

LOT SIZE FOR THE ZONES IN WHICH THEY ARE LOCATED AT 2732 NORTH CARDILLO ROAD; ZONE R-1-C / RGA-6, (CASE TPM 36958 AND 6.545 VAR). (KL)

Associate Planner Lynn provided an overview of the proposed project.

Chair Klatchko opened the public hearing:

MARVIN ROOS, MSA Consulting, provided background history of the property and requested approval.

There being no further appearances the public hearing was closed.

Commissioner Calerdine requested clarification with regard to the curb and gutter.

ACTION: Approve Case TPM 36958 and 6.545 VAR, subject to Conditions.

Motion: Commissioner Middleton, seconded by Commissioner Donenfeld and unanimously carried on a roll call vote.

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

A recess was taken at 2:46 pm.

The meeting reconvened at 2:52 pm.

2E. 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)

Planning Director Fagg provided background information as outlined in the staff report and introduced the City's consultant to describe the traffic study and environmental documents.

Nicole Criste, Terra Nova Planning, provided an overview on the EIR addendum and traffic study update.

Director Fagg summarized the changes to the Museum Market Plaza Specific Plan as outlined in the staff report. Mr. Fagg described the changes relative to the setbacks, massing and parking structure.

The Commission commented and/or requested clarification on:

- Marking the future buildings as "potential future development" and identify the blocks to differentiate each one.
- This project came before the Commission because it conformed to the General Plan.
- Reduction in sidewalk width.
- Concern that the parking structure does not include the museum and event traffic.
- Concern that setbacks allow for more height.
- Additional time is needed to review the changes.
- Additional parking requirements.
- The possibility of preserving the view of Andreas to add a second view corridor.
- Alternative to setback requirements.
- Update on Town & Country property.
- Provision for transfer of building square footage.
- Mitigation measures will be applied in future projects.
- Permitted uses.

Chair Klatchko opened the public hearing:

DAVID ZIPPEL, read into the record a statement by Doug Hudson regarding his opposition to the Downtown project.

MICHAEL JOHNSTON, questioned the residential units that will be provided, hotel drop-off and access to parking.

PAULA AUBURN, expressed concern with the height and narrow corridors; she urged the Commission to take a step back and move forward in an intelligent manner.

TRAE DANIEL, suggested a study on El Paseo and The River be done relative to free parking; concern with the flow of traffic and urged a long-range vision for downtown.

JOY BROWN-MEREDITH, is not opposed to the project; however, questioned how the average citizen is supposed to understand the project when the Commission is confused.

FRANK TYSEN, requested the changes be broken down section by section and urged this process be delayed until the new Council is seated.

AFTAB DADA, representing PS Resorts, spoke in support of the proposed luxury hotel in downtown.

ROBERT BRUGEMAN, said this development is urgently needed downtown and urged approval.

EMILY HEMPHILL, legal consul for Wessman Development, addressed public testimony with respect to the overall development of this project.

There being no further appearances the public hearing was closed.

Commissioner Middleton expressed concern with the sidewalks and traffic flow. However, she noted that the density is less than what was originally proposed and the project has improved and needs to move forward through the completion of the project.

Commissioner Roberts said what is before them are changes that have been approved and will make a motion to continue to allow staff to address their questions.

Commissioner Weremiuk requested going line-by-line on the changes that have been made.

Commissioner Calerdine commented that this is the appropriate density for this site and this is not the time to make major changes to the plan.

Commissioner Donenfeld noted that many businesses in downtown are outdated and room must be made for the future. He does not feel this project can be done economically with little density and stands firm that this project must go forward.

ACTION: Continue to a date certain of November 12, 2015.

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

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

A recess was taken at 4:38 pm.

The meeting reconvened at 4:50 pm.

~~2F. PALM SPRINGS PROMENADE, LLC FOR A MAJOR ARCHITECTURAL APPLICATION TO CONSTRUCT A 6-STORY, 112,862-SQ. FT. RESORT HOTEL CONSISTING OF 142-ROOMS, MEETING SPACE, RESTAURANTS, SPA AND FITNESS CENTER ON BLOCK "B-1" OF THE DOWNTOWN PALM SPRINGS~~

~~1C. WILLIAM BOMBACH AND MICHAEL BURCIO FOR A MAJOR ARCHITECTURAL APPLICATION TO CONSTRUCT A 4,756-SQUARE FOOT RESIDENCE ON A VACANT HILLSIDE LOT LOCATED AT 818 WEST STEVENS ROAD, ZONE R-1-A (CASE 3.3798 MAJ AND 7.1481 AMM). (DN)~~

~~Continue to a date certain of December 9, 2015.~~

2. PUBLIC HEARINGS:

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)

Planning Director Fagg provided an overview of the proposed update to the Museum Market Plaza Specific Plan.

The Commission discussed and/or requested clarification on the changes.

Commissioners Middleton, Donenfeld, Lowe and Chair Klatchko disclosed they toured the site.

NICOLE CRISTE, Terra Nova Planning, (assisted staff with the preparation of the Specific Plan Amendment and EIR Addendum) provided details regarding Block K-1 and K-2 in the extension of the street.

Chair Klatchko opened the public hearing:

JUDY DEERTRACK, said it is not the role of the Planning Commission to make changes to the Specific Plan but rather the people; and indicated that no supporting studies have been provided.

CHUCK STEINMAN said the Specific Plan is lacking a clear definition of the street widths and view corridors and it would be helpful if is incorporated in the document.

STEVEN PRICE, board, Palm Springs Preservation Foundation, requested that the Town and Country Center (T&CC) be removed from the Specific Plan and also requested that the Planning Commission make the same recommendation to the new City Council.

MIKE GUERRA, said he is skeptical as he looks at the construction of Block A; emphasizing that the Specific Plan needs to be right.

ROBERT STONE, questioned why the changes were made to the Specific Plan and encouraged more guidance from the newly elected officials.

EMILY HEMPHILL, legal counsel for Wessman Development, said they are in support of the changes to the Specific Plan and pointed-out that an EIR and back-up studies have been approved for the project.

FRANK TYSEN, spoke in opposition of Block A and commented about an upcoming lawsuit.

There being no further appearances the public hearing was closed.

A recess was taken at 3:28 pm.

The meeting reconvened at 3:41 pm.

Vice-Chair Roberts:

- Reduce the maximum number of hotel rooms to 300 rooms.
- Maintain the maximum number of residential units at 650 units.
- Remove Block K from the specific plan document and come back at a later time with a separate project/specific plan for Block K.
- Height of Block B-1 should be no taller than Block B (40') in order to keep the visual break in the development.
- Line 300: Remove the term "interim connection".
- Line 391: Keep the requirement for maximum mass, as well as the discussion on bulk/massing/human scale on lines 417 and 423.
- Line 585: Remove motor scooters and motorbikes as permitted uses; continue to prohibit motorcycle rentals/sales.
- Line 587: Allow vintage store, 2nd hand stores.
- Page III-13: Stepback requirements are still unclear.
- Maintain view corridors, stepbacks.
- Pages IV-1, IV-2: Don't reduce minimum sidewalk dimension, put in what is actual.

Commissioner Weremiuk:

- Remove Block K from the specific plan.
- A parking study should be provided.
- Lines 124-140: Must make findings #1 – #6 for entitlement approvals.
- Line 287: Remove "special events, concerts".

- Line 290: Remove “special events, concerts”.
- Page II-7: Doesn’t understand how numbers are calculated – supports a reduction in the number of hotel rooms.
- Line 554: Supermarket use should be encouraged.
- Table III-1: Consider cannabis uses in the future; require LUP or CUP for vending carts.
- Line 584: Allow motor scooters and electric bikes as a permitted use.
- Line 587: Allow 2nd hand stores.
- Table III-2: Limit height to 17’ on E, H-1, H-2, and clarify if that height would include mechanicals.
- Table III-3: Need explanation of why maximum massing is being eliminated.
- Line 682: Clarification needed on the use of stepbacks or the voids/open airspace at discretion of Planning Commission through Major Architectural Application process.
- Page III-20: Remove the 10’ limitation for awnings; leave restriction about not extending past the back of curb.
- Page III-28: Restrict structures on E, H-1, H-2 to one story in height (except Aluminaire House).
- Comments about EIR Addendum:
 - Sustainability – 50% of buildings should meet LEED certification.
 - Recycling should be provided for the residential units.
 - No discussion of solar.
 - Traffic study – no discussion of Complete Streets policies, bike access and parking.
- Supports Commissioner Donenfeld’s recommendation of including building face to building face distance in table; and supports Commissioner Calderine’s recommendation to add view corridor criteria.
- Need to stake out the sidewalks and street width and tour site.

Commissioner Calderine:

- Document needs an introduction of why the changes are being proposed, list of amendments, and why we’re making these changes.
- Line 140: Add 7th criterion to address view corridors along Main Street, Andreas.
- Page I-6: Provide an explanation as to the change in acreage.
- Line 182: Expand the discussion of the change in height to include the switch between Blocks B & E, amend Line 185.
- Line 301: Also reference the view of the mountain (This important vista...).
- Line 308: Add language that Andreas Road will also provide a view of the mountain.
- Line 364: Oppose the reduction of hotel rooms; supports deferral of AC Marriott, also supports market analysis to justify future hotel rooms – the number of hotels should be limited, not the number of units.

- Table III-2: Should include setback from back of curb (property line) to face of building in addition to setback requirements.
- Section IV should include discussion of Andreas Road (including streetscape requirements).
- Page IV-3: Extension of Main Street through Block K should be identified as "potential".

Commissioner Middleton:

- Dubious of eliminating Block K, but strong and vigilant of "substantial completion" before any action on K-1, K-2.
- Block K-1, K-2: Need to see Tribe's plans before determining development plan; Town & Country will be a link, favors restoration and re-use of Town & Country.
- Move forward with residential units.
- The specific plan needs clarity in the width of streets and view corridors.
- Supportive of the reduction in hotel rooms, but not a 50% reduction (25% reduction would be appropriate).
- Line 287: Strike the term "special events, concerts" if redundant, but not if prejudicial.

Commissioner Donenfeld:

- The specific plan needs to specify width of streets, view corridors.
- Need to include a table that discusses the distance from building face to building face, width of streets, width of sidewalks.
- Residential units should be tied to the development of hotel units; require X number of residential units before the next hotel can come online.
- Block K should not be eliminated from the plan, but should not be developed until measurable progress is made with development on west side of Palm Canyon.

Commissioner Lowe:

- Need an economic analysis before approving a reduction in the number of hotel units.

Chair Klatchko:

- Need guidance from consultant on the appropriate number of hotel units and residential units.
- Specific plan document needs to clarify both the setback requirements and the setback requirements.
- Need formal guidance from City Attorney on site visits, contact with developers.

Director Fagg reported that several items that the Commission is in agreement with can be added to the document and brought back for review for the December 9th meeting. He indicated that other items the Commission is not in agreement may need further study.

Commission Weremiuk suggested setting up a subcommittee to work with staff and review the changes.

Vice-Chair Roberts requested the changes the Commission made be brought back to them for review.

ACTION: To continue to a date certain of December 9, 2015; and set up a subcommittee to review the changes to the document. Subcommittee to consist of: Weremiuk and Calerdine.

Motion: Vice-Chair Roberts, seconded by Chair Klatchko and unanimously carried on a roll call vote.

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

A recess was taken at 4:54 pm.

The meeting reconvened at 5:05 pm.

2B. CONT'D - PALM SPRINGS PROMENADE, LLC FOR A MAJOR ARCHITECTURAL APPLICATION TO CONSTRUCT A 6-STORY, 112,862-SQ. FT. RESORT HOTEL CONSISTING OF 142-ROOM, MEETING SPACE, RESTAURANTS, SPA AND FITNESS CENTER ON BLOCK "B-1" OF THE DOWNTOWN PALM SPRINGS PROJECT LOCATED AT THE NORTHEAST CORNER OF BELARDO ROAD AND MAIN STREET, ZONE CBD (CASE #3908 MAJ) (EN)

Chair Klatchko reported that no final action will be taken on this item because it is contingent on Museum Market Plaza Specific Plan update.

Associate Planner Newer presented the proposed resort hotel as outlined in the staff report.

The Commission commented and/or requested details on:

Setback requirements for massing on the side streets (Andreas, Main and Market Street).

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)

Director Fagg provided an overview of the proposed changes and noted that the subcommittee met on December 7, 2015 consisting of (Weremiuk and Calderline) to review the proposed changes and come back with recommendations. Director Fagg summarized the proposed changes discussed in the subcommittee meeting.

Chair Klatchko opened the public hearing:

TIM ELLIS, PS Resorts, vice-president, they are very concerned with adding another hotel to the overall market place. Mr. Ellis indicated that they are not in support of building the hotel right now but can support it if built at a future date - @ a 62% occupancy or in five years.

FRANK TYSEN, commented on a letter from the ABCD attorney recommending that no action be taken today and continue to a future date.

JOHN WESSMAN, Wessman Development, commented that the view corridor (building-to-building setback) on Belardo should be 70 feet not 75 feet; and provided details on the view corridors, residential units and building setbacks.

TRAE DANIEL, encouraged re-naming the downtown development and noted that there is no over arching vision for what the city wants to become.

ROBERT BRUGEMAN, said he had no business from the parade on Palm Canyon (3rd Saturday from Christmas) and requested approval; reiterating the need to attract tourists for high-end retail.

EMILY HEMPHIL, legal consul representing the applicant, stated that it's not the numbers of rooms but the product you get with these rooms. Ms. Hemphill addressed the suggested change from the Commission in reference to Block K-1 and K-2.

There being no further appearances the public hearing was closed.

Commissioner Lowe made the following comments:

- In the introduction: Commercial/retail with some residential (instead of more residential) needs to be addressed.
- Line 24: Why the name change?
- Line 152: Is not pedestrian oriented.
- Line 354: Indicates too many residential units (650 rooms) - it is physically impossible and should be reduced.
- Chart III-7: Second-hand stores are too or a general description- more upscale is appropriate.
- Page 111-30: More helpful to public to have actual photos of actual buildings that have been approved.

Commissioner Middleton made the following comments:

- Line 308: Should not eliminate "special events/concerts" (so we can have opera in the downtown park) and add: Special Events, Musical Theater.
- Line 354: Number of residential units - what is a realistic number of residential units and where will they be located?
- Line 355: Hotel Rooms - a 3rd hotel is becoming very problematic in this downtown location.
- Block K1/K2: Needs to be preserved until clarity from the Tribe is received.

Commissioner Weremiuk commented on:

- The number of hotel rooms for Phase 1/Phase II up to 300 units.
- Allow a height increase of 75 feet for the Park Hotel if the Marriott Hotel is not constructed.
- Need new planning for Block K1/K2.
- Encourage residential without destroying public uses - gym, etc.
- Sadden about the loss of parking on Palm Canyon.
- Open to discussion regarding maximum height on Blocks B, G and A-1; and likes the idea of preserving the view corridors.

Commissioner Donenfeld commented on:

- How many hotel rooms? How many hotels? How many residential?
- Three hotels are too many for the project- two hotels are sufficient.
- Limit hotel rooms to 300 and prefers the Park Hotel where it is.
- Block K1 and K2: postpone until Phase 1 and II are underway.
- Increase opportunities for residential.

Commissioner Calderine made the following comments:

- Supports the concept of the Park Hotel over the Marriott A/C.
- Limit the number of the hotel rooms for the first five years.

- Supports allowing the increased height for Block B-1.
- Amenable to height increase for Block G - if residential with a careful look at how the corridor changes along Andreas.
- Block K1 and K2: evaluate if the buildings are feasible for restoration.
- What is the cost for the restoration and who will pay?

Chair Klatchko made the following comments:

- Block K1 and K2: Is the existing language sufficient? Is the proposed language too restrictive?
- The number of residential and hotel units are determined by the marketplace.
- Page 212 and 313: Proposed height restrictions and final action by the City Council.
- Setback on Belardo - ok with 70 feet.

Commissioner Lowe left the Council Chamber at 6:33 pm for the remainder of the meeting.

ACTION: Approve the Museum Market Plaza Specific Plan Update subject to the Subcommittee finalizing changes and forward to the City Council Council including:

- Subcommittee to meet next week to finalize the changes and forward to the City Council.
- Block K1 and K2: Keep existing language. Provide new Specific Plan or feasibility of preservation (include some Planning).
- Number of hotel rooms: Building permits for up to 300 hotel rooms and 2 hotels may be issued at this time subject to market conditions. Up to 450 rooms at a later phase if there's proof of demand (62% occupancy).
- Allow greater height on Blocks D, G and A-1 for residential uses; reduce to 40 feet for commercial uses.
- Allow 75 feet on Block B-1.

Motion: Commissioner Calerdine seconded by Commissioner Middleton and carried 4-0-1 on a roll call vote.

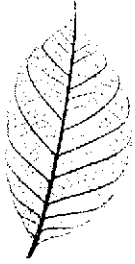
AYES: Commissioner Calerdine, Commissioner Donenfeld, Commissioner Middleton, Chair Klatchko

ABSENT: Commissioner Lowe

ABSTAIN: Commissioner Weremiuk.

~~Commissioner Calerdine seconded by Commissioner Middleton and carried 4-0-1 on a roll call vote.~~

ATTACHMENT #8



December 9, 2015

Via Email

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

Flinn Fagg/Palm Springs Planning Commission
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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.

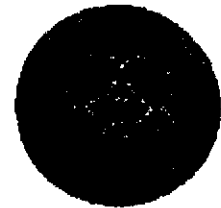
I urge the Commission not to take any action on the proposed Specific Plan Amendments.

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 *Leshner 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).

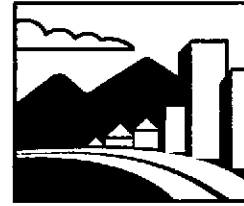
The second issue is CEQA and requirements in the State of California for adopting and amending Specific Plans. The state guidelines are very clear that major modifications to a plan (such as these, inclusions of five hotels that violate height requirements, major changes in density, intensity, use, height, 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.

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

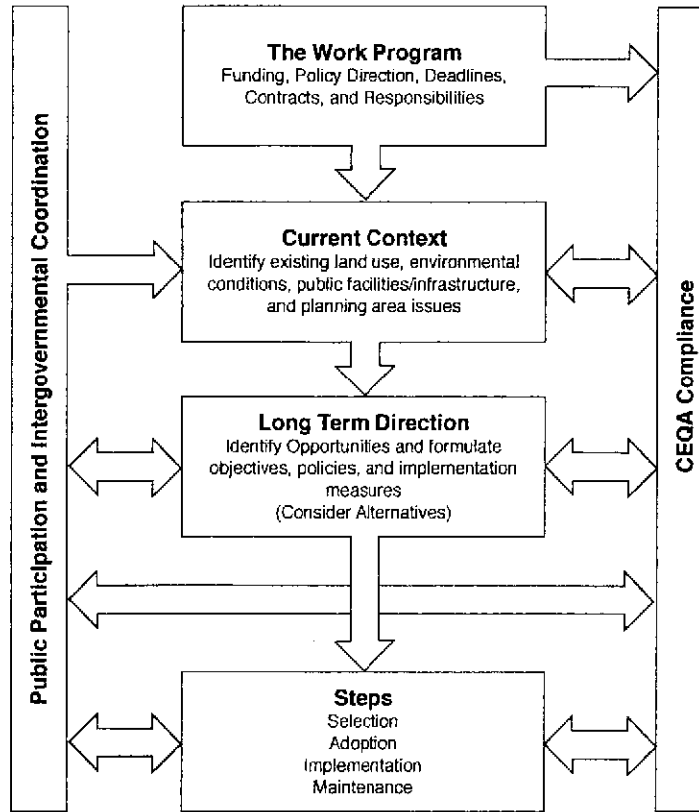
Topic 3
CEQA
page 10

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
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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**

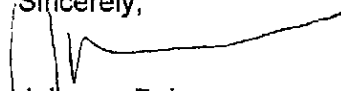
Dear Mr. Loether:

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,


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

[Signature]

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 meets does not meet the National Register criteria.

Signature of commenting official: Date

Title: State or Federal agency/bureau
or Tribal Government

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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

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Number of Resources within Property

(Do not include previously listed resources in the count)

Contributing	Noncontributing	
<u>5</u>	<u> </u>	buildings
<u> </u>	<u> </u>	sites
<u> </u>	<u> </u>	structures
<u> </u>	<u> </u>	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

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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 Mendelsohn'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

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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 Carnell 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.

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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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9. Major Bibliographical References

Bibliography (Cite the books, articles, and other sources used in preparing this form.)

Architectural Record Book. *MOTELS, HOTELS, RESTAURANTS and BANKS*. W. Dodge Corporation, 1950.

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

Baker, Geoffrey and Bruno Funaro. *Shopping Centers: Design and Operation*. New York: Progressive Architecture Library/Reinhold Publishing Corporation, 1951.

Boyle, Bernard Michael. "Architectural Practice in America 1865-1965—Ideal and Reality." In *The Architect: Chapters in the History of the Profession*, edited by Spiro Kostof, 309-344. Berkeley: University of California Press, 2000.

Buckner, Cory. *A. Quincy Jones*. New York and London: Phaidon, 2002.

_____. Buckner, Cory. "A. Quincy Jones." In *The Desert Modernists: The Architects Who Envisioned Midcentury Modern Palm Springs*, edited by Stewart Weiner, 49-51. Palm Springs: Modernism Week and Desert Publications, Inc., 2015.

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

_____. "Swanky Banks." *Desert Magazine*. February 2014: 24-26.

CRM Tech. Cultural Resources Survey Report: "The Museum Market Plaza Project." May 9, 2008.

Cuff, Dana. *Architecture: The Story of Practice*. Cambridge, Massachusetts: The MIT Press, 1992.

Desert Sun. *Palm Springs Resorter*. February 16, 1951.

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

Hammer Museum, University of California, Los Angeles. *A. Quincy Jones Building for Better Living*, 2012.

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Hess, Alan. "Paul R. Williams." In *The Desert Modernists: The Architects Who Envisioned Midcentury Modern Palm Springs*, edited by Stewart Weiner, 119-121. Palm Springs: Modernism Week and Desert Publications, Inc., 2015.

"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." Available from <http://palmsprings.com/history/50years.html>. Internet; accessed 14 May 2015.

Hudson, Karen E. *Paul R. Williams Architect: A Legacy of Style*. New York: Rizzoli International Publications, Inc., 1993.

Hine, Al. "Palm Springs is Perfect." *Holiday*, February 1953: 98-104.

Koenig, Gloria. *Albert Frey*. Cologne, Germany: Taschen, 2008.

McGrew, Patrick. *Donald Wexler: Architect*. Palm Springs: Palm Springs Preservation Foundation, 2009.

Palm Springs Art Museum. *An Eloquent Modernist: E. Stewart Williams, Architect*. Exhibit November 2014 – March 2015.

Palm Springs Chamber of Commerce. *The Palm Springs and Desert Resort Area Story*. 1955. Special Collections, Rivera Library, University of California, Riverside.

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

PROCESS: Architecture Number 41, A. *QUINCY JONES: The Oneness of Architecture*. Bunji Murotani, 1983.

Rosa, Joseph. *Albert Frey Architect*. New York: Rizzoli International Publications, 1989.

Shamp, Eric--Ecotype Consulting. "Sustainability Assessment for the Preservation of The Town and Country Center." Prepared for The Palm Springs Preservation Foundation, 2011.

Williams, Sidney, ed. *An Eloquent Modernist: E. Stewart Williams, Architect*. Seattle: University of Washington Press, 2015.

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

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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.

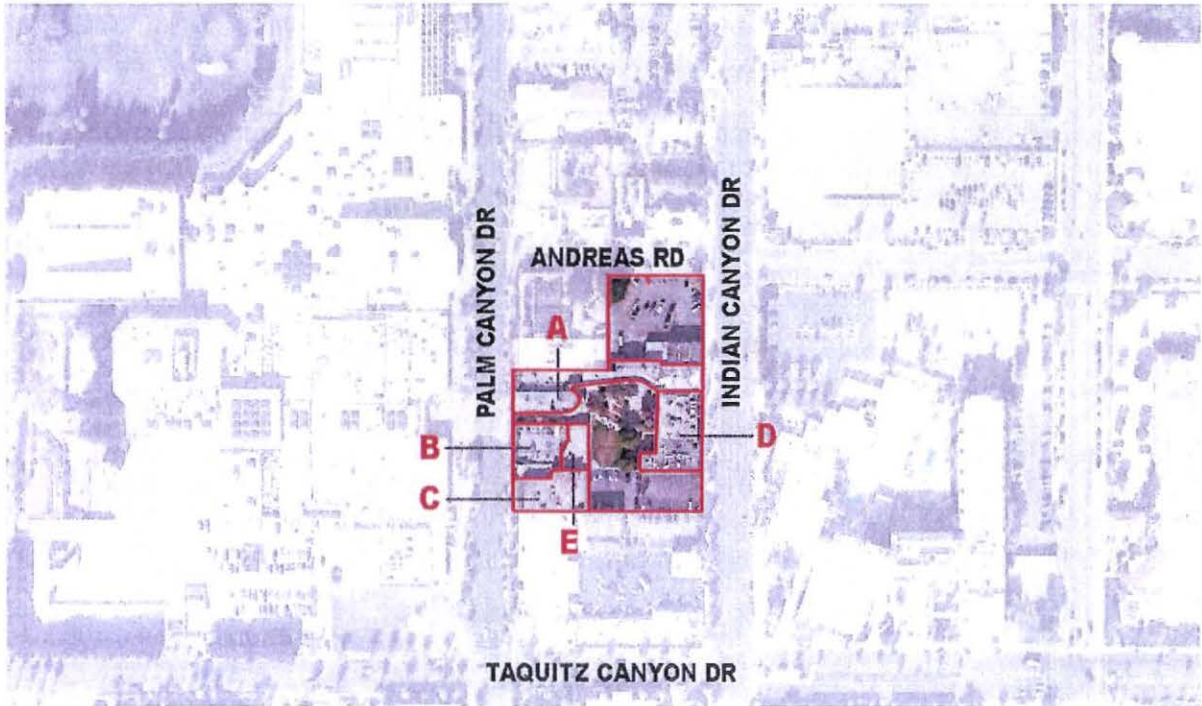
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Location Map

Latitude: 33.492688

Longitude: -116.324629



0 400 ft

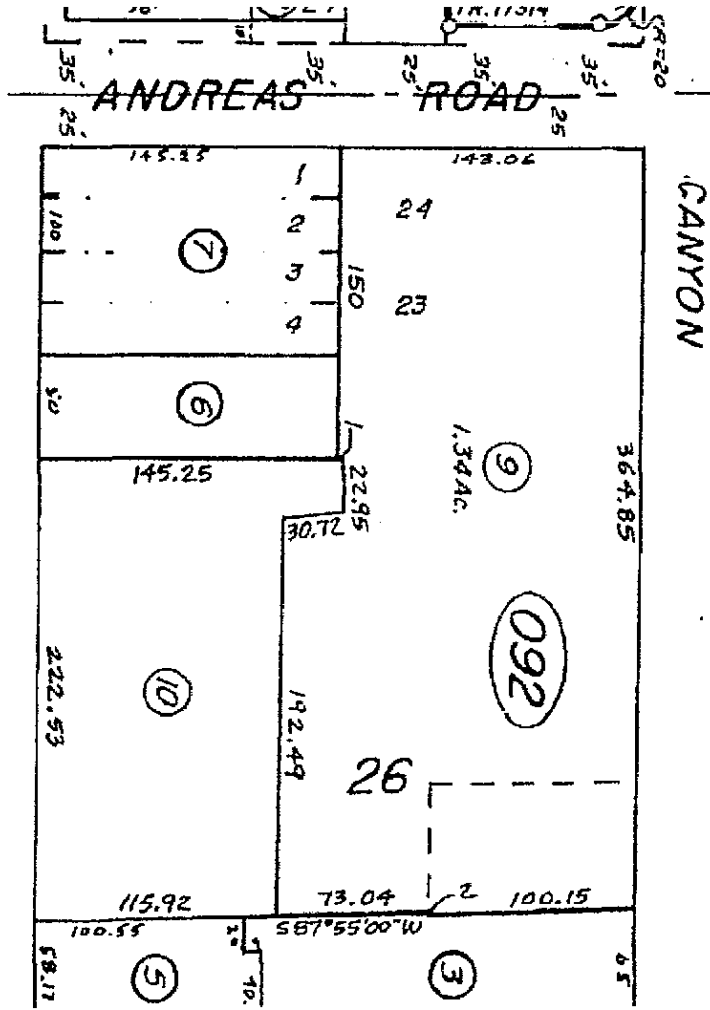
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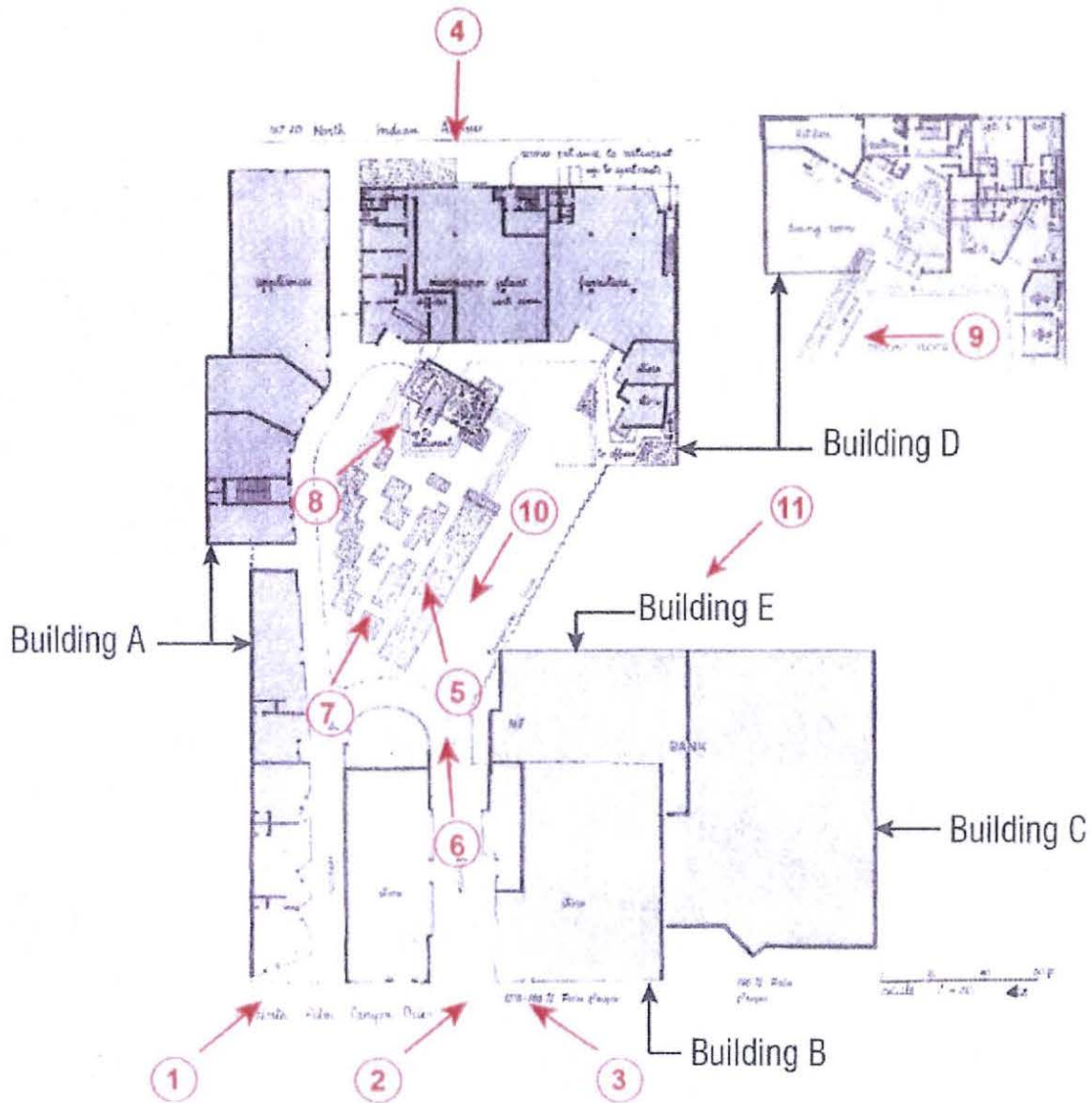
Assessor's Map 513-09, Riverside County, California, 1969



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Sketch Map/Photo Key



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Photographer	Unknown
Date and Source	Circa 1950, provided by Palm Springs Historical Society
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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
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Photographer	Ferris H. Scott
Date and Source	Circa 1950, provided by Palm Springs Historical Society
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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
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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 18	Building D (Town & Country Restaurant) Elevations, A. Quincy Jones, 1947

Town & Country Center
Name of Property

Riverside, California
County and State

Figure 1.



Figure 2.



Town & Country Center
Name of Property

Riverside, California
County and State

Figure 3.



Figure 4.



Town & Country Center
Name of Property

Riverside, California
County and State

Figure 5.

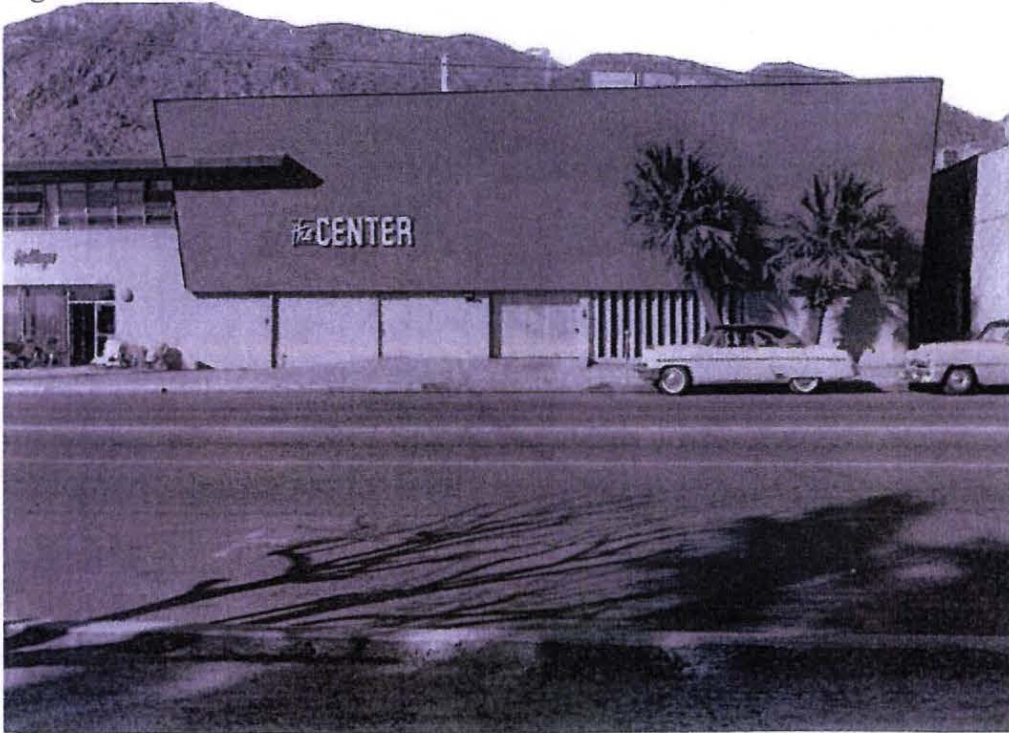


Figure 6.



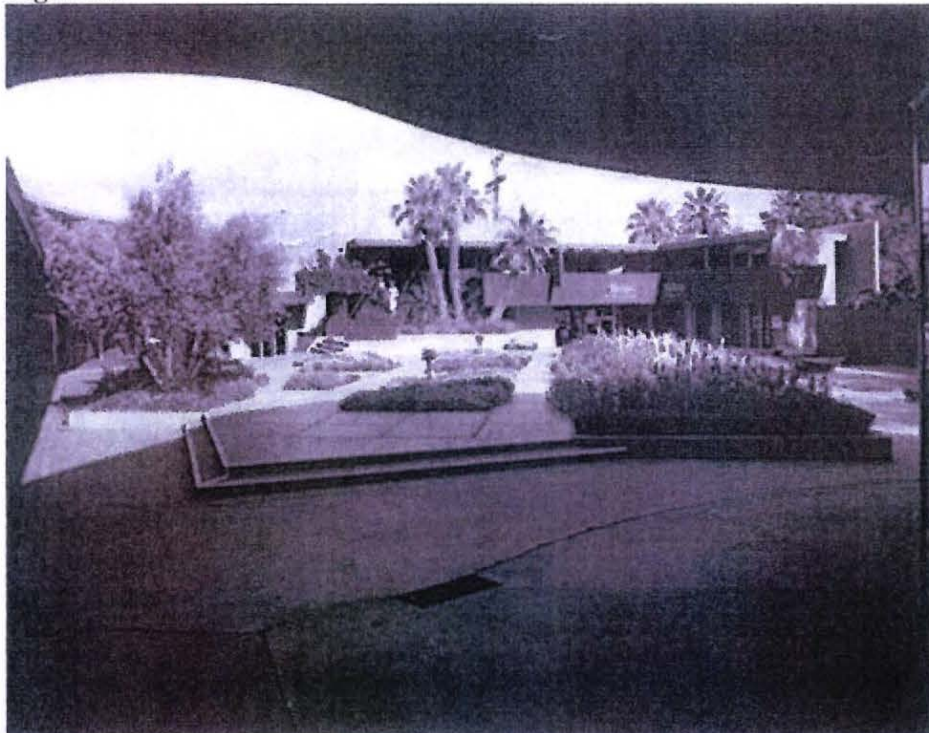
Town & Country Center
Name of Property

Riverside, California
County and State

Figure 7.



Figure 8.



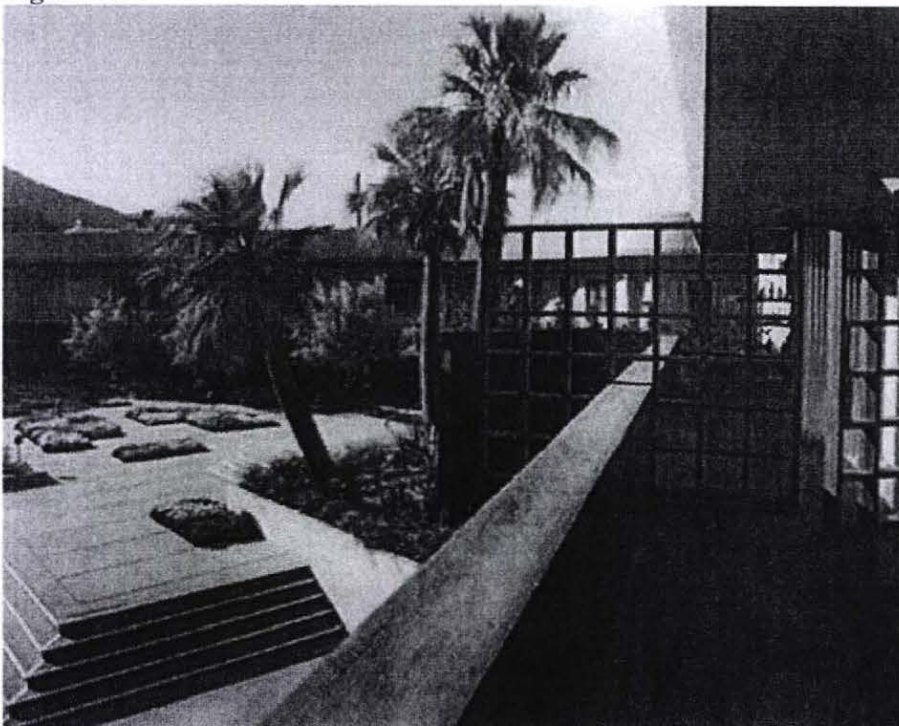
Town & Country Center
Name of Property

Riverside, California
County and State

Figure 9.



Figure 10.



Town & Country Center
Name of Property

Riverside, California
County and State

Figure 11.

June Madison

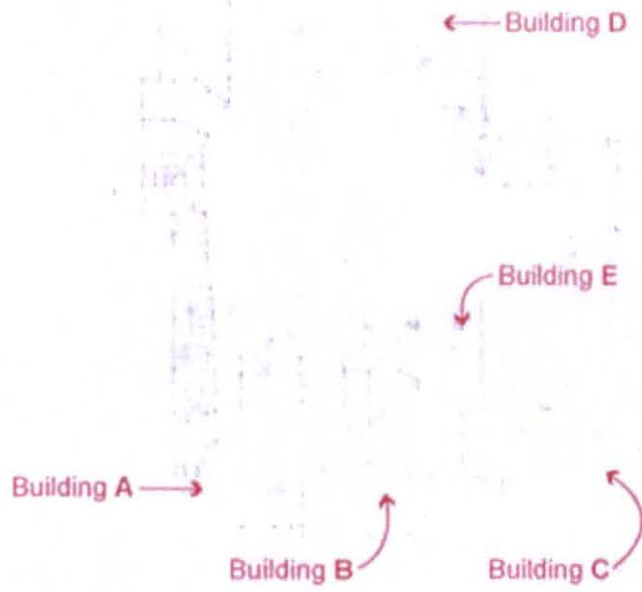


174 North Palm Canyon Drive Phone 5585

"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.



Town & Country Center
Name of Property

Riverside, California
County and State

Figure 13.

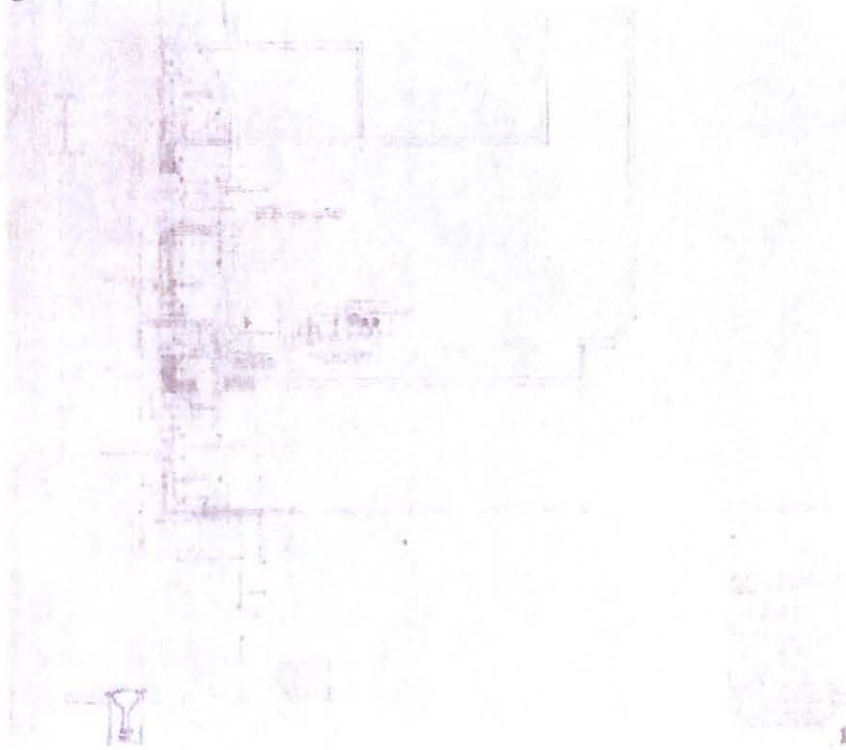
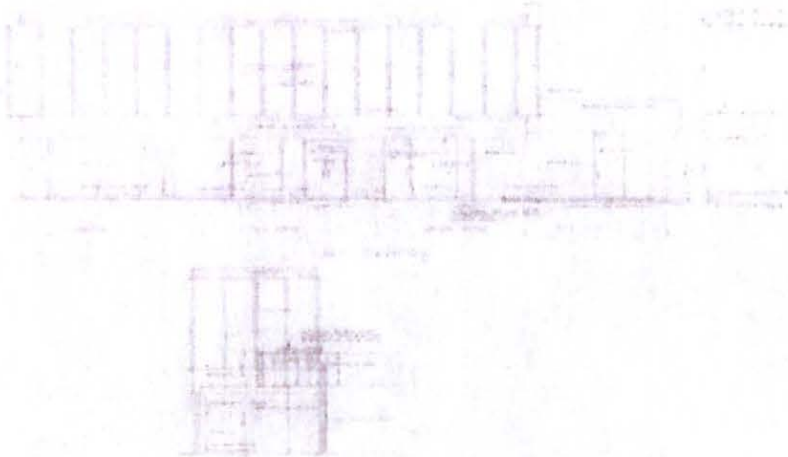


Figure 14.



Town & Country Center
Name of Property

Riverside, California
County and State

Figure 15.

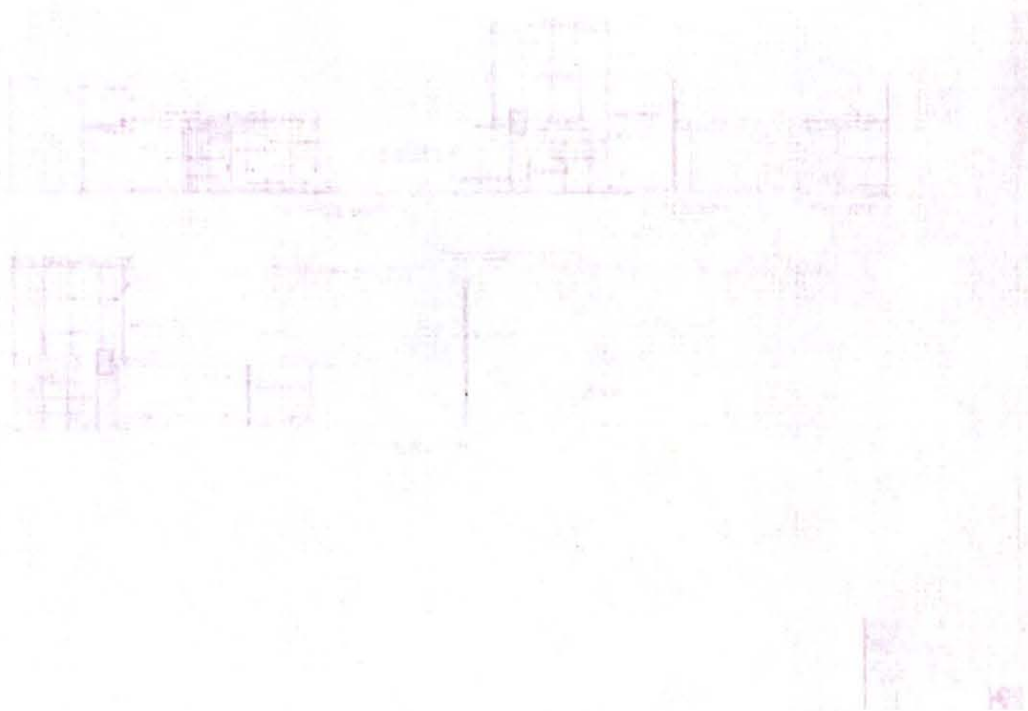


Figure 16.



Town & Country Center
Name of Property

Riverside, California
County and State

Figure 17.

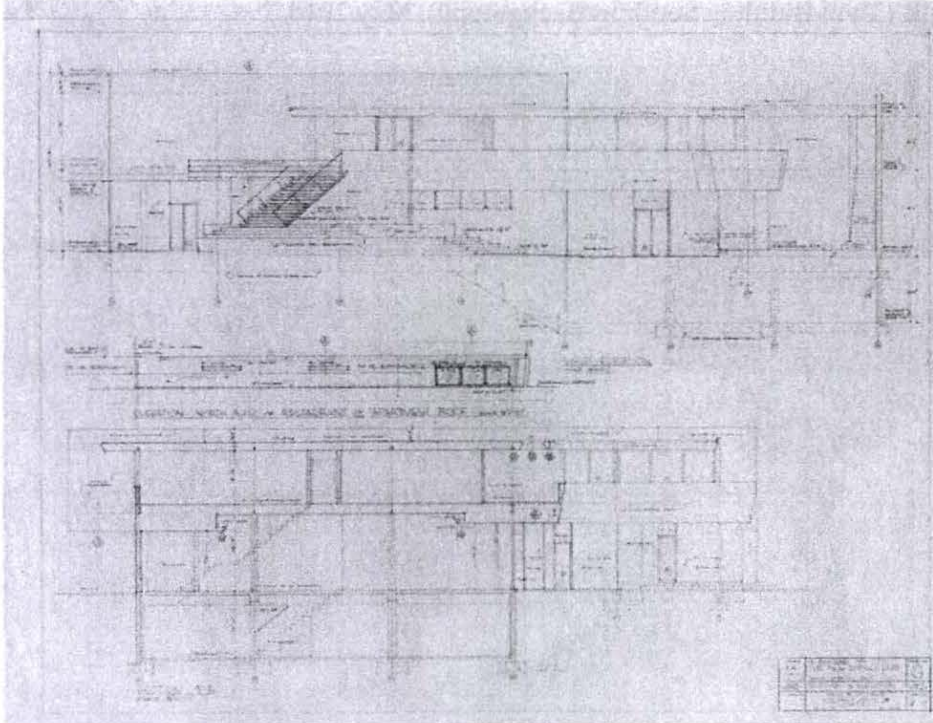
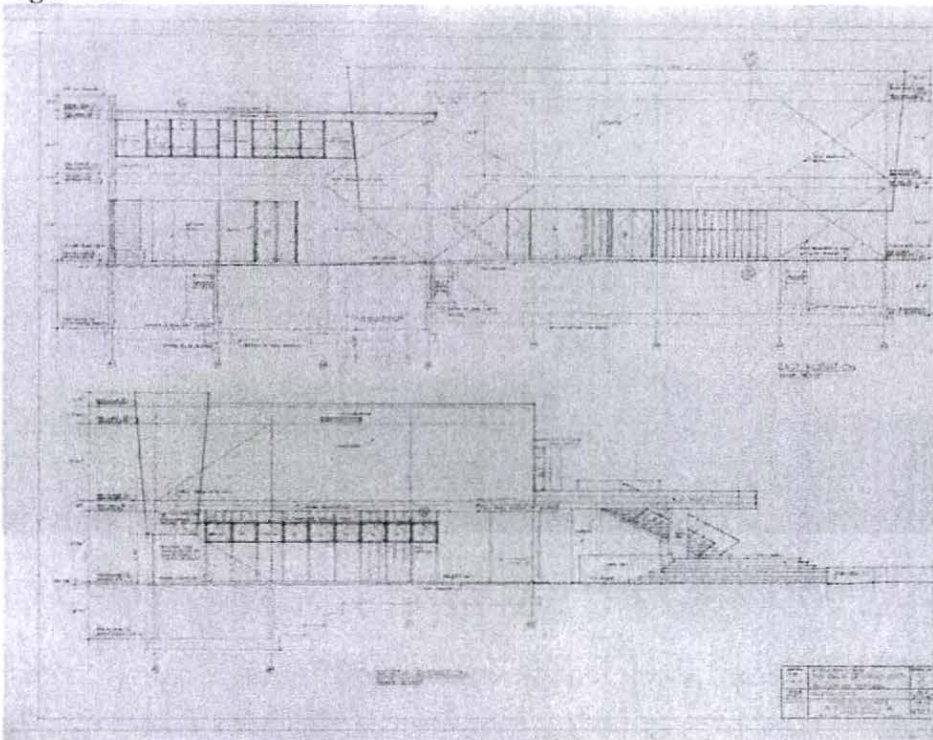


Figure 18.



Town & Country Center
Name of Property

Riverside, California
County and State

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



Town & Country Center
Name of Property

Riverside, California
County and State

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



Town & Country Center
Name of Property

Riverside, California
County and State

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



Town & Country Center
Name of Property

Riverside, California
County and State

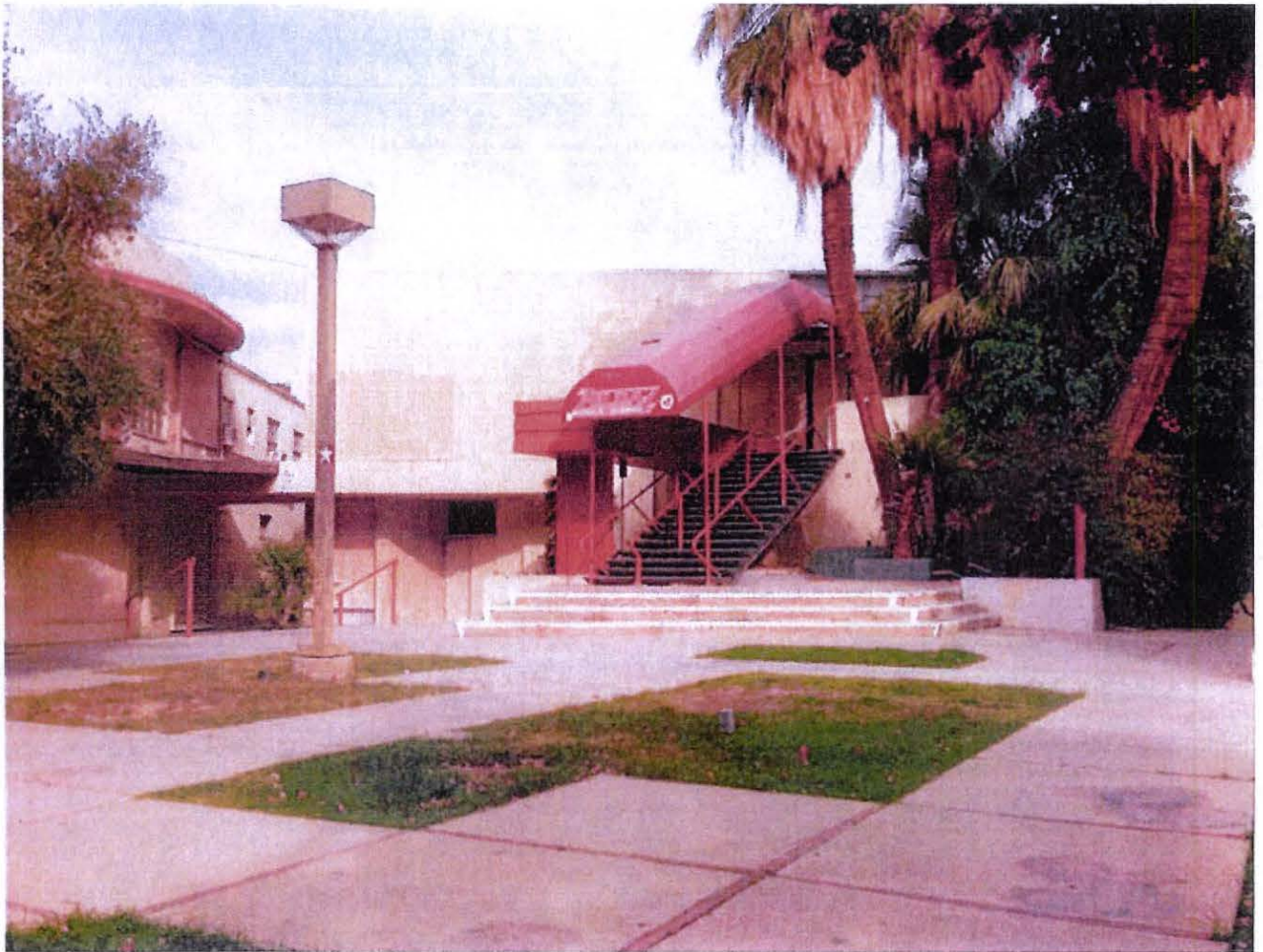
Photo 4. Indian Canyon Drive, looking west towards **Building D** (with a portion of **Building A** to the north), May 2014



Town & Country Center
Name of Property

Riverside, California
County and State

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



Town & Country Center
Name of Property

Riverside, California
County and State

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



Town & Country Center
Name of Property

Riverside, California
County and State

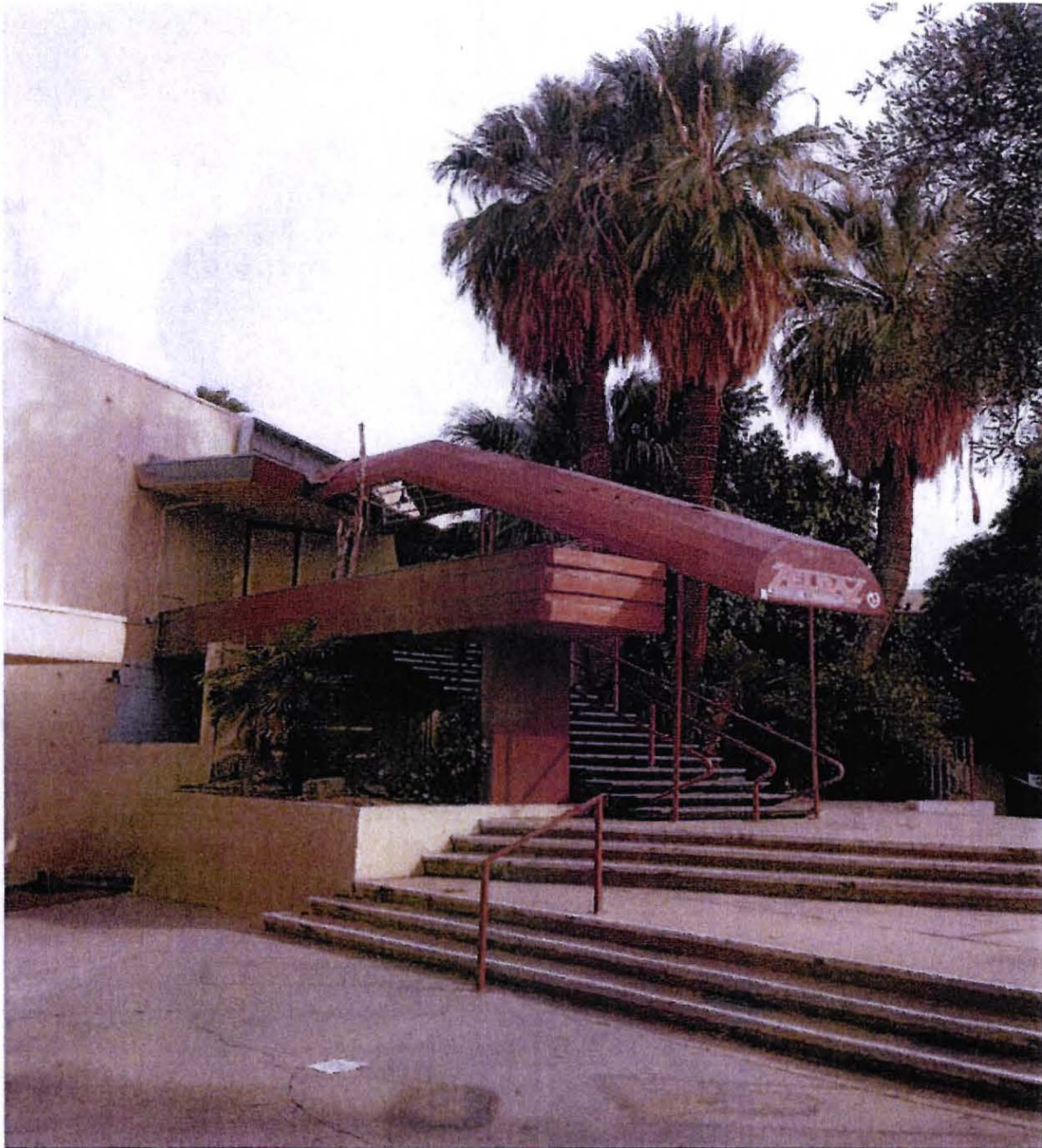
Photo 7. In the courtyard facing east towards **Building D** (Town & Country Restaurant), under curved canopy of **Building A** (Twin Building North), May 2014



Town & Country Center
Name of Property

Riverside, California
County and State

Photo 8. In the courtyard, looking southeast towards the upper entry to **Building D** (Town & Country Restaurant), May 2014



Town & Country Center
Name of Property

Riverside, California
County and State

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



Town & Country Center
Name of Property

Riverside, California
County and State

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



Town & Country Center
Name of Property

Riverside, California
County and State

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:

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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).

Town and Country Center
Sustainability Assessment

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

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

Construction Debris for New Buildings

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

We used the following assumptions in our calculations:

Site Study Boundary

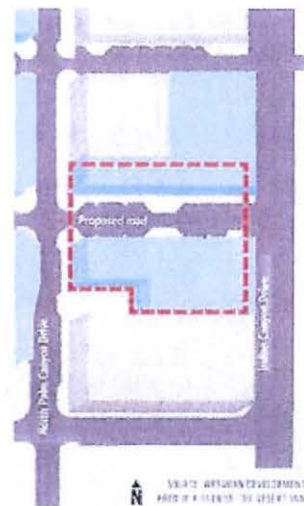
The site study boundary is identical for both the Preservation Scheme and the Wessman Scheme. For this analysis, we are only considering the portion of the Wessman scheme that falls inside the site study boundary. The boundary is overlaid on each scheme below:

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

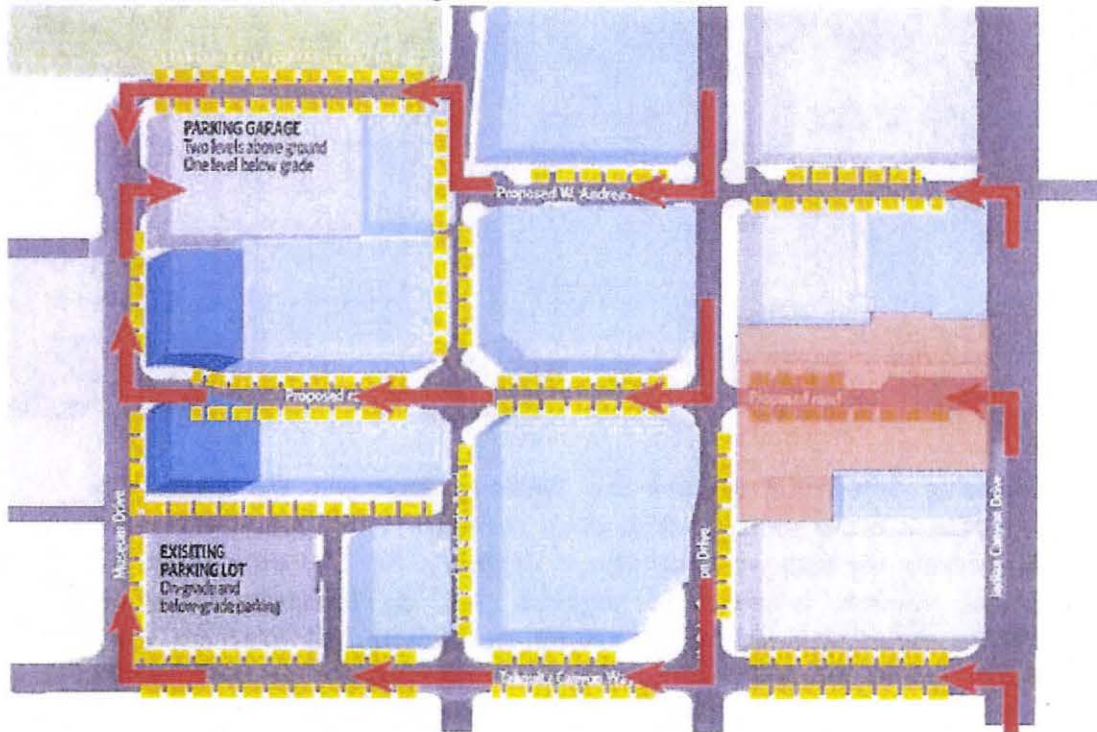
One of the admirable distinguishing features of both the May 2011 Wessman Plan and the Community Concept Plan is the way in which the mega-block of the existing Desert Fashion Plaza mall is divided up into a village-like street grid, creating a smaller “grain” of development and affording more opportunities 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.

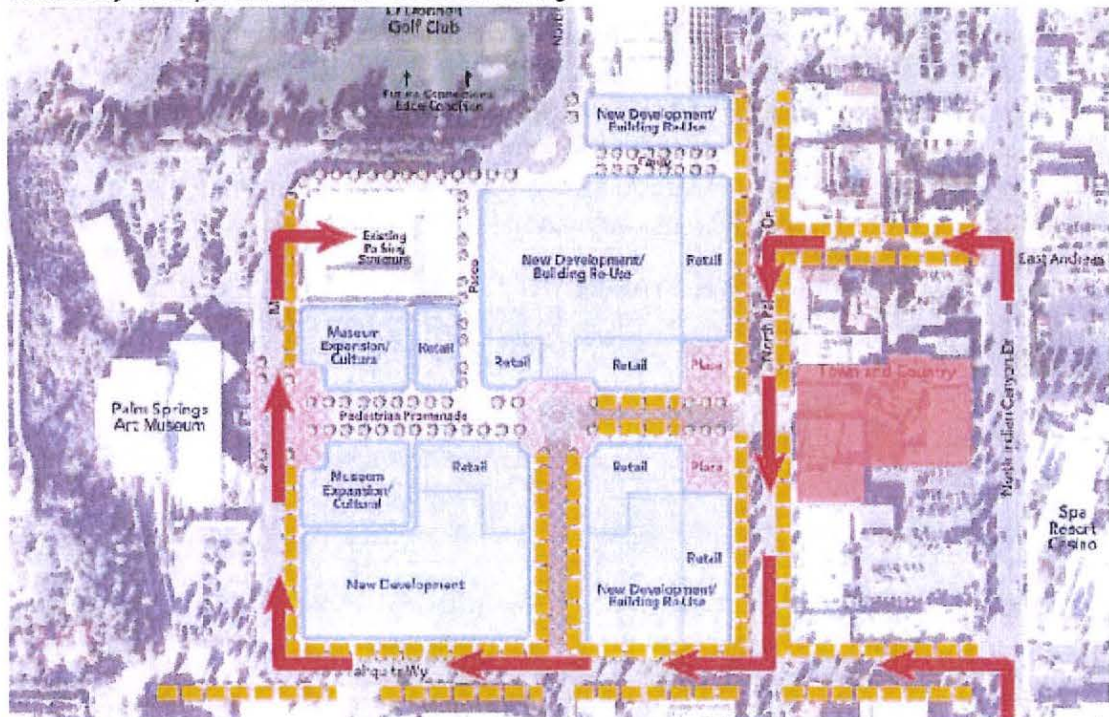
Wessman Plan: Vehicular Access to Parking



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.

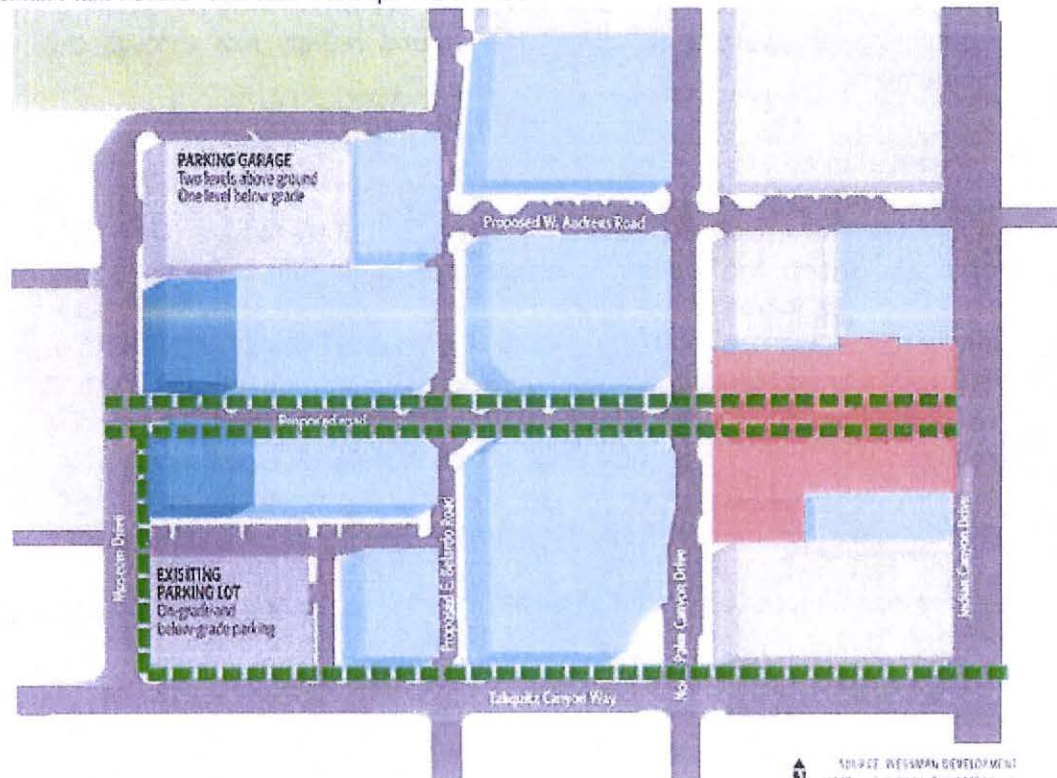
As described elsewhere in this report, the Town and County Center possesses that most desirable Palm Spring amenity: an irrigated, landscaped oasis. In the Community Concept Plan, the T&CC courtyard anchors a string of plazas connected by pedestrian promenades and low-traffic streets. This arrangement 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			Narrow building footprint insures views from nearly all spaces.		1		Achievable.
Indoor Environmental Quality subtotals		15	4	9	2		4	9	2	
Innovation & Design Process										
IDc1.1	Innovation in Design	1		1		Achievable.		1		Achievable.
IDc1.2	Innovation in Design	1		1		Achievable.		1		Achievable.
IDc1.3	Innovation in Design	1		1		Achievable.		1		Achievable.
IDc1.4	Innovation in Design	1		1		Achievable.		1		Achievable.
IDc1.5	Innovation in Design	1		1		Achievable.		1		Achievable.
IDc2	LEED Accredited Professional	1	1			Assume a LEED professional on the design/construction team.	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			See SSc1.	1			See SSc1.
SSc2	Development Density and Community Connectivity	1	1			See SSc2.	1			See SSc2.
SSc4.1	Alternative Transportation: Public Transportation Access	1	1			See SSc4.1.	1			See SSc4.1.
WEc1.1	Water Efficient Landscaping	1		1		See WEc1.		1		See WEc1.
WEc3	Water Use Reduction (40%)	1			1	See WEc3.			1	See WEc3.
EAc2	On-Site Renewable Energy (1%)	1		1		See EAc2.		1		See EAc2.
Regional Priority subtotals		4	3	1	0	Maximum 4 points allowed.	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.

Kathie Hart

From: Ginny Foat
Sent: Wednesday, December 16, 2015 2:55 PM
To: 'ginnyf@mizell.org'; Jay Thompson
Subject: FW: I support the downtown project

From: Chip Marler [<mailto:chipmarler@hotmail.com>]
Sent: Wednesday, December 16, 2015 6:57 AM
To: Ginny Foat
Subject: I support the downtown project

Ginny,

I will be brief, but wanted you to know that I am in full support of the approval of more residential as a part of the downtown project, even if that means more height to the buildings. And further, I ask that the council support the proposal for the "Park Hotel". A vibrant urban core trumps a dead village, in my opinion.

Thank you,

Chip

Jay Thompson

From: David Ready
Sent: Tuesday, December 15, 2015 4:32 PM
To: 'Robert Moon'; 'Ginny Foat'; 'Christopher Mills'; J.R. Roberts (jr66@mac.com); Geoff (geoff.kors@gmail.com)
Cc: 'Douglas C. Holland'; Flinn Fagg; Jay Thompson; Lauri Aylaian
Subject: Downtown Specific Plan - Subcommittee Refinements

Dear Council:

Item 1B is a public hearing to begin consideration of an amendment to the Museum Market Plaza Specific Plan. **As noted, I want to remind everyone that no action is required, nor could it be taken, as the Public Hearing is scheduled to be continued. Council certainly can give direction, and or merely discuss after receiving public input. Any direction given will be incorporated into revised documents to be noticed for the next meeting.**

This item follows formal action taken by the City's Planning Commission at is December 9, 2015, meeting where the Commission recommended to the City Council approval of the Specific Plan amendment subject to certain final refinements to a few sections of the Specific Plan. The Commission appointed a sub-committee (Calerdine / Weremuik) following its action on December 9, to meet and resolve the final refinements with staff. Those discussions were concluded on December 14th, which were narrow in scope and related to the following issues:

- Phasing of hotel development
- Clarifying type of uses allowed related to book or consignment stores
- Clarifying minimum distance between buildings (building separation) identified in Table III-2
- Clarifying maximum height of 40 feet for commercial, 60 feet for residential on Blocks D and G
- Adding a requirement for a Planned Development District (PDD) for any development proposed on Blocks K-1 and K-2 (currently, a PDD is only required if a hotel is proposed)
- Revising the Phasing identified in Section V-C of the Specific Plan to address timing of hotel construction, with an allowance for up to 2 hotels with 300 hotel rooms until such time as market conditions warrant a third hotel with up to an additional 150 rooms (450 maximum total hotel rooms)
- Revising the Phasing identified in Section V-C of the Specific Plan to address development on Blocks K-1 and K-2, requiring feasibility study for preservation of the existing Town and Country Center buildings prior to any application for development at that site, and allowing submittal of a PDD application for historic restoration or adaptive reuse of the Town and Country Center at any phase of development (currently the Specific Plan restricts any development on Blocks K-1 and K-2 [including adaptive reuse of the Town and Country Center] until the last and final Phase once all development of the remainder of the Specific Plan Area is entitled, permits issued, and substantial work underway.

These further refinements and changes to the Specific Plan recommended by the Commission's sub-committee affect 16 pages of the Specific Plan Amendment document, and staff will review each of these changes with the City Council during its presentation at the Public Hearing on the item.

Thank you,
David



DAVID H. READY, Esq., Ph.D.,
CITY MANAGER

City of Palm Springs

Tel: (760) 322-8350

12/16/2015
ITEM 1.B.
ADDITIONAL MATERIALS



December 12, 2015

Mayor Robert Moon
City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

Subject: ITEM 1.B. CONSIDERATION OF AN AMENDMENT TO THE MUSEUM
MARKET PLAZA SPECIFIC PLAN AND ADDENDUM NO. 2 TO THE FINAL
ENVIRONMENTAL IMPACT REPORT (CASE NO. 5.1204 SP A-1)

Dear Mayor Moon,

We are attaching our letter of November 7, 2015 to the Planning Commission as it contains the foundation's opinions and recommendations concerning the subject plan. As you know, the November 12, 2015 Planning Commission meeting turned into a 5½-hour long marathon session. While the meeting helped expose the many flaws in the subject plan (and its amendments), little of real progress was accomplished.

As you will note, page 13 of the Specific Plan before you proposes the demolition of the Town & Country Center (T&CC) (1948, Paul R. Williams and A. Quincy Jones).

Recently, the California State Historic Preservation Office formally determined that the T&CC is eligible for both the state and national registers of historic places. Accordingly, the foundation will soon re-submit the Class 1 Historic Site nomination for the T&CC to the city's Historic Site Preservation Board for subsequent hearing by the city council. This will afford the current city council the opportunity to finally remedy the leadership failures of previous city councils.

If you have any questions or require additional information, please contact the foundation at info@pspreservationfoundation.org or (760) 837-7117.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik Rosenow". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Erik Rosenow
President

Enclosure:
PSPF Letter of November 7, 2015 (with enclosures)

Joan Bove Forrer
Michael E. Guerra, Esq.
457 West Arenas Road
Palm Springs, CA 92262
760-641-4519 / 805-455-4982

RECEIVED
CITY OF PALM SPRINGS
2015 DEC 14 PM 1:55

December 14, 2015

JAMES THOMPSON
CITY CLERK

Hand Delivered

Mayor Robert Moon, Mayor Pro Tem Chris Mills, and
Councilmembers Ginny Foat, Geoff Kors and J.R. Roberts
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

**Re: Preliminary Comments to: the Proposed Amendment to the Museum
Market Plaza Specific Plan; and, Addendum No. 2 to the Environment
Impact Report, including the October 2015 Traffic Impact Study Update --
December 16, 2015 City Council Meeting Agenda Item 1B --
(Case No. 5.1204 SP A-1)**

Dear Mayor Moon, Mayor Pro Tem Mills and Councilmembers Foat, Kors and Roberts:

Ms. Forrer and I submit the following comments on the Proposed Amendment to the Museum Market Plaza Specific Plan; and, Addendum No. 2 to the Environment Impact Report, including the October 2015 Traffic Impact Study Update. Our comments herein are preliminary, and we reserve all rights to raise other comments, issues and evidence, and to submit additional evidence, as allowed by law.

Joan Forrer and I live in the Historic Tennis Club Neighborhood at 457 West Arenas Road. Our home is three blocks from the eastern edge of the Museum Market Plaza development. Our home is 2 1/2 blocks from the base of the mountains to the west. Ms. Forrer has lived in our home for approximately 18 1/2 years and I have lived in our home for approximately 5 1/2 years. The Historic Tennis Club Neighborhood is a registered Neighborhood with the City of Palm Springs Office of Neighborhood Involvement, established in 2005. The Historic Tennis Club Neighborhood has established boundaries with South Belardo to the east, Tahquitz Canyon Way to the north, the mountains to the west, and Sunny Dunes to the south.

With the close proximity of the Museum Market Plaza to the Historic Tennis Club Neighborhood and our home, we have concerns about the significant negative impacts the Market Plaza development will have on the neighborhood due to too much density for the development, increased traffic that mitigation will not solve, and lack of adequate parking, especially given the City's proposal to have "4000" person special events in the Museum Market Plaza park. We also have concerns about amplified music noise from use of the public park for such large events.

Item 1.B. 293
12-16-2015
ADDITIONAL MATERIAL

First, as to the City's public park, we oppose any language in the Specific Plan Amendment which in anyway would support an attempt to turn the public park in the center of the Market Plaza development into a paid concert venue for Goldenvoice or any other promoter.

Further, we strongly oppose any use of fencing to limit access to the park, use of ticket booths or significant investment in backstage support for paid concerts. This park is public property and should be available to the public. The concept that a resident or visitor to Palm Springs must purchase a ticket to use the City's park may be one that the prior City Council supported, but we urge you to reevaluate this approach. The downtown park should not be used to help Goldenvoice or any other promoter turn our public park into a series of pay for mini Coachella and Stagecoach style festivals. The result of such a use of the park would be to turn the public park into a private venue for an unknown number of events. The proposed use of a fence, lockable gates and ticket booths we believe supports our concern that the City anticipates letting promoters put on many, many, paid concerts.

We do support a limited number of free amplified music concerts in the park as long as the conditions of use are clearly defined and enforced so as not to disturb the Tennis Club Neighborhood in violation of the City Noise Ordinance. Living on West Arenas, we are familiar with the acoustic effect of amplified music bouncing off and along the mountains, which directs music from some distance away into the sensitive receptor areas like the Tennis Club Neighborhood which runs along the base of the mountains.

Further, it is our position that the City must undertake a new EIR for the park as the prior EIR did not deal with a "4000" person event center and the obvious and substantial traffic, parking and noise environmental impacts. This Addendum is insufficient. For one example, neither the Addendum nor its Traffic Impact Study deals with, analyzes or studies the inadequate parking at the Market Plaza let alone to handle a series of 4000 person special events. Moreover, other than conclusory statements the Addendum did not undertake a noise study nor discuss or analyze the common and locally know acoustical effect of amplified music bouncing off the mountains and into the Tennis Club Neighborhood.

As to the density of the Museum Market Plaza, we oppose building more than two (2) high rise hotels on the site and suggest that the Specific Plan limit the total number of hotel rooms to 300. The currently approved Kimpton at 155 rooms and the currently approved AC Marriott at 135 rooms satisfy the 300 room criterion. It is time for this new City Council to reign in uncontrolled and inappropriate overdevelopment and do the most it can to save downtown Palm Springs.

We also oppose Mr. Wessman's proposal to have TOT credits transferred from the AC Marriott to the proposed Park Hotel at 175 rooms. At the least, if a trade is approved, the Park Hotel should only get credit for 135 rooms and an agreement that Mr. Wessman relinquishes his vested entitlement to the AC Marriott and that only two hotels will be allowed in the Market Plaza development, the Kimpton and the Park Hotel.

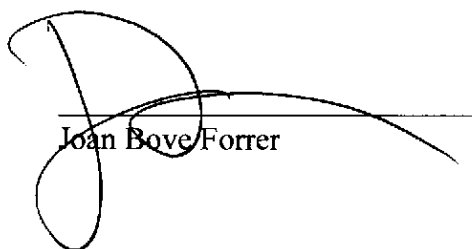
As a matter of land use policy, the mere fact that City Staff is coming to the Council with amendments to the Specific Plan to reconcile the Specific Plan with the development approved to this point, supports that the review and oversight of the development was lacking. The development should have complied with the Specific Plan and where in conflict and inconsistent with the General Plan met those standards. The City has for far too long gotten into the habit of making exceptions to the Specific Plan, General Plan and Zoning Code “the rule”, rather than the exception. Requests for such exceptions, including under a Planned Development District, should be rarely granted, saving compelling and documented circumstances. Moreover, planning procedures for the City should be consistent and provide an easily understood transparency for such large projects as the Museum Market Plaza.

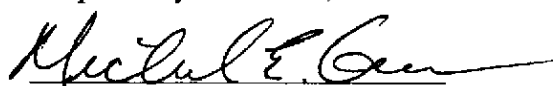
One example of a procedural anomaly engineered under the last City Council in applying the City’s land use standards and procedures under the current Specific Plan is Block A, the West Elm building currently under construction on Palm Canyon. On December 19, 2012 the City Council (Agenda Item 1.A.) approved designs for Blocks A, B, B-1, C and C-1. In that rendition of the project only one hotel is proposed (the Kimpton) and Block A is proposed as one-story. Those past renditions rightfully received generally positive support. It is a curious turn of events that the 2012 one-story Block A morphed into the hideous West Elm building.

The height, mass and close proximity to Palm Canyon of the West Elm building makes the building completely inappropriate for that location. The West Elm building has changed the feel of that area of Palm Canyon for the worst, by dominating the street. It in no way represents the admonitions in the General Plan that Palm Springs should retain its “village” character. We urge the City Council to stand on the east side of Palm Canyon in front of the West Elm building and experience for yourselves the inappropriate height, mass and too close to the street positioning. Why the prior City Council did not intercede in Planning Commission approvals after 2012 that dramatically changed the approved 2012 design plans for Block A is a mystery to us. The result is this truly inappropriate designed, and positioned, West Elm building.

We urge the City Council to avoid future mistakes like the West Elm building in Block A when considering development for the rest of the Museum Market Plaza and to adopt an Amended Specific Plan to help mitigate and ameliorate past planning decisions that are inappropriate for Palm Springs downtown village. We also urge the City Council to initiate a new EIR for the proposed 4000 person event venue downtown public park.

If you have any questions please feel free to contact us at any time.


Joan Bove Forrer

Respectfully submitted,

Michael E. Guerra, Esq.

Cindy Berardi

From: Jennifer Nelson
Sent: Wednesday, December 16, 2015 8:56 AM
To: Jay Thompson; Kathie Hart
Cc: Cindy Berardi
Subject: FW: No on increased height

RECEIVED
CITY OF PALM SPRINGS
2015 DEC 16 AM 9:38
JAMES THOMPSON
CITY CLERK

-----Original Message-----

From: Terry House [<mailto:terry.house@gmail.com>]
Sent: Wednesday, December 16, 2015 8:48 AM
To: Robert Moon
Cc: Geoff Kors; JR Roberts
Subject: No on increased height

Hello Mr Moon, Mr Kors, Mr Roberts -

I voted for you all.

I do not want the downtown development to be piece-meal remade into what Wessman wanted in the first place. 6 ft higher next to Hyatt, now 15 higher for residential (why is residential less invasive at 75 feet than a commercial bldg?).

It does matter why he's requesting all these increases - never a decrease of course - in height. It matters what retail is so important that we revise the scale of the development, supposedly carefully planned for scope and integration with the already built community. It's not, as one new CC member rather smugly said, just whether 6 ft "works" architecturally. It might if it were worth it, in some economical sense. But no more secret retailers. West Elm wasn't exactly exciting.

Sincerely,

Terry House
Full Time Resident of Palm Springs

Cindy Berardi

RECEIVED
CITY OF PALM SPRING

From: Chip Marler <chipmarler@hotmail.com>
Sent: Wednesday, December 16, 2015 6:56 AM
To: Robert Moon
Subject: I support the downtown project

2015 DEC 16 AM 9:38

JAMES THOMPSON
CITY CLERK

Robert,

I will be brief, but wanted you to know that I am in full support of the approval of more residential as a part of the downtown project, even if that means more height to the buildings. And further, I ask that the council support the proposal for the "Park Hotel". A vibrant urban core trumps a dead village, in my opinion.

Thank you,

Chip

Jay Thompson

From: Tommy Ledwith <thomas_m_ledwith@yahoo.com>
Sent: Wednesday, December 16, 2015 4:27 AM
To: JR Roberts; J.R. Roberts; Robert Moon; Chris Mills; Ginny Foat; Geoff Kors; Geoffkorsps@gmail.com
Cc: Jay Thompson
Subject: HEIGHT RESTRICTIONS / COUNCIL MEETING 12/16 TONIGHT

TO ALL,

Greetings from Boston, Massachusetts . I have owned a condo in PS since 6/2007. When I am in town I attend the City Council meetings. My NUMBER ONE reason why I love Palm Springs , The Majestic Mountains and all their beauty . Please DON'T ALLOW TALL BUILDINGS that Block Views !

Thank You,

Thomas M Ledwith

Cindy Berardi

From: eric jannke <kennaj8@gmail.com>
Sent: Wednesday, December 16, 2015 10:39 AM
To: CityClerk
Subject: downtown development

For the City Council—

I'm a full time PS resident and prefer that the new downtown development balance residential development with hotel rooms. Three new hotels sounds like quite a lot for that location. Residential development would benefit the businesses in the area by providing for more than tourist use, integrating life in town.

Thank you,

Eric Jannke

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CITY OF PALM SPRING
2015 DEC 16 AM 11:17
JAMES THOMPSON
CITY CLERK

Cindy Berardi

From: Jennifer Nelson
Sent: Wednesday, December 16, 2015 11:35 AM
To: Jay Thompson; Kathie Hart
Cc: Cindy Berardi
Subject: FW: Downtown development

RECEIVED
CITY OF PALM SPRING
2015 DEC 16 AM 11:41
JAMES THOMPSON
CITY CLERK

-----Original Message-----

From: Bonnieruttan [<mailto:bonnieruttan@aol.com>]
Sent: Wednesday, December 16, 2015 11:16 AM
To: Robert Moon; Ginny Foat
Subject: Downtown development

I'm writing to ask you not to approve any revisions to the downtown plan, particularly height, as proposed by Wessman development Our money and our trust are being abused Sincerely Bonnie Ruttan
1111 Abrigo Rd

Sent from my iPad

Kathie Hart

From: Ginny Foat
Sent: Wednesday, December 16, 2015 2:55 PM
To: 'ginnyf@mizell.org'; Jay Thompson
Subject: FW: Downtown Building Height

From: Carol Wister [<mailto:cwisterps@gmail.com>]
Sent: Wednesday, December 16, 2015 7:52 AM
To: Ginny Foat; Chris Mills; Geoff Kors; JR Roberts
Subject: Fwd: Downtown Building Height

Begin forwarded message:

From: Carol Wister <cwisterps@gmail.com>
Date: December 16, 2015 at 7:48:17 AM PST
To: Robert.Moon@palmspringsca.gov
Subject: **Downtown Building Height**

Dear Robert,

I opened this morning's paper to yet another article about John Wessman requesting more changes to the original plan approved (and supported by many PS residents) for downtown development. This week, Wessman is requesting another concession that would allow him to increase the original height of the downtown buildings. Last week, he was given permission to increase the height of a retail building in order to lure a "mystery" high-end retail store. This week, he claims he needs an additional 15 feet height allowance to make residential units in his development more viable. Not only is he asking for increased height, he is trying to increase the density and congestion in our village.

I have lived in Palm Springs for 11 years. During the 25 years that I vacationed here before becoming a permanent resident, I experienced PS both as a quaint, relaxing village and as almost a ghost town as destination stores and galleries (think Adagio Gallery) closed or moved to other locations outside our city. Palm Springs is important to its year round residents. To revitalize our city, its year round citizens approved additional taxes through Measure J to bring improvements to downtown and its environs that would benefit residents and visitors alike. Improvements are obvious when we visit downtown and it is obvious, as the proclamation across our city hall states, "The People Are the City".

John Wessman continues to ask for variations from the original plan that benefit his enterprise. As anyone who has experienced a renovation of any sort, I realize that construction requires some malleability and adaptations to the original plan. Wessman already has had numerous changes to the plan. While I was enthusiastic about downtown revitalization at the outset, I have now had enough of Wessman's constant requests for concessions that add height and congestion to our city center. Having once again stood in the shadow cast by the West Elm building in the new downtown project, I ask you and the City Council to remember that the People are the City.

Let's not lose the village-like quality of our city to a development that seeks to attract high-end, wealthy spenders at the expense of residents who love Palm Springs for its village-like ambiance. Please deny this request as well as further requests from Wessman to increase height and density limits. Remember that The People Are the City--not John Wessman. It is time for our new City Council to stand up to developers!

Thank you,
Carol Wister
2178 Aurora Dr.
Palm Springs

Kathie Hart

From: Ginny Foat
Sent: Wednesday, December 16, 2015 2:59 PM
To: Jay Thompson
Subject: FW: Proposed building height increase

-----Original Message-----

From: David Keens [<mailto:dkeens@sbcglobal.net>]
Sent: Wednesday, December 16, 2015 2:50 PM
To: Robert Moon; Chris Mills; Ginny Foat; Geoff Kors; JR Roberts
Subject: Proposed building height increase

Mayor Moon, and esteemed City Council Members:

I am writing to plead that you not support the proposal by John Wessman of Wessman Development, to increase building height restrictions for Palm Springs. The very nature of Palm Springs; it's intimate village feel, has already been dramatically compromised by the ill-conceived, oversized, high density, building cluster of the new downtown development project by Wessman Development. The lack of street setback, narrow view corridors, and out of scale height of the buildings has been a major disappointment to the vast majority of citizens of Palm Springs. It is one thing to see dimensions of a building on plans, but once the scale of the structures became apparent to the public as construction progressed, the overwhelming response has been shock at the size, how it cramps the street, and how out of place it feels in our town. Most citizens were very disappointed in the Council's recent acquiescence to Wessman Development's request to extend the height of one of the retail spaces. Now a proposal is being made to extend buildings to 75 feet tall, which would add more buildings that far exceed our town's intimate scale.

Palm Springs has had height restrictions for many years, and for good reason; to preserve the very character of Palm Springs that draws so many visitors and residents to our town. Extending height restrictions, has no positive benefit to the citizens or merchants that live and work in our town, it only benefits Wessman Development, and destroys one of the primary village feel experiences that has made the town so desirable for its residents as well as tourists.

Please consider that several of you ran for office with preservation efforts as part of your promise to the citizens of Palm Springs. Preservation is about more than just saving endangered existing buildings, it is about preserving the nature and characteristics of Palm Springs itself largely by keeping new development in scale with the city and abiding by the guidelines established for new construction that have helped keep new development in check, and relevant to our town. Extending the building height limitations, as requested by John Wessman or any other developer, runs contrary to your pledge to support the preservation of this city. Please, please, reject this proposal, and reiterate to developers that the recent era of making special exceptions, and favors to developers has ended with this new Mayor and City Council.

Respectfully,

David Keens
Full time Palm Springs resident

Kathie Hart

From: Ginny Foat
Sent: Wednesday, December 16, 2015 2:53 PM
To: Jay Thompson
Subject: FW: We represent the silent majority

From: NORM4ESTATES@aol.com [<mailto:NORM4ESTATES@aol.com>]
Sent: Wednesday, December 16, 2015 12:11 PM
To: Ginny Foat
Subject: Fwd: We represent the silent majority

Is David Ready forwarding my emails?

Norm Anderson
760-324-9663

From: NORM4ESTATES@aol.com
To: david.ready@palmssprings-ca.gov
Sent: 12/12/2015 8:51:17 A.M. Pacific Standard Time
Subj: We represent the silent majority

We are sure you are aware that what is happening downtown is catching the eye of major retailers around the world. Because of that this is an evolving project and city hall needs to evolve with it.

We have predicted that what happens downtown will cause retailers that left town over the last 30 years to come back or open a second more successful store.

El Paseo is dead as a door nail for at least 4 months of the years. Downtown Palm Springs can have a thousand people on the street in the middle of summer every single day.

And has anyone figured out why downtown is catching their attention? Its the 3 prominent hotels going in that will create new set of shopper every 3-5 days. This will fuel continuous spending in our downtown core.

Because of that all 3 hotels should be built now. We don't want streets block and construction downtown a few years from now.

We don't feel the new hotels will take away from existing business but will take away from those thinking of going down valley. Each hotel in Palm springs has something unique to offer that tourists realize.

The new road Museum Way might be the perfect spot for the Agua Caliente Cultural Museum and entrance to the new Spa Hotel.

We are not in favor of saving that monstrosity preservationist get so excited about. Not one dime of our tax dollars should be spent preserving it.

If city hall wants to spend measure J funds on a viable project skip the bike lanes, build two parking structures next to the convention center and make it a viable year round attraction.

The business of special interest groups hijacking measure J funds has got to stop.

N Anderson

304

Cindy Berardi

From: Bill Fauber <wdfauber@yahoo.com>
Sent: Wednesday, December 16, 2015 2:05 PM
To: CityClerk
Subject: SUPPORT FOR LIMITING/REDUCING DOWNTOWN HOTELS

I hope to attend this evening's City Council meeting but in case I can't, I wanted to state how **STRONGLY** I support JR Roberts' effort to limit the amount of hotels and hotel rooms in the new Market Square development.

I am **AGAINST** the construction of a 3rd hotel (in addition to the Kimpton and the AC Marriott that have already been approved). I am **AGAINST** construction of a 3rd hotel bordering the East end of the new Central Park. I am **AGAINST** the current Specific Plan's 600 hotel room approved limit.

Very Sincerely,

William Fauber
1498 E. Baristo Road
Palm Springs, CA 92262

Cindy Berardi

From: Lucie Luckinbill <lluckinbill@gmail.com>
Sent: Thursday, December 31, 2015 10:52 AM
To: CityClerk
Cc: David Zippel; Larry Luckinbill
Subject: Thw Wessman Project

RECEIVED
CITY OF PALM SPRINGS
2015 DEC 31 AM 11:21
JAMES THOMPSON
CITY CLERK

To: Mr. Jay Thompson, City Clerk

Mr. Mayor and esteemed City Council members,

Neither my husband, Laurence Luckinbill, nor I can be with you again on the 6th of January, but, we wanted to state our agreement with the propositions below in regards to the Wessman Wall of Buildings proposed and actually under construction along Palm Canyon, despite the lack of proper plan approvals. Our thoughts here are a consensus of ideas from a large group of residents in opposition to this building project. Several well respected architects included. Larry and I urge you to consider these proposals very carefully before moving forward with any of this. **As it stands right now, it would be a blunder the city could hardly recover from.**

Palm Springs has been developed in such a wise and considered way for the last several decades. What a shame it would be to allow one man to hold us ransom simply because he played dirty and held on to these properties so long that we would have to agree to almost anything simply to get the eyesore gone and get "something....anything" finished. This *can* be stopped, altered and made absolutely beautiful **if you put the brakes on now**. We believe Mr. Wessman is actually hoping that the project will fail and that is when he will make his real money. You all know what I am talking about. The man has not played fair with our unique city. **Do NOT** let him, or anyone else in a hurry, bully you into making a huge mistake. You can be the heros here. We urge you to be brave. Do the right thing. Go for it!

A) Stop The Wessman Wall – As currently requested, if approved, Wessman Development would build a wall of very tall buildings between Palm Canyon and the mountain. This will block the sun and the view forever and, of course, The Museum. The 89’ hotel known as The Kimpton (already in construction), the requested Park Hotel 75’ plus mechanicals, The already topped out hideous building on Block A known as “The West Elm Building” 53’ plus mechanicals next to the Hyatt. This would create a wall stretching from Taqhuitz to Amado. We beg the Council to keep block B low.

B) Add block B to “The Park” – This is an inspired idea which would create an open “park or plaza” from The Museum all the way to Palm Canyon, thus creating a veritable town square, which was the desire of the community in the original downtown “visioning sessions.” It is a win/win for the City and for Wessman Development. Wessman could build his Park Hotel on the back of block A (behind the West Elm Building) which would have sweeping views of the park and the mountains on one side and the golf course and the mountains on the other side. All of his hotels, retail and residential developments would face a park and have visibility from Palm Canyon which would increase their desirability and value.

C) Save the Town and Country . Any agreement *must* include a clause requiring Wessman Development to restore it should anything happen to it prior to it’s restoration and adaptive reuse.

D) Most importantly we urge the City to **pause all further approvals** until a proper master plan with all massing of the project *are clearly understood and approved*.

Thank you for your serious consideration to these recommendations,

Lucie Arnaz Luckinbill
Proud Palm Springs resident
914-649-6492

Cindy Berardi

From: Laurence Luckinbill <lg1134@gmail.com>
Sent: Thursday, December 31, 2015 3:50 PM
To: CityClerk; Lucie Luckinbill; David Zippel; hbmatzner@cbaol.com
Subject: Re: The Wessman mess

RECEIVED
CITY OF PALM SPRINGS
2015 DEC 31 PM 4:10
JAMES THOMPSON
CITY CLERK

Sorry, didn't sign my full name to the letter.

Laurence Luckinbill. lg1134@gmail.com. 914 954 7104

On Thu, Dec 31, 2015 at 2:45 PM, Laurence Luckinbill <lg1134@gmail.com> wrote:

Mr. Jay Thompson, City Clerk
Mayor Moon
City Council Members

Dear Friends,

My wife Lucie and I moved here recently from New York and Connecticut. After only a short stay, we decided that the Desert was so good and so sweet to live in that I re-named it The Dessert.

We were urged by brokers and friends to settle in the mall-bound, more isolated-feeling towns further east. But we got the Spirit of this town somehow, and chose Palm Springs.

We wanted its simple feel, its light, its feeling of dwelling directly IN the mountains that make this part of the world so special. We chose the village feel and physical beauty of this particular town because it's important to a civilized life, We were blown away by the clarity of vision of previous administrations and perhaps yours, to fill the town with casually stunning civic art at corners and nooks and along every major and minor crossroads. It is no ordinary place.

I remind myself and you of the basic reasons why people want to be here in this town of simple beauty, based in the charm of a past era, because reason may be getting lost in the mess the Wessman Projects have brought to the re-vitalization table here. We--and many, many of us with voices that extend beyond the town--are opposed to the Wessman plan. The reasons are clear, if the solution is not. The Wessman plan is horrible. It will kill this town. Congestion? What has that word to do with what is important here? That's a word used by a corporate planner who doesn't understand or care about the real life of a city, someone crass in purpose and approach, whose obvious aim is to crowd the town with big, and quite ugly buildings, take the money and run--or whatever!

I'm not a city planner, but I have lived all over the world and believe--and I hope you do--that people congregate where they are stimulated mentally, spiritually, visually and corporeally. Where they are treated as real living individuals, not as mere consumers, where their souls are refreshed and where they are proud to be citizens. The trend of filling downtowns with enormous boxes of whatever nature in hopes of bringing trade has failed. It's run its course. You have all seen the results in other places which have sacrificed everything to other "Wessmans" and done their bidding only to find that the new buildings are empty because the people won't come downtown anymore. Palm Springs is not "Anytown." If the Wessman plan continues as is, Palm Springs will look like West Palm Beach or downtown anywhere. And IT WONT WORK. The problems will remain--complicated further by white elephant eyesores looming over downtown, hiding the mountains, obliterating the deserts cape, and reminding everyone that this new City Council failed in its only purpose--to re-vitalize the city.

I ain't blaming anyone. I ain't against anyone. I want to help. Palm Springs downtown need a new theater complex--not movie

theaters--playhouses where live shows of classic and contemporary power will bring people out in the evenings. It needs, in connection with theaters, a conservatory which will draw students of the arts from the entire area. It needs attractions like a Children's Museum, maybe a permanent outdoor circus like the seasonal Big Apple in Lincoln Center. A theme-based outdoor theater that dramatizes the rich history of this special place in the world. It needs bookstores. It needs, simply, places people can go to refresh their minds and spirits and yes, to stay and spend money--but the main thing to keep in mind, ladies and gentlemen, is money and crowds are just that, but a city has a soul. A city has dreams. A city has beautiful secret nooks and parks and places for lovers, and students, and elderly people (like me!) who will feel welcome, and where it's easy to go downtown and sit awhile, maybe buy something beautiful, maybe just hang, because it feels so good to be with people who are not fighting their way through the parking horrors to get to the "Congestion" but are fulfilling their aim of becoming more human by dwelling HERE--instead of there.

My friends, please, many, many of us out here are counting on you--looking at you with new hopes--to save our fair city by your next decisions. In all of your hearts you know what to do: DREAM A BETTER CITY! Dare to dream the Palm Springs that will be celebrated around the world. Don't turn it into the backside of anywhere. Let us help you rebuild it into its better self!!! In the film, Field of Dreams, the money to build came, it followed the dream. And the people came--to PARTICIPATE in baseball--a beautiful American dream event if there ever was one. (I'm not suggesting to build a stadium! Just sayin').

Thanks for taking time to read this. I never write short. This is so important--so, GO LONG!

Sincerely.

Larry

Laurence Luckinbill

Hermosa Beach Office
Phone: (310) 798-2400
Fax: (310) 798-2402

San Diego Office
Phone: (858) 999-0070
Phone: (619) 940-4522



Amy Minter
Email Address:
acm@cbcearthlaw.com

Direct Dial:
310-798-2400 Ext. 3

December 31, 2015

By Email and U.S. Mail

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

Re: Museum Market Plaza Specific Plan Update

Honorable Councilmembers:

On behalf of the Palm Springs Modern Committee, we write to express our support for the proposed revision of the Downtown Palm Springs Specific Plan (formerly the Museum Market Plaza Specific Plan) to eliminate the need for a roadway through Block K of the Specific Plan site and require a rehabilitation feasibility study and approval of a planned development district prior to the approval of a demolition permit for the National Register eligible Town & Country Center. Both the Traffic Impact Study Update and the 2015 Addendum to the Environmental Impact Report for the Specific Plan analyzed the elimination of the previously proposed roadway through the Town & Country Center and found that eliminating that roadway would have no negative impacts. Thus, we believe the proposed revisions, which allow for potential historic preservation while still providing the necessary circulation for downtown, are in the best interest of the City.

After reviewing the December 2015 revisions to the Downtown Palm Springs Specific Plan, we do have a few suggestions for additional revisions that would eliminate several inconsistencies within the revised document and would further clarify that the feasibility of preservation must be independently assessed before demolition of the Town & Country Center would be allowed.

1) **Page III-36, lines 1086-1089**, states:

“East-west connectivity is facilitated for both vehicles and pedestrians. Upgrading the streetscape of Andreas Road and introducing a new public street, (“Main Street”), that bisects Block K and continues through to the Palm Springs Art

Museum will enhance connectivity to and from Section 14, as well as providing an opportunity to form several definitive intersections.”

We propose the following revision to this section, with additions underlined and deletions in strikeout, to clarify that extension of Main Street through Block K is not required:

“East-west connectivity is facilitated for both vehicles and pedestrians. Upgrading the streetscape of Andreas Road and extending Andreas Road across Palm Canyon Drive to Belardo Road ~~and introducing a new public street, (“Main Street”)~~, that bisects Block K and continues through to the Palm Springs Art Museum will enhance connectivity to and from Section 14, as well as providing an opportunity to form several definitive intersections.”

2) Page III-38, Lines 1148-1153 states:

“A visual link between Downtown Palm Springs and the Section 14 district immediately to the east should be achieved by the introduction of special street surface finishes to Indian Canyon Drive, at the intersection of the east end of Main Street extending through Block K.”

We propose this sentence be removed from the Specific Plan.

3) Page IV-6, Lines 1601-1603, states:

“In addition, an 8 inch line will be extended in the new east-west street, between Palm Canyon and Indian Canyon.”

We propose the following addition to this sentence, to provide an alternative location for the proposed water line if Main Street does not extend through Block K:

“In addition, an 8 inch line will be extended in the new east-west street, between Palm Canyon and Indian Canyon, or adjacent to Block K if Main Street is not extended between Palm Canyon Drive and Indian Canyon Drive at the time Block K is developed or rehabilitated.”

4) Page V-6, Lines 1856-1860, states:

“No permit for the demolition or substantial alteration of any portion of the Town and Country Center will be issued until (a) all discretionary entitlements consistent

with the Specific Plan have been approved for the renovation or redevelopment of Blocks A through G; (b) building permits in furtherance of such renovation or redevelopment have been issued; and (c) substantial work consistent with such building permits has commenced on Blocks A through G.”

We propose the following addition to this section to clarify that demolition of the Town & Country Center should not be allowed if preservation is found to be feasible:

“No permit for the demolition or substantial alteration of any portion of the Town and Country Center will be issued until (a) all discretionary entitlements consistent with the Specific Plan have been approved for the renovation or redevelopment of Blocks A through G; (b) building permits in furtherance of such renovation or redevelopment have been issued; ~~and~~ (c) substantial work consistent with such building permits has commenced on Blocks A through G; and (d) the study feasibility of preservation has been prepared and a PDD has been approved for Block K.”

The Palm Springs Modern Committee greatly appreciates the City Council’s time, effort and careful consideration of the future of Downtown. With these few additional proposed changes, the revised Downtown Palm Springs Specific Plan will support a revitalized Downtown that we can all take pride in.

Sincerely,



Amy Minter
Attorney at Law

cc: Flinn Fagg, AICP, Director of Planning Services
Palm Springs Modern Committee



AGUA CALIENTE BAND OF CAHUILLA INDIANS
TRIBAL COUNCIL

JEFF L. GRUBBE CHAIRMAN • LARRY N. OLINGER VICE CHAIRMAN • VINCENT GONZALES III SECRETARY/TREASURER
ANTHONY J. ANDREAS III MEMBER • REID D. MILANOVICH MEMBER

January 4, 2016

HAND DELIVERED

*Recd
1-6-16
2:00 pm*

Mayor Robert Moon and City Council
CITY OF PALM SPRINGS
3200 Tahquitz Canyon Way
Palm Springs, California 92262

RE: Museum Market Plaza Specific Plan Amendment and Final EIR Addendum No. 2

Dear Mayor and City Council,

The Agua Caliente Band of Cahuilla Indians ("Tribe") generally supports economic development efforts in downtown Palm Springs to ensure the continued vitality of an international destination. Consistent with that position, the Tribe is an active member of the Chamber of Commerce, Main Street Palm Springs and the Palm Springs Hospitality Association and is supportive of all efforts to improve the economic health of the City of Palm Springs. In fact, the Tribe originally prepared and recently updated the Section 14 Specific Plan in anticipation of increased density and high quality design as the foundation for the Tribe's long-term vision to make a major contribution to the economic health of both the Tribe and the City.

The Tribal Council of the Agua Caliente Band of Cahuilla Indians is aware of the upcoming City Council study session this Wednesday to take public comment on an amendment to the Museum Market Plaza Specific Plan, Final EIR Addendum No. 2 and associated downtown development. The Tribal Council has not had an opportunity to review the Addendum nor any of the proposed changes to the Specific Plan and has no comment at this time. However, should the Tribe wish to weigh in on the Addendum, Specific Plan or the proposed downtown development, it will relay its comments to the City directly as it customarily does on a government-to-government basis.

Please contact me should you have any questions at 760-699-6800.

Very truly yours,

Jeff L. Grubbe
Chairman, Tribal Council
**AGUA CALIENTE BAND
OF CAHUILLA INDIANS**

TC-115561-01-16

C: Thomas J. Davis, Chief Planning Officer

*Additional Material
1-6-16 315*

Joan Bove Forrer
Michael E. Guerra, Esq.
457 West Arenas Road
Palm Springs, CA 92262
760-641-4519 / 805-455-4982

RECEIVED

JAN 26 2016

PLANNING SERVICES
DEPARTMENT

January 26, 2016

Hand Delivered

Mayor Robert Moon, Mayor Pro Tem Chris Mills, and
Councilmembers Ginny Foat, Geoff Kors and J.R. Roberts
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

**Re: Proposed Amendment to the Museum Market Plaza Specific Plan; and,
Addendum #2 to the Environmental Impact Report - Tentatively set for the
February 3, 2016 City Council Meeting Agenda (Case No. 5.1204 SP A-1)**

Dear Mayor Moon, Mayor Pro Tem Mills and Councilmembers Foat, Kors and Roberts:

In addition to our December 14, 2015 comment letter, Ms. Forrer and I submit the following additional comments on the Proposed Amendment to the Museum Market Plaza Specific Plan and Addendum #2 to the Environmental Impact Report (EIR).

Joan Forrer and I live in the Historic Tennis Club Neighborhood at 457 West Arenas Road. Our home is three blocks from the eastern edge of the Museum Market Plaza development. With the close proximity of the Museum Market Plaza to the Historic Tennis Club Neighborhood and our home, we have concerns about the significant negative impacts the Market Plaza development will have on our neighborhood due to too much density for the development, increased traffic that mitigation will not solve, and lack of adequate parking. Further, it is our position that Addendum #2 to the 2009 EIR is legally insufficient and fails to adequately address the major changes to the project from 2009 to the current proposal, especially the inclusion of a 4000 person outdoor event center.

Ms. Forrer and I watched and listened to the live feeds of the January 6, 2016 City Council study session regarding the Museum Market Plaza Specific Plan and the January 13, 2016 City Council meeting on that same agenda item with great interest. Ms. Forrer and I, like most all of our many friends residing in Palm Springs used our votes during the recent election to send a strong message that it was time for a change on City Council. Mayor Moon, Councilmembers Kors and Roberts, we are greatly encouraged by your comments and actions so far as to the downtown project. Councilmember Foat, we are, to our surprise, greatly encourage by your willingness to acknowledge mistakes in the development and seek solutions to the concerns of those of us writing and speaking before the City Council.

Mayor Pro Tem Mills, Ms. Forrer and I understand how personally invested you are in this project, but we are discouraged by your unwillingness to at least admit that the West Elm building on Block A is a mistake. Even Mr. Wessman expressly admitted as much when speaking to the Council on January 13th. With all due respect, we ask you to reflect on the overall mandate that the voters gave to the new mayor and two new members of the City Council. We feel you are too quick to defend the past on this project, without a thoughtful contemplation of the many concerns that have been voiced about the problems with the downtown project. You give the impression of being dismissive of these concerns about the downtown development voiced in many emails, letters and public comments. We ask that you at least acknowledge the legitimate right of those of us who live in the city and who care deeply about the future of Palm Springs and the quality of life here to voice those concerns. Ms. Forrer and I feel you are in a unique position to reach out to Mr. Wessman and ask him to acknowledge those same concerns and seek compromises of the height, mass and use of the project blocks.

The Specific Plan Amendment

After listening to the January 6th and 13th meetings, our position on the number of hotels is unchanged for the Museum Market Plaza - we oppose building more than two (2) hotels on the site. We believe that the Specific Plan should limit the total number of hotels to two (2) and the number of hotel rooms to 300. The currently approved Kimpton at 155 rooms and the currently approved AC Marriott at 135 rooms satisfy the 300 room criterion.

We oppose Mr. Wessman's proposal to put the AC Marriott temporarily on hold and move forward with a Virgin Hotel. We have heard no compelling reason why all of a sudden the developer wants to put the AC Marriott on hold, and seek a third hotel, the Virgin Hotel, and why the City Council should allow three (3) hotels. We are concerned that Mr. Wessman's idea to put the AC Marriott on hold is just a clever way of trying to get approval to build a third hotel. Our opinion is that a Virgin Hotel is not essential to the success of the downtown project. As the development now stands it has two well recognized hotel brands (Kimpton and AC Marriott) approved and approved for TOT rebates making them more economically viable into the future.

We also oppose Mr. Wessman's proposal to have TOT credits transferred from the AC Marriott to the Virgin Hotel (at 150 to 175 rooms) or any other hotel. The TOT rebate program has ended and there is no legitimate reason to extend it or make an exception for any proposed third hotel, including the Virgin Hotel. At the least, if a trade of TOT credits is approved, the Virgin Hotel should only get credit for 135 rooms and an agreement that Mr. Wessman relinquishes his vested entitlement to the AC Marriott and that only two hotels will be allowed in the Market Plaza development, the Kimpton and the Virgin Hotel, not to exceed 300 total hotel rooms.

Assuming for argument that only two hotels are allowed, and the Virgin Hotel is the second hotel, Ms. Forrer and I oppose a 6 or 7-story Virgin Hotel being built on Block B-1. To build a 6 or 7-story hotel on B-1 would negatively impact the design feeling on Palm Canyon with too tall a building with too much mass. It would further block the mountains. Moreover, a 6 or 7-story hotel on B-1 would negatively impact the City's park by towering over the park area.

Ms. Forrer and I wonder if the Virgin Hotel chain is aware of the political changes that have taken place on the City Council and the general disenchantment by residents with the downtown development, even by persons who did support the original concept and the 2012 City Council approved proposal. Is Virgin aware of the almost universal dislike of the West Elm building on Block A? Does the Virgin Hotel group want to become another "West Elm" Block A type building at Block B-1?

Our main concerns are overdevelopment, with too much density and mass which will completely change the feel of Palm Canyon and downtown Palm Springs in a negative manner. Thus, the main criterion for us is no more than two (2) hotels on the site. We feel it may matter little whether it is the AC Marriott (a new and expanding brand for Marriott International) or a Virgin Hotel; however, again we see no compelling reason to abandon the AC Marriott which is approved and has TOT rebates vested versus the Virgin Hotel which is not approved and does not have TOT rebates.

During the January 13, 2016 City Council meeting several hotel general managers spoke in support of the Virgin Hotel, in lieu of at this time, the AC Marriott being developed. One hotel manager commented generally that with Marriott International buying the Starwood Hotels, the AC Marriott would compete with its own properties in Palm Springs (i.e. Renaissance, Courtyard, Riviera) and thus the Virgin Hotel should be supported first.

Although we do not doubt the sincerity of the local hotel managers to promote Palm Springs as a vacation destination, their comments must be taken in the context that they have vested financial and competitive pressures that may effect why they would support the Virgin Hotel to be built now, and the AC Marriott put on the back burner until such time City wide hotel occupancy reaches a certain level. Ms. Forrer and I find little support for their position. First, the Kimpton is already under construction and has a great reputation as an upper end four star hotel. Next, the AC Marriott is already approved and approved for TOT rebates. Further, as stated above, we have heard no compelling reason to abandon the AC Marriott at this time. In our mind the other local hotels would probably prefer the Virgin over the AC Marriott (part of a larger chain) as the Marriott would seem to have pricing power in competing with the local surrounding hotels. In addition, the hotel managers support for three (3) hotels in the project (sometime in the future) disregards the significant environmental and design issues with adding a third hotel, by adding more density, height, mass, traffic and the need for more parking.

Addendum #2 to the 2009 EIR

Although we find the original 2009 EIR and the subsequent Addenda legally insufficient under CEQA, instead of starting all over with a new EIR (which we feel is warranted given the great number of major changes to the project since 2009) one way to address the EIR issues is through the language and guidelines to be adopted and included in the Specific Plan amendments. Thus, the policies adopted in the Specific Plan (i.e. no more than two (2) hotels, could be viewed as a “mitigation” measure when included in the Specific Plan (i.e. for aesthetics, air quality, GHG, parking and traffic) by limiting the number of hotels to two in the project. This can be specifically stated in the mitigation sections of Addendum #2 that limiting the number of hotels is mitigating the significant environmental impacts that would result from allowing three or more hotels on the site. These “no build” options should be included in Addendum #2. The City Council should have their analysis of the changes in the Specific Plan (less density, less height and mass, more view corridors, more parking, less traffic etc.) also viewed in terms of how those Specific Plan changes will reduce the significant and harmful environmental impacts of the project.

Aesthetics

Comparing the December 2012 project proposal approved by the City Council to the current proposal(s), it is clear that little consideration is given to maintaining one of the major attributes of the downtown area, its close proximity to the scenic mountains and its views of the mountains. In our reading of Addendum #2, the Addendum in a cursory fashion makes assumptions and dismisses and underplays the loss of the mountain views.

Traffic / Parking

It seems only common sense that an increase in vehicle traffic volume (more visitors to downtown) due to the downtown development (hotels, events, restaurants, etc) would require more parking. If there is no parking then those vehicles circulating looking for parking spots will not be taken out of that inventory of traffic and may have to circulate one or more times to find parking spaces. Thus, any traffic analysis that fails to realize that lack of parking effects traffic circulation and traffic congestion is flawed.

Addendum #2 basically ignores the parking aspect of the traffic/parking relationship overlooking that if there is inadequate parking, then traffic will be more congested for longer periods as those vehicles searching for parking circulate back again into the traffic pattern. We find that the Addendum’s failure to address the lack of parking and how it would relate to traffic a significant flaw in the traffic analysis. The Addendum does find that during certain times (VillageFest, events in the Park) traffic will be adversely effected and the Addendum proposes a series of mitigation measures.

Ms. Forrer and I contend, that those mitigation measures may not work if there is inadequate parking to accommodate the increased number of vehicles due to the Museum Market Plaza development and all its uses. It is our position that at build out of the development, with inadequate parking, the traffic congestion will be worse than is assumed by Addendum #2 and its traffic study (Endo).

The City Council has already voiced concerns about the inadequate number of parking spaces for the development. However, the City Council seemed to only focused on the number of spaces needed for a build out of the development (2 hotels, 11 restaurants, retail, employees, etc.) Assuming a series of 4000 person events at the downtown Park, it appears that the Addendum fails to address this issue directly. Given limited parking on weekends, and with events mostly to occur on weekends during high season, where will all those vehicles park for the 4000 person events? The Addendum concedes that the Park events will have a negative impact on traffic circulation and recommends a series of mitigation measures (i.e. no events on VillageFest nights, signal lights on for example on Belardo and Arenas, traffic control officers, traffic plans, etc.).¹

What is left unsaid and avoided by the Addendum, is that if the traffic analysis is correct and there will be significant traffic impacts from the development and especially during 4000 person music events, where will all those additional vehicles park? Assuming concert music events occur mainly on weekends (especially high season, when parking is already at a premium), Addendum #2 avoids the obvious--there will be no parking for those vehicles for the events since there will already be inadequate parking for the project not including event attendees.

Finally, the Addendum #2 concedes it has no idea how many events (music or otherwise) may occur at the Park. At the last meeting of the Park Subcommittee former Mayor Pougnet said he did not know how many events might occur, then stated maybe 50 or 100.

Naturally our concerns are that the Historic Tennis Club Neighborhood would be negatively impacted by the lack of parking at the downtown development and that our neighborhood would bare the burden of inadequate parking and increased traffic negatively changing the nature of our neighborhood.

¹ The Endo Traffic Study assumes that peak traffic will occur before and after music events. This may be true, but for non-music events occurring over a longer period during the day, traffic may be impacted all day long with vehicles coming to and then leaving the event at random and staggered times.

Noise - Amplified Music - 4000 Person Event Center

The 2008 Museum Market Plaza Specific Plan Noise Impact Study stated: "Hearing loss, which may begin to occur at 75 dBA (as shown in Table 3-2), is one of the most harmful effects of noise on people." (2008 Museum Market Plaza Specific Plan Noise Impact Study (Appendix F), at p. 3-5.) The 2008 study further stated: "To prevent the spread of hearing loss, a desirable goal would be to minimize the number of noise sources which expose people to sound levels above 70 decibels." (*Id.* at p. 3-6.)

The 2008 noise study did not discuss or analyze a City Park/event center with amplified music; however, the 2015 Addendum #2 to the EIR does. (See, Addendum # 2, pp. 79 - 83.) Addendum #2 generally states that: "Consistent with the 2009 Specific Plan, the proposed project is expected to result in potentially significant, but mitigatable, noise impacts. (*Id.* at p. 83.) As demonstrated below, this is not an accurate statement.

As to amplified music from events at the City Park Addendum #2 states: "Persons standing in front of the Museum entry would experience noise levels ranging from 84 to 90 dB, without mitigation, because no structure is planned between the Park and the Museum. In order to assure that impacts of events at the Park are less than significant as they relate to noise, mitigation measures are required." (Addendum #2, p. 80.) In addressing mitigation measures for the Park Addendum #2 states:

"In addition to the EIR's mitigation measures, the following mitigation measures are added to the proposed project to mitigate impacts associated with events at the proposed Park. [para] 1. All events at the proposed Park shall be required to secure a City permit. The permit application will include a comprehensive description of activities and anticipated noise levels and their source. [para.] 2. All events at the proposed Park shall end no later than 10 PM. [para.] 3. All events using mechanical amplification shall be directed to the east, into the Park. [para] 4. All events using mechanical amplification (microphones, loudspeakers, etc.) must locate amplification on a stage that includes a shell, sound walls or other device that reduces noise by 10 dB." (Addendum #2, p. 83.)

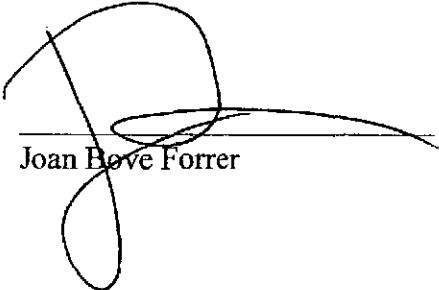
Mitigation measure No. 3 is inadequate as we believe the Park will be surrounded by structures on three sides and the sound will bounce off those structures back toward the Museum and the mountains behind the Museum and swing around into the Historic Tennis Club Neighborhood.

Next, mitigation measure No. 4 does not comply with the 2008 EIR Noise Study, in that, even if the amplified noise could be reduced by 10 dB by “a shell, sound walls or other device that reduces noise by 10 dB” (an assumption not supported by a field study), the level of noise would generally exceed the recommended level of 75 dB (to avoid hearing loss), with a goal of few sources of noise above 70 dB in the 2008 noise study (84 to 90 dB minus 10 dB = 74 to 80 dB at the Museum entry). Accordingly, the 2015 Addendum analysis is flawed and does not comply with its own 2008 noise study standards.

Finally, we ask that the City Council separate the vote on the Specific Plan Amendment and the vote on Addendum #2 to the EIR. It is our position that the City Council needs to complete the amendments to the Specific Plan first, and then have staff incorporate those changes into Addendum #2 and how the changes would act as mitigation or require addition mitigation depending on the item added to or removed from the Specific Plan. The Specific Plan’s policies and mandates are directly related to the EIR Addendum #2 and the two documents should be consistent. Further, the Council should separately address any shortcomings and flaws it finds in Addendum #2 and not vote on the Addendum until those flaws are addressed.


We are encouraged by the direction this new City Council is taking in addressing the significant problems in design and other issues with the Museum Market Plaza project.

If you have any questions please feel free to contact us at any time.



Joan Bove Forrer

Respectfully submitted,



Michael E. Guerra, Esq.

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

ATTACHMENT #9

RECEIVED
CITY OF PALM SPRING

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



PS RESORTS

Promoting Palm Springs Tourism Through Events

December 16, 2015

Mr. John Wessman
Wessman Development
555 Sunrise Way, #200
Palm Springs, CA 92262

RE: AGREEMENT FOR SUPPORT of the Wessman Development and/or Palm Springs Promenade, LLC.

Dear Mr. Wessman:

This letter will confirm the agreement reached between John Wessman, Wessman Development and/or Palm Springs Promenade, LLC. (individually as well as any and all other Wessman related entities existing or created in the future that have some involvement, ownership, or connection to the Downtown Development project currently being erected by Wessman Development and/or PS Promenade, LLC in downtown Palm Springs, California.)

This letter agreement intends to confirm the discussions that have taken place and to memorialize the agreement that has been reached between PS RESORTS and John Wessman, Wessman Development Company, PS Promenade, LLC or any entity existing or created that is controlled, owned, or directed by John Wessman or any of his agents as it relates to the downtown Palm Springs development, but specifically as it relates to the construction of the new Park Hotel (or similar product) as well as the A/C Marriott Hotel (or similar product) that Wessman or his related entities are seeking approval from the City of Palm Springs.

Wessman has approached PS RESORTS and requested support for the Park Hotel, which is planned as a second or third hotel to be built on the downtown project site. PS RESORTS has voiced serious concerns relative to the number of hotel rooms planned in the Palm Springs market, and specifically the downtown corridor. PS RESORTS notes that several new hotel projects are currently under construction or are planned for the near future and the addition of those rooms will be difficult for the City to absorb effectively and economically. By way of example, the Andaz hotel project has broken ground while Wessman/PS Promenade is building two other hotel properties on the downtown project site, including the Kimpton Hotel

PS RESORTS

Promoting Palm Springs Tourism Through Events

currently under construction as well as the Park Hotel, a luxury hotel that contemplates at least 175 additional rooms.

The addition of these hotel rooms will create over supply of rooms in our market, and both PS RESORTS and Wessman/PS Promenade, LLC agree that it will take time for the market to mature and have the ability to absorb all of these new rooms and properties. Accordingly, Wessman/PS Promenade and PS RESORTS have come to an agreement that would enable PS RESORTS to publicly support the new Park Hotel (or any hotel representing either the second or third hotel in that development) with the Planning Commission as well as with the City Council for the City of Palm Springs. The agreement is fairly simple and both parties want to memorialize and be bound by the terms and conditions of that agreement.

Wessman, Palm Springs Promenade, LLC and/or any of their related, controlled, or owned entities agree that if the Park Hotel is approved now and built (for approximately 175 rooms) then the currently approved 2nd hotel (at this point named as the A/C Hotel or similar product) would be postponed from 2016 to 2021. The postponement of the second hotel to 2021 could be shortened to an earlier time frame depending on the occupancy rate for hotels in the City of Palm Springs. Specifically, once the occupancy rate for the City of Palm Springs stabilizes, as per the STR Report covering the hotels of PS Resorts at or above 62% for two consecutive years the second hotel (now the third hotel if the Park Hotel is built) will be allowed to open for business no matter what year this occupancy limit should be reached.

In addition, PS Resorts is in support to increase the current height limit for residential buildings from 60 feet to up to 75 feet for any proposed residential building within the specific plan area. A residential building is defined as retail and or residential amenities use on the ground floor and all remaining floors above to be residential.


Based upon this agreement as outlined above, PS RESORTS agrees to publicly support the addition of the Park Hotel before the applicable city commissions and the City Council itself.

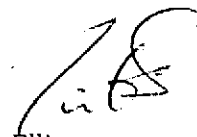
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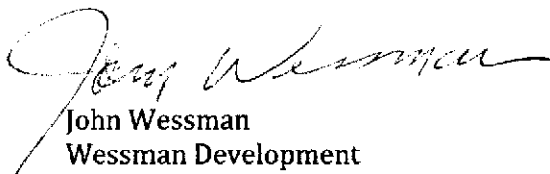
PS. RESORTS

Promoting Palm Springs Tourism Through Events

AGREED TO


Aftab Dada
PS Resorts Chairman
Hilton Palm Springs Resort


Tim Ellis
PS Resorts Vice-Chairman
Palm Mountain Resort

 12/15/15
John Wessman
Wessman Development

PS Resorts Board of Directors

Tim Anctil, Ace Hotel
Robert Hunt, Alcazar Palm Springs
Dan Burgess, Colony Palms
Scott White, Greater Palm Springs CVB
Paul Tolette, Goldenvoice
Stan Kantowski, Hard Rock Hotel
Vincent Bucci, Hyatt Regency Palm Springs
Keith McCormick, McCormick Car Auctions

Jamey Canfield, PS Convention Center
Hector Moreno, Riviera Resort
Rick Gaede, Renaissance Palm Springs
Juan Pineda, Saguaro
Sarah Blatsiotis, Avalon PS
Harold Matzner, Spencer's
Marie-Helene Morowati, The V

Page -3-

Palm Springs Promenade, LLC

555 Sunrise Way

Palm Springs, CA 92264

January 6th 2016

Dear Marcus and Flinn

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 a previous request we are asked for a 75 feet height limit for any residential building. After further research and preliminary design work and taking into consideration latest building method advances suggested by our structural consultants, we have concluded that a 68 feet height limit is sufficient to allow us to build an architecturally pleasing residential building.

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 68 feet. As a result we would like to propose that any proposed residential building brought forward within the specific plan area would

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.

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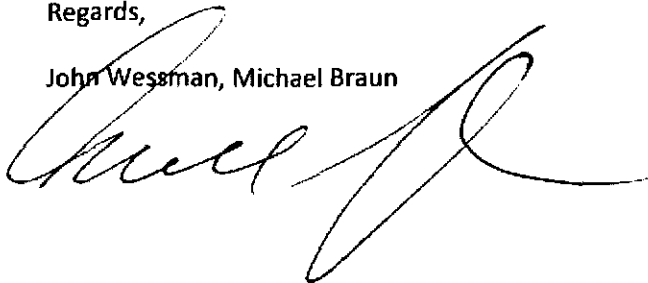
TOT Tax Credit

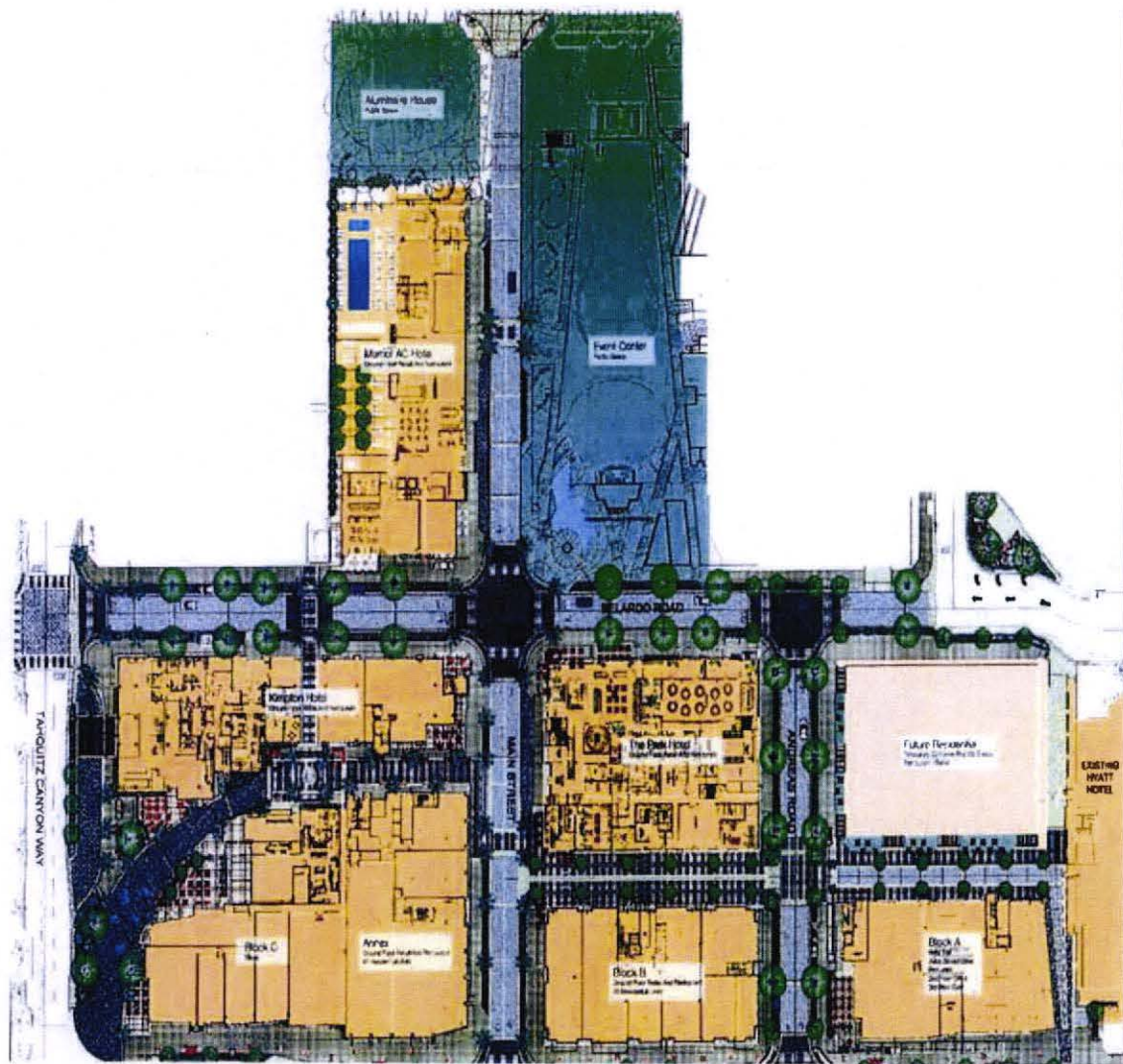
The Development Agreement will also address the already granted and approved TOT Credit of 75% towards the AC Hotel. In order to be able to finance and build the proposed Park Hotel the 75% TOT Credit Tax covenant has to be transferred from Block F to Block B 1 to assist the Park Hotel. The 3rd hotel (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

A large, stylized handwritten signature in black ink, appearing to be a cursive representation of the names John Wessman and Michael Braun.



Downtown Palm Springs

2016 Proposal

Block	Original SP Max. Height	2016 Prop. Max Height	Purpose
A	60'	60'(current structure is 53')	No change.
A-1	60'	n/a	Proposed change eliminates building of approximately 165,000 square feet and changes use to parking. Max of one level of above ground parking.
B	16'	40'	Existing height limit based on use for public park; 40' height limit consistent with commercial uses permitted and approved (38' is approved).
B-1	16'	60'/69'	69' height limit for hotel use; 60' height limit for all other uses.
C	60'	60'	No change. 60' limit except for hotels which can go higher with a PD. (Current site of the Kimpton.)
C-1	60'	40'	Existing approved building is 60' and 90,000 square feet. 2016 Proposal reduces the size of the building by approximately 55,000 square feet, and reduces the height to 40 feet. More than half the foot print is occupied by single story retail buildings of less than 30 feet on the south portion of the building.
D	60'	40'	Reduction in height to 40', for a two story retail/restaurant/office/Market/Gym/related use structure.
E	60'	To be determined by city	Reduced height limit based on use for public park.
F	60'	68'	New proposed use is commercial with residential on floors above. Change is contingent on being able to relocate approved hotel to K (see below)
G	60'	68'	Commercial uses ground floor Residential above.

Block	Original SP Max. Height	2016 Prop. Max Height	Purpose
H-1	60'	TBD by city	Height limit defined for City-owned parcel.
H-2	60'	TBD by city	Height limit defined for City-owned parcel with an exception for relocation of the Albert Frey Aluminaire House.
K	60'	60'	Proposed use is an adaptive re-use restoring to the original Town & Country Center and incorporating a new hotel to the North and South of the original center. (See below.)

Block A—This is the existing building on the Palm Canyon frontage of Block A. To reduce the apparent size of the building, the Developer has removed the vertical “fin” sign which extended 15’ wide towards Palm Canyon and 66’ feet high.

Block A-1 currently permits buildings up to 60 feet. Developer now proposes to sell this block to the City for \$1 so long as the City uses the block for parking. In the event that the City abandons the public parking on this property, or proposes to sell the property, Developer would have a right to repurchase the property for \$1. The property would provide approximately 74 at grade parking spaces. The grant would reserve required easements for service and deliveries to Block A & B, and 3 parking spaces for use by restaurants in Block A & B for take out service in addition to two dedicated loading spaces. This change eliminates the need for approximately 440 parking spaces (165,000 sqft proposed building /375 = 440 sqft)(per the city requirement of 1 space for every 375 sqft of building)In addition the lot adds 74 new spaces to the overall project. The City could elect to build up to one deck of additional parking, provided that such deck allows for adequate clearance for delivery vehicles (min 15’ clear), and does not exceed 20’ in height.

Block B—The 2016 proposal retains on Block B the building that was approved by the City in 2014. No change is made to the external structure, however, Developer would seek permission to build out the upper floor with either hotel units or residential units.

Block B-1—This is the site of the proposed Virgin Hotel. Developer has revised the proposal for this project to reduce the building height to 69 feet for the construction of a Virgin Hotel plus ground floor retail and restaurants.

Block C—This is the site of the currently approved annex/retail/hotel/office building on Palm Canyon and Main. The approved project is a 90,000 square foot building with a max height of 60’ (plus rooftop recreation and structures up to 70’). The 2016 Proposal reduces the size of this building by approximately 55,000 square feet (thus reducing parking count by 146 spaces (55,000sqft/375)). The structure would be 40 feet in height. Approximately half of the building footprint (the southerly

portion) consists of single story (some with mezzanines) retail along Palm Canyon with building heights varying, but all less than 30 feet. The reduction in size of the building increases the setback along Palm Canyon (nearest Main Street) to 32 feet. The building's setback along Main Street is increased to 30 feet, which creates a minimum of 80 feet of separation between the building on Block C from the buildings on Block B, thereby assuring a clear view corridor to the museum and the mountains beyond. The reduction of the building's size also increases the paseo between the annex and the Kimpton from 28' to 40', thus creating a beautiful and inviting public space spanning from Tahquitz to Main Street that leads to the entrance of the Virgin Hotel.

Block D—Max height currently allowed at 60'. The 2016 Proposal reduces max building heights on this block to 40 feet, two stories (40,000 sqft). This is a 62,500 sqft reduction in sqft ($62,500\text{sqft}/375 = 166$ parking spaces) Uses would be as allowed in the specific plan/PFA. With an objective to seek a market use for this site's ground floor.

Block E—City Event Center

Block F—The current site of the approved AC Hotel. Developer proposes to work with Marriott to relocate this project to Block K (see discussion below). Provided such relocation can be achieved, the 2016 Proposal places retail on the ground floor and residential uses on the upper floors, with building heights up to 68 feet.

Block G-- The 2016 Proposal places retail on the ground floor and residential uses on the upper floors, with building heights up to 68 feet.

Block H—City owned.

Block K—The site of the Town & Country. The original SP analyzed, and the original EIR certification made a statement of overriding considerations allowing for the demolition of the Town & Country Center in favor of a hotel on the site with max heights of 60 feet including a roadway connecting Indian Canyon to Main Street and the Museum. Developer's 2016 Proposal moves the Hotel to Block K, but incorporates an adaptive re-use of the original Town & Country Center. The former "Zelda's" building on the site would be rehabilitated and become the hotel lobby area, two towers of rooms would be built to the North and South of the original restored Town and Country buildings with max height of 60 feet, and the retail/courtyard would be retained and rehabilitated.

ATTACHMENT #10

**Downtown Specific Plan
City Council Requests for Changes or Discussion**

The following comments were made by members of the City Council at the Study Session on January 6, 2016.

Line No.	Comment
1	Why is the project name being changed to "Downtown Palm Springs." The project does not encompass all of downtown.
119	Amend the sentence to "...from the Palm Springs Art Museum <u>potentially</u> to Indian Canyon Drive..."
191-198	Incorporate this paragraph into the Introductory discussion at Line 8. Modify: no parking structures were removed.
277-282	Modify the paragraph as follows: Since the adoption of the Specific Plan, the Desert Fashion Plaza has been demolished, construction has been initiated for portions of Blocks A-1 and C-1, new underground parking structures have been constructed and existing underground parking structures have been rehabilitated <u>in Blocks B and B-1</u> .
333-338	Add a discussion of bike lanes in and around the project. Modify the paragraph as follows: The Downtown Palm Springs project will also restore the circulation grid in the Downtown area, including a new east-west oriented public street, called "Main Street," potentially connecting Indian Canyon Drive to Museum Drive, and the entry of the Palm Springs Art Museum on the west, and the redevelopment of the Agua Caliente Spa Hotel site <u>and a potential connection to the Convention Center</u> on the east. A connection may be made to Palm Canyon Drive until such time as development <u>or adaptive reuse</u> of Block K occurs, <u>or another route is identified</u> .
368-373	For discussion: Can purchase vs. rental of residential units be specified? How can conversion or use of residential units to vacation rentals be restricted? Can the City require CC&Rs?

Affordable housing should be required. The mitigation measure in the EIR that requires 15% of units to be affordable to low and very low income households should be added to the Specific Plan.

Can the maximum number of hotel rooms be changed to no more than 2 hotels?

- 431-432 The sentence will not be modified. The sentence will read:
- The built form is to be effectively permeated with public and private open spaces, thereby avoiding the creation of overwhelming and impenetrable mega-blocks.
- 558 At this location and throughout the document: All approvals for projects within the Specific Plan should require City Council approval.
- 573 Table III-1:
- Correct "Books" to "Book."
- Change Consignment stores and auction houses from LUP to CUP.
- Define "consignment stores" to reflect upscale, vintage and similar uses.
- 580 Change Planning Commission approval for similar uses to City Council approval.
- 607 Table III-2:
- Correct "Andeas" to "Andreas."
- Maximum Building Height for Block E: add a footnote as follows: "Except for uses associated with the police substation."
- Delete footnote 20.
- 609-618 Combine this paragraph with lines 726-731.
- The paragraph should better explain that the primary concern is relief of the vertical plane.
- Voided airspace requirement should apply to height in feet, not stories or floors.

- 676-681 Transfers of square footage should require City Council review.
- The paragraph will be modified as follows:
- Within the Specific Plan area, a transfer of permitted building square footage from one Block to another Block within the area defined by Blocks A, B, C, D, F and G ("Sub-Area 1"), or within the area defined by Blocks K1 and K2 ("Sub-Area 2"), ~~will~~ may be permitted, as long as the transfer does not increase building square footage by more than 15% in the receiving Block and that the overall build out total for the Specific Plan area is not exceeded. A transfer of permitted building square footage between Sub-Area 1 and Sub-Area 2 is not permitted.
- 726-731 Combine with lines 609-618 (see above).
- 761-785 Parking on the site should account for current use by Museum and others.
- Parking in the project is insufficient to accommodate the uses.
- 892 Add "uses associated with police substation" after "exhibition structures".
- 938-940 Check for consistent language regarding alternative route to Convention Center and adaptive reuse of Block K (see lines 333-338, above).
- 1008-1010 Delete the sentence:
- "Block K will accommodate an architecturally inspired landmark building that will be the 'Flagship' of Downtown Palm Springs."
- 1086-1089 Check for consistent language regarding alternative route to Convention Center and adaptive reuse of Block K (see lines 333-338, above).
- 1119-1121 Check for consistent language regarding alternative route to Convention Center and adaptive reuse of Block K (see lines 333-338, above).
- 1462-1464 All future building approvals should require LEED certification.
- 1474 Change "censing" to "sensing."

- 1533-1535 Revise paragraph to allow flexibility on parking and two-way revision.
- 1657-1658 Add reference to data/wireless services.
- 1796-1797 Use "preserves opportunities for enhancing the connection between the Museum and the Casino/Convention Center area" in language associated with Main Street connection (see lines 333-338 above).
- 1853-1855 City should undertake the feasibility study for Block K.
- Study should define appropriate uses.
- Add "for adaptive reuse" after "...and Country Center buildings" on line 1854.
- 1861 Modify the sentence as follows:
- A PDD for the historic preservation, restoration or adaptive reuse of all or a portion of the Town and Country Center may be considered at any phase of the development.
- 1925 Change "oversight committee" to City Council.

ATTACHMENT #11



City of Palm Springs

Office of the City Clerk

3200 E. Tahquitz Canyon Way • Palm Springs, CA 92262

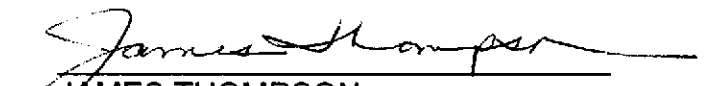
Tel: (760) 323-8204 • Fax: (760) 322-8332 • TDD: (760) 864-9527 • Web: www.palmspringsca.gov

NOTICE OF CONTINUANCE

NOTICE IS HEREBY GIVEN that the Regular Meeting held on December 16, 2015, the City Council continued Public Hearing Item No. 1.B. to an adjourned regular meeting to be held Wednesday, January 13, 2016:

**CONSIDERATION OF AN AMENDMENT TO THE MUSEUM MARKET
PLAZA SPECIFIC PLAN AND ADDENDUM NO. 2 TO THE FINAL
ENVIRONMENTAL IMPACT REPORT (CASE NO. 5.1204 SP A-1)**

I, James Thompson, City Clerk of the City of Palm Springs, California, certify this Notice of Continuance was posted at or before 6:00 p.m. on December 17, 2015, as required by established policies and procedures.



JAMES THOMPSON
City Clerk

/kdh

**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.

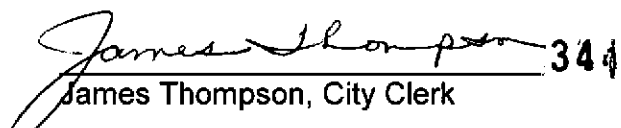
COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

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 344



City of Palm Springs

Office of the City Clerk

3200 E. Tahquitz Canyon Way • Palm Springs, CA 92262

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NOTICE OF CONTINUANCE

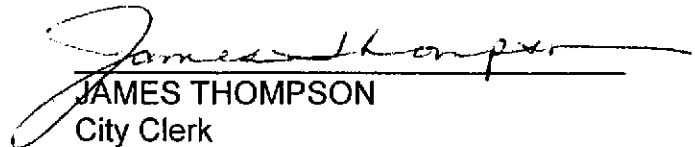
NOTICE IS HEREBY GIVEN that the Regular Meeting held on February 3, 2016, the City Council continued Public Hearing Item No. 1.D. to March 2, 2016:

CONSIDERATION OF AN AMENDMENT TO THE MUSEUM MARKET PLAZA SPECIFIC PLAN AND ADDENDUM NO. 2 TO THE FINAL ENVIRONMENTAL IMPACT REPORT (CASE NO. 5.1204 SP A-1):

ACTION: 1) The Public Testimony portion was closed on February 3, 2016; 2) Continue the Public Hearing to March 2, 2016; and 3) Direct the City Clerk to post a Notice of Continued Public Hearing as required by law.

Motion Mayor Pro Tem Mills, seconded by Councilmember Roberts, and unanimously carried on a roll call vote.

I, James Thompson, City Clerk of the City of Palm Springs, California, certify this Notice of Continuance was posted at or before 6:00 p.m. on February 4, 2016, as required by established policies and procedures.


JAMES THOMPSON
City Clerk

/kdh