



# STAFF REPORT

TO: City Council  
FROM: City Manager  
DATE: April 10, 2007

**SUBJECT:** Twentynine Palms Boys High School Basketball Team Recognition

**RECOMMENDATION:** Adopt Resolution No. 07-09

**BACKGROUND:** The Mayor will present Resolutions of Recognition to the Twentynine Palms High School Boys Basketball Team in honor of their impressive 2007 CIF (California Interscholastic Federation) 4A Southern Section Championship. The 2007 win is historic for Twentynine Palms High School, as it marks the first CIF Championship in basketball.

## **RESOLUTION NO. 07-09**

**TO CONGRATULATE THE TWENTYNINE PALMS HIGH SCHOOL BOYS BASKETBALL TEAM ON ITS IMPRESSIVE 2007 CIF (CALIFORNIA INTERSCHOLASTIC FEDERATION) 4A SOUTHERN SECTION CHAMPIONSHIP ON MARCH 2<sup>ND</sup>, 2007 AND TO HONOR THE PLAYERS AND THEIR COACH, LARRY BOWDEN ON AN EXCEPTIONAL SEASON.**

**WHEREAS**, excellence in basketball demands individual strength, agility, and skill, as well as team play and good sportsmanship; and

**WHEREAS**, using those talents and attributes, Coach Larry Bowden, Assistant Coaches Mike Schneider, Kevin Cole and Shawn Elmore, and the members of the Twentynine Palms High School Varsity Boys Basketball Team finished an incredible 29-3 season by winning the 4A Southern Section Championship on March 2, 2007 at Colony High School against Buckley High School of Sherman Oaks 63 to 51; and

**WHEREAS**, the Twentynine Palms High School Wildcats won a State playoff game for the first time in the schools history on March 8, 2007 over Tehachapi, the CIF Central Section Division 3 Champions in Tehachapi by a score of 76 to 60 to advance to the State of California Regional Semifinal game against Artesia High School from Lakewood, California; and

**WHEREAS**, the 2007 win is historic for Twentynine Palms High School, as it marks the first CIF Championship in basketball; and

**WHEREAS**, throughout the season the players showed great confidence which is attributable to the Coaching Staff , whose time and energy spent encouraging his team to play to their individual and collective abilities necessarily led to their success; and

**WHEREAS**, the team was comprised of Jon Pickens, Nico Matthews, Gene Makovsky, David Horton, David Baker, Jose Morales, Robert Harris, Russell Griswold, Cody Ayon, Pierre Singleton, Montreal Harris, Gabe Cooper, Robert Caldwell, and Niel Christenson; and

**WHEREAS**, undefeated in the DeAnza League 12 and 0, 8 players were named to the All Tournament Teams, 6 players were named to the All DeAnza League Team, and 3 players were named to the Division 4A All CIF Team.

**WHEREAS**, the City Council of the City of Twentynine Palms takes great pride in commending the young men of the Twentynine Palms High School Varsity Boys Basketball Team for their tireless efforts and great determination in an outstanding season and recognizing them for this wonderful accomplishment.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Twentynine Palms, by Resolution 07-09, congratulate the Twentynine Palms High School Wildcat Varsity Boys Basketball Team on its impressive 2007 CIF Championship.

**PASSED, APPROVED, AND ADOPTED,** by the City Council of the City of Twentynine Palms at a regular meeting held on the 10<sup>th</sup> day of April, 2007.

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

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Joel Klink, Mayor

ATTEST:

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Charlene L. Sherwood CMC City Clerk

# TWENTYNINE PALMS CHAMBER OF COMMERCE AND VISITORS BUREAU

## MONTHLY RECAP REPORT: March 2007

### **Morongo Basin Regional Chambers' become Major Sponsor to Travel Media Showcase**

The Joshua Tree, Twentynine Palms, and Yucca Valley Chambers of Commerce wish to express their gratitude for the generous support from the City of Twentynine Palms, Morongo Basin Economic Consortium, and the Town of Yucca Valley in supporting their goal to attend the Travel Media Showcase to be held at the Morongo Casino in November 2007. The Chambers are pleased to announce that with the generous support received, the Morongo Basin Region has become a major event Sponsor by providing lunch to the attendees on the first day of the conference.

The Travel Media Showcase offers a unique opportunity for top travel journalists and professionals to meet one-on-one, at a single location, for the purpose of exchanging and developing personal contacts. Along with access to exhibitor booths, the three-day program will include two days of journalist/exhibitor appointment sessions, regional press tours and other opportunities.

### **Chamber announces 2007 Annual Awards**

#### **Business of the Year: Bar-sto Precision Machine**

Bar Sto, named for Barbara Stone, was founded in 1960 by Irving O. Stone Jr. Bar-sto started out as an Aerospace prototype shop. As the Aerospace industry evolved, it became time to rethink what the company should become. Mr. Stone and his brother were gunsmiths in Michigan in the late 1940's and his interest in firearms never diminished. As the company was looking for additional production work, Mr. Stone noticed that firearm owners were modifying their 1911 style pistols, specifically the barrels, during a shooting competition in Big Bear. It was then Mr. Stone decided that Bar-sto should convert the premises to launch a pistol barrel line.

The first barrels produced were made from leftover material that was used to provide the hydraulics on the Apollo Moon rockets. Bar-sto has been operating the replacement pistol barrel line for over 39 years.

Bar-sto is licensed by the State Department for International shipping and distributes to almost every free country in the world. Bar-sto fabricates barrels for the U.S. Marine Corps and Army Marksmanship Units and numerous Swat Team divisions.

Stoney, (Irving O. Stone III), who took over the Company in 1991, has grown the annual sales in excess of \$600,000.00. He has a team of seven employees who has made this a successful business right here in Twentynine Palms.

#### **Pillar of the Community: Basin Wide Foundation**

Together, we can! This is the motto of the Basin Wide Foundation.

The Foundation got its start as the Yucca Valley Foundation in 1996. While the original name reflected the town wherein originated, the best intention has always been to serve the interests of the whole Morongo Basin. The Foundation's name changed in the year 2001, to better reflect that intent.

The area of interest includes all of the Morongo Basin, which is made up of the city of Twentynine Palms, the town of Yucca Valley, the village of Joshua Tree and the unincorporated areas of the Morongo Valley, the Homestead Valley, and Pioneertown. A few of the projects that the Foundation supports:

- Sky's The Limit
- Dreams for Kids
- Take the Plunge
- Brehm Youth Sports Park
- Desert Women Charities
- SoPAE

- Desert Regional Tourist Association

The Foundation primarily views itself as a facilitator. The Basin Wide Foundation helps non-profit organizations throughout the Morongo Basin by directing them to resources; helping with their own fund raising efforts and gathering the volunteer base resources that can be of assistance.

**Lifetime Achievement: Bob “Ski” Bronski**

Bob was born in Patchogue, Long Island, New York, and made Twentynine Palms his home upon his retirement as a Master Gunnery Sergeant from the United States Marine Corps in 1972. Bob served in World War II, Pacific Ocean of Operations, Korea, and South Vietnam.

Upon his retirement from the Corps, Bob established a Landscape Maintenance business in Twentynine Palms, specializing in fruit tree production from 1973 until his retirement in 1996.

Bob is a member of the Elks, Fraternal Order of Eagles, American Legion Post 729, since 1992, and has served on the Desert Trail’s advisory committee. In addition, Bob was a central figure for 12 years with the Stephen’s Charity Walk and served on the Board of Directors for the 29 Palms Art Guild.

Bob is also the “keeper of traditions” that concern veterans and has educated the community with his presentation of “The Story of the Stars and Stripes.”

**Volunteer of the Year: Dick Moran**

Dick was raised in Elizabeth, New Jersey, however, he has been a Twentynine resident since 1977. Upon graduation from high school, he enlisted in the United States Marine Corps serving both the Korean and Vietnam conflicts. Dick served 26 years in the Marines and retired from the MCAGCC base in Twentynine Palms in 1977.

Dick then went on to teach elementary school at both Oasis and Condor Elementary Schools for 17 years until his retirement from the Morongo Unified School District in 1995.

Dick has been involved in numerous organizations such as Division 62, California

Retired Teachers Association, Genealogy Society of the Morongo Basin, Historical Society of 29 Palms, and the Twentynine Palms Kiwanis. Dick is active at the Twentynine Palms United Methodist Church, serving as Chair Church Council, Adult Sunday School teacher and is a Certified Lay Speaker.

**“At Your Service”: Linda McNeeley, The Desert Trail**

Linda has worked the front desk at The Desert Trail since February 1, 2001. She came to work for the Trail after Heilig Meyers closed in December 2000. Linda and her son Robyn moved to Twentynine Palms in the summer of 1987 after several years in northern California.

**VISITOR SERVICES**

New information/publications available in the Visitor Center include:

- 2007 March SBA classes;
- Spring 2007, RV Journal;
- Desert Hills Premium Outlets brochure;
- Fantasy Springs Resort Casino brochure;
- Dine Out, Menu Highlights;
- Pioneertown Posse “Shots in Time” flyer and show times;
- American Crown Circus, USMC Base

Gift Shop -

- Sales in Gift Shop for March 2007: \$132.78

March New Members: 7

Total Chamber Members: 264

Contact Statistics: March 2007:

Phone Calls: 585

Visitors: 141

Information Packets: 10

**29chamber.com**

***Figures refer to the 7-day period ending March 22, 2007 at 4:27 AM.***

**Successful requests:** 87,480

**Average successful requests per day:** 4,172

**Successful requests for pages:** 21,788

**Average successful requests for pages per day:** 1,039

**Visit29.org:**

***refer to the 7-day period ending March 22, 2007 at 4:27 AM.***

**Successful requests:** 45,306  
**Average successful requests per day:** 2,166  
**Successful requests for pages:** 7,321  
**Average successful requests for pages per day:** 350

### MARKETING

- Street Fair and Car Show, June 1, 2007, 5pm-10pm;
- Chamber staff is participating with the California Cultural and Heritage Council to organize a “Public Arts Workshop” in Barstow on June 12, 2007;
- Annual Installation Dinner, June 16, 2007, location to be announced;
- Preparing for submission of articles with information regarding Spring-Summer events to newspapers, magazines, and clubs;

### Tours, Conferences & Meetings

- Events Committee met March 6, 2007;
- Lodging Facilities, March 13, 2007;
- Army Corps of Engineers, March 20, 2007;
- Senator Ashburn’s “Office Hours,” March 22, 2007;
- San Bernardino Health Dept, “Pandemic Flu,” April 11, 2007, partnered with 29 Palms Rotary;

### Other Marketing

Chamber will capitalize event information regarding the following:

- The Desert Trail, will sponsor the April 19<sup>th</sup>, Mixer from 5pm to 7pm;
- Meeting with Concierge Association in Coachella Valley, April 10, 2007;
- Cultural Arts & Heritage Workshop, June 12, 2007;

The following articles highlighted Twentynine Palms area and events:

1. Chasing Clean Air, “*Joshua Tree National Park, California;*” February 2007;
2. SRO News, “*Soul’s Retreat to California;*” February 25, 2007;
3. ARTnews, “*An-My Le;*” March 2007;
4. JamBase, “*Joshua Tree Music Festival;*” March 2007;
5. Renaissance Research, “*Listen and Speak Up America! U.S. National Park Service To Host ‘Listening Session’ On*

6. Golflink, “*PIMPIN TOURNY;*” March 2007;
7. Adventure-Crew eNews, “*The Grate Debate over National Parks Funding;*” March 2007;
8. Eastern Mennonite University, “*Exhibit Depicts Artist’s Travelogue;*” March 2007;
9. Ultimate Article Marketer, “*The M777 Lightweight Howitzer Gun Update;*” March 1, 2007;
10. TripAdvisor, Roughly Manor, “*A unique and wonderful place to stay in the desert;*” March 3, 2007;
11. The Desert Sun, “*Last training stop on road to Iraq;*” March 4, 2007;
12. Patriotguard, “*Welcome Home Escort for Marines to 29 Palms;*” March 6, 2007
13. BLM, “*Land trust gaining on Nolina Peak purchase;*” March 9, 2007;
14. Orange County Register, “*desert hideaway;*” March 11, 2007;
15. Women Specific, “*Women’s Climbing Weekend in Joshua Tree!;*” March 19, 2007;
16. planetFear, “*Joshua Tree;*” March 9, 2007;
17. The Press-Enterprise, “*Desert Hues;*” March 14, 2007;
18. LA Daily News, “*The best weekend of the year;*” March 16, 2007;
19. TripAdvisor, 29 Palms Inn, “*Really good place to stay;*” March 19, 2007;
20. TripAdvisor, Roughly Manor, “*What Were They Thinking?;*” March 21, 2007;
21. Mountain Democrat, “*Local Marine to be deputy commander of Iraq;*” March 22, 2007;
22. Orange County Register, “*Take a walk to nature;*” March 22, 2007;
23. TripAdvisor, Holiday Inn Express, “*Great Experience at the Holiday Inn;*” March 23, 2007;
24. The Desert Sun, “*Designer films TV pilot in the valley;*” March 24, 2007;
25. SignOnSan Diego.com, “*Critical Space catches up with a Andrea Zittel, happy experimenter;*” March 25, 2007;

## **NETWORKING**

- 29 Palms Career Exploration Day, Twentynine Palms High School, March 2, 2007;
- Sarann Graham, Marketing Coordinator for Joshua Tree Nursery, March 5, 2007;
- Chamber Mixer at New Generation Learning Center, March 15, 2007;

## **BUSINESS & ECONOMIC DEVELOPMENT**

- Morongo Basin Regional Chambers' met with the Morongo Casino on March 8, 2007 to discuss the Travel Media Showcase event. Chambers were assigned to spearhead the Hospitality Committee during the event;
- A "Visitor Survey" button was placed on the front page of 29chamber.com on March 7, 2007. To date, the Chamber has received 5 surveys with this method;
- DRTA Board Meeting, March 29, 2007;
- Lodging Facilities Committee is scheduled to meet April 10, 2007 @ Chamber Conference Room, 1pm;
- Chamber is participating as a co-host to the San Bernardino County Water Conference, August 9, 2007;

## **LEGISLATIVE AFFAIRS**

- Chamber of Commerce will present first in a series of "City Council Connections" at the Yellow Ribbon Deli, 7am, April 23, 2007;

## **MILITARY AFFAIRS**

- Attended Battle Color Ceremony, March 6, 2007;
- Attended reception for USMC Assistant Commandant, General Bob Magnus, March 19, 2007;
- M.A.C. Assistance Fund The Chamber has continued to maintain a small fund of donated monies which has been set aside to assist military personnel and their families with urgent needs. Military personnel are eligible to apply for assistance upon referral from the Navy/Marine Corps Relief Society.

## **EVENTS**

- Ribbon Cutting for "The Strike Zone" at the Bowladum at 1pm, on March 30, 2007;
- General and Mrs. Stone's Farewell, March 30, 6pm-8pm, Officers Club, \$15.00 per person;
- Hilltoppers "Grand Prix", March 31 and April 1, 2007;
- Promotion Ceremony of B.General Stone, 8:15am, April 5, 2007, TTECG Auditorium;
- Change of Command, aboard base, 10am, April 5, 2007;
- Chamber Executive Board of Directors meet on April 5, 12pm, Chamber Conference Room;
- Morongo Basin Career Fair, Copper Mt. College, 11am-3pm, April 10, 2007;
- Twentynine Palms Chamber and Twentynine Palms Rotary hosts San Bernardino Health Dept, "Pandemic Flu," April 11, 2007, 12pm, Little Church of the Desert. Lunch is \$10.00. RSVP 367-3445;
- Chamber Board of Directors meet April 19, 2007, 12pm, Chamber Conference Room;
- Chamber Mixer will be at the Desert Trail, 5pm-7pm on April 19, 2007;
- "City Council Connections" will be held at the Yellow Ribbon Deli, April 23, 7am-8:30am;



## STAFF REPORT

**TO:** CITY COUNCIL VIA CITY MANAGER

**FROM:** COMMUNITY SERVICES DIRECTOR

**DATE:** APRIL 10, 2007

**SUBJECT:** PURCHASE OF SEATING WALL AND OTHER ITEMS FROM MIRACLE PLAYGROUND AND SALES

**RECOMMENDATION:** The City Council approve the purchase of the seating wall, plaque wall, picnic shelters, picnic tables from Miracle Playground and Sales in the amount of \$155,101.41.

### **BACKGROUND:**

In April of 2005, the City Council approved the submission of a Roberti-Z'berg-Harris (RZH) grant to the State of California Parks and Recreation Department for the Bucky Bucklin Park downtown. In September of 2005, the City was interviewed, and the site was inspected by the State as a potential project. The City was notified in December with the contract for the RZH grant being signed and approved in March of 2006 in the amount of \$408,000. Actual money from the State is \$233,000, with the remaining funds being from Community Development Block Grant (CDBG) \$67,000 in 2006, \$20,000 from Action Council, and \$88,000 in in-kind and matching services.

As part of the grant's matching portion, the Action Council had to transfer the property to the City. Before they could transfer the two lots, the Action Council had to have the property appraised, which came in at \$71,000. The transfer of the property was completed in September of 2006. During this same time, the City Council approved the \$67,000 in CDBG funds. In February this year, the Council approved an additional \$78,000, and staff transferred \$40,000 from the Art Gallery project in CDBG funds toward the construction of Bucklin Park.

This past fall Staff has been working with the City's engineering and several manufactures on the precast seating wall, which holds the landscaping. The original design of the seating wall by Action Council did not meet any engineering standards and deemed unsafe. Therefore, alternative options had to be worked out. Staff has located a manufacture that will make the seating wall look like rock. The Action Council was presented the changes, which were approved. The Action Council has also worked with Steve Reimen to change out the reflection pool to a dry sculpture, landscape planter.

In early March of 2007, staff put out to bid the precast seating wall, precast plaque wall, picnic shelters, picnic tables, trashcans, and drinking fountain out to bid to eight different playground and manufacturing companies. The City received one bid from Miracle Playground and Sales in the amount of \$155,101.41.

**ALTERNATIVES:**

1. Approve the bid from Miracle Playground and Sales in the amount of \$155,101.41.
2. Start the process again and look for alternative precast seating walls.

**FISCAL IMPACT:**

The City will be spending \$117,000 in this current fiscal year CDBG funds and \$38,101.41 from the RZH grant. This will leave \$194,898.59 in RZH grant funds, and \$78,000 in CDBG funds from next year to complete the concert flat work, landscaping, solar, irrigation, and lighting projects. The City is currently working with a landscape designer through Charles Abbott and Associates to complete the design and bid specifications. The bid specification will be going out in May, awarded in late June with work being completed in October.



# STAFF REPORT

TO: City Council  
FROM: City Manager  
DATE: April 10, 2007

## **SUBJECT**

Resolution authorizing the City of Twentynine Palms to be the lead agency in the oversight of packaged wastewater treatment facilities.

## **RECOMMENDATION**

Approve Resolution No. 07-08

## **BACKGROUND**

On Monday, February 26, 2007, the Board of Directors of the Twentynine Palms Water District and the City Council of the City of Twentynine Palms met in a joint study session to discuss the need for local oversight of packaged wastewater treatment facilities mandated by the Regional Water Quality Control Board for various developments within the community.

At the meeting the Board of Directors of the Twentynine Palms Water District stated that their district had not been given legislative authority to provide such oversight. It was decided by both the Board of Directors of the Twentynine Palms Water District and the City Council of the City of Twentynine Palms that a joint resolution would be created and approved by both agencies providing the City Council of the City of Twentynine Palms with the oversight responsibilities for packaged wastewater treatment facilities within the community.

The attached resolution was previously reviewed by the City Council on March 13, 2007 and was approved by the Twentynine Palms Water District Board of Directors on March 28, 2007. It is now before the City Council for approval.

**RESOLUTION NO. 07-08**

**A JOINT RESOLUTION OF THE CITY OF TWENTYNINE PALMS  
CITY COUNCIL AND THE TWENTYNINE PALMS WATER DISTRICT  
REGARDING THE CITY OF TWENTYNINE PALMS TAKING ACTION  
AS THE LEAD AGENCY IN THE OVERSIGHT OF PACKAGED  
WASTEWATER TREATMENT FACILITIES WITHIN THE CITY OF  
TWENTYNINE PALMS**

**WHEREAS**, the City Council of the City of Twentynine Palms and the Board of Directors of the Twentynine Palms Water District met in a joint study session on February 26, 2007 to discuss the need for oversight of packaged onsite wastewater treatment facilities as said oversight is mandated by the Regional Water Quality Control Board for certain developments within the community; and

**WHEREAS**, both governing bodies agree that local oversight in the planning, installation, and operations of packaged wastewater treatment facilities is in the best interests of the community; and

**WHEREAS**, the Board of Directors of the Twentynine Palms Water District does not have the legislative authority to provide such oversight;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS AND THE TWENTYNINE PALMS WATER DISTRICT DOES RESOLVE AS FOLLOWS:**

SECTION 1. That the City Council of the City of Twentynine Palms will provide the local oversight in planning, installation, and operations of packaged onsite wastewater treatment facilities within the City.

SECTION 2. That the Twentynine Palms Water District will be provided the opportunity to make recommendations on the standards to be established by the City for the oversight of packaged onsite wastewater treatment facilities, and that the District will be provided the opportunity to make recommendations as to what the City will mandate for individual projects requiring a packaged onsite wastewater treatment facility. However, the District shall not be deemed to be responsible for, or otherwise involved in, the oversight activities to be performed by the City.

SECTION 3. That the oversight of the City for packaged onsite wastewater treatment facilities shall not extend, or otherwise apply, to any other wastewater facility or service including, without limitation, any public wastewater system.

SECTION 4. That the City Council of the City of Twentynine Palms and the Board of Directors of the Twentynine Palms Water District will work together in planning for the potential construction, installation and operation of a future central wastewater treatment facility including, for example and not by way of limitation, a public wastewater system. Such efforts will be subject to the applicable authority of the respective parties.

**PASSED, APPROVED, AND ADOPTED**, by the City Council of the City of Twentynine Palms at a regular meeting held on the 10th of April 2007.

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Joel Klink, Mayor

ATTEST:

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Charlene L. Sherwood CMC, City Clerk

APPROVED AS TO FORM:

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A. Patrick Munoz, City Attorney

**PASSED, APPROVED, AND ADOPTED**, by the City Council of the City of Twentynine Palms at a regular meeting held on the 10th of April, 2007.

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO        )  
CITY OF TWENTYNINE PALMS         )

I, Charlene L. Sherwood, City Clerk of the City of Twentynine Palms, do hereby certify that the foregoing Resolution No.07-08 was duly approved, and adopted by the City Council of the City of Twentynine Palms at a regular meeting of the City Council held on the 10<sup>th</sup> day of April 2007, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:



**CITY OF TWENTYNINE PALMS  
STAFF REPORT**

6136 Adobe Road  
Twentynine Palms, CA 92277  
(760) 367-6799, Fax (760) 367-5400  
*plantech@ci.twentynine-palms.ca.us*

**To:** City Council via City Manager  
**From:** Community Development Technician  
**Date:** April 10, 2007  
**RE:** PC 07-06 – An application by Konrad Prager for a Conditional Use Permit to construct a 2,200 square foot addition to the Indian Cove Market for a convenience store and letter of Public Convenience and Necessity for an Off-Sale General Permit for the sale of alcoholic beverages at 69131 Twentynine Palms Highway, CN Zone, on APN# 0614-101-04 and 05, T1N, R8E, Section 33.

**RECOMMENDATION:** Conduct the Public Hearing, consider public comment, find the project Exempt pursuant to CEQA, adopt the resolution and approve the project and issue a Letter of Public Convenience and Necessity, subject to the attached Conditions of Approval.

- | Attachments |                        |
|-------------|------------------------|
| 1.          | Resolution 07-07       |
| 2.          | Conditions of Approval |
| 3.          | Application            |
| 4.          | Locator Map            |
| 5.          | Correspondence         |
| 6.          | Site Plan              |

**BACKGROUND:** Konrad Prager is requesting approval of a Conditional Use Permit for the modification/addition to the existing Indian Cove Market of 2,200 sq. ft. and a letter of Public Convenience and Necessity for an Off-Sale General Permit for the sale of alcoholic beverages at 69131 Twentynine Palms Hwy. The site was previously used as a convenience store with a Type 20 Off-Sale Beer and Wine license which was active from July 6, 1964 terminating June 9, 1999. Zoning for the property is Neighborhood Commercial (CN). The proposed use, a convenience store, is allowed in the CN land use district, subject to approval of a Conditional Use Permit.

At the March 20, 2007 regular Planning Commission meeting the Commission recommended approval of this project on a 5-0 vote.

**CEQA Environmental Review**

Pursuant to the California Environmental Quality Act (CEQA), the project was routed to the following agencies and departments for public review and comment:

- City Manager
- Community Development Director
- City Engineer
- County Sheriff's Department
- Twentynine Palms Fire Department
- Morongo Unified School District
- Southern California Edison Company
- Regional Water Quality Control Board
- County Environmental Health Division

- Burrtec
- Caltrans
- Twentynine Palms Water District
- Morongo Basin Transit Authority
- Joshua Tree National Park
- MCAGCC (Two offices)
- Southern California Gas Co.
- Verizon

Input from these agencies has been reviewed, attached as Correspondence and, where appropriate, incorporated into the Conditions of Approval for the project.

Section 21084 of the Public Resources Code established a list of classes of projects which have been determined by the State of California not to have a significant effect on the environment and which are, therefore, exempt from the provisions of CEQA.

Pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guideline, the project, which consists of the modification of an existing small structure, is Categorically Exempt from further environmental review under state law.

This section of CEQA Exemptions is intended to allow the development of a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 sq. ft. in floor area. This class is not intended to be applied to projects which would result in any significant traffic, noise, air quality, or water quality effects. Based upon this information, the Planning Commission recommends that the City Council direct staff to file a Notice of Exemption for the project.

#### Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan	Zone
Site	Commercial	CN	CN
North	Vacant	CN	CN
East	Vacant	CN	CN
South	Apartments	RS-4	RS-4
West	Vacant	CN	CN

#### **General Plan**

Uses allowed in the Neighborhood Commercial (CN) land use district provide convenience items or services. Typical uses include convenience stores. As designed the project is consistent with the General Plan Land Use Element.

#### **Zoning**

The CN zone allows convenience stores including alcoholic beverage sales with City Council approval of a Conditional Use Permit.

The number of required parking stalls is 11, one of which is a handicap assessable space. The site plan indicates 13 parking stalls (12 regular stalls and one handicap stall). Therefore, the project is consistent with the Development Code parking requirements.

#### **Site Characteristics**

The subject site slopes as it moves north towards the highway, south to north. The site has been cleared of desert vegetation and has previously been used as a convenience store/gas station. A permit was issued by the County of San Bernardino Hazardous Materials Division for removal of underground storage tanks. The gas tanks were removed from the site in May of 1998.

#### **Conditional Use Permit**

Pursuant to Section 19.30.050 of the Development Code, the City Council is required to make the following findings prior to recommendation for approval of a CUP. The required findings are:

- A. That the proposed design and location of the conditional use and the conditions under which it will be operated are in accordance with the purpose of this Development Code, the zoning regulations applicable to the site, the City of Twentynine Palms General Plan, and other applicable development policies and standards of the City; and
- B. That the proposed design and location of the conditional use and the conditions under which it will be operated will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties or improvements in the vicinity; and
- C. That the proposed site is adequate in size and shape to accommodate the use and integrate it with the existing and planned uses in the vicinity.

If the required findings cannot be made, the application should be denied. Staff has prepared the following findings of approval for consideration:

- A. The site is located on the Twentynine Palms Highway, is conveniently located in proximity to the Indian Cove neighborhood, and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The subject site is approximately 0.41 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- D. With the recommended conditions, the proposed project will meet the objectives of the General Plan and CN land use designation.
- E. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.

### **Traffic and Circulation**

Because the project will not result in the development of any new residences, a traffic impact analysis was not prepared for this project. The project will generate minimal new traffic during construction, which is expected to be less than ten vehicles per day. The applicant will be required to dedicate right of way and construct street improvements along the project boundaries at Twentynine Palms Outer Highway (SR 62) as a condition of approval. Caltrans may require additional improvements, no comment has been received at the time this report was prepared.

### **Transit Service**

The Morongo Basin Transit Authority has had an opportunity to review the project and, as of the writing of this report has not commented on the project. Generally, the MBTA recommends that applicants provide a bus shelter with bench and trash receptacle, with the specific location will be determined at a later date.

**Approval Process**

The City Council is the Approval Authority for the Conditional Use Permit and letter of Public Convenience and Necessity. In taking action to recommend approval, the City Council must find that the proposed project is consistent with the General Plan. Because the subject property has the CN General Plan land use designation, development of a convenience store is consistent with the General Plan Land Use Plan.

CITY OF TWENTYNINE PALMS  
CITY COUNCIL  
RESOLUTION NO. 07-07

A RESOLUTION OF THE CITY COUNCIL APPROVAL OF PC 07-06, AN APPLICATION BY KONRAD PRAGER (INDIAN COVE MARKET) A CONDITIONAL USE PERMIT TO CONSTRUCT A 2,200 SQUARE FOOT MODIFICATION TO AN EXISTING RETAIL CONVENIENCE STORE ON A 0.41 ACRE SITE AND A LETTER OF PUBLIC CONVENIENCE AND NECESSITY, LOCATED AT 69131 TWENTYNINE PALMS HIGHWAY (SR 62), ZONE CN, T1N, R8E, SECTION 33, APN 0614-101-04 & 05.

WHEREAS, on February 9, 2007 an application was received from Konrad Prager of Indian Cove Market, for approval of a Conditional Use Permit to construct a 2,200 sq. ft. modification to a convenience store in the CN zone; and

WHEREAS, the land use designation (zoning) for the subject property is Neighborhood Commercial (CN); and

WHEREAS, the proposed project is a retail convenience store including the sale of alcoholic beverages; and

WHEREAS, with the proposed conditions of approval, the proposed project design is consistent with the General Plan and Development Code; and

WHEREAS, Pursuant to Section 15303 of the CEQA Guidelines, Class 3 allows the development of a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 sq. ft. in floor area and therefore is Categorically Exempt from further environmental review under state law; and

WHEREAS, the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; and

WHEREAS, the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; and

WHEREAS, the project site has no value as habitat for endangered, rare or threatened species; and

WHEREAS, approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and

WHEREAS, the site can be adequately served by all required utilities and public services; and

WHEREAS, public hearing notice was published in a newspaper of record and notice was mailed to all property owners located within 300 feet of the project site; and

WHEREAS, public hearings were held by the Planning Commission on March 20, 2007 and by the City Council on April 10, 2007; and

WHEREAS, with respect to the Conditional Use Permit application the City Council finds the following:

- A. The proposed site is located adjacent to the Twentynine Palms Highway and the Indian Cove neighborhood and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The subject site is approximately 0.41 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- D. With the recommended conditions, the proposed project will meet the objectives of the General Plan and CG land use designation.
- E. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.

WHEREAS, the proposal is for the sale of alcoholic beverages and a Letter of Public Convenience and Necessity; and

WHEREAS, following the March 20, 2007 Public Hearing, the Planning Commission, voted to recommend that the City Council approve the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Twentynine Palms adopts the Categorical Exemption, adopts this resolution, and approves the Conditional Use Permit application, subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 10th DAY OF April, 2007

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

\_\_\_\_\_  
Joel Klink, Mayor

ATTEST:

Charlene L. Sherwood, City Clerk, I hereby certify that the foregoing is a true copy of Resolution No. 07-07 duly adopted by the City Council of the City of Twentynine Palms in a meeting held on the 10th day of April, 2007, in Twentynine Palms, California.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Charlene L. Sherwood, City Clerk

CITY OF TWENTYNINE PALMS

**CONDITIONS OF APPROVAL**

PC 07-06

Applicant Name: Konrad Prager  
Post Office Box 398  
Morongo Valley, CA 92256

Project Description: Upgrade and addition to existing building to add approximately 2200 sq. ft. for a retail market with off-sale general liquor license.

Location: 69131 Twentynine Palms Hwy.

Parcel Number: 0614-101-04 and 05

Approved: April 10, 2007

Expires: April 9, 2008

**The following Standard Conditions of Approval shall be applicable to all Conditional Use Permits in the City. Additionally, site specific Conditions will be applicable as necessary to protect the public health, safety and welfare.**

**Planning Division**

Per Section 19.30.090 of the Development Code, Conditional Use Permits shall expire one (1) year from the date the approval was granted, unless prior to the expiration date:

1. A Building Permit is issued and remains active for any approved phase of the project; or
2. A Certificate of Occupancy is issued for the use or structure; or
3. The site is occupied in accordance with the approved use. (A use permit for a public utility installation may be valid for a longer period if specified by the Approval Authority or City Council.)
4. The site is occupied in accordance with an approved phase as part of a phased development.

Per Section 19.30.090 (B), an approved Conditional Use Permit shall expire if the use has been commenced and then is discontinued for a period of one (1) year or more.

**Planning Conditions**

- P1. Conditional approval is granted by the City Council acting as Approval Authority on April 10, 2007, to permit the construction/use of a convenience store and Letter of Public Convenience and Necessity for an off-sale general liquor license. All development of the site shall be in substantial conformance with the adopted site plan and shall comply with all Conditions of Approval.
- P2. The Applicant shall ascertain and comply with requirements of all State, County and Local agencies as are applicable to the project proposal.
- P3. The property owner shall keep the property neat, clean, and in good physical condition including open spaces, sidewalks, lighting, driveways, parking areas, and landscaping.

- P4. The Applicant shall subscribe to trash collection service with the City's authorized hauler [(760) 367-9168]. A minimum service level of once weekly, will be required.
- P5. Trash enclosure(s) shall comply with standards established in Section 19.80.020 of the Development Code.
- P6. All outdoor lighting shall conform to Development Code Chapter 19.70, *Lighting Standards*, and shall be designed to not glare or reflect onto neighboring properties or public rights-of-way. Outdoor lighting shall be shielded and limited to that required for security and safety purposes.
- P7. The building design shall be Desert Southwest, in conformance with the City's Design Guidelines, per drawing and detail provided on the site plan. The approved design theme shall be retained for the duration of the approved use unless a revised design is approved by the Planning Commission as a Conditional Use Permit Amendment.
- P8. Prior to construction, the applicant shall submit three sets of plans to the City's Building Official and secure a Building Permit in conformance with the Uniform Building Code.
- P9. Prior to issuance of building permits, the Applicant shall pay school development fees to the Morongo Unified School District that may be in effect at the time of building permit issuance.
- P10. Commercial signs shall be in compliance with Development Code Chapter 19.84 *Signs*.
- P11. Parking shall be designed and provided for the duration of the use in accordance with Development Code Chapter 19.82, *Off-street Parking and Loading Regulations*, as follows:
- A. Ten (10) standard parking spaces shall be provided on site.
  - B. One (1) handicap accessible parking space shall be provided in accordance with the Americans With Disabilities Act and Title 24 of the California Code of Regulations.
- P12. Landscaping shall not interfere with sight distances at vehicular access points.
- P13. Maximum lot coverage (impervious surface) shall not exceed seventy-five percent (75%) of the total project area.
- P14. All construction and improvements shall comply with *Encroachments into Yards or Setbacks* standards established in the Development Code for the underlying land use district. Minimum setbacks are:
- |                |         |
|----------------|---------|
| Front:         | 25 feet |
| Street side:   | 15 feet |
| Interior side: | 10 feet |

Rear: 10 feet

- P15. Soil testing (percolation report) for the septic system shall meet the requirements of Department of Environmental Health Services (DEHS) [(909) 387-4666]. The Applicant shall submit test results and required fee to DEHS. Copies of all correspondence with DEHS regarding this Condition shall be provided to the City of Twentynine Palms Community Development Department.
- P16. Prior to construction, the Applicant shall provide written clearance from the Colorado River Regional Water Quality Control Board [(760) 776-8940] and a copy of such clearance forwarded to DEHS.
- P17. Comply with Section 19.10.040 Design Standards.

### **Engineering Conditions**

#### General

- E1. The project shall comply with all applicable City ordinances and resolutions.

#### Drainage

- E2. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the City Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining onsite drainage flows from a 100-year design storm.
- E3. Prior to the submittal of any improvement plans or issuance of a grading permit, the Developer/representative shall submit to the City Engineer, detailed drainage studies indicating how potential grading in conjunction with the drainage conveyance systems, will allow building pads to be safe from inundation from rainfall run off, which may be expected from all storms up to, and including, the theoretical 100 year storm.
- E4. In addition to the drainage requirement stated herein, other "onsite" or "offsite" improvement may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to the Engineering Department.

#### Grading

- E5. Prior to the issuance of a grading permit, the developer's engineer shall submit a comprehensive grading plan in conformance with California Building Code and the requirements of the City.
- E6. A grading permit shall be obtained from the City Engineer prior to any grading or other work done on the site.

## Street Improvements

- E7. All streets abutting the development shall be improved a minimum half-width of 28 feet with curb and gutter and sidewalk on the development side.
- E8. Outer Highway 62, shall be constructed to the City's half-width Commercial Road Standards adjacent to the development as approved by the City Engineer and Caltrans.
- E9. The alley shall be constructed to the City's alley standards adjacent to the development.
- E10. The minimum structural section of all public streets shall be four (4) inches of asphalt concrete over compacted native soil. A soils report containing a design structural section based on a traffic index assigned by the City Engineer shall be submitted prior to the approval of street improvement plans.
- E11. An encroachment permit separate from the grading onsite permit shall be obtained from the City of Twentynine Palms (760-367-6799) prior to any construction occurring within the public right-of-way.
- E12. The developer shall pay any developer fees, including but not limited to traffic impact fees, as per City enactment.

## Utilities

- E13. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the City.
- E14. All proposed construction of utilities adjacent to and onsite shall be underground.

## Fire Department Conditions

- F1. The Applicant shall comply with all Conditions and requirements of the Twentynine Palms Fire Department. Written verification from the Fire Department shall be provided by the Applicant prior to issuance of any Building Permit.
- F2. All construction and activities shall comply with applicable sections of the 1988 edition of the Uniform Fire Code and all other state, county, and city ordinances, rules and regulations regarding fire protection.
- F3. The project shall have two (2) points of vehicular access for fire and other emergency vehicles and equipment. The unobstructed width of a fire apparatus access road, to include access gates, shall be not less than twenty (20) feet. A turn-around shall be required at the end of each roadway that is one hundred and fifty (150) feet or more in length and shall be approved by the fire department.

- F4. All flammable vegetation shall be cleared a minimum distance of thirty (30') feet, or to the property line, from any flammable building materials or finished structures.
- F5. Automatic extinguishing systems are required for commercial style kitchens and require fire department approval.
- F6. Smoke detectors are required in all sleeping quarters in accordance with the Uniform Building Code.
- F7. Fire extinguishers (type and quantity to be specified by the fire department) will be required prior to any use of the facility.
- F8. Prior to commencement of construction, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The following are the minimum requirements for the proposed development:
  - A. SYSTEM STANDARDS

Fire Flow:	2000 GPM @ 20 PSI Residual Pressure
Duration:	2 Hours
Hydrant Spacing:	330 Feet
  - B. DISTRIBUTION SYSTEM

Mains:	6-Inch Minimum
Laterals:	6-Inch Minimum
Riser:	6-Inch Minimum
  - C. FIRE HYDRANTS

Type:	6-Inch, with one (1) two and one half (2 ½) inch outlet and one (1) four (4) inch outlet with National Standard Threads.
Street Valve:	6-Inch Gate
- F9. The developer shall furnish the fire department with a copy of the water system improvement plans where fire protection water systems are required. A letter from the water purveyor stating what fire flow can be met shall be required.
- F10. A Knox-Box shall be placed on the building with keys providing access into the building.
- F11. The street address shall be posted with numbers that are three (3) inches or greater in size. Posted numbers shall contrast with their background and be clearly visible and legible from the street.

**General Conditions**

- G1. In compliance with San Bernardino County Ordinance #2684, adopted by reference by the City of Twentynine Palms, the Applicant agrees to defend at his sole expense any action brought against the City, its agents, officers, or employees, because of the issuance of such approval. The Applicant shall reimburse the City, its agents, officers, or employees, for any court costs and

attorney's fee which the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve the Applicant of his obligations under this Condition.

- G2. All Conditions are continuing Conditions. Failure of the Applicant and/or operator to comply with any of the said Conditions at any time may result in the revocation of the Conditional Use Permit and/or citation for code violation.
- G3. Within ten days of approval, the applicant shall submit to the Community Development Department a signed copy of the Conditions of Approval, verifying that he/she understands each Condition and agrees to adhere to each of the Conditions of Approval.
- G4. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees, including reimbursement for all City expense in ensuring compliance with the Conditions of Approval.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date



**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 City Manager  
**From:** Community Development Director  
**Date:** April 10, 2007  
**RE:** PC 06-32 – An appeal by City Councilmember Steve Spear of the Planning Commission's approval of an application by CNM Holdings 1 LTD. for a Conditional Use Permit to construct an 80 room, 44,000 square foot, two story hotel on five acres. The project is located north of Twentynine Palms Hwy (SR 62), east of Encelia Avenue, south of Gorgonio Drive, on APN# 615-222-17.

**ISSUES:**

The appeal raises two issues: (1) Whether additional roadway improvements should be required on Twentynine Palms Highway (SR 62) and Encelia Avenue, and (2) Whether a traffic signal should be required at SR 62 and Encelia Avenue.

**RECOMMENDED ACTION:**

Conduct the Public Hearing, consider public comment, find the project Exempt pursuant to CEQA, and adopt a resolution to either:

1. Deny the appeal and affirm the Planning Commission's approval of the project; or
2. Grant the appeal, and approve the project with modifications to the conditions of approval set forth in the Planning Commission's Resolution.

Attachments	
1.	Planning Commission Staff Report March 6, 2007
2.	Conditions of Approval
3.	Resolution
4.	Appeal
5.	Application
6.	Locator Map
7.	Aerial Photo
8.	Correspondence
9.	Site Plan

**BACKGROUND:**

The applicant, CNM Holdings 1 LTD, requests approval of a Conditional Use Permit to construct an 80 room, 44,000 square foot, two story hotel on five acres. The project also includes food and alcohol service. The project is designed with access from Encelia Avenue. Amenities include a business center, breakfast room and swimming pool area.

The project is located on a vacant, unimproved and heavily graded site, located north of Twentynine Palms Hwy (SR 62), east of Encelia Avenue, south of Gorgonio Drive, on APN# 615-222-17. The site is zoned Commercial General (CG), which allows hotels with a Conditional Use Permit.

On March 6, 2007, the Planning Commission conducted a public hearing on the project. Attachment 1 is the Staff report that was presented to the Planning Commission. Relevant to this appeal is the fact the Planning Commission modified the conditions of approval presented by Staff relating to street improvements. As more fully discussed below, it modified the

requirement for improvements along SR 62 so as to only require dedication and improvement of a turn lane (with no curb, gutter or sidewalks required), and modified the requirements along Encelia Avenue so as to only require an asphalt sidewalk separated from the roadway by an asphalt (AC) curb. Also relevant is the fact the Planning Commission concurred with Staff's determination that there is not a need for a traffic signal at the intersection of SR 62 and Encelia Avenue. Following the Public Hearing, the Planning Commission approved the project. Attachments 2 and 3 comprise the Planning Commission's Resolution approving the project, and the modified conditions of approval it adopted.

## **APPEAL:**

Subsequent to the approval, City Council Member Steve Spear filed an appeal of the project. Attachment 3 is a copy of his appeal. The appeal challenged the elimination of permanent street improvements, including curb, gutter and sidewalk on SR 62 and Encelia Avenue. The appeal also challenged the determination that no traffic signal is required at the intersection of Twentynine Palms Highway (SR 62) and Encelia Avenue.

## **ANALYSIS OF ISSUES:**

### **1. Modification of Street Improvement Conditions:**

The staff recommendation for approval of the project included a condition requiring the dedication of right of way with full street improvements (i.e., curb, gutter and sidewalk) on the portion of Twentynine Palms Highway (SR 62) that runs parallel to the project. Staff's recommendation also included full improvements (including curb, gutter and sidewalk) on Encelia Avenue from SR 62 to the project. While there is not a code requirement to construct curb, gutter and sidewalk off-site on SR 62, nor on Encelia between the project site and Twentynine Palms Highway, the condition was recommended by staff because of the impacts of the project, including those caused by runoff and the need to provide pedestrian access to the project along SR 62 and Encelia Avenue.

The applicant's representative requested elimination of off-site street improvements on SR 62 and Encelia Avenue between the project and Twentynine Palms Highway. The applicant contended that these off-site improvements were beyond the scope of the project.

During the Planning Commission public hearing, the applicant asserted that if full off-site improvements were required, these improvements would likely have to be removed when future development was proposed at the north east corner of the intersection of SR 62 and Encelia Avenue and on the larger 30 acre parcel to the east. The City Engineer presented the position, on behalf of the applicant, during the hearing that full off-site improvements along SR 62 were unnecessary, and that a right turn lane on SR 62 to improve capacity at the intersection would suffice. He additionally presented the applicants position that an asphalt concrete (AC) sidewalk on Encelia Avenue, would provide for appropriate temporary off-site improvements.

The Planning Commission discussed this request in great detail. A number of scenarios to provide pedestrian access from the project site to Twentynine Palms Highway were discussed. Ultimately, the Planning Commission voted to approve of the project, with the following modifications to the conditions of approval recommended by staff:

- The requirement for roadway dedication, including full street improvements, on Twentynine Palms Highway (SR 62) was eliminated, and instead the Planning Commission determined that Condition E12 as recommended in the Staff Report should be revised to require the dedication and improvement of a right turn lane for westbound

SR 62 traffic turning north on Encelia Avenue (with no requirement that curb, gutter and sidewalk be constructed adjacent to the turn land); and

- The requirements of Conditions E12, E13 and E14, as recommended by staff, were modified such that full street improvements on Encelia Avenue, between the project site and Twentynine Palms Highway (SR 62), including the construction of curb, gutter and sidewalk, were eliminated. In place of full street improvements on Encelia Avenue, the Planning Commission required that the conditions of approval be modified to require the applicant to construct a temporary asphalt concrete (AC) sidewalk separated from roadway traffic with an AC curb along Encelia Avenue, between the project and SR 62.

The appeal asserts the elimination and modification of off-site street improvements as included in the Planning Commission's approval is inconsistent with City requirements and City policy. The City's development standards do not mandate the dedication of roadway and full improvements along SR 62, or the construction of full improvements along Encelia. Rather, the decision as to whether to require such improvements is a discretionary, policy question. Staff feels that a sufficient nexus exists between the impacts of the project and the improvements in question to legally justify them, even though there are competing arguments as to whether they should be required for this project.

## **2. Traffic Signal at SR 62 and Encelia**

A traffic impact analysis was prepared for this project. This analysis concluded that the project will generate 730 daily trip ends, including 55 AM peak hour trips and 45 PM peak hour trips. The analysis further concludes that under existing conditions and with the addition of project generated traffic the study intersection, SR 62 at Encelia, would continue to operate at acceptable levels during both the AM and PM peak periods. Based upon the traffic study, the conditions of approval require the applicant to dedicate right of way and construct turning lane improvements along Twentynine Palms Highway (SR 62), and construct Encelia Avenue, between SR 62 and Gorgonio Road.

The traffic study found that, based upon the traffic generated by the project, a Traffic Signal and related improvements would not be required at the intersection of Encelia Avenue and Twentynine Palms Highway (SR 62). The City Engineer reviewed the traffic study, found the study to be adequate and concurred with these findings. The appeal questions these findings, and specifically questions whether a traffic signal is warranted at the intersection.

### **COUNCIL ALTERNATIVES:**

The Council has three alternatives. First, it could deny the appeal and allow the Planning Commission's approval to stand. Second, the Council can direct staff to draft a resolution by which the Council grants the appeal in whole or part, and modify the conditions of approval to reflect its decision. Notably, any such action requires a finding pursuant to Section 19.46.060 of the Development Code that the Planning Commission either misinterpreted a Policy or Ordinance or that the Planning Commission erred in the exercise of its discretion. Staff recommends that the Council take one of these two actions. A third option, which staff does not recommend, is that the Council could direct staff to draft a resolution by which the Council grants the appeal and denies the project. This action would require the same findings as noted above pursuant to Section 19.46.060 of the Development Code.

If the first alternative is adopted, a motion to deny the appeal will suffice as the final Council action. Otherwise, Staff will return to the Council at its next meeting (April 24<sup>th</sup>) with a written resolution that reflects the Council's action with respect to either alternative two or three.

CITY OF TWENTYNINE PALMS  
CONDITIONS OF APPROVAL  
PC 06-32

Applicant: by CNM Holdings 1 LTD.  
Project: 80 Room Marriot Fairfield Inn  
Location: West of Encelia Avenue, North of Hwy 62  
APN# 615-222-17  
Approved: March 6, 2007  
Expire: March 5, 2008

The following Standard Conditions of Approval shall be applicable to all Conditional Use Permits in the City. Additionally, site specific conditions will be applicable as necessary to protect the public health, safety and welfare.

Planning Division

Per Section 19.30.090 (A) of the Development Code, Conditional Use Permits shall expire one (1) year from the date the approval was granted, unless prior to the expiration date:

1. A Building Permit is issued and remains active for any approved phase of the project; or
2. A Certificate of Occupancy is issued for the use or structure; or
3. The site is occupied in accordance with the approved use. (A use permit for a public utility installation may be valid for a longer period if specified by the Approval Authority or City Council.)
4. The site is occupied in accordance with an approved phase as part of a phased development.

Per Section 19.30.090 (B), an approved Conditional Use Permit shall expire if the use has been commenced and then is discontinued for a period of one (1) year or more.

**Planning Conditions**

- P1. Conditional approval is granted by the Planning Commission acting as Review Authority on March 6, 2007, to permit a drive through pharmacy at the above referenced location. All development of the site shall be in substantial conformance with the adopted site plan and shall comply with all Conditions of Approval.
- P2. The Applicant shall ascertain and comply with requirements of all State, County and Local agencies as are applicable to the project proposal.
- P3. The property owner shall keep the property neat, clean, and in good physical condition including open spaces, sidewalks, lighting, driveways, parking areas, and landscaping.
- P4. All outdoor lighting shall conform to Development Code Chapter 19.70, *Lighting Standards*, and shall be designed to not glare or reflect onto neighboring properties or public rights-of-way. Outdoor lighting shall be shielded and limited to that required for security and safety purposes. Minimize lighting.
- P5. Prior to construction, the applicant shall submit three sets of plans to the City's Building Official and secure a Building Permit in conformance with the Uniform Building Code.

- P6. All construction and improvements shall comply with *Encroachments into Yards or Setbacks* standards established in the Development Code for the underlying land use district.
- P7. The applicant shall defend, at its sole expense (with attorneys approved by the City), and indemnify the City against any claim, action, or proceeding brought by any third party against the City, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the City, its agents, officers or employees for any judgment, court costs and attorney's fees which the City, its agents, officers or employees may be required to pay as a result of such claim, action, or proceeding. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
- P8. A copy of the final grading plan shall be submitted to the Building and Safety Division for review and approval by the Community Development Director.
- A. All on-site cut and fill slopes shall conform to the Uniform Building Code and Development Code (Chapter 19.64) relating to maximum slope, height and setbacks. Slopes shall be limited to a maximum slope ratio of 3 to 1 and a maximum vertical height of thirty (30) feet.
  - B. Slopes shall be contour graded to blend with existing natural contours.
  - C. All slopes over five (5) feet in vertical height and all fill slopes over three (3) feet in vertical height and steeper than 3:1, shall incorporate erosion control.
  - D. Minimize elevation differences between adjacent parcels and project.
  - E. Fill-slopes shall not be permitted to be located on the perimeter of the project.
- P9. The applicant shall submit landscape plans consistent with Go Native Landscape Design Guidelines, for review and approval by the Community Development Director, prior to issuance of building permits.
- P10. Parking lots shall be screened from view from the public right of way.
- P11. The pylon sign (FIS Pylon 200) is not approved. A maximum of 200 square feet of signage is permitted. The maximum sign height for a monument sign is 8'. The maximum area for an accessory sign is 3 square feet. One monument sign, with a maximum of 75 square feet is allowed. The maximum allowable sign area for a wall sign is 75 square feet. The sign program shall be redesigned to meet these requirements. In order to promote high quality sign design, the use of back lit, or halo illumination signage, shall be required.

### **General Conditions**

- G1. All Conditions are continuing Conditions. Failure of the Applicant and/or operator to comply with any of the said Conditions at any time may result in the revocation of the Conditional Use Permit and/or citation for code violation.

- G2. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees, including reimbursement for all City expense in ensuring compliance with the Conditions of Approval.

### **Building and Safety**

- B1. Grading and drainage plans are to be submitted to, and approved by, the Building Official prior to permit issuance.
- B2. The applicant/developer shall submit plans and obtain building permits for all structures and walls. No work is to be done prior to approvals and permit issuance.

### **Engineering**

- E1. The project shall comply with all applicable City ordinances and resolutions.
- E2. All road easements required shall be offered for dedication to the public and shall continue in force until the City accepts or abandons such offers. All dedications shall be free from all encumbrances.
- E3. Easements, when required for roadway slopes, drainage facilities, landscaping, utilities, etc., shall be submitted and recorded as directed by the City Engineer. No structures shall be placed on any part of the easements except those directly related to the purposes of said easements.

### **Drainage**

- E4. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the City Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining onsite drainage flows from a 100-year design storm.
- E5. Prior to the submittal of any improvement plans or issuance of a grading permit, the Developer/representative shall submit to the City Engineer, detailed drainage studies indicating how potential grading in conjunction with the drainage conveyance systems, will allow building pads to be safe from inundation from rainfall run off, which may be expected from all storms up to, and including, the theoretical 100 year storm.
- E6. In addition to the drainage requirement stated herein, other "onsite" or "offsite" improvement may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to the Engineering Department.

### **Grading**

- E7. Prior to the issuance of a grading permit, the developer's engineer shall submit a comprehensive grading plan in conformance with California Building Code and the requirements of the City.
- E8. A grading permit shall be obtained from the City Engineer prior to any grading or other work done on the site.
- E9. A preliminary soils report and a current preliminary title report shall be submitted to the Engineering Department concurrently with the grading plan. The soils report shall

include a geologists report and address the geology, stability of the site as well as the grading requirements. The Soil Engineer shall state the "R" value (soils resistance) for the site, based upon a "TI" value set by the City Engineer.

#### Improvements

- E10. A 40' foot half-width street dedication along Encelia Avenue shall be dedicated to the City of Twentynine Palms prior to Grading Permit Issuance.
- E11. A 52' foot half-width street dedication along State Route 62 shall be dedicated to Caltrans prior to Grading Permit Issuance.
- E12. All streets abutting the development shall be improved a minimum half-width of 32 feet with curb and gutter on the development side.
- E13. Encelia Avenue, shall be constructed to the City's half width Collector Road Standards adjacent to the development.
- E14. Encelia Avenue shall be constructed to the City's access road standards from the north side of the proposed project to Gorogonio Avenue, and from State Route 62 to the project. The section from State Route 62 to the project shall be a minimum of 40' wide to include three travel lanes and a pedestrian lane. The pedestrian lane shall be separated from the travel lanes by an asphalt curb.
- E15. A dedicated right turn lane shall be constructed on State Route 62 for west bound to northbound traffic as approved by Caltrans and the City Engineer.
- E13. Improvement plans shall be based upon a centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries.
- E14. The minimum structural section of all public streets shall be four (4) inches of asphalt concrete over compacted native soil. A soils report containing a design structural section based on a traffic index assigned by the City Engineer shall be submitted prior to the approval of street improvement plans.
- E15. Sidewalks shall be constructed to City Standards.
- E16. An encroachment permit separate from the grading onsite permit shall be obtained from the City of Twentynine Palms (760-367-6799) prior to any construction occurring within the public right-of-way.
- E17. Right-of-way and improvements (including offsite) to transition traffic and drainage flows from proposed to existing shall be required as necessary. A right turn lane shall be constructed on State Route 62 for westbound to northbound traffic at Encelia Avenue.
- E18. Any developer fees including but not limited to traffic impact fees shall be paid by the developer as per City enactment.

#### Utilities

- E19. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the City.
- E20. All proposed construction of utilities adjacent to and onsite shall be underground.

## Fire Department

- F1. Prior to any construction, the owner shall contact the Twentynine Palms Fire Department for verification of current fire protection requirements.
- F2. All construction and activities shall comply with applicable sections of the 1988 edition of the Uniform Fire Code and all other state, county, and city ordinances, rules and regulations regarding fire protection.
- F3. All flammable vegetation shall be cleared a minimum distance of 30 feet, or to the property line, from any flammable building materials or finished structures.
- F4. Street addresses shall be posted with numbers a minimum height of three (3) inches. Posted numbers shall contrast with their background and be visible and legible from the street. Developer shall furnish the fire department with a list and map of all of the street names and addresses within the project.
- F5. Prior to commencement of construction, an approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. The following are the minimum requirements for the proposed development:

A: SYSTEM STANDARDS

Fire Flow: 1500 GPM @ 20 PSI Residual Pressure  
Duration: 2 Hours  
Hydrant Spacing: 660 Feet

B: DISTRIBUTION SYSTEM

Mains: 6-Inch Minimum  
Laterals: 6-Inch Minimum  
Riser: 6-Inch Minimum

C: FIRE HYDRANTS

Number: To be determined  
Type: 6-Inch, with one (1) two and one half (2 ½) inch outlet and one (1) four (4) inch outlet with National Standard Threads.  
Street Valve: 6-Inch Gate

- F6. The developer shall furnish the fire department with a copy of the water system improvement plans. A letter from the water purveyor stating what fire flow can be met shall be required.
- F7. The applicant shall install a Knox Box.

The undersigned applicant verifies that he/she has read the Conditions of Approval, understands each Condition, and agrees to adhere to the Conditions of Approval.

---

Applicant/Developer  
PC 06-32

---

Date

CITY OF TWENTYNINE PALMS  
CITY COUNCIL  
RESOLUTION NO. 07-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 06-32, AN APPLICATION BY CNM HOLDINGS 1 LTD FOR APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 40 ROOM, 44,000 SQUARE FOOT MARRIOTT FAIRFIELD INN ON 5 ACRES, APPROVING A LETTER OF PUBLIC CONVENIENCE AND NECESSITY FOR THE PROVISION AND SALE OF ALCOHOLIC BEVERAGES, AND CONDITIONALLY APPROVING THE APPEAL OF THE ELIMINATION OF STREET IMPROVEMENTS ON ENCELIA AVENUE, LOCATED NORTHEAST OF THE INTERSECTION OF THE TWENTYNINE PALMS HIGHWAY (SR 62) AND ENCELIA AVENUE, ZONE CG, T1N, R8E, SECTION 26, APN # 615-222-17.

WHEREAS, on March 3, 2006 an application was received from CNM Holdings 1 LTD for approval of a Conditional Use Permit to construct a hotel and issue a letter of Convenience and Necessity of alcoholic beverages in the CG zone; and

WHEREAS, revisions to the project were received and the application was deemed complete on January 26, 2007; and

WHEREAS, the land use designation (zoning) for the subject property is General Commercial (CG); and

WHEREAS, with the proposed conditions of approval, the proposed project design is consistent with the General Plan and Development Code; and

WHEREAS, Pursuant to Section 15332 of the CEQA Guidelines, Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section, which are exempt from further review under state law; and

WHEREAS, the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; and

WHEREAS, the project is consistent with the General Plan Mission Statement objective of facilitating new tourism related development within the community; and

WHEREAS, the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; and

WHEREAS, the project site has no value as habitat for endangered, rare or threatened species; and

WHEREAS, approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and

WHEREAS, the site can be adequately served by all required utilities and public services; and

WHEREAS, Pursuant to Section 15332 of the California Environmental Quality Act (CEQA) Guidelines, the project was deemed to meet the criteria of a "In-Fill" projects, and is exempt PC 06-32

from further environmental review under state law; and

WHEREAS, public hearing notice was published in a newspaper of record and notice was mailed to all property owners located within 300 feet of the project site; and

WHEREAS, a public hearings was held by the Planning Commission on March 6, 2007; and

WHEREAS, following the public hearing the Planning Commission voted to recommend that the City Council approve the project, based upon the following findings:

- A. The site is located on the Twentynine Palms Highway (Hwy 62) and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The subject site is approximately 5 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- D. With the recommended conditions, the proposed project will meet the objectives of the General Plan and CG land use designation.
- E. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.
- F. Approval of the project would not allow a use or activity which is prohibited by the zoning regulation governing the parcel.
- G. That granting the Conditional Use Permit is consistent with the City of Twentynine Palms General Plan and Development Code.
- H. The proposed use will not generate excessive noise, vibration, traffic or other disturbance and will therefore not have a substantial adverse effect on abutting property or uses located or potentially developed in an industrial area.
- I. Routing of the proposal to the County Clerk of San Bernardino has afforded an opportunity for review and comment by the County.
- J. The project will result in circulation improvements in the community.

WHEREAS, an appeal of the Planning Commission decision not to require construction of curb, gutter and sidewalk on Encelia Avenue, between the project and Twentynine Palms Highway (SR 62) was filed by Council member Steve Spear on March 7, 2007; and

WHEREAS, public hearing notice was published in a newspaper of record and notice was mailed to all property owners located within 300 feet of the project site; and

WHEREAS, a public hearings was held by the City Council on April 10, 2007; and

WHEREAS, following the public hearing the City Council voted to approve the project, including the Conditional Use Permit and Certificate of Public Convenience and Necessity and approve the appeal, based upon the following findings:

- A. The site is located on the Twentynine Palms Highway (Hwy 62) and will therefore not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The subject site is approximately 5 acres and is therefore adequate in size to accommodate the proposed use.
- C. The shape of the parcel is typical, and allows for orderly development such as the proposed use.
- D. With the recommended conditions, the proposed project will meet the objectives of the General Plan and CG land use designation.\
- E. The proposed project, as conditioned, does not conflict with and is consistent with the goals and objectives of the Twentynine Palms General Plan.
- F. Approval of the project would not allow a use or activity which is prohibited by the zoning regulation governing the parcel.
- G. That granting the Conditional Use Permit is consistent with the City of Twentynine Palms General Plan and Development Code.
- H. The proposed use will not generate excessive noise, vibration, traffic or other disturbance and will therefore not have a substantial adverse effect on abutting property or uses located or potentially developed in an industrial area.
- I. Routing of the proposal to the County Clerk of San Bernardino has afforded an opportunity for review and comment by the County.
- J. The project will result in circulation improvements in the community.
- K. The Planning Commission misinterpreted in interpreting a policy and erred in exercising its discretion.
- L. The street improvements on Encelia Avenue, between the project site and Twentynine Palms Highway (SR62) are necessary to ensure safe pedestrian access for visitors and residents, and that such improvements are necessary to guarantee the public health, safety and welfare.
- M. The street improvements on Encelia Avenue, between the project site and Twentynine Palms Highway (SR62) are necessary to ensure accessibility with the community and compliance with the Americans with Disabilities Act (ADA).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Twentynine Palms adoption of the Categorical Exemption, adopts this resolution, approves of the Conditional Use Permit, approves the Letter of Public Convenience and Necessity, and approves the appeal, subject to the attached Conditions of Approval.

APPROVED AND ADOPTED THIS 10th DAY OF April, 2007.

AYES: COUNCIL MEMBER:

NOES: COUNCIL MEMBER:

ABSENT: COUNCIL MEMBER:

ABSTAIN: COUNCIL MEMBER:

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Joel Klink, Mayor

ATTEST:

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Charlene L. Sherwood CMC, City Clerk

I hereby certify that the foregoing is a true copy of Resolution No. 07-10 duly adopted by the City Council of the City of Twentynine Palms in a meeting held on the April 10, 2007, in Twentynine Palms, California.



# STAFF REPORT

**TO:** City Council  
**FROM:** City Manager  
**DATE:** April 10, 2007

**SUBJECT:** Excessive Heat Emergency Plan

## RECOMMENDATION

Receive staff report and provide direction

## BACKGROUND

During the summer months high temperatures and humidity levels in the City can provide for unhealthy conditions, especially for those without central air conditioning, or when power outages occur.

### Attachments

1. Draft City of Twentynine Palms Excessive Heat Emergency Plan

To be better prepared for such unhealthy conditions, it has been the goal of the City to have an Excessive Heat Emergency Plan. The first draft of this plan includes the following components: (1) general information on the unsafe conditions of high temperatures and humidity (also known as the apparent temperature), (2) a chart that provides various levels of apparent temperatures and accompanying levels of danger, (3) phases of action and checklists for the City's Emergency Management Team, and (4) resource lists to assist with readiness (with the exception of the Cooling Center Checklist these lists have not been completed and are not included in this first draft).

## ALTERNATIVES

The City could opt not to have a plan for excessive heat conditions.

## FISCAL IMPACT

It is estimated that supplies for the Cooling Center will cost \$500.

**DRAFT COPY**

**CITY OF TWENTYNINE PALMS:  
EXCESSIVE HEAT EMERGENCY PLAN**

**C:\DOCUMENTS AND SETTINGS\CITY HALL\MY DOCUMENTS\CITY PLAN  
FOR EXCESSIVE HEAT EMERGENCIES.DOC**

## TABLE OF CONTENTS

Purpose	3
Authorities and References	3
Background	4
Heat Index Readings and Associated Health Risks	4
Health Information	4
Phases of Action by City Emergency Management and Checklists	6
Attachments	
Cooling Center Checklist	13
Vulnerable Populations	To be added
Transportation Resources	To be added
Contact Information on Marine Base	To be added
--Food services	
--Cots and air conditioned dormitories	
Sources for ready to eat meals and special dietary products	To be added
Healthcare and social service contact information	To be added
Contact Information for pre-identified volunteers	To be added
State roles and responsibilities	To be added

## PURPOSE

This is a plan designed to provide guidance for the City of Twentynine Palms in its preparation for heat related emergencies.

## AUTHORITIES AND REFERENCES

Government Code Section (within the emergency Services Act, Chapter 7, Division 1, Title 2 unless otherwise stated):

- “Section 8630(a): A local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.”
- “Section 8558(c): “Local emergency” means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county or city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor’s warning of an earthquake or volcanic prediction, or earthquake, complications resulting from the Year 2000 Problem, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivision to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.”
- Section 8625: Gives Governor the authority to proclaim “state of emergency” when requested by local jurisdiction or when he finds local authority is inadequate to cope with emergency.
- Health and Safety Code Section 101040: authority to take preventive measures during emergency. “The County Health officer may take any preventive measure that may be necessary to protect and preserve the public health from any public health hazard during any “state of war emergency,” “state of emergency,” or “local emergency,” as defined by Section 8558 of the government Code within his or her jurisdiction.

“Preventative measure” means abatement, correction, removal or any other protective step that may be taken against any public health hazard that is caused by a disaster and affects the public health.

- Section 101475: Gives the city public health officer authority to take preventive measures to protect public health.
- Penal Code Section 409.5: Local health officer has authority to order evacuation if there is an immediate menace to public health from a disaster.

## BACKGROUND

Heat waves do not elicit the same immediate response as floods, fires, earthquakes and typical disaster scenarios. They destroy less but have claimed more lives over the past fifteen years than all other declared disaster events combined. For example the 1989 Loma Prieta earthquake resulted in 63 deaths, while the 1992 Northridge earthquake was responsible for the loss of 55 lives. The catastrophic 2003 firestorms resulted in 24 deaths. The worst single heat wave event in California occurred in Southern California in 1955, when an eight-day heat wave resulted in 946 deaths.

Typical summer temperatures in California contribute to the untimely demise of 20 people on average per year. The July 2006 Heat Wave in California has been the attributable cause of the death of 138 people over a 13 day period. We did not see the billions of dollars in damage as we did in the two earthquakes cited, nor did we see over three thousand homes damaged, as we did in the year 2003 firestorm; but we see approximately twice the number of human deaths due to the heat wave as we saw in each earthquake, and almost six times the fatalities from the heat wave as was observed in the devastating firestorm of year 2003. Heat waves are obviously less dramatic and more deadly.

Local governments are the first responders in emergencies and request aid through a hierarchical mutual aid process under the Standardized Emergency Management System (SEMS) when necessary.

## HEAT INDEX READINGS AND ASSOCIATED HEALTH RISKS

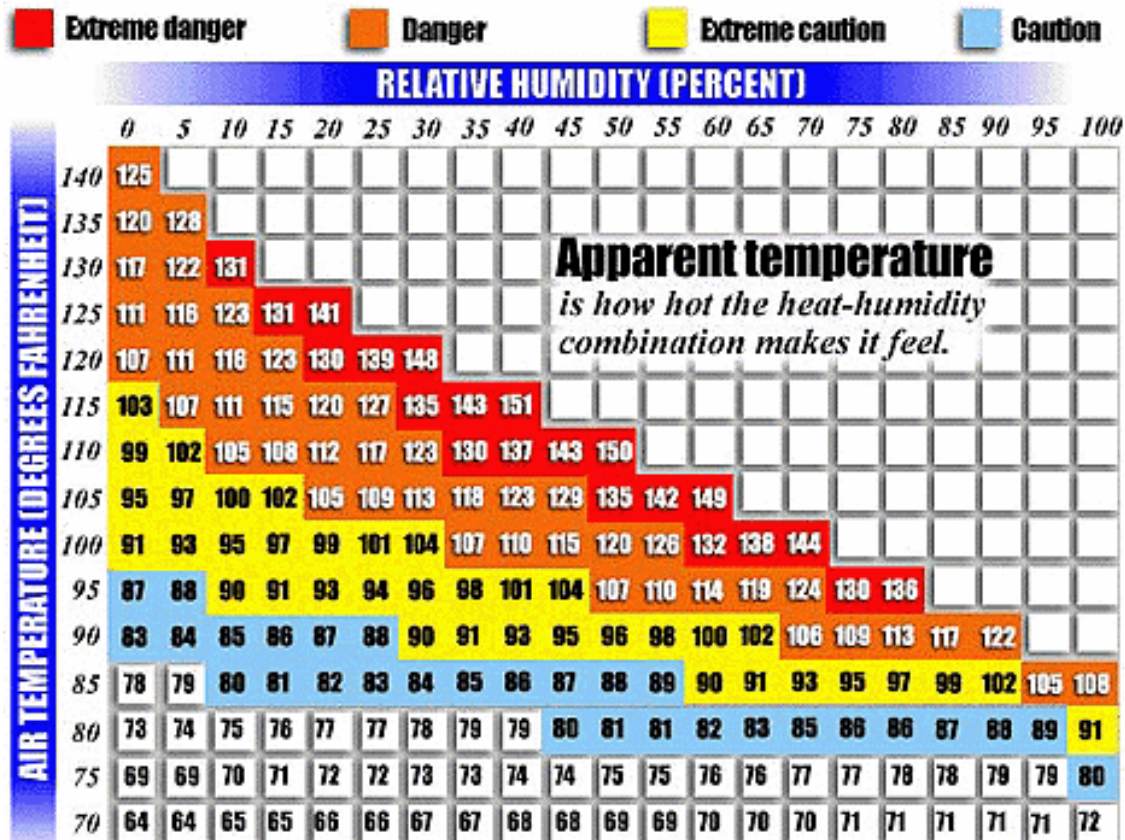
The heat index (see chart on next page), also known as the apparent temperature, is how hot the heat-humidity combination makes it feel. As relative humidity increases, the air seems warmer than it actually is because the body is less able to cool itself via evaporation of perspiration.

As the heat index rises, so do health risks. In general, when the heat index is 90 degrees, heat exhaustion is possible with prolonged exposure and/or physical activity. When the heat index is between 90 degrees and 105 degrees the possibility of sunstroke, heat cramps or heat exhaustion increases, especially with prolonged exposure and/or physical activity. When the heat index is above 105 degrees, sunstroke, heat cramps or heat exhaustion is likely, and heatstroke is possible with prolonged exposure and/or physical activity. When the heat index is above 130 degrees heatstroke and sunstroke are highly likely with continued exposure. Physical activity and prolonged exposure to the heat increase the risks.

## HEALTH INFORMATION

Heat exhaustion occurs when the body is dehydrated. Symptoms include: headache, nausea, dizziness, cool and clammy skin, pale face cramps, weakness, profuse perspiration. First Aid includes moving the person to a cooler spot, providing drinking water with a small amount of salt added (one teaspoon per quart). Without intervention heat exhaustion can lead to collapse and heatstroke.

Heatstroke occurs when perspiration cannot occur and the body overheats. Symptoms include: headache, nausea, face flushed, hot and dry skin, no perspiration, body temperature over 101 F, chills, rapid pulse. First aid includes cooling the person immediately, moving to shade or indoors, wrapping victim in cool, wet sheet, and getting medical assistance. Without intervention heatstroke can lead to confusion, coma, and death.



Source: National Oceanic and Atmospheric Administration

**Extreme Danger:** Heatstroke risk extremely high with continued exposure.

**Danger:** sunstroke, heat cramps and heat exhaustion likely, heatstroke possible with prolonged exposure and/or physical activity.

**Extreme Caution:** Sunstroke, heat cramps, and heat exhaustion possible with prolonged exposure and/or physical activity.

**Caution:** Fatigue possible with prolonged exposure and/or physical activity.

**PHASES OF ACTION BY CITY EMERGENCY MANAGEMENT AND CHECKLISTS**

The City of Twentynine Palms will carry out heat emergency response by following the following three phases and accompanying checklists:

- Readiness
- Phase 1 – Heat Alert
- Phase 2 – Heat Emergency

***Readiness***

The city will monitor weather forecasts. If the National Weather Service, or other credible weather forecast agency, predicts the local heat index will reach 100 degrees for two or more consecutive days in the upcoming week the following actions should be taken:

Activity	Responsible Department/Agency	Completed (✓)
Forecast monitoring	Emergency Management	
City to collaborate with other community agencies in the Basin and with state to identify any anticipated needs or problems	Emergency Management	
Coordinated or Joint Press statements increasing awareness of the risk from heat for vulnerable populations and the general public to be released.	Emergency Management	
Monitor correspondence from utility providers	Emergency Management	

Activity	Responsible Department/Agency	Completed (✓)
Verify cooling center availability, including inventory of resources	Community Services Dept.	

***Phase 1 – Heat Alert***

Issued when a local heat index is forecasted to reach 115 degrees for two or more consecutive days.

Activity	Responsible Department/Agency	Completed (✓)
Release pre-scripted heat protective measures to all media sources	Emergency Management	
Activate telephone heat hotlines	City Clerk Dept.	
Alert service groups, social service agencies, medical facilities and care homes	Emergency Management	
Activate Cooling Center(s)	Community Services Dept.	

Activity	Responsible Department/Agency	Completed (✓)
<p>Coordinate with transportation resources to assist those without transportation to get to cooling centers.</p>	<p>Emergency Management</p>	
<p>Establish regular public official briefings to include weather updates and actions taken and planned.</p>	<p>Emergency Management</p>	
<p>Schedule regular reporting and monitoring procedures with Cooling Center(s), volunteer and service organizations, utilities, public safety, and medical facility.</p>	<p>Emergency Management</p>	
<p>Consider activation of Emergency Operations Center (EOC)</p>	<p>Emergency Management</p>	

***Phase 2 – Heat Emergency Actions***

Issued when a local heat index is forecast to reach 130 degrees, when the heat index does not drop below 90 degrees at night, or when, in best estimate of City Emergency Management, the cumulative effect is of emergency proportions.

Activity	Responsible Department/Agency	Completed (✓)
Monitor and determine the need for more cooling facilities and resource needs.	Emergency Management	
Activate EOC.	Emergency Management	
Establish regular news releases to media.	Emergency Management	
Prioritize public offices that should remain open and close others to conserve energy.	Emergency Management	
Issue targeted heat advisories to vulnerable populations through all sources.	Emergency Management Public Safety EMS Medical Director	

Activity	Responsible Department/Agency	Completed (✓)
Monitor Cooling Center(s) providing regular updates on numbers of persons at each, disability related needs, support issues, and power availability.	Emergency Management Community Service Dept	
Coordinate with OES Regional providing information updates, resource assessments, and mutual aid requests.	Emergency Management	
Declare emergency (local and/or public health) as appropriate.	Emergency Management	
Identify any regulatory or ordinance issues that may need to be suspended.	Emergency Management City Council	
Establish regular briefings with the National Weather Service.	Emergency Management	

Activity	Responsible Department/Agency	Completed (✓)
Ensure all fleet vehicles have full fuel tanks in the event of power failure.	Department Heads	
All employees to report to Department Heads	Employees Department Heads	
Continuously review and update emergency resource inventories.	Emergency Management Department Heads	
Ensure pet and animal heat impacts are being addressed through special facilities or pet accommodations at Cooling Center(s).	Emergency Management Animal Control	
Maintain regular updates to and from Medical Center and Emergency Response providers.	Emergency Management	

## ATTACHMENTS

Cooling Center Checklist  
 Twentynine Palms Senior Center  
 6539 Adobe Rd

Critical Resources	Completed (✓)
Materials for registration	
Schedule for employees and volunteers at Cooling Center	
Center assessable to disabled	
Seating available for persons	
Area for pets (must be transported and housed in carrier)	
Pet supplies (misc. collars, leashes, carriers)	
Communications (non electrical phone and t.v.)	
Toys, books, games and small furniture for children	
Clean and accessible public restrooms	
MBTA Transit Center secure and accessible	
Available drinking water (fountain and bottled water)	
Back up generator with fuel	
Electric fans (variety of sizes)	
Continuous security in and around Cooling Center	



**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 City Manager  
**FROM:** City Engineer  
**DATE:** April 10, 2007

**SUBJECT:** Adobe Road Project (\$4.8) - Amboy Road to the Base

**RECOMMENDATION:** Receive presentation (continued from March 27, 2007 City Council meeting) and provide direction to staff.

**BACKGROUND:** The City of Twentynine Palms recently received \$4.8 million to improve Adobe Road from Amboy Road to the base. The following is an excerpt indicating the purpose of the project from the City's original grant application and agreement:

2. **Purpose:** The City of Twentynine Palms shall use this Grant for the construction of pedestrian and bike lanes and the widening of off-base Adobe Road which is used by members of the Marine Corps stationed at the Marine Corps Air Ground Task Force Training Center, Twentynine Palms, California and their dependents. The City of Twentynine Palms will use the grant funds, in compliance with enclosure (1), Terms and Conditions, to carry out the project further described by enclosure (2), Specifications and Drawings.

The grant, with the original engineer's estimate of \$4.8 million, was submitted for funding several years ago. Because the cost of asphalt and road construction has risen significantly in recent years, the \$4.8 will not construct what was originally submitted. It has been determined that the cost to underground the utility lines on the east side of the road, alone, will be \$2.6 million.

In an effort to stay within the budget of \$4.8 million for the project, staff is recommending an adjustment to the scope of work be made. The attached spreadsheet that shows three cost estimates, the original standard street plan as designed and two other alternatives.

The original street plan includes curbs and gutters and sidewalks on both sides of the street, the "typical" standard. This plan calls for the relocation, not undergrounding, of the power lines. The cost estimate for this alternative exceeds the \$4.8 million budget and will required the purchase of rights of way on both the east and west sides of the street.

Alternative 1 excludes any improvements (curbs, gutters and sidewalks) on the east side (because of the powerpoles, and additional rights-of-way) but proposes the construction of curbs, gutters, and an 8' wide Class 1 bike path on the west side. There are a few properties from which right-of-way will be needed in order to construct these improvements. The City owns several properties on the west side. No funds would be spent on the relocation or undergrounding of the overhead utility lines. The improvements and the undergrounding of the utility lines along with the necessary rights-of-way required for these improvements can be constructed and obtained when the adjacent property is developed.

Alternative 2 proposes constructing the curbs and gutters on the both sides, excludes sidewalks on the both sides but proposes a 8' wide Class 1 bike path on the west side. The construction of these additional improvements on the east side will require several property owners to dedicated additional right-of-way. It is very possible that the City will have to use eminent domain authority to acquire property on the east side. These issues will also add to the time the project can be completed.

**CITY OF TWENTYNINE PALMS  
ADOBE ROAD REHABILITATION  
PHASE 3 (AMBOY ROAD TO INDIAN TRAIL) AND PHASE 4 (INDIAN TRAIL TO USMC BASE)  
SUMMARY**

	<i><b>CURRENT PLAN</b></i> <i>Standard section</i>	<i><b>ALTERNATE #1</b></i> <i>Construct curb and gutter on west side only and bike path</i>	<i><b>ALTERNATE #2</b></i> <i>Construct curb and gutter on both sides and bike path</i>
CURB & GUTTER (EAST SIDE)	YES	NO	YES
CURB & GUTTER (WEST SIDE)	YES	YES	YES
SIDEWALK (EAST SIDE)	YES	NO	NO
SIDEWALK (WEST SIDE)	YES	NO	NO
RELOCATE POWER POLES	YES	NO	YES
UNDERGROUND POWER POLES	NO	NO	NO
LEAVE POWER POLES IN PLACE	NO	YES	NO
LANDSCAPING	NO	NO	NO
BIKE PATH	NO	YES	YES
TOTAL CONSTRUCTION:	\$ 4,700,000.00	\$ 4,200,000.00	\$ 4,400,000.00
RELOCATE POWER POLES:	\$ 160,000.00	\$ 0.00	\$ 160,000.00
RIGHT-OF-WAY:	\$ 200,000.00	\$ 100,000.00	\$ 200,000.00
<b>TOTAL:</b>	<b>\$ 5,060,000.00</b>	<b>\$ 4,300,000.00</b>	<b>\$ 4,760,000.00</b>

Note: Item to underground power poles is not included in the estimate due to the high cost. The cost to underground power poles is \$2,626,000.00 (based on a unit cost of \$200.00/foot for a 13,130-foot length).