

ATTACHMENT #6



December 9, 2015

Via Email

Palm Springs Planning Commission,
c/o Flinn Fagg, Director of Planning Services
flinn.fagg@palm Springs-ca.gov

RE: Planning Commission Agenda Item 2B, Proposed amendment to the Museum Market Plaza Specific Plan

Dear Mr. Fagg,

I have previously commented in opposition to the proposed amendments to the Museum Market Plaza Specific Plan on behalf of Advocates for Better Community Development (“ABCD”). This letter provides further comments on the proposed amendments, as well as the many questions that remain unanswered.

Initially, I note that the proposed Specific Plan amendments provides further evidence supporting the conclusion that in the past three years, the City has unlawfully approved numerous changes to the Museum Market Plaza without adequate consideration of the developmental limits contained in the Specific Plan. Many of the proposed amendments are intended to conform the Specific Plan to the City’s previous actions, which is evidence that the City continues to put the cart before the horse.

The Staff Report still refers to but does not include an EIR Addendum for these changes. Without the Addendum, it is impossible to fully understand and evaluate the potential environmental impacts of the proposed amendments. How can the Planning Commission consider recommending approval of the amendments without understanding the environmental impacts of the amendments?

Moreover, based on the extent and significance of the proposed amendments, it would appear that a subsequent or supplemental EIR would be required, as it appears that the Specific Plan EIR did not and could not have anticipated the proposed amendments. A subsequent EIR is need because many of the Project’s significant impacts, such those on significant natural views and traffic may be exacerbated by these amendments.

While the public has now finally been provided the text of the proposed amendments, the nature and reasons for the proposed amendments updates remain murky and ambiguous. ABCD shares many of the Planning Commissioners’ concerns and confusion in this regard. For example, the staff report proposes the elimination of limits on building mass without explaining why this is change desirable or what effect it would have. (390-391).

Likewise, Staff recommends adoption of Table III-5, which would replace uniform setback requirements in favor limits on open area floor limits. Staff claims this would “generally achieve the same result” as the existing minimum setback requirements, but

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staff fails to explain why it is recommending the change. This amendment would give the applicant more “flexibility” to build out 90% of first three floors, which would create more of a canyon effect than the existing set-back limits. Why is this desirable and what effect would it have on view corridors?

Staff likewise does not provide any explanation for or evaluate the potential impacts of its proposal to eliminate the limit on transfer of density within blocks. (664-669). Staff claims this “update” is intended to “correctly identify blocks where commercial uses are permitted...,” yet the revised text will forever permit unlimited transfer of square footage within sub-area A, which consists of Blocks A, B, C, D, F and G. This fundamental change in policy is proposed without any adequate explanation or analysis of potential impacts.

As we have explained before, because the Specific Plan did not anticipate an event center (now called a park) on Block B or anywhere else within the Project area, the Specific Plan EIR never considered the environmental impacts of an event center (such as noise, circulation, aesthetics, etc.) and did not proposed any mitigation for the large event center/park now planned for Block E. The new “park” on Block E, therefore, amounts to a significant change to the Specific Plan whose impacts must be adequately analyzed in an EIR. This is especially true as the Staff Report admits that the 2012 Addendum focused only on aesthetic impacts of development on Block B, and did not even consider the noise and traffic/parking/circulation impacts that could result from the operation of major event center on Block E. Interestingly, Staff’s own parking analysis which is attached to the staff report wholly ignores the parking demand generated by the concerts and other events the City intends to sponsor on Block E. Accordingly, the impacts of the event center must be analyzed through the preparation of a supplemental or subsequent EIR.

The staff report also fails even to hint that the City’s failure to consider the environmental impacts of the event center is currently an issue that is being litigated in the case of ABCD v. Palm Springs (Case No. PSC 1405677.) Also at issue in that case is the City’s continued reliance on the conformity review process to approve changes to the Specific Plan despite the fact that staff is now proposing to eliminate all references to conformity review from the Specific Plan.

The proposed amendment to allow height increase to 75 feet for a hotel on Block B (which is also being raised as agenda item 2C) is inconsistent with the City’s own previous approvals and the Specific Plan, which provides that only “with sympathetic massing and effective architectural treatment to visually reduce building bulk, hotels may exceed 60 feet, subject to City Council approval.” III-17. The Specific Plan’s requirement that hotel heights exceeding 60 feet be approved via the PDD process reflects a policy of permitting added height only on a case by case basis, ensuring that the proposed architecture and massing is compatible with the site. Consistent with the Specific Plan, the City may only approve a hotel project exceeding 60 feet on a case by case basis, only after considering the architecture and visual character of a proposed hotel. The City’s proposed approach is inconsistent with this policy and must therefore be rejected.

Like many of the Commissioners, ABCD is concerned about addition of yet more hotel rooms, which undermines the Specific Plan’s vision of a mixed-use development that includes commercial, residential and restaurant development. No more hotel rooms should be approved without an economic impact study that assesses the need for and the impacts of any more hotel rooms in the City. The economic impacts of the project is a particularly sensitive issue in light of

the City's substantial and "generous" contribution of public funding in support of this private project.

The Commissioners should take a close look at a number of proposed amendments that are intended to conform the Specific Plan to the City's earlier actions which, according to the Staff, appear to have resulted in granting of public right-of-way to the applicant. The right-of-way on Belardo, for example, is reduced from 62 to 41 feet, and a number of parking spaces would be lost because angled street parking would be replaced with parallel parking. The right-of-way and sidewalk widths on Museum Drive and Main Street have likewise been reduced. The Staff Report explains that these revisions are proposed to conform the Specific Plan to final maps approved by the City. Yet, there is no explanation provided as to why the City approved final maps that are inconsistent with the Specific Plan.

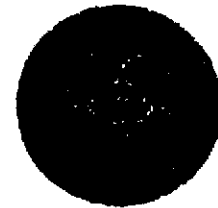
I urge the Commission not to take any action on the proposed Specific Plan Amendments.

Sincerely,

/s/
Babak Naficy for ABCD

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION



03-004-2008-027

December 09, 2015

[VIA EMAIL TO:david.newell@palmsprings-ca.gov]

Palm Springs
Mr. David A. Newell
3200 E Tahquitz Canyon Way
Palm Springs, CA 92262

Re: Museum Market Plaza Specific Plan Amendment Case No. 501204

Dear Mr. David A. Newell,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the Downtown Palm Springs Specific Plan project. The project area is not located within the boundaries of the ACBCI Reservation. However, it is within the Tribe's Traditional Use Area (TUA). For this reason, the ACBCI THPO requests the following:

- * A meeting with the appropriate city planners and the ACBCI Tribal Historic Preservation Officer.

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760)699-6829. You may also email me at acbc-thpo@aguacaliente.net.

Cordially,

Katie Croft
Archaeologist
Tribal Historic Preservation Office
AGUA CALIENTE BAND
OF CAHUILLA INDIANS

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

Wednesday, December 9 2015

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

2B. CONT'D - APPLICATION BY THE CITY OF PALM SPRINGS TO UPDATE AND AMEND THE MUSEUM MARKET PLAZA SPECIFIC PLAN TO REFLECT PREVIOUS APPROVALS AND MODIFICATIONS, INCLUDING CHANGES TO PERMITTED USES FOR CERTAIN BLOCKS WITHIN THE DEVELOPMENT, CHANGES TO THE MAXIMUM PERMITTED HEIGHT FOR CERTAIN BLOCKS WITHIN THE DEVELOPMENT, REDUCTIONS IN THE OVERALL DEVELOPABLE SQUARE FOOTAGE AND PERMITTED NUMBER OF UNITS, AND OTHER VARIOUS ADMINISTRATIVE CHANGES AND CORRECTIONS (CASE NO. 5.1204 SP A-1). (FF) RECOMMENDATION: Recommend approval of the Museum Market Plaza Specific Plan update to the City Council.

TO WHOM IT MAY CONCERN:

My concerns about this development have not changed since my earlier comments at the November 12, 2015, hearing with the Planning Commission; namely,

(1) the environmental assessment is not running concurrently with major revisions to the Specific Plan; and by law, it should be. The Planning Commission is acting as advisor to the City Council, with a void of environmental information and assessment on the potential impacts of changes to the plan. What are those changes? The Planning Department has concentrated almost exclusively on the decrease in square footage, and concludes there are no impacts because overall square footage is reduced. This is specious reasoning.

The real change (and environmental impact) of the amendments is a concentration of massing on Block B, view shed interruption, implemented through incremental and devastating additions to height over time – together with compromises on open space, setbacks, step backs, parking, reduction of street lanes, and abandonment of all of the planning controls that used to be available to us. We have abandoned it for congestion, concentrated development, and over-built environment. How did the City do this? From not keeping control of this process, and from letting this become developer-driven, at any cost to the City.

Block B's open space relief (an environmental impact issue) WOULD HAVE alleviated the incredible concentration of urban meta-buildings that now face Palm Canyon Drive. Now, open space relief from the drudgery of the buildings has been transferred to the back of the project where it is not needed -- in front of the museum. The City is burdened with the oppressive feel of the Palm Canyon frontage, and it is a pending disaster for any and all citizens who want village atmosphere or who appreciate scale!.

Palm Canyon Drive has always been the pride of our City, and it has not only always had a small town feel, but it connects us to nature and the vistas, and our mountain. Our treasured qualities are endangered, and the outrageous reality of this is that our planning process, early in the Specific Plan

adoption – absolutely did NOT anticipate what has happened. Everyone knows this, and the decision makers appear to be concluding that it is irreversible harm. That is not the truth!

Returning to the comments on proper integration of environmental information for comprehensive review, the *Fasano* Decision has been cited throughout California case law as representative of the level of care administrative officers (our city officials) must take in the deliberation of a case. I claim that this standard has not been met:

*“The case that finally merged the traditional and skeptical views of land use regulation was Fasano v. Board of Commissioners of Washington County 264 OR. 574, P.2nd 23 (1973). Fasano struck down a rezoning, not on the grounds that it constituted ‘spot zoning’ or because there existed a ‘right to rely’ on existing regulations but, rather, **because of the manner in which the local government had made the zoning decision and the public process it followed.** The legacy of Fasano requires local governments to make zoning decisions that are consistent with their comprehensive plans, land use regulations, and enabling legislation. Fasano requires that a public hearing is to be provided where parties are given an opportunity to be heard, to present and rebut evidence and to establish a right to a record and adequate findings to show that the ultimate decision is justified. By establishing a process for hearing and deciding land use cases, the Court was able to review the record against the decision and evaluate whether there was a legitimate basis for making the decision.” [emphasis added]*

(2) The second irregularity is something I placed on the administrative record in my earlier comments in November 2015. The *Leshar v. City of Walnut Creek* decision (California case law) has articulated a principle of law that is sacrosanct in planning, through a humorous metaphor – the tail does not wag the dog! What does this mean? It means that the Specific Plan is a more detailed treatment of the General Plan. A Specific Plan -- a component of the General Plan, and processed identically to a General Plan Amendment when it is done correctly -- is the constitutional framework for the decision. It contains the vision, the thoughtfulness, the planning, the policies, objectives, goals of this community – that are addressed with enough specificity that our dreams for downtown translate into architectural excellence, and into a reasoned, balanced, thoughtful use of land. The Downtown Plan was meant to fit, hand in glove, the nature of its surroundings. But it does not, and this, again, is environmental impact.

Planners conform the land use entitlements to the General Plan and Specific Plan, not the opposite. That is what is meant by the “tail not wagging the dog!” It is clear from the very description of the Specific Plan update (see Agenda) that the amendments are **“to reflect previous approvals and modifications.”** That means a cleanup – not a legitimate amendment process -- and the City has attended more to its anxiety about legal challenges to non-compliance than maintaining architectural and land use integrity in its planning.

One example of this “cleanup” was the original planning control of disallowing any density transfer that exceeded 15% from one block to another. Another planning control was the prohibition of “trading” parking capacity between blocks. Both of those controls have been eliminated (along with many other planning controls that have fallen on the wayside), and the result is an environmental impact – just as the concentrated height is an impact. The whole process of entitlement has been what I have called a Lego Set Game Plan – switch and bait, switch and bait. Now, the Specific Plan in its late stages is going through massive modification because the process has been quicksand.

(3) My third point from November Planning Commission was the abysmal lack of public participation in what the state of California has classified as a general plan amendment – since a Specific Plan is akin to the legislated general plan – it is simply a more detailed statement of development standards and policy. This close association is addressed directly in the Governor's Guidebook to Planning, as it references Government Code (Section 65351) as the process for both a Specific and General Plan:

GC 65351: *“During the preparation or amendment of the general plan, the planning agency shall provide opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the planning agency deems appropriate.”*

Every community knows the process for a general plan amendment or update, particularly as we address and radically modify the core downtown area. This “coming together” through public process takes public workshops, and that has completely been ignored! Citizens, tribes, agencies, utility providers, civic leaders, education leaders....to what extent has our fair city complied with this in the largest development the city has ever attempted? There is no way we can claim that these hearings comply with the edict of GC 65351.

Why has it been ignored? I am not sure, but I suspect that the current driving force is the need for Mr. Wessman to achieve the deadline of receiving the hotel incentive grant before the ordinance expires. So, because of this (if these facts are valid) our public process has been laid aside and abandoned. This is a developer driven process from top to bottom, and the public interest is neglected, which leads to my last point;

(4) It is not appropriate for the third hotel land entitlement to be running concurrently with the Specific Plan Amendment if the environmental is lagging behind. The entitlement for the third hotel, and its financing, is the driving factor, instead of the importance of understanding the time, the detail, and the importance of correctly implementing the General Plan and its Specific Plan treatment for downtown.

My comment letter has been one of my more stringent pleas for attention to our laws and obligations. That is only because the stakes are very high.

As always, I thank each and every one of you, recognizing that these problems and issues are far beyond any one individual. I do ask you to trust yourselves, empower yourselves, and be the best caretakers you can for this City and its future.

With regard,

Judy Deertrack

Planning Commission Meeting Nov. 12, 2015

The Palm Springs Modern Committee objects to the proposed revisions of the Specific Plan set forth on page II-4 as they go far beyond the proposed hotel for Block B-1.

We object to the proposal to put in an interim street through Block K prior to consideration of what will be developed in Block K. There is no need for an interim connector street as Andreas Road is being made into a two-way street and that, in addition to the existing roadways, provide more than adequate traffic access to downtown. The proposed amendment to the Specific Plan identifies the interim connection being needed to provide vistas, but it makes no sense to put in a street with a sole purpose of providing vistas to view construction.

Additionally, we would like to remind the City that there is a condition of approval on the Museum Market Plaza Project that prohibits demolition of the National Register-eligible Town & Country Center until all development has been approved for the Desert Fashion Plaza site, building permits have been issued and substantial work has been completed on all of the blocks where the Desert Fashion Plaza was located. As development has not yet been approved for Block B-1 the demolition of Town & Country Center is not permitted.

Nickie McLaughlin
Executive Director
Palm Springs Modern Committee

Submitted to
Planning Commission

NOV 12 2015

Case # 2A

ITEM 2A

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

Submitted to
Planning Commission

NOV 12 2015

Thursday, November 12, 2015

Case # 2A

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

RE: 2A. CONT'D - APPLICATION BY THE CITY OF PALM SPRINGS TO UPDATE AND AMEND THE MUSEUM MARKET PLAZA SPECIFIC PLAN TO REFLECT PREVIOUS APPROVALS AND MODIFICATIONS, INCLUDING CHANGES TO PERMITTED USES FOR CERTAIN BLOCKS WITHIN THE DEVELOPMENT, CHANGES TO THE MAXIMUM PERMITTED HEIGHT FOR CERTAIN BLOCKS WITHIN THE DEVELOPMENT, REDUCTIONS IN THE OVERALL DEVELOPABLE SQUARE FOOTAGE AND PERMITTED NUMBER OF UNITS, AND OTHER VARIOUS ADMINISTRATIVE CHANGES AND CORRECTIONS (CASE NO. 5.1204 SP A-1). (FF) **RECOMMENDATION:** Recommend approval of the Museum Market Plaza Specific Plan update to the City Council.

TO WHOM IT MAY CONCERN:

This letter expresses my profound concerns about the dramatic departures from the original approved Specific Plan, and the fact that these incremental changes that are now being cleaned up were not made as a series of amendments to the plan in their place and time – but it appears to be a clean up job of now seeking conformance to the Specific Plan and General Plan by first granting out a series of approvals to build upon the land, and THEN (and only then) is the City or Developer concerned about consistency – and the Specific Plan is now being re-tooled to conform.

Should this be the case (and I assert it is – and will document this at a later time), there is case law in California (*Leshar Communications v. City of Walnut Creek*), that prohibits a city from implementing a plan, creating inconsistency with the legislative planning document, and then doing a later clean up. The problem is the fact the approval of either an ordinance or permit that is inconsistent with the regulating plan is void at its inception (void ab initio).

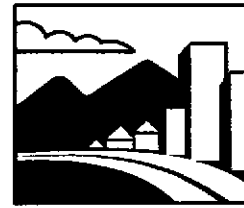
The second issue is CEQA and requirements in the State of California for adopting and amending Specific Plans. The state guidelines are very clear that major modifications to a plan (such as these, inclusions of five hotels that violate height requirements, major changes in density, intensity, use, height, and function, setback, open space, parking, transportation, and open space / stepback waivers – without cause) – have significant impacts to the CEQA process, and the two are required to move concurrently. There is a profound void of planning and CEQA information for appropriate evaluation. I have attached the State Guidelines to explain.

My recommendation to this Council, particularly in light with a pending investigation on top of a major change in city council seating, should result in a moratorium on this project for at least a six month period while the Planning Commission and City Council confer on transparency, PUBLIC INVOLVEMENT, new planning criteria, a work plan, and issues of compliance with law, and compliance with ongoing investigations.

This project is financed through Measure J and a Municipal Bond Issuance. Measure J is committed to \$3.3M to pay back a public bond, with \$32M in a private, uninspected escrow account. Please check the status of finance and funding with the City Council, which is running at \$60M in general subsidies, with two \$50M grants, and the original marketing study, with original construction costs, has been abandoned.

Judy Deertrack

Part Two: Guidelines for Preparing Specific Plans



The purpose of this part is twofold: (1) to outline a strategic approach to the preparation, adoption, and implementation of specific plans; and (2) to provide a framework and explanation of the statutory requirements for specific plans. In addition, this part provides a brief discussion of the California Environmental Quality Act (CEQA) and the role it plays in the specific planning process.

I. Decision To Prepare A Specific Plan

Government Code §65450 provides that the local planning agency, planning commission and/or legislative body has the authority to initiate the preparation of a specific plan. Private parties may also initiate a plan as provided for by local agencies. An example of the initiation by a private party would be an application for a tentative subdivision map which, under a local subdivision ordinance or general plan policy, requires the concurrent preparation of a specific plan.

II. Planning Process

The following model is a modified version of the strategic planning process described in the *General Plan Guidelines*, and adapted to the intricacies of specific plans. This model is conceptual and may be used as a reference to guide the selection or development of a process which meets the needs of the respective jurisdiction. Other comprehensive planning models are available which may achieve similar results.

A. The Work Program

The preparation of a work program should be the first consideration after making the decision to prepare a specific plan. The program should set forth the responsibilities the departments, consultants, and/or individuals will take in each phase of the process. In addition, it should provide direction in the scope of the work to be performed, the funding mechanisms, consultants, public participation, and deadlines.

Early Direction:

The work program should incorporate early policy direction from the legislative decision making body, defining the general direction for the specific plan and its objectives and policies. This direction may take the form of precise guidelines for what the specific plan should accomplish, or a general vision of the planning area.

This early direction may change as a result of public input, committee recommendations, or new information obtained during the collection or analysis of data. Regardless, the early policy direction will provide staff, consultants, and the public a basis for beginning the process of preparing a specific plan.

Consultant or Staff Preparation:

The legislative decision making body has the discretion to decide who may prepare a specific plan. Specific plans may be prepared by agency staff, by a private consulting firm under a contract to assist staff, or solely by a consultant performing the role of staff. In other situations, specific plans may be a requirement of a project and prepared by a project proponent or by a consultant under contract to the project proponent. Private parties may also be responsible for preparing or contracting for the preparation of a specific plan as part of a project application. Whenever a consultant is preparing the plan, the work program should require an administrative draft, so that agency staff can review progress of the plan. The agency must budget for sufficient staff resources to ensure that the administrative draft is reviewed for consistency with the general plan and other regulations of the city or county.

Adoption Deadlines:

Deadlines should be incorporated into the work program to ensure the timely completion of the specific plan. The deadlines should be reasonable to ensure that the quality of the product is consistent with the expectations of the decision makers. The time lines are typically a product of either the political constraints of a local legislative body, or the development proposals which will follow after the adoption of the specific plan.

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The Permit Streamlining Act is not applicable to the adoption of a specific plan. Therefore, prudence should prevail in the adoption of deadlines which are functional and realistic.

Public Participation:

The participation of those working or residing within a specific plan area or more broad participation of the local citizens can play an important role in the preparation of a specific plan. Section 65453 states that "A specific plan shall be prepared, adopted and amended in the same manner as a general plan..." as such, opportunities for the involvement of citizens, public agencies, public utilities, civic education, and other community groups must be provided pursuant to §65351. For example, the City of San Jose utilizes the assistance of a community-based task force composed of property owners, business owners, residents, other agencies, school districts, and other stakeholders when preparing specific plans. The city credits this involvement for the general support apparent during public hearings on and implementation of its specific plans.

B. Current Context

The planning area, as it currently exists, is a function of past decisions and policies. Similarly, the development of a specific plan which serves as the basis for decision making in the future is a function of the existing social, political, economic, and physical environments. The community's values and views of the existing planning area will strongly influence the direction and focus of the specific plan.

Planning Area Issues:

Each planning area possesses characteristic issues which should be addressed by the specific plan. The issues may include those relevant to historic preservation, environmental quality, residential development, economic development, architectural regulation, commercial/industrial parks, and urban infill. These issues will form the basis for the detailed policies and implementation measures of the specific plan.

Existing Land Use:

The existing uses of land within the planning area must be analyzed to determine the influence they will have and the role they will play under the specific plan. Existing agricultural, industrial, or floodplain open space uses may substantially affect the type of uses planned for adjacent properties. The continuation of existing uses may dramatically affect the planned uses

set forth by the specific plan. Land uses surrounding the planning area should also be analyzed and connections/transitions/buffers between uses designed to ensure compatibility with those allowed by the specific plan.

Environmental Conditions:

An evaluation of the planning area's natural environment, including wildlife habitat, natural hazards, and resources, help provide direction to the type and intensity of development which is planned to occur. This analysis should also include an evaluation of the existing flood plain, seismic, slope and other constraints which will determine the intensity of development and feasibility of implementing plans.

Infrastructure Constraints:

The type and intensity of future development proposed by a specific plan is limited by the capacity of existing infrastructure or the ability to provide new public facilities. The analysis should identify available opportunities for development, as well as potential constraints resulting from the effect new development may have on schools, roads, sewage systems, water supplies, energy consumption and other public services and facilities. Existing utilities, easements, and encumbrances of property may also restrict land use.

Existing Commitments and Policy Constraints:

Past approvals of development entitlements and other quasi-judicial and legislative decisions may have produced limitations to the scope of the specific plan. The adoption of agricultural preserves, biological conservation easements, vesting tentative maps, and development agreements may limit the type and extent of uses allowed, or restrictions to development under the specific plan. For example, the land use and minimum parcel size for a specific plan prepared for an area subject to agricultural preserve contracts will be limited by the minimum allowable parcel size and uses established by local ordinance consistent with the provisions of the Land Conservation Act (Williamson Act) of 1965.

C. Long Term Direction

As a tool for the systematic implementation of the general plan, specific plans should provide the mechanism through which the long term direction of the general plan is implemented. This direction should be balanced against the objectives, policies, zoning ordi-

nance, subdivision ordinance, and other programs which will be implemented through the specific plan.

Issues, Opportunities, and Assumptions:

The issues that have been identified and perhaps were the impetus for preparation of the specific plan should be systematically addressed through objectives, policies, and programs. The policies developed to address the issues must be considered relative to the direction provided by the general plan and the early guidance provided by the legislative decision-making body. Problems may often be resolved through creative application of financing, design features, or attributes of the planning area.

Development and/or conservation opportunities should be identified and utilized in the specific plan. For example, land owned by the local agency within the planning area may be suitable as a future public facility site, or land with significant habitat value may be suitable for a mitigation banking program. Analyses regarding infrastructure financing, ground water availability, and market demand may also help decision makers assess the viability of the plan in the future.

The preparation of a specific plan requires decision-makers, planners, and the public to form certain assumptions concerning the future of the planning area. For example, assumptions might be made for a specific plan area traversed by riparian corridors that open space, and perpetual conservation and maintenance easements will need to be included for viability of the plan.

Formulating Objectives, policies, and implementation measures:

Objectives provide direction to the physical development of the planning area. As such, they help define the range and types of data necessary for preparing the plan. Consequently, cities and counties should develop their initial objectives early in the preparation process. Objectives tend to be general and lack the focus which is required to foster a functional specific plan, but can always be supplemented with more specific policies.

A comprehensive set of policies should be developed which define and implement the objectives. Policies should be written with consideration of their implementation and the project specific implications. The functionality of the policies will often determine the success of the specific plan.

The implementation measures should be functional and realistic by design. A specific plan which is well written and focused can be self-implementing. However, the submittal and approval of individual

development proposals will normally result in implementation. Including zoning ordinances and design criteria in the specific plan will shape the planning area over time as individual development projects are designed for consistency with the plan.

D. Steps for Consideration

The following is a general list of considerations and information for inclusion in specific plans. It includes statutory requirements for coordination and review.

Data Collection and Analysis:

The information used in the early stages of specific plan preparation must be current and kept up-to-date throughout the planning process. The previously identified issues, opportunities, assumptions, and initial objectives will establish a direction for studies and help to define the range of information necessary to complete the plan. Background information and technical analyses should be included in the specific plan appendices for future reference and use in future projects. The amount of data collected and analyzed should be sufficient to address any pertinent questions regarding the plan and the plan area. This information should be comprehensive enough to satisfy the needs of both the specific plan and its CEQA document.

Information Sources:

A direct relationship exists between the quality of the information used to prepare a specific plan and its effectiveness. Case study examples of other jurisdictions' specific plans may provide angles for approaching area issues. The Office of Planning and Research's Book of Lists (updated annually) can help to locate recently adopted examples. In addition, the yearly awards presented by the California Chapter of the American Planning Association, recognize up-to-date examples of "good" plans. A number of text book references are available through the American Planning Association's BookService which covers comprehensive planning. Several publications track and analyze planning-related litigation including Daniel J. Curtin, Jr.'s *California Land-Use and Planning Law*. The State planning laws regulating planning, zoning, and development are another subject for research. Each year, the Legislature enacts laws affecting local government planning activities. The Office of Planning and Research annually compiles these statutes under the title of *Planning, Zoning and Development Laws*.

Public Agency Information:

Other governmental agencies may adopt subsequent projects which will affect the specific plan. These agencies may have information readily available which will address issues or requirements of the plan. Agencies should be contacted at the local, regional, state, and federal levels. One issue which transcends each of these levels is the supply of water. For example, the local public works department may have information regarding infrastructure; at the regional level, the Local Agency Formation Commission may have information regarding the extension of services or forming service areas; at the state level, the regional water quality control board provides information regarding levels of water quality; and at the federal level, the Bureau of Reclamation has information regarding the water projects and supply in the state.

Inter-Governmental Coordination:

Section 65103(e)(f) requires local governments to coordinate the preparation of local plans (specific plans) with the plans and programs of other public agencies. Intergovernmental coordination involves more than an exchange of information and plans; rather, it fosters cooperative efforts to address issues and promotes planning on a comprehensive basis. The planning process enables various agencies to resolve conflict through collaborative efforts. In addition, CEQA requires that the agency preparing the specific plan consult with responsible and trustee agencies regarding the project implications and the environment.

California Environmental Quality Act (CEQA):

CEQA requires local governments to prepare environmental documents prior to approving "projects." An initial study is prepared for a specific plan or amendment to analyze the potential for significant impacts to the environment. In such cases, where a significant effect may occur, an environmental impact report (EIR) must be prepared. The contents of a specific plan and its EIR overlap extensively. The data, analyses, and studies for one, will likely be necessary for the other. For this reason, both documents should be prepared concurrently and may utilize much of the same information. Individual development projects which follow the specific plan may be well served by a detailed analysis in the EIR. Further discussion of this topic is contained in Part 3 of this document.

Revising Objectives:

Refinements to the draft objectives should take place throughout the planning process. The data, analyses, and input from advisory committees may change individual aspects of the plan. For example, the identification of a threatened or endangered species within a portion of the plan area may alter the type and intensity of proposed uses allowed by the plan.

Policies, Implementation Measures, and Alternative Plans:

For any set of objectives there will be a number of possible courses of action to pursue. Policies, implementation measures, and programs should be developed for each of the alternative planning scenarios. The relationship of each objective and alternative course of action should be considered in light of the general plan, zoning ordinance, subdivision ordinance, capital improvement program, and other programs that will be implemented. Consistency with the general plan should be carefully analyzed and the plan amended as necessary. The policies, programs and implementation measures provide for the creative application of the specific plan to the planning area. Each should be carefully reviewed for clarity, effectiveness, and functional application. The alternative plans enable the decision makers, stakeholders, and other participants to choose from a variety of scenarios, solutions, and programs which will shape the planning area. Although the alternatives may only differ in their treatment of a particular issue, each must be realistic to ensure that the alternative is viable. In addition, the alternatives may be used to satisfy the EIR's requirements for a discussion of project alternatives.

Selecting The Preferred Plan:

After the plan alternatives have been thoroughly reviewed, decision makers should be able to select the preferred course of action from either one or a synthesis of several alternative plans. When the decision is made to combine two or more parts of separate alternatives, the objectives, policies, and implementation measures may need refinement to ensure that the plan effectively and consistently accomplishes its purpose.

Adopting The Plan:

As previously noted, a specific plan may be adopted by either resolution or ordinance. Whether adopting a new specific plan or amending an existing one, the planning commission and board or council must hold at least one public hearing each to consider the proposal prior to making the final decision (§65453 and

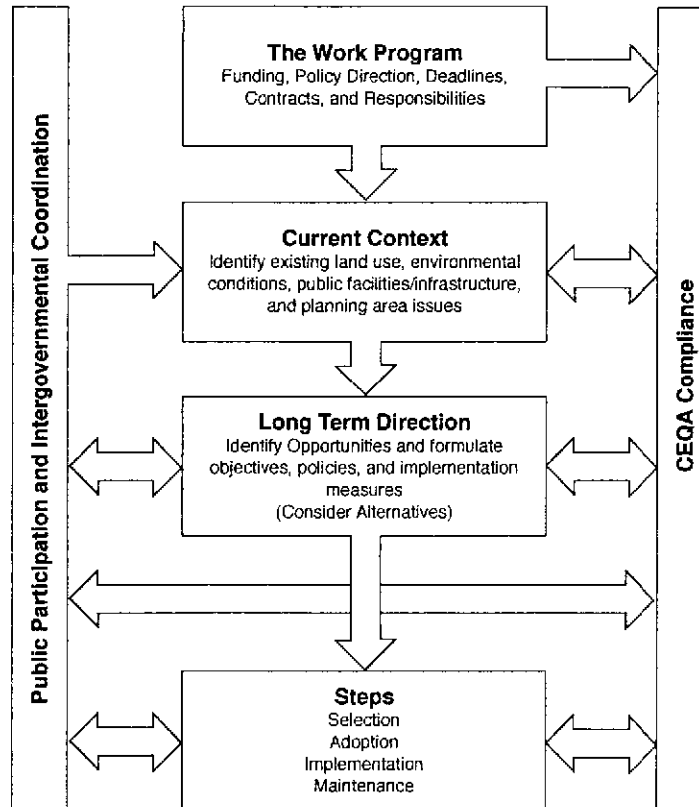
Topic 2
CEQA
page 10

65353). At least 10 days prior to each of these hearings, public notice of the time and place of the hearing must be given in the manner prescribed by state law (§65090 et. seq.). As a project which would affect the "permitted uses or intensity of uses of real property," expanded notice to property owners must also be given pursuant to §65091. The EIR or other environmental documentation must be certified by the legislative body prior to the adoption of the specific plan pursuant to CEQA Guidelines §15092.

Implementation:

Section 65451(a)(4) requires that a specific plan contain a program of implementation measures including regulations, programs, public works projects, and financing measures. A plan adopted by resolution will primarily be implemented through the enactment of separately adopted ordinances and programs. A plan adopted by ordinance will be implemented by regulations and measures contained in the plan itself. Capital improvement projects, public facility financing, application of regulations to development projects, and habitat conservation and restoration projects may act to implement the plan. (Further discussion of this topic is contained in Section 6.)

Figure 1
Specific Plan Process Diagram



MODEL SPECIFIC PLAN OUTLINE

While state law specifies the mandatory specific plan contents pursuant to §65451, it leaves the format to the discretion of the local legislative body. Many of the specific plans reviewed as part of this report utilized an approach to organization similar to that of the individual elements of a general plan, covering information relating to land use, housing, circulation, open space, and so on. The following model outline is intended as a guide to the organization of a specific plan which is effective, efficient, and statutorily complete.

I. Introductory Plan Information

- A. Title Page
 1. Name of the plan
 2. Name of local agency (Project proponent and/or public agency)
 3. Date of adoption
- B. Credits, acknowledgments and participants
- C. Table of Contents
- D. List of Tables
- E. List of diagrams and maps
- F. Copy of Adopting Resolution and/or Ordinance

II. Summary

- A. Purpose statement and range of issues
- B. Location
- C. Acreage
- D. Summary of preparation process

III. Introduction

- A. Detailed specific plan purposes
- B. Development and conservation issues addressed in the plan
- C. Project location, including influencing jurisdictions
 1. Written description
 2. Regional location map (See Figure 2)
 3. Vicinity map (See Figure 3)
 4. Site Location Map (See Figure 4)
- D. Planning area information and environmental description
- E. Statement of whether the document is policy or regulatory by application (If the plan is both policy and regulatory by design, explain the relationship between the policies and regulations.)
- F. Statement of how the plans policies and/or regulations accomplish the objectives of the plan.
- G. Relationship of the specific plan to the general plan.
- H. Relationship of the specific plan to neighboring plans and those of other jurisdictions, regional agencies, and the state.
- I. A list of projects required by law to be consistent with the specific plan (e.g. rezonings, tentative subdivision maps and public works projects).

IV. Land Use Planning and Regulatory Provisions

- A. The land use plan - a statement of development policies (opportunities, issues, and analysis of data) pertaining to the planned type, intensity, and location of land uses consisting of:
 1. Objectives
 2. Policies
 3. Programs
 4. Plan proposals
 - a. Diagram and written description of planned land uses (See Figures 4 and 5).
 - b. Characteristics of each land use designation (e.g. single family residential, neighborhood commercial, open space for conservation).
 - 1) Development Standards
 - 2) Standards for conservation, development, and utilization of natural resources.
- B. Land Use Regulations
 1. Statement of purpose or intent
 2. Applicability
 - a. Statement of applicability of the regulations to the planning area and designations on the specific plan land use plan diagram.
 - b. Effective date of the regulations
 3. Statement of relationship between the specific plan regulations and the zoning, subdivision, and other local ordinances.
 4. Development standards.
- C. Design Standards
 1. Building design, massing & height
 2. Parking ratios/standards, location & orientation
 3. Garage door size & type
 4. Entrances, access, & on-site circulation

V. The Infrastructure Plan

- A. Transportation: Development policies pertaining to the planned distribution, location, extent and intensity of public and private transportation consisting of:
 1. Objectives
 2. Policies
 3. Discussion of the relationship between the objectives, policies and how they are implemented through the individual plan proposals.

4. Plan proposals
 - a. Diagram(s) and written description of proposed transportation components, including improvements that support the planned land uses. (See Figure 6 and 7)
 - b. Development standards for the primary components of public and private infrastructure (street cross-sections and material requirements).
- B. Public Service Infrastructure (water, sewer, and storm drainage): Development policies pertaining to the planned distribution, location, extent, and intensity of water, sewer, and storm drainage consisting of:
 1. Objectives
 2. Policies
 3. Discussion of the relationship between the objectives, policies and how they are implemented through the individual plan proposals.
 4. Plan proposals
 - a. Diagram(s) and written description of proposed water, sewer, and drainage systems, including the improvements which support the planned land uses. (See Figures 8 and 9)
 - b. Development standards for the primary components of public infrastructure (See Figure 9).
- C. Solid Waste Disposal: Development policies pertaining to the planned distribution, location, extent, and intensity of solid waste disposal facilities and services consisting of:
 1. Objectives
 2. Policies
 3. Plan Proposals
 - a. Description of the type and location of proposed solid waste disposal facilities and serving necessary to support the planned land uses.
 - a. Description of the proposed facilities and services to be provided (e.g., transformation station and recycling).
- D. Energy: Development policies pertaining to the planned distribution, location, extent, and intensity of energy facilities and services consisting of:
 1. Objectives
 2. Policies
 3. Plan proposals
 - a. Description of the type and location of proposed energy facilities, transmission lines, and easements necessary to support the planned land uses.
 - b. Description of the proposed facilities and services to be provided (e.g., distribution of natural gas and the regulation of pressure).
- E. Other essential facilities necessary to support the

proposed land uses (e.g., schools, fire stations, street lighting and landscaping).

VI. Program of Implementation Measures

- A. Description of the regulations and ordinances which will implement the specific plan.
- B. Capital improvement program
 1. Estimated cost of capital projects identified in the specific plan's infrastructure plan.
 2. The measures by which each capital project will be financed.
 3. Identification of parties responsible completing each proposed improvement.
- C. Financing measures necessary for implementation of each of the specific plan's proposals other than capital improvements.
 1. List and description of projects needing financing.
 2. Cost estimates
 3. The measures by which each specific plan proposal will be financed.
 4. Identification of parties responsible for completing each proposal.
- D. Phasing plan for the specific plan proposal including capital improvements (See Figure 10)
- E. Subsequent development entitlements
- F. Other Programs

VII. Relationship of the Specific Plan's Environmental Document to Subsequent Discretionary Projects

- A. Projects that will be exempt from additional environmental documentation based on the plan's EIR.
- B. Projects that will require additional environmental documentation.

VIII. Specific Plan Administration

- A. Specific plan cost recovery fees authorized by §65456
- B. Specific plan amendment procedures
 1. State requirements
 2. Local requirements

IX. Specific Plan Enforcement

X. Appendices

- A. Precise description of the specific plan area boundary.
- B. Summaries of key specific plan background data and information.
- C. Glossary of specific plan terms



November 7, 2015

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

Planning Commission Meeting
Date: 11-12-15
Additional Material
Item 2A

Re: Modification of the Museum Market Plaza Specific Plan

Dear Mr. Klatchko,

We understand that the Planning Commission will meet on November 12, 2015 to consider amendments to the Museum Market Plaza Specific Plan (hereinafter referred to as the "Specific Plan"). While our focus is limited to Block K, the current site of the Town & Country Center (T&CC) (1948, Paul R. Williams and A. Quincy Jones), we have reviewed the myriad amendments to the Specific Plan and find them verging on the incomprehensible. However, from what we can discern, the amendments make significant additional concessions to the developer and make our Downtown Development "bigger and taller."

It is our view that the developer, who owns the historic Town & Country Center, has already been accommodated to excess and at the expense of significant public funds. Hence, a compelling argument can be made that the historic preservation of the T&CC is an overdue and reasonable *quid pro quo* for those concessions previously granted to the developer. Granting yet additional major concessions to the developer (especially those regarding height) is a political decision that should be made independent of the fate of the T&CC.

We realize this is a complex issue and would like to provide you with some important background information to help you in your deliberations:

Recent Events

On October 13, 2015 the city's Historic Site Preservation Board clearly and unequivocally directed the Planning staff to forward to you their recommendation that the T&CC be removed from the Specific Plan. We hope you have received that recommendation.

Architectural Significance of the T&CC

The T&CC was designed by two internationally-famous architects, Paul R. Williams and A. Quincy Jones. The T&CC is one of the best examples of the international-style of architecture in southern California and is an important early "mixed-use" development. It is also architecturally noteworthy for its pedestrian-friendly courtyard. Starting in 1983, the

T&CC has been evaluated for its historic significance no fewer than six times and each review determined that the T&CC was a *bona fide* historic structure eligible for listing on the National Register of Historic Places. With full knowledge of its historic significance, the T&CC was purchased by the current owner.

On August 7, 2015 the California State Historical Resources Commission in Sacramento determined the T&CC eligible for listing on the state and national registers. This determination was based on a wealth of scholarly information and was made by experts appointed by the state of California. In short, the determination was made on its objective merits and the city of Palm Springs and its residents should be proud that this architecturally significant structure has been so prominently recognized. Needless to say, it is unfortunate that our local government has repeatedly failed to acknowledge the importance of the T&CC and that PSPF was required to bring this matter before an impartial body like the California State Historical Resources Commission.

We submit that the recent honor bestowed on the T&CC demands a review of the Specific Plan (and the associated Environmental Impact Review, see section entitled "CEQA Issues") and we ask that you read and consider the scholarly T&CC historic site nomination authored by architect and PSPF board of advisor member Susan Secoy Jensen at enclosure (1).

Importance of Paul R. Williams' Involvement with the T&CC

Paul R. Williams is historically important as the American Institute of Architects' (AIA) first African-American architect (joining in 1923) and first African-American AIA Fellow (so honored in 1957). In April of 2011 PSPF hosted an educational advocacy visit by Mr. Sanford Garner, then president of the National Organization of Minority Architects. Mr. Garner (who has significant experience in the field of preservation architecture) toured the T&CC and commented that it was "an historic resource other cities would envy."

As Currently Framed the T&CC Portion of the Specific Plan is Grossly Inconsistent with the City's General Plan

The city's General Plan is replete with references to the importance of our historic resources, the "character" of our city and the importance of sustainable development. The proposed demolition of the T&CC directly contradicts many of the General Plan's values and priorities including:

- > "pedestrian-oriented shopping" (page 1-12)
- > "unique architecture" (page 1-12)
- > to "Promote the...use of...existing construction to minimize resource depletion and conserve resources for future generations." (page 1-12)
 - > to "Create unique places that strengthen community identity, offer visual interest, and support lively activity." (page 1-13)
 - > to "Preserve and uphold 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 "Recognize the importance of adaptive reuse for architecturally and historically significant resources." (page 1-13)

The Specific Plan Remains Inconsistent with the Publicly-Driven “Preferred Plan”

On January 26, February 3 and February 9, 2011 the city of Palm Springs hosted “visioning sessions” to solicit public input regarding the Desert Fashion Plaza (DFP) and T&CC. Public input included calls for local (as opposed to chain) retail, pedestrian-friendly thoroughways, etc. As a result of this community process a “Preferred Concept Plan” was developed that offered a solution addressing many of the shortcomings of the failed DFP superblock. Notably, the final community-derived Preferred Concept Plan disconnected the T&CC from the DFP. Despite this apparent real progress, at the final February 9, 2011 visioning session, the mayor announced that the developer had agreed to “work with the city” and “had heard” the community’s input. This has proven to be patently untrue.

Sustainable Development

The rehabilitation of buildings like the T&CC is an environmentally responsible practice and is essentially a recycling program. Older buildings like the T&CC were often designed to be energy efficient through their use of good ventilation, durable materials and siting. A huge advantage of older buildings is that the building already exists; therefore energy is not necessary to create new building materials and the infrastructure is already in place. Minor modifications can be made to adapt existing buildings to compatible new uses and systems can be upgraded to meet modern building requirements and codes. The positive characteristics of many older buildings prompted former National Trust for Historic Preservation president Richard Moe to assert that, “The greenest building is the one that’s already built.”

On June 9, 2011 PSPF delivered a study entitled *Sustainability Assessment for the Preservation of the Town & Country Center* (prepared by Ecotype Consulting, Inc.) to the city of Palm Springs. In the cover letter to the mayor and city council PSPF wrote, “We’re sure you would agree that our common commitment to sustainability implicitly includes a commitment to green redevelopment. With the rehabilitation of the T&CC, the city of Palm Springs would become the leader in green development throughout the Coachella Valley.” The Ecotype Consulting study is provided at enclosure (2).

The Proposed Road through the T&CC is Bad for the City, Good for the Developer

As is now obvious, the DFP can be replaced without the T&CC’s demolition. It is generally held that the developer’s motivation to demolish the T&CC to make way for an east-west road is obvious: he will own an entire city block of buildings, on both sides of a new street, with prime street-front commercial space that will command high market rents. However, the routing of an east-west corridor through Andreas Road has been identified many times as the most advantageous for the city. Andreas Road makes an important connection directly to the Palm Springs Convention Center.

The Destruction of the T&CC will Damage the National Reputation of the City

There is a reasonable expectation that a city that derives so much of its revenue through architectural and cultural tourism be a good steward of the historic resources which bring visitors. The demolition of the T&CC might be expected to generate as much negative press as the destruction of Neutra’s Maslon House in Rancho Mirage in 2002.

On June 3, 2009 the Palm Springs city council voted unanimously to support an application to become a "Preserve America Community." On October 7, 2009 the city of Palm Springs was officially designated a Preserve America Community in a letter from the White House signed by First Lady Michelle Obama. The Preserve America program "recognizes communities that:

- > protect and celebrate their heritage;
 - > use their historic assets for economic development and community revitalization;
- and
- > encourage people to experience and appreciate local historic resources through education and heritage tourism programs."

Obviously the current plan to demolish the T&CC directly contradicts the city's commitment to adhere to the principles of the Preserve America program.

The Success of Courtyard Configurations

We know from local retail experience that pedestrian-friendly courtyard configurations have not only been viable in the past but are viable today (witness the success of "The Corridor" complex just a few blocks north of the T&CC).

The T&CC is Economically Viable

Despite the developer's occasional assertions that the T&CC is standing in the way of the city's economic revitalization, the T&CC was financially viable until the DFP was built across the street. Today, shoppers have rejected retail superblocks like the DFP in favor of smaller, more pedestrian-friendly shopping opportunities. The T&CC contains approximately 60,000 square feet of rental space. Comparable space in historic downtown buildings generates an income in the range of a dollar per square foot per month. Instead the building has been allowed to languish, presumably in the hopes that it can be demolished as a development opportunity. The rehabilitation of the T&CC, when combined with sympathetic new development could, in time, provide a major expansion of the downtown retail core.

For a downtown to be viable it must possess a range of building types and functions. Mixed-use properties such as the T&CC provide small retail office and residential spaces for start-up retail businesses and offices. Over the years, the list of tenants in the T&CC has included drug stores, furniture stores, publishing offices, restaurants, architect's offices and more...all of which would still be welcome in the downtown. An examination of the preservation and restoration-based revival of the Uptown Design District, which includes several comparable properties, provides a model for preserving the downtown's historic resources.

Possible future activities like the historic preservation of the T&CC 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. Property owners 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.

CEQA Issues

A persuasive argument can be made that the original Environmental Impact Report (EIR) is now outdated for two reasons. Firstly, the T&CC's recent determination of eligibility for the National Register of Historic Places rises to the level of "new information of substantial importance" requiring a "Subsequent EIR" (see Chapter 3, Guidelines for the Implementation of the California Environmental Quality Act, Article 11, "Types of EIRS," Section 15162(a)(3) of the 2014 CEQA Statute and Guidelines). Secondly, the increased height of the proposed downtown project likewise would appear to rise to the level of causing "new significant environmental effects" (same citation as above, Sections 15162(a)(1) and 15162(a)(2)).

We trust that the foregoing information will be useful and ask that you share it with your fellow commissioners. If you have any questions, please contact PSPF board member Ron Marshall at info@pspreservationfoundation.org or (760) 837-7117,

Sincerely,



Erik Rosenow
President

Enclosures:

1. National Register nomination for the T&CC (w/ cover letter)
2. *Sustainability Assessment for the Preservation of the Town & Country Center* prepared by Ecotype Consulting, Inc., dated June 11, 2011

Copy to (w/o enclosures):

Desert Sun newspaper (Mr. Skip Descant)

Enclosure (1)

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

1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov



August 13, 2015

J. Paul Loether, Deputy Keeper and Chief
National Register and National Historic Landmark Programs
National Register of Historic Places
1201 Eye St. NW, 8th Fl.
Washington D.C. 20005

Subject: **Town & Country Center
Riverside County, California
National Register of Historic Places Nomination**

Dear Mr. Loether:

The enclosed disk contains the true and correct copy of the **Town & Country Center** request for determination of eligibility for the National Register of Historic Places. On August 7, 2015 in Sacramento, California, the California State Historical Resources Commission unanimously found the property eligible for the National Register at the local level of significance under Criteria A and C with a period of significance 1948 to 1955.

The **Town & Country Center** is eligible under Criterion A in the area of Community Planning and Development for its association with the evolution of Palm Springs from a small scale village into an international desert resort destination, and the basis for its growth into a modern city. **Town & Country Center** is also eligible under Criterion C in the area of Architecture. Previously unaffiliated architects collaborated to bring forth regional modernism, representing a new degree of professional practice in Palm Springs. One of the best examples of the International Style of architecture in southern California, and an important early mixed use development, the property is also architecturally noteworthy for its pedestrian friendly open-air courtyard that creates passage between two prominent streets.

The property is nominated on behalf of The Palm Springs Preservation Foundation, and the Foundation submitted a letter of support. Twelve additional letters of support have been received. A letter of objection is on file from property owner John Wessman, Managing Member of Wessman Holdings, LLC. In its role as representative of the City of Palm Springs, a Certified Local Government, the Historic Site Preservation Board did not comment on the nomination. **Town & Country Center** was denied local designation several years ago, and is identified in an adopted City Specific Plan for demolition. The City of Palm Springs forwarded a letter with their recommendation the National Register nomination be deferred. The legal requirements for the State Historic Preservation Officer to remove a nomination from the agenda were not met. If you have any questions regarding this nomination, please contact Amy Crain of my staff at (916) 445-7009.

Sincerely,

A handwritten signature in black ink, appearing to read "Julianne Polanco".

Julianne Polanco
State Historic Preservation Officer

Enclosures

United States Department of the Interior
National Park Service

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions.

1. Name of Property

Historic name: Town & Country Center

Other names/site number: The Center; Colburn Center; Town & Country Restaurant

Name of related multiple property listing:
N/A

(Enter "N/A" if property is not part of a multiple property listing)

2. Location

Street & number: 146, 156-166, 168 & 174 N. Palm Canyon Dr., 167-181 N. Indian Canyon Dr.

City or town: Palm Springs State: CA County: Riverside

Not For Publication: Vicinity:

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,


I hereby certify that this nomination X request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property X meets does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

 national statewide X local

Applicable National Register Criteria:

 X A B X C D

	
Julianne Polanco/State Historic Preservation Officer	Date
California State Office of Historic Preservation	13 August 2015
State or Federal agency/bureau or Tribal Government	

In my opinion, the property <u> </u> meets <u> </u> does not meet the National Register criteria.	
Signature of commenting official:	Date
Title :	State or Federal agency/bureau or Tribal Government

Town & Country Center
Name of Property

Riverside, California
County and State

4. National Park Service Certification

I hereby certify that this property is:

- entered in the National Register
- determined eligible for the National Register
- determined not eligible for the National Register
- removed from the National Register
- other (explain:)

Signature of the Keeper

Date of Action

5. Classification

Ownership of Property

(Check as many boxes as apply.)

- Private:
- Public – Local
- Public – State
- Public – Federal

Category of Property

(Check only one box.)

- Building(s)
- District
- Site
- Structure
- Object

Town & Country Center
 Name of Property

Riverside, California
 County and State

Number of Resources within Property

(Do not include previously listed resources in the count)

Contributing	Noncontributing	
<u>5</u>	_____	buildings
_____	_____	sites
_____	_____	structures
_____	_____	objects
<u>5</u>	<u>0</u>	Total

Number of contributing resources previously listed in the National Register 0

6. Function or Use

Historic Functions

(Enter categories from instructions.)

- COMMERCE/TRADE: business
- COMMERCE/TRADE: professional
- COMMERCE/TRADE: financial institution
- COMMERCE/TRADE: specialty store
- COMMERCE/TRADE: restaurant
- DOMESTIC: multiple dwelling

Current Functions

(Enter categories from instructions.)

- COMMERCE/TRADE: specialty store
- COMMERCE/TRADE: restaurant

Town & Country Center
Name of Property

Riverside, California
County and State

7. Description

Architectural Classification

(Enter categories from instructions.)

MODERN MOVEMENT: International Style

Materials: (enter categories from instructions.)

Principal exterior materials of the property: Foundation: reinforced concrete, Roof: built-up composition, Walls: cement plaster, Storefront: glazing with steel frames, Framing: steel and wood

Narrative Description

(Describe the historic and current physical appearance and condition of the property. Describe contributing and noncontributing resources if applicable. Begin with a **summary paragraph** that briefly describes the general characteristics of the property, such as its location, type, style, method of construction, setting, size, and significant features. Indicate whether the property has historic integrity.)

Summary Paragraph

Town & Country Center is an outdoor shopping center with central courtyard designed in the International Style and constructed in 1948. Located in the heart of downtown Palm Springs, the Town and Country Center was designed by two internationally famous architects, Paul R. Williams and A. Quincy Jones. The complex consists of four original buildings and a fifth building designed by Donald Wexler, Architect, constructed in 1955. The two street-facing elevations vary in style, materials, and appearance having varied geometry and quantity of fenestration. They share materials of painted concrete and stucco walls, storefront spaces with metal framed window walls, and consistent fenestration of fixed framed windows along both east and west elevations. The buildings are steel framed, with partial basements and concrete foundations. Flat roofs are consistent in all buildings. Along the east side of the courtyard, a wide staircase leads to a second level restaurant space, originally called the Town & Country Restaurant, now vacant. Along the northwest corner of the courtyard is a semicircular element that recalls Erich Mendelssohn's famous and influential International Style De La Warr Pavilion of 1938, considered by some to be Britain's first Modernist building. The 1955 building is constructed of concrete, metal and glass, has a flat roof, and responds to the original design documents produced by Jones and Williams illustrating a future building to be constructed at its

Town & Country Center
Name of Property

Riverside, California
County and State

location.¹ The Town & Country Center retains all aspects of historic integrity including, location, design, setting, materials, workmanship, feeling and association.

Narrative Description

The block south of Andreas Road, east of Palm Canyon Drive, west of Indian Canyon Drive, and north of Taquitz Canyon Drive is rich in local history. The village's first church was built on the northwest corner of the block, and next door was the village's first hardware store. Both were located just north of the nominated property. The site of the church is now the location of the Camell Building, architect Harry Williams' first project in the City of Palm Springs,² and now a site per the City of Palm Springs historic resources inventory.³ Next door, the Lykken & Bartlett Department and Hardware Store of 1914, altered in the 1930s, is also a locally designated site.⁴ A portion of the nominated property was once occupied by Patterson's Drug Store at 160 North Palm Canyon Drive, and was first recorded into the California Historical Resources Information System (CHRIS) in 1983 and subsequently designated Site 33-7545. The site record from that survey notes, "This modern commercial building has stucco walls with a flat roof. It has small four pipe designs on stucco panels on the second story while the first story consists of a storefront." (Henderson and Hough 1983:1)⁵

The transformation of the desert village into a first-class travel destination was the result of its discovery by the rich and famous of Hollywood in the 1920-1930s, making Palm Springs the favored getaway destination. The new buildings in pre-WWII Palm Springs were predominantly Mission Revival and Spanish Colonial Revival in style, inspired by both the arid natural landscape and a romanticized vision of California history. In the post WWII era, a major shift took place in the architectural aesthetic of Palm Springs as the city sought to accommodate the sophisticated tastes of wealthy visitors who desired private vacation homes and upscale shopping in the secluded desert.

Palm Canyon Drive was the center of this architectural transition, as newly constructed markets, hotels, and retail shops increasingly defined the downtown cityscape. Viewing the traditional Mission and Spanish style buildings then dominant in the area as too old-fashioned, this new clientele developed an appreciation for a type of architecture that was more explicitly modern. The result was inspired in part by the clean lines, flat roofs, glass walls, and unornamented façades of the International Style buildings made famous by architects such as Mies van der Rohe, Oscar Niemeyer, Eric Mendelsohn, and Le Corbusier, tempered in part by the desert landscape and climate. The attention given to the desert landscape fostered an aesthetic variation in which the austerity of the International Style is influenced by the inclusion of local natural elements such as rock, granite, and wood on the interior and exterior, and by the use of neutral

¹ Design & construction documents, University of California, Los Angeles, Charles E. Young Research Library, Special Collections: A. Quincy Jones Collection 1692.

² Palm Springs Art Museum, *An Eloquent Modernist: E. Stewart Williams, Architect*, 2014.

³ Palm Springs Historic Site Preservation Board, *Inventory of Historic Structures*, September 2001.

⁴ Architectural Resources Group, *City of Palm Springs Citywide Historic Resources Survey*, 2004.

⁵ California Historical Resources Information System, 1983.

Town & Country Center
Name of Property

Riverside, California
County and State

colors to better help the buildings blend into the surrounding environment. Water is also a predominant feature of these buildings, as many include pools, fountains, ponds, and waterfalls. Much of the downtown Palm Springs area reflects this latter phase of architectural transformation since a number of important buildings from this period are still extant.

The previous buildings on the project site were demolished in phases to make way for the development of the property originally named The Center. The Center became known as Town & Country Center within a year of its construction, due to the popularity of the Town & Country Restaurant placed prominently facing the courtyard of the shopping center. A local publication stated, "A distinguished restaurant in the center of the Village – Famous for its 'Smorgasbord' Lunch and Dinner. Cocktail hour in a delightful setting."⁶

As designed, the complex was configured to feature an enclosed courtyard with street front elements facing Palm Canyon Drive on the west and Indian Canyon Drive on the east. Linked to the streets by passageways, the focal point of the center is the landscaped courtyard in the center of the property that was surrounded by shops. Additional shop fronts also faced the streets (see **Site Plan** and **Sketch Map**).⁷ When the project was built, the two streets had not yet been combined into a one-way couple and both street façades were equally important. Since the introduction of the one-way couple, Palm Canyon Drive emerged as the more important street and the Indian Canyon Drive façade, while architecturally stunning, is considered to be the rear of the building.

In addition to the benefit of frontage along both Palm Canyon and Indian Canyon Drives in the downtown core, the complex had additional retail and office suites facing onto the interior courtyard. When built, the dramatically landscaped courtyard formed the focal point of the shopping center, bordered by a large, glassy semi-circular element on the west side of the courtyard and an angled exterior staircase to the Town & Country Restaurant on the east side.

The original plans referenced the buildings via street address. For simplicity, buildings are identified as A, B, C, D, and E.

156-66 and 170-74 North Palm Canyon Drive (Twin Buildings A & B)

Separated by a 20-foot wide passageway, the two buildings at 156-166 and 170-174 North Palm Canyon Drive have nearly identical street façades. The west elevations of these buildings along North Palm Canyon feature flat roofs with a wide cornice treatment composed of painted vertically oriented corrugated aluminum panels added in the 1980s, and concrete block wall sections that sub-divide a series of storefront spaces. Each is glazed with metal-framed storefront sections. The City of Palm Springs Museum Market Plaza Environmental Impact Report asserts that the building on the right is the remains of the Patterson Drug Store.⁸ While identical on the street façades, the northern building (170-174) extends eastward along the north property line

⁶ Palm Springs Chamber of Commerce, *The Palm Springs and Desert Resort Area Story*, 1955.

⁷ Jeffrey Baker and Bruno Funaro, *Shopping Centers: Design, and Operation* (New York: Progressive Architecture Library/Reinhold Publishing Corporation, 1951), 6, Figure 3.

⁸ Museum Market Plaza Environmental Impact Report, Cultural Resources Survey Report, May 9, 2008.

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thus forming the northern wall of the courtyard. It contains shops at the street level and offices above. The semi-circular element on the courtyard side of this building, with its curvilinear overhangs and large ribbon windows on both levels, is one of the architectural highlights of the complex.

146-150 North Palm Canyon Drive (Bank of America Building, Building C)

This two-story commercial building of reinforced concrete construction was designed to house a Bank of America branch. Although constructed at the same time and by the same architects as the rest of the project, the building has its own distinct identity.⁹ Rectangular in plan, this building features a set of angled louver-like vertical glazed openings on the upper level of its primary façade. The street level façade is divided by a projecting horizontal band that shades passersby and also served as a marquee bearing the name of the bank. The Bank of America building was a highly stylized and eye-catching commercial building when first constructed. Historic photographs illustrate the original International Style design of the building's principal façade, expressed through the contrast between the array of large concrete louvers painted blue, and the massive sand-colored towers that anchored both ends of the façade. The name of the bank was spelled across the top of the projecting cornice in white, widely spaced letters.

167-181 North Indian Canyon Drive (Building D)

This two-story commercial building was constructed of steel, wood, and plaster.¹⁰ A prominent feature of the building is an angled exterior staircase to the Town & Country Restaurant on the west side. The broad concrete stairs, resting on a multi-level asymmetrical podium and accompanied by a seemingly airborne planter jutting out from the building behind, led to a rectangular balcony across the front of the restaurant. The dynamic interaction among the various geometric shapes and intersecting planes of the building facing onto the courtyard represent the most notable character defining features of the Town & Country Center's International Style design. The east elevation, facing Indian Canyon Drive, is a largely intact composition that features two projecting cornices that interlock into a two-story high, wedge-shaped frieze. Historic signage for "The Center" located near the Indian Canyon entrance remains intact.

E.F. Hutton Building (Building E)

The 1955 addition is a one-story commercial building built of steel and concrete. It is a flat roofed building, with green terrazzo floors. Metal and glass storefronts, green terrazzo floors, and concrete walls are intact. Character defining features include a simple rectangular plan, aluminum storefronts with floor to ceiling glass, poured terrazzo flooring, and a geometric grid pattern of original concrete tile on the two façades facing the courtyard. It is the only single story building in the complex. Unlike the other four buildings of the Town & Country Center, this building faces onto the courtyard, with no other exposure to North Palm Canyon Drive or Indian Canyon Drive. The original function of the building was administration and finance. The building reflects the modern style of the other four buildings, albeit a more understated eloquent

⁹ Design & construction documents, UCLA, Charles E. Young Research Library, Special Collections: A. Quincy Jones Collection 1692.

¹⁰ Ibid.

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and simplistic form, responsive to the pedestrian scale of the courtyard. The interior is vacant and not accessible. The original flooring; a dark green, poured concrete terrazzo, is visible through the windows. It extends to the exterior of the building, a common design feature of midcentury modern structures that exploit the blurred boundaries between interior and exterior spaces.

Alterations

Buildings A and B

The lines and massing remain essentially unchanged from construction. The commercial spaces fronting North Palm Canyon remain intact, still functioning as retail space, and are occupied by retail tenants. Many of the original storefronts remain unchanged, inclusive of original door hardware. An original covered passageway at Building A (see Sketch Map) was enclosed and captured as leasable commercial space circa 1975. The corrugated aluminum panels covering the upper level of their street-facing facades were installed after 1983, covering the original stucco panels. Uniform awnings were placed above the storefronts, circa 1985. The semi-circular element in the courtyard remains intact. The remainder of Building A, easterly towards Indian Canyon Drive is vacant.

Building C

The bold architectural character of the principle façade has been subdued to some degree by the uniform coat of dark brown paint across the upper level, and the subdivision of the former bank into three separate storefronts, each with its own signage that has marginally altered the general appearance of the building. The three retail spaces were developed after the relocation of the Bank of America circa 1973. Tenant signage has been added to the principle façade. This is reversible and does not adversely affect the integrity of the building. The interior of the second floor is not accessible, so it is not possible to describe the physical condition. The exterior materials and fenestration remain unchanged.

Building D

The impressive entry stair to the Town & Country Restaurant was modified through the addition of a canopy above the stairs, and the enclosure of the balcony for more interior space. The interior of the restaurant building was remodeled in 1979, including gutting the restaurant to accommodate the installation of dance floors. The balcony at the restaurant's courtyard entrance was enclosed during another round of renovations in the early 1980s, and the original building remains intact. The original storefront windows have plywood covering the interior spaces along Indian Canyon Drive. The areas of fenestration remain intact.

Building E

Awnings added above the window are torn and faded. These could easily be removed, and do not alter the original lines and fenestration of the building. The interior of the building is not accessible, so physical condition and alterations are unknown.

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Integrity

The property owner will not permit access, and is opposed to the listing of the Town & Country Center in the National Register of Historic Places. As a consequence, several doors and windows are covered in plywood. It is not possible to describe the physical condition of the interior spaces with authority. The original design of the Town & Country Center allowed for internal flexibility of tenant spaces and demising walls.

The Town & Country Center represents an established and familiar visual feature in downtown Palm Springs. Its long history of minor changes and deferred maintenance has taken a toll on the buildings, both physically and commercially. The Town & Country Center's integrity remains intact.

City of Palm Springs building safety records documented hundreds of permits issued on the Town & Country Center property. Besides the permits for the construction of the original buildings in the complex, the Palm Springs Corporation also secured a permit to construct a new concrete office building in the southwest portion of the courtyard. Originally intended for a business office, it later served as a women's apparel shop. This is the building designed by Donald Wexler, Architect. The other permits recorded in city files chronicle the physical modifications to the buildings in the Town & Country Center, most of them to accommodate changes in tenancy and usage in the shops, such as storefront remodeling, enlarging or extending display windows, or combining or dividing retail units.

Planting materials throughout the complex have not been maintained; some are missing, others are overgrown. All of these changes are reversible. In summary, the Town & Country Center retains most of the basic features of its International Style architecture, even though some of the storefronts have been altered to accommodate change of tenancy, as is often a common practice among retail-oriented commercial properties. Despite these alterations, the Town & Country Center retains sufficient integrity of location, design, setting, materials, feeling, workmanship, and association to convey that it is a masterpiece of mid-century design.

The Town & Country Center is in its original location, and available evidence suggests that the setting is much the same as it was during the period of significance 1948 to 1955. The primary character defining features of the International Style architecture remain intact. With the exception of some doors and windows, original materials are present, and the original workmanship is evident. The Town and Country Center projects the same striking feeling of modernity as when originally designed by Jones and Williams.

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8. Statement of Significance

Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B. Property is associated with the lives of persons significant in our past.
- C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D. Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations

(Mark "x" in all the boxes that apply.)

- A. Owned by a religious institution or used for religious purposes
- B. Removed from its original location
- C. A birthplace or grave
- D. A cemetery
- E. A reconstructed building, object, or structure
- F. A commemorative property
- G. Less than 50 years old or achieving significance within the past 50 years

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Areas of Significance

(Enter categories from instructions.)

COMMUNITY PLANNING AND DEVELOPMENT

ARCHITECTURE

Period of Significance

1948-1955

Significant Dates

1948, 1955

Significant Person

(Complete only if Criterion B is marked above.)

N/A

Cultural Affiliation

N/A

Architect/Builder

Jones, A. Quincy
Williams, Paul Revere
Frey, Albert
Clark, John Porter
Wexler, Donald

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Statement of Significance Summary Paragraph (Provide a summary paragraph that includes level of significance, applicable criteria, justification for the period of significance, and any applicable criteria considerations.)

Town & Country Center is eligible for the National Register under Criterion A at the local level of significance in the area of Community Planning and Development for its association with the evolution of Palm Springs from a small scale village into an international desert resort destination, and the basis for its growth into a modern city. Town & Country Center is also eligible for the National Register under Criterion C at the local level of significance in the area of Architecture. Previously unaffiliated architects collaborated to bring forth regional modernism, representing a new degree of professional practice in Palm Springs. One of the best examples of the International Style of architecture in southern California, and an important early mixed use development, the property is also architecturally noteworthy for its pedestrian friendly open-air courtyard that creates passage between two prominent streets, Palm Canyon Drive and Indian Canyon Drive. Town & Country Center clearly reflects the collaborative work of two distinguished master architects, A. Quincy Jones & Paul R. Williams, and an additional building later added by a third master architect, Donald Wexler. There is also evidence, based upon the original drawings of the Town & Country Center, that two other distinguished master architects, Albert Frey and John Porter Clark, collaborated with Jones and Williams on the design of the specialty store and department store commercial spaces fronting North Palm Canyon Drive.¹¹ The period of significance 1948 to 1955 reflects construction of the first four buildings to completion of the center as designed.

Narrative Statement of Significance (Provide at least one paragraph for each area of significance.)

Master Architects Jones and Williams, based in Los Angeles, designed the original Town & Country Center, then collaborated with local architects Clark, Frey, and Wexler to further develop the mixed-use center. The success of the Town & Country Center was due largely to a scale that is both pedestrian-friendly and in harmony with its desert and mountain surroundings. Jones and Williams artistically designed the complex as a series of distinct volumes and planes, solids and voids, with a dynamic use of space.¹² It attracted high profile commercial tenants, and the first Town & Country shops to be completed were so busy that the rest of the tenants were pressuring the property owners to finish their spaces so they, too, could benefit from its success.¹³ The Town & Country Center is an example of the courtyard shopping experience that was developed and successful throughout Palm Springs. It is the only midcentury modern example extant within the City.

¹¹ Design & construction documents, UCLA, Charles E. Young Research Library, Special Collections: A. Quincy Jones Collection 1692.

¹² Elizabeth Edwards Harris and Mark Davis, "The Town and Country Center and the Modern Urban Village," in *Modernism*, Winter 2012-13, 64-67.

¹³ Architectural Record Book, MOTELS, HOTELS, RESTAURANTS and BANKS (W. Dodge Corporation, 1950).

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Criterion A: Community Planning and Development

One of the most compelling aspects of the Town & Country Center's history is its close ties with the pattern of events that contributed significantly to the rapid growth of downtown Palm Springs as the dominant urban center in the Coachella Valley during the 1940s to 1950s. Situated prominently at the core of downtown Palm Springs, this multi-use commercial complex, with its bold International Style architecture, stylish restaurant, and appealing courtyard, promoted the post-WWII tourist boom that perpetuated the city's claim as one of America's leading winter resorts.¹⁴ For this historical contribution to community planning, the Town & Country Center holds a unique place in the post-WWII development of the city and continues to be a well-known local landmark.

The Town and Country Center is associated with two general historic trends that made a significant contribution to the development of Palm Springs: the modernization of the courtyard shopping plaza as a uniquely appropriate venue for the city's leisure lifestyle, and the accommodation of much desired luxury services for the city's rapidly growing resort clientele after WWII. Prior to the war, Palm Springs was a retreat destination that provided its well-to-do and celebrity visitors with therapeutic spas, desert tranquility, poolside fun and western styled getaways. After the war the range of resort attractions grew, including the growth of golf and tennis as popular pastimes, and the city began attracting many long-term visitors, particularly snowbirds from the northwest. In addition, it campaigned voraciously for business and convention tourism as a way to extend its season for as long as it could. Hotel expansion abounded and so the city had to also provide this growing visitor base with the luxuries and services they enjoyed at home, including high end shopping and services, restaurants and banks. The Town & Country Center provided for all these needs and in a style that was considered both luxurious and forward thinking.¹⁵

The Town & Country Center was one of the earliest Modern mixed-use complexes to be built in the city's prime downtown center known as the "Village." The center was finished in 1948, at approximately the same time as Bullocks Wilshire by Wurdeman and Beckett, a stand-alone Modern department store no longer extant. The introduction of Modern architecture, with its inherent efficiencies and structural and technical possibilities, allowed the city to build and grow quickly after the war and meet its goals of attracting and serving its burgeoning resort population. Modern became the preferred style for all commercial architecture in the post war years. As one of the last remaining examples of pre-1950 Modern commercial buildings downtown, the Town & Country Center serves as a reminder of this important stylistic transition in the city's overall growth during this pivotal decade. It not only heralded what was to become the dominant aesthetic associated with commercial architecture in the city, its distinctive Modern

¹⁴ Tracy Conrad, "From Soulful to Sexy," in *Desert Magazine*, January 2014, 24-26.

¹⁵ Sidney Williams, ed., *An Eloquent Modernist: E. Stewart Williams, Architect* (Seattle: University of Washington Press, 2015), 171-184; Tracy Conrad, "From Soulful to Sexy," *Desert Magazine*, January 2014, 24-26; "The History of Palm Springs '50 Golden Years' Excerpts from the book *PALM SPRINGS: First Hundred Years* by Former Palm Springs Mayor Frank M. Bogert" <http://palmsprings.com/history/50years.html> (accessed 14 May 2015).

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aesthetic became synonymous with the city's leisure identity and eventually a resort attraction unto itself.¹⁶

The Town and Country Center is also a rare example of a courtyard style complex in the midcentury modern style. Courtyard design has a long history in California and the Spanish southwest, a style associated in the eighteenth and nineteenth centuries with individual houses and in the early twentieth century adapted for garden apartments and small shopping complexes. The courtyard plan worked well for an in-town public commercial space as it provided a spacious and protected usable outdoor room removed from busy sidewalks and roadways. The design and siting of the Town & Country Center also enhanced the outdoor experience by providing shade from the harsh desert sun. Although Palm Springs has a few extant Spanish revival courtyard centers, notably La Plaza (1935) and El Paseo (1926), the Town & Country Center is its only modern iteration.

As a commercial enterprise, the Town & Country Center became even more successful than its Spanish predecessors in that it was larger, provided for more commercial space, and was more centrally located. The success of the center was well noted soon after opening, documented in both the 1951 book, *Shopping Centers, Design and Operations* and an *Architectural Record* article in 1950. Even in later decades when the 1980s behemoth indoor shopping mall was failing directly across the street, the Town & Country Center, along with the other smaller courtyard centers, kept a steady following because they allowed visitors to get the services they wanted and still engage in the outdoors in a pedestrian-friendly environment. The Town & Country Center had a decided influence on other Modern buildings that borrowed its planning style, the not the least of which was the E. Stewart William's Oasis Hotel built the following year, no longer extant.¹⁷

While a number of smaller midcentury modern storefronts remain in northern and southern parts of Palm Springs, the destruction of the significant modern stores in the Village core, notably Bullocks Wilshire, Saks Fifth Avenue (Welton Beckett, 1958), and Haggerty's Department Store (E. Stewart Williams), makes the Town & Country Center the only midcentury modern retail resource left in the Village core as well as the city's only midcentury modern courtyard complex.

¹⁶ Cory Buckner, "A. Quincy Jones," in *The Desert Modernists: The Architects Who Envisioned Midcentury Modern Palm Springs*, ed. Stewart Weiner (Palm Springs: Modernism Week and Desert Publications, Inc., 2015), 49-51; In addition to many histories that have noted the importance of midcentury modern architecture in the growth of Palm Springs, the city's 2004 Historic Survey attests to this growth. Ironically the importance of the Town & Country Center as a transitional example of the style was also noted in a draft Environmental Impact Report for a project that is slated to raze the building. See the City of Palm Springs City Council/Community Redevelopment Agency Staff Report, December 2, 2009, 32.

¹⁷ Tracy Conrad, "Swanky Banks," *Desert Magazine*, February 2014, 24-26; Sidney Williams, ed., *An Eloquent Modernist: E. Stewart Williams, Architect* (Seattle, University of Washington Press, 2015); Alan Hess, "Paul R. Williams," in *The Desert Modernists: The Architects Who Envisioned Midcentury Modern Palm Springs*, ed. Stewart Weiner (Palm Springs: Modernism Week and Desert Publications, Inc., 2015), 119-121; Elizabeth Edwards Harris and Mark Davis, "The Town and Country Center and the Modern Urban Village," *Modernism*, Winter 2012-13, 64-67.

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Another broader historic trend that the production of the Town & Country Center exemplified was a time of change in the culture of architectural practice when professionals from separate offices began to collaborate either out of practicality or to take advantage of unique expertise. Prior to this time most architectural practices were based on an atelier model where, regardless of the size of the firm, there was only one master architect who took credit for all work. The Modern practice fostered an atmosphere of shared authority in an environment where junior architects could succeed through the ranks much like a corporation. Stemming from the co-op ethos promoted first at the Bauhaus and later in American educational institutions, post war modern architects unlike pre-war modernists saw themselves as facilitators of the process and did not demand sole credit for the work their offices produced. They were comfortable outsourcing both design and production as needed. This kind of collaboration was a forebear of large corporate architectural firms such as SOM and is still informs the culture of practice today. The Town & Country Center represented a broad collaboration that included two major Los Angeles based architects, A. Quincy Jones and Paul R. Williams, and three local architects, Don Wexler, Albert Frey, and John Porter Clark who worked on tenant improvements, construction and later additions. The Town & Country Center embodies this historic shift in the culture of professional practice.¹⁸

Criterion C: Architecture

The Town & Country Center was originally constructed in 1948 as an important addition to Palm Springs' downtown commercial center, and was a vital component of the tourism-driven urban growth of Palm Springs in the post-WWII era. The architecture is significant for its embodiment of the distinctive characteristics of the International Style. The architecture further qualifies as the work of five master architects; A. Quincy Jones, Paul Revere Williams, Albert Frey, John Porter Clark and Donald Wexler.

Architecturally, The Town & Country complex, as built in 1948, is among the collaborative works of innovative and acclaimed architects A. Quincy Jones and associated architect Paul R. Williams, both of whom individually earned national distinction during their careers. The Town & Country Center was built by the Palm Springs Corporation on property owned by Bank of America¹⁹ as a collaboration between architects Jones and Williams. At the same time, the architects were also commissioned to design the Palm Springs Tennis Club Restaurant (later the Bougainvillea Room), and in 1950, Romanoff's on the Rocks, a local restaurant.²⁰

Archibald Quincy Jones (1913-1979) was noted for designing university and office buildings towards the end of his career, and he first gained recognition for his residential work. As a participant in John Entenza's Case Study House Program, Jones became deeply devoted to the experiment's goal of reinventing houses to reflect how people lived in the post-World War II era. His conviction that the quality of life could be improved through architecture led him to

¹⁸ Bernard Michael Boyle, "Architectural Practice in America 1865-1965--Ideal and Reality" in *The Architect: Chapters in the History of the Profession*, ed. Spiro Kostof (Berkeley: University of California Press, 2000), 309-344; Dana Cuff, *Architecture: The Story of Practice* (Cambridge, Massachusetts: The MIT Press, 1992), 1-17.

¹⁹ City of Palm Springs Building Permit, 1946.

²⁰ Cory Buckner, *A. Quincy Jones* (New York and London: Phaidon, 2002), 166-170.

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introduce new materials and design elements to his residential projects, such as glass walls, usable atriums, high ceilings, and post and beam construction. In his non-residential buildings, Jones was recognized as an innovator and master of improving the integration and efficiency of mechanical systems while maximizing usable space.

While Jones is known for elevating the lowly post-war tract house to high-art architecture, Paul Revere Williams (1894-1980) is best remembered as a designer of elegant mansions for the rich and famous of Hollywood. Among his clients were Frank Sinatra, Lucille Ball and Desi Arnaz, Tyrone Power, Barbara Stanwyck, Danny Thomas, and Lon Chaney, Sr. Among his most easily recognized buildings in southern California are the Beverly Hills and Ambassador Hotels, Chasen's and Perino's restaurants, the theme building at the Los Angeles International Airport, Saks Fifth Avenue, and the Music Corporation of America building. In all, Williams designed or participated in over 3,000 projects.

Although there is no mention of the subject building in Williams' monograph, it is featured prominently in Cory Buckner's Phaidon monograph *A. Quincy Jones*. Town & Country Center does appear to represent a particularly important milestone in the development of Jones' architectural style. It is an unusual property type for Jones and is a good expression of its period and method of construction. Additionally, it remains a good example of an International Style commercial building that contributes materially to the historical fabric of the village and to Palm Springs' well-established status as a center of mid-century modern architecture.

Evidenced by original drawings in the A. Quincy Jones archives,²¹ the architectural firm of Clark and Frey collaborated with Jones and Williams on the Town and Country Center. Albert Frey (1903-1998) was born in Switzerland, and studied architecture there. After graduation, he moved to Paris, and worked in the atelier of visionary modernist architect Le Corbusier, detailing one of Corbusier's masterworks, the Villa Savoy. In 1930, Frey moved to the United States, convinced that it was the land of opportunity for modernist design. He worked for several prominent architects in New York, then moved to Palm Springs in 1939 and formalized a professional relationship with John Porter Clark. Although they collaborated on some early Spanish-infused designs, they became part of the emerging modernist movement. In 1949 Clark and Frey worked with Jones and Williams to develop the commercial spaces in Buildings A and B fronting Palm Canyon Drive.

John Porter Clark (1905-1991) studied architecture at Cornell University, and graduated in 1928. While working in Pasadena, Clark was invited to relocate to Palm Springs, where he became the first important regionalist Modernist to open an office. By 1934 Albert Frey had also arrived in Palm Springs to supervise the construction of the Kocher Samson Office Building. Based upon a shared compatibility and aesthetic, Clark and Frey established their partnership. Palm Springs projects of significance, either collectively or independently, include the Palm Springs Woman's Club Building, several private residences, The Welwood Murray Library, elementary schools,

²¹ Design & construction documents, UCLA, Charles E. Young Research Library, Special Collections: A. Quincy Jones Collection 1692.

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Loewy House, Aerial Tramway Station, and the Tramway Gas Station that is now the iconic Visitor Center located at the northern gateway to the City of Palm Springs.

Donald Wexler (b. 1926) is an influential mid-century modern architect whose work is predominantly in the southern California desert. He is known for pioneering the use of steel in residential design. He received his Bachelor of Architecture from the University of Minnesota, and upon graduation moved to Los Angeles where he worked for Richard Neutra, whose influence can be seen in Wexler's work. In the early 1950s, Wexler established his own practice in Palm Springs, where among his clients were Dinah Shore, Frank Sinatra, the Alexander Construction Company and Walt Disney World Resort. Wexler's designs for public buildings, including the dramatic Palm Springs Airport, served as both soaring and practical models for other municipalities to emulate. His Steel Development House Number 2 is listed in the National Register of Historic Places. Wexler designed the E.F. Hutton Building (Building E), added to the Town & Country Center in 1955.

Donald Wexler still lives in Palm Springs, the town whose growth he influenced so profoundly. His last major works were an annex to the Palm Springs Unified School District Center (1998) and the District Headquarters and Operating Facility in Indio, California (1999).²² He sold his practice in 2000 and donated his archives to California State Polytechnic University, Pomona. His active participation in the field of architecture has concluded.

The Town & Country Center, with its interior courtyard, is a modernist commercial reinterpretation of the hacienda form found in earlier generations of desert architecture. The design provides shelter and shade from the harsh desert sun, and allows fresh air to circulate throughout the open air courtyard. This convergence of interior and exterior space was a common practice in midcentury modern design.

²² Lauren Bricker, *Steel and Shade - The Architecture of Donald Wexler*, Palm Springs Art Museum, 2011, 129.

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Previous documentation on file (NPS):

- preliminary determination of individual listing (36 CFR 67) has been requested
 previously listed in the National Register
 previously determined eligible by the National Register

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designated a National Historic Landmark
 recorded by Historic American Buildings Survey # _____
 recorded by Historic American Engineering Record # _____
 recorded by Historic American Landscape Survey # _____

Primary location of additional data:

State Historic Preservation Office
 Other State agency
 Federal agency
 Local government
 University
 Other

Name of repository: University of California Los Angeles, Charles E. Young Research
Library, Special Collections: A. Quincy Jones Collection 1692,
Boxes 4402, 3829, Folders 133, 134)

Historic Resources Survey Number (if assigned): _____

10. Geographical Data

Acreage of Property 2.09 acres

Latitude/Longitude Coordinates

Datum if other than WGS84: _____
(enter coordinates to 6 decimal places)

Latitude: 33.492688 Longitude: -116.324629

Verbal Boundary Description (Describe the boundaries of the property.)

USGS Quad, Palm Springs, 7.5 quadrangle (Section 15, T4S, R45, San Bernardino Base Meridian). Assessor's parcel numbers 513 092 09 and 513 092 10, merged circa 1975 to become 513 092 026.

Boundary Justification (Explain why the boundaries were selected.)

Boundaries that historically encompassed the nominated buildings and the landscaped courtyard, based upon parcel data.

11. Form Prepared By

name/title: Susan Secoy Jensen, Architect, AIA, M.Arch.
organization: Palm Springs Preservation Foundation
street & number: 160 South Cypress Street
city or town: Orange state: CA zip code: 92866
e-mail secoyarch@sbcglobal.net

Town & Country Center
Name of Property

Riverside, California
County and State

telephone: (714) 639-4367

date: December 31, 2014; Revised April 2015

Additional Documentation

Submit the following items with the completed form:

- **Maps:** A **USGS map** or equivalent (7.5 or 15 minute series) indicating the property's location
- **Sketch map** for historic districts and properties having large acreage or numerous resources. Key all photographs to this map.
- **Additional items:** (Check with the SHPO, TPO, or FPO for any additional items.)

Photographs

Submit clear and descriptive photographs. The size of each image must be 1600x1200 pixels (minimum), 3000x2000 preferred, at 300 ppi (pixels per inch) or larger. Key all photographs to the sketch map. Each photograph must be numbered and that number must correspond to the photograph number on the photo log. For simplicity, the name of the photographer, photo date, etc. may be listed once on the photograph log and doesn't need to be labeled on every photograph.

Photo Log

Name of Property: Town and Country Center
City or Vicinity: Palm Springs
County: Riverside
State: California
Photographer: Susan Secoy Jensen
Date Photographed: May 2014 or March 2015 as noted
Location of original digital files: 160 South Cypress St., Orange, CA 92866

Description of Photograph(s) and number, include description of view indicating direction of camera:

- Photo 1 Palm Canyon Drive, looking south, **Building A** (Twin Building North) in foreground, **Building B** (Twin Building South in Background), May 2014
- Photo 2 Palm Canyon Drive, looking south towards **Building B** (Twin Building South) & **Building C** (Bank of America Building), May 2014
- Photo 3 Palm Canyon Drive, looking east towards **Building B** (Twin Building South) and **Building C** (Bank of America Building), May 2014
- Photo 4 Indian Canyon Drive, looking west towards **Building D** (with a portion of **Building A** to the north), May 2014

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- Photo 5 In the courtyard, looking east towards **Building D** (Town & Country Restaurant), May 2014
- Photo 6 Approaching courtyard, looking east, with **Building A** (Twin Building North) in the foreground; Across the courtyard is rear portion of **Building A**, and **Building D** (Town & Country Restaurant), May 2014
- Photo 7 In the courtyard facing east towards **Building D** (Town & Country Restaurant), under curved canopy of **Building A** (Twin Building North), May 2014
- Photo 8 In the courtyard, looking southeast towards the upper entry to **Building D** (Town & Country Restaurant), May 2014
- Photo 9 In the courtyard looking northwest toward **Building A** (Twin Building North), May 2014
- Photo 10 In the courtyard looking northwest toward **Building E** with **Building A** in background, March 2015
- Photo 11 In the courtyard looking west toward **Building E** with **Building A** in background, March 2015

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 460 et seq.).

Estimated Burden Statement: Public reporting burden for this form is estimated to average 100 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Office of Planning and Performance Management, U.S. Dept. of the Interior, 1849 C. Street, NW, Washington, DC.

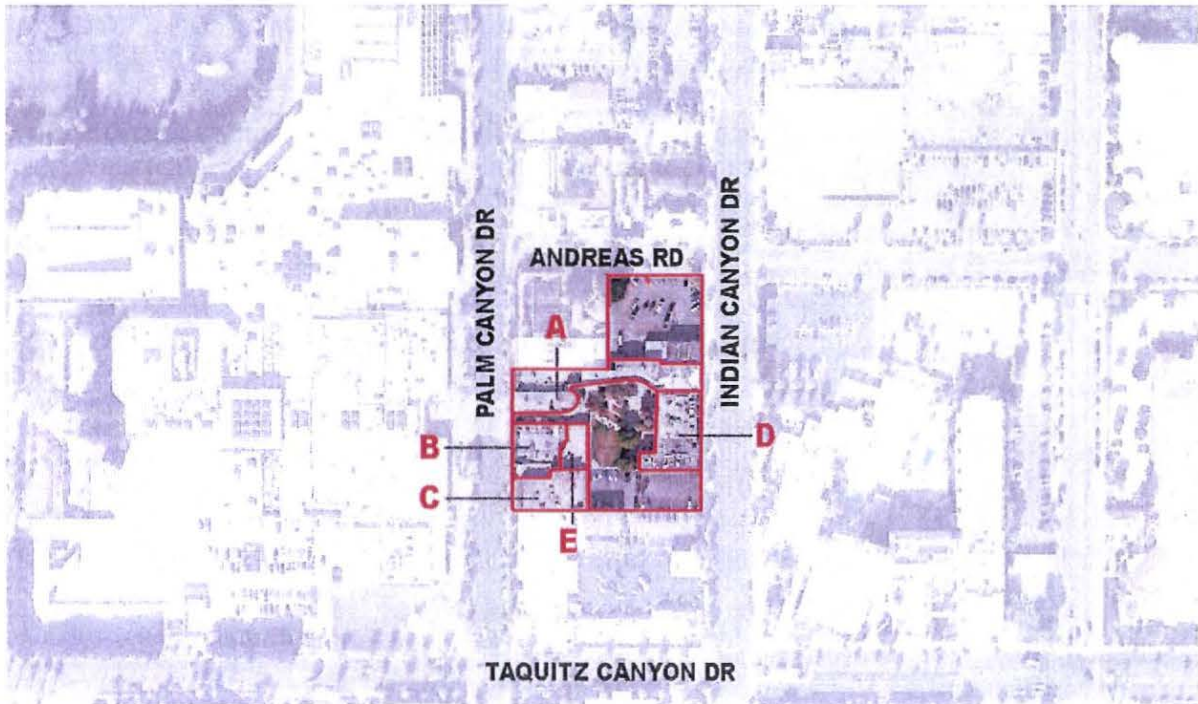
Town & Country Center
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Location Map

Latitude: 33.492688

Longitude: -116.324629



0 400 ft

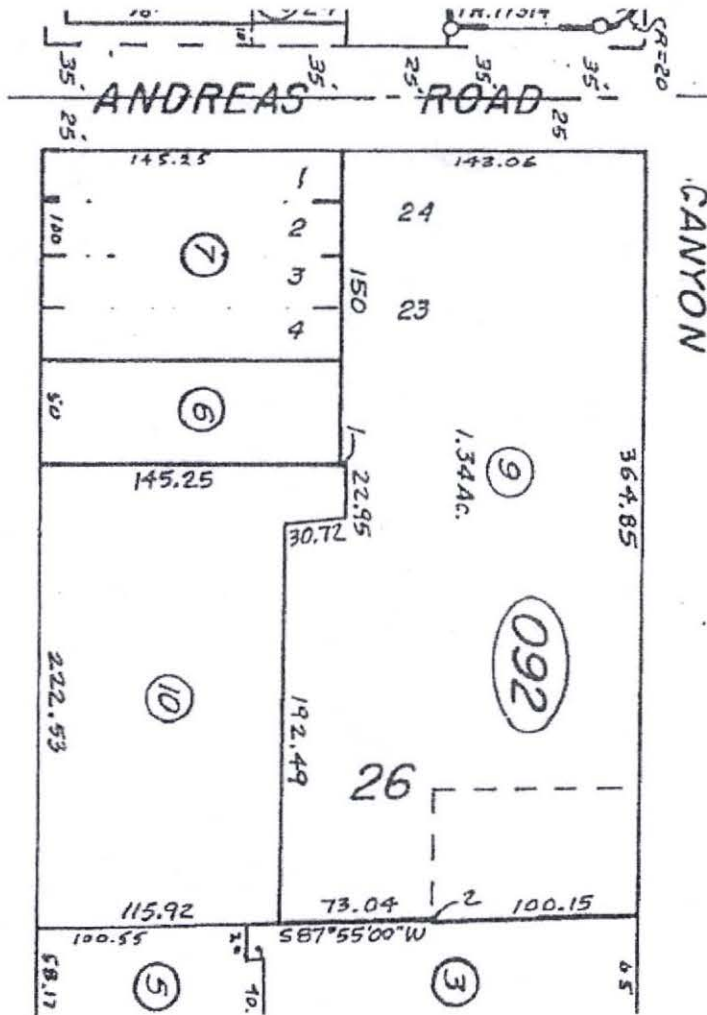
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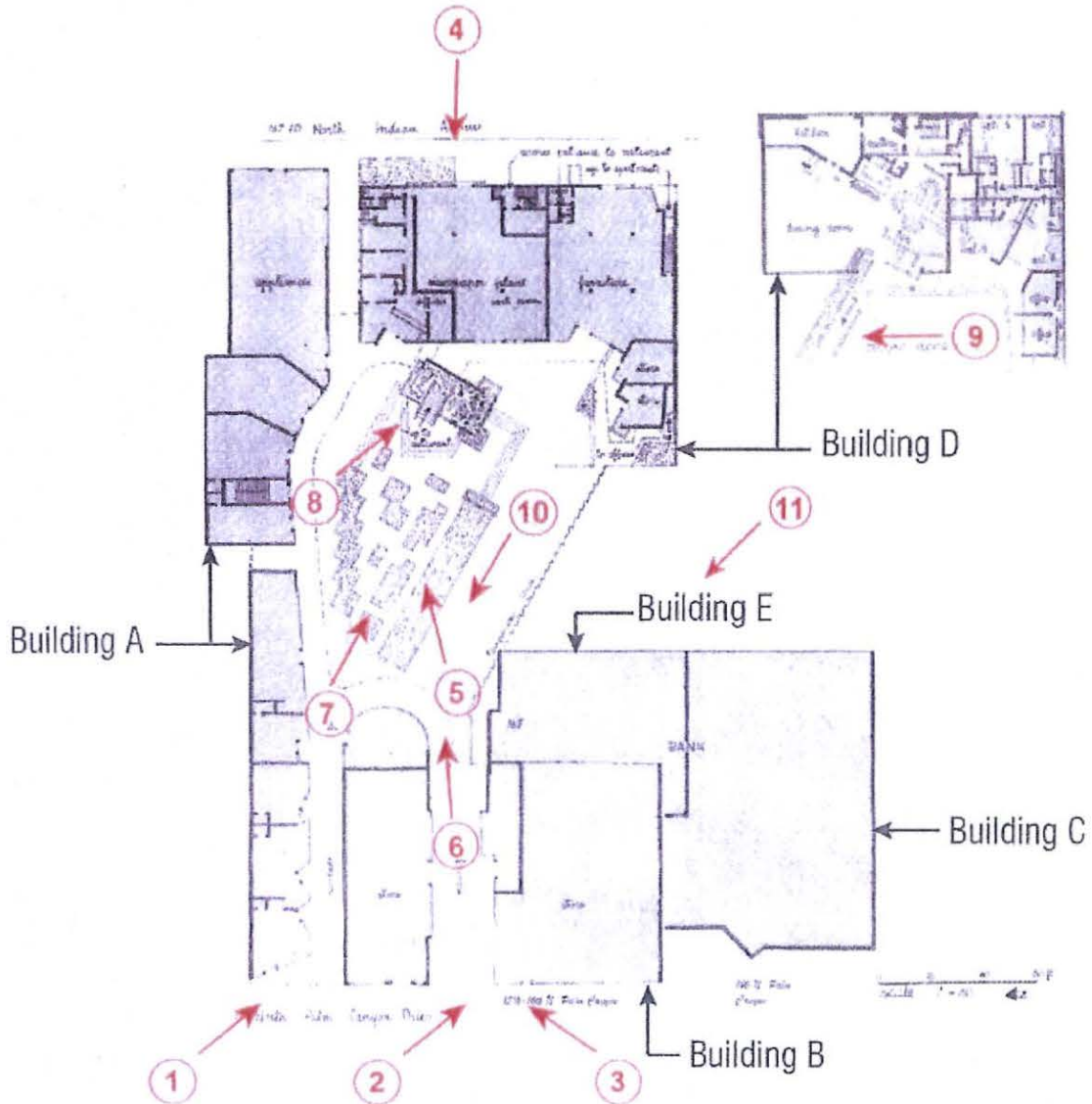
Assessor's Map 513-09, Riverside County, California, 1969



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Sketch Map/Photo Key



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County	Riverside
State	California
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Date and Source	Circa 1950, provided by Palm Springs Historical Society
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Photographer	Unknown
Date and Source	Circa 1950, provided by Palm Springs Historical Society
Figure 2	Palm Canyon Drive, looking south towards Building B (Twin Building South) & Building C (Bank of America Building)
Photographer	Unknown
Date and Source	Circa 1953, provided by Tracy Conrad Archives
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Photographer	Unknown
Date and Source	Circa 1950, provided by Palm Springs Historical Society
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Photographer	Unknown
Date and Source	Circa 1948, provided by Palm Springs Historical Society
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Photographer	Noel W. Frederick, II
Date and Source	Circa 1950, provided by Palm Springs Historical Society
Figure 6	In the courtyard, looking east towards Building D (Town & Country Restaurant)
Photographer	Ferris H. Scott
Date and Source	Circa 1950, provided by Palm Springs Historical Society
Figure 7	Approaching courtyard, looking east, with Building A (Twin Building North) in the foreground. Across the courtyard is the rear portion of Building A , and Building D (Town & Country Restaurant)

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Photographer	Julius Shulman
Date and Source	1949, provided by J. Paul Getty Trust, Julius Shulman Photography Archive, Research Library at the Getty Research Institute © J. Paul Getty Trust. Getty Research Institute, Los Angeles (2004.R.10)
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Date and Source	Circa 1955, Sketch from <i>The Palm Springs and Desert Resort Area Story</i> , Palm Springs Chamber of Commerce, artist unknown
Figure 11	View from courtyard toward June Madison Candies in Building A (Twin Building North)
Architects	A. Quincy Jones, Paul R. Williams, Albert Frey, John Porter Clark
Date and Source	1947-1949, Courtesy University of California, Los Angeles (A. Quincy Jones Papers, Collection 1692, Boxes 4402, 3829, Folders 133, 134) Charles E. Young Research Library, Special Collections
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Figure 1.



Figure 2.



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Figure 3.



Figure 4.



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Figure 5.



Figure 6.



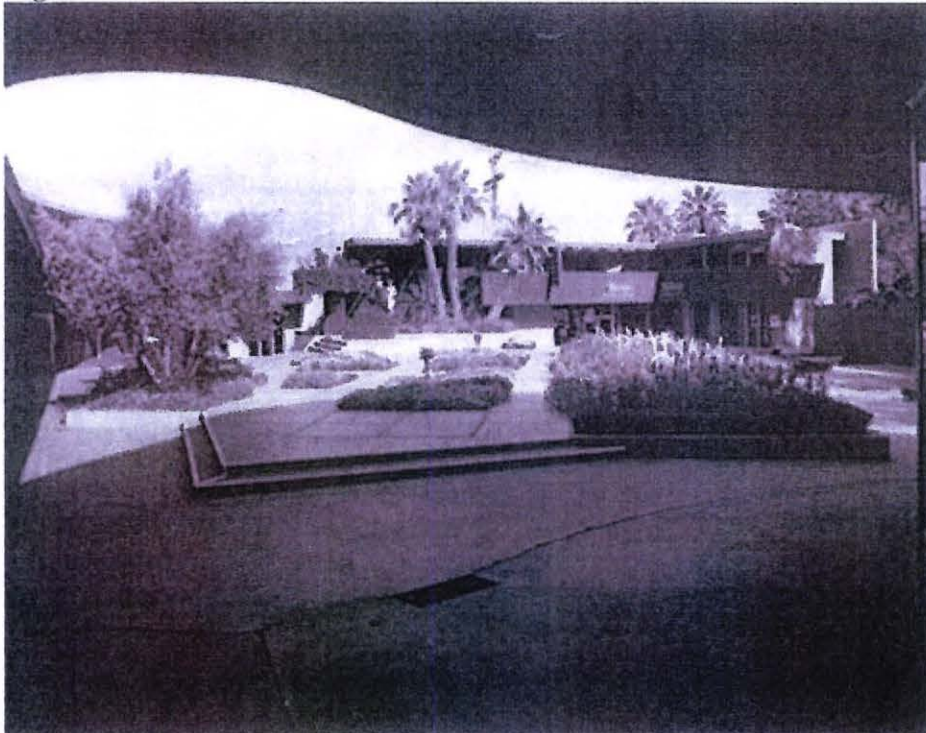
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Figure 7.



Figure 8.



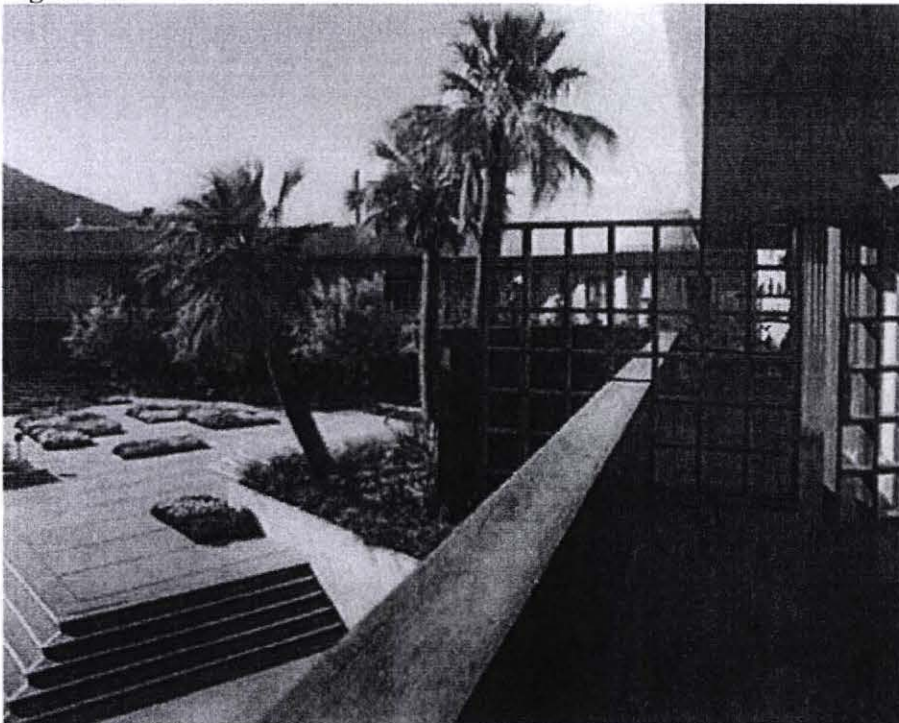
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Figure 9.



Figure 10.

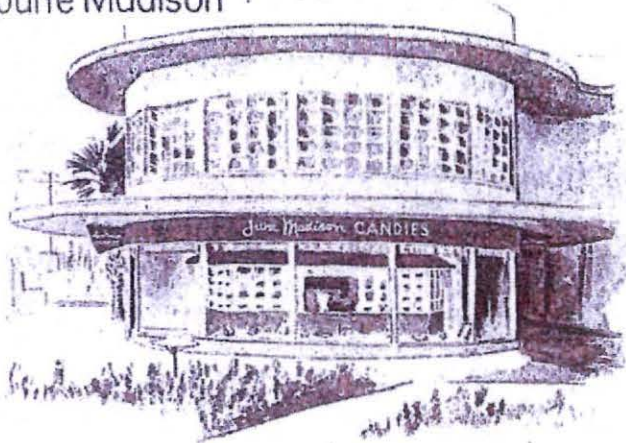


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Figure 11.

June Madison

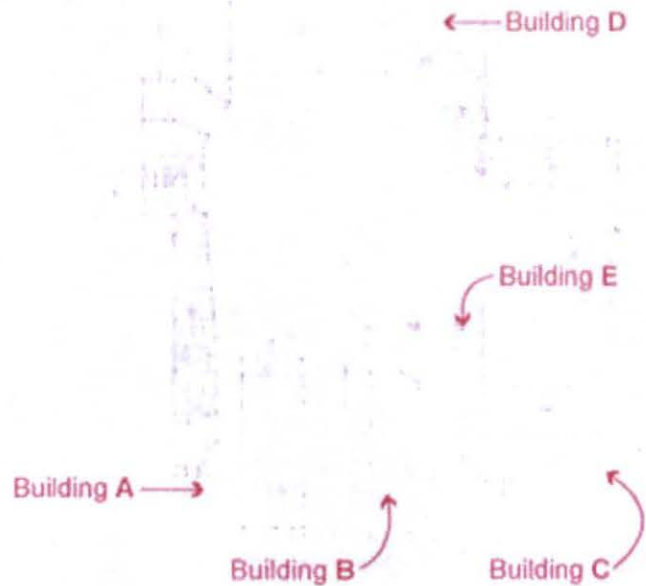


174 North Palm Canyon Drive Phone 5585

"In the Center of the Center"

The most beautifully wrapped gift boxes obtainable. Filled with candies for the connoisseur -- supreme quality, hand-dipped, thickly coated with light and dark chocolate -- French bon bons and assorted candies.

Figure 12.



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Figure 13.

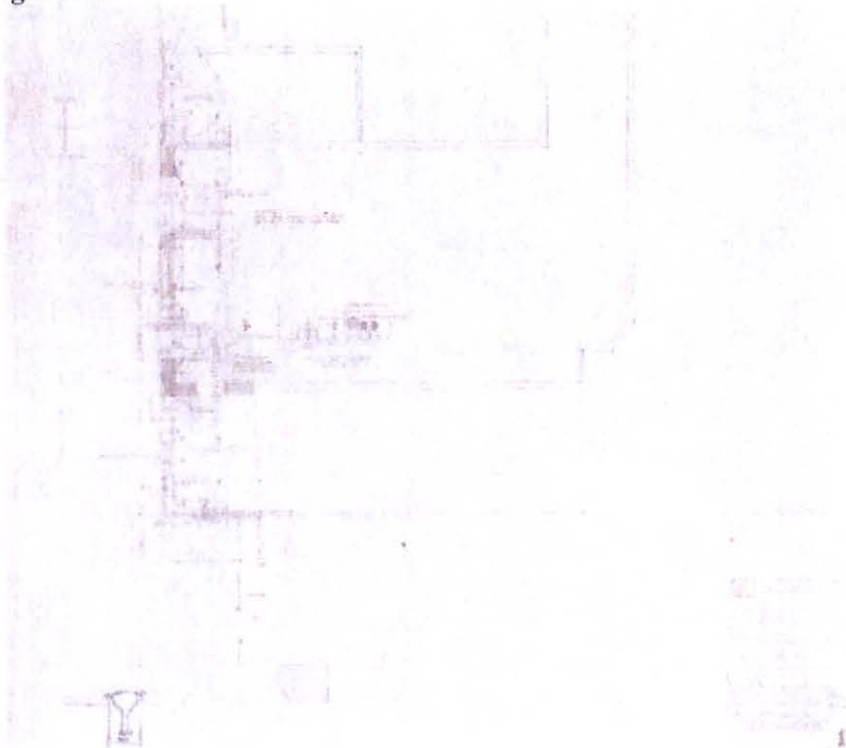
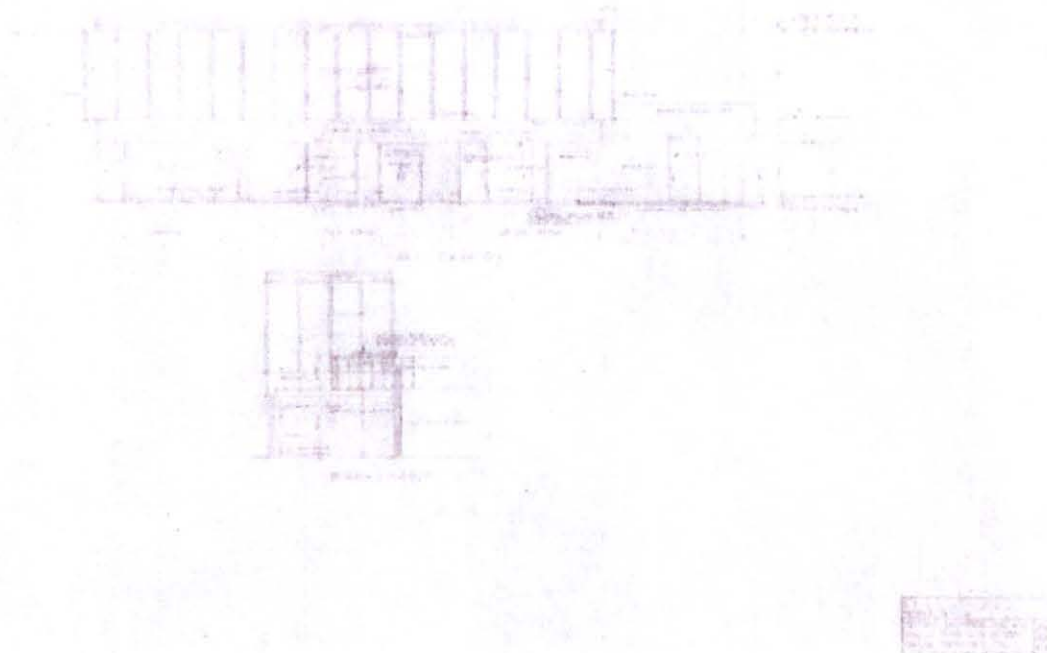


Figure 14.



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Figure 15.

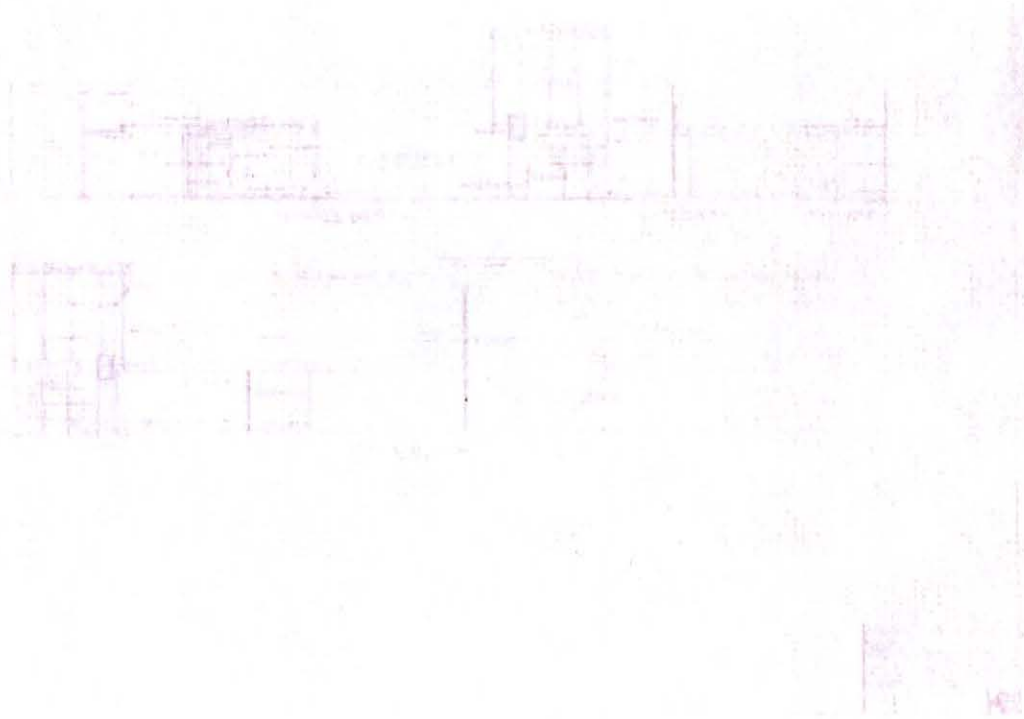


Figure 16.



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Figure 17.

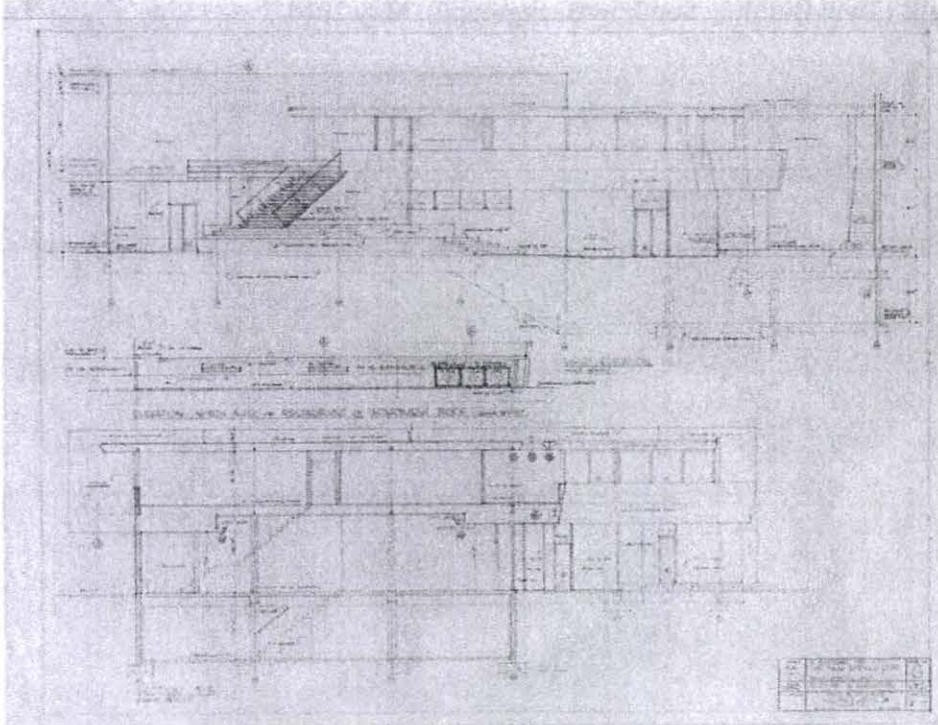
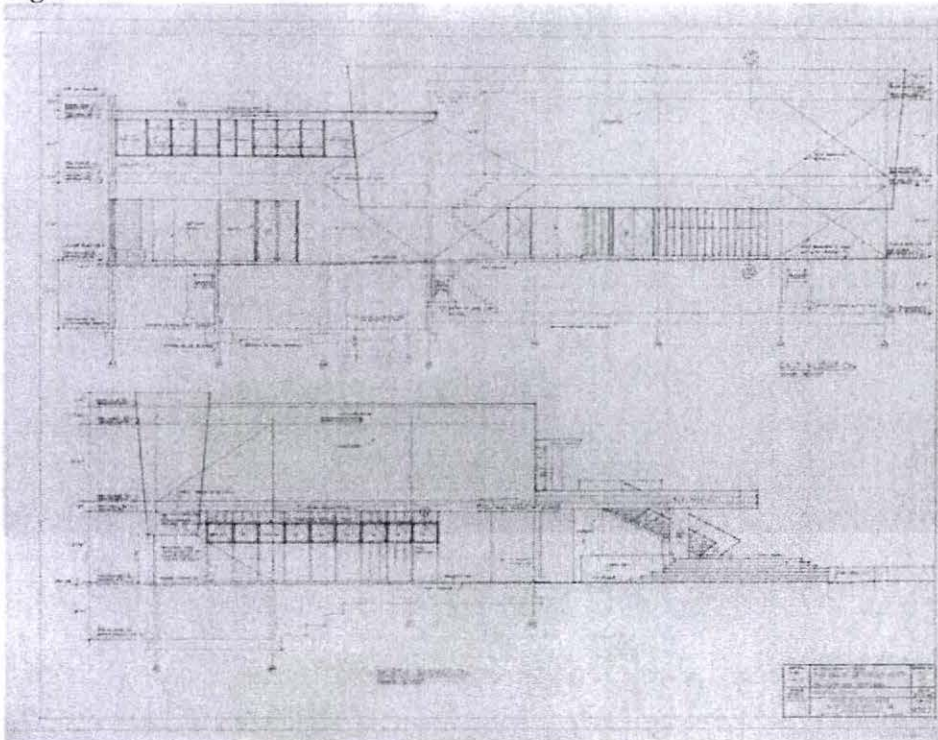


Figure 18.



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Photo 1. Palm Canyon Drive, looking South, **Building A** (Twin Building North) in foreground, **Building B** (Twin Building South in Background), May 2014



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Photo 2. Palm Canyon Drive, looking south towards **Building B** (Twin Building South) & **Building C** (Bank of America Building), May 2014



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Photo 3. Palm Canyon Drive, looking east towards **Building B** (South Twin Building) and **Building C** (Bank of America Building), May 2014



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Photo 4. Indian Canyon Drive, looking west towards **Building D** (with a portion of **Building A** to the north), May 2014



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Photo 5. In the courtyard, looking east towards **Building D** (Town & Country Restaurant),
May 2014



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Photo 6. Approaching courtyard, looking east, with **Building A** (Twin Building North) in the foreground at left; across the courtyard is the rear portion of **Building A**, and **Building D** (Town & Country Restaurant), Building E at right, May 2014



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Photo 7. In the courtyard facing east towards **Building D** (Town & Country Restaurant), under curved canopy of **Building A** (Twin Building North), May 2014



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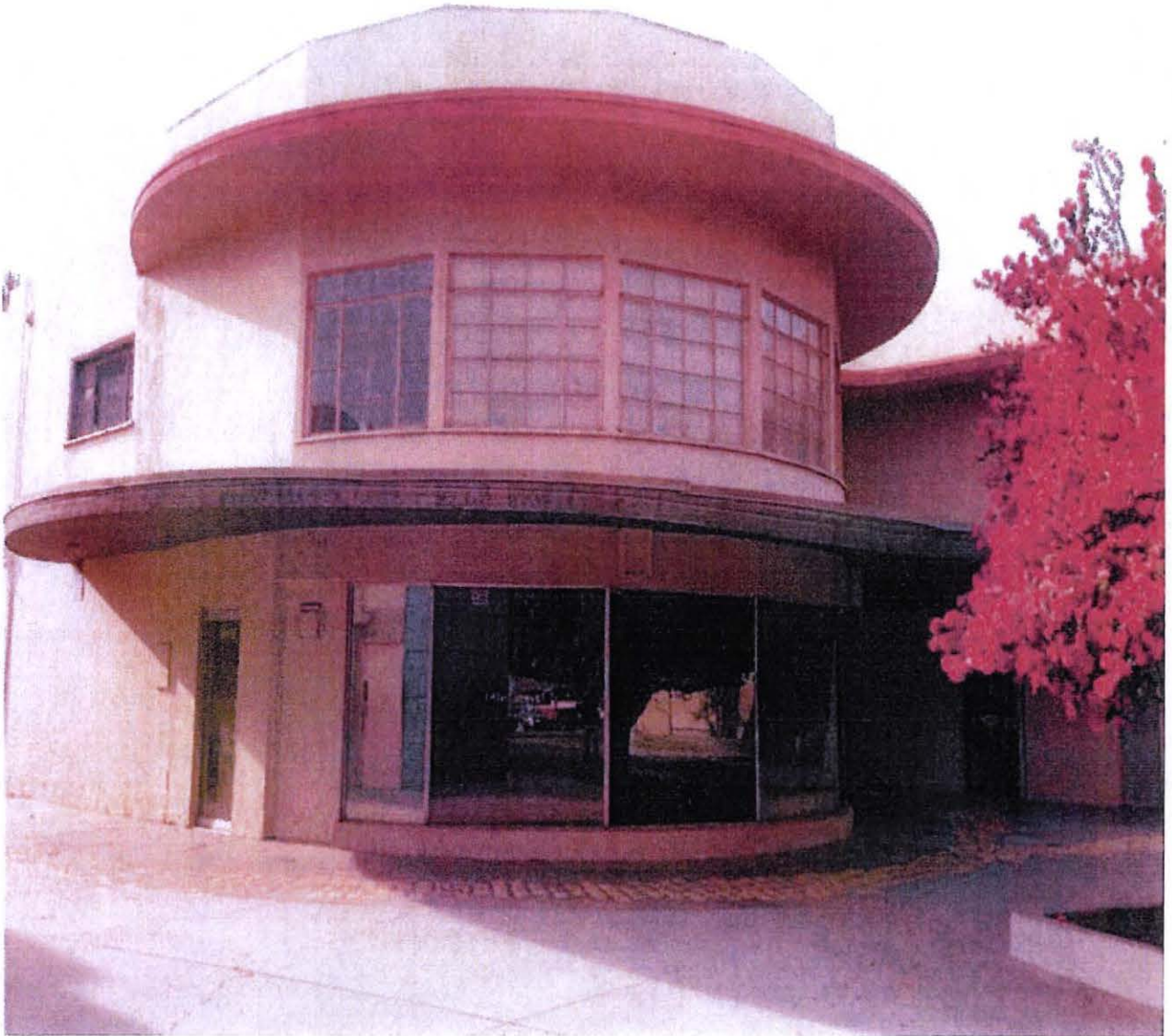
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Photo 9. In the courtyard looking northwest toward **Building A** (Twin Building North), May 2014



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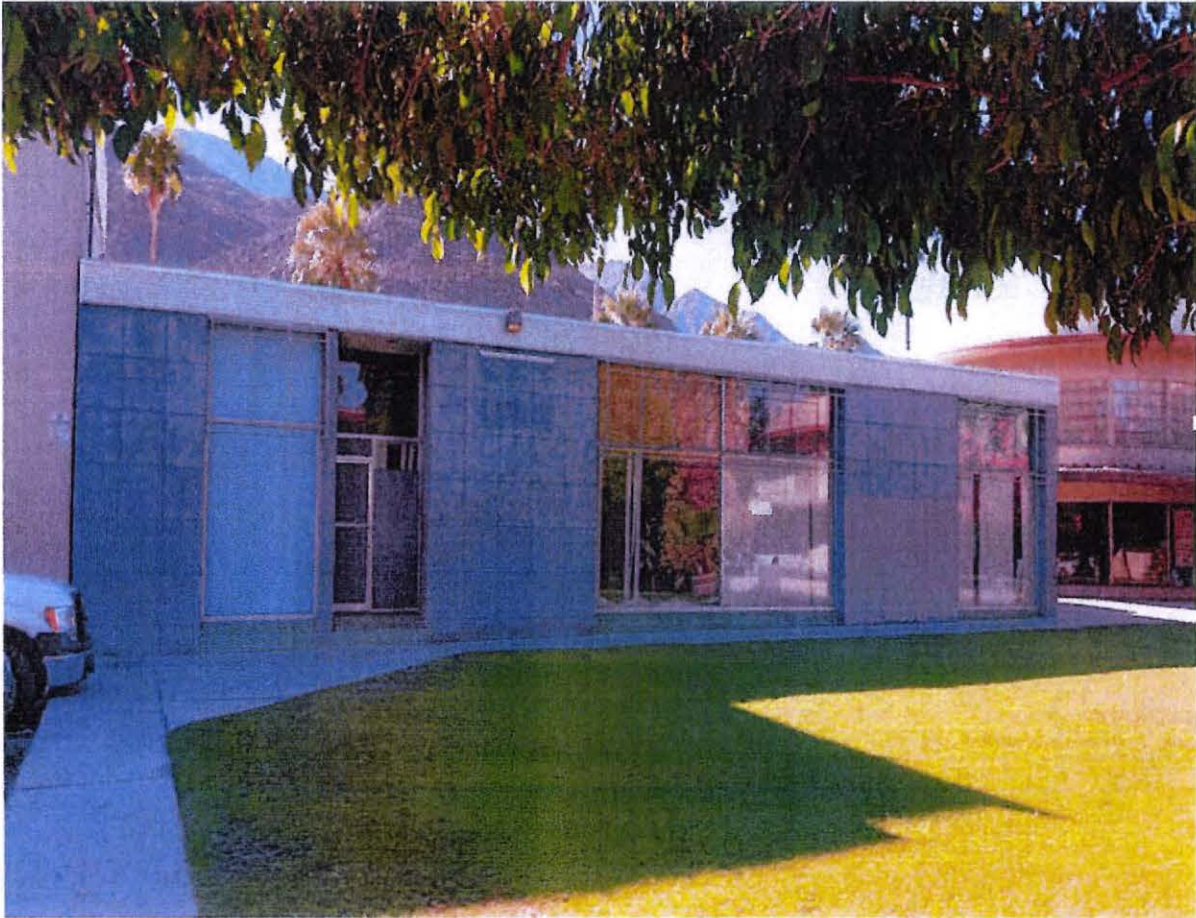
Photo 10. In the courtyard looking northwest toward **Building E** with **Building A** in background, March 2015



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Photo 11. In the courtyard looking west toward **Building E** with **Building A** in background,
March 2015



Enclosure (2)

Sustainability Assessment for the Preservation of The Town and Country Center

174 North Palm Canyon Drive
Palm Springs, CA 92262

Prepared for:

The Palm Springs Preservation Foundation
June 9, 2011

Prepared by:

Eric Shamp, AIA, NCARB, LEED AP
Principal
Ecotype Consulting
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Redlands, CA 92373
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eric@ecotypeconsulting.com



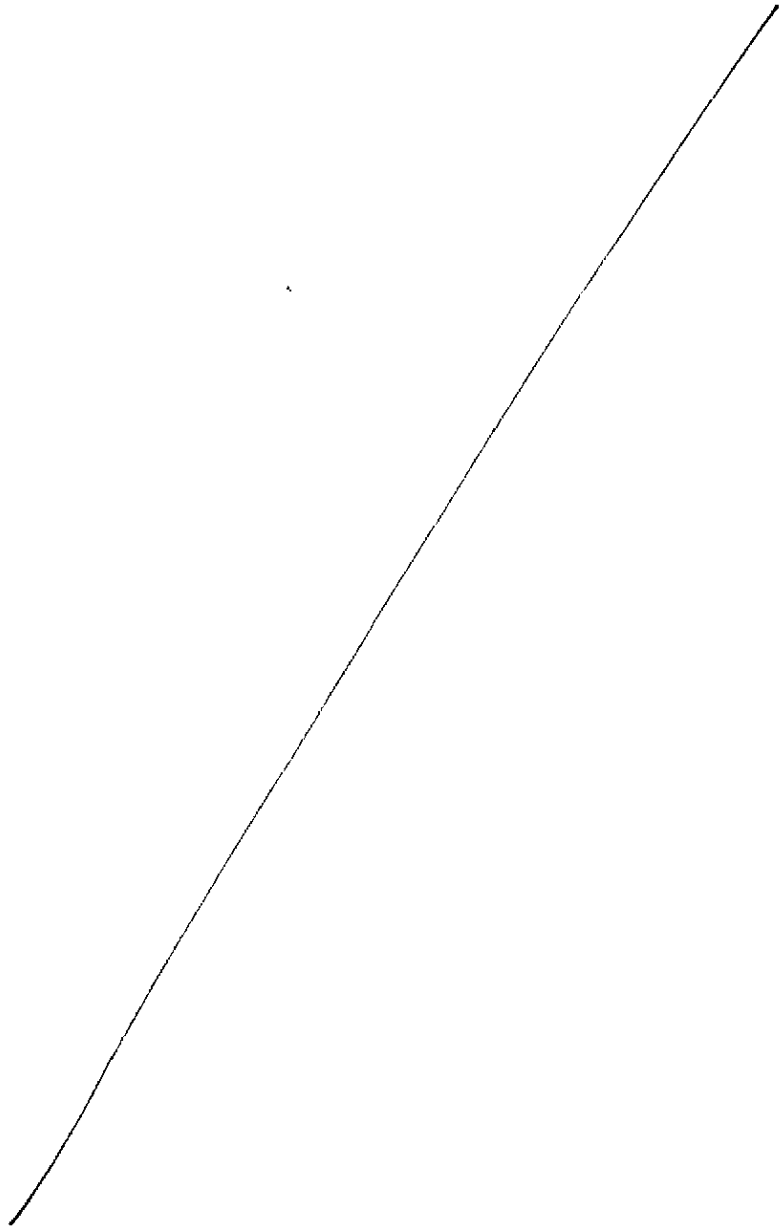
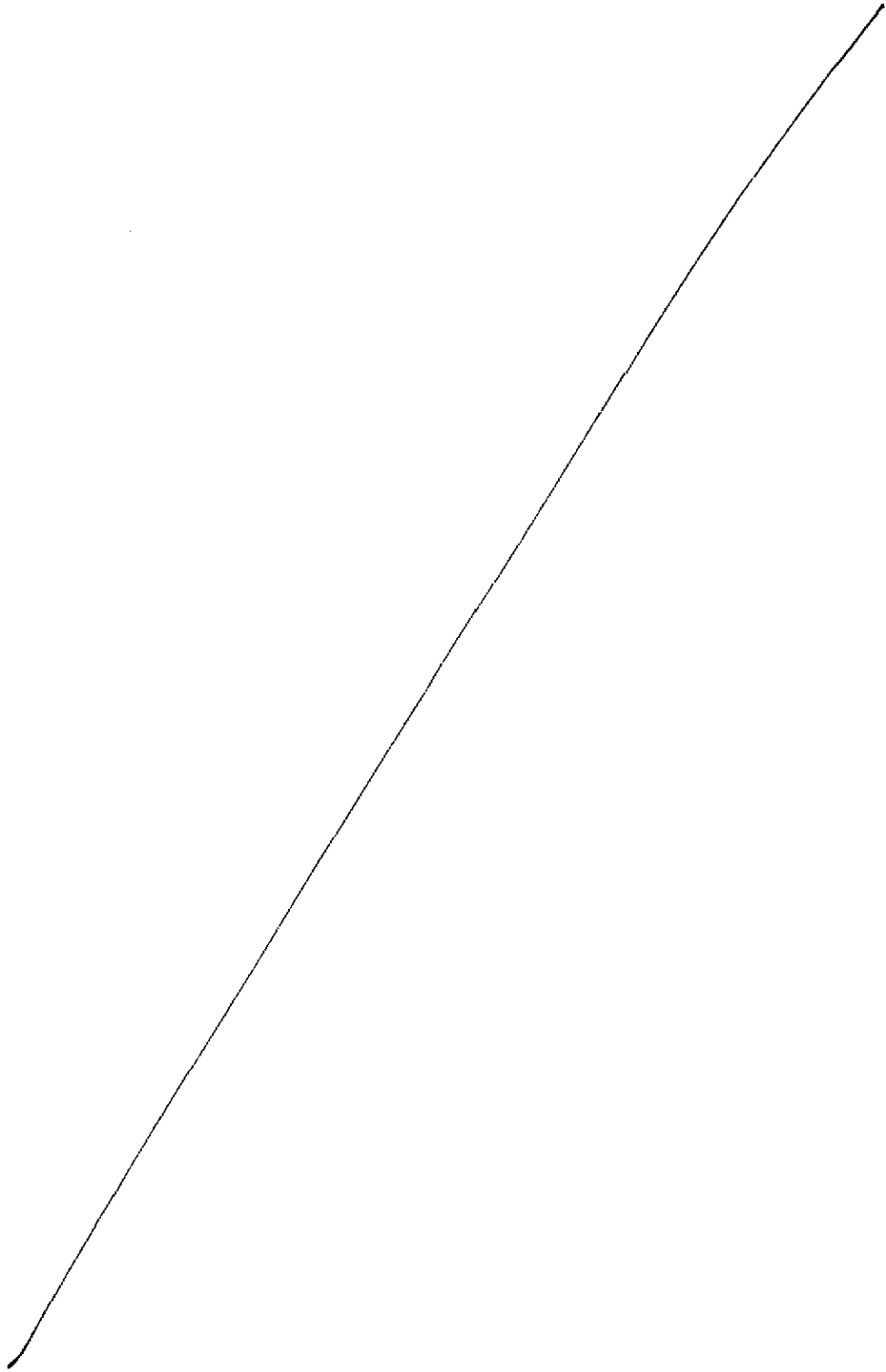


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1. INTRODUCTION

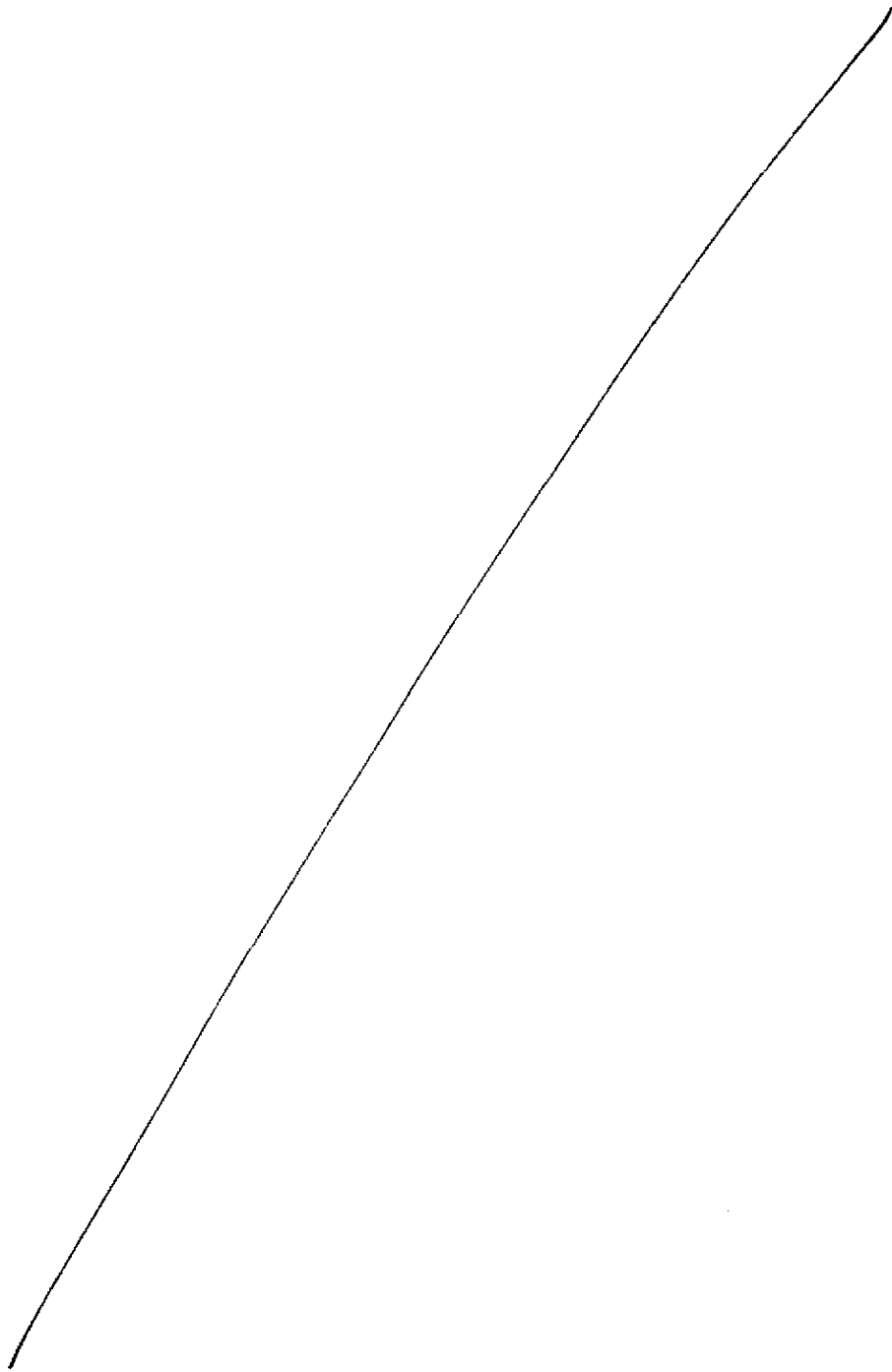
The Palm Springs Preservation Foundation recently asked Ecotype Consulting to prepare this report to analyze the sustainability of preserving and reusing the historic Town and Country Center (T&CC), located at 174 North Palm Canyon Drive. I was honored to perform the work, and truly enjoyed getting familiar with a hidden Palm Springs landmark that I had been previously unaware of.

The concept of sustainability has become politically abused and somewhat diluted through poor marketing. In this study, I attempt to clarify its meaning, so that the reader can better understand its relevance to the T&CC. Sustainability (or, more commonly, “greenness”) is not an absolute condition; it can only be assessed in a comparative manner against an alternative. In other words, it is impossible to declare that a project is sustainable or not sustainable; we can only assess a project relative to something else, such as the well-known LEED rating system or another project alternative. In the case of the Town and Country Center, the obvious alternative project is the plan that threatens its demolition, the Wessman Development Concept Plan.

Although sustainability is generally considered to be the nexus between ecological, economic, and cultural concerns, it is beyond the scope of this study to compare the economic and cultural aspects of the T&CC and its alternative. The cultural relevance of the T&CC has been addressed in numerous documents and publications, most recently in the Historic Site Nomination for The Center, prepared by the Palm Springs Preservation Foundation in April 2009. The economic relevance of the T&CC has presumably been investigated by Wessman Development and the Palm Springs Community and Economic Development Department. This document is intended to serve as a counterpart, rather than a *counterpoint*, to those analyses, in order to provide City decision-makers and private investors with a comprehensive picture of the relative sustainability of the project.

In regards to *ecological* sustainability, this study will clearly demonstrate that preservation of the Town and Country Center is the superior choice by the metrics and/or principles of embodied energy conservation, the LEED rating system, transportation planning, and the City’s own established goals for sustainability. It is my sincere hope that these results will be considered and given the same weight as the economic and cultural considerations for whichever project is ultimately implemented.

Eric R. Shamp, AIA, NCARB, LEED AP
Principal, Ecotype Consulting
June 2011



2. SUSTAINABILITY AND HISTORIC PRESERVATION

2.1 Definition of sustainability

Sustainable development can best be described using a definition developed by the UN World Commission on the Environment in 1987: "Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs"¹. This definition is quite broad in its application, with no specific reference to any category or aspect of conservation. In common practice, however, this definition is generally understood by the progressive business and development community to apply to a continuity of economic, ecological, and cultural conditions that support human society.

These economic, ecological, and cultural conditions are known collectively as the "triple bottom line"² of sustainable development. In order to produce the most sustainable outcome from any development project, all three conditions are to be given equal consideration. The "triple bottom line" concept distinguishes traditional economic development from *sustainable* economic development. The Desert Fashion Plaza is an obvious example of economic development that was not, in fact, sustainable.

In this report, we will investigate the impact on the Town and Country Center (T&CC) site of two proposed development schemes and assess how well each scheme addresses the sustainability "triple bottom line". The first scheme is based on the March 2011 Desert Fashion Plaza Community Concept Plan "Preferred Concept Plan" (the "Preservation Scheme"). The second scheme is based on the May 2011 Wessman Development Desert Fashion Plaza Concept Plan (the "Wessman Scheme").

2.2 Sustainability efforts in Palm Springs

The City of Palm Springs has demonstrated a remarkable commitment towards sustainability by establishing an Office of Sustainability, initiating a Sustainability Commission, and joining the International Coalition of Local Environmental Initiatives (ICLEI). In the 2007 General Plan, the City incorporated the following statement into the Palm Springs Vision:

¹ The World Commission on Environment and Development, *Our Common Future*, (New York: Oxford University Press, 1987), 43.

² Originally coined by John Elkington, *Cannibals with Forks: The Triple Bottom Line of 21st Century Business*, (London: New Society Publishers, 1998).

We enhance our natural, cultural, and historical resources with sustainable economic growth and high style.³

Chapter Three of the *Palm Springs Path to a Sustainable Community*⁴ addresses “Sustainable Urban Development and Transportation Choice”. It describes three objectives:

1. Increase the number of green buildings.
2. Promote smart growth and transportation choice.
3. Promote alternative, sustainable transportation options and infrastructure using alternative modes, fuels, and vehicles.

Chapter Seven of the *Palm Springs Path to a Sustainable Community* addresses “waste”. It describes the following objective:

1. Reduce waste and increase recycling for all segments of the community.

Later in this report, we will assess how well each of the two schemes aligns with each of the objectives of the *Palm Springs Path to a Sustainable Community*.

2.3 Nexus between sustainability and historic preservation

There is a significant alignment between the movement to preserve historic structures and sustainable development. The construction of a new building represents a significant economic investment in material and energy resources, along with ecological impacts associated with raw material extraction, manufacturing, transportation, fossil fuel extraction, and fuel consumption. The demolition of an existing building (whether historic or not) results in a total loss of those economic and ecological resources, and further compounds the ecological impacts of a construction project.

Washington DC architect Carl Elefante, FAIA, LEED AP describes building reuse thus, “The greenest building is the one that’s already built.” According to one study⁵, 39% of the total energy consumption over the life span of a typical building is embodied in its materials. By retaining an existing building, the embodied energy is amortized over a greater time span, dramatically reducing the size of the building’s ecological footprint.

³ Palm Springs General Plan, 2007.

⁴ Draft March 17, 2009.

⁵ Mike Jackson, “Embodied Energy and Historic Preservation: A Needed Reassessment”, *Journal of Preservation Technology* 36:4, (2005).

Historic structures tend to be especially good candidates for rehabilitation as “green” buildings. In contrast with the majority of contemporary buildings, historic buildings are usually designed for passive thermal comfort, are built using more durable materials and construction techniques, and are sited in a way that prioritizes pedestrian access over vehicular traffic. With a few discrete improvements to a historic building’s exterior envelope (blown-in insulation, thermally-efficient windows, cool roofing), a historic building can be made quite energy efficient.

The cultural relevance of the T&CC has already been sufficiently documented, most recently in the Palm Springs Preservation Foundation’s *Historic Site Nomination for the Center*⁶. It is not the intent of this report to revisit the case for cultural preservation. However, it is important to note the importance of cultural sustainability in the “triple bottom line” concept of sustainability.

2.4 Types of historic resource reuse and implications for sustainable development

The US Department of the Interior recognizes several standard treatments of historic properties⁷:

Preservation. The standard for historic preservation requires the application of measures intended to “stabilize, consolidate, and conserve” historic features. The property must be used for its original historic purpose, or used in a manner that does not require significant change to the defining characteristics of the building. Only deteriorated or missing portions of the building may be built; no new additions are allowed. This approach would allow some energy efficiency upgrades, as long as they did not disrupt the historic character of the building. This approach may not provide the required design flexibility to make the project economically feasible, and may limit the ability to make energy efficiency and sustainability upgrades.

Rehabilitation. In summary, this standard requires that a property be used for its historic purpose, or used in a manner that does not require significant change to the defining characteristics of the building. There shall be no removal or alteration of historic materials, features, or spaces. Deteriorated features are repaired rather than replaced. New additions are allowed, but must be distinguishable from the historic

⁶ Patrick McGrew, “Historic Site Nomination for the Center,” Palm Springs Preservation Foundation (April 2009).

⁷ Kay Weeks and Anne E. Grimmer, *The Secretary of the Interior’s Standards for the Treatment of Historic Properties*, (Washington DC, National Park Service, 1995).

portions of the property. This approach would allow most energy efficiency upgrades, as long as they did not disrupt the historic character of the building. If rehabilitation is performed on a designated historic structure, the owner may be entitled to a 20% rehabilitation tax credit. This approach gives the flexibility to make major repairs, alterations, and/or additions.

Restoration. This is defined as “the act or process of accurately depicting the form, features, and character of a property as it appears at a particular period of time”. This approach is typically selected in cases where a historic structure is intended to be used for the demonstration a significant period of time for educational purposes. It is the most restrictive approach, and would not be appropriate to suit the ongoing economic sustainability of the T&CC.

Adaptive Reuse. This approach is not formally recognized by the US Department of the Interior as an official standard for the treatment of historic properties. Adaptive reuse is the process of dramatically changing the historic use of a property, especially after the original use is obsolete. This can often require significant architectural changes, or even the co-opting of a historic structure within a new structure. The original mixed use of the T&CC is as relevant today as it was when the structure was built, so adaptive reuse would not be an appropriate approach.

Earlier this year, the US Department of the Interior published *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings*⁸. This will be a very useful document in guiding the “green” rehabilitation of the T&CC.

2.5 Green Rehabilitation of the Town and Country Center

The Preservation Scheme is an opportunity for the City to demonstrate the confluence of its goals of mid-century modern preservation and sustainability, and in the process establish a ground-breaking case study for other communities to follow. There are several factors that make the Town & Country Center an ideal candidate for a green building rehabilitation:

⁸ Anne E. Grimmer, Jo Ellen Hansley, Liz Petrella, and Audrey T. Tepper, *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings*, (Washington DC, National Park Service, 2011).

Integrity. Despite some neglect and resultant cosmetic damages, the building appears to be in good restorable condition. There is no apparent structural damage that could be observed from the exterior of the building. Some of its historic features have been obscured, but none lost. Later additions and modifications such as the balcony enclosure, exterior stair canopy, and metal siding are easily removable. Much of the landscaping is still intact. The 1955 E.F. Hutton Building addition appears to be in excellent condition, both interior and exterior. A rehabilitation of the building would require few material resources, when compared to a new construction or the major renovation of a more dilapidated structure.

Simple HVAC upgrades. The heating, ventilating, and air conditioning (HVAC) systems appear to consist of simple rooftop packaged units, likely electric DX cooling and gas furnace. Given the age of the structure, there could be some remaining evaporative cooling (swamp cooler) units. The existing HVAC system would require complete replacement for better maintainability and improved energy efficiency. New HVAC systems known as variable refrigerant flow (VRF) units are becoming more commonplace in Southern California. This type of system would be very appropriate for this mixed-use application. They allow for maximum flexibility, the ability to set separate schedules for different tenant uses, and the ability to efficiently heat and cool different parts of the building at the same time. Rather than relying on large volumes of air to move and remove heat, VRF systems use small lines of refrigerant. Fresh air is provided by unobtrusive direct ventilation methods. VRF systems are very energy efficient, lightweight, and do not necessitate the use of bulky ductwork as do older systems that are based around an air handling unit. Without ductwork, ceilings could be pushed as high as possible, or even left exposed.

Mixed mode passive/active cooling opportunities. Much of the T&CC has a narrow floorplan, making natural air circulation via cross-ventilation a feasible method for passive cooling during certain times of year. The irrigated landscaped courtyard can provide an abundance of moist, cool air which can be drawn into interior spaces adjacent to the courtyard. Near the T&CC, the Corridor (515 North Palm Canyon Drive) employs a similar strategy of passive cooling. The flexibility of a VRF HVAC system (see above) means that individual tenants can elect to operate either active or passive cooling as desired.

Landscaped oasis. The T&CC already possesses that most treasured Palm Spring amenity: a shady, landscaped oasis. With its combination of shade trees, irrigated turf, protection from wind, and high-albedo shaded concrete, this courtyard provides a welcome respite from the heat and an opportunity to comfortably enjoy a bit of nature. While street-adjacent sidewalks can become quite uncomfortable due to the lack of shade and the heat retained by asphalt-paved surfaces, the T&CC courtyard will remain comfortable well into the summer. Again, one can observe a similar condition at The Corridor shopping center.

Mixed-use development. Contemporary urban planners are returning to the old-fashioned idea of mixed-use development as a means for mitigating excessive single-occupancy vehicle traffic, parking requirements, crime, and the inherent economic instability of single-use developments. While the Wessman Scheme does an admirable job of encouraging mixed-use development, it is worth considering that the T&CC is a 70-year-old example of the same development strategy. There is a wide variety of tenant space types, ranging from 600 square foot to 4800 square foot retail, office, hospitality, and residential units. There is the option of creating additional flexibility by building out the planned but unbuilt south side tenant spaces, which could be configured for other uses not currently accommodated in the existing T&CC, while fully enclosing the courtyard. This unbuilt space can be seen on the 1951 site plan shown in the *Historic Site Nomination for the Center*⁹.

Satisfies the recommendations of the community. After several community workshops, the City of Palm Springs published the *Desert Fashion Plaza Community Concept Plan*¹⁰ in March 2011. This community input resulted in a list of design objectives and planning elements. These objectives are described below, along with the manner in which the Preservation Scheme responds to those objectives.

Design Objectives and Planning Elements from the Desert Fashion Plaza Community Concept Plan	Preservation Scheme Response
Create a unique blend of spaces, uses and activities that reflect the Palm Springs lifestyle and climate.	Courtyard space is unique to the Concept Plan & offers shade and respite. Pedestrian-only connection creates safe, quiet car-free zone.

⁹ McGrew, p. 6.

¹⁰ MIG Inc, *Desert Fashion Plaza Community Concept Plan* (City of Palm Springs, March 2011).

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Design Objectives and Planning Elements from the Desert Fashion Plaza Community Concept Plan	Preservation Scheme Response
Include a diversity and mix of land uses...	Blend of small-scale retail, office, hospitality, and (potentially) residential uses. This is a unique land use, compared to the larger-scale uses planned for the remainder of the Wessman Scheme.
Interface with the adjacent Palm Springs Art Museum...	Main courtyard entry at Palm Canyon Drive is perfectly aligned with PSAM entrance. The T&CC courtyard provides an appropriate terminus to that axis.
Enhance views to the mountains and art museum.	Main courtyard entry will frame views of main axis to PSAM and mountains beyond. Restaurant balcony will provide excellent views as well.
Ensure a walkable and human scale development.	The existing T&CC is not only walkable and human-scaled, it provides respite from the considerable traffic on Palm Canyon and Indian Canyon Drives.
Create a strong east-west connection through the site.	A strong east-west axis that ensures walkable development should have a terminus at both ends. The T&CC serves that purpose on the east. The Wessman Scheme proposes extending the axis through to Indian Canyon Drive, where it terminates against a non-descript parking lot and back door to the Spa Resort Casino. By connecting to Indian Canyon, the east-west axis becomes primarily a vehicle traffic corridor, where walkability is secondary.
Create places to gather including a variety of interconnected open spaces, from large community plazas to small, intimate spaces.	The T&CC courtyard provides a small, intimate outdoor space that is not apparent anywhere else in the Wessman Scheme.
Include "festival" streets, with the ability to close off automobile traffic for special events and activities, such as the Farmer's Market, Art Festival and Village Fest.	The T&CC courtyard is an ideal location for smaller "festival" events, and would not necessitate the closure of streets.
Achieve architectural excellence.	See the PSPF <i>Historic Site Nomination for the Center</i> .
Incorporate sustainable and climate responsive building and landscape elements.	See section 2.5 above.
Consider the costs and benefits of maintaining certain existing buildings...	The economic, ecological, and cultural costs of demolition of the T&CC are entirely avoidable.

The Preservation Scheme with an intact Town and Country Center ideally suits the community desires for the Desert Fashion Plaza redevelopment. Demolition of the Town and Country Center is clearly at odds with the Community Concept Plan.

3. EMBODIED ENERGY COMPARISONS

3.1 Definition of embodied energy

Embodied energy is defined as the amount of energy required to extract, manufacture, transport, install, use, decommission, and dispose of a material or an assembly of materials. In 2005, architect Mike Jackson, FAIA, published an article in the *Journal of Preservation Technology*¹¹ asserting that the ratio of embodied energy to annual operating energy in an existing building ranges from 5:1 to 30:1. In other words, it takes 5 to 30 years of operation to consume the same amount of energy as is embodied in the materials. Considering that most contemporary buildings are constructed with a 25 year lifespan in mind, many new buildings have more energy invested in the materials than in their operation over the entire lifespan.

Furthermore, when we consider that fossil fuels make up 86.4% of the world's primary energy consumption,¹² it becomes apparent that the embodied energy of building materials is a significant source of greenhouse gas (GHG) emissions. According to an analysis¹³ of 2009 data from the US Energy Information Administration, buildings consume almost half of all energy produced in the US. Building are by far the biggest single contributor to US GHG emissions.

If we are to seriously address the reduction of GHG emissions, we must prioritize the reduction of energy consumption by the building sector. Using its regulatory powers, the state of California has done an excellent job of reducing GHG emissions related to operational energy consumption in buildings. Embodied energy is as significant a contributor of GHG emissions as operational energy, yet the development industry in California continues to demolish usable and economically feasible buildings with little concern for the ecological and long-term economic impacts.

3.2 Methodology and assumptions

In order to measure and compare the embodied energy between the Preservation Scheme and the Wessman Scheme, we use a method developed by

¹¹ Jackson, p. 51.

¹² US Energy Information Administration International Energy Statistics, 2007.

¹³ Analysis by architect Ed Mazria for Architecture 2030, in which traditional energy data reporting classifications are re-allocated to create a single Building Sector (www.architecture2030.org/the_problem/buildings_problem_why)

the Advisory Council on Historic Preservation¹⁴. Due to the lack of specifics in the Wessman Scheme, we used the simplest analytical approach, known as the Building Concept Model. This allowed us to estimate embodied energy using only basic information about a building. Results are relatively correct but not precise.

We used the following formulas in our calculations:

Embodied Energy Investment in Existing Buildings

$$\text{Embodied energy investment} = \text{Gross floor area of historic building} \times \text{Invested energy per square foot specific to the building type}$$

Demolition Energy for Existing Buildings

$$\text{Demolition energy} = \text{Gross floor area of historic building} \times \text{Demolition energy of materials per square foot of construction for buildings of similar size and construction type}$$

Embodied Energy Investment in Renovated Buildings

$$\text{Embodied energy investment} = \text{Gross floor area of historic building} \times \text{Invested energy per square foot specific to the building type} \times f_1$$

Where f_1 = fraction of materials and construction of the existing historic building that is being replaced or added in the renovation process. This is largely a matter of professional judgment.

Embodied Energy Investment in New Buildings

$$\text{Embodied energy investment} = \text{Gross floor area of new building} \times \text{Invested energy per square foot specific to the building type}$$

Demolition Debris for Existing Buildings

$$\text{Demolition debris} = \text{Gross floor area of existing building} \times \text{Demolition debris rate specific to the building type}$$

¹⁴ Advisory Council on Historic Preservation, "Assessing the Energy Conservation Benefits of Historic Preservation: Methods and Examples", January 1979.

Construction and Demolition Debris for Renovated Buildings

$$\text{C\&D debris} = f_1 \times \text{Gross floor area of existing building} \times \left(\text{Demolition debris rate specific to the building type} + \text{Construction debris rate specific to the building type} \right)$$

Construction Debris for New Buildings

$$\text{Construction debris} = \text{Gross floor area of new building} \times \text{Construction debris rate specific to the building type}$$

We used the following assumptions in our calculations:

Site Study Boundary

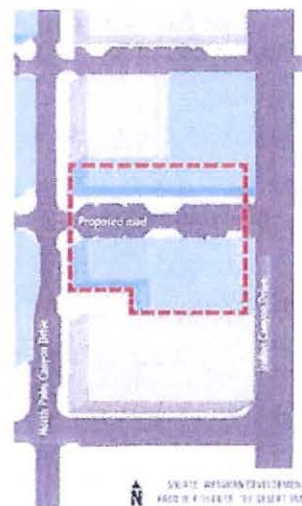
The site study boundary is identical for both the Preservation Scheme and the Wessman Scheme. For this analysis, we are only considering the portion of the Wessman scheme that falls inside the site study boundary. The boundary is overlaid on each scheme below:

Preservation Scheme



Source: Google Earth

Wessman Scheme



Source: Desert Sun

Preservation Scheme Building Assumptions

Characteristic	Assumption	Source
Gross floor area	56,800 sf	Estimated by scaling off floor plans.
Building type	Stores/Restaurants	Based on predominant historic uses.
Invested energy per sf specific to building type	940 MBTU/sf	<i>Energy Use for Building Construction</i> ¹⁵
Construction materials	Medium (steel frame)	From PSPF <i>Historic Site Nomination for the Center</i>
Demolition energy of construction materials for existing buildings	7200 BTU/sf	<i>Energy Use for Building Construction</i>
Fraction of materials to be replaced or renovated (f_1)	50%	Assuming replacement of all HVAC, lighting, roofing, windows, exterior doors, plus cosmetic repairs, addition of insulation, and accessibility upgrades.
Demolition debris rate	173 lbs/sf	<i>Characterization of Building-Related Construction and Demolition Debris in the United States</i> ¹⁶
Construction debris rate	4.02 lbs/sf	<i>Characterization of Building-Related Construction and Demolition Debris in the United States</i>

Wessman Scheme Building Assumptions

Characteristic	Assumption	Source
Gross floor area	91,200 sf	Assuming full 4-story buildout of the entire T&CC site, minus an 85' proposed road right-of-way.
Building type	Hotel/Motel	Based on May 2011 Wessman plan.
Proposed roadway area	25,500 sf	Assuming 85' ROW through city block.

¹⁵ *Energy Use for Building Construction*, Energy Research Group, Center for Advanced Computation, University of Illinois and Richard G. Stein and Associates, December 1976.

¹⁶ *Characterization of Building-Related Construction and Demolition Debris in the United States*, US Environmental Protection Agency, Franklin Associates, June 1998.

Characteristic	Assumption	Source
Invested energy per sf specific to building type	1130 MBTU/sf	<i>Energy Use for Building Construction</i>
Invested energy per sf of roadway	2 MBTU/sf	<i>Energy Use for Building Construction</i>
Demolition debris rate	173 lbs/sf	<i>Characterization of Building-Related Construction and Demolition Debris in the United States</i>
Construction debris rate	4.02 lbs/sf	<i>Characterization of Building-Related Construction and Demolition Debris in the United States</i>

3.3 Summary of results

Embodied Energy Comparison

	Preservation Scheme	Wessman Scheme
Embodied Energy Investment		
existing	53,392,000 MBTU	53,392,000 MBTU
renovation	26,696,000 MBTU	
new building construction		103,056,000 MBTU
new roadway construction		51,000 MBTU
subtotal	80,088,000 MBTU	156,499,000 MBTU
Demolition Energy	204,480 MBTU	408,960 MBTU
Total Embodied Energy	80,292,480 MBTU	156,907,960 MBTU

The Wessman Scheme exhibits an embodied energy investment that is nearly 100% higher than the Preservation Scheme in which half of the material in the existing building is removed and replaced. The Preservation Scheme is, conservatively, the equivalent of saving 665,778 gallons of gasoline when compared to the Wessman scheme. **This is equivalent to taking nearly 4% of the drivers in Palm Springs off the road for one year.**

Construction and Demolition Waste Comparison

	Preservation Scheme	Wessman Scheme
demolition	2457 tons	4913 tons
renovation	57 tons	
new construction		183 tons
Total C&D Waste	2514 tons	5096 tons

Again, the Wessman Scheme performs poorly in comparison to the Preservation Scheme. A complete teardown and rebuild of the site results in more than twice as much construction and demolition debris when compared to an extensive rehabilitation of the T&CC. It is conceivable that much of the non-hazardous construction and demolition debris can be diverted from the landfill and recycled. However, there is no obligation placed on the developer by the City to do so. Any construction and demolition waste recycling is the prerogative of the owner, and is performed at the owner's additional expense.

4. LEED COMPARATIVE ANALYSIS

4.1 Summary of the LEED rating system

The Leadership in Energy and Environmental Design (LEED) rating system is a voluntary set of elective and prerequisite criteria developed by the US Green Building Council (USGBC). Third-party certification of LEED compliance is available through the Green Building Certification Institute (GBCI), making the LEED Rating System the most objective and widely accepted standard for green buildings available today.

The LEED rating system offers criteria addressing five major categories of sustainable design and development: sustainable site development, water resources, energy and atmosphere, material resources, and indoor environmental quality. Upon certification by the GBCI, a project may be awarded one of four levels of LEED certification, depending on a point scoring system: basic certification, Silver, Gold, or Platinum.

The USGBC has developed several different LEED rating systems, each applicable to a different project type. For the purpose of this comparative analysis, we are using the 2009 edition of the LEED for New Construction (LEED-NC) Rating System, which is also applicable to major renovations of existing buildings. For more information about LEED for New Construction, and to review the criteria, visit:

<http://www.usgbc.org/DisplayPage.aspx?CMSPageID=220>.

The City of Palm Springs has identified the LEED rating system as an acceptable objective standard for defining green buildings¹⁷.

4.2 Methodology and assumptions

We based the LEED comparative analysis on the following general assumptions. Specific assumptions are described in the LEED Comparison Matrix.

Characteristic	Preservation Scheme	Wessman Scheme
LEED Project Boundary	100% of current T&CC site.	100% of current T&CC site, except for roadway easement.
Demolition of T&CC	Maximum 50% of building for abatement and rehabilitation.	100% of building and site.

¹⁷ Path to a Sustainable Community, p.26.

New Construction	HVAC, electrical, interior lighting, windows, doors, roofing, landscape, irrigation, accessibility, <50% interior elements.	100% new construction.
Building Use	Mixed use: retail, office, and hospitality.	Boutique hotel.
Building Type	Existing 2-story metal framed.	New 4-story.
Gross Floor Area	56,800 sf	91,200 sf

For the comparison, we performed an analysis of each LEED criteria for each scheme, using the assumptions described above. LEED points were assigned in the following manner:

“Y” (green column). The project is entitled to claim these points based on the assumptions, the project location, or the demands of California code requirements. These are considered “baseline” LEED points.

“?” (yellow column). The project *may* be entitled to claim these points based on realistic options available to the design/construction team, as described in the “Assumptions” column. These are considered “optional” LEED points.

“N” (pink column). The project is not realistically entitled to claim these points due to project factors described in the “Assumptions” column. These are considered “unachievable” LEED points.

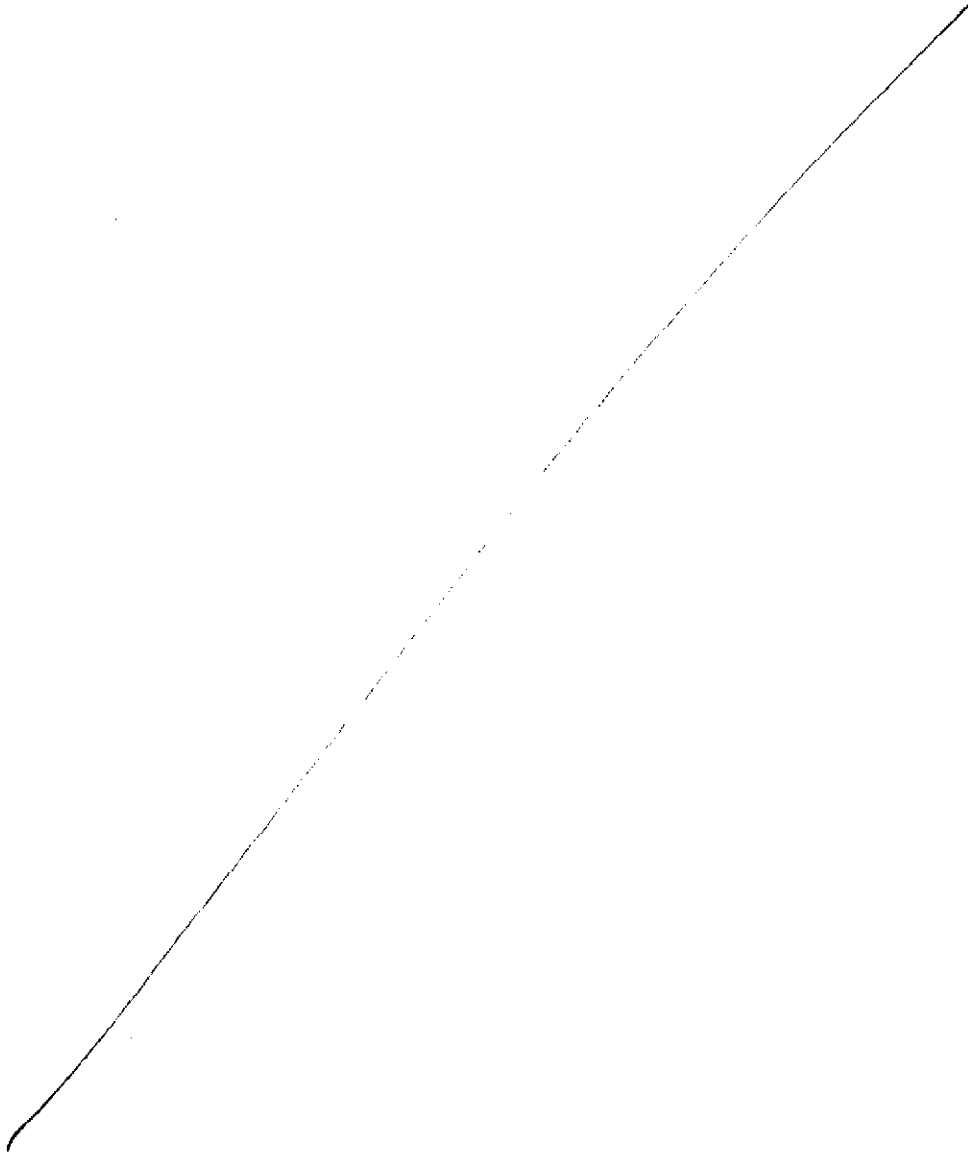
4.3 Comparison summary

The complete LEED Comparison Matrix can be found in Appendix A of this report. Here is a summary of the results:

Metric	Preservation Scheme	Wessman Scheme
Baseline LEED points	30	21
Optional LEED points	59	57
Unachievable LEED points	21	32
Points required to meet minimum LEED certification (= 40 minimum points - baseline)	10	19
Maximum LEED points (= baseline + optional)	89 (Platinum)	78 (Gold)

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Using LEED certification as a benchmark for the “greenness” of a building, the Preservation Scheme outperforms the Wessman Scheme, both in ease of achieving LEED and in maximum potential LEED certification level.



5. CONNECTIVITY, TRANSPORTATION, AND PARKING

5.1 Alternative transportation and sustainable development

As explained in Section 3 *Embodied Energy Comparison*, buildings consume almost half of the energy production in the United States. Buildings are thereby also responsible for nearly half of the greenhouse gas (GHG) emissions in the US. Following buildings, the second largest consumer of energy is transportation. When considering a building project's total contribution of GHG emissions, it is important to consider that project's overall effects on transportation. Projects that make it more convenient, safe, and pleasurable to use alternative means of transportation will contribute fewer GHG emissions than projects that prioritize single-occupancy vehicle use at the expense of other forms of transportation.

Signed into law in 2008, California Senate Bill 375 aims to reduce greenhouse gas emissions from passenger vehicle travel through the implementation of land use and transportation planning principles that “promote walking, bicycling, and outdoor recreation, and less time spent on congested roadways”¹⁸. It is important for local jurisdictions to start considering how SB 375-compliant land use planning will affect decision-making at the General Plan, Specific Plan, and project levels. The location of the Town and Country Center in relation to the Desert Fashion Plaza makes it a central component of the overall transportation strategy for whichever Plan is eventually implemented.

5.2 Vehicular traffic

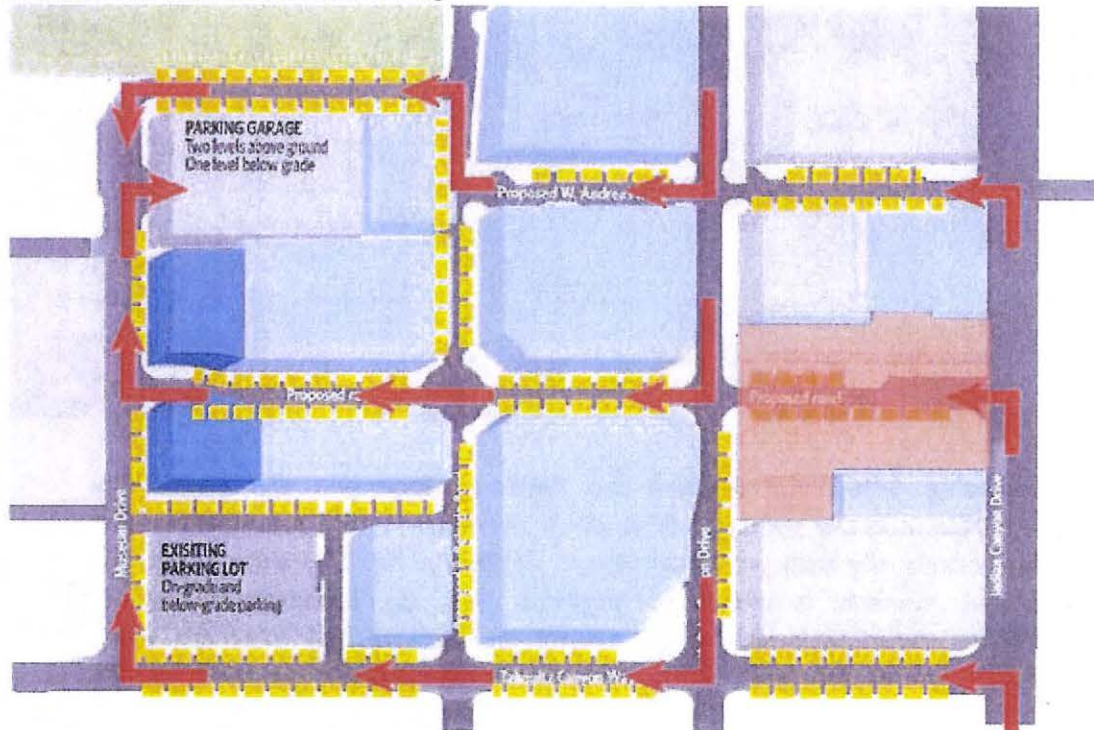
One of the admirable distinguishing features of both the May 2011 Wessman Plan and the Community Concept Plan is the way in which the mega-block of the existing Desert Fashion Plaza mall is divided up into a village-like street grid, creating a smaller “grain” of development and affording more opportunities for street-level retail engagement. It is worth noting, however, that this does not represent a “restoration” of a historic street grid, but rather the imposition of a village scheme upon a district that had originally been planned in a linear fashion along Highway 111. The use of that highway has changed over time, as evidenced by CalTrans' realignment of the Highway around downtown Palm Springs. The Community Concept Plan embraces the transformation of the former highway into a slower-paced retail corridor, and more fully integrates the narrower, more commercial Palm Canyon Drive. By proposing a vehicular axis that connects the Palm Springs Art Museum to the former northbound Highway 111 (Indian Canyon Drive) to the east, the

¹⁸ California Air Resources Board Resolution 10-31, September 23, 2010.

Wessman Plan clings to the notion that both Indian Canyon and Palm Canyon Drives should remain one-way high-speed highway-like thoroughfares. It prioritizes the conveyance of traffic through the district rather than seeking to slow traffic to make the district more hospitable for retail and entertainment.

Wessman Plan Vehicular Access. The Wessman Plan directs traffic down multiple thoroughfares towards large parking facilities (red arrows), directly through the interior of the development. The T&CC is demolished to make way for a major vehicle connection between Indian Canyon Drive and the parking structures on the west side of the Plan. All roadways are shared with pedestrians and bicyclists. There is considerable street parking (yellow dashed lines) throughout the development, encouraging patrons to make multiple car trips in a single visit. The combination of traffic flows, multiple intersections, and on-street parking increases the likelihood of gridlock. Vehicular traffic must pass through a distracting environment in which there is not adequate separation between automobiles and pedestrians.

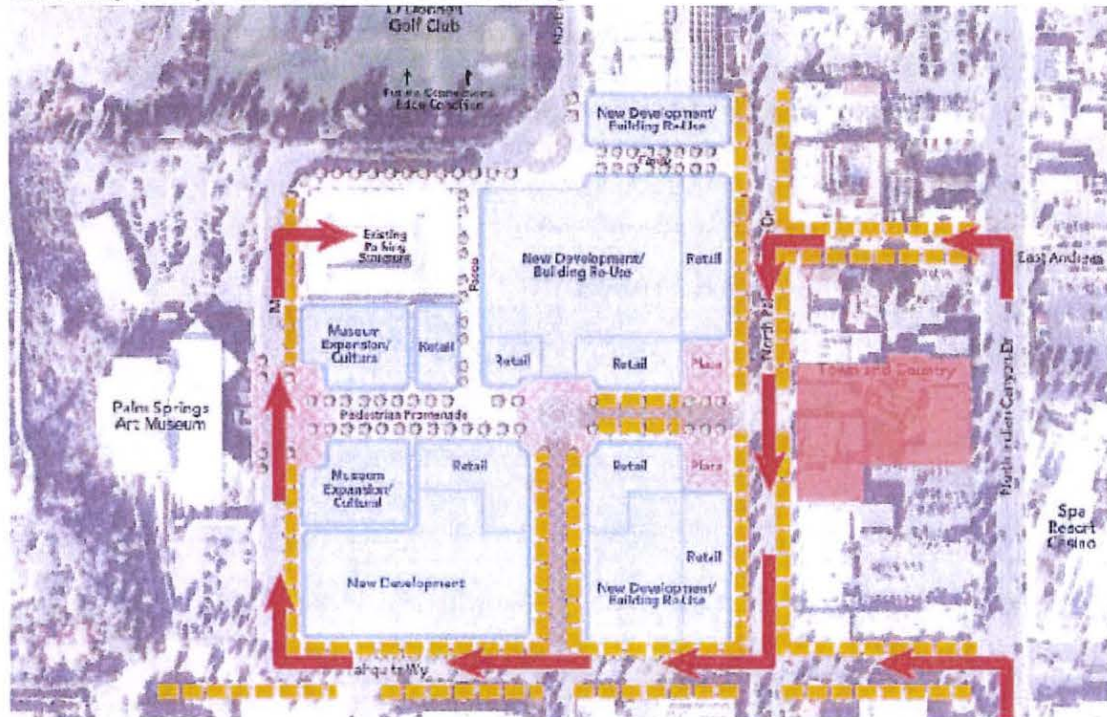
Wessman Plan: Vehicular Access to Parking



Community Concept Plan Vehicular Access. The Community Concept Plan directs traffic down existing wide thoroughfares towards large

parking facilities (red arrows), keeping the interior of the development accessible, safe, and comfortable for pedestrians and cyclists. There is adequate street parking (yellow dashed lines), but it, too, is largely on the perimeter of the development. This scheme is an example of “park-once” development, where patrons park one time and can comfortably walk to their destinations. This provides direct exposure of storefronts to potential customers, reduces vehicle trips, and reduces potential for gridlock. A plan like the Community Concept Plan does not necessitate the demolition of the T&CC.

Community Concept Plan: Vehicular Access to Parking



The defining difference between the Wessman Plan and the Community Concept Plan is in the ability to drive down the Palm Springs Art Museum axis. The burgeoning regulatory environment in California (SB 375) and the greater movement towards sustainability suggests that an automobile-dominant streetscape should no longer be the default approach to urban planning. Many progressive cities are seeking to better integrate private vehicles, public transportation, bicycle, and pedestrian traffic. Pedestrian plazas and promenades have seen commercial success in cities as diverse as Santa Monica, Rancho Cucamonga, Portland, Denver, and Madison, Wisconsin. There are many factors that contribute to the success or failure of a pedestrian promenade; however, there is no inherent quality of downtown Palm Springs that would preclude the success of such a plan. In fact, the demands of SB 375, Chapter

Three of the *Palm Springs Path to a Sustainable Community*, and the *Desert Fashion Plaza Community Concept Plan* require a serious investigation of a more pedestrian-oriented scheme that better integrates passenger vehicle roadways, paseos, and pedestrian promenades to achieve a smaller “grain” of development while diverting vehicle traffic around rather than through the development.

5.3 Pedestrian access

Pedestrians travelling to the new shopping district are likely to be arriving from one of three places: the parking structures along Museum Drive, on-street parking, or the Spa Resort Casino located on Indian Canyon Drive. If the goal is to enliven the retail experience, it is preferable to direct vehicles to a centralized, safe, and convenient parking structure, and make it pleasant and safe to walk to destinations within the district. This reduces gridlock, parking stall requirements, and increases exposure of storefronts to pedestrians.

It is important to note that patrons arriving from the Spa Resort Casino would most likely exit that facility through the traditional front entrance, at the corner of Indian Canyon Drive and Tahquitz Canyon Way. To access the museum on foot from that location, the natural tendency would be to travel a straight line along Tahquitz Canyon Way. To draw pedestrians away from that route, and towards the shopping district via the museum axis, attractive signage and the promise of amenities would have to be provided, possibly along with a slight reconfiguration of the Spa Resort Casino entrances.

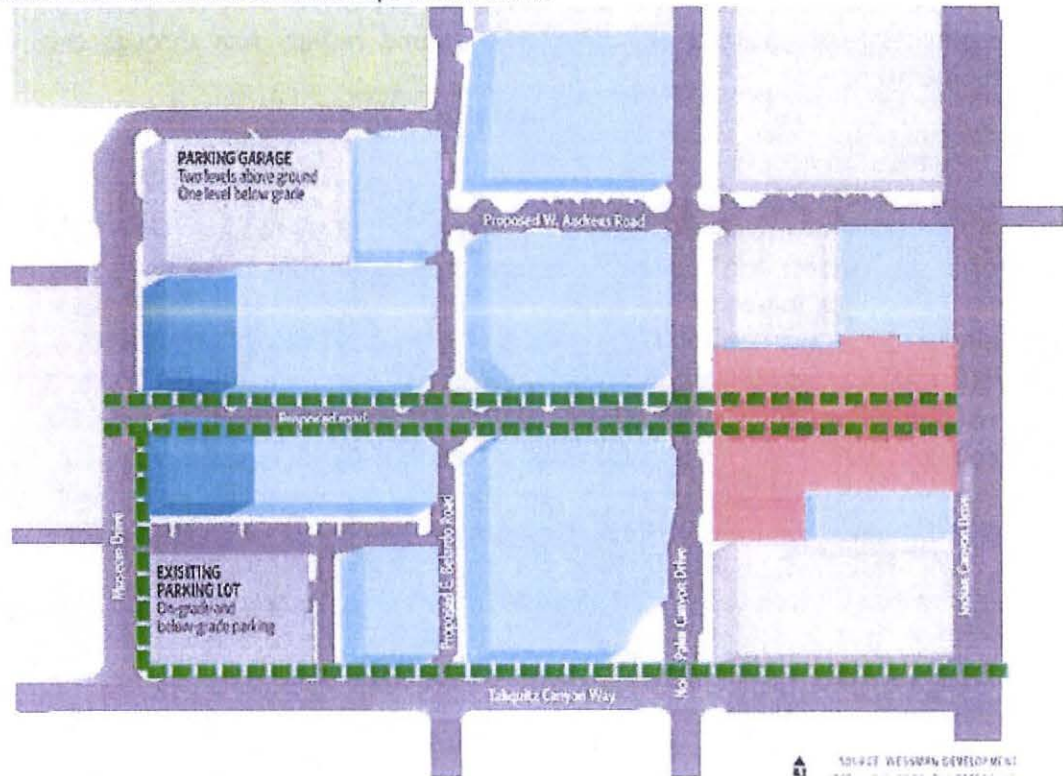
As described elsewhere in this report, the Town and County Center possesses that most desirable Palm Spring amenity: an irrigated, landscaped oasis. In the Community Concept Plan, the T&CC courtyard anchors a string of plazas connected by pedestrian promenades and low-traffic streets. This arrangement alone satisfies most of the Plan design objectives,¹⁹ and would provide a far more attractive pedestrian connection between the Spa Resort Casino and the Museum, as opposed to a vehicular connection that is barely distinguishable from the streets to the north and south.

Wessman Plan Pedestrian Access from Spa Resort Casino. The Wessman Plan does not offer any pedestrian promenades or plazas. All thoroughfares give priority to vehicular access. There is no compelling feature to draw pedestrians into the district from the Spa Resort Casino main entrance at Indian Canyon Drive and Tahquitz Canyon Way. There are multiple pedestrian/vehicle interactions. Festival events would

¹⁹ Desert Fashion Plaza Community Concept Plan, p. 10.

necessitate the closure of streets. The view to the Art Museum and mountains beyond is best enjoyed through a car windshield.

Wessman Plan: Pedestrian Access from Spa Resort Casino



Community Concept Plan Pedestrian Access from Spa Resort Casino. The Community Concept Plan provides a string of plazas and promenades that offer a variety of types and scales of public space. Thoroughfare types include major arterial streets, mixed pedestrian/vehicular traffic, and pedestrian-only. Pedestrians from the Spa Resort Casino could still access the museum via Tahquitz Canyon Way, but plaza features are more likely to draw those pedestrians into the shopping district. The number of pedestrian/vehicle interactions is considerably reduced. The Town and Country Center is retained as a landscaped terminus to the main axis, providing a more intimate outdoor space suitable for respite from the heat and for smaller festival events. Festival events would not require the closure of major streets. The view to the Art Museum and mountains beyond is enjoyed from a major pedestrian promenade.

Community Concept Plan: Pedestrian Access from Spa Resort Casino

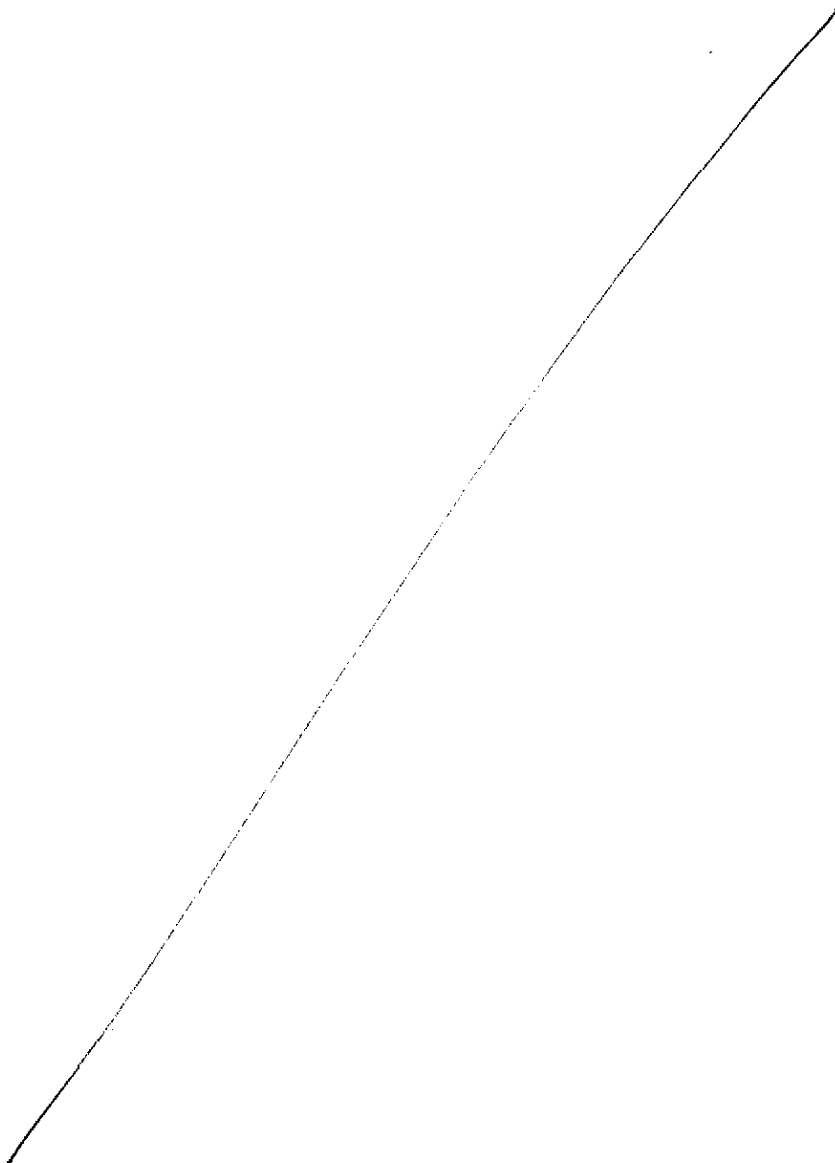


As described in section 2.5 above, the Community Concept Plan describes several design objectives and planning elements that address transportation and connectivity, which are fundamental to sustainable urban planning and reducing the number of single-occupancy vehicle trips. The following chart summarizes those objectives and compares each Plan’s response:

Design Objective	Community Concept Plan	Wessman Plan
Create a unique blend of spaces.	Outdoor spaces include intimate landscaped oasis, festival-ready promenade, narrow paseos, widened sidewalks.	Outdoor spaces consist mainly of widened sidewalks.
Enhance views to the mountains and art museum.	Views from T&CC balcony, through paseo, along roadway, and from promenade.	Views along roadway, from parking lot of Spa Resort Casino.
Walkable and human scale development.	Variety of pedestrian corridors, slower traffic, reduced vehicle/pedestrian interaction.	Sidewalk corridors only, higher traffic volumes, higher speeds, increased vehicle/pedestrian interaction.
Strong east-west connection through site.	Terminus at both ends, variety of ways to experience the axis.	Terminus at one end, axis can best be experienced by automobile.

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Design Objective	Community Concept Plan	Wessman Plan
Create places to gather including a variety of interconnected open spaces, from large community plazas to small, intimate spaces.	Variety of outdoor space types, connected by a variety of pedestrian thoroughfares.	No apparent outdoor spaces.
Include "festival" streets.	Promenade and T&CC courtyard can be used for festivals without necessitating the closure of streets.	Festival events will always require street closure.
Incorporate sustainable and climate responsive building and landscape elements.	Encourages alternative transportation, mitigates heat island effect, more opportunities for landscaping.	Discourages alternative transportation, increases heat island effect, fewer opportunities for landscaping.



6. THE PALM SPRINGS PATH TO A SUSTAINABLE COMMUNITY

6.1 Summary of the document

On March 25, 2009 the City issued the Draft *Palm Springs Path to a Sustainable Community*, which established a triple-bottom line approach to decision-making, and mapped out a course achieving a more sustainable community. The document consists of a Vision Statement, Guiding Principles, Strategic Outcomes, and Objectives and Actions. We will evaluate the Wessman Plan/Wessman Scheme against the Community Concept Plan/Preservation Scheme, and determine how well each complies with the *Path to a Sustainable Community* Guiding Principles and Objectives and Actions.

6.2 Guiding principles

The Guiding Principles consist of a series of questions meant to apply to all City decision-making, in order to determine consistency with the Master Plan described in the document. The following comparison briefly compares each project's answers to the questions posed.

Guiding Principle Qualification	Community Concept Plan & Preservation Scheme	Wessman Plan & Wessman Scheme
Will this action conserve resources?	Yes, existing cultural, material, and energy resources will be conserved.	No.
Will this action help the City eliminate waste and recycle and reuse resources?	Yes, most of the existing T&CC will remain in place and not go to landfill.	No, the existing T&CC will be demolished and sent to landfill, recycled, or downcycled.
Will this action reduce/eliminate toxic materials?	Yes, toxic materials will be abated.	Yes, toxic materials will be abated. However, new construction will introduce new potentially toxic materials.
Does this action help the City develop and/or support renewable resources?	Maybe. A renovated T&CC could support photovoltaics.	Maybe. New construction could support photovoltaics.
Will this action help the City grow innovation and green business (green technology, green collar jobs, green building, ecotourism, clean processes and products)?	Maybe. A Community Concept Plan that fully embraces sustainability may reveal opportunities for innovation in green planning and design.	No apparent embrace of sustainability.

Guiding Principle Qualification	Community Concept Plan & Preservation Scheme	Wessman Plan & Wessman Scheme
Does this action restore ecosystems and habitats?	Maybe. A properly landscaped T&CC courtyard could support a "micro-habitat".	No apparent landscaping opportunities.
Does this action help to promote and communicate the idea of sustainability within the community?	Yes.	No.
How does this action improve health, safety and quality of life for all citizens?	By mitigating blight, providing a safe walkable district, improving the economy of the area, providing public gathering areas.	By mitigating blight, improving the economy of the area.
Is there a balance between the cost and benefit of this action?	Maybe. Comparative economic analysis needed.	Maybe. Comparative economic analysis needed.

6.3 Objectives

Objectives of the *Path to a Sustainable Community* are spread across eight goal areas: Sustainable City Management and Operations, Economic Vitality, Sustainable Urban Development and Transportation Choice, Climate Change, Energy Conservation and Renewable Energy, Healthy Ecosystems, Waste, and Water. The following comparison briefly compares each project with the prescribed objectives. In many cases, objectives will not be directly applicable to either project, and will be marked "not applicable" ("n/a").

- Legend:
- Meets objective.
 - ◐ May meet objective.
 - Does not meet objective.
 - n/a Not applicable.

Objective	Community Concept Plan & Preservation Scheme	Wessman Plan & Wessman Scheme
Sustainable City Management and Operations		
Embed sustainable principles and practices into city operations.	n/a	n/a
Adopt sustainable practices and purchasing policies.	n/a	n/a
Retrofit existing and develop new public facilities as models of sustainability.	●	○

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Objective	Community Concept Plan & Preservation Scheme	Wessman Plan & Wessman Scheme
Embed sustainability concepts and practices into the local culture through education, promotion and community engagement.	●	○
Economic Vitality		
Incubate, grow and attract new sustainable industries to Palm Springs, focusing on innovation, renewable energy production, clean technology, green products and services and climate change.	◐	◐
Grow Palm Springs' local economy by retaining and expanding small and locally-owned businesses, increasing exports and decreasing imports.	●	◐
Establish Palm Springs as a premiere ecotourism destination in the US by improving existing industry practices and expanding cultural and nature-based tourism.	●	○
Encourage sustainable business practices.	●	○
Sustainable Urban Development and Transportation Choice		
Increase the number of green buildings.	●	◐
Promote smart growth and transportation choice.	●	○
Promote alternative, sustainable transportation options and infrastructure using alternative modes, fuels and vehicles.	●	○
Climate Change		
Establish a baseline inventory and forecast, ongoing tracking and reporting mechanism for GHG emissions.	n/a	n/a
Develop strategies to reduce contributions to GHG emissions to 1990 levels by 2020 and carbon neutrality by 2030.	●	○
Pursue energy efficient transportation options that reduce GHG emissions.	●	○
Energy Conservation and Renewable Energy		
Reduce local government and per capita energy consumption.	○	○
Support development of local and regional renewable electric power generation including onsite solar and, where appropriate, use clean distributed generation to supply base load electricity.	◐	◐
Healthy Ecosystems		
Promote access to sustainable, open space, recreation and natural resources.	●	○

Objective	Community Concept Plan & Preservation Scheme	Wessman Plan & Wessman Scheme
Support efforts to protect and enhance regional ecosystems.	○	○
Waste		
Reduce waste and increase recycling for all segments of the community.	●	○
Create closed-loop systems in which waste from one source becomes the supply for another.	○	○
Water		
Support efforts to ensure a secure water supply for the future.	◐	◐
Reduce water use in City facilities.	n/a	n/a
Reduce water usage per capita in Palm Springs.	◐	◐
Totals		
● Meets objective.	12	0
◐ May meet objective.	4	6
○ Does not meet objective.	3	13
n/a Not applicable.	4	4

The Community Concept Plan and T&CC Preservation Scheme satisfy a majority of the City's sustainability objectives. The Wessman Plan and Wessman Scheme for the T&CC site do not directly satisfy any of the City's objectives, and would be unable to meet a majority of them.

APPENDIX A LEED COMPARATIVE ANALYSIS MATRIX

LEED-NC 2009 New Construction Comparison Scorecard
6/9/2011

Town and Country Center Sustainability Assessment
174 North Palm Canyon Drive
Palm Springs, CA 92262

LEED Criteria		Points Possible	Preservation Scheme				Wessman Scheme			
			Y	?	N	Assumptions	Y	?	N	Assumptions
Sustainable Sites										
SSp1	Construction Activity Pollution Prevention	P		Y		Minimal site disturbance; very achievable.	Y			Required by regulations.
SSc1	Site Selection	1	1			Not an environmentally sensitive site.	1			Not an environmentally sensitive site.
SSc2	Development Density and Community Connectivity	5	5			Urban context usually complies.	5			Urban context usually complies.
SSc3	Brownfield Redevelopment	1			1	Not a brownfield.			1	Not a brownfield.
SSc4.1	Alternative Transportation: Public Transportation Access	6	6			SunLine routes 12 & 15.	6			SunLine routes 12 & 15.
SSc4.2	Alternative Transportation: Bicycle Storage & Changing Rooms	1		1		Achievable with (1) bike rack & (1) shower facility.			1	Achievable with multiple bike racks and shower facilities.
SSc4.3	Alternative Transportation: Low Emission & Fuel Efficient Vehicles	3		3		If existing parking is retained, achievable with signage. If existing parking is developed, compliance would require a district approach.			3	If facility parking is provided, achievable with signage. If centralized parking is provided, compliance would require a district approach.
SSc4.4	Alternative Transportation: Parking Capacity	2	2			No new parking provided.			2	Compliant only if minimal parking provided.
SSc5.1	Site Development: Protect or Restore Habitat	1		1		Possible if courtyard is predominantly landscaped with native/adaptive vegetation.			1	Not possible, assuming full buildout of site.
SSc5.2	Site Development: Maximize Open Space	1	1			Courtyard meets open space requirements.			1	Not possible, assuming full buildout of site.
SSc6.1	Stormwater Design: Quantity Control	1		1		Possible with surface structures in courtyard, coordinated with landscaping.			1	Not possible, assuming full buildout of site.
SSc6.2	Stormwater Design: Quality Control	1		1		Possible with surface structures in courtyard, coordinated with landscaping.			1	Not possible, assuming full buildout of site.
SSc7.1	Heat Island Effect: Non-Roof	1	1			Existing concrete is light in color and shaded.			1	Achievable only if asphalt roadway is not considered part of the project site.
SSc7.2	Heat Island Effect: Roof	1	1			Assuming that roof replacement is required, code mandates white roof.	1			Code mandates white roof if low-slope.
SSc8	Light Pollution Reduction	1	1			Existing "shoebox" luminaires appear to be compliant.			1	Achievable, if no uplighting used.
Sustainable Sites subtotals		26	18	7	1		13	8	5	

LEED Criteria		Points Possible	Preservation Scheme				Wessman Scheme			
			Y	?	N	Assumptions	Y	?	N	Assumptions
Water Efficiency										
WEp1	Water Use Reduction	P		Y		Would require replacement of plumbing fixtures.	Y			Required by CALGreen code.
WEc1	Water Efficient Landscaping	4		2	2	Assuming no reclaimed water available. Drip irrigation & native/adaptive landscape palette required.		2	2	Assuming no reclaimed water available. Drip irrigation & native/adaptive landscape palette required.
WEc2	Innovative Wastewater Technologies	2			2	Not normally feasible.			2	Not normally feasible.
WEc3	Water Use Reduction	4		3	1	Would require replacement of plumbing fixtures with very low-flow fixtures.		3	1	Would require very low-flow fixtures.
Water Efficiency subtotals		10	0	5	5		0	5	5	
Energy & Atmosphere										
EAp1	Fundamental Commissioning of Building Energy Systems	P		Y		Recommended practice when lighting/HVAC systems are replaced.	Y			Required by CALGreen code.
EAp2	Minimum Energy Performance	P	Y			Requires 10% improvement over Title 24. Easily achievable assuming envelope/lighting/HVAC is improved or replaced.		Y		Easily achievable on new construction.
EAp3	Fundamental Refrigerant Management	P	Y			All new HVAC is compliant.	Y			All new HVAC is compliant.
EAc1	Optimize Energy Performance	19		8	11	Assuming 22% better than Energy Code. LEED grants higher credit to existing buildings.		6	13	Assuming 22% better than Energy Code. LEED grants higher credit to existing buildings.
EAc2	On-Site Renewable Energy	7		7		Up to 7 points for up to 13% renewable energy.		7		Up to 7 points for up to 13% renewable energy.
EAc3	Enhanced Commissioning	2		2		Recommended practice when lighting/HVAC systems are replaced.		2		Recommended practice.
EAc4	Enhanced Refrigerant Management	2			2	Not achievable, assuming either package HVAC or VRF system.			2	Achievable only with hydronic central plant system. Not typical for assumed 4 story hotel building.
EAc5	Measurement & Verification	3		3		Recommended practice.		3		Recommended practice.
EAc6	Green Power	2		2		Very inexpensive for a facility of this size.		2		Achievable, but not as affordable for larger facilities.
Energy & Atmosphere subtotals		35	0	22	13		0	20	15	
Materials & Resources										
MRp1	Storage & Collection of Recyclables	P		Y		Provide a trash/recycling enclosure.		Y		Provide a trash/recycling enclosure.
MRc1.1	Building Reuse: Maintain Existing Walls, Floors, & Roof	3	3			All exterior walls, floors, and roof to remain. Windows and roofing material are exempt.			3	Existing building is demolished.
MRc1.2	Building Reuse: Maintain Interior Non-Structural Elements	1	1			50% of interior elements assumed to remain.			1	Existing building is demolished.

LEED Criteria		Points Possible	Preservation Scheme				Wessman Scheme			
			Y	?	N	Assumptions	Y	?	N	Assumptions
Materials & Resources (cont.)										
MRC2	Construction Waste Management	2		2		Credit is easier to achieve in rehabilitation; less waste, materials are deconstructed rather than wrecked and mixed.		2		Credit is harder to achieve with demolition; more waste, materials are wrecked and mixed rather than deconstructed.
MRC3	Materials Reuse	2		2		Demolished materials may be used onsite for new purposes.		2		Demolished materials may be used onsite for new purposes.
MRC4	Recycled Content	2		2		Up to 2 points for up to 20% recycled content.		2		Possible only if steel frame building.
MRC5	Regional Materials	2		2		Up to 2 points for up to 20% recycled content.		2		Possible only if concrete or masonry block building.
MRC6	Rapidly Renewable Materials	1		1		Rehabilitation project will have high percentage of interior finish materials. It is much easier to find rapidly renewable content in interior finish materials.			1	Very unlikely in new construction.
MRC7	Certified Wood	1		1		50% of all new wood assumed to be FSC certified.		1		Very unlikely if wood-framed building.
Materials & Resources subtotals:		14	4	10	0		0	9	5	
Indoor Environmental Quality										
EQp1	Minimum IAQ Performance	P	Y			Required by Energy Code, assuming HVAC is replaced.	Y			Required by Energy Code.
EQp2	Environmental Tobacco Smoke Control	P	Y			Required by state law.	Y			Required by state law.
EQc1	Outdoor Air Delivery Monitoring	1		1		Possible assuming HVAC is replaced.		1		Achievable.
EQc2	Increased Ventilation	1		1		Achievable.		1		Achievable.
EQc3.1	Construction IAQ Management Plan: During Construction	1		1		Achievable.		1		Achievable.
EQc3.2	Construction IAQ Management Plan: Before Occupancy	1		1		Achievable.		1		Achievable.
EQc4.1	Low-Emitting Materials: Adhesives & Sealants	1	1			Required by SCAQMD.	1			Required by CALGreen code.
EQc4.2	Low-Emitting Materials: Paints & Coatings	1	1			Required by SCAQMD.	1			Required by CALGreen code.
EQc4.3	Low-Emitting Materials: Carpet Systems	1		1		Achievable.	1			Required by CALGreen code.
EQc4.4	Low-Emitting Materials: Composite Wood & Agrifiber Products	1	1			Required by CARB.	1			Required by CALGreen code.
EQc5	Indoor Chemical & Pollutant Source Control	1			1	Not achievable. Requires walk-off grates at all exterior entrances, which is not feasible.			1	Not achievable, assuming multiple street-facing entrances. Requires walk-off grates at all exterior entrances, which is not feasible.
EQc6.1	Controllability of Systems: Lighting	1		1		Achievable.		1		Achievable.
EQc6.2	Controllability of Systems: Thermal Comfort	1		1		Achievable.		1		Achievable.
EQc7.1	Thermal Comfort: Design	1		1		Achievable.		1		Achievable.
EQc7.2	Thermal Comfort: Verification	1		1		Achievable.		1		Achievable.
EQc8.1	Daylight and Views: Daylight 75% of Spaces	1			1	Not achievable with existing fenestration.			1	Not achievable, assuming four-story building and footprint as shown on plan.

LEED Criteria	Points Possible	Preservation Scheme				Wessman Scheme			
		Y	?	N	Assumptions	Y	?	N	Assumptions
Indoor Environmental Quality (cont.)									
EQc8.2	Daylight and Views: Views for 90% of Spaces	1	1				1		Achievable.
Indoor Environmental Quality subtotals		15	4	9	2		4	9	2
Innovation & Design Process									
IDc1.1	Innovation in Design	1		1			1		Achievable.
IDc1.2	Innovation in Design	1		1			1		Achievable.
IDc1.3	Innovation in Design	1		1			1		Achievable.
IDc1.4	Innovation in Design	1		1			1		Achievable.
IDc1.5	Innovation in Design	1		1			1		Achievable.
IDc2	LEED Accredited Professional	1	1			1			Assume a LEED professional on the design/construction team.
Innovation & Design subtotals		6	1	5	0	1	5	0	
Regional Priority: 92262									
SSc1	Site Selection	1	1			1			See SSc1.
SSc2	Development Density and Community Connectivity	1	1			1			See SSc2.
SSc4.1	Alternative Transportation: Public Transportation Access	1	1			1			See SSc4.1.
WEc1.1	Water Efficient Landscaping	1		1			1		See WEc1.
WEc3	Water Use Reduction (40%)	1			1			1	See WEc3.
EAc2	On-Site Renewable Energy (1%)	1		1			1		See EAc2.
Regional Priority subtotals		4	3	1	0	3	1	0	Maximum 4 points allowed.
Total		110	30	59	21	21	57	32	

(Certified 40-49 points, Silver 50-59 points, Gold 60-79 points, Platinum 80-110 points).

APPENDIX B CONSULTANT'S QUALIFICATIONS

Eric R. Shamp, AIA, NCARB, LEED® AP

Principal, Ecotype Consulting

Eric Shamp is a licensed architect, and has dedicated his career to the practice of sustainable design and development for the past eight years. He founded Ecotype Consulting in order to respond to the ever-increasing demand for green building consulting in and around the inland communities of southern California. By locating the business in a historic daylit building with operable windows within biking distance of his home, he has reduced his personal carbon emissions by more than 50%.

From 2000 to 2008, Mr. Shamp was responsible for directing and coordinating sustainable design efforts at HMC Architects, a 450-person architecture firm with 10 offices, headquartered in Ontario, California. In that role, he was responsible for research, education, marketing, and consulting in energy and resource efficient design. He provided sustainability master planning, energy analysis and modeling, whole building analysis, materials research, sustainable design and site planning, and "green team" building for a wide variety of projects for HMC project teams and directly to clients. In 2006, he was named corporate-wide Sustainable Design Director and was promoted to Associate Principal. At that time, he also established the HMC Sustainable Design Studio, and oversaw its development as a specialized sustainable design service provider within HMC. The Studio grew to a staff of four before Mr. Shamp left the firm to pursue independent consulting.

Mr. Shamp has been active on the Collaborative for High Performance Schools (CHPS) Technical Committee, the California Department of Water Resources Alluvial Fan Task Force, the AIA Inland California Blueprint for America Task Force, and the City of Redlands Climate Action Task Force. He serves on the City of Redlands Planning Commission, and is the former vice-chair of Redlands' Historic and Scenic Preservation Commission. He is an executive committee member of the Redlands' Climate Action Task Force, charged with leading the development of green building standards for the City.

In keeping with his belief that sustainable design must become mainstream in order to have a positive effect on our quality of life, Mr. Shamp provides LEED training through the US Green Building Council - Inland Empire, and

has served as instructor or guest lecturer at UC Riverside Extension, San Bernardino Community College, and the University of Redlands.

Mr. Shamp holds a Bachelor of Arts with a double major in architecture and art/art history and a Bachelor of Architecture, both from Rice University. He has been a licensed Architect in the state of California since 2003 (license number C29013), and is accredited with the National Council of Architectural Registration Boards (NCARB). He is also a Qualified Commissioning Provider (QCxP), a LEED® Accredited Professional since 2003, and a member of the American Institute of Architects, US Green Building Council, ASHRAE, and the California Association of Building Energy Consultants.

ATTACHMENT #7

RECEIVED
CITY OF PALM SPRINGS

2015 DEC 10 PM 6:19

JAMES THOMPSON
CITY CLERK

Palm Springs Promenade, LLC

555 Sunrise Way

Palm Springs, CA 92264

December 10th 2015

Dear Marcus:

We are writing in response to the Planning Commission meeting December 9th 2016. The Commissioners requested changes to the Specific Plan Amendment Draft Document to encourage building a Residential Development early rather than later and postponing or possibly abandoning a 3rd Hotel Project within the Specific Plan Area.

In response to this request we would like to propose the following considerations to the latest proposed Specific Plan Amendment City Council will be reviewing next Wednesday December 16th 2015.

Block B 1 - Park Hotel

Currently proposed is a 142 room Park Hotel under contract with one of the most valuable brands in the world. After initial cost estimates with our consultants and preliminary discussions with lenders it became obvious that the room count has to increase to 175 rooms to absorb the extra cost to meet the brands required amenity package.

The increased room count will be accomplished by changing the construction type from wood frame to concrete or steel. This change saves over one foot per floor in construction height resulting in 175 room's hotel in the same building envelope and height as the 142 room hotel. As these plans are not engineered at this time we would request that the planning director has authority to approve up to a 5% variance regarding height to address future engineering requirements that might arise.

Block F, G – Approved AC Hotel by Marriott – 132 rooms

If we would receive approvals for the Park Hotel and move forward with its construction, the currently planned opening of the already approved 2nd Hotel would be postponed from 2016 to 2021, unless the occupancy rate for the member hotels in the Hospitality Association hits 62% for two consecutive years. That being said we would like to address the recommendations by the Planning Commission to encourage additional residential development first before building a 3rd hotel. After reviewing the building envelope of Block F our design team came to the conclusion that an architecturally pleasing residential building with appropriate open space on the higher floors as proposed in the Specific Plan Amendment can only be accomplished by increasing the height limit to 75 feet. As a result we would like to propose that any proposed residential building brought forward within the specific plan area would be allowed to have height limit of 75 feet. A residential building is defined as a building with all floors above the podium for residential use.

Block D

We would change the current allowed height for Block D from 60 feet to 45 foot tall building targeting a Grocery Store and a Gym to service the proposed Residential units in Downtown.

Development Agreement

We would like these changes to vest via a Development Agreement, which should be agreed upon no later than February 2016 to avoid any delays for the proposed uses for the various blocks.

TOT Tax Credit

The Development Agreement will also address the already granted and approved TOT Credit of 75% towards the AC Hotel. In order to be able to finance and build the proposed Park Hotel the 75% TOT Credit Tax covenant has to be transferred from Block F to Block B 1 to assist the Park Hotel. The 3rd hotel (if build and not replaced by a residential building) will be eligible for a 50% TOT Tax Credit as outlined in the most recent city ordinance.

In order to make the overall project a success the pedestrian experience needs to carry through from Tahquitz Canyon to the Hyatt Hotel. Failure to construct a building in Block B1 in Phase 1 will leave a void in the middle of the project disrupting the desired pedestrian experience (see exhibit 1)

Regards,

John Wessman, Michael Braun



**CITY OF PALM SPRINGS
PUBLIC NOTIFICATION**



Date: December 16, 2015
Subject: Museum Market Plaza

AFFIDAVIT OF PUBLICATION

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on December 5, 2015.

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




Kathie Hart, MMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk on December 3, 2015.

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




Kathie Hart, MMC
Chief Deputy City Clerk

AFFIDAVIT OF MAILING

I, Kathie Hart, MMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on December 2, 2015, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California.
(8 notices)

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



Kathie Hart, MMC
Chief Deputy City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

CASE 5.1204

AN APPLICATION BY THE CITY OF PALM SPRINGS TO AMEND THE MUSEUM
MARKET PLAZA SPECIFIC PLAN AND APPROVE ADDENDUM NO. 2 TO THE
FINAL EIR FOR THE MUSEUM MARKET PLAZA SPECIFIC PLAN

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of December 16, 2015. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of the hearing is to consider amendments to the Museum Market Plaza Specific Plan, including the following: 1) Changes to the permitted uses for Blocks B, B-1 and E reflecting the relocation of the park; increase the building height allowed on Block B from 16 feet to 40 feet for commercial uses; increase the building height for Block B-1 to 60 feet for commercial and residential uses and 75 feet for hotel uses; 2) Reduce the building height on Block E from 60 feet to 30 feet; 3) Reduce the overall square footage of the project and decrease the number of allowable residential units; 4) Make minor modifications to parking standards; 5) Revise building mass and setback requirements; and 6) Make other administrative and miscellaneous changes to the text to revise technical statements and reflect the anticipated development pattern of the project. The Specific Plan area covers a site of approximately 20 acres, located at the northwest corner of North Palm Canyon Drive and Tahquitz Canyon Way. The Specific Plan also includes land between Palm Canyon Drive and Indian Canyon Drive, north of Tahquitz Canyon Way and south of Andreas Road.

ENVIRONMENTAL DETERMINATION: A Final Environmental Impact Report (FEIR) was certified in 2009 in accordance with the provisions of the California Environmental Quality Act (CEQA) guidelines. An addendum to the FEIR has been prepared and will be reviewed by the City Council at the hearing. Members of the public may view this document at the Planning Services Department, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs between the hours of 8:00 a.m. to 6:00 p.m., Monday through Thursday and submit written comments at, or prior to, the City Council meeting.

REVIEW OF PROJECT INFORMATION: The draft amendment to the Specific Plan, Final EIR, addendum to the EIR, and other supporting documents regarding this project are also available for public review at City Hall between the hours of 8:00 a.m. and 6:00 p.m., Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

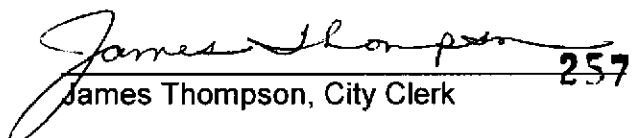
COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

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

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior, to the public hearing. (Government Code Section 65009(b)(2)).

An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Flinn Fagg, AICP, Director of Planning Services, at (760) 323-8245.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Felipe Primera, telefono (760) 323-8253.


James Thompson, City Clerk 257