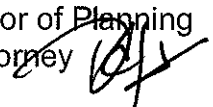


## Memorandum

To: Margo Wheeler, Director of Planning  
From: Doug Holland, City Attorney   
Date: December 4, 2013  
Re: Designation of Town & Country as Historic Structure

This will confirm our discussion regarding a proposal to designate the Town & Country as a historic structure or site. The City Council previously considered a proposal to designate the Town and Country as a Class 1 Historic Resource on June 24, 2009. The Council denied the proposal. The City Council subsequently adopted the Museum Market Plaza Specific Plan in December of 2009. In approving the specific plan, the City Council also considered and approved an environmental impact report. In approving the Specific Plan, the City Council established express performance criteria for the development of the Desert Fashion Plaza "renovation or redevelopment" before a demolition permit for the Town and Country could be issued. An agreement for the implementation of the specific plan has been entered into between the City and the owner of the Desert Fashion Plaza and the Town and Country; the City has sold \$42 million dollars in bonds to fund the City's obligations under this agreement; and discretionary permits for the redevelopment of the Desert Fashion Plaza have been issued; and demolition work on the Desert Fashion Plaza has commenced.

The proposal to designate the Town and Country as a historic resource and the concomitant imposition of restrictions on its demolition are not consistent with the adopted Specific Plan or the implementation of the Specific Plan. It is the opinion of this Office that the Specific Plan should be amended prior to or at the time the City considers historic designation for the Town and Country. An amendment to the specific plan would be subject to CEQA and appropriate environmental review. In addition, it is also the opinion of this Office that under the unique circumstances in this situation (where the City Council expressly disapproved the historic designation of the Town and Country; adopted a specific plan that contemplates the demolition of the Town and Country once certain performance criteria for the redevelopment of the Desert Fashion Plaza have been satisfied, and has undertaken substantial public costs in the implementation of the adopted specific plan), it is reasonably foreseeable that designation of the Town and Country could result in an indirect physical change to the environment. Thus, independent of an amendment to the specific plan, an environmental analysis of the proposal to designate the property as a historic resource is required.