



## CITY COUNCIL STAFF REPORT

DATE: April 15, 2015

PUBLIC HEARING

SUBJECT: O & M HR, LLC (NEXUS DEVELOPMENT CORP.) APPEALING THE MARCH 25, 2015, DECISION OF THE PLANNING COMMISSION TO DENY DEMOLITION OF EXISTING DEVELOPMENT AND PARKING AREA TO CONSTRUCT "ABERDEEN"; A MIXED-USE PROJECT CONSISTING OF (74) ATTACHED AND DETACHED RESIDENTIAL DWELLINGS, (17) LIVE-WORK UNITS AND APPROXIMATELY 1,568-SQUARE FEET OF RETAIL ON 8.05-ACRES LOCATED AT THE NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND CALLE EL SEGUNDO, ZONE REO AND CU (CASE NOS. 5.1361 PD-375, CUP, 3.3820 MAJ AND TTM 36876) AND CONSIDER A CEQA DETERMINATION.

FROM: David H. Ready, City Manager

BY: Department of Planning Services

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### SUMMARY

The appellant, Nexus Development Corp., is requesting the City Council overturn the Planning Commission's decision of March 25, 2015, denying a mixed-use project identified as Aberdeen.

### RECOMMENDATION:

1. Open the hearing and receive public testimony;
2. Option A: Uphold the Appeal and

Adopt Resolution No. \_\_\_\_ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA UPHOLDING AN APPEAL BY NEXUS DEVELOPMENT CORP. AND OVERTURNING THE DENIAL DECISION OF THE PLANNING COMMISSION REGARDING THREE APPLICATIONS (CASE NOS. 5.1361 PD-375, CUP 3.3820 MAJ AND TTM 36876) AND A MITIGATED NEGATIVE DECLARATION FOR ABERDEEN; A MIXED-USE PROJECT CONSISTING OF THE DEVELOPMENT OF (73) ATTACHED AND DETACHED RESIDENTIAL DWELLINGS, (13) LIVE/WORK UNITS, AND RE-USE OF AN EXISTING 7,811-SQUARE FOOT

**COMMERCIAL BUILDING WITH PRIVATE STREETS AND OPEN SPACE ON ROUGHLY 8.05-ACRES LOCATED AT THE NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND CALLE EL SEGUNDO.”**

Waive reading and introduce by title only for first reading Ordinance No. \_\_\_\_\_, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT 375 IN LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 8.05-ACRE PARCEL AT THE NORTHEAST CORNER OF EAST TAHQUITZ CANYON WAY AND CALLE EL SEGUNDO.

3. Option B: Deny the Appeal and Instruct the City Attorney to prepare a resolution of denial for submission to the City Council for consideration and adoption on May 6, 2015.

**BACKGROUND AND SETTING:**

The project is an application by Nexus Development Corp on behalf of O & M HR, LLC, for the development of a mixed-use project consisting of attached and detached residential, live/work units and commercial space on an 8.05-acre site located at the northwest corner of Tahquitz Canyon Way and Calle El Segundo. The project initially included razing all existing buildings along Tahquitz Canyon Way; however, based on direction from the Planning Commission at the February 25, 2015 meeting, the applicant revised the project to retain one of the four existing buildings, thereby reducing the scope of the proposed development. The revised applications include the following:

- A Planned Development District to establish the project site plan, permitted uses and development standards. The PD proposes razing the existing parking lot and three existing office buildings and construct:
  - 7,811-square feet of existing commercial space at the southwest corner of the site (initial submittal included 1,568-square feet of new commercial space);
  - 13 detached dwellings with associated commercial space (live/work lofts) fronting Tahquitz Canyon Way (initial submittal included 17 live/work lofts);
  - 73 attached and detached residential units within a controlled access / gated area with private open space (initial application included 74 dwellings);
  - A common open space / recreation area with pool, fitness center and barbecue area.
- A Conditional Use permit to construct high-rise development within Section 14 and allow multi-family residential within the RA and REO land designations of the Section 14 Specific Plan.
- Major Architectural Application to review the proposed architectural designs. Plans including Preliminary and Final Development Plans.
- A Tentative Tract Map (TTM) seeking to subdivide the roughly 8.05-acres into 93 numbered lots and 8 lettered lot streets, and common open space.

**TABLE 1: Related Relevant City Actions by Planning, Fire, Building, etc...**

Jan 12, 2015	The Architectural Advisory Committee (AAC) tabled the project with direction to the applicant to modify the following: <ol style="list-style-type: none"> <li>1. Architecture along Tahquitz is too monotonous, lacks interest and out of scale and context;</li> <li>2. Parking needs further evaluation for commercial and live-work;</li> <li>3. Circulation – Increase pedestrian amenities (i.e. landscaping, wider sidewalk, etc.) along extension of Calle Alvarado;</li> <li>4. Connectivity – Eliminate gates and improve connectivity of project within existing community;</li> <li>5. Adaptive re-use of existing commercial buildings should be considered in redesign.</li> </ol>
Jan 26, 2015	The AAC recommended denial as proposed. The Committee found that the project does not conform to adopted standards, and recommended the following modifications: <ol style="list-style-type: none"> <li>1. Study alternatives along Tahquitz Canyon Way;</li> <li>2. Provide streetscape along El Segundo;</li> <li>3. Address Calle Alvarado traffic, parking and circulation issues;</li> <li>4. Resubmit planting diagrams.</li> </ol>
Feb 25, 2015	The Planning Commission reviewed the project and directed the applicant to work with staff on addressing the following: <ol style="list-style-type: none"> <li>1. Justify the proposed density and height.</li> <li>2. Increase distance between buildings by at least 10 feet.</li> <li>3. Create a two-way street with the new segment of Alvarado.</li> <li>4. Concern with viability of live/work units in current configuration.</li> <li>5. Public benefit not proportional – consider preserving existing structures</li> <li>6. Pre-wire or install solar panels as a part of project.</li> <li>7. Consider live/work units on side streets</li> </ol>
Mar 25, 2015	The Planning Commission reviewed the revised project and voted 4-3 to deny the proposal. (Further information on this action is provided later in this report.)
Mar 31, 2015	The applicant filed an appeal of the March 25, 2015 Planning Commission decision.

**TABLE 2: General Plan, Zoning and Land Uses of Site & Surrounding Areas**

	<b>Existing General Plan Designations</b>	<b>Existing Zoning Designation</b>	<b>Existing Land Use</b>
Site	TRC (Tourist Resort Commercial)	RA (Resort Attraction) and REO (Retail / Entertainment / Office)	Office Buildings and "Prairie Schooner" Parking Lot
North	HDR (High Density)	HR (Residential High)	Multi-family Residential

	Residential		Condominiums (Plaza Villas)
South	TRC	REO	Commercial Complex (Courtyard at PS)
East	TRC	RA	Resort Hotel (Renaissance)
West	TRC	RA	Resort Hotel (Hilton)



SUBJECT SITE

PROJECT ANALYSIS:

**TABLE 3: General Plan**

General Plan Topic	F.A.R. and Density	Request	Compliance
Land Use: Tourist Resort Commercial	0.35 FAR / 43 hotel rooms per acre / 86 hotel rooms per acre on Indian Land / 30 d.u. per acre	11.3 du/ac 0.35 FAR for commercial building	Yes

Gated Communities	CD14.6: Prohibited	Gated requested	No
Pedestrian-oriented Design	CD19.7 Sidewalks, shade trees, sitting areas	No sidewalks along residential street	Partially
Minimum 28 foot street width in private developments	Page 4-5 Circulation Element	26 feet	No

**TABLE 4: Zoning**

Permitted Uses:

Single-family residential units are not permitted in REO (Retail / Entertainment / Office) and RA (Resort Attraction) Section 14 Land Use designations. MFR is permitted by Conditional Use Permit (CUP) in both designations. The proposed small-lot residential use is similar to multi-family residential (MFR) due to a majority of units being attached and density.

Retail including coffee shops, deli, etc. is permitted within the RA Land Use of the Section 14 Specific Plan.

Live/work units are permitted by Land Use Permit and CUP in the REO and RA zones, respectively.

The PDD has been submitted in lieu of a change of zone to seek City approval of all uses as a consolidated project per the Section 14 Specific Plan.

Development Standards:

The project includes three land uses within the PD. When multi-family residential is proposed within the REO or RA zones, the Specific Plan requires development consistent with the HR land designation. The live-work and commercial space are located within the REO land designation. Thus, staff analyzed the HR designation development standards for the multi-family residential portion, and the REO designation development standards for the live-work and commercial components.

Since this proposal exceeds five acres in size, the development is a Consolidated Project and can utilize incentives including zoning flexibilities. Where applicable, staff has included in the analysis below.

**Multi-family Residential**

	HR Requirements / R-4	Proposed Project	Conform
<b>Lot Standards</b>			
Min. Area	Overall of MFR project: 2 gross acres / 130' wide / 155' deep	Overall project: 8.05 gross acres / 675' wide / 561' deep	Yes
Min. Width		Individual Lots: Area ranges from 2,563 - 4,813sf Width ranges from 21ft to 30ft Depth ranges from 107ft to 111ft	No, per PD
Min. Depth			
<b>Building</b>	35ft, except when developed as high-	Range from 33 feet to 45 feet	No, per

<b>Height</b>	rise allowing up to 100ft in the RA and REO zones, upon approval of CUP or PD, pursuant to Section 94.03.00 of Palm Springs Zoning Ordinance (PSZO).	- Habitable spaces are 2-3 stories and roughly 25-34 feet in height. - Roof deck appurtenances are above the habitable space and about 45 feet in height.	PD
<b>Density</b>	1,500 sq. ft. of lot area per unit	11 du/ac or 3,985 sq. ft. per unit	Yes
<b>Yard Setbacks</b>			
<b>Overall Site</b>			
- Front	30 ft. front yard	- 24ft from north (front) property line	No, per PD
- Side	20 ft. side yard	- 15ft from west (side) property line	PD
- Side	20 ft. side yard	- 43ft from east (side) property line	Yes
- Rear	20 ft. rear yard	- 3ft from south (rear) property line	No, per PD
<b>Individual Lots</b>	Setback requirements may be reduced for residential development if it can be demonstrated through the CUP process that the reductions are necessary or desirable, and are not detrimental to neighboring uses (existing and permitted)	Front / Driveways: 18 feet from private street to face of garage Side: 6ft between residences (Avg. 3ft to common side P/L) 0ft at one side of homes. Rear: 27 to 40ft	Yes
<b>Lot Coverage</b>	45% usable landscaped open space	Usable open space: 48%	Yes
<b>Off-street Parking</b>	Per PSZC 93.06: In PDDs: 3 bdrm units require 2.25 spaces or 167 spaces for the units, plus guest parking 1 space for every 4 units, or 19 spaces; total 186 spaces required	2 covered spaces are provided with each of the 74 units (148 spaces) + 2 spaces in front of garage on driveways (148 spaces); total 296 spaces	Yes
<b>Trash Enclosure</b>	Required per PSZC 93.07.02	Individual trash receptacles provided for each dwelling	Yes

**Live / Work and Commercial**

	<b>REO Requirements</b>	<b>Proposed Project</b>	<b>Conform</b>
<b>FAR</b>	3.0 Maximum Floor Area Ratio	1.26 FAR	Yes
<b>Building Height</b>	35ft, except high-rise up to 100ft upon approval of PD	46ft and 2in	Yes
<b>Open Space</b>	40% minimum landscape area for high-rise buildings	~48%	Yes
<b>Compatibility w/Surrounding Development</b>	The rear and side walls of buildings which are visible from adjacent lots or streets shall be treated with an equivalent design quality as the front wall.	Buildings include four-sided architecture	Yes
<b>Building Location</b>	Buildings should be as close as possible to the required front setback	Live/work units have workspace / retail adjacent to front setback	Yes

<b>Pedestrian Access</b>	Direct pedestrian access shall be provided from buildings to the sidewalks on Tahquitz Canyon Way	Pedestrian access to workspace / retail is provided to each work unit	Yes
<b>Front Setback</b>	20 feet	6.75 feet	No, per PDD
<b>Side Yard Setback</b>	20 feet	12 feet on Calle Alvarado Existing on Calle El Segundo	No, per PDD
<b>Rear Yard Setback</b>	20 feet	18 feet from property line to garage	No, per PDD
<b>Setbacks for High-Rise Buildings</b>	High-rise buildings within Section 14 are exempt from the setback requirements identified in 93.04.00 of the PSZO; however, high-rise buildings shall have a minimum setback of one (1) foot of horizontal setback distance from any residential district for each one (1) foot of vertical rise of the building. Additional site-specific setbacks may be imposed through the CUP process based on the relationship of the high-rise building to its surroundings.	Buildings are setback over 100 feet from residential property to the north	Yes
<b>Minimum Lot Area</b>	2 gross acres	8 gross acres for overall project	Yes
<b>Off-street Parking</b>	Commercial: 1 space per 250 gross floor area or 31 spaces for existing 7,811-sq. ft. of commercial building and 23 spaces for 5,733-sq.ft. of workspace for all live/work units. Total Commercial = 54 spaces  Live-work: No standard specified; however, in PDDs 3 bdrm units require 2.25 spaces or 29 spaces for the units, plus guest parking of 1 space for every 4 units, or 3 spaces.  Total required: 86 spaces	35 parallel parking spaces on private driveway, including two handicap spaces  2 covered spaces are provided with each of the 13 units (26 spaces) + 2 spaces in front of garage on driveways (26 spaces)  Total provided: 87 spaces	Yes
<b>Off-street Loading</b>	1 loading space required for size of commercial building.	None provided. (Planning Commission may approve otherwise)	No

*Flexible Zoning Standards:* Since the project meets the definition of a Consolidated Project, the Section 14 Specific Plan allows flexible zoning standards as a development incentive. Consolidated project sites designated RA or REO may be developed under either RA or REO land use designations. As noted in the table above, the proposed

structures are two- and three-stories in habitable space with covered roof deck as amenities, reaching heights of up to 45 feet and triggering the “high-rise buildings” ordinance, Section 94.03.00 of the Zoning Code. The project proponent is seeking approval to allow the flexibility of the proposed height for the entire project site, which is consistent with the REO / RA “Building Height” requirements.

<b>Building Height / High-Rise Ordinance</b>			
	<b>93.04.00 High Rise Ordinance</b>	<b>Proposed Project: PD 375</b>	<b>Comply</b>
<b>A. Coverage</b>	Per Section 14 Specific Plan: 40% of site shall be developed as usable landscape open space / outdoor living.	48% open space	Yes
<b>B. Height</b>	100 feet. Additional 15 feet may be allowed for stairways, elevators and mechanical equipment if not adding to building bulk	45 feet	Yes
<b>C. Height Setback</b>	Per Section 14 Specific Plan: 1 foot of horizontal setback distance from any residential district for each 1 foot of vertical rise of the building. Additional site-specific setbacks may be imposed through the CUP process based on the relationship of the high-rise building to its surroundings.	Only residential property is located north of the site across Andreas Road: - Required: 45 feet - Proposed: 84 feet	Yes
<b>D. Proximity to Low Density Residential</b>	6 feet of horizontal setback for each 1 foot of vertical rise as measured above.	No R-1 within vicinity.	Yes
<b>F. Structure Design</b>	High-rise buildings shall be designed to insure that each structure fits into the resort character of the community and blends in with the natural surroundings.	Structures are designed with four-sided architecture.	Yes
<b>G. City Council</b>	Council may alter these provisions upon finding that the intent of this section is met.	-	-

These structures are located along a corridor that contains hotels ranging from three- to five-stories in height. The existing residential project to the north of the site contains two-story condominiums. Therefore, the transition from two-story residential to the north to the proposed three- and four-story development along Tahquitz Canyon Way is consistent with nearby and surrounding developments.

**PLANNING COMMISSION ACTION:**

The project was reviewed by the Planning Commission on February 25 and March 25, 2015. After providing direction and comments on the project in February, the Planning



Commission voted 4-3 to deny the revised project in March. A summary of actions at both meetings is provided below, as well as the applicant's response from the first meeting. For further details on Commission discussion, see attached meeting minutes.

#### February 25, 2015 Meeting

1. Justify the proposed density and height.
2. Increase distance between buildings by at least 10 feet.
3. Create a two-way street with the new segment of Alvarado.
4. Concern with viability of live/work units in current configuration.
5. Public benefit not proportional – consider preserving existing structures
6. Pre-wire or install solar panels as a part of project.
7. Consider live/work units on side streets

#### March 25, 2015 Meeting

The applicant presented a revised site plan in response with the following:

1. Retained an existing building located at the southwesterly corner of the site.
2. Reduced the number of units from 74 to 73 residential units and from 17 to 13 live/work units.
3. Changed the parking configuration from parallel to perpendicular stalls along the north side of the internal street behind the live/work units, thereby increasing off-street parking from 17 to 35 spaces along this private street.
4. Increased building setback along Tahquitz Canyon Way. Buildings previously alternated from 5 to 8 feet in setback and now alternate from 6.75 to 9.83 feet in setback.
5. Eliminated meandering sidewalk and landscape areas along northerly boundary of project site and proposed straight sidewalk with less landscaping. This was done to accommodate additional internal space needed for parking area.
6. Created a two-way vehicular access on Calle Alvarado.

The Planning Commission made the following findings based on the project revisions:

1. The project does not conform to the development standards of the Section 14 Specific Plan, including setbacks, building separation and height;
2. The project does not conform to the development standards of the City's High-Rise Building regulations, and general concerns about building heights in excess of 35 feet;
3. Scale of residential buildings with respect to separation and height;
4. Concerns regarding the design, parking, setbacks, and viability of the live/work spaces on Tahquitz Canyon Way;
5. Inadequacy of the perimeter landscaping;
6. Failure to address concerns noted by the Planning Commission at the February 25, 2015 meeting, including but not limited to increased building separation, increased street widths, and unencumbered pedestrian access; and

7. Further analysis needed on the historical value of existing Kaptur buildings, and preference to retain two of the four existing buildings.

Applicant / Appellant. The applicant submitted an appeal requesting the City Council overturn the Planning Commission's decision to deny the project (see attached letter). The appellant contends the following points in response to the Commission's review of the project:

1. *Mixed comments regarding architecture and uses within the Project.*
2. *Comments provided by Commissioners on the February 25, 2015 meeting were contradicted by themselves on March 25, 2015.*
3. *Commission comments lead to project changes that were not satisfactory and it is difficult to determine what would further satisfy Commissioners.*

#### REQUIRED FINDINGS:

The project was evaluated against the findings for the Resort Combining Zone pursuant to PSZC 92.25.00, the Planned Development District in lieu of Change of Zone pursuant to PSZC 94.03, 94.07 (Zone Change) and 94.02 (Conditional Use Permit) and the Tentative Tract Map pursuant to Municipal Code Section 9.62 (Maps) as follows:

#### Resort Combining Zone Findings:

The "R" resort overlay zone is intended primarily to provide for accommodations and services for tourists and visitors while guarding against the intrusion of competing land uses.

The Resort Combining Zone runs along Palm Canyon Drive for nearly its entire length through the City, as well as through the heart Section 14 along Tahquitz Canyon Way from Amado Road to Arenas Road. The subject site lies within this overlay zone.

The zoning code notes that:

*Uses shall be as provided in the underlying zone with which the "R" zone is combined, except that: ...All multiple-family dwellings (including, but not limited to, apartments, group housing projects, boarding and lodging houses, and condominiums) shall be permitted only by conditional use permit (CUP).*

The proposed development will have a Homeowners Association (HOA) that will function much like a condominium association to maintain the common areas of the development. As such the project is evaluated against the findings for a CUP herein<sup>1</sup> and the resort combining finding as follows:

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<sup>1</sup> Pursuant to PSZC 94.02.00.A.4 (CUP); the CUP may be incorporated into the PDD without the need for a separate application. Thus the CUP findings of PSZC 94.02 and the Zone Change findings of PSZC 93.07 are both evaluated as integral parts of the PDD application.

*Such permit is subject to the planning commission making findings that the proposed use is compatible with its surroundings and that the site in question is not appropriate for other uses allowed by right within the underlying zone.*

The mixed-use development proposes commercial and live/work units along a highly-traveled commercial corridor (Tahquitz Canyon Way). Development along this corridor primarily includes commercial-retail and hotel uses. The proposed use continues the commercial theme with residential located behind the commercial / live/work units, which is compatible with surrounding development. The mix of uses provides an appropriate balance for the site. Staff believes the proposed project is consistent with this finding.

*Planned Development in lieu of Change of Zone:*

*The commission in recommending and the council in reviewing a proposed change of zone, shall consider whether the following conditions exist in reference to the proposed zoning of the subject property:*

- 1. The proposed change of zone is in conformity with the general plan map and report.*

The proposed project is located in the Tourist Resort Commercial (TRC) (FAR of 0.35 and density of up to 30 units per acre) land use designation of the General Plan. The mixed-use project proposes 11.8 residential dwelling units per acre and a FAR of 0.35, which is consistent with the land use designation.

- 2. The subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the commission and council.*

The proposed project is located in the REO and RA land designations of Section 14, which describes these designations as follows:

Specialty Retail-Entertainment-Office (REO) - This designation allows for the integration and concentration of large-scale specialty retail, restaurant, entertainment and office development along portions of Tahquitz Canyon Way and Indian Canyon Drive and emphasizes a pedestrian-transit focus.

Resort-Attraction (RA) - This designation allows for large-scale resort hotel complexes, hotels, and major commercial recreation attractions integrated with retail and entertainment facilities.

The PDD is proposed to change the split zoning to a single PD zone designation with its own development standards. Specific Uses requested for approval for the PDD include

attached and detached residential townhomes, live/work units and freestanding retail-commercial with outdoor dining. Additional uses consistent with the REO land designation may be considered within the commercial space and workspace of the live/work units, except residential dwelling is prohibited in structures along the street front. The project conforms to this finding.

Vehicular access to the residential portion of project is provided from Andreas Road. The live/work and commercial space is accessed from Calle El Segundo and the extension of Calle Alvarado. The project proposes a mix residential, commercial and live/work that is harmonious with adjacent uses in the vicinity. Thus, the project conforms to this finding.

*3. The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent property or residents.*

The proposed PDD in lieu of zone change has been evaluated against the development standards for the Section 14 land designations, the Resort Combining Zone and architectural review. While the applicant is seeking setback deviations, the project is harmonious with the existing surrounding development. It continues the pedestrian experience along Tahquitz Canyon Way and introduces commercial uses along the street frontage which is desirable. The project height is consistent with development along the Tahquitz Canyon Way boulevard and is therefore not detrimental to adjacent properties. The project conforms to this finding.

Conditional Use Permit / Planned Development District Findings:

In addition to the findings for the PDD in lieu of a change of zone (from PSZC Section 93.07), the PDD incorporates the findings of the CUP (PSZC 94.02.00) for residential uses in the Resort Combining Zone as follows:

*The commission shall not approve or recommend approval of a conditional use permit unless it finds as follows:*

*a. That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code;*

The mixed use project incorporates residential, live/work units and commercial space with the proposed zoning, PD-375. The current Section 14 land designations, RA and REO, allow for multi-family residential, live/work units and commercial developments. The project proposes a PDD in lieu of a change or zone for the proposed uses and seeking relief from certain setback development standards. With approval of the PDD, the project is consistent with this finding.

*b. That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses*

*specifically permitted in the zone in which the proposed use is to be located;*

Development of the subject site with single family uses is desirable as a means of bringing a variety of housing choices to the community. The project is consistent with the General Plan Tourist Resort Commercial land use designation providing a mix of uses, including tourist-related commercial space, live/work units and residential uses on an 8.05-acre site. The proposed use continues the commercial theme with residential located behind the commercial / live/work units, which is compatible with surrounding development and not detrimental to existing or future uses in the zone. The project therefore conforms to this finding.

*c. That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;*

The project consists of a grouping of parcels to form the overall 8.05-acre site with internal private streets, privately owned units and both private and common open spaces. With the approval of the PDD, buildings will be setback from perimeter property lines to accommodate the proposed uses for adjusting to those existing and future uses of land in the neighborhood. Therefore, the project would be deemed in conformance with this finding.

*d. That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use;*

The project proposes to take vehicular access from surrounding streets, excluding Tahquitz Canyon Way, which is consistent with the Section 14 Specific Plan. As determined by the environmental assessment, Tahquitz Canyon Way, Calle El Segundo and Andreas Road are improved with adequate road width to accommodate the type and quantity of traffic expected by the proposed uses. Thus, the project conforms with this finding.

*e. That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards.*

A set of draft conditions of approval are proposed and attached to this staff report as Exhibit "A".

*Tentative Tract Map Findings:*

Findings are required for the proposed subdivision pursuant to Section 66474 of the Subdivision Map Act. These findings and a discussion of the project as it relates to

these findings follow:

- a. The proposed Tentative Tract Map is consistent with all applicable general and specific plans.*

The TTM proposes individual privately owned lots with open space, common area and private streets. The proposed density is within the range specified by the Tourist Resort Commercial General Plan land use designation. Therefore, the project is consistent with this finding.

- b. The design and improvements of the proposed Tentative Tract Map are consistent with the zone in which the property is located.*

The proposed project design and improvements are generally consistent with the RA / REO land designations in which the property is located. The PDD in lieu of a zone change proposes mixed uses with residential, live/work units and commercial space with a set of development standards unique to this development with smaller lot area, lot dimensions and setbacks. With the approval of the PDD in lieu of a change of zone, the project will be consistent with this finding.

- c. The site is physically suited for this type of development.*

The relatively flat project site will be mostly razed and graded to accommodate the proposed development. Site modifications include new private driveways to privately-owned lots. Each lot is proposed to accommodate a residential, live/work unit or commercial building as defined by the PDD. A total of 73 residences, 13 live/work units and one commercial building are proposed on the 8.05-acre site. The site has adequate vehicular access with primary access taken from Andreas Road and Calle El Segundo and additional access way through an extension of Calle Alvarado. Thus, the site is physically suited for this type of development.

- d. The site is physically suited for the proposed density of development.*

The proposed density and FAR is less than that permitted by both the General Plan Tourist Resort Commercial (TRC) and Section 14 REO and RA land use designations. Therefore, the site is physically suited for the proposed density of development.

- e. The design of the subdivision is not likely to cause environmental damage or substantially and avoidably injure fish, wildlife, or their habitats.*

The Tentative Tract Map and associated Planned Development District have been reviewed under the California Environmental Quality Act, and a Mitigated Negative Declaration is proposed. Mitigation measures have been included which will reduce potential impacts to less than significant levels. The project will therefore not damage or injure fish, wildlife or their habitats.

*f. The design of the subdivision or type of improvements is not likely to cause serious public health problems.*

The design of the proposed subdivision includes connections to all public utilities including water and sewer systems. The layout of internal private streets provides access to each lot. No serious public health problems are anticipated.

*g. The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.*

There are no known public easements across the subject property; therefore the design of the subdivision will not conflict with easements for access through or use of the property. Any utility easements can be accommodated within the project design.

#### CEQA ANALYSIS:

The proposed development is a project as defined by the California Environmental Quality Act (CEQA). An initial study was conducted which considered all required CEQA issues, including but not limited to air quality, cultural resources, land use, hydrology and traffic. Potential significant adverse impacts were identified along with Mitigation Measure that would reduce the potential adverse impacts to less than significant levels.

The City received a letter from architect and historian Alan Hess on February 19, 2015, which was included with a letter dated March 30, 2015, directly commenting on the Initial Study from the Office of Historic Preservation (OHP), Department of Parks and Recreation. The Planning Commission also received a number of emails and letters providing opinions and comments on the issue of whether the Tahquitz Plaza buildings are historic resources. Comments relating to other sections of the Initial Study were also received. The following summarizes the comments, and provides responses to these comments for the City Council's information.

#### Historic Resource Comments

The OHP commented that the Tahquitz Plaza was "evaluated and identified as a historical resource" in the City's currently ongoing City-wide historic resource survey. The OHP further commented that on the basis of the survey's recommendation, the Initial Study should consider the provisions of CEQA Guidelines 15064.5 as it relates to the Tahquitz Plaza buildings. The content of the emails and letters received by the Planning Commission also stated that the buildings are historic resources and should be preserved.

The OHP comment that the Tahquitz Plaza was "evaluated and identified as a historical resource, however, is incorrect. The historic resource survey (Draft Survey) is still in draft form and is less than 50% complete at this time. The Draft Survey does not identify Tahquitz Plaza as a historic resource or as being eligible for historic designation.

Tahquitz Plaza (erroneously referred to in the Draft Survey as Heritage Plaza) is mentioned in the Context Statement component of the Draft Survey, in a description of office building development by a number of different architects in the post-World War II era<sup>2</sup>. The Draft Survey, when final, will ultimately consist of a context statement, maps, and evaluation and criteria assessments on sites found to be of potential historic significance. Site specific findings and evaluation for possible historic significance against the criteria have not been provided to the City in the Draft Survey. The Draft Survey provides criteria for assessing the eligibility of sites as historic resources for each building type (residential, retail, office, bank, hotel, etc.), but the consultant has not provided site-specific evaluations or conclusions of historic eligibility in the current document for any building in the City. The draft historic resource survey may, as it is completed, identify such pre-1969 buildings, but that information is not currently available. The 50% Draft Survey mentions Tahquitz Plaza; however it does not contain conclusive data that would support a determination of significance under CEQA and as a post 1969 building, it will not be addressed in the final draft of the survey.

The Initial Study considered the provisions of CEQA contained in Section 15064.5, as well as the provisions of Palm Springs Municipal Code Chapter 8.05 (Historic Preservation). On the basis of both CEQA and the Municipal Code, the Initial Study determined that Tahquitz Plaza had not been identified as eligible for listing or historically significant by the City, nor is it recognized as a Class I historic site; was not a pre-1969 structure, nor qualify as a Class III historic site; had not been identified as a resource in a local register of historical resources, or identified as significant in an historical resource survey.

#### Land Use and Planning Comments

Comments were received indicating that the project was inconsistent with the General Plan and Section 14 Specific Plan, insofar as the project proposed single family residential development in an area where such development is not allowed. First, the Section 14 Specific Plan, as identified in that document, provides a 'focused General Plan and Zoning Ordinance' for land within the Plan's boundary.

The Specific Plan designates the proposed project REO and RA. Table 6-1 (Allowable Land Uses) identifies Live/Work units as permitted with the approval of a Land Use Permit in the REO designation; and permitted with approval of a Conditional Use Permit in the RA designation. The project is processing a Conditional Use Permit, and a Land Use Permit (in the form of a Planned Development District and Major Architectural Permit), as required for Live/Work Units. The Specific Plan further identifies multi-family residences as permitted with approval of a Conditional Use Permit in both the REO and RA designations, if the units are part of a mixed use project, and subject to the development standards in the HR designation. The project is a mix of residential, live/work and commercial development, and therefore is considered a mixed use project. The units are multi-family units because they comply with the definition of multi-family units in the City's Zoning Ordinance: "means a building containing two (2) or

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<sup>2</sup> "50% Draft – Working Draft for Review & Comment, City of Palm Springs Citywide Historic Context Statement," prepared by Historic Resources Group, January 30, 2015. Page 250.



more dwelling units or containing a combination of two (2) or more dwelling units in one (1) lot or parcel.”

Finally, a comment was made that development of the proposed project would negatively impact the provision of affordable housing in the City. However, the project site is not designated in the City's Housing Element for affordable housing, and development of the project site will not have any impact on the City's ability to provide affordable housing consistent with State law.

CONCLUSION:

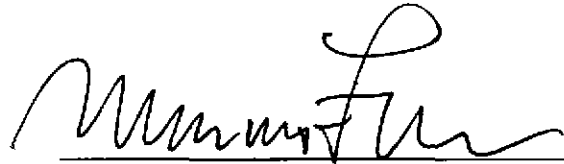
The project proposes a unique mix of land uses and the revised project preserves a portion of existing development as sought by the Planning Commission. The project is a Consolidated Project, as defined by the Section 14 Specific Plan, and allows for flexible development standards which the developer is exercising. After receiving public testimony, the City Council may adopt the attached resolution and ordinance, which would uphold the appeal and overturn the Planning Commission's decision.

Should the Council determine that sufficient evidence exists to uphold the Planning Commission's decision, a new resolution would be presented at the next regular City Council meeting.

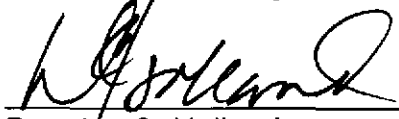
FISCAL IMPACT: No Fiscal Impact.



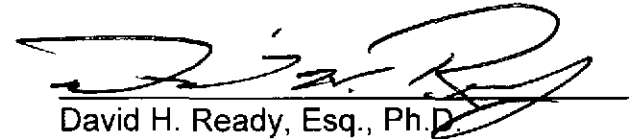
Flinn Fagg, AICP  
Director of Planning Services



Marcus Fuller, P.E., M.P.A., P.L.S.  
Assistant City Manager/City Engineer



Douglas C. Holland  
City Attorney



David H. Ready, Esq., Ph.D.  
City Manager

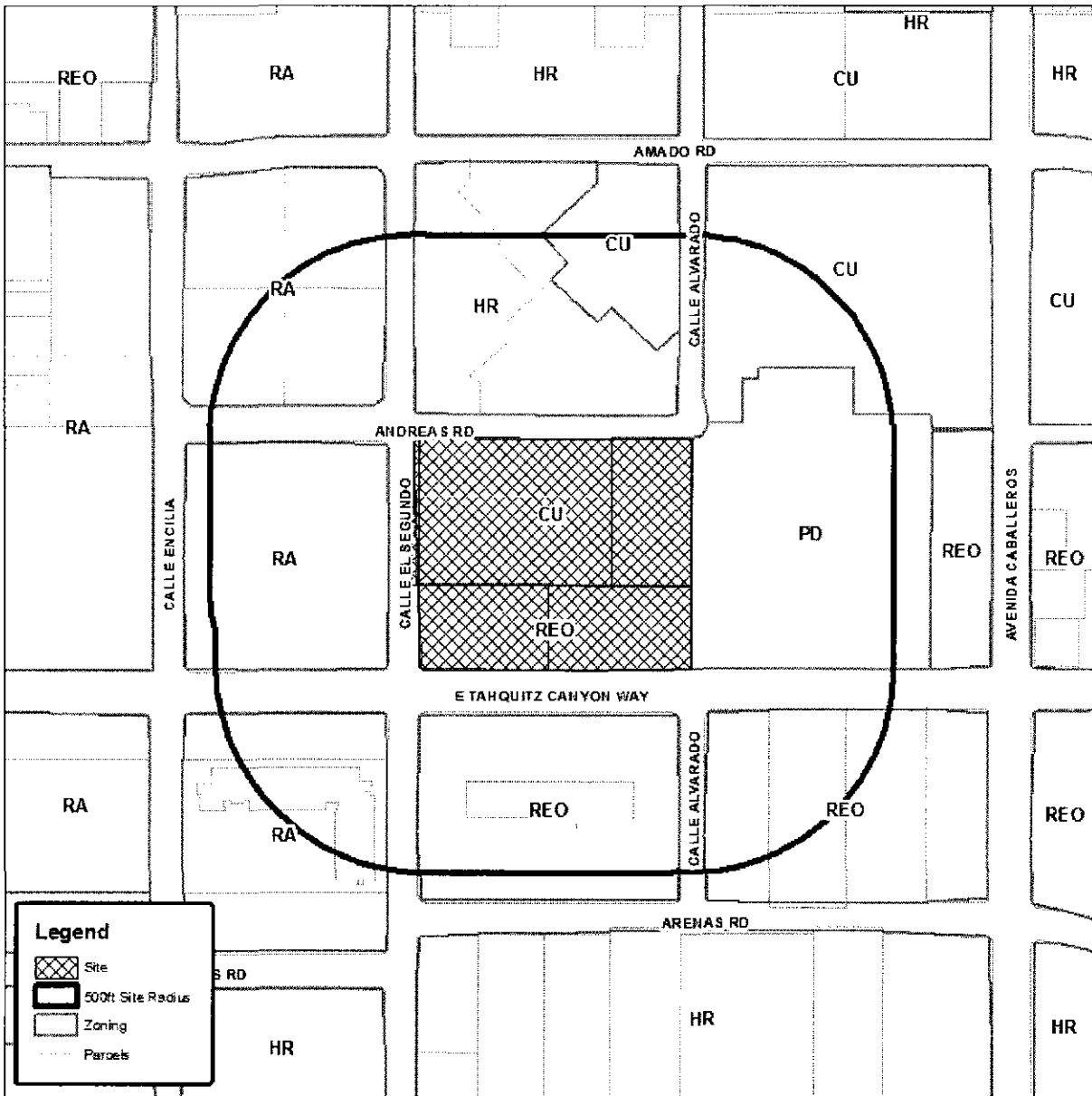
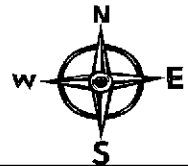
Attachments:

1. Vicinity map
2. Draft Resolution
3. Draft Ordinance
4. Letter of appeal to City Council
5. Planning Commission Meeting Minutes of March 25, 2015
6. Planning Commission Meeting Minutes of February 25, 2015
7. AAC Meeting Minutes of January 26, 2015
8. AAC Meeting Minutes of January 12, 2015
9. Public Correspondence
10. Initial Study / Mitigated Negative Declaration
11. Plan Exhibits

7. AAC Meeting Minutes of January 26, 2015
8. AAC Meeting Minutes of January 12, 2015
9. Public Correspondence
10. Initial Study / Mitigated Negative Declaration
11. Plan Exhibits



# Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

RESOLUTION NO. \_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA UPHOLDING AN APPEAL BY NEXUS DEVELOPMENT CORP. AND OVERTURNING THE DENIAL DECISION OF THE PLANNING COMMISSION REGARDING THREE APPLICATIONS (CASE NOS. 5.1361 PD-375, 3.3820 MAJ AND TTM 36876) AND A MITIGATED NEGATIVE DECLARATION FOR ABERDEEN; A MIXED-USE PROJECT CONSISTING OF THE DEVELOPMENT OF (73) ATTACHED AND DETACHED RESIDENTIAL DWELLINGS, (13) LIVE/WORK UNITS, AND RE-USE OF AN EXISTING 7,811-SQUARE FOOT COMMERCIAL BUILDING WITH PRIVATE STREETS AND OPEN SPACE ON ROUGHLY 8.05-ACRES LOCATED AT THE NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND CALLE EL SEGUNDO.

WHEREAS, Nexus Development Corp. ("Applicant") on behalf of O & M HR, LLC ("Owner") submitted applications pursuant to Palm Springs Zoning Code Section 94.03 & 93.07 (Planned Development, Zone Change) Section 94.04 (Architectural Review), Section 94.02 & 92.25.00 (Conditional Use Permit / Resort Combining Zone) and Municipal Code Section 9.62 (Maps) seeking approval of a Planned Development District in lieu of a Change of Zone, a Tentative Tract Map, and a Major Architectural Application for the development of a partially gated community comprised of (73) three- and four-story residential attached and detached units, 13 live/work units and adaptive re-use of an existing approximately 7,811-square foot building with private streets, common open space and landscaping on a roughly 8.05-acre site located at the northeast corner of Tahquitz Canyon Way and Calle El Segundo (Case 5.1361 PD 375 ZC / CUP / 3.3820 MAJ, TTM 36876); and

WHEREAS, on January 26, 2015, the subject project was reviewed by the City's Architectural Advisory Committee (AAC), which voted to recommend denial of the project by the Planning Commission; and

WHEREAS, on February 25, 2015, the Planning Commission held a public hearing on the item and tabled the project for further study with direction to the applicant to work with staff on revisions to the project; and

WHEREAS, on March 25, 2015, the Planning Commission reviewed the project in accordance with applicable law and voted 4-3 to deny the revised project; and

WHEREAS, on March 31, 2015, the applicant filed an appeal of the Planning Commission decision to deny the project, in accordance with Section 2.05 of the Palm Springs Municipal Code; and

WHEREAS, notice of a public hearing of the City Council of the City of Palm Springs, California to consider Case Nos. 5.1361 PD 375 ZC / CUP / 3.3820 MAJ / TTM 36876 was given in accordance with applicable law; and

WHEREAS, on April 15, 2015, a public hearing of the City Council of the City of Palm Springs, California was held in accordance with applicable law, and

WHEREAS, at said hearing the City Council carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented, and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the proposed development has been determined to be a project subject to environmental analysis under guidelines of CEQA.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. CEQA: The project has been reviewed under the provisions of the California Environmental Quality Act (CEQA). An initial study was conducted and the City concluded that the project as proposed had the potential to cause significant negative impacts on the environment. The analysis included all required CEQA issues, including but not limited to air quality, cultural resources, land use, hydrology and traffic. Mitigation Measures have been proposed to reduce the project's significant impacts to a less than significant level.

Under Public Resources Code Section 21084.1 and CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3) Section 15064.5, a resource is considered to be a historic resource if it is listed in, or determined to be eligible for listing in, the California Register of Historical Resources. A resource is presumed to be significant if it is included in a local register of historical resources, as defined Public Resources Code Section 5020.1, or deemed significant pursuant to criteria set forth in Public Resources Code Section 5024.1. Additionally, as the lead agency, the City has the discretion to determine that a resource is a historic resource even if it is not otherwise listed in, or deemed to be eligible for listing in, the State or local register.

The existing structures on the Aberdeen project site are not listed in, and have not been determined to be eligible for listing in, the California Register of Historical Resources. Moreover, those existing structures are not included in any local register of historical resources, and have never been deemed significant pursuant to criteria set forth in Public Resources Code Section 5024.1. The City, as lead agency for the Aberdeen project, hereby exercises its discretionary authority to find and determine, based on all of the evidence in the record, that the existing structures on the project site do not meet any of the criteria identified in the Public Resources Code or the CEQA Guidelines and, therefore, are not historic resources for purposes of CEQA.

The City has considered the information contained in the Initial Study/Mitigated Negative Declaration prepared for the Aberdeen project (Case No. 5.1361) and all additional evidence submitted to the City in connection with that project. Having carefully reviewed all evidence in the record, the City hereby finds there exists no fair argument, or any evidence supporting a fair argument, that the Aberdeen project, with the incorporation of mitigation measures identified in the Initial Study/Mitigated Negative Declaration, will have any significant effects on the environment. The preparation of an Environmental Impact Report is therefore not warranted under CEQA.

The City Council independently reviewed and considered the information contained in the draft MND and the draft MND reflects the City's independent judgment and analysis. The City Council finds, on the basis of the whole record before it, including the initial study and comments received, that the project as proposed, including all required permits, has the potential to cause significant impacts on the environment but the proposed Mitigation Measures would reduce those impacts to a less than significant level. Therefore the City Council adopts the Mitigated Negative Declaration as a complete and adequate evaluation of the project pursuant to CEQA.

SECTION 2. Findings for a Planned Development District in lieu of a Change of Zone: *The council in reviewing a proposed change of zone, shall consider whether the following conditions exist in reference to the proposed zoning of the subject property:*

*1. The proposed change of zone is in conformity with the general plan map and report.*

The proposed project is located in the Tourist Resort Commercial (TRC) (FAR of 0.35 and density of up to 30 units per acre) land use designation of the General Plan. The mixed-use project proposes 11.2 residential dwelling units per acre and a FAR of 0.35, which is consistent with the land use designation.

*2. The subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the commission and council.*

The proposed project is located in the REO and RA land designations of Section 14, which describes these designations as follows:

Specialty Retail-Entertainment-Office (REO) - This designation allows for the integration and concentration of large-scale specialty retail, restaurant, entertainment and office development along portions of Tahquitz Canyon Way and Indian Canyon Drive and emphasizes a pedestrian-transit focus.

Resort-Attraction (RA) - This designation allows for large-scale resort hotel complexes, hotels, and major commercial recreation attractions integrated with retail and entertainment facilities.

The PDD is proposed to change the split zoning to a single PD zone designation with its own development standards. Specific Uses requested for approval for the PDD include attached and detached residential townhomes, live/work units and freestanding retail-commercial with outdoor dining. Additional uses consistent with the REO land designation may be considered within the commercial space and workspace of the live/work units, except residential dwelling is prohibited in structures along the street front. The project conforms to this finding.

Vehicular access to the residential portion of project is provided from Andreas Road. The live/work and commercial space is accessed from Calle El Segundo and the extension of Calle Alvarado. The project proposes a mix residential, commercial and live/work that is harmonious with adjacent uses in the vicinity. Thus, the project conforms to this finding.

*3. The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent property or residents.*

The proposed PDD in lieu of zone change has been evaluated against the development standards for the Section 14 land designations, the Resort Combining Zone and architectural review. While the applicant is seeking setback deviations, the project is harmonious with the existing surrounding development. It continues the pedestrian experience along Tahquitz Canyon Way and introduces commercial uses along the street frontage which is desirable. The project height is consistent with development along the Tahquitz Canyon Way boulevard and is therefore not detrimental to adjacent properties. The project conforms to this finding.

SECTION 3. Resort Combining Zone Finding. In addition to the above, required findings outlined in Section 92.25.00 requires that the Planning Commission evaluate the project against the findings of the Resort Combining Zone. The zoning code notes that:

*Uses shall be as provided in the underlying zone with which the "R" zone is combined, except that:...All multiple-family dwellings (including, but not limited to, apartments, group housing projects, boarding and lodging houses, and condominiums) shall be permitted only by conditional use permit (CUP).*

The proposed development will have a Homeowners Association (HOA) that will function much like a condominium association to maintain the common areas of the development. As such the project is evaluated against the resort combining finding and the findings for a Conditional Use Permit as follows:

*The Resort Combining Zone Finding: Such permit is subject to the planning commission making findings that the proposed use is compatible with its surroundings and that the site in question is not appropriate for other uses allowed by right within the underlying zone.*

The mixed-use development proposes commercial and live/work units along a highly-traveled commercial corridor (Tahquitz Canyon Way). Development along this corridor primarily includes commercial-retail and hotel uses. The proposed use continues the commercial theme with residential located behind the commercial / live/work units, which is compatible with surrounding development. The mix of uses provides an appropriate balance for the site. Staff believes the proposed project is consistent with this finding.

SECTION 4. Conditional Use Permit Findings: In addition to the findings for the PDD in lieu of a change of zone (from PSZC Section 93.07), the PDD incorporates the findings of the CUP (PSZC 94.02.00) for residential uses in the Resort Combining Zone as follows:

*The Council shall not approve a conditional use permit unless it finds as follows:*

*a. That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code;*

The mixed use project incorporates residential, live/work units and commercial space with the proposed zoning, PD-375. The current Section 14 land designations, RA and REO, allow for multi-family residential, live/work units and commercial developments. The project proposes a PDD in lieu of a change or zone for the proposed uses and seeking relief from certain setback development standards. With approval of the PDD, the project is consistent with this finding.

*b. That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located;*

Development of the subject site with densely located single-family uses is desirable as a means of bringing a variety of housing choices to the community. The project is consistent with the General Plan Tourist Resort Commercial land use designation providing a mix of uses, including tourist-related commercial space, live/work units and residential uses on an 8.05-acre site. The proposed use continues the commercial theme with residential located behind the



commercial / live/work units, which is compatible with surrounding development and not detrimental to existing or future uses in the zone. The project therefore conforms to this finding.

*c. That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;*

The project consists of a grouping of parcels to form the overall 8.05-acre site with internal private streets, privately owned units and both private and common open spaces. With the approval of the PDD, buildings will be setback from perimeter property lines to accommodate the proposed uses for adjusting to those existing and future uses of land in the neighborhood. Therefore, the project would be deemed in conformance with this finding.

*d. That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use;*

The project proposes to take vehicular access from surrounding streets, excluding Tahquitz Canyon Way, which is consistent with the Section 14 Specific Plan. As determined by the environmental assessment, Tahquitz Canyon Way, Calle El Segundo and Andreas Road are improved with adequate road width to accommodate the type and quantity of traffic expected by the proposed uses. Thus, the project conforms with this finding.

*e. That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards.*

A set of draft conditions of approval are proposed and attached to this staff report as Exhibit "A".

SECTION 5. Findings for the Tentative Tract Map. The findings required for the proposed Tentative Map are pursuant to Section 66474 of the California Subdivision Map Act. The project is evaluated against these findings as follows:

*a. The proposed Tentative Tract Map is consistent with all applicable general and specific plans.*

The TTM proposes individual privately owned lots with open space, common area and private streets. The proposed density is within the range specified by the Tourist Resort Commercial General Plan land use designation. Therefore, the project is consistent with this finding.

*b. The design and improvements of the proposed Tentative Tract Map are consistent with the zone in which the property is located.*

The proposed project design and improvements are generally consistent with the RA / REO land designations in which the property is located. The PDD in lieu of a zone change proposes mixed uses with residential, live/work units and commercial space with a set of development standards unique to this development with smaller lot area, lot dimensions and setbacks. With the approval of the PDD in lieu of a change of zone, the project will be consistent with this finding.

*c. The site is physically suited for this type of development.*

The relatively flat project site will be mostly razed and graded to accommodate the proposed development. Site modifications include new private driveways to privately-owned lots. Each lot is proposed to accommodate a residential, live/work unit or commercial building as defined by the PDD. A total of 73 residences, 13 live/work units and one commercial building are proposed on the 8.05-acre site. The site has adequate vehicular access with primary access taken from Andreas Road and Calle El Segundo and additional access way through an extension of Calle Alvarado. Thus, the site is physically suited for this type of development.

*d. The site is physically suited for the proposed density of development.*

The proposed density and FAR is less than that permitted by both the General Plan Tourist Resort Commercial (TRC) and Section 14 REO and RA land use designations. Therefore, the site is physically suited for the proposed density of development.

*e. The design of the subdivision is not likely to cause environmental damage or substantially and avoidably injure fish, wildlife, or their habitats.*

The Tentative Tract Map and associated Planned Development District have been reviewed under the California Environmental Quality Act, and a Mitigated Negative Declaration is proposed. Mitigation measures have been included which will reduce potential impacts to less than significant levels. The project will therefore not damage or injure fish, wildlife or their habitats.

*f. The design of the subdivision or type of improvements is not likely to cause serious public health problems.*

The design of the proposed subdivision includes connections to all public utilities including water and sewer systems. The layout of internal private streets provides access to each lot. No serious public health problems are anticipated.

*g. The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.*

There are no known public easements across the subject property; therefore the design of the subdivision will not conflict with easements for access through or use of the property. Any utility easements can be accommodated within the project design.

SECTION 6. Appeal: The project was reviewed by the Planning Commission on February 25 and March 25, 2015. After providing direction and comments on the project in February, the Planning Commission voted 4-3 to deny the revised project in March. The applicant submitted an appeal requesting the City Council overturn the Planning Commission's decision to deny the project and contends the following points in response to the Commission's review of the project:

- 1. Mixed comments regarding architecture and uses within the Project.*
- 2. Comments provided by Commissioners on the February 25, 2015 meeting were contradicted by themselves on March 25, 2015.*
- 3. Commission comments lead to project changes that were not satisfactory and it is difficult to determine what would further satisfy Commissioners.*

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council hereby adopts the Mitigated Negative Declaration under CEQA and approves Case Nos. 5.1361 PDD 375 ZC, CUP, 3.3820 MAJ and TTM 36876; a Planned Development District in lieu of a Change of Zone, a Conditional Use Permit, a Major Architectural Application and a Tentative Tract Map for the development of a partially gated community of 73 attached and detached residential dwellings, 13 live/work units and the re-use of an approximately 7,811-square foot commercial space on 8.05-acres with private streets, guest parking, common areas, landscaping and open space located at the northeast corner of Tahquitz Canyon Way and Calle El Segundo, subject to the conditions set forth in Exhibit A.

ADOPTED this 15th day of April, 2015.

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David H. Ready, City Manager

ATTEST:

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James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. \_\_\_\_\_ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

James Thompson, City Clerk  
City of Palm Springs, California

**EXHIBIT A  
CONDITIONS OF APPROVAL**

Case 5.1361 PDD 375 ZC / CUP / 3.3820 MAJ / TTM 36876 - "Aberdeen"  
(Northeast corner of Tahquitz Canyon Way and Calle El Segundo)

April 15, 2015

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Director of Building and Safety, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

**PROJECT SPECIFIC**

- PSP 1. Revise the internal street widths to conform to the Section 14 Specific Plan and General Plan minimum required widths for private streets [28 feet (rolled curb to curb) with 5 foot landscape buffer and 5 foot sidewalks].
- PSP 2. Modify the extension of Calle Alvarado to satisfactorily meet width requirements of City Engineer and Fire Department.
- PSP 3. Provide unlocked pedestrian access through center of site and at all vehicular access gates.
- PSP 4. Prohibit residential uses in structures fronting Tahquitz Canyon Way.
- PSP 5. Include bicycle parking as required by the Section 14 Specific Plan.
- PSP 6. Provide trash enclosure for commercial building.
- PSP 7. Consider providing Plug-in Electric Vehicle (PEV) parking spaces as required by the Section 14 Specific Plan.
- PSP 8. Redesign streetscape along Tahquitz Canyon to be consistent with the Section 14 Specific Plan with the inclusion of street furniture and identification of Indian public art locations.

## ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case (5.1361 PDD 375 ZC / CUP / 3.3820 MAJ / TTM 36876); except as modified with the approved Mitigation Monitoring Program and the conditions below.
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped February 17, 2015, including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Tentative Map. This approval is for Tentative Tract Map 36876 located at the Northeast corner of Tahquitz Canyon Way and Calle El Segundo, date stamped February 17, 2015. This approval is subject to all applicable regulations of the Subdivision Map Act, the Palm Springs Municipal Code, and any other applicable City Codes, ordinances and resolutions.
- ADM 6. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1365 PDD 375 ZC / CUP / 3.3820 MAJ / TTM 36876, including without limitation the environmental assessments prepared in conjunction with such applications. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will undertake full defense of the matter and pay all City's costs incurred in the defense of such matters, including any attorneys' fees and or costs that may be assessed against the City as a result of such defense. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a

matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

ADM 7. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.

ADM 8. Time Limit on Approval. Approval of the (Planned Development District (PDD) Tentative Tract Map (TTM) and Major Architectural Applications (MAJ) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.

Approval of this Conditional Use Permit shall be valid for a period of two (2) years from the effective date of the approval. Once constructed, the Conditional Use Permit, provided the project has remained in compliance with all conditions of approval, does not have a time limit.

Extensions of time may be approved pursuant to Code Section 9.63.110. Such extension shall be required in writing and received prior to the expiration of the approval (Tentative Tract Map).

ADM 9. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.

ADM 10. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

- ADM 11. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).
- ADM 12. Maintenance of Outdoor Seating and structures at the "Art Walk". Periodic cleaning of the "Art Walk" located south of the common pool area in the center of the live/work units shall be the responsibility of the project's homeowners' association (HOA).
- ADM 13. CC&R's The applicant prior to issuance of building permits shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. These CC&R's may be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances
- ADM 14. CC&R's. Prior to recordation of a final Tentative Tract Map or issuance of building permits, the applicant shall submit a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning for approval in a format to be approved by the City Attorney. The draft CC&R package shall include:
- a. The document to convey title
  - b. Deed restrictions, easements, of Covenant Conditions and Restrictions to be recorded.
  - c. Provisions for joint access to the proposed parcels, and any open space restrictions.
  - d. A provision, which provides that the CC&R's may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.
- Approved CC&R's are to be recorded following approval of the final map. The CC&R's may be enforceable by the City, shall not be amended without



City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances,

- ADM 15. CC&R's Deposits & Fees. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3,500, for the review of the CC&R's by the City Attorney. A \$675 filing fee shall also be paid to the City Planning Department for administrative review purposes.
- ADM 16. CC&R's Noise Disclosure. The CC&R's shall have a disclosure statement regarding the location of the project relative to roadway noise, City special events, roadway closures for special events and other planned activities which may occur in the public right-of-way.
- ADM 17. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.
- ADM 18. Community Facilities District. The project will bring additional residents, visitors and activities to the community that will potentially impact the needs for public safety services beyond the City's ability to provide such services; and because such services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic and other safety services, and recreation, library, cultural services are near capacity, the City has established a Community Facilities District to which this project shall be annexed, subject to conditions of approval; and

Prior to recordation of the final map or, at the City's option, prior to issuance of certificate of occupancy, the developer shall agree to support formation of or annexation into a Community Facilities District (CFD) to include the project site. Developer further agrees to waive any right of protest or contest such formation or annexation, provided that the amount of any assessment for any single family dwelling unit (or the equivalency thereof when applied to multiple family, commercial or industrial) as established through appropriate study shall not exceed \$500 annually per dwelling unit or dwelling unit equivalency unit, subject to an annual consumer price index escalator. Prior to sale of any lots, or prior to the issuance of any certificate of occupancy, or prior to any approval of the Building Official that will allow the premises to be occupied, the CFD shall be formed, the annexation thereto shall occur, or at the option of the City Manager and Building Official, a covenant agreement may be recorded against any affected parcel(s) with the project, evidencing the Owner's binding consent, approval, and waiver of rights as provided in this condition of approval.

## **ENVIRONMENTAL ASSESSMENT CONDITIONS**

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) required. All projects within the City of Palm Springs, not within the Agua Caliente Band of Cahuilla Indians

reservation are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.

ENV 2. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (after City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at [www.dfg.ca.gov](http://www.dfg.ca.gov) for more information.

ENV 3. Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration or EIR will be included in the plans prior to Planning Commission consideration of the environmental assessment. Mitigation measures are defined in the CEQA Evaluation and summarized here as follows:

**AESTHETICS:**

*MMI – 1 Project site plans, architectural renderings, and landscape plans shall be revised to address inconsistencies with the development standards and other design requirements of the Section 14 Specific Plan, as determined by the City Council.*

**CULTURAL RESOURCES:**

*MM V-1 As there is always a possibility of buried cultural and paleontological resources in a project area, a Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc., The Agua Caliente Band of Cahuilla Indian Cultural Office shall be contacted for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning Services. Following consultation, the Director shall have the authority to halt destructive construction and shall notify a qualified archaeologist to investigate the find. If necessary, the qualified archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval. Human remains*

*discovered shall be handled consistent with state law provisions.*

**HAZARDS AND HAZARDOUS MATERIALS:**

*MM VII-1: Prior to the issuance of demolition permits, an asbestos and lead survey shall be conducted by a certified asbestos and lead consultant, and a report shall be provided to the City Building Official. Should asbestos- and/or lead-containing materials be found, the project proponent shall submit to the Building Official a remediation and disposal plan to be conducted by a qualified, licensed specialist in the disposal of hazardous materials. The plan shall include specifics regarding the method of removal, transport, and disposal for all such materials.*

**NOISE:**

*MM XI-1. Demolition and construction activities on-site shall occur only between 7:00 a.m. and 7:00 p.m., Monday-Friday, and 8:00 a.m. and 5:00 p.m. on Saturdays, and shall be prohibited on Sundays and holidays, as specified by the Palm Springs Municipal Code.*

*MM XI-2. All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and the engines shall be equipped with shrouds.*

*MM XI-3. Stationary equipment shall be placed such that emitted noise is directed away from Andreas Road and Calle El Segundo.*

*MM XI-4. Stockpiling and vehicle staging areas shall be located as far as practical from Andreas Road and Calle El Segundo.*

*MM XI-5. Delivery hours should be limited to 7 a.m. to 7 p.m. daily to minimize the potential for adverse impacts on the adjacent Plaza Villas.*

**PLANNING DEPARTMENT CONDITIONS**

PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to

issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.

- PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00 and Chapter 11.06) of the Palm Springs Municipal Code and all other relevant water efficient landscape ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the local water agency that they are in conformance with the water agency's and the City's Water Efficient Landscape Ordinances.
- PLN 3. Palm Tree Requirement. In accordance with Planning Commission Resolution No. 1503, dated November 18, 1970, the developer is required to plant Washingtonia Fillifera (California Fan) palm trees (14 feet from ground to fronds in height) 60 feet apart along the entire frontage of Palm Canyon Drive and/or Tahquitz Canyon Way median. The existing Robusta / Mexican Fan Palms at the Tahquitz Canyon Way frontage shall be replaced with California Fan Palms.
- PLN 4. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. The applicant shall submit a sign permit/program to the Department of Planning Services prior to the issuance of building permits.
- PLN 5. Flat Roof Requirements. Roof materials on flat roofs (less than 2:12) must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 or a minimum SRI of 64 and a three-year aged solar reflectance of 0.55 or greater. Only matte (non-specular) roofing is allowed in colors such as beige or tan.
- PLN 6. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.
- PLN 7. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 8. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.

- PLN 9. Pool Enclosure Approval Required. Details of fencing or walls around pools (material and color) and pool equipment areas shall be submitted for approval by the Planning Department prior to issuance of Building Permits.
- PLN 10. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 11. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 12. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 13. Bicycle Parking. The project shall be required to provide secure bicycle parking facilities on site for use by residents and visitors. Location and design shall be approved by the Director of Planning.
- PLN 14. Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Department which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approved tentative map:
- a. The document to convey title.
  - b. Deed restrictions, easements, covenant conditions and restrictions that are to be recorded.
  - c. The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for joint access to the proposed parcels and open space restrictions. The approved documents shall contain a provision which provides that they may not be terminated or substantially amended without the consent of the City and the developer's successor-in-interest.
- PLN 15. Update of City's Zoning Map. Upon approval of the proposed Change of Zone, Tract Map and/or Planned Development District, the applicant shall be responsible for costs associated with update of the City's GIS based zoning maps.
- PLN 16. Shade Structure Option for Buyers. Develop a design for shade structures in the back yards that integrates with the architecture of the complex those buyers could include as a purchase option; review design with Director of Planning for design approval.
- PLN 17. Provide 'smart controllers' for all irrigation systems.

### **POLICE DEPARTMENT CONDITIONS**

- POL 1. Developer shall comply with Section II of Chapter 8.04 "Building Security Codes" of the Palm Springs Municipal Code.

### **BUILDING DEPARTMENT CONDITIONS**

- BLD 1. Prior to any construction on-site, all appropriate permits must be secured.

### **ENGINEERING DEPARTMENT CONDITIONS**

The Engineering Division recommends that if this application is approved, such approval is subject to the following conditions being completed in compliance with City standards and ordinances.

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer.

#### **STREETS**

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.

#### **ANDREAS ROAD**

- ENG 2. Dedicate an additional 3 feet to provide a right-of-way width of 33 feet along the entire frontage, together with a property line - corner cut-back at the southeast corner of the intersection of Andreas Road and Calle El Segundo, in accordance with City of Palm Springs Standard Drawing No. 105.
- ENG 3. Dedicate abutters rights of access to Andreas Road along the entire frontage of the project, excluding the 36 feet wide access point; vehicular access to Andreas Road shall be prohibited.
- ENG 4. Dedicate an easement for sidewalk purposes as needed for those portions of meandering sidewalk located outside of the public right-of-way.
- ENG 5. Remove the existing driveway approach and replace with a 6 inch curb and gutter to match existing, construct meandering sidewalk to match existing in accordance with City of Palm Springs Standard Drawings No. 200, 210.

- ENG 6. Construct a 36 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 430 feet from the centerline of Calle El Segundo, as shown on the approved site plan.
- ENG 7. Construct a Type A curb ramp meeting current California State Accessibility standards on each side of the driveway approach in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
- ENG 8. In accordance with the Final Section 14 Specific Plan (dated July 16, 2014), the applicant shall plant shade trees in a formal pattern along the Andreas Road frontage, as approved by the City Engineer. The applicant shall be responsible for the perpetual maintenance of the new trees and other parkway landscaping along the Andreas Road frontage. The specific landscaping improvements described in this condition may be modified by the applicant, in consultation with the City, provided that the intent of the Section 14 Specific Plan guideline is maintained.
- ENG 9. Install decorative light fixtures (12 feet to 15 feet tall) consistent with the existing decorative lighting system along Tahquitz Canyon Way, including banner supports and overhead pedestrian-level lighting on the sidewalk. The applicant shall furnish and install the decorative light fixtures, luminaries and electrical system. The system shall be operated by a separate electric meter, unless an existing meter is available for use by the new lighting system, as approved by the City Engineer. The lighting system shall be installed and operational, and accepted for operation and maintenance by the City, prior to issuance of a Certificate of Occupancy, unless otherwise allowed by the City Engineer.
- ENG 10. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

#### CALLE EL SEGUNDO

- ENG 11. Dedicate an additional 15 feet to provide a right of way width of 40 feet where required by the City Engineer.

- ENG 12. Dedicate abutters rights of access to Calle El Segundo along the entire frontage of the project, excluding the 28 feet wide access point; vehicular access to Calle El Segundo shall be prohibited.
- ENG 13. Remove the existing driveway approaches and replace with a 6 inch curb and gutter to match existing, construct sidewalk to match existing in accordance with City of Palm Springs Standard Drawings No. 200, 210.
- ENG 14. Construct a 28 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 180 feet from the centerline of Tahquitz Canyon Way.
- ENG 15. Construct a Type A curb ramp meeting current California State Accessibility standards on each side of the driveway approach in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across the driveway, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
- ENG 16. In accordance with the Final Section 14 Specific Plan (dated July 16, 2014), the applicant shall plant shade trees in a formal pattern along the Calle El Segundo frontage, as approved by the City Engineer. The applicant shall be responsible for the perpetual maintenance of the new trees and other parkway landscaping along the Calle El Segundo frontage. The specific landscaping improvements described in this condition may be modified by the applicant, in consultation with the City, provided that the intent of the Section 14 Specific Plan guideline is maintained.
- ENG 17. Install decorative light fixtures (12 feet to 15 feet tall) consistent with the existing decorative lighting system along Tahquitz Canyon Way, including banner supports and overhead pedestrian-level lighting on the sidewalk. The applicant shall furnish and install the decorative light fixtures, luminaries and electrical system. The system shall be operated by a separate electric meter, unless an existing meter is available for use by the new lighting system, as approved by the City Engineer. The lighting system shall be installed and operational, and accepted for operation and maintenance by the City, prior to issuance of a Certificate of Occupancy, unless otherwise allowed by the City Engineer.
- ENG 18. All broken or off grade street improvements along the project frontage shall be repaired or replaced.



## TAHQUITZ CANYON WAY

- ENG 19. Dedicate abutters rights of access to Tahquitz Canyon Way along the entire frontage of the project, vehicular access to Tahquitz Canyon Way shall be prohibited.
- ENG 20. The existing sidewalk along the entire frontage shall be modified consistent with the "Grand Boulevard of Indian Culture" described in the Section 14 Specific Plan (dated July 16, 2014). The applicant shall furnish and install artwork relating to Indian culture along the frontage, unless otherwise deferred by the Director of Planning Services. The "Grand Boulevard of Indian Culture" shall be constructed along the entire Tahquitz Canyon Way frontage. The specific street improvements are described in chapter 5 of said Section 14 Specific Plan.
- ENG 21. Install Tahquitz Canyon Way decorative light fixtures (12 feet to 15 feet tall) consistent with the existing portion of existing decorative lighting system along Tahquitz Canyon Way, including banner supports and overhead pedestrian-level lighting on the sidewalk. The applicant shall furnish and install the decorative light fixtures, luminaries. The electrical system was installed by others and shall be operated by a separate electric meter, unless an existing meter is available for use by the new lighting system, as approved by the City Engineer. The new portions of the lighting system shall be installed and operational, and accepted for operation and maintenance by the City, prior to issuance of a Certificate of Occupancy, unless otherwise allowed by the City Engineer.
- ENG 22. At the time that a comprehensive shuttle/bus route system for the Section 14 Master Development Plan area is planned, it is recommended that the applicant coordinate with the City on the design and layout of, and accommodate an on-site shuttle/bus stop at the Main Entrance of Tahquitz Canyon Way in accordance with the Final Section 14 Master Development Plan/Specific Plan, in consultation with the City, provided that the intent of the Section 14 Specific Plan guideline is maintained.
- ENG 23. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

## CALLE ALVARADO (PRIVATE STREET)

- ENG 24. Construct a Pedestrian Plaza from Andreas Road south to southerly property line of lot 74, the Plaza shall be intended to be a pedestrian connection from the Convention Center to Tahquitz Canyon Way with the landscaping, decorative pavers and enhancements to be consistent with the Section 14 Specific Plan. Together with a one way access from Tahquitz Canyon Way to access the proposed live work units identified as lots 75 through 93, as required by the City Engineer.
- ENG 25. Dedicate a sidewalk and emergency ingress and egress easement from Andreas Road south to Tahquitz Canyon Way. Decorative pavers and pedestrian enhancements shall be designed to accommodate emergency vehicles.
- ENG 26. Final design and layout of proposed pedestrian plaza and one way access shall be subject to review by City Engineer and Fire Marshall.
- ENG 27. Vacation of existing public right-of-way for Calle Alvarado shall be identified on the final map.

#### ON-SITE

- ENG 28. Construct a minimum pavement section of 2-1/2 inches asphalt over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, within all on-site private streets in accordance with City of Palm Springs Standard Drawing No. 110 and 302. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.
- ENG 29. All on-site private streets (or drive aisles) shall be two-way with a minimum 26 feet wide travelway (as measured from face of curb) where no on-street parking is proposed.
- ENG 30. All on-site private streets (or drive aisles) shall be two-way with a minimum 32 feet wide travelway (as measured from face of curb) where on-street parallel parking is proposed on one-side of the street.
- ENG 31. On-site drive aisles (or parking lot) shall be constructed with curbs, gutters, and cross-gutters, as necessary to accept and convey street surface drainage of the on-site streets to the on-site drainage system, in accordance with applicable City standards.

#### SANITARY SEWER

- ENG 32. All sanitary facilities shall be connected to the public (or private) sewer system (via the proposed on-site private sewer system). New laterals shall not be connected at manholes.
- ENG 33. All on-site sewer systems shall be privately maintained by a Home Owners Association (HOA). Provisions for maintenance of the on-site sewer system acceptable to the City Engineer shall be included in the Covenants, Conditions and Restrictions (CC&R's) required for this project.
- ENG 34. Submit sewer improvement plans prepared by a California registered civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits.

#### GRADING

- ENG 35. Submit a Precise Grading Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.
- a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Grading plan.
  - b. The first submittal of the Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of

Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; a copy of Soils Report; and a copy of the associated Hydrology Study/Report.

- ENG 36. Prior to approval of a Grading Plan (or issuance of a Grading Permit), the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.
- ENG 37. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Temporary dust control perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 38. (Temporary dust control) perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 39. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- ENG 40. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system). A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.
- ENG 41. This project requires preparation and implementation of a stormwater pollution prevention plan (SWPPP). As of September 4, 2012, all SWPPPs shall include a post-construction management plan (including Best Management Practices) in accordance with the current Construction General Permit. Where applicable, the approved final project-specific Water Quality

Management Plan shall be incorporated by reference or attached to the SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.

- ENG 42. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre (if there is disturbance of 5,000 square feet or more) at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 43. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- ENG 44. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing shall be provided. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.
- ENG 45. The applicant shall provide pad (or finish floor) elevation certifications for all building (or structure) pads in conformance with the approved grading plan (if required), to the Engineering Division prior to construction of any building (or structure) foundation.
- ENG 46. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

ENG 47. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property (or public streets) is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.

a. Prior to issuance of any grading or building permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument on a standardized form to inform future property owners of the requirement to implement the approved Final Project-Specific Water Quality Management Plan (WQMP). Other alternative instruments for requiring implementation of the approved Final Project-Specific WQMP include: requiring the implementation of the Final Project-Specific WQMP in Home Owners Association or Property Owner Association Covenants, Conditions, and Restrictions (CC&Rs); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the Final Project-Specific WQMP; or equivalent. Alternative instruments must be approved by the City Engineer prior to issuance of any grading or building permits.

b. Prior to issuance of certificate of occupancy or final City approvals (OR of "final" approval by City), the applicant shall: (a) demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications; (b) demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions; and (c) demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

## DRAINAGE

ENG 48. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to adjacent streets. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains.

ENG 49. This project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best

Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, shall be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development.

ENG 50. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$ 9212.00 per acre in accordance with Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

ENG 51. All on-site storm drain systems shall be privately maintained by a Homeowners Association (HOA). Provisions for maintenance of the on-site storm drain systems acceptable to the City Engineer shall be included in Covenants, Conditions and Restrictions (CC&R's) required for this project.

#### GENERAL

ENG 52. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, Mission Springs Water District, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

- ENG 53. All proposed utility lines shall be installed underground.
- ENG 54. All existing utilities shall be shown on the improvement plans if required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 55. Upon approval of any improvement plan (if required) by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval by the City Engineer.
- ENG 56. The original improvement plans prepared for the proposed development and approved by the City Engineer (if required) shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 57. Nothing shall be constructed or planted in the corner cut-off area of any (intersection or) driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- ENG 58. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.
- ENG 59. This property is subject to the Coachella Valley Multiple Species Habitat Conservation Plan Local Development Mitigation Fee (CVMSHCP-LDMF). The LDMF shall be paid prior to issuance of Building Permit.

#### MAP

- ENG 60. The developer shall apply for an annexation to the City of Palm Springs Community Facilities District established for public safety services and submit required applications, waivers, and consent forms to the annexation prior to approval of a final map. Payment of an annexation fee of \$2,500 shall be made at the time of the application.
- ENG 61. A Final Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcel and all



lots created therefrom, and copies of record documents shall be submitted with the Final Map to the Engineering Division as part of the review of the Map. The Final Map shall be approved by the City Council prior to issuance of building permits.

ENG 62. A copy of draft Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City Attorney for review and approval for any restrictions related to the Engineering Division's recommendations. The CC&R's shall be approved by the City Attorney prior to approval of the Final Map by the City Council, or in the absence of a Final Map, shall be submitted and approved by the City Attorney prior to issuance of Certificate of Occupancy.

ENG 63. Upon approval of a Final Map, the Final Map shall be provided to the City in G.I.S. digital format, consistent with the "Guidelines for G.I.S. Digital Submission" from the Riverside County Transportation and Land Management Agency." G.I.S. digital information shall consist of the following data: California Coordinate System, CCS83 Zone 6 (in U.S. feet); monuments (ASCII drawing exchange file); lot lines, rights-of-way, and centerlines shown as continuous lines; full map annotation consistent with annotation shown on the map; map number; and map file name. G.I.S. data format shall be provided on a CDROM/DVD containing the following: ArcGIS Geodatabase, ArcView Shapefile, ArcInfo Coverage or Exchange file, DWG (AutoCAD 2004 drawing file), DGN (Microstation drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variations of the type and format of G.I.S. digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

## TRAFFIC

ENG 64. A minimum of 48 inches of clearance for accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.

ENG 65. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.

ENG 66. Pay the fair share of the estimated cost to install angled parking and bikeway (with enhanced signage and sharrows) on Calle El Segundo as required by the Section 14 Specific Plan.

ENG 67. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the

City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices (MUTCD), dated November 7, 2014, or subsequent editions in force at the time of construction.

ENG 68. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

### **FIRE DEPARTMENT CONDITIONS**

These Fire Department conditions may not provide all requirements. Detailed plans are still required for review.

FID 1      These conditions are subject to final plan check and review. Initial Fire Department conditions have been determined from the plans received and dated December 11, 2014. Additional requirements may be required at that time based on revisions to site plans.

FID 2      Fire Department Conditions were based on the *2013 California Fire Code* as adopted by City of Palm Springs, Palm Springs Municipal Code and latest adopted NFPA Standards. Four (4) complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.

### **FID 3      PLANS AND PERMITS**

Complete plans for private fire service mains or fire sprinkler systems should be submitted for approval well in advance of installation. Plan reviews can take up to 20 working days. Submit a minimum of four (4) sets of drawings for review. Upon approval, the Fire Prevention Bureau will retain one set.

Plans shall be submitted to:

City of Palm Springs  
Building and Safety Department  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

Counter Hours: 8:00 AM – 6:00 PM, Monday – Thursday

A deposit for Plan Check and Inspection Fees is required at the time of Plan Submittal. Inspection fees are charged at the fully burdened hourly rate of the fire inspector. These fees are established by Resolution of the Palm Springs City Council.

Complete listings and manufacturer's technical data sheets for all system materials shall be included with plan submittals. All system materials shall be UL listed or FM approved for fire protection service and approved by the Fire Prevention Bureau prior to installation.

Plans shall indicate all necessary engineering features, including all hydraulic reference nodes, pipe lengths and pipe diameters as required by the appropriate codes and standards. Plans and supportive data (calculations and manufacturer's technical data sheets) shall be submitted with each plan submittal. Complete and accurate legends for all symbols and abbreviations shall be provided on the plans.

**FID 4 Street Widths (CFC Appendix L; PSMC § 8.04.500; Palm Springs 2007 General Plan):** Private streets in any residential or mixed use land use designation may be reduced to a minimum of 28 feet (curb face to curb face) provided that (1) additional off street parking is provided as determined by the City Engineer, the Fire Chief and Director of Planning, (2) rolled or wedge curb is provided such that vehicles may park partially out of the traveled way, and (3) pedestrian pathways or sidewalks, if located along the street, separated from the curb by a minimum five-foot parkway are provided.

- Any street not designated by the fire department as a "fire lane" shall comply with the above requirements
- Road width shown is not compliant with General Plan

**FID 5 Fire Apparatus Access Roads (CFC 503.1.1):** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

- **Fire Apparatus Access Road (CFC 202 Definitions)** – A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway.
- **Dimensions (CFC 503.2.1):** Fire apparatus access roads shall have an unobstructed width of not less than 26 feet (*for designated fire lanes*) except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches.

- FID 6      **Aerial Fire Access Roads (CFC Appendix D105.1):** Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
- FID 7      **Aerial Fire Access Road Width (CFC Appendix D105.2):** Fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of any building or portion of building more than 30 feet in height.
- FID 8      **Aerial Access Proximity to Building (CFC Appendix D105.3):** At least one of the required access routes for buildings or facility exceeding 30 feet in height above the lowest level of fire department vehicle access shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.
- FID 9      **Fire Lanes (CFC 202 Definitions):** A road or other passageway developed to allow the passage of fire apparatus. A fire lane is not necessarily intended for vehicular traffic other than fire apparatus. A "fire lane" is a component of a "fire apparatus access road".
- **Designation of Fire Lanes (CVC 22500.1):** Only the fire department with jurisdiction over the area in which the place is located can designate a fire lane.
  - **Fire Lane Marking (CFC 503.3):** Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING—FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
- FID 10     **Surface (CFC 503.2.3):** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (73,000 lbs. GVW) and shall be surfaced so as to provide all-weather driving capabilities.
- FID 11     **Traffic Calming Devices (CFC 503.4.1):** Traffic calming devices shall be prohibited unless approved by the fire code official.
- FID 12     **Security Gates (CFC 503.6):** The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency

operation. Secured automated vehicle gates or entries shall utilize a combination of a Tomar Strobeswitch™, or approved equal, and an approved Knox key electric switch. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200 and an approved Knox key electric switch. Secured non-automated vehicle gates or entries shall utilize an approved padlock or chain (maximum link or lock shackle size of ¼ inch). Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.

In the event of a power failure, the gates shall be defaulted or automatically transferred to a fail safe mode allowing the gate to be pushed open without the use of special knowledge or any equipment. If a two-gate system is used, the override switch must open both gates.

If there is no sensing device that will automatically open the gates for exiting, a fire department approved Knox electrical override switch shall be placed on each side of the gate in an approved location.

A final field inspection by the fire code official or an authorized representative is required before electronically controlled gates may become operative. Prior to final inspection, electronic gates shall remain in a locked-open position.

- FID 13 **Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1):** Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings
- FID 14 **NFPA 13D Fire Sprinklers Required:** An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA standard 13D, 2013 Edition, as modified by local ordinance.
- FID 15 **Single- and Multiple-Station Smoke Alarms (CFC 907.2.11):** Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with Sections 907.2.11.1 through 907.2.11.4 and NFPA 72.
- Exception: For Group R occupancies. A fire alarm system with smoke detectors located in accordance with this section may be installed in lieu of smoke alarms. Upon actuation of the detector, only those notification appliances in the dwelling unit or guest room where the detector is actuated shall activate.
- FID 16 **Key Box Required (CFC 506.1):** Where access to or within a structure or an

area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be flush mount type and shall contain keys to gain necessary access as required by the fire code official.

**FID 17 Hazardous Materials (CFC 5004.1):** Storage of hazardous materials in amounts exceeding the maximum allowable quantity per control area as set forth in Section 5003.1 shall be in accordance with Sections 5001, 5003 and 5004. Storage of hazardous materials in amounts not exceeding the maximum allowable quantity per control area as set forth in Section 5003.1 shall be in accordance with Sections 5001 and 5003. Retail and wholesale storage and display of nonflammable solid and nonflammable and noncombustible liquid hazardous materials in Group M occupancies and Group S storage shall be in accordance with Section 5003.11.

- Pool Chemicals – dedicated, compliant storage cabinets, rooms, or areas required
- Liquid Petroleum Gas (LPG) – dedicated, compliant storage cabinets, rooms, or areas required

**END OF CONDITIONS**

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT (PD-375) IN LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 8.05-ACRE SITE LOCATED AT THE NORTHEAST CORNER OF EAST TAHQUITZ CANYON WAY AND CALLE EL SEGUNDO.**

***City Attorney's Summary***

*This Ordinance approves a planned development district in lieu of a zone change to accommodate the development of 73 attached and detached residential units, 13 live/work units and roughly 7,811-square feet of commercial space on a 8.05+/- acres of land generally located at the northeast corner of Tahquitz Canyon Way and Calle El Segundo.*

**THE CITY COUNCIL OF THE CITY OF PALM SPRINGS FINDS:**

A. Nexus Development Corp. ("Applicant") filed an application on behalf of O & M, LLC, ("Owner") pursuant to Palm Springs Zoning Code Section 94.07.00 (*Zone Map Change / Change of Zone*) and Section 94.03.00 (*Planned Development District*) seeking approval of a Planned Development District in lieu of a Change of Zone (Case 5.1361 PD-375) to demolish existing development and construct 73 attached and detached residential dwellings, 13 live/work units and retain approximately 7,811-square feet of commercial space on approximately 8.05-acres at the northeast corner of Tahquitz Canyon Way and Calle El Segundo, identified as APNs 508-055-003, 508-055-006, 508-055-007, 508-055-008 & 508-055-009.

B. The applicant submitted related applications, including a Tentative Tract Map application (Case TTM 36876) to subdivide the project land into 93 lots with private streets and common area pursuant to Title 9 of the Palm Springs Municipal Code; a Conditional Use Permit (Case 5.1361 CUP) to allow multi-family residential within the REO and RA Zones of the Section 14 Specific Plan; and a Major Architectural application (Case 3.3820 MAJ) to review proposed architecture pursuant to Section 94.04.00 of the Zoning Code.

C. A notice of a public hearing of the Planning Commission of the City of Palm Springs, California to consider the above-mentioned applications was given in accordance with applicable law and on February 25, 2015, the Planning Commission held a public hearing in accordance with applicable law and continued the project to a date uncertain for further study.

D. A notice of public hearing of the Planning Commission of the City of Palm Springs, California to consider the above-mentioned applications was given in accordance with applicable law and on March 25, 2015, the Planning Commission carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including but not limited to the staff report, and all written and oral testimony presented and voted 4-3 to deny the revised project.

E. On March 31, 2015, the applicant filed an appeal of the March 25, 2015, denial decision by the Planning Commission in accordance with Chapter 2.05 of the Palm Springs Municipal Code.

F. A notice of public hearing of the City Council of the City of Palm Springs, California to consider the above-mentioned applications was given in accordance with applicable law and on April 15, 2015, the City Council held a public hearing in accordance with applicable law.

G. A Planned Development District in lieu of a Change of Zone is required to be adopted by ordinance as provided in the City's Municipal Code and the proposed project is proposed to be adopted by Ordinance.

H. The City Council has carefully reviewed and considered all of the evidence presented in connection with the meetings on the project, including but not limited to the staff report, the Mitigated Negative Declaration, and all written and oral testimony presented and finds that the Project complies with the requirements of Section 94.07.00 of the City's Zoning Code. The City Council makes the following specific findings based on specific evidence as described after each finding:

*1. The proposed change of zone is in conformity with the general plan map and report. Any amendment of the general plan necessitated by the proposed change of zone should be made according to the procedure set forth in the State Planning Law either prior to the zone change, or notice may be given and hearings held on such general plan amendment concurrently with notice and hearings on the proposed change of zone.*

The proposed project is located in the Tourist Resort Commercial (TRC) (FAR of 0.35 and density of up to 30 units per acre) land use designation of the General Plan. The mixed-use project proposes 11.2 residential dwelling units per acre and a FAR of 0.35, which is consistent with the land use designation.

*2. The subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the commission and council.*

The proposed project is located in the REO and RA land designations of Section 14, which describes these designations as follows:



Specialty Retail-Entertainment-Office (REO) - This designation allows for the integration and concentration of large-scale specialty retail, restaurant, entertainment and office development along portions of Tahquitz Canyon Way and Indian Canyon Drive and emphasizes a pedestrian-transit focus.

Resort-Attraction (RA) - This designation allows for large-scale resort hotel complexes, hotels, and major commercial recreation attractions integrated with retail and entertainment facilities.

The PDD is proposed to change the split zoning to a single PD zone designation with its own development standards. Specific Uses requested for approval for the PDD include attached and detached residential townhomes, live/work units and freestanding retail-commercial with outdoor dining. Additional uses consistent with the REO land designation may be considered within the commercial space and workspace of the live/work units, except residential dwelling is prohibited in structures along the street front. The project conforms to this finding.

Vehicular access to the residential portion of project is provided from Andreas Road. The live/work and commercial space is accessed from Calle El Segundo and the extension of Calle Alvarado. The project proposes a mix residential, commercial and live/work that is harmonious with adjacent uses in the vicinity. Thus, the project conforms to this finding.

*3. The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent property or residents.*

The proposed PDD in lieu of zone change has been evaluated against the development standards for the Section 14 land designations, the Resort Combining Zone and architectural review. While the applicant is seeking setback deviations, the project is harmonious with the existing surrounding development. It continues the pedestrian experience along Tahquitz Canyon Way and introduces commercial uses along the street frontage which is desirable. The project height is consistent with development along the Tahquitz Canyon Way boulevard and is therefore not detrimental to adjacent properties. The project conforms to this finding.

## **THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:**

### **SECTION 1: CEQA.**

The project has been reviewed under the provisions of the California Environmental Quality Act (CEQA). An initial study was conducted and the City concluded that the project as proposed had the potential to cause significant negative impacts on the environment. The analysis included all required CEQA issues, including but not limited

to air quality, cultural resources, land use, hydrology and traffic. Mitigation Measures have been proposed to reduce the project's significant impacts to a less than significant level.

The City Council independently reviewed and considered the information contained in the draft MND and the draft MND reflects the City's independent judgment and analysis. The City Council finds, on the basis of the whole record before it, including the initial study and comments received, that the project as proposed, including all required permits, has the potential to cause significant impacts on the environment but the proposed Mitigation Measures would reduce those impacts to a less than significant level. Therefore the City Council adopts the Mitigated Negative Declaration as a complete and adequate evaluation of the project pursuant to CEQA.

SECTION 2: Preliminary PD in lieu of a Zone Change.

The City Council approves PD 375 in lieu of a Change of Zone (Case 5.1361) as conditioned by City Council Resolution No. \_\_\_\_\_ for Case 5.1361 PD 375 / CUP / 3.3820 MAJ / TTM 36876.

SECTION 3. Zoning Map change.

The City Council approves the zone map change from CU / REO to PD 375 for a roughly 8.05-acre parcel located at the northeast corner of Tahquitz Canyon Way and Calle El Segundo, in conjunction with Case Nos. 5.1361 PD 375 / CUP / TTM 36876 / 3.3820 MAJ.

SECTION 4. Effective Date.

This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION 5. Publication.

The City Clerk is hereby ordered to and directed to certify to the passage of this Ordinance, and to cause the same or summary thereof or a display advertisement, duly prepared according to law, to be published in accordance with law.

ADOPTED this 18th day of March, 2015.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

CERTIFICATION:

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. \_\_\_\_\_ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on \_\_\_\_\_ and adopted at a regular meeting of the City Council held on \_\_\_\_\_ by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

James Thompson, City Clerk  
City of Palm Springs, California \



March 31, 2015

Mr. Flynn Fagg  
Director of Planning Services  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

**Re: Formal Appeal of Planning Commission Decision on March 25<sup>th</sup>, 2015 for  
Case No. 5.1361 –PD-375, 3.3820 MAJ & TTM 36876 – “Aberdeen” Mixed-Use  
Project (the “Project”)**

Dear Flynn:

We are aware of the Planning Commission’s action taken on March 25, 2015 to deny approval of the Aberdeen Palm Springs Mixed-Use project (as identified above, the “Project”) located at the northeast corner of Tahquitz Canyon Way and Calle El Segundo. We would like this letter to act as our formal appeal of that decision and ask that the Project be considered by the City Council at their next regularly scheduled meeting on April 15, 2015.

The Planning Commission had many mixed comments regarding the architecture and uses within the Project. In some cases, comments provided by commissioners on the February 25, 2015 meeting were contradicted by themselves on March 25, 2015. As the applicant, it was very difficult to clearly understand what would satisfy the Planning Commission given the amount of modifications that were made to the Project as a direct result of comments provided on February 25, 2015. Regardless of the inconsistent comments received between the two (2) planning commission meetings and two (2) architectural advisory committee meetings that we participated in, we believe that the Project has the potential to be a catalyst for employment, community outreach, and economic development within the City.

We feel that this location is ideally suited for a mixed-use project consisting of live/work lofts, restaurant/retail, office, and high-density residential as proposed in the plans presented to the Planning Commission on March 25, 2015. The proposed project ties together the surrounding uses of commercial/movie theater, hospitality (including high-rise), residential, and casino that already exist and are similarly identified as REO/RA areas of the Section 14 Specific Plan. We also believe that the Project provides substantial public benefit given how much developable land is being sacrificed in order to provide a new street, Calle Alvarado, which will allow for new pedestrian and vehicular access to the

convention center from Tahquitz Canyon Way. Additional public benefit is provided by a large art plaza in the center of the southern portion of the project. Finally, the plans presented on March 25, 2015 Planning Commission meeting incorporated one (1) existing building and converted it into office and retail/restaurant space for the Project.

We are excited to present the Project in further detail to the City Council and greatly appreciate your assistance with this request to appeal the Planning Commission's decision. Please do not hesitate to contact myself or Rich Meaney if you should have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob W. Eres", written over a horizontal line.

Rob W. Eres  
**Nexus Development Corporation/Central Division**  
Vice President of Development

Cc: James Thompson – City Clerk, City of Palm Springs  
David Newell – Associate Planner, City of Palm Springs



# City of Palm Springs

Department of Planning Services

3200 E. Tahquitz Canyon Way • Palm Springs, California 92262  
Tel: (760) 323-8245 • Fax: (760) 323-8360 • Web: www.palmspringsca.gov

March 26, 2015

Mr. Rob Eres  
Nexus Development Corporation for O & M HR, LLC  
1 MacArthur Place, Suite 300  
Santa Ana, CA 92707

**RE: Case Nos. 5.1361 PD-375, 3.3820 MAJ & TTM 36876 – “Aberdeen” Mixed Use Project**

Mr. Eres,

On March 25, 2015, the Planning Commission considered the subject applications for a mixed-use project consisting of (73) attached and detached residential dwellings, (13) live-work units and approximately 7,811-square feet of existing commercial space on approx. 8.05-acres located at the northeast corner of Calle El Segundo and Tahquitz Canyon Way. At this meeting the Planning Commission voted 4-3 to deny the project based on the following:

- The project does not conform to the development standards of the Section 14 Specific Plan;
- The project does not conform to the development standards of the City's High-Rise Building regulations, and general concerns about building heights in excess of 35 feet;
- Scale of residential buildings with respect to separation and height;
- Concerns regarding the design, parking, setbacks, and viability of the live/work spaces on Tahquitz Canyon Way;
- Inadequacy of the perimeter landscaping;
- Failure to address concerns noted by the Planning Commission at the February 25, 2015 meeting, including but not limited to increased building separation, increased street widths, and unencumbered pedestrian access; and
- Further analysis needed on the historical value of existing Kaptur buildings, and preference to retain two of the four existing buildings.

In accordance with section 2.05.040 of the Palm Springs Municipal Code, you may appeal the decision of the Planning Commission to the City Council within ten days of the date of this letter. The appeal request must be in writing and presented to the City Clerk with a fee of \$546.00 (excludes notification fee, which was previously paid) by 6:00 p.m. on Monday, April 6, 2015.

If you have any questions about this letter, please contact me at (760) 323-8245.

Sincerely,

David Newell  
Associate Planner

cc: Case File  
City Clerk

Approved, as submitted. (Vice-Chair Klatchko abstained on the study session and regular minutes.)

**1B. PALM SPRINGS PROMENADE, LLC FOR A PARCEL MAP WAIVER TO SUBDIVIDE ONE LOT INTO TWO PARCELS FOR THE PROPERTY LOCATED AT THE NORTHWEST CORNER OF NORTH PALM CANYON DRIVE AND ANDREAS ROAD, ZONE CBD (CASE NO. TPM 36909). (DN)**

Approved, as submitted.

**1C. BARBARA FOSTER HENDERSON, OWNER REQUESTING A MAJOR ARCHITECTURE APPLICATION FOR THE CONSTRUCTION OF A 4,879-SQUARE FOOT HOUSE ON A HILLSIDE LOT AND AN ADMINISTRATIVE MINOR MODIFICATION REQUESTING AN INCREASE IN BUILDING HEIGHT LOCATED AT 888 LA MIRADA CIRCLE. (CASE 3.3834 MAJ; 7.1455 AMM). (CM)**

Assistant Mlaker described the screen wall structure and noted that no objections were received.

JAMES CIOFFI, Cioffi Architect, said his client has a concern with the Cypress trees and requested a condition to return at staff level to replace them.

**ACTION: Approve with conditions as amended:**

- Allow the applicant to come back with the change in trees at staff level.

Motion: Commissioner Lowe, seconded by Commissioner Weremiuk and unanimously carried on a roll call vote.

**AYES:** Commissioner Calderine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko and Chair Hudson

## **2. PUBLIC HEARINGS.**

**2A. O & M HR, LLC. (NEXUS DEVELOPMENT CORP.) FOR THE DEMOLITION OF AN EXISTING DEVELOPMENT AND PARKING AREA TO CONSTRUCT "ABERDEEN"; A MIXED-USE PROJECT CONSISTING OF (74) ATTACHED AND DETACHED RESIDENTIAL DWELLINGS, (17) LIVE-WORK UNITS AND APPROXIMATELY 1,568-SQUARE FEET OF RETAIL ON 8.05-ACRES LOCATED AT THE NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND CALLE EL SEGUNDO, ZONE REO AND CU (CASE NOS. 5.1361 PD-375, 3.3820 MAJ AND TTM 36876). (DN)**

Associate Planner Newell noted that the description of the project in the agenda has changed and provided an overview of the modifications made to the proposed development.

Technical Questions:

The Commission questioned and/or commented on the following items:

1. Public testimony regarding consideration of the buildings as a historic resource.
2. Parking in the front of the live/work units.
3. Does ordinance allow for Historic designation of buildings? What is the process?
4. Points of access on the east/west street to the live/work units on Palm Canyon?
5. Distance between the buildings.
6. Internal street width requirements.
7. Modification of Calle Alvarado extension.
8. Installation of a traffic signal for two-way access.
9. Setbacks and building height for the townhouses and live/work units.

Commissioner Calderine commented that it would not be fair to the developer to put in all the traffic signals. He suggested the possibly of restricting the access to right turn in / right turn out.

ROB ERES, Nexus Development, applicant, stated that they tried to accommodate as many of the Commission comments as possible. Mr. Eres described the modifications made to the development including incorporating the entire western building into the project. He provided details relating to the setbacks, parking count, pre-wired for solar, Calle Alvarado street width and the public benefit for the community. Mr. Eres requested Condition PSP. 1 be removed in reference to the internal streets and requested an action be taken today.

Commissioner Calderine noted that the first issue that needs to be addressed is the historic preservation of the building and his first inclination is to deny the project to get a decision from the City Council. He has questions regarding the parking for the live/work units; however, he likes the project and thinks the density is a good idea.

Commissioner Roberts disclosed that he met with the applicant on several occasions. He applauds the applicant's willingness to keep one of the Kaptur buildings given their financial viability.

Commissioner Weremiuk a motion for denial.

Commission comments were made:

Vice-Chair Hudson stated that this project is very problematic and not just because of the Kaptur buildings (retention versus demotion). He continues to have problems with



gated communities for high-end townhomes that are private courts. This is a very central location in the city and these projects need to be more porous and welcoming. The parking has been handled better because of the driveways and is a more realistic scenario. The streetscape has one unit type around three sides of the project because of the change that has been made to retain one of the Kaptur buildings and the meandering sidewalk along Andreas was lost. Chair Hudson said the live/work spaces are so close to the sidewalk and noted the specific standards for Section 14. He said they may work on North Palm Canyon but does not think this will be a vibrant artist colony. There are a lot of missed opportunities to treat the Tahquitz frontage in a much more realistic manner. He said these the two buildings are a pair with a breezeway in the middle and recommended to Council to retain at least 50% - one of the buildings. He encouraged Council to demand more diversity in terms of housing types and affordability.

Commissioner Lowe said he agreed with many comments and appreciates that 1/4 of the Kaptur building is being preserved. He said preserving 50% of the historic buildings is essential in retaining the original architecture of the project. He commented that Tahquitz is a not a walking street but rather a driving street for the live/work units.

Vice-Chair Klatchko said he has many other concerns such as losing the landscaping on Andreas and perspective drawings were just received today. He noted on the west elevation next to the residential there is only a wall and virtually no landscaping. He said Alvarado Street as a two-way access and inclusion of the Kaptur buildings are significant public benefits. He indicated that the applicant has tried to address the issues.

Commissioner Middleton said this has been a difficult project and thanked the applicant for being very responsive to what was asked of them. She still has concerns with the viability of the live/work units on Tahquitz Canyon. She said she appreciates more sidewalk space on Tahquitz Canyon and thinks the integration of the remaining Kaptur building is very esthetically pleasing. She spoke in support of the project.

Commissioner Roberts expressed concern about sending mixed messages to the applicant. He said the Commission did not specify which building was to be retained. And in regards to Calle Alvarado, a big area of parking space behind the live/work was created. He can't say if the live/work will be a success - and many conditions could be placed so that it will not be used as storage space. He feels strongly that the applicant has come a long way and made significant changes and sacrifices for this project.

Commissioner Calderine said there is no real analysis on the historic significance of the buildings. He does not have a concern with the density and the separation of the buildings. He likes the urban style. However, he does not think the parking layout will function for the live/work units.

**ACTION:** Deny the project based on the following:

- The project does not conform to the development standards of the Section 14 Specific Plan;
- The project does not conform to the development standards of the City's High-Rise Building regulations, and general concerns about building heights in excess of 35 feet;
- Scale of residential buildings with respect to separation and height;
- Concerns regarding the design, parking, setbacks and viability of the live/work space on Tahquitz Canyon Way;
- Inadequacy of the perimeter landscaping;
- Failure to address concerns noted by the Planning Commission at the February 25, 2015 meeting, including but not limited to increased building separation, increased street widths, and unencumbered pedestrian access; and
- Further analysis needed on the historical value of existing Kaptur buildings, and preference to retain two of the four existing buildings.

Motion: Commissioner Weremiuk, seconded by Commissioner Calderine and carried 4-3-0 on a roll call vote.

AYES: Commissioner Calderine, Commissioner Lowe, Commissioner Weremiuk, Chair Hudson

NOES: Commissioner Middleton, Commissioner Roberts, Vice-Chair Klatchko

**ZB. CITY OF PALM SPRINGS TO AMEND THE PALM SPRINGS ZONING CODE (PSZC) SECTIONS 93.20.07 AND 93.20.08 REGARDING REAL ESTATE AND OTHER TEMPORARY SIGNS (CASE 5.1338 ZTA). (FF)**

Director Fagg provided an overview on the proposed zone text amendment relative to real estate signs.

The Commission discussed and/or commented on the following items:

1. The original approval was for real estate signs only.
2. Prior discussion on signs be allowed in the public right-a-way.
3. Realtor's concerns for sign coverage.
4. Staff to review Planning Commission video on previous action.

Chair Hudson opened the public hearing and with no speakers coming forward the public hearing was closed.

Vice-Chair Klatchko said that if signs will be allowed in the public right-a-way (not only if it doesn't block the traffic) much more consideration should be given. This has been a problematic issue in the CBD district and suggested further review of the language by the City Attorney.

**PUBLIC COMMENTS:**

Chair Hudson opened public comments and with no appearances coming forward public comments was closed.

**1. CONSENT CALENDAR:**

**1A. APPROVAL OF MINUTES: FEBRUARY 11, 2015**

**ACTION:** Approve, as presented.

Motion Vice-Chair Klatchko, seconded by Commissioner Middleton and carried 6-0-1 on a roll call vote.

**AYES:** Commissioner Calderine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko

**ABSTAIN:** Chair Hudson.

**2. PUBLIC HEARINGS:**

**2A. O & M HR, LLC (NEXUS DEVELOPMENT CORP.) FOR THE DEMOLITION OF AN EXISTING DEVELOPMENT AND PARKING AREA TO CONSTRUCT "ABERDEEN"; A MIXED-USE PROJECT CONSISTING OF (74) ATTACHED AND DETACHED RESIDENTIAL DWELLINGS, (17) LIVE-WORK UNITS AND APPROXIMATELY 1,568-SQUARE FEET OF RETAIL ON 8.05-ACRES LOCATED AT THE NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND CALLE EL SEGUNDO, ZONE REO AND CU (CASE NOS. 5.1361 PD-375, 3.3820 MAJ AND TTM 36876). (DN)**

Associate Planner Newell presented the proposed mixed-use project as outlined in the staff report.

The Commission asked technical questions pertaining to the project in reference to:

- Potential to preserve buildings under historical ordinance;
- Calle Alvarado street improvements;
- Location of the access points and gates;
- Setbacks on Tahquitz Canyon in front of work/live units;
- Pre-wire for solar;
- Setback requirements for Section 14;
- Parking for the cafe and live/work units.

Chair Hudson opened the public hearing:

ROB ERES, applicant, Nexus Dev. Corp., said they are not pushing density and height to the maximum. He commented that condition PSP 1. would increase the overall street 12 feet more than what is currently proposed instead they are trying to create an urban development. He requested an action be taken today.

CHRIS PARDO, project architect, spoke about Calle Alvarado, setbacks, height, gates and the pedestrian walkway between townhomes.

*The following persons spoke in favor of the proposed project:*

TOM ADAMO, property owner, said this project is well below the density requirements and will create jobs; this property can be a trend-setter.

AFTAB DADA, read a letter into the record by Harold Matzner, stating that this project is located in the right location where more foot traffic is needed on Tahquitz. Mr. Dada said, as an owner and partner of the Hilton Hotel, they are in full support of the project.

JAMES CIOFFI, said this is an exciting new development and implored the design team to try to find a way to integrate the existing buildings into the project.

REGGIE CAMERON, said this project speaks to the creativity of artists and is excited to have the mixed-use project at this location.

JUAN-MANUEL ALONSO, said it's important to move forward to the future; this project will have a place for artists.

ANDY CARPIAC, represents Hard Rock Hotel, said there is a demand for this type of development and encouraged the Commission to see past the skepticism of other speakers.

MIGUEL CRIEGO, artist, said this project will open up to the community giving it culture and life.

TERRY HASTINGS, artist council board member, praised the development for creating a solid artistic project. He said this would be a great anchor for the artists and community.

*The following persons spoke in opposition to the project:*

GARY JOHNS, said the city has a resort lifestyle and does not believe there is the clientele for an urban center.

RON MARSHALL, PS Preservation Foundation, said this property needs to be evaluated as a historic resource and requested an environmental analysis be conducted.

ROBERT IMBER, said that thousands of people come to see the city's heritage of architecture.

JUDY DEERTRACK, said the demolition needs to be compared with adaptive historical re-use.

ROXANN PLOSS, encouraged the idea of adaptive re-use in regards to the existing buildings.

BARBARA MARSHALL, said the plan to demolish this property will injure the city; and encouraged the developer to adaptively re-use the historic resource.

DICK BURKETT, suggested the developer come back with a plan as an option to show the study of the adaptive re-use of the Kaptur building.

PETER MORUZZI, PS Modern Committee, chair, spoke about letters received from architectural experts and encouraged the Commission to read the letters.

DR. MICHAEL MCQUARTER, architect, does not understand why the buildings from good architects are torn down.

FRANK TYSON, said people come here because they like the historic architecture; thinks this project needs substantial work and a full impact study.

HUGH KAPTUR, architect, commented that developers come from big cities with projects that change the environment and village of Palm Springs and requested these buildings be preserved.

ROB ERES, applicant rebuttal, thanked all the public that spoke; and clarified that the Aberdeen project will have 2 car garages as well as driveway parking for 2 vehicles, unlike the Morrison project.

There being no further appearances the public hearing was closed.

Chair Hudson commented that providing space for artists in the city is admirable; however, he questioned the appropriateness of the site; there is very little flexibility to have larger retail businesses along this frontage.

Vice-Chair Klatchko noted the community concern about adaptive re-use and asked the developer if they re-thought keeping the buildings.

Chris Pardo said they looked at many options and none were economically viable. Commission Roberts commented that this is a good project - it's attractive and fits well in the area. However, he is struggling with the project because the zoning mix is very complex. The R-1 zoning is not allowed in this area and does not fit anywhere. It feels overly dense for single-family houses. He does not see the public benefit given for the relief that will be granted for this project. He expressed concern with the live/work units because of the lack of parking in the busy corridor. He would like to send this project back to look at the density and suggested one public benefit could be reconditioning an existing building and contribute to the character of the city.

Commissioner Middleton said she likes what this project does away from Tahquitz but does not see the public benefit for the relief given. She is most impressed with the connection created by the Calle Alvarado extension from Tahquitz to the Convention Center and would like to see a 2-way street. She would like to see the Kaptur buildings preserved. She said the 6' setback on Tahquitz is very cramped with tight spaces. She appreciates the setbacks on Andreas and would like to see the project pushed back from Tahquitz to create more space.

Commissioner Calderine congratulated the design team and asked questions in reference to the roof deck space. He questioned if some of the live/work units could be brought around the corner on El Segundo and Tahquitz to allow some preservation of existing buildings. He preferred to see Calle Alvarado as a full use street, vehicular gates (parking will be used when conventions are in town) and agreed that a degree of building preservation should be maintained.

Commissioner Lowe expressed concerns about parking on the live/work space on Tahquitz Canyon. He agreed that Calle Alvarado would work better as a two-way street.

Rob Eres said they are open to having Calle Alvarado as a two-way street and respectfully requested for an action on this project.

Chair Hudson commented that the most important thing about this project is the preservation of at least a portion of the buildings. He expressed concern with the setbacks on Tahquitz Canyon and thinks this is one location in the city that can handle high density if it were done in a more creative way.

Commissioner Weremiuk spoke about the Section 14 design guidelines and the importance of the Tahquitz Canyon presence. She expressed concern with the setbacks and viability of the live/work units, and would like to see more community public benefit. She noted that one public benefit could be the preservation of one of the Kaptur buildings.

Commissioner Roberts said that he does not have a problem and made the following motion.

**ACTION:** To continue to a date uncertain to allow the applicant to work with staff in making the following modifications to the project:

- Density / height - justification.
- Distance between buildings - 10 feet.
- Calle Alvarado - a two-way street.
- Viability of live/work (configuration)
- Public benefit - (preserve and consider study)
- Solar panels.
- Consider live/work units on side streets.

Motion Commissioner Roberts, seconded by Commissioner Weremiuk and unanimously carried on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko, Chair Hudson

Commissioner Calerdine noted that the Tribe's conservation plan fees were dropped and requested staff look into applying the CVMSHCP fees.

A recess was taken at 8:00 pm.

The meeting resumed at 3:47 pm.

**2B. 750 LOFTS, LLC FOR A MIXED-USE HOTEL DEVELOPMENT ON A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE ZONE C-1 / R-3 / PD 104 / RESORT COMBINING ZONE / LAS PALMAS BUSINESS HISTORIC DISTRICT (HD-1) (CASE NOS. 5.1350 PDD 374 / GPA / CUP AND 3.3795 MAJ). (KL)**

Associate Planner Lyon provided an overview of the proposed mixed-use hotel as outlined in the staff report.

The Commission asked further clarification on issues relating to:

- Capture rates for valet parking at the Colony Palms.
- Parking survey to determine whether the rest of the Uptown area is adequately parked.
- Reciprocal parking agreement with Colony Palms for the existing 750 lot.

Member Hirschbein asked if a subcommittee is the best way to move this forward.

Member Song commented that the applicant has increased the quantity of plants. She commented that the subcommittee needs to give clear direction up front.

Member Purnel made the following suggestions:

- Increase some plant sizes (slower growing plants);
- A little more massing and rhythm of plants; rather than individual ones scattered out.
- Clarification on plants that are not labeled on the plans - ;
- Identify plants to be replaced - Aurelia is a poor plant recommends alternative plant.
- Greener groundcover - to make it lush.

M/S/C (Purnell/Fredricks, 7-0) Approve, subject to review with subcommittee and applicant to incorporate the comments made by the AAC. (Purnell and Fredricks)

5. **O & M HR, LLC (NEXUS DEVELOPMENT CORP.) FOR THE DEMOLITION OF AN EXISTING DEVELOPMENT AND PARKING AREA TO CONSTRUCT "ABERDEEN"; A MIXED-USE PROJECT CONSISTING OF (74) ATTACHED AND DETACHED RESIDENTIAL DWELLINGS, (17) LIVE-WORK UNITS AND APPROXIMATELY 1,568-SQUARE FEET OF RETAIL ON 8.05-ACRES LOCATED AT THE NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND CALLE EL SEGUNDO, ZONE REO AND RA (CASE NOS. 5.1361 PD-375, 3.3820 MAJ AND TTM 36876). (DN)**

Douglas Holland, City Attorney, reviewed the AAC's responsibilities for Architectural Review.

Associate Planner Newell provided an overview of the proposed project.

Vice-Chair Fredricks noted issues with the landscape plan - does not see the landscape plan that shows the plant sizes and materials - (can be submitted with final plan).

Member Song commented that landscape is not per Section 14 Plan on Tahquitz Canyon Way; and questioned the prohibition of residential use of live/work space on Tahquitz Canyon Way.

Member Secoy-Jensen verified appropriateness of reviewing context.

Chair Fauber asked staff to identify where in the staff report where it does not conform and what the standards are.



ROB ERES and CHRIS PARDO, applicants, identified the changes made to the plan.

Public Comment:

BETH EDWARDS HARRIS, said she would like to see the list of responsibilities of the Committee.

RON MARSHALL, applauds the AAC for its comments two weeks ago; sustainability should be discussed here.

BARBARA MARSHALL, spoke about the important of the Hugh Kaptur buildings.

Member Cassady requested clarification of Calle Alvarado design.

Member Hirschbein asked for clarification of pedestrian access through the site.

Member Song asked about the width of the landscape area at Alvarado. She commented that no landscape buffer is shown on Calle El Segundo and asked about the signage - which is not included as part of this approval.

Member Purnel expressed concern about the street trees in tight spaces - it needs to be addressed on landscape plan; need street trees on El Segundo. He said landscape is under-developed. It needs to show landscape of the interior streets.

Member Secoy-Jensen commented that architecture and urban design are inseparable. She noted that Calle Alvarado could be wider and questioned what the design concept is for the live/work buildings on Tahquitz.

Chair Fauber asked if there are no swimming pools on Tahquitz for the live/work units. He commented that parking is short per submitted drawings; and also questioned the Calle Alvarado width.

Member Cassady commented that no parking along Tahquitz will hurt the retail spaces.

Member Secoy-Jensen said she is struggling with the live/work design and monotony of garage doors; however, the residential behind may be appropriate.

Chair Fauber said the issue is with the fourth floor.

Member Hirschbein commented that what is before them now is better than what was originally proposed; however, it is monotonous.

M/S/C (Cassady/Secoy-Jensen, 7-0) Deny.

The Board made a finding that the project does not conform to adopted standards, and

recommended the following modifications:

1. Study alternatives along Tahquitz Canyon Way;
2. Provide streetscape along El Segundo;
3. Address Calle Alvarado traffic, parking and circulation issues;
4. Resubmit planting diagrams.

A recess was taken at 4:33 pm. The meeting resumed at 4:39 pm.

#### **NEW BUSINESS:**

6. **SERGE DOROSHIN FOR A PRELIMINARY PLANNED DEVELOPMENT DISTRICT APPLICATION TO DEVELOP A 32-UNIT CONDOMINIUM AND TWO LIVE-WORK UNITS LOCATED AT 262 SOUTH INDIAN CANYON DRIVE, ZONE LSC/C-1AA & C-2, SECTION 14 (CASE 5.1358-PDD 376). (ER)**

Principal Planner Robertson presented the proposed project.

Chair Fauber questioned if tribal land is subject to city review.

Member Hirschbein asked for clarification of property use to the north.

Member Song questioned the landscape/streetscape requirement along Indian Canyon.

CHRIS PARDO, project architect, provided additional details.

Member Purnel asked about the landscape at Indian Canyon, vehicular circulation and parking for live/work. He asked about the function of gate at Calle Encilia.

Member Secoy-Jensen questioned the functionality of the parking area at Indian Canyon.

Chair Fauber asked if there are any guest spaces on the interior.

Member Song commented on the architecture: relationship of retail to street is too bare; not well defined. She said the interior street needs trees/plantings.

Member Purnell commented that the street is "harsh" feeling; it needs increased plantings.

Member Secoy-Jensen commented that the vehicular entry is inadequate. Architecture is good, but exterior spaces need to be studied more; footprint may need to be reduced.

Member Hirschbein stated that the density is appropriate for downtown; it needs more

Chair Fauber proposed a subcommittee review the project. Staff level review was preferred.

M/S/C (Secoy-Jensen/Song, 6-0-1) To approve with conditions:

- Awnings be replaced on both Palm Canyon and Indian Canyon in the existing locations and evaluate condition of the awning frames; paint to match color sample #2.
- Building painted color sample #1.
- Windows will be in-filled with stucco to match adjacent wall surface leaving a 1" - 2" recessed back panel with the reveal between the in-filled openings.

**NEW BUSINESS:**

3. **O & M HR, LLC (NEXUS DEVELOPMENT CORP.) FOR THE DEMOLITION OF AN EXISTING DEVELOPMENT AND PARKING AREA TO CONSTRUCT "ABERDEEN"; A MIXED-USE PROJECT CONSISTING OF (74) ATTACHED AND DETACHED RESIDENTIAL DWELLINGS, (17) LIVE-WORK UNITS AND APPROXIMATELY 3,000-SQUARE FEET OF RETAIL ON 8.05-ACRES LOCATED AT THE NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND CALLE EL SEGUNDO, ZONE REO AND RA (CASE NOS. 5.1361 PD-375, 3.3820 MAJ AND TTM 36876). (DN)**

Associate Planner Newell provided an overview of the proposed project.

Discussion:

Member Song asked questions about the following:

- Lettered lots;
- Demolition of existing buildings;
- CUP submittal;
- Setbacks from Tahquitz for residential units;
- Building height.

Member Hirschbein questioned what square footage is being demolished versus how much is proposed.

Member Cassady requested clarification on ownership of property.

Member Secoy-Jensen asked what the timeline is for Planning Commission review (environmental needs to be computed).

ROB ERES AND CHRIS PARDO, applicants, responded that that existing building is about 32,000 square feet; and objects to conditions #1 and #2 in the staff report.

Public Comment:

JOHN WESSMAN, Wessman Development, commented that he knows the Hugh Kaptur buildings, and they were not developed to full potential.

BARBARA MARSHALL, commented that the demolition of the buildings injures the city. This project is not what Palm Springs wants or needs; let's find a way to adequately re-use this property.

GARY JOHNS, commented that Hugh Kaptur will have a voice in this matter at a later time.

RON MARSHALL, commented that the buildings qualify for preservation because they are the work of a master architect.

Questions:

Member Hirschbein asked how would uses be regulated (live/work space - per underlying zoning) and where is parking for coffee shop?

Member Cassady asked if there will be gates at the south end of interior streets.

Member Song made the following comments:

- Why gated? Why not open it up and allow it to flow?
- Expressed concern about the setbacks of the live/work units.
- Why not put art garden and café together (enliven the space)
- Do townhouse units share a sidewalk?
- How will the live/work signage be addressed?
- Open up pool area to pedestrian path.

Member Hirschbein asked if the workspace can be rented separately. How many parking spaces are required by code? And was the adaptive re-use of the existing buildings looked at?

Member Secoy-Jensen questioned why not re-use the buildings?

Member Hirschbein made the following comments:

- Appreciates that the community is bringing information forward on the historic

- nature of the existing buildings;
- Prefers the site not be gated;
- Would like to see Calle Alvarado developed in a pedestrian-friendly manner;
- Questions the viability of live/work units.

Member Secoy-Jensen made the following comments:

- Likes the connection of Calle Alvarado;
- Struggling with regularity/monotony of Tahquitz elevation;
- Thinks office buildings could be re-used;
- This project is not characteristic of Palm Springs.

Member Cassady said the project lacks connectivity. He likes the design; however, questioned if this is the right place for it. He would prefer to see the Hugh Kaptur buildings saved.

Chair Fauber made the following comments:

- Concerned with the density and height of the 3 story building;
- Concerned with live/work units;
- Parking is not functional;
- The building is beautiful but not the right location for it;
- Should be non-gated (using St. Baristo as an example).

Member Song said she has three issues with this project: the gates, parking and re-use of existing office buildings.

Chair Fauber said Calle Alvarado street section needs to be increased.

M/S/C (Secoy-Jensen/Fauber, 6-0-1) Table with direction to the applicant to modify the following:

1. Architecture along Tahquitz is too monotonous, lacks interest and out of scale and context;
2. Parking needs further evaluation for commercial and live-work;
3. Circulation – Increase pedestrian amenities (i.e. landscaping, wider sidewalk, etc.) along extension of Calle Alvarado;
4. Connectivity – Eliminate gates and improve connectivity of project within existing community;
5. Adaptive re-use of existing commercial buildings should be considered in redesign.

 ~~COMMITTEE MEMBER COMMENTS.~~

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February 10, 2015

*Via Email and U.S. Mail*

Flinn Fagg, AICP  
Director of Planning Services  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

Jim Zicaro  
Director of Building and Safety  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

Re: Proposed Demolition of Kaptur Designed Buildings as Part of Aberdeen Project; Case Nos. 5.1361 PD-375, 3.3820 MAJ and TTM 36876.

Dear Mr. Fagg and Mr. Zicaro:

On behalf of the Palm Springs Modern Committee, we write regarding the proposed demolition of two mid-century modern office buildings designed by noted Palm Springs' architect Hugh Kaptur ("Kaptur buildings") as part of the proposed Aberdeen mixed use project ("Project"), which is planned for the northeast corner of Tahquitz Canyon Way and Calle El Segundo. We would like to confirm that the City will not issue demolition permits for the Kaptur buildings prior to the completion of environmental review for the entire Aberdeen Project and final approval of this Project by the City Council.

The applicant's plans and the Architectural Advisory Committee's January 12 and 26, 2015 staff memorandums regarding the Project make clear that demolition of the Kaptur buildings is a necessary first step to developing the Project as proposed by the applicant. Because the demolition would be part of the Aberdeen Project, it is subject to the same environmental review under the California Environmental Quality Act ("CEQA") as the rest of the Project. (CEQA Guidelines § 15378(a).) This is true even though demolition permits on their own may be considered ministerial. "Where a project

Flinn Fagg, Jim Zicaro  
February 10, 2015  
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involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA.” (CEQA Guidelines § 15268(d); see also *Orinda Assn. v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171 [“demolition was a phase of the overall Project; as such, it was subject to the same CEQA review as the rest of the Project, and the demolition permit could not be issued until the entire CEQA process was completed and the overall Project lawfully approved.”].) Please let us know if the City agrees it will not issue demolition permits for the Kaptur building until after environmental review for the Aberdeen Project is complete and the City Council has approved the Project.

Additionally, pursuant to the CEQA section 21092.2, we request to receive a copy of all CEQA notices for the Aberdeen Project as they are completed. We also request immediate notice of applications for or approval of demolition permits for the Kaptur buildings and notice of any public hearings or meetings regarding this Project. If possible, we request these notices be sent via email to [acm@cbcearthlaw.com](mailto:acm@cbcearthlaw.com).

Thank you for your time and consideration in this matter.

Sincerely,



Amy Minter  
Attorney at Law

cc: James Thompson, City Clerk

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February 19, 2015

Terri Hintz  
Planning Department Administrative Coordinator  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92263

Re: Tahquitz Plaza by architect Hugh Kaptur, Tahquitz Canyon and Calle El Segundo

To the Planning Commission:

I am writing as an architect, historian, and author of nineteen books on Modern architecture to express my support for the preservation of the Tahquitz Plaza office complex because of its historical significance to Palm Springs and California architecture. Please share this letter with the Planning Commissioners prior to their February 25, 2015 meeting.

I have written two books on Palm Springs architecture (*Julius Shulman: Palm Springs*, Rizzoli International, 2008, and *Palm Springs Weekend*, Chronicle Books, 2001) and can say that these buildings, and the work of architect Hugh Kaptur, play an important role in what is now identified as Palm Springs Modernism.

I am also a consultant on architectural history for the current City of Palm Springs architectural survey. I have already unequivocally recommended Tahquitz Plaza as a significant building in that survey.

My resume is attached. I have written on architecture for the *Los Angeles Review of Books*, *The Architect's Newspaper*, *The Los Angeles Times*, *Architectural Digest*, *the Journal of the Society of Architectural Historians*, and other journals. I have been the architecture critic of the *San Jose Mercury News* since 1986, received a grant from the Graham Foundation for Advanced Studies in the Fine Arts, and was a National Arts Journalism Fellow at Columbia University.

The research of the importance of Palm Springs Modern architecture in general is very recent. Only a decade ago, the work of now-recognized architects such as William Cody, Donald Wexler, Palmer & Krisel, and E. Stewart Williams was not well known



generally; few Modern buildings now considered iconic were identified as historic then. Since then, our understanding of these and other architects has made us aware of the full dimension of Palm Springs architectural history.

As we continue researching this history, it is clear that the work of Hugh Kaptur makes a significant contribution to the unique character of Palm Springs architecture. This opinion is not mine alone; the newly published book *The Desert Modernists: The Architects Who Envisioned Midcentury Modern Palm Springs* (Desert Publications, 2015) and the documentary film *Quiet Elegance: The Architecture of Hugh M. Kaptur* (Bert Simonis, director, 2014) indicate the clear direction of scholarly opinion on Kaptur's importance.

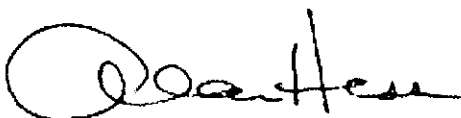
Briefly stated, Kaptur's significance is this: 1) Palm Springs midcentury Modern architecture is known for its use of Modern concepts to solve the challenges of climate, function, and new materials; 2) an extraordinary group of talented architects lived or worked in Palm Springs, and while they addressed the same problems they expressed a wide range of aesthetic solutions; 3) Hugh Kaptur's aesthetic is unique in Palm Springs, demonstrating the wide range of fertile innovation in the city.

Tahquitz Plaza is an important and well preserved example of Kaptur's unique approach. Rather than drawing on the rectilinear steel and glass geometries of, for example, Richard Neutra, he draws on organic forms and ideas from the American Southwest, and Frank Lloyd Wright. This is seen in Tahquitz Plaza's irregular roofline, the deep, sculpted, curving frames around windows, the eaves and sun shading features, and the integration of outdoor areas interspersed among the offices. This is a strong piece of design that deserves to remain in place.

In addition, its site on Tahquitz Canyon places it in the context of the city civic center, an extraordinary collection of Modern buildings serving civic purposes, and rare in the state.

I am writing this letter *pro bono* because historic architecture of this quality adds to the civic character and quality of city life. In the years before Palm Springs' heritage was fully understood, the city lost many significant structures. Unfortunately, this degradation has continued; the demolition of a major Kaptur design would be a loss to history and the city's urban quality.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Hess". The signature is fluid and cursive, with a large initial "A" and "H".

Alan Hess

**RESUME OF ALAN HESS, ARCHITECT**

4991 Corkwood Lane, Irvine, CA 92612 949/551 5343 [www.alanhess.net](http://www.alanhess.net)  
[alan@alanhess.net](mailto:alan@alanhess.net)

- WORK** 1981- Alan Hess, Architect  
1986- Architecture critic, **San Jose Mercury-News**
- EDUCATION** 1975-78 M.Arch. I, School of Architecture and Urban Planning,  
University of California, Los Angeles  
1970-74 B.A., Principia College, Elsau, IL
- DESIGN** Jamm's Coffee Shop, Petersen Automotive Museum, Los Angeles  
County Museum of Natural History; principal contributor to  
interpretive exhibits  
Gordon Onslow-Ford guesthouse, Marin County, CA
- TEACHING** 1989-91 Instructor, University of California, Los Angeles  
1986-90 Lecturer, Southern California Institute of Architecture
- PRESERVATION** Design Guidelines, Heatherstone Community, Mountain View, CA  
Honor Award 1997, National Trust for Historic Preservation  
President's Award, California Preservation Foundation  
Qualified for National Register of Historic Places:  
Bullock's Pasadena (Wurdeman and Becket 1947), Pasadena  
CA  
McDonald's Drive-In (Stanley C. Meston 1953), Downey, CA  
Valley Ho Hotel (Edward Varney, 1957), Scottsdale, AZ  
Stuart Pharmaceutical Factory (Edward Durell Stone 1958),  
Pasadena, CA  
Expert testimony on behalf of landmark designations for Century  
Plaza Hotel, Los Angeles (Minoru Yamasaki, 1966); Bob's  
Big Boy, Burbank (Wayne McAllister, 1949); Wichstand, Los  
Angeles (Armet and Davis, 1957), Columbia Savings, Los  
Angeles (1964), Stanford Hospital (Edward Durell Stone  
1959), National Theater, Westwood (1969) and other  
mid-century modern structures
- FELLOWSHIPS** Fellow, National Arts Journalism Program, School of Journalism,  
Columbia University, 1997-98
- GRANTS** Graham Foundation for Advanced Studies in the Fine Arts,  
research on Brazilian landscape architect Roberto Burle  
Marx, 1990
- LICENSE** Licensed architect, California # C 15747

## SELECTED PUBLICATIONS

### BOOKS:

- Frank Lloyd Wright: Natural Design, Organic Architecture** Rizzoli International, New York 2012
- Casa Modernista: A History of the Brazil Modern House** Rizzoli International, New York 2010
- Oscar Niemeyer Buildings** Rizzoli International, New York 2009
- Frank Lloyd Wright: The Buildings** Rizzoli International, New York 2008
- Julius Shulman: Palm Springs** Rizzoli International, New York 2008
- Forgotten Modern: California Houses 1940-1970** Gibbs Smith Publisher, Layton, UT 2007
- Frank Lloyd Wright: Mid-Century Modern**, Rizzoli International, New York 2007
- Organic Architecture: The Other Modernism** Gibbs Smith Publisher, Layton, UT 2007
- Frank Lloyd Wright: Prairie Houses**, Rizzoli International, New York 2006
- Oscar Niemeyer Houses**, Rizzoli International, New York 2006
- Frank Lloyd Wright: The Houses**, Rizzoli International, New York 2005
- The Ranch House**, Harry Abrams, Inc., New York 2005
- Google Redux: Ultramodern Roadside Architecture**, Chronicle Books, San Francisco 2004
- Palm Springs Weekend: the Architecture and Design of a Midcentury Oasis**, Chronicle Books, San Francisco 2000
- Rancho Deluxe: Rustic Dreams and Real Western Living**, Chronicle Books, San Francisco 2000
- The Architecture of John Lautner**, Rizzoli International, New York 1999
- Hyperwest: American Residential Architecture on the Edge**, Thames & Hudson, London 1996
- Viva Las Vegas**, Chronicle Books, San Francisco, CA 1993
- Google: Fifties Coffee Shop Architecture**, Chronicle Books, San Francisco, CA 1986

### MAGAZINES, JOURNALS, NEWSPAPERS AND WEBSITES:

- "Big Man on Campus: Alan Hess on Modernist Maverick, a new exhibition at the Nevada Museum of Art exploring the architecture of William Pereira," *Architect's Newspaper*, Sept. 26, 2013
- "Connecting the Dots: Alan Hess on Pacific Standard Time Presents: Modern Architecture in L.A.," *Architect's Newspaper*, Sept. 6, 2013
- "The Beauty of Authenticity: Dana Point Harbor," *Orange Coast Magazine*, Aug., 2013
- "Wide Angle Lens: Alan Hess on the Getty's new exhibition, Overdrive: LA Constructs the Future 1940-1990," *Architect's Newspaper*, June 21, 2013
- "Everyday Modernisms: Diversity, Creativity, and Ideas in L.A. Architecture, 1940-1990"
- Los Angeles Conservancy, "Curating the City" website, June 2013

- "Schindler Goes Hollywood," **Los Angeles Review of Books**, May 26, 2012
- "New Apple Campus," **San Jose Mercury News**, Sept. 2011
- "John Lautner and Los Angeles," **Los Angeles Times**, July 23, 2011
- "Coming to Terms with the Sixties," **National Trust Forum Journal**, Summer 2010 vol 24 no 4
- "Colorful Landmarks: how color shaped public space in 1950s suburbia," **New Geographies**, Harvard Graduate School of Design, Oct 2010
- "The Suburbs and the Ranch House," **California College of the Arts Architecture Studio Series**, 2005
- "The Place of Histories," **Architecture California**, 04:1, 2003
- "Steven Ehrlich house, Pacific Palisades," **Metropolitan Home**, Dec. 2005
- "Montalvo Artists' Village," **Architectural Digest**, June 2005
- "Cliff May's Romantic Mandalay," **Architectural Digest**, May 2005
- "Meeting the Horizon in California, Roscoe House by Helena Arahuete," **Architectural Digest**, Jan. 2005
- "Historic Architecture: Oscar Niemeyer," **Architectural Digest**, May 2003
- "The Place of Histories," **Architecture California**, 04:1, 2003
- "San Jose: A Downtown in the Making," **Places**, vol. 15, no. 2
- "High Art Parking Lot," **Rearview Mirror: Automobile Images and American Identities**, University of California, Riverside 2000
- "Eine kurze Geschichte von Las Vegas," **Stadt Bauwelt** 143, Sept. 1999
- "City Center to Regional Mall," **Journal of Preservation Technology**, vol XXVII, no 4, 1997
- "New York, New York," **Architectural Record**, March 1997
- "John Lautner" **Progressive Architecture**, December 1994
- "The Origins of McDonald's Golden Arches," **Journal of the Society of Architectural Historians**, XLV: 60-67, March 1986
- "Technology Exposed," **Landscape Architecture**, May 1992, pp 38-48
- "Burle Marx: A Shaky Legacy," **Landscape Architecture**, April 1992 p 38
- "Back to Brasilia," **Progressive Architecture**, October 1991 pp 96-97
- "Greenwald house," **Los Angeles Times Magazine**, October 27, 1991, p 31
- "Of Cities and Their Halls," **San Francisco Examiner**, Aug. 7, 1991
- "*American Style and Fifties Style*: reviews," **Design Book Review**, Winter 1989
- "Schindler and Goff: Architectures," **L.A. Style**, March 1989
- "Monsanto House of the Future," **Fine Homebuilding**, August/September 1986, No. 34
- "The Eichler Homes," **Arts + Architecture**, Vol. 3, No. 3, 1984

## **SELECTED TALKS**

### **LECTURES:**

Getty Research Institute; Kansas City Modern; Dallas Modern; Arizona Preservation Conference Keynote; Nevada Museum of Art Symposium; Society of Architectural Historians Tour; Commonwealth Club of San Francisco; Society for Commercial Archeology Conference Keynote; Los Angeles Conservancy Welton Becket Centennial Keynote; Columbia University School of Architecture; Houston Modern; Phoenix Modern; Walker Art Museum; Chicago Humanities

Festival; Cooper-Hewitt Museum of Design; Yale University School of Architecture; Graham Foundation for Advanced Studies in the Fine Arts; Greenwich (England) National Maritime Museum; Cliff May Lecture, Los Angeles Conservancy; Vancouver (B.C.) Alcan Lecture Series; Architecture League; International Association of Shopping Center Owners; National Real Estate Editors Association; Colby College Southworth Lecture; Monterey Design Conference; University of British Columbia; National Trust for Historic Preservation Conference; AIA 2005 National Convention, Las Vegas; Hammer Museum Symposium; San Francisco AIA; California Preservation Foundation; Schusev State Museum of Architecture, Moscow.

#### **BROADCAST MEDIA AND FILMS:**

**"William Krisel, Architect,"** DesignOnScreen Foundation, 2010  
**"A Kick in the Head—The Lure of Las Vegas,"** BBC-TV January 2010  
**"Journeyman Architect: The Architecture of Donald Wexler,"**  
DesignOnScreen 2009  
**"Desert Utopia,"** DesignOnScreen, 2008  
**Which Way LA,** KCRW-FM, July 7, 2008  
**Which Way LA,** KCRW-FM July 27, 2007  
**The Late Show,** BBC-TV January 16, 1995  
**CBS Sunday Morning News with Charles Kuralt,** January 23, 1994  
**Good Morning America,** August 3, 1993  
**CBS Morning News,** Jan. 17, 1990  
**Videolog,** KCET, Los Angeles, June 1985  
**Patrick Monroe Show,** CBC Radio, February 1987  
**Morning Edition,** NPR, May 2, 1986  
**Smithsonian World,** "Speaking Without Words," PBS, March 1984

#### **SELECTED REFERENCES TO WORK**

Thomas Hines, **Architecture of the Sun,** 2010  
"Las Vegas meets la-la land," **Smithsonian,** October 1995  
"In Los Angeles, a '50s Flameout," **New York Times,** September 7, 1995  
"Oldest McDonald's Closes," **New York Times,** March 6, 1994  
"Would Las Vegas Landmark Be an Oxymoron?" **New York Times,** Oct. 7, 1993  
"Restaurant Architecture," **Journal of the Society of Architectural Historians,** XLVIII:2, June 1989  
"Legacy of the Golden Arches," **TIME,** June 2, 1986  
"Books: Pop Style to Free Style," **Progressive Architecture,** December 1986  
"Googie: *Fifties Coffee Shop Architecture,* a review," **Architectural Record,** May 1986  
"Who Says It's Not a Landmark?" **Historic Preservation,** November/December 1987  
"Googie -- History Closing the Menu on a 1950s style," **Los Angeles Times,** June 9, 1986  
"Now let's hear it for Googie style," **Vancouver Sun,** February 5, 1987  
"Architecture and Design reviews," **Philadelphia Inquirer,** November 30, 1986

"Architecture To Go," David Dillon, **Dallas News**, June 22, 1986

"Googie: Fifties Coffee Shop Architecture," **Art and Design**, London, June 1986

April 9, 2015

Flinn Fagg  
Director of Planning Services  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

Dear Mr. Fagg:

Historic Resources Group, LLC (HRG) is currently under contract to the City of Palm Springs to develop a historic context statement and conduct a citywide historic resources survey of properties constructed prior to 1968.

We wish to note that comments submitted by Alan Hess on February 19, 2015, regarding Tahquitz Plaza are his own opinions. Mr. Hess is a sub-consultant to the survey effort assisting with the development of the historic context. He and other experts have recommended specific sites for study during the survey project. However, survey findings will only address buildings constructed prior to 1968, as specified in our contract with the City of Palm Springs.

We would be happy to respond to any questions or comments.

Sincerely,

HISTORIC RESOURCES GROUP, LLC

  
Peyton Hall, FAIA  
*Managing Principal*

**HISTORIC RESOURCES GROUP**  
12 S. Fair Oaks Avenue, Suite 200, Pasadena, CA 91105-1915  
Telephone 626 793 2400, Facsimile 626 793 2401  
[www.historicresourcesgroup.com](http://www.historicresourcesgroup.com)

## Terri Hintz

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**From:** Brad Dunning <brad@braddunning.com>  
**Sent:** Monday, February 23, 2015 12:41 AM  
**To:** Terri Hintz  
**Subject:** Tahquitz Plaza

Feb. 20, 2015

Planning Commission  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92263

tem 2A

Planning Commission Meeting

Date: 2-25-15

Additional Material

I was quite shocked recently upon hearing the City of Palm Springs is considering a developer's plan to demolish the Hugh Kaptur-designed Tahquitz Plaza. It seems almost inconceivable to me that these buildings, some of the best work of Hugh Kaptur's career, could be lost. Although recognition of Hugh Kaptur's work is coming later than those of his local peers--Albert Frey, E. Stewart Williams, Donald Wexler, William Cody and other prominent locals that have made Palm Springs world renowned as a destination for fans of architecture and design and the appreciation of mid century architecture in Palm Springs seems to be the major factor in the revival of the town--Kaptur's work is certainly as important and worthy. His achievements mark the latter end of the mid century era. His work is distinctive, unique and in the case of his pueblo modern design at Tahquitz Plaza highly contextual and specific to stylish Palm Springs. Perhaps his work has not become fully appreciated yet as it is relatively recent when compared to Albert Frey's modern work of the '50s or '60s for instance. That is why Kaptur's complex is threatened to some extent---the work is just now at the cusp of rediscovery---just as Frey's and Williams' and Cody's work was a few years ago.

Hugh Kaptur was a local and made an indelible mark on the landscape of Palm Springs and the City should be very proud and respectful of his work, celebrate and preserve it. It does the City well when it signals to the world the pride it has its achievements and the artistry of its local architects and most of all the appearance and history of the town. It is terrible for the town to be known for allowing demolition of another important building. This estimable canvas that is modern architecture in Palm Springs is economically instrumental and vital now for tourist appeal and more importantly many residents now have chosen to invest in the town and to live here simply because of the great modern architecture we have in our midst.

I urge the City to reconsider any decision which would allow the destruction of this important Kaptur complex, it would be a terrible loss and when it is gone it is gone forever.

I served as a member of the Historic Site Preservation Board in 1995-96. I suspect some of you will recall the firestorm that greeted my nomination of five Frey buildings which included the Tramway Gas Station. A developer wanted to demolish that building soon after designation and quite a controversy erupted. I hope you will agree in hindsight the decision to preserve the building was the correct one. I believe you will feel the same way as time passes and the Tahquitz Plaza is preserved. The complex is inventive, playful, and sophisticated with forms and open areas that best represent not only Kaptur at the top of his game but a true reflection of the state of the best modern architecture in Palm Springs at that period.

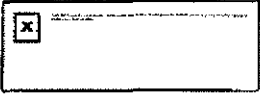
My written work about Palm Springs and modernism has appeared in the Los Angeles Times, the New York Times, Vogue, and GQ magazine among others.



I hope you will present my plea before or during the Feb. 25th meeting.

Sincerely,

Brad Dunning



## Terri Hintz

---

**From:** Morris Newman <morris\_newman@sbcglobal.net>  
**Sent:** Tuesday, February 24, 2015 3:33 PM  
**To:** Terri Hintz  
**Subject:** Expert letter regarding the proposed demolition of Tahquitz Plaza (Morris Newman) for Feb. 25 hearing

tem 2A

Planning Commission Meeting

Date: 2-25-15

Additional Material

Honorable Planning Commission  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92263

Dear Members of Planning Commission:

I'm writing to provide some comment about the proposed demolition of the Tahquitz Plaza designed by Hugh Kaptur.

- I am a qualified architectural historian (M.A., Architectural History and Theory, UCLA, 1984) and the author of two books on architecture and the editor of a third.
- I'm also a professional journalist, specializing in real estate, urban design and architecture. My work has appeared widely, including several dozen articles about commercial real estate in The New York Times and Los Angeles Times. I have written extensively on Modern Architecture, historic preservation, public-private projects, zoning and entitlement issues and other topics relating to the design, financing and government approval of buildings.
- I have published three articles about the architecture of Hugh Kaptur, including a chapter in a recently published book of Palm Springs architecture.

Tahquitz Plaza is a landmark building both in the City of Palm Springs and in the career of Hugh Kaptur. Mr. Kaptur, as you probably know, is one of the luminaries of the "Golden Age" of architecture in the city, having worked in Palm Springs continuously since the 1950s.

Mr. Kaptur has told me this is one of his favorite projects, which seems fitting for a building where he maintained his architectural practice for many years. Although Tahquitz Plaza is not a loud or flashy building, it shows many signs of architectural originality and creativity. One of the themes of Mr. Kaptur's work, and Southern California architecture in general, is the ability of local architects to "make lemonade" when faced with limits both in budget and choice of materials (i.e. the least expensive). I quote one of my own articles on Mr. Kaptur:

"Practical projects, like an office complex on Tahquitz, did not always allow such freedom, yet the comparatively restrained project remains one of the architect's favorites. Originally designed in concrete, cost consideration dictated a less expensive wood frame structure. Despite this constraint the Tahquitz buildings manage to look like masonry, due to walls that are sculptured to look massive as concrete. To further the illusion of thick walls, Kaptur provided the Tahquitz buildings with window that appear to be deeply recessed. In other places, windows push outward from the wall surface, as if trying to break free of the building. Similar out-pushing windows can be found at Kaptur's Musicland Hotel, another building that flirts with the illusion of heavy masonry...."

In my view, the human experience of cities is largely made up by memorable images, structures and spaces that lend a sense of identity to the community. These buildings might be described as the "sina qua non" of any particular city, meaning that without these structures or images, the city would be diminished and lose part of its "sense of place." Every person who is aware of architecture in Palm Springs is still feeling the loss of the Palm Springs Spa Hotel. In my view, the Tahquitz office complex is one of the "sina qua non" buildings of Palm Springs. It is a tasteful, viable building that has been tenanted since its completion. The Tahquitz is also part of a trio of Kaptur-designed buildings on either side of the street, which increases both its interest and importance.

At the very least, the Commission should give serious consideration to preserving at least the original building of the complex, which included Mr. Kaptur's former office. Perhaps the City Planning Department can incentivize the developer by granting a density bonus on the remaining portion of the parcel, to compensate for any loss of buildable square footage that preservation of the Tahquitz offices may entail. Additionally, the Planning Department might consider the waiver and/or forgiveness of certain development fees, as a further incentive to preserve the Tahquitz offices. Development is vital for the economic wellbeing of all cities. Equally so is the preservation of buildings that define its character in a positive way. It is my deeply held hope that the Planning Commission will find a way to accommodate both the best interests of both the City and the developer.

Respectfully yours,

Morris Newman

4850 Cameron Ranch Drive, Sacramento, CA, 95608

(323) 365-5655



**PALM SPRINGS  
PRESERVATION  
FOUNDATION**

February 22, 2015

Mr. Doug Hudson  
Chair, Planning Commission  
City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262

Item 2A  
Planning Commission Meeting  
Date: 2-25-15  
Additional Material

Re: Aberdeen Project and the Proposed Demolition of Tahquitz Plaza (1971, Kaptur & Lapham) (Case Nos. 5.1361 PD-375, 3.3820 and TTM 36876)

Dear Chairman Hudson,

We understand that the Planning Commission will meet on February 25, 2015 to evaluate the merits of "Aberdeen," a mixed-use project consisting of 74 attached and detached residential dwellings, 17 live-work units and approximately 1,568-square feet of retail on 8.05 acres located at the northeast corner of Tahquitz Canyon Way and Calle El Segundo.

Our primary issue with the project is the unnecessary demolition of the architecturally-significant Tahquitz Plaza complex. Further, it is our view that you should not approve this project because it is flawed on many levels and fails to comport with the values and priorities of the city's general plan, historic resources program and sustainability program. The proposed demolition of Tahquitz Plaza directly contradicts many of the city's general plan values and priorities including: "unique architecture" (page 1-12); "Promot[ing] the...use of...existing construction to minimize resource depletion and conserve resources for future generations" (page 1-12); "Creat[ing] unique places that strengthen community identity, offer visual interest, and support lively activity" (page 1-13); "Preserv[ing] and uphold[ing] the high quality of architecture and the unique visual and aesthetic form in buildings...that distinguish Palm Springs from other cities." (page 1-13); and perhaps most to the point, to "Recogniz[ing] the importance of adaptive reuse for architecturally and historically significant resources." (page 1-13).

The importance of the work of architect Hugh Kaptur has only recently become appreciated. He received a star on the Palm Springs Walk of Stars during Modernism Week 2014 and he was the subject of a recent documentary film (*Quiet Elegance: The Architecture of Hugh M. Kaptur*). Additionally, his Tahquitz Plaza complex has been recommended to the contractor currently conducting the city's historic resources survey.

Possible future activities like the historic preservation of the Tahquitz Plaza are cost-effective tools that can be used to leverage private capital, create jobs, revitalize business districts, and stimulate a wide range of other economic activities. Palm Springs property owners, like Nexus Development, can take advantage of federal and state tax credit programs to help rehabilitate historic buildings. Preserving historic character helps support tourism by providing interesting and unique opportunities for visitors.

**RECEIVED**

FEB 23 2015

While the staff report recommends the approval of this project, that approval is highly "conditioned" and raises a host of issues with the project. Many of these concerns are driven by the unseemly density of the project and the developer's attempt to wring the maximum value out of the site. In perhaps one of the most audacious and surreal examples of developer logic, on page 11 of the staff report Nexus Development claims as a public benefit "The project itself as it enhances an 'underutilized site' in Section 14." Apparently, the elegant and brilliant siting of the architecturally-significant Tahquitz Plaza complex on a main city thoroughfare is viewed by this developer as a waste of land and therefore a detriment to the community.

Finally, we applaud the city's Architectural Advisory Committee's recent decision to unanimously deny this project. In that decision, only the merits of the project were considered by the AAC, not the architectural significance of Tahquitz Plaza. That issue falls more properly under your purview (as stated repeatedly by the city attorney during the AAC's January 26, 2015 meeting). In that regard, we suggest you recommend to the city council consideration of Tahquitz Plaza as a Class 1 historic site. The Tahquitz Plaza complex should easily qualify as an historic site under criterion 8.05.020(a)(3) (as the Tahquitz Plaza exemplifies a particular period in local history, to wit, the rise of modernist architecture in Palm Springs) and criterion 8.05.020(a)(5) (the work of a "master... architect").

If you have any questions please don't hesitate to contact the foundation at 760-837-7117 or [info@pspreservationfoundation.org](mailto:info@pspreservationfoundation.org).

Sincerely,



Erik Rosenow  
President

Attachments:

1. Advocacy postcard for Tahquitz Plaza produced by the Palm Springs Preservation Foundation

Copy to:

Palm Springs Modern Committee (Chris Menrad)  
Desert Sun (Skip Descant)

Frank Tysen  
Advocates for Better Community Development  
Palm Springs, California

February 25, 2015

To the Honorable Planning Commission  
City of Palm Springs, California

Re: 2A. O & M HR, LLC (NEXUS DEVELOPMENT CORP.) FOR THE DEMOLITION OF AN EXISTING DEVELOPMENT AND PARKING AREA TO CONSTRUCT "ABERDEEN"; A MIXED-USE PROJECT CONSISTING OF (74) ATTACHED AND DETACHED RESIDENTIAL DWELLINGS, (17) LIVE-WORK UNITS AND APPROXIMATELY 1,568-SQUARE FEET OF RETAIL ON 8.05-ACRES LOCATED AT THE NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND CALLE EL SEGUNDO, ZONE REO AND CU (CASE NOS. 5.1361 PD-375, 3.3820 MAJ AND TTM 36876). (DN)

To Whom It May Concern:

On behalf of Advocates for Better Community Planning (ABCD), we are requesting that the Planning Commission recommend denial of the demolition project, Planned Development District 375, Architectural Permit, and Tentative Tract Map based upon a failure of the project to conform to the City's General Plan, the Section 14 Specific Plan, and to conform to the surrounding heights, mass, design, architecture, and function of the surrounding business area. The pending Mitigated Negative Declaration also fails to adequately assess environmental impacts of the proposed demolition project and destruction of an architectural heritage, or HR affordable housing impacts, through failure to consider adaptive re-use, through failure to use multi-family housing in the design, or introduce a viable alternative to the project as proposed – such as adaptive reuse of the current structures.

This project, as proposed, takes a functioning, viable business environment, immediately across from the Regal Theater, and proposes to demolish the design, architecture, and function of the District, and to severely disrupt business functions for most likely a two-year period of time, during a time when the protections of State Redevelopment are defunct, and there is absolutely no evidence of blight in this District -- to the contrary.

Very little has been introduced as a justification for the demolition of existing buildings within a thriving District, and it is a bit frightening to conclude that the City is basically free to do this anywhere within the City, so that a developer can further maximize profit and increase the density and height of a commercial area, and slowly erode the architectural heritage and scale of downtown Palm Springs. This action sets a bad precedent, and needs strong justification – but at the least, it requires a full Environmental Impact Report!

The primary building proposed for demolition is an architectural treasure built by the prominent architect, Hugh Captor. Although Mr. Captor's building was constructed subsequent to 1969, and does not qualify for a Class III historic designation, this is a moot point in terms of its historic value, which can be assessed independently of age. An example of this is the Palm Springs Art Museum (PSAM), a Class I historic resource constructed subsequent to 1969. What has complicated the issue of historic preservation is the rather awesome backlog of buildings awaiting assessment by the City, as the Historic Site Preservation Board is underfunded. Accordingly, it is not surprising the building has not yet been catalogued. But at the least, this building is a treasure and is highly valued by a large and very active segment of the historic preservation population of Palm Springs.

Submitted to  
Planning Commission

FEB 25 2015

094

Case # \_\_\_\_\_

The applicant is further proceeding in violation of the General Plan and Section 14 Specific Plan standards as follows, and has failed to consider viable environmental alternatives:

1. Table 6-1 of the Section 14 Specific Plan *prohibits* single-family residential buildings within the REO and RA land use classifications. Palm Springs is a charter city, but without doubt, it must comply with the General Plan and Specific Plan *legislative* standards that guide development and build-out.
2. The applicant is using a permit that is not authorized within Chapter 6 Implementation Section of the Section 14 Specific Plan, which limits land use entitlement to permitted uses, land use permits, and conditional use permits. A Planned Development Permit (PD 375) is a rezone action, incompatible with a Specific Plan that has already rezoned the area. *Reference page 6-1 and Table 6-1 of the Section 14 Specific Plan*
3. The applicant then uses the PDD flexibility procedures to justify the imposition of single-family residential within an area where it is expressly prohibited, and alters the development standards of the Specific Plan into a new configuration with greater economic benefit to the developer.
4. The proposed development creates cumulative impacts by destroying further high density residential low-income housing stock, because Section 14 Specific Plan anticipated multi-family residential for renters or low income persons, and the reservation of this housing stock was counted in the City's housing element to meet its allocation of acreage for the Regional Housing Needs Assessment. Instead, through a series of previous permits and this project, the City has slowly replaced the HDR classification with non-permitted single-family residential. They have used their new revised ordinance that eliminates the minimum threshold for residential. This should be evaluated in an Environmental Impact Report, and be considered non-compliance with its Housing Element and General Plan.
5. The Specific Plan was amended to reflect the recent amendment of the City's housing ordinances to eliminate minimum thresholds of density. This leaves the Specific Plan out of compliance with the General Plan and its State housing obligations.
6. The Specific Plan requires a density of 30 du/ac. By proposing 11 du/ac, the applicant violates the General Plan, Specific Plan, and State housing law.
7. The Specific Plan requires a minimum lot size of two acres, and the project lot size is considerably smaller, and it is accordingly, not consistent with the Specific Plan or General Plan.
8. By failure to require an Environmental Impact Report, the City has failed to consider the growth-inducing impacts of demolishing a viable business district and replacing it with a structure that does not conform to the historical character of the area, that does not match its density or form or height, nor does it address adequate housing in the mixed-use residential area. This change in the District may induce further incompatible changes.
9. The Mitigated Negative Declaration was not attached to the staff report, and has not been considered in conjunction with the staff report assessment. Accordingly, the decision makers do not have adequate information about impacts to make a proper recommendation to the City Council. The general public should have been given access in like-kind to the staff report, rather than be forced to make a trip to City Hall and get a non-electronic copy of the Initial Study.
10. The PDD replaces the development standards of the Specific Plan with new housing, new lot size, as a gated community where prohibited, inadequate street fronts, inadequate side, rear and front-yard setbacks, and not the least - an unrealistic examination of the impact of added height to the buildings.

With regard,

Frank Tysen

Judy Deertrack  
1333 South Belardo Road, Apt 510  
Palm Springs, CA 92264

Wednesday, March 23 2015

Submitted to  
Planning Commission

MAR 25 2015

Case #

2A

To the Honorable Members of the  
Palm Springs Planning Commission  
City of Palm Springs, California

2A. O & M HR, LLC. (NEXUS DEVELOPMENT CORP.) FOR THE DEMOLITION OF AN EXISTING DEVELOPMENT AND PARKING AREA TO CONSTRUCT "ABERDEEN"; A MIXED-USE PROJECT CONSISTING OF (74) ATTACHED AND DETACHED RESIDENTIAL DWELLINGS, (17) LIVE-WORK UNITS AND APPROXIMATELY 1,568-SQUARE FEET OF RETAIL ON 8.05-ACRES LOCATED AT THE NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND CALLE EL SEGUNDO, ZONE REO AND CU (CASE NOS. 5.1361 PD-375, 3.3820 MAJ AND TTM 36876). (DN)

To Whom It May Concern:

I am a resident of the City of Palm Springs, with an active interest in historic preservation, and commitment to the small-town village atmosphere planned for in the City's General Plan. I ask the following of the Planning Commission, but also with a conclusion that these acts of proper environmental consideration are mandated by law:

1. I am asking the City to set aside its finding in the Mitigated Negative Declaration that the project has "no impact" on cultural resources, nor does it "a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5."
2. I am asking that the City properly refer this project proposal to the Historic Site Preservation Board (HSPB) for a full report and consideration of whether the two Hugh Captor buildings on the site proposed for demolition is a resource that shall be considered by the lead agency to be 'historically significant' as buildings that meet the criteria for listing on the California Register of Historic Resources. I refer the Planning Commission to the comment letters on file from distinguished members of the preservation community.
3. I am asking that the City make a finding on the historical significance of the Hugh Captor buildings at issue as to whether they qualify as discretionary historic resources. That finding should be informed by the evaluation of the HSPB.
4. I am asking the City to review and revise its findings at page 24 of the Mitigated Negative Declaration "Discussion of Impacts a) No Impact" to reflect that the criteria for a finding of impact reflect CEQA Guidelines 15064.5 subd. (a) (3)&(4).
5. I am asking the City to review and revise its findings in the staff report that concludes there is no historic impact of significance in the decision to demolish the Hugh Captor buildings, because they have never been locally registered or state registered as an historic resource. This language is misleading to the decision makers on this project.
6. I am asking the City to review and revise its findings on impacts to Land Use and Planning in the Mitigated Negative Declaration at page 37, wherein it concludes that the project does not "conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, (including but not limited to the general plan, specific plan, .... Or zoning ordinance). Adopted for the purpose of avoiding or mitigating an environmental effect." The Discussion of impacts does not even mention the fact that the development standards are not in compliance with the Specific Plan; nor does it reference the fact the project proposes single-family residential in a Specific Plan area where single-family residential is specifically prohibited! (RA and REO). In fact, the discussion at b) is factually



inaccurate, because it discusses multi-family residential buildout. The factual inaccuracy and lack of consistency has impacted mitigation measures and findings, and these need to be corrected.

7. I am asking the City to properly evaluate and mitigate the impact of eliminating multi-family housing within a Specific Plan area that provides for MFR to the exclusion of SFR, along with the attendant affordable housing impact that might arise from exclusion of MFR housing where it is intended to be built.
8. I am asking the City to conform its findings of consistency with the general plan and specific plan for Section 14, to reflect the actual non-compliance with building standards and housing type. (see previous letters on file by Frank Tysen)
9. Most importantly, I am asking for the City to provide a full EIR evaluation so that the environmental alternative of conserving the Hugh Captor buildings can be properly considered. The MND is fatally defective without this assessment.

Please consider the following language from *Valley Advocates v. City of Fresno* (2008):

**VALLEY ADVOCATES et al, v. CITY OF FRESNO et al.**  
72 Cal.Rptr.3d 690 (2008) 160 Cal.App.4th 1039

**OPINION**

..... “We reach the following conclusions. First, at the meeting where City determined the project was exempt from CEQA, it was misinformed about its discretionary authority to determine the buildings were historic resources. As a result, City cut short its inquiry into the historic significance of the buildings and relied too heavily on its earlier decision not to list the buildings in the local register of historic resources.” [emphasis added] *Valley Advocates* at page 694.

**DISCUSSION . . . . .**

**I. Background on CEQA's Treatment of Historical Resources**

“Section 21084.1 and its implementing Guidelines establish three analytical categories for use in determining whether an object is an historical resource for purposes of CEQA. (See *League for Protection of Oakland, supra*, 52 Cal.App.4th at pp. 906-907, 60 Cal.Rptr.2d 821 [three categories of historical resources identified as mandatory, presumptive and discretionary].)” *Valley Advocates* at page 698

**II. Mandatory Historical Resources**

**A. Applicable Text of CEQA and Guidelines**

“The category of mandatory historical resources is based on the second sentence of section 21084.1, which states: ‘For purposes of this section, an historical resource is a resource *listed in, or determined to be eligible for listing in, the California Register of Historical Resources.*’ [emphasis added]

The Guidelines define the scope of the category of mandatory historical resources by adding one limitation to the text of the second sentence of section 21084.1. Specifically, Guidelines section 15064.5, subdivision (a) (1) provides that “the term ‘historical resources’ shall include ... [¶] ... [a] resource listed in, or determined to be \*699 eligible by the State Historical Resources Commission [ ] for listing in[,] the California Register of Historical Resources (Pub. Res.Code § 5024.1, Title 14 CCR, Section 4850 et seq.).” (Italics added.)” *Valley Advocates* at page 698-699

**III. Presumptive Historical Resources**

**A. Applicable Text of CEQA and Guidelines**

“The category of presumptive historical resources is created by the third sentence of section 21084.1, which states:

"Historical resources included in a local register of historical resources, as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1, are presumed to be historically or culturally significant for purposes of this section, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant."

The Guidelines reiterate this definition by stating that "the term 'historical resources' shall include ... [J] ... [a] resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements of section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies \*701 must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant." (Guidelines, § 15064.5, subd. (a)(2).)

Under these provisions, there are two types of presumptive historical resources. The first type is a resource included in a local register of historic resources. A "local register of historic resources" is defined as a "list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution." (§ 5020.1, subd. (k).) The second type of presumptive historical resource is a resource identified as significant in certain surveys of historical resources. (§ 5024.1, subd. (g).) The historical resource survey must meet all four of the criteria set forth in section 5024.1, subdivision (g).[8]" *Valley Advocates* at 700-701

#### IV. Discretionary Historical Resources

##### A. Text of CEQA

"The category of discretionary historical resources is derived from a combination of \*702 the second sentence and the last sentence of section 21084.1.

The text of the second sentence of section 21084.1 states: "For purposes of this section, an historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources." [10]

The last sentence of section 21084.1 states:

"The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1 shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of this section." *Valley Advocates* at pp. 701-702.

##### B. Provisions in the Guidelines . . . . .

##### 2. Guidelines section 15064.5, subdivision (a)(3)

"Guidelines section 15064.5, subdivision (a)(3)<sup>[13]</sup> addresses aspects of a lead agency's \*703 *discretionary authority* in two ways. First, it limits what the lead agency is allowed to do. Second, it appears to impose an affirmative obligation on the lead agency. [emphasis added]

The limitation is stated at the beginning of Guidelines section 15064.5, subdivision (a)(3): "Any object [or] building ... which a lead agency determines to be historically significant ... may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record." The Guidelines use the word "may" to identify discretionary authority. (Guidelines, § 15005, subd. (c); see § 15 ["may" defined].) Thus, Guidelines section 15064.5, subdivision (a)(3) confirms the lead agency's discretion to treat an object or building as an historical resource for purposes of CEQA and limits that discretion to situations where substantial evidence supports the lead agency's determination of historical significance.<sup>[14]</sup>

The second sentence of Guidelines section 15064.5, subdivision (a)(3) contains the following mandatory language: "Generally, a resource *shall* be considered by the lead agency to be 'historically significant' if the resource meets the criteria for listing on the California Register of Historical Resources...."<sup>[15]</sup> (Italics added.) The word "shall" is used in the Guidelines to identify "a mandatory element which all public agencies are required to follow." (Guidelines, § 15005, subd. (a).)" *Valley Advocates* at page 702-703

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### 3. Discretionary authority. . . .

#### C. Application of Interpretation to Facts of this Case

"The May 3, 2005, staff report that recommended the City Council affirm the issuance of the categorical exemption for the project addressed whether the administrative record contained substantial evidence that the Flats were an historic resource:

'The Subject Building is not a 'historic resource' under CEQA because it does not fall into any of the categories within the definition of 'historic resource' in CEQA. That is, the Subject Building is not on a State register, it has not been found to be eligible for a State register by the State Historic Preservation Commission, it is not on a local register, and Council has not treated nor chosen to treat the building as historical.'" (Italics added.)" *Valley Advocates* at p 704

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"The staff report, Unruh's advice, and a statement made by an attorney from the city attorney's office misinformed the City Council about its discretion. The City Council was not told that it had a choice to make at the May 3, 2005, hearing. It was told that it already had determined the Flats were not historical resources and that the previous determination answered whether the Flats were historic resources or not.

Instead, the City Council should have been informed of the following. First, its prior determination to deny the listing application meant that the Flats did not qualify for CEQA's presumptive historical resource category.<sup>[16]</sup> Second, a listing determination and a CEQA determination are not the same thing. Third, at a minimum, the City Council had a discretionary election to make at the May 3, 2005, hearing. Specifically, it could elect to separately consider whether the Flats were an historical resource for purposes of CEQA's discretionary historical resources category.

"Because the City Council was misinformed about its discretion to make such an election, it follows that the City Council did not, in fact, exercise its discretion and make such an election." *Valley Advocates* at page 704.

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### 2. Informational errors

"In some contexts presented under CEQA, a prejudicial abuse of discretion occurs when the absence of relevant information precludes informed decision making by the public agency. (E.g., *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 653, 57 Cal. Rptr.3d 663.)

This case involves something more than the simple absence of relevant information. *Here, the relevant information was absent and incorrect information was provided in its place.*" [emphasis added] *Valley Advocates* at page 705.

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### B. Discretionary Historical Resources

"Prior determinations regarding the listing of a building on a local register are relevant to the presumptive historical resource category, but prior determinations not to list a building or include it in a survey do not control whether the object or building may be treated as an historical resource under CEQA's discretionary historical resource category. (See Guidelines, § 15064.5, subd. (a)(3)&(4).)".....

"Accordingly, the decision not to list a building on a local register does not necessarily resolve all factual questions and

discretionary aspects of the City Council's inquiry into whether the building is an historical resource for purposes of CEQA's discretionary historical resource category." *Valley Advocates* at page 708.

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**VII-IX.[\*\*]  
DISPOSITION**

"The judgment is reversed. The matter is remanded to the superior court with directions to vacate its order denying the petition for writ of mandate and to enter a new order that grants the petition for writ of mandate and directs City to (1) set aside its approval of the site plan review Application S-04-399, (2) set aside its findings that the proposed project is categorically exempt, and (3) conduct a preliminary review \*712 that properly considers the discretionary historical resources category." *Valley Advocates* at page 711-712.

Thank you for your kind consideration.

Judy Deertrack

## Terri Hintz

---

**From:** Paul Kaplan <paulkaplanre@gmail.com>  
**Sent:** Wednesday, March 25, 2015 9:37 AM  
**To:** Terri Hintz; David Newell; Jay Thompson  
**Subject:** Aberdeen

I am opposed to the Aberdeen project and encourage the planning commission to DENY approval.  
(Planning Commission meeting March 25 ITEM 1.B)  
This project is too dense, lacks open spaces, and offers a poorly designed facade along Tahquitz Canyon.

Please deliver a hard copy to each commissioner before today's meeting.

—  
Paul Kaplan  
*Director*

Website: [www.PaulKaplanGroup.com](http://www.PaulKaplanGroup.com)  
Email: [Paul@PaulKaplanGroup.com](mailto:Paul@PaulKaplanGroup.com)  
Cell/TEXT: 760-285-8559  
Office: 760-459-1396  
Fax: 760-406-4221

**The Paul Kaplan Group, Inc.**

BRE 01325586

*1701 N Palm Canyon #5  
Palm Springs, CA 92262*

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**Planning Commission Meeting**

**Date:** 3-25-15

**Additional Material**

**Item** 2A

## David Newell

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**From:** Judy Deertrack <judydeertrack@gmail.com>  
**Sent:** Friday, March 27, 2015 9:52 PM  
**To:** Flinn Fagg; David Newell  
**Subject:** Aberdeen Project / Historic Ordinance (1969)  
**Attachments:** Chapter 8.05 HISTORIC PRESERVATION.pdf; 2015.02.25 PCSR Preservationist Resumes.pdf

Dear Mr. Fagg:

With kind consideration for the hard work put into this project, I wanted to ask questions about the City's comments given to the Planning Commission at Wednesday's hearing, and make some recommendations. Would you also submit this email (letter) on the record of Aberdeen for inclusion in the staff report for City Council review?

Could you please clarify for me at the hearing with the Planning Commission: (1) what you actually told them regarding continuance and review jurisdiction; and (2) if (on hindsight) you would alter any of those statements.

I did not understand some of the limitations imposed upon review of the historic nature of the building, as you can tell from my comment letter submitted; nor did I understand the limitations on a continuance (in general), or denial of jurisdiction to refer the matter to the HSPB.

Please forgive if any of my understandings are incorrect, my Adobe Flash will not function or allow me to update, so I can't view the video of the proceedings until this is repaired.

Although you may want to respond in writing, I would also welcome a meeting with you or staff to clarify some of this before the City Council hearing on Aberdeen, and I really believe some of the historic preservation folks might be willing to meet as well. It is my impression that the City has always been very generous in resolving issues with the general public through constructive meetings, particularly when an issue reaches this level of controversy:

**(1) Continuance:** The Planning Commission was told they did not have the option of continuing the matter because of ordinance limitations. May I please know what ordinance or rule or limitation the City was referring to? It was not cited at the hearing. Is there a time limitation running under the Permit Streamlining Act? If so, may I have a sense of that timeline? What the time limitation is, what event triggered its time frame, what date terminates the legal time to review?

I was uncomfortable that "a yes or no vote and nothing else" was the City's adamant position, because the applicant / developer was in the audience demanding this! Nexus (O&M HR, LLC) appeared to be exercising the jurisdiction, rather than the City or the Planning Commission, and this is problematic.

This pressure to move up to City Council has happened in a context where the AAC and the Planning Commission clearly have major problems with this project, as proposed, and have refused to recommend approval.

The fact the City also recently passed an urgency ordinance shortcutting committee and commission review, and an unusual appearance of the City Attorney warning the Commissions / Committees against bias, together

with what appears to be a failure to properly assess historic impacts under CEQA - combines to create pressure that may not be in the best interest of anyone.

I so strongly recommend that this process slow down for public intervention. It is so clear to me the developer has chosen to expedite timewise, rather than spend requisite time on the issue of the historical significance of the Hugh Kaptur buildings.

The obligation of the City is to keep the scope of jurisdiction open during these administrative hearings, so that the record is not truncated.

**(2) HSPB Referral:** The Planning Commission was told by the City that the ordinance language of the City did not allow the Planning Commission to make a referral back to the Historic Site Preservation Board (HSPB) to determine the buildings' historical significance for purposes of CEQA (Commissioner Weremiuk asked staff about my comment letter on Valley Advocates - and the claim that the HSPB should have reviewed this building as a "discretionary historical resource" under CEQA, with an advisory opinion to the Planning Commission and City Council.)

I believe the City also (somewhat separately) concluded the HSPB did not have jurisdiction to review this building for listing or designation as a local historical resource.

At the hearing you stated that the HSPB is limited to review of buildings constructed on or before 1969, therefore, the matter could not be referred to the HSPB on any basis. Later (I am not sure) -- there may have been a comment that "perhaps there could be a referral," but ultimately the City told the PC this matter could not be delayed or continued, and must go "up" to City Council. Is this, in fact, correct?

On the issue of Aberdeen historic resources (and the Hugh Kaptur buildings), I recommend the City clarify HSPB jurisdiction in four important ways:

(a) whether the ordinances and/or practices of the City grant authority to the HSPB to review CEQA historicity on a demolition permit to advise the AAC, Planning Commission, and City Council on whether the buildings are historical in nature under the CEQA Guidelines for Cultural Resources, and if so, whether the buildings fall within the classification of (a) mandatory; (b) presumptive, or (c) discretionary, for purposes of setting a proper record of decision for CEQA.

(b) associated with Section (a), whether the HSPB has jurisdiction to review and advise whether there is "substantial evidence on the record," given Mr. Hess' testimony and that of others, to conclude that the Hugh Kaptur buildings "meet the criteria for listing on the California Register of Historic Resources"; and

(c) whether, as part of its review, the HSPB has jurisdiction to advise and recommend consideration in the commercial district of adaptive reuse of historic resources (Kaptur buildings) as an environmental alternative to the proposed project, or including any specialized conditions of approval or suggested mitigation and monitoring conditions that might be appropriate for the actual proposed project, if applicable; and

(d) whether an applicant, the City, and/or the HSPB can initiate an application for local listing eligibility during the pending of an application for demolition permit for the historic buildings at issue (with a clear understanding that local listing or local eligibility are NOT germane to the CEQA responsibilities!).

**(3) Substantial Evidence of Historicity:** Alan Hess is a credentialed historian and nomination expert that stated the following in his letter on file in the Aberdeen project:

"Briefly stated, Kaptur's significance is this: 1) Palm Springs mid century Modern architecture is known for its use of Modern concepts to solve the challenges of climate, function, and new materials; 2) an extraordinary group of talented architects lived or worked in Palm Springs, and while they addressed the same problems they expressed a wide range of aesthetic solutions; 3) Hugh Kaptur's aesthetic is unique in Palm Springs, demonstrating the wide range of fertile innovation in the city.

Tahquitz Plaza is an important and well preserved example of Kaptur's unique approach. Rather than drawing on the rectilinear steel and glass geometries of, for example, Richard Neutra, he draws on organic forms and ideas from the American Southwest, and Frank Lloyd Wright. This is seen in Tahquitz Plaza's irregular roofline, the deep, sculpted, curving frames around windows, the eaves and sun shading features, and the integration of outdoor areas interspersed among the offices. This is a strong piece of design that deserves to remain in place."

*Comment Letter of Alan Hess on file, dated February 19, 2015.*

This description, without a doubt, should qualify the Hugh Kaptur buildings for review under CEQA and independently qualify it for consideration as a Class I structure if the application is still timely (and I do not see anything barring that application).

I see nothing in the ordinances that bars qualified public members, HSPB, or City Council from initiating a review or nomination simply because a demolition and PDD permit is in process. I would want to be sure that the City, in its hearing process, has done nothing to discourage the public or HSPB from concluding this application is permissible -- at least not without carefully documenting the legal bar to filing an application.

**(4) Distinguish CEQA:** Please note through all of this discussion -- my position in my comment letter cites *Valley Advocates* -- there is a vast difference between a request for designation and listing as a local resource, and the requirements of review for CEQA with its informational and mitigation responsibilities!

Without a doubt, the City should have provided a clear record of review to establish whether the Kaptur buildings qualify as a discretionary resource under CEQA Guideline 15064.5 sub (a) (3) & (4). That clearly has not occurred:

"The second sentence of Guidelines section 15064.5, subdivision (a)(3) contains the following mandatory language: "Generally, a resource shall be considered by the lead agency to be 'historically significant' *if the resource meets the criteria for listing on the California Register of Historical Resources....*" [15] (Italics added.) [emphasis added] *Valley Advocates* at 702-703

Mr. Hess' letter certainly would have raised this issue for environmental consideration. Mr. Hess' analysis and findings, together with the impressive resume and credentials, appear to create substantial evidence on the record for administrative consideration on the building historicity.

Reviewing the Mitigated Negative Declaration proposed for adoption by the City Council, the reasoning appears fatally defective and falls right into the trap of *Valley Advocates*. By CEQA discussion, the City disqualifies the buildings for CEQA historicity as a potentially significant resource ONLY because (quoting the MND).

**Discussion of Impacts: a) No Impact.** "The existing buildings are not listed as a state historical resource of significance, nor are the buildings locally listed with the City of Palm Springs. No



impacts to historic resources are expected to occur as a result of build out of the proposed project."

I, again, return to the finding of Valley Advocates, invalidated the project permit for insufficient CEQA review and lack of jurisdiction to act:

## **B. Discretionary Historical Resources**

"Prior determinations regarding the listing of a building on a local register are relevant to the presumptive historical resource category, *but prior determinations not to list a building or include it in a survey do not control whether the object or building may be treated as an historical resource under CEQA's discretionary historical resource category.* (See Guidelines, § 15064.5, subd. (a)(3)&(4).)..... [emphasis added]

"Accordingly, the decision not to list a building on a local register does not necessarily resolve all factual questions and discretionary aspects of the City Council's inquiry into whether the building is an historical resource for purposes of CEQA's discretionary historical resource category." *Valley Advocates* at page 708.

**(5) Stay of Demolition:** Throughout the entire review period of Aberdeen, the City appears to have always taken (or implied) a public position that it would be null and void for a third party or for any member of HSPB to initiate an application for review and designation of the site for historic significance or listing for these buildings (aside from CEQA). Certainly that is true if they have advised the public that the building must be constructed on or before 1969 to qualify. Can the City now profit (laches) from misleading the public (if, in fact, they have), and preclude the timeliness of an application for listing?

Looking at Ordinance 8.05, it appears to anticipate action by the HSPB during a period when a demolition permit and project review is in progress, for Ordinance 8.05 clearly states:

### **8.05.170 Stay of demolition.**

"At any time after the initiation of proceedings for designation of an historic site or district, the historic site preservation board may, upon its own motion or upon the application of any interested person, *issue an order staying any proposed or threatened demolition* or alteration of the exterior of any structure within or upon such proposed site." [emphasis added]

### **8.05.166 Initiation of proceedings—National Register.**

(a) *The historic site preservation board may initiate proceedings* for designation of an historic site or district or the recommendation of a property for nomination to the National Register by motion, and shall then hold at least one public hearing prior to making a recommendation to the city council.

(b) *The city council may initiate proceedings* for designation of an historic site or district or the recommendation of a property for nomination to the National Register by motion, and shall then refer to the matter to the historic site preservation board for public hearing and recommendation.

(c) Upon final action by the city council recommending a property for nomination to the National Register, the recommendation will be forwarded by appropriate application to the state of California Department of Parks and Recreation. (Ord. 1320 § 7, 1988)

8.05.200 Procedure upon application.

(a) *Upon the filing of an application*, the secretary of the board shall set the matter for review and shall give notice in accordance with the rules of the board. The board shall make its decision within forty-five days from the date the application is filed. If the board fails to act within forty-five days, the application is considered approved unless the applicant and the board agree to an extension of time. [emphasis added]

I am assuming any party may file for an application, as long as they submit the required data, since the ordinance does not specify otherwise.

**(6) Brown Act:** I did want to alert the City that the posted agenda (notification) for this PC hearing looks problematic to me. It states in the public notice, "O&E HR, LLC, *for the demolition of an existing project and parking area to construct....[project description]*" The staff report states, "Recommend the City Council adopt the mitigated negative declaration and *approve the project*, subject to conditions." [emphasis added]

For purposes of adequate public notice on the agenda, I would recommend referring to the underlying permit typology. Approving "a project" doesn't tell us what is being approved. Decision makers approve land use entitlements and the supplemental permits, and often in stages. Where in the description does this say whether this is a PDD, a CUP, a combination, a demolition permit that will be issued before or after project approval? A carefully crafted description answers those questions. The public needs to know whether Planning Commission has final approval or is making a recommendation to the City Council.

**(7) Demolition Permit Premature:** Frank Tysen raised the issue that it is premature to issue a Demolition Permit when the underlying project has not been approved, and I agree. What will happen if the historical structure is demolished and the subsequent project is denied? It sets up a perfect bias. Once demolished, with an empty lot, impartiality of review cannot be maintained, because the City will be desperate to correct the blight. If demolished ahead of a CEQA determination on the MND (or need for an EIR), the consideration of environmental alternatives is destroyed as an option, and mitigation considerations are truncated or destroyed. This cannot possibly be legal.

This, again, is why public notice must show the action item. Is the demolition permit under review? Who has final authority? What happens to the unresolved PDD and MND?

**(8) Valley Advocates Finding:** The Fourth District Court of Appeal spoke overtly about the failure to properly instruct the decision making body of their options in classifying the structure as an historic resource. The result of not doing so prejudiced the final election of the body on whether to approve, deny, or refer. I maintain the City has created the same bias through failure to properly instruct the Planning Commission on the option to elect or consider the Kaptur buildings as historic resources, or precluding them from seeking legal advice on this issue, and/or referring the matter for determination to the HSPB. Valley Advocates discusses the issue as such:

"Instead, the City Council *should have been informed of the following*. First, its prior determination to deny the listing application meant that the Flats did not qualify for CEQA's presumptive historical resource category. [16] Second, *a listing determination and a CEQA determination are not the same thing*. Third, at a minimum, *the City Council had a discretionary election to make at the May 3, 2005, hearing. Specifically, it could elect to separately consider whether the Flats were an historical resource for purposes of CEQA's discretionary historical resources category*. "Because the City Council was misinformed about its discretion to make such an election, it follows that the City Council did not, in fact, exercise its discretion and make such an election." [emphasis added] *Valley Advocates* at page 704.

Because of advice of staff at the Planning Commission hearing, the Planning Commission was denied the full range of opportunities to consider the implications of the Hugh Kaptur buildings as discretionary historical resources.

Thank you so much for your review of this material.

Judy Deertrack  
760 325 4290

**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

1725 23<sup>rd</sup> Street, Suite 100  
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(916) 445-7000 Fax: (916) 445-7053  
calshpo@parks.ca.gov  
www.ohp.parks.ca.gov



March 27, 2015

David Newell  
Associate Planner  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, California 92262

Dear Mr. Newell,

**RE: ABERDEEN PROJECT INITIAL STUDY MITIGATED NEGATIVE  
DECLARATION**

Thank you for including the California Office of Historic Preservation (OHP) in the environmental review process for the proposed Aberdeen Project. Pursuant to the National Historic Preservation Act and the California Public Resources Code, the State Historic Preservation Officer (SHPO) and the OHP have broad responsibility for the implementation of federal and state historic preservation programs in California. We have a history working with the City of Palm Springs (Lead Agency) through our Certified Local Government Program. Our comments are offered with the intent of protecting historic and cultural resources, while allowing the City of Palm Springs to meet its program needs. The following comments are based on the information included in the Initial Study/Mitigated Negative Declaration (IS/MND) for the Aberdeen Project.

The proposed project will construct an 8 acre mixed-use development with 74 residential units, and 17 live-work units, with approximately 1,568-square feet of retail space. The project site is partially occupied by the Tahquitz Plaza office complex, which would be demolished as part of the proposed project. In order to adopt the IS/MND as an adequate environmental document in compliance with CEQA, the decision making body must find that it has adequately addressed environmental impacts. If the document has failed to identify significant environmental impacts, the decision making body should not adopt the findings as adequate.

Pursuant to the city's Municipal Code § 8.05.135, the City's Preservation Board is responsible to "conduct or cause to be conducted such preliminary surveys, studies or investigations as it deems necessary to adequately inform the historic site preservation board and city council prior to public hearing, and shall make available to any interested person the results of any such survey, study or investigation." In keeping with this provision of the municipal code, the City of Palm Springs commissioned a city-wide historic architecture survey. This survey effort is currently ongoing. As part of this survey effort, we understand the Tahquitz Plaza office complex was evaluated and identified as a historical resource. These findings were provided to the Lead Agency as

David Newell  
March 27, 2015  
Page 2 of 2

part of the CEQA comment process in a letter dated February 19, 2015, authored by Alan Hess, a specialist in the field of architectural history.

The discussion of environmental impacts within the IS/MND states that the Tahquitz Plaza office complex is not a historic resource as defined in the CEQA Guidelines § 15064.5 because “[t]he existing buildings are not listed as a state historical resource of significance, nor are the buildings locally listed with the City of Palm Springs.” Yet, CEQA Guidelines § 15064.5 (4) states that “[t]he fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources, or identified in a historical resources survey does not preclude a lead agency from determining the resource may be a historical resource [for the purposes of CEQA]...” There is no mention in the IS/MND of the ongoing city-wide survey, nor any evaluation of eligibility for the Tahquitz Plaza office complex. In light of the preliminary findings of historical significance described in the Alan Hess letter, we encourage the Lead Agency to act within its discretion, provided in § 15064.5(4) of the CEQA Guidelines, to consider the Tahquitz Plaza office complex as a historic resource for the purposes of CEQA. If the Lead Agency is to consider the Tahquitz Plaza office complex a historic resource, it could not reasonably adopt the findings in the IS/MND as being in compliance with CEQA and adequately addressing significant environmental impacts.

If the Lead Agency chooses to exercise its discretion under § 15064.5(4) of the CEQA Guidelines and treat the Tahquitz Plaza office complex as a historic resource, it may be possible to modify the proposed project to avoid impacts to the historical resources. If the project is modified to avoid demolition, impacts to historic resources could be avoided. In this way, the Lead Agency could modify the IS/MND, and avoid the time and cost involved in preparing an Environmental Impact Report (EIR).

If you have questions, please contact Sean de Courcy of the Local Government and Environmental Compliance Unit, at (916) 445-7042 or at [Sean.deCourcy@parks.ca.gov](mailto:Sean.deCourcy@parks.ca.gov).

Sincerely,



Carol Roland-Nawi, Ph.D.  
State Historic Preservation Officer

CC:  
Palm Springs City Council  
Palm Springs Preservation Foundation

## Palm Springs City Council

My name is Hugh Kaptur, I have spent fulltime, the last 60 years of my life living in Palm Springs, earning a living in the field of architecture. In the eighties and nineties I've contributed my time, as a member to the city Architectural Review Board and the Planning Commission. I have a deep respect for you, contributing your time to our great city as well.

Reviewing the Aberdeen project, I have some serious concerns as to the concept that is being presented. They are from a historic standpoint, good planning practices, and personal.

Our forefathers from the fifties envisioned Tahquitz Mccallum to be a grand boulevard connecting the City Airport and the Downtown. Their dream was cemented into the Palm Springs General Plan and Zoning Ordinances along this boulevard. Their plan was high end development along its frontage, to create an impressive avenue for visitors, visiting Palm Springs. To achieve this goal, strict conditions were written into the Zoning Ordinance as to what would be allowed. The Aberdeen project as presented violates all of the conditions set forth in the zoning, including setbacks, heights, density, parking and use. This dream our forefathers had for Palm Springs and Tahquitz Mccallum has been handed down through the years, council to council and respected. In my opinion it is your duty, to continue that legacy, and enforce our General Plan and Zoning Ordinances.

This concept being presented of small cubicles with live workings spaces, is not new, it's been going on for hundreds of years, and under certain conditions works well. The Pacific Coast and other similar areas, where wide boardwalks and several 100 yards of Sandy Beach overlooking the Ocean, it has become particularly popular. These areas draw hundreds if not thousands of vacationers and beachgoers to enjoyed nature's gifts. These areas also have wide barriers separating people from vehicular traffic. Looking at the Aberdeen project at this location none of these demographics are represented.

Let's assume the developers hope comes true, that this use will draw pedestrians, that creates a major planning problem. With its narrow sidewalks and the 40 mph speed limit on Tahquitz with no barrier, separating pedestrians and vehicular traffic, is an accident waiting to happen. Even downtown you have curb parking which separates people from vehicles.

Tahquitz Plaza has become a significant piece of architecture, not that I have designed it, but that the buildings themselves have become part of a heart and soul for iconic architecture in Palm Springs. These buildings are being suggested for CEQA. review. Tahquitz Plaza is included in many of the architectural tours that have made Palm Springs so popular in recent years. According to Palm Springs Life Magazine, modernism week, and yearly architectural tours brings hundreds and hundreds of thousands of dollars of revenues to local hotels, restaurants

and retailers and some of the things which in turn adds to the city tax base.

I'm in hopes this counsel will keep in mind its historic commitment to your predecessors, and not allow the Plan Development process to overrule good planning practices!

Respectfully yours

Hugh M. Kaptur



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April 8, 2015

*Via Email*  
*Original to follow*

Honorable City Council  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92263

Re: Comments on Aberdeen Project, Case Nos 5.1361 PD-375, CUP, 3.3820  
MAJ and TTM 36876; Objection to Demolition of Historic Tahquitz Plaza

Honorable Councilmembers:

On behalf of the Palm Springs Modern Committee, we urge the City to require the preservation of the Tahquitz Plaza as part of the proposed Aberdeen Project. The Aberdeen Project, as described in the mitigated negative declaration (MND) prepared for the project, includes: demolition of all four Hugh Kaptur designed buildings that comprise the historic and architecturally significant Tahquitz Plaza; construction of 74 residential units; and construction of 17 live-work units along Tahquitz Canyon Way (the "Project" or "Aberdeen Project"). The Project was slightly revised as presented to the Planning Commission to reduce the number of residential units to 73 and the number of live-work units to 13 to allow for the preservation of one of the four Tahquitz Plaza buildings, but it is unknown to the Palm Springs Modern Committee whether the MND version of the Project or the Planning Commission version of the Project will be presented to the City Council.

Under either iteration, the Project would result in significant adverse impacts that have not been disclosed or analyzed in the MND. The California Environmental Quality Act ("CEQA") requires preparation of an environmental impact report ("EIR") whenever a project may have a significant adverse impact on the environment. (Public Resources Code section 21151.) As proposed, the Aberdeen Project would result in the demolition of all or most of the Tahquitz Plaza, resulting in significant adverse historic resource and aesthetic impacts. Despite pleas to analyze the significance of and impacts to this resource from numerous members of the public, including experts in historic architecture, the Planning Commission and even the California Office of Historic Preservation, the

City has provided no analysis of the Tahquitz Plaza. The Project would also result in land use and aesthetic impacts due to the Project's inconsistencies with height, setback, inclusion of prohibited uses and landscaping requirements. Approval of the Project as proposed, and based upon only a MND, would result in a clear violation of CEQA. However, revising the Project to include the preservation of the Tahquitz Plaza would mitigate the majority of these potentially significant impacts, likely obviating the need for an EIR. A revised Project would provide the City with a project that preserves Palm Springs' important architectural history while still accommodating a substantial amount of new development.

### **I. CEQA's Requirements**

An EIR must be prepared instead of a MND when there is substantial evidence to support a fair argument that the project may have significant adverse environmental impacts. "The fair argument standard is a "low threshold" test for requiring the preparation of an EIR." (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928.) "If there is substantial evidence of a significant environmental impact, evidence to the contrary does not dispense with the need for an EIR when it can still be 'fairly argued' that the project may have a significant impact." (*Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1001; see also CEQA Guidelines § 15064.) It is a question of law, not fact, whether a fair argument exists, and courts owe no deference to a lead agency's determination. There is a clear preference for resolving doubts in favor of preparing an EIR. (*Architectural Heritage Association v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1110; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1996) 42 Cal.App.4th 608, 617-618; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 151; *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602-03.)

There is substantial evidence to support a fair argument that, as proposed, the Aberdeen Project may have significant adverse impacts. The Project would demolish the historically significant Tahquitz Plaza, resulting in significant historic resource impacts. The Project also fails to comply with numerous land use regulations and requirements. This noncompliance results in both land use and aesthetic impacts that were not analyzed or even acknowledged by the MND.

#### **A. Historic Resource Impacts.**

CEQA section 21084.1 mandates that "[a] project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." A substantial adverse change in the significance

of an historical resource includes “physical demolition, destruction, relocation, or alteration of the resource...” (CEQA Guidelines § 15064.5(b)(1).) The Aberdeen Project would demolish the historically significant Tahquitz Plaza, resulting in a significant adverse impact.

***1. Tahquitz Plaza is an Historic Resource.***

Hugh Kaptur is among Palm Spring’s most important and visionary local architects. He is an innovative designer with his own distinctive to Desert Modern architecture. Mr. Kaptur was the subject of a recent documentary, *Quiet Elegance: The Architecture of Hugh M. Kaptur*. (See <http://www.thisnthatfilms.net/hugh-kaptur.html>, incorporated by reference.) The importance of his work within the City was also recognized when he received a star on the Palm Springs Walk of Stars in 2014 alongside those including William F. Cody, Albert Frey, Donald Wexler and E. Steward Williams.

The Tahquitz Plaza is a shining example of Mr. Kaptur’s originality and ingenuity. The beautiful pueblo-influenced design of these buildings embodies his distinctive style. The Tahquitz Plaza was also designed to be energy efficient with thick walls and wide overhangs that protect the buildings from absorbing heat and an orientation intended to capture breezes. The visually prominent location of the Tahquitz Plaza along Tahquitz Canyon Way heightens the significance of this resource.

Under CEQA, “[g]enerally, a resource shall be considered by the lead agency to be ‘historically significant’ if the resource...: (A) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage; (B) Is associated with the lives of persons important in our past; (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or (D) Has yielded, or may be likely to yield, information important in prehistory or history.” (CEQA Guidelines § 15064.5(a)(3).)

The record for the Aberdeen Project is replete with evidence regarding the importance of Hugh Kaptur and the significance of the Tahquitz Plaza. The following evidence submitted by experts clearly demonstrates the Tahquitz Plaza embodies distinctive characteristics of Desert Modern design, represents the work of an important creative individual and possesses high artistic values. Thus, the City must consider the Tahquitz Plaza an historic resource and analyze any impacts to this resource in an EIR.

Alan Hess, architect, historian, and the author of numerous books on Modern architecture, submitted comments regarding the importance of Hugh Kaptur in history of

Palm Springs Modernism. (**Attachment 1**, February 19, 2015 Hess Letter to City and March 20, 2015 Hess Letter to OHP.) His letter describes Hugh Kaptur's unique style and the high artistic value of his work at Tahquitz Plaza. Mr. Hess is a consultant on the City's Citywide Historic Resource Survey Update that is currently being prepared. He has strongly recommended the listing of Tahquitz Plaza as a significant resource on that survey.

Architectural historian Morris Newman interviewed Hugh Kaptur as part of his work on an essay regarding Mr. Kaptur published in *The Desert Modernists: The Architects Who Envisioned Midcentury Modern Palm Springs*. (**Attachment 2**, Newman Essay re Hugh Kaptur.) Mr. Kaptur informed Mr. Newman that the Tahquitz Plaza, where Mr. Kaptur maintained his practice for many years, is one of his favorite projects. In comments submitted to the City, Mr. Newman found that "[a]lthough Tahquitz Plaza is not a loud or flashy building, it shows many signs of architectural originality and creativity...In my view, the Tahquitz office complex is one of the "sine qua non" buildings of Palm Springs." (**Attachment 3**, Newman Email to City.) Mr. Newman also noted the importance of Tahquitz Plaza is enhanced by the fact that it is part of a trio of Kaptur-designed buildings along this stretch of Tahquitz Canyon Way.

Brad Dunning, a former Historic Site Preservation Board member and designer known for working on architecturally significant properties and restorations, also submitted comments urging preservation of the Tahquitz Plaza. He stated that Hugh Kaptur's work is as important to Palm Springs as that of Albert Frey, E. Stewart Williams, Donald Wexler, and William Cody. He found Kaptur's work to be "distinctive, unique and in the case of his pueblo modern design at Tahquitz Plaza highly contextual and specific to stylish Palm Springs." (**Attachment 4**, February 20, 2015 Dunning Email to City.)

The architect for the Tahquitz Plaza, Hugh Kaptur, who is also a former Planning Commissioner and member of the City's Architectural Advisory Committee, has articulated before the Planning Commission and in a recent editorial why the Tahquitz Plaza is one of his favorite projects. (**Attachment 5**, April 7, 2015 Kaptur Editorial in *Desert Sun*.) Mr. Kaptur feels the Tahquitz Plaza represents some of his best work, noting that the buildings were the recipients of architectural awards in 1979 and 1980.

The California Office of Historic Preservation has also urged the City consider the Tahquitz Plaza an historic resource and either modify the Aberdeen Project to preserve the Tahquitz Plaza or to prepare an EIR to analyze the impacts. . The OHP's letter officially states "in light of the preliminary findings of historical significance described in the Alan Hess letter, we encourage the Lead Agency [the City] to act within its

discretion...to consider the Tahquitz Plaza office complex as a historic resource for the purposes of CEQA." The OHP letter further states that the City has the discretion under CEQA to "treat the Tahquitz Plaza office complex as a historic resource, [and that] it may be possible to modify the proposed project to avoid impacts to the historic resources.... In this way, [the City] could avoid the time and cost involved in preparing an Environmental Impact Report (EIR)."

The City's own design and land use experts, the Architectural Advisory Committee and the Planning Commission, recognized the significance of Tahquitz Plaza and recommended denial of the Project based in large part upon the proposed demolition of these buildings.<sup>1</sup> At the Planning Commission hearing, a Commissioner asked City staff whether the City could find a building to be a local historic resource if it had not yet reached 50 years of age. No specific answer was provided, but a review of the City's Historic Preservation Ordinance demonstrates there is no prohibition or limitation regarding buildings that are less than 50 years and the City has previously listed resources that were less than 50 years of age. The Historic Preservation Ordinance was adopted "for the purpose of preserving areas and specific buildings of the city which reflect elements of its cultural, social, economic, political, architectural and archaeological history." (Palm Springs Municipal Code 8.05.010.) This Ordinance defines an historic site as "any real property ... that is unique or significant because of its location, design, setting, materials, workmanship or aesthetic effect and: ... (4) That embodies the distinctive characteristics of a type, period or method of construction; or (5) That presents the work of a master builder, designer, artist, or architect whose individual genius influenced his age; or that possesses high artistic value." (Palm Springs Municipal Code 8.05.020(a).) The expert testimony demonstrates that the Tahquitz Plaza meets criteria (4) and (5) of the City's definition of an historic site.

The wealth of evidence regarding the historic significance of the Tahquitz Plaza is similar to the evidence presented to the county in *Architectural Heritage Association v. County of Monterey* (2004) 122 Cal.App.4th 1095. In that case, the court found that the opinion of a consultant commissioned by the county, findings of an advisory committee and testimony of members of the public with relevant expertise represented "substantial evidence supporting a fair argument that the Old Jail is an historic resource." (*Id.* at 1118.) **Here, a City commissioned consultant (Alan Hess), other experts in the community, the Architectural Advisory Committee, the Planning Commission and**

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<sup>1</sup> The Planning Commissioners that voted against denial of the Project did not dispute the significance of the Tahquitz Plaza. Instead, they stated that they did not believe it was economically feasible to preserve these buildings. There is no economic analysis in the record to support this conclusion. Moreover, this is a determination that can only be made after analysis in an EIR.

**even the California Office of Historic Preservation have urged the City to consider the Tahquitz Plaza to be an historic resource. Failure to do so is a violation of CEQA as it was in *Architectural Heritage Association*.**

***2. The MND Provide No Evidentiary Support for Finding of Insignificant Impacts to Historic Resources.***

Despite all of the evidence presented to the City, and the importance of Hugh Kaptur and the Tahquitz Plaza, the MND/Initial Study completely ignores the buildings' potential historic significance. Instead of evaluating the historic significance of these resources, the MND/Initial Study merely references the Tahquitz Plaza as "1971 vintage office buildings." (MND p. 24.) The MND/Initial Study does not disclose that Hugh Kaptur was the architect of these buildings nor does it describe their unique design. It states that the buildings are not listed on the state or local register, but does not acknowledge that the buildings may soon be listed on the City's historic resources survey. Further, as pointed out by the Office of Historic Preservation, the fact that a resource is not listed on a register does not preclude a resource from meeting the criteria for historic resource under CEQA. CEQA "does not demand formal listing of a resource in a national, state or local register as a prerequisite to 'historical' status. The statutory language is more expansive and flexible." (*Architectural Heritage Ass'n, supra* 122 Cal.App.4th at 1114, citation to *League for Protection of Oakland's Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 907.)

The City's failure to evaluate the historic significance of the Tahquitz Plaza, despite substantial evidence of the buildings historicity and requests from the Planning Commission to study these impacts, is a violation of CEQA. The purpose of the initial study is to provide the lead agency with adequate information regarding a project to determine the appropriate environmental review document and "documentation of the factual basis for the finding in a negative declaration that a project will not have a significant effect on the environment." (*Ctr. for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal. App. 4th 1156, 1170, citations omitted.) "Where an agency. . . fails to gather information and undertake an adequate environmental analysis in its initial study, a negative declaration is inappropriate." (*El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal. App. 4th 1591, 1597, citations omitted.) Failure to adequately analyze all of a project's potentially significant impacts or provide evidence to support conclusions reached in the initial study is a failure to comply with the law.

This failure to provide an analysis is also a violation of the City's General Plan Policy RC 10.3, which states: "Require site assessment conducted by a qualified

specialist whenever information indicates that a site proposed for development may contain paleontological, historic, or archaeological resources.” The evidence cited above clearly indicates the Tahquitz Plaza not only may be but is an historic resource.

**3. *The City’s Failure to Follow OHP Recommendations Could Jeopardize Its Status as a Certified Local Government.***

Palm Springs was recently approved as a Certified Local Government (CLG) by the California Office of Historic Preservation (OHP). The CLG Program is designed to encourage the participation of local governments in the identification, evaluation, registration, and preservation of historic properties in their communities. CLG communities are also eligible to receive a wide range of technical assistance and substantial grants from the OHP. The OHP monitors CLG communities’ compliance with CEQA and other laws and regulations intended to protect historic resources. A determination by OHP that the City has failed to comply with CEQA could result in a loss of CLG status and/or the City’s inability to receive OHP grant funding. OHP has recommended the City evaluate the historic significance of the Tahquitz Plaza. To comply with CEQA and protect its status as a CLG, the City should follow this recommendation.

**B. Land Use Impacts.**

The Architectural Advisory Committee and the Planning Commission have identified numerous areas in which the Aberdeen Project would be inconsistent with the Section 14 Specific Plan and City zoning regulations. The majority of these inconsistencies would be resolved if the Project were modified to include the preservation of Tahquitz Plaza.

A project’s conflict with any applicable land use plan, policy or regulation is a significant environmental impact under CEQA. (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 929.) “If substantial evidence supports a fair argument that the proposed project conflicts with [land use] policies, this constitutes grounds for requiring an EIR. Whether a fair argument can be made on this point is a legal question” that provides no deference to a city council determination.

The Aberdeen Project would exceed Section 14 height limits. The MND dismisses this land use policy conflict by claiming the Project would meet the requirements of the City’s high-rise development standards. (MND p. 12.) As found by the Planning Commission, the Project would not comply with the high-rise development standards because it lacks the required setbacks by providing only 6.75 feet of setback from Tahquitz Canyon Way. Planning Commissioner’s fact-based conclusions regarding a

project's failure to comply with land use policy is substantial evidence to support a fair argument that the project would have significant land use impacts. (*Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 155.) Additionally, the Project would not include 60 percent open space, which is required to meet the high-rise development standards. (Palm Springs Municipal Code 93.04.00(A).) If the Tahquitz Plaza were preserved, adequate setbacks would be provided along Tahquitz Canyon Way and additional open space would be included in the Project, which would likely allow the Project to meet the high-rise standards for the remainder of the Project.

The Project would also result in a land use impact by including single family homes in area where single family homes are prohibited. (Section 14 Specific Plan p. 6-4.) The MND ignores this inconsistency by mischaracterizing the Project as multi-family housing. The City's Municipal Code defines multi-family housing as "a building designed for or occupied by two (2) or more families living independently of each other." (Palm Springs Municipal Code 91.00.10.) In the Aberdeen Project, the majority of the buildings, particularly those along Tahquitz Canyon Way, are completely detached units that are designed for occupancy by only one family, thus they do not meet the City's definition of multi-family housing and are prohibited by the Section 14 Specific Plan. The MND is inaccurate and misleading to the public and decision makers by failing to disclose the inclusion of a prohibited use in this Project.

The setback, height and use conflicts are similar to those found by the court to be significant impacts requiring preparation of an EIR in *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903. In the *Pocket Protectors* case, the planning commission found a densely packed single family housing project to be inconsistent with housing type and setback policies for the area. The MND prepared in that case glossed over or ignored the inconsistencies, much the way it does here, and the project approval was found to be in violation of CEQA.

The Aberdeen Project further violates land use policies due to its inconsistencies with required landscaping along Tahquitz Canyon Way. The minimal setbacks provided by the Project do not allow adequate space for the large palm trees, desert landscaping, public art and pedestrian amenities along Tahquitz Canyon Way required by the Section 14 Specific Plan. The MND acknowledges the inconsistency and provides mitigation measure MMI-1, which states: "Project site plans, architectural renderings and landscape plans shall be revised to address inconsistencies with the development standards and other design requirements of the Section 14 Specific Plan, as determined by City Council." The ability of mitigation measures to actually mitigate impacts must be evaluated in the environmental review document. By waiting until after the City Council hearing to develop a mitigation measure for this impact, the MND fails to assess the efficacy of the



measure and improperly defers mitigation. The developer has opted not to make the revisions necessary to bring this Project into compliance with the Section 14 Specific Plan and thus the inconsistency, and land use impact, remains.

The Project would also violate several City General Plan policies, resulting in further land use impacts. The General Plan requires the City to:

- RC10.1 Support the preservation and protection of historically, architecturally, or archaeologically significant sites, places, districts, structures, landforms, objects, native burial sites and other features.
- RC10.2 Encourage and support the retention and adaptive reuse of buildings of architectural, historic, or cultural significance where financially feasible.
- RC10.5 Actively encourage and promote the understanding, appreciation, and preservation of the archaeological, historic, and cultural resources.

By allowing the demolition of the historically significant Tahquitz Plaza, the City's approval of the Project would violate these General Plan policies.

### **C. Aesthetic Impacts**

The Aberdeen Project would also result in significant aesthetic impacts that require analysis in an EIR. The proposed demolition of the historically significant Tahquitz Plaza at a prominent location in the City's downtown would degrade the visual character of the area. These architecturally distinctive buildings with wide landscaped setbacks would be replaced with densely packed units that exceed height limits and violate setback requirements. The Planning Commission has questioned the viability of providing live-work units along Tahquitz Canyon Way and expressed concern that these visually prominent units would end up being used as storage space, further degrading the visual character. This degradation is particularly significant because Tahquitz Canyon Way is designated as a scenic corridor by the City's General Plan.

### **Conclusion**

The Palm Springs Modern Committee urges you to reconsider the proposed Aberdeen Project. As proposed, the Project's impacts require analysis in an EIR and the City's proposal to approve the Project based upon a MND violates CEQA. If the Project were revised to include preservation of the Tahquitz Plaza, the majority of the housing units could still be constructed, but the impacts of the Project would be substantially reduced.

Palm Springs City Council  
April 8, 2015  
Page 10 of 10

Thank you for your time and consideration in this matter.

Sincerely,



Amy Minter  
Attorney at Law

Attachments:

**Attachment 1**, February 19, 2015 Hess Letter to City and March 20, 2015 Hess Letter to OHP

**Attachment 2**, Morris Newman Essay re Hugh Kaptur.

**Attachment 3**, Morris Newman Email to City re Aberdeen Project

**Attachment 4**, February 20, 2015 Dunning Email to City

**Attachment 5**, April 7, 2015 Kaptur Editorial in Desert Sun

cc: Flinn Fagg, AICP, Director of Planning Services  
David Newell, Associate Planner  
David H. Ready, Esq., Ph.D., City Manager  
James Thompson, City Clerk  
Palm Springs Modern Committee  
National Trust for Historic Preservation  
California Preservation Foundation

# ATTACHMENT 1

**ALAN HESS**  
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February 19, 2015

Terri Hintz  
Planning Department Administrative Coordinator  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92263

Re: Tahquitz Plaza by architect Hugh Kaptur, Tahquitz Canyon and Calle El Segundo

To the Planning Commission:

I am writing as an architect, historian, and author of nineteen books on Modern architecture to express my support for the preservation of the Tahquitz Plaza office complex because of its historical significance to Palm Springs and California architecture. Please share this letter with the Planning Commissioners prior to their February 25, 2015 meeting.

I have written two books on Palm Springs architecture (*Julius Shulman: Palm Springs*, Rizzoli International, 2008, and *Palm Springs Weekend*, Chronicle Books, 2001) and can say that these buildings, and the work of architect Hugh Kaptur, play an important role in what is now identified as Palm Springs Modernism.

I am also a consultant on architectural history for the current City of Palm Springs architectural survey. I have already unequivocally recommended Tahquitz Plaza as a significant building in that survey.

My resume is attached. I have written on architecture for the *Los Angeles Review of Books*, *The Architect's Newspaper*, *The Los Angeles Times*, *Architectural Digest*, *the Journal of the Society of Architectural Historians*, and other journals. I have been the architecture critic of the *San Jose Mercury News* since 1986, received a grant from the Graham Foundation for Advanced Studies in the Fine Arts, and was a National Arts Journalism Fellow at Columbia University.

The research of the importance of Palm Springs Modern architecture in general is very recent. Only a decade ago, the work of now-recognized architects such as William Cody, Donald Wexler, Palmer & Krisel, and E. Stewart Williams was not well known

generally; few Modern buildings now considered iconic were identified as historic then. Since then, our understanding of these and other architects has made us aware of the full dimension of Palm Springs architectural history.

As we continue researching this history, it is clear that the work of Hugh Kaptur makes a significant contribution to the unique character of Palm Springs architecture. This opinion is not mine alone; the newly published book *The Desert Modernists: The Architects Who Envisioned Midcentury Modern Palm Springs* (Desert Publications, 2015) and the documentary film *Quiet Elegance: The Architecture of Hugh M. Kaptur* (Bert Simonis, director, 2014) indicate the clear direction of scholarly opinion on Kaptur's importance.

Briefly stated, Kaptur's significance is this: 1) Palm Springs midcentury Modern architecture is known for its use of Modern concepts to solve the challenges of climate, function, and new materials; 2) an extraordinary group of talented architects lived or worked in Palm Springs, and while they addressed the same problems they expressed a wide range of aesthetic solutions; 3) Hugh Kaptur's aesthetic is unique in Palm Springs, demonstrating the wide range of fertile innovation in the city.

Tahquitz Plaza is an important and well preserved example of Kaptur's unique approach. Rather than drawing on the rectilinear steel and glass geometries of, for example, Richard Neutra, he draws on organic forms and ideas from the American Southwest, and Frank Lloyd Wright. This is seen in Tahquitz Plaza's irregular roofline, the deep, sculpted, curving frames around windows, the eaves and sun shading features, and the integration of outdoor areas interspersed among the offices. This is a strong piece of design that deserves to remain in place.

In addition, its site on Tahquitz Canyon places it in the context of the city civic center, an extraordinary collection of Modern buildings serving civic purposes, and rare in the state.

I am writing this letter *pro bono* because historic architecture of this quality adds to the civic character and quality of city life. In the years before Palm Springs' heritage was fully understood, the city lost many significant structures. Unfortunately, this degradation has continued; the demolition of a major Kaptur design would be a loss to history and the city's urban quality.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Hess". The signature is fluid and cursive, with a large initial "A" and "H".

Alan Hess

## **RESUME OF ALAN HESS, ARCHITECT**

4991 Corkwood Lane, Irvine, CA 92612 949/551 5343 [www.alanhess.net](http://www.alanhess.net)  
[alan@alanhess.net](mailto:alan@alanhess.net)

- WORK** 1981- Alan Hess, Architect  
1986- Architecture critic, **San Jose Mercury-News**
- EDUCATION** 1975-78 M.Arch. I, School of Architecture and Urban Planning,  
University of California, Los Angeles  
1970-74 B.A., Principia College, Elsau, IL
- DESIGN** Jamm's Coffee Shop, Petersen Automotive Museum, Los Angeles  
County Museum of Natural History; principal contributor to  
interpretive exhibits  
Gordon Onslow-Ford guesthouse, Marin County, CA
- TEACHING** 1989-91 Instructor, University of California, Los Angeles  
1986-90 Lecturer, Southern California Institute of Architecture
- PRESERVATION** Design Guidelines, Heatherstone Community, Mountain View, CA  
Honor Award 1997, National Trust for Historic Preservation  
President's Award, California Preservation Foundation  
Qualified for National Register of Historic Places:  
Bullock's Pasadena (Wurdeman and Becket 1947), Pasadena  
CA  
McDonald's Drive-In (Stanley C. Meston 1953), Downey, CA  
Valley Ho Hotel (Edward Varney, 1957), Scottsdale, AZ  
Stuart Pharmaceutical Factory (Edward Durell Stone 1958),  
Pasadena, CA  
Expert testimony on behalf of landmark designations for Century  
Plaza Hotel, Los Angeles (Minoru Yamasaki, 1966); Bob's  
Big Boy, Burbank (Wayne McAllister, 1949); Wichstand, Los  
Angeles (Armet and Davis, 1957), Columbia Savings, Los  
Angeles (1964), Stanford Hospital (Edward Durell Stone  
1959), National Theater, Westwood (1969) and other  
mid-century modern structures
- FELLOWSHIPS** Fellow, National Arts Journalism Program, School of Journalism,  
Columbia University, 1997-98
- GRANTS** Graham Foundation for Advanced Studies in the Fine Arts,  
research on Brazilian landscape architect Roberto Burle  
Marx, 1990
- LICENSE** Licensed architect, California # C 15747

## SELECTED PUBLICATIONS

### BOOKS:

- Frank Lloyd Wright: Natural Design, Organic Architecture** Rizzoli International, New York 2012
- Casa Modernista: A History of the Brazil Modern House** Rizzoli International, New York 2010
- Oscar Niemeyer Buildings** Rizzoli International, New York 2009
- Frank Lloyd Wright: The Buildings** Rizzoli International, New York 2008
- Julius Shulman: Palm Springs** Rizzoli International, New York 2008
- Forgotten Modern: California Houses 1940-1970** Gibbs Smith Publisher, Layton, UT 2007
- Frank Lloyd Wright: Mid-Century Modern**, Rizzoli International, New York 2007
- Organic Architecture: The Other Modernism** Gibbs Smith Publisher, Layton, UT 2007
- Frank Lloyd Wright: Prairie Houses**, Rizzoli International, New York 2006
- Oscar Niemeyer Houses**, Rizzoli International, New York 2006
- Frank Lloyd Wright: The Houses**, Rizzoli International, New York 2005
- The Ranch House**, Harry Abrams, Inc., New York 2005
- Google Redux: Ultramodern Roadside Architecture**, Chronicle Books, San Francisco 2004
- Palm Springs Weekend: the Architecture and Design of a Midcentury Oasis**, Chronicle Books, San Francisco 2000
- Rancho Deluxe: Rustic Dreams and Real Western Living**, Chronicle Books, San Francisco 2000
- The Architecture of John Lautner**, Rizzoli International, New York 1999
- Hyperwest: American Residential Architecture on the Edge**, Thames & Hudson, London 1996
- Viva Las Vegas**, Chronicle Books, San Francisco, CA 1993
- Google: Fifties Coffee Shop Architecture**, Chronicle Books, San Francisco, CA 1986

### MAGAZINES, JOURNALS, NEWSPAPERS AND WEBSITES:

- "Big Man on Campus: Alan Hess on Modernist Maverick, a new exhibition at the Nevada Museum of Art exploring the architecture of William Pereira," *Architect's Newspaper*, Sept. 26, 2013
- "Connecting the Dots: Alan Hess on Pacific Standard Time Presents: Modern Architecture in L.A.," *Architect's Newspaper*, Sept. 6, 2013
- "The Beauty of Authenticity: Dana Point Harbor," *Orange Coast Magazine*, Aug., 2013
- "Wide Angle Lens: Alan Hess on the Getty's new exhibition, Overdrive: LA Constructs the Future 1940-1990," *Architect's Newspaper*, June 21, 2013
- "Everyday Modernisms: Diversity, Creativity, and Ideas in L.A. Architecture, 1940-1990"
- Los Angeles Conservancy, "Curating the City" website, June 2013

- "Schindler Goes Hollywood," **Los Angeles Review of Books**, May 26, 2012
- "New Apple Campus," **San Jose Mercury News**, Sept. 2011
- "John Lautner and Los Angeles," **Los Angeles Times**, July 23, 2011
- "Coming to Terms with the Sixties," **National Trust Forum Journal**, Summer 2010 vol 24 no 4
- "Colorful Landmarks: how color shaped public space in 1950s suburbia," **New Geographies**, Harvard Graduate School of Design, Oct 2010
- "The Suburbs and the Ranch House," **California College of the Arts Architecture Studio Series**, 2005
- "The Place of Histories," **Architecture California**, 04:1, 2003
- "Steven Ehrlich house, Pacific Palisades," **Metropolitan Home**, Dec. 2005
- "Montalvo Artists' Village," **Architectural Digest**, June 2005
- "Cliff May's Romantic Mandalay," **Architectural Digest**, May 2005
- "Meeting the Horizon in California, Roscoe House by Helena Arahuete," **Architectural Digest**, Jan. 2005
- "Historic Architecture: Oscar Niemeyer," **Architectural Digest**, May 2003
- "The Place of Histories," **Architecture California**, 04:1, 2003
- "San Jose: A Downtown in the Making," **Places**, vol. 15, no. 2
- "High Art Parking Lot," **Rearview Mirror: Automobile Images and American Identities**, University of California, Riverside 2000
- "Eine kurze Geschichte von Las Vegas," **Stadt Bauwelt** 143, Sept. 1999
- "City Center to Regional Mall," **Journal of Preservation Technology**, vol XXVII, no 4, 1997
- "New York, New York," **Architectural Record**, March 1997
- "John Lautner" **Progressive Architecture**, December 1994
- "The Origins of McDonald's Golden Arches," **Journal of the Society of Architectural Historians**, XLV: 60-67, March 1986
- "Technology Exposed," **Landscape Architecture**, May 1992, pp 38-48
- "Burle Marx: A Shaky Legacy," **Landscape Architecture**, April 1992 p 38
- "Back to Brasilia," **Progressive Architecture**, October 1991 pp 96-97
- "Greenwald house," **Los Angeles Times Magazine**, October 27, 1991, p 31
- "Of Cities and Their Halls," **San Francisco Examiner**, Aug. 7, 1991
- "*American Style* and *Fifties Style*: reviews," **Design Book Review**, Winter 1989
- "Schindler and Goff: Architectures," **L.A. Style**, March 1989
- "Monsanto House of the Future," **Fine Homebuilding**, August/September 1986, No. 34
- "The Eichler Homes," **Arts + Architecture**, Vol. 3, No. 3, 1984

## **SELECTED TALKS**

### **LECTURES:**

Getty Research Institute; Kansas City Modern; Dallas Modern; Arizona Preservation Conference Keynote; Nevada Museum of Art Symposium; Society of Architectural Historians Tour; Commonwealth Club of San Francisco; Society for Commercial Archeology Conference Keynote; Los Angeles Conservancy Welton Becket Centennial Keynote; Columbia University School of Architecture; Houston Modern; Phoenix Modern; Walker Art Museum; Chicago Humanities



Festival; Cooper-Hewitt Museum of Design; Yale University School of Architecture; Graham Foundation for Advanced Studies in the Fine Arts; Greenwich (England) National Maritime Museum; Cliff May Lecture, Los Angeles Conservancy; Vancouver (B.C.) Alcan Lecture Series; Architecture League; International Association of Shopping Center Owners; National Real Estate Editors Association; Colby College Southworth Lecture; Monterey Design Conference; University of British Columbia; National Trust for Historic Preservation Conference; AIA 2005 National Convention, Las Vegas; Hammer Museum Symposium; San Francisco AIA; California Preservation Foundation; Schusev State Museum of Architecture, Moscow.

#### **BROADCAST MEDIA AND FILMS:**

"**William Krisel, Architect**," DesignOnScreen Foundation, 2010  
"A Kick in the Head—The Lure of Las Vegas," BBC-TV January 2010  
"Journeyman Architect: The Architecture of Donald Wexler,"  
DesignOnScreen 2009  
"Desert Utopia," DesignOnScreen, 2008  
**Which Way LA**, KCRW-FM, July 7, 2008  
**Which Way LA**, KCRW-FM July 27, 2007  
**The Late Show**, BBC-TV January 16, 1995  
**CBS Sunday Morning News with Charles Kuralt**, January 23, 1994  
**Good Morning America**, August 3, 1993  
**CBS Morning News**, Jan. 17, 1990  
**Videolog**, KCET, Los Angeles, June 1985  
**Patrick Monroe Show**, CBC Radio, February 1987  
**Morning Edition**, NPR, May 2, 1986  
**Smithsonian World**, "Speaking Without Words," PBS, March 1984

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Thomas Hines, **Architecture of the Sun**, 2010  
"Las Vegas meets la-la land," **Smithsonian**, October 1995  
"In Los Angeles, a '50s Flameout," **New York Times**, September 7, 1995  
"Oldest McDonald's Closes," **New York Times**, March 6, 1994  
"Would Las Vegas Landmark Be an Oxymoron?" **New York Times**, Oct. 7, 1993  
"Restaurant Architecture," **Journal of the Society of Architectural Historians**, XLVIII:2, June 1989  
"Legacy of the Golden Arches," **TIME**, June 2, 1986  
"Books: Pop Style to Free Style," **Progressive Architecture**, December 1986  
"Googie: *Fifties Coffee Shop Architecture*, a review," **Architectural Record**, May 1986  
"Who Says It's Not a Landmark?" **Historic Preservation**, November/December 1987  
"Googie -- History Closing the Menu on a 1950s style," **Los Angeles Times**, June 9, 1986  
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"Architecture and Design reviews," **Philadelphia Inquirer**, November 30, 1986

"Architecture To Go," David Dillon, **Dallas News**, June 22, 1986

"Googie: Fifties Coffee Shop Architecture," **Art and Design**, London, June 1986

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March 20, 2015

Carol Roland-Nawi  
State Historic Preservation Officer  
Office of Historic Preservation  
1725 23rd Street, Suite 100  
Sacramento, CA 95816

Re: Tahquitz Plaza by architect Hugh Kaptur, Tahquitz Canyon and Calle El Segundo

Dear Ms. Roland-Nawi:

I am writing at the request of the Palm Springs Preservation Foundation to ask you to consider writing a letter to the City of Palm Springs encouraging them to conduct an EIR for the Tahquitz Plaza office buildings (1971) by Kaptur & Lapham. The four buildings in this complex are excellent and well preserved examples of key aspects of architect Hugh Kaptur's work, and of Palm Springs Modernism.

The buildings are currently under threat of demolition for a proposed residential project. So far the city has not requested an EIR, but I believe the complex's significance and quality require it.

Kaptur is an important architect in Palm Springs Modernism. Rather than drawing on the rectilinear steel and glass geometries of, for example, Richard Neutra, Kaptur often draws on organic concepts from Frank Lloyd Wright and forms from the American Southwest. This is seen in Tahquitz Plaza's irregular roofline, the deep, sculpted frames around windows, the bermed walls, the eaves and sun shading features, and the integration of outdoor areas interspersed among the offices. The strong composition of these many elements shows Kaptur's skill and the high artistic value of his work.

In addition, Tahquitz Plaza's location on Tahquitz Canyon places it in the context of the city's Modern civic center. Tahquitz Canyon is the city's main civic thoroughfare, linking the airport to downtown; along this boulevard is an extraordinary collection of Modern buildings serving civic purposes, including city hall, police and county facilities, and the airport, complemented by commercial buildings of similar style and siting. Such a collection of Modern civic center buildings is rare in the state.

Palm Springs' midcentury Modern architecture is known for its use of Modern concepts in addressing the challenges of climate, functions, and new material technologies. These are not typified by a single aesthetic; it ranges from the lightweight, steel framed houses resting lightly on the earth seen in the work of Richard Neutra and Albert Frey, to the autochthonous monolithic concrete structures, literally buried in the earth, seen in John Lautner's work, with many more interpretations in between.

Within this wide range, Kaptur's work is singular. His training in design was closely associated with midcentury automotive design in Detroit, where he attended Lawrence Tech and worked for General Motors' consumer design division. Kaptur has worked in Palm Springs from 1956 to the present day. He worked for and with other noted local architects, including Donald Wexler, Richard Harrison, and William Cody. Like those architects, his work is distinctive and individual, and yet his design also reflects common themes that distinguish Palm Springs Modernism.

The Tahquitz Plaza offices are an excellent representation of his use of sculptural, expressionist forms influenced by Native American adobe structures, but modernized and abstracted aesthetically in the spirit of Modernism. The complex's thick stuccoed walls do not imitate those vernacular structures; the silhouette of the walls and the curving windows frames that grow directly from those walls are carefully abstracted into forms that represent a distinct, modernized aesthetic vocabulary. This approach is also seen in other Kaptur designs, including the William Holden house (1977), and the Casa Blanca motel (1979.)

In addition, the Tahquitz Plaza offices incorporate unpainted wood walls and wood trellises. These also update the wood ramadas and trellises of traditional Southwestern architecture. The siting of the office structures creates small courtyards between the buildings (another design aspect seen in historic Spanish architecture of the Southwest) allowing for shaded outdoor areas.

Likewise, the landscaping and siting of the Tahquitz Plaza buildings represent an updating of traditional concepts and a Modern response to the hot climate. Berms rise partway up the walls, providing thermal insulation and connecting the structure to the earth, similar to Lautner's desert designs.

The thick walls, hooded windows, and shaded courts all have historic precedents, but they are also practical, integral elements that help moderate the strong sunlight and heat of the local climate. The design of all these elements is artful and well composed.

The use of historic regional architecture by twentieth century architects is an important facet of Modern architecture in California and the West. It can be seen, for example, in the work of Irving Gill in the 1910s, the Ranch Houses of Cliff May in the 1950s and 1960s, and the civic buildings and residences of Bennie Gonzales in Arizona, where historic forms were blended with Modernism's abstraction. Hugh Kaptur is the primary interpreter of this approach in midcentury Palm Springs, and Tahquitz Plaza is a primary example in the city.

Kaptur's work has been rediscovered fairly recently. This is not surprising; our understanding of the significance of Palm Springs Modern architecture in general is also relatively recent. Only a dozen years ago, the work of now-recognized architects such as William Cody, Donald Wexler, Palmer & Krisel, and E. Stewart Williams was not generally well known outside Palm Springs, and its significance was not even widely recognized within Palm Springs.

In the years before Palm Springs' heritage was fully understood, the city lost many significant structures. Unfortunately, this degradation has continued; the demolition of a major Kaptur design such as this would be a loss to history and the city's urban quality.

But as we continue researching this history, it is clear that the work of Hugh Kaptur makes a significant contribution to the unique character of Palm Springs architecture. This opinion is not mine alone; the newly published book *The Desert Modernists: The Architects Who Envisioned Midcentury Modern Palm Springs* (Desert Publications, 2015) and the documentary film *Quiet Elegance: The Architecture of Hugh M. Kaptur* (Bert Simonis, director, 2014) indicate the clear direction of opinion on Kaptur's importance.

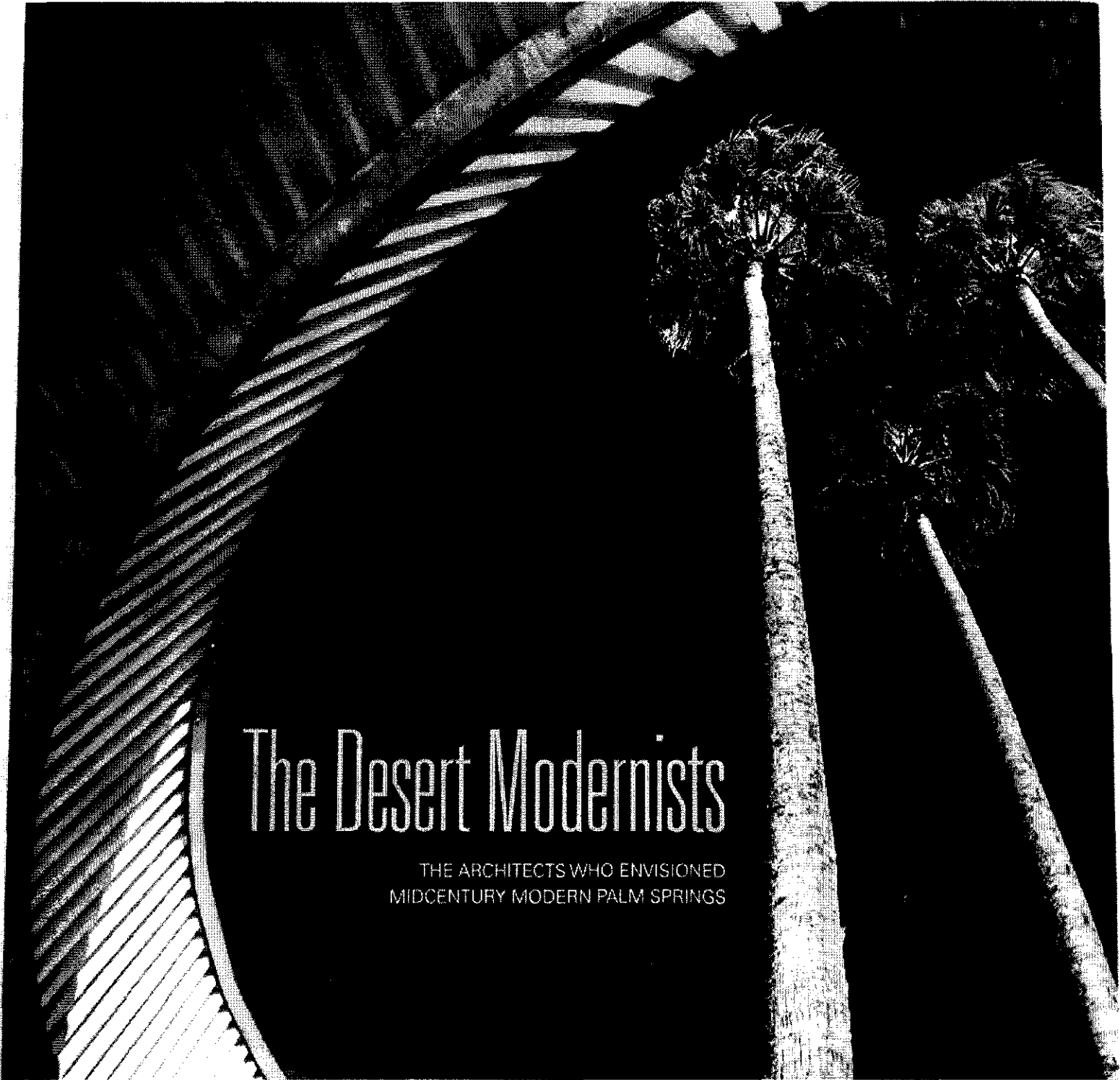
I have written to the Palm Springs Planning Commission about my support, as a historian and architect, for the preservation of Tahquitz Plaza. I am also a consultant on architectural history for the Palm Springs architectural survey, currently underway. I have already unequivocally recommended Tahquitz Plaza as a significant building in that survey. I believe that a letter from your state office would encourage them to conduct an EIR that would document the significance of this complex.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert H. Taylor". The signature is fluid and cursive, with a large initial "R" and "T".

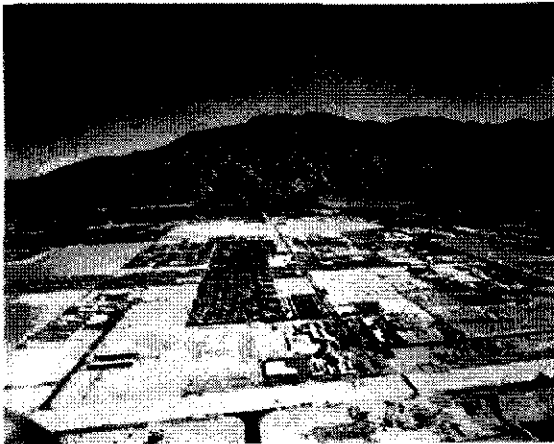
# ATTACHMENT 2



# The Desert Modernists

THE ARCHITECTS WHO ENVISIONED  
MIDCENTURY MODERN PALM SPRINGS

# Contents



Above: A 1966 aerial view looking west toward Palm Springs at the base of Mount San Jacinto. Opposite, top row from left: Robson C. Chambers, Albert Frey, Donald Wexler, Richard Neutra. Middle row from left: John Porter Clark, A. Quincy Jones, John Lautner, William "Bill" Krisel. Bottom row from left: William F. Cody (leaning over desk), Paul R. Williams, Hugh Kaptur, E. Stewart Williams. Previous, pages 2-3: Coachella Valley in bloom. Page 4: Edris House. Page 5: Palm Springs City Hall.

The Desert Modernists was created in partnership between Modernism Week and Desert Publications Inc. Modernism Week Board of Directors: Chris Mobley, Chairman; Larry Abel, Vice Chairman; Mark Davis, Treasurer; Gary Johns, Secretary; Regina Bastenrecheu, Maureen Erbe, William Kopelk, Laurie Wentz. Staff and Consultants: Lisa Vassler Smith, Executive Director; David Dixon, Creative Project Manager; Desert Publications Inc., Franklin W. Jones, Publisher; Julie Sinclair, Editorial Director; Richard Vaughn, Art Director; Steven Weiner, Editor; Olga Reyes, Managing Editor; Marco Alarcon, Digital Imaging; Laura Reyes, Production Manager.

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- 38 ALBERT FREY *Brad Dunning*
- 48 A. QUINCY JONES *Cory Buckner*
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(MAY 22, 1931 - )

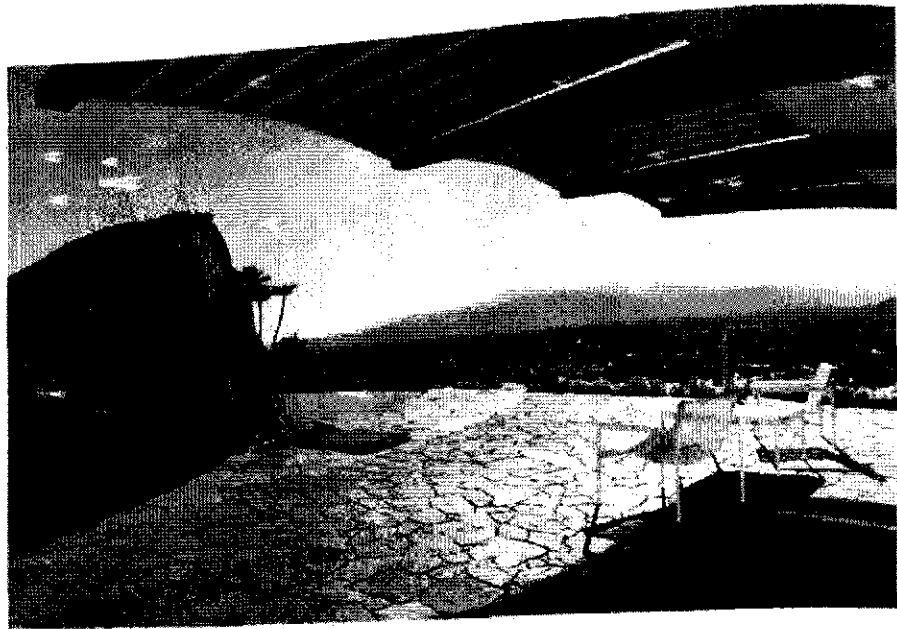
BY MORRIS NEWMAN

**HUGH KAPTUR STANDS APART FROM MOST OF THE PALM SPRINGS ARCHITECTS OF HIS GENERATION. RATHER THAN THE MAINLINE, INTERNATIONAL STYLE MODERNISM FAVORED BY MOST OF HIS PREDECESSORS AND COLLEAGUES IN THE DESERT, KAPTUR PREFERS WHAT HE CALLS "AN ARTISTIC ARCHITECTURE THAT IS ORGANIC AND FLOWING." HIS FIRST INSPIRATION WAS FRANK LLOYD WRIGHT, NOT MIES VAN DER ROHE.**

Kaptur is not a doctrinaire follower of Wright, however. He denies having a signature style. His primary debt to the master of Taliesin, he adds, was the acknowledgment of climate and landscape in his projects, as well as a taste for sculptural masses and a delight in contrasting materials. In some cases, Kaptur was able to translate some of the sculptural feeling of Wright's designs into a colorful, "populuxe" style: Kaptur's first Palm Springs project was the Impala Lodge (1957-58; now the Triangle Inn), a wildly inventive building with steel beams supporting a canopy reminiscent of a lean-to. Walls of glass stand on a stone base, while external "buttresses" support

shade structures to keep the sun off the windows. Other "pop" buildings are the Siva House of 1959, with scallop-shaped awnings draped in orange plastic, and the clubhouse Kaptur designed with Robert Ricciardi for the Palm Springs Golf Course (1959), with a curved roofline resembling a cresting wave.

Practical commissions, such as the Tahquitz Plaza office complex (1971, by Kaptur, Lapham, and Associates) on Tahquitz Canyon Way, did not always allow total freedom, yet this comparatively restrained project remains one of Kaptur's favorites. After an original design called for concrete, cost considerations dictated that a less expensive wood frame structure be employed. Despite this



*This page and opposite:  
Kaptur created this home  
in 1959 at 660 Palisades Drive  
in Palm Springs. The house is  
known as the Russell House  
and/or the Silva House.*

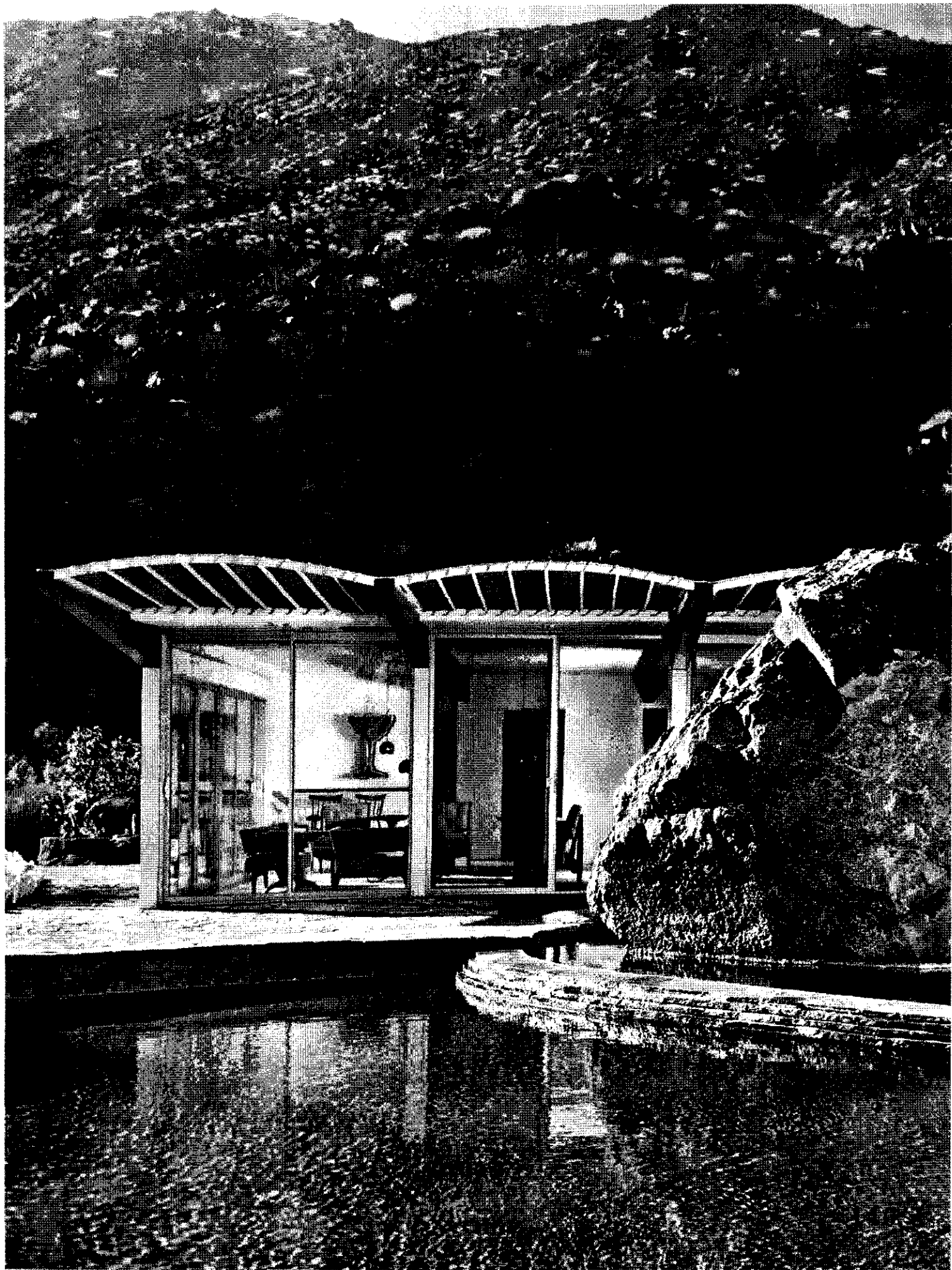
*Previous, page 58  
Hugh Kaptur.*

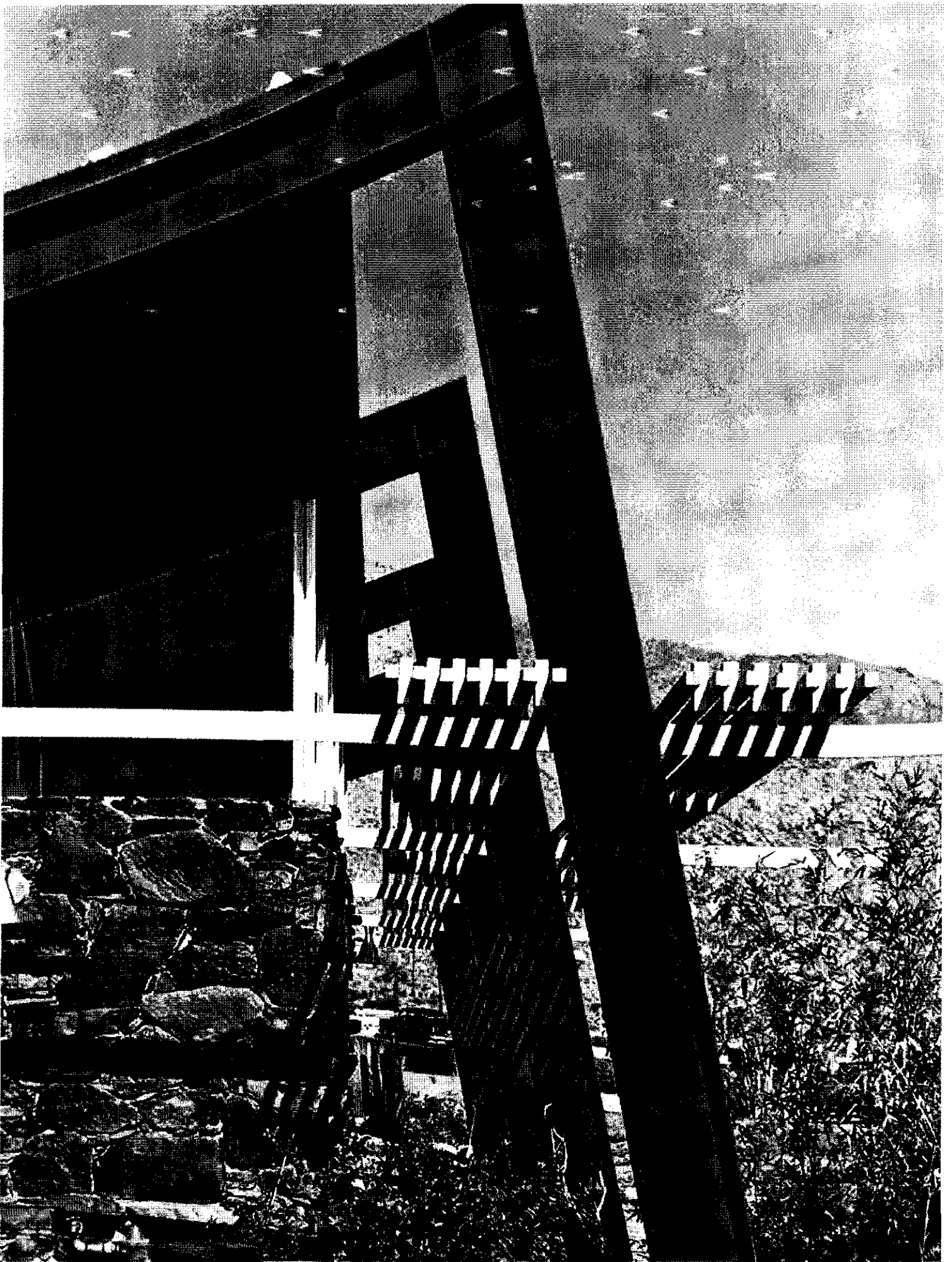
constraint, the Tahquitz buildings manage to look like masonry, due to walls that are sculpted to look as massive as concrete. To further the illusion of thick walls, Kaptur provided the buildings with windows that appear deeply recessed. In other places, windows push outward from the wall surface as if trying to break free of the building. Similar jutting windows can be found at Kaptur's Musicland Hotel (1967), another building that flirts with the illusion of heavy masonry in the form of a pueblo adobe.

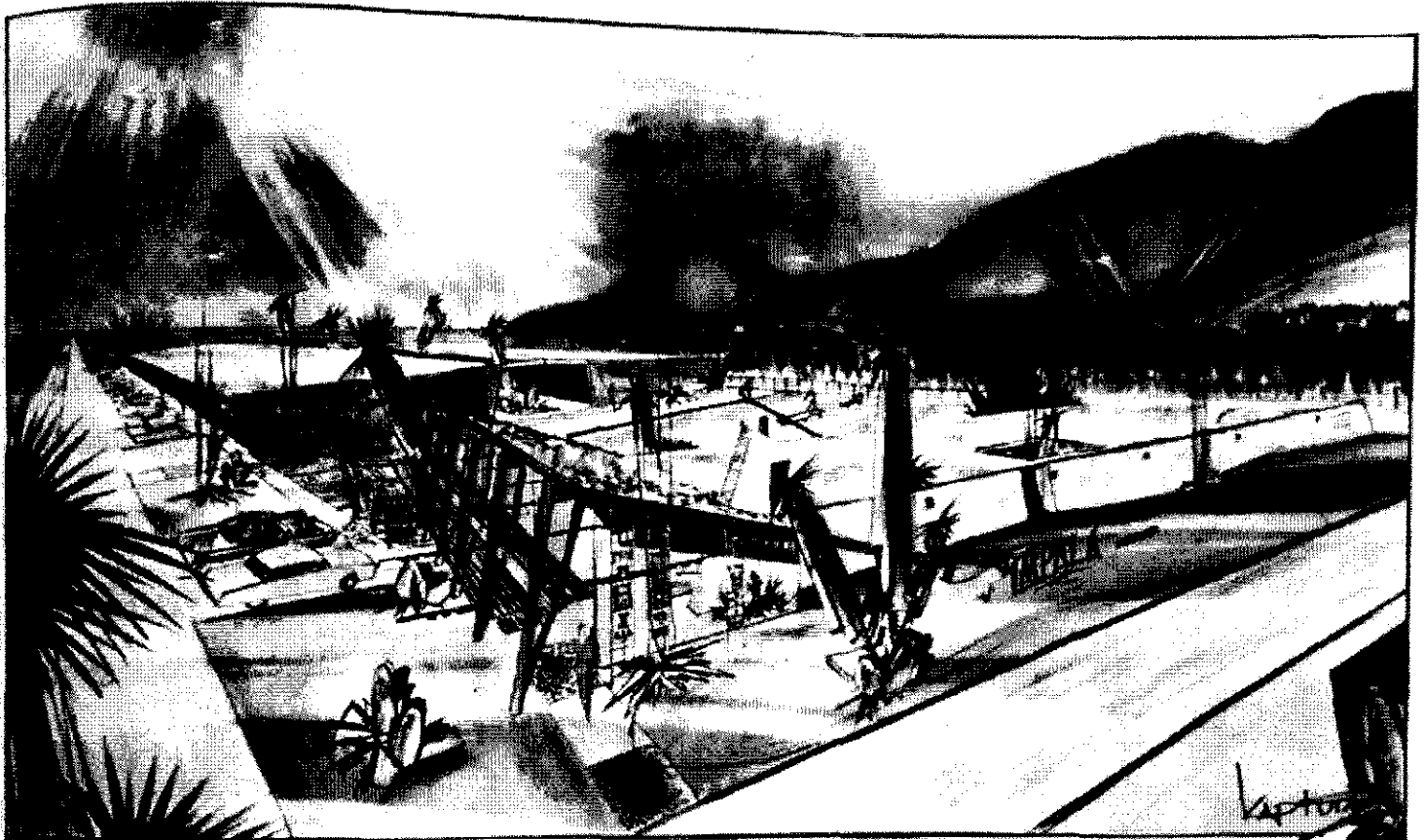
A Detroit native, Hugh Kaptur was born in 1931 to an artistic mother and an automobile design engineer father. After high school, he briefly attended Lawrence Institute of Technology (now known as Lawrence Technological University) in Michigan to study engineering. But at 20, he enrolled in the Marines during the Korean War; he and his young family briefly lived in California before he returned to Michigan so that he could work with his father at GM's design studio while finishing his education. At that point, Kaptur and his family returned to California, this time to the largely undeveloped Palm Springs of the early 1950s. After working briefly for Wexler and Harrison, Kaptur supported himself by making presentation drawings for Donald Wexler, Albert Frey, and others.

Although Kaptur says he is willing and able to design in any style, sometimes his inner exuberance bubbles to the surface. Commissioned in 1988 to design a conventional home for Jay and Kay Selzer, Kaptur came up with something very different: a lively, hard-to-describe residence comprising a cone-shaped dome set amid other simple geometric shapes that seem to vibrate together. Twenty-five years later, the Selzers report that they are still happy with the unconventional house and they remain friendly with the architect.

The exuberance has survived into the architect's ninth decade. Kaptur is currently designing an addition to an existing home in the form of a circular casita, or guesthouse, separated from the main house by a courtyard. In a nod to the ongoing influence of Frank Lloyd Wright, the addition is to be nestled into the natural contours of the landscape.

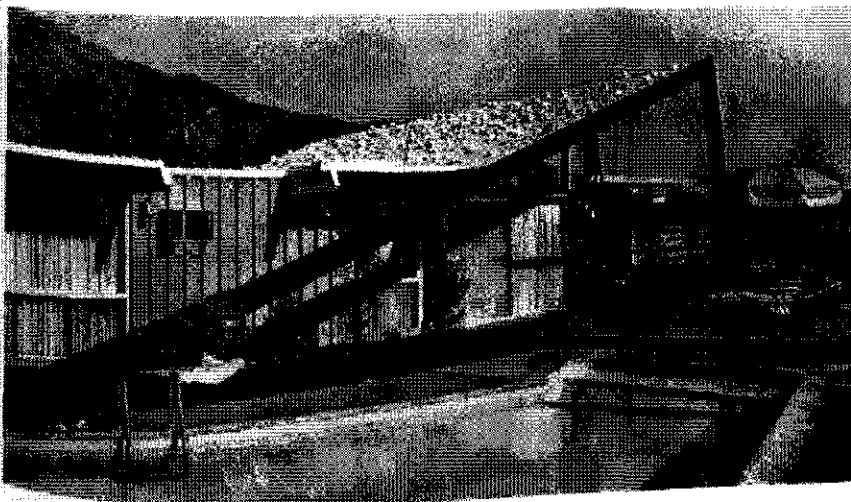






9 UNIT HOTEL  
 FOR MRS. FERN LAURANCE

HUGH M. KAPTUR DESIGNER

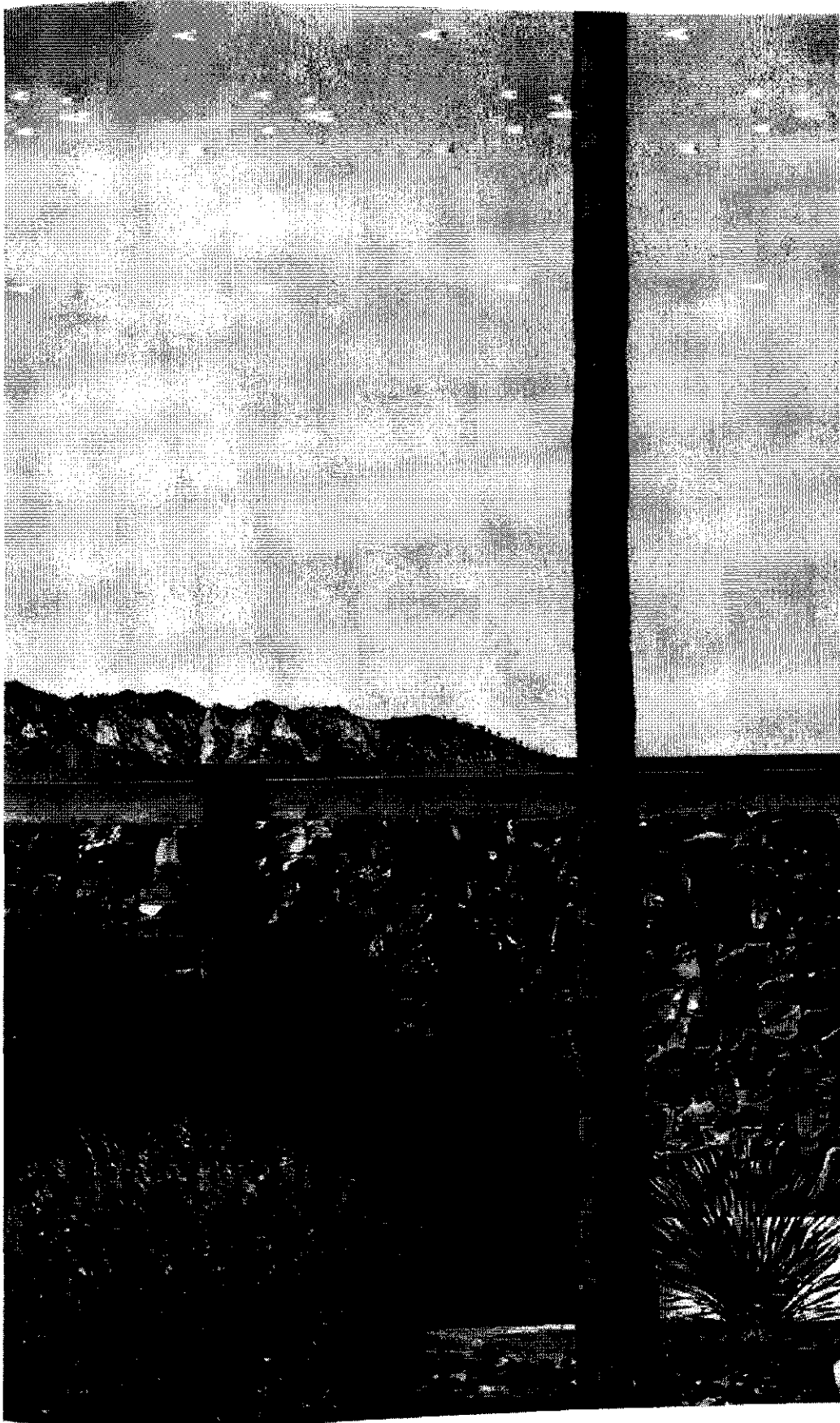


Opposite: This was Kaptur's first Palm Springs building (1957-58), the Impala Lodge, 555 East San Lorenzo Road, now the Triangle Inn.

This page, above: Kaptur's imaginative graphic hand

Left: Kaptur's creative arrangement placed the dramatic steel beams next to the swimming pool. The buttresses remind more than a few guests of spider legs





*Left: Originally named the Palm Springs Golf Course (1959), the Babcock Creek Golf Resort, 1886 Golf Club Drive, Palm Springs, sports one of Kaptur's most awe-inspiring features in its clubhouse, a giant slab of masonry whose sweep captures the arc of a golf swing. The course's proximity to the airport also figured into Kaptur's roof design, visible from the air. "I wanted (desert visitors) to see something clean and efficient from the air," he said.*



# ATTACHMENT 3

Honorable Planning Commission  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92263

Dear Members of Planning Commission:

I'm writing to provide some comment about the proposed demolition of the Tahquitz Plaza designed by Hugh Kaptur.

- I am a qualified architectural historian (M.A., Architectural History and Theory, UCLA, 1984) and the author of two books on architecture and the editor of a third.
  
- I'm also a professional journalist, specializing in real estate, urban design and architecture. My work has appeared widely, including several dozen articles about commercial real estate in The New York Times and Los Angeles Times. I have written extensively on Modern Architecture, historic preservation, public-private projects, zoning and entitlement issues and other topics relating to the design, financing and government approval of buildings.
  
- I have published three articles about the architecture of Hugh Kaptur, including a chapter in a recently published book of Palm Springs architecture.

Tahquitz Plaza is a landmark building both in the City of Palm Springs and in the career of

Hugh Kaptur. Mr. Kaptur, as you probably know, is one of the luminaries of the "Golden Age" of architecture in the city, having worked in Palm Springs continuously since the 1950s.

Mr. Kaptur has told me this is one of his favorite projects, which seems fitting for a building where he maintained his architectural practice for many years. Although Tahquitz Plaza is not a loud or flashy building, it shows many signs of architectural originality and creativity. One of the themes of Mr. Kaptur's work, and Southern California architecture in general, is the ability of local architects to "make lemonade" when faced with limits both in budget and choice of materials (i.e. the least expensive). I quote one of my own articles on Mr. Kaptur:

"Practical projects, like an office complex on Tahquitz, did not always allow such freedom, yet the comparatively restrained project remains one of the architect's favorites. Originally designed in concrete, cost consideration dictated a less expensive wood frame structure. Despite this constraint the Tahquitz buildings manage to look like masonry, due to walls that are sculptured to look massive as concrete. To further the illusion of thick walls, Kaptur provided the Tahquitz buildings with window that appear to be deeply recessed. In other places, windows push outward from the wall surface, as if trying to break free of the building. Similar out-pushing windows can be found at Kaptur's Musicland Hotel, another building that flirts with the illusion of heavy masonry...."

In my view, the human experience of cities is largely made up by memorable images, structures and spaces that lend a sense of identity to the community. These buildings might be described as the "sina qua non" of any particular city, meaning that without these structures or images, the city would be diminished and lose part of its "sense of place." Every person who is aware of architecture in Palm Springs is still feeling the loss of the Palm Springs Spa Hotel. In my view, the Tahquitz office complex is one of the "sina qua non" buildings of Palm Springs. It is a tasteful, viable building that has been tenanted since its completion. The Tahquitz offices are also part of a trio of Kaptur-designed buildings on either side of the street, which increases both its interest and importance.

At the very least, the Commission should give serious consideration to preserving at least the original building of the complex. Perhaps the City Planning Department can incentivize the developer by granting a density bonus on the remaining portion of the parcel to compensate the developer for any loss of buildable square footage entailed by the preservation of the Tahquitz offices. Additionally, the Planning Department might consider the waiver and/or forgiveness of certain development fees, as a further incentive to preserve the Tahquitz offices. Development is vital for the economic well being of all cities. Equally so is the preservation of buildings that define its character in a positive way. It is my deeply held hope that the Planning Commission will find a way to accommodate both the best interests of both the City and the developer.

Respectfully yours,

Morris Newman

# ATTACHMENT 4

On Mon, Feb 23, 2015 at 12:41 AM, Brad Dunning <[brad@braddunning.com](mailto:brad@braddunning.com)>  
wrote:

Feb. 20, 2015

Planning Commission  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92263

I was quite shocked recently upon hearing the City of Palm Springs is considering a developer's plan to demolish the Hugh Kaptur-designed Tahquitz Plaza. It seems almost inconceivable to me that these buildings, some of the best work of Hugh Kaptur's career, could be lost. Although recognition of Hugh Kaptur's work is coming later than those of his local peers--Albert Frey, E. Stewart Williams, Donald Wexler, William Cody and other prominent locals that have made Palm Springs world renowned as a destination for fans of architecture and design and the appreciation of mid century architecture in Palm Springs seems to be the major factor in the revival of the town--Kaptur's work is certainly as important and worthy. His achievements mark the latter end of the mid century era. His work is distinctive, unique and in the case of his pueblo modern design at Tahquitz Plaza highly contextual and specific to stylish Palm Springs. Perhaps his work has not become fully appreciated yet as it is relatively recent when compared to Albert Frey's modern work of the '50s or 60s for instance. That is why Kaptur's complex is threatened to some extent---the work is just now at the cusp of rediscovery---just as Frey's and Williams' and Cody's work was a few years ago.

Hugh Kaptur was a local and made an indelible mark on the landscape of Palm Springs and the City should be very proud and respectful of his work, celebrate and preserve it. It does the City well when it signals to the world the pride it has its achievements and the artistry of its local architects and most of all the appearance and history of the town. It is terrible for the town to be known for allowing demolition of another important building. This estimable canvas that is modern architecture in Palm Springs is economically instrumental and vital now for tourist appeal and more importantly many residents now have chosen to invest in the town and to live here simply because of the great modern architecture we have in our midst..

I urge the City to reconsider any decision which would allow the destruction of this important Kaptur complex, it would be a terrible loss and when it is gone it is gone forever.

I served as a member of the Historic Site Preservation Board in 1995-96. I suspect some of you will recall the firestorm that greeted my nomination of five Frey buildings which included the Tramway Gas Station. A developer wanted to demolish that building soon after designation and quite a controversy erupted. I hope you will agree in hindsight the decision to preserve the building was the correct one. I believe you will feel the same way as time passes and the Tahquitz Plaza is preserved. The complex is inventive, playful, and sophisticated with forms and open areas that best represent not only Kaptur at the top of his game but a true reflection of the state of the best modern architecture in Palm Springs at that period.

My written work about Palm Springs and modernism has appeared in the Los Angeles Times, the New York Times, Vogue, and GQ magazine among others.

I hope you will present my plea before or during the Feb. 25th meeting.

Sincerely,

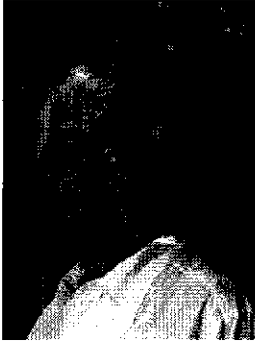
Brad Dunning



# ATTACHMENT 5

# Architect Hugh Kaptur speaks out on Aberdeen Project

Hugh M Kaptur, Special to The Desert Sun 8:51 p.m. PDT April 7, 2015



(Photo: Special to the Desert Sun)

As a former city of Palm Springs planning commissioner, past member of the city's Architectural Advisory Committee and the architect that designed and built Tahquitz Plaza, I feel I am both qualified and obligated to comment on the proposed Aberdeen Project that calls for the demolition of these buildings.

Over the years I have watched many of my professional contemporaries see buildings they were proud of demolished: architect Bill Cody's Huddle Springs comes to mind, as does Stewart Williams' Potter Clinic. Most recently I've seen Don Wexler's high school Administration Building and Spa Hotel colonnade tragically lost.

Now two of my buildings are slated for demolition and a similar unhappy fate. I am particularly proud of the design of Tahquitz Plaza; I had great artistic latitude, as it was to become my offices and I had the opportunity to make an architectural statement. With this creative freedom I designed the architecture to "grow" from the desert floor. I feel these buildings are some of my best work from that period. In fact, the "plaza" won architectural awards in 1979 and 1980.

Aberdeen is a high-density project that overcrowds 74 residential units, 17 live-work units and a cafe space into an eight-acre site. The project is before the city as a Planned Development (PDs), which allows the developer to skirt zoning, parking, setbacks, height and use requirements. PDs were originally intended to create a safety valve that would allow creative projects to be considered by the city and not be overly constrained by the zoning requirements of the area. Unfortunately, developers and the city are using PDs, which should be encouraging architectural excellence, as a way to overdevelop sites that are out of scale with their surroundings. The Aberdeen Project doesn't fit zoning or the village character of the city and it demolishes four more mid-century buildings.

But demolishing more of our city's architecture is just one of the major shortcomings of the Aberdeen project. Fundamentally, it is the wrong project in the wrong place and creates a dangerous mix of vehicular and pedestrian traffic on Tahquitz Canyon Way. And a row of garage doors along our city's most important thoroughfare just isn't good architecture or good planning and goes against our forefather's vision for the street. This is not just my opinion but also a concern stated by both the city's Architectural Advisory Committee and the Planning Commission, both groups denying the project for these and other failings of the project.

The developer recently presented a revised design that is proposing to retain a quarter of the buildings. I designed the complex as four integrated buildings relating to each other as a single project. Demolishing 75% of the buildings will end that unity and mute the architecture. The developer should be more respectful of Palm Springs's mid-century architecture and build a project where the two can coexist.

The Aberdeen project will soon be reviewed by the city council and I plan to attend. I am humbled that many people have told me they will be at that council meeting too, raising their voice to preserve Tahquitz Plaza. The city council will hear these voices and I hope they will also hear the voices of previous city councils and previous planning commissions and visionaries like Pearl McManus and other forefathers who together had an idea for a city like few others in the world. Their vision for Tahquitz (McCallum) Way is widely known and their intention was to not allow any residential along Tahquitz. The Aberdeen Project now endangers that vision, which is more suitable for a dense urban environment not in a resort town like ours.

The developer has an obligation to provide public benefit to the citizens of Palm Springs. It is impossible to see the public benefit from demolishing more of our iconic architecture. Instead, Nexus Development should restore and re-purpose Tahquitz Plaza, incorporating it into The Aberdeen, that would be public benefit no one could argue.

Hugh Kaptur is an architect of many midcentury buildings in Palm Springs. He can be reached at [hughmkaptur@yahoo.com](mailto:hughmkaptur@yahoo.com).

Read or Share this story: <http://desert.sn/1yc4x79>





**National Trust for  
Historic Preservation**

*Save the past. Enrich the future.*

April 9, 2015

City Council  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, California 92262

VIA Email

**RE: Aberdeen Project IS/MND, Case Nos 5.1361 PD-375, CUP, 3.3820 MAJ  
and TTM 36876**

Honorable Councilmembers:

On behalf of the National Trust for Historic Preservation, I would like to express our concern with the proposed demolition of the Tahquitz Plaza on Tahquitz Canyon Way in the heart of the City of Palm Springs. We are particularly alarmed with the City's preliminary determination that the demolition project and subsequent development of a mixed-use project on the site would cause no harm to historic resources. The City has received the opinion of multiple experts, including City staff, that Tahquitz Plaza is a historical resource. We are aware of no evidence in the record that contradicts these well-supported arguments. **Under these circumstances, the California Environmental Quality Act requires the City to prepare an EIR and consider feasible alternatives to demolition.**

The Tahquitz Plaza office buildings were designed by Kaptur & Lapham in 1971 and are excellent and well-preserved examples of Palm Springs Modernism. Hugh Kaptur's contributions to the City of Palm Springs were significant and Tahquitz Plaza is considered to be one of his most outstanding works.

The City's February 2015 Mitigated Negative Declaration indicates that the demolition of Tahquitz Plaza would "cause no substantial adverse change in the significance of a historical resource as defined in [CEQA Guideline] 15064.5" (MND, p.24-25). This determination was made in error. According to a March 26, 2015 letter from the California Office of Historic Preservation, the City has commissioned a city-wide survey of its historic resources and, during this process, identified Tahquitz Plaza as a historical resource. It has also received the opinion of Alan Hess, a qualified expert in the field of architectural history, that the Plaza is historically significant. Further, the City's own Architectural Advisory Committee and Planning Commission have both recommended denial of the project as a result of the proposed impact to historic resources.

Under CEQA, an EIR is required if there is substantial evidence in the "whole record" of proceedings that supports a "fair argument" that a project "may" have a significant effect on the environment. Guideline § 15064(f)(1). *In League for Protection of Oakland's Architectural etc. v. City of Oakland* (1997) 52 Cal.App.4th 896, the court affirmed that the fair argument standard as to whether an impact "may" occur is a low threshold test. (See also *Architectural Heritage Association v. County of Monterey* (2005) 122

**San Francisco Field Office**

The Hearst Building, 5 Third Street, Suite 707 San Francisco, CA 94103

E info@savingplaces.org P 415.947.0692 F 415.947.0699 [www.PreservationNation.org](http://www.PreservationNation.org)

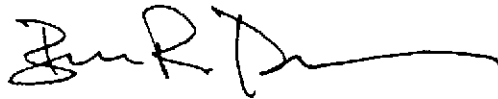
Cal.App.4th 1095; holding that the opinion of a consultant commissioned by the county, findings of an advisory committee and testimony of members of the public with relevant expertise represented "substantial evidence supporting a fair argument" that the Old Jail was a historic resource).

In addition to case law, the CEQA Guidelines are clear that a conflict in expert opinion over the significance of an environmental impact normally requires preparation of an EIR. Guideline § 15064(g). *Sierra Club v. CDF* (2007) 150 Cal.App.4th 370. In this case, all evidence before the City suggests that Tahquitz Plaza is historically significant. The cannot in good faith deny that its finding that the Tahquitz Plaza is non-historic against the litany of public information prepared by experts in the field of historic preservation, including the Office of Historic Preservation and the City's own staff.

We urge the City to develop an Environmental Impact Report in light of the very serious consequences to historic resource that would result from the project as proposed.

Thank you for your consideration of these comments. Please contact me at bturner@savingplaces.org or 415-947-0692 should you have any questions.

Sincerely,



Senior Field Officer/Attorney

Cc:

Flinn Fagg, AICP, Director of Planning Services  
David Newell, Associate Planner  
David H. Ready, Esq., Ph.D., City Manager  
James Thompson, City Clerk  
California Office of Historic Preservation  
California Preservation Foundation  
Palm Springs Modern Committee

**CITY OF PALM SPRINGS  
NOTIFICATION OF APPEAL**



---

Date: April 15, 2015  
Subject: CASE 5.1361 PDD 375 TTM 36876 "ABERDEEN" 8.05 ACRES NE  
CORNER TAHQUITZ CANYON WAY AND CALLE EL SEGUNDO

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**AFFIDAVIT OF PUBLICATION**

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on April 4, 2015.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "CAB", is written over a horizontal line.

Cynthia A. Berardi, CMC  
Deputy City Clerk

**AFFIDAVIT OF POSTING**

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk on April 2, 2015.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "CAB", is written over a horizontal line.

Cynthia A. Berardi, CMC  
Deputy City Clerk

**AFFIDAVIT OF MAILING**

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on April 2, 2015, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (160 notices)

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "CAB", is written over a horizontal line.

Cynthia A. Berardi, CMC  
Deputy City Clerk

NOTICE OF PUBLIC HEARING  
CITY COUNCIL  
CITY OF PALM SPRINGS

APPEAL OF CASE NOS.: 5.1361 PDD 375 / 3.3820-MAJ & TTM 36876  
O & M HR, LLC / NEXUS DEVELOPMENT CORP. FOR "ABERDEEN"  
8.05-ACRES AT NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND CALLE EL SEGUNDO

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of April 15, 2015. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of this hearing is to consider an appeal by Nexus Development Corp. representing O & M HR, LLC, regarding the March 25, 2015, Planning Commission denial decision of a proposed mixed-use project called Aberdeen; a proposal to demolish existing buildings and parking areas for the construction of seventy-four (74) attached and detached residential dwellings, seventeen (17) live-work units and approximately 1,568 square feet of commercial-retail space on approximately 8.05-acres located at the northeast corner of Tahquitz Canyon Way and Calle El Segundo, zone REO and CU.

**ENVIRONMENTAL DETERMINATION:** An Initial Study was prepared for the project and it determined that the project would have less than significant impact with the incorporation of mitigation measures. Members of the public may view this document at the Planning Services Department, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs, and submit written comments at, or prior to, the Council hearing.

**REVIEW OF PROJECT INFORMATION:** The staff report and other supporting documents regarding this project are also available for public review at the City Hall between the hours of 8:00 a.m. and 6:00 p.m. Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

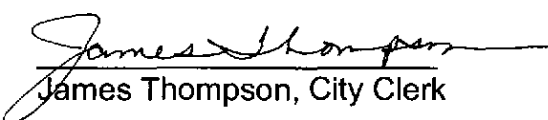
**COMMENT ON THIS APPLICATION:** Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

James Thompson, City Clerk  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior, to the public hearing. (Government Code Section 65009[b][2]).

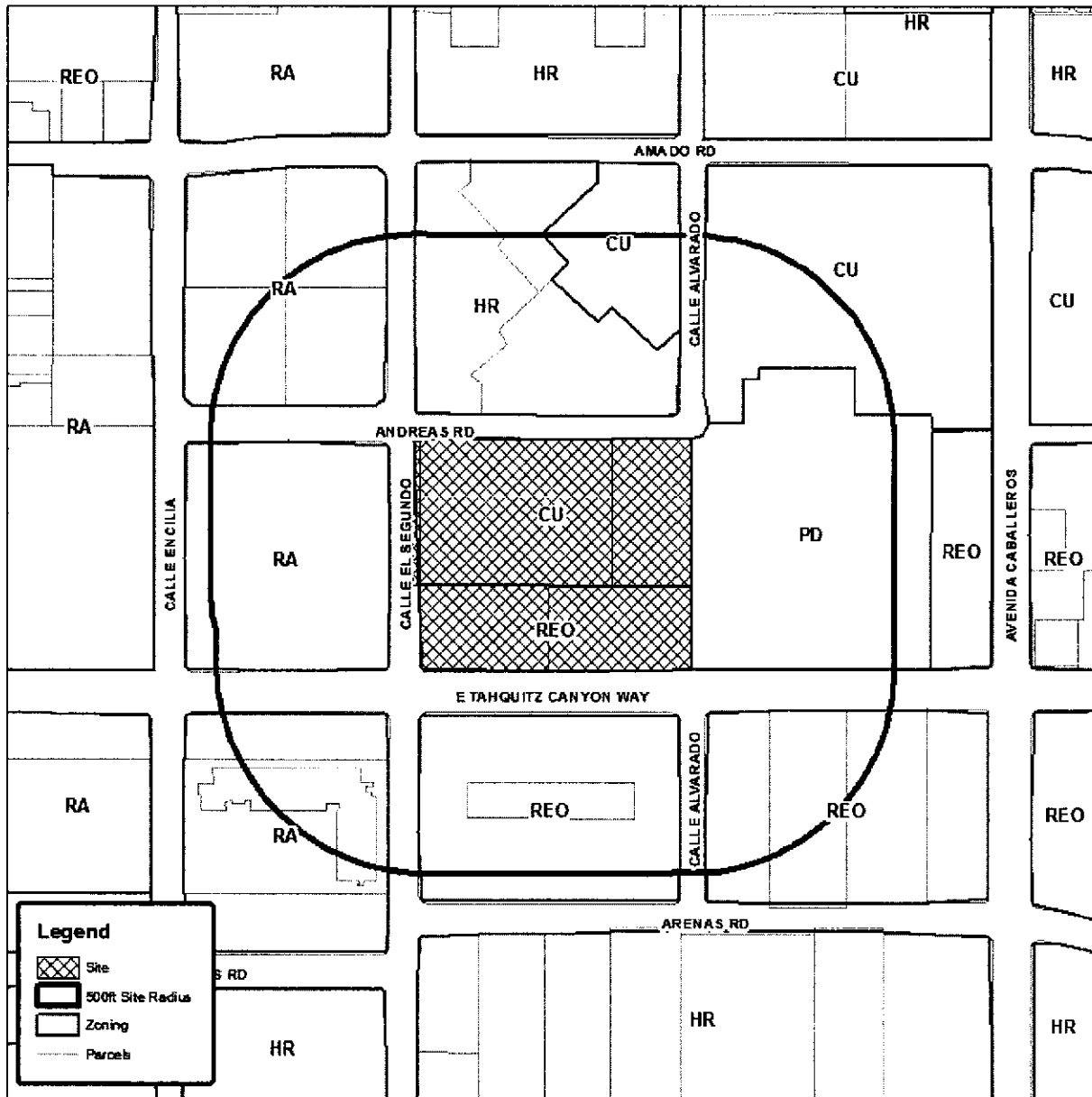
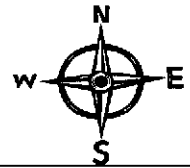
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to David Newell, Associate Planner, at (760) 323-8245.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Felipe Primera telefono (760) 323-8253.





  
James Thompson, City Clerk



# Department of Planning Services Vicinity Map



**Legend**

-  Site
-  500ft Site Radius
-  Zoning
-  Parcels

CITY OF PALM SPRINGS



# City of Palm Springs

Office of the City Clerk

3200 E. Tahquitz Canyon Way • Palm Springs, CA 92262

Tel: (760) 323-8204 • Fax: (760) 322-8332 • TDD: (760) 864-9527 • Web: [www.palmspringsca.gov](http://www.palmspringsca.gov)

April 2, 2015

Ms. Claudia Salgado  
Bureau of Indian Affairs  
P. O. Box 2245  
Palm Springs, CA 92263

Fax To: Brenda Diaz  
(760) 416-2687

RE: City Council Meeting – April 15, 2015  
Case 5.1361 PDD 375 TTM 36876 Appeal – Aberdeen

Dear Ms. Salgado:

The City Council will be conducting a public hearing at 6:00 p.m. on April 15, 2015, to consider an Appeal for a mixed-use project called Aberdeen at the northeast corner of Tahquitz Canyon Way and Calle El Segundo.

I have enclosed copies of the notice for distribution and your file; however, please advise if additional notices are required.

APN	Allotment Number	APN	Allotment Number
508-042-006	T55A	508-057-001 through 508-057-025	28A
508-042-009	T33A	508-082-003	22A
508-051-005 through 508-051-051	30A, 41A	508-082-007	118E
508-561-055 through 508-051-088	99B, 76A	508-082-074	118E
508-054-003	15A, 16A, 17A, 18A	508-084-004	97A
508-056-017 through 508-056-018	10A, 11A, 23A, 78A, 86A, 102A, 105A	508-084-007 through 508-084-008	94A, 99A
508-051-061	FEE	508-054-003	15A, 16A, 17A, 18A
508-051-024 – 508-051-025	FEE	508-051-034	FEE
508-051-066	FEE	508-057-023	FEE
508-042-008	T5340	508-042-010	T1031

Thank you for your continuous assistance and support. Please feel free to contact me at (760) 323-8204 if there are any questions or concerns.

Sincerely,

Cynthia A. Berardi, CMC  
Deputy City Clerk

Encl: Public Hearing Notices (140 copies)  
Envelopes

**Cindy Berardi**

---

**From:** Hugh Kaptur <hughmkaptur@yahoo.com>  
**Sent:** Tuesday, April 07, 2015 3:43 PM  
**To:** CityClerk  
**Cc:** Steve Pougnet; Rick Hutcheson; Ginny Foat; Chris Mills; Paul Lewin  
**Subject:** Aberdeen project  
**Attachments:** Palm Springs City Council and.docx

Dear Jay,

Please distribute this attached letter to each council member prior to the April 15 meeting.

Please confirm receipt of this e-mail.

Thank You

Hugh M. Kaptur

254 Canyon Circle North  
92264

## Palm Springs City Council

My name is Hugh Kaptur, I have spent fulltime, the last 60 years of my life living in Palm Springs, earning a living in the field of architecture. In the eighties and nineties I've contributed my time, as a member to the city Architectural Review Board and the Planning Commission. I have a deep respect for you, contributing your time to our great city as well.

Reviewing the Aberdeen project, I have some serious concerns as to the concept that is being presented. They are from a historic standpoint, good planning practices, and personal.

Our forefathers from the fifties envisioned Tahquitz McCallum to be a grand boulevard connecting the City Airport and the Downtown. Their dream was cemented into the Palm Springs General Plan and Zoning Ordinances along this boulevard. Their plan was high end development along its frontage, to create an impressive avenue for visitors, visiting Palm Springs. To achieve this goal, strict conditions were written into the Zoning Ordinance as to what would be allowed. The Aberdeen project as presented violates all of the conditions set forth in the zoning, including setbacks, heights, density, parking and use. This dream our forefathers had for Palm Springs and Tahquitz McCallum has been handed down through the years, council to council and respected. In my opinion it is your duty, to continue that legacy, and enforce our General Plan and Zoning Ordinances.



This concept being presented of small cubicles with live workings spaces, is not new, it's been going on for hundreds of years, and under certain conditions works well. The Pacific Coast and other similar areas, where wide boardwalks and several 100 yards of Sandy Beach overlooking the Ocean, it has become particularly popular. These areas draw hundreds if not thousands of vacationers and beachgoers to enjoyed nature's gifts. These areas also have wide barriers separating people from vehicular traffic. Looking at the Aberdeen project at this location none of these demographics are represented.

Let's assume the developers hope comes true, that this use will draw pedestrians, that creates a major planning problem. With its narrow sidewalks and the 40 mph speed limit on Tahquitz with no barrier, separating pedestrians and vehicular traffic, is an accident waiting to happen. Even downtown you have curb parking which separates people from vehicles.

Tahquitz Plaza has become a significant piece of architecture, not that I have designed it, but that the buildings themselves have become part of a heart and soul for iconic architecture in Palm Springs. These buildings are being suggested for CEQA. review. Tahquitz Plaza is included in many of the architectural tours that have made Palm Springs so popular in recent years. According to Palm Springs Life Magazine, modernism week, and yearly architectural tours brings hundreds and hundreds of thousands of dollars of revenues to local hotels, restaurants

and retailers and some of the things which in turn adds to the city tax base.

I'm in hopes this counsel will keep in mind its historic commitment to your predecessors, and not allow the Plan Development process to overrule good planning practices!

Respectfully yours

Hugh M. Kaptur

**Cindy Berardi**

---

**From:** Bonnieruttan <bonnieruttan@aol.com>  
**Sent:** Wednesday, April 08, 2015 12:03 AM  
**To:** CityClerk  
**Subject:** Hugh Kaptur buildings

Councilmembers: I am writing to encourage you to act for the preservation of the Hugh Kaptur buildings on Taquitz. Please consider the historic and architectural value of this development by one of Palm Springs renowned local architects rather Thank you for your consideration Bonnie Ruttan  
1111 Abrigo Rd

Sent from my iPad

## Cindy Berardi

---

**From:** Annalisa Capurro <annalisa.capurro@me.com>  
**Sent:** Wednesday, April 08, 2015 1:06 AM  
**To:** CityClerk  
**Subject:** Aberdeen

To the Palm Springs City Council,

I am writing to voice my strong opposition to the demolition scheduled for Wednesday, April 15 2015 of the highly significant Tahquitz Plaza designed by celebrated Palm Springs architect Hugh Kaptur.

As a design and preservation professional in Sydney, Australia, I am appalled that such an important piece of Palm Springs cultural and architectural history would be considered disposable.

I fly halfway across the world every year to attend Modernism Week, along with tens of thousands of others, to celebrate Palm Springs' unique and very rare collection of modernist architecture.

The city benefits enormously in economic terms from its priceless modern architectural assets so it makes no sense, anyway you look at it, either financially or culturally, to keep demolishing what makes Palm Springs so incredibly special.

If the city continues to side with developers whose only interest is in the short term buck, then Palm Springs will eventually end up looking like any other desert city in the US and that would be not only a tragic loss but also a sad legacy to leave to future generations. Once these buildings are gone they are gone forever.

Please do the right thing and vote against this demolition.

Regards,

Annalisa Capurro  
62 Boundary Rd  
Wahroonga, 2076  
Sydney  
Australia

buildings and demand the city council act on your behalf (citizen) and not in favor of the developer.

## **Cindy Berardi**

---

**From:** Bruce Pensyl <pensylb@cox.net>  
**Sent:** Wednesday, April 08, 2015 3:46 AM  
**To:** CityClerk  
**Subject:** Aberdeen

When will all this demolition of priceless wonderful buildings stop? I moved to the lovely City FOR these precious buildings. All of you should understand the importance of the one-of-a-kind buildings. You endorse the Modernism Week Extravaganza, but then destroy the very items that the group is about.

Please vote no to the demolition.

Thank you,

Bruce Pensyl  
238 Avenida Granada  
Palm Springs, Ca 92264

## Cindy Berardi

---

**From:** Debra Hovel <debrahovel@gmail.com>  
**Sent:** Wednesday, April 08, 2015 7:06 AM  
**To:** CityClerk  
**Subject:** Aberdeen

Dear Sirs:

I am writing about the fate of the Hugh Kaptur buildings on Tahquitz Canyon. Yet another debacle about to happen.

Since moving here 5 years ago, a move undertaken specifically because of the historic wealth of preserved architecture, we have watched with dismay as one after another gems have been destroyed. Palm Springs is casually destroying some of its most valuable assets- a treasure trove of architecture unlike any other city. A tourism draw par excellence. Witness the recent Modernism week stats if you have any doubts about that.

Hugh Kaptur – one of PS’s most honored and respected architects – on par with William Cody, E. Stewart Williams, Donald Wexler and Albert Frey. Recently awarded a “Walk-of-Fame” star on Palm Canyon to much fanfare, immediately outside the proud new Architecture & Design Council’s Edwards Harris Pavilion. Compelling subject of a well-received DVD documentary, “Hugh Kaptur: A Quiet Elegance”. His career only recently beginning the first stages of great re-appreciation and re-appraisal.

Tahquitz Plaza, one of his finest and most evocative complexes, was built in 1971, designed by Kaptur together with equally respected architect Howard Lapham. The structures represent a visceral, viable bridge between the Palm Springs of the 1960s, and the Palm Springs of today – and it bridges both beautifully in a way that is just coming to be valued now. There are only a handful of other structures in the entire City as effective as these cultural touchstones.

The City can not do anything about what the Indians do. I get that. But this project? Dear City Council, do something before it is too late.

Debra Hovel

[debrahovel@gmail.com](mailto:debrahovel@gmail.com)

612-483-0993

Debra Hovel

[debrahovel@gmail.com](mailto:debrahovel@gmail.com)

612-483-0993

## Cindy Berardi

---

**From:** Brandon <brandon@towneps.com>  
**Sent:** Wednesday, April 08, 2015 8:28 AM  
**To:** CityClerk  
**Subject:** Aberdeen

Mr. Mayor and the City Councilmembers,

When will the City of Palm Springs wake up and stop allowing the destruction of our unique architecture that draws visitors from all over the world.

The future and viability of Tahquitz Plaza is totally within the Council's jurisdiction to protect, preserve and be proud of. It is within the Council's power to reverse the tide of recent and unfortunate destruction it is the perfect place and opportunity to take a stand.

Tahquitz Plaza, one of Hugh Kaptur's finest and most evocative complexes, was built in 1971, designed by Kaptur together with equally respected architect Howard Lapham. These structures represent a visceral, viable bridge between the Palm Springs of the 1960s, and the Palm Springs of today. There are only a handful of other structures in the entire City as effective as these cultural touchstones.

Preservation Makes DOLLARS and sense. It is imperative that the City MUST act to save these buildings, KNOWING that people come to Palm Springs and surrounding areas expressly to see and explore and enjoy this built environment and PAY GOOD MONEY to do so -- you can't argue with the FINANCIAL SUCCESS of Modernism Week.

So, Councilmembers, we are asking you to stand with your citizens, residents, visitors, and stakeholders. To send a message: if you want to destroy this city's built heritage, we will oppose you.

Please preserve our rich and important architectural heritage.

Brandon Hoskins

Palm Springs resident and business owner.

## **Cindy Berardi**

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**From:** Steven Price <trousdalebookproject@yahoo.com>  
**Sent:** Wednesday, April 08, 2015 9:22 AM  
**To:** CityClerk  
**Cc:** Gary Johns  
**Subject:** ABERDEEN -- Save Tahquitz Plaza!

In regards the subject of the proposed demolition of Tahquitz Plaza for the Aberdeen Development, we already have the perspective of experience about what will NOT best serve the community of Palm Springs. Most importantly, in this case, we have the means to prevent another tragedy.

In the case of the Palms Springs Spa – petitioners were told it was out of the Council's control. Sovereign Nation. Tribal land. And one of the desert's finest and most iconic landmarks was spitefully destroyed. Gone. TAKEN AWAY.

In the case of the Wexler-designed buildings as Palm Springs High School – petitioners were told it was beyond the Council's ability to determine. School Board autonomy. Resulting in the loss of another perfectly fine and serviceable structure. TAKEN AWAY.

This time, It Is Different: The future and viability of Tahquitz Plaza is totally within the Council's jurisdiction to protect, preserve and be proud of. It is within the Council's power to reverse the tide of recent and unfortunate destruction it is the perfect place and opportunity to take a stand.

And for good reason: "Preservation Makes DOLLARS and SENSE".

That tens of thousands of people travel to Palm Springs twice a year and spend MILLIONS of dollars to visit (and sometimes eventually dwell) in these surroundings has been PROVEN.

Continuing to allow the elimination of these evocative structures REMOVES THEIR REASON FOR DOING SO and makes BAD financial sense.

Greater historians than myself can attest to the career and architectural eminence of Hugh Kaptur – one of PS's most honored and respected architects – on par with William Cody, E. Stewart Williams, Donald Wexler and Albert Frey. His career only recently begun the first stages of great re-appreciation and re-appraisal.

Tahquitz Plaza, one of his finest and most evocative complexes, represents a exceptionally visceral, viable bridge between the Palm Springs of the 1960s, and the Palm Springs of today – and it bridges both beautifully in a way that is just coming to be valued now. There are only a handful of other structures in the entire City as effective as these cultural touchstones.

The late Patrick McGrew wrote about the pending, precarious fate of the building as far back as 2010. The City has had PLENTY of time to work out a solution, and had had ample opportunity to examine the best use of this property and options for development.

Given the outcry on this and other similar examples before it, it seems clear and imperative that the City MUST act to save these buildings And most importantly, even by keeping the Kaptur buildings, THE DEVELOPER WILL GET SUBSTANTIALLY WHAT THEY WANT, ANYWAY.



So, Councilmembers, we are asking you to stand with your citizens, residents, visitors, and stakeholders. To send a message: if you want to destroy this city's built heritage, we will oppose you. There are plenty of blocks and properties with buildings no one will miss. You are welcome – encouraged ! -- to make those into something new and contributing. But where ever our history, a structure of quality, is concerned, we will ask you to think twice. And if necessary, fight to save it.

Of course the developer class will say only THEY have the right to do what they want, that's their line -- but we don't have to buy it without question, or just accept blindly and quietly!

THANK YOU and PLEASE, do the right thing, this time.

Steven M. Price  
Author, Speaker & Historian  
Hollywood, CA (soon to be full time Desert resident)

**Cindy Berardi**

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**From:** Robert Kalin <robert@robertkalin.com>  
**Sent:** Wednesday, April 08, 2015 9:50 AM  
**To:** CityClerk  
**Subject:** Aberdeen

The Hugh Kaptur buildings on Tahquitz should be fully preserved. Mid-Century architecture is what MAKES Palm Springs unique—it is just wrong to tear down these building in favor of characterless boxes.

Robert Kalin  
2190 E Amado Road  
Palm Springs CA 92262  
760-813-1000

**Cindy Berardi**

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**From:** Mark Rose <thisismarkrose@gmail.com>  
**Sent:** Wednesday, April 08, 2015 9:59 AM  
**To:** CityClerk  
**Subject:** Aberdeen

I am in opposition to the Aberdeen project. It is not up to snuff. Certainly not worthy of tearing down ANY portion of an award winning building.

The project is without passion or relevance.

Let's stop this.

Thank you,

Mark Rose

## Cindy Berardi

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**From:** Dick Burkett <dickburkett@gmail.com>  
**Sent:** Wednesday, April 08, 2015 10:53 AM  
**To:** CityClerk  
**Subject:** Hugh Kaptur's Tahquitz Plaza

We Oppose the demolition of the Hugh Kaptur buildings on Tahquitz and respectfully request the city council act on behalf of the citizens and not in favor of the developer. Please intervene for us to protect our precious history and heritage that the city of Palm Springs has become known for internationally. Without these important buildings we have nothing to showcase. As this impacts the economy of Palm Springs on so many different levels, it behooves those of us who are residents to appeal to the city council for their intervention. Our city has lost several major historic architectural buildings in the past couple of years. Speaking on behalf of myself, I moved to Palm Springs due to the focus and preservation of its unique architectural heritage from Florida. However, there are countless others who come here for our historic architectural events who become infatuated and purchase a home here. Dick Burkett

--

Dick Burkett  
760 774 5795 cell  
[dickburkett@gmail.com](mailto:dickburkett@gmail.com)

*If you don't build your dream, someone will hire you to build theirs." - Tony Gaskins*

## Cindy Berardi

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**From:** Gary Gand <ggand@gand.com>  
**Sent:** Wednesday, April 08, 2015 10:54 AM  
**To:** CityClerk  
**Subject:** Aberdeen

City Council- My wife and I came to Palm Springs 12 years ago to SEE the Mid-Century Modern architecture the town was known for. We decided to make it our winter home and have purchased 2 houses here at a combined cost of close to \$3,000,000 (THREE MILLION DOLLARS). We have spent many hundreds of thousands more in renovations, auto purchases, restaurants, museum donations, serve on several boards AND opened a new entertainment venue the city sorely needed. We are performing every weekend and giving our time and performances for local charity events to support the museum, animal shelter, food bank, etc.

You can see the economic impact of our presence in many places, not just the taxes collected.

IN OTHER WORDS - OUR OPINION COUNTS.

The Hugh Kaptur complex known as Tahquitz Plaza should NOT BE DEMOLISHED.

Have you know pride, imagination, or sense of history?

In the recent years several of Palm Springs iconic Mid-Center Modern structures have been brought down due to a hypnotic blinding of local opinion to the heritage of this magical paradise.

IT IS TIME TO PUT THE BRAKES ON, TAKE A DEEP BREATH AND OPEN YOUR EYES.

Palm Springs must be stopped from turning into another FACELESS SHOPPING MALL.

What reason would anyone come here for that?

We are from Chicago where surveys have shown that the NUMBER ONE tourist attraction is the ARCHITECTURE.

Not the shopping, the parks, the Lake front, the restaurants: IT'S THE BUILDINGS.

Got it ?????

You've got one of the greatest collections of the #1 attraction and you want to replace it with ME TO crap that tourists can see in Anytown USA.

STOP THIS NOW.

Gary & Joan Gand  
Vista Las Palmas  
Chicago

## Cindy Berardi

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**From:** Amy Minter <acm@cbcearthlaw.com>  
**Sent:** Friday, April 03, 2015 11:01 AM  
**To:** CityClerk  
**Cc:** Cindy Berardi  
**Subject:** Submission of Comments Regarding Aberdeen Project

Dear Mr. Thompson,

The Palm Springs Modern Committee plans to submit comments to the City Council regarding the proposed Aberdeen project. It is our understanding that the hearing on this project will likely be held at the April 15 City Council meeting. By when do we need to have submitted comments for those comments to be included in the Council packet?

Thank you.

Amy Minter

**Chatten-Brown & Carstens LLP** 

*Enforcing Laws to Protect California's Environment*

2200 Pacific Coast Highway, Ste 318  
Hermosa Beach, CA 90254  
ph: 310-798-2400, ext 3  
fax: 310-798-2402

## **Cindy Berardi**

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**From:** lizppv <lizppv@telus.net>  
**Sent:** Wednesday, April 08, 2015 11:08 AM  
**To:** CityClerk  
**Subject:** Aberdeen

Hello,

I am writing to you as a part time resident of Palm Springs, please do everything you can to stop the current demolition of yet another great building in this town. Saving just 25% of this building is not adequate at all! We purchased a vacation home in Palm Springs because of all the interesting architecture and now it is disappearing before our very eyes at an alarming rate. I wonder how long it will be just like any other touristy town with ordinary boring builds? Stop now and think about what made Palm Springs a mid century mecca full of amazing buildings and why so many come here.

Regards from a very concerned citizen who loves this town with a passion.

Liz Malinka

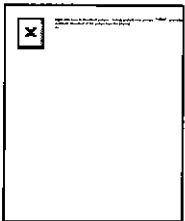
## Cindy Berardi

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**From:** Duff Kliewer <duffk@coxkliewer.com>  
**Sent:** Wednesday, April 08, 2015 11:22 AM  
**To:** CityClerk  
**Cc:** Gary Johns  
**Subject:** Re: Aberdeen

As a Palm Springs homeowner (238 E. Avenida Granada) and Architect, I wholeheartedly support Hugh Captor's position in this issue.

Our local heritage of Mid-Century Modern Architecture is a veritable Golden Egg for our economy. Why continue to try and kill the Goose that laid the Egg?



**Duff Kliewer**

2533 Virginia Beach Boulevard  
Virginia Beach, Virginia 23452  
P: 757 • 431 • 0033 ext 310  
F: 757 • 201 • 6090  
email: [duffk@coxkliewer.com](mailto:duffk@coxkliewer.com)  
website: [www.coxkliewer.com](http://www.coxkliewer.com)

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On Apr 8, 2015, at 1:58 AM, Gary Johns <[garyjohns1@aol.com](mailto:garyjohns1@aol.com)> wrote:

The Palm Springs City Council will decide the fate of Hugh Kaptur's Tahquitz Plaza (scheduled for demolition) on Wednesday, April 15. Hugh has written a Letter to the Editor (Valley Voice) and a separate letter to the city council stating quite clearly why these buildings should be preserved.

We need to support Hugh with letters to the editor and to the city council. If we are to win this preservation battle it will be in the court of public opinion.

Time is of the essence. Please write to the Desert Sun and / or to the city council **now**. Short and sweet is always best. Oppose the demolition of the buildings and demand the city council act on your behalf (citizen) and not in favor of the developer.



**There are talking points attached here (thank you Steven Price) for inspiration.**

LETTERS TO THE EDITOR: [Al.Franco@desertsun.com](mailto:Al.Franco@desertsun.com) (*letter to the editor* in the subject line)

LETTERS TO THE CITY COUNCIL: SEND TO: [CityClerk@palmsprings-ca.gov](mailto:CityClerk@palmsprings-ca.gov) (*Aberdeen* in the subject line)

**Please do this now. We have watched The Tribe and the School Board demolish very important buildings in the past several years and the City Council was powerless to intervene. This demolition is exclusively within their purview and they can stop it. Show your support for preserving these buildings today.**

Gary

**Gary Johns**

Paul Kaplan Group  
1701 N. Palm Canyon Drive suite 5  
Palm Springs, California 92262  
**760 327 7290**

DRE 00594206

<SAVE+TAHQUITZ+PLAZA+arguments-3.doc>

## Cindy Berardi

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**From:** Matthew Reader <mrmodps@gmail.com>  
**Sent:** Wednesday, April 08, 2015 11:30 AM  
**To:** CityClerk  
**Subject:** Aberdeen

Dear City Council:

I have been a resident of Palm Springs for almost twelve years. I care about the city, and understand that growth is important, but so is our local history, especially when it also concerns architecture.

Tearing down Hugh Kaptur's Tahquitz Plaza is not the kind of growth that I want for my city, especially when a characterless high-density housing development is what is the proposed replacement.

I urge you to not destroy more of our city's rich architectural history.

Sincerely,

Matthew Reader

The Paul Kaplan Group  
1701 North Palm Canyon Drive, Suite 5  
Palm Springs, California 92262

760-969-2278

Sent from my iPad

## **Cindy Berardi**

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**From:** Bert Simonis <bert@thisnthatfilms.net>  
**Sent:** Wednesday, April 08, 2015 11:39 AM  
**To:** CityClerk  
**Subject:** Please stop the Aberdeen development from tearing down Tahquitz Plaza

As a film maker and biographer of Hugh Kaptur's work and life, I urge you to retain Tahquitz Plaza as an example of the architecture that has become the Palm Springs brand. We have sold our film, Quiet Elegance, all over the world and it will feature prominently in next week's Architecture Film Festival in Winnipeg, Canada.

People come from all over the world to enjoy our Palm Springs architecture. We know that you don't have the power to save everything - but you have the power to save this. I ask you to save our heritage and brand.

Bert Simonis  
Producer  
[bert@ThisNThatFilms.net](mailto:bert@ThisNThatFilms.net)  
760-459-5055

## Cindy Berardi

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**From:** Mike Johnson <mikejohnsonps@gmail.com>  
**Sent:** Wednesday, April 08, 2015 11:47 AM  
**To:** CityClerk  
**Subject:** Aberdeen

This is such an exciting time for Palm Springs. I have lived here now for 15 years and the new developments are so fresh and inspiring, from the rejuvenated downtown core, south end 111 coming in to its own, Tahquitz median...I'm just thrilled with the job the city council, the Mayor and the residents are doing to make this a vibrant community (again). However, with success and new development there is a fine line that needs to be paid attention to, the line between a "new powerful Palm Springs" and the "old charming little town" that we all love. I love progress and feel that our recent history squelching such progress has turned Palm Desert into the "go to" community and left ours as a bit of a museum piece. I am concerned about the demolition of some of our more "unique" buildings, those quirky structures that have always made our city stand out from the rest, but I do understand that with progress comes some collateral damage. Not every structure with a predominant architects pedigree should be considered a "classic" but I would hope to see that those elements of our special architecture could be incorporated into new developments that would still give the "feel" of what distinguishes Palm Springs from other communities. Just as the City provided a terrific venue with the Village Green, could the Kaptur buildings be better incorporated into this project? As a centerpiece to this project, I feel that it would be something the entire community could enjoy and be a highlight of our architectural tours as well as a great example of progress with respect to what made this city what it is today.

Mike Johnson

**Mike Johnson 760.902.8207** LIC# 01313228

*Paul \* Kaplan*  
modern real estate GROUP

**RSPS**  
Resort & Second-Home  
Property Specialist 

[mikejohnsonps@me.com](mailto:mikejohnsonps@me.com)  
[mikejohnsonps.net](http://mikejohnsonps.net)

**Cindy Berardi**

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**From:** Doug MacBeth <dougmacbeth@yahoo.com>  
**Sent:** Wednesday, April 08, 2015 11:54 AM  
**To:** CityClerk  
**Subject:** Aberdeen

Dear Palm Springs City Council Members:

I am writing to express my concern over the proposed demolition of yet another Palm Springs architecturally significant midcentury-modern gem: the Hugh Kaptur Tahquitz Plaza. As a concerned Palm Springs homeowner and as a midcentury modern enthusiast, I oppose the demolition these Kaptur buildings.

In February, almost 60,000 people traveled to Palm Springs for Modernism Week and added hundreds of thousands of dollars to the local economy. Yet over the past few years, Palm Springs has lost several important midcentury buildings, including the iconic Spa Hotel with its much-photographed colonnade and the classic Donald Wexler school administration building. Palm Springs cannot afford to let these losses continue.

Sadly, there are several empty lots in Palm Springs where important midcentury modern buildings have been demolished to make way for new development, which never happened. Why not build on these now empty lots rather than add more architecturally historic buildings to the rubble pile?

Thank you for giving thoughtful consideration to this important issue.

Sincerely,  
Doug MacBeth

## Cindy Berardi

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**From:** Jacques Caussin <jcaussin@aol.com>  
**Sent:** Wednesday, April 08, 2015 12:05 PM  
**To:** CityClerk  
**Subject:** Aberdeen

To Palm Springs City Council

Re: Aberdeen Project

I truly hope you vote to save the Hugh Kaptur complex and kill the Aberdeen project.

Ask yourselves: "What part of NO doesn't the developer understand?"

NO from the commissions who make sure the city maintains the proper aesthetic standards NO from the public who don't see why good architecture along one of our more major thoroughfare would be replaced by a bunch of garage doors.

As former chair of Modernism Week, which is blossoming into The Premier event for Palm Springs, bringing millions of dollars to your city and an incredible branding for the City.

Please don't poison the Goose that laid the golden egg.

Jacques Caussin  
2237 Casitas Way  
Palm Springs  
760 219 4599  
[JCaussin@aol.com](mailto:JCaussin@aol.com)

## **Cindy Berardi**

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**From:** P. David Ebersole <pdavid@ebersolehughes.com>  
**Sent:** Wednesday, April 08, 2015 12:52 PM  
**To:** CityClerk  
**Cc:** Gary Johns  
**Subject:** attn ABERDEEN re: Hugh Kaptur Tahquitz Plaza

We are new residents to Palm Springs, and we are writing in hopes that our voices will be heard regarding the impending demolition the Hugh Kaptur-designed Tahquitz Plaza before it is too late. We understand that this demolition is exclusively within the City Council's purview and it is frighteningly scheduled for only one week from today!!

We chose to move to this community from Los Angeles because, at the top of our list of many other great reasons, it has such a rich history in iconic architecture that we love and admire.

Since last September when we purchased our house (not insignificantly a Kings Point home that we consider an architectural masterpiece by William Krisel), we are seeing a trend towards thoughtless demolition of that legacy that is very disturbing. The aggressive demolition of the William Cody, Donald Wexler and Richard Harrison-designed colonnade at the Spa Hotel happened days after we purchased our home, adding to the sadness we and others suffered over the 2012 destruction of Wexler-designed buildings at Palm Springs High School. The noise made over these losses are not just about the politics of preservationist nostalgists versus progress — they are representative of our collective dismay as residents that developers are literally diminishing one of the main attractions that brings new buyers like us into the area.

We know we are not alone in saying these local architects are artists who deserve the respect that reaches beyond having stars on the Palm Springs Walk of Fame, and so it is with great urgency that we implore the City Council — who stated they were powerless in the cases of the other buildings we cite above, that are forever gone — to stand up now that they do have the power, on behalf on their citizens, to preserve the architecturally-significant Tahquitz Plaza scheduled for demolition on Wednesday, April 15.

Sign us,  
new Palm Springs residents  
P. David Ebersole & Todd Hughes

The Ebersole Hughes Company  
[www.EbersoleHughes.com](http://www.EbersoleHughes.com)

## **Cindy Berardi**

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**From:** standeen@aol.com  
**Sent:** Wednesday, April 08, 2015 2:36 PM  
**To:** CityClerk  
**Cc:** garyjohns1@aol.com; dougmacbeth@yahoo.com  
**Subject:** Aberdeen

Dear City Council Members,

I implore you to reconsider the potential destruction of Tahquitz Plaza by noted local architect Hugh Kaptur. Palm Springs has risen from the dust like the mythical Phoenix due to the wonderful, unique Mid Century architecture in it. Now a greedy developer wants to turn a master piece of modern architecture into dust in order to line his pockets. Palm Suffered a major loss at the hands of the Agua Caliente tribe this past year when the highly important Spa Hotel was destroyed. Consider the people who have flocked here spending money and purchasing and restoring Mid Century properties!! We are your constituents!! We be here long after a flush developer has left town. As a owner of 2 Mid Century properties in Palm Springs, I implore you to stop the destruction of what makes this city unique and great!!

**SAVE TAHQUITZ PLAZA FROM DESTRUCTION!!**

Repectfully,  
Stan Deen MD  
San Francisco, California



## Cindy Berardi

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**From:** Mark Picascio <mgpicascio@gmail.com>  
**Sent:** Wednesday, April 08, 2015 2:49 PM  
**To:** CityClerk  
**Cc:** Steven Price  
**Subject:** "Aberdeen" Palm Springs proposed project

To the Palm Springs City Council, on the issue of tearing down the Tahquitz Plaza office complex, Palm Springs, CA. designed by famed Palm Springs architect Hugh Kaptur, slated to make way for a new High Density project named "Aberdeen"...NOT a very good idea for the future of Palm Springs!  
As my friend and Author, Speaker and Historian Steven Price has mentioned, "Short and Sweet" is best in a message. So here is my message to the City of Palm Springs, CA. "If you let this Mid-Century modern architecture go, then you let Palm Springs go!"  
If this happens, gone will be the days of simplicity in desert design forever!

P.S. This original Mid - Century modern architecture by architect Hugh Kaptur will bring in and make more revenue than any new built project could ever achieve!

Sincerely,

Photographer, Modern - Abstract Artist, Architectural Designer and Palm Springs resident,  
Owner and operator of UltraModernStyle.com.

Mark G. Picascio  
Los Angeles, CA.

[www.MGPicascio.com](http://www.MGPicascio.com)  
[www.Ultramodernstyle.com](http://www.Ultramodernstyle.com)

**Cindy Berardi**

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**From:** Dick Burkett <dickburkett@gmail.com>  
**Sent:** Wednesday, April 08, 2015 2:55 PM  
**To:** CityClerk  
**Subject:** Hugh Kaptur Plaza

We Oppose the demolition of the Hugh Kaptur buildings on Tahquitz and respectfully request the city council act on behalf of the citizens and not in favor of the developer. Please intervene for us to protect our precious history and heritage that the city of Palm Springs has become known for internationally. Without these important buildings we have nothing to showcase. As this impacts the economy of Palm Springs on so many different levels, it behooves those of us who are residents to appeal to the city council for their intervention. Our city has lost several major historic architectural buildings in the past couple of years. Speaking on behalf of myself, I moved to Palm Springs due to the focus and preservation of its unique architectural heritage from Florida. However, there are countless others who come here for our historic architectural events who become infatuated and purchase a home here. Dick Burkett

--

Dick Burkett  
760 774 5795 cell  
[dickburkett@gmail.com](mailto:dickburkett@gmail.com)

*If you don't build your dream, someone will hire you to build theirs." - Tony Gaskins*

## Cindy Berardi

---

**From:** Jojo Sweiven <jojo@postandbeamrealty.com>  
**Sent:** Wednesday, April 08, 2015 3:39 PM  
**To:** CityClerk  
**Subject:** Aberdeen

To the City Council-

As a Palm Springs resident, I am writing to express my support for Hugh Kaptur and his architecture. I am also adamantly against the city's use of PDs to overdevelop sites that are out of scale with their surroundings. Our historical architecture is what defines our city and makes it so special. Please represent your constituents by preserving it.

Joann Sweiven  
590 Sycamore Cir.  
Palm Springs

**Cindy Berardi**

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**From:** BuddyCarrDesign <buddycarrdesign@gmail.com>  
**Sent:** Wednesday, April 08, 2015 3:46 PM  
**To:** CityClerk  
**Subject:** Aberdeen

Please stop the destruction of the very structures that make Palm Springs like no other place in the United States. The structures that keep 1000 of people including myself making frequent trips to Palm Springs. The tourist's like myself that spend 1000's of dollars on hotels rooms and in local business's, that eat at your restaurants and shop in at your stores. The uniqueness of Palm Springs is what keeps us coming back with excitement year after year, destroying these architecturally significant buildings will destroy the uniqueness of your fabulous city and no doubt have an effect on your local economy.

Please stop the destruction.

Concerned citizen  
-BUDDY CARR

--

Thank you for your business,we do appreciate it  
**BUDDYCARRdesign**

## Cindy Berardi

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**From:** Cynthia Kellman <cpk@cbcearthlaw.com>  
**Sent:** Wednesday, April 08, 2015 3:48 PM  
**To:** Terri Milton; CityClerk  
**Cc:** Steve Pougnet; Chris Mills; Ginny Foat; Rick Hutcheson; Paul Lewin; Jennifer Nelson; Citymanager - Mail Login; Flinn Fagg; David Newell; Jay Thompson; Amy Minter  
**Subject:** Comments on Aberdeen Project, Case Nos 5.1361 PD-375, CUP, 3.3820 MAJ and TTM 36876; Objection to Demolition of Historic Tahquitz Plaza  
**Attachments:** PSMC Comments on Aberdeen Project with Attachments.pdf

Good Afternoon,

Attached please find a comment letter from Amy Minter regarding the above-listed project.

Please feel free to contact me with any questions or concerns.

Sincerely,  
Cynthia Kellman

**Chatten-Brown & Carstens LLP**   
2200 Pacific Coast Highway, Ste. 318  
Hermosa Beach, CA 90254  
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Fax: 310-798-2402

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2200 PACIFIC COAST HIGHWAY  
SUITE 318  
HERMOSA BEACH, CALIFORNIA 90254  
www.cbcearthlaw.com

E-MAIL:  
ACM@CBCEARTHLAW.COM

April 8, 2015

*Via Email*  
*Original to follow*

Honorable City Council  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92263

Re: Comments on Aberdeen Project, Case Nos 5.1361 PD-375, CUP, 3.3820  
MAJ and TTM 36876; Objection to Demolition of Historic Tahquitz Plaza

Honorable Councilmembers:

On behalf of the Palm Springs Modern Committee, we urge the City to require the preservation of the Tahquitz Plaza as part of the proposed Aberdeen Project. The Aberdeen Project, as described in the mitigated negative declaration (MND) prepared for the project, includes: demolition of all four Hugh Kaptur designed buildings that comprise the historic and architecturally significant Tahquitz Plaza; construction of 74 residential units; and construction of 17 live-work units along Tahquitz Canyon Way (the "Project" or "Aberdeen Project"). The Project was slightly revised as presented to the Planning Commission to reduce the number of residential units to 73 and the number of live-work units to 13 to allow for the preservation of one of the four Tahquitz Plaza buildings, but it is unknown to the Palm Springs Modern Committee whether the MND version of the Project or the Planning Commission version of the Project will be presented to the City Council.

Under either iteration, the Project would result in significant adverse impacts that have not been disclosed or analyzed in the MND. The California Environmental Quality Act ("CEQA") requires preparation of an environmental impact report ("EIR") whenever a project may have a significant adverse impact on the environment. (Public Resources Code section 21151.) As proposed, the Aberdeen Project would result in the demolition of all or most of the Tahquitz Plaza, resulting in significant adverse historic resource and aesthetic impacts. Despite pleas to analyze the significance of and impacts to this resource from numerous members of the public, including experts in historic architecture, the Planning Commission and even the California Office of Historic Preservation, the

City has provided no analysis of the Tahquitz Plaza. The Project would also result in land use and aesthetic impacts due to the Project's inconsistencies with height, setback, inclusion of prohibited uses and landscaping requirements. Approval of the Project as proposed, and based upon only a MND, would result in a clear violation of CEQA. However, revising the Project to include the preservation of the Tahquitz Plaza would mitigate the majority of these potentially significant impacts, likely obviating the need for an EIR. A revised Project would provide the City with a project that preserves Palm Springs' important architectural history while still accommodating a substantial amount of new development.

### **I. CEQA's Requirements**

An EIR must be prepared instead of a MND when there is substantial evidence to support a fair argument that the project may have significant adverse environmental impacts. "The fair argument standard is a "low threshold" test for requiring the preparation of an EIR." (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928.) "If there is substantial evidence of a significant environmental impact, evidence to the contrary does not dispense with the need for an EIR when it can still be 'fairly argued' that the project may have a significant impact." (*Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1001; *see also* CEQA Guidelines § 15064.) It is a question of law, not fact, whether a fair argument exists, and courts owe no deference to a lead agency's determination. There is a clear preference for resolving doubts in favor of preparing an EIR. (*Architectural Heritage Association. v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1110; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1996) 42 Cal.App.4th 608, 617-618; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 151; *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602-03.)

There is substantial evidence to support a fair argument that, as proposed, the Aberdeen Project may have significant adverse impacts. The Project would demolish the historically significant Tahquitz Plaza, resulting in significant historic resource impacts. The Project also fails to comply with numerous land use regulations and requirements. This noncompliance results in both land use and aesthetic impacts that were not analyzed or even acknowledged by the MND.

#### **A. Historic Resource Impacts.**

CEQA section 21084.1 mandates that "[a] project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." A substantial adverse change in the significance

of an historical resource includes “physical demolition, destruction, relocation, or alteration of the resource...” (CEQA Guidelines § 15064.5(b)(1).) The Aberdeen Project would demolish the historically significant Tahquitz Plaza, resulting in a significant adverse impact.

***1. Tahquitz Plaza is an Historic Resource.***

Hugh Kaptur is among Palm Spring’s most important and visionary local architects. He is an innovative designer with his own distinctive to Desert Modern architecture. Mr. Kaptur was the subject of a recent documentary, *Quiet Elegance: The Architecture of Hugh M. Kaptur*. (See <http://www.thisnthatfilms.net/hugh-kaptur.html>, incorporated by reference.) The importance of his work within the City was also recognized when he received a star on the Palm Springs Walk of Stars in 2014 alongside those including William F. Cody, Albert Frey, Donald Wexler and E. Steward Williams.

The Tahquitz Plaza is a shining example of Mr. Kaptur’s originality and ingenuity. The beautiful pueblo-influenced design of these buildings embodies his distinctive style. The Tahquitz Plaza was also designed to be energy efficient with thick walls and wide overhangs that protect the buildings from absorbing heat and an orientation intended to capture breezes. The visually prominent location of the Tahquitz Plaza along Tahquitz Canyon Way heightens the significance of this resource.

Under CEQA, “[g]enerally, a resource shall be considered by the lead agency to be ‘historically significant’ if the resource...: (A) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage; (B) Is associated with the lives of persons important in our past; (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or (D) Has yielded, or may be likely to yield, information important in prehistory or history.” (CEQA Guidelines § 15064.5(a)(3).)

The record for the Aberdeen Project is replete with evidence regarding the importance of Hugh Kaptur and the significance of the Tahquitz Plaza. The following evidence submitted by experts clearly demonstrates the Tahquitz Plaza embodies distinctive characteristics of Desert Modern design, represents the work of an important creative individual and possesses high artistic values. Thus, the City must consider the Tahquitz Plaza an historic resource and analyze any impacts to this resource in an EIR.

Alan Hess, architect, historian, and the author of numerous books on Modern architecture, submitted comments regarding the importance of Hugh Kaptur in history of



Palm Springs Modernism. (**Attachment 1**, February 19, 2015 Hess Letter to City and March 20, 2015 Hess Letter to OHP.) His letter describes Hugh Kaptur's unique style and the high artistic value of his work at Tahquitz Plaza. Mr. Hess is a consultant on the City's Citywide Historic Resource Survey Update that is currently being prepared. He has strongly recommended the listing of Tahquitz Plaza as a significant resource on that survey.

Architectural historian Morris Newman interviewed Hugh Kaptur as part of his work on an essay regarding Mr. Kaptur published in *The Desert Modernists: The Architects Who Envisioned Midcentury Modern Palm Springs*. (**Attachment 2**, Newman Essay re Hugh Kaptur.) Mr. Kaptur informed Mr. Newman that the Tahquitz Plaza, where Mr. Kaptur maintained his practice for many years, is one of his favorite projects. In comments submitted to the City, Mr. Newman found that "[a]lthough Tahquitz Plaza is not a loud or flashy building, it shows many signs of architectural originality and creativity...In my view, the Tahquitz office complex is one of the "sine qua non" buildings of Palm Springs." (**Attachment 3**, Newman Email to City.) Mr. Newman also noted the importance of Tahquitz Plaza is enhanced by the fact that it is part of a trio of Kaptur-designed buildings along this stretch of Tahquitz Canyon Way.

Brad Dunning, a former Historic Site Preservation Board member and designer known for working on architecturally significant properties and restorations, also submitted comments urging preservation of the Tahquitz Plaza. He stated that Hugh Kaptur's work is as important to Palm Springs as that of Albert Frey, E. Stewart Williams, Donald Wexler, and William Cody. He found Kaptur's work to be "distinctive, unique and in the case of his pueblo modern design at Tahquitz Plaza highly contextual and specific to stylish Palm Springs." (**Attachment 4**, February 20, 2015 Dunning Email to City.)

The architect for the Tahquitz Plaza, Hugh Kaptur, who is also a former Planning Commissioner and member of the City's Architectural Advisory Committee, has articulated before the Planning Commission and in a recent editorial why the Tahquitz Plaza is one of his favorite projects. (**Attachment 5**, April 7, 2015 Kaptur Editorial in *Desert Sun*.) Mr. Kaptur feels the Tahquitz Plaza represents some of his best work, noting that the buildings were the recipients of architectural awards in 1979 and 1980.

The California Office of Historic Preservation has also urged the City consider the Tahquitz Plaza an historic resource and either modify the Aberdeen Project to preserve the Tahquitz Plaza or to prepare an EIR to analyze the impacts. . The OHP's letter officially states "in light of the preliminary findings of historical significance described in the Alan Hess letter, we encourage the Lead Agency [the City] to act within its

discretion...to consider the Tahquitz Plaza office complex as a historic resource for the purposes of CEQA." The OHP letter further states that the City has the discretion under CEQA to "treat the Tahquitz Plaza office complex as a historic resource, [and that] it may be possible to modify the proposed project to avoid impacts to the historic resources.... In this way, [the City] could avoid the time and cost involved in preparing an Environmental Impact Report (EIR)."

The City's own design and land use experts, the Architectural Advisory Committee and the Planning Commission, recognized the significance of Tahquitz Plaza and recommended denial of the Project based in large part upon the proposed demolition of these buildings.<sup>1</sup> At the Planning Commission hearing, a Commissioner asked City staff whether the City could find a building to be a local historic resource if it had not yet reached 50 years of age. No specific answer was provided, but a review of the City's Historic Preservation Ordinance demonstrates there is no prohibition or limitation regarding buildings that are less than 50 years and the City has previously listed resources that were less than 50 years of age. The Historic Preservation Ordinance was adopted "for the purpose of preserving areas and specific buildings of the city which reflect elements of its cultural, social, economic, political, architectural and archaeological history." (Palm Springs Municipal Code 8.05.010.) This Ordinance defines an historic site as "any real property ... that is unique or significant because of its location, design, setting, materials, workmanship or aesthetic effect and: ... (4) That embodies the distinctive characteristics of a type, period or method of construction; or (5) That presents the work of a master builder, designer, artist, or architect whose individual genius influenced his age; or that possesses high artistic value." (Palm Springs Municipal Code 8.05.020(a).) The expert testimony demonstrates that the Tahquitz Plaza meets criteria (4) and (5) of the City's definition of an historic site.

The wealth of evidence regarding the historic significance of the Tahquitz Plaza is similar to the evidence presented to the county in *Architectural Heritage Association v. County of Monterey* (2004) 122 Cal.App.4th 1095. In that case, the court found that the opinion of a consultant commissioned by the county, findings of an advisory committee and testimony of members of the public with relevant expertise represented "substantial evidence supporting a fair argument that the Old Jail is an historic resource." (*Id.* at 1118.) **Here, a City commissioned consultant (Alan Hess), other experts in the community, the Architectural Advisory Committee, the Planning Commission and**

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<sup>1</sup> The Planning Commissioners that voted against denial of the Project did not dispute the significance of the Tahquitz Plaza. Instead, they stated that they did not believe it was economically feasible to preserve these buildings. There is no economic analysis in the record to support this conclusion. Moreover, this is a determination that can only be made after analysis in an EIR.

**even the California Office of Historic Preservation have urged the City to consider the Tahquitz Plaza to be an historic resource. Failure to do so is a violation of CEQA as it was in *Architectural Heritage Association*.**

***2. The MND Provide No Evidentiary Support for Finding of Insignificant Impacts to Historic Resources.***

Despite all of the evidence presented to the City, and the importance of Hugh Kaptur and the Tahquitz Plaza, the MND/Initial Study completely ignores the buildings' potential historic significance. Instead of evaluating the historic significance of these resources, the MND/Initial Study merely references the Tahquitz Plaza as "1971 vintage office buildings." (MND p. 24.) The MND/Initial Study does not disclose that Hugh Kaptur was the architect of these buildings nor does it describe their unique design. It states that the buildings are not listed on the state or local register, but does not acknowledge that the buildings may soon be listed on the City's historic resources survey. Further, as pointed out by the Office of Historic Preservation, the fact that a resource is not listed on a register does not preclude a resource from meeting the criteria for historic resource under CEQA. CEQA "does not demand formal listing of a resource in a national, state or local register as a prerequisite to 'historical' status. The statutory language is more expansive and flexible." (*Architectural Heritage Ass'n, supra* 122 Cal.App.4th at 1114, citation to *League for Protection of Oakland's Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 907.)

The City's failure to evaluate the historic significance of the Tahquitz Plaza, despite substantial evidence of the buildings historicity and requests from the Planning Commission to study these impacts, is a violation of CEQA. The purpose of the initial study is to provide the lead agency with adequate information regarding a project to determine the appropriate environmental review document and "documentation of the factual basis for the finding in a negative declaration that a project will not have a significant effect on the environment." (*Ctr. for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal. App. 4th 1156, 1170, citations omitted.) "Where an agency. . . fails to gather information and undertake an adequate environmental analysis in its initial study, a negative declaration is inappropriate." (*El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal. App. 4th 1591, 1597, citations omitted.) Failure to adequately analyze all of a project's potentially significant impacts or provide evidence to support conclusions reached in the initial study is a failure to comply with the law.

This failure to provide an analysis is also a violation of the City's General Plan Policy RC 10.3, which states: "Require site assessment conducted by a qualified

specialist whenever information indicates that a site proposed for development may contain paleontological, historic, or archaeological resources.” The evidence cited above clearly indicates the Tahquitz Plaza not only may be but is an historic resource.

**3. *The City’s Failure to Follow OHP Recommendations Could Jeopardize Its Status as a Certified Local Government.***

Palm Springs was recently approved as a Certified Local Government (CLG) by the California Office of Historic Preservation (OHP). The CLG Program is designed to encourage the participation of local governments in the identification, evaluation, registration, and preservation of historic properties in their communities. CLG communities are also eligible to receive a wide range of technical assistance and substantial grants from the OHP. The OHP monitors CLG communities’ compliance with CEQA and other laws and regulations intended to protect historic resources. A determination by OHP that the City has failed to comply with CEQA could result in a loss of CLG status and/or the City’s inability to receive OHP grant funding. OHP has recommended the City evaluate the historic significance of the Tahquitz Plaza. To comply with CEQA and protect its status as a CLG, the City should follow this recommendation.

**B. Land Use Impacts.**

The Architectural Advisory Committee and the Planning Commission have identified numerous areas in which the Aberdeen Project would be inconsistent with the Section 14 Specific Plan and City zoning regulations. The majority of these inconsistencies would be resolved if the Project were modified to include the preservation of Tahquitz Plaza.

A project’s conflict with any applicable land use plan, policy or regulation is a significant environmental impact under CEQA. (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 929.) “If substantial evidence supports a fair argument that the proposed project conflicts with [land use] policies, this constitutes grounds for requiring an EIR. Whether a fair argument can be made on this point is a legal question” that provides no deference to a city council determination.

The Aberdeen Project would exceed Section 14 height limits. The MND dismisses this land use policy conflict by claiming the Project would meet the requirements of the City’s high-rise development standards. (MND p. 12.) As found by the Planning Commission, the Project would not comply with the high-rise development standards because it lacks the required setbacks by providing only 6.75 feet of setback from Tahquitz Canyon Way. Planning Commissioner’s fact-based conclusions regarding a

project's failure to comply with land use policy is substantial evidence to support a fair argument that the project would have significant land use impacts. (*Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 155.) Additionally, the Project would not include 60 percent open space, which is required to meet the high-rise development standards. (Palm Springs Municipal Code 93.04.00(A).) If the Tahquitz Plaza were preserved, adequate setbacks would be provided along Tahquitz Canyon Way and additional open space would be included in the Project, which would likely allow the Project to meet the high-rise standards for the remainder of the Project.

The Project would also result in a land use impact by including single family homes in area where single family homes are prohibited. (Section 14 Specific Plan p. 6-4.) The MND ignores this inconsistency by mischaracterizing the Project as multi-family housing. The City's Municipal Code defines multi-family housing as "a building designed for or occupied by two (2) or more families living independently of each other." (Palm Springs Municipal Code 91.00.10.) In the Aberdeen Project, the majority of the buildings, particularly those along Tahquitz Canyon Way, are completely detached units that are designed for occupancy by only one family, thus they do not meet the City's definition of multi-family housing and are prohibited by the Section 14 Specific Plan. The MND is inaccurate and misleading to the public and decision makers by failing to disclose the inclusion of a prohibited use in this Project.

The setback, height and use conflicts are similar to those found by the court to be significant impacts requiring preparation of an EIR in *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903. In the *Pocket Protectors* case, the planning commission found a densely packed single family housing project to be inconsistent with housing type and setback policies for the area. The MND prepared in that case glossed over or ignored the inconsistencies, much the way it does here, and the project approval was found to be in violation of CEQA.

The Aberdeen Project further violates land use policies due to its inconsistencies with required landscaping along Tahquitz Canyon Way. The minimal setbacks provided by the Project do not allow adequate space for the large palm trees, desert landscaping, public art and pedestrian amenities along Tahquitz Canyon Way required by the Section 14 Specific Plan. The MND acknowledges the inconsistency and provides mitigation measure MMI-1, which states: "Project site plans, architectural renderings and landscape plans shall be revised to address inconsistencies with the development standards and other design requirements of the Section 14 Specific Plan, as determined by City Council." The ability of mitigation measures to actually mitigate impacts must be evaluated in the environmental review document. By waiting until after the City Council hearing to develop a mitigation measure for this impact, the MND fails to assess the efficacy of the

measure and improperly defers mitigation. The developer has opted not to make the revisions necessary to bring this Project into compliance with the Section 14 Specific Plan and thus the inconsistency, and land use impact, remains.

The Project would also violate several City General Plan policies, resulting in further land use impacts. The General Plan requires the City to:

- RC10.1 Support the preservation and protection of historically, architecturally, or archaeologically significant sites, places, districts, structures, landforms, objects, native burial sites and other features.
- RC10.2 Encourage and support the retention and adaptive reuse of buildings of architectural, historic, or cultural significance where financially feasible.
- RC10.5 Actively encourage and promote the understanding, appreciation, and preservation of the archaeological, historic, and cultural resources.

By allowing the demolition of the historically significant Tahquitz Plaza, the City's approval of the Project would violate these General Plan policies.

### **C. Aesthetic Impacts**

The Aberdeen Project would also result in significant aesthetic impacts that require analysis in an EIR. The proposed demolition of the historically significant Tahquitz Plaza at a prominent location in the City's downtown would degrade the visual character of the area. These architecturally distinctive buildings with wide landscaped setbacks would be replaced with densely packed units that exceed height limits and violate setback requirements. The Planning Commission has questioned the viability of providing live-work units along Tahquitz Canyon Way and expressed concern that these visually prominent units would end up being used as storage space, further degrading the visual character. This degradation is particularly significant because Tahquitz Canyon Way is designated as a scenic corridor by the City's General Plan.

### **Conclusion**

The Palm Springs Modern Committee urges you to reconsider the proposed Aberdeen Project. As proposed, the Project's impacts require analysis in an EIR and the City's proposal to approve the Project based upon a MND violates CEQA. If the Project were revised to include preservation of the Tahquitz Plaza, the majority of the housing units could still be constructed, but the impacts of the Project would be substantially reduced.

Palm Springs City Council  
April 8, 2015  
Page 10 of 10

Thank you for your time and consideration in this matter.

Sincerely,



Amy Minter  
Attorney at Law

Attachments:

**Attachment 1**, February 19, 2015 Hess Letter to City and March 20, 2015 Hess Letter to OHP

**Attachment 2**, Morris Newman Essay re Hugh Kaptur.

**Attachment 3**, Morris Newman Email to City re Aberdeen Project

**Attachment 4**, February 20, 2015 Dunning Email to City

**Attachment 5**, April 7, 2015 Kaptur Editorial in Desert Sun

cc: Flinn Fagg, AICP, Director of Planning Services  
David Newell, Associate Planner  
David H. Ready, Esq., Ph.D., City Manager  
James Thompson, City Clerk  
Palm Springs Modern Committee  
National Trust for Historic Preservation  
California Preservation Foundation

# ATTACHMENT 1



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February 19, 2015

Terri Hintz  
Planning Department Administrative Coordinator  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92263

Re: Tahquitz Plaza by architect Hugh Kaptur, Tahquitz Canyon and Calle El Segundo

To the Planning Commission:

I am writing as an architect, historian, and author of nineteen books on Modern architecture to express my support for the preservation of the Tahquitz Plaza office complex because of its historical significance to Palm Springs and California architecture. Please share this letter with the Planning Commissioners prior to their February 25, 2015 meeting.

I have written two books on Palm Springs architecture (*Julius Shulman: Palm Springs*, Rizzoli International, 2008, and *Palm Springs Weekend*, Chronicle Books, 2001) and can say that these buildings, and the work of architect Hugh Kaptur, play an important role in what is now identified as Palm Springs Modernism.

I am also a consultant on architectural history for the current City of Palm Springs architectural survey. I have already unequivocally recommended Tahquitz Plaza as a significant building in that survey.

My resume is attached. I have written on architecture for the *Los Angeles Review of Books*, *The Architect's Newspaper*, *The Los Angeles Times*, *Architectural Digest*, *the Journal of the Society of Architectural Historians*, and other journals. I have been the architecture critic of the *San Jose Mercury News* since 1986, received a grant from the Graham Foundation for Advanced Studies in the Fine Arts, and was a National Arts Journalism Fellow at Columbia University.

The research of the importance of Palm Springs Modern architecture in general is very recent. Only a decade ago, the work of now-recognized architects such as William Cody, Donald Wexler, Palmer & Krisel, and E. Stewart Williams was not well known

generally; few Modern buildings now considered iconic were identified as historic then. Since then, our understanding of these and other architects has made us aware of the full dimension of Palm Springs architectural history.

As we continue researching this history, it is clear that the work of Hugh Kaptur makes a significant contribution to the unique character of Palm Springs architecture. This opinion is not mine alone; the newly published book *The Desert Modernists: The Architects Who Envisioned Midcentury Modern Palm Springs* (Desert Publications, 2015) and the documentary film *Quiet Elegance: The Architecture of Hugh M. Kaptur* (Bert Simonis, director, 2014) indicate the clear direction of scholarly opinion on Kaptur's importance.

Briefly stated, Kaptur's significance is this: 1) Palm Springs midcentury Modern architecture is known for its use of Modern concepts to solve the challenges of climate, function, and new materials; 2) an extraordinary group of talented architects lived or worked in Palm Springs, and while they addressed the same problems they expressed a wide range of aesthetic solutions; 3) Hugh Kaptur's aesthetic is unique in Palm Springs, demonstrating the wide range of fertile innovation in the city.

Tahquitz Plaza is an important and well preserved example of Kaptur's unique approach. Rather than drawing on the rectilinear steel and glass geometries of, for example, Richard Neutra, he draws on organic forms and ideas from the American Southwest, and Frank Lloyd Wright. This is seen in Tahquitz Plaza's irregular roofline, the deep, sculpted, curving frames around windows, the eaves and sun shading features, and the integration of outdoor areas interspersed among the offices. This is a strong piece of design that deserves to remain in place.

In addition, its site on Tahquitz Canyon places it in the context of the city civic center, an extraordinary collection of Modern buildings serving civic purposes, and rare in the state.

I am writing this letter *pro bono* because historic architecture of this quality adds to the civic character and quality of city life. In the years before Palm Springs' heritage was fully understood, the city lost many significant structures. Unfortunately, this degradation has continued; the demolition of a major Kaptur design would be a loss to history and the city's urban quality.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Hess". The signature is fluid and cursive, with a large initial "A" and "H".

Alan Hess

**RESUME OF ALAN HESS, ARCHITECT**

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- WORK** 1981- Alan Hess, Architect  
1986- Architecture critic, **San Jose Mercury-News**
- EDUCATION** 1975-78 M.Arch. I, School of Architecture and Urban Planning,  
University of California, Los Angeles  
1970-74 B.A., Principia College, Elsau, IL
- DESIGN** Jamm's Coffee Shop, Petersen Automotive Museum, Los Angeles  
County Museum of Natural History; principal contributor to  
interpretive exhibits  
Gordon Onslow-Ford guesthouse, Marin County, CA
- TEACHING** 1989-91 Instructor, University of California, Los Angeles  
1986-90 Lecturer, Southern California Institute of Architecture
- PRESERVATION** Design Guidelines, Heatherstone Community, Mountain View, CA  
Honor Award 1997, National Trust for Historic Preservation  
President's Award, California Preservation Foundation  
Qualified for National Register of Historic Places:  
Bullock's Pasadena (Wurdeman and Becket 1947), Pasadena  
CA  
McDonald's Drive-In (Stanley C. Meston 1953), Downey, CA  
Valley Ho Hotel (Edward Varney, 1957), Scottsdale, AZ  
Stuart Pharmaceutical Factory (Edward Durell Stone 1958),  
Pasadena, CA  
Expert testimony on behalf of landmark designations for Century  
Plaza Hotel, Los Angeles (Minoru Yamasaki, 1966); Bob's  
Big Boy, Burbank (Wayne McAllister, 1949); Wichstand, Los  
Angeles (Armet and Davis, 1957), Columbia Savings, Los  
Angeles (1964), Stanford Hospital (Edward Durell Stone  
1959), National Theater, Westwood (1969) and other  
mid-century modern structures
- FELLOWSHIPS** Fellow, National Arts Journalism Program, School of Journalism,  
Columbia University, 1997-98
- GRANTS** Graham Foundation for Advanced Studies in the Fine Arts,  
research on Brazilian landscape architect Roberto Burle  
Marx, 1990
- LICENSE** Licensed architect, California # C 15747

## SELECTED PUBLICATIONS

### BOOKS:

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- Casa Modernista: A History of the Brazil Modern House** Rizzoli International, New York 2010
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### **LECTURES:**

Getty Research Institute; Kansas City Modern; Dallas Modern; Arizona Preservation Conference Keynote; Nevada Museum of Art Symposium; Society of Architectural Historians Tour; Commonwealth Club of San Francisco; Society for Commercial Archeology Conference Keynote; Los Angeles Conservancy Welton Becket Centennial Keynote; Columbia University School of Architecture; Houston Modern; Phoenix Modern; Walker Art Museum; Chicago Humanities

Festival; Cooper-Hewitt Museum of Design; Yale University School of Architecture; Graham Foundation for Advanced Studies in the Fine Arts; Greenwich (England) National Maritime Museum; Cliff May Lecture, Los Angeles Conservancy; Vancouver (B.C.) Alcan Lecture Series; Architecture League; International Association of Shopping Center Owners; National Real Estate Editors Association; Colby College Southworth Lecture; Monterey Design Conference; University of British Columbia; National Trust for Historic Preservation Conference; AIA 2005 National Convention, Las Vegas; Hammer Museum Symposium; San Francisco AIA; California Preservation Foundation; Schusev State Museum of Architecture, Moscow.

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"Googie: Fifties Coffee Shop Architecture," **Art and Design**, London, June 1986

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March 20, 2015

Carol Roland-Nawi  
State Historic Preservation Officer  
Office of Historic Preservation  
1725 23rd Street, Suite 100  
Sacramento, CA 95816

Re: Tahquitz Plaza by architect Hugh Kaptur, Tahquitz Canyon and Calle El Segundo

Dear Ms. Roland-Nawi:

I am writing at the request of the Palm Springs Preservation Foundation to ask you to consider writing a letter to the City of Palm Springs encouraging them to conduct an EIR for the Tahquitz Plaza office buildings (1971) by Kaptur & Lapham. The four buildings in this complex are excellent and well preserved examples of key aspects of architect Hugh Kaptur's work, and of Palm Springs Modernism.

The buildings are currently under threat of demolition for a proposed residential project. So far the city has not requested an EIR, but I believe the complex's significance and quality require it.

Kaptur is an important architect in Palm Springs Modernism. Rather than drawing on the rectilinear steel and glass geometries of, for example, Richard Neutra, Kaptur often draws on organic concepts from Frank Lloyd Wright and forms from the American Southwest. This is seen in Tahquitz Plaza's irregular roofline, the deep, sculpted frames around windows, the bermed walls, the eaves and sun shading features, and the integration of outdoor areas interspersed among the offices. The strong composition of these many elements shows Kaptur's skill and the high artistic value of his work.

In addition, Tahquitz Plaza's location on Tahquitz Canyon places it in the context of the city's Modern civic center. Tahquitz Canyon is the city's main civic thoroughfare, linking the airport to downtown; along this boulevard is an extraordinary collection of Modern buildings serving civic purposes, including city hall, police and county facilities, and the airport, complemented by commercial buildings of similar style and siting. Such a collection of Modern civic center buildings is rare in the state.



Palm Springs' midcentury Modern architecture is known for its use of Modern concepts in addressing the challenges of climate, functions, and new material technologies. These are not typified by a single aesthetic; it ranges from the lightweight, steel framed houses resting lightly on the earth seen in the work of Richard Neutra and Albert Frey, to the autochthonous monolithic concrete structures, literally buried in the earth, seen in John Lautner's work, with many more interpretations in between.

Within this wide range, Kaptur's work is singular. His training in design was closely associated with midcentury automotive design in Detroit, where he attended Lawrence Tech and worked for General Motors' consumer design division. Kaptur has worked in Palm Springs from 1956 to the present day. He worked for and with other noted local architects, including Donald Wexler, Richard Harrison, and William Cody. Like those architects, his work is distinctive and individual, and yet his design also reflects common themes that distinguish Palm Springs Modernism.

The Tahquitz Plaza offices are an excellent representation of his use of sculptural, expressionist forms influenced by Native American adobe structures, but modernized and abstracted aesthetically in the spirit of Modernism. The complex's thick stuccoed walls do not imitate those vernacular structures; the silhouette of the walls and the curving windows frames that grow directly from those walls are carefully abstracted into forms that represent a distinct, modernized aesthetic vocabulary. This approach is also seen in other Kaptur designs, including the William Holden house (1977), and the Casa Blanca motel (1979.)

In addition, the Tahquitz Plaza offices incorporate unpainted wood walls and wood trellises. These also update the wood ramadas and trellises of traditional Southwestern architecture. The siting of the office structures creates small courtyards between the buildings (another design aspect seen in historic Spanish architecture of the Southwest) allowing for shaded outdoor areas.

Likewise, the landscaping and siting of the Tahquitz Plaza buildings represent an updating of traditional concepts and a Modern response to the hot climate. Berms rise partway up the walls, providing thermal insulation and connecting the structure to the earth, similar to Lautner's desert designs.

The thick walls, hooded windows, and shaded courts all have historic precedents, but they are also practical, integral elements that help moderate the strong sunlight and heat of the local climate. The design of all these elements is artful and well composed.

The use of historic regional architecture by twentieth century architects is an important facet of Modern architecture in California and the West. It can be seen, for example, in the work of Irving Gill in the 1910s, the Ranch Houses of Cliff May in the 1950s and 1960s, and the civic buildings and residences of Bennie Gonzales in Arizona, where historic forms were blended with Modernism's abstraction. Hugh Kaptur is the primary interpreter of this approach in midcentury Palm Springs, and Tahquitz Plaza is a primary example in the city.

Kaptur's work has been rediscovered fairly recently. This is not surprising; our understanding of the significance of Palm Springs Modern architecture in general is also relatively recent. Only a dozen years ago, the work of now-recognized architects such as William Cody, Donald Wexler, Palmer & Krisel, and E. Stewart Williams was not generally well known outside Palm Springs, and its significance was not even widely recognized within Palm Springs.

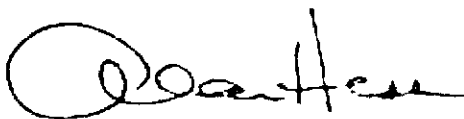
In the years before Palm Springs' heritage was fully understood, the city lost many significant structures. Unfortunately, this degradation has continued; the demolition of a major Kaptur design such as this would be a loss to history and the city's urban quality.

But as we continue researching this history, it is clear that the work of Hugh Kaptur makes a significant contribution to the unique character of Palm Springs architecture. This opinion is not mine alone; the newly published book *The Desert Modernists: The Architects Who Envisioned Midcentury Modern Palm Springs* (Desert Publications, 2015) and the documentary film *Quiet Elegance: The Architecture of Hugh M. Kaptur* (Bert Simonis, director, 2014) indicate the clear direction of opinion on Kaptur's importance.

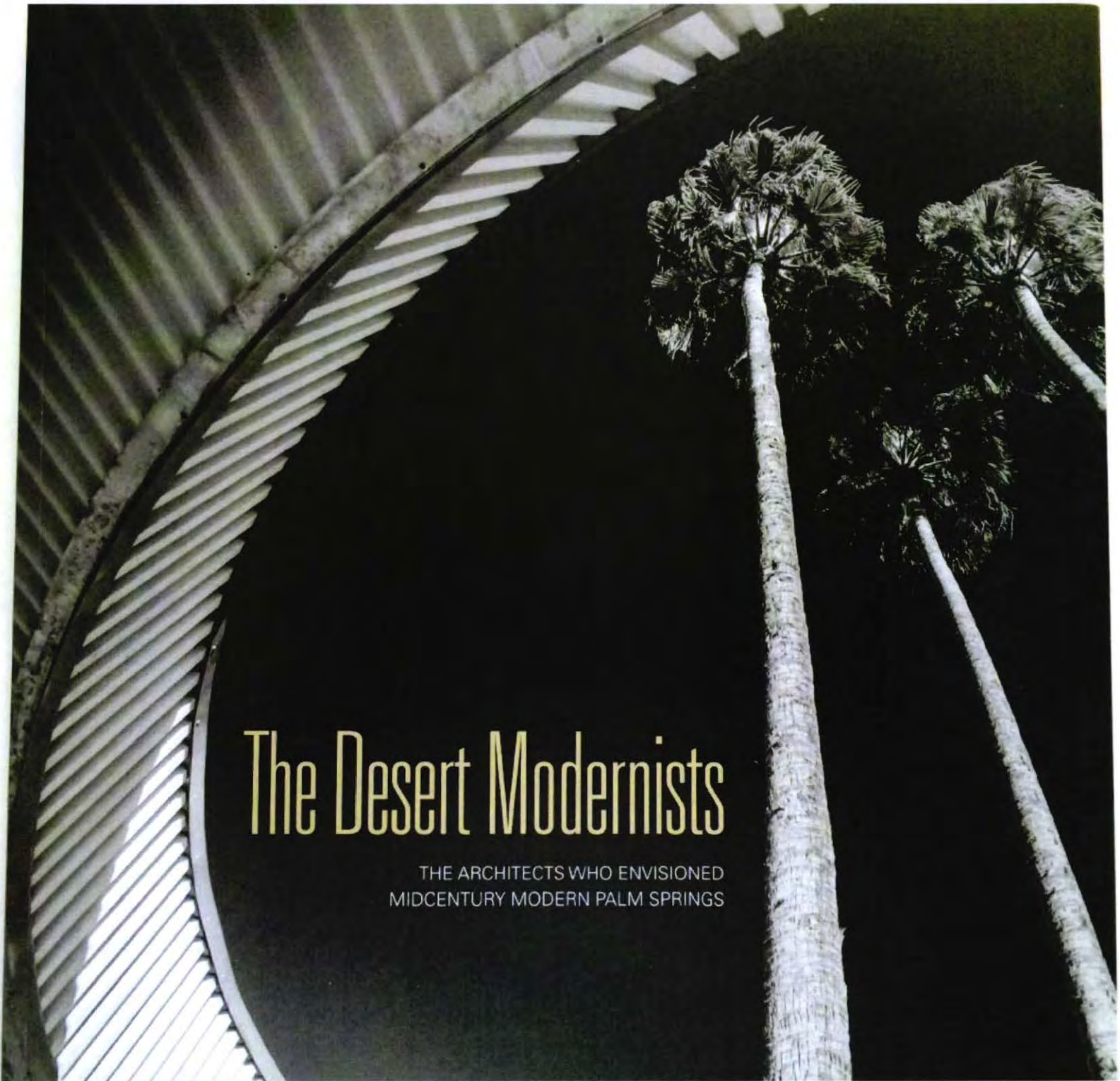
I have written to the Palm Springs Planning Commission about my support, as a historian and architect, for the preservation of Tahquitz Plaza. I am also a consultant on architectural history for the Palm Springs architectural survey, currently underway. I have already unequivocally recommended Tahquitz Plaza as a significant building in that survey. I believe that a letter from your state office would encourage them to conduct an EIR that would document the significance of this complex.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert H. Carter". The signature is fluid and cursive, with a large initial "R" and "C".

# ATTACHMENT 2



# The Desert Modernists

THE ARCHITECTS WHO ENVISIONED  
MIDCENTURY MODERN PALM SPRINGS

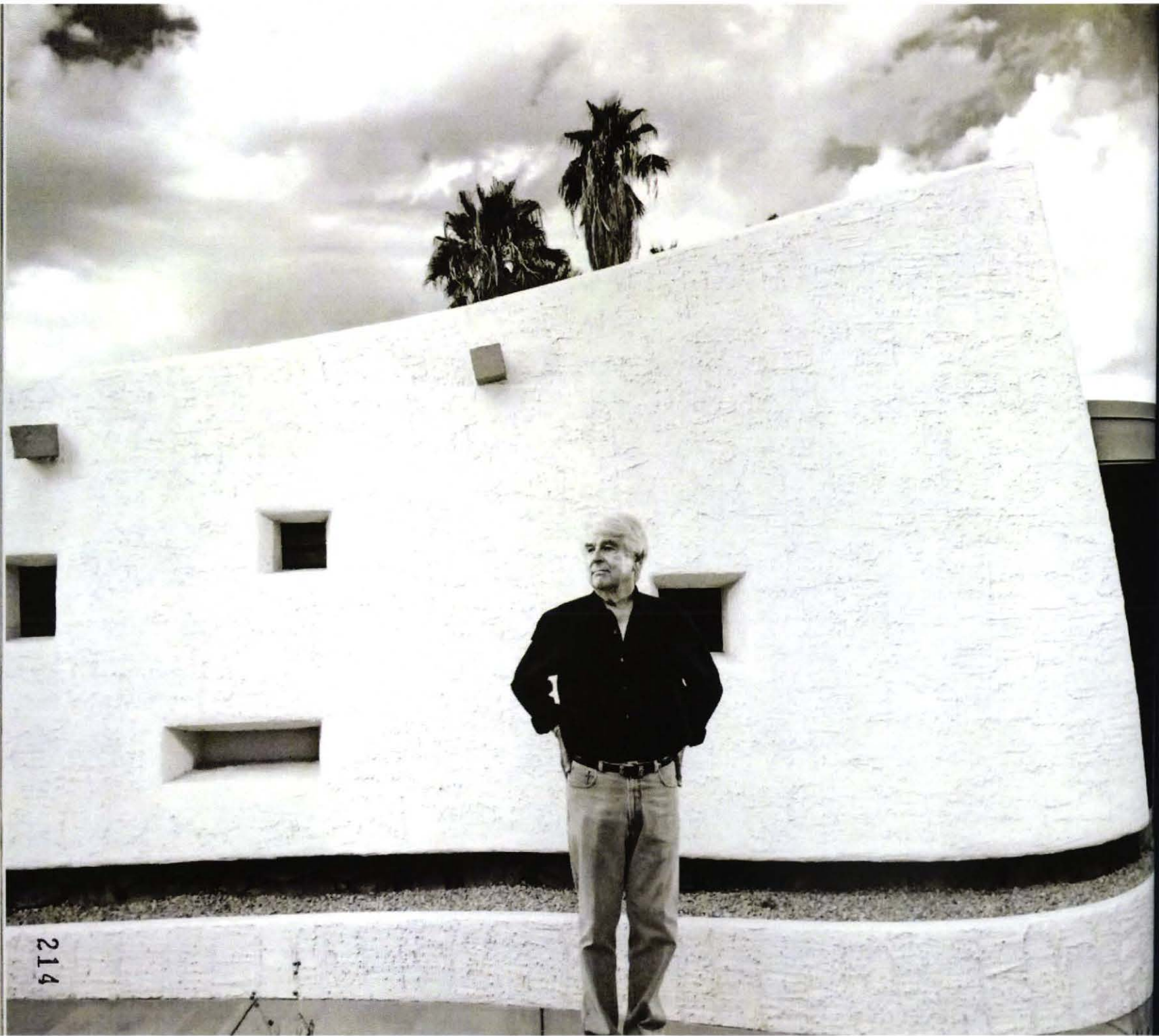
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*Above: A 1965 aerial view looking west toward Palm Springs at the base of Mount San Jacinto. Opposite, top row from left: Robson C. Chambers, Albert Frey, Donald Wexler, Richard Neutra. Middle row from left: John Porter Clark, A. Quincy Jones, John Lautner, William "Bill" Krisel. Bottom row from left: William F. Cody (leaning over desk), Paul R. Williams, Hugh Kaptur, E. Stewart Williams. Previous, pages 2-3: Coachella Valley in bloom. Page 4: Edris House. Page 5: Palm Springs City Hall.*

*The Desert Modernists* was created in partnership between Modernism Week and Desert Publications Inc. Modernism Week Board of Directors: J. Chris Mobley, Chairman; Larry Abel, Vice Chairman; Mark Davis, Treasurer; Gary Johns, Secretary; Regina Basterrechea; Maureen Erbe; William Kopelk; Laurie Weitz. Staff and Consultants: Lisa Vossler Smith, Executive Director; David Dixon, Creative Project Manager. Desert Publications Inc.: Franklin W. Jones, Publisher; Julia Sinclair, Editorial Director; Richard Vaughn, Art Director; Stewart Weiner, Editor; Olga Reyes, Managing Editor; Marco Moracha, Digital Imaging; Laura Reyes, Production Manager.

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# Hugh Kaptur

(MAY 22, 1931 - )

BY MORRIS NEWMAN

HUGH KAPTUR STANDS APART FROM MOST OF THE PALM SPRINGS ARCHITECTS OF HIS GENERATION. \* RATHER THAN THE MAINLINE, INTERNATIONAL STYLE MODERNISM FAVORED BY MOST OF HIS PREDECESSORS AND COLLEAGUES IN THE DESERT, KAPTUR PREFERS WHAT HE CALLS "AN ARTISTIC ARCHITECTURE THAT IS ORGANIC AND FLOWING." \* HIS FIRST INSPIRATION WAS FRANK LLOYD WRIGHT, NOT MIES VAN DER ROHE.

Kaptur is not a doctrinaire follower of Wright, however. He denies having a signature style. His primary debt to the master of Taliesin, he adds, was the acknowledgment of climate and landscape in his projects, as well as a taste for sculptural masses and a delight in contrasting materials. In some cases, Kaptur was able to translate some of the sculptural feeling of Wright's designs into a colorful, "populuxe" style: Kaptur's first Palm Springs project was the Impala Lodge (1957-58; now the Triangle Inn), a wildly inventive building with steel beams supporting a canopy reminiscent of a lean-to. Walls of glass stand on a stone base, while external "buttresses" support

shade structures to keep the sun off the windows. Other "pop" buildings are the Siva House of 1959, with scallop-shaped awnings draped in orange plastic, and the clubhouse Kaptur designed with Robert Ricciardi for the Palm Springs Golf Course (1959), with a curved roofline resembling a cresting wave.

Practical commissions, such as the Tahquitz Plaza office complex (1971, by Kaptur, Lapham, and Associates) on Tahquitz Canyon Way, did not always allow total freedom, yet this comparatively restrained project remains one of Kaptur's favorites. After an original design called for concrete, cost considerations dictated that a less expensive wood frame structure be employed. Despite this



*This page and opposite:  
Kaptur created this home  
in 1959 at 660 Palisades Drive  
in Palm Springs. The house is  
known as the Russell House  
and/or the Siva House.*

*Previous, page 58:  
Hugh Kaptur.*

constraint, the Tahquitz buildings manage to look like masonry, due to walls that are sculpted to look as massive as concrete. To further the illusion of thick walls, Kaptur provided the buildings with windows that appear deeply recessed. In other places, windows push outward from the wall surface as if trying to break free of the building. Similar jutting windows can be found at Kaptur's Musicland Hotel (1967), another building that flirts with the illusion of heavy masonry in the form of a pueblo adobe.

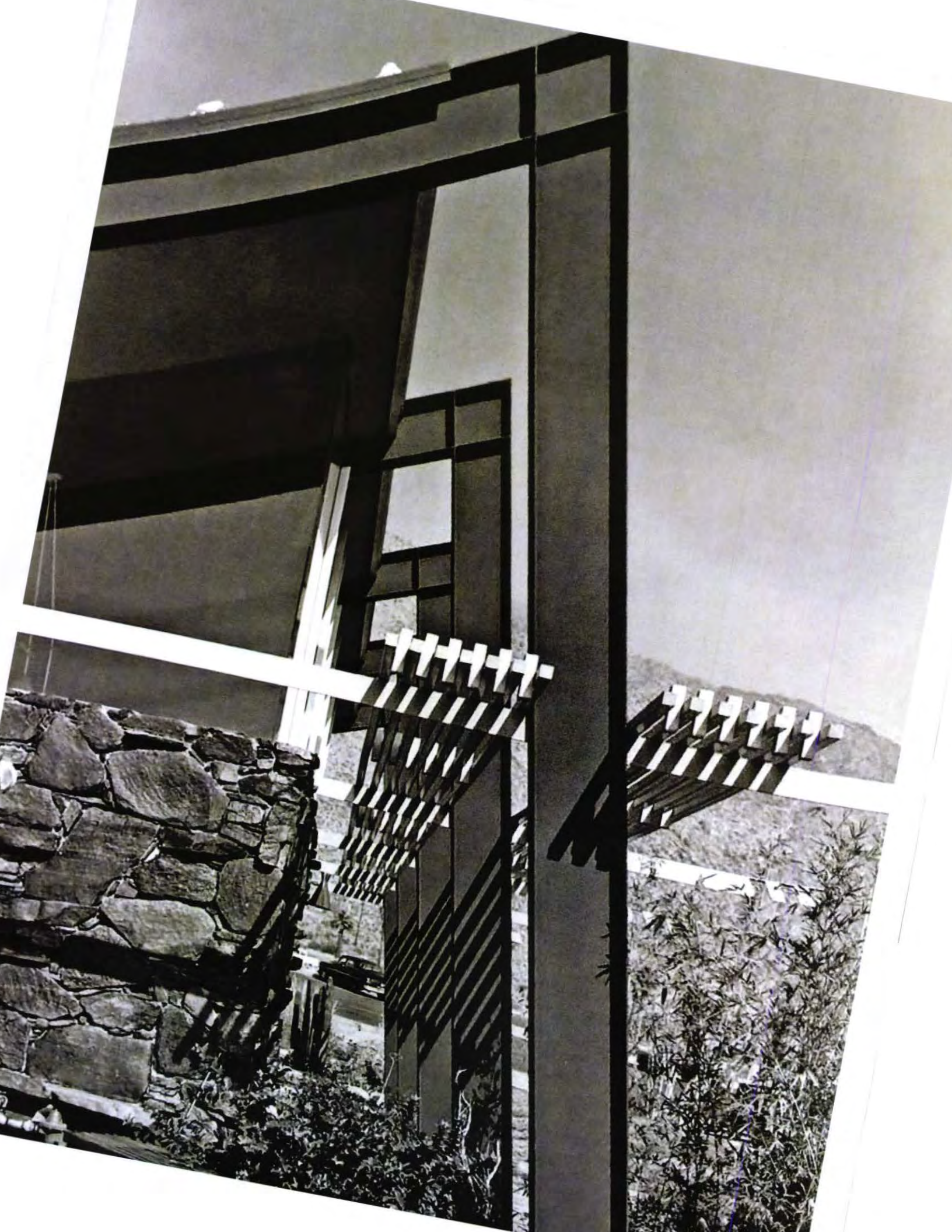
A Detroit native, Hugh Kaptur was born in 1931 to an artistic mother and an automobile design engineer father. After high school, he briefly attended Lawrence Institute of Technology (now known as Lawrence Technological University) in Michigan to study engineering. But at 20, he enrolled in the Marines during the Korean War; he and his young family briefly lived in California before he returned to Michigan so that he could work with his father at GM's design studio while finishing his education. At that point, Kaptur and his family returned to California, this time to the largely undeveloped Palm Springs of the early 1950s. After working briefly for Wexler and Harrison, Kaptur supported himself by making presentation drawings for Donald Wexler, Albert Frey, and others.

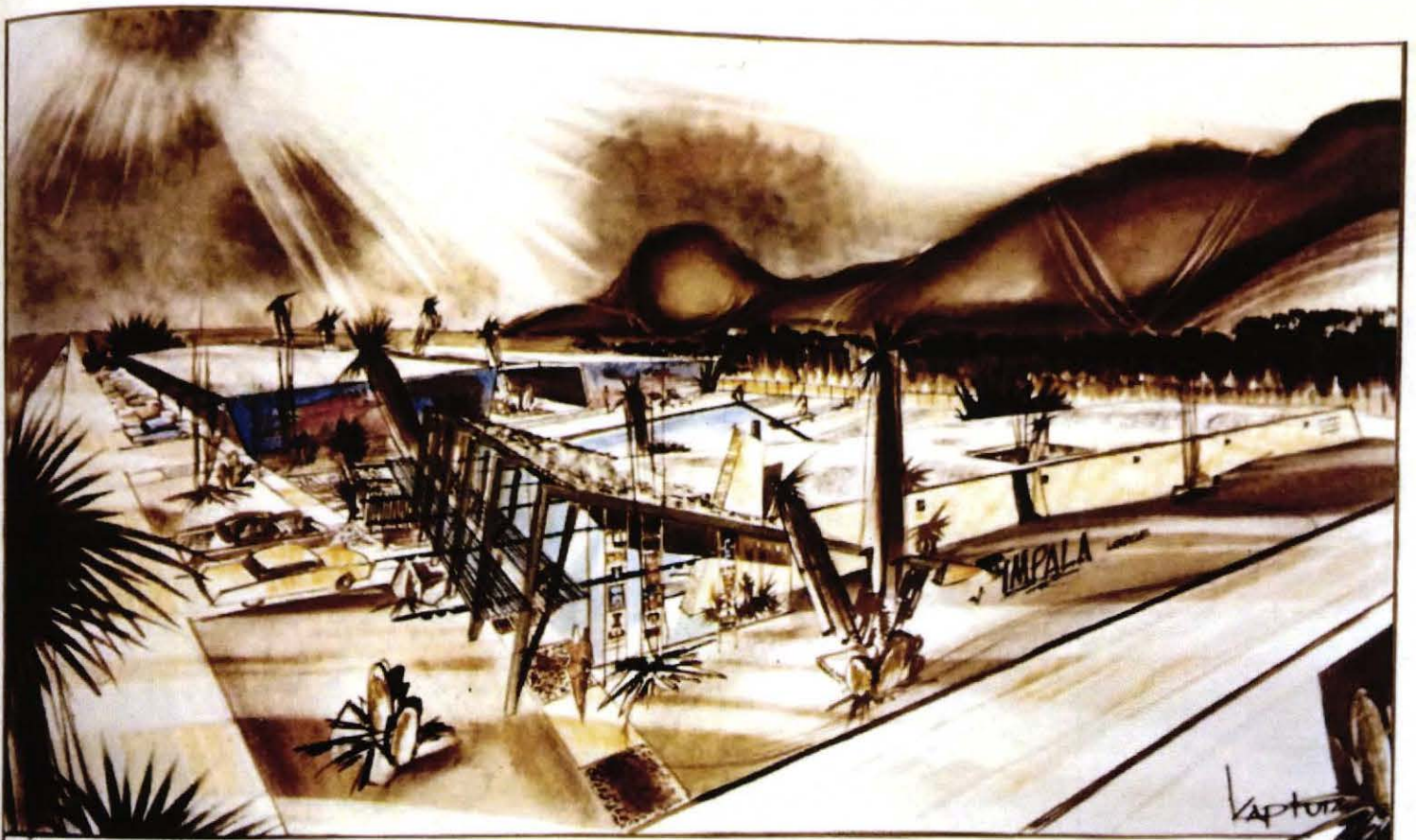
Although Kaptur says he is willing and able to design in any style, sometimes his inner exuberance bubbles to the surface. Commissioned in 1988 to design a conventional home for Jay and Kay Selzer, Kaptur came up with something very different: a lively, hard-to-describe residence comprising a cone-shaped dome set amid other simple geometric shapes that seem to vibrate together. Twenty-five years later, the Selzers report that they are still happy with the unconventional house and they remain friendly with the architect.

The exuberance has survived into the architect's ninth decade. Kaptur is currently designing an addition to an existing home in the form of a circular casita, or guesthouse, separated from the main house by a courtyard. In a nod to the ongoing influence of Frank Lloyd Wright, the addition is to be nestled into the natural contours of the landscape.









9 UNIT HOTEL  
for MRS. FERN LAURANCE

HUGH M. KAPTUR DESIGNER

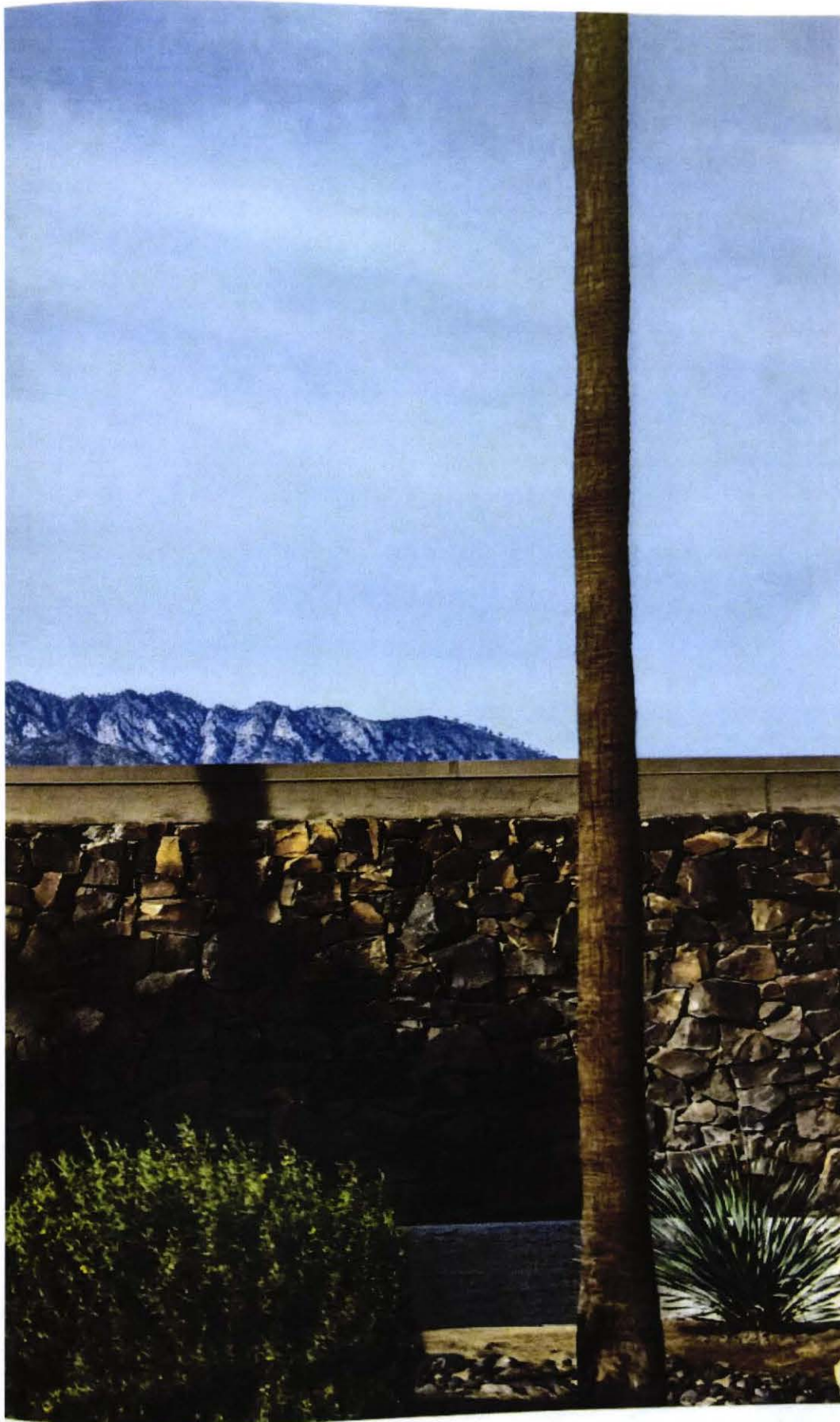


*Opposite: This was Kaptur's first Palm Springs building (1957-58), the Impala Lodge, 555 East San Lorenzo Road, now the Triangle Inn.*

*This page, above: Kaptur's imaginative graphic hand.*

*Left: Kaptur's creative arrangement placed the dramatic steel beams next to the swimming pool. The buttresses remind more than a few guests of spider legs.*





*Left: Originally named the Palm Springs Golf Course (1959), the Tahquitz Creek Golf Resort, 1885 Golf Club Drive, Palm Springs, sports one of Kaptur's most awe-inspiring facades on its clubhouse, a giant slab of masonry whose sweep captures the arc of a golf swing. The course's proximity to the airport also figured into Kaptur's roof design, visible from the air. "I wanted [desert visitors] to see something clean and efficient from the air," he said.*

# ATTACHMENT 3

Honorable Planning Commission

City of Palm Springs

3200 E. Tahquitz Canyon Way

Palm Springs, CA 92263

Dear Members of Planning Commission:

I'm writing to provide some comment about the proposed demolition of the Tahquitz Plaza designed by Hugh Kaptur.

- I am a qualified architectural historian (M.A., Architectural History and Theory, UCLA, 1984) and the author of two books on architecture and the editor of a third.
  
- I'm also a professional journalist, specializing in real estate, urban design and architecture. My work has appeared widely, including several dozen articles about commercial real estate in The New York Times and Los Angeles Times. I have written extensively on Modern Architecture, historic preservation, public-private projects, zoning and entitlement issues and other topics relating to the design, financing and government approval of buildings.
  
- I have published three articles about the architecture of Hugh Kaptur, including a chapter in a recently published book of Palm Springs architecture.

Tahquitz Plaza is a landmark building both in the City of Palm Springs and in the career of

Hugh Kaptur. Mr. Kaptur, as you probably know, is one of the luminaries of the "Golden Age" of architecture in the city, having worked in Palm Springs continuously since the 1950s.

Mr. Kaptur has told me this is one of his favorite projects, which seems fitting for a building where he maintained his architectural practice for many years. Although Tahquitz Plaza is not a loud or flashy building, it shows many signs of architectural originality and creativity. One of the themes of Mr. Kaptur's work, and Southern California architecture in general, is the ability of local architects to "make lemonade" when faced with limits both in budget and choice of materials (i.e. the least expensive). I quote one of my own articles on Mr. Kaptur:

"Practical projects, like an office complex on Tahquitz, did not always allow such freedom, yet the comparatively restrained project remains one of the architect's favorites. Originally designed in concrete, cost consideration dictated a less expensive wood frame structure. Despite this constraint the Tahquitz buildings manage to look like masonry, due to walls that are sculptured to look massive as concrete. To further the illusion of thick walls, Kaptur provided the Tahquitz buildings with window that appear to be deeply recessed. In other places, windows push outward from the wall surface, as if trying to break free of the building. Similar out-pushing windows can be found at Kaptur's Musicland Hotel, another building that flirts with the illusion of heavy masonry...."

In my view, the human experience of cities is largely made up by memorable images, structures and spaces that lend a sense of identity to the community. These buildings might be described as the "sina qua non" of any particular city, meaning that without these structures or images, the city would be diminished and lose part of its "sense of place." Every person who is aware of architecture in Palm Springs is still feeling the loss of the Palm Springs Spa Hotel. In my view, the Tahquitz office complex is one of the "sina qua non" buildings of Palm Springs. It is a tasteful, viable building that has been tenanted since its completion. The Tahquitz offices are also part of a trio of Kaptur-designed buildings on either side of the street, which increases both its interest and importance.

At the very least, the Commission should give serious consideration to preserving at least the original building of the complex. Perhaps the City Planning Department can incentivize the developer by granting a density bonus on the remaining portion of the parcel to compensate the developer for any loss of buildable square footage entailed by the preservation of the Tahquitz offices. Additionally, the Planning Department might consider the waiver and/or forgiveness of certain development fees, as a further incentive to preserve the Tahquitz offices. Development is vital for the economic well being of all cities. Equally so is the preservation of buildings that define its character in a positive way. It is my deeply held hope that the Planning Commission will find a way to accommodate both the best interests of both the City and the developer.

Respectfully yours,

Morris Newman



# ATTACHMENT 4

On Mon, Feb 23, 2015 at 12:41 AM, Brad Dunning <[brad@braddunning.com](mailto:brad@braddunning.com)> wrote:

Feb. 20, 2015

Planning Commission  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92263

I was quite shocked recently upon hearing the City of Palm Springs is considering a developer's plan to demolish the Hugh Kaptur-designed Tahquitz Plaza. It seems almost inconceivable to me that these buildings, some of the best work of Hugh Kaptur's career, could be lost. Although recognition of Hugh Kaptur's work is coming later than those of his local peers--Albert Frey, E. Stewart Williams, Donald Wexler, William Cody and other prominent locals that have made Palm Springs world renowned as a destination for fans of architecture and design and the appreciation of mid century architecture in Palm Springs seems to be the major factor in the revival of the town--Kaptur's work is certainly as important and worthy. His achievements mark the latter end of the mid century era. His work is distinctive, unique and in the case of his pueblo modern design at Tahquitz Plaza highly contextual and specific to stylish Palm Springs. Perhaps his work has not become fully appreciated yet as it is relatively recent when compared to Albert Frey's modern work of the '50s or 60s for instance. That is why Kaptur's complex is threatened to some extent---the work is just now at the cusp of rediscovery---just as Frey's and Williams' and Cody's work was a few years ago.

Hugh Kaptur was a local and made an indelible mark on the landscape of Palm Springs and the City should be very proud and respectful of his work, celebrate and preserve it. It does the City well when it signals to the world the pride it has its achievements and the artistry of its local architects and most of all the appearance and history of the town. It is terrible for the town to be known for allowing demolition of another important building. This estimable canvas that is modern architecture in Palm Springs is economically instrumental and vital now for tourist appeal and more importantly many residents now have chosen to invest in the town and to live here simply because of the great modern architecture we have in our midst..

I urge the City to reconsider any decision which would allow the destruction of this important Kaptur complex, it would be a terrible loss and when it is gone it is gone forever.

I served as a member of the Historic Site Preservation Board in 1995-96. I suspect some of you will recall the firestorm that greeted my nomination of five Frey buildings which included the Tramway Gas Station. A developer wanted to demolish that building soon after designation and quite a controversy erupted. I hope you will agree in hindsight the decision to preserve the building was the correct one. I believe you will feel the same way as time passes and the Tahquitz Plaza is preserved. The complex is inventive, playful, and sophisticated with forms and open areas that best represent not only Kaptur at the top of his game but a true reflection of the state of the best modern architecture in Palm Springs at that period.

My written work about Palm Springs and modernism has appeared in the Los Angeles Times, the New York Times, Vogue, and GQ magazine among others.

I hope you will present my plea before or during the Feb. 25th meeting.

Sincerely,

Brad Dunning



# ATTACHMENT 5

# Architect Hugh Kaptur speaks out on Aberdeen Project

Hugh M Kaptur, Special to The Desert Sun 8:51 p.m. PDT April 7, 2015



(Photo: Special to the Desert Sun)

As a former city of Palm Springs planning commissioner, past member of the city's Architectural Advisory Committee and the architect that designed and built Tahquitz Plaza, I feel I am both qualified and obligated to comment on the proposed Aberdeen Project that calls for the demolition of these buildings.

Over the years I have watched many of my professional contemporaries see buildings they were proud of demolished: architect Bill Cody's Huddle Springs comes to mind, as does Stewart Williams' Potter Clinic. Most recently I've seen Don Wexler's high school Administration Building and Spa Hotel colonnade tragically lost.

Now two of my buildings are slated for demolition and a similar unhappy fate. I am particularly proud of the design of Tahquitz Plaza; I had great artistic latitude, as it was to become my offices and I had the opportunity to make an architectural statement. With this creative freedom I designed the architecture to "grow" from the desert floor. I feel these buildings are some of my best work from that period. In fact, the "plaza" won architectural awards in 1979 and 1980.

Aberdeen is a high-density project that overcrowds 74 residential units, 17 live-work units and a cafe space into an eight-acre site. The project is before the city as a Planned Development (PDs), which allows the developer to skirt zoning, parking, setbacks, height and use requirements. PDs were originally intended to create a safety valve that would allow creative projects to be considered by the city and not be overly constrained by the zoning requirements of the area. Unfortunately, developers and the city are using PDs, which should be encouraging architectural excellence, as a way to over develop sites that are out of scale with their surroundings. The Aberdeen Project doesn't fit zoning or the village character of the city and it demolishes four more mid-century buildings.

But demolishing more of our city's architecture is just one of the major shortcomings of the Aberdeen project. Fundamentally, it is the wrong project in the wrong place and creates a dangerous mix of vehicular and pedestrian traffic on Tahquitz Canyon Way. And a row of garage doors along our city's most important thoroughfare just isn't good architecture or good planning and goes against our forefather's vision for the street. This is not just my opinion but also a concern stated by both the city's Architectural Advisory Committee and the Planning Commission, both groups denying the project for these and other failings of the project.

The developer recently presented a revised design that is proposing to retain a quarter of the buildings. I designed the complex as four integrated buildings relating to each other as a single project. Demolishing 75% of the buildings will end that unity and mute the architecture. The developer should be more respectful of Palm Springs's mid-century architecture and build a project where the two can coexist.

The Aberdeen project will soon be reviewed by the city council and I plan to attend. I am humbled that many people have told me they will be at that council meeting too, raising their voice to preserve Tahquitz Plaza. The city council will hear these voices and I hope they will also hear the voices of previous city councils and previous planning commissions and visionaries like Pearl McManus and other forefathers who together had an idea for a city like few others in the world. Their vision for Tahquitz (McCallum) Way is widely known and their intention was to not allow any residential along Tahquitz. The Aberdeen Project now endangers that vision, which is more suitable for a dense urban environment not in a resort town like ours.

The developer has an obligation to provide public benefit to the citizens of Palm Springs. It is impossible to see the public benefit from demolishing more of our iconic architecture. Instead, Nexus Development should restore and re-purpose Tahquitz Plaza, incorporating it into The Aberdeen, that would be public benefit no one could argue.

Hugh Kaptur is an architect of many midcentury buildings in Palm Springs. He can be reached at [hughmkaptur@yahoo.com](mailto:hughmkaptur@yahoo.com).

Read or Share this story: <http://desert.sn/1yc4x79>

## Cindy Berardi

---

**From:** celeste <celestialnyc@roadrunner.com>  
**Sent:** Tuesday, April 07, 2015 4:11 PM  
**To:** CityClerk  
**Subject:** aberdeen

Re: Regarding the changes in palm springs as of late

To whom it may concern:

Without trying to make anyone understand the importance of the architecture being annihilated forever, or the emotions and memories attached to them...I appeal for your voice to be heard on our behalf.

I'm sure they are so used to hearing the sentimental and emotional voices **but cutting to the chase might spark a little thought...point well made and proven by the latest modernism revenue, if they continue to disregard important structures that make palm springs, well, "palm springs", they would eventually be eliminating the very reasons people choose to visit, vacation, or dwell in palm springs! and then what will be left....?**

celeste pisani aka mcmdesigngirl  
daughter of francis pisani architect

## **Cindy Berardi**

---

**From:** Laurisa Defehr <ldefehr1@telus.net>  
**Sent:** Wednesday, April 08, 2015 5:57 PM  
**To:** CityClerk  
**Subject:** Aberdeen

We come to Palm Springs almost every winter to visit my parents. They spend 2-3 months in the beautiful Palm Springs from January – April. We are all from Canada and admire and love the beautiful, retro architecture in Palm Springs. This is part of why we come and love it so much. This last winter I was happy to attend many Modernism week events with friends there... what a treat to have all this rich culture and preserved architecture in your lovely town.

I write this letter because I strongly support that the city deny Aberdeen's plans and retain Kaptur's complex. Keep Palm Springs' retro buildings as they are and preserve them instead!!

Sincerely, Laurisa DeFehr  
Armstrong, BC, Canada

## Cindy Berardi

---

**From:** Frank Alvarez <frank@franksellsps.com>  
**Sent:** Wednesday, April 08, 2015 6:15 PM  
**To:** CityClerk  
**Subject:** Aberdeen

Dear City Council,

I'm sure you have received quite a few emails from a vocal group of preservationists who are opposed to the demolition and reuse of this property.

I am not one of them.

This project is close to a revitalized downtown and across from the soon to be renovated office/movie complex. I think the developers have a great plan for high density urban living which is increasing in demand for Palm Springs and appropriate for the site.

The existing office complex's architectural importance is a puzzle to me as it looks unremarkable from the street and resembles several ordinary office complexes I have seen and even worked in one in Orange County. The fact that Hugh Kaptur was the architect of these buildings should not take away the owner's right to re-use this property for a different purpose.

Good luck with your decision.

Regards

Frank Alvarez  
Leaskou Partners, Inc  
Broker /BRE #00991580  
[frank@franksellsps.com](mailto:frank@franksellsps.com)  
<http://www.FrankSellsPS.com>  
(760) 323-2272 Local  
(604) 800-9913 Canada



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**Cindy Berardi**

---

**From:** Brad Hudson Thomas <brad@hudsonthomas.net>  
**Sent:** Wednesday, April 08, 2015 6:16 PM  
**To:** CityClerk  
**Subject:** Stop Aberdeen

To Whom It May Concern,

Architecture is important to the history of our city, and the City Council should act to help preserve buildings such as the Hugh Kaptur-designed building being threatened by Aberdeen.

Thank you for your consideration,  
Brad Hudson  
PO Box 5434  
Palm Springs, CA 92263

## Cindy Berardi

---

**From:** gael buzyn <gaelbuzyn@hotmail.com>  
**Sent:** Wednesday, April 08, 2015 6:20 PM  
**To:** CityClerk  
**Subject:** Preserve H. Kaptur building

Please integrate the Kaptur building in the Aberdeen project. This is OUR architectural heritage. It has to be preserved. If demolished we loose an architecturally significant building and will NEVER be able to go back.

Consider that this is a duty toward future generations and the only way to preserve our heritage which is the foundation of our city.

Thank you,  
Gael Buzyn

Palm Springs home owner.

## Cindy Berardi

---

**From:** Lynda Keeler <lkeeler@yahoo.com>  
**Sent:** Wednesday, April 08, 2015 6:29 PM  
**To:** CityClerk  
**Subject:** Aberdeen and our need to save this building in order to make Palm Springs special

Dear City Council,

I am a 13 year part time resident of Palm Springs and have so enjoyed the city and what it offers. My husband and I decided to acquire our weekend residence because of the unique architecture and design components the city offers not due to the weather and amenities of the city. Palm Springs is unique in the Coachella Valley due to the architecture and if we start losing significant buildings we will be just like the other cities and you will lose the influx of young and old residents who treasure them.

Please consider the Aberdeen as a city treasure and veto the current project. I believe that the developer could easily come up with another design that incorporates the current buildings and make it a fantastic mix of old and new.

Sincerely,  
Lynda Keeler  
1244 Via Paraiso  
Palm Springs CA 92262

Lynda Keeler  
[lkeeler@yahoo.com](mailto:lkeeler@yahoo.com)  
323.459.4086  
[www.lyndakeeler.com](http://www.lyndakeeler.com)  
instagram: [lyndalax](#)

## Cindy Berardi

---

**From:** Shary Bowman <healthmatters101@yahoo.com>  
**Sent:** Wednesday, April 08, 2015 7:05 PM  
**To:** CityClerk  
**Subject:** Save the Hugh Kaptur Building

Please save these really cool Mid - Century modern designed buildings, Tahquitz Plaza, at 700 E. Tahquitz Canyon Way, Palm Springs, CA. Built in 1971, by architect Hugh Kaptur, Palm Springs California These beautiful modern buildings designed by famed architect Hugh Kaptur should NOT be demolished and gone forever!

Shary Bowman

## Cindy Berardi

---

**From:** Kurt Cyr <kurt@kurtcyr.com>  
**Sent:** Wednesday, April 08, 2015 8:44 PM  
**To:** CityClerk  
**Subject:** Save Tahquitz Plaza

Dear City Council,

You have the power to save meaningful architecture of Palm Springs and share it with the rest of the world. If 60,000 architectural pilgrims visting for Moderism Week 2015 are any indication, Palm Springs is a mecca for architecture.

It is incumbent upon you to preserve the architectural heritage and lifeblood of the City of Palm Springs. We may have made our name with mid century design, but we shouldn't limit our focus to just that. We need to embrace innovative design, but certainly not destroy thoughtful architecture of the near past for the mere sake of building and expanding.

Architects have been coming to our fair city for nearly a century to create a built environment that has become a benchmark that is to be admired. Please do not lose sight of that, but embrace it.

Please do not let Hugh Kaptur's Tahquitz Plaza go the way of Donald Wexler's colonade and Palm Springs High School music building.

Sincerely,  
Kurt Cyr

**KURTCYR**  
DESIGN SERVICES

e: [kurt@kurtcyr.com](mailto:kurt@kurtcyr.com)  
c: 818 903 0058  
w: [kurtcyr.com](http://kurtcyr.com)

## Cindy Berardi

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**From:** Bert Simonis <tuolumne\_guy@yahoo.com>  
**Sent:** Wednesday, April 08, 2015 8:48 PM  
**To:** CityClerk  
**Subject:** Please stop the Aberdeen Development project - don't just table it!

Dear Mr. Mayor and City Council,

I wanted to write to let you know my opposition to tearing down the Kaptur designed Tahquitz Plaza buildings. This section of your city needs commercial space in order to be vibrant during the daytime. Not empty condos or so-called live-work spaces. (In San Jose, they have turned into "live-only" spaces with shutters and curtains in the storefronts.

Vote the project down, save the buildings and stand up for the brand that Palm Springs has become!

Theo DeVries

## Cindy Berardi

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**From:** Brooks Hudson Thomas <brookshudsonthomas@gmail.com>  
**Sent:** Wednesday, April 08, 2015 9:04 PM  
**To:** CityClerk  
**Subject:** Aberdeen

To Whom It May Concern,

Architecture is important to the integrity and history of Palm Springs, and the Palm Springs City Council should do all that it can to help protect buildings such as the Hugh Kaptur building that could be demolished for the Aberdeen Project.

My husband and I first visited Palm Springs in 2003 to see our friend's Wexler Steel House in the Racquet Club neighborhood. At the time an important Neutra home, the Maslon house, had just been torn down and the Neutra Miller house was in peril.

We have recently made Palm Springs our full time home after many years of enjoying the climate, the architecture, and the totally unique mix of contemporary and mid-century style resort escape that only Palm Springs can offer.

Hugh Kaptur's Tahquitz Plaza building should be preserved and protected. If developers need to alter the use of these important buildings they will be praised in the future for leaving Kaptur's unique and original architectural composition intact rather than imitating the re-use of early 20th C or late 19th C urban architecture that never existed in the desert. The failure to preserve this building would continue a tragic loss of iconic structures that I have seen demolished or slated for destruction in the short time we have lived here.

We are new to Palm Springs and I have been told that I need to pick my battles. Palm Springs is a very small town that has an amazing architectural legacy. There are a handful of still living architects that made this town into something unlike any other place in the country. It would be a shame to continue and contribute to a trend of undervaluing and destroying the structures that have made Palm Springs what it is today.

There is room for innovative and contemporary architecture in Palm Springs. Perhaps more than anywhere else. Palm Springs should embrace new architecture and support the visionary design, but not at the expense of the radical experiments that architects like Kaptur were given the chance to make only a generation ago.

Hugh Kaptur's Tahquitz Plaza building must be allowed to grow into the future and to be considered in the context of Kaptur's contribution to the city and to the practice of Architecture.

Thank you,  
Brooks and Brad Hudson Thomas

Brooks Hudson Thomas  
310-867-0520  
[brookshudsonthomas@gmail.com](mailto:brookshudsonthomas@gmail.com)

## **Cindy Berardi**

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**From:** Penny Shaw <pennyshaw17@gmail.com>  
**Sent:** Wednesday, April 08, 2015 9:39 PM  
**To:** CityClerk  
**Subject:** Aberdeen

People from all around the world come to Palm Springs to see its architecture so why would we intentionally tear down buildings that represent our past and present -- and bring in \$\$\$, lots of it? Please save Aberdeen.



## Cindy Berardi

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**From:** Amanda Erlinger <akerlinger@mac.com>  
**Sent:** Thursday, April 09, 2015 6:55 AM  
**To:** CityClerk  
**Subject:** ABERDEEN

**Importance:** High

Dear City Council Members,

My name is Amanda Erlinger. I am a resident of the Coachella Valley, and my family has been living in the Valley for over 60 years. I am the daughter of Nancy Sinatra, the granddaughter of Frank. My husband and I have a home here, my sister and her family as well as my mother (who now lives here full time), and my grandmother who came to the valley with my grandpa in 1939 all have homes here. My grandmother is now 98 years old, and still loves to visit her home in the desert when she can.

On behalf of the entire Sinatra Family, my family, I urge you to please consider prohibiting the demolition of Hugh Kaptur's Tahquitz Plaza. It is a landmark structure for which there will be no replacement if it is demolished. Mr. Kaptur is not as recognized as some of our most treasured mid-century iconic architects, and this is too bad. In the last couple of years, thanks to the PSPF and the PS ModCom, and to Mr. Kaptur himself, he has received the recognition that he deserves. His designs are innovative and ahead of their time. They illustrate how creative design can be both interesting, beautiful, and functional. He also happens to be one of the most prolific architects in the Valley's history, creating a number of iconic buildings that have stood the test of time.

I have been a member of the PSPF and ModCom for years. My family has a long history in the desert, and my grandfather was a champion of mid-century architects throughout California but especially in the Valley. If he were alive today, he would be on the phone to every single one of you pleading with you to intervene in what is sure become another in a series of preventable detractions from the landscape of the place he loved so much...the place that my family still calls home.

I implore you to stop this demolition, and to keep what iconic structures we have left intact.

Thank you for your time.  
Amanda Erlinger

On behalf of my grandfather, Frank Sinatra and the rest of my family:

Nancy Sinatra  
Nancy Sinatra Senior  
Tina Sinatra  
Frank Sinatra Jr.  
Angela Lambert

## Cindy Berardi

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**From:** Ellen Donaldson <ellend09143@gmail.com>  
**Sent:** Thursday, April 09, 2015 7:00 AM  
**To:** CityClerk  
**Subject:** Aberdeen

I strongly oppose the approval of the Aberdeen project. To destroy award winning architecture and replace it with sn overcrowded planned development is a travesty. A large part of Palm Spring's charm, appeal and status is its inventory of wonderful architecture and the Hugh Kaptur buildings are part of that inventory. Aberdeen is a bad plan.

Ellen Donaldson  
218 N. Orchid Tree Lane  
Palm Springs California.

**Cindy Berardi**

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**From:** Jorge Valladares <marvall@gmail.com>  
**Sent:** Thursday, April 09, 2015 10:19 AM  
**To:** CityClerk  
**Subject:** Aberdeen Project

Dear Palm Springs City Council,

We are new residents of the City of Palm Springs and we are deeply saddened by the news of impending demolition of at least 75% of the buildings designed by Architect Hugh Kaptur. I believe a City Council in Palm Springs or any other city in the US must be devoted to protect the culture and History of the City. By allowing this new development, you are turning the blind eye on the destruction of the city heritage, not just for the current residents but the generations to come. If behaviour like this continues, the city will no longer be the place that attracts so many for its buildings and architecture but a city full of Casinos and dense urban development.

Sincerely,

Jorge Valladares Oyola  
3010 E Via Escuela  
Palm Springs, CA 92262

## Cindy Berardi

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**From:** Ron Marshall <modpod\_one@yahoo.com>  
**Sent:** Thursday, April 09, 2015 10:41 AM  
**To:** CityClerk  
**Subject:** Aberdeen Project

Dear Mayor Pougnet,

As former full-time, now seasonal, residents we have devoted thousands of volunteer hours to help make Palm Springs a better place to live. We have had to endure the destruction of many of the city's architectural gems by "suspicious" fires, tribal contrarianism and a lackadaisical attitude on the part of the city with regard to the implementation of the vacant building ordinance. During our time in Palm Springs you, councilmembers Foat, Hutcheson and Lewin have all personally given us assurances that you understand the importance of the city's midcentury architecture and its criticality to the economic health of the city.

The lot that Aberdeen is being built on is over eight acres. Please retain the entire Tahquitz Plaza complex and do not give in to an anemic compromise that destroys any of this extraordinary Kaptur architecture. Re-purpose the Tahquitz Plaza into something that is creative and unique. Good examples of such creative re-purposing abound (e.g., architect Edward Durell Stone's Stuart Pharmaceutical Building in Pasadena has a similarly dense project behind it). We all know that Nexus Development will still make an extraordinary amount of money on this overly-dense project even if they must build behind Tahquitz Plaza.

Ron & Barbara Marshall  
Baltimore, Maryland

**Cindy Berardi**

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**From:** henry connell <hconnellny@aol.com>  
**Sent:** Thursday, April 09, 2015 11:03 AM  
**To:** CityClerk  
**Subject:** Aberdeen hearing

I am a 15-year resident of Palm Springs. I believe that a huge part of the quality-of-life-value of living in Palm Springs, (as well as the economic value as reflected in the tourist trade) is its unique, IRREPLACEABLE architectural heritage.

Please save the Kaptur buildings and encourage sustainable, quality development.

"The greenest building is the building that already exists."

thank you

Henry Connell  
635 W. Leisure Way  
Palm Springs 92262

## Cindy Berardi

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**From:** David Keens <dkeens@sbcglobal.net>  
**Sent:** Thursday, April 09, 2015 11:07 AM  
**To:** CityClerk  
**Subject:** Aberdeen Project

I am writing in opposition to the proposed demolition of the Hugh Kaptur designed Tahquitz Plaza buildings to make way for the proposed Aberdeen Project. Palm Springs has enjoyed a remarkable resurgence of tourism and related commercial activity due in large part to the national and international media coverage of the town's extraordinary collection of Mid Century Modern architecture. Articles in the Los Angeles Times and New York Times focus not on the weather or golfing, but rather its remarkable treasure of Mid Century Modern homes and buildings. The annual Modernism Week activities and year round private architectural tours of the city draw visitors from all over the world. There are many individual Mid Century Modern designed buildings in town that are published, acclaimed and studied internationally. These structures bring honor and prestige to our city. However the acclaim this city enjoys comes not from only individual structures, but from the extraordinary collection and concentration of preserved Mid Century Modern homes and buildings. It is this collective architectural treasure that distinguishes Palm Springs from not only the other cities in Southern California, but from those around the world. The Hugh Kaptur designed Tahquitz Plaza buildings are a significant, award winning, part of this collection of architectural treasures residing in Palm Springs.

The Palm Springs City Council has been given articulate and logical recommendations to deny approval of the Aberdeen Project from not only Hugh Kaptur himself, but the city's advisory boards, comprised of experts in both architecture and city planning. The City has established these panels to use their expertise in evaluating proposed projects to ascertain their appropriateness to our city's character, aesthetics, and mission. These recommendations should be endorsed and followed by the City Council; to do otherwise suggests the council has special interests as their priority over preserving the integrity and treasures of Palm Springs.

The Palm Springs City Council has been elected to serve this city, not developers whose only interest is a quick financial gain. Palm Springs will no longer be a unique and desirable destination if the city continues to approve the destruction of the very things that make the city unique. I urge the City Council to stop the needless destruction of Palm Springs honored buildings, in this case the Tahquitz Plaza, and refocus on the preservation of our unique and treasured architectural heritage.

David Keens  
Full time Palm Springs Resident  
Professor of Art and Art History, University of Texas / Arlington (retired 2013)  
Texas State Artist

## Cindy Berardi

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**From:** Jim Small <smalljs@sbcglobal.net>  
**Sent:** Thursday, April 09, 2015 1:08 PM  
**To:** CityClerk  
**Subject:** Aberdeen

For your consideration:

My husband and I are frequent visitors to Palm Springs and anticipate retirement here. We stay in a mid-century hotel and intend on purchasing a mid-century styled home. We love the architecture in the Desert and enjoy going on "photo safaris" seeking out Palm Springs' finest examples. That is why it is very distressing to me to now hear that another mid-century gem is in danger of disappearing.

Hugh Kaptur's Tahquitz Plaza needs to be preserved and maintained for what it is.....a representation of a time when architecture was free-flowing and innovative. Destroying one property after another and replacing them with cookie-cutter developments will only continue to minimize the ambiance that IS Palm Springs. These buildings are the heart and soul of the City!!

If the City Council does, indeed, represent the voters, the voters are now speaking. Please, do not destroy our mid-century legacy by allowing the senseless elimination of these beautiful buildings. It's part of the charm and lifestyle that IS Palm Springs.

Respectfully yours,

Sheri Small  
Architectural Photographer  
Frequent Visitor and Future Resident

## Cindy Berardi

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**From:** Jade Thomas Nelson <jadenelson@me.com>  
**Sent:** Thursday, April 09, 2015 1:09 PM  
**To:** CityClerk  
**Subject:** Re: Tahquitz Plaza (proposed 'Aberdeen')

To:  
Palm Springs Mayor Steve Pougnet;  
Palm Springs City Council Members; Ginny Foat; Rick Hutcheson; Paul Lewin; and Chris Mills

April 9, 2015

During my forty years living in Palm Springs, I have witnessed the loss or irreparable damage of countless significant buildings either by demolition or fire (caused by neglect). Many of these unfortunate losses could have been prevented with better community education, understanding and civic support. Well, that day has come. The years-ongoing saga of Hugh Kaptur's Tahquitz Plaza has come to an unprecedented fore in recent months that has resulted in thousands of informed and concerned voices locally and around the world in favor of saving, restoring and reusing the whole of Tahquitz Plaza. And, to a greater degree, preserving that which contributes to the unique architectural make-up of Palm Springs. The greatest of these voices is the architect Hugh Kaptur himself. Please respect his wishes, and for the greater good of our City, reject "Aberdeen" and any past, current or future plans to destroy any part of Tahquitz Plaza. Thank you.

Jade Thomas Nelson  
Palm Springs





April 8, 2015

RECEIVED  
CITY OF PALM SPRINGS  
2015 APR -9 PM 1:55  
JAMES THOMPSON  
CITY CLERK

Mayor Steve Pougnet  
City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262

Subject: Aberdeen Project and the Proposed Demolition of Tahquitz Plaza (1971, Kaptur & Lapham)

Dear Mayor Pougnet,

On February 22, 2015 the foundation wrote to the city's Planning Commission expressing our many concerns about the Aberdeen project proposed by Nexus Development. Foremost among our concerns was the proposed demolition of the architecturally-significant Tahquitz Plaza. We also stated our concerns that the project fails to comport with the values and priorities of the city's general plan, historic resources program and sustainability program.

The latest iteration of the Nexus Development project before you now claims to present a compromise wherein a small portion (25%) of the architecturally-significant Tahquitz Plaza complex is retained. We want to be clear that the foundation does not view this as any sort of a "compromise." A compromise implies two parties negotiating towards an agreement acceptable to both. Our steadfast position has been that the solution which yields the most public benefit, while allowing significant profitability to the developer, is to place the Aberdeen project behind a re-purposed Tahquitz Plaza complex. We believe the Palm Springs Preservation Foundation's position already embodies a significant compromise: it concedes a high-profit and incongruously high-density project in an area of the city where it is allowed to skirt a host of city zoning requirements.

In view of a burgeoning appreciation of the work of architect Hugh Kaptur, the foundation believes it would be unconscionable of the city council to allow the demolition of any portion of the award-winning\* Tahquitz Plaza complex. The irony should not be lost on the council that it was a city council member that presented Mr. Kaptur with a star on the Palm Springs Walk of Stars during Modernism Week 2014. Additionally, Kaptur is the subject of a new documentary film (*Quiet Elegance: The Architecture of Hugh M. Kaptur*). Finally, the Tahquitz Plaza complex will be included in the city's ongoing historic resources survey.

We applaud the Architectural Advisory Committee's January 26, 2015 decision to unanimously deny this project. In that decision, only the merits of the project were considered by the AAC, not the architectural significance of Tahquitz Plaza. We also applaud the Planning Commission's recent deliberations which also found the Aberdeen project profoundly flawed and the proposed demolition of the Tahquitz Plaza complex

\* Tahquitz Plaza won the Palm Springs Golden Palm Award for architectural excellence in both 1979 and 1980.

highly problematic. It was noteworthy that most of the commissioners considered that at a minimum at least half of the Tahquitz Plaza should be considered for retention. These concerns resulted in the Planning Commission's denial of the Aberdeen project on February 25, 2015.

City structures built in the 1970s are now being evaluated for their historical and architectural importance (the 1975 Palm Springs Art Museum designed by E. Stewart Williams was designated a Class 1 historic site many years ago but only due to an active lobbying effort). We submit that the city council should consider the designation of the Tahquitz Plaza complex as a Class 1 historic site. To that end we have included a summary sheet (attachment (1)) showing the rationale for such a designation under Palm Springs Municipal Code (PSMC) Chapter 8.05.

We are also compelled to remind the city of its obligations under the California Environmental Quality Act (CEQA) with regard to historic resources. Three years ago, on April 11, 2012, PSPF sent the city manager a legal opinion from Chatten-Brown & Carstens (a law firm which specializes in CEQA matters) regarding the city's consistent failure to implement the requirements of CEQA (attachment (2)). Since our letter, case law has shown that historical resources do not have to appear on local registers to be considered historic resources. This is an opinion recently communicated to you by California's Office of Historic Preservation. At this juncture the weight of the administrative record on the Aberdeen project should convince the city to conduct an Environment Impact Report (EIR) under CEQA.

We are also forwarding attachment (3) for the administrative record. If you have any questions please don't hesitate to contact the foundation at 760-837-7117 or [info@pspreservationfoundation.org](mailto:info@pspreservationfoundation.org).

Sincerely,



Erik Rosenow  
President

Attachments:

1. Evaluation of Tahquitz Plaza under PSMC Chapter 8.05
2. Chatten-Brown & Carstens legal opinion of March 1, 2012 entitled "Use of Categorical Exemptions for Projects Impacting Historical Resources" (forwarded by PSPF letter of April 11, 2012)
3. Alan Hess letter of March 20, 2015 entitled "Tahquitz Plaza by architect Hugh Kaptur, Tahquitz Canyon and Calle El Segundo" (endorsed by PSPF letter of March 22, 2015)

Copy to:

Palm Springs Modern Committee (Chris Menrad)  
Desert Sun (Skip Descant)

## EVALUATION OF TAHQUITZ PLAZA UNDER PSMC CHAPTER 8.05

**Criterion 1: Significant Event.** To qualify for listing under this criterion, a property must be associated with one or more events important in the defined historic context. *Criterion 1 recognizes properties associated with single events or patterns of events or historic trends, such as the gradual rise of the city's prominence in architectural excellence in midcentury modern architecture that is an important pattern of events within this associated context. The Tahquitz Plaza complex is an outstanding example of commercial design and construction of buildings within the context of midcentury desert Modernism. Tahquitz Plaza is associated with this pattern of events for its ability to exemplify the modern period of the national, state and local history. Tahquitz Plaza qualifies for listing as a Class 1 Historic Site on the local registry under Criterion 1.*

### ARCHITECTURE (Criteria 3 – 6)

**Criterion 3:** *(That reflects or exemplifies a particular period of the national, state or local history).* Tahquitz Plaza was designed by the architectural firm of Kaptur & Lapham and constructed in 1971. The complex was intended to house the architectural offices of Kaptur & Lapham and the commercial offices of a supportive and sympathetic client hence both Kaptur and Lapham were given significant creative latitude. The stylistic markers of the complex place it directly in the historic context of Palm Springs' Modern Period. The commercial complex represents a prime and largely intact example of the significant modernist architecture for which Palm Springs is widely known. As such the commercial complex may be viewed as an important component of the historic trends that have come to define Palm Springs' image as a center of important midcentury architecture, i.e., an historic trend that exemplifies a particular period of the national, state or local history. The Tahquitz Plaza complex qualifies for listing as a Class 1 Historic Site on the local registry under Criterion 3.

**Criterion 4:** *(That embodies the distinctive characteristics of a type, period or method of construction; or) Type, Period, and Method of Construction:* "Type, period, or method of construction" refers to the way certain properties are related to one another by cultural tradition or function, by dates of construction or style, or by choice or availability of materials and technology. To be eligible under this Criterion, a property must clearly illustrate, through "distinctive characteristics" a pattern of features common to a particular class of resources. "Distinctive characteristics" are the physical features or traits that commonly recur in individual types, periods, or methods of construction. To be eligible, a property must clearly contain enough of those characteristics to be considered a true representative of a particular type, period, or method of construction. Characteristics can be expressed in terms such as form, proportion, structure, plan, style, or materials.

Tahquitz Plaza is eligible under the theme of Modern architecture because it possesses distinctive characteristics that make up the many qualities of the style, such as overall horizontality, an irregular roofline, inexpensive mass-produced materials like concrete and stucco, man-made and natural materials suitable to the harsh desert environment (steel, aluminum, glass, etc.) and an architectural design that strives to moderate the harsh desert environment with deep and sculpted eyebrows over windows, bermed walls, eaves and sun-

shading features and the integration of outdoor areas. As such, Tahquitz Plaza is eligible under this criterion because it represents an important example of building practices in Palm Springs at midcentury. Tahquitz Plaza qualifies for listing as a Class 1 Historic Site on the local registry under Criterion 4.

**Criterion 5:** (That (a): represents the work of a master builder, designer, artist, or architect whose individual genius influenced his age; or (b): that possesses high artistic value).

**5a: Work of a Master:** A master is a figure of generally recognized greatness in a field, a known craftsman of consummate skill. The property must express a particular phase in the development of the master's career, an aspect of his work, or a particular idea or theme in his craft. A property is not eligible as the work of a master, however, simply because it was designed by a prominent architect. For example, not every building designed by Frank Lloyd Wright is eligible under this portion of Criterion 5, although it might meet other Criteria.

The architectural firm of Kaptur & Lapham (in partnership from 1965-1975) qualifies as a firm of "master architects." Both Hugh Kaptur and the late Howard Lapham produced architecturally significant works that have stood the test of time. Kaptur's Steve McQueen Residence (1968), William Holden Residence (1977) and Palm Springs Fire Stations #3 and #4 and Lapham's Desert Star Hotel (1956) and Ichpa Mayapan (translated as "Exclusive Estate" and the recent temporary residence of President Obama in Thunderbird Heights) are just a few noteworthy examples of their combined and individual work.

**5b: Properties possessing high artistic values:** High artistic values may be expressed in many ways, including areas as diverse as community design or planning, engineering, and sculpture. As an example of the maturing modernist movement, the Tahquitz Plaza complex certainly articulates the best of modernist "adobe-influenced" architecture to a level of excellence and confidence that, in total, they could easily be considered an aesthetic ideal. Architectural historian Alan Hess expounds as follows: "The Tahquitz Plaza offices are an excellent representation of [Kaptur's] use of sculptural, expressionist forms influenced by Native American adobe structures, but modernized and abstracted aesthetically in the spirit of Modernism." As the work of Master architects, and for its high artistic values, Tahquitz Plaza qualifies for listing as a Class 1 Historic Site on the local registry under Criterion 5.

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The foregoing evaluation was reviewed by licensed California architect Susan Secoy-Jensen who meets the minimum professional qualifications under 36 CFR Part 61 both in "Architecture" and "Historic Architecture"



April 11, 2012

Dr. David Ready, City Manager  
City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262

Dear Dr. Ready,

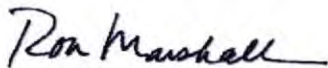
For many years individuals with experience in city planning (including current and former members of the city's Planning Commission and Architectural Advisory Committee) have expressed their concern to us that the city is not adhering to the requirements of the California Environmental Quality Act (CEQA). Typically these individuals have served on boards and commissions in other California cities where the requirements of CEQA seem to be more seriously considered.

While we have expressed this concern informally over the years, we have now taken the additional step of soliciting a legal opinion from Chatten-Brown & Carstens (attached), a firm with experience and specialized expertise in this particular area of the law. In short, it observes that "it is a violation of CEQA to categorically exempt a project from environmental review if that project may have an impact on an historic resource."

We are sending this legal opinion to you as the city manager (rather than the mayor) because we consider this first and foremost a "good government" matter.

If you have any questions, please contact the foundation at (760) 837-7117 or via email at [info@pspreservationfoundation.org](mailto:info@pspreservationfoundation.org).

Respectfully,



Ron Marshall  
President

Attachment: Legal Opinion of March 1, 2012 entitled "Use of Categorical Exemptions for Projects Impacting Historic Resources"

Copy to: Director of Planning Services; Chair, Planning Commission; Chair, Historic Site Preservation Board; and City Attorney

**CHATTEN-BROWN & CARSTENS**

TELEPHONE:(310) 314-8040  
FACSIMILE: (310) 314-8050

2601 OCEAN PARK BOULEVARD  
SUITE 205  
SANTA MONICA, CALIFORNIA 90405  
www.cbcearthlaw.com

E-MAIL:  
ACM@CBCEARTHLAW.COM

March 1, 2012

Ronald W. Marshall  
Palm Springs Preservation Foundation  
1775 East Palm Canyon Drive  
Suite 110-195  
Palm Springs, CA 92264  
Email: [modpod\\_one@yahoo.com](mailto:modpod_one@yahoo.com)

Re: Use of Categorical Exemptions for Projects Impacting Historic Resources

Dear Mr. Marshall,

The Palm Springs Preservation Foundation has requested Chatten-Brown & Carstens prepare this legal opinion regarding the City of Palm Spring's use of categorical exemptions to the California Environmental Quality Act (CEQA) for development projects that could impact historic resources. Based on our review of CEQA, the CEQA Guidelines, and relevant case law, we conclude that it is a violation of CEQA to categorically exempt a project from environmental review if that project may have an impact on an historic resource.

CEQA establishes California's policy to "take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise." (Public Resources Code § 21001.) To ensure all aspects of the environment are protected, CEQA requires agencies that will be approving discretionary projects to analyze a project's potentially significant environmental impacts in a negative declaration or environmental impact report. CEQA specifically finds that adverse impacts to historic resources are significant environmental impacts: "A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." (Public Resources Code § 21084.1.)

Buildings, structures, and other resources listed on a local register of historic resources are presumed to be historically significant. (Public Resources Code § 21084.1.) "Public agencies must treat any such resource as significant unless the preponderance of

evidence demonstrates that it is not historically or culturally significant.” (CEQA Guidelines § 15064.5(a)(2).) The City of Palm Springs has a local register of historic resources, providing for designation of three classes of historic sites and historic districts. All resources designated by the City as an historic site or district are presumed to be historically significant under CEQA.

While CEQA seeks to ensure the protection of the environment through the preparation of environmental review documents and inclusion of mitigation measures, the Act does not require environmental review of classes of projects the Secretary of the California Natural Resources Agency has determined would not have a significant effect on the environment. (Public Resources Code § 21084(a).) The CEQA Guidelines set out 33 classes of these categorically exempt projects. Public agencies are generally not required to prepare an environmental review document for activities that fall under one of the categorically exempt classes of projects because the Resources Agency has already found these types of projects do not typically have any adverse environmental impacts. (CEQA Guidelines § 15354.)

However, CEQA contains several exceptions to the categorical exemptions. If a project that would otherwise fit within a class of categorical exemption falls within one of the exceptions, preparation of an environmental review document is required. (CEQA Guidelines § 15300.2.) One of the exceptions to the use of a categorical exemption provided by CEQA is for any project that may impact an historic resource: “A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.” (CEQA Guidelines § 15300.2(f); *see also* Public Resources Code § 21084(f).) “Substantial adverse change” includes physical demolition, destruction, relocation, or alteration of a resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. (CEQA Guideline § 15064.5(b)(1).) Material impairment occurs when a project demolishes or materially alters the resource’s physical characteristics that convey its historical significance and that justify its inclusion in a state or local register of historic resources or its identification in an historic resources survey. (CEQA Guideline § 15064.5(b)(2).)

The California Court of Appeal has applied this exception to prohibit the use of a categorical exemption when a project could impact an historic resource. In *Comm. to Save Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.App.4<sup>th</sup> 1168, the City of Los Angeles had approved the construction of a wooden fence on top of one of the historic Hollywoodland granite walls pursuant to a Class 5 categorical exemption for projects consisting of minor alternations in land use limitations. These granite walls

had been designated as an historic monument by the City of Los Angeles, making them an historic resource pursuant to Public Resources Code section 21084.1. The Court found the City's use of a categorical exemption was improper because the construction of a wooden fence on top of the historic wall could "significantly impact the environment by altering the historic resource, both as to its physical integrity and its aesthetic appeal from the neighboring streets." (*Id.* at 1187.) The City was required to vacate its issuance of an exemption under CEQA. (*Id.* at 1188.)

Courts have set a low threshold for showing that an exception to use of a categorical exemption applies. Whenever there is substantial evidence in the record to support a fair argument that the proposed construction will have a significant effect on the environment, the application of a categorical exemption is inappropriate. (*Berkeley Hillside Preservation v. City of Berkeley* A131254, 2012 WL 489195 (Cal. Ct. App. Feb. 15, 2012.)) This means that if there is substantial evidence an exception is applicable to a project, the project is not categorically exempt from preparing environmental review even if there is contrary evidence in the record or a disagreement among experts regarding the applicability of the exception. (*Ibid.*) For example, if an historic resource expert submits his or her opinion that a project would adverse impact the historicity of a structure the City has designated as an historic site, the City could not rely on a categorical exemption to CEQA to approve the project, even if another historic resource expert determined the project would not adverse impact the historic resource. In this instance, the City is required to prepare an environmental review document that analyzes whether the project would or would not impact the historic resource. If the project would impact the historic resource, the City must find measures to mitigate the significance of that impact.

"Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource." (CEQA Guidelines § 15064.5(b)(3).) However, mitigation measures such as compliance with the Secretary of Interior's Standards cannot be a basis for refraining from applying one of the exceptions to categorical exemptions. (*Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4<sup>th</sup> 1165, 1200.) If a project may have a significant effect requiring mitigation, use of a categorical exemption is improper and an environmental review document should be prepared to assess the effectiveness of the mitigation measure. (*Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4<sup>th</sup> 1098, 1102.)

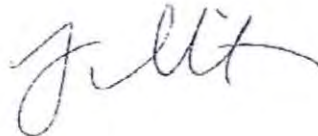


Ronald W. Marshall  
March 1, 2012  
Page 4 of 4

Thus, it is our conclusion that it would be a violation of CEQA to apply a categorical exemption to any project that may significantly and adversely impact an historic resource, even if mitigation is included in the project.

We have enjoyed working with the Palm Springs Preservation Foundation on this matter. Please feel free to contact us if you have any questions regarding this legal opinion.

Sincerely,

A handwritten signature in cursive script, appearing to read "Amy Minter".

Amy Minter  
Chatten-Brown & Carstens



March 22, 2015

Ms. Carol Roland-Nawi  
State Historic Preservation Officer  
Office of Historic Preservation  
1725 23<sup>rd</sup> Street, Suite 100  
Sacramento, CA 95816

Re: Endorsement of Hess Letter Regarding the Aberdeen Project and the Proposed  
Demolition of Tahquitz Plaza (1971, Kaptur & Lapham)

Dear Ms. Roland-Nawi,

The Palm Springs Preservation Foundation board of directors has read and discussed Mr. Alan Hess' scholarly letter of March 20, 2015 concerning Tahquitz Plaza (1971, Kaptur & Lapham).

We strongly concur with his assessment of the architectural importance of the Tahquitz Plaza complex and his opinion that an Environmental Impact Report (EIR) is warranted.

The Palm Springs Preservation Foundation is a non-profit organization whose mission is "to educate and promote public awareness of the importance of preserving the historical resources and architecture of the city of Palm Springs and the Coachella Valley area." We have over 2,100 members throughout the Coachella Valley and the United States.

If you have any questions please don't hesitate to contact the foundation at (760) 837-7117 or [info@pspreservationfoundation.org](mailto:info@pspreservationfoundation.org).

Sincerely,

Erik Rosenow  
President

Copy to:  
Palm Springs Modern Committee (Chris Menrad)  
Desert Sun (Skip Descant)

**ALAN HESS**  
ARCHITECT  
4991 CORKWOOD LANE  
IRVINE, CA 92612  
949 551 5343  
[alan@alanhess.net](mailto:alan@alanhess.net)  
[www.alanhess.net](http://www.alanhess.net)

March 20, 2015

Carol Roland-Nawi  
State Historic Preservation Officer  
Office of Historic Preservation  
1725 23rd Street, Suite 100  
Sacramento, CA 95816

Re: Tahquitz Plaza by architect Hugh Kaptur, Tahquitz Canyon and Calle El Segundo

Dear Ms. Roland-Nawi:

I am writing at the request of the Palm Springs Preservation Foundation to ask you to consider writing a letter to the City of Palm Springs encouraging them to conduct an EIR for the Tahquitz Plaza office buildings (1971) by Kaptur & Lapham. The four buildings in this complex are excellent and well preserved examples of key aspects of architect Hugh Kaptur's work, and of Palm Springs Modernism.

The buildings are currently under threat of demolition for a proposed residential project. So far the city has not requested an EIR, but I believe the complex's significance and quality require it.

Kaptur is an important architect in Palm Springs Modernism. Rather than drawing on the rectilinear steel and glass geometries of, for example, Richard Neutra, Kaptur often draws on organic concepts from Frank Lloyd Wright and forms from the American Southwest. This is seen in Tahquitz Plaza's irregular roofline, the deep, sculpted frames around windows, the bermed walls, the eaves and sun shading features, and the integration of outdoor areas interspersed among the offices. The strong composition of these many elements shows Kaptur's skill and the high artistic value of his work.

In addition, Tahquitz Plaza's location on Tahquitz Canyon places it in the context of the city's Modern civic center. Tahquitz Canyon is the city's main civic thoroughfare, linking the airport to downtown; along this boulevard is an extraordinary collection of Modern buildings serving civic purposes, including city hall, police and county facilities, and the airport, complemented by commercial buildings of similar style and siting. Such a collection of Modern civic center buildings is rare in the state.

Palm Springs' midcentury Modern architecture is known for its use of Modern concepts in addressing the challenges of climate, functions, and new material technologies. These are not typified by a single aesthetic; it ranges from the lightweight, steel framed houses resting lightly on the earth seen in the work of Richard Neutra and Albert Frey, to the autochthonous monolithic concrete structures, literally buried in the earth, seen in John Lautner's work, with many more interpretations in between.

Within this wide range, Kaptur's work is singular. His training in design was closely associated with midcentury automotive design in Detroit, where he attended Lawrence Tech and worked for General Motors' consumer design division. Kaptur has worked in Palm Springs from 1956 to the present day. He worked for and with other noted local architects, including Donald Wexler, Richard Harrison, and William Cody. Like those architects, his work is distinctive and individual, and yet his design also reflects common themes that distinguish Palm Springs Modernism.

The Tahquitz Plaza offices are an excellent representation of his use of sculptural, expressionist forms influenced by Native American adobe structures, but modernized and abstracted aesthetically in the spirit of Modernism. The complex's thick stuccoed walls do not imitate those vernacular structures; the silhouette of the walls and the curving windows frames that grow directly from those walls are carefully abstracted into forms that represent a distinct, modernized aesthetic vocabulary. This approach is also seen in other Kaptur designs, including the William Holden house (1977), and the Casa Blanca motel (1979.)

In addition, the Tahquitz Plaza offices incorporate unpainted wood walls and wood trellises. These also update the wood ramadas and trellises of traditional Southwestern architecture. The siting of the office structures creates small courtyards between the buildings (another design aspect seen in historic Spanish architecture of the Southwest) allowing for shaded outdoor areas.

Likewise, the landscaping and siting of the Tahquitz Plaza buildings represent an updating of traditional concepts and a Modern response to the hot climate. Berms rise partway up the walls, providing thermal insulation and connecting the structure to the earth, similar to Lautner's desert designs.

The thick walls, hooded windows, and shaded courts all have historic precedents, but they are also practical, integral elements that help moderate the strong sunlight and heat of the local climate. The design of all these elements is artful and well composed.

The use of historic regional architecture by twentieth century architects is an important facet of Modern architecture in California and the West. It can be seen, for example, in the work of Irving Gill in the 1910s, the Ranch Houses of Cliff May in the 1950s and 1960s, and the civic buildings and residences of Bennie Gonzales in Arizona, where historic forms were blended with Modernism's abstraction. Hugh Kaptur is the primary interpreter of this approach in midcentury Palm Springs, and Tahquitz Plaza is a primary example in the city.

Kaptur's work has been rediscovered fairly recently. This is not surprising; our understanding of the significance of Palm Springs Modern architecture in general is also relatively recent. Only a dozen years ago, the work of now-recognized architects such as William Cody, Donald Wexler, Palmer & Krisel, and E. Stewart Williams was not generally well known outside Palm Springs, and its significance was not even widely recognized within Palm Springs.

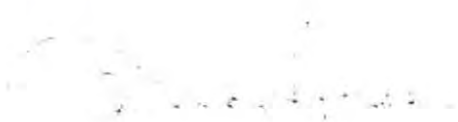
In the years before Palm Springs' heritage was fully understood, the city lost many significant structures. Unfortunately, this degradation has continued; the demolition of a major Kaptur design such as this would be a loss to history and the city's urban quality.

But as we continue researching this history, it is clear that the work of Hugh Kaptur makes a significant contribution to the unique character of Palm Springs architecture. This opinion is not mine alone; the newly published book *The Desert Modernists: The Architects Who Envisioned Midcentury Modern Palm Springs* (Desert Publications, 2015) and the documentary film *Quiet Elegance: The Architecture of Hugh M. Kaptur* (Bert Simonis, director, 2014) indicate the clear direction of opinion on Kaptur's importance.

I have written to the Palm Springs Planning Commission about my support, as a historian and architect, for the preservation of Tahquitz Plaza. I am also a consultant on architectural history for the Palm Springs architectural survey, currently underway. I have already unequivocally recommended Tahquitz Plaza as a significant building in that survey. I believe that a letter from your state office would encourage them to conduct an EIR that would document the significance of this complex.

Thank you for your consideration of this matter.

Sincerely,



Date: April 9, 2015  
Re: Aberdeen  
To: Palm Springs City Council

RECEIVED  
CITY OF PALM SPRINGS  
2015 APR -9 PM 1:55  
JAMES THOMPSON  
CITY CLERK

As a licensed California realtor, not only do I have professional standards to uphold, but it's in my interest to both educate and listen to my clients. I'm in the business of helping people buy and sell properties, and I hear over and over that they come to Palm Springs for a lifestyle they can't get just anywhere else. Some are fleeing overdeveloped areas with a kind of creeping sameness. It's in our interest to have a diverse commercial, retail and housing stock. Just because something is a few years old, by no means makes it outdated. There are land use and legal issues upon which I have to advise them. I urge them to look at the suitability of what they want and where they want it. And I would ask the same of any commercial developer with whom I was working.

As a full-time resident of this City, I have sadly watched important buildings demolished, where City Council had no power to intervene. This demolition is within your purview and I urge you to intervene. Please show support preserving and reusing these buildings.

Kind Regards,

---

Vincent Williams  
The Paul Kaplan Group, Inc  
Tel/Text: 760-409-6364  
[www.ModernPSHomes.com](http://www.ModernPSHomes.com)

## Cindy Berardi

---

**From:** Philip DeCancio <pdecancio@yahoo.com>  
**Sent:** Thursday, April 09, 2015 3:21 PM  
**To:** CityClerk  
**Subject:** Please reject the Aberdeen Project and save Tahquitz Plaza  
**Attachments:** Historic Preservation Ordinance.pdf

Hello,

When I go to the building department I see this brochure and think how lucky we are to have an ordinance in place to protect the diverse architecture in place.

The success of Modernism Week is still fresh in my mind - it was wonderful to see all the excitement and people that really appreciate architecture. To see the architect's names and the year the building was built projected on the along Palm Canyon was a great history lesson.

Let's protect and save the architecture that people come here to see and that makes Palm Springs unique.

Bottomline - the architectures of Palms Springs brings in tourist dollars - why destroy what brings people here?

Hugh Kaptur's office park is architecturally important building and should be saved for future generations to enjoy.

Thank you,

Philip de Cancio  
2288 Caliente Dr.  
Palm Springs CA  
(323) 630-6238

# HISTORIC SITE PRESERVATION in Palm Springs



TOMMY GAS STATION / ALBERT FREY / 1962

**"Palm Springs contains an  
astonishing wealth of architectural  
styles and building types reflective  
of the city's 100-year history  
as a desert resort."**

*- Richard Moe, president  
National Trust for Historic Preservation*



## Cindy Berardi

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**From:** David Dixon <slimdixie@gmail.com>  
**Sent:** Thursday, April 09, 2015 3:35 PM  
**To:** CityClerk  
**Subject:** Proposed Aberdeen

To:  
Palm Springs Mayor Steve Pougnet  
Palm Springs City Council Members Giny Foat, Paul Lewin, Chris Mills and Rick Hutcheson

April 9, 2015

I am writing to you to protest the Aberdeen project. I believe that Hugh Kaptur's Tahquitz Plaza comprises architecturally interesting buildings that contribute to our eclectic mix of architecture in Palm Springs. We've lost numerous good buildings in recent years, and you have the capacity to stop the Aberdeen project and preserve Hugh Kaptur's Tahquitz Plaza.

Thank you.

David Dixon  
Palm Springs

David Dixon  
[slimdixie@gmail.com](mailto:slimdixie@gmail.com)  
[daviddixondesign.tumblr.com](http://daviddixondesign.tumblr.com)  
760-567-0992

**Cindy Berardi**

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**From:** jclaca@aol.com  
**Sent:** Thursday, April 09, 2015 4:47 PM  
**To:** CityClerk  
**Subject:** Aberdeen

Dear Palm Springs City Council,

Please preserve Hugh Kaptur's Tahquitz Plaza and do not approve the over dense Aberdeen project. As a part time (future full time) resident of Palm Springs I realize how important it is to preserve the architecture that makes Palm Springs unique. I am not anti-development. I am pro thoughtful, respectful development.

Thank you,

John Carlisle  
2087 S Toledo Ave  
Palm Springs, CA 92264  
310.403.1403

## Cindy Berardi

---

**From:** Peter M. Taub <peter\_taub@hotmail.com>  
**Sent:** Thursday, April 09, 2015 5:00 PM  
**To:** CityClerk  
**Subject:** Aberdeen

Dear Sir,

I am writing to express deep concern about the proposed redevelopment of Tahquitz Plaza in tot he adjacent Aberdeen project.

As a Palm Springs homeowner, I invested in Palm Springs because of its Architectural legacy. To see a project by notable architect Hugh Kaptur demolished to create a nonsensical vision is a gross injustice and serves neither the preservation of the past nor the development for the further. The project is just wrong on many levels. Most importantly, because Palm Springs will loose so much more than it will gain.

It will loose Architectural integrity.

It will loose a uniform vision.

It will juse a cultural legacy.

And what will we gain, another mediocre project doomed to fail.

Warmest regards,  
Peter

Peter M. Taub  
1138 East Cactus Road  
Palm Springs CA 92264

**NOTICE OF INTENT  
TO ADOPT A MITIGATED NEGATIVE DECLARATION  
Case Nos. 5.1361 PDD 375, TTM 36876 and 3.3820 MAJ**

**LEAD AGENCY:** City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262

**CONTACT PERSON:** David Newell, Associate Planner (760) 323-8245

**PROJECT TITLE:** Aberdeen - Case Nos. 5.1361 PDD-375 / 3.3820 MAJ / TTM 36876

**PROJECT LOCATION:** Northeast corner of Tahquitz Canyon Way and Calle El Segundo, Palm Springs,  
California, Riverside County.  
Assessor's Parcel No. 508-055-003, 006, 007, 008, and 009

**PROJECT DESCRIPTION:** The project proposes the construction of an 8.05-acre mixed-use development comprised of seventy-four (74) attached and detached residential dwellings, and seventeen (17) live-work units with approximately 1,568-square feet of retail space. The project will require the demolition of 33,500 square feet of existing office buildings and associated parking lot. The proposed project requires the following applications:

- A Planned Development District (#375) in lieu of a Change of Zone;
- A Tentative Tract Map (36876)
- A Major Architectural Review for the architectural and landscape design.

**FINDINGS / DETERMINATION:** The City has reviewed and considered the proposed project and has determined that any potentially significant impacts can be mitigated to a less than significant level. The City hereby prepares and proposes to adopt a Mitigated Negative Declaration for this project.

**PUBLIC REVIEW PERIOD:** A 20-day public review period for the Draft Mitigated Negative Declaration will commence at 8:00 a.m. on February 20, 2015 and end on March 11, 2015 at 5:00 p.m. for interested individuals and public agencies to submit written comments on the document. Any written comments on the Mitigated Negative Declaration must be received at the above address within the public review period. In addition, you may email comments to the following address:

[David.Newell@palmsprings-ca.gov](mailto:David.Newell@palmsprings-ca.gov). Copies of the Mitigated Negative Declaration and Initial Study are available for review at the above address and at the City library.

**PUBLIC MEETING:** This matter has been set for public hearing before the Planning Commission on February 25, 2015. City Council consideration is expected at a public hearing on March 18, 2015, but please confirm the date with the City Clerk's office.



**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

Project Title:	Aberdeen	
Case No.	5.1361, PDD 375, TTM 36876 and 3.3820 MAJ	
Assessor's Parcel No.	508-055-003, 006, 007, 008, and 009	
Lead Agency Name and Address:	City of Palm Springs 3200 E. Tahquitz Canyon Way Palm Springs, California 92262	
Project Location:	600-700 E. Tahquitz Canyon Way Northeast corner of Tahquitz Canyon Way and Calle El Segundo, Palm Springs, California, Riverside County.	
Project Sponsor's Name and Address:	Robert Eres Nexus Development Corporation (714) 546-5600 rwe@nexusd.com	1 MacArthur Place, Suite 300 Santa Ana, CA 92707
General Plan Designation(s):	Tourist Resort Commercial	
Zoning:	CU- Civic Uses (Zoning Map) RA- Resort Attraction, REO- Residential/Entertainment/Office (Section 14 Land Use Map)	
Contact Person:	David Newell, Associate Planner City of Palm Springs 3200 E. Tahquitz Canyon Way Palm Springs, California 92262	
Phone Number:	(760)323-8245	
Date Prepared	February 13, 2015	

**Description of the Project**

The project proposes the construction of an 8.05-acre mixed-use development comprised of seventy-four (74) attached and detached residential dwellings, and seventeen (17) live-work units with approximately 1,568-square feet of retail space. The project is located on the northeast corner of Tahquitz Canyon Way and Calle El Segundo in Palm Springs, California. The project will require the demolition of 33,500 square feet of existing office buildings, currently fronting Tahquitz Canyon Way, and associated parking and a neighboring parking lot currently used as a public parking lot. The proposed project requires the following applications:

- A Planned Development District (#375) in lieu of a Change of Zone;
- A Tentative Tract Map (36876)
- A Major Architectural Review for the architectural and landscape design.

Access to the project will be provided at the following locations:

- Andreas Road (main entrance)
- Calle El Segundo (secondary access)
- Calle Alvarado (secondary access)

**Environmental Setting and Surrounding Land Uses**

North: Andreas Road, Plaza Villas (multi-family residential)

South: Tahquitz Canyon Way, commercial land use

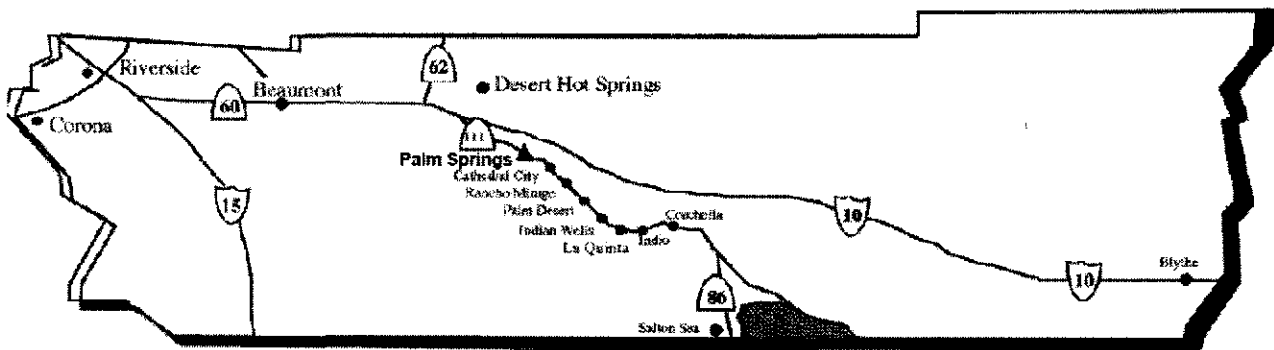
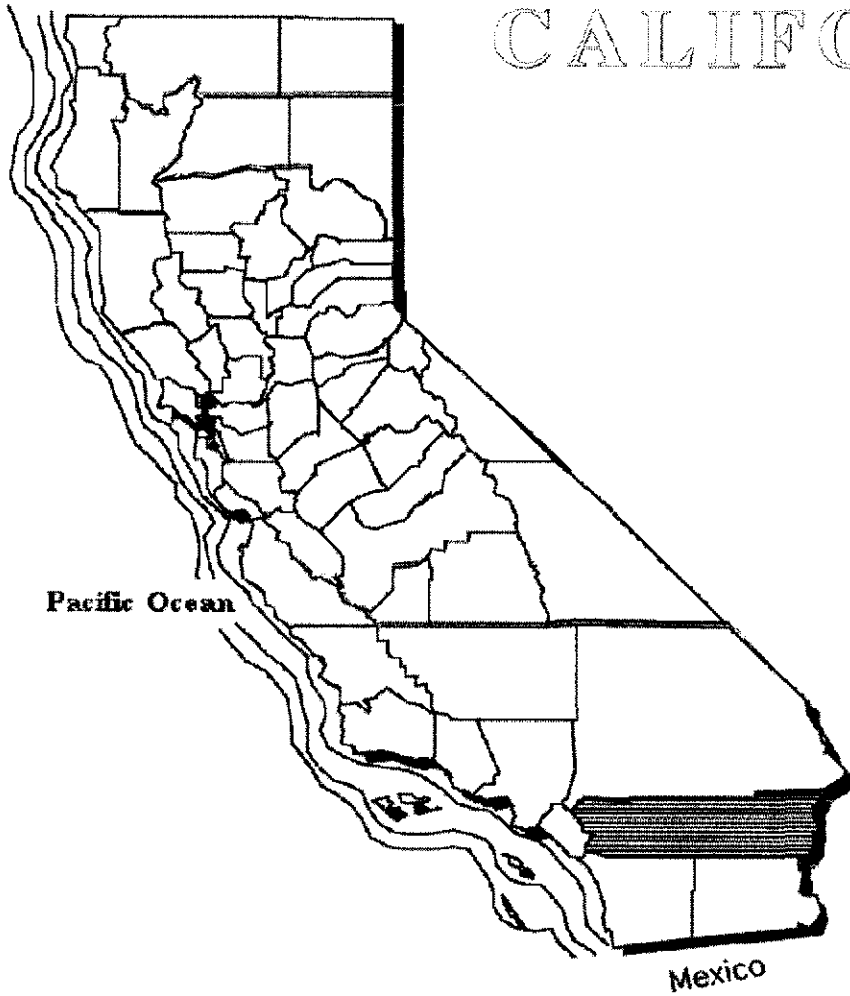
East: Renaissance Palm Springs Hotel

West: Calle El Segundo, Elements Spa Hilton

**Other public agencies whose approval is required**

None.

# CALIFORNIA



02.03.15

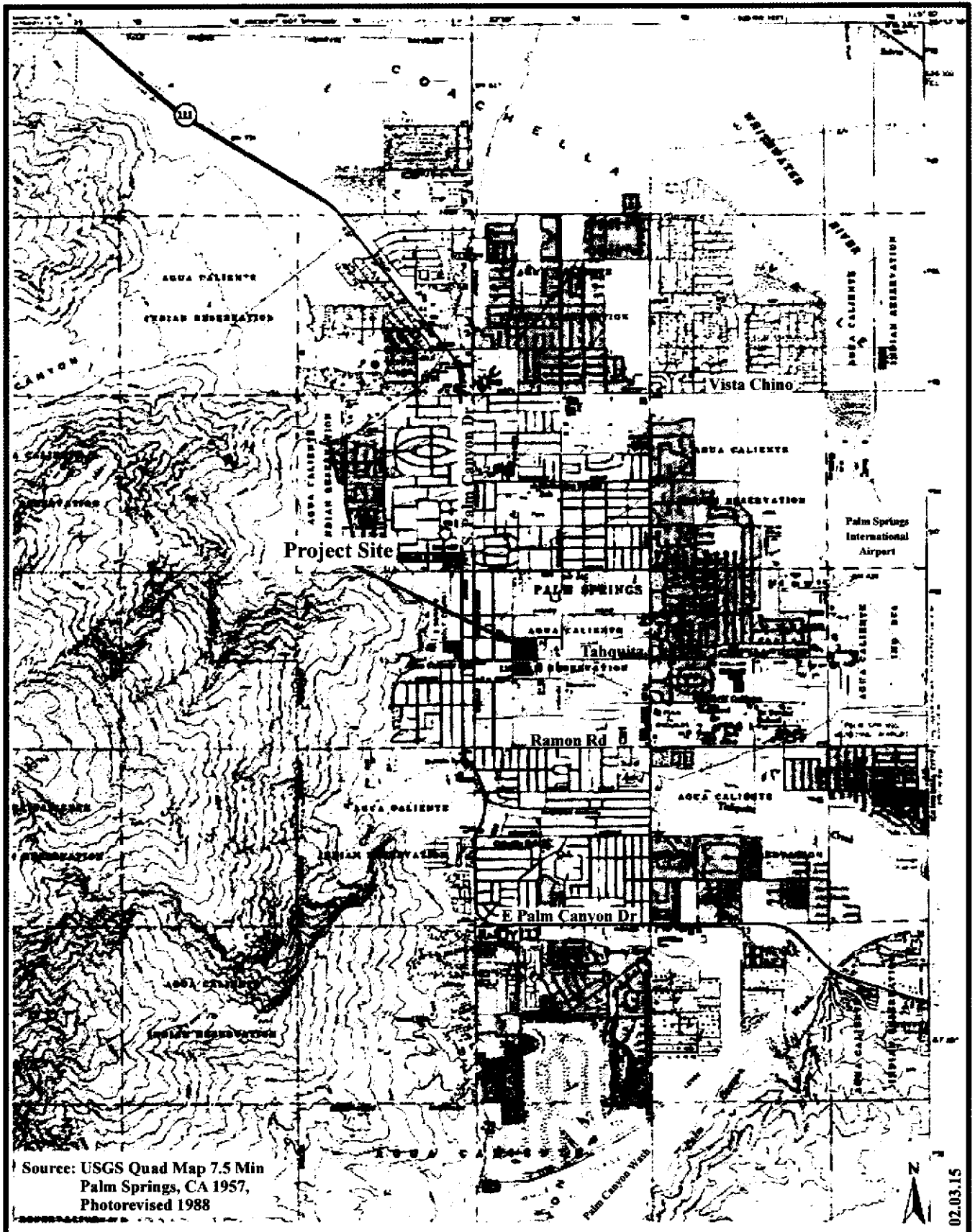


**TERRA NOVA**<sup>®</sup>  
Planning & Research, Inc.

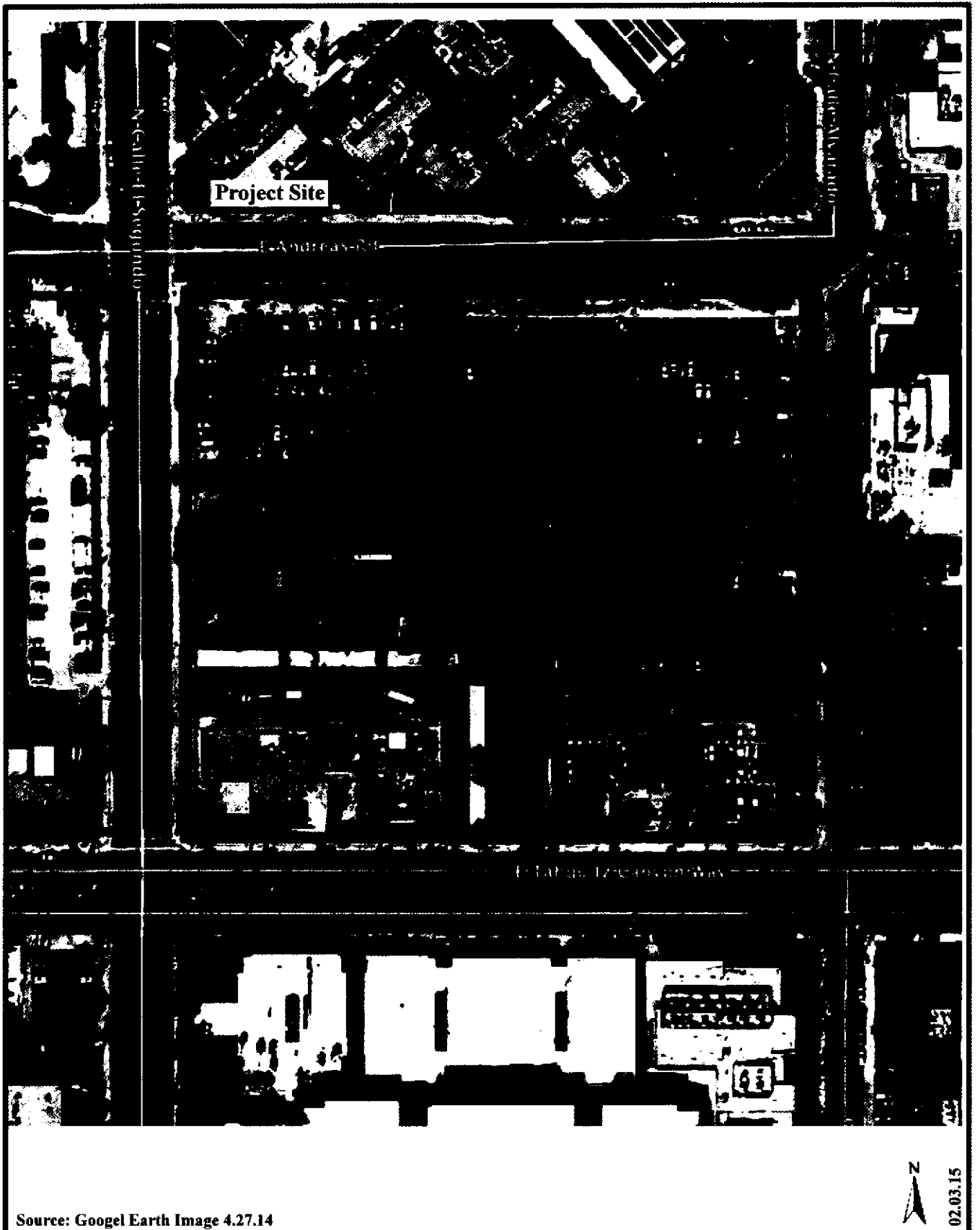
**Aberdeen**  
**Regional Location Map**  
**Palm Springs, California**

Exhibit

1 271







Project Site

N. Calle El Segundo

E. Andreas Rd

E. Atlas / Zorro Way

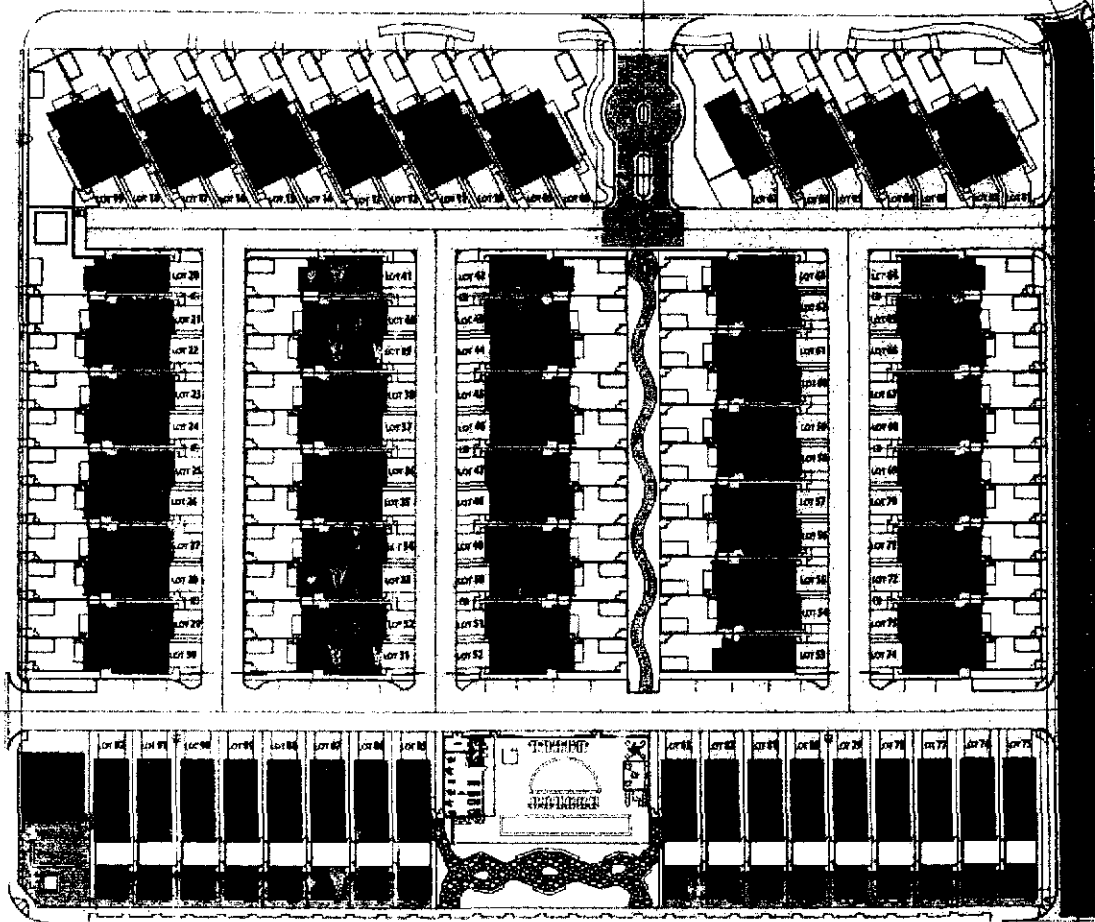
Source: Googel Earth Image 4.27.14

N  
02.03.15

E. ANDREAS ROAD

CALLE EL SEGUNDO

CALLE ALVARDO



Aberdeen Topographic Site Plan

SCALE: 1" = 400'-0"

Source: Chris Pardo Design, Elemental Architecture 12.21.2014

TAHQUITZ CANYON WAY

02.02.15

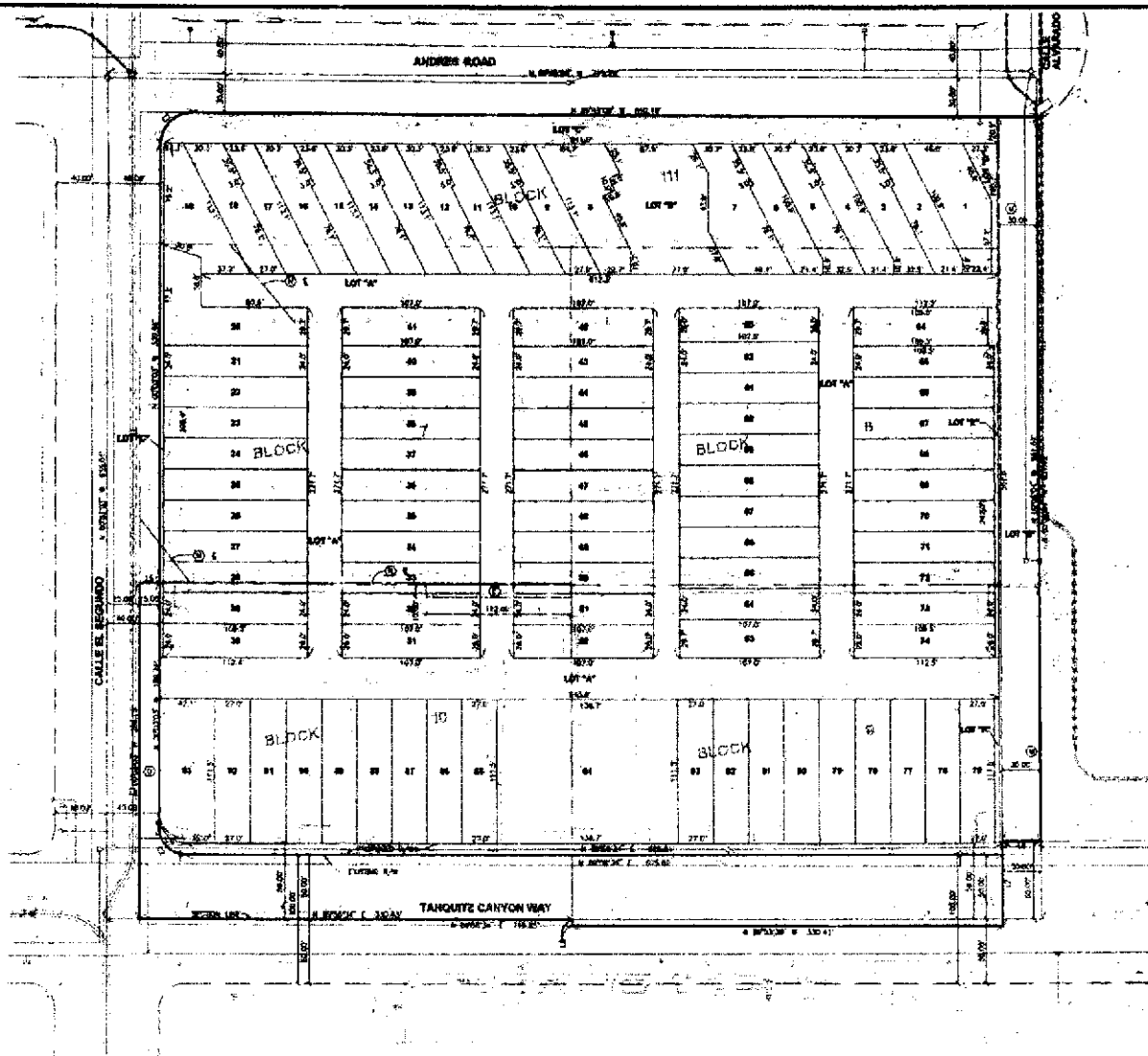


Aberdeen  
 Project Site Plan  
 Palm Springs, California

Exhibit

4

274



Source: Walden & Associates 12.18.2014



Aberdeen  
 Tentative Tract Map 36876  
 Palm Springs, California

N  
 02.02.15

Exhibit

5

275

**Environmental Factors Potentially Affected:**

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding discussion on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agricultural Resources             | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology/Soils          |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            | <input type="checkbox"/> Land Use/Planning      |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing     |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems     | <input type="checkbox"/> Mandatory Findings of Significance |   |

**DETERMINATION:** The City of Palm Springs Planning Department

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
David Newell  
Associate Planner

\_\_\_\_\_  
Date

## PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the project, as proposed, may have a significant effect upon the environment. Based upon the findings contained within this report, the Initial Study will be used in support of the preparation of a Mitigated Negative Declaration.

## EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impacts to less than significance.

I. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(Sources: Palm Springs Architectural Advisory Committee Staff Memorandum, January 12, 2015; Section 14 Specific Plan, City of Palm Springs, July 2014)

**Discussion of Impacts**

**a) Less Than Significant Impact with Mitigation Incorporated.** The foothills and peaks of the San Jacinto Mountains extend along the westerly and southerly portions of the City and constitute a scenic vista for much of the region. Given their significant rise over the low-lying valley, they are visible from most locations in the upper Coachella Valley, including the subject property.

From the project site, scenic views of the San Jacinto Mountains are to the west and southwest. The site is completely surrounded by urban development, including two-story condominiums to the north, the five-story Renaissance Hotel to the east, two-story commercial and office development to the south, and the three-story Hilton Hotel to the west.

The proposed project will result in demolition of existing parking lots and four office buildings. The project will result in development of residential, recreational, and commercial components. The total project area will consist of 31% building space, 22% paving (including streets or drives), and 47% landscaping/open space/recreation. It includes internal streets, desert landscaping, and a perimeter block wall. Primary vehicular access will be provided from Andreas Road. Additional access is provided from Calle El Segundo and Calle Alvarado.

The residential component of the project includes 74 three- and four-story, attached and detached townhome units with roof decks on the top story. Heights range from 33 feet to 46 feet 2 inches (to the top of roof deck parapet). Each residential unit includes a two-car garage, parking driveway, and private yard space with a small dipping pool, enclosed with a concrete block wall.



An additional 17 live/work units are proposed along Tahquitz Canyon Way. Units consist of a single-story (with roof deck) work space fronting on Tahquitz Canyon Way connected by a walkway to a three- to four-story (including roof deck) living space to the north. Maximum heights are approximately 44 feet 8 inches (to the top of roof deck parapet). Each unit includes a two-car garage and parking driveway.

The project's recreational and open space area is located on the southern portion of the property and consists of a single-story gym, two swimming pools, one spa, outdoor seating, and a pool utility space with covered patio. Building height is 14 feet. A commercial building, located in the southwest corner of the site, consists of a 1,998-square foot, single-story structure 18 feet high, with outdoor seating.

The architectural character of the project is modern, with cantilever roof extensions, modern metals, and large expanses of glass, which are consistent with the Design Guidelines of the Section 14 Specific Plan. Proposed building materials, including stucco walls, aluminum panels, and steel cables, and stepped/terraced building components, are also consistent with the Specific Plan.

The project will impact scenic views from surrounding properties, but views will remain urban in nature and consistent with existing development. Immediate views of the existing parking lot and more distant views of the San Jacinto Mountains from westerly facing hotel rooms at the Renaissance Hotel will be replaced with views of townhomes along Calle Alvarado. Southerly views of the parking lot and San Jacinto Mountains from existing condos north of Andreas Road will also be replaced by views of the townhomes. No scenic viewsheds occur to the east or north, and no significant mountain views will be lost.

Project site plans, architectural renderings, and landscape plans were reviewed by the Palm Springs Architectural Advisory Committee on January 12, 2015. It was determined that proposed building heights exceed the HR development standards of the Section 14 Specific Plan. The maximum permitted height is 35 feet, except when developed as high-rise, and the project proposes heights up to 46 feet 2 inches. The project will be required to abide by Section 14 high-rise development standards, including set backs and landscaping requirements.

The project's landscape design includes a formal pattern along Tahquitz Canyon Way, which is inconsistent with the Specific Plan's required streetscape of palm trees every 60 feet and shade trees between palms and landscape buffers, where feasible. Internal streets do not include sidewalks, and the sidewalk along Tahquitz Canyon should include pedestrian amenities, such as street furniture and banners. The Architectural Advisory Committee recommended that the project proponent revise the site plan to address these and other issues. Visual impacts will be less than significant with implementation of the following mitigation measure.

**Mitigation Measure:**

- MM I - 1** Project site plans, architectural renderings, and landscape plans shall be revised to address inconsistencies with the development standards and other design requirements of the Section 14 Specific Plan, as determined by the City Council.

- b) **No Impact.** The property is not located along a state scenic highway. There are no significant trees, rock outcroppings, historic buildings or other significant aesthetic resources on the subject property. The site is fully developed with paved parking lots, office buildings, and limited urban landscaping. No impacts to scenic resources will occur.
  
- c) **Less Than Significant Impact.** The project site is located in the City's urban core and within the Section 14 Specific Plan boundary. It is currently developed with paved parking lots and office buildings, and surrounded by residential, hotel, commercial, and office development. The proposed project is consistent with the long-term development vision of the Specific Plan for urban uses in this area. It will not substantially degrade the existing visual character of the site and its surroundings.
  
- d) **Less Than Significant Impact.** The project site is currently used as an office complex and parking lot. Light is emitted from the office buildings and parking lots, particularly the northerly parking lot which is used during the evening for convention center and casino activities. The proposed project will continue to emit light in a manner consistent with a residential neighborhood. Light sources will include indoor lights, outdoor security lighting, landscape lighting, and vehicle headlights. Lighting levels are not expected to exceed typical lighting within an urbanized environment.

All lighting proposed within the project will be required to comply with the outdoor lighting standards established in the City Zoning Ordinance Section 93.21.00 to assure lighting is directed away from adjacent properties. These standards will assure that project light and glare impacts will be less than significant.

**II. AGRICULTURAL RESOURCES**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(Sources: "Riverside County Important Farmland 2010 Map," California Department of Conservation; 2007 Palm Springs General Plan)

**Discussion of Impacts**

**a-c) No Impact.** The subject property is located in an urban area and surrounded by roadways and resort, commercial, and residential development. The site is developed and contains a paved parking lot and single-story office buildings. It is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the Farmland Mapping and Monitoring Program, nor is it subject to a Williamson Act contract. No agricultural lands are located in the vicinity of the property. The project will have no impact on agricultural lands and will not result in the conversion of farmland to non-agricultural uses.

**III. AIR QUALITY**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(Sources: "Final 2012 Air Quality Management Plan," prepared by South Coast Air Quality Management District, December 2012; "Final Localized Significance Threshold Methodology," prepared by the South Coast Air Quality Management District, Revised, July 2008; "2003 Coachella Valley PM<sub>10</sub> State Implementation Plan," August 1, 2003; CalEEMod Version 2013.2.2)

**Setting**

The Coachella Valley, including the City of Palm Springs and project site, is located within the Salton Sea Air Basin (SSAB), which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). All development within the SSAB is subject to SCAQMD's 2012 Air Quality Management Plan (2012 AQMP) and the 2003 Coachella Valley PM<sub>10</sub> State Implementation Plan (2003 CV PM<sub>10</sub> SIP). The SCAQMD operates and maintains regional air quality monitoring stations at numerous locations throughout its jurisdiction. The proposed site is located within Source Receptor Area (SRA) 30, which includes monitoring stations in Palm Springs and Indio. The Indio site has been operational since 1985 and the Palm Springs site since 1987.

Criteria air pollutants are contaminants for which the state and federal air quality standards have been established. Currently, the Coachella Valley is classified as being in non-attainment for both ozone (O<sub>3</sub>) and PM<sub>10</sub>. State and federal ambient air quality standards are show in Table III-1 and described in detail below.

Table III- 1  
State and Federal Ambient Air Quality Standards

Pollutant	State Standards		Federal Standards	
	Averaging Time	Concentration	Averaging Time	Concentration
Ozone	1 hour	0.09 ppm	1 hour	---
	8 hour	0.07 ppm	8 hour	0.075 ppm
Carbon Monoxide	1 hour	20.0 ppm	1 hour	35.0 ppm
	8 hours	9.0 ppm	8 hours	9.0 ppm
Nitrogen Dioxide (NO <sub>2</sub> )	1 hour	0.18 ppm	1 hour	0.10 ppm
	AAM	0.030 ppm	AAM	0.053 ppm
Sulfur Dioxide (SO <sub>2</sub> )	1 hour	0.25 ppm	1 hour	0.075ppm
	24 hours	0.04 ppm	24 hours	0.14 ppm
Particulate Matter (PM <sub>10</sub> )	24 hours	50 µg/m <sup>3</sup>	24 hours	150 µg/m <sup>3</sup>
	AAM	20 µg/m <sup>3</sup>	AAM	---
Particulate Matter (PM <sub>2.5</sub> )	AAM	12 µg/m <sup>3</sup>	AAM	12 µg/m <sup>3</sup>
	24 hours	---	24 hours	35 µg/m <sup>3</sup>
Lead	30 day Avg.	1.5 µg/m <sup>3</sup>	3 month Avg.	0.15 µg/m <sup>3</sup>
Visibility Reducing Particles	8 hour		No federal Standard	No federal Standard
Sulfates	24 hour	25µg/m <sup>3</sup>	No federal Standard	No federal Standard
Hydrogen Sulfide	1 hour	0.03 ppm	No federal Standard	No federal Standard
Vinyl Chloride	24 hour	0.01 ppm	No federal Standard	No federal Standard

Notes: ppm = parts per million; ppb= parts per billion; µg/ m<sup>3</sup> = micrograms per cubic meter of air;  
AAM = Annual Arithmetic Mean;  
Source: California Air Resources Board, 6/04/2013.

**Ozone (O<sub>3</sub>)** is the most prevalent of a class of photochemical oxidants formed in the urban atmosphere. The creation of ozone is a result of complex chemical reactions between hydrocarbons and oxides of nitrogen in the presence of sunshine. Unlike other pollutants, ozone is not released directly into the atmosphere from any sources. The major sources of oxides of nitrogen and reactive hydrocarbons, known as ozone precursors, are combustion sources such as factories and automobiles, and evaporation of solvents and fuels. The health effects of ozone are eye irritation and damage to lung tissues.

**Carbon Monoxide (CO)** is a colorless, odorless, toxic gas formed by incomplete combustion of fossil fuels. CO concentrations are generally higher in the winter, when meteorological conditions favor the build-up of directly emitted contaminants. CO health warning and emergency episodes occur almost entirely during the winter. The most significant source of carbon monoxide is gasoline-powered automobiles, as a result of inefficient fuel usage in internal combustion engines. Various industrial processes also emit carbon monoxide.

**Nitrogen Oxides (NO<sub>x</sub>)** the primary receptors of ultraviolet light initiating the photochemical reactions to produce smog. Nitric oxide combines with oxygen in the presence of reactive hydrocarbons and sunlight to form nitrogen dioxide and ozone. Oxides of nitrogen are contributors to other air pollution problems including: high levels of fine particulate matter, poor visibility and acid deposition.

**Sulfur Dioxide (SO<sub>2</sub>)** results from the combustion of high sulfur content fuels. Fuel combustion is the major source of SO<sub>2</sub>, while chemical plants, sulfur recovery plants, and metal processing are minor contributors. Sulfates result from a reaction of sulfur dioxide and oxygen in the presence of sunlight. SO<sub>2</sub> levels are generally higher in the winter than in the summer (when sunlight is plentiful and sulfate is more readily formed).

**Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>)** consists of particles in the atmosphere as a by-product of fuel combustion, through abrasion such as tire wear, and through soil erosion by wind. Particulates can also be formed through photochemical reactions in the atmosphere. PM<sub>10</sub> refers to finely divided solids or liquids such as soot, dust, and aerosols which are 10 microns or less in diameter and can enter the lungs. Fine particles are those less than 2.5 micrometers in diameter and are also referred to as PM<sub>2.5</sub>.

**Lead** is found in old paints and coatings, plumbing and a variety of other materials. Once in the blood stream, lead can cause damage to the brain, nervous system, and other body systems. Children are most susceptible to the effects of lead. The South County Air Basin and Riverside County portion of the Salton Sea Air Basin are in attainment for the federal and State standards for lead.

### Discussion of Impacts

- a) **No Impact.** The project will be developed in accordance with all applicable air quality management plans. The subject property is located within the Salton Sea Air Basin (SSAB), which is governed by the South Coast Air Quality Management District (SCAQMD). SCAQMD is responsible for monitoring criteria air pollutant concentrations and establishing management policies for the SSAB. All development within the Salton Sea Air Basin, including the proposed project, is subject to the current AQMP and SIP.

The AQMP is a comprehensive plan that establishes control strategies and guidance on regional emission reductions for air pollutants. It was based, in part, on the land use plans of the jurisdictions in the region. The proposed project is consistent with the City of Palm Springs land use designations assigned to the subject property. Therefore, the proposed project is consistent with the intent of the AQMP. No impacts associated with compliance with applicable management plans are expected.

- b, c) **Less Than Significant Impact.** Development of the proposed project will result in the release of criteria air pollutants. The California Emissions Estimator Model (CalEEMod) Version 2013.2.2 was used to determine air quality emissions that will be generated by construction and operation of the proposed project. Table III-2 summarizes the short-term construction-related emissions, and Table III-3 summarizes the ongoing emissions that will be generated at operation.

#### Construction Emissions

The construction period includes demolition, site preparation, grading, building construction, paving, and architectural coating associated with the proposed project. For analysis purposes, it is assumed that construction will occur over a 1-year period extending from March 1, 2015 to March 1, 2016. The demolition period includes the removal of 33,500 square feet of existing buildings. The grading period includes hauling emissions associated with the projected 12,000 cubic yards of cut, and 2,000 cubic yards of fill.

As shown in Table III-2, emissions generated by construction activities will not exceed SCAQMD thresholds of significance for criteria air pollutants. The data reflect average daily emissions over the 1-year construction period, including both summer and winter weather conditions. It should be mentioned that the Table below shows the projected unmitigated emissions. Implementation of minimization measures during construction will further reduce emission levels. Applicable minimization measures include, but are not limited to, the implementation of dust control practices in conformance with SCQAMD Rule 403, and proper maintenance and limited idling of heavy equipment. Impacts to air quality from construction of the proposed project for criteria pollutants, therefore, are expected to be less than significant.

**Table III-2  
Construction-Related Emissions Summary  
(pounds per day)**

<b>Construction Emissions<sup>1</sup></b>	<b>CO</b>	<b>NO<sub>x</sub></b>	<b>ROG</b>	<b>SO<sub>2</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
2015	44.59	56.92	71.09	0.07	14.00	8.37
2016	2.99	2.48	71.04	0.00	0.35	0.24
SCAQMD Thresholds	550.00	100.00	75.00	150.00	150.00	55.00
Exceeds Threshold?	NO	NO	NO	NO	NO	NO

Average of winter and summer emissions, unmitigated.  
Source: CalEEMod model, version 2013.2.2.  
See Appendix A for detailed calculations.

Operational Emissions

Operational emissions are ongoing emissions that will occur over the life of the project. Operational emissions include area source emissions, emissions from energy (electric and natural gas) demand, and mobile source (vehicle) emissions. As shown in the table below, operational emissions will not exceed SCAQMD thresholds of significance for any criteria pollutants. Impacts will be less than significant.

**Table III-3  
Operational Emissions Summary  
(pounds per day)**

	<b>CO</b>	<b>NO<sub>x</sub></b>	<b>ROG</b>	<b>SO<sub>2</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
Operation Emissions <sup>1</sup>	47.25	10.28	13.54	0.06	4.09	1.33
SCAQMD Thresholds	550.00	100.00	75.00	150.00	150.00	55.00
Exceeds Threshold?	NO	NO	NO	NO	NO	NO

Average of winter and summer emissions, unmitigated.  
Source: CalEEMod model, version 2013.2.2.  
See Appendix A

Non-Attainment

Historically, the Coachella Valley, which includes the proposed project site, has been classified as a "non-attainment" area for PM<sub>10</sub>. The proposed project will contribute to an incremental increase in regional ozone and PM<sub>10</sub> emissions. However, this impact is not expected to be cumulatively considerable. Project construction and operation emissions will not exceed SCAQMD thresholds for PM<sub>10</sub> or ozone precursors, and appropriate minimization measures will be implemented that will further reduce emissions. The project will not conflict with any attainment plans and will result in less than significant impacts.

- d) **Less than Significant Impact.** To determine if the proposed project has the potential to generate significant adverse localized air quality impacts, the 5-acre mass rate LST Look-Up Table for SRA 30 (Coachella Valley) was utilized. The nearest sensitive receptor is a multi-family residential development (Plaza Villas) located 30 meters north of the project site boundary. Therefore, LSTs are summarized in the table below for sensitive receptors located approximately 25 meters from the emission source. Emission estimates reflect all phases of construction. As shown in Table III-4 below, LST thresholds will not be exceeded during construction of the project. Impacts to sensitive receptors will be less than significant.

**Table III-4  
Localized Significance Thresholds  
(pounds per day)**

	CO	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Project Emissions	44.59	56.92	6.66	4.33
LST	2,292	304	14	8
Exceeds Threshold?	NO	NO	NO	NO

Source: CalEEMod Version 2013.2.2

Emissions shown are the maximum daily emission during all phases of construction, unmitigated, with the exception of PM<sub>10</sub> and PM<sub>2.5</sub>, which show emissions after enforcement of standard dust control measures. The highest daily emissions are expected to occur in 2015.

See Appendix A

- e) **Less than Significant.** The proposed project is not expected to generate objectionable odors at project buildout. The proposed project has the potential to result in short term odors associated with asphalt paving and heavy equipment; however, any such odors would be quickly dispersed below detectable thresholds as distance from the construction site increases. Therefore, impacts from objectionable odors are expected to be less than significant.

**Standard Air Quality Regulations**

The project will adhere to all established air quality standards and regulations including the following:

1. SCAQMD Rule 403 (403.1 specific to the Coachella Valley): A dust control Plan shall be prepared and implemented during all construction activities, include ground disturbance, grubbing, grading, and soil export. Said plan shall include but not be limited to the following best management practices:
  - Chemically treat soil where activity will cease for at least four consecutive days;
  - All construction grading operations and earth moving operations shall cease when winds exceed 25 miles per hour;
  - Water site and equipment morning and evening and during all earth-moving operations;
  - Operate street-sweepers on paved roads adjacent to site;
  - Establish and strictly enforce limits of grading for each phase of development; and/or



- Stabilize and re-vegetate areas of temporary disturbance needed to accomplish each phase of development.
  - Wash off trucks as they leave the project site as necessary to control fugitive dust emissions.
  - Cover all transported loads of soils, wet materials prior to transport, provide adequate freeboard (space from the top of the material to the top of the truck) to reduce PM10 and deposition of particulate matter during transportation.
  - Use track-out reduction measures such as gravel pads at project access points to minimize dust and mud deposits on roads affected by construction traffic.
2. SCAQMD Rule 402: The project shall adhere to nuisance odor requirement.
  3. SCAQMD Rule 1113: The project shall use low VOC content architectural coatings and paints per the requirements of this Rule.

**Recommended Control Measures**

Although project related air emissions are expected to be less than significant, the following control measures are recommended to further limit air quality emissions:

1. To reduce particulate matter and NOx emissions construction equipment should utilize aqueous diesel fuels, diesel particulate filters and diesel oxidation catalyst during all construction activities.
2. All construction equipment should be properly serviced and maintained in optimal operating condition.
3. Construction equipment should not be left idling for more than five minutes.
4. Diesel-powered construction equipment shall utilize aqueous diesel fuels, and be equipped with diesel oxidation catalysts.
5. Onsite landscaping, if any, should be equipped with efficient irrigation and a low water demanding plant pallet to minimize water use onsite, which also reduces onsite energy expenditures and any air quality emissions associated with the production of energy.
6. Onsite lighting should utilize energy efficient technology such as sensors, timers, and LED to minimize energy demand from lighting.
7. As feasible, construction waste should be recycling to reroute waste from landfills and minimize the project's contribution to the landfill.
8. The contractor shall notify the City of the start and end of grading and construction activities in conformance and within the time frames established in the 2003 PM<sub>10</sub> State Implementation Plan.
9. Construction staging and management plans shall be reviewed and conditioned to require the application of all reasonably available methods and technologies to assure the minimal emissions of pollutants from the development. The City Engineer shall review grading plan

applications to ensure compliance with the mitigation measures set forth in this document and as otherwise conditioned by the City.

10. As part of the construction staging and management plans, the contractor shall concurrently submit a dust control plan consistent with the City's Air Quality Management Plan. Mitigation measures to be implemented through this plan include but are not limited to the use of water trucks and temporary irrigation systems, post-grading soil stabilization, phased roadway preparation and paving, as well as other measures which will effectively limit fugitive dust and other emissions.
11. Construction equipment and materials shall be sited as far away from residential and park uses as practicable.

<b>IV. BIOLOGICAL RESOURCES</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(Sources: "Agua Caliente Tribal Habitat Conservation Plan," August 2010; "Coachella Valley Multiple Species Habitat Conservation Plan," 2007)

**Discussion of Impacts**

**a-f) No Impact.** The subject site is located in an urban area and surrounded on all sides by paved roads and resort, commercial, and residential development. It is entirely developed with paved parking lots and office buildings. Biological resources are limited to ornamental vegetation along the site perimeter, within parking lots, and adjacent to the office buildings.

The site is not known to contain sensitive or special-status species. It does not contain any streams, riparian habitat, marshes, protected wetlands, or other waters or related habitat. It is completely surrounded by urban development and has no potential to serve as a migratory wildlife corridor or nursery site. It does not contain any trees or other biological features that are protected by local policies or ordinances, and the proposed project will not conflict with any such policies.

The project will not conflict with the policies or intent of a habitat conservation plan or natural community conservation plan. The site is located within the boundaries of the Tribal Habitat Conservation Plan (HCP) of the Agua Caliente Band of Cahuilla Indians. It is within the HCP's Valley Floor Planning Area (VFPA) and, therefore, will be required to pay the VFPA Fee.

The property is also located within the boundaries of the Coachella Valley Multiple Species Habitat Conservation Plan (CV MSHCP). However, because the project will be required to pay Tribal Habitat Conservation Plan VFPA Fee, it will not be subject to payment of any fees associated with the CV MSHCP. No additional mitigation is required.

<b>V. CULTURAL RESOURCES</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(Sources: City of Palm Springs General Plan, 2007; Section 14 Specific Plan, City of Palm Springs, July 2014.)

**Setting**

The City is located in the traditional territory of the Desert Cahuilla, with a history dating back to 1,000 BC. Evidence of Cahuilla occupation in the Coachella Valley dates to over 500 years ago, when the Tribe settled around ancient Lake Cahuilla, in the area of present day La Quinta and Indio. The canyons surrounding Palm Springs also have yielded evidence of use by the Tribe, which took advantage of water sources, food sources from plants and animals, and rock for tool-making.

The City's modern history began in the early 1870s, when John Guthrie McCallum purchased land in the area, and later subdivided it. Rapid expansion in the area began in the 1920s, with the City's spreading reputation as a health resort, and the increased interest from the Hollywood movie community. Until the end of World War II, architecture in the City consisted primarily of Mission Revival and Spanish Colonial Revival structures. Development was centered around Palm Canyon Drive, as hotels and shops were constructed.

The City occurs well outside the boundary of ancient Lake Cahuilla, an area where paleontological resources have occurred. Further, soils in the City are generally post-Pleistocene age alluvium from the surrounding mountains, too new in the context of paleontology to yield fossilized remains.

**Discussion of Impacts**

- a) **No Impact.** The project site is fully developed with a parking lot and 1976 vintage office buildings. The existing buildings do not qualify or meet the criteria of a historical resource as defined in Section 15064.5. The existing buildings are not listed as a state historical resource of significance, nor are the buildings locally listed with the City of Palm Springs. No impacts to historic resources are expected to occur as a result of build out of the

proposed project. The site has not been included in any previous studies of historical resources and is not included in the current study of historical resources.

- b) **Less than Significant Impact with Mitigation.** The project site occurs within the boundaries of the Section 14 Master Plan. The EIR prepared for that project identified the potential for buried resources throughout the area, including the project site. However, the site has been previously developed, and the potential for buried remains to be unearthed is considered low. Nonetheless, the following mitigation measure shall be implemented.

**MM V-1** As there is always a possibility of buried cultural and paleontological resources in a project area, a Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc., The Agua Caliente Band of Cahuilla Indian Cultural Office shall be contacted for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning Services. Following consultation, the Director shall have the authority to halt destructive construction and shall notify a qualified archaeologist to investigate the find. If necessary, the qualified archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval. Human remains discovered shall be handled consistent with state law provisions.

- c) **No Impact.** The City and project site are outside the shoreline of ancient Lake Cahuilla. The site is underlain by alluvium which is post-Pleistocene, and not suitable for paleontological resources. Development of the project site will have no impact on paleontological resources.

- d) **Less than Significant Impact.** No known burial ground or cemetery occurs on the project site. Excavation for existing development on the site would likely have identified such remains. Excavation for the parking structure, however, is likely to occur to a greater depth than has been excavated in the past. Should human remains be discovered during construction of the proposed project, the project contractor would be subject to State law regarding the discovery and disturbance of human remains. In that circumstance, the project contractor is required to immediately notify law enforcement, and allow the coroner to determine the nature of the remains (historic or pre-historic, human or not). The coroner is also responsible for the proper removal and potential re-burial of the remains, and consultation with Tribal officials, if the remains are determined to be Native American. As a result of these State requirements, impacts to human remains are expected to be less than significant.

<b>VI. GEOLOGY AND SOILS</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(Sources: Figures 6-1, 6-2, 6-3, and 6-4, 2007 Palm Springs General Plan; "Soil Survey of Riverside County, California, Coachella Valley Area," U.S. Department of Agriculture Soil Conservation Service, 1980; "Preliminary Water Quality Management Plan: Aberdeen Residential," Walden and Associates, January 19, 2015; "Preliminary Drainage Study for Prairie Schooner," Walden and Associates, December 2014)

**Discussion of Impacts**

**a.i) No Impact.** The subject property is not located within or adjacent to an Alquist-Priolo Earthquake Fault Zone, and no impacts associated with fault rupture will occur onsite. The nearest fault zones are located along the Banning Pass Fault, approximately 5 miles northeast of the site, and the San Jacinto Fault System approximately 5 miles to the south.

**a.ii) Less Than Significant Impact.** Numerous active faults are located in the Coachella Valley. During a significant seismic event, the City will be subjected to significant ground acceleration, and onsite structures could sustain damage. To reduce impacts from seismic ground shaking and provide collapse-resistant design, the City requires that all structures be constructed to Uniform Building Code (UBC) requirements for Seismic Zone 4. The proposed project will be required to conform to these standards and, therefore, impacts are expected to be less than significant.

**a.iii) No Impact.** Liquefaction is the loss of soil cohesion due to exposure to shallow groundwater or a seismic event. Liquefied soils cannot support structures and can cause structural failures. For liquefaction to occur, groundwater levels must be within 50 feet of the ground surface.

The subject property is located on the valley floor in an area with low liquefaction susceptibility. Its near surface soils consist of fine to gravelly sand and older alluvial sediments. Onsite groundwater depths are estimated to be greater than 50 feet below the ground surface. No project-related impacts associated with liquefaction will occur.

**a.iv) No Impact.** The proposed project site is on the valley floor. It consists of, and is surrounded by, relatively flat terrain. The nearest hillsides and mountainous slopes are approximately ½ mile west of the property. No impacts associated with landslides will occur.

**b) Less Than Significant Impact.** The subject site is located on the valley floor and is susceptible to wind erosion. The proposed project will require demolition of existing structures and parking lots, grading, paving, and other ground disturbance by heavy machinery, which will contribute to temporary wind erosion impacts. Water erosion could occur as a result of site watering during the development process and post-construction operations.

However, the site has been graded and developed in the past, and the terrain is largely flat. The project will not require substantial grading. The mitigation measures provided in the Air Quality section of this Initial Study will reduce impacts associated with wind erosion to less than significant levels. The project will be required to comply with the requirements of the National Pollutant Discharge Elimination Systems (NPDES) and the Best Management Practices (BMP) set forth in the project-specific Water Quality Management Plan (WQMP) to assure that water erosion is reduced to less than significant levels. Post-construction water runoff will be collected by a private storm drain system and retained via an underground retention system.

**c) No Impact.** The subject site does not contain unstable soils or geologic units. As described in VI.a, above, the site is not susceptible to liquefaction due to its soil composition and depth to groundwater. It is not susceptible to landslide due to distance from mountainous slopes and foothills. The site was previously graded to accommodate



construction of the existing facilities, and grading was conducted in compliance with City standards.

The City will require additional project-specific geotechnical and structural engineering analysis, as necessary, to determine whether additional soil remediation or compaction is required.

- d) No Impact.** Onsite soils consist of Carsitas gravelly sand (0 to 9 percent slopes) and Myoma fine sand (0 to 5 percent slopes), which have a low shrink-swell potential. No impacts associated with expansive soils will occur.
  
- e) No Impact.** The project will connect to the City's existing sewer system. No septic tanks or alternative wastewater disposal systems are proposed. No adverse impacts will occur.

**VII. GREENHOUSE GAS EMISSIONS**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(Sources: CalEEMod Version 2013.2.2)

**a, b) *Less than Significant Impact.*** The proposed project will generate greenhouse gas (GHG) emissions during both construction and operation. As mentioned in Section III.A (Construction Emissions), CalEEMod was used to quantify air quality emission projections, including greenhouse gas emissions. Construction related greenhouse gas emissions will be temporary and will end once the project is completed. Operation of the proposed project will create on-going greenhouse gases through area source emissions such as landscaping and off-gassing from the pavement. Table VII-1 provides projected short-term and annual GHG generation associated with Aberdeen.

**Table VII-1  
Projected GHG Emissions Summary  
(Metric Tons)**

Phase	CO <sub>2</sub> e
Construction (1 year)	417.75
Operational 2016 (Annually)	1,116.47

Source: CalEEMod Version 2013.2.2.  
See Appendix A

There are currently no adopted thresholds of significance for GHG emissions for construction or operation of projects of this nature. It is recognized that GHG impacts are intrinsically cumulative. As such, project construction will be conducted in a manner that is consistent with applicable rules and regulation pertaining to the release and generation of GHG's. The proposed project will have a less than significant impact on the environment from the emission of GHG's and will not conflict with any applicable GHG plans, policies or regulations.

<b>VII. HAZARDS AND HAZARDOUS MATERIALS</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(Sources: "Preliminary Environmental Site Assessment – Phase I, City Parking Lot, APN 508-055-007 and -008," California Environmental, January 2006; "Preliminary Environmental Site Assessment – Phase I, Commercial Property APN 508-055-006," California Environmental, December 2006; "Environmental Site Assessment – Phase I, Commercial Property APN 508-055-003," California

Environmental, April 2007; Envirostor map database, California Department of Toxic Substances Control, accessed February 5, 2015; "Riverside County Airport Land Use Compatibility Plan Policy Document," March 2005).

**Discussion of Impacts**

Three project-specific Phase I Environmental Site Assessments were prepared for the project including "Preliminary Environmental Site Assessment – Phase I, City Parking Lot, APN 508-055-007 and -008," California Environmental, January 2006; "Preliminary Environmental Site Assessment – Phase I, Commercial Property APN 508-055-006," California Environmental, December 2006; and "Environmental Site Assessment – Phase I, Commercial Property APN 508-055-003," California Environmental, April 2007.

**a-b) Less Than Significant Impact with Mitigation Incorporated.**

The proposed project will result in the construction of townhomes, live/work units, a community gym, and a commercial building. Limited quantities of paints, solvents, architectural coatings, and similar agents will be transported to and used onsite during the construction process. A vehicle staging area will be used during the construction phase of the project to minimize potential fuel or oil spills and the risk of explosion or accidental chemical release. The project will be required to adhere to applicable local, State, and federal laws pertaining to occupational safety and disposal of hazardous waste.

Over the long-term, residents can be expected to store and use various chemicals for routine household and landscaping purposes. Similar cleansers and chemicals will be stored and used at the commercial site. Chlorine and related chemicals will be stored and used for swimming pool/spa operation and maintenance. None of these will be used in sufficient quantities as to pose a threat to humans or cause a foreseeable chemical release into the environment.

Phase I Site Assessments

Three (3) Phase I Environmental Site Assessments were conducted on the subject property to evaluate the potential for hazardous materials impacts to soil and groundwater beneath the site. One report addressed the existing parking lot, one addressed the two westernmost office buildings, and one addressed the two easternmost buildings.

No evidence of the use, storage, disposal or generation of hazardous substances was observed onsite, and there is no evidence of aboveground or underground storage tanks, grease interceptors, or sumps onsite. No further research or subsurface assessment activities were recommended.

Two of the existing office buildings were built in 1973 and two were built in 1976. Therefore, there is the potential for asbestos containing materials (ACM) and lead based paint to have been used in their construction. Suspect ACM was observed in the form of ceiling tiles and linoleum. During demolition, the proper handling, transport, and disposal of such materials must be assured. In order to assure that impacts associated with asbestos are mitigated to less than significant levels, the following mitigation measure shall be implemented.

**Mitigation Measure**

- MM VII-1:** Prior to the issuance of demolition permits, an asbestos and lead survey shall be conducted by a certified asbestos and lead consultant, and a report shall be provided to the City Building Official. Should asbestos-and/or lead-containing materials be found, the project proponent shall submit to the Building Official a remediation and disposal plan to be conducted by a qualified, licensed specialist in the disposal of hazardous materials. The plan shall include specifics regarding the method of removal, transport, and disposal for all such materials.
- c) **No Impact.** No schools are located or planned within one quarter mile of the project site. There will be no impact to schools.
- d) **No Impact.** The proposed project site is not included on a list compiled pursuant to Government Code Section 65962.5. The proposed project will not create a significant hazard to the public or environment.
- e-f) **No Impact.** The Palm Springs International Airport is located approximately 1½ miles east of the subject property. The property is not located within the boundaries of the airport's land use compatibility plan. The property is not located in the vicinity of a private airstrip. The project will not result in safety hazards for people living or working in the area.
- g) **No Impact.** The proposed project will be accessible from East Andreas Road, Calle Alvarado, and Calle El Segundo, all of which are built out streets. The project will not alter the existing circulation pattern in the project area or adversely impact evacuation plans for those streets. The internal circulation plan will be reviewed by the Fire Department to assure that roads and driveways are adequate for emergency vehicles. A construction traffic plan will be required to assure that the project does not interfere with emergency access during the construction phase.
- h) **No Impact.** The subject property is located in an urban area and surrounded on all sides by development. The nearest wildlands are the foothills of the San Jacinto Mountains, approximately ½ mile to the west. The property is not susceptible to wildfire hazards, and the proposed project will not expose people or structures to significant risks associated with wildland fires.

**VIII. HYDROLOGY AND WATER QUALITY**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**VIII. HYDROLOGY AND WATER QUALITY**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(Sources: "Preliminary Drainage Study for Prairie Schooner in the City of Palm Springs, CA," Walden & Associates, December 2014; "Preliminary Water Quality Management Plan for Aberdeen Residential," Walden & Associates, January 19, 2015; "City of Palm Springs Local Hazard Mitigation Plan," August 2012; Figure 6-5, Palm Springs General Plan, 2007; Flood Insurance Rate Map #06065C1558G, Federal Emergency Management Agency, August 28, 2008.)

**Discussion of Impacts**

A project-specific Preliminary Drainage Study and Preliminary Water Quality Management Plan was prepared for the project ("Preliminary Drainage Study for Prairie Schooner in the City of Palm Springs, CA," Walden & Associates, December 2014 and Preliminary Water Quality Management Plan for Aberdeen Residential," Walden & Associates, January 19, 2015).

**a) Less Than Significant Impact.** The proposed project will comply with all applicable local, State, and federal water quality standards and wastewater discharge requirements. The project will be connected to existing water and sewer lines, and wastewater will be transported to and processed at the City's Wastewater Treatment Plant (WTP). The WTP complies with the requirements of the Regional Water Quality Control Board pertaining to water quality standards and waste discharge. Project-generated runoff will be collected by a private storm drain system and retained with a proposed underground retention system.

The City will require compliance with the National Pollutant Discharge Elimination System (NPDES). The project-specific Preliminary Water Quality Management Plan (WQMP) identifies a wide range of Best Management Practices (BMPs) that will be incorporated into the project to minimize the pollutant load associated with urban runoff and assure the project complies with the requirements of the City and Regional Water Quality Control Board. As a result of these measures, the impacts associated with water quality will be less than significant.

**b) Less Than Significant Impact.** The proposed project will increase the demand for water supplies and services, but will not substantially deplete water supplies or interfere with groundwater recharge. In the short-term, water will be required for site grading. At buildout, the project will include dwelling units, live/work units, a commercial site, two swimming pools, and a spa that will require water supplies and services. The project will connect to existing water lines, and no new wells or additional off-site water infrastructure are proposed.

The Desert Water Agency (DWA) provides domestic water to the project area. Its primary source of water is groundwater extracted by deep wells, which is replenished with Colorado River water. A lesser amount of water comes from regional mountain streams. DWA is a participant in the Coachella Valley Regional Water Management Group that prepared an Integrated Regional Water Management Plan (draft WMP, November 2013). The WMP indicates that long-term regional demand for potable water is expected to increase; however, with continued conservation measures and replenishment of groundwater, sufficient supplies will be available to meet demand. The proposed project will be required to comply with DWA's and the City's water-efficiency requirements, including the use of drought-tolerant planting landscape materials and limited irrigation for landscaping. Implementation of City and DWA conservation requirements will assure that project-related impacts to water supplies will be less than significant.

- c-e) Less Than Significant Impact.** The project is not expected to result in erosion, siltation, or flooding on or off-site, or generate runoff that exceeds the capacity of planned or existing drainage facilities. The subject property is relatively flat and fully developed with office buildings and paved parking lots. No streams or rivers are located onsite. Project features will include asphalt/concrete pavement, hardscape, and landscape. The project proposes a system of onsite storm drains and pipes which will be connected to existing public storm drain facilities located in Calle El Segundo. No vehicle maintenance, repair, washing or cleaning facilities are proposed.

The project drainage study evaluated existing and post-construction stormwater generation for various storm events and durations. It determined that stormwater flows from the proposed project will be less than existing flows generated onsite. Specifically, existing onsite development generates a volume of 3.56 acre-feet during a 24-hour duration 100-year flood, whereas the proposed project would generate a volume of 2.22 acre-feet. This represents a reduction of 1.34 acre-feet (37%) over existing conditions. The WQMP determined also that the project's post-development runoff flow rate, volume, velocity, and duration will be less than existing conditions for the 2-year 24-hour and 10-year 24-hour rainfall events. Best Management Practices will be incorporated into the site design, including minimizing impervious surfaces and footprints and minimizing areas directly connected to impervious surfaces.

- f) No Impact.** As described in VIII.a, above, the project will be required to comply with all applicable water quality standards. It will incorporate a subsurface storm drain system and a range of Best Management Practices (BMPs) to minimize potential water quality degradation. All project components will be required to comply with City standards for the preservation of groundwater quality. No other water quality issues are expected to result from implementation of the proposed project.
- g-h) No Impact.** The subject property is not located in the 100-year floodplain. The northerly portion of the site is designated "Zone X," which represents "areas determined to be outside the 0.2% annual chance floodplain." The southerly portion of the site is designated "Zone X: Other Flood Areas," which represents "areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood."
- i) Less Than Significant Impact.** The project site is within the Dam Failure Inundation Pathway of the Tachevah Creek Detention Reservoir. The reservoir is located



approximately 1,200 feet downstream from the mouth of Tachevah Canyon in the San Jacinto Mountains west of the project site. It controls storm runoff and debris from a 3.2 square mile drainage area and protects the central part of the City from flooding. It is required by the California State Water Code to be monitored for structural safety. Potential risks and planned responses are addressed in the Palm Springs Local Hazard Mitigation Plan. Impacts to the subject property will be less than significant.

- j) **No Impact.** No other hazards associated with seiche, tsunami, or mudflow will occur onsite. The site is not located in the vicinity of any other bodies of water which could be subject to seiche. Given its distance from the Pacific Ocean, the property is not subject to tsunamis.

<b>IX. LAND USE AND PLANNING</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(Source: Section 14 Specific Plan, City of Palm Springs, July 2014; Palm Springs General Plan 2007)

**Setting**

The project site is governed by the policies and land use designations of the Section 14 Master Plan. The project site is designated Retail/Entertainment/Office (REO) and Resort Attraction (RA) on the Section 14 Master Plan land use map.

The City of Palm Springs participates in the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and the Agua Caliente Tribal Habitat Conservation Plan, as discussed above under Biological Resources.

**Discussion of Impacts**

- a) **No Impact.** The project site is fully developed in office and parking lot land uses. A self-contained condominium community occurs immediately north of the project site. The development of the proposed project will not divide that community. No impacts are expected.
- b) **No Impact.** The REO and RA designations in the Section 14 Master Plan allow multi-family residential and live-work developments. In the REO and RA designations, the multi-family land use will require approval of a conditional use permit. The live-work units will require approval of a land use permit for the REO designation, and a conditional use permit for the RA designation. The project will be required to adhere to Section 14 development standards and requirements. The proposed project is therefore consistent with the Master Plan. There will be no impact to land use plans as a result of the proposed project.
- c) **No Impact.** As described in Section IV, Biological Resources, the City of Palm Springs participates in the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and the Agua Caliente Tribal Habitat Conservation Plan. The property is within the boundaries of the both Plans, and therefore, the project proponent will be required to pay a mitigation fee as mitigation for any potential impacts to sensitive biological species. The proposed project will not conflict with the provisions of either Plan.

**X. MINERAL RESOURCES**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(Sources: Palms Springs General Plan 2007)

**Discussion of Impacts**

**a,b) No Impact.** As shown in the Mineral Land Classification Map for the project area, the project site is located in Mineral Zone MRZ-3, which indicates an area containing mineral deposits; however the significance of these deposits cannot be evaluated from available data. The project site occurs in an urban setting and is not designated for mineral resource land uses. The proposed project would result in no impacts to mineral resources.

<b>XI. NOISE</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(Sources: Palm Springs General Plan 2007)

**Discussion of Impacts**

**a) Less than Significant Impact.** The main source of off-site exterior noise impacting the project will be generated from traffic along surrounding roadways, including Tahquitz Canyon Way, Calle El Segundo, Calle Alvarado, and Andreas Road. According to the General Plan (Exhibit 8-5), future noise levels along project specific portions of these roadways are projected to range from 65-70 CNEL.

Development of the site will also result in short term impacts associated with construction noise. These impacts are temporary and will cease when in operation. Construction noise is regulated by the Municipal Code and required to occur during the noisier daytime hours, which helps to lower the potential impacts.

Permanent increases in ambient noise levels will be less than significant during long-term operation of the project. The City will require compliance with Building Code standards

for interior noise levels, including the preparation of noise analyses to demonstrate that interior noise levels will meet these requirements.

Noise levels generated by project activities will be consistent with a medium-density residential neighborhood and commercial/retail facility, and permanent noise sources will be limited to typical household appliances, landscape maintenance equipment, and vehicles accessing the property. Long-term noise impacts are expected to be less than significant.

- b) **Less than Significant Impact.** Temporary and periodic ground borne vibration may occur during demolition and construction of the project, particularly as heavy equipment grades the site, but these will cease once in operation. In addition, the proposed project will be required to comply with construction hours provided in the Municipal Code. Construction hours are limited to the less sensitive daytime hours, further reducing potential impacts associated with groundborne noise and vibration. Impacts are therefore expected to be less than significant.
- c) **Less than Significant Impact.** The proposed project's contribution to area noise levels will primarily be from vehicles on area roadways. As described above, noise levels in the area of the proposed project in the long term will range from 65 to 70 dBA CNEL with or without the project. Permanent increases in ambient noise levels will be less than significant during operation of the project. The City will require compliance with Building Code standards for interior noise levels, including the preparation of noise analyses to demonstrate that interior noise levels will meet City requirements. Noise levels generated by project activities will be consistent with the surrounding residential and commercial/retail uses, and permanent noise sources will be limited to typical household appliances, landscape maintenance equipment, and vehicles accessing the property. Long-term noise impacts are expected to be less than significant.
- d) **Less than Significant Impact with Mitigation.** Demolition of existing structures and construction of the proposed project will result in elevated noise levels. The peak noise level for most of the equipment that would be used during construction on the project site ranges from 70 to 95 dBA at a distance of 50 feet. The construction activities on the project site will cause temporary increases in noise levels above the City's standards, but these increases will be temporary and periodic. Construction noise is regulated by the Municipal Code to occur during the noisier day time hours, which helps to lower the potential impacts.

Should heavy equipment be stored or maintained along the northern boundary of the proposed project site, however, the noise levels could potentially be sustained, which would result in a potentially significant impact, which requires mitigation.

**Mitigation Measures**

**MM XI-1** Demolition and construction activities on-site shall occur only between 7:00 a.m. and 7:00 p.m., Monday-Friday, and 8:00 a.m. and 5:00 p.m. on Saturdays, and shall be prohibited on Sundays and holidays, as specified by the Palm Springs Municipal Code.

**MM XI-2.** All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and the engines shall be equipped with shrouds.

**MM XI-3.** Stationary equipment shall be placed such that emitted noise is directed away from Andreas Road and Calle El Segundo.

**MM XI-4.** Stockpiling and vehicle staging areas shall be located as far as practical from Andreas Road and Calle El Segundo.

**MM XI-5.** Delivery hours should be limited to 7 a.m. to 7 p.m. daily to minimize the potential for adverse impacts on the adjacent Plaza Villas.

**e,f) No Impact.** The proposed project is not located within noise contour boundaries of the Palm Springs International Airport (Figure 8-6 General Plan) and therefore will not expose future residents to excessive airport related noise levels. There are no private airstrips in Palm Springs so the project will not expose people living or working in the area to excessive noise levels.

XII. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(Source: Palm Springs General Plan 2007; CA Department of Finance Table E-5 Population and Housing Estimates, May 1, 2014)

**Discussion of Impacts**

**a) *Less Than Significant Impact.*** The project will not induce substantial population growth, either directly or indirectly. The project proposes the development of 74 multi-family dwelling units and 17 live-work units. Based on the City's average household size of 1.98 persons (2014 CA Department of Finance), the project will have a population of approximately 180 residents at buildout. This represents less than one percent of the City's total population (46,135 persons, 2014 CA Department of Finance). Further, the project will be required to comply with the City's adopted policies and procedures regarding Community Facility Districts for development projects, as required by City Council Resolution 20304. This increase in population can be expected to be consistent with natural growth in the City, and will not induce growth either directly or indirectly.

No major infrastructure extensions will be required. Access will be taken from existing roads (Andreas Road, Calle El Segundo, and Calle Alvarado), and the project will connect to existing utility infrastructure located immediately adjacent to the project site.

**b-c) *No Impact.*** The subject property is currently occupied by office space and a parking lot, and no demolition of existing housing will occur. No residents will be displaced, and no replacement housing will be required elsewhere.

**XIII. PUBLIC SERVICES**

<b>Would the project result in:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(Sources: Palm Springs Fire Department; "Palm Springs Fire Department Service Report, 2013": Tables 5-1 and 5-3, Palm Springs General Plan, 2007; "Palm Springs Parks and Recreation Master Plan Draft," March 2014.)

**Discussion of Impacts**

**a-e) Less Than Significant Impact.** The proposed project will generate an estimated buildout population of approximately 180 residents, which represents an increase of 0.04% to the City population (46,134 persons in 2014). The project will increase the demand for public services. However, given the relatively limited population increase, impacts will not be substantial. No new or expanded public facilities will be required as a result of the project.

Fire Protection

The Palm Springs Fire Department will provide fire protection services to the proposed project. The nearest fire station to the subject property is Station 1 (441) at 277 N. Indian Canyon Drive, approximately 1/3 mile to the northwest. It is equipped with one engine staffed with 3 personnel per shift, and one reserve ladder truck and one quick attack truck which are staffed as needed. Fire personnel will be able to reach the site within the target five-minute response time. Project plans will be reviewed by the Fire Department to ensure they meet applicable fire standards and regulations.

Police Protection

The Palm Springs Police Department provides law enforcement services within the City limits. The Department is located at 200 S. Civic Drive, approximately 1/2 mile east of the project site. It is authorized to have 92 sworn officers and strives to meet a 5-minute



emergency response time. Police will be able to access the project, and the project will be required to comply with all Police Department regulations and procedures.

Schools

The Palm Springs Unified School District (PSUSD) provides public school services and facilities in the project area. The nearest schools to the project site are Palm Springs High School at 2401 E. Baristo Road, and Ramon Alternative Center at 2248 E. Ramon Road, both of which are approximately one mile to the southeast. Given the relatively limited population anticipated at buildout, the number of students generated by the project is not expected to result in the need for additional schools or facilities. The project will be required to pay State-mandated school fees to mitigate impacts to public schools.

Parks

The City currently has approximately 160 acres of developed park land, 305 acres of golf courses, and over 2,630 acres of city-owned open space lands. The project will increase the use of these facilities; however, given the relatively limited population anticipated at project buildout, the increase is not expected to be substantial or result in the need for new or expanded facilities. The project proposes 2 swimming pools, a spa, and an exercise gym, which will provide onsite recreational opportunities for community residents.

The City implements Quimby Act requirements for parklands. The proposed project will be subject to the Quimby Act, including payment of fees and/or providing parkland as required. Payment of such fees will reduce impacts to parks to less than significant levels.

Other Public Facilities

The project will be accessed from existing roads (E. Andreas Road, Calle Alvarado, and Calle Segundo) and will connect to existing utility infrastructure. No new public roads or public transportation facilities will be required.

**XIV. RECREATION**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion of Impacts**

**a-b) Less Than Significant Impact.** At buildout, the proposed project will include an estimated population of 180 residents. Increased usage of local and regional parks and recreational facilities is anticipated; however, it is not expected to cause substantial deterioration of existing facilities or the need for new or expanded facilities. Residents will have the opportunity to use proposed onsite recreational facilities, including two swimming pools, a spa, and a gym/fitness center.

To offset potential impacts to public parks and recreational facilities, the project will be required to pay City parkland impact fees.

<b>XV. TRANSPORTATION/TRAFFIC</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(Sources: "Hard Rock Hotel – Palm Springs Traffic Impact Study," prepared by Endo Engineering, July 2007; "Aberdeen Mixed-Use Development Trip Generation," Prepared by Endo Engineering, January 20, 2015.)

**Setting**

The proposed project is located in the City's urban core and is surrounded by existing streets, including Tahquitz Canyon Way, Calle El Segundo, and Andreas Road. The proposed project includes a primary access drive on Andreas Road, and a secondary access point from Calle El Segundo.

Project access from Calle Alvarado is yet to be determined. The final design for Calle Alvarado is yet to be approved by the City Engineer and may be improved to accommodate two-way traffic, one-way traffic or a pedestrian paseo with emergency vehicle access only. The Section 14 Specific Plan allows all three alternatives. According to the City Engineer, fair-share payment or installation of a traffic signal at the Tahquitz Canyon Way / Calle Alvarado intersection may be required.

A traffic impact study was prepared for the previously proposed project<sup>1</sup> in 2007, The Hard Rock Hotel. A Traffic Letter was prepared in January 2015 to provide further analysis and supplemental trip generation information for the proposed Aberdeen mixed-use development. The analysis and results of the study are the basis of the discussion below.

**Discussion of Impacts**

**a-b) Less than Significant Impact.** The original traffic analysis (2007) studied seven area intersections, 5 of which are currently unsignalized, and two of which are currently signalized, including:

- Calle El Segundo/Amado Road (4 way stop)
- Avenida Caballeros/Amado Road (4 way stop)
- Calle El Segundo/Andreas Road (4 way stop)
- Calle Alvarado/Amado Road (2 way stop)
- Calle Alvarado/Tahquitz Canyon Way (2 way stop)
- Calle El Segundo/Tahquitz Canyon Way (signalized)
- Avenida Caballeros/Tahquitz Canyon Way (signalized)

The 2007 analysis found that all intersections, both signalized and unsignalized, operated at Level of Service C (LOS C) or better during both the mid-day and evening peak hours in 2007, and the previously proposed buildout year of 2009. Although the 2007 study found that opening year traffic operations with the addition of the proposed project will result in acceptable levels of service, the long term traffic impacts of the proposed project, cumulative projects and ambient traffic growth will result in a long term need for improvements, in order to assure that levels of service on local streets remain at acceptable levels.

The 2015 Traffic Letter provided updated trip generation information to compare traffic impacts associated with the previously approved the Hard Rock Hotel, the proposed Aberdeen mixed-use development, and four (4) other development scenarios. The trip generation summary is provided in Table XV-1.

**Table XV-1  
Trip Generation Summary**

<b>Development Scenario</b>	<b>Land Use Quantity</b>	<b>Midday Peak Hour (Total)</b>	<b>PM Peak Hour (Total)</b>	<b>Daily 2-Way</b>
Existing Land Uses	Offices	161	190	1,550
Approved Hard Rock Hotel Traffic Study	Hotel 482 Rooms	322	402	5,070
Initial Study/Mitigated Negative Declaration	Hotel 499 Rooms	324	495	6,030
Section 14 Specific Plan Maximum Permitted	5.7 Ac. RA, 3.4 AC. REO	576	686	7,660
Max. Residential Alt.	273 DU	116	137	1,540
Aberdeen Mixed-Use Development	91 DU, 8,334 SF Commercial	121	108	1,070

Source: "Aberdeen Mixed-Use Development Trip Generation," Prepared by Endo Engineering, January 20, 2015.

<sup>1</sup> "Hard Rock Hotel – Palm Springs Traffic Impact Study," prepared by Endo Engineering, July 2007.

As shown in the summary table above, the proposed Aberdeen development would result in substantially fewer trips than the Hard Rock Hotel. The Aberdeen Mixed-Use Development would result in the lowest future trip generation of the scenarios evaluated and less than that of the existing land uses on days when the convention center parking fully utilizes the parking lot on the project site. Therefore, the proposed project is expected to have less than significant impacts on traffic flows and Level of Service ratings.

- c) **No Impact.** The project will have no impact on the facilities or operations of regional airports, and will not result in a change in air traffic patterns, including an increase in traffic levels. The project is located more than 1½ miles west of the Palm Springs International Airport. The proposed development will not affect the operations of these airports nor create a substantial safety risks.
- d) **No Impact.** The project will be developed in accordance with City design guidelines and will not create a substantial increase in hazards due to a design feature. The project's access point will be located with adequate sight distances, and sharp curves have been avoided. Project-generated traffic will be consistent with existing traffic in the area.
- e) **No Impact.** Access to the planning area is via major arterials, secondary arterials, Interstate-10 and a variety of local roads. Emergency access will be provided and preserved onsite. Both the Fire Department and Police Department will review project plans to ensure safety measures are addressed, including emergency access. The proposed project will not result in inadequate emergency access.
- f) **No Impact.** SunLine Transit operates bus routes on Tahquitz Canyon Drive and will provide public transit access to the proposed project. SunLine has adequate capacity in its system to accommodate the proposed project. The project design will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

<b>XVI. UTILITIES AND SERVICE SYSTEMS</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion of Impacts**

**a-e) Less Than Significant Impact.**

Wastewater Treatment

The project will require construction of onsite sewer infrastructure that will be connected to existing sewer lines, and wastewater will be transported to the City's Wastewater Treatment Plant (WTP). The WTP has a capacity of 10.9 million gallons per day (mgd) and treats approximately 6 mgd; therefore, it has available capacity to serve new development.

The WTP implements all applicable requirements of the Colorado River Basin Regional Water Quality Control Board, and no exceedances of wastewater treatment requirements are anticipated. Project-related impacts to wastewater facilities will be less than significant.

Domestic Water

Desert Water Agency (DWA) provides domestic water services to the subject property and vicinity. In 2013, the Coachella Valley Regional Water Management Group, of which DWA is a part, prepared a draft Integrated Regional Water Management Plan (IRWMP), an analysis and long-range plan addressing the region's domestic water needs and supplies. The IRWMP indicates that long-term demand for potable water is expected to increase throughout the region; however, conservation measures and groundwater replenishment programs will make it possible to meet increasing demand.

The proposed project will include construction of onsite domestic water lines that serve dwelling units, the commercial site, community pools and spa, and irrigation systems. These improvements will connect to existing DWA water lines. No new wells or additional water infrastructure or entitlements will be required. Construction will occur in accordance with DWA and City requirements. Impacts are expected to be less than significant.

Stormwater Management

Project-related impacts to stormwater management facilities will be less than significant. The project proposes construction of an onsite subsurface storm drain system to capture and convey onsite stormwater flows, which will connect to existing storm drains beneath Calle el Segundo. The project-specific drainage study evaluated existing and post-construction stormwater generation for various storm events and durations. It determined that stormwater flows from the proposed project will be less than existing flows generated onsite.

- f-g) Less Than Significant Impact.** Palm Springs Disposal Services (PSDS) provides solid waste collection and disposal services to the City and will serve the proposed project. Solid waste is transported to Edom Hill Transfer Station in northern Cathedral City and disposed at several regional landfills, including Lamb Canyon in Beaumont, El Sobrante in Corona, and Badlands in Moreno Valley. Each of these landfills has sufficient available capacity to serve the project. Facility operators, including PSDS, Burrtec, and Riverside County, are required to meet all local, regional, state, and federal standards for solid waste disposal. Onsite source reduction and recycling programs will contribute to additional solid waste reductions. Impacts will be less than significant.

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

<b>Does the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>a)</b> Impacts associated with biological resources are considered negligible and mitigation measures are not required. Impacts associated with Cultural resources have been identified in this Initial Study and mitigated to less than significant levels (See Section V).				
<b>b)</b> Development of the Aberdeen project is consistent with the General Plan and Section 14 Specific Plan and will not have any additional cumulatively considerable impacts beyond build out of the General Plan.				
<b>c)</b> The project's potential environmental effects have been mitigated to a less than significant level by the measures outlined in the Initial Study and development requirements of the City of Palm Springs. Further, the proposed the project will not cause substantial adverse effects on human beings, as all potential impacts have been mitigated.				



**REFERENCES**

2007 Palm Springs General Plan.

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"South Coast Air Quality Management District Rules and Regulations," adopted February 4, 1977.

"Annual Air Quality Site Monitoring Reports," prepared by the South Coast Air Quality Management District.

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"Working Group III Contribution to the Intergovernmental Panel on Climate Change Fourth Assessment Report, Climate Change 2007: Mitigation of Climate Change," prepared by the Intergovernmental Panel on Climate Change, May 2007.

"2003 Coachella Valley PM10 State Implementation Plan," August 1, 2003.

"Agua Caliente Tribal Habitat Conservation Plan," August 2010.

"Coachella Valley Multiple Species Habitat Conservation Plan," 2007.

"Soil Survey of Riverside County, California, Coachella Valley Area," U.S. Department of Agriculture Soil Conservation Service, 1980.

"Preliminary Water Quality Management Plan: Aberdeen Residential," Walden and Associates, January 19, 2015.

"Preliminary Drainage Study for Prairie Schooner," Walden and Associates, December 2014.

**SECTION 14 SPECIFIC PLAN ZONING**

APN 700-054-002 700-054-003 700-054-004 700-054-005 700-054-006 700-054-007 700-054-008 700-054-009 700-054-010

RA-RESORT ATTRACTION  
 REO-RETAIL, ENTERTAINMENT, OFFICE

**STANDARDS AS PER RA-REO**

SET BACKS  
 REAR YARD SIDE YARD 5' / SIDE YARD CORNER 10' / 20'  
 75' MAX HEIGHT EXCEPT FOR CONSULTATION PROJECTS

**STANDARDS AS PER MR**

THE PROVISIONS OF THE R-2 LIMITED MULTIPLE FAMILY RESIDENTIAL ZONE SHALL APPLY

3,000 SQ. FT. / UNIT OR 8 UNITS/ACRE  
 24' FOR NOT MORE THAN 50% OF FOOTPRINT PROVIDED THAT SETBACK FROM PROPERTY LINE > HEIGHT

**SETBACKS**

FRONT - 25'  
 SIDE - 10% OF LOT WIDTH, 10' - 120'  
 REAR - 20'  
 MIN. SEPARATION BT BUILDINGS = 15' @ 10' HEIGHT + 15'  
 MINIMUM 50% OPEN SPACE, OF WHICH 20% IS LANDSCAPED

**STANDARDS AS PER HR**

THE PROVISIONS OF THE RA-4 LARGE SCALE HOTEL AND MULTIPLE FAMILY RESIDENTIAL ZONE SHALL APPLY

1,000 SQ. FT. NET LOT AREA / UNIT OR 6.25 UNITS/ACRE  
 MAX HEIGHT 30'

**SETBACKS**

FRONT - 30'  
 SIDE (BT BUILDINGS) = 10% OF LOT WIDTH, @ 10' - 130'  
 REAR - 20'  
 MIN. SEPARATION BT BUILDINGS = 15'

MINIMUM 45% OF SITE USABLE OPEN SPACE: OUTDOOR LIVING, LANDSCAPED AND RECREATION AREAS

**OVERALL SITE**

OVERALL AREA: 351,000 SQ. FT. (8.04 ACRES)

BUILDING FOOTPRINTS: 1,110,564 SQ. FT.

STREETS / DRIVES: 40,947 SQ. FT. (1.74 AC)

TOTAL PARKING REQUIRED FOR LIVING

89 (3 BEDROOM UNITS) x (2.23 - 23 GUESTS) = 215 REQUIRED

TOTAL PARKING PROVIDED

172 COVERED PARKING STALLS

148 GUEST PARKING STALLS UNCOVERED

28 PUBLIC USE WORKSPACES + 33 OFFICE/RESTAURANT + 7 HANDICAP

**TABULATIONS: TOWNHOME TYPE 1**

UNIT NUMBERS: LOTS 64-74

FIRST FLOOR LIVING SQUARE FOOTAGE: 620 SQ. FT.

FIRST FLOOR GARAGE SQUARE FOOTAGE: 400 SQ. FT.

SECOND FLOOR LIVING SQUARE FOOTAGE: 638 SQ. FT.

TOTAL SQUARE FOOTAGE LIVING + GARAGE PER UNIT = 1,058 SQ. FT.

TOTAL UNITS: 11

TOTAL BUILDING FOOTPRINT: 1,164 SQ. FT.

MAXIMUM BUILDING HEIGHT: 33' 6"

**TOWNHOME TYPE 2**

UNIT NUMBERS: LOTS 23, 24, 27, 28, 34, 35, 36, 39

FIRST FLOOR LIVING SQUARE FOOTAGE: 814 SQ. FT.

FIRST FLOOR GARAGE SQUARE FOOTAGE: 441 SQ. FT.

SECOND FLOOR LIVING SQUARE FOOTAGE: 808 SQ. FT.

THIRD FLOOR LIVING SQUARE FOOTAGE: 871 SQ. FT.

TOTAL SQUARE FOOTAGE LIVING + GARAGE PER UNIT = 1,934 SQ. FT.

TOTAL UNITS: 8

TOTAL BUILDING FOOTPRINT: 1,188 SQ. FT.

MAXIMUM BUILDING HEIGHT: 45' 6"

**TOWNHOME TYPE 3**

UNIT NUMBERS: LOTS 04, 05, 06, 07, 10, 11, 14, 15, 16, 18, 20, 22, 23, 24, 26, 28, 29, 30, 31, 32

FIRST FLOOR LIVING SQUARE FOOTAGE: 618 SQ. FT.

FIRST FLOOR GARAGE SQUARE FOOTAGE: 442 SQ. FT.

SECOND FLOOR LIVING SQUARE FOOTAGE: 613 SQ. FT.

THIRD FLOOR LIVING SQUARE FOOTAGE: 824 SQ. FT.

TOTAL SQUARE FOOTAGE LIVING + GARAGE PER UNIT = 1,997 SQ. FT.

TOTAL UNITS: 20

TOTAL BUILDING FOOTPRINT: 1,412 SQ. FT.

MAXIMUM BUILDING HEIGHT: 45' 2"

**TOWNHOME TYPE 4**

UNIT NUMBERS: LOTS 01, 02, 05, 06, 08, 09, 12, 13, 15, 17, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 41, 42, 43, 44, 45, 50, 52, 55, 56, 58

FIRST FLOOR LIVING SQUARE FOOTAGE: 615 SQ. FT.

FIRST FLOOR GARAGE SQUARE FOOTAGE: 442 SQ. FT.

SECOND FLOOR LIVING SQUARE FOOTAGE: 812 SQ. FT.

THIRD FLOOR LIVING SQUARE FOOTAGE: 824 SQ. FT.

TOTAL SQUARE FOOTAGE LIVING + GARAGE PER UNIT = 2,093 SQ. FT.

TOTAL UNITS: 20

TOTAL BUILDING FOOTPRINT: 1,418 SQ. FT.

MAXIMUM BUILDING HEIGHT: 45' 2"

**LIVE WORK**

UNIT NUMBERS: 74-85 & 92-97

FIRST FLOOR LIVING SQUARE FOOTAGE: 420 SQ. FT.

WORK SPACE SQUARE FOOTAGE: 400 SQ. FT.

FIRST FLOOR GARAGE SQUARE FOOTAGE: 390 SQ. FT.

SECOND FLOOR LIVING SQUARE FOOTAGE: 770 SQ. FT.

THIRD FLOOR LIVING SQUARE FOOTAGE: 798 SQ. FT.

TOTAL SQUARE FOOTAGE LIVING + GARAGE + WORK PER UNIT = 2,446 SQ. FT.

TOTAL UNITS: 12

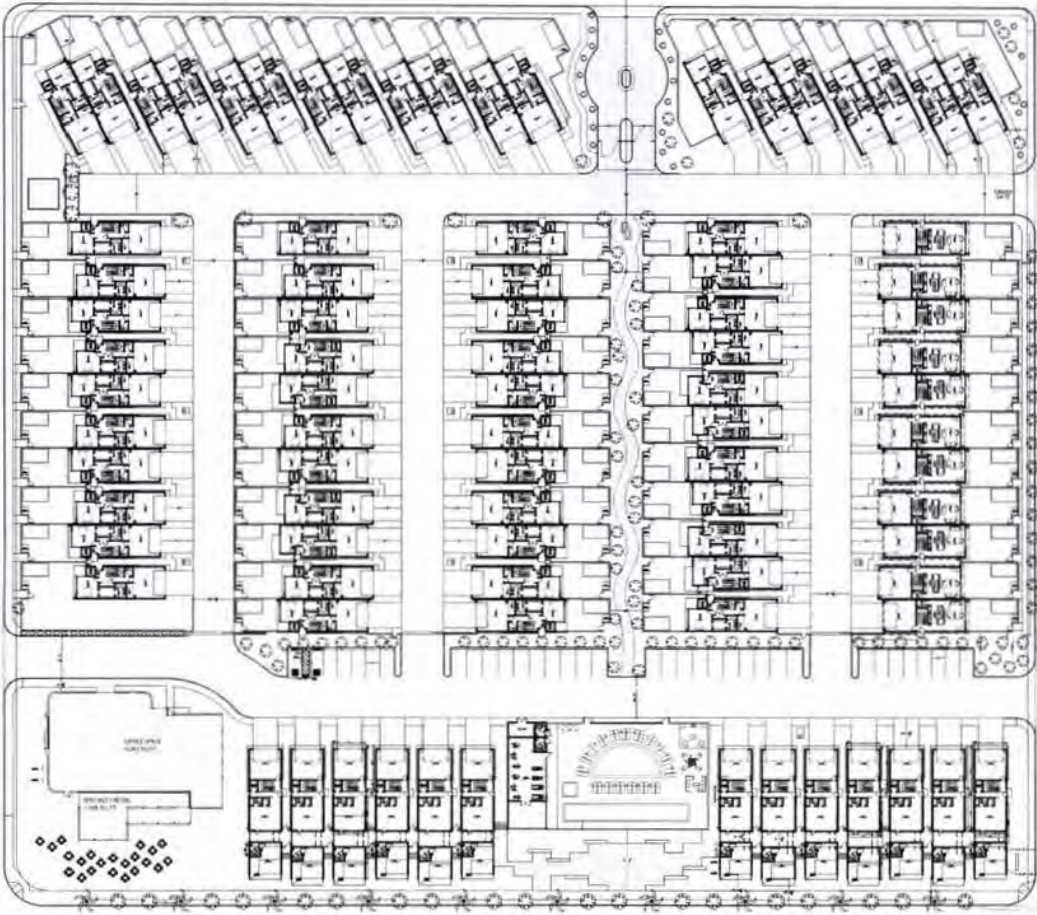
TOTAL BUILDING FOOTPRINT: 1,532 SQ. FT.

MAXIMUM BUILDING HEIGHT: 44' 6"

CALLE EL SEGUNDO

E ANDREAS RD

CALLE ALVARADO



TAHUQITZ CANYON WAY

Aberdeen Site Plan

Scale: 1" = 30'-0"



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 Fax: 951-744-0001

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 DEPARTMENT

Aberdeen  
 Site Plan

A1.00

# TENTATIVE TRACT NO. 36876

IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE  
STATE OF CALIFORNIA

DATE: DECEMBER 2014

**LEGAL DESCRIPTION:**  
BEING PORTIONS OF BLOCKS 7, 8, 9, 10 AND 111, AND VARIOUS CHUTE PLANNED IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SAN BERNARDINO BASIN AND MESAQUAN

**ASSESSOR PARCEL NUMBERS:**  
NSB-000-003, 006, 007, 008 & 009

**ACRESAGE:**  
TOTAL: 50.75 ACRES GROSS  
NET: 47.74 ACRES NET

**OWNER/DEVELOPER:**  
O & M HR, LLC, A DELAWARE LIMITED LIABILITY COMPANY  
1 MACARTHUR PLACE, SUITE 300  
SANTA ANA, CA 92701  
(714) 546-3500

**OWNER:**  
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS

**NOTES:**  
1. SEE CONCEPTUAL GRADING PLAN FOR PROPOSED DRAINAGE IMPROVEMENTS (GENERAL WATER AND PROPOSED GRADINGS)

**SITE DATA:**

**GENERAL PLAN DESIGNATION:** RA - RESORT ATTRACTION  
REO - RETAIL/ENTERTAINMENT/OFFICE

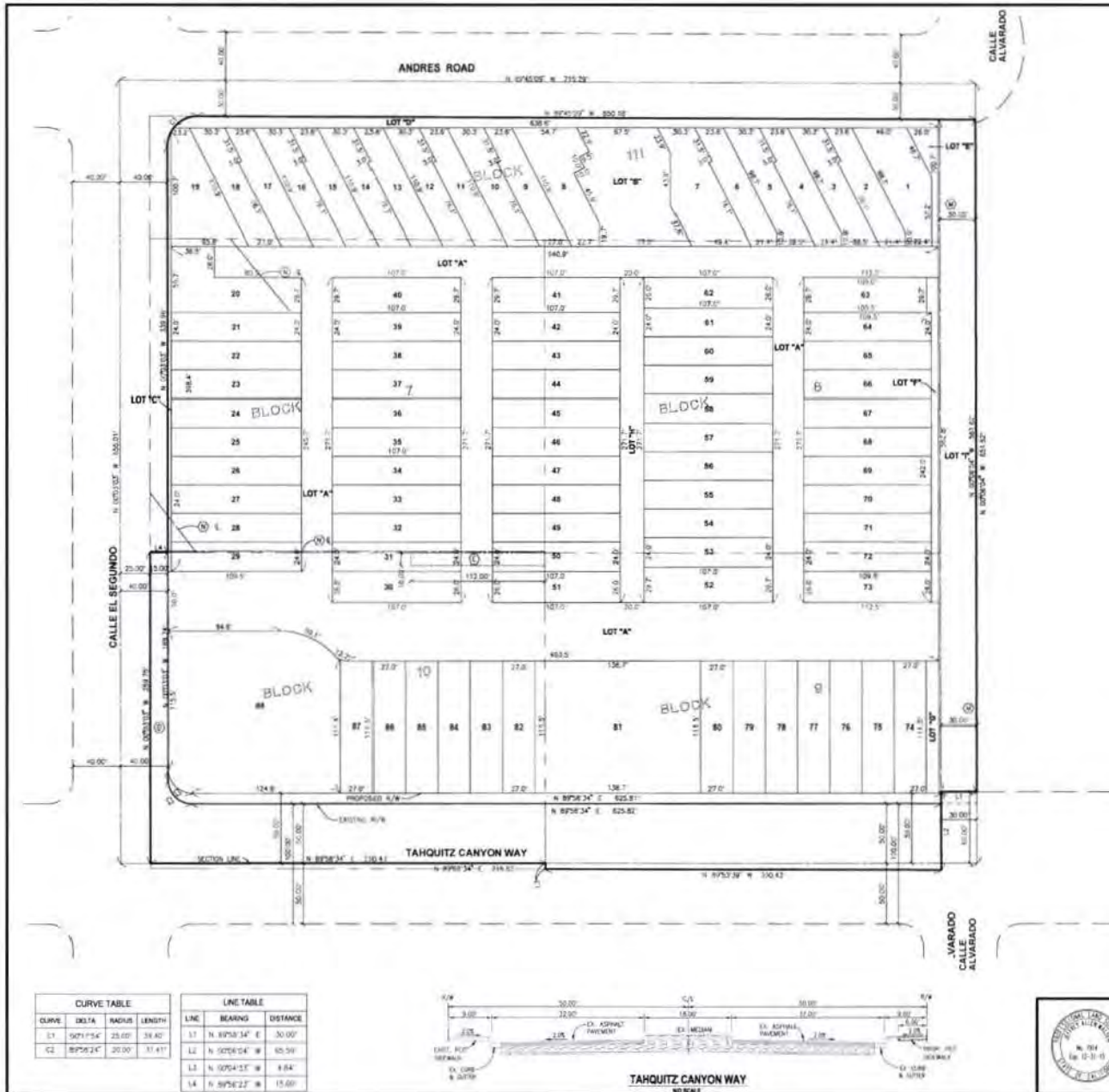
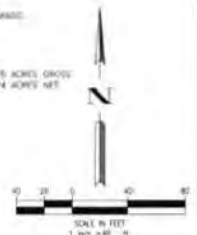
**ZONING:** SECTION 14 SPECIFIC PLAN - EU AND REO

**LAND USE:** EXISTING - VACANT  
PROPOSED - RESIDENTIAL AND RETAIL

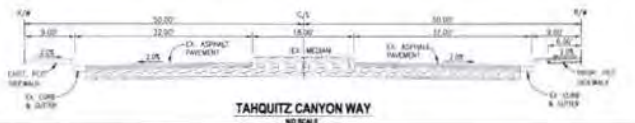
**PROPOSED LOTS:**  
BE NUMBERED  
S LETTERED

**EASEMENT LEGEND:**

- 1. EASEMENT FOR STREET RIGHTS OF WAY IN FAVOR OF THE CITY OF PALM SPRINGS, APPROVED MAY 15, 1938 BY ACCORDANCE WITH THE PROVISIONS OF THE ACT OF FEBRUARY 9, 1948 (62 STAT. 17) DESCRIBED IN DOCUMENT ON FILE IN THE OFFICE OF THE BUREAU OF PUBLIC AFFAIRS NO. 151-20, SAID EASEMENT IS 100' IN WIDTH, APPROXIMATELY 67' OF WHICH LIES ALONG SOUTH BOUNDARY OF THIS TRACT.
- 2. THE RIGHTS OF THE PUBLIC IN AND TO THAT PORTION LING WITHIN TAQUIZT DRIVE AS DECORATED BY THAT CERTAIN INSTRUMENT ENTITLED "PUBLIC LAW 10-84, 10TH CONGRESS, U.S. 841, AUGUST 11, 1847"
- 3. EASEMENT FOR STREETS AND PUBLIC UTILITIES IN FAVOR OF CITY OF PALM SPRINGS, RECORDED JUNE 3, 1947 AS INSTRUMENT NO. 87024 OF OFFICIAL RECORDS.
- 4. EASEMENT FOR PUBLIC UTILITIES IN FAVOR OF SOUTHERN CALIFORNIA Edison COMPANY, A CORPORATION, RECORDED MAY 24, 1937 AS INSTRUMENT NO. 85042 OF OFFICIAL RECORDS.
- 5. EASEMENT FOR FIBER OPTIC CONDUIT ENCROACHMENT IN FAVOR OF ADVA CALIFORNIA BAND OF CAROLINA INCASIA (DBA TAQUIZT CANYON WAY), RECORDED DECEMBER 30, 2003 AS INSTRUMENT NO. 107629 AND AMENDMENT RECORDED APRIL 6, 2007 AS INSTRUMENT NO. 2007-033496, BOTH OF OFFICIAL RECORDS.
- 6. EASEMENT FOR WATER PIPELINES AND RIGHT OF WAY IN FAVOR OF PALM SPRINGS WATER COMPANY, RECORDED MARCH 13, 1959 AS INSTRUMENT NO. 17426, 18 BOOK 1708, PAGE 158 OF OFFICIAL RECORDS. (SAID EASEMENT IS NOT PLUSTRABLE FROM RECORDS).
- 7. EASEMENT RIGHTS FOR ELECTRIC DISTRIBUTION LINE PURPOSES IN FAVOR OF THE CALIFORNIA ELECTRIC POWER COMPANY, A CORPORATION, DATED OCTOBER 11, 1951 UNDER THE ACT OF MARCH 4, 1911, 36 STAT. 1213, AS AMENDED, 43 U.S.C. 1941, SAID EASEMENT SHOWN ON THE MAP FILED IN THE ENGINE BUREAU FILE NO. 3754-1947 DATED DECEMBER 26, 1947.
- 8. EASEMENT RIGHT OF WAY FOR TOWER LINE PURPOSES, GRANTED JANUARY 15, 1982 IN FAVOR OF THE CITY OF PALM SPRINGS, PURSUANT TO THE ACT OF FEBRUARY 3, 1948, 62 STAT. 17, 25 U.S.C. 522.
- 9. EASEMENT RIGHT OF WAY FOR SEWER LINE PURPOSES, DATED JULY 3, 1983 IN FAVOR OF THE CITY OF PALM SPRINGS, PURSUANT TO THE ACT OF FEBRUARY 3, 1948, 62 STAT. 17, 25 U.S.C. 523.
- 10. EASEMENT RIGHT OF WAY FOR ROAD PURPOSES GRANTED MAY 15, 1938 TO THE CITY OF PALM SPRINGS, PURSUANT TO THE ACT FEBRUARY 9, 1948, 62 STAT. 17, 25 U.S.C. 523. EASEMENT IS SHOWN ON STREET RIGHT OF WAY FOR TAQUIZT DRIVE, NELS NO. 375 FILE NO. 144 AND FILED AS DOCUMENT NO. 7351-58.
- 11. EASEMENT FOR RIGHT OF WAY FOR ROAD PURPOSES GRANTED JULY 26, 1988 IN FAVOR OF THE CITY OF PALM SPRINGS, PURSUANT TO THE ACT OF AUGUST 11, 1947 61 STAT. 184.
- 12. EASEMENT FOR SEWER LINES AND OTHER PUBLIC UTILITIES IN FAVOR OF THE CITY OF PALM SPRINGS, PER RESOLUTION NO. 15302 RECORDED DECEMBER 19, 1984 AS INSTRUMENT NO. 14867 OF OFFICIAL RECORDS.
- 13. EASEMENT FOR PUBLIC UTILITIES IN FAVOR OF CALIFORNIA ELECTRIC POWER COMPANY AND CALIFORNIA WATER AND TELEPHONE COMPANY, RECORDED OCTOBER 4, 1926 AS INSTRUMENT NO. 64805 OF OFFICIAL RECORDS. (SAID EASEMENT IS SHOWN, NO WIDTH OF RECORD).



CURVE TABLE				LINE TABLE		
CURVE	DELTA	RADIUS	LENGTH	LINE	BEARING	DISTANCE
C1	90°17'54"	25.00'	38.40'	L1	N. 89°58'14" E	30.00'
C2	89°56'24"	20.00'	31.41'	L2	N. 92°04'04" W	60.50'
				L3	N. 00°54'53" W	4.84'
				L4	N. 89°58'27" W	15.00'



	<b>WALDEN &amp; ASSOCIATES</b> CIVIL ENGINEERS LAND SURVEYORS PLANNERS 2525 HILLS ROAD, SUITE 100, PALM SPRINGS, CA 92262 (951) 850-0110 FAX 951-850-0118	<b>TENTATIVE TRACT NO. 36876</b> 600 AND 700 EAST TAQUIZT CANYON DRIVE PALM SPRINGS, CALIFORNIA	JOB NUMBER: 18047481 DATE: 09/09/15 DRAWN: J.P.F. CHECKED: C.B. SHEET 1 OF 1
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CHRIS FARDO DESIGN

1320 7th Ave Suite D  
 Suite A/A-101-20  
 92610-1047

156 E. Tahquitz Canyon Way  
 Suite 4  
 Palm Springs, CA 92262  
 Phone: 760-325-1111

Chris Fardo Design, LLC  
 1320 7th Ave Suite D  
 Suite A/A-101-20  
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 Phone: 760-325-1111

**Aberdeen**

700-600 Tahquitz  
 Palm Springs, CA  
 92262

Rev	Date	Issue

Aberdeen  
 Site Context  
 Map

A1.02



Aberdeen Front View 001



Aberdeen Front View 002



Aberdeen Front View 003



Aberdeen Front View 004



Aberdeen Rear View 001



Aberdeen Rear View 002



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700-800 Farouk  
Palm Springs, CA  
92262

Rev. Date Issue

Aberdeen  
Site Imagery

A1.03

1/15/17



Gray Stucco



White Stucco



Gray Vertical Aluminum



Steel Awnings and Bridges



Hardie Board Rain Screen



Anodized Alumonum Window Frames



Trex Roof Wood Decking



Trex Roof Wood Decking



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Chris Parod Design is a full-service architectural and interior design firm. We work with clients to create beautiful, functional spaces that reflect their unique style and vision.

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Aberdeen  
Material  
Palette

A1.04





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Livermore, CA 94550

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Chris Paro, AIA  
Architect  
10/10/2013

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92262

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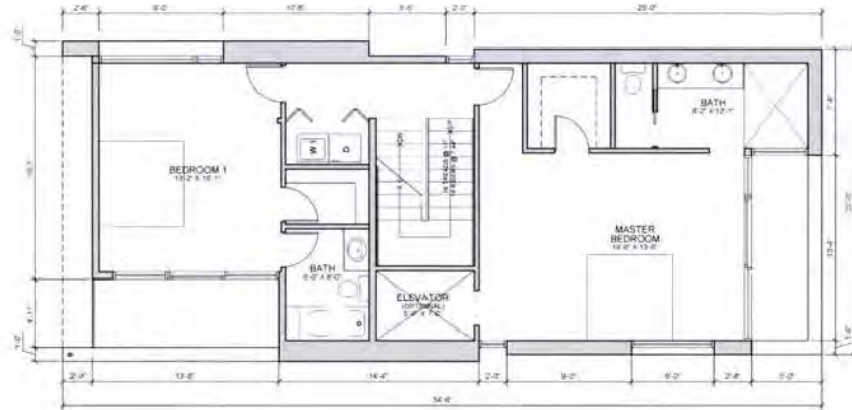
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B  
A3.00

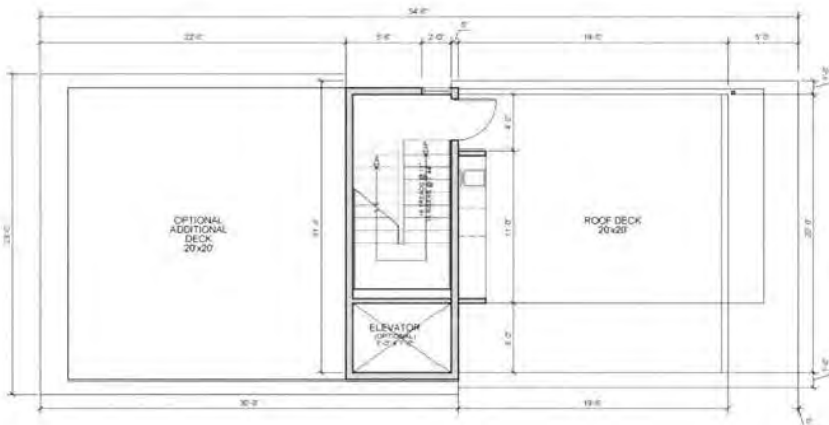


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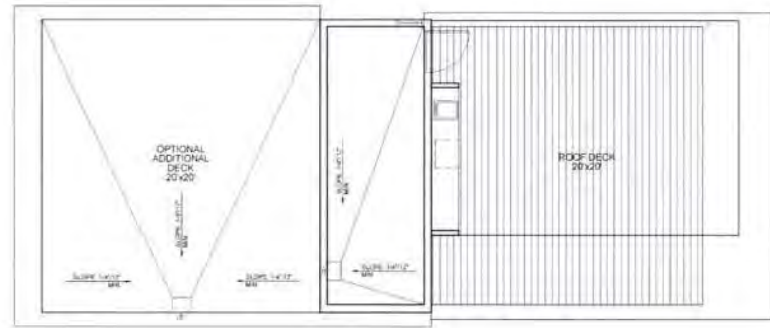
A  
A3.00

BUILDING TYPE: Aberdeen Live / Work - Third Floor Plan  
SCALE: 1/4" = 1'-0" 1/8" SQ FT

D  
A3.01



BUILDING TYPE: Aberdeen Live / Work - Fourth Floor Plan  
SCALE: 1/4" = 1'-0"



BUILDING TYPE: Aberdeen Live / Work - Roof Plan  
SCALE: 1/4" = 1'-0"

A2.01





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**Aberdeen**

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Rev. 01/12/12

1/12/12

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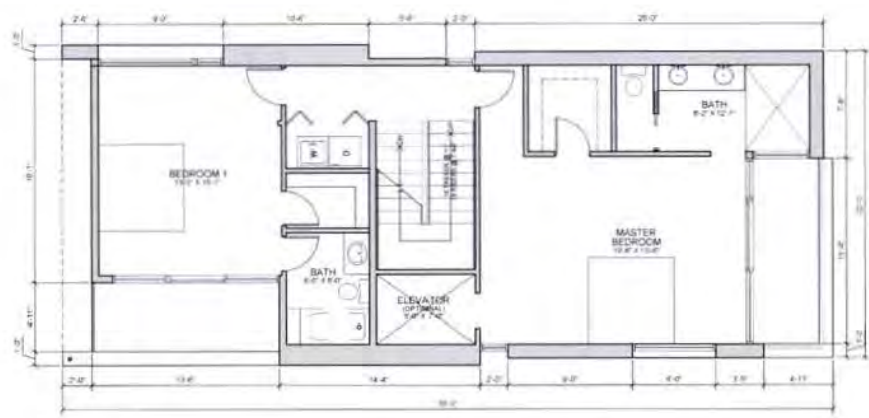
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A3.02

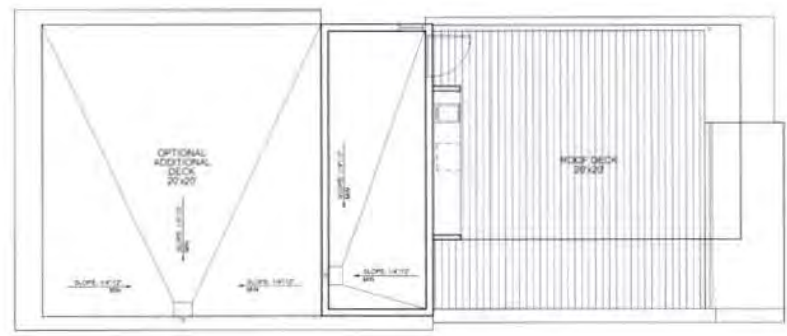
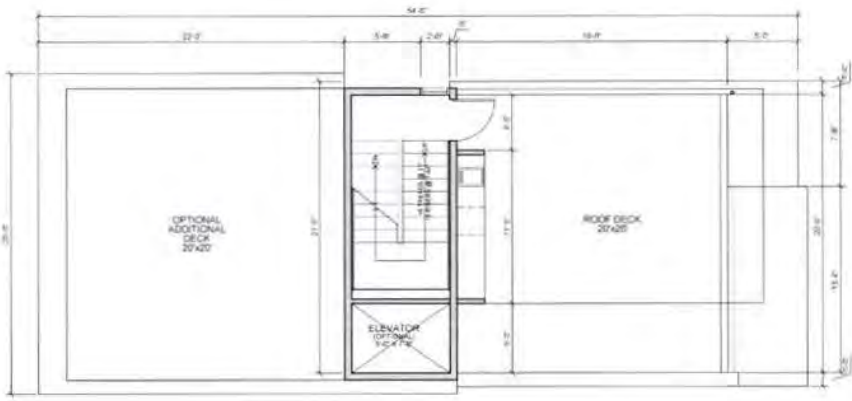


C  
A3.03

A  
A3.02

BUILDING TYPE: Aberdeen Live / Work - Third Floor Plan (OPT. 02)  
SCALE: 1/4" = 1'-0"

D  
A3.03



BUILDING TYPE: Aberdeen Live / Work - Fourth Floor Plan (OPT. 02)  
SCALE: 1/4" = 1'-0"

BUILDING TYPE: Aberdeen Live / Work - Roof Plan (OPT. 02)  
SCALE: 1/4" = 1'-0"

Live Work  
3rd Floor  
Roof Deck  
Roof Plan  
(OPT. 02)

A2.02





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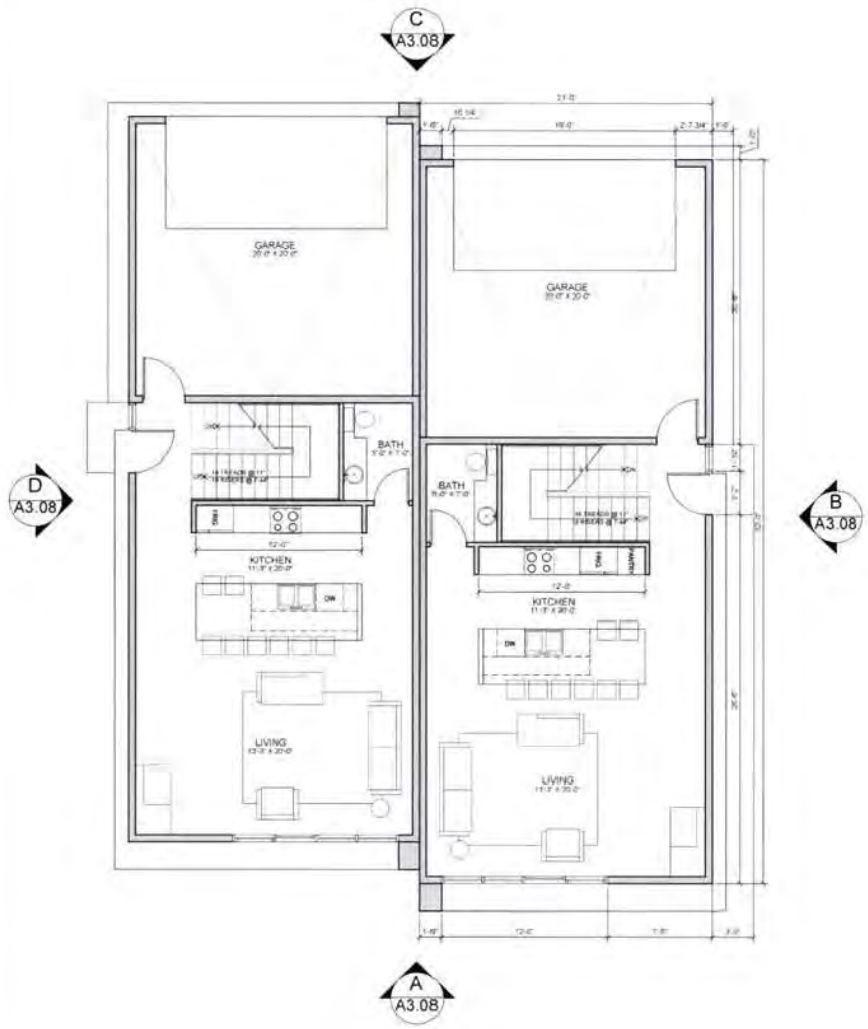
3037 Telegraph Canyon Way  
Suite A  
Palm Springs, CA 92262

Aberdeen

700-600 Tahoultz  
Palm Springs, CA  
92262

Aberdeen  
Town Home  
Type 1  
1st & 2nd  
Floor Plan

A2.04



BUILDING TYPE: 1 Aberdeen Townhome - First Floor Plan  
SCALE: 1/4" = 1'-0" LIVING: 600 SQ FT GARAGE: 400 SQ FT



BUILDING TYPE: 1 Aberdeen Townhome - Second Floor Plan  
SCALE: 1/4" = 1'-0" LIVING: 300 SQ FT





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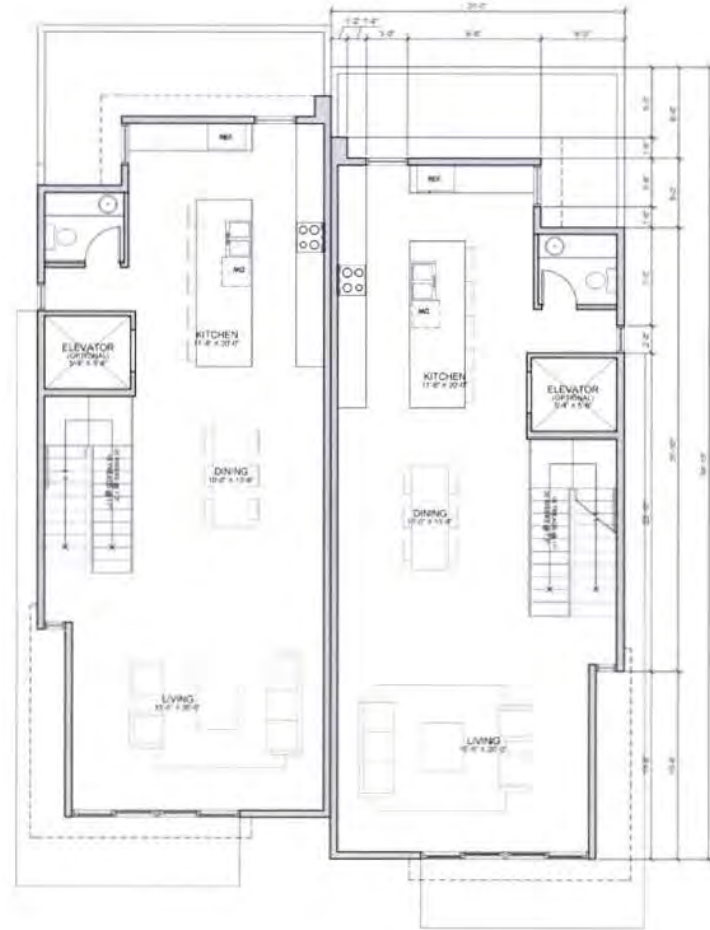
700-630 Tahquitz  
Palm Springs, CA  
92262


Aberdeen  
Town Home  
Type 2  
1st & 2nd  
Floor Plan

**A2.06**



**BUILDING TYPE: 2 Aberdeen Townhome - First Floor Plan** (North Variant)   
SCALE: 1/4" = 1'-0" LIVING: 3/8" = 3'-0" GARAGE: 1/8" = 1'-0"



**BUILDING TYPE: 2 Aberdeen Townhome - Second Floor Plan** (North Variant)   
SCALE: 1/4" = 1'-0" LIVING: 3/8" = 3'-0"



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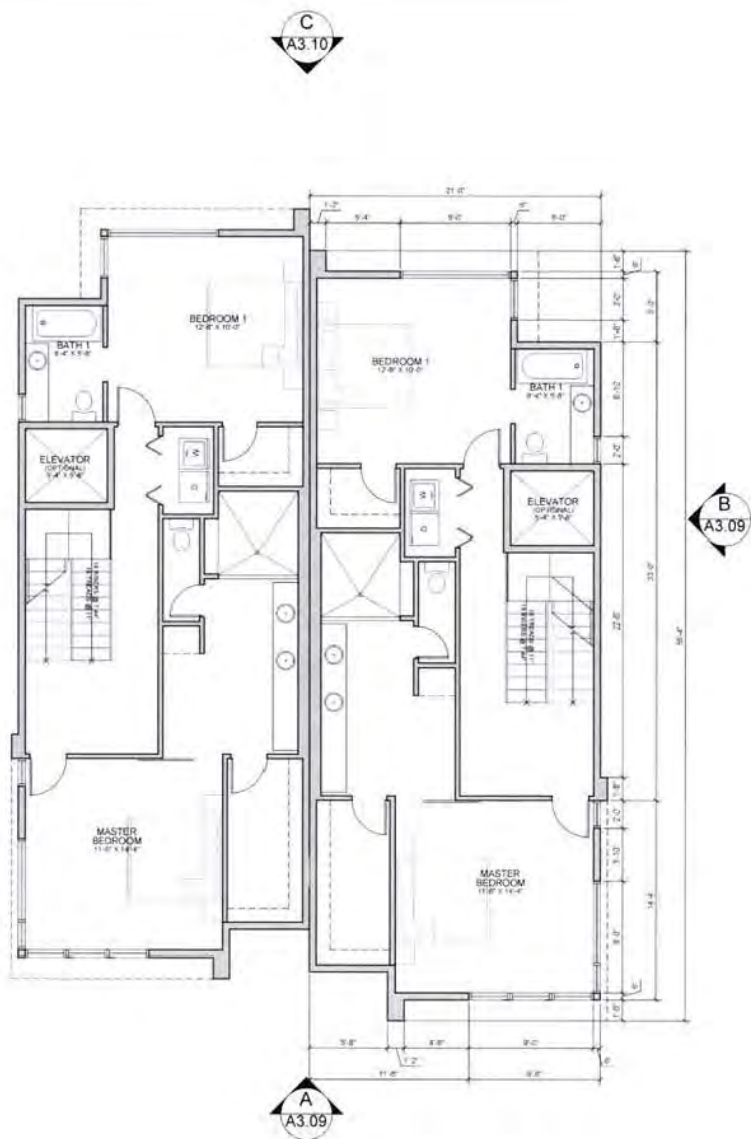
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92262

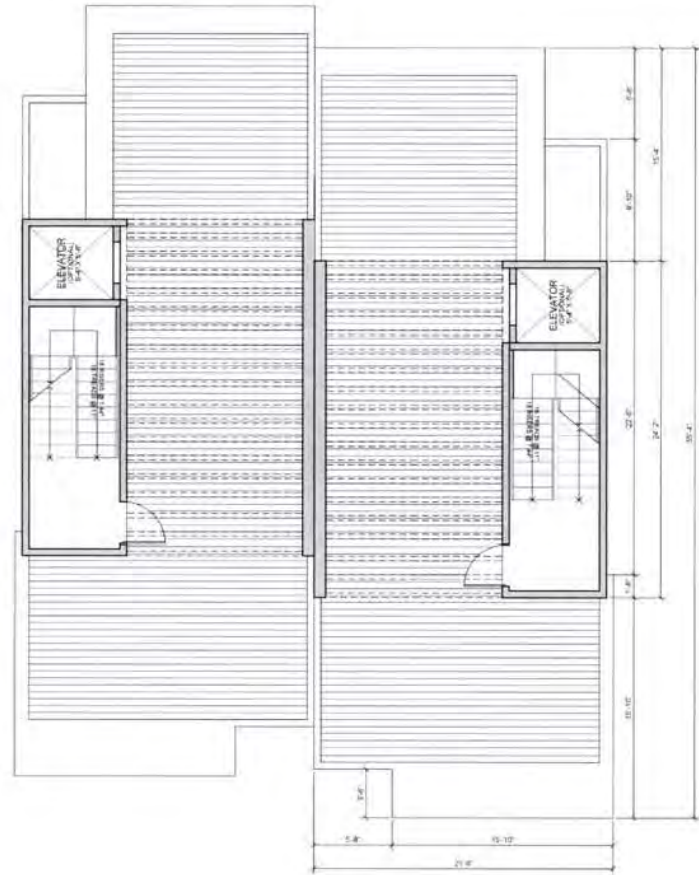
No. Date Issue

Aberdeen  
Town Home  
Type 2  
3rd & Roof  
Deck Plan

A2.07



BUILDING TYPE: 2 Aberdeen Townhome - Third Floor Plan (North View) SCALE: 1/4" = 1'-0" (1/8" = 1'-0")



BUILDING TYPE: 2 Aberdeen Townhome - Roof Deck Plan (North View) SCALE: 1/4" = 1'-0" (1/8" = 1'-0")



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ARCHITECTS

1526 F 19th Ave Suite 112  
San Diego, CA 92107  
(619) 551-1000

Tim E. Lusk, Licensed Architect  
State A  
Palm Springs, CA 92262

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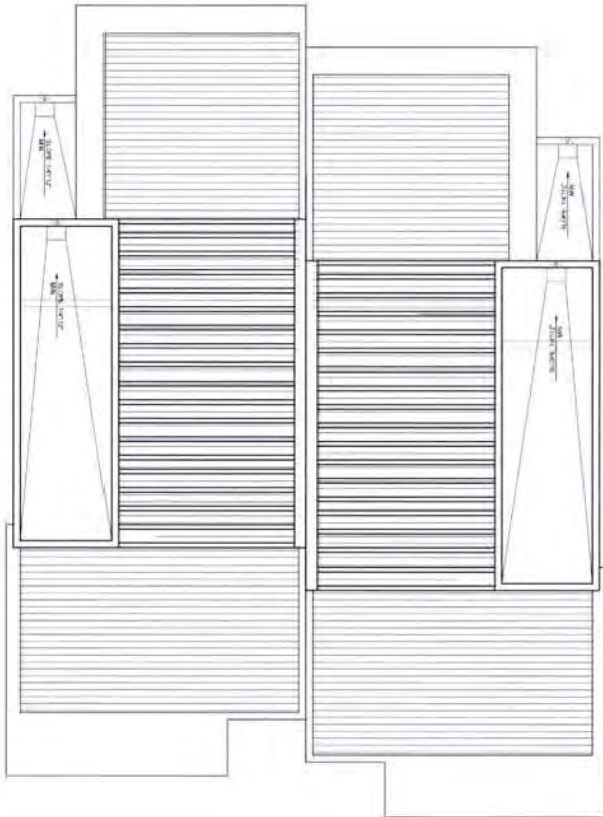
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Palm Springs, CA  
92262

No. Date: \_\_\_\_\_

Aberdeen  
Town Home  
Type 2  
Roof Plan

**A2.08**



BUILDING TYPE: 1 Aberdeen Townhome - Roof Plan  
SCALE: 1/8" = 1'-0"  
(North Varies)  
Date: 01/20/10



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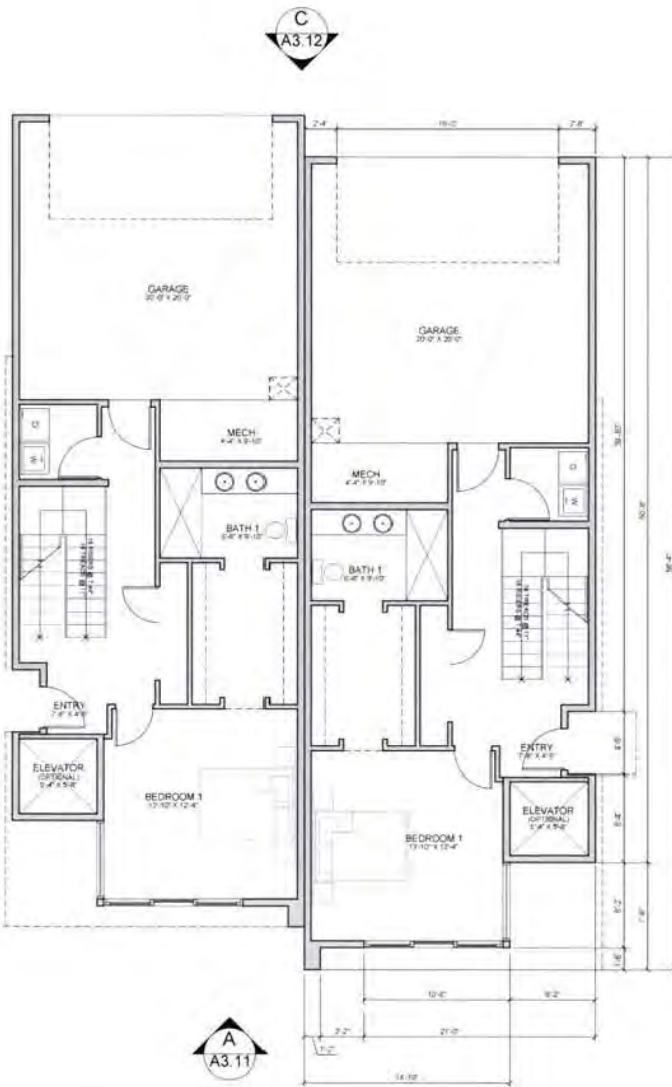
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Seattle WA 98102  
206.228.1854  
P.O. Box 24548  
Tulsa, Oklahoma 74124  
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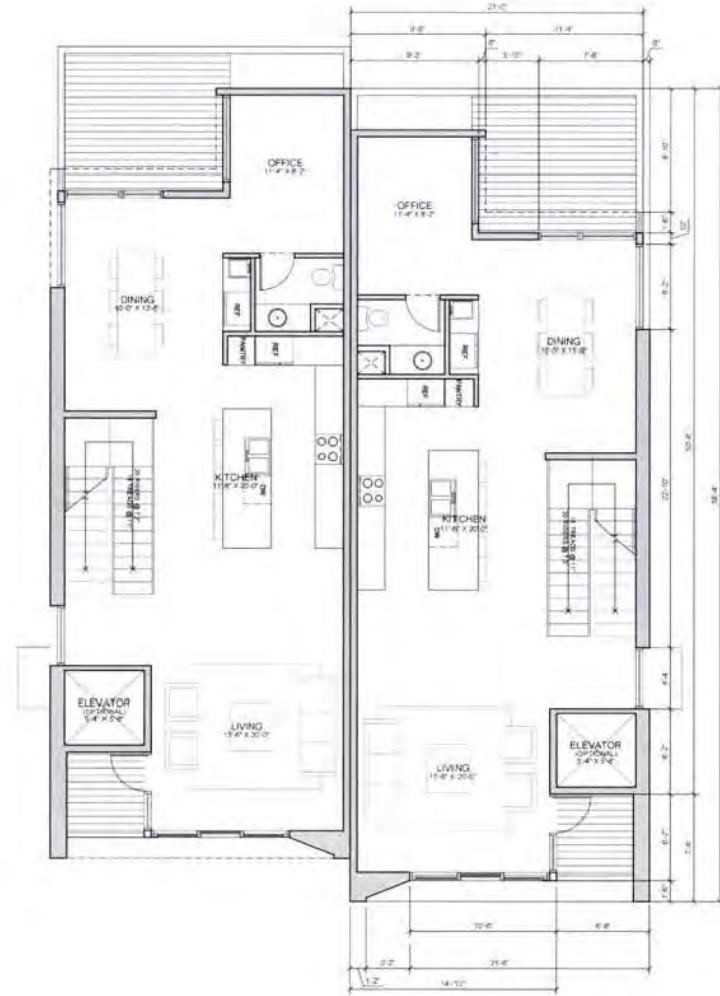
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Palm Springs, CA  
92262

Aberdeen  
Town Home  
Type 3  
1st & 2nd  
Floor Plan

A2.09



BUILDING TYPE: 3 Aberdeen Townhome - First Floor Plan (North Verles) SCALE: 1/8" = 1'-0" LIVING: 613 SQ.F. GARAGE: 402 SQ.F.



BUILDING TYPE: 3 Aberdeen Townhome - Second Floor Plans (North Verles) SCALE: 1/8" = 1'-0" LIVING: 613 SQ.F.





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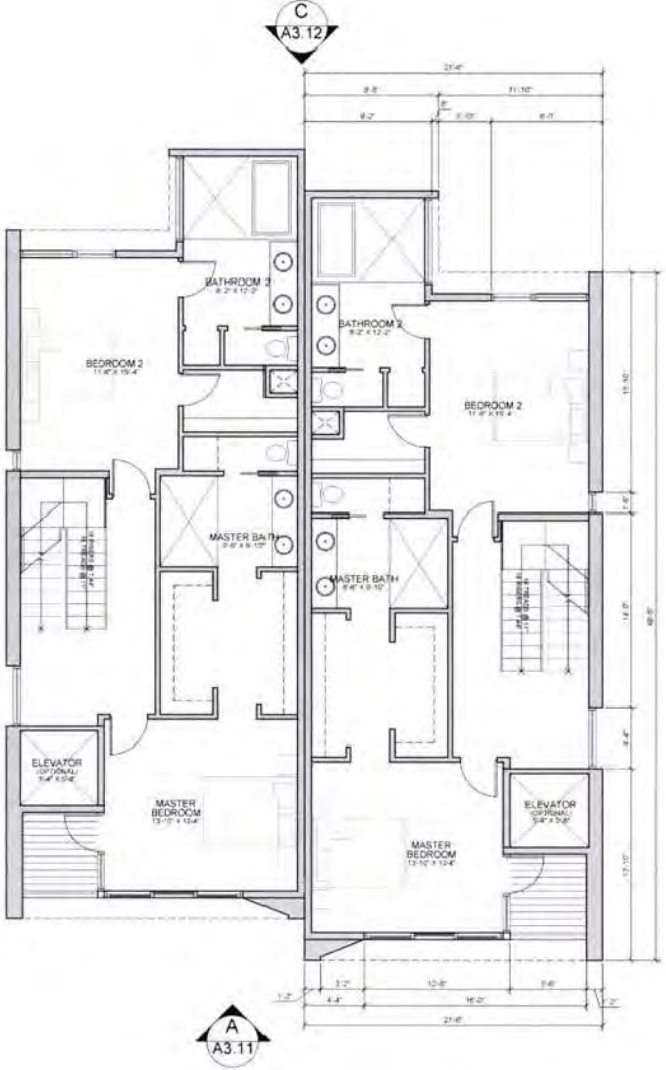
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92262

Rev. Title: \_\_\_\_\_

Aberdeen  
Town Home  
Type 3  
3rd & Roof  
Deck Plan

A2.10



BUILDING TYPE: 3 Aberdeen Townhome - Third Floor Plan  
SCALE: 1/4" = 1'-0" (Living Room Only) (North Arrow)



BUILDING TYPE: 3 Aberdeen Townhome - Roof Deck  
SCALE: 1/4" = 1'-0" (North Arrow)



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ARCHITECTURE  
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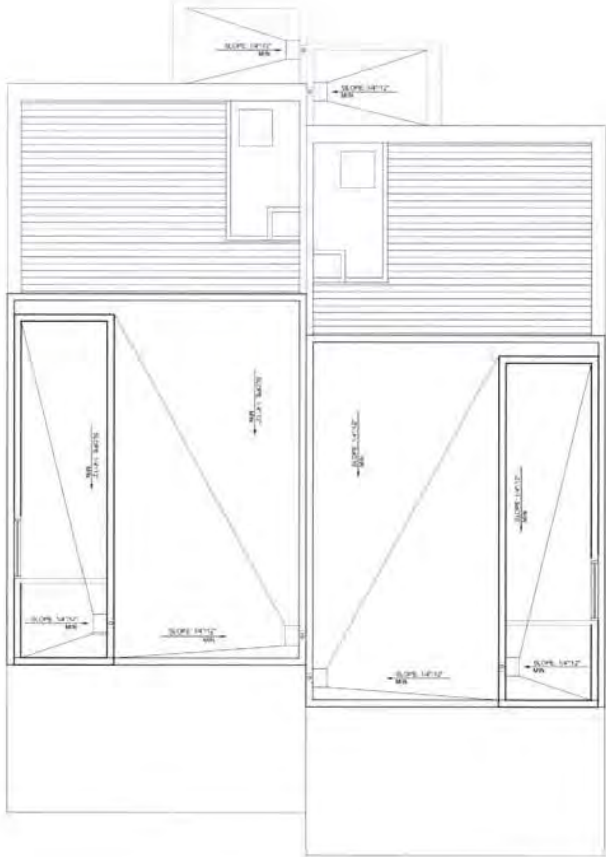
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Palm Springs, CA  
92262

Rev.	Date	Author

Aberdeen  
Town Home  
Type 3  
Roof Plan

Page 20

A2.11



BUILDING TYPE: 3 Aberdeen Townhome - Roof Plan (North Arrow)

SCALE 1/4" = 1'-0"





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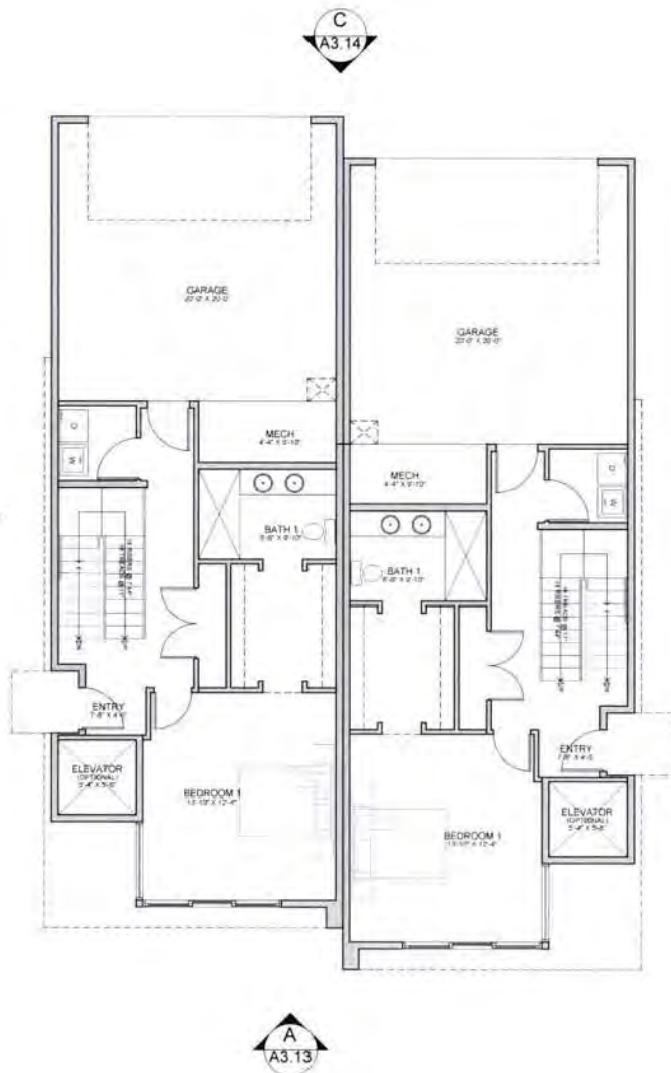
14701 10th Ave Suite G  
San Luis Obispo, CA 93401  
805.526.1654  
10117 Tehachas Canyon Hwy  
Suite A  
Palm Springs, CA 92262  
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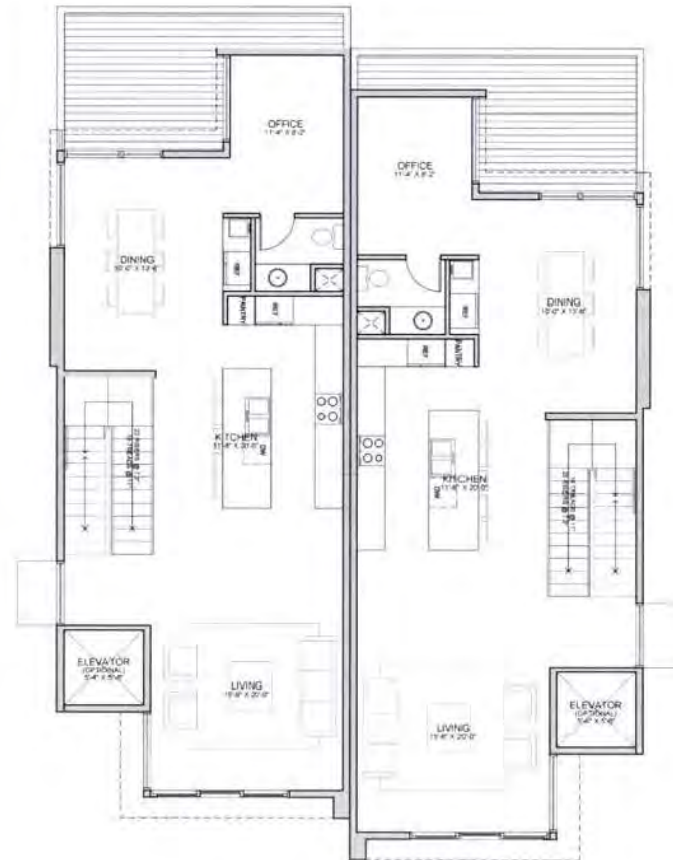
106-600 Tarantuz  
Palm Springs, CA  
92262

Aberdeen  
Town Home  
Type 4  
1st & 2nd  
Floor Plan

A2.12



**BUILDING TYPE: 4 Aberdeen Townhome - First Floor Plan** (North Varies) SCALE: 1/4" = 1'-0" LIVING: 817 SQ'FT GARAGE: 442 SQ'FT



**BUILDING TYPE: 4 Aberdeen Townhome - Second Floor Plan** (North Varies) SCALE: 1/4" = 1'-0" LIVING: 817 SQ'FT



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Foothill CA 91013  
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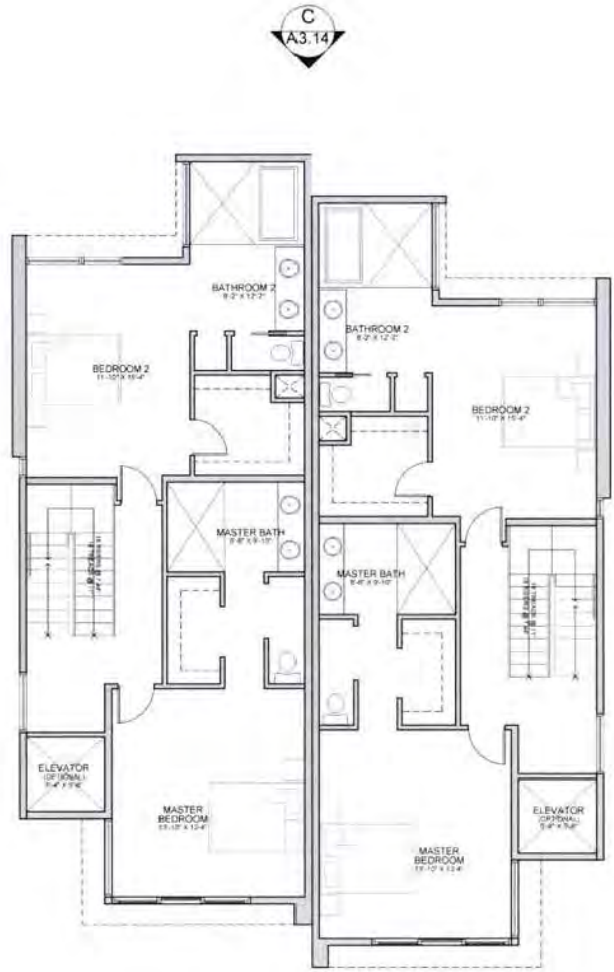
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Palm Springs, CA  
92262

NO.	DATE

Aberdeen  
Town Home  
Type 4  
3rd & Roof  
Deck Plan

A2.13



BUILDING TYPE: 4 Aberdeen Townhome - Third Floor Plan (North Varies) SCALE: 1/8" = 1'-0" LIVING ROOM ROOF



BUILDING TYPE: 4 Aberdeen Townhome - Roof Deck (North Varies) SCALE: 1/8" = 1'-0"



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Sausalito, CA 94965

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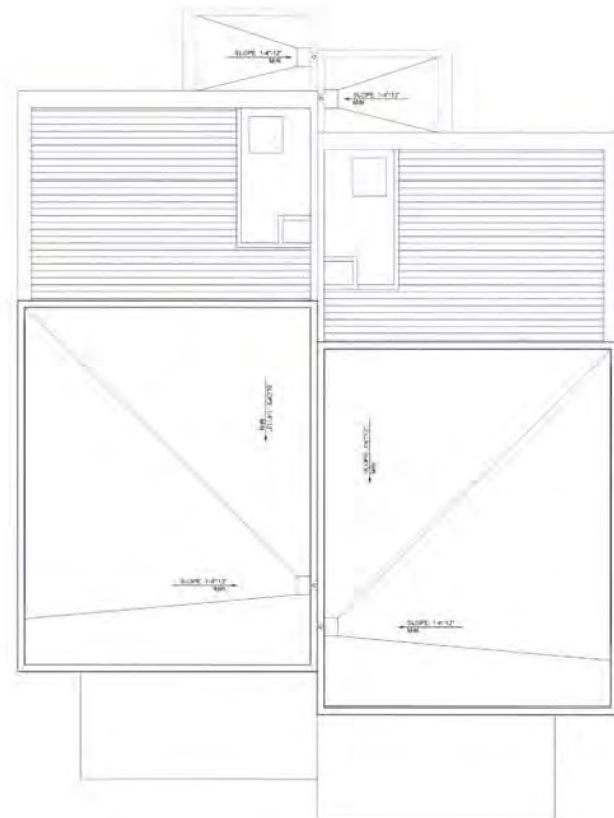
Sausalito, CA 94965

(415) 339-1888

11001 191st Ave Suite G

Sausalito, CA 94965

(415) 339-1888



**Aberdeen**

800-600 Tanhauf  
Palm Springs CA  
92262

No. Date

1 1/1/11

2 2/1/11

3 3/1/11

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23 11/1/12

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26 2/1/13

27 3/1/13

28 4/1/13

29 5/1/13

30 6/1/13

31 7/1/13

32 8/1/13

33 9/1/13

34 10/1/13

35 11/1/13

BUILDING TYPE: 4 Aberdeen Townhome - Roof Plan (North View) SCALE: 1/4" = 1'-0"



DATE: 7/24/15

1406 7th Ave Suite D  
San Diego, CA 92101  
3142 228 1164

1015 Tehaquit Canyon Rd  
Suite A  
Palm Springs, CA 92262

Architect: [Faint text]  
Project: [Faint text]  
Scale: [Faint text]

### Aberdeen

300-600 Tehaquit  
Palm Springs, CA  
92262

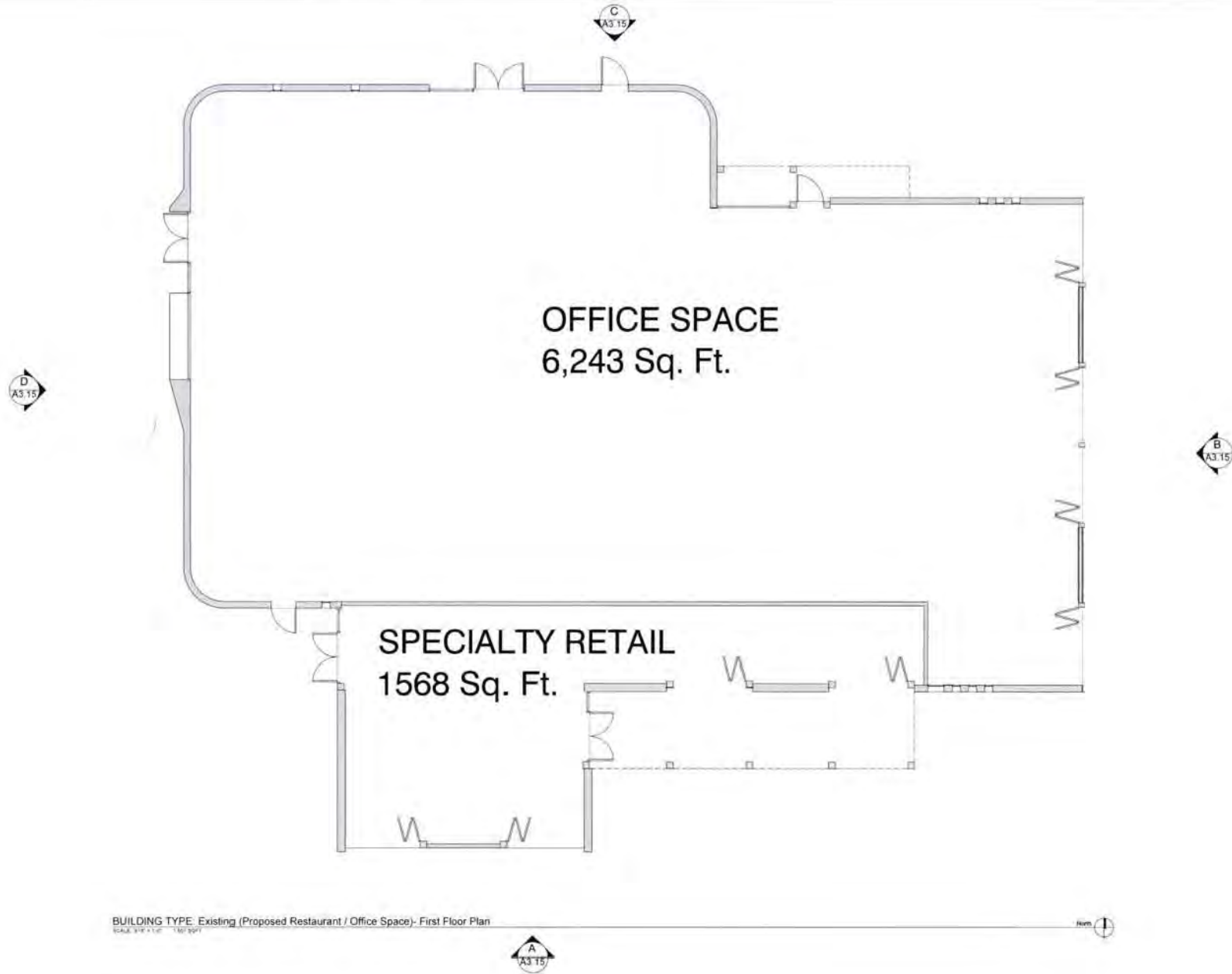
NO. DATE

1. 7/24/15

2. 7/24/15

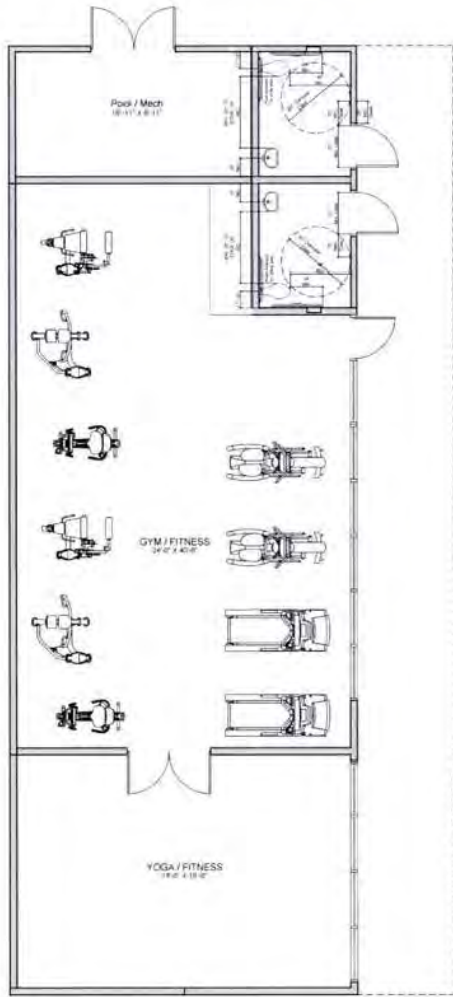
Aberdeen  
Restaurant /  
Office Space  
1st Floor Plan

A2.15

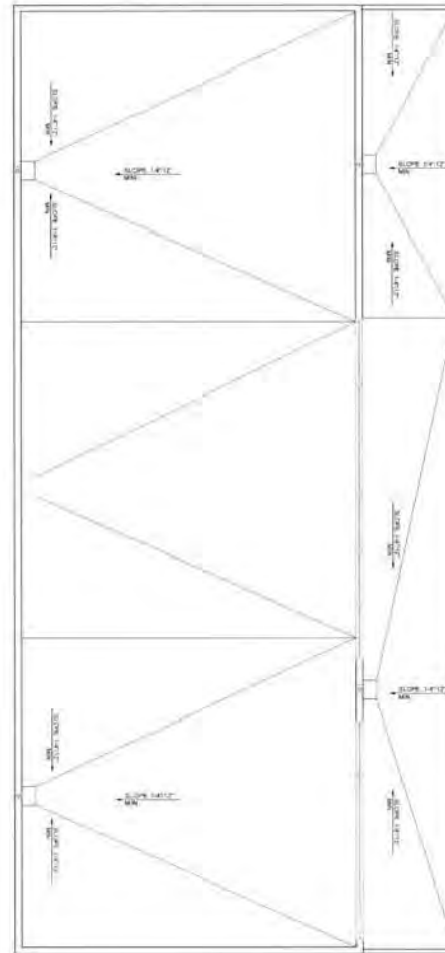


BUILDING TYPE: Existing (Proposed Restaurant / Office Space)- First Floor Plan  
SCALE: 3/8" = 1'-0" 1/8" = 1'-0"





BUILDING TYPE: Gym / Fitness - First Floor Plan  
 SCALE: 1/4" = 1'-0" 11/15/2017



BUILDING TYPE: Gym / Fitness - Roof Plan  
 SCALE: 1/4" = 1'-0"



CHRIS PAROD DESIGN

1520 Flynn Road, Suite G2  
 Palm Springs, CA 92262  
 (760) 868-1854  
 100 E. Fairbank Canyon Way  
 Suite 400  
 Palm Springs, CA 92262

**Aberdeen**

700 E. 600, Tahquitz  
 Palm Springs, CA  
 92262

Rev. 0000 0000

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**A2.16**



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1025 E 9th Ave Suite 101  
Seattle WA 98122  
206.326.1024

3601 Campbell Commons Ave  
Suite 4  
Palo Alto CA 94301  
650.953.0000

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Redmond WA 98073  
206.881.9200

10000 15th Avenue NE  
Redmond WA 98073  
206.881.9200

**Aberdeen**

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Palm Springs CA  
92262

Rev. Title: Issue

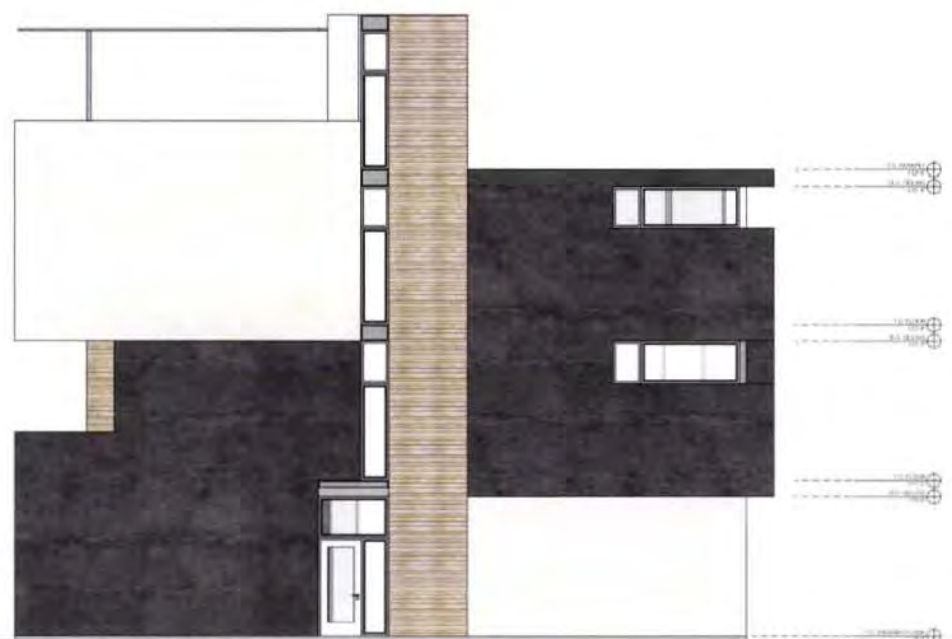
Aberdeen  
Live Work  
Type 1  
Elevations

No. 001

**A3.00**



**A** BUILDING TYPE: Live Work Type 1 FRONT ELEV.  
SCALE: 1/4" = 1'-0"



**B** BUILDING TYPE: Live Work Type 1 SIDE 01 ELEV.  
SCALE: 1/4" = 1'-0"







CHRIS PARO DESIGN

1525 Fifth Ave Suite G  
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Aberdeen

700-600 Tahquitz  
Palm Springs, CA  
92262

No. Date Issue

Aberdeen  
Live Work  
Type 2  
Elevations

No. 201

A3.02



**A** BUILDING TYPE: Live Work Type 2 FRONT ELEV.  
SCALE 1/4" = 1'-0"



**B** BUILDING TYPE: Live Work Type 2 SIDE 01 ELEV.  
SCALE 1/4" = 1'-0"



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L.L.B.E. & AIA (AIA #11187)

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San Jose, CA 95120  
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1875 Tahquitz Canyon Walk  
Suite A  
Foothill Springs, CA 95030  
(925) 938-8888

**Aberdeen**

700 600 Tahquitz  
Foothill Springs, CA  
95062

No.	Date	Issue

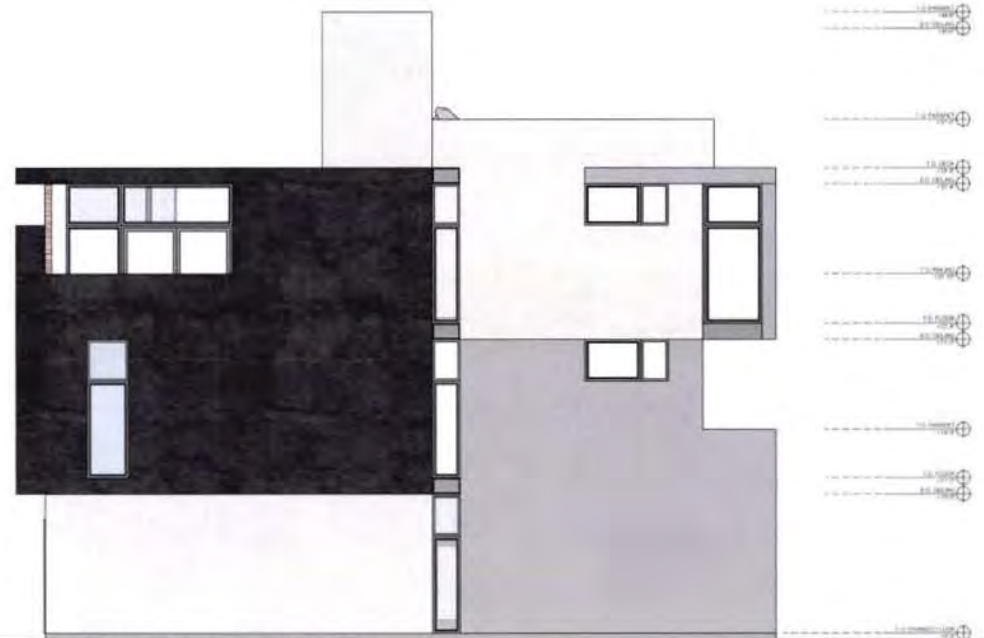
Aberdeen  
Live Work  
Type 2  
Elevations

Rev. 01

**A3.03**



**C** BUILDING TYPE Live Work Type 2 REAR ELEV.  
SCALE 1/4" = 1'-0"



**D** BUILDING TYPE Live Work Type 2 SIDE 02 ELEV.  
SCALE 1/4" = 1'-0"



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Suite 4  
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**Aberdeen**

700 600 Tahquitz  
Palm Springs, CA  
92262

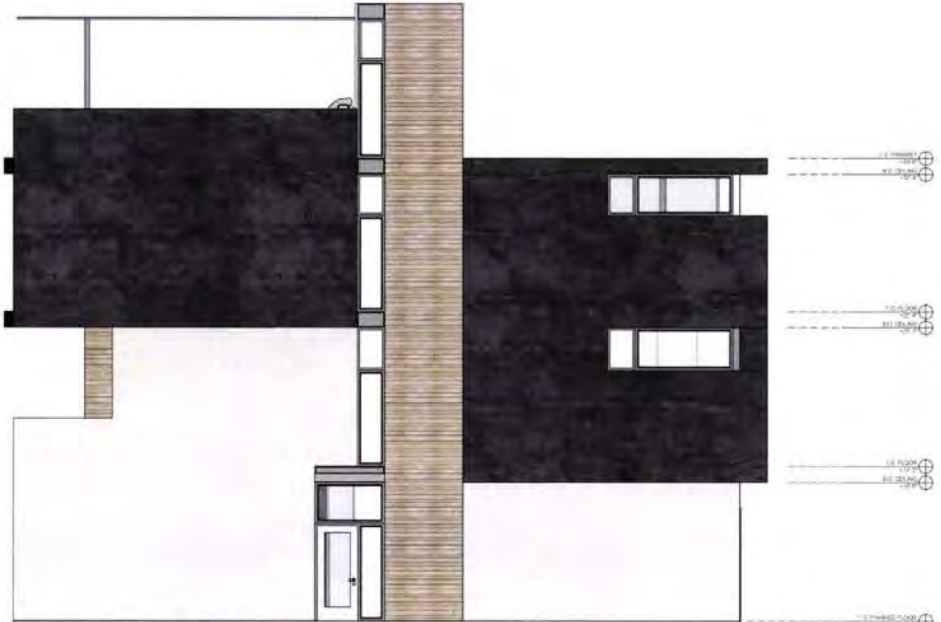
No. Date Issue

Aberdeen  
Live Work  
Type 3  
Elevations

**A3.04**



**A** BUILDING TYPE. Live Work Type 3 FRONT ELEV.  
SCALE 1/4" = 1'-0"



**B** BUILDING TYPE. Live Work Type 3 SIDE 01 ELEV.  
SCALE 1/4" = 1'-0"



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Palm Springs, CA  
92262

No. Date Issue

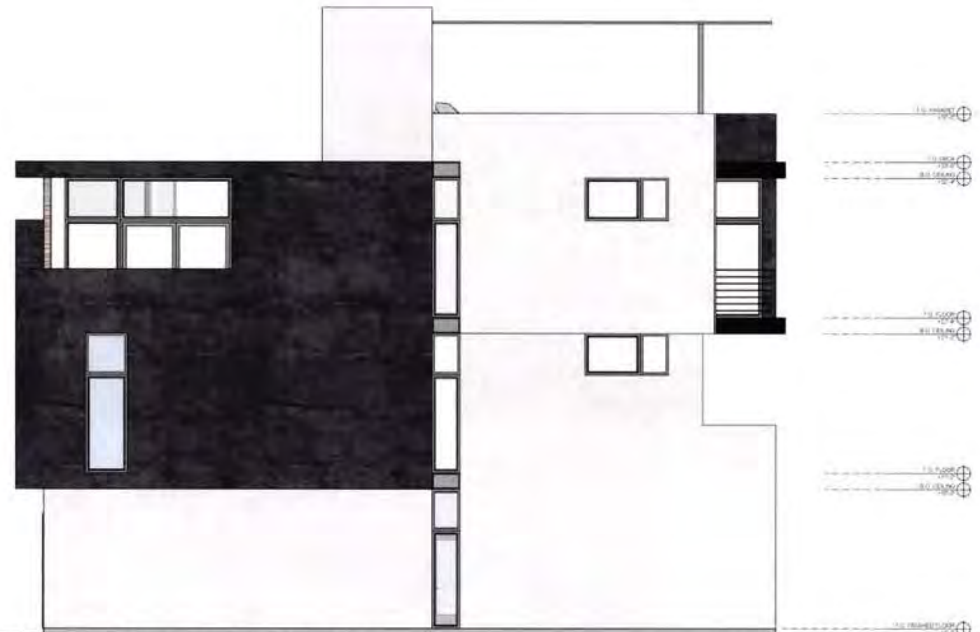

Aberdeen  
Live Work  
Type 3  
Elevations

By: 2/25

**A3.05**



**C** BUILDING TYPE: Live Work Type 3 REAR ELEV.  
SCALE: 1/4" = 1'-0"



**D** BUILDING TYPE: Live Work Type 3 SIDE 02 ELEV.  
SCALE: 1/4" = 1'-0"



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CLUBHOUSE 83.4474.01.0101

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Suite A  
Palm Springs, CA 92262

1100 West Grand Ave #101  
Palm Springs, CA 92262  
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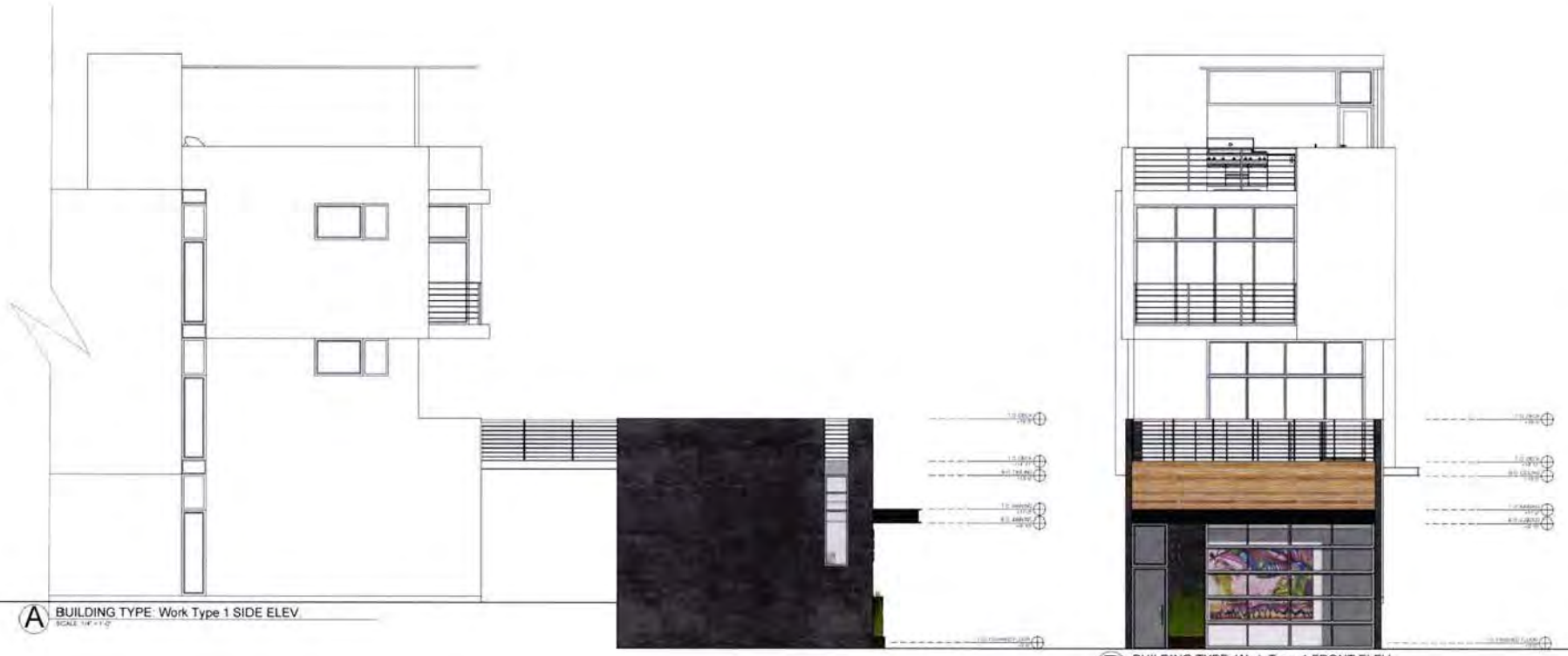
**Aberdeen**

700-600 Tinscott  
Palm Springs, CA  
92262

Rev. Title Date

Aberdeen  
Work  
Type 1  
Elevations

**A3.06**



**A** BUILDING TYPE: Work Type 1 SIDE ELEV.  
SCALE: 1/4" = 1'-0"

**B** BUILDING TYPE: Work Type 1 FRONT ELEV.  
SCALE: 1/4" = 1'-0"



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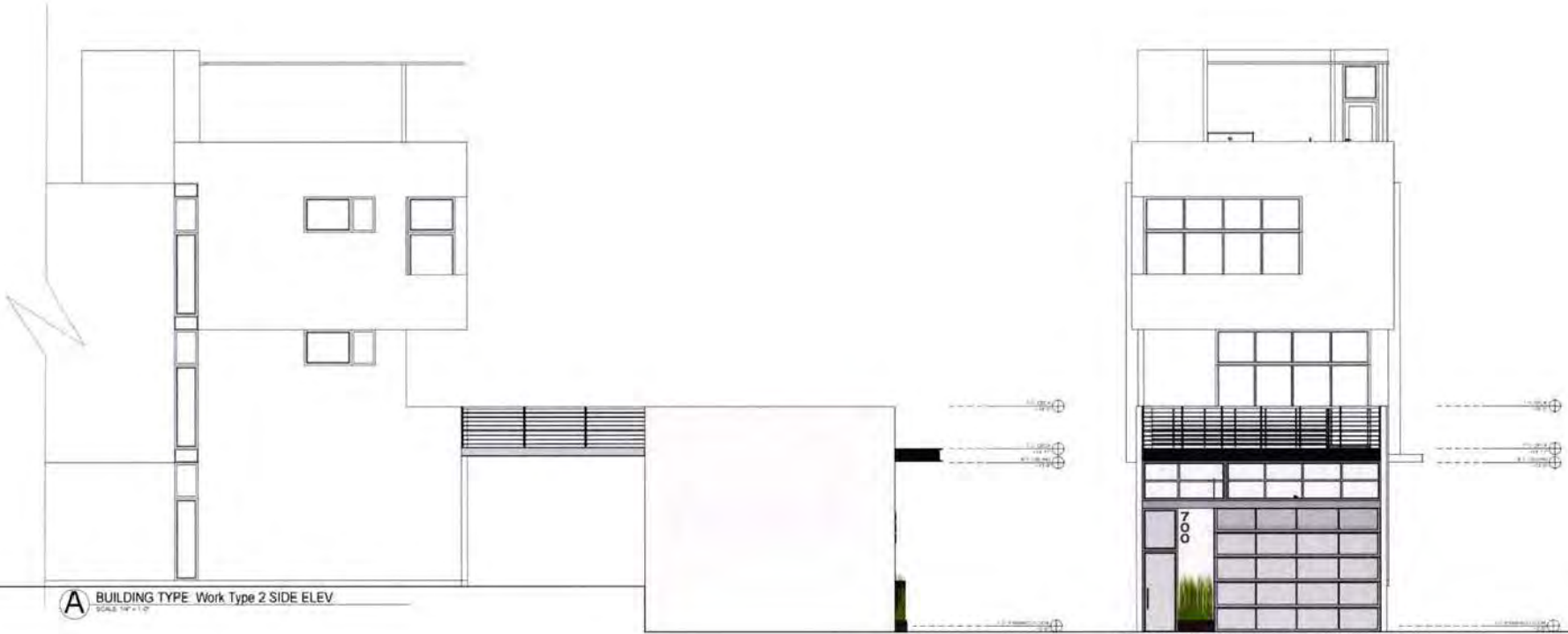
Aberdeen

700-600 Tahquitz  
Falm Springs, CA  
92062

01.01

Aberdeen  
Work  
Type 2  
Elevations

A3.07



**A** BUILDING TYPE Work Type 2 SIDE ELEV  
SCALE 1/4" = 1'-0"

**B** BUILDING TYPE Work Type 2 FRONT ELEV  
SCALE 1/4" = 1'-0"



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info@chrispardo.com

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Aberdeen

100-600 Tahquitz  
Palm Springs, CA  
92262

Rev. Date: / /

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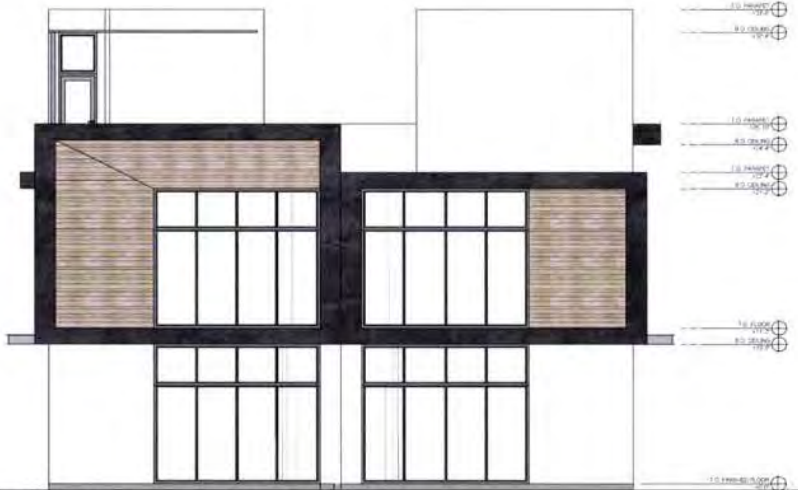
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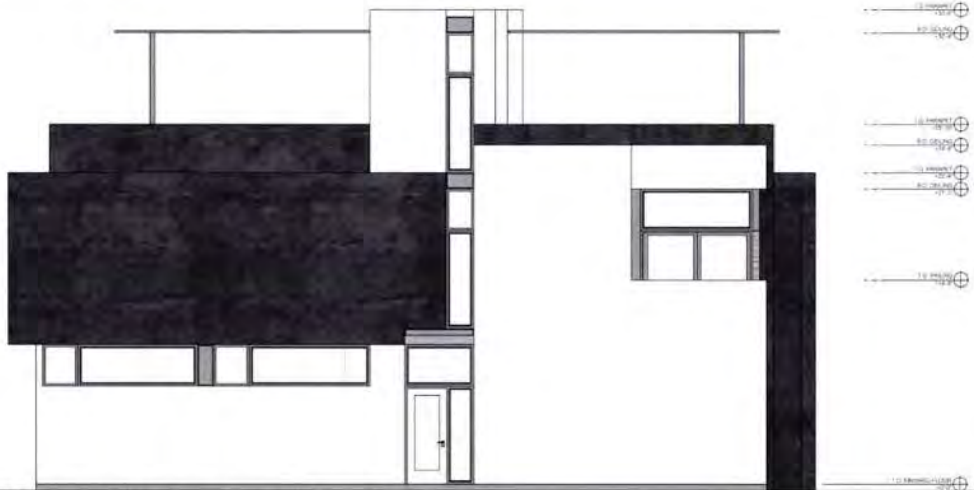
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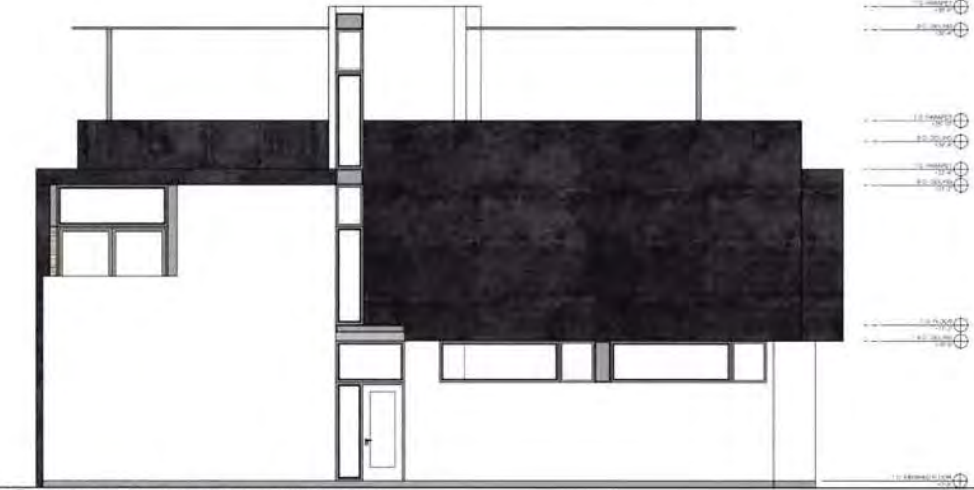
**A** BUILDING TYPE: Townhome Type 1 FRONT ELEV.  
SCALE: 1/4" = 1'-0"



**B** BUILDING TYPE: Townhome Type 1 SIDE 01 ELEV.  
SCALE: 1/4" = 1'-0"



**C** BUILDING TYPE: Townhome Type 1 REAR ELEV.  
SCALE: 1/4" = 1'-0"



**D** BUILDING TYPE: Townhome Type 1 SIDE 02 ELEV.  
SCALE: 1/4" = 1'-0"

Aberdeen  
Townhome  
Type 1  
Elevations

A3.08





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Aberdeen

700-620 Tahquitz  
Palm Springs, CA  
92262

NO. 2481

Aberdeen  
Townhome  
Type 2  
Elevations

No. 2481

A3.09



**A** BUILDING TYPE: Townhome Type 2 FRONT ELEV.  
SCALE: 1/4" = 1'-0"

**B** BUILDING TYPE: Townhome Type 2 SIDE 01 ELEV.  
SCALE: 1/4" = 1'-0"



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Aberdeen

700-800 Tahquamenon Way  
Palm Springs, CA  
92262

No. Date Issue

Aberdeen  
Townhome  
Type 2  
Elevations

A3.10



C BUILDING TYPE: Townhome Type 2 REAR ELEV.  
SCALE 1/4" = 1'-0"



D BUILDING TYPE: Townhome Type 2 SIDE 02 ELEV.  
SCALE 1/4" = 1'-0"



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206.326.1664

780 E. Tahouatz Canyon #16

Scale A

Palm Springs, CA 92262

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Aberdeen

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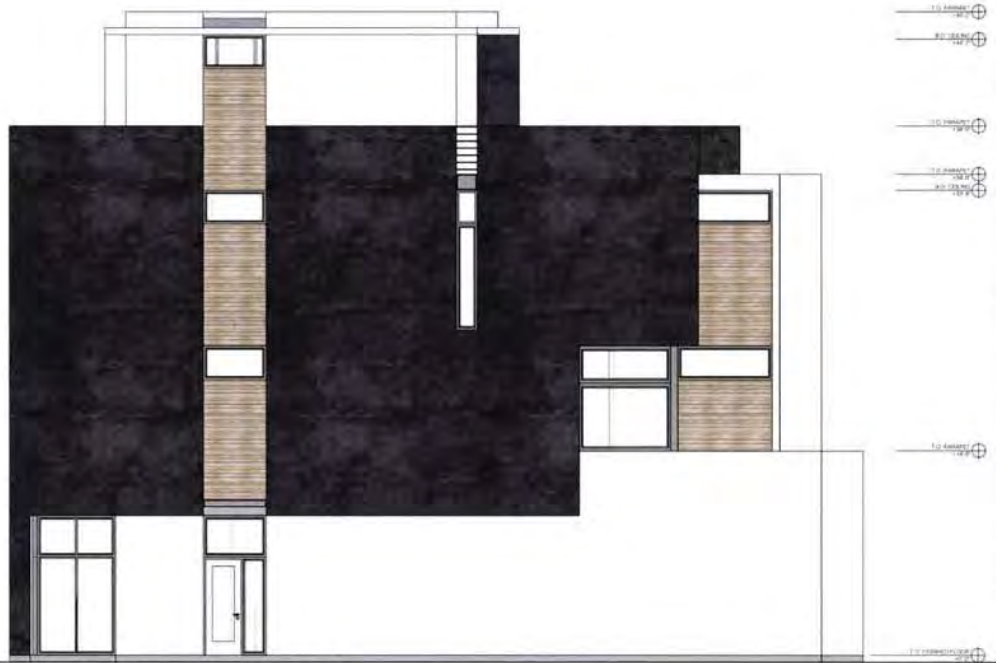
Palm Springs, CA

92262

No. Date Rev. by



**A** BUILDING TYPE: Townhome Type 3 FRONT ELEV.  
SCALE: 1/4" = 1'-0"



**B** BUILDING TYPE: Townhome Type 3 SIDE 01 ELEV.  
SCALE: 1/4" = 1'-0"

A3.11

WEST



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Palm Springs, CA 92262  
admin@chrispardo.com

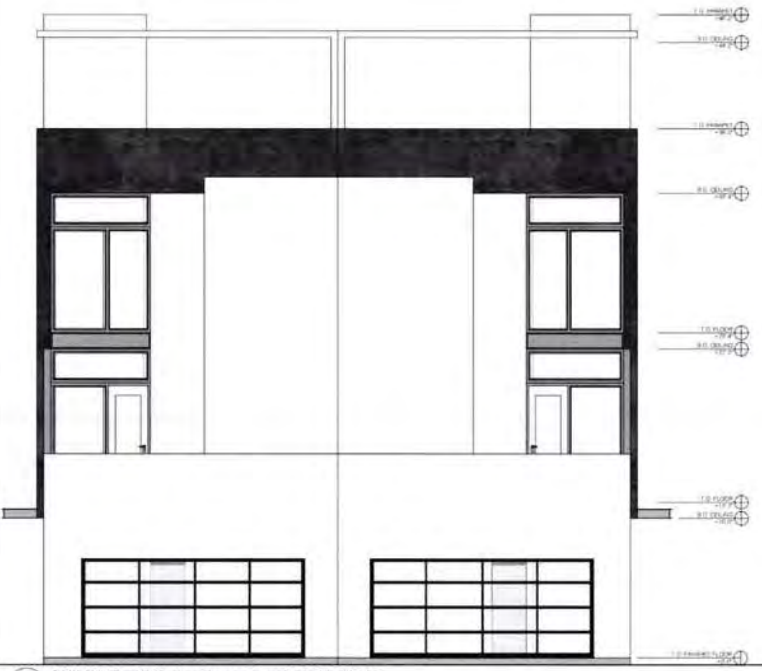
Aberdeen

700-600 Tahoultz  
Palm Springs, CA  
92262

No. Date Issue

Aberdeen  
Townhome  
Type 3  
Elevations

A3.12



**C** BUILDING TYPE: Townhome Type 3 REAR ELEV.  
SCALE: 1/4" = 1'-0"



**D** BUILDING TYPE: Townhome Type 3 SIDE 02 ELEV.  
SCALE: 1/4" = 1'-0"



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pardo@chrispardodesign.com  
Chris Pardo Design, LLC  
180 E. Tahquitz Canyon Way, Suite 4  
Palm Springs, CA 92262  
Chris Pardo is a Licensed Architect  
Architectural & Interior Design

**Aberdeen**

700-600 Tahquitz  
Palm Springs, CA  
92262

Scale: 1/8" = 1'-0"

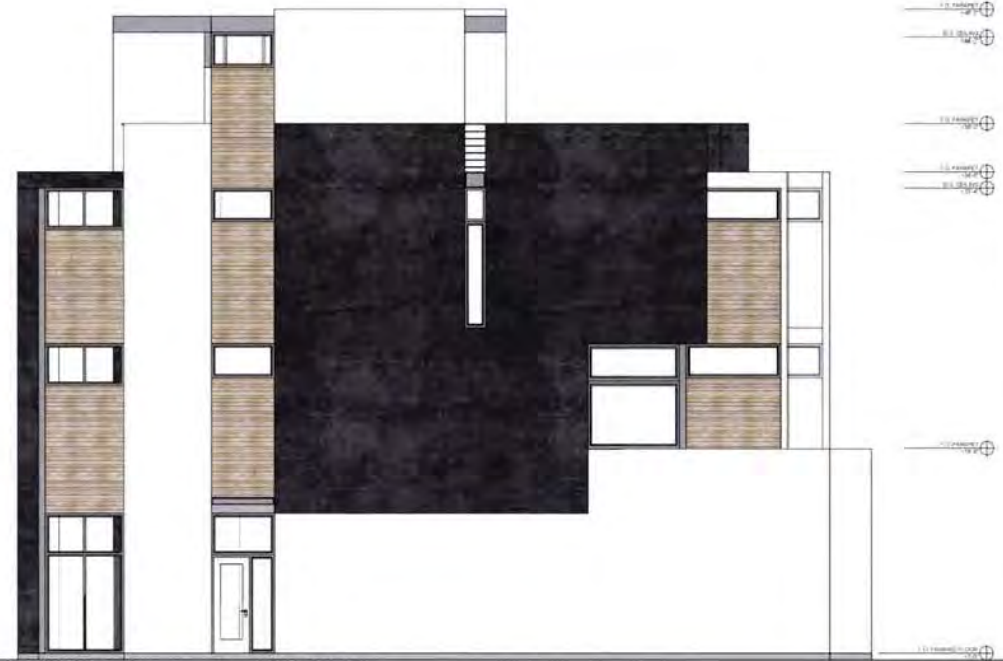
Aberdeen  
Townhome  
Type 4  
Elevations

Rev: 00

A3.13



**A** BUILDING TYPE: Townhome Type 4 FRONT ELEV.  
SCALE: 1/8" = 1'-0"



**B** BUILDING TYPE: Townhome Type 4 SIDE 01 ELEV.  
SCALE: 1/8" = 1'-0"



**CHRIS PARDO DESIGN**

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Scottsdale AZ 85257  
3096 328 1654

400 E. Tanager Canyon Way  
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92262

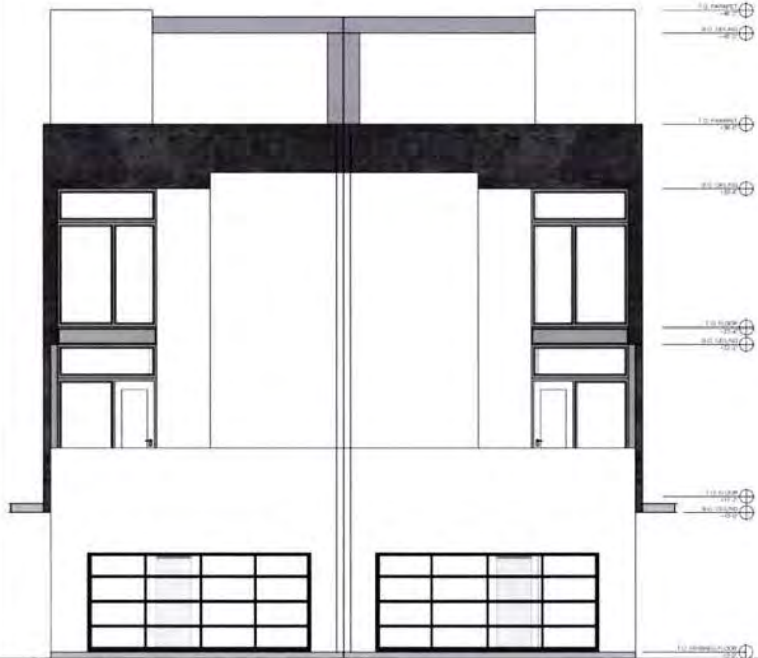
No. Date Rev. by

No.	Date	Rev. by

Aberdeen  
Townhome  
Type 4  
Elevations

Rev. 03

**A3.14**



**C** BUILDING TYPE: Townhome Type 4 REAR ELEV.  
SCALE 1/4" = 1'-0"



**D** BUILDING TYPE: Townhome Type 4 SIDE 02 ELEV.  
SCALE 1/4" = 1'-0"



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13001 13th Ave Suite G1  
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206.426.1614

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Seattle WA 98120  
206.426.1614

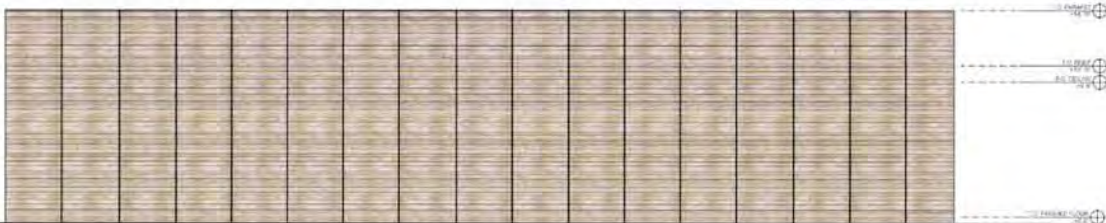
600 E. Spruill Canyon Way  
Suite A  
Palm Springs, CA 92262  
palmpringschristy.com

Architect/Designer: Chris Pardo  
Client: Aberdeen Gym & Fitness  
Project: Aberdeen Gym & Fitness  
Elevations



**A** BUILDING TYPE: Gym & Fitness - Front Elevation  
SCALE: 1/4" = 1'-0"

**B** BUILDING TYPE: Gym & Fitness - Side 01 Elevation  
SCALE: 1/4" = 1'-0"



**C** BUILDING TYPE: Gym & Fitness Rear Elevation  
SCALE: 1/4" = 1'-0"

**D** BUILDING TYPE: Gym & Fitness - Side 02 Elevation  
SCALE: 1/4" = 1'-0"

**Aberdeen**

700-600 Fairmount  
Palm Springs, CA  
92262

No. Date Issue

Aberdeen  
Gym / Fitness  
Elevations

**A3.16**

A. Aberdeen: South Site Cross Section

NTS



B. Aberdeen: East Site Cross Section

NTS



C. Aberdeen: North Site Cross Section

NTS



D. Aberdeen: West Site Cross Section

NTS



DAVID PARKER ARCHITECTS

1520 E 18th Ave Suite G1  
Seattle WA 98112  
206.428.1654

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Suite A  
Palm Springs, CA 92262

www.ltorrescompany.com

100-600 Tahoult  
Palm Springs, CA  
92262

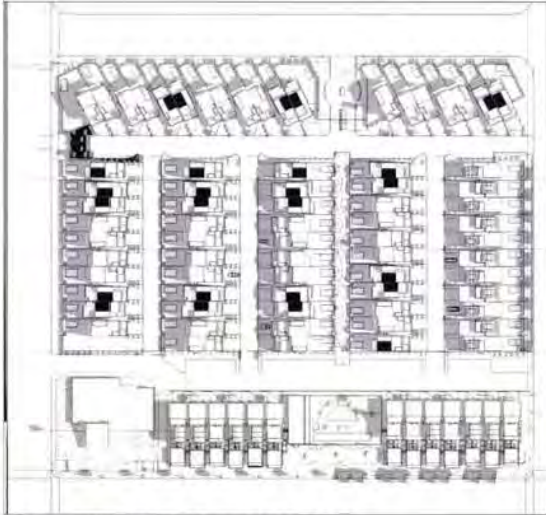
Aberdeen

100-600 Tahoult  
Palm Springs, CA  
92262

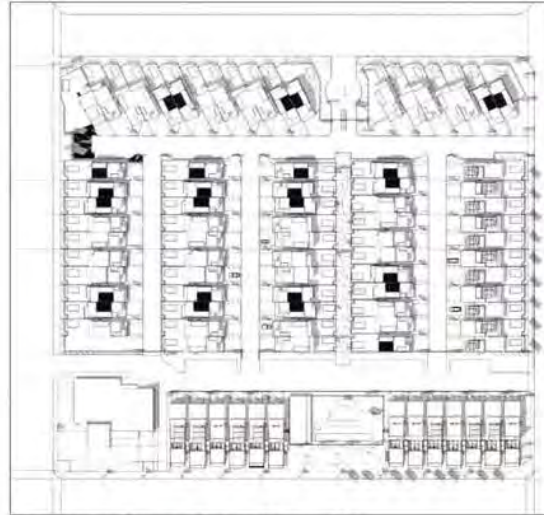
Aberdeen  
Site Cross  
Sections

A4.00

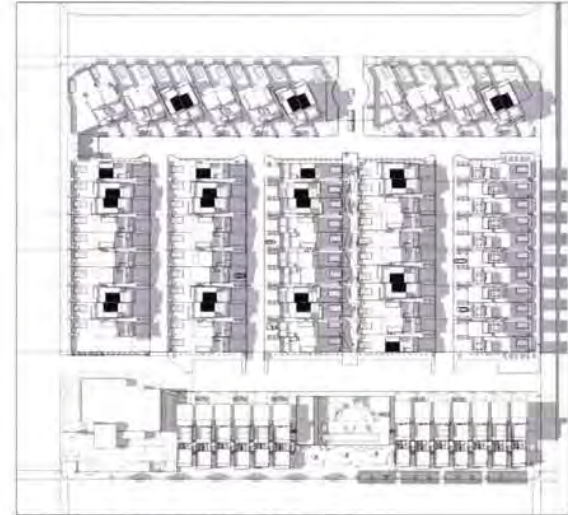




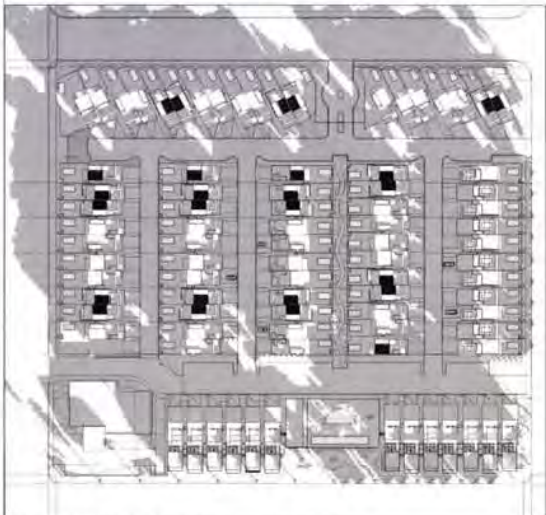
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NTS



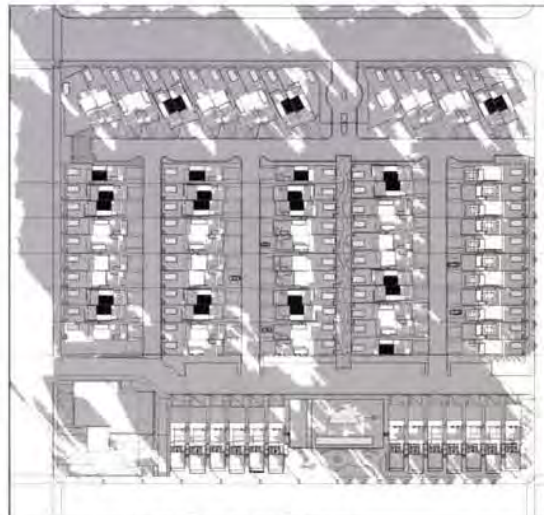
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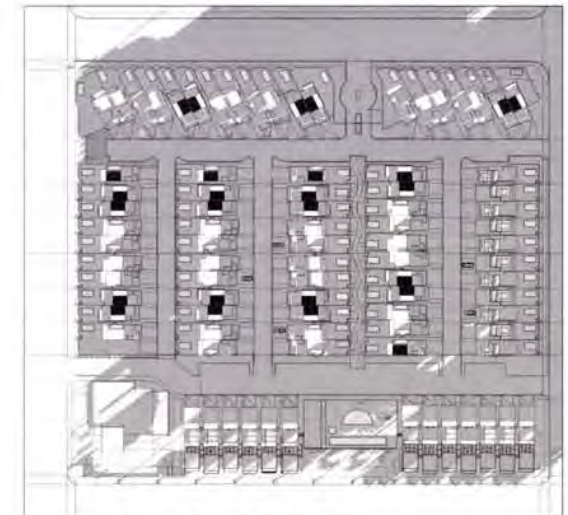
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NTS



Aberdeen: Shade Study 12/21 0800  
NTS



Aberdeen: Shade Study 12/21 1200  
NTS



Aberdeen: Shade Study 12/21 1500  
NTS



0602140201000

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Palm Springs, CA 92260

1420 11th Ave Suite G  
Santa Ana, CA 92701  
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92262

Aberdeen  
Shade Study



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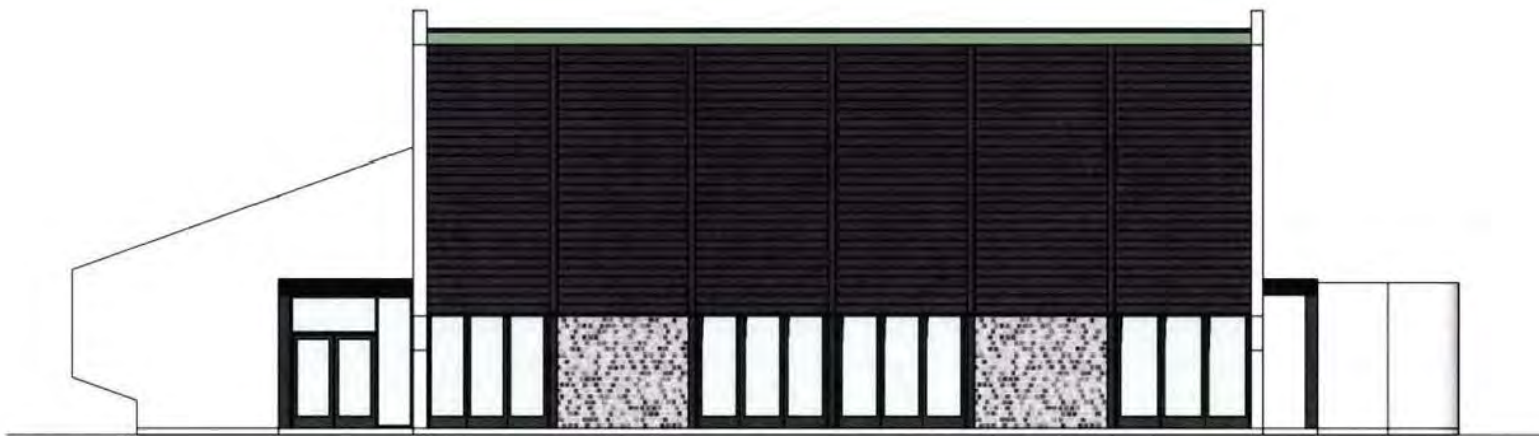
Aberdeen  
Cafe  
Elevations

1/11/2017

**A3.15**



BUILDING TYPE: Existing (Proposed Restaurant / Office Space) - A. Elevation  
SCALE: 1/4" = 1'-0"



BUILDING TYPE: Existing (Proposed Restaurant / Office Space) - B. Elevation  
SCALE: 1/4" = 1'-0"



DAVID PHIBBS STUDIO

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David Phibbs Studio, Inc.  
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1818 E. Schmale Canyon Way, Suite A  
Palm Springs, CA 92262

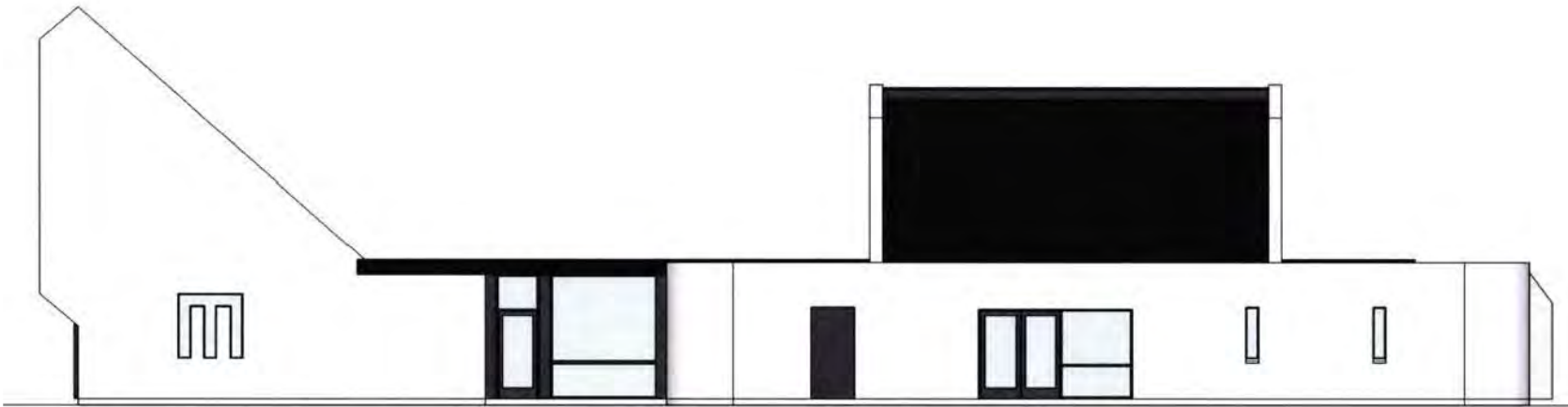
**Aberdeen**

100-600 Tehrutz  
Palm Springs, CA  
92262

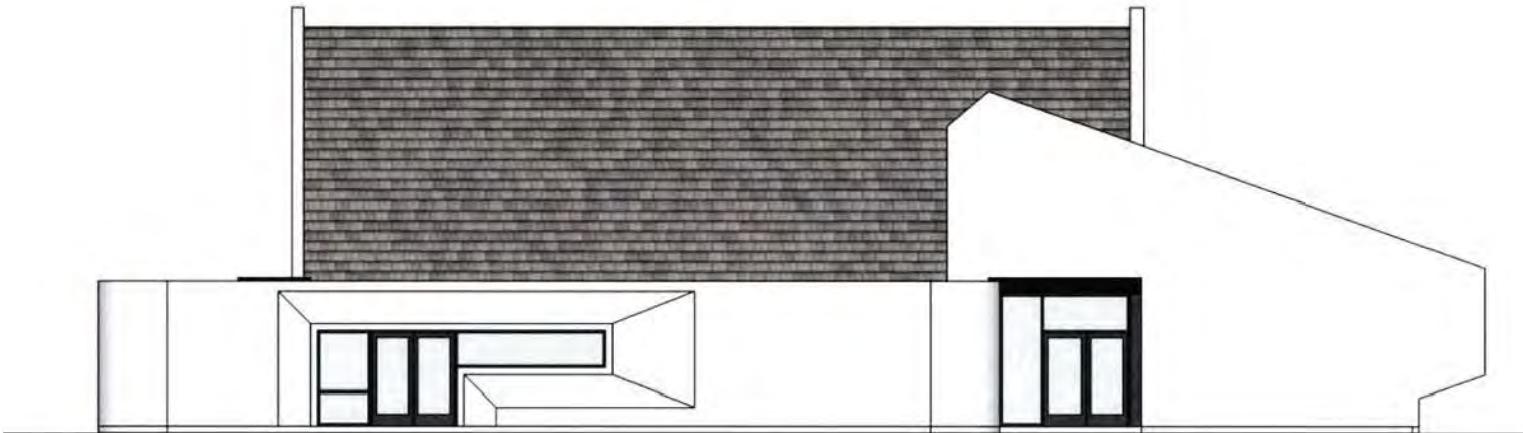
Architect

Aberdeen  
Cafe  
Elevations

**A3.15B**

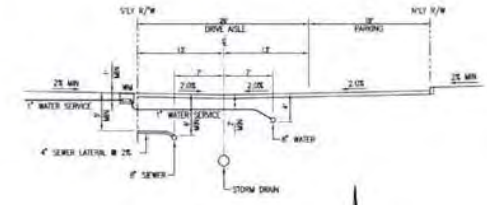
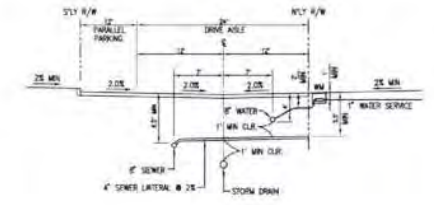
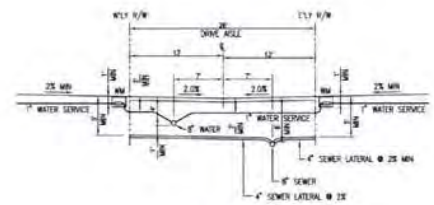
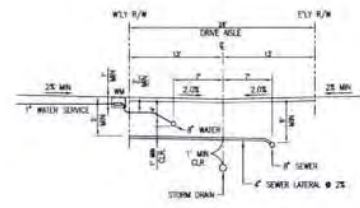
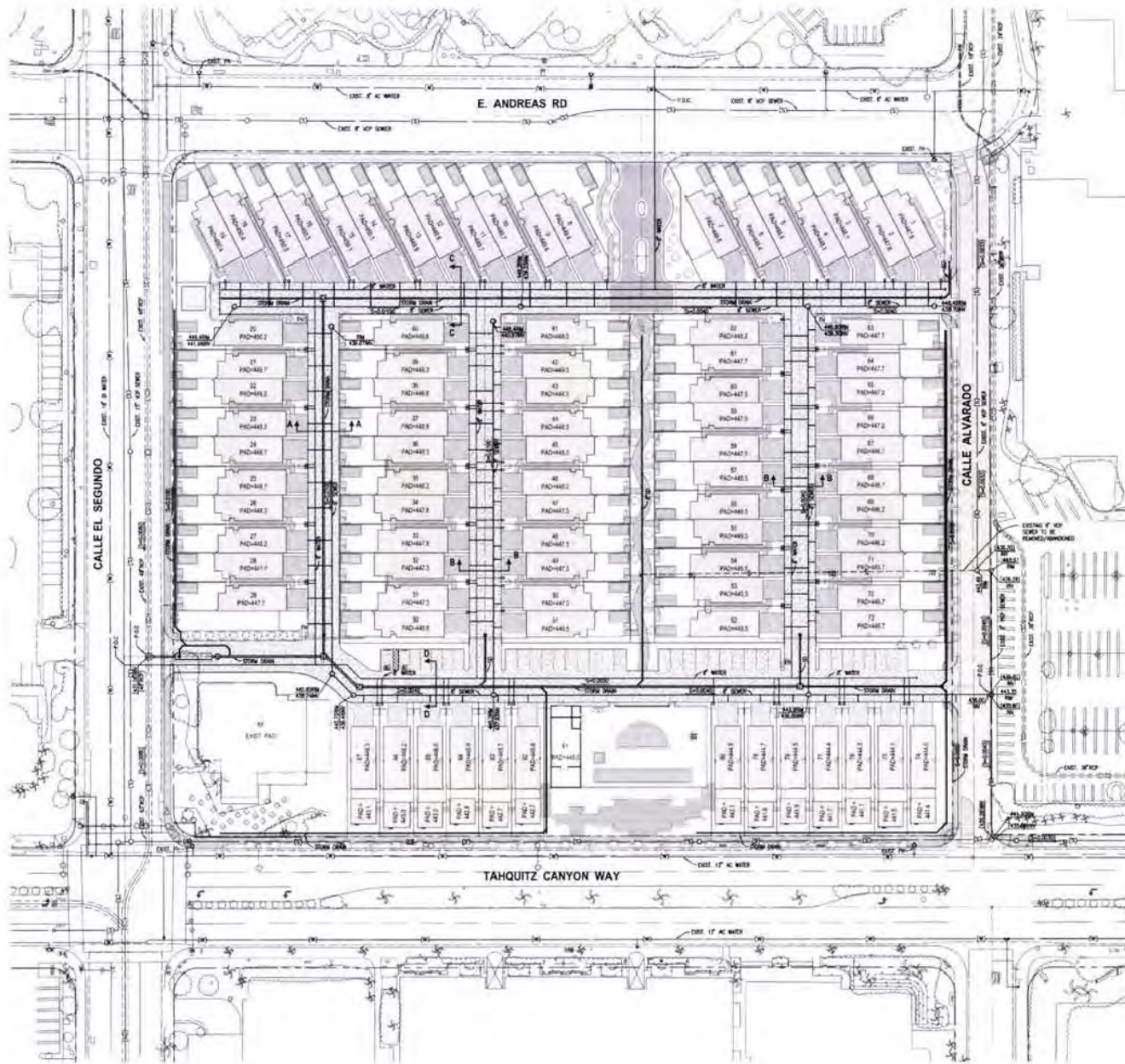


BUILDING TYPE: Existing (Proposed Restaurant / Office Space) - C. Elevation  
SCALE: 1/4" = 1'-0"



BUILDING TYPE: Existing (Proposed Restaurant / Office Space) - D. Elevation  
SCALE: 1/4" = 1'-0"





CHRIS PARDO DESIGN

7100 17th Ave. Suite 111  
Palm Springs, CA 92262

700-600 Tahquitz  
Palm Springs, CA 92262

700-600 Tahquitz  
Palm Springs, CA 92262



Aberdeen

700-600 Tahquitz  
Palm Springs, CA 92262

Preliminary  
Wet Utility  
Plan

C1.01



### PRELIMINARY PLANT PALETTE

SYMBOL	BOTANICAL / COMMON NAME	MINIMUM SIZE	COMMENTS
	ACACIA STENOPHYLLA / SHORTSTING ACACIA	24' BOX	INTERIOR SHADE
	CERCIDUM FLORIDUM / BLUE PALM VERDE	36" BOX STD	STREET TREE ON TAQUITZ
	OLEA EUROPEA 'OWAN-HILL' / FRUITLESS OLIVE	36" BOX	SPECIMEN ACCENT TREE
	PROSOPIS PINEALIS / PHOENIX MESQUITE	36" BOX	FLOWERING CANOPY
	WASHINGTONIA ROBUSTA / MEXICAN FAN PALM	20' BTH	PALM ACCENT TAQUITZ
	PHOENIX DACTYLIPTERA 'MELJOU'	24' BTH	PALM AT ENTRY
<b>FOREGROUND SHRUBS</b>			
	BUXUS / 'GREEN BEAUTY' / JAPANESE BOXWOOD	15 GAL / 24" O.C.	EVERGREEN HEDGE
	AGAVE AMERICANA / CENTURY PLANT	5 GAL / 42" O.C.	SUCCULENT ACCENT
	ALOE VERA / BARBADOS ALOE	5 GAL / 36" O.C.	SUCCULENT ACCENT
	CAESALPINA PULCHERRIMA / RED BIRD OF PARADISE	5 GAL / 48" O.C.	BACKGROUND
	CALLANDRA CALIFORNICA / BABA FABRY DUSTER	5 GAL / 36" O.C.	MIDGROUND
	CALLANDRA EBORHYLLA / FALSE MESQUITE	5 GAL / 48" O.C.	MIDGROUND
	DASYLIRION WHEELERI / DESERT SPOON	5 GAL / 48" O.C.	ACCENT
	ECHINOCACTUS GRUSONI / GOLDEN BARREL CACTUS	5 GAL / 36" O.C.	CACTUS
	FESTUCA MAIRII / ATLAS FESCUE	1 GAL / 24" O.C.	ORNAMENTAL GRASS
	FOKQUIERIA SPI. ENDENS / COCTLELL	5 GAL / 60" O.C.	VERTICAL ACCENT
	HAESSELLIA TENNESSEANA / MEXICAN FEATHER GRASS	1 GAL / 24" O.C.	ORNAMENTAL GRASS
	ORPUNTA VIOLACEA / SANTA RITA PROCKLY PEAR	3 GAL / 36" O.C.	CACTI
	SENNA ARTEMESIOIDES / FEATHERY CASBA	5 GAL / 36" O.C.	BACKGROUND
	YUCCA WHIPPLEI / OURI / OURI'S CANELE	5 GAL / 60" O.C.	SUCCULENT ACCENT
	YUCCA ELIPANTINES / GIANT YUCCA	15 GAL	EMPHATIC



**CHRIS PARDO DESIGN**  
 1100 11th Ave Suite 112  
 South Palm Springs, CA 92262  
 760.328.1864  
 691 E. Tahquitz Canyon Way  
 Suite 8  
 Palm Springs, CA 92262  
 www.chrispardo.com



RES. IRRIGATION  
 1400 W. 11th Ave  
 Palm Springs, CA 92262  
 760.328.1864

**Aberdeen**  
 700-600 Tahquitz  
 Palm Springs, CA  
 92262

Scale: \_\_\_\_\_

Date: \_\_\_\_\_

Sheet: \_\_\_\_\_

Project: \_\_\_\_\_

Client: \_\_\_\_\_

Site: \_\_\_\_\_

Prepared by: \_\_\_\_\_

Checked by: \_\_\_\_\_

Approved by: \_\_\_\_\_

Preliminary  
 Landscape  
 Plan

**L1.01**





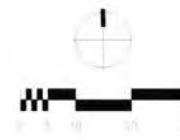
Cafe Enlargement



Main Entry Enlargement

LEGEND

- 1 DECORATIVE CONCRETE PAVERS
- 2 TERRACED WATER ELEMENT
- 3 DECORATIVE METAL SWING GATES
- 4 PALM TREES AT ENTRY DRIVE
- 5 RAISED WATER FEATURE
- 6 DECORATIVE PLANT CONTAINER WITH VERTICAL PLANT MATERIAL
- 7 TABLE AND CHAIRS WITH UMBRELLA
- 8 BIKE RACKS
- 9 PRIVATE PATIO



CHRIS PARDO DESIGN  
LANDSCAPE ARCHITECTURE

1030 17th Ave Suite G  
Seattle WA 98122  
(206) 329-1954

100 E. Tropicana, Clarendon Hills  
Suite A,  
Palm Springs, CA 92262

1000 17th Ave Suite G  
Seattle WA 98122  
(206) 329-1954



800 WILSON BLVD  
SUITE 200  
PALM SPRINGS, CA 92262  
(760) 870-1100

Aberdeen

700-600 Tanquitz  
Palm Springs, CA  
92262

No. Date Issue

01/15/20 10/15/20 10/15/20

01/15/20 10/15/20 10/15/20

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01/15/20 10/15/20 10/15/20

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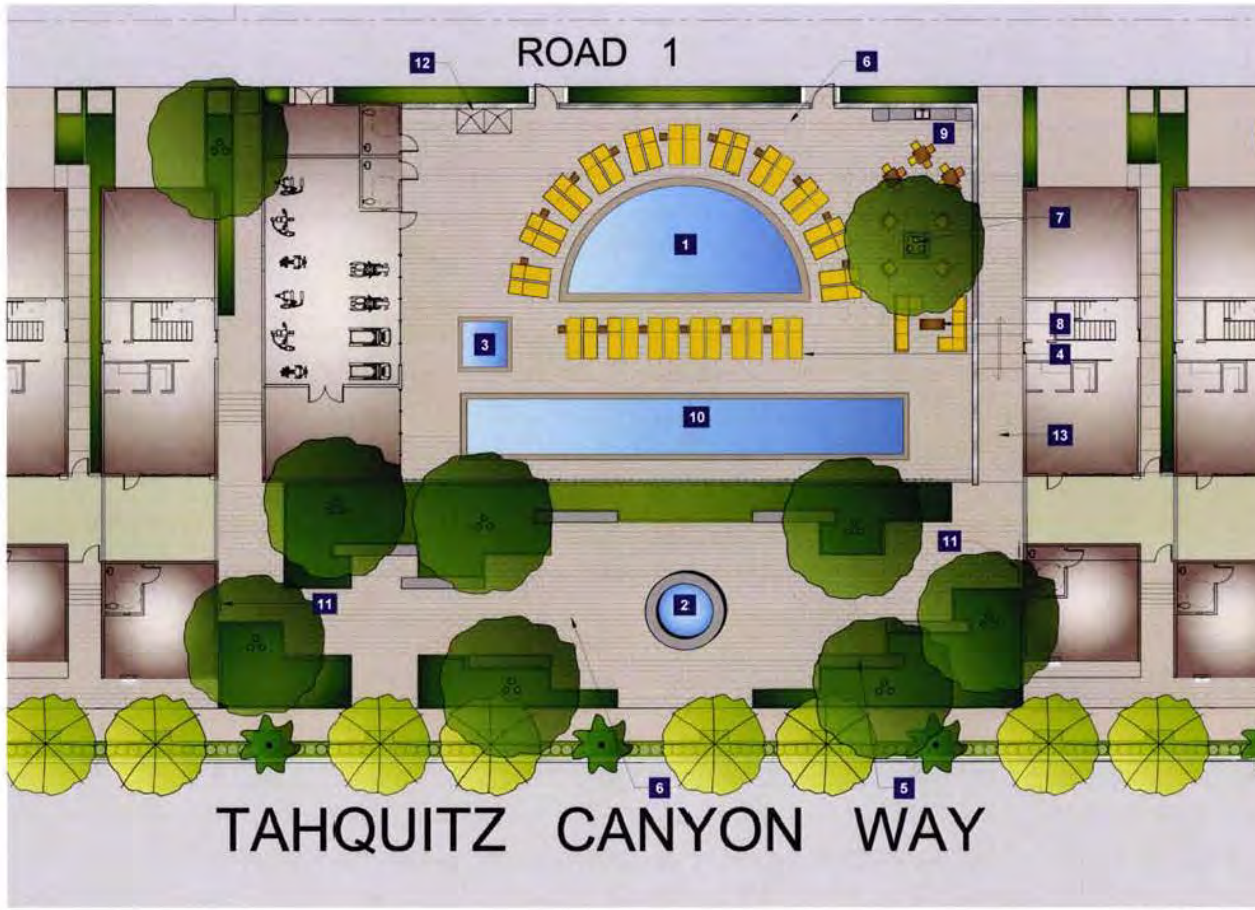
01/15/20 10/15/20 10/15/20

01/15/20 10/15/20 10/15/20

Preliminary  
Landscape  
Plan  
Enlargement

L1.02

2024.01



Pool Area Enlargement



LEGEND

- 1 RECREATION POOL
- 2 WATER ELEMENT
- 3 SPA
- 4 LOUNGE CHAIR SUNNING AREA
- 5 CONCRETE LOW-SEAT WALL
- 6 CONCRETE PAVERS - RUNNING BOND
- 7 SEATING AREA WITH SHADE TREE
- 8 SEATING AREA WITH FIRE PIT
- 9 BBQ COUNTER WITH SINK
- 10 LAP POOL
- 11 BIKE RACKS
- 12 SHOWERS
- 13 ACCESSIBLE PATH



CHRIS PARDO DESIGN  
727.751.2428 | CPD@CPDDSIGN.COM

1520 11th Ave Suite D  
South MA 94702  
925.329.1864

731 E. Tahquitz Canyon Way  
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Palm Springs, CA 92262

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8881 RICHARD IRWIN  
SUITE 100  
10000 LA BREA  
P.O. BOX 1000  
PICO CA 90660

Aberdeen

700 600 Tahquitz  
Palm Springs, CA  
92262

No. Date Issue

No.	Date	Issue

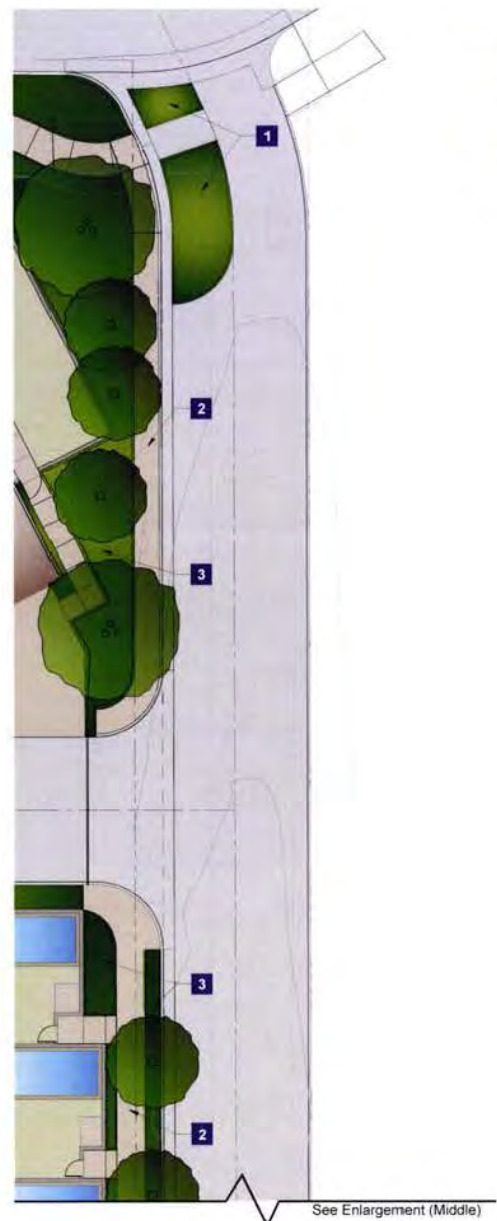
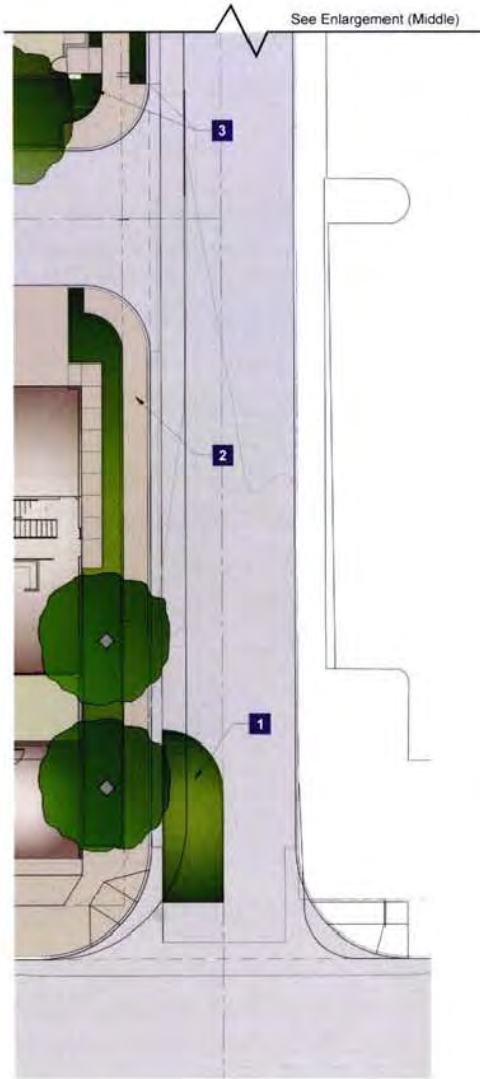
Preliminary  
Landscape  
Plan  
Enlargement

No. 001

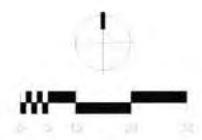
L1.03

3/18/17





- LEGEND**
- 1** TURF BLOCK WITH LOW LEVEL PLANTING
  - 2** CONCRETE SIDEWALK
  - 3** DROUGHT TOLERANT PLANT MATERIAL



**CHRIS PARDO DESIGN**  
 LANDSCAPE ARCHITECTURE  
 1520 11th Ave Suite C2  
 Seattle WA 98101  
 (206) 325-1954  
 P.O. Box 749424  
 Palm Springs, CA 92262  
 www.chrispardodesign.com



**Aberdeen**

700 600 Tahquitz  
 Palm Springs, CA  
 92262

No.	Date	Issue

Preliminary  
 Landscape  
 Plan  
 Enlargement

**L1.04**



**LANDSCAPE LIGHTING LEGEND**

SYMBOL	DESCRIPTION	MANUFACTURER	MODEL NO.	COLOR TEMPERATURE
○	RECESSED DOWNLIGHT	OSRAM	AR111	3000K
△	UPLIGHT	OSRAM	AR111	3000K
□	WALL WASH	OSRAM	AR111	3000K
○	RECESSED DOWNLIGHT	OSRAM	AR111	3000K
△	UPLIGHT	OSRAM	AR111	3000K
□	WALL WASH	OSRAM	AR111	3000K

NOTE: SITE LIGHTING SHOWN HERE FOR DESIGN INTENT ONLY. REFER TO ELECTRICAL ENGINEER'S SHEETS FOR LIGHT FIXTURE SPECIFICATIONS AND CIRCUITRY.



**CHRIS PARDO DESIGN**  
 1700 N. 17th St., Suite 100  
 Phoenix, AZ 85016

1001 17th Ave. Suite 100  
 Phoenix, AZ 85016  
 (602) 944-1000

For: Central Community  
 Suite A  
 Phoenix, AZ 85016

Chris Pardo Design, Inc.  
 1700 N. 17th St., Suite 100  
 Phoenix, AZ 85016  
 (602) 944-1000



**RIA**  
 800 N. 17th St. Suite 100  
 Phoenix, AZ 85016  
 (602) 944-1000

**Aberdeen**

700-600 Turnout  
 Palm Springs, CA  
 92262

Mr. Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

Preliminary  
 Lighting  
 Plan

**L1.05**



### PRELIMINARY PLANT PALETTE

SYMBOL	BOTANICAL / COMMON NAME	MINIMUM SIZE	COMMENTS
<b>PROPOSED TREES</b>			
	ACACIA STENOPHYLLA / SHOBRESTRIN ACACIA	24" BOX	INTERIOR SHADE
	CERODIDUM FLORIDUM / BLUE PALM VERDE	36" BOX STD	STREET TREE ON TAQUITZ
	OLEA EUROPAEA 'SWAN HILL' / FRUITLESS OLIVE	36" BOX	SPECIMEN ACCENT TREE
	PROSOPIS SPICOIDES / PHOENIX MESQUITE	36" BOX	FLOWERING CANOPY
	WASHINGTONIA ROBUSTA / MEXICAN FAN PALM	20" BTH	PALM ACCENT TAQUITZ
	PHOENIX DACTYLOPERA MEDJOL	24" BTH	PALM AT ENTRY
<b>FOREGROUND SHRUBS</b>			
	YUCCA FILIFERA / 'GREEN BEAUTY' / JAPANESE BOXWOOD	15 GAL / 24" O.C.	EVERGREEN HEDGE
	AGAVE AMERICANA / CENTURY PLANT	5 GAL / 42" O.C.	SUCCULENT ACCENT
	ALOE VERA / BARBADOS ALOE	5 GAL / 36" O.C.	SUCCULENT ACCENT
	CASSALPIA PULCHERRIMA / RED BIRD OF PARADISE	5 GAL / 48" O.C.	BACKGROUND
	CALLIANDRA CALIFORNICA / BONA FAYRY DUSTER	5 GAL / 36" O.C.	MIDGROUND
	CALLIANDRA ERIOPHYLLA / FALSE MESQUITE	5 GAL / 48" O.C.	MIDGROUND
	DAPHNIPHYLLUM WHEELERI / DESERT SPOON	5 GAL / 48" O.C.	ACCENT
	ECHINOCACTUS GRUSONI / GOLDEN BARREL CACTUS	5 GAL / 36" O.C.	CACTUS
	FESTUCA MAREII / ATLAS FESCUE	1 GAL / 24" O.C.	ORNAMENTAL GRASS
	POUTERIA SP. INDIANA / DOCTILED	5 GAL / 50" O.C.	VERTICAL ACCENT
	NASSELLA TENUISIMA / MEXICAN FEATHER GRASS	1 GAL / 24" O.C.	ORNAMENTAL GRASS
	OPUNTIA VIOLACEA / SANTA RITA PRICKLY PEAR	5 GAL / 36" O.C.	CACTI
	SENECIO ARTEMESIODOIDES / FEATHERY CASSIA	5 GAL /	BACKGROUND
	YUCCA WHIPPLEI / DURI / DRI'S CANE	5 GAL / 60" O.C.	SUCCULENT ACCENT
	YUCCA ELEPHANTIPES / GIANT YUCCA	15 GAL	EMPHATIC



**CHRIS PARDO DESIGN**  
 LANDSCAPE ARCHITECTURE  
 1001 E. 17th Avenue, Suite 10  
 Palm Springs, CA 92262  
 760-328-1888  
 760-328-1889



**Aberdeen**  
 700-600 Tahquitz  
 Palm Springs, CA  
 92262

Mr. Title: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Scale: \_\_\_\_\_

Preliminary  
 Landscape  
 Plan

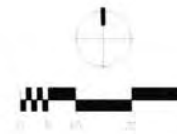
**L1.01**



Patio Area at Existing Building Enlargement



Main Entry Enlargement



LEGEND

- 1 DECORATIVE CONCRETE PAVERS
- 2 TERRACED WATER ELEMENT
- 3 DECORATIVE METAL SWING GATES
- 4 PALM TREES AT ENTRY DRIVE
- 5 RAISED WATER FEATURE
- 6 DECORATIVE PLANT CONTAINER WITH VERTICAL PLANT MATERIAL
- 7 TABLE AND CHAIRS WITH UMBRELLA
- 8 BIKE RACKS
- 9 PRIVATE PATIO
- 10 ENCLOSED PATIO AREA



CHRIS PARDO DESIGN  
7777 N. 13th St., Suite 101, Phoenix, AZ 85018

1800 N. 1st Ave., Suite 105  
Scottsdale, AZ 85257  
(480) 326-1000

100 E. Yunguzzi Canyon Way  
Suite A  
Palm Springs, CA 92262  
www.chrispardo.com

11111 E. Camelback Rd., Suite 100  
Phoenix, AZ 85018  
(602) 998-1000  
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1841 W. 10th St.  
Phoenix, AZ 85015  
(602) 998-1000  
www.ria.com

Aberdeen

700-800 Tahquitz  
Palm Springs, CA  
92262

No. Date Issue  
01/14 07/14/2014  
01/14 07/14/2014

Preliminary  
Landscape  
Plan  
Enlargement

L1.02



CHRIS PARDO DESIGN

15001 11TH AVE, SUITE 101  
PALM SPRINGS, CA 92262  
760.329.1564  
P.O. BOX 240000  
PALM SPRINGS, CA 92262  
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Aberdeen

700-800 Tahquilt  
Palm Springs, CA  
92262

No. 10000 10000  
10000 10000 10000  
10000 10000 10000

Preliminary  
Landscape  
Plan  
Enlargement

L1.03

08/27

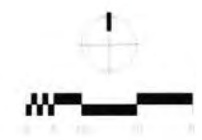
LEGEND

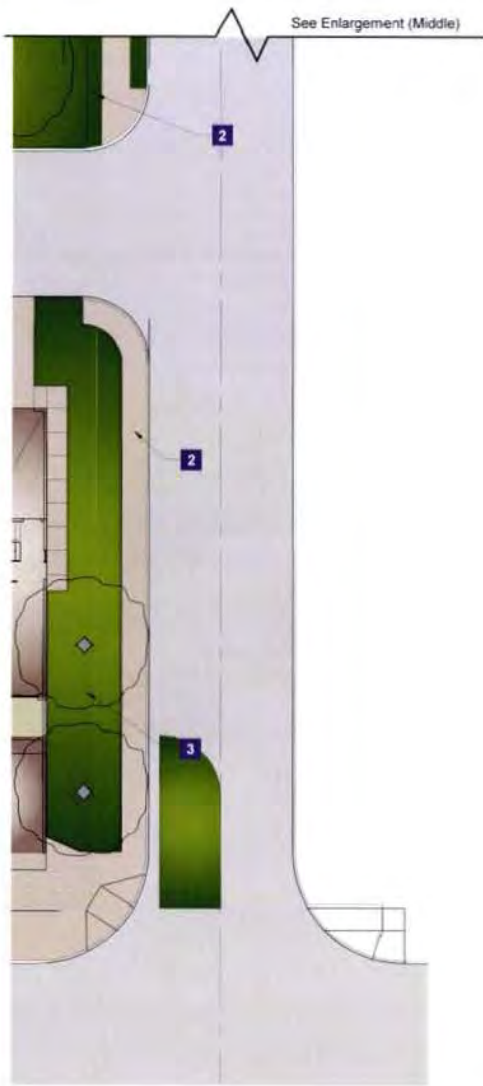
- 1 RECREATION POOL
- 2 SPA
- 3 LOUNGE CHAIR SUNNING AREA
- 4 CONCRETE LOW SEAT WALL
- 5 CONCRETE PAVERS - RUNNING BOND
- 6 SEATING AREA WITH SHADE TREE
- 7 SEATING AREA WITH FIRE PIT
- 8 BBQ COUNTER WITH SINK
- 9 LAP POOL
- 10 SHOWERS
- 11 ACCESSIBLE PATH



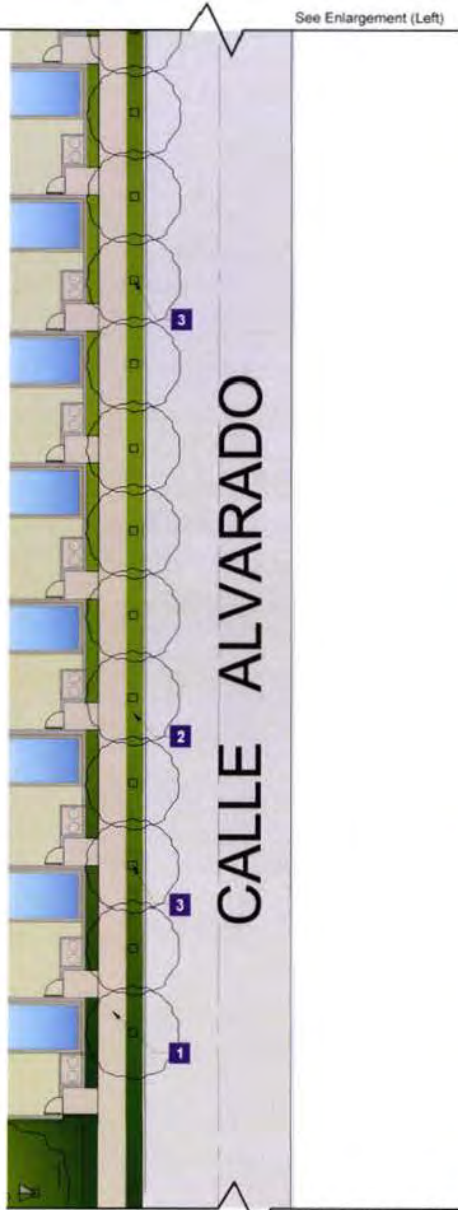
QUITZ CANYON WAY

Pool Area Enlargement



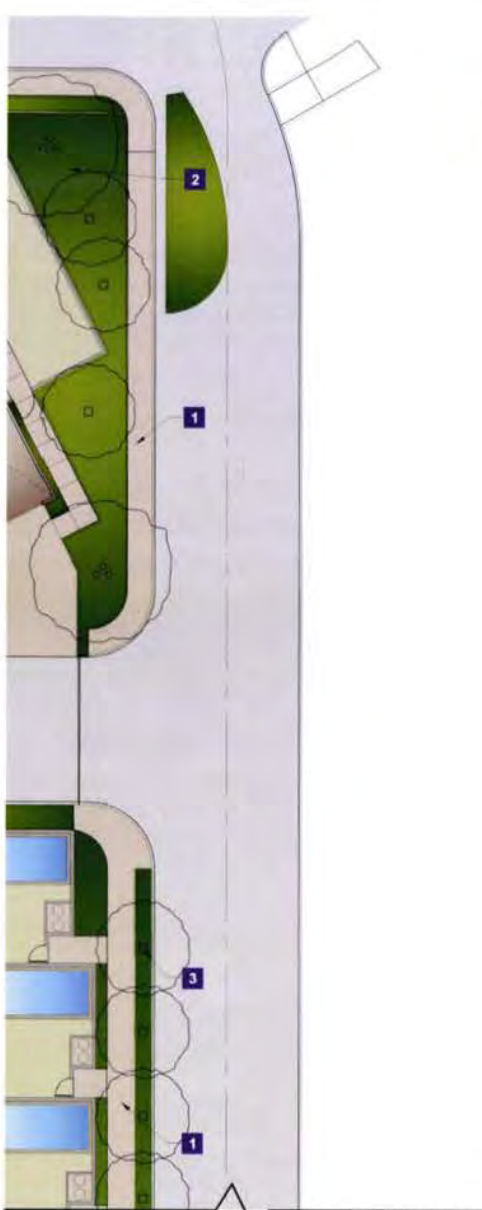


See Enlargement (Middle)



See Enlargement (Left)

See Enlargement (Right)



See Enlargement (Middle)

- LEGEND**
- 1 CONCRETE SIDEWALK
  - 2 DROUGHT TOLERANT PLANT MATERIAL
  - 3 STREET TREE



CALLE ALVARADO STREETSCAPE



**CHRIS PARO DESIGN**  
LANDSCAPE ARCHITECTS

150-1114 Ave. Suter #10  
Southridge, WA 98148  
360-451-1034

700 E. Tanagero Canyon Way  
Suite A  
Palm Springs, CA 92262  
www.chrisparodesign.com



**Aberdeen**

700-600 Tanagero  
Palm Springs, CA  
92262

No. Title Date  
11-15 2015-2017-15  
11-15 2015-2017-15

Preliminary  
Landscape  
Plan  
Enlargement

**L1.04**

