

Chairman Mike
29 Palms Band of Mission Indians
46-200 Harrison Place
Coachella, CA 92236

April 25, 2008

Re: PC 08-10, 29 Palms Casino Project, NuWu Casino

Dear Chairman Mike,

The City of Twentynine Palms looks forward to working with the 29 Palms Band of Mission Indians to ensure that future development within the City benefits the entire community. The City has reviewed the Environmental Assessment for the NuWu Casino and offers the following items for consideration in the document.

1. Please provide a current site and grading plan in the document.
2. Section 3.1 Land Use and Aesthetics: The site is designated as Public (P) in the City of Twentynine Palms General Plan. The development standards for the P zone include maximum building height of 35', front setback of 25', side and rear setbacks of 10', and street side setbacks of 25'. The maximum lot coverage is 80%. Pursuant to Section 19.15.040 of the Twentynine Palms Development Code, the following Design standards apply to development in the Public zone:
 - a. Building design should be Desert Southwest pursuant to the Design Guidelines adopted by the City. Public Uses shall compliment the areas in which they are located.
 - b. Uses located adjacent to residential districts should be of a design compatible with the residential neighborhoods.
 - c. The Local Street standards should be applicable to all streets in the Public land use district that are not otherwise classified as Expressways, Arterials or Collectors.

- d. Meandering sidewalks are required to facilitate pedestrian movement to and from proposed facilities.
 - e. Parking and driveways should be provided pursuant to the regulations of Chapter 19.82, *Off Street Parking and Loading Regulations*.
 - f. All utilities serving new projects should be installed underground both onsite and in the public right-of-way.
 - g. Signs should comply with the regulations provided in Chapter 19.84, *Signs*.
3. With regards to Aesthetics, provide detail regarding the proposed architectural treatment. Buildings, and structures should be designed to blend into the mountain side.
 4. Limit lighting, including building and parking lot lighting, to protect the night sky.
 5. Include an aerial photo of the site and its surroundings.
 6. Include a table which includes the existing use, general plan designation and zoning designation for all adjacent and adjoining properties.
 7. Include the Joshua Tree National Park Visitor Center and Headquarters, Tribal Cemetery, 29 Palms Theater, 29 Palms Inn as adjacent uses.
 8. Aesthetics: Include all elevations of all proposed buildings; include a description of building massing, including heights, stories and materials.
 9. Discuss the location of the trail head, parking facilities, retail outlet and future golf course.
 10. Will the project disrupt the night sky? Please describe proposed lighting levels, lighting of hillsides and the methods of lighting proposed to ensure viability of the Sky's the Limit Observatory.
 11. Provide additional detail regarding the amphitheater and number of seats, amplification, lighting and hours of operation. Include a parking analysis for the entire project.
 12. Include a discussion on the hotel and related facilities and amenities, including spa, hotel, guest amenities and restaurants.
 13. The City has adopted "Go Native Landscape Design" guidelines. Please incorporate these into the project design. Provide additional detail regarding plant selection, low water landscaping and the use of reclaimed water and relocation of existing landscape on site.
 14. Is fencing proposed?
 15. 3.2 Vegetation, Wetlands and Wildlife: The site contains Desert Tortoise, Burrowing Owl, Alversons Foxtail. What mitigation measures are proposed to reduce the impacts to these species? Will suitable habitat be provided off-site? Is the use of Tortoise fencing proposed? A Biological report should be completed prior to initiation on construction activities.
 16. The proposed action will result in the removal of native vegetation. Mitigation should include utilizing a landscape palette consisting of native vegetation.

17. Elaborate on mitigation proposed for loss of habitat areas and removal of native vegetation.
18. Describe the protocols utilized during the biological surveys.
19. 3.3 Historic, Cultural and Archeological Resources: To reduce impacts to cultural resources, the 29 Palms Band should partner with the City, Joshua Tree National Park and MCAGCC on the development of a cultural center, museum and visitor center.
20. Section 3.4 Geology, Soils and Topography: The site is designated as Flood Zone, AO (Depth 1, Velo 6FPS) Panel 8935 (O6071C8935G Sept. 28, 2007). The site is also located on an Alluvial fan.
21. Section 3.5 Traffic and Circulation: The traffic analysis did not include consideration of project traffic on Sullivan/Hatch Roads between SR 62 and Adobe Road. Please correct this oversight. A traffic signal is planned for the intersection of SR62 and Larrea Road.
22. The project report contains conflicting information on site access. Discuss ingress and egress to the site.
23. Please analyze Construction traffic, Pedestrian safety, SR2S, the provision of sidewalks, and school proximity. The report should analyze site access, street improvements, parking lot lighting and shading. The report should also analyze the existing condition and maintenance of area roadways.
24. Study pedestrian access on Adobe Road from the project to SR 62 and on Baseline Road from the project to Utah Trail.
25. Describe transit improvement related to the project.
26. Will MBTA shuttle service be provided between the facility and MCAGCC?
27. Are new traffic controls including signal capacity proposed as part of this project?
28. Section 3.6 Water Resources: Will a SWPPP be prepared?
29. The site is subject to flooding. Describe the size and location of drainage facilities on site. Describe the capacity of the location, sizing of these recharge facilities and the related percolation rates utilized in the design assumptions.
30. Quantify storm flows from 100 year storm. How are surface waters managed? Does the site drain to other adjacent properties?
31. Is storm water recharge proposed on the site?
32. Describe the size, location, capacity and percolation of the retention basins. Where will the metered flow be released?
33. Describe the number of gallons of water to be used daily by the casino, hotel, RV Park, onsite sewage treatment, reclaimed water and landscape.
34. 3.7 Waste Management: List other potential landfill sites available after 2013.
35. Quantify the proposed waste stream.
36. Section 3.8 Utilities: Identify location of existing utilities in the area.
37. Discuss fire flow. An existing 8" water main is located in Baseline Road.
38. Design a looped water system to provide adequate fire flow.
39. All utilities should be installed underground.
40. Identify the wastewater and volume and reclamation capacity of the treatment center.

41. Identify the sources of landscape irrigation water, including the use of reclaimed water. How many gallons per day will be reclaimed with the proposed Waste water treatment center?
42. 3.9 Police, Fire and Emergency Services: Contract with the City of Twentynine Palms for the provision of Sheriff and other emergency services.
43. Provide bicycle patrol throughout the facility and in the parking lots.
44. Provide adequate security during special events.
45. Address potential for casino related social impacts. Address potential design strategies for use in crime reduction.
46. Address problem gaming and available treatment within the City.
47. Include discussion of crime impacts as they relate to Joshua Tree Jail and courthouse.
48. 3.10 Air Quality: Evaluate carbon emissions and global warming, both during construction and during operations. Evaluate dust control during construction.
49. 3.11 Noise: Refine discussion of noise impacts. Specifically, discuss compliance with City noise ordinance and with City construction hours. What are the proposed hours of operation for the proposed facilities? How will noise be mitigated?
50. 3.12 Socio Economics: Please quantify job creation. Identify housing available for these new employees.

The following recommendations may be applicable to this project:

- E1. The 29 Palms Band of Mission Indians should consider entering into a contract service agreement with the City of Twentynine Palms for the provision of building plan check and inspection services and engineering plan check and inspection services.
- E2. The project should comply with all applicable City ordinances and resolutions.
- E3. Road easements should be offered for dedication to the public and shall continue in force until the City accepts or abandons such offers. All dedications should be free from all encumbrances.
- E4. Easements, when required for roadway slopes, drainage facilities, landscaping, utilities, etc., should be submitted and recorded as directed by the City Engineer. No structures should be placed on any part of the easements except those directly related to the purposes of said easements.

Drainage

- E5. Prior to review of the grading plan, a final drainage plan with street layouts should be submitted for review 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 should consider retaining onsite drainage flows from a 100-year design storm.

- E6. Prior to the submittal of any improvement plans or review of grading plans, the Developer/representative should 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.
- E7. In addition to the drainage requirement stated herein, other "onsite" or "offsite" improvement may be desirable 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 for review.
- E8. This project should comply with all Federal Emergency Management Agency Flood Zone regulations as outlined in the City's Development Code.

Grading

- E9. Prior to the review of grading plans, the developer's engineer should submit a comprehensive grading plan in conformance with California Building Code and the requirements of the City.
- E10. A grading plan should be reviewed by the City Engineer prior to any grading or other work done on the site.
- E11. A preliminary soils report and a current preliminary title report should be submitted to the Engineering Department concurrently with the grading plan. The soils report should include a geologists report and address the geology, stability of the site as well as the grading requirements. The Soil Engineer should state the "R" value (soils resistance) for the site, based upon a "TI" value set by the City Engineer.

Improvements

- E12. A 40' foot half width street dedication along Baseline Road should be dedicated to the City of Twentynine Palms prior to Grading Permit Issuance.
- E13. A 40' foot half width street dedication along Desert Knoll Avenue should be dedicated to the City of Twentynine Palms prior to Grading Permit Issuance.
- E14. A 40' foot half width street dedication along Twilight Road should be dedicated to the City of Twentynine Palms prior to Grading Permit Issuance.
- E15. All streets abutting the development should be improved a minimum half-width of 28 feet with curb and gutter and sidewalks on the development side.

- E16. Baseline Road should be constructed to the City's half width Collector Road Standards adjacent to the development. Meandering sidewalks should be constructed away from the curb line.
- E17. Desert Knoll Avenue should be constructed to the City's half width Collector Road Standards adjacent to the development. Meandering sidewalks should be constructed away from the curb line.
- E18. Twilight Drive should be constructed to the City's half width Local Road Standards adjacent to the development. Improvements should include curb gutters and sidewalks.
- E19. Improvement plans should be based upon a centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries.
- E20. The minimum structural section of all public streets should 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 should be submitted prior to review of street improvement plans by the City Engineer.
- E21. An encroachment permit separate from the grading onsite permit should be obtained from the City of Twentynine Palms (760-367-6799) prior to any construction occurring within the public right-of-way.
- E22. Right-of-way and improvements (including offsite) to transition traffic and drainage flows from proposed to existing should be required as necessary.
- E23. Any developer fees including but not limited to traffic impact fees should be paid by the developer as per City enactment.
- E24. All traffic mitigation measures as per the approved traffic impact report should be required as approved by the City Engineer.

Utilities

- E24. Final improvement plans and profiles should indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the City.
- E25. All proposed construction of utilities adjacent to and onsite should be constructed underground.