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# ATTACHMENT #3

# HISTORIC SITE PRESERVATION BOARD CITY OF PALM SPRINGS, CALIFORNIA

Large Conference Room, 3200 East Tahquitz Canyon Way, Palm Springs, California 92262  
www.palmspringsca.gov

## MINUTES

JUNE 9, 2014



9:00 AM  
REGULAR MEETING

**CALL TO ORDER:** The Chair called the meeting to order at 9:00 a.m.

**ROLL CALL:** Chair Gary Johns, Vice-Chair Roxann Ploss, Members Dick Burkett, Todd Hays, Bill La Voie, Linda Dixon, James Williamson

**ABSENT:** (none).

**ACCEPTANCE OF THE AGENDA:** M/S/C (Dixon / Hays) 7-0 to approve.

### **PUBLIC COMMENT:**

COREY ALDER, President of Nexus Companies / O & M LLC, spoke in opposition of the proposed application for consideration of Class 1 designation and the proposed stay of demolition of the Tahquitz Plaza at 600, 650, 700 and 750 East Tahquitz Canyon Way.

ROBERT IMBER, of Palm Springs Modern Tours, spoke in opposition of Case 5.0712; the proposed changes at the William Cody-designed Shell gas station on North Palm Canyon Drive.

HUGH KAPTUR, Architect and developer of Tahquitz Plaza I and II, spoke in support of the proposed designation of the Tahquitz Plaza Buildings and in opposition of the proposed "Aberdeen" development proposed for that site.

RENEE BROWN, of the Palm Springs Historic Society (PSHS) spoke about the continued deterioration of the City-owned Cornelia White House and asked the HSPB to intervene on the PSHS' behalf to demand the City act swiftly to stabilize and preserve the structure; the second oldest existing in Palm Springs.

PETER MORUZZI, founder of the PS Modern Committee, spoke in support of the Tahquitz Plaza Class 1 historic designation and urged the HSPB to place a stay of demolition on the structures. He noted the PS Modern Committee has submitted an appeal to the City of the owner's recent application to demolish the structures.

SOBHY YOUSEF, owner of the William Cody-designed Shell Gas station, spoke in support of the Certificate of Approval request for modification to the gas station.

STAN POLLAKUSKI, designer for the modifications to the Shell station spoke in support of the certificate of approval request and further explained the proposed modifications.

CHRIS MENRAD, resident, spoke in support of the Tahquitz Plaza Class 1 historic designation application, and expressed concern about safety and security of the buildings and reminded the City about the vacant building ordinance and his concern that the owner was not maintaining the security of the now vacant buildings.

JADE THOMAS NELSON, resident, expressed his support of the Boards' ongoing efforts and concerns about pressures of development on historic structures and the loss of historic sites. He expressed his support for the Tahquitz Plaza class 1 nomination, the Orbit In Class 1 designation, the Morse Residence Class 1 nomination, and concern about the adverse impact of the proposed modifications to the Cody-designed Shell gas station.

The Chair closed public comment.

**1. CONSENT CALENDAR:**

**1.A. APPROVAL OF THE MINUTES: , MAY 12, 2015 MEETING.**

Board member Ploss, item 4B, requested her comment that owner neglect should not be used as a reason for demolition be included. Also that the minutes recognize the passing of former Board member Sheila Grattan and her contribution to the efforts of the HSPB during her tenure on the board.

Board member La Voie noted on page 3 under "skylights" insert comma, and insert "...and the poolside cabanas."

M/S/C (Hays/Dixon) 6-0-1 (Hays abstained) to approve as corrected.

**2. UNFINISHED BUSINESS: (none)**

**3. NEW BUSINESS:**

**3.A. PALM SPRINGS PLANNING COMMISSION REFERRAL OF A REQUEST BY GERGIS YOUSEF FOR A CONDITIONAL USE PERMIT AMENDMENT TO EXPAND THE EXISTING RETAIL SPACE FOR A WILLIAM F. CODY DESIGNED GAS STATION LOCATED AT 2796 NORTH PALM CANYON DRIVE, ZONE C-1 (CASE 5.0712 CUP).**

Planning Director FAGG explained the Planning Commission's action to refer this item to HSPB for its review, comments, and recommendations to the Commission before the Commission considers action on the application.

Staff Planner NEWELL summarized the project and the staff report.

Member LA VOIE opined that the proposed material (metal panel) and finish is inappropriate as is the relationship of the proposed (and previous) addition to the original building.

Member WILLIAMSON felt much of the historic integrity of the original building has been lost and shouldn't be further compromised.

Member BURKETT noted the proposed project would further compromise the historic integrity of the original building.

Chair JOHNS discussed the significance of the building, its architect, and the context in which it was developed in the 60's. He noted opportunities and options that the owner could consider to expand the business model at the site while not further compromising the building's architecture. He recommended staff set up HSPB site visits and AAC site visits to better understand the site and explore whether there are City grants that may assist the applicant in business growth (including architectural tours) and building restoration.

Member DIXON does not recommend further modifications to the exterior appearance of the building.

Recommendations to the Planning Commission:

1. Recommend the building for Class 1 designation.
2. Retain the garage doors at the service bays and construct any proposed new wall behind it so as not to alter the exterior appearance of the original building.
3. Accommodate the proposed use within the (currently) existing building footprint without further additions.
4. Make no changes to the exterior of the original bldg.
5. Consider repainting the building in its original colors and consider using different paint colors to differentiate the addition from the original building.
6. Any changes should be done in accordance with the Secretary of the Interior Standards for the Treatment of Historic Structures.
7. If an addition is proposed, break the wall plane to distinguish original from new.
8. If an addition is proposed, new walls should be no closer than 2 feet from the existing structural column and should not enclose it with the proposed new building.
9. Clerestory windows should be preserved.
10. Canopy structure should be restored, removing surface mounted conduit, damage, etc.
11. Staff should set up site visits for HSPB and AAC members to allow them to complete their recommendations to PC.

12. The Board recommended that the Owner consider wider marketing approach to the overall property, possibly adding a tourist related component (tours, etc.) to increase the economic viability of the site.
13. Board recommended against the project itself, stating that it further compromises integrity of the original bldg.
14. Open dialogue with applicant and City staff in seeking city funds to collaborate and contribute to restoration / revitalization / expanded use of the site.

**3.B. AN APPLICATION BY CHRIS & MERAH BOND FOR CLASS 1 HISTORIC DESIGNATION OF 1932 SOUTH NAVAJO DRIVE, ZONE R-1-C (CASE HSPB #96).**

M/S/C (Ploss / La Voie) 7-0 to receive the application and historic resources report initiate study and investigation pursuant to PSMC 8.05.135 and direct staff to arrange site inspections for HSPB members to review the site and to prepare a noticed public hearing at the HSPB meeting of July 14, 2015 to consider the application.

**3.C. INITIATE STUDY PURSUANT TO PSMC 8.05.135 FOR POSSIBLE CLASS 1 HISTORIC SITE DESIGNATION OF 600 – 750 EAST TAHQUITZ CANYON WAY, "THE TAHQUITZ PLAZA", ZONE REO (CASE HSPB #97).**

Director FAGG clarified the process initiated herein for the applicant (who expressed concern that he received noticed of this agenda item the day before). The HSPB may not take any formal action recommending designation to the City Council prior to the public hearing but may initiate study without public hearing.

M/S/C (Ploss / Dixon) 7-0 to receive the historic resources report and initiate study and investigation pursuant to PSMC 8.05.135 on the subject site in consideration of the submitted Class 1 historic resources report and continue the matter to a noticed public hearing of July 14, 2015 and direct staff to arrange site visits for board members to familiarize themselves with the content of the report and the conditions at the site.

**3.D. INITIATE A STAY OF DEMOLITION PURSUANT TO PSMC 8.05.170 FOR 600 TO 750 EAST TAHQUITZ CANYON WAY "THE TAHQUITZ PLAZA", ZONE REO (CASE HSPB #97).**

Member WILLIAMSON asked questions regarding the process of stay and who can remove it.

Director FAGG clarified that the stay is typically lifted after the action to consider designation is complete by the City Council, or if no recommendation is made by the HSPB, the stay can be terminated at that time. He will review with the City Attorney whether a stay can be lifted under other circumstances.

M/S/C (La Voie / Dixon) 7-0 to Initiate a 120-day stay of demolition pursuant to PSMC 8.05.170, to allow the board time for necessary studies, hearings and determination whether such site should be designated as an historic site.

~~3E AN APPLICATION BY NEAL WILSON, OWNER TO DEMOLISH ALL STRUCTURES ON A CLASS 3 HISTORIC SITE LOCATED AT 2715 ANZA TRAIL, ZONE R-1-B (CASE 3.3879).~~

Staff planner Lyon summarized the staff report.

LINDA REES, project manager for the owner, noted the structure is very deteriorated and the owner seeks its demolition.

Member Hays argued about incremental change over time of loss of individual building to demolition. He noted that the subject building reflects a certain modest type of vernacular building from a certain period and should be given serious consideration to not demolish.

M/S/C (Hays / Ploss) to place a stay of demolition to allow time to study the merits of the structure for possible historic designation. (2-5) (La Voie, Williamson, Dixon, Burkett, and Johns opposed) motion failed.

Member La Voie noted original structure is sufficiently compromised so as not to be able to convey historic significance. The board took no further action and thus staff will process an approval of the demolition request.

4. PUBLIC HEARINGS:

4.A. AN APPLICATION BY GARY & JOAN GAND FOR CLASS 1 HISTORIC DESIGNATION OF 1197 ABRIGO ROAD "THE THEODORE & CLAIRE MORSE RESIDENCE", ZONE R-1-C (CASE HSPB #34).

Staff Planner LYON summarized the staff report.

Chair JOHNS opened the public hearing.

JIM HARLAN, representing the owner summarized the application.

Member PLOSS asked if the natural rock front wall was always painted white. (Mr. Harlan noted early photos did show the wall painted white).

ROBERT MOON, neighbor to the subject site spoke in favor of the proposed designation.

Chair JOHNS closed the public hearing.





# CITY OF PALM SPRINGS

## DEPARTMENT OF PLANNING SERVICES

### MEMORANDUM

**Date:** June 9, 2015  
**To:** The Historic Site Preservation Board  
**From:** Ken Lyon, RA, Associate Planner *Ken Lyon*  
**Subject:** Case HSPB 97 – 600 through 750 East Tahquitz Canyon Way “Tahquitz Plaza” application for Class 1 historic site designation. (APN’s 508 055 003 & 508 055 006).

Please find attached the historic resources report date stamped June 1, 2015 from the Palm Springs Preservation Foundation (PSPF). PSPF is seeking Class 1 historic site designation for the subject sites on which four buildings designed by architect Hugh Kaptur, FAIA are located.



Aerial View of Site

#### RECOMMENDATION:

1. Receive the historic resources report and initiate study and investigation pursuant to PSMC 8.05.135 on the subject site in consideration of the Class 1 historic site application submitted by the applicant.
2. Initiate a 120-day stay of demolition pursuant to PSMC 8.05.170, to allow the board time to time for necessary studies, hearings and determination whether such site should be designated as an historic site. Such stay order may be extended once for a period not to exceed sixty days.
3. Continue the matter to a noticed public hearing of July 14, 2015 and direct staff to arrange site visits for board members to familiarize themselves with the content of the report and the conditions at the site.

Attachment: Application and report date stamped June 1, 2015

HISTORIC SITE PRESERVATION BOARD  
CITY OF PALM SPRINGS, CALIFORNIA

Large Conference Room, 3200 East Tahquitz Canyon Way, Palm Springs, California 92262  
www.palmspringsca.gov

MINUTES

SEPTEMBER 8, 2015



9:00 AM  
REGULAR MEETING

**CALL TO ORDER:** The Chair called the meeting to order at 9:00 a.m.

**ROLL CALL:** Chair Gary Johns, Vice-Chair Roxann Ploss, Members Dick Burkett, Todd Hays, Bill La Voie, Linda Dixon, James Williamson

**ABSENT:** None

**ACCEPTANCE OF THE AGENDA:** M/S/C (Dixon/Hays, 7-0) to accept the agenda with item 6a moved forward.

**PUBLIC COMMENT:**

FRANK TYSEN, spoke regarding concern about adverse impacts on the City caused by new development including the Aberdeen project and the Town & Country Center.

[ DONNA CHABAN, spoke in support of Class 1 historic designation of Tahquitz Plaza.

[ MARK DAVIS, spoke in support of the Citywide Historic Resources Inventory Survey, and in support of Class 1 historic designation of Tahquitz Plaza. He expressed concern about the Town & Country Center and stated he believes the Specific Plan needs to be changed to remove the road that is proposed in the location of the T & C.

[ DAVID KEENE, spoke in support of Class 1 historic designation of Tahquitz Plaza.

~~1. CONSENT CALENDAR:~~

~~1.A. APPROVAL OF THE MINUTES: JULY 14, 2015 MEETING.~~

~~Minutes for June and July 2015 HSPB meetings were included in the paper copy of the board members' packets, but not included in the electronic copy.~~

~~M/S/C (LaVoie/Dixon, 6-1 Ploss opposed) to continue consideration of approval of the June HSPB meeting minutes to the October HSPB meeting.~~

~~M/S/C (La Voie/Hays, 7-0) to continue consideration of approval of the July 2015 HSPB meeting minutes to the October HSPB meeting.~~

2. **PUBLIC HEARINGS:**

**2.A. AN APPLICATION BY THE PALM SPRINGS PRESERVATION FOUNDATION (PSPF) FOR CLASS 1 HISTORIC DESIGNATION OF 600 THROUGH 750 EAST TAHQUITZ CANYON WAY, "TAHQUITZ PLAZA", ZONE REO (CASE HSPB 97), (APN's: 508-055-003 and 508-055-006).**

Staff member Lyon summarized the staff report.

Chair Johns asked about the lack of a staff recommendation. (Director Fagg noted the Historic Resources Report provides the recommendation and the Board make its recommendation based on the findings of PSMC 8.05).

Member Dixon noted lack of a staff recommendation was unusual.

Member Burkett asked for clarification on the stay of demolition (Director Fagg noted the board needed to take action today on whether to extend the stay of demolition.)

Chair Johns opened the public hearing.

ERIC ROSENOW, Palm Springs Preservation Foundation, summarized their nomination on Tahquitz Plaza and requested the Board recommend class 1 status to the City Council.

ROB ERES, Nexus Companies / O & M LLC, owner, spoke in opposition of the nomination, noting CEQA analysis from previous entitlements for development on the site did not identify the site as historically significant.

MARK DAVIS, resident spoke in support of the historic nomination of Tahquitz Plaza.

NIKKI MCLAUGHLIN, representing the PSMODERN Committee spoke in support of the nomination of Tahquitz Plaza.

ROBERT IMBER, Palm Springs Modern Tours, and Trustee of the California Preservation Foundation spoke in support of Class 1 designation, and noted the building has been neglected by the current owner.

TRACY BACHMAN, member of PSPF and owner of Hotel Lautner in Desert Hot Springs, spoke in support of the Class 1 designation.

DANNY HILLER, spoke in support of the Class 1 designation.

DONNA CHABAN, resident, spoke in support of the Class 1 designation.

Chair Johns closed the public hearing.

Director Fagg noted Hugh Kaptur, architect of Tahquitz Plaza, submitted an e-mail to staff which was provided to the board members noting his support of the Class 1 historic designation and that the hearing be rescheduled to October so he can attend and add professional evidence on the importance of the site.

Member Ploss noted the increased density of the downtown project has heightened the importance of preserving buildings like Tahquitz Plaza.

Member La Voie opined that the size, bulk, scale and relationship to Tahquitz Canyon Drive, the use of the finned wing walls that are characteristic of this period of architecture, the use of glue-lam beams for window trim, and the use of a solid wood screen and skylights to control sun and daylight should be added as character-defining features of the site.

Member Burkett noted the quote by Patrick McGrew in the historic resources report about the under-recognized significance of "pueblo-modern" architecture and stated he would support the Class 1 designation.

Member Dixon asked whether the previous HSPB was made aware of the 2008 project proposed for the site that would have demolished this building. She asked for greater notification of new development projects in general. (Staff Lyon noted a demo permit was never requested on the 2008 project entitlement and noted lists for active development projects are on the City website and at the Planning counter). She opined that the City should survey buildings built more recently than 1969.

Member Williamson noted passage of time often changes the awareness of the historic importance of a building and also the economics of ownership of a building. He asked what the City's proactive role should be in working with property owners on sites that are not yet designated but are important to the City in terms of the public benefit of preserving the building.

Member Ploss noted the City's "One PS" neighborhood organization receives reports on development projects on which decisions of approval by the City have already passed and that this does not aid board members in making recommendations or providing input.

Member Hays spoke in support of the Class 1 nomination and stressed the importance of the City providing assistance for building owners to preserve important historic sites. He noted the characteristics of the building are unlike anything that the board has recently seen. It is extremely unique and to lose it would be a loss for the entire community.

Chair Johns asked about site visits, noting he did not have an opportunity for a site visit accompanied by a City staff member. He noted Councilmember Mills comment at a recent City Council meeting about the importance of preserving and repurposing historic buildings. He noted the City should be more proactive in assisting property owners to find an economic solution to adaptive reuse of historic sites. He suggested a subcommittee of the Board and City Council could work with this building owner to arrive at a win-win solution on the building. He opined that Lois Anderson who operated The Anderson Travel Agency had occupied the building for many years, and should be considered a person of significance associated with the site and that the site meets Criteria 2 (persons of significance) also.

Member Burkett asked how the City could approve a demo permit when there is not a City-approved replacement building proposed? (Staff Lyon explained the City Council established a policy that prohibited demolition of buildings when an adverse economic condition could occur as a result of such demolition.) Member Burkett suggested the Board should submit a recommendation to City Council that demolitions on buildings in downtown and major thoroughfares like Tahquitz should not occur without prior City approval of a replacement building or development.

City Attorney Holland noted an agenda item for such a recommendation could be placed on a future HSPB agenda, but it was not on the current agenda.

City Attorney Holland advised that the Board first must take action on Tahquitz Plaza nomination request and then consider other matters regarding a stay of demolition extension as an addition to the agenda.

Chair Johns noted his copy of the agenda which was taken from the City website on Thursday did not match that which was handed out in paper. He noted he had not had an opportunity for a site visit, that the staff report lacked a recommendation, and Mr. Kaptur was not present, and for these reasons felt action today on the application should be continued.

M/S/C (Johns/Dixon, 6-1 Ploss opposed) to continue the matter to the October HSPB meeting.

Member Ploss asked for clarification of when the current stay of demolition expires. (October 6, 2015)

Mr. Holland advised the stay could be added to the agenda, noting that the motion to continue would necessitate the need to add the extension of the stay to the Board's agenda after the posting of the agenda.

M/S/C (La Voie/Dixon, 7-0) to amend the agenda based on advice provided by the City Attorney on the board's action to continue the item, to add extending the stay of demolition to the Board's agenda.

M/S/C (La Voie/Dixon, 7-0) to extend the stay of demolition on Tahquitz Plaza for 60 days as per PSMC 8.05. (The 120-day stay was initiated on June 9, 2015 and would have ended on October 6, 2015. The action extends the stay for a period not to exceed sixty (60) days from October 7, 2015 until December 5, 2015, pursuant to PSMC 8.05.170 to allow time for the City Council to conduct a public hearing to consider the HSPB's recommendation on the matter.)

The Board took a five minute recess.

**5D. TOWN & COUNTRY CENTER, 174 NORTH PALM CANYON DRIVE, (Case HSPB #31)**  
(Taken out of order).

Director Fagg summarized that the subject site is part of the Museum Marketplace Specific Plan (SP) and that the City Attorney is present to answer questions by the board.

Chair Johns noted that roughly a year ago the Board expressed desire to revisit Class 1 nomination and at that time City Attorney Holland advised that the Specific Plan would need to be amended for the council to re-consider Class 1 designation. The Board at that time asked staff to bring forward instructions on how to request the Council to amend the specific plan. He noted the recent action by the State in determining the Town & County Center (T & C) eligible for listing on the State and National Register of Historic Places. He asked whether the State's action voided the City's current CEQA analysis in the SP on the T & C?

City Attorney Holland noted that the Planning Commission and the City Council are the two entities that can initiate a specific plan amendment. He opined that the State's recent action on the T & C could perhaps be the basis for the board to request the Council to amend the specific plan and CEQA analysis.

Chair Johns asked if the Board could create something to bring to the Council to initiate amendment to the Specific Plan that the T & C should be preserved for adaptive reuse.

Board member Ploss asked about recent past revisions and changes to the Specific Plan and whether they each required amendment to the Specific Plan; (Attorney Holland explained that those changes were approved by the Council making findings that the changes were consistent with the Specific Plan and thus no amendment was required).

Member La Voie suggested it would be more appropriate to establish a timeframe, for example buildings 40 years of age or older, so that as resources age, the date in the ordinance doesn't need to be continually revised.

Member Ploss suggested approaching PSPF to conduct the survey for sites from 1969 to 1979. Director Fagg noted integration of two separate entities might be complicated to coordinate databases.

The board requested staff to initiate amending the ordinance to define Class 3 sites as those with structures 40-years of age or older, and work with the City Manager for funding to expand the survey effort for HRG to include structures built prior to 1979.

### **BOARD MEMBER COMMENTS:**

Chair Johns requested Town & Country be on the next agenda.

Member Ploss passed out survey sheets she authored on defining historic characteristics on City-owned buildings and asked board members to review and forward any recommended edits.

Chair Johns requested an update on status of stabilization and restoration of the Cornelia White House.

Chair Johns emphasized the Board's request to staff to reach out to the building owner of the Tahquitz Plaza to see if there is a way to be proactive and explore adaptive reuse of the facility. He requested Mr. Kaptur be invited to attend the next HSPB meeting on the topic.

Director Fagg reminded the board that at site visits deliberation among members should be avoided and only held during the public hearings to avoid violation of the Brown Act.

Member Burkett suggested the Board reach out to an individual such as Leo Marmol of architectural firm Marmol/Radziner to discuss viewpoints on adaptive reuse.

Member La Voie opined that the Board's determination to recommend designation should only be based on its historic merit, not what possible adaptive reuse might be possible.

Member Hays opined that the Board should assist in creating an environment in which adaptive reuse could be considered.

Member La Voie asked staff to remind the Tahquitz Plaza owner of the Board's action to allow more intensified development on the remainder of the site in exchange for preserving and adapting the Community Church.

# HISTORIC SITE PRESERVATION BOARD CITY OF PALM SPRINGS, CALIFORNIA

Large Conference Room, 3200 East Tahquitz Canyon Way, Palm Springs, California 92262  
www.palmspringsca.gov

## MINUTES

OCTOBER 13, 2015



9:00 AM  
REGULAR MEETING

**CALL TO ORDER:** The Chair called the meeting to order at 9:00 a.m.

**ROLL CALL:** Chair Gary Johns, Vice-Chair Roxann Ploss, Members Dick Burkett, Todd Hays, Bill La Voie, James Williamson

**ABSENT:** Linda Dixon

**ACCEPTANCE OF THE AGENDA:** M/S/C (La Voie/Williamson, 6-0-1 Dixon absent) to accept the agenda as presented.

### **PUBLIC COMMENT:**

RON MARSHALL, PSPF, spoke in support of the certificate of approval for the J.W. Robinson Building modifications.

PETER MORUZZI, PS MODCOM, spoke in support of the certificate of approval for the J.W. Robinson Building modifications and spoke in support of the board initiating a stay of demolition and study of the 440 Building (Ramon Drug Building) for possible recommendation for Class 1 historic designation.

[ SIDNEY WILLIAMS spoke about the importance of preservation balanced with development, noting creative, adaptive reuse of historic buildings is essential. She spoke in support of the Class 1 designation of the Tahquitz Plaza Building. She noted the archives of the architect Hugh Kaptur were held at the Palm Springs Art Museum and gave examples of the Santa Fe Federal Savings and Merrill Lynch Buildings as good examples of adaptive reuse of historic sites.

CHRIS BALE, Realtor and native of Palm Springs noted his grandparents operated the Ramon Drug Store at the 440 Building, and spoke in support of preserving the building.



2. PUBLIC HEARINGS

2.A. CONTINUED – CASE HSPB 97 – AN APPLICATION BY PALM SPRINGS PRESERVATION FOUNDATION FOR CLASS 1 HISTORIC DESIGNATION OF 600, 650, 700, AND 750 EAST TAHQUITZ CANYON WAY “TAHQUITZ PLAZA”, ZONE REO (CASE HSPB #97), (APN’S 508-055-003 AND 508-055-006).

Staff member Lyon summarized the staff report.

COREY ADLER, of Nexus O & M HR, owner, spoke in opposition of the designation of Tahquitz Plaza as a historic site, noting the recent history of various applications for development of the site and CEQA determinations did not identify the buildings as historically significant. He requested removal of the stay of demolition.

BARBARA MARSHALL, PSPF, spoke in support of the historic designation of Tahquitz Plaza.

RON MARSHALL, PSPF, spoke in support of the historic designation of Tahquitz Plaza. He opined that the City’s limitation of the historic resource survey to only buildings prior to 1969 was a mistake and the City needs to document resources later than 1969 also.

HUGH KAPTUR, architect of Tahquitz Plaza, spoke in support of the designation of Tahquitz Plaza. He stated he is extremely proud of Tahquitz Plaza and noted it was very successful with tenants and if restored would continue to be viable.

PETER MORUZZI PSModcom, spoke in support of the Tahquitz Plaza designation.

ROBERT MOON, spoke about the need to preserve Tahquitz Plaza architecture that complements the environment and his opposition to projects that only squeeze profits out of prime locations such as this, stating “The people, not developers, are the City” (in reference to the text on the front of the City Council chamber.)

STEVE ROSENBERG, asked for clarification about the pending demolition permit (it is for 3 of the 4 Tahquitz Plaza buildings.)

Chair Johns closed the public hearing.

Member La Voie spoke in support of the Class 1 nomination for Tahquitz. He noted under CEQA, historic preservation is part of what makes the environment significant; that “highest and best use” is not always in the best interest of the whole community.

Member Ploss noted the interiors of Tahquitz Plaza are flexible and adaptive to new uses and the buildings should be kept and repurposed as lofts, a clubhouse for adjacent

residential development, or other uses. She noted the buildings "fit" into the environment and that she would support a recommendation for Class 1 designation.

Member Hays spoke in favor of a recommendation for Class 1 designation. He challenged the owner to look at adaptive reuse, explore density transfer and other options in a more creative way. He noted he was not aware of any options explored by the developer to save and restore the buildings.

Member Burkett spoke in support of a recommendation for Class 1 designation. He noted the reference by the building owner to the cut off dates of the historic resource survey was not relevant nor is it a requirement that buildings be listed in a survey in order to be eligible for Class 1 designation.

Member Williamson expressed sympathy for the owner given that economics have changed since the site was first purchased, but he noted the building's neglected state was a problem. He stated the historic resources report was convincing and asked the Planning Director about the lack of a staff recommendation. (Director Fagg noted the historic resources report has the recommendation).

Chair Johns noted that at the previous meeting on this topic he, Member Williamson and member Hays asked for staff to outreach to the owner on economic incentives that the City may be able to offer or other resources to help the owner with options for adaptive reuse. (Staff Lyon noted two e mails had been sent to the owner's rep, and no response was received.) He asked why the nomination was being forwarded to the City Council before other nomination recommendations had been heard by the Council (Director Fagg noted the stay of demolition made this application more time sensitive).

M/S/C (Ploss / Hays; 6-0-1, Dixon absent) recommending Class 1 historic designation of Tahquitz Plaza to the City Council based on the Board's acceptance of the criteria and findings in the historic resources report.

~~3. **SPECIAL REPORT: PRESENTATION BY HISTORIC RESOURCES GROUP (HRG) OF THE DRAFT OF THE 2015 CITYWIDE HISTORIC RESOURCES INVENTORY UPDATE (HRG & Staff).**~~

Staff member Lyon summarized the progress to date on the Citywide historic resources inventory.

Christine Lazzaretto (HRG) summarized HRG's progress and activities to date. Siam Winship (HRG) discussed the inventory of tract maps and summarized the material in the context statement.

Steven Vaught (Consultant to HRG) summarized research and findings on the pre-World War II historic resources, noting the efforts to seek primary sources for their report and findings. He noted the appendix which contains a listing of significant architects known to have done commissions in Palm Springs.

# ATTACHMENT #4



# HISTORIC SITE PRESERVATION BOARD STAFF REPORT

DATE: September 8, 2015

PUBLIC HEARING

SUBJECT: AN APPLICATION BY THE PALM SPRINGS PRESERVATION FOUNDATION (PSPF) REQUESTING CLASS 1 HISTORIC DESIGNATION FOR "TAHQUITZ PLAZA" LOCATED AT 600, 650, 700 AND 750 EAST TAHQUITZ CANYON WAY (APN'S #508-055-003 AND 508-044-006), ZONE "TRC" (TOURIST RESORT COMMERCIAL) (HSPB #97)

FROM: Department of Planning Services

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## SUMMARY

On June 8, 2015, the Palm Springs Preservation Foundation (PSPF) submitted an application seeking Class 1 historic designation for Tahquitz Plaza. Tahquitz Plaza was designed and built in two phases: 600 and 650 East Tahquitz Canyon Way, known as "Tahquitz Plaza I" was designed by Hugh M. Kaptur, principal in the architectural firm Kaptur - Lapham & Associates and constructed in 1974. Seven-hundred (700) and 750 Tahquitz Canyon Way, known as "Tahquitz Plaza II" was designed by architect Hugh M. Kaptur and constructed in 1977.

The application was submitted without the property owner's participation. The property owner opposes the proposed historic designation.

On Thursday, May 28, 2015, the Building Department issued a demolition permit for Tahquitz Plaza and on Tuesday, June 2, 2015, PSPF filed an appeal of the issuance of the demolition permit with the City Clerk, to be heard by the City's Board of Appeals. At its meeting of June 8, 2015, the HSPB approved a 120-day stay of demolition pursuant to PSMC 8.05.170 to study the qualifications for nomination pursuant to PSMC 8.05.135.

## RECOMMENDATION:

1. Open the public hearing and take testimony.
2. Close the public hearing and by motion, direct staff on the Board's desired action and recommendations. A resolution reflecting the Board's actions and recommendations will be prepared for a public hearing of the City Council on the matter.

**BACKGROUND AND SETTING:**

<b><i>Related Relevant City Actions by HSPB, Planning, Fire, Building, etc...</i></b>	
February 25, 2015	The Planning Commission held a public hearing for a proposed multi-family residential development on the subject sites called "Aberdeen" that was submitted by the property owner (O & M, HR, LLC) and voted to table the matter with direction to the applicant to revise the project. The project proposed the demolition of Tahquitz Plaza.
March 25, 2015	The Planning Commission reviewed the revised project and voted 4-3 to deny the Aberdeen project.
March 31, 2015	The applicant / owner for the Aberdeen project filed an appeal to City Council of the Planning Commission action to deny the development application.
April 22, 2015	The City Clerk received an appeal by the Palm Springs Modern Committee (PSModcom) opposing the demolition of Tahquitz Plaza as a part of the Aberdeen development project.
May 28, 2015	The applicant / owner for the Aberdeen project withdrew the application for the Aberdeen project and filed an application with the Building Department to demolish the buildings known as Tahquitz Plaza.
May 28, 2015	The Building Department approved a demolition permit for Tahquitz Plaza.
June 2, 2015	The City Clerk received an appeal by the Palm Springs Preservation Foundation (PSPF) to the City Board of Appeals of the Building Department's approval of a demolition permit issued to O & M, HR, LLC to demolish Tahquitz Plaza.
June 9, 2015	The Historic Site Preservation Board voted 7-0 to initiate study of Tahquitz Plaza for possible Class 1 historic Designation and voted 7-0 to place a 120-day stay of demolition on the site.
June 24, 2015	The owner of Tahquitz Plaza filed an appeal to the City Council of the HSPB's action to initiate study and place the stay of demolition on the sites. Prior to hearing the appellant withdrew the appeal.
August 11, 2015	A public hearing of the City's Board of Appeals was noticed, however due to a lack of quorum, the matter was not heard. (The stay of demolition placed by the HSPB on June 9, 2015 remains in effect).

<b><i>Neighborhood Meeting</i></b>	
None	

<b><i>Ownership Status</i></b>	
2008	Purchase by current owner.

Historic Preservation activities in Palm Springs are regulated under Municipal Code Section 8.05 ("*Historic Preservation*"). The purpose of the Historic Preservation Ordinance is:

*"... 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. This chapter is intended to stabilize and improve buildings, structures or areas which are considered to be of historical, architectural, archaeological or ecological value, to foster civic beauty, to strengthen the local economy and to promote the use of specific buildings for the education and welfare of the citizens."*

DESCRIPTION OF THE SITE:

A complete detailed description of the site is provided in the Historic Resources Report dated June 2015, prepared by the Palm Springs Preservation Foundation, which was provided to HSPB members at their June 2015 meeting and attached to this staff report.

Tahquitz Plaza is comprised of two adjacent parcels located east of Calle El Segundo on the north side of Tahquitz Canyon Way. The westernmost parcel on which the buildings addressed as 600 and 650 Tahquitz Canyon Way are sited is approximately 1.55 acres in size and the eastern parcel on which the buildings addressed as 700 and 750 Tahquitz Canyon Way are located is approximately 1.8 acres.



AERIAL VIEW OF TAHQUITZ PLAZA

The buildings are located in Section 14, which is the central part of the historic land area of the Agua Caliente Band of Cahuilla Indians reservation, however the parcels are held in fee simple title by non-tribal owners.



STREET ELEVATION OF TAHQUITZ PLAZA

## ANALYSIS:

The historic resources report (“the report”) prepared by the Palm Springs Preservation Foundation dated June 2015 provides a description and analysis of the site against the definition of a historic site and defining criteria as listed below.

### *Definition of an Historic Site.*

Section 8.05.020 of the Municipal Code provides the definition of a historic site as follows:

#### *“(a) Historic Site.*

*An historic site is any real property such as: a building; a structure, including but not limited to archways, tiled areas and similar architectural elements; an archaeological excavation or object that is unique or significant because of its location, design, setting, materials, workmanship or aesthetic effect...”*

In addition to this statement, the Municipal Code lists seven criteria, or “characteristics” that the Board may use in determining whether a particular site may be deemed historic. A site may be deemed historic based upon the following criteria:

PSPF’s evaluation of the subject site against each of the seven criteria is listed below.

#### ***Criterion 1: That is associated with events that have made a meaningful contribution to the nation, state or community; or***

The report notes that the subject site is associated with the pattern of events associated with the gradual rise of Palm Springs’ prominence in midcentury architectural excellence. It notes that Tahquitz Plaza is an outstanding example of commercial design and the construction of buildings within the context of midcentury desert modernism.

#### ***Criterion 2: That is associated with lives of persons who made meaningful contribution to national, state or local history; or***

The report does not identify any known persons of significance associated with the subject site.

#### ***Criterion 3: That reflects or exemplifies a particular period of the national, state or local history; or***

The report asserts that Tahquitz Plaza possesses numerous distinctive characteristics that make up the modernist style, including modulated horizontality, large geometric volumes, expressed structure, expansive amounts of glass, use of inexpensive man-made materials, and solar control.

The report notes that modernist buildings began to emerge in Palm Springs beginning

with the Kocher-Samson Building (1934) and continued with other buildings such as the Edgar J. Kaufman Residence (1947) Frank Sinatra Residence (1947), Town & Desert Apartments (1947), and the Town & Country Center (1946). Later architecturally significant modern works include the James Abernathy Residence (1962), Arthur Elrod Residence (1968) and Kings Point Condos (1968). It notes that Tahquitz Plaza reflects the late period and culmination of a long rich history of applying modernist architecture to the built environment in the Palm Springs community.

***Criterion 4: That embodies the distinctive characteristics of a type, period or method of construction;***

The report details that the Tahquitz Plaza buildings are of wood frame construction using a combination of solid wood timber and “Glu-Lam” beams. The structure is clad in stucco, glazed ceramic tile, exposed wood “lap” siding, steeply pitched flat clay-tile roofs, and unique configurations in window fenestration.

The deeply set windows shield the glazing from the harsh desert sun and the covered walkways provide shade to occupants working and moving between the various buildings and integrates the “outdoors” into the construction of the building. The report notes the critical integration of the “eyebrows” over the long horizontal windows as providing visual interest to the horizontal planes of the building’s design.

Quoting Kaptur, the report notes that Kaptur, “tried to make windows an important element of (my) designs in general, and with the Tahquitz Plaza buildings in particular.”. Kapur’s construction technique on the walls and windows are further described in Morris Newman’s book, *The Desert Modernists: The Architects who Envisioned Midcentury Modern Palm Springs*. In it Newman writes, “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 from the building.”



EXAMPLES OF THE VARIETY OF WINDOW SHAPES AND TREATMENT

***Criterion 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;***



The report notes that Hugh Kaptur's aesthetic is unique in Palm Springs, demonstrating the wide range of fertile innovation in the City Modernist architecture. It notes that Tahquitz Plaza should be viewed as a later, but important component of the city's tradition of modernist architecture and that Kaptur should be viewed as an important figure in the history of Palm Springs' built environment.

Kaptur's architectural style has been described by various experts and observers as "organic" and "pueblo-influenced (modernist) architecture. The report quotes Kaptur in noting, "I tried to bring in mountain profiles so I might tend toward calling it natural or organic". The report underscores Kaptur's personal reflections about Tahquitz Plaza noting, "The massed midpoint culminates with a mountain-profile roofline giving the sense of the surrounding desert flatland swooping upward to the symbolic mountain top." Expressed structure, one of the tenets of modernist architecture, is exhibited in Tahquitz Plaza by the large Glu-lam beams and the heavy vertical timbers that support the roof.



THE STEEPLY PITCHED ROOFS OF TAHQUITZ PLAZA REFLECT THE STEEP SAN JACINTO MOUNTAIN PEAKS NEARBY



LOW PITCHED ROOFS WITH STEEPLY PITCHED ROOFS BEHIND ARE REFLECTIVE OF THE FOOTHILLS WITH THE STEEP PEAKS BEHIND

Quoting from architectural historian Patrick McGrew, the report notes, "In a town that loves Modernism, designs that show the influence of Pueblo Architecture are often discredited. Oddly, early modernists such as Irving Gill and Albert Frey paid homage to the style of this continent's oldest structures, but somehow when Hugh Kaptur does the same thing (with Tahquitz Plaza) he gets no respect. Go figure..." The report notes

“with the loss of the Chart House restaurant in 2012 to fire, the inventory of local organic architecture has been diminished making Tahquitz Plaza incrementally all the more significant and important.”



COMPARATIVE STUDY BETWEEN THE ROUNDED FORMS OF TAHQUITZ PLAZA AND VERNACULAR ADOBE STRUCTURES

The report states that only recently is Kaptur's significant contribution to the rich architectural legacy of Palm Springs becoming understood and documented. Nonetheless, Kaptur's architecture responds to the harsh environmental conditions of the desert with a similar competency and understanding of that of his contemporaries. (I.e. Wexler, Lautner, Frey, Krisel, Cody, and Neutra).

It is noted that the buildings that comprise Tahquitz Plaza present an excellent example of Kaptur's design talent and showcase a well-articulated form of Expressionist Modernism, which is not commonly found in Palm Springs. The report notes, "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, could easily be considered an aesthetic ideal.

***Criterion 7: That represents a significant and distinguishable entity whose components may lack individual distinction;***

The report notes that the subject property does not meet this criterion.

***Criterion 8: That has yielded or may be likely to yield information important to national, state or local history or prehistory.***

There is no known archaeological or pre-historical relevancy to this site.

Beginning on page 27, the report further analyzes Tahquitz Plaza in terms of its "integrity"; again noting such things as Location, Design, Setting, Materials, Workmanship, Feeling and Association.



**AN EXAMPLE OF WORKMANSHIP, MATERIALS, FEELING AND ASSOCIATION, THE CERAMIC TILE PANELS AT TAHQUITZ PLAZA REFLECT THE WORKMANSHIP OF HAND CRAFTED TILES FROM THE ARTS & CRAFTS MOVEMENT WHICH CONTRIBUTE TO THE FEELING OF ORGANIC MODERNIST ARCHITECTURE.**

### DEFINING HISTORIC CHARACTERISTICS

The report describes the physical character-defining historic features of Tahquitz Plaza to include the following:

- The “campus” that is created by the two pairs of connected buildings with a common aesthetic.
- The open, but covered porches, breezeways, arcades and walkways attached to the buildings and the two paved plazas between the pairs of buildings.
- The exposed dark-stained wood: including posts, porch surfaces, vertical lapped siding, “Glu-lam” timbers, natural timbers, soffits, fascias, and other exterior wood surfaces.
- The rounded stucco “hoods” over the long horizontal windows on the south façade.
- The steeply sloping roofs clad in flat clay tile.
- The inset wall panels of earth-tone-colored ceramic tile.
- The rounded corners and radiused stucco at the parapets with no exposed flashing or drip edge.
- The texture of the stucco wall surfaces.
- The angular stucco “wing walls” flanking deep set windows and walls.
- The deeply-set “slot” windows and the “M-shaped” windows.

Not mentioned in the report are the following site elements. The Board may consider these to be Non-contributing elements at the site.

- The surface parking lots to the north of the buildings and the paved driveways, carports, and parking areas between the two pairs of buildings.
- The existing landscape (which is due to a lack of maintenance, improper pruning and loss of much of the original plant palette that once likely existed.)

*Designation of Historic Sites.*

Only the City Council is authorized to designate historic sites. When the Historic Site Preservation Board determines that Class 1 historic designation of a certain site or district would further the purpose of the Historic Preservation Ordinance, the Board may initiate studies, surveys and investigations it deems necessary to adequately gather information in consideration of such a recommendation to the City Council.

Pursuant to PSMC 8.05.170 the Board may impose a 120-day stay of demolition to allow time to initiate studies on possible historic sites. The HSPB initiated such a stay at its June 9, 2015 meeting. The stay expires on October 6, 2015. The ordinance allows the stay to be extended one time for an additional 60 days. Such an extension would allow time for the City Council to schedule a public hearing to consider the board's recommendation on the subject nomination.

*Conditions that apply to Class 1 Historic Sites.*

According to Section 8.05 of the Municipal Code, the following shall apply to a Class 1 Historic Site:

1. It shall meet the definition of a historic site as outlined in Municipal Code Section 8.05.020.
2. An archival file shall be maintained on the property by the City.
3. It may be qualified as 'historic' at the federal, state, and/or county level.
4. The structure/site may not be modified nor objects removed without the approval of the City Council.
5. The use may be limited by the City Council to the extent that it may impair the integrity of the site.
6. A marker explaining the historic nature of the site will be installed at the site in a location viewable from the public way.
7. Compliance with all rules and regulations for Historic Sites and Historic Districts under Article IV of Chapter 8.05 of the Municipal Code shall be required.

Class 1 historic sites are also eligible for application of a Mills Act Historic Property Preservation Agreement, which are intended to provide property tax relief to owners of historic properties and can contribute to the economic viability of adaptive reuse of historically significant structures.

**REQUIRED FINDINGS**

In considering a recommendation for Class 1 historic designation, pursuant to Municipal Code Section 8.05.145 the Board, by motion, must make findings in support of its recommendation to the City Council for historic designation of Tahquitz Plaza. Those findings may be enumerated and based on the information and criteria provided in the historic resources report.

Staff will compile the Board's findings in a final resolution that will be presented to the City Council at a noticed public hearing.

## ENVIRONMENTAL ASSESSMENT


In accordance with Section 15331 (Historical Resources Restoration/Rehabilitation) of the California Environmental Quality Act (CEQA), the proposed designation is categorically exempt from environmental review as the proposed designation meets the conditions outlined for preservation of a historic resource (Class 31 Categorical Exemption).

## NOTIFICATION

Pursuant to section 8.05.140 of the Municipal Code of Palm Springs, the property owner and all property owners within five hundred (500) feet of the subject property have been notified and notice was made in a newspaper of general circulation. Recognized neighborhood organizations in the vicinity have also be provided copies of the agenda. As of the writing of this report, staff has not received any inquiries on this matter.



\_\_\_\_\_  
Ken Lyon, RA,  
Associate Planner



\_\_\_\_\_  
Finn Fagg, AICP  
Director of Planning Services

### Attachments:

1. Vicinity Map
2. Historic Resources Survey, Application, Photos



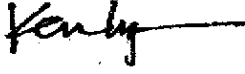
# CITY OF PALM SPRINGS

## DEPARTMENT OF PLANNING SERVICES

### MEMORANDUM

**Date:** October 13, 2015

**To:** The Historic Site Preservation Board (HSPB)

**From:** Ken Lyon, RA, Associate Planner 

**Subject:** Case HSPB #97; Application by the Palm Springs Preservation Foundation (PSPF) for Class 1 historic designation of 600, 650, 700 and 750 East Tahquitz Canyon Drive "Tahquitz Plaza" (Zone REO) (APN's 508-055-003 and 508-055-006)

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At its meeting of June 9, 2015, the HSPB received the historic resources report on the site prepared by PSPF and initiated study & investigation for possible recommendation to the City Council of Class 1 historic designation. The board placed a 120-day stay of demolition on all structures on the site (commencing June 9, 2015 and ending October 6, 2015) to allow time for investigation and study.

At its meeting of September 8, 2015, the HSPB opened a public hearing on the case, took testimony, and continued the hearing to a date certain of October 13, 2015. The board placed a 60-day extension on the stay of demolition to allow time for consideration of a board recommendation by the City Council (stay extended from October 7, 2015 and ending December 5, 2015). The board asked for site tours with staff to be scheduled with any board members who had not previously attended a site tour.

On September 23, 2015, a public hearing of the Palm Springs Appeals Board was held to consider an appeal by The Palm Springs Preservation Foundation (PSPF) and the Palm Springs Modern Committee (PSModcom) of a staff action issuing a demolition permit for three of the four Tahquitz Plaza buildings (600, 650 and 700 Tahquitz Canyon Drive). At that hearing, the appeals board voted 4-0-1 (Foster abstained) to deny the appeal. The result of this action is that the demolition permit, issued by the Building Department on May 28, 2015 stands as a valid ministerial staff-level approval. At the conclusion of the stay of demolition issued by the HSPB, assuming no action is taken by the City Council to designate Tahquitz Plaza as a historic site, the owner may proceed with demolition of the three structures.

At today's meeting, the Board may continue its deliberation on the Class 1 application. Should it wish to do so, pursuant to PSMC 8.145, the Board may make findings upon which to base a recommendation to the City Council concerning the possible historic designation of the site. The board may make its findings based on the definition of a historic site as listed in PSMC 8.05.020 and the information provided in the historic resources report. Upon such action, staff will prepare a report and resolution for City Council consideration reflecting the recommendation of the HSPB and will prepare a notice of public hearing of the City Council within thirty (30) days of the conclusion of the board's action.

**Attachments:**

- Board of Appeals Staff report dated 9-23-15, Appeals Board Resolution #15-005, and backup.
- HSPB staff report dated September 8, 2015.
- ACBCI to Fagg letter dated June 29, 2015

# ATTACHMENT #5



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# Which hotel is right for downtown Palm Springs

Erica Solvig  
The Desert Sun  
October 5, 2005

Both are four-star hotels. Both promise to draw more business to the newly expanded Palm Springs Convention Center. Both want to build on the same piece of city-owned land. And tonight, the Palm Springs City Council is expected to decide whether Hard Rock Hotels or Starwood Hotels is the better choice for Palm Springs.

"It helps you add prestige to your area," said Joe McInerney, president and CEO of the Washington-based American Hotel and Lodging Association. "You have two excellent companies out there that will take you in the right direction. The winner here is going to be the hotel company and the city of Palm Springs."

On one hand is Hard Rock. The worldwide chain is known for attracting young, contemporary professionals with its rock-inspired hotels.

On the other is Starwood, which owns luxury resorts like W and the Westin. Its name carries weight with those looking for opulent suites and pampered stays.

The respective developers answered the city's call for a premiere resort that would benefit the convention center, which has seen convention sales dropping and has only limited bookings for the foreseeable future, despite a glittering \$34.7 million expansion.

But only one will get the exclusive negotiating deal to build on the 5.7-acre property at the southeast corner of Andreas Road and Calle El Segundo. That will likely lead to land negotiations for four adjacent acres owned by Anderson Travel and the Agua Caliente Band of Cahuilla Indians.

The idea of either hotel coming has local hospitality experts and business leaders excited about the potential addition to the valley's \$1 billion tourism market. That's because they know that more upscale hotel guests mean more potential customers for them.

"Palm Springs has basically been a two-star town," said Bill Ransom, catering director at Spencer's Restaurant. "They would certainly bring in people that have the money to spend here in Palm Springs."

Conventions are big business for any hotel.

Locally, they could account for half of the hotel occupancy in the valley if business were up to its full potential, said Ty Stroh, sales and marketing vice president at the Palm Springs Desert Resorts Convention and Visitors Authority.

And Palm Springs wants to capitalize on that. According to documents obtained by The Desert Sun, the city's goal for the property is a "group meeting hotel" that would "bring additional marketing opportunities to the 250,000-(square-foot) convention center to help maximize its usage."

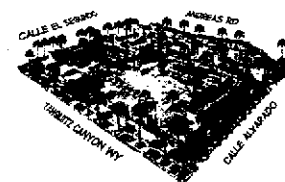
Travel experts say the location alone will help: Convention planners look for hotels that are within walking distance of the event as well as restaurants and shopping.

Plus, meeting industry experts and city leaders say that what's lacking in Palm Springs is a four-star hotel.

"It will help rejuvenate the Palm Springs area," Stroh said. "Bringing another hotel like that into the mix is just going to make the total product

### PHOTO GALLERY

Palm Springs Hotel decision



The Desert Sun  
Artist's rendering of the Hard Rock Hotel project.

### HARD ROCK OR LUXURY

Which project is better for Palm Springs' future?

### IF YOU GO

**WHAT:** Palm Springs City Council will decide whether to pursue negotiations with a Starwood Hotel or a Hard Rock Hotel  
**WHEN:** 6 p.m. today  
**WHERE:** City Hall, 3200 E. Tahquitz Canyon Way

### WHICH WAY TO GO?

- The Hard Rock Hotel Plan
- The Starwood Hotels and Resorts plan

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easier to sell."

Convention center director Jim Dunn agrees.

Groups want to keep their participants at the same location, so the larger hotels would be able to better accommodate the larger conventions.

But Dunn won't say which hotel he would prefer to see next door.

"It's hard to say which one will benefit more," Dunn said. "Ultimately, whatever hotel is there will be full."

### 'Simple math'

The convention center isn't the only one that would reap rewards from the hotel deal.

With the average daily rate of each hotel at about \$160, either one would generate \$750,000 to \$1 million a year in transient occupancy tax revenues, according to John Raymond, Palm Springs' community and economic development director.

Plus, those guests are likely to visit local stores and restaurants.

On average, for every dollar a visitor spends on lodging in Riverside County, he or she spends another \$4.64 on such items as food, entertainment and travel, according to a California Travel and Tourism Commission impact study.

"Either way, we're winners," said Joy Meredith, president of Main Street merchants association. "It would just add more people, and more people bring more business. It's pretty simple math."

Local business leaders don't expect either hotel to redirect ongoing downtown revitalization efforts. But they do expect the development to be part of the push to bring more people here.

"When we're thinking about downtown, we always think of Palm Canyon and Indian. But downtown is a circumference," said Janet Cook, CEO of the Palm Springs Chamber of Commerce. "That's our nucleus. Anything we build out within blocks of the downtown is going to pull us all together."

### City wants both hotels

In the days leading up to today's decision, City Council members have played the middle of the road. They say either the Hard Rock or the Starwood would benefit the city's convention center and downtown.

"Palm Springs is fortunate to have both seriously interested in the city," Councilman Steve Pougnet said. "It's a good buzz to have for the city."

The council is expected to vote tonight after presentations by both developers.

The council is not voting on specific plans, though both developers included conceptual drawings when they submitted proposals in June.

The council's decision focuses on the developer's qualifications and the proposed hotel type.

City officials and business leaders have said they wish both the Starwood and Hard Rock would build here. But representatives for both proposals have said their alternative sites are in other Coachella Valley communities.

"That is going to be a very tough decision," the chamber's Cook said of the council's choice. "But it will do nothing but help our businesses."

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# ATTACHMENT #6

## Ken Lyon

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**From:** Ken Lyon  
**Sent:** Thursday, September 24, 2015 4:30 PM  
**To:** rwe@nexusd.com  
**Subject:** Tahquitz Plaza

Hi Rob,  
Just a follow up; I was listening to the HSPB video to compile the minutes.

There was a request by the board that staff convey to the building owner the example of the Board's actions on the Orchid Tree site. In that review, the Board was supportive of a development in which the "non-historic" portions of the site were allowed to be developed in a more intensive, or higher density way, in order to "work around" the economics burden of the added cost of saving and re-purposing the lower density historic community church and the bungalow court that were also on the site. (although the neighborhood ultimately rejected the proposal approved by the HSPB because of lack of parking, the board did approve the high-density scheme that Mr. Weintraub put forth.)

The Board asked staff to emphasize that they are interested in the City working with this building owner and building owners (in general) on any future development that might involve the Tahquitz Plaza parcels such that the buildings could be repurposed in some adaptive / creative way, while still making "economic sense" of the site and development costs. They encouraged staff to work with the owner to find ways to consider more intensive development on other parts of the site as a way of making it more economically feasible to preserve and reuse the Tahquitz buildings in a more "preservation-focused" way.

If you wish to further discuss these ideas, we remain available. Thanks.

Ken Lyon, RA  
Associate Planner  
Department of Planning Services  
City of Palm Springs, California  
3200 Tahquitz Canyon Way  
Palm Springs, California 92263  
T 760 323 8245 F 760 322 8360

*"Make no little plans,  
They have no magic to stir men's blood  
And probably won't be realized.  
Make big plans  
Aim high in work and in hope,  
Let your watchword be order,  
And your beacon beauty"*  
- Daniel Burnham, Architect and Planner

## Ken Lyon

---

**From:** Ken Lyon  
**Sent:** Wednesday, September 23, 2015 4:19 PM  
**To:** 'rwe@nexusd.com'  
**Cc:** Flinn Fagg  
**Subject:** Tahquitz Plaza

Hi Rob,

At last month's HSPB meeting the Board asked that the City reach out to the property owner to determine if there was any "collaborative approach" that would yield a "win win" outcome for both the property owner and the City regarding possible preservation / adaptive reuse of the buildings.

I am aware of the following programs and incentives:

1. There are often façade improvement grants through Economic Development,
2. There are often turf buyback grants through the Office of Sustainability.
3. The Cal Bldg Code has sections on dealing with historic properties in terms of some types of relief from code requirements when updating historic properties.
4. I facilitate processing of Mills Act Historic Property Maintenance Agreements on designated Class 1 historic properties. These 10 year rolling contracts have the potential to reduce property taxes (probable tax savings would need to be explored and/or confirmed between the property owner and the Riv Co Tax Assessors Office.)
5. There are also various Federal and State tax incentive initiatives for historic properties. I am not familiar with them but can do some research if there is interest. I believe Tim Brandt at the California Office of Historic Preservation in Sacramento oversees info on tax incentive programs of some kind. I have left a message for him also.

Certainly if Nexus has any interest in exploring any of these or other possibilities, we can help facilitate that for you. Thanks.

Ken Lyon, RA  
Associate Planner  
Department of Planning Services  
City of Palm Springs, California  
3200 Tahquitz Canyon Way  
Palm Springs, California 92263  
T 760 323 8245 F 760 322 8360

**"Make no little plans,**  
They have no magic to stir men's blood  
And probably won't be realized.  
**Make big plans**  
Aim high in work and in hope,  
Let your watchword be order,  
And your beacon beauty"  
- Daniel Burnham, Architect and Planner

# ATTACHMENT #7

**BUILDING CODE APPEALS BOARD  
CITY OF PALM SPRINGS, CALIFORNIA**

**BOARD REPORT**

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**MEETING DATE:** September 23, 2015

**APPEAL HEARING**

**TITLE:** APPEAL FILED BY THE PALM SPRINGS MODERN COMMITTEE AND THE PALM SPRINGS PRESERVATION FOUNDATION / ADVOCATES FOR BETTER COMMUNITY DEVELOPMENT OF PERMIT 2015-1797, DEMOLITION OF BUILDINGS AT 600, 650, AND 700 EAST TAHQUITZ CANYON WAY, PERMIT ISSUED TO NEXUS NDC EQUITIES.

---

**RECOMMENDATION:**

1. Open the Appeal Hearing and accept public testimony.
2. Adopt Resolution No. 15-\_\_\_, "A RESOLUTION OF THE BUILDING CODE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE DETERMINATION OF THE BUILDING OFFICIAL, AND APPROVING A PERMIT TO NEXUS NDC EQUITIES, FOR THE DEMOLITION OF BUILDINGS AT 600, 650, AND 700 EAST TAHQUITZ CANYON WAY."

**BACKGROUND AND ANALYSIS:**

The three properties involved in this matter (600, 650, and 700 East Tahquitz Canyon Way) are three of the four properties that make up an existing commercial office area commonly referred to as "Tahquitz Plaza." All of Tahquitz Plaza was part of a proposed residential and commercial mixed use project that included a parking lot north of Tahquitz Plaza. This proposed development has been referred to as the "Aberdeen" project.

The owners of the Aberdeen project, O&M HR, LLC and Nexus Development, withdrew all of its applications for the development of the Aberdeen on May 28, 2015. Subsequently on May 28, 2015, the owners also applied for demolition permits for the demolition of Tahquitz Plaza. The submission of the applications for the demolition permits activated the previously submitted appeal of Palm Springs Modern Committee of the demolition permits and a separate appeal on June 2, 2015 from the Palm Springs Preservation Foundation and Advocates for Better Community Development. The Building Official advised the owners of Tahquitz Plaza that appeals had been filed and the demolition permit for Tahquitz Plaza would be stayed pending resolution of the appeals. (Copies of the withdrawal of application, the appeals, and the Building Official's confirmation of a stay are attached to this Staff Report.)

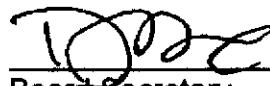
Pursuant to Palm Springs Municipal Code Section 8.04.340, any person aggrieved of any decision of the Building Official may appeal that decision to the Building Code Appeals Board. The appellants are not claiming any irregularity in the processing of the permit application or that the Building Official failed to follow any requirement of the Building Code. The appeal is predicated solely on their argument that a demolition should not be permitted because demolition of Tahquitz Plaza in this specific instance is an action in furtherance of the Aberdeen project, a project that involves discretionary land use approvals subject to review under the California Environmental Quality Act ("CEQA") and demolition of Tahquitz Plaza should be analyzed as a component of the entire Aberdeen project review, including CEQA.

Staff notes that the land use applications have been withdrawn. Any development of Tahquitz Plaza and the adjoining parking lot will require new discretionary applications for development. The issuance of building permits, including demolition permits, is typically a ministerial action and is not subject to discretionary review of any city official. This is an important distinction. Discretionary land use actions of the City are subject to CEQA; ministerial actions of city officials, including building permits and demolition permits, are not subject to CEQA. All ministerial actions for the issuance of a demolition permit for Tahquitz Plaza have been performed in conformance with the City's Building Code.

Staff recommends the Board find that the Building Official has followed all procedures provided under the City's Building Code for the issuance of a demolition permit and deny the appeals of the appellants.

**ATTACHMENTS:**

- Proposed Resolution
- Demolition Permit
- Withdrawal Letter from O&M HR, LLC and Nexus Development
- Appeal Letters from Amy Minter on behalf of Palm Springs Modern Committee
- Appeal Letters from Babak Naficy on behalf of Palm Springs Foundation and Advocates for Better Community Development
- Letter from Jim Zicaro confirming stay of demolition permit
- Notice of Hearing

A handwritten signature in black ink, appearing to be 'T. Doe', written over a horizontal line.

Board Secretary  
City of Palm Springs, California



**RESOLUTION NO. 15-005**

**A RESOLUTION OF THE BUILDING CODE OF APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, DENYING THE APPEALS OF THE DETERMINATION OF THE BUILDING OFFICIAL TO APPROVE A PERMIT TO NEXUS NDC EQUITIES, FOR THE DEMOLITION OF BUILDINGS AT 600, 650, AND 700 EAST TAHQUITZ CANYON WAY.**

**WHEREAS, Nexus NDC Equities applied for a demolition permit of the buildings located at 600, 650, and 700 East Tahquitz Canyon Way, Palm Springs on May 28, 2015, pursuant to Palm Springs Municipal Code (PSMC) Chapter 8.04; and**

**WHEREAS, the Building Official thoroughly investigated the facts and circumstances surrounding the issuance of the demolition permit; and**

**WHEREAS, the Building Official after due consideration, following all procedures for the ministerial act relating to the issuance of demolition permits, approved the issuance of Demolition Permit No. 2015-1797, pursuant to Palm Springs Municipal Code (PSMC) Chapter 8.04; and**

**WHEREAS, the City of Palm Springs received a timely appeal from Chatten-Brown & Carstens on behalf of the Palm Springs Modern Committee and paid the requisite appeal fees, appealing the issuance of Demolition Permit No. 2015-1797 by the Building Official; and**

**WHEREAS, the City of Palm Springs received a timely appeal from the Law Office of Babak Naficy on behalf of the Palm Springs Preservation Foundation and Advocates for Better Community Development, and paid the requisite appeal fees, appealing the issuance of Demolition Permit No. 2015-1797 by the Building Official; and**

**WHEREAS, City's Historic Site Preservation Board issued a 120 day stay of the demolition permit pursuant to M.C. section 8.05.170 et seq., and further extended its stay order at its meeting of September 8, 2015 for a period of 60 days, and**

**WHEREAS, the Building Code of Appeals Board opened and conducted a duly noticed Appeal Hearing on September 23, 2015; and**

**WHEREAS, the Building Code of Appeals Board has carefully reviewed and considered all the evidence, including the Board Report, Appellant's documents, and all public testimony presented in connection with said appeal on September 23, 2015.**

**THE BUILDING CODE OF APPEALS BOARD HEREBY FINDS, DETERMINES, AND RESOLVES, after due consideration given to the relevancy, weight, and credibility of testimony and evidence, and based upon a preponderance of the evidence in accordance with the Board's procedures, as follows:**

**SECTION 1.** The appellant(s) failed to present adequate evidence to overturn the decision of the Building Official's approval and issuance of Demolition Permit No. 2015-1797.


**SECTION 2.** The Building Code of Appeals Board denies the Appeal of Chatten-Brown & Carstens on behalf of the Palm Springs Modern Committee.

**SECTION 3.** The Building Code of Appeals Board denies the Appeal of the Law Office of Babak Naficy on behalf of the Palm Springs Preservation Foundation and Advocates for Better Community Development.

**SECTION 3.** It is further noted that the issuance of the demolition has been stayed by the order of the City's Historic Site Preservation Board for an additional period of 60 days.

**SECTION 4.** This Resolution shall be effective upon adoption by the Building Code of Appeals Board.

PASSED, APPROVED AND ADOPTED BY BUILDING CODE OF APPEALS BOARD OF THE CITY OF PALM SPRINGS THIS 23rd DAY OF SEPTEMBER, 2015.

  
\_\_\_\_\_  
Director of Building and Safety

ATTEST:

  
\_\_\_\_\_  
Board Secretary

**CERTIFICATION**

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

I, DENISE BYSTRZYCKI, Board Secretary, to the Building Code of Appeals Board of the City of Palm Springs, hereby certify that Resolution No. 15-\_\_\_ is a full, true and correct copy, and was duly adopted at a special meeting of the Board on September 23, 2015, by the following vote:

AYES: FRANK URRUTIA, ROD BRUCE, WILLIAM JOHNSON, TED MANDINACH  
NOES: 0  
ABSTAIN: CHRIS FOSTER  
ABSENT: 0

✓

**NOTICE OF HEARING  
CITY OF PALM SPRINGS, CALIFORNIA**



**BEFORE THE  
BUILDING CODE APPEALS BOARD**

TO: Palm Springs Preservation Foundation  
(Appellant)  
c/o Law Office of Babak Naficy  
1504 Marsh Street  
San Louis Obispo, CA 93401

Palm Springs Modern Committee  
(Appellant)  
c/o Chatten-Brown & Carstens LLP  
2200 Pacific Coast Hwy, Suite 318  
Hermosa Beach, CA 90254

Advocates for Better Community  
Development (Appellant)  
c/o Law Office of Babak Naficy  
1504 Marsh Street  
San Louis Obispo, CA 93401

Nexus NDC Equities (Applicant)  
1 MacArthur Place  
Santa Ana, CA 92707

NOTICE IS HEREBY GIVEN, of an Appeal Hearing before the Building Code Appeals Board, the issuance of permit 2015-1797, demolition of buildings at 600, 650 and 700 Tahquitz Canyon Way East, permit issued to Nexus NDC Equities.

Hearing Date: Wednesday September 23, 2015  
Hearing Time: 3:00 p.m.  
Location: Palm Springs City Hall  
Council Chamber  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

**AFFIDAVIT OF MAILING**

State of California )  
County of Riverside ) ss.  
City of Palm Springs )

I, DENISE BYSTRZYCKI, Board Secretary, Building Code Appeals Board of the City of Palm Springs, California, do hereby certify that the Notice of Hearing before the Administrative Appeals Board was mailed to the parties at the address above, on August 26, 2015 in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "Denise Bystrzycki".

Denise Bystrzycki, Board Secretary  
City of Palm Springs, California

**BUILDING CODE APPEALS BOARD  
CITY OF PALM SPRINGS, CALIFORNIA**

Council Chamber, 3200 East Tahquitz Canyon Way, Palm Springs, California 92262  
[www.palmspringsca.gov](http://www.palmspringsca.gov)

**AGENDA**

**WEDNESDAY  
SEPTEMBER 23, 2015**



**3:00 P.M.  
SPECIAL MEETING**

**Chris Foster, Chairperson  
Frank Urrutia, Vice Chairperson  
Rod Bruce, Boardmember  
William Johnson, Boardmember  
Ted Mandinach, Boardmember**

*City of Palm Springs Vision Statement: Palm Springs aspires to be a unique world class desert community, where residents and visitors enjoy our high quality of life and a relaxing experience. We desire to balance our cultural and historical resources with responsible, sustainable economic growth and to enhance our natural desert beauty. We are committed to providing responsive, friendly and efficient customer service in an environment that fosters unity among all our citizens.*

---

**Jim Zicaro, Director of Building and Safety  
Douglas C. Holland, City Holland**

Any person who wishes to speak regarding an item on the agenda or on a subject within the Board's jurisdiction during the "Public Comments" portion of the agenda must file a "Speaker Card" with the Board Clerk BEFORE that portion of the agenda is called. Although the Board of Appeals values your comments, pursuant to the Brown Act, it generally cannot take any action on items not listed on the posted agenda.

Testimony for Hearings will only be taken at the time of the hearing. Any person who wishes to speak on a Hearing item must file a "Speaker Card" with the Board Clerk BEFORE the Hearing is called.

Pursuant to G.C. Section 54957.5(b)(2) the designated office for inspection of records in connection with the meeting is the Building and Code Enforcement Department, City Hall, 3200 E. Tahquitz Canyon Way. Complete Board of Appeals Agenda Packets are available for public inspection at: City Hall Office of the City Clerk. If you would like additional information on any item appearing on this agenda, please contact the Building and Safety Department at (760)323-8280.

It is the intention of the City of Palm Springs to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, or in meetings on a regular basis, you will need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact (760) 323-8280 at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.

**3:00 P.M. SPECIAL MEETING**

**CALL TO ORDER:**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**ACCEPTANCE OF THE AGENDA AND MINUTES:**

**1. APPEAL HEARINGS:**

**1.A. APPEAL FILED BY THE PALM SPRINGS MODERN COMMITTEE AND THE PALM SPRINGS PRESERVATION FOUNDATION / ADVOCATES FOR BETTER COMMUNITY DEVELOPMENT OF PERMIT 2015-1797, DEMOLITION OF BUILDINGS AT 600, 650 AND 700 EAST TAHQUITZ CANYON WAY, PERMIT ISSUED TO NEXUS NDC EQUITIES:**

**RECOMMENDATION:** 1) Open the Appeal Hearing and accept public testimony; and 2) Adopt Resolution No. 15-\_\_\_, "A RESOLUTION OF THE BUILDING CODE OF APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE DETERMINATION OF THE BUILDING OFFICIAL, AND APPROVING A PERMIT TO NEXUS NDC EQUITIES, FOR THE DEMOLITION OF BUILDINGS AT 600, 650, AND 700 EAST TAHQUITZ CANYON WAY."

**2. PUBLIC COMMENT:**

This time has been set aside for members of the public to address the Board of Appeals on Agenda items; and items of general interest within the subject matter jurisdiction of the Board. Although the Board values your comments, pursuant to the Brown Act, it generally cannot take any action on items not listed on the posted agenda. Testimony for Hearings will only be taken at the time of the Hearing.

**3. BOARD MEMBER COMMENTS AND REQUESTS:**

This portion of the meeting is set aside for general comments, announcements, requests of staff, and/or other issues of concern from members of the Board of Appeals.

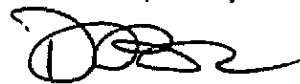
**4. DIRECTOR'S REPORT:**

This time is set aside for the Director to update the Board of Appeals on important items initiated by Staff or previously requested by the Board.

**ADJOURNMENT:**

**AFFIDAVIT OF POSTING**

I, DENISE BYSTRZYCKI, Board Secretary of the City of Palm Springs, California Building Code Board of Appeals, hereby certify this Agenda was posted at City Hall before 7:00 p.m., Thursday, September 17, 2015, and posted on the City's website as required by established policies and procedures.



**DENISE BYSTRZYCKI, BOARD SECRETARY**



## CALL AND NOTICE OF SPECIAL MEETING

### BOARD OF APPEALS CITY OF PALM SPRINGS

TO: Board Chair            Chris Foster  
Board Vice Chair        Frank Urrutia  
Boardmember            Rod Bruce  
Boardmember            William Johnson Ted Mandinach  
Boardmember            Ted Mandinach

**NOTICE IS HEREBY GIVEN**, that the Board of Appeals, of the City of Palm Springs will conduct a Special Meeting beginning at **3:00 P.M., Wednesday, September 23, 2015**, in the Council Chamber, Palm Springs City Hall, 3200 East Tahquitz Canyon Way, Palm Springs. The purpose of the Special Meeting is to discuss items on the attached Special Meeting Agenda.

#### AFFIDAVIT OF POSTING

State of California        )  
County of Riverside     ) ss.  
City of Palm Springs     )

I, DENISE BYSTRZYCKI Board Secretary of the City of Palm Springs, California Building Code Board of Appeals, hereby certify this Notice was delivered to each member of the City Council, provided to all parties who have requested such notice, posted at City Hall, and posted to the City's website, before 2:45 p.m., Thursday, September 17, 2015, as required by established policies and procedures.

Denise Bystrzycki, Board Secretary  
City of Palm Springs, California

**Building Code Board of Appeals  
CITY OF PALM SPRINGS, CALIFORNIA**



**BOARD OF APPEALS  
MEETING MINUTES  
TUESDAY AUGUST 11, 2015  
CITY COUNCIL CHAMBER**

**3:00 P.M. SPECIAL MEETING**

**CALL TO ORDER:** Board Chairperson Chris Foster called the meeting to order at 3:01 p.m.

**PLEDGE OF ALLEGIANCE:** Board Chairperson Chris Foster led the Pledge.

**ROLL CALL:**

**PRESENT:** Rod Bruce, Chris Foster, William Johnson, Frank Urrutia

**ABSENT:** Ted Mandina

**ALSO PRESENT:** Director of Building & Safety Jim Zicaro, City Attorney Douglas Holland and Denise Bystrzycki

**ACCEPTANCE OF THE AGENDA AND MINUTES:**

**Action:** Accept the Agenda. Motion Vice Chairperson Frank Urrutia, seconded by Chairperson Rod Bruce and unanimously carried 4-0.

**1. APPEAL HEARINGS:**

**1.A. APPEAL FILED BY THE PALM SPRINGS MODERN COMMITTEE AND THE PALM SPRINGS PRESERVATION FOUNDATION / ADVOCATES FOR BETTER COMMUNITY DEVELOPMENT OF PERMIT 2015-1797, DEMOLITION OF BUILDINGS AT 600, 650 AND 700 EAST TAHQUITZ CANYON WAY, PERMIT ISSUED TO NEXUS NDC EQUITIES:**

Board Chairperson Chris Foster opened the Appeal Hearing. It was made known that the board Chairperson has a potential conflict of interest under the Fair Political Practices Act and as such there is no longer a quorum. Item 1.A. will have to be rescheduled.

**1.B. CONSIDER A DETERMINATION BY THE BUILDING OFFICIAL THAT THE PROPERTY LOCATED AT 999 S. PALM CANYON DRIVE CONSTITUTES A SUBSTANDARD BUILDING UNDER STATE AND LOCAL LAW, INCLUDING PART 1.5, DIVISION 13 OF THE CALIFORNIA HEALTH AND SAFETY CODE, AND TO CONFIRM,**



# City of Palm Springs BUILDING PERMIT

Building Address: 700 Tahquitz Canyon Way E

Date Submitted **05/28/2015**

Case No.:

Permit Technician **Angela LaFrance**

Owner **Nexus NDC Equities**  
Address **1 MacArthur Pl  
Santa Ana CA**  
Phone **714 546 5600**

Contractor **Precision Contracting**  
Address **1818 Orangethorpe Pl  
Anaheim CA**  
Phone **949 542 6664**  
Lic. Number **701357**

Architect Address Phone

Engineer Address Phone

Lot # **SEENOTE** Block # **+** Tract Parcel Number **508-055-006**  
Lot Size Zone Occupancy  
**78408**

	Building Sq. Ft.	Garage/Carport	Roofed Patio/Porch	Remodeled Area	
<b>New</b>					
Use of building		Permit Type		Const. Type	Fixture Units
<b>Commercial</b>		<b>Complete Demolition</b>			
Fire Sprinkler	Units	Valuation	Permit Fees Paid		
		<b>303000.00</b>	<b>2403.64</b>		

Describe work in detail:  
**Demolition of buildings at 600, 650 and 700 Tahquitz Canyon Way East.**

Special Conditions:

DO NOT CONCEAL OR COVER ANY CONSTRUCTION UNTIL THE WORK IS INSPECTED

### IMPORTANT

The issuance of this permit shall not be held to be an approval of the violation of any provisions of any city or county ordinance or state law. Inspections of work are subject to an approved set of plans being on the job. Changes to plans are not to be made without permission of the Building and Safety Divisions.

The owner and/or contractor is responsible for establishing all property lines. All utilities must be underground.

This permit will expire if work is not started in 180 days or if more than 180 days elapses between inspections.

I certify that I am familiar with all requirements of the City of Palm Springs as they apply to this permit and understand that these requirements must be completed prior to final inspection and that no certification of occupancy will be issued until such time as these requirements are met. I certify that I have read this application and state that the information is true and correct.

OWNER/CONTRACTOR/AGENT \_\_\_\_\_ DATE \_\_\_\_\_ ISSUED BY \_\_\_\_\_ Finaled \_\_\_\_\_

This is a Building when properly filled out, signed and validated, and is not transferable.

PERMIT NUMBER

**2015-1797**

**148**





# City of Palm Springs

Department of Building & Code Enforcement  
3200 East Tahquitz Canyon Way, Palm Springs CA 92262  
PO Box 2743, Palm Springs CA 92263  
Tel 760.323-8242 P Fax 760.322.8360 P TDD 760.864.9527  
[www.palmsprings-ca.gov](http://www.palmsprings-ca.gov)

June 1, 2015

NDC Equities Downtown PS, LLC  
1 MacArthur Place # 300  
Santa Ana, CA 92707

**RE: Demolition Permit – Permit # 2015-1797**

Dear Permit Applicant:

The City of Palm Springs is in receipt of your demolition permit application for the above referenced Permit which involves the demolition of buildings located at 600, 650, 700 and 750 E. Tahquitz Canyon Way. This permit is ready to issue at this time. There has been an appeal to the City of Palm Springs Building Code Appeals Board. That appeal questions the legal authority of the Building Department to issue this permit in light of other considerations presented by the appellant. Since that action requires a hearing, your permit will be held and you may take no action to demolish the buildings until a final decision is made by that Board.

You will be notified of a hearing date, and will be given opportunity to bring forth documents, evidence and provide testimony to make your case as to why this permit should remain in effect.

Sincerely,

Jim Zicaro, MCP  
Director of Building and Safety

**Via Email and Overnight Mail**

May 28, 2015

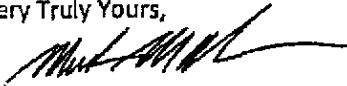
Flinn Fagg  
Director of Planning Services  
City of Palm Springs  
3200 E Tahquitz Canyon  
Palm Springs, CA 92262

RE: Aberdeen (Case Nos. 5.1361 PD-375, CUP 3.3820 MAJ, and TTM 36876)

Dear Mr. Fagg:

By this letter, O & M HR, LLC and Nexus Development Corporation/Central Division hereby unequivocally and unconditionally withdraw and abandon all pending land use applications associated with the Aberdeen Project (i.e., Case Nos. 5.1361 PD-375, CUP 3.3820 MAJ, and TTM 36876), as well as the associated Mitigated Negative Declaration, from further consideration by the City of Palm Springs. This withdrawal shall take effect immediately.

Very Truly Yours,



Matthew B. Kaufman, on behalf of  
O & M HR, LLC and Nexus Development Corporation/Central Division

Cc: James Thompson, City Clerk (via overnight mail and email - [cityclerk@palmsprings-ca.gov](mailto:cityclerk@palmsprings-ca.gov))  
David Ready, City Manager (via email only - [david.ready@palmsprings-ca.gov](mailto:david.ready@palmsprings-ca.gov))  
Douglas Holland (via email only - [dholland@wss-law.com](mailto:dholland@wss-law.com))

**CHATTEN-BROWN & CARSTENS LLP**

TELEPHONE: (310) 798-2400  
FACSIMILE: (310) 798-2402

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HERMOSA BEACH, CALIFORNIA 90254  
www.cbcearthlaw.com

E-MAIL:  
ACM@CBCEARTH.LAW.COM

JAMES THOMPSON  
CITY CLERK

2015 APR 23 AM 9:49

RECEIVED  
CITY OF PALM SPRINGS

April 22, 2015

*Via Federal Express*

James Thompson  
City Clerk, City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

Re: Appeal of Demolition Permits for Tahquitz Plaza located at 600, 650, 700 and 750 East Tahquitz Canyon Way

Dear Mr. Thompson:

Palm Springs Modern Committees appeals that approval of any demolition permits for the Tahquitz Plaza located at 600, 650, 700 and 750 East Tahquitz Canyon Way pursuant to Palm Springs Municipal Code section 8.04.340. Such permit must be suspended until such time as the Building Code Appeals Board can hear the matter. This notice of appeal remains in effect for 45 days from today's date.

Thank you for your time and consideration in this matter. Please feel free to contact me if you have any questions regarding this appeal.

Sincerely,



Amy Minter  
Attorney at Law

Enclosure: Check for Appeal Fee

cc: Flinn Fagg, Planning Director (via email: [Flinn.Fagg@palmsprings-ca.gov](mailto:Flinn.Fagg@palmsprings-ca.gov))  
Douglas Holland, City Attorney (via email: [DHolland@wss-law.com](mailto:DHolland@wss-law.com))  
Jim Zicaro, Director of Building and Safety (via email: [jim.zicaro@palmspringsca.gov](mailto:jim.zicaro@palmspringsca.gov))  
David Ready, Esq., Ph.D., City Manager (via email: [CityManager@palmspringsca.gov](mailto:CityManager@palmspringsca.gov))

**CHATTEN-BROWN & CARSTENS LLP**

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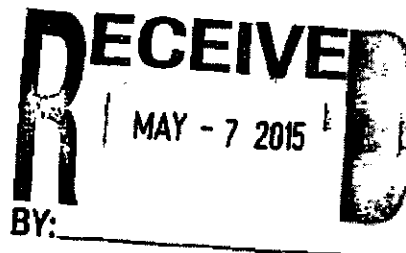
E-MAIL  
ACM@CBCEARTHLAW.COM

May 4, 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: Removal of Historic Fabric from Town and Country Center

Dear Mr. Fagg and Mr. Zicaro:

On behalf of the Palm Springs Modern Committee, we write to object to the proposed removal of portions of the Town and Country Center. It is our understanding that the owner of the Center has begun unpermitted work at the site and may soon remove the overhang and potentially other portions of these buildings.

It would be a violation of the California Environmental Quality Act for the City to allow or the developer to commence any work on the Town and Country Center that would remove portions of the building. This is because when adopting Resolution No. 22625 certifying the environmental impact report for the Museum Market Plaza Specific Plan on December 2, 2009, the City included several mitigation measures to reduce the significant impacts associated with the demolition of the Paul R. Williams and A. Quincy Jones designed historic Town and Country Center. To ensure this rare and excellent example of the late Moderne style of architecture would not be demolished without certainty that the City would receive the benefits associated with the redevelopment of the Desert Fashion Plaza, the City Council approved a mitigation measure prohibiting the demolition or substantial alteration of the Town and Country Center until building permits have been issued in furtherance of the redevelopment of the Desert Fashion Plaza

Flinn Fagg, Jim Zicaro  
May 4, 2015  
Page 2 of 2

and substantial work in conformance with those building permits has commenced.  
(Resolution No. 22625, Exhibit A, p. A-30 is attached.)

Substantial work on the redevelopment of the Museum Market Plaza has yet to be commenced and thus demolition or substantial alteration of the Town and Country Center is not allowed. The removal of the overhang would be a partial demolition and substantial alteration of the Town and Country Center and remains prohibited until such time substantial progress has been made on new construction of the Museum Market Plaza. Until such time the developer is in compliance with the above cited mitigation measure, the only work that should be allowed at the Town and Country Center is to shore up and protect the buildings to prevent illegal "demolition by neglect".

Thank you for your time and consideration in this matter.

Sincerely,



Amy Minter  
Attorney at Law

cc: Palm Springs Modern Committee

The Town and Country Center meets the CEQA criteria "c" for listing, and can be considered a significant resource. The Center meets the definition of a historic resource as put forward in CEQA. Demolition of the Center would therefore be a significant impact. The EIR includes mitigation measures to preserve a record of the buildings according to federal standards, and to include displays within the proposed project which would commemorate the Center. However, as the Center has been determined a historically significant structure under CEQA, its demolition will result in an unavoidable significant impact which cannot be fully mitigated.

The following mitigation measures are included in the EIR, and will reduce the impacts to historic resources to the extent possible.

1. On-site commemorative signs or displays recognizing the historic value of the two previously occurring historic sites to the west of Palm Canyon Drive shall be incorporated into the proposed project.
2. A comprehensive documentation program shall be completed for the Town and Country Center prior to any building altering activities on the property. The documentation shall be consistent with Historic American Building Survey (HABS) procedures, and shall include detailed architectural description, photographic records, scaled mapping and completion of a historic record of the property. The resulting records shall be curated at the City of Palm Springs and the Eastern Information Center.

Commemorative signage and displays shall be incorporated into the proposed project.

The following mitigation measure is added to ensure that the Town and Country Center is not demolished until such time as construction of commercial retail improvements and the benefits anticipated from such development are reasonably assured:

1. No permit for the demolition or substantial alteration of any portion of the Town and Country Center will be issued until (a) all discretionary entitlements consistent with the Specific Plan have been approved for the renovation or redevelopment of the existing Desert Fashion Plaza; (b) building permits in furtherance of such renovation or redevelopment have been issued; and (c) substantial work consistent with such building permits have commenced on the existing Desert Fashion Plaza.

Since the preparation of the EIR, the City has modified the Specific Plan to consider the demolition of the Town and Country Center based on the quality and value of projects which may be proposed for the site in the future. Should the Center remain, the impacts associated with its demolition would be eliminated. However, since the demolition of the Center is not precluded, potential impacts associated with the Town and Country Center remain significant and unavoidable.

#### Findings:

1. The City of Palm Springs hereby finds that the proposed project will result in significant and unavoidable impacts to historic resources. No feasible mitigation measures are available to mitigate this impact, insofar as demolition of the Town and Country Center will eliminate a CEQA qualified historic structure. The City of Palm

**CHATTEN-BROWN & CARSTENS LLP**

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HERMOSA BEACH, CALIFORNIA 90254  
www.cbcearthlaw.com

E-MAIL:  
ACM@CBCEARTHLAW.COM

June 1, 2015

*Via Email and U.S. Mail*

Historic Site Preservation Board  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

Re: Support for Class 1 Nomination of Tahquitz Plaza located at 600, 650, 700 and 750 East Tahquitz Canyon Way; Request for Immediate Stay of Demolition Permits

Honorable Board Members:

The Palm Springs Modern Committee supports the nomination of the Hugh Kaptur designed Tahquitz Plaza, located at 600, 650, 700 and 750 East Tahquitz Canyon Way, as a Palm Springs Class 1 Historic Site. 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. Thus, the Palm Springs Modern Committee urges you to designate the Tahquitz Plaza as a Class 1 Historic Site.

Additionally, demolition permits were issued for the Tahquitz Plaza today. It is imperative that you issue an immediate stay of these demolition permits pursuant to Palm Springs Municipal Code section 8.05.170. This stay is necessary to allow time for the Board to conduct necessary studies and hearings and to determine whether the Tahquitz

Historic Site Preservation Board

June 1, 2015

Page 2 of 2

Plaza should be designated as an historic site. In order to prevent demolition of these historic buildings prior to consideration of the nomination, we urge you issue a stay of the demolition permits at your June 8 Board meeting, or if possible set a special meeting prior to that date to enact a stay as soon as possible.

Thank you for your time and consideration in this matter.

Sincerely,



Amy Minter  
Attorney at Law

cc: Flinn Fagg, AICP, Director of Planning Services  
Douglas Holland, City Attorney  
Jim Zicaro, Director of Building and Safety  
James Thompson, City Clerk



June 1, 2015

Via email and US Mail

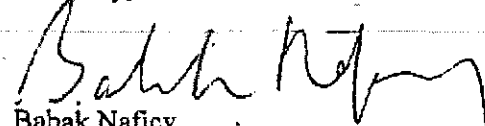
Historic Site Preservation Board  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

**Re: Request for Immediate Stay of Demolition Permits for  
Tahquitz Plaza located at 600, 650, 700 and 750 East Tahquitz  
Canyon Way**

Honorable Board Members,

Earlier today, Palm Springs Preservation Foundation ("PSPF") formally nominated Tahquitz Plaza as a Palm Springs Class I Historic Site. Also today, the City of Palm Springs issued demolition permits for Tahquitz Plaza. A stay of the demolition permits is urgently needed in order to afford the Board an opportunity to conduct the necessary analysis to determine whether Tahquitz Plaza should be designated as an historic site. Pursuant to Palm Springs Municipal Code §8.05.170, the Board has the authority "to issue an order staying any proposed or threatened demolition" of any structure within a proposed site. On behalf of PSPF and Advocates for Better Community Development, I urge you to issue an order staying the demolition permits at the earliest possible date, or at the very least, at your June 8th Board meeting.

Sincerely,

  
Babak Naficy  
Counsel for PSPF

cc: Flinn Fagg, AICP, Director of Planning Services  
Douglas Holland, City Attorney  
Jim Zicaro, Director of Building and Safety  
James Thompson, City Clerk



504 Marsh Street  
San Luis Obispo  
California 93401

ph: 805.593.0926  
fax: 805.593.0946

babaknaficy@sbcglobal.net



RECEIVED

CITY OF PALM SPRINGS

Law Office of Babak Naficy

2015 JUN -4 AM 9:29

June 2, 2015

JAMES THOMPSON  
CITY CLERK

Via email and US Mail

Palm Springs City Clerk  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

**Re: Appeal of Demolition Permits for Tahquitz Plaza located at 600, 650,  
700 and 750 East Tahquitz Canyon Way**

Dear City Clerk,

My understanding is that on June 1, 2015, the City of Palm Springs, Department of Building and Safety, issued demolition permits for Tahquitz Plaza. My clients, Palm Springs Preservation Foundation and Advocates for Better Community Development hereby appeal the demolition permits on the ground that these permits are an integral part of a much larger and well-known project, known as the Aberdeen, which consists of attached and detached residential dwellings, live-work units and retail space. The City is fully aware of these plans as the project was scheduled for a final hearing and approval by the City Council on April 15, 2015. The proposed demolition of Tahquitz Plaza has no independent utility; it is an integral part of and not severable from the larger mixed-use project. Accordingly, pursuant to CEQA, the City was required to conduct a comprehensive environmental review of the entire mixed-use project before issuing demolition permits.

Please acknowledge receipt of this appeal and send me a copy of the demolition permits as well as notice of any future City action in connection with this project.

Sincerely,

Babak Naficy  
Attorney at Law

Enclosure: Check in the amount of \$269

cc: Douglas Holland, City Attorney  
Jim Zicaro, Director of Building and Safety

1504 Marsh Street  
San Luis Obispo  
California 93401

ph: 805.593.0926  
fax: 805.593.0946

babaknaficy@bcglobal.net



August 7, 2015

Via Email and U.S. Mail

Building Code Appeals Board  
c/o Denise Bystrzycki, Board Secretary  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262  
Denise.Bystrzycki@palm Springs-ca.gov

**RE: Appeal of Demolition Permits for Tahquitz Plaza located at 600, 650 and 700  
East Tahquitz Canyon Way**

Dear Honorable Board Members,

I submit this letter on behalf of Advocates for Better Community Development ("ABCD") and Palm Springs Preservation Foundation ("PSPF", collectively, "Appellants") in support of the appeal of the demolition permit authorizing Nexus NDC equities to demolish the buildings that comprise the historic Tahquitz Plaza, located at 600, 650 and 700 Tahquitz Canyon Way East, Palm Springs. Appellants contend the issuance of the demolition permit was unlawful because the City had failed to comply with the California Environmental Quality Act ("CEQA").

The Staff Report fails to adequately describe the circumstances of this appeal. While the Staff Report explains that the owners of Tahquitz Plaza have for now, withdrawn their development plans and land use applications, it makes no mention of the fact that currently the City's Historic Site Preservation Board ("HSPB") is evaluating PSPF's nomination of Tahquitz Plaza as a Palm Springs Class 1 Historic Site. Nor does the Staff Report explain that the HSPB has issued a stay of demolition while it considering the status of Tahquitz Plaza.

The Staff Report, moreover, fails to consider the Developers' (O&M HR, LLC and Nexus Development) purpose for demolishing Tahquitz Plaza. There is no evidence in the record to suggest the buildings are in disrepair or otherwise unsafe. There is no reason to believe the Developers have permanently abandoned their plans to ultimately bring back a residential and commercial project as previously proposed. It would therefore be naïve to speculate that the Developers have abandoned their plans to develop the site following demolition. Yet, the Staff Report considers the demolition permit in isolation, without any consideration of the likelihood that the

1504 Marsh Street  
San Luis Obispo  
California 93401  
ph: 805-593-0926  
fax: 805-593-0946

babaknaficy@sbciabca.net

Developers will resume their development plans immediately or shortly after demolition is complete.

CEQA requires a public agency to conduct environmental review before approving any discretionary project that may result in an impact on the environment. Pub. Res. Code §21065, 21080. "Project" means the "whole of an action" and "does not mean each separate governmental approval." CEQA Guidelines §§15378(a), 15165, 15168. "CEQA's requirements cannot be avoided by chopping up proposed projects into bite-size pieces which, individually considered, might be found to have no significant effect on the environment or to be only ministerial." Lincoln Place Tenants Ass. v. City of Los Angeles (2005) 130 Cal.App.4<sup>th</sup> 1491, 1507. CEQA forbids the City from "piecemealing" project components to hide or ignore environmental impacts that must be reviewed in a single EIR. Bozung v. Local Agency Formation (1975) 13 Cal.3d 263, 283-4. CEQA requires an agency to conduct environmental review before the first approval for a project, even if later approvals are still needed. Id.

The City has essentially piecemealed the Developers' overall development project when it issued a demolition permit without CEQA compliance. There can be no serious debate that the Developers seek a demolition permit as part and parcel of their overall plans to develop the site. There is no independent reason, aside from developing the site, to issue a demolition permit. Because the demolition permit is part and parcel of the Developers' plans to develop the site, it cannot be issued in isolation.

The City therefore cannot issue any permit related to the development project, including a demolition permit, before conducting CEQA review of the whole of the project. See, Orinda Ass'n v. Brd of Supervisors (1986) 182 Cal.App.3d 1145, 1171-72.

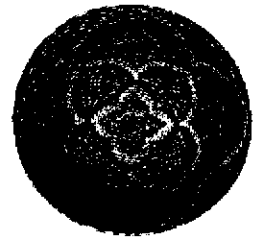
Sincerely,

/s/ Babak Naficy

Babak Naficy  
Attorney at Law

cc: Doug Holland  
Terry Milton

# AGUA CALIENTE BAND OF CAHUILLA INDIANS



PLANNING & DEVELOPMENT DEPARTMENT

CONSTRUCTION DIVISION • ECONOMIC DEVELOPMENT DIVISION

PLANNING & NATURAL RESOURCES DIVISION • TRIBAL HISTORIC PRESERVATION OFFICE

June 29, 2015

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

RECEIVED

JUL 02 2015

PLANNING SERVICES  
DEPARTMENT

RE: Agua Caliente Band of Cahuilla Indians Historic Preservation Policy Statement

Dear Mr. Fagg:

The mission of the Agua Caliente Band of Cahuilla Indians (ACBCI) Tribal Historic Preservation Office (THPO) is to foster, improve and protect the cultural heritage of the Tribe, on and off the Reservation, for future generations of the Agua Caliente People. The Historic Preservation Office will work with the Tribal Members, the Tribal Council, other Tribal departments, programs, and agencies to meet its mission.

The Agua Caliente Band of Cahuilla Indians, hereby, submits to the City of Palm Springs its newly codified Historic Preservation Policy Statement for the City's reference and records. The implementation of the policy statement seeks to promote an approach to resource management and achieve a balance between development and preservation values within the Agua Caliente Indian Reservation.

If you have any questions, please feel free to contact Tom Davis, Chief Planning and Development Officer at (760) 699-6960 or by email at [tdavis@aguacaliente-nsn.gov](mailto:tdavis@aguacaliente-nsn.gov) or Patricia Garcia, THPO at (760) 699-6907 or by email at [pagarcia@aguacaliente-nsn.gov](mailto:pagarcia@aguacaliente-nsn.gov)

Sincerely,

Thomas J. Davis, AICP  
Chief Planning & Development Officer  
**Agua Caliente Band  
of Cahuilla Indians**

Patricia Garcia  
Tribal Historic Preservation Office  
**Agua Caliente Band  
of Cahuilla Indians**

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## **AGUA CALIENTE BAND OF CAHUILLA INDIANS**

### **POLICY STATEMENT REGARDING HISTORIC PRESERVATION**

Adopted by the Agua Caliente Tribal Council  
May 8, 2015  
Agua Caliente Indian Reservation

The Agua Caliente Band of Cahuilla Indians policy on historic preservation is:

1. The Tribal Historic Preservation Officer is the designated steward of the Tribe's heritage and is charged with protecting, preserving and managing historic and cultural resources on all lands within the exterior boundaries of the Agua Caliente Indian Reservation, regardless of land status, as well as the Tribe's Traditional Use Area.
2. Determinations of historic and/or cultural significance within the reservation and Traditional Use Area are the responsibility of the Tribal Historic Preservation Officer and shall be based upon the guidelines provided by the National Park Service and the Tribe's Historic Preservation Management Plan and Research Design.
3. The Tribe relies upon the Tribal Historic Preservation Officer to make determinations that directly affect the Agua Caliente Indian Reservation regarding architecture considered for local listing and matters of historic or cultural significance.
4. Although cities, states, or other organizations may make a determination regarding properties pursuant to applicable laws of their jurisdiction, the Tribe will also make a determination regarding historic and cultural significance pursuant to the authority vested in the Tribe and the Tribal Historic Preservation Office pursuant to federal and tribal law.

#### Background

Agua Caliente Band of Cahuilla Indians have occupied the Coachella Valley region from time immemorial. As stewards of the Tribe's heritage, the Agua Caliente Band of Cahuilla Indians has designated the Tribal Historic Preservation Officer ("THPO") responsible for the protection, preservation, and management of a wide array of Historic Properties and Cultural Resources such as archaeological sites, historic-period properties, as well as expanses of land which are of traditional or ceremonial importance to Tribal membership. The responsibilities of the THPO are not limited to the confines of the current Reservation, but extend well beyond Reservation boundaries to include a large swath of territory extending as far east as the Colorado River and

west to include the San Jacinto and Santa Rosa Mountains. In order to best protect the cultural heritage while simultaneously promoting the economic development and advancement of the Tribe and its membership, the THPO has developed a Historic Preservation Policy to provide guidance in regards to Historic Preservation on the Agua Caliente Indian Reservation and TUA.

#### THPO Authority

City, County, Federal, and State agencies are encouraged to use this policy as a reference for the application of Historic Preservation responsibilities in regards to the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Executive Order 13007 on Indian Sacred Sites, Native American Graves Protection and Repatriation Act (NAGPRA), Archaeological Resource Protection Act (ARPA), State Public Resources codes, State Health and Safety codes, the California Environmental Act (CEQA), Assembly Bill 52 (AB 52), and Senate Bill 18 (SB 18), the California Register of Historical Resources, and California Governor's Executive Order B-10-11. Federal and State agencies must consult with Indian Tribes on Historic Properties and Cultural Resources regardless of their location (inclusive of the TUA and Agua Caliente Indian Reservation). NHPA section P.L. 102-575 allows federally recognized Indian Tribes to take on formal responsibilities for the preservation of significant Historic Properties on tribal lands. Specifically, Section 101(d)(2) allows Tribes to assume any and all of the function of a State Historic Preservation Officer (SHPO) with respect to tribal land. Additionally, agencies are required to consult with the THPO in lieu of the SHPO for undertakings occurring on, or affecting Historic Properties on tribal lands. The Agua Caliente THPO assumed these responsibilities through designation as a THPO with the National Park Service in 2005.

# ATTACHMENT #8



**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)

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
- Googie 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
- Googie: 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

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

**Terri Hintz**

---

**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**

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**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

Item 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

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 1,668-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