMMERCL BURG JO	TWR0602205

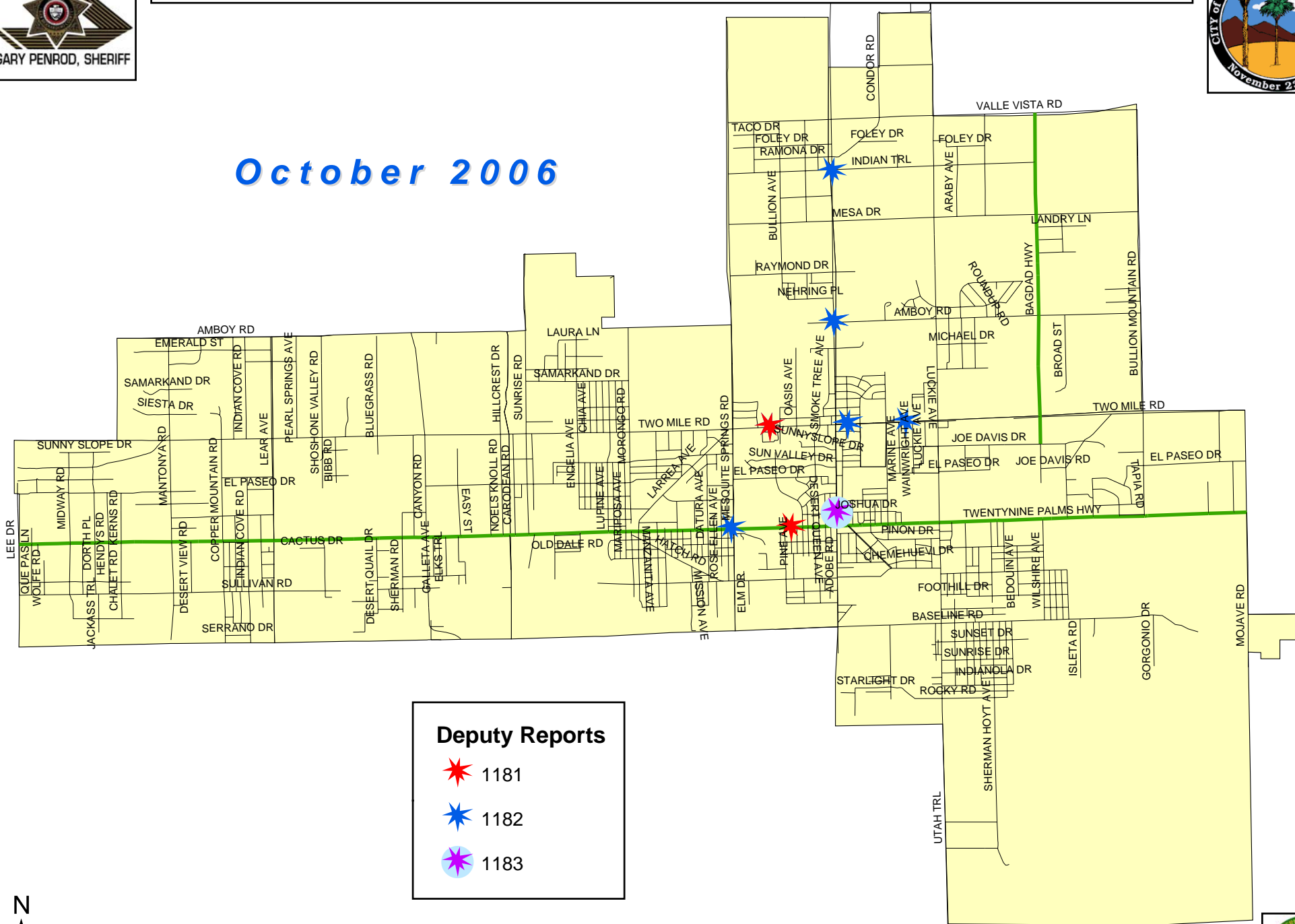
Date	Time	Beat	RD	Location	Crime Type	Crime Description	DR
CRIME: COMMERCL BURG JO							
Total For Crime Type:		459C	1				
CRIME: RESID BURG J/O							
10/12/2006	6:38:47PM	TW1	TW003	5474 CAHUILLA AVE,TNP	459R	RESID BURG J/O	TWR0602273
10/3/2006	12:18:12PM	TW1	TW003	71630 TWENTYNINE PALMS HWY,TNP	459R	RESID BURG J/O	TWR0602203
10/6/2006	2:25:09PM	TW1	TW003	5965 CHIA AVE,TNP	459R	RESID BURG J/O	TWR0602225
Total For Crime Type:		459R	3				
TOTAL SELECTED CRIMES:			15				






CITY OF TWENTYNINE PALMS TRAFFIC ACCIDENTS

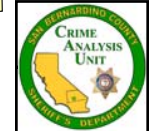
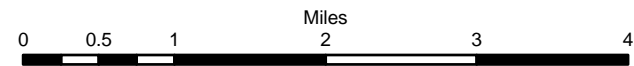


October 2006



Deputy Reports

-  1181
-  1182
-  1183





City of Twentynine Palms

Traffic Collisions

10/01/2006 - 10/31/2006



Date	Time	Beat	RD	Location	Crime Type	Crime Description	DR
CRIME: MINOR INJ TC							
10/30/2006	6:26:26AM	TW1	TW004	ADOBE CIR / TWO MILE RD,TNP	1181	MINOR INJ TC	TWR0602412
10/13/2006	11:09:52AM	TW1	TW004	TWENTYNINE PALMS HWY / PINE AVE,TNP	1181	MINOR INJ TC	TWR0602278
Total For Crime Type:		1181	2				
CRIME: NON INJ TC							
10/21/2006	4:25:34PM	TW1	TW005	AMBOY RD / ADOBE RD,TNP	1182	NON INJ TC	TWR0602347
10/19/2006	7:57:13AM	TW1	TW004	TWO MILE RD / ADOBE CIR,TNP	1182	NON INJ TC	TWR0602324
10/16/2006	5:57:49PM	TW1	TW005	TWO MILE RD / PALO VERDE AVE,TNP	1182	NON INJ TC	TWR0602304
10/15/2006	8:35:18AM	TW1	TW006	TWO MILE RD / HALSEY AVE,TNP	1182	NON INJ TC	TWR0602293
10/20/2006	10:59:48AM	TW1	TW005	3713 ADOBE RD,TNP	1182	NON INJ TC	TWR0602338
10/2/2006	3:50:18PM	TW1	TW005	AMBOY RD / ADOBE RD,TNP	1182	NON INJ TC	TWR0602193
10/5/2006	7:33:56PM	TW1	TW003	72878 TWENTYNINE PALMS HWY,TNP	1182	NON INJ TC	TWR0602218
10/12/2006	7:03:20AM	TW1	TW005	TWO MILE RD / PALO VERDE AVE,TNP	1182	NON INJ TC	TWR0602267
Total For Crime Type:		1182	8				
CRIME: UNK INJ TC							
10/20/2006	10:21:42AM	TW1	TW006	ADOBE RD / JOSHUA DR,TNP	1183	UNK INJ TC	TWR0602335
Total For Crime Type:		1183	1				
TOTAL COLLISIONS:			11				

**MONTHLY STATISTICS FOR SCHOOL RESOURCE OFFICER
CITY OF TWENTYNINE PALMS
October-06**

Tom Boyles, Deputy Sheriff

CATEGORIES	29 PALMS
NEW CASES	21
ACTIVE CASES	127
CASES CLEARED BY: CITATION	3
ARREST	10
EXCEPTIONAL MEANS	
UNFOUNDED	
INACTIVE	3
PARENT CONTACTS	82
CASES TO JUVENILE PROBATION/ADULT D.A.	28
CLEAN SWEEP	18
CITATIONS: JUVENILE TRAFFIC	19
CITATIONS: LOITERING VIOLATIONS	7
CITATIONS: TOBACCO VIOLATIONS	3
CITATIONS: MARIJUANA/PARAPHERNALIA	
CITATIONS: OTHER	18
CITATIONS: PARENTS PER WI 660.5	2
DEPUTY/DEP. AOD HOUR	
COURT (HOURS)	
WARRANT ARRESTS	3
BUSINESS / CITIZEN CONTACTS	94
SARB CITATIONS	
RUNAWAY JUVENILES	3
STUDENT CONTACTS	442
SEARCH WARRANT	1
MET POP	
SARB MEETING	10/11/2006
COPS 'N JOCKS	

TWENTYNINE PALMS MONTHLY STATS
TRAFFIC OFFICER
Oct-06
 Deputy T. Boyles #B3814

TRAFFIC COLLISIONS:		
1180		
1181	1	
1182	3	
1144-Fatal (MAIT)		
<u>TOTAL:</u>		4
CITATIONS:		
Hazard	38	
Non-Hazard	49	
<u>TOTAL:</u>		87
DUI	1	
Arrests	16	
Tows	3	
Special Events	4	
<u>OTHER:</u>		
Training	1	
Use of Force	1	
Other:	6	
<u>TOTAL:</u>		91

INTEROFFICE MEMO



DATE: November 6, 2006
FROM: **Jeff Joling**, Sergeant
Morongo Basin Sheriff's Station
TO: **Jim Williams**, Captain
Morongo Basin Sheriff's Station

PHONE: 6-4183

SUBJECT: **Monthly Detective Stats - OCTOBER 2006**

CATEGORIES	COUNTY AREA	29 PALMS	YUCCA VALLEY	MET / POP	GRAND TOTALS
FISCAL YEAR TO DATE :	231	210	156	2	599
CASES ASSIGNED:	71	59	73	1	204
CLEARED BY ARREST:	3	18	0	23	44
WARRANT ARREST:	3	5	0	28	36
ACTIVE CASES:	42	64	66	0	172
CASES TO D.A.:	7	5	2	1	15
CLEARED BY EX. MEANS:	25	9	13	2	49
INACTIVATED:	28	19	24	0	71
UNFOUNDED:	0	0	0	0	0
SELF-INITIATED:	0	7	0	25	32
SEARCH WARRANTS:	0	9	1	4	14
AMOUNT RECOVERED:	\$2,675.00	\$45,000.00	\$0.00	\$0.00	\$47,675.00
CITATIONS:				3	3
REG. COMPLIANCE:				10	10
POP PROJECTS:				2	2

AOD HOURS:

WARFIELD (YV)

R. MILLARD (CO)

THORNBURG (TW)

PORTER – MET/POP

JJ/cm

**San Bernardino County Sheriff's Department
Morongo Basin Station
DISTRICT ATTORNEY REPORT**

Month/Year: OCTOBER 2006

CASES SUBMITTED		CASES ISSUED		CASES REJECTED	
Felony:	74	Felony:	50	Felony:	24
Misd.	114	Misd.	91	Misd.	23
MB	43	MB	34	MB	9
TW	107	TW	79	TW	28
YV	38	YV	28	YV	10
TOTAL:	188	TOTAL:	141	TOTAL:	47
Total Filing Percentage:		Felony Cases:	67.6%		
		Misd. Cases:	79.8%		

SBSD VOLUNTEER UNIT MONTHLY STAT SHEET

VOLUNTEER UNIT # 415 NAME OF UNIT 29 PALMS COP'S FOR MONTH OF October 2006
 TOTAL UNIT MEMBERS 21 TOTAL HOURS 444 TOTAL POV MILES 938
 UNIT COORDINATOR DALE DYER PREPARED BY LORRAINE CHAMBERLAIN
 UNIT COMMANDER ERNIE BAKER PREPARER'S PHONE NUMBER 760-362-4565
 UNIT MEETING DATE AND TIME 1ST WED @ 1700 HOURS LOCATION OF MEETING CITY HALL

<u>CODE</u>	<u>DUTY</u>	<u>DESCRIPTION</u>	<u>HOURS</u>
100	ADMINISTRATION	Time spent on administrative or clerical work for unit . . .	<u>30</u>
101	ARREST	Time spent working an arrest	_____
102	AUTOMOTIVE	Time spent cleaning or repairing unit automotive equip. . .	<u>17</u>
103	CORONER DUTY	Coroner Unit volunteer hours	_____
104	COMMAND POST	Time spent in command post operations	_____
105	COMMUNITY SERVICE	Time spent on parades, traffic or parking control, etc. . .	<u>57</u>
106	COURT TIME	Time spent on court activities as a volunteer	_____
107	CRIME PREVENTION	Neighborhood Watch, Home Security, McGruff	<u>3</u>
108	FRONT DESK DUTY	Time spent working at station/division desk	_____
109	DUI CHECKPOINTS	Time spent working DUI checkpoints or ADD Task Force	_____
110	EQUIPMENT UPKEEP	Repair or maintenance of team equipment or your own . .	_____
111	FIREARMS TRAINING	Classroom or range training	_____
112	FLIGHT PATROL	Hours as pilot, observer, crew chief, extradition	_____
113	FUND RAISING	Any fund-raising activity	_____
114	INTERUNIT SUPPORT	Aid or assist any team, post, or agency	<u>4</u>
115	JAIL DUTY	Time spent working in a jail facility	_____
116	MOUNTED PATROL	Time spent on mounted patrol	_____
117	PHYSICAL FITNESS	Time spent maintaining physical fitness	<u>39</u>
118	PATROL – COP, Res, Exp	Car, plane, helo, second person, vacation checks, etc. . .	<u>140</u>
119	PUBLIC RELATIONS	Hours of community events, demos, public speaking . .	<u>8</u>
120	RESCUE OPERATIONS	Hours spent on actual rescue	_____
121	RESCUE STANDBY	Hours spent on standby duty	_____
122	SEARCH OPERATIONS	Hours spent on actual search	_____
123	SECURITY	Any security-related activity	_____
124	TRAINING	Seminar, conference, or levels of training related to unit .	<u>129</u>
125	UNIT / STAFF MEETING	Hours spent at unit or staff meetings	<u>17</u>
126	CHAPLAIN DUTY	Hours spent on call-outs or other chaplain duties	_____
127	OTHER ACTIVITY	Describe _____	_____
		TOTAL UNIT HOURS	<u>444</u>
128	VEHICLE MILES	Personal vehicle miles for any unit function	<u>938</u>

LIST ADDITIONAL UNIT COORDINATORS:



CITY OF TWENTYNINE PALMS
STAFF REPORT
6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799, Fax (760) 367-5400
Commdev@ci.twentynine-palms.ca.us

To: City Council
From: Community Development Director via City Manager
Date: November 28, 2006
RE: PC 06-51 – Negotiate Contract for environmental review of 29 Palms Mine Expansion

RECOMMENDATION: That the City Council direct staff to negotiate with Michael Brandman Associates (MBA) and enter into a “pass-through” (third party) contract with MBA and Granite Construction for the preparation of environmental documents related to the application for the mine expansion, and authorize the City Manager to execute a contract service agreement.

DISCUSSION: The City has received an application for a conditional use permit for a surface mining plan and reclamation plan from Granite Construction Company for an 356 acre expansion to the existing 113.5 acre 29 Palms Sand and Gravel Mine.

Pursuant to the California Environmental Quality Act (CEQA), the project involves the review, analysis and critical evaluation of a series of environmental documents related to the proposed mine expansion. To optimize limited staffing resources, a Request for Qualifications (RFQ) was published in the Desert Trail and on the internet seeking Statements of Qualifications (SOQs) which summarize the technical qualifications of the firms.

As envisioned by staff, the City will enter into a three party contract. Granite Construction will provide a deposit that the City will utilize to pay the environmental firm. The third party will be the firm elected to perform the environmental work. It is anticipated that, depending on the findings of the Initial Study, the cost of the contract could run between \$40,000 and \$90,000. The project may result in the preparation of an environmental impact report.

Fourteen packages were received in which firms provided detailed information regarding their respective companies and their technical ability to complete complex environmental consulting work. The respondents include DEA, PMC, MBA, Willdan, The Chambers Group, TCB/AECOM, P&D Consulting, Helix Environmental Planning, Inc., Wynn Engineering, Inc., RBF, ECORP, BioResource Consultants, Hogle Ireland, and Stantec.

The SOQs were evaluated on the following criteria: 1) Staff; 2) Experience on Similar Work; 3) Methodology; 4) Responsiveness; and 5) Cost. After reviewing the proposals, staff is satisfied that MBA is most qualified to perform the work for this project.

FISCAL IMPACT: No impact to General Fund. The City will enter into a third party contract, with MBA and Granite Construction. Granite will pay for all of the environmental consulting work, including staff administration, legal review and overhead, MBA will complete the required environmental review and the City will supervise MBA and administer the review process.

Attachment – MBA Statement of Qualifications



STAFF REPORT

To: City Council
From: City Manager
Date: November 28, 2006
RE: Adoption of Resolution No. 06-35 (Bono), a resolution supporting H.R. 6270, The California Desert and Mountains Heritage Act

RECOMMENDATION

Approve Resolution No. 06-35 (Bono)

BACKGROUND

Earlier this month, Rep. Mary Bono (CA-R) announced The California Desert and Mountain Heritage Act (HR 6270). This proposed legislation would designate approximately 128,000 acres of Riverside County lands as wilderness, including more than 37,050 acres already within Joshua Tree National Park.

The designation of wilderness is significant because it will afford better protection to the areas so designated, which will assist in maintaining the national park's dark night skies, superior desert vistas, diverse plants and animals, peaceful soundscapes, air quality, and opportunities for many activities including hiking, horseback riding, rock climbing, photography, orienteering, wildlife viewing, scientific research, and nature study.

The remaining lands in the bill are located southwest of the Coachella Valley and managed by the Bureau of Land Management and U.S. Forest Service.

The bill would also protect three wild and scenic rivers in Riverside County and would expand the San Jacinto/Santa Rosa Mountains National Monument by 3,500 acres. These special places represent Riverside County's remarkable natural, recreational, economic, and cultural values.

The National Parks Conservation Association supports this bill. Attached to this memo is the actual bill language and Resolution No. 06-35.

FISCAL IMPACT

None

Resolution No. 06-35

A RESOLUTION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, SUPPORTING H.R. 6270, THE CALIFORNIA DESERT AND MOUNTAINS HERITAGE ACT

WHEREAS, Joshua Tree National Park preserves portions of the Mojave and Colorado deserts and the unique transition zone between them, as well as all or portions of the Little San Bernardino, Cottonwood, Hexie, Pinto, Coxcomb and Eagle Mountain ranges; and

WHEREAS, Congress created Joshua Tree National Park to preserve the unrivaled scenic, geological, and wildlife values associated with these spectacular natural landscapes; perpetuate the significant and diverse ecosystems of the California desert in their natural state; protect and preserve historical and cultural values of the California desert associated with ancient Indian cultures and western exploration and settlement; preserve sites that exemplify the region's mining and homesteading history; provide opportunities for compatible outdoor recreation; protect and interpret ecological and geological features and historic, paleontological, and archeological sites; maintain wilderness values; promote public understanding and appreciation of the California desert; and retain and enhance opportunities for scientific research in undisturbed ecosystems; and

WHEREAS, of the park's more than 794,000 acres, over 585,000 acres are legislatively designated as wilderness or potential wilderness and contribute to our region's dark night skies, superior desert vistas, peaceful soundscapes, air quality, and opportunities for many activities including hiking, horseback riding, rock climbing, photography, orienteering, wildlife viewing, scientific research, and nature study; and

WHEREAS, Joshua Tree National Park is an important component of our community's historic, cultural, economic, and social identity; and

WHEREAS, Joshua Tree National Park generates substantial economic benefit for Morongo Basin businesses through local employment; tax revenues; visitor spending on meals, lodging, and supplies; and Park Service expenditures for park employee salaries, supplies, services, construction projects, etc.; and

WHEREAS, the desert region's population continues to grow and development comes up to Joshua Tree National Park's border, it is wise to further protect the park now to ensure that future generations can enjoy it tomorrow as we can today; and

WHEREAS, The California Desert and Mountain Heritage Act designates approximately 128,000 acres of wilderness—78,000 acres of which are within the border of Joshua Tree National Park—while also maintaining Joshua Tree's access routes and current balance of developed frontcountry and wilder backcountry.

NOW, THEREFORE, BE IT RESOLVED that the City of Twentynine Palms endorses and supports the designation of wilderness within Joshua Tree National Park that would be provided by passage of The California Desert and Mountain Heritage Act (H.R. 6270 in the 109th Congress).

APPROVED AND ADOPTED this 28th day of November 2006.

KEVIN COLE, Mayor

ATTEST:

Charlene L. Sherwood, CMC City Clerk

I hereby certify that the foregoing Resolution No. 06-35 was duly adopted by the City Council of the City of Twentynine Palms at a regular meeting thereof, held on the 28th day of November, 2006, by the following vote of the Council:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

Charlene L. Sherwood, CMC City Clerk



CITY OF TWENTYNINE PALMS
STAFF REPORT
6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799, Fax (760) 367-5400
commdev@ci.twentynine-palms.ca.us

To: City Council via Michael Tree, City Manager
From: City Engineer
Date: November 28, 2006
RE: Street Improvement impact fee - Public Hearing

RECOMMENDATION: That the City Council:

1. Receive and review Ordinances, Impact Fee Study, and for the proposed Street Improvement Impact Fee.
2. Open the Public Hearing regarding the proposed Street Impact Fee, take public testimony and close the public hearing.
3. That the City Council adopt Ordinances 200 and 201 in order amend various sections of the Municipal Code relating to Street Improvements and to adopt and implement a Street Improvement Impact Fee in order to fund sidewalk, curb and gutter improvements relating to traffic impacts caused by the construction of new single family dwelling units.

ATTACHEMENTS

- Fee Study
- Ordinance re: fees
- Ordinance re: street improvements and dedications

DISCUSSION:

On August 29, 2006, after having a workshop on the Street Improvement Impact Fee, the City Council directed staff to bring back to Council, in November, 06 the documents necessary to implement a new Street Improvement Impact Fee. On November 14, 2006 the Council reviewed the draft Fee Study with the associated Ordinances and provided staff with additional direction with various details of the study. Staff has incorporated comments received from the Council at the November 14th meeting into the attached ordinances.

BACKGROUND:

Staff previously submitted a report to the Council on August 29, 2006. The August 29th report addressed concerns with certain provisions of the City's Development Code, which require the installation of Street Improvements as a condition of approval for residential development, and outlined a proposal for addressing these concerns by (i) limiting the fee to new single-family residences and second dwelling units with kitchens and (ii) adoption of an "in lieu" Street Improvement Impact Fee for those types

of new development. At that time the City Council directed staff to proceed with the development of such a fee and revision to the City's Development Code. The draft ordinances were presented at the November 14th Council meeting and changes suggested at that time have been incorporated by Staff.

Proposed Revision to Development Code

The first ordinance before the City Council limits the imposition of Street Improvements to new single-family residences and new second dwelling units with kitchens. This revision assures that room additions, guest housing (i.e., units without kitchens), carports, garage construction or other relatively minor improvements to residentially zoned property (i.e., development that does not necessarily increase the number of households already occupying property) will not be required to provide Street Improvements. Additionally, this ordinance permits the City to impose an in lieu fee pursuant to the second ordinance (described below) on new single-family residences and second dwelling units with kitchens. This ordinance clarifies that the in lieu fee may be imposed in the discretion of the City Engineer.

Proposed Street Improvement Impact Fee

The second ordinance before the Council would adopt a Street Improvement Impact Fee, which would be assessed in connection with the issuance of any development permit for construction of a new single-family residence or new second dwelling unit with a kitchen. The fee would not apply to other types of projects on residential lots, such as room additions, guest housing (a separate dwelling unit that does not have a kitchen), garages, or carports, because these projects are not considered to impact traffic because such development does not usually lead to an increase in households (and hence vehicle trips) on the property. The ordinance is set up to allow the City Engineer to determine when construction of infrastructure should occur, and when the in lieu fee will be paid. It is intended that in most cases the in lieu fee will be paid. This is to avoid the construction of improvements that "stand alone" and not connected to other improvements, and which may not interface with improvements constructed at a latter date.

As required by the California Mitigation Fee Act (Govt. Code sections 66001 *et seq.*) a Street Improvement Fee Study was prepared by the City Engineer and is attached to this Staff Report. As discussed in the Fee Study, the fee would be calculated at \$75 per linear foot of street frontage, up to 150 feet of frontage. The City Engineer has estimated that this amount represents the current average cost of the improvements. The Fee Study indicates that the 150 foot maximum and the \$75 per linear foot fee bears a rational relationship to the need for the improvements and the type of project (residential) on which the fee is imposed. The Fee Study further concluded that the fee and the 150-foot frontage limit is rationally related to the need for improvements related to the proposed residential development. Thus, the maximum fee that can be assessed on a single lot project is \$11,250. If a property has a 70' frontage, the property owner

would pay \$5250 (70' x \$75). If a property has a 660' frontage, the property owner would pay \$11,250 (150' x \$75).

The ordinance includes the ability to increase costs, if needed, each fiscal year, to account for the increase in labor and material costs. The maximum annual increase shall be the current annualized Consumer Price Index (expressed as a percent) plus two percent (2%).

Funds collected pursuant to the fee will be placed in a Street Improvement Fund, which will be restricted to the construction of curbs, gutters, and sidewalks on streets fronting residentially zoned property. However, in order to efficiently and effectively manage this program, the funds collected will not necessarily be used to construct street improvements on the same street from where the funds are received. Rather, the ordinance permits the funds in the Street Improvement Fund to be used for residential street improvements in accordance with the City of Twentynine Palms General Plan Circulation Element.

Mitigation Fee Act

Pursuant to Government Code section 66001, in imposing a fee as a condition of approval of a development project, a local agency is required to: 1) identify the purpose of the fee; 2) identify the use to which the fee is to be put; 3) determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed; and 4) determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

All requirements of the Mitigation Fee Act have been met:

1. The fee ordinance provides that all fees collected shall be placed in the Street Improvement Fund, which shall be used solely for the purpose of constructing curbs, gutters, and sidewalks on streets fronting residentially zoned property in accordance with the City of Twentynine Palms General Plan Circulation Element. Because development subject to this fee will have traffic impacts on a citywide basis, the fees are not required to be used to construct street improvements on the same street from which they are received, they may be used for residential streets citywide in accordance with the City's General Plan Circulation Element.
2. The fees shall be used exclusively for the purposes identified above.
3. As noted in the Fee Study, there is a reasonable relationship between the fee use for the construction of sidewalk, gutter and curb improvements and the residential development it is imposed on because new single family residences and new second dwelling units with kitchens will lead to increased traffic that uses sidewalks, curbs and gutters in residential areas

citywide. The fee will only be used for these types of street improvements. The fee is limited to the cost of the construction (currently \$75 per linear foot) and is restricted up to a maximum of 150 feet of street frontage. This limitation assures that development is not overpaying for the impact associated with residential development.

4. As noted in the Fee Study, there is a reasonable relationship between the need for curb, gutter and sidewalk improvements and new single-family residences and new second dwelling units with kitchens because the inhabitants of these new dwellings will utilize city streets, sidewalks and curb/gutters. These improvements will be funded with fees to construct these improvements in accordance with the City's General Plan Circulation Element.

The Mitigation Fee Act also requires annual disclosures regarding the amount of fees collected and the expenditure of funds generated by the fee. (See Govt. 66006.) This requirement has been included in the second ordinance. Furthermore, the local agency is required to make certain findings in connection with the public information required by Section 66006 every five years. (See Govt. 66001.) City staff will calendar the required 5-year finding requirement.

ENVIRONMENTAL COMPLIANCE

The adoption of the ordinances is statutorily exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines section 15273 (14 C.C.R. § 15273), and is additionally and independently exempt from CEQA analysis pursuant to State CEQA Guidelines Section 15061(b)(3) (14 C.C.R. § 15061(b)(3)) which sets forth the rule that "CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

ALTERNATIVES

The alternatives available to the City Council include:

1. Approve Ordinances _____ and _____, to amend various sections of the Municipal Code relating to Street Improvements and to adopt and implement a Street Improvement Impact Fee in order to mitigate impacts caused by the construction of new single family dwelling units.; or
2. Do not approve the ordinances; or
3. Provide staff with alternative direction.

REPORT
OF
LOCAL STREET IMPROVEMENT IMPACT FEE STUDY
FOR

CITY OF TWENTYNINE PALMS
COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA

November 28, 2006

LOCAL STREET IMPROVEMENT IMPACT FEE STUDY

TABLE OF CONTENTS

SECTION 1 AUTHORITY FOR REPORT	1
SECTION 2 GOVERNMENT CODE REQUIREMENTS	1
SECTION 3 FEE STUDY	1
(1) PURPOSE OF THE FEE	2
(2) USE TO WHICH THE FEE IS TO BE PUT	2
(3) REASONABLE RELATIONSHIP BETWEEN THE FEE'S USE AND THE TYPE OF DEVELOPMENT PROJECT ON WHICH THE FEE IS IMPOSED	3
(4) REASONABLE RELATIONSHIP BETWEEN THE NEED FOR THE PUBLIC FACILITY AND THE TYPE OF DEVELOPMENT PROJECT ON WHICH THE FEE IS IMPOSED	4
APPENDIX	5
IMPROVEMENT COST ESTIMATE	6

CITY OF TWENTYNINE PALMS
COUNTY OF SAN BERNARDINO, CALIFORNIA
REPORT OF FEE STUDY
ON
LOCAL STREET IMPROVEMENT IMPACT FEE

SECTION 1 AUTHORITY FOR REPORT

This report is prepared pursuant to an order of the City Council of the City of Twentynine Palms at the regular meeting of August 29, 2006. It is prepared in compliance with the requirements of Section 66001 *et seq.* of the Government Code.

SECTION 2 GOVERNMENT CODE REQUIREMENTS

In any action establishing, increasing, or imposing a fee as a condition of approval of a development project by a local agency on or after January 1, 1989, the local agency shall do all of the following:

- (1) Identify the purpose of the fee.
- (2) Identify the use to which the fee is to be put.
- (3) Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
- (4) Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

SECTION 3- FEE STUDY

The City's Development Code Sections 19.07.060, (Rural Living, RL), 19.08.060 (Single Family, RS), and 19.14.060 (Open Space Residential, OSR) require the construction of Street Improvements when there is an increase or change in vehicular traffic resulting from certain types of new residential development (described in further detail below). These Street Improvements may include curbs, gutters and sidewalks, concrete driveway approaches, drainage structures, asphalt paving, connecting pavement and other street related improvements, and must to be constructed adjacent to the property line along the street frontage, prior to approval of a Certificate of Occupancy of the structure.

To address concerns as detailed in the August 29, 2006 report presented by the City Engineer, a Local Street Improvement Impact Fee was recommended as an alternative that the City may impose on certain new residential units (defined below) in

lieu of having the applicant or owner construct curb, gutter, sidewalk and connecting pavement improvements.

(1) PURPOSE OF THE FEE

The sole purpose of the Local Street Improvement Impact Fee (sometimes referred to herein as the "Fee") is for the construction of curbs, gutters, sidewalks, and connecting pavement.

The Fee may be imposed by the City, in lieu of requiring the owner or applicant to construct such improvements, on certain residential development that requires the construction of Street Improvements under the Development Code (i.e. certain development that results in an increase or change in vehicular traffic). The developments on which this Fee may be imposed include the following:

- New single family residence; or
- New second dwelling units that have a kitchen, which could house a separate family.

The Fee does not apply to the following developments:

- Room additions;
- Guest housing (a separate dwelling unit without a kitchen which is considered as room addition); or
- Garages or carports.

The Street Improvement Impact Fee will be charged at \$75 per linear foot of street frontage of the development to a maximum of 150 feet (\$11,250) per residence. See Appendix for a detailed improvement cost estimate. As further described below, the amount of the fee is a reasonable estimate of current construction cost for curb, gutter, sidewalk and connecting payment costs in 2006 dollars. Additionally, as further described below, the amount of the fee and the limitation to 150 feet of street frontage is roughly proportional to the type of development on which it is imposed and for the use to which the fee is put.

(2) USE TO WHICH THE FEE IS TO BE PUT

The use of the Fee will be restricted exclusively for the construction of curbs, gutters, sidewalks and connecting pavement on streets fronting residentially zoned property in the City of Twentynine Palms. In order to use the collected funds efficiently and effectively, the Fee would not necessarily or immediately, be used to construct improvements on the same street from where the funds are received. Rather, the Fees deposited into the Local Street Improvement Fund may be used for residential street improvements in accordance with the City of Twentynine Palms General Plan Circulation Element and Council determinations on where community needs require use of such funds. Therefore, Fees would be used on local streets fronting

residentially zoned and already subdivided properties that are deemed high priority based upon current maintenance costs related to drainage, vehicular and pedestrian traffic, and other cost effectiveness and safety criteria.

Under this Fee program, the funds would be used efficiently by accruing sufficient funds to construct entire street segments. Constructing streets in this manner will result in cost savings through the design, inspection, and construction phases. Therefore, there will be the realization of certain economies of scale for constructing sidewalk, gutter, curb and connecting pavement improvements to entire segments, rather than having such improvements be constructed in a piecemeal and disorganized approach.

(3) REASONABLE RELATIONSHIP BETWEEN THE FEE'S USE AND THE TYPE OF DEVELOPMENT PROJECT ON WHICH THE FEE IS IMPOSED

There is a reasonable relationship between the use of fee for the construction of curbs, gutters, sidewalks and connecting pavement on local streets fronting residentially zoned and already subdivided properties and the type of developments it is imposed on because new single family residences and new second dwelling units with kitchens will cause increased or changed vehicular and pedestrian traffic that uses the streets and sidewalks in residential area citywide. That is, as new residential units or second units which could house additional families are constructed, those units increase demand for such public improvements. Standards for street improvements have been adopted by the City Council as indicated by the adopted the Circulation Element of the General Plan. Pursuant to existing Development Code requirements these standard street improvements are constructed with all new subdivisions of residential tract housing and provide benefits to each single-family residence and provide for the health, safety, and general welfare of its residents. The Fees required are based upon the current, actual cost of these improvements along the frontage of the individual property as depicted in the Appendix.

Because the size of most subdivided residential lots in Twentynine Palms do not typically exceed 150' in width, the Fee would only apply to the width of the lot, not to exceed 150'. This provides a rough proportionality nexus between the impacts of a single-family residence or second unit with a kitchen and the Fee of \$75 per foot, since the Fee would be limited to the typical residential lot size in the City. The 150-foot street frontage limitation also prevents larger residentially zoned property from paying a disproportionate share of Fee for developing one residential unit on a large parcel. The remaining Fee or requirement to construct sidewalk, curb, gutter and connecting pavement improvements for large parcels of land would eventually be required when the owner or applicant subdivides the larger lot to the ultimate allowable number of lots under the zoning for the parcel. The improvements for the remaining future residential lots created within the larger parcel of land would be required at the time of subdivision under the subdivision provisions of the Development Code.

(4) REASONABLE RELATIONSHIP BETWEEN THE NEED FOR THE PUBLIC FACILITY AND THE TYPE OF DEVELOPMENT PROJECT ON WHICH THE FEE IS IMPOSED

There is a reasonable relationship between the need for curbs, gutters, sidewalks and connecting pavement on local streets fronting residentially zoned and already subdivided properties and the type of development it is imposed on because inhabitants of these new single family residences and new second dwelling units with kitchens will utilize city streets and sidewalks. These improvements will be constructed with fees collected from these residential developments. In order to efficiently and effectively manage this program, the funds collected will not necessarily be used to construct street improvements on the same street from where the funds are received. Rather, Fees deposited into the Street Improvement Fund to be used for residential street improvements in accordance with the City of Twentynine Palms General Plan Circulation Element. City residents utilize the entire City-wide street improvement system. It is therefore reasonable for Fees to be used on a City-wide basis in conformity with the City General Plan.

APPENDIX

STREET IMPROVEMENT IMPACT FEE

IMPROVEMENT COST ESTIMATE (PER LINEAR FOOT OF FRONTAGE)

Item Description	Quantity	Unit	Unit Cost*	Total
8" curb and gutter	1.0	LF	30.00	\$30.00
Sidewalk	6.0	SF	4.00	\$24.00
Asphalt pavement	6.5	SF	2.00	\$13.00
Design, survey, permit etc.	1.0	LS	8.00	\$8.00
Total per linear foot:				\$75.00

* Source: Current City's Engineer's Estimate Data Sheet

Note:

The Street Improvement Impact Fee will be charged at \$75 per linear foot of street frontage of the development to a maximum of 150 feet (\$11,250).

Examples:

- (1) The fee would be calculated at \$75 per linear foot of street frontage, the current average cost of improvements:
- (2) If a property has a 70' frontage, the property owner would pay \$5,250 (70' x \$75).
- (3) If a property has a 660' frontage the owner would pay \$11,250 (150' x \$75 = \$11,250). The \$11,250 cap provides for an immediate solution to the problem of requiring excessive improvement costs for large parcels.

The Fee applies to the following developments:

- New single family residence
- New second dwelling unit that has a kitchen which could house a separate family

The Fee does not apply to the following developments:

- Room additions
- Guest housing (a separate dwelling unit without a kitchen which considered as room addition)
- Garages or carports

REPORT
OF
LOCAL STREET IMPROVEMENT IMPACT FEE STUDY
FOR
CITY OF TWENTYNINE PALMS
COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA

November 28, 2006

LOCAL STREET IMPROVEMENT IMPACT FEE STUDY

TABLE OF CONTENTS

SECTION 1 AUTHORITY FOR REPORT	1
SECTION 2 GOVERNMENT CODE REQUIREMENTS	1
SECTION 3 FEE STUDY	1
(1) PURPOSE OF THE FEE	2
(2) USE TO WHICH THE FEE IS TO BE PUT	2
(3) REASONABLE RELATIONSHIP BETWEEN THE FEE'S USE AND THE TYPE OF DEVELOPMENT PROJECT ON WHICH THE FEE IS IMPOSED	3
(4) REASONABLE RELATIONSHIP BETWEEN THE NEED FOR THE PUBLIC FACILITY AND THE TYPE OF DEVELOPMENT PROJECT ON WHICH THE FEE IS IMPOSED	4
APPENDIX	5
IMPROVEMENT COST ESTIMATE	6

CITY OF TWENTYNINE PALMS
COUNTY OF SAN BERNARDINO, CALIFORNIA
REPORT OF FEE STUDY
ON
LOCAL STREET IMPROVEMENT IMPACT FEE

SECTION 1 AUTHORITY FOR REPORT

This report is prepared pursuant to an order of the City Council of the City of Twentynine Palms at the regular meeting of August 29, 2006. It is prepared in compliance with the requirements of Section 66001 *et seq.* of the Government Code.

SECTION 2 GOVERNMENT CODE REQUIREMENTS

In any action establishing, increasing, or imposing a fee as a condition of approval of a development project by a local agency on or after January 1, 1989, the local agency shall do all of the following:

- (1) Identify the purpose of the fee.
- (2) Identify the use to which the fee is to be put.
- (3) Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
- (4) Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

SECTION 3- FEE STUDY

The City's Development Code Sections 19.07.060, (Rural Living, RL), 19.08.060 (Single Family, RS), and 19.14.060 (Open Space Residential, OSR) require the construction of Street Improvements when there is an increase or change in vehicular traffic resulting from certain types of new residential development (described in further detail below). These Street Improvements may include curbs, gutters and sidewalks, concrete driveway approaches, drainage structures, asphalt paving, connecting pavement and other street related improvements, and must to be constructed adjacent to the property line along the street frontage, prior to approval of a Certificate of Occupancy of the structure.

To address concerns as detailed in the August 29, 2006 report presented by the City Engineer, a Local Street Improvement Impact Fee was recommended as an alternative that the City may impose on certain new residential units (defined below) in

lieu of having the applicant or owner construct curb, gutter, sidewalk and connecting pavement improvements.

(1) PURPOSE OF THE FEE

The sole purpose of the Local Street Improvement Impact Fee (sometimes referred to herein as the “Fee”) is for the construction of curbs, gutters, sidewalks, and connecting pavement.

The Fee may be imposed by the City, in lieu of requiring the owner or applicant to construct such improvements, on certain residential development that requires the construction of Street Improvements under the Development Code (i.e. certain development that results in an increase or change in vehicular traffic). The developments on which this Fee may be imposed include the following:

- New single family residence; or
- New second dwelling units that have a kitchen, which could house a separate family.

The Fee does not apply to the following developments:

- Room additions;
- Guest housing (a separate dwelling unit without a kitchen which is considered as room addition); or
- Garages or carports.

The Street Improvement Impact Fee will be charged at \$75 per linear foot of street frontage of the development to a maximum of 150 feet (\$11,250) per residence. See Appendix for a detailed improvement cost estimate. As further described below, the amount of the fee is a reasonable estimate of current construction cost for curb, gutter, sidewalk and connecting payment costs in 2006 dollars. Additionally, as further described below, the amount of the fee and the limitation to 150 feet of street frontage is roughly proportional to the type of development on which it is imposed and for the use to which the fee is put.

(2) USE TO WHICH THE FEE IS TO BE PUT

The use of the Fee will be restricted exclusively for the construction of curbs, gutters, sidewalks and connecting pavement on streets fronting residentially zoned property in the City of Twentynine Palms. In order to use the collected funds efficiently and effectively, the Fee would not necessarily or immediately, be used to construct improvements on the same street from where the funds are received. Rather, the Fees deposited into the Local Street Improvement Fund may be used for residential street improvements in accordance with the City of Twentynine Palms General Plan Circulation Element and Council determinations on where community needs require use of such funds. Therefore, Fees would be used on local streets fronting

residentially zoned and already subdivided properties that are deemed high priority based upon current maintenance costs related to drainage, vehicular and pedestrian traffic, and other cost effectiveness and safety criteria.

Under this Fee program, the funds would be used efficiently by accruing sufficient funds to construct entire street segments. Constructing streets in this manner will result in cost savings through the design, inspection, and construction phases. Therefore, there will be the realization of certain economies of scale for constructing sidewalk, gutter, curb and connecting pavement improvements to entire segments, rather than having such improvements be constructed in a piecemeal and disorganized approach.

(3) REASONABLE RELATIONSHIP BETWEEN THE FEE'S USE AND THE TYPE OF DEVELOPMENT PROJECT ON WHICH THE FEE IS IMPOSED

There is a reasonable relationship between the use of fee for the construction of curbs, gutters, sidewalks and connecting pavement on local streets fronting residentially zoned and already subdivided properties and the type of developments it is imposed on because new single family residences and new second dwelling units with kitchens will cause increased or changed vehicular and pedestrian traffic that uses the streets and sidewalks in residential area citywide. That is, as new residential units or second units which could house additional families are constructed, those units increase demand for such public improvements. Standards for street improvements have been adopted by the City Council as indicated by the adopted the Circulation Element of the General Plan. Pursuant to existing Development Code requirements these standard street improvements are constructed with all new subdivisions of residential tract housing and provide benefits to each single-family residence and provide for the health, safety, and general welfare of its residents. The Fees required are based upon the current, actual cost of these improvements along the frontage of the individual property as depicted in the Appendix.

Because the size of most subdivided residential lots in Twentynine Palms do not typically exceed 150' in width, the Fee would only apply to the width of the lot, not to exceed 150'. This provides a rough proportionality nexus between the impacts of a single-family residence or second unit with a kitchen and the Fee of \$75 per foot, since the Fee would be limited to the typical residential lot size in the City. The 150-foot street frontage limitation also prevents larger residentially zoned property from paying a disproportionate share of Fee for developing one residential unit on a large parcel. The remaining Fee or requirement to construct sidewalk, curb, gutter and connecting pavement improvements for large parcels of land would eventually be required when the owner or applicant subdivides the larger lot to the ultimate allowable number of lots under the zoning for the parcel. The improvements for the remaining future residential lots created within the larger parcel of land would be required at the time of subdivision under the subdivision provisions of the Development Code.

(4) REASONABLE RELATIONSHIP BETWEEN THE NEED FOR THE PUBLIC FACILITY AND THE TYPE OF DEVELOPMENT PROJECT ON WHICH THE FEE IS IMPOSED

There is a reasonable relationship between the need for curbs, gutters, sidewalks and connecting pavement on local streets fronting residentially zoned and already subdivided properties and the type of development it is imposed on because inhabitants of these new single family residences and new second dwelling units with kitchens will utilize city streets and sidewalks. These improvements will be constructed with fees collected from these residential developments. In order to efficiently and effectively manage this program, the funds collected will not necessarily be used to construct street improvements on the same street from where the funds are received. Rather, Fees deposited into the Street Improvement Fund to be used for residential street improvements in accordance with the City of Twentynine Palms General Plan Circulation Element. City residents utilize the entire City-wide street improvement system. It is therefore reasonable for Fees to be used on a City-wide basis in conformity with the City General Plan.

APPENDIX

STREET IMPROVEMENT IMPACT FEE

IMPROVEMENT COST ESTIMATE (PER LINEAR FOOT OF FRONTAGE)

Item Description	Quantity	Unit	Unit Cost*	Total
8" curb and gutter	1.0	LF	30.00	\$30.00
Sidewalk	6.0	SF	4.00	\$24.00
Asphalt pavement	6.5	SF	2.00	\$13.00
Design, survey, permit etc.	1.0	LS	8.00	\$8.00
Total per linear foot:				\$75.00

* Source: Current City's Engineer's Estimate Data Sheet

Note:

The Street Improvement Impact Fee will be charged at \$75 per linear foot of street frontage of the development to a maximum of 150 feet (\$11,250).

Examples:

- (1) The fee would be calculated at \$75 per linear foot of street frontage, the current average cost of improvements:
- (2) If a property has a 70' frontage, the property owner would pay \$5,250 (70' x \$75).
- (3) If a property has a 660' frontage the owner would pay \$11,250 (150' x \$75 = \$11,250). The \$11,250 cap provides for an immediate solution to the problem of requiring excessive improvement costs for large parcels.

The Fee applies to the following developments:

- New single family residence
- New second dwelling unit that has a kitchen which could house a separate family

The Fee does not apply to the following developments:

- Room additions
- Guest housing (a separate dwelling unit without a kitchen which considered as room addition)
- Garages or carports

ORDINANCE NO. 200

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA TO AMEND CHAPTER 19.85 OF THE TWENTYNINE PALMS MUNICIPAL CODE, TO AUTHORIZE THE IMPOSITION OF STREET IMPROVEMENT IMPACT FEES.

WHEREAS, pursuant to Sections 66001 et seq. of the Government Code, the City may impose a fee as a condition of approval of a development project to mitigate the impacts of such development; and,

WHEREAS, the City has prepared a Street Improvement Impact Fee Study, in compliance with the provisions of Sections 66001 *et seq.* of the Government Code; and

WHEREAS, the City Council has determined that the construction of new single family residences or second dwelling units with kitchens, increases the amount of vehicular traffic flowing in the City as a result of increased density in residential areas from such new dwelling units; and,

WHEREAS, the City Council has determined that the construction of curbs, gutters, and sidewalks in accordance with the City of Twentynine Palms General Plan Circulation Element has a reasonable relation to and is necessary to mitigate the impact of such increased traffic resulting from such increased density in residential areas from such new single family residences or second dwelling units with kitchens; and,

WHEREAS, the City Council has determined that the cost of constructing curbs, gutters, and sidewalks in accordance with the City of Twentynine Palms General Plan along the frontage of a lot on which a new single family residences or second dwelling units with kitchens is to be constructed or in other residential locations in the City in accordance with the City of Twentynine Palms General Plan Circulation Element is roughly proportional to the impact of such development project because residential development uses streets on a citywide basis; and,

WHEREAS, the City Council has determined that the cost of constructing curbs, gutters, and sidewalks is approximately \$75 per linear foot of frontage and that this cost is the reasonable cost of providing the sidewalk, curb and gutter facilities; and,

WHEREAS, the City Council desires to establish a fund to pay for the construction of curbs, gutters, and sidewalks in residential neighborhoods of the City in accordance with the City of Twentynine Palms General Plan Circulation Element; and,

WHEREAS, the City Council of the City of Twentynine Palms held a duly noticed Public Hearing on _____, ___, 2006 to receive and consider public comment.

NOW, THEREFORE, the City Council of the City of Twentynine Palms does ordain as follows:

SECTION 1: Chapter **19.85.040** is hereby added to the Twentynine Palms Municipal Code to read as follows:

19.85.040 Street Improvement Impact Fee

(A) Establishment. In lieu of requiring the construction of curbs, gutters, and sidewalks, a street improvement impact fee may be assessed in connection with the issuance of a development permit for construction of a new single-family residence or new second dwelling unit with a kitchen. The fee shall be assessed only where the property owner would otherwise be required to construct curbs, gutters, and sidewalks, pursuant to the Development Code. Where the foregoing improvements are required, the City Engineer shall determine whether to require the payment of the fee, or allow the construction of the improvements.

(B) Calculation of Fee. The amount of the fee shall be calculated according to the length of street frontage of the lot on which the development is to occur, up to 150 feet of frontage. Subject to the adjustment provision in subdivision “(C)” below, the fee for fiscal year 2006-2007 shall be \$75 per linear foot of street frontage, up to 150 feet of frontage.

(C) Adjustment of Fee. In order to account for increased construction costs relating to material and labor, the fee in subdivision “(B)” shall be increased by an inflation factor equal to two percent (2%) plus the change in the Consumer Price Index for the period commencing 15 months prior to, and ending 3 months prior to the end of each fiscal year following fiscal year 2006-2007.

(D) Collection. The amount of fees due hereunder shall be determined at the time of approval of a development permit for construction of a new single-family residence or new second dwelling unit with a kitchen. The fee shall be paid no later than the issuance of a building permit for such development and no building permits shall be issued authorizing the construction or establishment of any units without payment of the fee.

(C) Creation of Separate Fund; Purpose and Use of Street Improvement Impact Fee.

(1) Upon the effective date of this ordinance, the City Finance Director shall create a separate account (the "Street Improvement Fund") into which all revenue raised by this ordinance shall be placed.

(2) All fees collected shall be placed in the Street Improvement Fund, which shall be used solely for the purpose of constructing curbs, gutters, and sidewalks on streets fronting residentially zoned property in accordance with the City of Twentynine Palms General Plan Circulation Element. Because development subject to this fee will have traffic impacts on a citywide basis, the fees are not required to be used to construct street improvements on the same street from which they are received.

(3) The City's Finance Director shall file a report with the City Council no later than March 30, 2008 and at least once a year thereafter which shall contain both of the following: (i) the amount of funds collected and expended under this ordinance; and (ii) the status of any project required or authorized to be funded to carry out the purposes set forth herein.

SECTION 3: The City Council finds that the Street Improvement Impact Fee Study prepared in connection with the Street Impact Fee is accurate and is supported by substantial evidence in the record. The Council further finds, based on the contents of the Fee Study, the public testimony, the staff presentation and the contents of the staff report, that the imposition of the Street Impact Fee bears a rational relationship to the use and type of development on which the fee is imposed and that there is no substantial evidence to the contrary. The Street Impact Fee is the reasonable cost of providing the sidewalk, curb and gutter facilities.

SECTION 4. If any court of competent jurisdiction holds any section, subsection, sentence, phrase, or portion of this ordinance invalid or unconstitutional, such determination shall not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have enacted this ordinance and each section, subsection, sentence, clause or phrase hereof irrespective of any determination of invalidity.

SECTION 5: The adoption of this ordinance is statutorily exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15273 of the State CEQA Guidelines (14 C.C.R. § 15273), and is additionally and independently exempt from CEQA analysis pursuant to State CEQA Guidelines Section 15061(b)(3) (14 C.C.R. § 15061(b)(3)) which sets forth the rule that "CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

SECTION 6: This ordinance shall become effective thirty (30) days after its passage and adoption. Within fifteen (15) days of the date of adoption of this ordinance, the City Clerk shall post a copy of said ordinance in places designated for such posting and shall certify to the same. The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published as required by law.

APPROVED, ADOPTED AND SIGNED this ____ day of _____,
200__.

ATTEST:

CITY CLERK of the City of Twentynine
Palms, California

MAYOR of the City of Twentynine Palms,
California

ORDINANCE NO. 201

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, AMENDING SECTIONS 19.07.060, 19.08.060, AND 19.14.060 OF THE TWENTYNINE PALMS MUNICIPAL CODE, RELATING TO STREET DEDICATIONS AND IMPROVEMENTS.

WHEREAS, the City Council has determined that the construction of new dwelling units, including new single family residences and second dwelling units with kitchens, increases the amount of vehicular traffic flowing into residential neighborhoods of the City as a result of increased density in residential areas from such new dwelling units; and,

WHEREAS, the City Council has determined that the construction of curbs, gutters, and sidewalks is necessary to mitigate the impact of such increased traffic resulting from such new dwelling units; and,

WHEREAS, the City Council has determined that the cost of constructing curbs, gutters, and sidewalks along the frontage of a lot on which a new dwelling unit is to be constructed is roughly proportional to the impact of such development project so long as these improvements are limited to the amount necessary to compensate the impact identified above; and,

WHEREAS, Sections 19.07.060, 19.08.060, 19.14.060 of the City's Municipal Code currently require that certain street improvements be made as a condition of approval of development projects in certain zoning districts; and,

WHEREAS, pursuant to Sections 66001 *et seq.* of the Government Code, the City may impose a fee as a condition of approval of a development project; and,

WHEREAS, the City has prepared a Street Improvement Impact Fee Study, in compliance with the provisions of Sections 66001 *et seq.* of the Government Code; and,

WHEREAS, the City Council has adopted Ordinance No ____, which enacts a Street Improvement Impact Fee; and,

WHEREAS, the City Council desires to give City staff the authority to require the payment of a Street Improvement Impact Fee, in lieu of requiring the construction of curbs, gutters, and sidewalks as a condition of approval of certain development projects for development projects constructing new single family residences or second dwelling units with kitchens; and,

WHEREAS, the City Council of the City of Twentynine Palms held a duly noticed Public Hearing on _____, ___, 2006 to receive and consider public comment.

NOW, THEREFORE, the City Council of the City of Twentynine Palms does ordain as follows:

SECTION 1. Parts (A) and (B) of Sections **19.07.060**, **19.08.060**, and **19.14.060** of the Twentynine Palms Municipal Code are hereby amended so that Parts (A) and (B) of each section reads as follows:

A. Before building permits are issued for the construction of a new single-family residence or new second dwelling unit with a kitchen, the dedication of additional right-of-way and construction of required street improvements in accordance with the General Plan Circulation Element shall be required. "Street improvements" include any or all of curb and gutter, sidewalks, concrete driveway approaches, drainage structures, paving, back-filling and preparation of the road surface to rough grade, and the placement of paving, and other necessary improvements, unless otherwise approved pursuant to Chapter 19.85 *Public Improvements - Delaying or Deferring*. Property owners constructing a new single-family residence or new second dwelling unit with a kitchen shall be responsible for the construction of required improvements along the street frontage of their lot, up to a maximum of 150 feet.

B. Before occupancy shall be granted for any such building or improvement, the Building Official shall determine the following:

1. That all of the required dedications have been provided.
2. That all of the required street improvements have either been installed or that a cash deposit, surety bond or other form of surety acceptable to the City Council in an amount equal to the estimated cost of the street improvements has been posted with the City to assure the installation of said street improvements. In lieu of requiring the installation of curbs, gutters, and sidewalks, a Street Improvement Impact Fee may be required and assessed in accordance with Section 19.85.040, at the discretion of the City Engineer.

SECTION 2. If any court of competent jurisdiction holds any section, subsection, sentence, phrase, or portion of this ordinance invalid or unconstitutional, such determination shall not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have enacted this ordinance and each section, subsection, sentence, clause or phrase hereof irrespective of any determination of invalidity.

SECTION 3. The adoption of this ordinance is statutorily exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Section 15273 of the State CEQA Guidelines (14 C.C.R. § 15273), and is additionally and independently exempt from CEQA analysis pursuant to State CEQA Guidelines Section 15061(b)(3) (14 C.C.R. § 15061(b)(3)) which sets forth the rule that “CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

SECTION 4: This ordinance shall become effective thirty (30) days after its passage and adoption. Within fifteen (15) days of the date of adoption of this ordinance, the City Clerk shall post a copy of said ordinance in places designated for such posting and shall certify to the same. The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published as required by law.

APPROVED, ADOPTED AND SIGNED this ____ day of _____, 200__.

ATTEST:

CITY CLERK of the City of Twentynine
Palms, California

MAYOR of the City of Twentynine Palms,
California

STATE OF CALIFORNIA)

COUNTY OF SAN BERNARDINO)ss

CITY OF TWENTYNINE PALMS)

I, Charlene L. Sherwood, City Clerk of the City of Twentynine Palms, California, do hereby certify that Ordinance No. 200 was regularly introduced at the meeting of _____, 2006, the reading in full thereof unanimously waived, and was adopted by the following vote:

AYES: COUNCILMEMBER:

NOES: COUNCILMEMBER:

ABSENT: COUNCILMEMBER:

ABSTAIN: COUNCILMEMBER:

CITY CLERK



STAFF REPORT

To: City Council
From: City Manager
Date: November 28, 2006
RE: Report on Mobilehome Parks

RECOMMENDATION

Receive and provide direction to staff.

BACKGROUND

At the request of Mayor Kevin Cole and Councilwoman Elaine Bernal I have reviewed the regulations that govern mobilehome parks, as well as the general condition of the mobilehome parks within the City of Twentynine Palms. The following is a brief summary of those findings:

Mobilehome Parks Act

The state law governing the construction and installation of mobilehomes located within privately owned mobilehome parks and the standards and requirements for construction, maintenance, occupancy, use, and design of such parks is entitled the "Mobilehome Parks Act ("Act"). The provisions of the Act supersede any ordinance enacted by any city that pertains to matters covered by the Act or its implementing regulations.

Goals of the Act

The Act expressly provides that it is the state's policy to ensure that mobilehome parks are operated properly to assure the "health, safety, general welfare, and a decent living environment" of the residents, as well as to protect the investment value of mobilehomes.

Department of Housing and Community Development

The Act implements those goals through regulations established by the Department of Housing and Community Development ("HCD"). These regulations include specific requirements for park construction, maintenance, use, occupancy, and design and include requirements for the installation of mobilehomes, accessory structures and buildings, earthquake resistant bracing systems, application procedures, fees, enforcement and appeal procedures ("Regulations").

Park Inspections

The act provides authority for officers or agents of the HCD to inspect a park's general areas, building, equipment and utility systems for proper maintenance and code compliance. Inspections of lots include proper identification of lot lines, park owned facilities, utility connections, accessory structure maintenance, separation and setback requirements, use of extension cords, fire hazards, rubbish, and other health and safety issues. An inspector may request entry into a mobilehome only when conditions

observed from the exterior of a home suggests a potential hazard or substandard condition exists within the home.

Seven Year Inspection

Under the Act, the enforcement agency must enter and inspect mobilehome parks, including the exteriors of the mobilehome units located within those parks, at least once every seven years.

Inspections Following Receipt of Complaints

In addition to the seven-year inspection, the act provides for an inspection in response to complaints regarding serious health and safety violations in the park. A single complaint of a serious health and safety violation does not automatically trigger an inspection of the entire park unless upon investigation of that single complaint the enforcement agency determines that there is a violation and that an inspection of the entire park is necessary.

Substandard and Nuisance Conditions Under the Act and Regulations

The Regulations list specific conditions that are substandard and a nuisance when those conditions endanger the life, limb, health, property, safety, or welfare of the occupants or the public:

- Lack of, inoperable, or defective plumbing pipes or fixtures
- Lack of hot and cold running water
- Dampness of habitable rooms
- Infestation of insects, vermin, or rodents
- General dilapidation or improper maintenance
- Lack of or defective connection of plumbing fixtures to sewage disposal system
- Deteriorated or inadequate foundations
- Defective or deteriorated ceilings, roofs, flooring, walls, partitions, or other supports
- Lack of adequate or defective ventilation
- Inadequate, defective, or unsafe electrical wiring
- Unsafe mechanical equipment, including heating equipment
- Faulty weather protection, including deteriorated or ineffective waterproofing of exterior walls, roof, or floors, including broken windows or doors.
- Accumulation of combustible materials likely to cause a fire or that provide ready fuel to augment the spread and intensity of a fire or explosion.
- Accumulation of weeds, vegetation, rubbish, dead organic matter, debris, garbage, rat harborages, stagnant water, combustible materials, and similar materials or conditions.

Gaining Compliance Under the Act and Regulations

The procedures for gaining compliance under the Act and Regulations vary depending upon these factors:

- Type of inspection that revealed the violations (whether found during a regularly scheduled seven-year inspection or during an inspection performed upon receipt of a complaint); and
- Severity of the violation (whether the conditions are hazardous or non-hazardous).

The HCD provides due process to park owners and residents afforded under the Act and/or Regulations. The penalties for failure to comply with an order to abate conditions include the following:

- Conviction of a misdemeanor offense for the willful refusal to comply and/or a \$400 fine;
- Order to pay the enforcement and abatement costs;
- Removal of the offending mobilehome, permanent or accessory building or structure; and
- Suspension of a park owner's permit to operate.

Delegation of State's Enforcement Authority Under the Act

While HCD serves as the default enforcement agency of the Act, the Act provides that any city may assume responsibility for enforcement of the Act and Regulations within its jurisdiction (accomplished by adoption of an ordinance).

If HCD approves the transfer of authority, HCD transfers to the city all of its records of parks within the city's jurisdiction. Following the completion of the transfer, the city provides written notice to all the parks within its jurisdiction of the change in enforcement and the designated department responsible for enforcement and permit issuance.

HCD is charged with evaluating the city's enforcement. If unsatisfied, HCD can retract the delegation of authority. Additionally, the city may also voluntarily cancel its commitment to enforce the Act and Regulations.

Conditions of Mobilehome Parks in the City of Twentynine Palms

The following is a list of the mobilehome parks in Twentynine Palms:

<u>Name</u>	<u># of Spaces</u>	<u>General Condition</u>
Edge O Town	26	Good
Suniland Ct	26	Poor
Diamond Z	32	Poor
Desert Oasis	39	Fair
Casa Cientos	46	Excellent
Bella Vista	58	Good
Shady Elm	25	Fair
Singing Trees	16	Fair
Smiths Ranch	40	Good
Hacienda	54	Good
Starview	29	Poor
Desert Pines	18	Excellent

The following are some pictures of conditions at the abovementioned mobilehome parks that would be considered unacceptable by the HCD:



Leaning/Unstable Power Pole



Mobilehome under Reconstruction with Glass and Other Dangerous Materials Exposed for Children



Appliances Found in Common Areas



Missing Hot Water Heater Door and Damaged Skirt with Sharp Metal Edges



Exposed Natural Gas Line



Common Area Building with Broken Windows and Doors



Rubbish outside Mobilehome



Broken Windows



Mobilehomes without Windows and Doors along New Roadway Adjacent to New Subdivision

Request for Assistance (Complaint Forms)

After completing an inventory of deficiencies, as seen from the exterior of mobilehomes, staff filled out a Request for Assistance form for each mobilehome park in the City. The Request for Assistance forms were complete with pictures to demonstrate the written concerns. The forms were mailed to the HCD in October and staff continues to wait for a response. Estimates are that the HCD will respond to the complaints in 6 to 8 weeks.

It is worth noting that while the inspections by City staff took place on the outside of the mobilehomes, several mobilehome park tenants who were renting asked staff how they could have the landlords fix problems found within the mobilehomes. Most cited bare wires, leaking faucets, nonfunctioning appliances, and a lack of waterproofing and insulation as inside concerns.

Finally, none of the managers or tenants of the mobilehome parks that staff spoke to remember the HCD completing a seven year inspection of their parks.

The Next Steps

In addition to working with and monitoring the performance of the HCD in responding to the written complaints, staff is also in the process of preparing a form letter and blank Request for Assistance form that will be mailed to each resident of the mobilehome parks in an effort to educate tenants as to whom they can seek for assistance when they believe park owners to be unresponsive.

Regular updates will be provided to the City Council, with options for alternative solutions should the Council be unsatisfied with the HCD's performance.