



## CITY COUNCIL STAFF REPORT

DATE: January 14, 2009

PUBLIC HEARING

SUBJECT: PROPOSED DRAFT SPECIFIC PLAN (GENERAL PLAN AND ZONING TEXT AMENDMENTS) FOR MUSEUM MARKET PLAZA (CASE 5.1204) TO ALLOW UP TO 955 HIGH-DENSITY RESIDENTIAL UNITS, UP TO 400,000 SQUARE FEET OF COMMERCIAL RETAIL AND OFFICE SPACE, AND UP TO 620 HOTEL ROOMS LOCATED AT THE NORTHWEST CORNER OF N. PALM CANYON DRIVE AND TAHQUITZ CANYON WAY, AND OTHER NEARBY PROPERTIES

FROM: David H. Ready, City Manager

BY: Craig A. Ewing, AICP, Director of Planning Services

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### SUMMARY

In April, 2008 the City Council initiated General Plan and Zoning Text Amendments in response to a draft Specific Plan prepared and submitted to the City by the Wessman Development Company, titled the "Museum Market Plaza Specific Plan". The draft Specific Plan revises the development policies and standards for the Desert Fashion Plaza and certain adjacent properties. On December 3, 2008, the Planning Commission conducted a public hearing and voted 4 to 2 (Cohen & Donenfeld opposed; Conrad abstained) to adopt a recommendation to deny the proposed Specific Plan. A public hearing is required.

### RECOMMENDATION:

1. Open the public hearing, accept any testimony and close the hearing.
2. Direct staff to prepare draft resolutions based on Council direction, including the certification of the Final Environmental Impact Report, adoption of Statement of Overriding Considerations, adoption of a Mitigation Monitoring Report, and approval of the Specific Plan, including any amendments, as appropriate.

### BACKGROUND

- On April 30, 2008 Wessman Development, Inc. presented to the City a draft Specific Plan for the Museum Market Plaza.

Item No. **1.A.**

- On May 21, 2008, the City Council initiated a Specific Plan review process and directed staff to report on the conformance of the draft Museum Market Plaza Specific Plan with the Palm Springs General Plan, Downtown Design Guidelines and Palm Springs Zoning Code.
- On June 4, 2008, staff presented to the City council an initial look at the draft Specific Plan in light of the City's existing regulations, including staff comments and recommendations for subsequent review.
- On June 13, 2008, the City issued a Notice of Preparation (NOP) and Initial Study on the project indicating that a draft Environmental Impact Report (DEIR) would be prepared on the proposed Specific Plan. The NOP comment period ran from June 16 to July 17, 2008.
- On July 1, 2008 a public Scoping Meeting was held to receive comments on preparation of the draft Environmental Impact Report.
- On July 16, 2008, the City Council received the list "alternatives" to the project that would be evaluated in the Environmental Impact Report.
- On October 22, 2008, a draft Environmental Impact Report (DEIR) was released for public comment. The 45-day comment period ends on December 8, 2008.
- On December 3, 2008, the Planning Commission conducted a public hearing and directed staff to prepare a resolution recommending denial of the Specific Plan. The resolution was approved by the Commission on December 17, 2008.

## ANALYSIS

### Introduction

The draft Specific Plan for the Museum Market Plaza (the "Plan") was presented to the City Council by Wessman Development, Inc. to facilitate and support the redevelopment of about twenty acres in the City's downtown core. In response, the Council initiated an amendment to both the Palm Springs General Plan and the Palm Springs Zoning Code. This is because the draft Specific Plan proposes goals and policies like a General Plan, as well as the technical development standards of a Zoning Code.

It is important to remember that the Specific Plan has the potential to amend the City's fundamental land use and community development policies as they apply to the site. To express it another way, even though we compare the Specific Plan to the existing General Plan and Zoning Code, the Specific Plan can also amend each of these documents. Therefore, the Specific Plan can – and should be – evaluated on its own merits. Key questions for the Council are: Does the proposed Specific Plan provide the right guidance to developing the properties it encompasses – both as an expression of General Plan goals and as a stand-alone document? If not, what changes are needed to make it right?

As noted above, staff has reviewed the Plan and conducted a comparison of the Plan with the General Plan, the Downtown Urban Design Guidelines and the Zoning Code. In addition to the overall question of “right guidance”, staff has considered two other questions:

- Does the Plan meet the Council’s objectives for the area, as contained in the General Plan, Downtown Guidelines and Zoning Code?
- Does the Plan provide for effective and efficient review of future development proposals?

This staff report is only one element to be considered by the City Council in its review. Additional analysis is contained in the Final Environmental Impact Report (FEIR), including an evaluation of alternative plans and responses to comments. This staff report, the FEIR, the Planning Commission recommendation and public comments comprise the base of information on which the Council will conduct its discussion and make its decision.

To provide a working outline for the Council’s deliberations, staff has evaluated the Specific Plan from several perspectives. The report is organized around the following topics:

- Overall Vision
- Project Scope
- Land Use
- Densities
- Height
- Setbacks, Open Space and other Standards
- Design – Architecture and Landscaping
- Street Network
- Administration
- Phasing
- Plan Organization

The report concludes with a discussion of the Planning Commission’s action and the Environmental Impact Report, including significant, unavoidable impacts, project alternatives and the “Statement of Overriding Considerations”.

#### Overall Vision

The draft Plan’s vision for the Museum Market Plaza generally conforms to that of the General Plan and Downtown Urban Design Guidelines for the Downtown core. All three documents envision a lively center for the community based on the historic street pattern and pedestrian orientation of the area. Dispersed throughout the opening sections of the Plan are goal-oriented phrases such as, “...lively, pedestrian-oriented townscape...”, “...ground floor activity...”, “...extending the hours of active use...”, and “...restore the circulation grid in the Downtown area” (see pages I – 1-2, II – 2-3, 6-7, and -9).

These statements match many of the intent statements of the General Plan and Downtown Guidelines. The Plan includes Appendix A, which offers a consistency analysis between the Plan and the goals and policies of the Palm Springs General Plan. Staff believes that Appendix A makes a reasoned and accurate comparison between the intentions of the draft Specific Plan and of the General Plan.

The Plan also seeks to ensure high-quality design and to implement LEED conservation principles; however, these are not identified in the front of the report (see pages III – 41-42). Staff believes that the sustainability goals could be more prominently featured in the opening

sections, but their inclusion allows staff to determine that the Plan's vision conforms to that of the City's adopted General Plan.

*Recommendation:* Approve the Specific Plan vision, and include Appendix A as a part of the findings for a resolution of recommendation.

#### Project Scope

Three "Planning Areas" are identified in the draft Plan (see Pages I – 3-4, and II – 1-3 and -6 and Exhibits I – 2 and -3, II – 3 and III – 1). Planning Area 1 ("PA-1") is the site of the Desert Fashion Plaza and comprises about 18.5 of the Plan's total 20.6 acres. PA-1 is comprised of "blocks" which are bounded by existing and proposed streets. Blocks A through H, and Blocks K1 and K2 are found here.

Planning Area 2 (Block L) is a vacant site at the southwest corner of Tahquitz Canyon Way and Cahuilla Road – the site of the proposed Palm Hotel. Planning Area 3 (Block J) is located at the northeast corner of Arenas and Belardo Roads, and is presently the back parking lot for the Mercado Plaza which fronts on South Palm Canyon Drive. The Plan proposes development on each of these sites.<sup>1</sup>

The Plan's scope is within a fully developed area, but it does not provide a complete description of the existing conditions. Further, references to the setting's context are scattered throughout the Plan. Staff recommends that the Commission carefully review the draft EIR for a more complete assessment of the project's existing conditions.

The project scope was determined by the Wessman Development Company as part of the initial submittal. In initiating the General Plan and Zoning Code amendments, the City Council made no change to the project scope. However, the City Council directed staff to include a project alternative in the EIR that has the effect of deleting Blocks K1 and K2 from any significant new development. While this can be seen as reducing the project scope, staff does not believe any change is needed to the Specific Plan's boundaries or scope. Staff also notes that public comment has been received seeking removal of Block L, site of the proposed Palm Hotel<sup>2</sup>.

*Recommendation:* Approve the Specific Plan's boundaries, as proposed.

#### Land Use

Underlying land uses permitted by the General Plan and the Zoning Code are carried forward in the draft Specific Plan (see Pages II – 6-7). The Plan shares the overall goal of creating a downtown center that includes hotels, first-floor retail, upper-floor office and residential, multi-level parking and a compact grid of streets to facilitate both pedestrian and vehicular access to a dense urban setting.

<sup>1</sup> Staff notes that Planning Areas 2 and 3 are left off some exhibits (see Exhibits II – 3, and III – 5 and -6).

<sup>2</sup> See attached letter from Historic Tennis Club Neighborhood Organization (Dec. 8, 2008).

The creation of blocks allows certain activities to be directed in the Plan, and it is noted that Block B is proposed to be a landscaped public plaza, with some low-rise retail development; Block J is designated for a parking structure, and Block L is designated for hotel use. The remaining blocks are designated for dense urban use, including retail, office, hotel, residential structured parking and related activities (see page III – 2).

*Permitted Uses*

Allowable uses appear to closely match the City's C-B-D (Central Business District) Zone (see pages III – 4-9). Certain uses which are currently subject to a Land Use Permit in the C-B-D zone are permitted by right in the Plan. Staff believes that the following uses should be subject to a Land Use Permit (LUP), Conditional Use Permit (CUP) or specific development standards, instead of being permitted by right. The basis for these recommendations is either to preserve the street frontage for retail uses or to assure that conditions on specific applications can be imposed:

**Commercial and Retail**

Art Schools –	Not on Street Frontage
Cocktail Lounges –	LUP
Commercial Recreational Facilities –	Not on Street Frontage
Dance Studios –	Not on Street Frontage
Discotheques –	LUP
Drive-thru Coffee Shops, Drug Stores –	CUP
Gym, Fitness Center –	Not on Street Frontage
Liquor Stores –	LUP
Movie, Radio, TV Production & Broadcast Facilities –	CUP
Pet Shop, including Pet Grooming –	LUP
Private Clubs –	Not on Street Frontage
Slimming Salons, Health Clubs, Athletic Clubs –	Not on Street Frontage
Spa –	LUP
Video / Amusement Arcades & Machines –	LUP

**Office and Related**

*No changes*

**Residential and Related**

*No changes*

**Resort Residential**

*No changes*

**Services**

*No changes*

**Public / Semi-public**

Festivals and Exhibits –

LUP

Lodges, Meeting Halls, Private Clubs –

Not on Street Frontage

**Automotive**

*No changes*

**Accessory Uses**

Outdoor Uses, All –

LUP

Staff has no concerns with the sections regarding "Similar Uses" or "Prohibited Uses"

*Recommendation:* Adjust the list of permitted uses, as identified above.

Densities

One of the most prominent features of the Plan is the amount of development that it envisions. The Plan expresses the density of permitted development through several measures: Numbers of units, amount of square footage, overall bulk and maximum height. A key element of the Plan is the establishment of "maximum land use intensities" for overall build-out:

**Table II-1 / Page II-6  
 Maximum Land Use Intensities**

Land Use	Planning Area 1	Planning Area 2	Planning Area 3	Total
Retail or Office (square feet)	385,000	15,000	N/A	<b>400,000</b>
Residential (dwelling units)	900	55	N/A	<b>955</b>
Hotel (rooms)	565	55	N/A	<b>620</b>

Under this concept, there are overall maximum numbers set for retail / office (in square feet), residential (in dwelling units) and hotels (in rooms). The Plan intends for actual development to be less than these totals due to other limits on height and bulk. The potential densities allow future development to be adjusted to contemporary market conditions; the exact proportion of each use will not be known until development comes on line. Staff believes that this is a reasonable approach to addressing mixed-use zoning, which is not addressed effectively by traditional zones such as R-1 and C-B-D.<sup>3</sup>

<sup>3</sup> The City has typically used the Planned Development District to establish and regulate mixed use projects.

### *Proposed Plan v. Current Zoning*

The basic limits of the current Central Business District (C-B-D) Zone are a floor area ratio (FAR) of 1.0 and a maximum height of 30 feet, and the Plan allows more development than permitted under these provisions. The Plan argues that it permits *less* development than could be allowed under the current “high-rise” regulations, as modified by Planned Development District approval (see Table III – 3, page III – 13).

It is not clear that this is actually the case as the Plan does not provide sufficient calculations to reliably support this argument. However, the underlying difference between the proposed Specific Plan and the “high-rise” ordinance (Palm Springs Zoning Code Section 93.04) is that the Specific Plan establishes these higher densities as a by-right condition, as compared with the requirement for a CUP or PD for the additional height allowed under the current code. Clearly one of the key decisions associated with adopting of the Specific Plan is how much additional density is desired by the City on these properties.

### *The Question of Density*

Staff believes that additional density – both commercial and residential – is needed to facilitate a revival of the City's downtown. However, allowing additional density and actually achieving it are two different matters. Economic and demographic factors figure more prominently in the redevelopment of the community than the adoption of zoning rules – the City cannot “command” the economy with only a General Plan and zoning code; at best, it can only “nudge” it a little. Further, the City has already experienced the results of approving higher density, mixed-use projects: They are difficult to accomplish even in the best of economic times.

If adding more density alone is no guarantee of a desired outcome, what should be the basis for the Specific Plan's density limits? Going from, say, 200 residential units to 500 or 955 will not solve the problems of mismatched demographics or a weakened economy. Instead, staff believes that the Specific Plan should seek a density that provides a reasonable opportunity for economic success, while achieving the community's other goals of a vibrant downtown, appropriate physical scale and suitable public services (transportation, etc.)

### *A Density for the “Center of the Center”*

The long-term perspective of the Specific Plan allows the City to establish a maximum density, and then work over time with land owners and developers to achieve a project that succeeds at all levels. In order to suggest an appropriate maximum density, staff considered that the Desert Fashion Plaza site and surroundings is recognized as the “center of the center” of the City. Physically, this typically means that it should also be the most dense, concentrated, and, by extension, tallest part of the community.

Staff believes that the proposed Specific Plan densities do not add value to the community for simply being higher numbers. Instead, staff has concluded that a range of densities closer to – but perhaps lower than – Alternative B of the draft EIR is more appropriate to the long-range benefit of the City:

Type of Use	Proposed Draft Specific Plan	Project Alternative "B"	Staff Recommendation
Residential Units	955	765	300
Commercial / Office SF	400,000	300,000	300,000
Hotel Rooms	620	255	600

Note that staff recommends that the proportion of permanent residential versus hotel rooms, should be reversed from that proposed in either the project or Alternative "B". We believe that this is a better land use arrangement for several reasons:

- Downtown living is more likely to appeal to short-term visitors than permanent residents,
- Hotel guests are found shopping in a downtown retail environment more than permanent residents,
- Hotel rooms are typically smaller which reduces overall building mass, and
- Many of the residential units will be occupied only part-time, while hotels will work to fill rooms as much as possible – more activity throughout the year is likely.

*Recommendation:* Approve the maximum densities, as recommended by staff above.

**Height**

Within Planning Area 1 (site of the existing Desert Fashion Plaza) five of the six blocks propose building heights in excess of the 60 feet. Sixty feet is the maximum height allowed in the high-rise ordinance and envisioned in the Downtown Guidelines. The maximum proposed height in Blocks A and C is 67 feet, while 79 feet would be permitted within Blocks D/F, E/G/H and K1/2. (The remaining Block B is proposed as an open plaza with small, one-story restaurants.) In Planning Area 2 (Block L) the maximum height would be 44 feet<sup>4</sup> and in Planning Area 3 (Block J) no more than 34 feet would be allowed.

**Table III-2 (Part) / Page III-10  
 Development Standards**

	PA1	PA2	PA3
Max. Building Height (Feet)			
• Build Out Overall Average	60	44	34
• Block A	67		
• Block B	24		
• Block C	67		
• Block D & F	67/79		
• Block E, G, H	67/79		
• Block J	79		34
• Block K		44	
• Block L			

The Plan notes that, taken together, the overall average height of all buildings within the Specific Plan would be 60 feet. The use of "average height" over different sites is not part of

<sup>4</sup> The "Palm Hotel" was previously approved for this site by the City at a height of 44 feet.



the Guidelines or Zoning Code, and the Plan introduces a new logic to the regulation of height – that taller and shorter buildings can be averaged to meet a single standard. Staff does not support this concept, but does believe that individual blocks can have different heights appropriate to their size, location and orientation to surrounding properties and views.

The Specific Plan provides a means by which the City Council could allow alternative height standards for the area. Staff believes that the heights proposed are more than required for staff's recommended density for residential, but that additional heights can be justified for hotel uses. A maximum height of 60 feet overall should be maintained, with the following additional provisions:

1. Buildings should be lower (30 to 45 feet) as they approach the edges of the Specific Plan boundaries, especially along Tahquitz Canyon Way, east of Belardo, and along Palm Canyon Drive.
2. An exception to the "edge" policy should be allowed at the corner of Tahquitz and Palm Canyon to create a landmark intersection statement.
3. Blocks containing hotels may exceed the height limits established in the Specific Plan, subject to approval by the City Council.

Block K1 / K2 presents a special condition: It is proposed to be allowed a maximum height of 45 feet, but is developed with structures identified in the draft EIR as meeting the CEQA definition of a "historic resource". The draft EIR concludes that a significant and unmitigatable adverse impact on cultural resources would result from the Block's redevelopment. Depending on the Council's decisions regarding Block K1 / K2, little to no new development may result on the site. Nevertheless, staff believes that a maximum height limit does not preclude protection of the structures and may provide for adaptive re-use in the future.

*Recommendation:* Adopt a revised maximum building height standard as follows:

• Block A	45		
• Block B	24		
• Block C	60		
• Block D & F	60/45		
• Block E, G, H	60		
• Block J			34
• Block K	45		
• Block L		45	

Additional provisions:

1. Buildings shall be lower (30 to 45 feet) as they approach the edges of the Specific Plan boundaries, especially along Tahquitz Canyon Way, east of Belardo, and along Palm Canyon Drive.
2. An exception to the "edge" policy is allowed at the corner of Tahquitz and Palm Canyon to create a landmark intersection statement, subject to approval by the City Council.
3. Blocks containing hotels may exceed the above height limits, subject to approval by the City Council.

### Setbacks, Open Space and other Standards

The Specific Plan provides a block-by-block set of standards for setbacks, open space, maximum square footage, projections, outdoor uses, walls and fences, parking and other incidental issues (see Pages III – 10-17). Staff has conducted a comparison with the provisions of the C-B-D zone and notes that generally the Plan's standards are similar or the same.

One noteworthy deviation is a complex "step-back" scheme for each of the streets when buildings exceed 30, 45 and 67 feet, where such additional height is allowed (see Table III – 2). These would replace the uniform setback standard of the "high-rise" ordinance (three feet horizontal setback for each foot of height) which is often modified for taller buildings through the approval of Planned Development Districts. Staff believes the step-backs proposed in the plan allow two story buildings on most street frontages to provide a reasonable relationship between building and street.

Open space requirements are 35% minimum for all Blocks, except the open plaza on Block B. This plaza space would be 75% open space, allowing for some low-rise retail / restaurant uses. Staff supports allowing limited low-rise development on this block as it has been shown that people tend to make more use of plazas that are 'activated' with restaurants, kiosks, entertainment and other organized uses than they do with vacant, landscaped space.

Building mass is directed by Table III – 3, which shows the maximum square footage allowed in each Block. Staff's recommendation for lower densities and heights would modify this chart as would each of the project alternatives considered in the draft Environmental Impact Report (see below). Staff believes that the heights, densities, setbacks and parking requirements provide sufficient guidance to development of the site and that this chart may be superfluous. In any event, the numbers shown on Table III – 3 do not add up correctly and the Table would need to be modified based on the actions of the Commission and Council on density and height.

The Plan provides standards that allow upper floor balconies to extend over the sidewalk right-of-way. Staff believes such projections contradict the idea of stepping back from the street and recommends that they be eliminated.

Parking is treated in the Plan at a base standard of one space for each 325 square feet of floor area for most commercial uses. This compares with the same standard for mixed use development in the Zoning Code's C-B-D zone. Hotel uses are to be parked at a slightly higher ratio than called for in the zoning code, and residential uses are generally identical.

Signage is to conform to the provisions of Section 93.20.00 et seq. of the Zoning Code ("Signs"). Street sign banners and kiosk signs would be allowed, which staff support subject to approval of a program for each defining location, size and lighting, as necessary.

*Recommendation:* Approve the development standards, with the deletion of the maximum square footage table and deletion of the allowance for balconies to project into the right-of-way.

### Design – Architecture and Landscaping

A significant portion of the draft Plan is devoted to a discussion of architecture and landscaping, including massing and style of buildings, streetscapes and open spaces, and landscaping. An overall design theme is suggested, but the text allows such a variety of architectural treatments – Modernist, Spanish and Mediterranean are considered acceptable – that no “theme” for design is actually proposed.

It may be better to avoid identifying a single, adopted architectural style in the Specific Plan. However, Modernism has demonstrated a lasting and powerful influence on development in the community for most of the last sixty years, and it provides a number of significant benefits to the redevelopment of downtown over other styles:

- Reinforces the architectural uniqueness of Palm Springs,
- Provides a sufficiently wide “palette” for creativity within the genre,
- Allows lower cost structures to display elegance and creativity, and
- Allows an easier integration of photo-voltaics and other sustainable technologies into building design

Staff believes the Council should consider the option of establishing a Modernism theme for the Specific Plan.

The Specific Plan is more successful in its discussion of individual design features and objectives, such as distinctive corner treatments, well-defined entries, upper-story street setbacks, and articulated facades. These provisions should be retained regardless of whether or not a specific architectural style is adopted for the Plan.

The Plan recognizes the importance of certain elevations based on their contextual setting, including those facing the Palm Spring Art Museum, and the O'Donnel Golf Course. A discussion of landscaping includes Major and Minor entries, Major and Minor focal points, and three landscape “zones” (Streetscape, Transition and Open Space).

*Recommendation:* Consider establishing a Modern architectural theme for the Specific Plan.

### Road Network

A key element of the draft Plan's redevelopment program is the establishment of a grid roadway network within Planning Area 1 (existing Desert Fashion Plaza) that brings the surrounding street pattern into and through the site, as follows:

- Belardo Road would be connected through the site to its current alignments north of site (behind the Hyatt Hotel) and south of the site at Tahquitz Canyon Way.
- A new east-west street dubbed “Museum Way” would be constructed from Indian Canyon Way to its terminus in front of the Desert Art Museum.
- A short secondary east-west street would be built along the north edge of Block B (“Main Plaza”) between North Palm Canyon Drive and the future Belardo Road.
- A portion of the existing Museum Drive along the O'Donnel Golf Course is proposed to be abandoned, with the land incorporated into the Block H parking structure.

The Plan's street grid is generally consistent with the General Plan Circulation Map, but will amend portions of the Circulation Map based on the changes described above.

Staff believes that the street network is the single most important feature of the draft Plan, because the street layout establishes and secures the pattern, form and relationships of future buildings. The proposed grid retains and extends the use of small blocks found downtown, but moves beyond the linear form set by Palm Canyon and Indian Canyon Drives. In the Plan, a collection of small blocks defined by multiple north-south and east-west streets sets the stage for a pedestrian-friendly setting, with multiple storefronts, a variety of points of interests, and opportunities for exploration and discovery. Regardless of the ultimate build-out (height, massing, density, etc.) the layout of the streets is the foundation for the future of the Museum Market Plaza area.

Similar to the discussion of height (above), Block K1 / K2 presents a unique situation. The Plan proposes a new street – Museum Way – from Indian Canyon Drive to its terminus in front of the Desert Art Museum. There appears to be no way to implement this concept without eliminating the Town & Country Center. However, the draft EIR identifies the buildings on Block K1 / K2 as meeting the definition of a "historic resource" under CEQA and that their removal would be a significant, unmitigatable adverse impact. Consequently, one of the most important decisions facing the Council in this project is weighing the trade-offs between preserving the Town & Country Center and the developing Museum Way from Indian Canyon Drive to the museum.

The draft EIR fully explains the historic value of the Town & Country Center (see pages III – 61-69 of the draft EIR). In contrast, completion of the street as proposed in the Plan provides the following benefits:

- Creates a visual link to the Desert Art Museum from Indian Canyon Drive and the Spa Hotel,
- Provides a more complete street grid to facilitate traffic movement and allow more flexible access routes, and
- Fulfills one of the project's goals, as stated in the draft EIR:  
*"Reintegrate the pedestrian and automobile back into the core of downtown by reconnecting Belardo Road and creating a new boulevard (Museum Way) from the Museum to Indian Canyon."*

Staff recommends that the Council carefully weigh these competing values, as well as the requirements for adopting a Statement of Overriding Consideration on the draft EIR (see below) prior to deciding its position on this issue.

The street sections found on Exhibits IV – 1A-1B (pages IV – 3-4) coincide with the expected hierarchy of the street grid system. Street parking – both angle and parallel – are provided within the Plan's street circulation system. Angle parking has several impacts:

- Ease of entry,
- Difficulty of exiting,
- A calming effect on through traffic,
- A greater separation between sidewalk pedestrians and moving vehicles, and
- The potential to provide more spaces (in longer, uninterrupted blocks).

However, the conflict between angle parking motions and higher-speed through-traffic can create potential hazards. As noted in the Traffic Study prepared for the Environmental Impact Report, angle parking is not recommended for Palm Canyon or Indian Canyon Drives. Within the secondary roads (Museum Way, Belardo Road, etc.) angle parking can safely be considered. Staff supports the use of angle parking on these streets, where it can be shown to be safe and effective, but in no case on Palm Canyon or Indian Canyon Drives.

The Plan indicates that the new streets in Planning Area 1 will be private. The decision on whether they are public or private is reserved to the City Council; at this time only the location, alignment and width is of importance.

*Recommendation:* Approve the street plan, except for deletion of angle parking from Palm Canyon and Indian Canyon Drives.

#### Administration

As a Specific Plan, there are no buildings proposed at this time. Instead, the Plan sets the rules for future development projects, including a set of rules for the review process, including special application requirements and a dedicated review body. Cumulative density, use and parking calculations will be required by each application to assure that overall development under the "potential maximum densities" is monitored.

A "Museum Market Plaza Review Commission" is proposed to conduct hearings and adopt recommendations on development applications. While this Commission is proposed to be comprised of members of the Architectural Advisory Committee, Planning Commission and City Council, it would allow projects to bypass review the AAC and PC. Staff believes that the proposed commission would not benefit the future project, and that it is not constituted as proposed to meet the City's current ordinances governing Boards and Commissions. Further, staff believes that the current arrangement of AAC review and Planning Commission recommendation is appropriate and will provide effective and efficient review of future proposals.

*Recommendation:* Delete the Museum Market Plaza Review Commission.

#### Phasing

The redevelopment of the Museum Market Plaza will require several years, and an "anticipated" phasing plan is proposed. However, the Plan discusses phasing as a function of market forces, and staff considered the proposed phasing plan to be only an example of how phasing might occur rather than as a mandated schedule. That said, any phasing plan should include as its first element the construction of the street grid and public plaza, followed by the various blocks of buildings. Staff supports the completion of the street grid as the first step in redevelopment of the area. Subsequent development activity may be more difficult to predict and staff does not recommend establishing a particular order for development of the resulting blocks.

*Recommendation:* Approve only a Phase 1 requirement to establish the full street grid; delete any requirements for subsequent phasing.

### Plan Organization

As an amendment to both the General Plan and Zoning Code, the draft Plan relies primarily on narrative texts, charts and exhibits to describe the rules for redeveloping the area. Many of the provisions of the Plan need to be restated as regulations in the same way that zoning standards are written in the City's Code. Staff will work to identify and express these rules in a more regulatory format following Council action on the project.

*Recommendation:* No actions at this time.

### PLANNING COMMISSION ACTION

On December 3, 2008, the Planning Commission conducted a public hearing on the draft Specific Plan and draft Environmental Impact Report. At that time, the Commission received public testimony from the Wessman Development Company about a proposed refurbishment of the existing Desert Fashion Plaza shopping center, as well as testimony from others (see attached draft meeting minutes). The Commission concluded that the draft Specific Plan would not be necessary in light of the commitment by Wessman to re-open the Desert Fashion Plaza and recommended that the Specific Plan be denied (see attached resolution).

### NOTICE

Notice was provided to properties owners within 400 feet of the project and by advertisement in the Desert Sun. Written communications on the project received prior to the preparation of this report are attached. Any additional communications will be presented at the meeting.

### ENVIRONMENTAL:

A Final Environmental Impact Report (FEIR) has been prepared for the project and distributed to the City Council. The Environmental Summary Matrix (Section "M" of the DEIR) provides a brief overview of the anticipated impacts and recommended mitigation measures. Staff believes that the FEIR provides an adequate and complete description of the future environmental condition should the Specific Plan, as proposed, be implemented.

The FEIR identifies three areas in which the proposed Specific Plan would create "significant and unavoidable (i.e., unmitigatable) impacts":

- Aesthetics – Partial blockage of mountain views would be caused by the taller buildings; the Town & Country Center would be eliminated by development on Block K1 / K2.
- Air Quality – Projected levels of emissions during construction (nitrogen oxides) and during operations (carbon monoxide and nitrogen oxides) would exceed State standards.

- Cultural Resources – The Town & Country Center – a historic resource, as defined by CEQA – would be eliminated by development of Block K1 / K2.

All other impacts can be adequately reduced to less than significant levels through mitigation measures outlined in the FEIR.

*Significant, Unavoidable Impacts and Project Alternatives*

The FEIR also examines a set of Project Alternatives to see if there are other ways to implement the overall project objectives while reducing potentially significant environmental impact – especially those which are considered significant and unavoidable. An analysis of several alternatives (see section V of the FEIR) shows that all alternatives – even the No Project option (re-use of the existing center) – results in significant and unavoidable air quality impacts.

Impacts to Aesthetics and Cultural Resources are reduced by each of the alternatives, in some degrees to less than significant levels. For example, all alternatives include a reduction in maximum building height from the draft Specific Plan:

- Draft Specific Plan: 74 feet
- Preserve Town & Country: 74 feet
- Alternative B : 65 feet
- Staff's Recommendation: 60 feet
- Alternative A: 57 feet
- No Project 35 feet

Therefore, staff anticipates that as building height is reduced, there will be a reduced adverse impact on scenic views. However, except for the No Project alternative, the impact will remain significant and unavoidable; the No Project alternative will have a less than significant impact. Additionally, all projects will introduce additional light, glare, sensitive receptors into the area; again the No Project alternative will have the lowest impact.

As regards Cultural Resources, those alternatives that preserve the Town & Country Center adequately reduce the impacts to Cultural Resources. Staff believes that its set of recommendations, as contained in this report, also eliminates adverse, unavoidable impacts to Cultural Resources because it anticipates the preservation of the Town & Country Center. However, any alternative that preserves the Town & Country Center leaves one of the project objectives partially unfilled: Creation of a direct vehicular connection between Indian Canyon Drive and the Desert Art Museum. As previously noted, this is a key decision for redevelopment of the project area.

*"Statement of Overriding Considerations"*

In accordance with the California Environmental Quality Act (CEQA) the City may approve a project that results in significant and unavoidable impacts, including those mentioned above. CEQA is an information disclosure law, not a mandate to achieve a particular environmental outcome. Section 21002 of the State Public Resources Code identifies the Legislature's intent in adopting CEQA:

**21002.** *The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.*

The City may conclude that "specific economic, social or other conditions" exist to override the concerns regarding one or more significant and unavoidable environmental impacts. If so, it must adopt a "Statement of Overriding Considerations" that identifies those conditions that warrant the acceptance of the resulting environmental impacts. The State CEQA Guidelines are more specific on the matter:

**15093. Statement of Overriding Considerations**

*(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."*

*(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.*

*(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.*

The decision to adopt a Statement of Overriding Considerations must be founded upon "economic, legal, social, technological, or other benefits of a proposed project". In addition, they must be explicit and must be based on "substantial evidence". One area that is recognized as a basis for an override is the set of project objectives. The City may determine that the project objectives are of such importance that their benefits "outweigh the unavoidable adverse environmental effects".

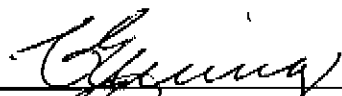


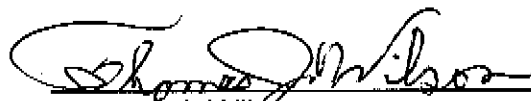
As noted in Section V of the FEIR, the project objectives are as follows:

1. *Reintegrate the site into the economic, social and environmental fabric of the downtown.*
2. *Provide direct access to the Desert Art Museum from Downtown and Section 14.*
3. *Create an upscale, vibrant mixed use lifestyle center, including boutique shops, galleries, neighborhood conveniences, restaurants, residential units and boutique hotels, serving visitors and local residents.*
4. *Enhance the pedestrian environment and lower the dependence on the automobile by providing living, shopping and entertainment venues in a central location.*
5. *Encourage a variety of architectural designs, styles and heights with materials that include plaster, glass, stone, iron, masonry and concrete to create visual interest while utilizing the latest in green technology.*
6. *Reintegrate the pedestrian and automobile back into the core of downtown by reconnecting Belardo Road and creating a new boulevard (Museum Way) from the Museum to Indian Canyon.*

The question of an override must be addressed by the Council, because the proposed Specific Plan and all project alternatives adversely affect Air Quality. The Council may also determine that the project objectives – such as a through road from Indian Canyon Drive to the Desert Art Museum – or other factors support an override on Aesthetics (for building height and loss of the Town & Country Center) or Cultural Resources (again, the loss of the Town & Country Center). As previously noted, this is a key question raised by this project.

Staff recommends the Statement of Overriding Considerations for the issue of Air Quality and will prepare a Statement on Aesthetics and Cultural Resources, should that be the direction of the Council.

  
\_\_\_\_\_  
Craig A. Ewing, AICP  
Director of Planning Services

  
\_\_\_\_\_  
Thomas J. Wilson,  
Assistant City Manager, Dev't Services


  
\_\_\_\_\_  
David H. Ready, City Manager

**Attachments:**

1. Draft Museum Market Specific Plan (previously distributed)
2. Environmental Impact Report; Final / Comments and Responses (attached)
3. Environmental Impact Report; Draft (previously distributed)
4. Planning Commission Resolution No. 7187
5. Planning Commission Meeting Minutes, draft excerpts (Dec. 3 and 17, 2008)
6. Letter from Historic Tennis Club Neighborhood Organization (Dec. 8, 2008)



**CITY OF PALM SPRINGS**  
**DEPARTMENT OF PLANNING SERVICES**  
**MEMORANDUM**

**Date:** January 7, 2009  
**To:** City Council and City Manager  
**From:** Craig A. Ewing, AICP, Director of Planning Services   
**Subject:** Case No. 5.1204 Museum Market Plaza Specific Plan –  
Final Environmental Impact Report

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The Response to Comments on the Draft Environmental Impact Report for the Museum Market Plaza Specific Plan is attached for your review. The Draft EIR and the draft Specific Plan were previously distributed to the City Council. The attached document together with the Draft EIR comprise the Final EIR. If you need a replacement copy of the Draft EIR, please contact me at 760-323-8269 or [craig.ewing@palm Springs-ca.gov](mailto:craig.ewing@palm Springs-ca.gov).

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**CITY OF PALM SPRINGS**  
RIVERSIDE COUNTY, CALIFORNIA



**MUSEUM MARKET PLAZA SPECIFIC PLAN  
RESPONSE TO COMMENTS ON THE  
DRAFT ENVIRONMENTAL IMPACT REPORT  
(SCH# 2008061084)**

**Prepared For**

**CITY OF PALM SPRINGS  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262**

**PREPARED BY**



**TERRA NOVA PLANNING & RESEARCH, INC.®  
400 S. FARRELL DRIVE, SUITE, B-205  
PALM SPRINGS, CA 92262**

**January 1, 2009**

**FINAL EIR  
RESPONSE TO COMMENTS  
ON  
DRAFT  
ENVIRONMENTAL IMPACT REPORT  
FOR THE  
MUSEUM MARKET PLAZA SPECIFIC PLAN**

**JANUARY 1, 2009**

**CITY OF PALM SPRINGS  
STATE CLEARINGHOUSE NO. 2008061084**

**AGENCY COMMENTS/RESPONSE TO COMMENTS**

The Response to Comments on the Draft EIR for the Museum Market Plaza Specific Plan project has been prepared in accordance with Section 15088, 15089 and 15132 of the California Environmental Quality Act (CEQA) Guidelines. The following agencies and interested parties have commented on the Draft EIR. Please note that Section I contains verbatim comments from agency and other interested parties, and subsequent responses. Section II contains the full text of commenting agency correspondence.

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**FINAL EIR  
MUSEUM MARKET PLAZA SPECIFIC PLAN  
ENVIRONMENTAL IMPACT REPORT**

**SECTION I**

**RESPONSE TO COMMENTS**

The following verbatim comments were received on the Draft EIR transmitted to various public agencies and interested parties. These comments concern aspects of the Draft EIR, including clarification of information, adequacy of analysis, and similar issues. Related comments may occasionally be combined to allow one response to address these related questions. The following responses have been prepared to address issues raised in the agency/interested party comments.

**A. JACQUES-PIERR CAUSSIN**

**Comment A.1:**

I have read with great interest the article in the Desert Sun regarding the findings of the EIR for the Museum Market Plaza. I couldn't be happier to notice that the Preservation of the Town and Country Alternative was viewed by the EIR as a better project. As a resident, I am very much in favor of whatever plan will "improve my quality of life" especially if it also benefits the tourism industry: sound (sic) like a win-win situation to me !!!!

I hope that you will support the "Preservation Alternative" as well.

**Response A.1:**

Comment noted. The City Council will consider all components of the EIR in their deliberations on the project.



## B. SHERYL HAMLIN

- Comment B.1:** Attached is a comparison chart showing the size and components of the proposed MMP versus several other mixed use development projects. We can conclude from the data that the MMP was conceived for a much large (sic) population base. With the Palm Springs population growth basically static for the last decade, there is no demographic information to support such a large project.
- Response B.1:** Comment noted.
- Comment B.2:** In light of the new proposal by Wessman Development to renovate the existing site, I would highly recommend not spending valuable staff and citizen time reviewing the EIR. The size of the MMP and the gerrymandered Specific Plan area do not point to a successful outcome.
- Response B.2:** Comment noted. The City is obligated to review projects under CEQA, and consider potential impacts prior to approving or denying a project.
- Comment B.3:** Furthermore, the 10-15 years of construction will disrupt the city adversely. Time is money and the new, condensed proposal will bring retail on-line sooner and revitalize the downtown. We should move ahead immediately in this direction.
- Response B.3:** Comment noted. The Specific Plan is currently the only project for which an application has been filed with the City.
- Comment B.4:** The MMP appears to have been designed for a much larger community. Reducing the size and scope of the MMP would reduce construction costs and time to market. The scope of the MMP as proposed doesn't make sense for the PS Community whose western boundary is the mountain and whose northern boundary includes Desert Hot Springs and the unincorporated areas of North Palm Springs, both of which are separated by I-10.
- Response B.4:** Comment noted.

### C. MARC HERBERT, AICP

**Comment C.1:** This massive project would totally destroy the ambience and character of our downtown Palm Springs. Can the Commission imagine 955 (yes, 955!) high density residential units, plus a huge hotel – 620 rooms (is there any existing hotel in the city with this many rooms?) plus 400,000 square feet of commercial space (picture 15 supermarkets, for example) on this property? This might fit in well with Times Square in New York, but not here.

**Response C.1:** Comment noted. Impacts associated with Aesthetics are addressed in Section III-A and impacts associated with Land Use are addressed in Section III-H of the Draft EIR.

**D. RIVERSIDE COUNTY TRANSPORTATION AND LAND MANAGEMENT  
AGENCY**

**Comment D.1:** Thank you for giving the Riverside County Transportation Department the opportunity to review the Draft Environmental Impact Report for the Museum Marketplace Plaza (sic) Specific Plan. The Transportation Department has no comments on the DEIR.

**Response D.1:** Comment noted.

## E. DESERT WATER AGENCY

**Comment E.1:** In Section III-G, page 106, the reported Total Dissolved Solids (TDS) average of 540 mg/L is not representative of the quality of water that will be supplied to the MMP project. The average of 540 mg/L reported in the EIR is higher than the average of 290 mg/L given in DWA's 2007 Water Quality Report (see attached 2007 Water Quality Report). If water samples with TDS of 540 mg/L were found, the statement in the EIR should be qualified to state where the samples were found, and that they are not representative of the quality of water provide (sic) by DWA.

**Response E.1:** Comment noted. The EIR is hereby amended to read:

" Historic data collected by the California Department of Water Resources indicate that the quantity of total dissolved solids (TDS) in regional groundwater has increased markedly since the 1930's. TDS concentrations in the Coachella Valley during the 1930's were typically less than 250 mg/L<sup>1</sup>. Data samples taken from 1989 to 1999 indicate that in the upper aquifer, TDS concentrations average about 540 mg/L. **The DWA reports TDS levels of 290 mg/L in 2007.**<sup>2</sup> Higher TDS concentration in this portion of the aquifer are associated with the San Andreas Fault system and imported Colorado River water. In the lower Valley aquifer, TDS levels average about 160 mg/L. The lower TDS in this portion of the aquifer is associated with natural recharge of higher quality water. "

**Comment E.2:** In Section III-G, page 106, the reported Nitrate levels of 45 mg/L are not representative of the quality of water that will be supplied to the MMP project. The water provided to DWA customers contains an average of 5.3 mg/L of Nitrate (See attached 2007 Water Quality Report), well below the Maximum Contaminate Level Goal (MCLG) of 10 mg/L; 45 mg/L is the Maximum Contaminate Level (MCL) for Nitrate. It should be noted the Nitrate levels of 45 mg/L were found in wells outside of DWA's boundary and service area. The EIR should clearly state the location and proximity of the high Nitrate levels, and they are not representative to (sic) the quality of water provided by DWA.

**Response E.2:** Comment noted. The EIR is hereby amended to read:

"Historic increases in regional nitrate levels have also been observed. During the 1930's nitrate concentrations were

<sup>1</sup> "Coachella Valley Final Water Management Plan State," prepared by Coachella Valley Water District, Adopted September 2002.

<sup>2</sup> "2007 Water Quality Report," published by the Desert Water Agency.

typically less than 4 mg/L<sup>3</sup> and increased to more than 45 mg/L in wells adjacent to the Coachella Valley Stormwater Channel, **outside the DWA's service area**, by the 1970's. **The DWA currently reports nitrate levels of 5.3 mg/L, well below the Maximum Contaminate Level Goal (MCLG) of 10 mg/L.** High nitrate levels are associated with the application of fertilizers on agricultural lands and golf courses, and discharge of effluent from wastewater treatment plants and on-lot septic tanks. The use of recycled water for groundwater recharge is also contributing to high nitrate concentrations. Studies conducted by the University of Riverside indicate that recycled water used for irrigation is preferred to direct recharge because it limits the quantity of fertilizers needed and captures nitrates in the root zone before percolating into the groundwater<sup>4</sup>. Nitrates can be introduced from project landscaping fertilizers and similar products, and from improper function of septic systems.

**Comment E.3:** In Section III-G, page 108, in the first paragraph, the number of the indicated table is missing.

**Response E.3:** Comment noted. The appropriate Table number is III-23.

**Comment E.4:** In Section III-G, page 112, the paragraph should be changed to more clearly indicate that the results of a Single Dry Year Study (SDYS), regardless of the year the dry year occurs, will show a consistent cumulative water balance in the year 2030.

**Response E.4:** Comment noted. The EIR is hereby amended to read:

“The WSA further estimates that in a single dry year, although the annual demand will exceed supplies after year 2020 and during the single year drought event, the cumulative balance in 2030 would be 26,386 acre-feet. **The cumulative balance will be the same regardless of when the dry year occurs, as described in the Water Supply Assessment.** The cumulative balance in year 2030 would represent a surplus of 0.61% of the estimated groundwater in storage in the Palm Springs Subarea. As a result, the amount of water that would remain in storage in the Subarea at the end of the modeled period would be approximately 4.38 million acre-feet.”

**Comment E.5:** In Section III-G, page 113, Table III-27 does not accurately show the intention of a Single Dry Year Study (SDYS). The table is a compilation of five different SDYS for five different single dry years, reporting the water balance the year the dry year occurs. The intention of the SDYS is to show the effect of single dry

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

year, in a given year, on the cumulative balance in the year 2030. Showing the water balance in the year the dry year occurs provides no substantive information on the condition of the aquifer or how the project will affect the aquifer in the year 2030.

**Response E.5:** Comment noted. Please see response E.4, above.

**Comment E.6:** In Section III-G, page 116, Item 5 mentions the possibility of DWA providing reclaimed water to the project. DWA has no plans to extend the reclaimed water distribution system to the area of the MMP.

**Response E.6:** Comment noted. The mitigation measure specifically states “Should recycled water be made available.” There is no mandate to either the project proponent or the DWA to provide recycled water.

## F. PACIFIC HOSPITALITY GROUP

- Comment F.1:** As you are aware, the EIR identifies several...“Significant and unavoidable” impacts which cannot be reduced to less than significant levels...”even with the implementation of feasible mitigation measures.” Some of the unmitigatable impacts are Aesthetics/Visual Resources (views to the San Jacinto Mountains), Air Quality, and Cultural Resources.
- Response F.1:** Comment noted. The commentor correctly identifies those impacts determined to be significant and unavoidable.
- Comment F.2:** The variances proposed within this Specific Plan are enormous changes to the DUDP. The character and charm of the City of Palm Springs would be dramatically changed if it were to be adopted.
- Response F.2:** Comment noted. The impacts of the project on Land Use are addressed in Section III-H.
- Comment F.3:** We urge the City of Palm Springs to reject this Specific Plan in its entirety and to consider alternative approaches that are less obtrusive and that would reflect sound land planning standards.
- Response F.3:** Comment noted.

## **G. CHATTEN-BROWN & CARSTENS**

- Comment G.1:** We are in favor of redevelopment of downtown Palm Springs, but we oppose the unnecessary demolition of the Town and Country Center. As the DEIR acknowledges, demolition of the Town and Country Center would result in significant cultural resource and aesthetic impacts. We urge the City to approve a feasible and less impactful alternative to the Project that does not include the extension of Museum Way from Palm Canyon Drive to Indian Canyon Drive and therefore does not require demolition of an important historic resource. Because such a feasible alternative exists, the California Environmental Quality Act (CEQA) prohibits the approval of the proposed Project without modification to avoid the demolition of the Town and Country Center.
- Response G.1:** The EIR correctly analyzes an Alternative, the Preservation of the Town and Country Alternative, which reduces impacts to this resource to less than significant levels. However, the commentor is incorrect in stating that CEQA prohibits approval of the proposed project. CEQA allows approval of the proposed project, if Findings of Fact and a Statement of Overriding Considerations is adopted by the City in conjunction with certification of the EIR.
- Comment G.2:** ...Further, the City's own historic resources survey found that the Center "meets the level of significance necessary for individual National Register of Historic Places or California Register of Historic Resources eligibility at the local level."...This finding is based on the fact that the Center is a "rare and excellent example of the late Moderne style" with a "good degree of integrity" and no alteration that would impact its significance.
- Response G.2:** Comment noted. The Town and Country Center was found eligible for listing in the survey, but the City has not listed the building. The site specific historic resource analysis prepared for the project found that significant alterations have been made to the buildings, and that they will require restoration.
- Comment G.3:** The DEIR recognizes that the Town and Country Center makes an important contribution to the historic character of downtown Palm Springs. (CEIR p. III-65.) The Center was determined to be historically significant by the City's 2004 survey and the Cultural Resources Survey Report prepared as part of the EIR concurs with that finding. (DEIR Cultural Resources Report p. 20.) Thus, demolition of the Town and Country Center would be a significant adverse impact. As the DEIR admits, this impact would not be mitigated to a less than significant level by merely recording the existing building and placing commemorative signs at the site. (DEIR p. III-69.) We agree with the DEIR's conclusion that demolition of the Town and Country Center would result in a significant adverse impact. However, as discussed below, this impact is not unavoidable and an alternative that allows for preservation of the Center should instead be approved.
- Response G.3:** Comment noted. The Town and Country Center was found eligible for listing in the survey, but the City has not listed the building.



**Comment G.4:** The Project would also have cumulative cultural resource impacts. (DEIR p. VIII-4.) “As the City develops and redevelops, other historic buildings risk demolition. Each of these projects will be reviewed for significance under CEQA, and each will be mitigated on a case-by-case basis, based on the level of significance found at the time. However, with implementation of the proposed project, since the demolition of the Town and Country Center has been determined to be a significant and unavoidable impact, the proposed project will also have a cumulative impact on cultural resources.” (DEIR p. VIII-4.) The Cultural Resources Survey Report recognizes that “over the past few decades a number of buildings that contributed materially to the Modernist character of the area have been demolished or significantly altered...As the remaining mid-20<sup>th</sup> century Modernist buildings continue to age, and as the pressure to revitalize prime downtown commercial properties continues to mount, more redevelopment proposals involving such buildings can be anticipated.” (CEIR Cultural Resources Survey Report p.23.) The Report recommends “an intensive, systematic historical resources survey to document and evaluate the area traditionally known as “the Village” in its entirety as a potential historic district.” (Ibid.) It is appropriate to take on such an endeavor now to ensure the protection of remaining historic resources and to facilitate compatibility of the large Project area with this area’s important historic Modern resources (sic).

**Response G.4:** Comment noted. The analysis of the downtown area as a historic district is not an appropriate mitigation measure for the proposed project, and is not included as such in the DEIR. The analysis would not mitigate any project impact. Should the City wish to proceed with such an analysis, it should be conducted as a programmatic effort.

**Comment G.5:** As the DEIR discloses, the proposed MMPSP would have a significant aesthetic impact if demolition of the historic Town and Country Center is included as part of the plan. The existing views of this important historic resource from Views 1, 2 and 11, as defined in the DEIR (p. III-8, 10, 28), as well as from other viewpoints along Indian Canyon Drive and Palm Canyon Drive, would be eliminated by the proposed Project.

**Response G.5:** Comment noted.

**Comment G.6:** The DEIR claims that by demolishing the Town and Country Center to install Museum Way, the proposed Project would allow a new view of the Palm Springs Art Museum (DEIR p. III-10). The DEIR cites the Downtown Urban Development (sic) Plan’s (DUDP) Concept Sketch at page 17 of the DUDP as support for its claim that the (sic) “The implementation of the proposed project will implement one of the Key Design Concepts of the DUDP, by opening a new mid-block view corridor at this location.” However, the DUDP concept sketch does not show a mid-block pedestrian connection or view corridor extending through the current location of the Town and Country Center. The pedestrian connection/view corridor contemplated by the DUDP does call for the demolition of the Desert Fashion Plaza, but the corridor included in that plan ends at Palm

Canyon Drive. (DUDP p. 17.) Therefore, the DEIR cannot rely upon the DUDP to support the proposed Project's demolition of the historically significant Town and Country Center. Further, as set forth in the previous section, demolition of the Town and Country Center would clearly violate another Key Design concept of the DUDP, which is to encourage adaptive reuse of historic buildings. (DUDP p. 16)

**Response G.6:** Comment noted. The Concept Sketch on page 17 of the DUDP shows a view corridor from Palm Canyon to the Museum. The proposed project would extend the view corridor to Indian Canyon Drive.

**Comment G.7:** Additional visual simulations are also necessary to show the potential impacts and claimed benefits of the proposed Project. The EIR should also include visual simulations from other areas in Section 14, including from the Convention Center. These additional visual simulations would demonstrate what is clear from the attached photographs printed from Google Maps Street View: the proposed Plan would only provide new views of the Art Museum from a very limited location in Section 14, at the intersection of Indian Canyon and Museum Way. (Exhibit A, Google Maps Street View Photographs and Google Earth Satellite Image.) Views of the Art Museum are not available from areas further north or further south in Section 14 because all view corridors are oriented directly east-west and views that are further east than Indian Canyon would be blocked by the new ten story Spa Hotel. The EIR should also provide visual simulation for project alternative from relevant view points.

**Response G.7:** Comment noted. The EIR does not claim that the proposed project would be visible from further east in Section 14. The EIR discusses the new roadway as a connection to Section 14, and no more. No additional simulations are required or necessary. The simulations provided are sufficient to allow the public and decision makers to understand the impacts of the project on the scenic vistas and view corridors in the area. Similarly, since the visual impacts of the alternatives are lower than those of the proposed project, no additional simulations are needed for the alternatives, as the simulations depict a worst-case scenario, as required by CEQA.

**Comment G.8:** The December 3, 2008 Planning Commission Staff Report for the MMPSP recommends establishing a Modernism architecture theme for the Project area. The Palm Springs Modern Committee and Friends of the Town and Country Center agree with this recommendation and request that it be included as a mitigation measure for the significant aesthetic impacts the proposed Project would have due to change in visual character.

**Response G.8:** Comment noted. The architectural theme is appropriate as a condition of approval to the project, but not as a mitigation measure for the DEIR, as it would not reduce any of the identified impacts. The Planning Commission has recommended denial of the proposed project to the City Council, and as such has not included any conditions of approval.

**Comment G.9:**

The DEIR acknowledges that the proposed Project would have several impacts that would remain significant even after mitigation, claiming these significant impacts are unavoidable. These significant impacts are:

- Adverse changes to the existing visual character of the Project area;
- Adverse chances (sic) to existing visual character through the demolition of the Town and Country Center;
- Obstruction of mountain views;
- Emission of criteria pollutants in excess of SCAQMD thresholds;
- Cumulative and project level cultural resource impacts.

CEQA prohibits approval of projects with adverse environmental impacts if there are feasible alternatives that would reduce those impacts. (Pub. Resources Code 21002; CEQA Guidelines 15021(a)(2).) The CEQA Guidelines require an agency to “Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.” In order to implement this policy, the CEQA Guidelines specify that:

A public agency may approve a project even though the project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that:

(a) *There is no feasible way to lessen or avoid the significant effect...*”  
(CEQA Guidelines 15043, emphasis added.)

Feasible is defined as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental,, social, and technological factors.” (Public Resources Code 21061.1) Project alternatives can still be considered feasible “even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” (CEQA Guidelines 15126.6(b).)

An EIR is also required to identify an environmentally superior alternative. Here, the DEIR identifies the No Project Alternative as the environmentally superior alternative, but fails to identify an environmentally superior alternative among the other alternatives, as required by CEQA. (CEQA Guidelines 15126.6(e)(2) [“If the environmentally superior alternative is the ‘no project’ alternative, the EIR shall identify an environmentally superior alternative among the other alternative.”].) The Preservation Alternative and Alternative A are clearly environmentally superior to the proposed project because they lessen the project’s significant aesthetic and cultural resources impacts. When a project would result in significant environmental impacts, the City cannot approve the proposed project without first finding that the environmentally superior alternatives are infeasible. (Public Resources Code 21081(a)(3); CEQA Guidelines 15091(a)(3).)

**Response G.9:** Comment noted. The commentor, however, is incorrect as regards the No Project Alternative in this case, as the No Project alternative is a redevelopment of existing buildings alternative, not an alternative which leaves the land vacant, as is typical of No Project alternatives. The redevelopment and reuse of existing buildings, as described in the DEIR, would be the least impacting alternative, and would still meet some of the project objectives. As a result, it was determined to be the environmentally superior alternative.

The City is not prohibited from approving the proposed project. The City is prohibited from approving the proposed project without first providing an explanation of the benefits of the project, and how these benefits outweigh the potentially significant impacts. Should the City wish to approve the project, it will be required to adopt Findings of Fact and a Statement of Overriding Considerations, as required by CEQA. The full text of CEQA Guidelines 15043 is:

“A public agency may approve a project even though the project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that:

- (a) There is no feasible way to lessen or avoid the significant effect (See Section 15091; and
- (b) Specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project. (See Section 15093)” (Emphasis added)

**Comment G.10:** Although not identified as such by the DEIR, the Preservation Alternative is an environmentally superior alternative to the proposed Project. Aesthetic impacts as well as project-level and cumulative cultural resource impacts would be significantly reduced by this alternative because it would preserve and rehabilitate the Town and County Center. (DEIR p. V-3.) The DEIR also concludes that the Preservation Alternative would reduce land use impacts because this alternative would comply with the General Plan, would be compatible with the DUDP, and includes adaptive reuse of an important historic resource. Land use impacts would be reduced because the Preservation Alternative would better meet the many General Plan goals and policies encouraging the preservation and adaptive reuse of historic buildings that are set forth in above in (sic) the discussion of cultural resource impacts.

**Response G.10:** Comment noted. The Preservation Alternative’s impacts are clearly compared to the proposed project in Section V of the EIR. The commentor is correct that impacts to land use and cultural resources would be reduced. However, impacts associated with air quality and traffic would be slightly higher, as shown in the EIR, because of the slightly higher trips generated by the additional 19,390 square feet of retail commercial space under the Preservation Alternative.

**Comment G.11:** The Preservation Alternative would also enhance Palm Springs' distinctive and eclectic architecture. The City's own historic resources survey found the Town and Country Center to be a "rare and exceptional example of the Late Moderne style" by master architects Paul R. Williams and A. Quincy Jones that meets the level of significance necessary for listing on the National Register of Historic Places. The modern style of architecture exemplified by the Center is central to the City's mid-century architectural heritage and is so important to the City's tourist industry. The Center represents the very type of distinctive and eclectic architecture the City seeks to enhance and complement with the MMPSP.

**Response G.11:** Comment noted.

**Comment G.12:** There is an inaccuracy in the DEIR's assessment of the Preservation Alternative's traffic impacts. The DEIR states "the overall level of development [in the Preservation Alternative] is slightly less intensive than that of the Proposed Project. In consequence, the Preservation of the Town and Country Center Alternative will generate traffic impacts higher than the Proposed Project." (DEIR p. V-47.) This inaccurate statement may be based upon inaccurate trip generation for the Preservation Alternative. The DEIR states that 295,000 square feet of commercial in Preservation Alternative would generate 16,170 weekday daily trips after finding that the proposed project only would generate 13,870 daily trips from 300,000 square feet of commercial. (DEIR p. V-47.) Why does the DEIR assign a higher trip generation per square foot to the Preservation Alternative? The DEIR also finds that the 900 dwelling units that are included in the Preservation Alternative would generate exactly the same number of weekday daily trips (3,620) as the 955 dwelling units included in the proposed project. (DEIR p. V-47.) This is clearly incorrect; the 55 dwelling unit reduction found in the Preservation Alternative should result in a reduction in daily trips. The DEIR includes the same incorrect calculation for Saturday trips.

**Response G.12:** Comment noted. The individual trip generation numbers in the Traffic Study were incorrectly entered. In addition, the residential units in Table V-30, page V-46, should read 900, not 955. The traffic analysis assumed that the 55 units in Planning Area 2 would be constructed as hotel rooms, because hotel uses have a higher trip generation than residential uses, and a "most conservative" approach was taken. The total trip generation for the Preservation alternative is higher because there is 29,390 square feet more retail commercial space under this alternative than under the proposed project, and retail commercial is by far the highest trip generator.

In both cases, the errors are typographical only, and do not affect the analysis, which was completed correctly based on correct numbers. The revised Traffic Study Table, showing the correct data, is shown below. This typographical error does not represent a change in the findings of the EIR, and does not affect the results of any of the analyses.

**Table 4-1  
 Site Trip-Generation Forecast By Alternative<sup>a</sup>**

Land Use Category (ITE Code)	Land Use Quantity <sup>b</sup>	Midday Peak Hour			PM Peak Hour			Daily 2-Way
		In	Out	Total	In	Out	Total	
<b>EXISTING LAND USE</b>								
Weekday								
Town & Country (820)	50.977 TSF	143	160	303	193	209	402	4,380
Desert Fash. Plaza (820)	39.643 TSF	121	135	256	164	177	341	3,720
<b>Total</b>		<u>264</u>	<u>295</u>	<u>559</u>	<u>357</u>	<u>386</u>	<u>743</u>	<u>8,100</u>
Saturday								
Town & Country (820)	50.977 TSF	290	268	558	--	--	--	6,040
Desert Fash. Plaza (820)	39.643 TSF	247	228	475	--	--	--	5,160
<b>Total</b>		<u>537</u>	<u>496</u>	<u>1,033</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>11,200</u>
<b>NO-PROJECT ALT.</b>								
Weekday								
Town & Country (820)	50.977 TSF	143	160	303	193	209	402	4,380
Desert Fash. Plaza (820)	330 TSF	759	597	1,356	663	718	1,381	14,760
Hotel (310)	45 Room	15	10	25	14	12	26	370
<b>Total</b>		<u>917</u>	<u>767</u>	<u>1,684</u>	<u>870</u>	<u>939</u>	<u>1,809</u>	<u>19,510</u>
Saturday								
Town & Country (820)	50.977 TSF	978	903	1,881	--	--	--	19,600
Desert Fash. Plaza (820)	330 TSF	290	268	558	--	--	--	6,040
Hotel (310)	45 Room	18	14	32	--	--	--	370
<b>Total</b>		<u>1,286</u>	<u>1,185</u>	<u>2,439</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>26,010</u>
<b>PREFERRED PROJECT</b>								
Weekday								
General Office (710)	100 TSF	165	23	188	32	158	190	1,330
Commercial (820)	300 TSF	712	561	1,273	622	674	1,296	13,870
Hotel (310)	620 Room	177	145	322	194	172	366	5,180
HRMFA (232)	900 DU	50	245	295	199	122	321	3,620
<b>Total</b>		<u>1,104</u>	<u>974</u>	<u>2,078</u>	<u>1,047</u>	<u>1,126</u>	<u>2,173</u>	<u>24,000</u>
Saturday								
General Office (710)	100 TSF	22	19	41	--	--	--	240
Commercial (820)	300 TSF	919	849	1,768	--	--	--	18,460
Hotel (310)	620 Room	250	196	446	--	--	--	5,080
HRMFA (232)	900 DU	129	170	299	--	--	--	3,740
<b>Total</b>		<u>1,320</u>	<u>1,234</u>	<u>2,554</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>27,520</u>

**Table 4-1 (Continued)**  
**Site Trip-Generation Forecast By Alternative**

Land Use Category (ITE Code)	Land Use Quantity <sup>a</sup>	Midday Peak Hour			PM Peak Hour			Daily 2-Way
		In	Out	Total	In	Out	Total	
<b>PRESERVE T&amp;C ALT.</b>								
Weekday								
HRMFA (232)	900 DU	50	245	295	199	122	321	3,620
General Office (710)	100 TSF	165	23	188	32	158	190	1,330
Commercial (820)	295 TSF	704	554	1,258	615	667	1,282	13,720
Commercial (820)	34.39 TSF	110	123	233	149	161	310	3,390
Hotel (310)	420 Room	95	78	173	114	101	215	2,890
<b>Total</b>		<b>1,136</b>	<b>1,033</b>	<b>2,169</b>	<b>1,126</b>	<b>1,224</b>	<b>2,350</b>	<b>24,950</b>
Saturday								
HRMFA (232)	900 DU	129	170	299	--	--	--	3,740
General Office(710)	100 TSF	22	19	41	--	--	--	240
Commercial (820)	295 TSF	909	839	1,748	--	--	--	18,270
Commercial (820)	34.39 TSF	225	208	433	--	--	--	4,720
Hotel (310)	420 Room	169	133	302	--	--	--	3,440
<b>Total</b>		<b>1,454</b>	<b>1,369</b>	<b>2,823</b>				<b>30,410</b>
<b>LESS-INTENSE ALT. A</b>								
Weekday								
Commercial (820)	186.5 TSF	521	410	931	455	493	948	10,180
Commercial (820)	34.39 TSF	110	123	233	149	161	310	3,390
General Office (710)	40 TSF	79	11	90	21	103	124	660
Cinema (443)	68 TSF	98	98	196	394	25	419	5,310
HRMFA (232)	120 DU	10	51	61	35	21	56	680
<b>Total</b>		<b>818</b>	<b>693</b>	<b>1,511</b>	<b>1,054</b>	<b>803</b>	<b>1,857</b>	<b>20,220</b>
Saturday								
Commercial (820)	186.5 TSF	675	623	1,298	--	--	--	13,680
Commercial (820)	34.39 TSF	225	208	433	--	--	--	4,720
General Office (710)	40 TSF	9	8	17	--	--	--	90
Cinema (445)	68 TSF	240	80	320	--	--	--	6,750
HRMFA (232)	120 DU	28	37	65	--	--	--	670
<b>Total</b>		<b>1,177</b>	<b>956</b>	<b>2,133</b>				<b>25,910</b>
<b>LESS-INTENSE ALT. B</b>								
Weekday								
Commercial (820)	300 TSF	712	561	1,273	622	674	1,296	13,870
Hotel (310)	255 Room	73	60	133	80	71	151	1,910
HRMFA (232)	765 DU	43	212	255	171	105	276	3,110
<b>Total</b>		<b>828</b>	<b>833</b>	<b>1,661</b>	<b>873</b>	<b>850</b>	<b>1,723</b>	<b>18,890</b>
Saturday								
Commercial (820)	300 TSF	919	849	1,768	--	--	--	18,460
Hotel (310)	255 Room	103	81	184	--	--	--	2,090
HRMFA (232)	765 DU	111	147	258	--	--	--	3,210
<b>Total</b>		<b>1,133</b>	<b>1,077</b>	<b>2,210</b>				<b>23,760</b>

- a. Based upon trip generation data published by the ITE in *Trip Generation* (7th Edition December 2003). For the Preferred Project and all alternatives, the trip generation rates for the morning “peak hour of the generator” were utilized to forecast the midday peak hour trip generation associated with the hotel and multi-family attached residential land uses. Since the proposed number of hotel units was outside of the plotted range associated with the ITE’s peak hour trip generation data for hotels, the weighted average ITE trip generation rates for hotels were used.
- b. TSF=Thousand square feet of building floor area. Rooms=Hotel rooms. DU=Dwelling Units.

**Comment G.13:** The Fiscal Analysis contained in the DEIR demonstrates that the Preservation Alternative is economically feasible. This alternative would generate \$939,219 in annual revenue and \$4.3 million in total revenue for the City, which is clearly economically feasible when compared with the current \$220,000 in annual City revenue generated by the Project area. (DEIR p. V-54 and III-218.) The revenue that would be generated by the Preservation Alternative is also only slightly less than the proposed Project’s estimated \$1 million in annual revenue and \$4.7 million in total revenue. The mere fact that an alternative might be less profitable does not itself render the alternative infeasible unless there is evidence that the reduced profitability is “sufficiently severe as to render it impractical to proceed with the project.”...The slight difference in revenue generated by the Preservation Alternative and the proposed Project would not render it impractical to proceed with the project.

**Response G.13:** Comment noted. The DEIR does not at any point determine that the Preservation of the Town and Country Center is impractical due to fiscal impacts.

**Comment G.14:** Although it was not specifically studied in the DEIR, the large amount of revenue generation to the City from the Preservation Alternative is a clear indicator that this alternative would also be economically feasible for a developer. Under the Preservation Alternative the developer could also benefit from state and federal tax (sic) historic preservation incentive programs, which should be figured into the economic feasibility of the alternative.

**Response G.14:** Comment noted. As the commentor has stated in other parts of her comments, the cost to the developer is not a component of CEQA. The fiscal impact analysis was included in the EIR to determine whether the project or any alternative would have a negative financial impacts on the City’s General Fund and other funds.

**Comment G.15:** Additionally, the EIR should consider the economic implications of opening Museum Way straight through to Indian Canyon Drive – and the new Spa Hotel’s proposed retail center. The installation of Museum Way that is included in the proposed Project could invite pedestrians to detour from downtown’s shops and instead walk directly to the Spa Hotel’s retail center. This could reduce revenues for the proposed Project.

**Response G.15:** The comment is purely speculative. The plans for the Spa Hotel have not been published, and are not available for public review. The supposition that retail development in that project might influence the proposed project or any



alternative cannot be supported by facts or quantified data. Its inclusion is therefore not appropriate in the EIR.

**Comment G.16:** To be considered feasible, a project alternative needs only to meet most of the project objectives; it does not need to fully meet each one....California courts have recently elaborated on the significant restrictions on a project proponent's ability to use project objectives to dictate what constitutes a feasible project alternative, finding that an EIR could not reject a smaller alternative that would have met all project objectives except for size and would have had the added benefit of preserving a historic building on site. (Preservation Action Council v City of San Jose (2006) 141 Cal App. 4<sup>th</sup> 1336, 1355).

**Response G.16:** Comment noted. The EIR establishes and describes the alternatives, and compares them to the proposed project. It does not at any point recommend against one or the other. Alternatives analysis was completed correctly, and provides the public and decision makers with sufficient information to make an informed decision on the project.

**Comment G.17:** The Preservation Alternative would not include the extension of Museum Way between Palm Canyon and Indian Canyon, which is included in the Project objectives. The EIR and the December 3, 2008 Planning Commission Staff Report find this extension of Museum Way to be an asset to the project because it would provide pedestrian, vehicle and visual access between the Desert Art Museum and the City's Section 14 (located east of Indian Canyon Drive). However, the Preservation Alternative would still provide pedestrian connections between these two street. A wide path from Palm Canyon Drive would meander through the newly created Town and Country Center plaza and would connect with Indian Canyon Drive in two locations. (DEIR Exhibit V-1) Additionally, to further the pedestrian connection between downtown and Section 14 without destroying an important historic resource, the EIR should consider installing a signalized on-demand pedestrian crosswalk across Indian Canyon Drive between the Town and Country Center and the new Spa Hotel.

**Response G.17:** Comment noted. The Preservation Alternative does not provide vehicular or visual connection through from Indian Canyon to Palm Canyon. The preservation of the Zeldaz building will act as a visual impediment, and is likely to limit the potential for pedestrian access through the block, since it will appear that a structure blocks the way. The alternative therefore does not accomplish the goal of providing a connection to Section 14 in as effective a manner as the proposed project.

**Comment G.18:** The Preservation Alternative does not provide vehicle access on Museum Way between Palm Canyon Drive and Indian Canyon Drive, but such access is unnecessary to facilitate traffic flow. All traffic analysis shows the traffic levels in this area to be fairly low and traffic flow to allow the roads to operate at a high level of service, even without signalized intersections. (DEIR Traffic Report p. 1-3.) The traffic report prepared as part of the EIR found that this extension of

Museum Way is not necessary to maintain acceptable traffic levels and might actually increase the total delay experience (sic) by through traffic on Palm Canyon Drive and Indian Canyon Drive because it would require an additional traffic signal on both of these major thoroughfares located too close to other traffic signals. (DEIR Traffic Report p. 5-6.)

**Response G.18:** Comment noted. As stated by the commentor, levels of service remain acceptable regardless of whether Museum Way is implemented.

**Comment G.19:** The one benefit of the extension of Museum Way that is not provided by the Preservation Alternative is the visual link between the Section 14 and the Palm Springs Art Museum. However, this would only be a very small visual link. The only area of Section 14 that would have views of the Art Museum under the proposed Project would be the (sic) new Spa Hotel, located directly across Indian Canyon Drive. Neither the proposed Project nor any of the alternatives provide a visual connection between the Art Museum and the Convention Center. It is not physically possible to do so because the Convention Center is located north and east of the Art Museum. (Please see Exhibit A.) The existing Spa Hotel blocks views of the Art Museum from areas to the east of the hotel. (Exhibit C, Google Maps Street View Photo from east of the existing Spa Hotel.) Additionally, the new Spa Hotel will be located directly across Indian Canyon Drive from the Town and Country Center and is proposed to be ten stories tall. This will further block any new views of the Art Museum that would be provided by the proposed Project other than those from the new Spa Hotel. This small view enhancement does not justify the destruction of an important historic resource. In addition to being a violation of CEQA, it makes no sense to demolish one important historic resource simply to allow limited views of another historic resource (the Art Museum). The Preservation Alternative would allow the project area to be balanced on each end with buildings that are important to the City's rich architectural history.

**Response G.19:** Comment noted. The EIR does not propose that the project will have a visual connection to the Convention Center. The EIR also does not propose that the Palm Springs Art Museum is a historic resource. The EIR simply puts forth the facts surrounding the proposed Project and each of the Alternatives, and provides the public and decision makers with a comprehensive analysis of the potential impacts associated with each option. Alternative B does extend Museum Way from Palm Canyon through to Indian Canyon Drive. Finally, the commentor is incorrect as regards the "violation of CEQA;" please see response G.9., above.

**Comment G.20:** Alternative A would also be environmentally superior to the proposed Project. It would reduce the Project's aesthetic and cultural resources impacts by eliminating the demolition of the Town and Country Center. Palm Springs Modern Committee and Friends of the Town and Country Center also recommend that the EIR analyze a variation of this alternative that includes the rehabilitation of the Town and Country Center. This rehabilitation is recommended by the Cultural Resources Survey Report, which finds that the rehabilitation would increase the

aesthetic value of the Center and “[i]f this is carried out in accordance with the Secretary of the Interior’s Standards, such restoration may qualify the Town and Country Center property for future tax benefits under various federal and state historic preservation incentive programs.” (DEIR Cultural Resources Survey Report p.22.)

**Response G.20:** Comment noted. CEQA does not require that the EIR study all possible alternatives. CEQA requires that a range of alternatives, designed to reduce the potential impacts of the proposed project, be presented in the document. The range of alternatives provided in the EIR is sufficient to provide the public and decision makers with sufficient information to make an informed decision on the project.

**Comment G.21:** Alternative A is a feasible alternative to the proposed Project. It is economically feasible because it would provide for \$566,313 of annual revenue for the City, which is more than double the current annual revenue for the area of \$220,000. (DEIR p. V-55 and III-218.) As stated above, the increased revenue for the City is a clear indicator that Alternative A would likewise increase the revenue for the project proponent. Revenue to the project proponent from Alternative A could be increased further if rehabilitation of the Town and Country Center is included as part o the alternative, which could allow the project proponent to gain tax benefits. (DEIR Cultural Resources Survey Report p. 22, See also [http://ohp.parks.ca.gov/?page\\_id=2426](http://ohp.parks.ca.gov/?page_id=2426).)

**Response G.21:** Comment noted.

**Comment G.22:** Like the Preservation Alternative, Alternative A would also meet the majority of the project objectives. The only objective it does not meet is the extension of Museum Way between Palm Canyon Drive and Indian Canyon Drive. As discussed in the Preservation Alternative section, the only real benefit of this roadway extension is a limited visual link between the Palm Springs Art Museum and the new Spa Hotel.

**Response G.22:** Comment noted. See response G.19, above.

**Comment G.23:** When the public offers reasonable alternatives to the proposed Project, the City should provide a meaningful analysis of them.... The Palm Springs Modern Committee and Friends of the Town and Country Center hereby request that the City analyze an additional alternative to the proposed Project. The new alternative would be a hybrid of the Preservation Alternative and Alternative A, the “Reduced Density Preservation Alternative.” The Reduced Density Preservation Alternative would include the rehabilitation of the Town and Country Center and removal of the Center’s south building (Building C) to allow for the public plaza proposed in the Preservation Alternative combined with the reduced density proposed as part of Alternative A, further enhancing the pedestrian friendly focus of the project. This would likewise be a feasible and less impactful alternative.

**Response G.23:** See response G.20, above.

**Comment G.24:** The Palm Springs Modern Committee and Friends of the Town and Country Center understand how important the redevelopment of downtown Palm Springs is to the entire community. We believe that this redevelopment does not and in fact legally cannot require the wholesale demolition of the historically significant Town and Country Center. Because demolition of the Town and Country Center would result in significant impacts, an alternative that includes preservation and adaptive reuse of the Center must be adopted instead of the proposed Project. Thank you for your consideration of this matter.

**Response G.24:** Comment noted. See response G.9, above.

## H. RIVERSIDE COUNTY FLOOD CONTROL DISTRICT

**Comment H.1:** The proposed project is located within the District's Palm Springs Master Drainage Plan (MDP). When fully implemented, these MDP facilities will relieve those areas within the plan of the most serious flooding problems and will provide adequate drainage outlets. The proposed 54" RCP, as shown on Exhibit III-15 of the DEIR, is not consistent with the existing planned drainage facilities in the Palm Springs MDP. Potential changes in drainage patterns and conflicts with master planned drainage facilities should be evaluated. The MDP maps can be viewed online at [www.rcflood.org](http://www.rcflood.org). To obtain further information on the MDP and the proposed facilities, please contact Dale Anderson of the District's Planning Section at 951.955.1345.

**Response H.1:** Comment noted. The project proponent has included the 54 inch RCP in the Specific Plan, as it is adequate to provide storm water protection for the project and tributary areas. Should the City Engineer, in his review of the plans, determine that MDP or other facilities are required, such a change would be implemented through conditions of approval. This City standard requirement will assure that impacts associated with MDP facilities remain less than significant.

**Comment H.2:** Page III-99 of the DEIR states, "The development proposed the construction in a 36-inch storm drain in the extension of Belardo Road, from Tahquitz to the new east-west private street." It appears the proposed construction may impact the District's existing facilities (i.e. Palm Springs Lines 15, 15B and 15BA). Any activity that involves District right-of-way, easements or facilities will require an encroachment permit from the District. The construction of facilities within road right-of-way that may impact District storm drains should also be coordinated with us. Sheet 3 of the Palm Springs Line 15, 15B, 15BA, Stage 2 as-built drawings (Drawing No. 6-256) is attached for your information. To obtain further information on encroachment permits or existing facilities contact Ed Lotz of the District's Encroachment Permit Section at 951.955.1266.

**Response H.2:** Comment noted.

**Comment H.3:** Page III-99 of the DEIR states that a 36-inch storm drain is proposed in the extension of Belardo Road. Exhibit III-15 of the DEIR indicates the proposed construction of a 54-inch storm drain within the North Palm Canyon Drive right-of-way. Further, it appears that portions of RCP diameters of the respective existing and future storm drains shown on the storm drain plan on Exhibit III-15 is inconsistent with the diameters indicated on Sheets 2-3 of Tract No. 16544 Storm Drain Plan and Profile (Drawing No. 6-271), Sheets 5-7 of Palm Springs Lines 15, 15B, and 15BA, Stage 2 (Drawing No. 6-271) and the Palm Springs MDP map.

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- Response H.3:** Comment noted. The data on surrounding storm drain lines was provided by the City's Engineering Department. Please also see response H.1, above.
- Comment H.4:** Page III-93 of the DEIR states, "The levee between the Whitewater River and Indian Canyon Drive, maintained by RCFCWCD, protects the portion of the City south of the Whitewater River from flooding." It is unclear which levee the previous statement applies to. For informational purposes, please note that the Chino Canyon Levee continues to the west-southwest of Indian Canyon Drive and the Whitewater River Levee. This levee provides flood protection to southerly portions of the city as well.
- Response H.4:** Comment noted.
- Comment H.5:** Page III-93 of the DEIR states, "Larger storm drains (greater than 36-inch diameter) are part of the City's Master Drainage Plan and have been maintained by the Riverside County Flood Control District (RCFC or RCFCWCD) since 1945; the RCFC has jurisdiction over flood control facilities both regionally and within the City of Palm Springs." Please be advised the District does not normally plan check or recommend conditions for land use cases in incorporated cities. In order for the District to consider accepting ownership and responsibility for the operation and maintenance of MDP facilities or other regional flood control facilities, which would be considered logical component (sic) or extension (sic) of a master planned system, the City would have to submit the request in writing.
- Response H.5:** Comment noted. The City understands the relationship with the District. The description in this portion of the EIR is a broad statement on the various flood control facilities in the region.
- Comment H.6:** Page III-93 of the DEIR states, "Other areas, including the Whitewater River flood plain to the north of the urbanized portions of the City, are under the jurisdiction of both the RCFC and the Coachella Valley Water District (CVWD)." The City, not the District, is responsible for compliance with the FEMA floodplain management regulations within the city limits. The District only owns, operates and maintains the Whitewater River Levee, which is located on the south side of the Whitewater River between Indian Canyon Drive and Date Palm Drive.
- Response H.1:** Comment noted. The City understands its responsibilities for floodplain management.

## I. STATE CLEARINGHOUSE

**Comment I.1:** The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on December 8, 2008, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

**Response I.1:** Comment noted.

**FINAL EIR  
MUSEUM MARKET PLAZA SPECIFIC PLAN  
ENVIRONMENTAL IMPACT REPORT**

**SECTION II**

**COMMENT LETTERS  
ON THE  
DRAFT ENVIRONMENTAL IMPACT REPORT**

The following comment letters were received on the Draft EIR transmitted to various public agencies and interested parties. Comments restated in Section I are bracketed in this section and correspond to the comment numbers in Section I.



**From:** JCaussin@aol.com [mailto:JCaussin@aol.com]  
**Sent:** Monday, November 03, 2008 11:28 AM  
**To:** Terri Hintz  
**Subject:** Museum Market Plaza

Hello,

I have read with great interest the article in the Desert Sun regarding the findings of the EIR for the Museum Market Plaza. I couldn't be happier to notice that the Preservation of the Town and Country Alternative was viewed by the EIR as a better project. As a resident, I am very much in favor of whatever plan will "improve my quality of life" especially if it also benefits the tourism industry: sound like a win-win situation to me !!!!

A-1

I hope that you will support the "Preservation Alternative" as well

Respectfully,

Jacques-Pierre Caussin  
P.O. Box 5030  
Palm Springs, CA 92263  
760 219 4599  
JCaussin@aol.com

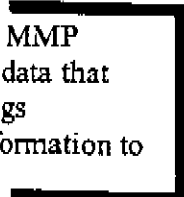
November 8, 2009

TO: PS City Council

CC: Craig Ewing

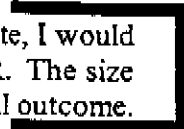
RE: MMP EIR

Attached is a comparison chart showing the size and components of the proposed MMP versus several other mixed use development projects. We can conclude from the data that the MMP was conceived for a much large population base. With the Palms Springs population growth basically static for the last decade, there is no demographic information to support such a large project.



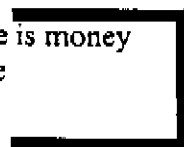
B - 1

In light of the new proposal by Wessman Development to renovate the existing site, I would highly recommend not spending valuable staff and citizen time reviewing the EIR. The size of the MMP and the gerrymandered Specific Plan area do not point to a successful outcome.



B - 2

Furthermore, the 10-15 years of construction will disrupt the city adversely. Time is money and the new, condensed proposal will bring retail on-line sooner and revitalize the downtown. We should move ahead immediately in this direction.



B - 3

Sheryl Hamlin

A handwritten signature in cursive script that reads "Sheryl Hamlin".

Museum Market Plaza (MMP) Comparison Chart

Name	Retail	Housing	Movies	Sports	Public Space	Parking	Population
The River	227,550 sq. ft.	0	1 - Multiplex	None	Yes	Yes	Rancho Mirage 16,710 (July 2006)
Golden Gateway	282,900 sq.ft.	1254 units	1 - theatre	Tennis and swim	Yes	1477 cars	San Francisco 776,733 July 2006)
MMP	400,000 sq. ft	955 units	No leases yet	None	Yes	Yes	Palm Springs 42,807 (July 2006)

The chart shows the MMP and two other retail centers. The Golden Gateway is a lifestyle center, similar to the MMP proposal, while The River is purely retail and entertainment. Both projects have been extremely successful.

First look at the comparison of retail space to population. The population draw for The River in Rancho Mirage could include a portion of Cathedral City and Palm Desert, so could easily have a drawing population of 35,000, which would equal to 6.5 sq. ft per person. In San Francisco, with a limited and stable population, the ratio is .36 sq. ft retail per person. Even if you consider neighborhoods east of Van Ness, this might reduce the SF population to 300,000 and thus change the ratio to .94 sq. ft. per person. Now compare the proposed MMP retail of 400,000 sq. ft to a PS population of around 40,000. This yields 9.3 sq. ft per person, exceeding both the Rancho Mirage ratio and the San Francisco ratio by a wide margin.

Similarly skewed ratios arrive on comparing the proposed housing component at the Golden Gateway complex (.0016 condos per person) while the MMP project ratio is .022 condos per person.

These ratios are important because it affects the pool of potential buyers and tenants and the length of time it will take to lease or sell the MMP properties.

The MMP appears to have been designed for a much larger community. Reducing the size and scope of the MMP would reduce construction costs and time to market. The scope of the MMP as proposed doesn't make sense for the PS Community whose western boundary is the mountain and whose northern boundary includes Desert Hot Springs and the unincorporated areas of North Palm Springs, both of which are separated by I10.

B-4

Palm Springs has experienced a 1% compound growth rate for the last decade, which is effectively stable. There is no reason to suspect a spurt in growth to support the proposed size of the MMP.

Clearly the citizens are looking forward to a redevelopment of the Fashion Plaza mall, but such a project should be specified in realistic and achievable terms.



(760) 668-2956  
Palm Springs, Ca

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2008 NOV 13 AM 9:45

JAMES THOMPSON  
CITY CLERK

cc D. DEARDY  
T. WILSON  
C. EWING

November 10, 2008.

City Planning Commission,  
City of Palm Springs,  
3200 East Tahquitz Canyon Way,  
Palm Springs, CA 92262.

RE: Case 5.1204 General Plan Amendment (Wessman)

As a member of the American Institute of Certified Planners as well as a property owner on West Arenas Road, I strongly oppose Wessman Development's current proposal with regard to the site at Palm Canyon Drive and Tahquitz Canyon Way.

This massive project would totally destroy the ambience and character of our downtown Palm Springs. Can the Commission imagine 955 (yes, 955!) high density residential units, plus a huge hotel--620 rooms (is there any existing hotel in the city with this many rooms?) plus 400,000 square feet of commercial space (picture 15 supermarkets, for example) on this property? This might fit in well with Times Square in New York, but not here.

C-1

Please do not grant these concessions--these variances--to our established Palm Springs development policies. Wessman Development's request amounts to asking for a very special privilege--a privilege which would be highly out of place, highly destructive to our Palm Springs environment.

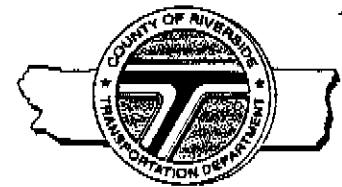
*Marc Herbert*  
Marc Herbert, AICP  
2864 Tice Creek Dr, No. 4  
Walnut Creek, CA 94595  
(400 West Arenas Rd, PS)



# COUNTY OF RIVERSIDE

## TRANSPORTATION AND LAND MANAGEMENT AGENCY

### Transportation Department



Juan C. Perez, P.E., T.E.  
Director of Transportation

D

November 12, 2008

Mr. Craig Ewing, AICP  
Director of Planning Services  
City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262

Subject: Draft Environmental Impact Report (DEIR SCH# 2008061084) for the Museum  
Marketplace Plaza Specific Plan

Dear Mr. Ewing:

Thank you for giving the Riverside County Transportation Department the opportunity  
to review the Draft Environmental Impact Report for the Museum Marketplace Plaza  
Specific Plan. The Transportation Department has no comments on the DEIR.

D-1

Sincerely,

Farah Khorashadi  
Engineering Division Manager

FK:rg

cc: George A. Johnson, TLMA Director  
Juan C. Perez, Director of Transportation

**RECEIVED**

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PLANNING SERVICES  
DEPARTMENT

F. Thomas Kieley, III  
President  
Ronald E. Starrs  
Vice President  
F. Gilar Boyd, Jr.  
Secretary/Treasurer  
Patricia G. Oygur  
Craig A. Ewing

David K. Luker  
General Manager  
Chief Engineer  
Best, Best & Krieger  
General Counsel  
Krieger & Stewart  
Consulting Engineers



**E**  
Desert Water Agency  
1200 Gene Autry Trail South  
P.O. Box 1710  
Palm Springs, CA 92263-1710  
Telephone 760 323-4971  
Fax 760 325-6505  
www.dwa.org

November 24, 2008

Mr. Craig A. Ewing, AICP  
Director of Planning Services  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

**RE: MUSEUM MARKET PLAZA SPECIFIC PLAN DRAFT  
ENVIRONMENTAL IMPACT REPORT (SCH #2008061084)**

Dear Mr. Ewing:

We have reviewed the Draft Environmental Impact Report (EIR) for the Museum Market Plaza (MMP) Water Quality/Resources Sections, with regards to water quantity and quality within the boundary/service area of the Desert Water Agency (DWA).

- 1) In Section III-G, page 106, the reported Total Dissolved Solids (TDS) average of 540 mg/L is not representative of the quality of water that will be supplied to the MMP project. The average of 540 mg/L reported in the EIR is higher than the average of 290 mg/L given in DWA's 2007 Water Quality Report (see Attached 2007 Water Quality Report). If water samples with TDS of 540 mg/L were found, the statement in the EIR should be qualified to state where the samples were found, and that they are not representative of the quality of water provide by DWA.
- 2) In Section III-G, page 106, the reported Nitrate levels of 45 mg/L are not representative of the quality of water that will be supplied to the MMP project. The water provided to DWA customers contains an average of 5.3 mg/L of Nitrate (See Attached 2007 Water Quality Report), well below the Maximum Contaminate Level Goal (MCLG) of 10 mg/L; 45 mg/L is the Maximum Contaminate Level (MCL) for Nitrate. It should be noted the Nitrate levels of 45 mg/L were found in wells outside of DWA's boundary and service area. The EIR should clearly state the location and proximity of the high Nitrate levels, and they are not representative to the quality of water provided by DWA.
- 3) In Section III-G, page 108, in the first paragraph, the number of the indicated table is missing.
- 4) In Section III-G, page 112, the paragraph should be changed to more clearly indicate the results of a Single Dry Year Study (SDYS), regardless of the year the dry year occurred, but not consistent cumulative water balance in the year 2030.

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E-2

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PLANNING SERVICES  
DEPARTMENT



- 5) In Section III-G, page 113, Table III-27 does not accurately show the intention of a Single Dry Year Study (SDYS). The table is a compilation of five different SDYS for five different single dry years, reporting the water balance the year the dry year occurs. The intention of the SDYS is to show the effect of single dry year, in a given year, on the cumulative water balance in the year 2030. Showing the water balance in the year the dry year occurs provides no substantive information on the condition of the aquifer or how the project will affect the aquifer in the year 2030.
- 6) In Section III-G, page 116, Item 5 mentions the possibility of DWA providing reclaimed water to the project. DWA has no plans to extend the reclaimed water distribution system to the area of the MMP.

E-5

E-6

Sincerely,

DESERT WATER AGENCY

David K. Luker  
General Manager-Chief Engineer

DKL/lcj



November 26, 2008

Mr. Craig A. Ewing, AICP  
Director of Planning Services  
City of Palm Springs  
3200 Tahquitz Canyon Way  
Palm Springs, CA 92262

RE: Opposition to the Museum Market Plaza Specific Plan

Dear Mr. Ewing,

The ownership of the Palm Mountain Resort and Spa opposes the above referenced Specific Plan which will negatively impact the Downtown Urban Design Plan (DUDP) adopted in 2007.

As you are aware, the EIR identifies several .... "Significant and unavoidable" impacts which cannot be reduced to less than significant levels .... "even with the implementation of feasible mitigation measures". Some of the unmitigatable impacts are Aesthetics/Visual Resources (views to the San Jacinto Mountains), Air Quality, and Cultural Resources.

F-1

A comprehensive review and comment on the number of significant changes to the recently approved DUDP, as proposed in this Specific Plan, would be a daunting task. However, there are several proposed land planning changes in the Specific Plan, which are so dramatic that the character, charm, and value of the Palm Mountain Resort and Spa, properties within the Tennis Club District, as well as the City of Palm Springs will be altered. The proposed Specific Plan changes and the impact to the City of Palm Springs we are concerned about are as follows:

1. Height will be increased from an allowable 60' via the Planned Development Process to upwards of 79' in some areas.
2. Allowable density has been significantly increased from the DUDP standards.
3. The Specific Plan is significantly under-parked.
4. The front yard set backs for each floor above 30' have been significantly reduced.
5. While set backs from 0' to 5' are allowed within the DUDP, such small set backs should not be allowed along Tahquitz Canyon Way, Cahuilla, and Belardo. An increase in the building foot print set backs would be an appropriate change to soften the transition from the south side of Tahquitz Canyon Way and the Tennis Club District.

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DEPARTMENT



The variances proposed within this Specific Plan are enormous changes to the DUDP. The character and charm of the City of Palm Springs would be dramatically changed if it were to be adopted.

F-2

We urge the City of Palm Springs to reject this Specific Plan in its entirety and to consider alternative approaches that are less obtrusive and that would reflect sound land planning standards.

F-3

Sincerely,



Robert G. Richardson  
Director of Development  
Pacific Hospitality Group

**CHATTEN-BROWN & CARSTENS**

2601 OCEAN PARK BOULEVARD  
SUITE 205

SANTA MONICA, CALIFORNIA 90405  
www.cbcearthlaw.com

TELEPHONE: (310) 314-8040  
FACSIMILE: (310) 314-8050

E-MAIL:  
ACTM@CBCEARTH.LAW.COM

December 8, 2008

*Via Email and Facsimile  
Original to Follow via Overnight Express*

Craig Ewing  
Director of Planning  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92263

Re: Comments on Museum Market Plaza Specific Plan Draft EIR; SCH #  
2008061084 and Planning Commission Staff Report

Dear Mr. Ewing:

On behalf of the Palm Springs Modern Committee and Friends of the Town and Country Center, we provide these comments on the draft environmental impact report (DEIR) for the Museum Market Plaza Specific Plan (MMPSP). The project proposed in the DEIR would include 400,000 square feet of retail or office development, 955 high density residential dwelling units and 620 hotel rooms on 20.6 acres in the Palm Spring's Central Business District (the Project). The proposal would extend height limits to 67 feet in portions of the project area and 79 feet in other portions. The Project would also include a specific system of new roadways for the Project area. Belardo Road would be extended south through the Project area and a new street called Museum Way would be carved through the Project area from the Palm Springs Art Museum straight through to Indian Canyon Drive. The installation of Museum Way through to Indian Canyon Drive would result in the demolition of the historically significant Town and Country Center, which is located directly east of the Art Museum between Palm Canyon Drive and Indian Canyon Drive.

We are in favor of redevelopment of downtown Palm Springs, but we oppose the unnecessary demolition of the Town and Country Center. As the DEIR acknowledges, demolition of the Town and Country Center would result in significant cultural resource and aesthetic impacts. We urge the City to approve a feasible and less impactful alternative to the Project that does not include the extension of Museum Way from Palm Canyon Drive to Indian Canyon Drive and therefore does not require demolition of an important historic resource. Because such a feasible alternative exists, the California Environmental Quality Act (CEQA) prohibits the approval of the proposed Project without modification to avoid the demolition of the Town and Country Center.

G-1

## **I. The Town and Country Center is an Important Historic Resource**

The Town and Country Center was designed by renowned master architects Paul R. Williams and A. Quincy Jones in 1948. Paul R. Williams was an African American architect who largely based his practice in Los Angeles and the Southern California area. He was the first certified African American architect west of the Mississippi and the first African American member of the American Institute of Architects. He has received numerous awards for his contributions as an architect. A. Quincy Jones was a prolific Los Angeles-based architect and educator known for innovative buildings in the Modernist style. Jones' focus on detail, siting, and sense of aesthetic style make his buildings supreme examples of mid-century American Architecture.

The Town and Country Center epitomizes "the mid-century modernist character so strongly identified with Palm Springs." (Palm Springs Citywide Historic Resources Survey, June 2004.) A recent book entitled "Palm Springs Weekend" utilized extensive research and vintage photographs to discuss the Town and Country Center and other historically significant Palm Springs buildings. The author, architecture critic Alan Hess, states that the Center is a "distinctive example of 1940s California Modernism... incorporat[ing] broad abstract stucco walls, horizontal lines of warm wood, ornamental egg crate screens and lush outdoor gardens." (Palm Springs Weekend, p. 121.) Further, the City's own historic resources survey found that the Center "meets the level of significance necessary for individual National Register of Historic Places or California Register of Historical Resources eligibility at the local level." (Palm Springs Citywide Historic Resources Survey, June 2004.) This finding is based on the fact that the Center is a "rare and excellent example of the late Moderne style" with a "good degree of integrity" and no alteration that would impact its significance.

G-2

## **II. Analysis of Impacts in the EIR**

As a whole, the MMPSP DEIR contains an adequate analysis of many of the impacts the approval of the MMPSP would have. However, some areas of the analysis of impacts and alternatives to mitigate them must be improved as discussed below.

### **A. Cultural Resources Impacts**

The DEIR recognizes that the Town and Country Center makes an important contribution to the historic character of downtown Palm Springs. (DEIR p. III-65.) The Center was determined to be historically significant by the City's 2004 survey and the Cultural Resources Survey Report prepared as part of the EIR concurs with that finding. (DEIR Cultural Resources Report p. 20.) Thus, demolition of the Town and Country

G-3

Center would be a significant adverse impact. As the DEIR admits, this impact would not be mitigated to a less than significant level by merely recording the existing buildings and placing commemorative signs at the site. (DEIR p. III-69.) We agree with the DEIR's conclusion that demolition of the Town and Country Center would result in a significant adverse impact. However, as discussed below, this impact is not unavoidable and an alternative that allows for preservation of the Center should instead be approved.

G-3  
Cont'd.

The Town and Country Center was constructed as an important component of Palm Spring's downtown commercial core in the 1950s (DEIR p. III-64) and should remain as such in the MMPSP. The Center was a main feature of the rapid growth of downtown Palm Springs in the 1940-50s and it is a well known landmark that enjoys a high level of historical interest in the community. (Cultural Resources Survey Report, p. 19.) To avoid the proposed Project's cultural resources impacts, the Cultural Resources Survey Report recommends avoiding demolition of the Center and rehabilitating the existing buildings. (*Id.* at 22.) As discussed in detail below, alternatives proposed in the EIR as well as other alternatives would accomplish this goal. Preserving and rehabilitating the Town and Country Center would link Palm Spring's past and the present by incorporating the core of the downtown development from the 1950s to the current downtown development.

Numerous Palm Springs General Plan policies dictate in favor of preserving this important historic resource:

- Preserve and uphold the high quality of architecture and the unique visual and aesthetic form in buildings and neighborhoods that distinguish Palm Springs from other cities. (General Plan Priorities p. 1-13.)
- Recognize the importance of adaptive reuse for architecturally and historically significant resources. (General Plan Priorities p. 1-13)
- Maintain the City's unique "modern urban village" atmosphere and preserve the rich historical, architectural, recreational, and environmental quality while pursuing community and business development goals. (Land Use Goal LU-2.)
- Strengthen the unique sense of place currently present in Downtown by preserving and incorporating cultural and historic uses. (Land Use Policy LU10.6.)
- Support the preservation and protection of historically, architecturally, or archaeologically significant sites, places, districts, structures, landforms, objects, native burial sites and other features. (Recreation, Open Space and Conservation Policy RC10.1.)

- Actively encourage and promote the understanding, appreciation, and preservation of the archaeological, historic, and cultural resources. (Recreation, Open Space and Conservation Policy RC10.5.)
- Promote historic preservation-based tourism by raising awareness of the City's historic resources. (Recreation, Open Space and Conservation Policy RC10.7.)
- The preservation of historic buildings will help retain the City's character and charm, which are crucial to the City's international reputation and economic success. (Community Design Element p. 9-58.)
- Encourage developers of sites containing a significant architectural, historical or cultural structure to adaptively reuse and expand it, in lieu of demolition and replacement, where financially feasible. (Community Design Policy CD28.7.)
- Encourage adaptive reuse of historic buildings and architectural excellence in the design of new projects. (Downtown Urban Design Plan Key Design Concept for Downtown Palm Springs.)

By demolishing the Town and Country Center the Project would violate the General Plan's priorities, goals, and policies regarding historic resources.

The Project would also have cumulative cultural resource impacts. (DEIR p. VIII-4.) "As the City develops and redevelops, other historic buildings risk demolition. Each of these projects will be reviewed for significance under CEQA, and each will be mitigated on a case-by-case basis, based on the level of significance found at the time. However, with implementation of the proposed project, since the demolition of the Town and Country Center has been determined to be a significant and unavoidable impact, the proposed project will also have a cumulative impact on cultural resources." (DEIR p. VIII-4.) The Cultural Resources Survey Report recognizes that "over the past few decades a number of buildings that contributed materially to the Modernist character of the area have been demolished or significantly altered. ... As the remaining mid-20<sup>th</sup> century Modernist buildings continue to age, and as the pressure to revitalize prime downtown commercial properties continues to mount, more redevelopment proposals involving such buildings can be anticipated." (DEIR Cultural Resources Survey Report p. 23.) The Report recommends "an intensive, systematic historical resources survey to document and evaluate the area traditionally known as "the Village" in its entirety as a potential historic district." (*Ibid.*) It is appropriate to take on such an endeavor now to ensure the protection of remaining historic resources and to facilitate compatibility of the large Project area with this area's important historic Modern resources.

G-4

## B. Aesthetics Impacts

As the DEIR discloses, the proposed MMPSP would have a significant aesthetic impact if demolition of the historic Town and Country Center is included as part of the plan. The existing views of this important historic resource from Views 1, 2, and 11, as defined in the DEIR (p. III-8, 10, 28), as well as from other viewpoints along Indian Canyon Drive and Palm Canyon Drive, would be eliminated by the proposed Project.

G-5

The DEIR claims that by demolishing the Town and Country Center to install Museum Way, the proposed Project would allow a new view of the Palm Springs Art Museum. (DEIR p. III-10.) The DEIR cites Downtown Urban Development Plan's (DUDP) Concept Sketch at page 17 of the DUDP as support for its claim that the "The implementation of the proposed project will implement one of the Key Design Concepts of the DUDP, by opening a new mid-block view corridor at this location." However, the DUDP concept sketch does not show a mid-block pedestrian connection or view corridor extending through the current location of the Town and Country Center. The pedestrian connection/view corridor contemplated by the DUDP does call for the demolition of the Desert Fashion Plaza, but the corridor included in that plan ends at Palm Canyon Drive. (DUDP p. 17.) Therefore, the DEIR cannot rely upon the DUDP to support the proposed Project's demolition of the historically significant Town and Country Center. Further, as set forth in the previous section, demolition of the Town and Country Center would clearly violate another Key Design concept of the DUDP, which is to encourage adaptive reuse of historic buildings. (DUDP p. 16)

G-6

Additional visual simulations are also necessary to show the potential impacts and claimed benefits of the proposed Project. The EIR should also include visual simulations from other areas in Section 14, including from the Convention Center. These additional visual simulations would demonstrate what is clear from the attached photographs printed from Google Maps Street View: the proposed Plan would only provide new views of the Art Museum from a very limited location in Section 14, at the intersection of Indian Canyon and Museum Way. (Exhibit A, Google Maps Street View Photographs and Google Earth Satellite Image.) Views of the Art Museum are not available from areas further north or further south in Section 14 because all view corridors are oriented directly east-west and views that are further east than Indian Canyon would be blocked by the new ten story Spa Hotel. The EIR should also provide visual simulations for project alternatives from relevant view points.

G-7

The December 3, 2008 Planning Commission Staff Report for the MMPSP recommends establishing a Modernism architecture theme for the Project area. The Palm Springs Modern Committee and Friends of the Town and Country Center agree with this

G-8

recommendation and request that it be included as a mitigation measure for the significant aesthetic impacts the proposed Project would have due to change in visual character.

G-8  
Cont'd.

### III. The Existence of Feasible Alternatives Prohibits Approval of the Proposed Project

The DEIR acknowledges that the proposed Project would have several impacts that would remain significant even after mitigation, claiming these significant impacts are unavoidable. These significant impacts are:

- Adverse changes to the existing visual character of the Project area;
- Adverse changes to existing visual character through the demolition of the Town and Country Center;
- Obstruction of mountain views;
- Emissions of criteria pollutants in excess of SCAQMD thresholds;
- Cumulative and project level cultural resource impacts.

CEQA prohibits approval of projects with adverse environmental impacts if there are feasible alternatives that would reduce those impacts. (Pub. Resources Code § 21002; CEQA Guidelines § 15021(a)(2).) The CEQA Guidelines require an agency to "Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved." In order to implement this policy, the CEQA Guidelines specify that:

A public agency may approve a project even though the project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that:

- (a) *There is no feasible way to lessen or avoid the significant effect...*

(CEQA Guidelines § 15043, emphasis added.)

Feasible is defined as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Public Resources Code § 21061.1) Project alternatives can still be considered feasible "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." (CEQA Guidelines § 15126.6(b).)

An EIR is also required to identify an environmentally superior alternative. Here,

G-9

the DEIR identifies the No Project Alternative as the environmentally superior alternative, but fails to identify an environmentally superior alternative among the other alternatives, as required by CEQA. (CEQA Guidelines § 15126.6(e)(2) [“If the environmentally superior alternative is the ‘no project’ alternative, the EIR shall identify an environmentally superior alternative among the other alternatives.”].) The Preservation Alternative and Alternative A are clearly environmentally superior to the proposed project because they lessen the project’s significant aesthetic and cultural resources impacts. When a project would result in significant environmental impacts, the City cannot approve the proposed project without first finding that the environmentally superior alternatives are infeasible. (Public Resources Code § 21081(a)(3); CEQA Guidelines § 15091(a)(3).)

G-9  
Cont’d.

#### **A. Preservation of the Town and Country Center Alternative**

The Preservation of the Town and Country Center Alternative (“Preservation Alternative”) is exactly the same as the proposed Project except for Blocks K1 and K2 of the Project site, where the Town and Country Center is located. The Town and Country Center consists of three buildings: A, B and C. The proposed Project would demolish all three of the buildings that make up the Town and Country Center, whereas the Preservation Alternative calls for adaptive reuse of Buildings A and B, and integration of these important resources into the Palm Springs Central Business District. The Preservation Alternative would include a large plaza, open to Palm Canyon Drive, where Building C of the Town and Country Center is currently located in Block K2, along with a new outdoor restaurant building on the south side of the newly created plaza. (Exhibit B, rendering of the Preservation Alternative.)

#### **1. Preservation Alternative Would Reduce Significant Impacts**

Although not identified as such by the DEIR, the Preservation Alternative is an environmentally superior alternative to the proposed Project. Aesthetic impacts as well as project-level and cumulative cultural resource impacts would be significantly reduced by this alternative because it would preserve and rehabilitate the Town and Country Center. (DEIR p. V-3.) The DEIR also concludes that the Preservation Alternative would reduce land use impacts because this alternative would comply with the General Plan, would be compatible with the DUDP, and includes adaptive reuse of an important historic resource. Land use impacts would be reduced because the Preservation Alternative would better meet the many General Plan goals and policies encouraging the preservation and adaptive reuse of historic buildings that are set forth in above in the discussion of cultural resource impacts.

G-10

The Preservation Alternative would also enhance Palm Springs’ distinctive and

G-11



eclectic architecture. The City's own historic resources survey found the Town and Country Center to be a "rare and exceptional example of the Late Moderne style" by master architects Paul R. Williams and A. Quincy Jones that meets the level of significance necessary for listing on the National Register of Historic Places. The modern style of architecture exemplified by the Center is central to the City's mid-century architectural heritage and is so important to the City's tourist industry. The Center represents the very type of distinctive and eclectic architecture the City seeks to enhance and complement with the MMPSP.

G-11  
Cont'd.

There is an inaccuracy in the DEIR's assessment of the Preservation Alternative's traffic impacts. The DEIR states "the overall level of development [in the Preservation Alternative] is slightly less intensive than that of the Proposed Project. In consequence, the Preservation of the Town and Country Center Alternative will generate traffic impacts slightly higher than the Proposed Project." (DEIR p. V-47.) This inaccurate statement may be based upon inaccurate trip generation for the Preservation Alternative. The DEIR states that 295,000 square feet of commercial in Preservation Alternative would generate 16,170 weekday daily trips after finding that the proposed Project only would generate 13,870 daily trips from 300,000 square feet of commercial. (DEIR p. V-47.) Why does the DEIR assign a higher rate of trip generation per square foot to the Preservation Alternative? The DEIR also finds that the 900 dwelling units that are included in the Preservation Alternative would generate exactly the same number of weekday daily trips (3,620) as the 955 dwelling units included in the proposed project. (DEIR p. V-47.) This is clearly incorrect; the 55 dwelling unit reduction found in the Preservation Alternative should result in a reduction in daily trips. The DEIR includes the same incorrect calculations for Saturday trips.

G-12

## 2. The Preservation Alternative is Economically Feasible

The Fiscal Analysis contained in the DEIR demonstrates that the Preservation Alternative is economically feasible. This alternative would generate \$939,219 in annual revenue and \$4.3 million in total revenue for the City, which is clearly economically feasible when compared with the current \$220,000 in annual City revenue generated by the Project area. (DEIR p. V-54 and III-218.) The revenue that would be generated by the Preservation Alternative is also only slightly less than the proposed Project's estimated \$1 million in annual revenue and \$4.7 million in total revenue. The mere fact that an alternative might be less profitable does not itself render the alternative infeasible unless there is evidence that the reduced profitability is "sufficiently severe as to render it impractical to proceed with the project." (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 599.) The slight difference in revenue generated by the Preservation Alternative and the proposed Project would not render it impractical to proceed with the project.

G-13

Although it was not specifically studied in the DEIR, the large amount of revenue generation to the City from the Preservation Alternative is a clear indicator that this alternative would also be economically feasible for a developer. Under the Preservation Alternative the developer could also benefit from state and federal tax historic preservation incentive programs, which should be figured into the economic feasibility of the alternative. (DEIR Cultural Resources Survey Report p. 22; California State Office of Historic Preservation list of state and federal tax incentives for historic preservation [http://ohp.parks.ca.gov/?page\\_id=24626](http://ohp.parks.ca.gov/?page_id=24626), incorporated by reference.)

G-14

Additionally, the EIR should consider the economic implications of opening Museum Way straight through to Indian Canyon Drive – and the new Spa Hotel’s proposed retail center. The installation of Museum Way that is included in the proposed Project could invite pedestrians to detour from downtown’s shops and instead walk directly to the Spa Hotel’s retail center. This could reduce revenues for the proposed Project.

G-15

### 3. The Preservation Alternative Would Accomplish Most of the Project Objectives

To be considered feasible, a project alternative needs only to meet most of the project objectives; it does not need to fully meet each one. “If there are feasible alternatives or feasible mitigation measures that would accomplish most of the objectives of a project and substantially lessen the significant environmental effects of a project subject to CEQA, the project may not be approved without incorporating those measures.” (*Center for Biological Diversity, Inc. v. FPL Group, Inc.* (2008) 166 Cal.App.4th 1349, 1371 fn 19, citation to ( Pub. Resources Code §§ 21000(g), 21002; CEQA Guidelines § 15091.) California courts have recently elaborated on the significant restrictions on a project proponent’s ability to use project objectives to dictate what constitutes a feasible project alternative, finding that an EIR could not reject a smaller alternative that would have met all project objectives except for size and would have had the added benefit of preserving a historic building on site. (*Preservation Action Council v City of San Jose* (2006) 141 Cal App. 4<sup>th</sup> 1336, 1355.)

G-16

The project objectives for the MMPSF are stated as follows:

1. Reintegrate the site into the economic, social and environmental fabric of the downtown.
2. Provide direct access to the Desert Art Museum from Downtown and Section 14.

3. Create an upscale, vibrant mixed-use lifestyle center, including boutique shops, galleries, neighborhood conveniences, restaurants, residential units and boutique hotels, serving visitors and local residents.
4. Enhance the pedestrian environment and lower the dependence on the automobile by providing living, shopping and entertainment venues in a central location.
5. Encourage a variety of architectural designs, styles and heights with materials that include plaster, glass, stone, iron, masonry and concrete to create visual interest while utilizing the latest in green technology.
6. Reintegrate the pedestrian and automobile back into the core of downtown by reconnecting Belardo Road and creating a new boulevard (Museum Way) from the Museum to Indian Canyon.

(DEIR p. V-2.)

The Preservation Alternative would meet the majority of the objectives set out in the EIR, and would clearly accomplish the main goal of the Project: to revitalize downtown Palm Springs with new pedestrian friendly mixed use development.

The Preservation Alternative would not include the extension of Museum Way between Palm Canyon and Indian Canyon, which is included in the Project objectives. The EIR and the December 3, 2008 Planning Commission Staff Report find this extension of Museum Way to be an asset to the project because it would provide pedestrian, vehicle, and visual access between the Desert Art Museum and the City's Section 14 (located east of Indian Canyon Drive). However, the Preservation Alternative would still provide pedestrian connections between these two streets. A wide path from Palm Canyon Drive would meander through the newly created Town and Country Center plaza and would connect with Indian Canyon Drive in two locations. (DEIR Exhibit V-1.) Additionally, to further the pedestrian connection between downtown and Section 14 without destroying an important historic resource, the EIR should consider installing a signalized on-demand pedestrian crosswalk across Indian Canyon Drive between the Town and Country Center and the new Spa Hotel.

G-17

The Preservation Alternative does not provide vehicle access on Museum Way between Palm Canyon Drive and Indian Canyon Drive, but such access is unnecessary to facilitate traffic flow. All traffic analysis shows the traffic levels in this area to be fairly low and traffic flow to allow the roads to operate at a high level of service, even without signalized intersections. (DEIR Traffic Report p. I-3.) The traffic report prepared as part of the EIR found that this extension of Museum Way is not necessary to maintain

G-18

acceptable traffic levels and might actually increase the total delay experience by through traffic on Palm Canyon Drive and Indian Canyon Drive because it would require an additional traffic signal on both of these major thoroughfares located too close to other traffic signals. (DEIR Traffic Report p. 5-6.)

G-18  
Cont'd.

The one benefit of the extension of Museum Way that is not provided by the Preservation Alternative is the visual link between the Section 14 and the Palm Springs Art Museum. However, this would only be a very small visual link. The only area of Section 14 that would have views of the Art Museum under the proposed Project would be the new Spa Hotel, located directly across Indian Canyon Drive. Neither the proposed Project nor any of the alternatives provide a visual connection between the Art Museum and the Convention Center. It is not physically possible to do so because the Convention Center is located north and east of the Art Museum. (Please see Exhibit A.) The existing Spa Hotel blocks views of the Art Museum from areas to the east of the hotel. (Exhibit C, Google Maps Street View Photo from east of the existing Spa Hotel.) Additionally, the new Spa Hotel will be located directly across Indian Canyon Drive from the Town and Country Center and is proposed to be ten stories tall. This will further block any new views of the Art Museum that would be provided by the proposed Project other than those from the new Spa Hotel. This small view enhancement does not justify the destruction of an important historic resource. In addition to being a violation of CEQA, it makes no sense to demolish one important historic resource simply to allow limited views of another historic resource (the Art Museum). The Preservation Alternative would allow the project area to be balanced on each end with buildings that are important to the City's rich architectural history.

G-19

#### **B. Less Intense Alternative A**

Less Intense Alternative A ("Alternative A") includes a development with reduced densities and heights. This alternative eliminates the demolition of the entire Town and Country Center, although it does not include the rehabilitation of the Center. As in the Preservation Alternative, Museum Way ends at Palm Canyon Drive and does not connect to Indian Canyon Drive as it would in the proposed Project.

Alternative A would also be environmentally superior to the proposed Project. It would reduce the Project's aesthetic and cultural resources impacts by eliminating the demolition of the Town and Country Center. Palm Springs Modern Committee and Friends of the Town and Country Center also recommend that the EIR analyze a variation of this alternative that includes the rehabilitation of the Town and Country Center. This rehabilitation is recommended by the Cultural Resources Survey Report, which finds that the rehabilitation would increase the aesthetic value of the Center and "[i]f this is carried out in accordance with the Secretary of the Interior's Standards, such restoration may

G-20

qualify the Town and Country Center property for future tax benefits under various federal and state historic preservation incentive programs.” (DEIR Cultural Resources Survey Report p. 22.)

G-20  
Cont'd.

Alternative A is a feasible alternative to the proposed Project. It is economically feasible because it would provide for \$566,313 of annual revenue for the City, which is more than double the current annual revenue for the area of \$220,000. (DEIR p. V-55 and III-218.) As stated above, the increased revenue for the City is a clear indicator that Alternative A would likewise increase the revenue for the project proponent. Revenue to the project proponent from Alternative A could be increased further if rehabilitation of the Town and Country Center is included as part of the alternative, which could allow the project proponent to gain tax benefits. (DEIR Cultural Resources Survey Report p. 22, See also [http://ohp.parks.ca.gov/?page\\_id=24626](http://ohp.parks.ca.gov/?page_id=24626).)

G-21

Like the Preservation Alternative, Alternative A would also meet the majority of the project objectives. The only objective it does not meet is the extension of Museum Way between Palm Canyon Drive and Indian Canyon Drive. As discussed in the Preservation Alternative section, the only real benefit of this roadway extension is a limited visual link between the Palm Springs Art Museum and the new Spa Hotel.

G-22

### C. Other Alternatives that Should be Considered

When the public offers reasonable alternatives to the proposed Project, the City should provide a meaningful analysis of them. (Pub. Res. Code § 21091(d)(2)(B); Guidelines § 15088(c); *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1367.) The Palm Springs Modern Committee and Friends of the Town and Country Center hereby request that the City analyze an additional alternative to the proposed Project. The new alternative would be a hybrid of the Preservation Alternative and Alternative A, the “Reduced Density Preservation Alternative.” The Reduced Density Preservation Alternative would include the rehabilitation of the Town and Country Center and removal of the Center’s south building (Building C) to allow for the public plaza proposed in the Preservation Alternative combined with the reduced density proposed in Alternative A. The public plaza at the Town and Country Center could flow into the public park proposed as part of Alternative A, further enhancing the pedestrian friendly focus of the project. This would likewise be a feasible and less impactful alternative.

G-23

### Conclusion

The Palm Springs Modern Committee and Friends of the Town and Country Center understand how important the redevelopment of downtown Palm Springs is to the

G-24

Craig Ewing  
December 8, 2008  
Page 13 of 13

entire community. We believe that this redevelopment does not and in fact legally cannot require the wholesale demolition of the historically significant Town and Country Center. Because demolition of the Town and Country Center would result in significant impacts, an alternative that includes preservation and adaptive reuse of the Center must be adopted instead of the proposed Project. Thank you for your consideration in this matter.

G-24  
Cont'd.

Sincerely,



Amy Minter  
Attorney at Law

Cc: Palm Springs City Council  
James Thompson, Palm Springs City Clerk  
Douglas Holland, Palm Springs City Attorney  
Palm Springs Modern Committee  
Friends of the Town and Country Center

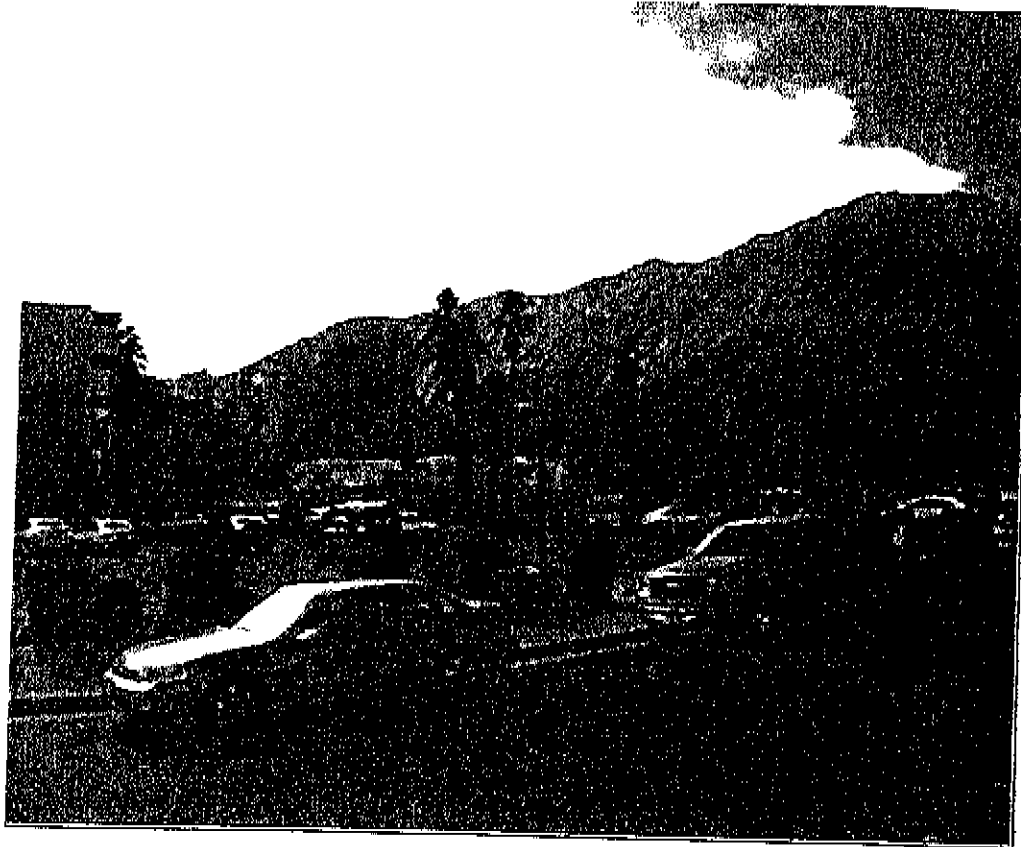
**EXHIBIT A**



Address 278 E Andreas Rd

Address is approximate

**Save trees. Go green!**  
Download Google Maps on your phone at [google.com/gmm](http://google.com/gmm)



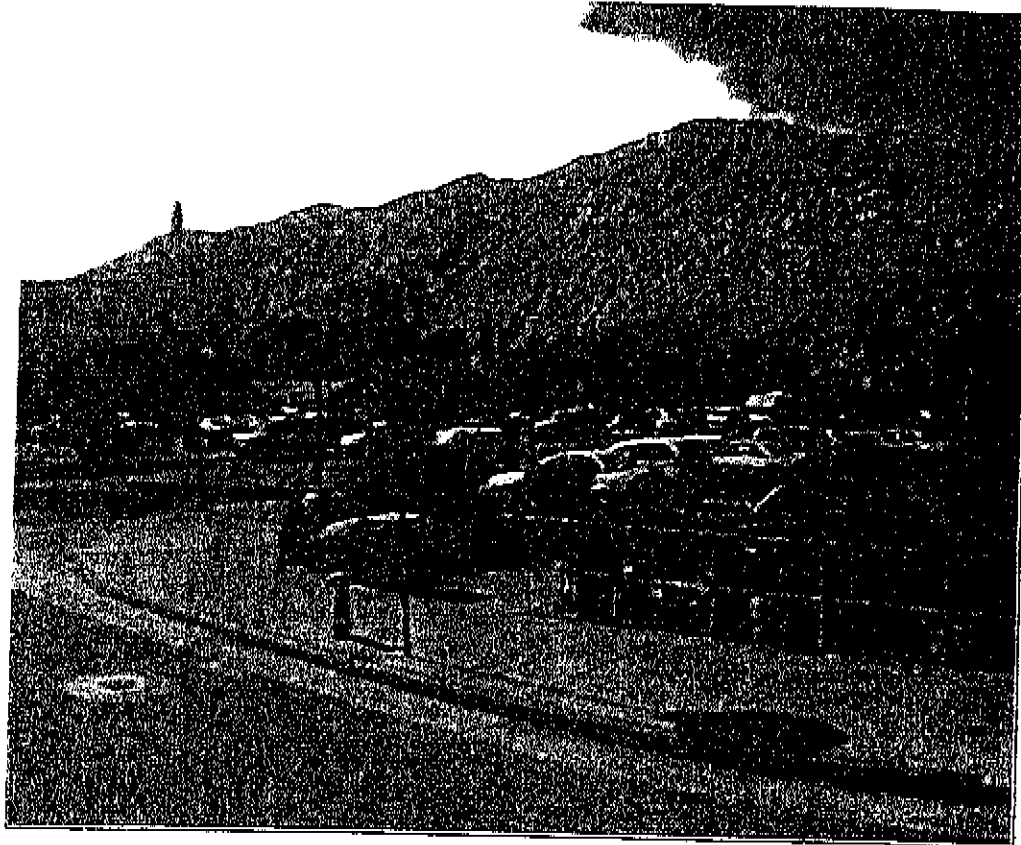




Address 212 N Calle Encilia

Address is approximate

**Save trees. Go green!**  
Download Google Maps on your  
phone at [google.com/gmm](http://google.com/gmm)





Address **E Andreas Rd / N Calle Encilia**

Address is approximate

**Save trees. Go green!**  
Download Google Maps on your phone at [google.com/gmm](http://google.com/gmm)

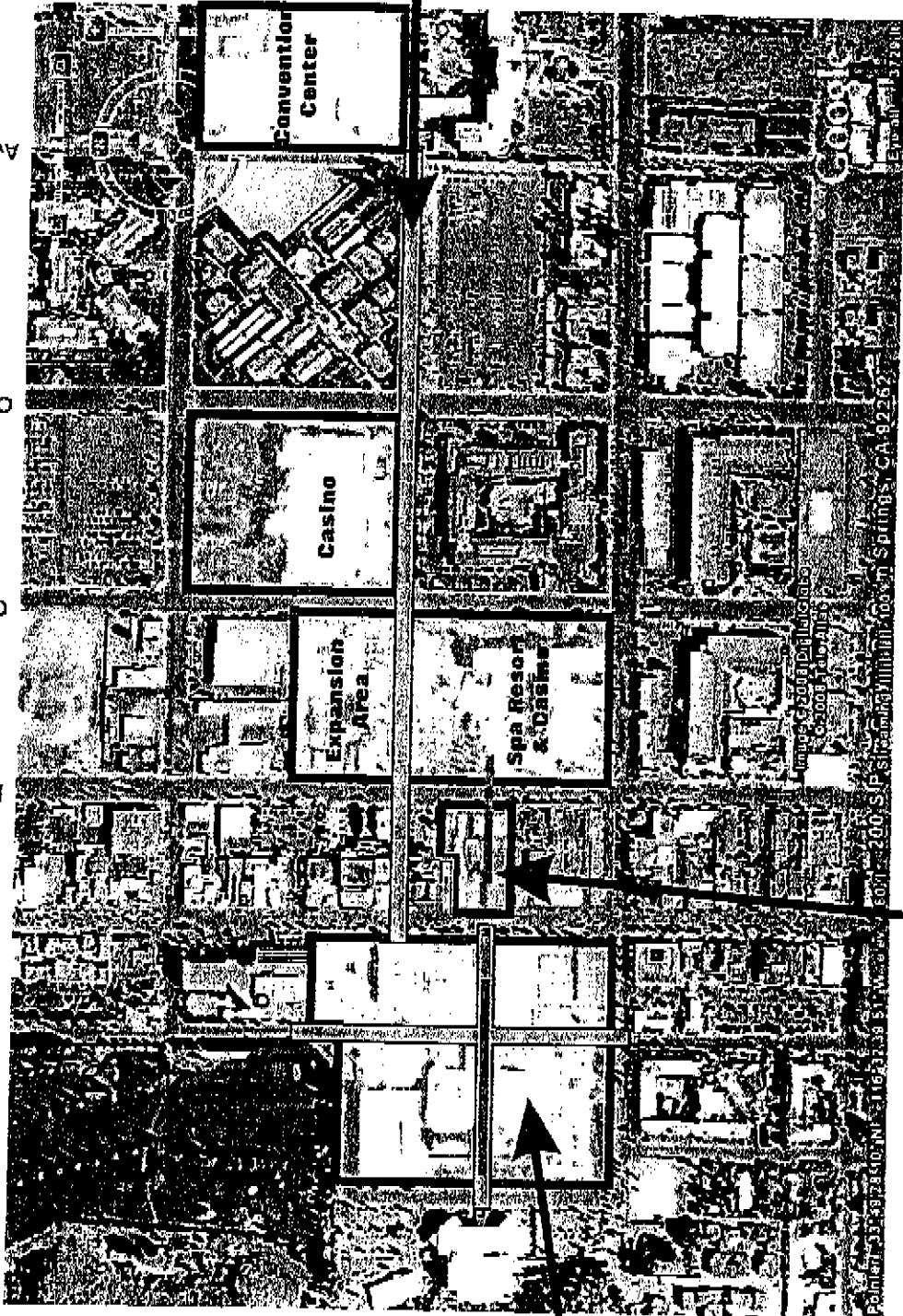


Belardo  
Palm Canyon  
Indian Canyon  
Calle Encilla  
Calle Alvarado  
Ave. Caballeros

Amado Road

Andreas Road

Tahquitz Canyon Way



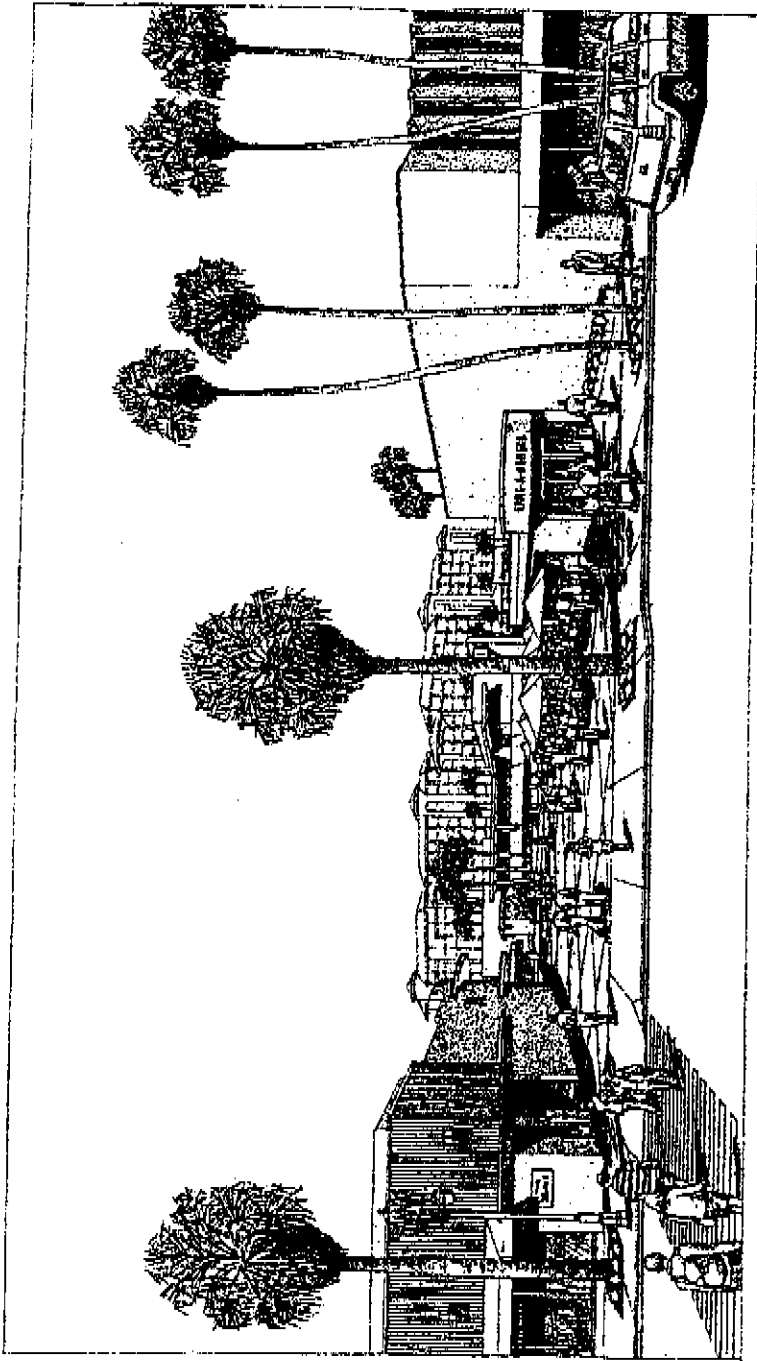
Museum  
Museum  
Market  
Plaza

Town &  
Country  
Center



Town and Country Plaza

## **EXHIBIT B**



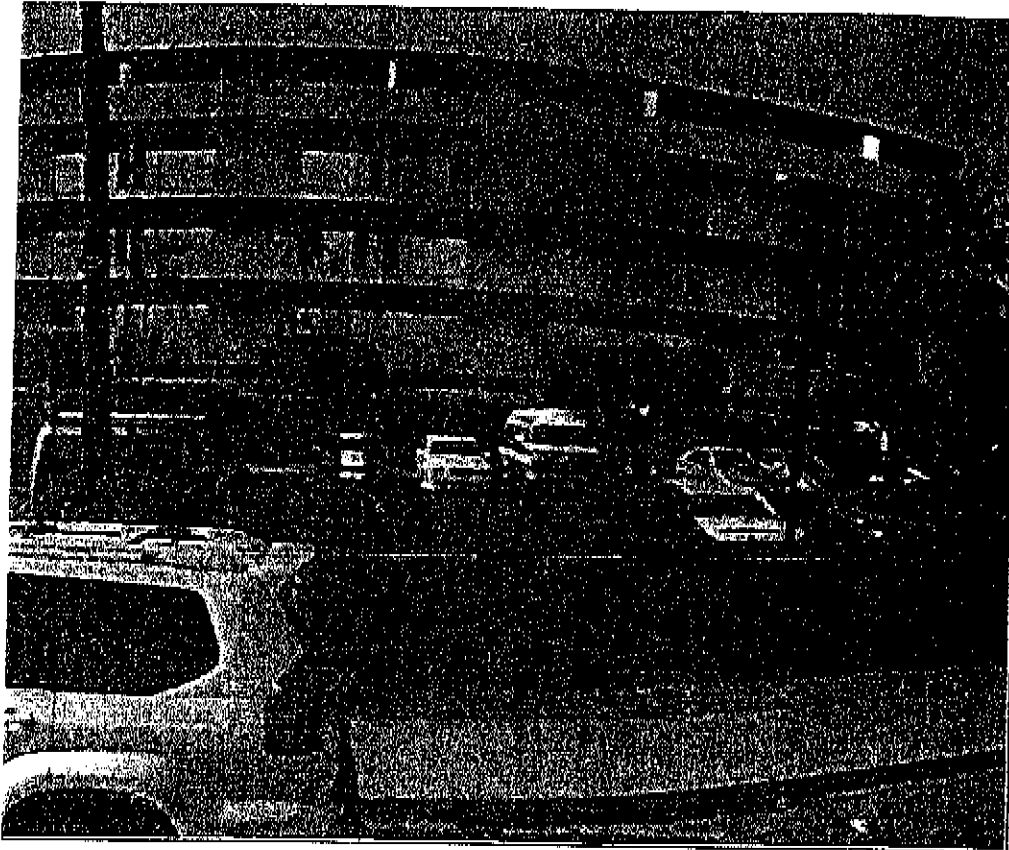
## **EXHIBIT C**



Address **154 N Calle Encilia**

Address is approximate

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RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

**RECEIVED**

December 11, 2008

DEC 15 2008

Mr. Craig Ewing, AICP  
Director of Planning Services  
City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262

**PLANNING SERVICES  
DEPARTMENT**

Dear Mr. Ewing:

Re: Notice of Availability of the Draft  
Environmental Impact Report for the  
Museum Market Plaza Specific Plan  
(SCH #2008061084)

This letter is written in response to the Notice of Availability of the Draft Environmental Impact Report (DEIR) for the Museum Market Plaza Specific Plan (SCH #2008061084). The proposed project consists of a Specific Plan which includes policies and development standards for a master-planned, mixed-use project to include Retail, Office, High Density Residential and Resort development on 20.6 acres. The proposed project area is generally bounded by Andreas Road on the north, Arena Road on the south, Museum Drive on the west, and Indian Canyon Drive on the east, located in the city of Palm Springs, Riverside County.

The District has the following comments/concerns:

1. The proposed project is located within the District's Palm Springs Master Drainage Plan (MDP). When fully implemented, these MDP facilities will relieve those areas within the plan of the most serious flooding problems and will provide adequate drainage outlets. The proposed 54" RCP, as shown on Exhibit III-15 of the DEIR, is not consistent with the existing planned drainage facilities in the Palm Springs MDP. Potential changes in drainage patterns and conflicts with master planned drainage facilities should be evaluated. The MDP maps can be viewed online at [www.rcflood.org](http://www.rcflood.org). To obtain further information on the MDP and the proposed facilities, please contact Dale Anderson of the District's Planning Section at 951.955.1345. **H-1**
2. Page III-99 of the DEIR states, "The development proposed the construction in a 36-inch storm drain in the extension of Belardo Road, from Tahquitz to the new east-west private street." It appears the proposed construction may impact the District's existing facilities (i.e., Palm Springs - Lines 15, 15B and 15BA). Any activity that involves District right-of-way, easements or facilities will require an encroachment permit from the District. The construction of facilities within road right-of-way that may impact District storm drains should also be coordinated with us. Sheet 3 of the Palm Springs Line 15, 15B, 15BA, Stage 2 as-built drawings (Drawing No. 6-256) is attached for your information. To obtain further information on encroachment permits or existing facilities, contact Ed Lotz of the District's Encroachment Permit Section at 951.955.1266. **H-2**
3. Page III-99 of the DEIR states that a 36-inch storm drain is proposed in the extension of Belardo Road. Exhibit III-15 of the DEIR indicates the proposed construction of a 54-inch storm drain within the North Palm Canyon Drive right-of-way. Further, it appears that portions of RCP diameters of the respective existing and future storm drains shown on the storm drain plan on Exhibit III-15 is inconsistent with the diameters indicated on Sheets 2-3 of Tract No. 16544 Storm Drain Plan and Profile (Drawing No. 6-271), Sheets 5-7 of Palm Springs Lines 15, 15B, and 15BA, Stage 2 (Drawing No. 6-271) and the Palm Springs MDP map. **H-3**



Re: Notice of Availability of the Draft  
Environmental Impact Report for the  
Museum Market Plaza Specific Plan  
(SCH #2008061084)

- 4. Page III-93 of the DEIR states, "The levee between the Whitewater River and Indian Canyon Drive, maintained by RCFCWCD, protects the portion of the City south of the Whitewater River from flooding." It is unclear which levee the previous statement applies to. For informational purposes, please note that the Chino Canyon Levee continues to the west/southwest of Indian Canyon Drive and the Whitewater River Levee. This levee provides flood protection to southerly portions of the city as well. H-4

.....

- 5. Page III-93 of the DEIR states, "Larger storm drains (greater than 36-inch diameter) are part of the City's Master Drainage Plan and have been maintained by the Riverside County Flood Control District (RCFC or RCFCWCD) since 1945; the RCFC has jurisdiction over flood control facilities both regionally and within the City of Palm Springs." Please be advised the District does not normally plan check or recommend conditions for land use cases in incorporated cities. In order for the District to consider accepting ownership and responsibility for the operation and maintenance of MDP facilities or other regional flood control facilities, which would be considered a logical component or extension of a master planned system, the City would have to submit the request in writing. H-5

.....

- 6. Page III-93 of the DEIR states, "Other areas, including the Whitewater River flood plain to the north of the urbanized portions of the City, are under the jurisdiction of both the RCFC and the Coachella Valley Water District (CVWD)." The City, not the District, is responsible for compliance with the FEMA floodplain management regulations within the city limits. The District only owns, operates and maintains the Whitewater River Levee, which is located on the south side of the Whitewater River between Indian Canyon Drive and Date Palm Drive. H-6

Thank you for the opportunity to review the DEIR. Please forward any subsequent environmental documents regarding the project to my attention at this office. Any further questions concerning this letter may be referred to Mai Son at 951.955.5418 or me at 951.955.1233.

Very truly yours,

  
 TERESA TUNG  
 Engineering Project Manager

Attachments

c: TLMA  
Attn: David Mares  
Dale Anderson  
Ed Lotz

MTS:mcv  
P8\122671



STATE OF CALIFORNIA  
 GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH  
 STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER  
 GOVERNOR

CYNTHIA BRYANT  
 DIRECTOR

December 10, 2008

Craig Ewing  
 City of Palm Springs  
 3200 E. Tahquitz Canyon Way  
 Palm Springs, CA 92253

Subject: Museum Market Plaza Specific Plan  
 SCH#: 2008061084

Dear Craig Ewing:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on December 8, 2008, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

I-1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts  
 Director, State Clearinghouse

**RECEIVED**

DEC 15 2008

**PLANNING SERVICES  
 DEPARTMENT**

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2008061084  
**Project Title** Museum Market Plaza Specific Plan  
**Lead Agency** Palm Springs, City of

**Type** EIR Draft EIR  
**Description** Specific Plan to allow the construction of up to 955 multi-family units, 400,000 sf of commercial retail or office space, and 620 hotel rooms on a 20.6 acre site which is currently fully developed with commercial uses.

**Lead Agency Contact**

**Name** Craig Ewing  
**Agency** City of Palm Springs  
**Phone** (760) 323-8245 **Fax**  
**email**  
**Address** 3200 E. Tahquitz Canyon Way  
**City** Palm Springs **State** CA **Zip** 92253

**Project Location**

**County** Riverside  
**City** Palm Springs  
**Region**  
**Lat / Long** 33° 49' 24.27" N / 116° 32' 52.72" W  
**Cross Streets** Tahquitz Canyon and Palm Canyon  
**Parcel No.** 513-092-010-3,513-092-009-3,513-092-003-7,513-560-004-4,513-560-007-7,513-560-008-8,513560-0  
**Township** 09-9  
**4S** **Range** 4E **Section** 15 **Base** SBB&M

**Proximity to:**

**Highways** 111  
**Airports**  
**Railways**  
**Waterways**  
**Schools**  
**Land Use** Existing Commercial Development/Central Business District & High Density Residential/Central Business District & Small Hotel

**Project Issues** Aesthetic/Visual; Air Quality; Archaeologic-Historic; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Growth Inducing; Landuse; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Wetland/Riparian

**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Game, Region 6; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 8; Department of Housing and Community Development; Regional Water Quality Control Board, Region 7; Department of Toxic Substances Control; Native American Heritage Commission

**Date Received** 10/24/2008 **Start of Review** 10/24/2008 **End of Review** 12/08/2008

RESOLUTION NO. 7187

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL DENY A GENERAL PLAN AMENDMENT AND ZONING TEXT AMENDMENT AS PROPOSED BY THE "MUSEUM MARKET SPECIFIC PLAN", CASE NO. 5.1204, FOR PROPERTIES GENERALLY LOCATED AT THE NORTHWEST CORNER OF N. PALM CANYON DRIVE AND TAHQUITZ CANYON WAY.

WHEREAS, on April 30, 2008 a draft Specific Plan titled the "Museum Market Plaza Specific Plan" was prepared by the Wessman Development Company and submitted to the City of Palm Springs for consideration as a General Plan Amendment and Zoning Text Amendment for properties located northwest of the intersection of N. Palm Canyon Drive and Tahquitz Canyon Way, as well as certain other properties nearby; and

WHEREAS, on May 21, 2008, in accordance with California Government Code Section 65453 and Section 94.07.01.A.1.b of the Palm Springs Zoning Code, the City Council initiated a Specific Plan review process and directed staff and the Planning Commission to report on the conformance of the draft Museum Market Plaza Specific Plan (Case No. 5.1204) with the Palm Springs General Plan, Downtown Design Guidelines and Palm Springs Zoning Code; and

WHEREAS, on June 13, 2008, the City issued a Notice of Preparation (NOP) and Initial Study on the project indicating that a draft Environmental Impact Report (DEIR) would be prepared on the proposed Specific Plan; the NOP comment period ran from June 16 to July 17, 2008; and

WHEREAS, on July 1, 2008 a public Scoping Meeting was held to receive comments on preparation of the draft Environmental Impact Report; and

WHEREAS, on October 22, 2008, a draft Environmental Impact Report (DEIR) was released for public comment, with the 45-day comment period ending on December 8, 2008; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider a recommendation to the City Council of Case No. 5.1204, was given in accordance with applicable law; and

WHEREAS, on December 3, 2008, a public hearing on the draft Museum Market Plaza Specific Plan and associated Draft Environmental Impact Report was held by the Planning Commission in accordance with applicable law, at which hearing the Planning Commission considered the draft Specific Plan, associated Draft Environmental Impact Report, a staff report, background materials and oral and written testimony presented at

said hearing; and

WHEREAS, the Planning Commission hereby finds, as follows:

Section 1: That the adopted Palm Springs General Plan and approved Downtown Urban Design Plan provide appropriate and sufficient guidance to the development of the subject properties such that the proposed Specific Plan is not needed.

Section 2: That the owner and developer of the subject properties has indicated that the original vision contained within the draft Specific Plan is no longer viable and that an alternative development scheme that may comply with the existing General Plan, Downtown Urban Design Plan and Zoning Code may be forthcoming.

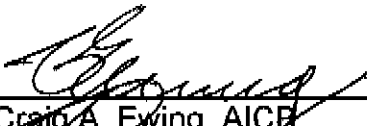
Section 3: That the developer is responsible to propose the development of the site, including mix of uses, project phasing and road network.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby recommends to the City Council that the draft Museum Market Plaza Specific Plan be denied.

ADOPTED this 17<sup>th</sup> day of December, 2008.

AYES: 4, Scott, Ringlein, Hochanadel and Caffery  
NOES: 2, Donenfeld and Cohen  
ABSENT: 1, Conrad  
ABSTAIN: None.

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA

  
\_\_\_\_\_  
Craig A. Ewing, AICP  
Director of Planning Services

- Joy Meredith, Palm Springs, stated her support for Item 1B.
- Jay Frank, Palm Springs, stated that the Specific Plan map is incorrect and should not include certain parcels, as part of the project for Item 2A.

There being no further appearances, Public Comments was closed.

**1. CONSENT CALENDAR:**

**1A. Minutes of November 12, 2008 and November 19, 2008.**

M/S/C (Conrad/Vice Chair Cohen, 7-0) Approved, as part of the Consent Calendar.  
*(The minutes of November 12, 2008, as amended.)*

**1B. Case 5.1218 ZTA - Draft resolution and ordinance for the City of Palm Springs recommending an amendment to the Palm Springs Zoning Code relating to medical cannabis cooperatives and collectives as permitted uses in the M-1, M-2 and P zones and by conditional use permit in all other non-residential zones.**

Chair Hochanadel noted his abstention on Item 1B and would not be participating in the discussion and vote. Chair Hochanadel left the Council Chamber at 1:45 p.m.

The Commission discussed and/or commented on staff's alternate recommendation to the City Council and the use allowed in the CM zone.

M/S/C (Conrad/Vice Chair Cohen, 6-0, 1 abstained/ Chair Hochanadel) To recommend approval to the City Council staff to convey to the City Council the Commission's interest of use allowed in the CM zone.

Chair Hochanadel re-entered the Council Chamber at 1:55 p.m.

**2. PUBLIC HEARING:**

**2A. Case 5.1204 GPA / ZTA - Proposed Draft Specific Plan to allow up to 955 high-density residential units, up to 400,000 square feet of commercial retail and office space, and up to 620 hotel rooms located at the northwest corner of North Palm Canyon Drive and Tahquitz Canyon Way, and other nearby properties. (Project Planner: Craig A. Ewing, Director of Planning)**

Commissioner Conrad noted a property-related conflict of interest would not be participating in the discussion and vote. Commissioner Conrad left the Council Chamber at 1:56 p.m.

Director Ewing provided background information as outlined in the staff report dated December 3, 2008.

Commissioner Donenfeld disclosed that he toured the Desert Fashion Plaza on November 14th and attended a business roundtable meeting presented by Wessman Development.

Commissioner Scott disclosed that he received and reviewed an email from Sheryl Hamlin in reference to an economic comparison chart; and also spoke to Mr. Peter Moruzzi in regards to the preparation of the environmental impact report and the specific plan by the same organization.

Commissioner Caffery disclosed that he received the same e-mail from Ms. Hamlin, spoke to councilmember Hutcheson with respect to the items discussed at the previous meeting and attended the presentation by Wessman Development at the business roundtable meeting.

Commissioner Ringlein disclosed that she attended a presentation by Wessman Development for the alternative plan at a Palm Springs Hospitality Association meeting and received the e-mail from Ms. Hamlin as well.

Vice Chair Cohen disclosed that he received the e-mail from Ms. Hamlin, toured the Desert Fashion Plaza and attended the presentation by Wessman Development at a business roundtable meeting, earlier this year.

Chair Hochanadel opened the Public Hearing.

- Emily Hemphill, legal counsel representing Wessman Development, provided details on their intent to withdraw the Specific Plan and move forward with the renovation of the Desert Fashion Plaza, as a result of the dramatic changes in the economy.
- Joyce Edith, Palm Springs, expressed concern with the time the city has spent with plans that will not come to fruition; and spoke highly of the developer.
- Sheryl Hamlin, Palm Springs, commented that the Museum Market Plaza project was projected for a much larger town and encouraged the Commission to support the adaptive re-use for this facility.
- Paula Auburn, Palm Springs, requested a continuance of the public hearing to the meeting December 17, 2008, for the opportunity to review the staff report.
- Jay Frank, Palm Springs, requested parcels 134, 136 and 140 North Palm Canyon deleted from the project because it is not a part of the developer's property.
- Marshall Roath, Palm Springs, stated his support for the Downtown Guidelines and noted that the abandonment of Museum Drive will have major traffic problems.
- Frank Tysen, Palm Springs, spoke in support of the Desert Fashion Plaza renovation and commented that the proposed project is out of scale.
- Joe Wertheimer, suggested a village-like atmosphere for the Desert Fashion Plaza; noting that this is not the time to build but to create ideas and plans.

- Jane Cowles Smith, spoke about the creating a healthy environment while restoring the historic downtown.
- G.P. Gerber, Palm Springs, spoke about moving forward with the Desert Fashion Plaza's renovation.
- Bob Thomas, Palm Springs, spoke in support of moving forward with Wessman's alternate plan.
- Steve Kaunal, Palm Springs, stated his support for the Downtown Guidelines and the re-adaptive use of the building.
- Craig Blau, Palm Springs, spoke in opposition of the height and density for the Museum Market Plaza; and in favor of renovation of the Desert Fashion property.
- Tamara Stevens, PSEDC, stated that they have not reviewed the specific plan or the alternate plan but are in support of the renovation project they have seen.
- Ron Marshall, Palm Springs, requested designation of the Town and Country center as a Class I property.
- Emily Hemphill, responding to public testimony, noted that the dramatic change in the financial market has occurred within the last two months and the unreasonable expectations of the city to redesign the site and submit an application within 60 days. Ms. Hemphill commented that changes to the specific plan would be expensive and cumbersome.

No further speakers coming forward the public hearing was closed.

Commissioner Caffery stated that he served as a member of the Board of Directors of PSEDC and recused himself from the meetings and actions of the board regarding this project.

The Commission discussed and commented on a continuance of the project, the merits of reviewing the specific plan or recommending denial and the existing downtown guidelines.

M/S/C (Scott/-1, ) To forward the Specific Plan to the City Council with no recommendation. **(MOTION FAILED)**

M/S/C (Caffery/Scott, 4-2/Vice Chair Cohen/ Donenfeld), 1 abstained/ Conrad) To recommend denial of the Specific Plan to the City Council.

~~PLANNING COMMISSION COMMENTS:~~

No comments.

~~PLANNING DIRECTOR'S REPORT:~~

Director Ewing provided details of the upcoming planning items for the City Council meeting.



**1. CONSENT CALENDAR:**

Commissioner Donenfeld requested Item 1B removed from the Consent Calendar for separate discussion.

**1A. Minutes of November 5, 2008 and December 10, 2008.**

M/S/C (Scott/Vice Chair Cohen, 6-0, 1 absent/Conrad) Approved, as part of the Consent Calendar.

**1B. Case 5.1204 GPA / ZTA - Draft resolution of denial for draft Specific Plan to allow up to 955 high-density residential units, up to 400,000 square feet of commercial retail and office space, and up to 620 hotel rooms located at the northwest corner of North Palm Canyon Drive and Tahquitz Canyon Way, and other nearby properties.**

Commissioner Scott requested the resolution include that the developer is responsible to propose the future development of the site including mix of uses, project phasing and road network.

M/S/C (Scott/Vice Chair Cohen, 5-1/Donenfeld), 1 absent/Conrad) To approve, as amended:

-Section 3: To include, "The developer is responsible to propose the development of the site including mix of uses, project phasing and road network".

→ **Reconsideration of Item 1B (see end of the agenda).**

**2. PUBLIC HEARINGS:**

**2A. Case 5.1190 CUP / 6.509 VAR (Palm Springs Batch Plant) - A request by Elsinore Ready Mix Company for a Conditional Use Permit to allow the installation and operation of a portable concrete batch plant on approximately 5.29-acres and a Variance request to exceed the thirty foot height maximum permitted in the E-1 zone. The site is located at the southwest corner of Dillon Road and Karen Avenue, Zone E-1, Section 10, APN 668-280-015: (Project Planner: David A. Newell, Associate Planner)**

Director Ewing reported that the applicant has requested a continuance to the meeting of January 14, 2009.

M/S/C (Caffery/Ringlein, 6-0, 1 absent/Conrad) To continue the public hearing to the meeting of January 14, 2009.

Commissioner Caffery noted that although he is in favor of wind/energy conversion he is opposed to the "white" colored turbines.

M/S/C (Donenfeld/Scott, 5-1/Caffery), 1 absent/Conrad) To certify the Final Environmental Impact Report (FEIR) and approve Case 5.1081 CUP and Case 6.511 VAR, subject to Conditions of Approval, as amended:

~~-The Conditional Use Permit shall be valid for a period of three (3) years from the date of approval.~~

**1B. Case 5.1204 GPA / ZTA - Draft resolution of denial for draft Specific Plan to allow up to 955 high-density residential units, up to 400,000 square feet of commercial retail and office space, and up to 620 hotel rooms located at the northwest corner of North Palm Canyon Drive and Tahquitz Canyon Way, and other nearby properties.**

Vice Chair Cohen requested reconsideration of Item 1B.

M/S/C (Ringlein/Caffery, 6-0, 1 absent/Conrad) To reconsider Item 1B.

M/S/C (Scott/Ringlein, 4-2/Vice Chair Cohen/Donenfeld), 1 absent/Conrad) To adopt the draft resolution or direct staff, as appropriate, as amended:

-Section 3: To include, "The developer is responsible to propose the development of the site including mix of uses, project phasing and road network".

**PLANNING COMMISSION COMMENTS:**

Commissioner Donenfeld noted that he would be out of town the first of the year and may not be in attendance at the meeting of the January 7th.

Chair Hochanet reported an overgrown tree blocking the stop sign on Toledo Avenue and Miracopa.

Vice Chair Cohen also reported an overgrown tree blocking the stop sign at Vista Chino and Via Norte.

**PLANNING DIRECTOR'S REPORT:**

Director Ewing provided an update on the upcoming planning items for the City Council meeting.

# Historic Tennis Club Neighborhood Organization



December 8, 2008

TO: Craig Ewing, Palm Springs Planning Director

CC: Palm Springs Planning Commission, Mayor, City Council

RE: Museum Plaza Specific Plan

We were very disappointed that your recommendations re the Museum Plaza Specific Plan did not include elimination of the Palm Hotel property from the Plan. Our board has repeatedly communicated to the city that we consider Tahquitz our northern Historic Neighborhood boundary and strongly oppose any development expansion which does not conform to our zoning, in this case R3.

For your department to continue to champion a commercial Museum Plaza Specific Plan which intrudes into our neighborhood is completely unacceptable to us.

We are very much concerned that your department seems to continue to ignore to protect the character of our historic neighborhood as well as failing to recognize a legal decision which nullified the Palm Hotel proposal.

Sincerely,

Sven Holm  
Acting President

**RECEIVED**

DEC 12 2008

PLANNING SERVICES  
DEPARTMENT

HTCNO  
611 South Palm Canyon Drive #7220  
Palm Springs, CA 92264-7453  
www.htcno.org

RECEIVED  
CITY OF PALM SPRINGS  
2009 JAN -6 PM 1:48

Small Hotels  
of Palm Springs  
Association of Owners & Managers  
A California Limited Liability Partnership Corporation Since 2004



220 South Patencio Road, Palm Springs CA 92262 USA  
Small Hotels of Palm Springs .com | Small Hotels of Palm Springs @ msn .com

January 5<sup>th</sup>, 2009

RE: Specific Plan for Museum Plaza Issue

Dear Palm Springs Mayor and City Councilpersons:

The Board of Small Hotels of Palm Springs, Inc., aka SHoPS, recently met with Michael Braun of Wessman Development about their newly proposed Renovation Plan for the Desert Fashion Plaza, and after considerable discussion - we now strongly support your immediately discontinuing the Museum Plaza Specific Plan process in favor of just moving forward with Wessman Development's much more realistic and achievable Renovation Plan.

Much of our tourist input continually centers around the lack of good shopping and this would bring us a realistic opportunity to provide that within a few years rather than 7 or 10 years.

The benefits of avoiding lengthy and intrusive construction activities necessary to implement the Specific Plan would be worth it alone - sparing us up to ten years of construction pollution and havoc in the heart of downtown that would almost certainly kill downtown.

Also, we believe any other developer's plan will ultimately face the same basic viability and practicality hurdles the current developer has already faced, if not more of them, and end up proposing essentially the same and/or an even more dense a project that we all now know is no longer feasibly possible to approve, finance and then sell.

We have never been very eager on having this kind of major development in the former Fashion Plaza whether proposed by Wessman Development or by our own Planning Department which still proposes 300 condos and over 600 hotel rooms.

Renovation seems to be the right answer and the only specific plan that seems to make sense is a specific plan for renovation rather than major redevelopment.

*Craig Blau*

Craig Blau  
President / Small Hotels of Palm Springs, Inc. / aka SHoPS  
On behalf of The SHoPS Board

## Jay Thompson

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**From:** Craig Ewing  
**Sent:** Thursday, January 08, 2009 9:38 AM  
**To:** Chris Mills; David Ready; Ginny Foat; Jay Thompson; Lee Weigel; Martha Edgmon; Rick Hutcheson; Steve Pougnet  
**Cc:** gfrank828@gmail.com  
**Subject:** FW: Plan Error--Museum Market Project

To All,

We received the following e-mail regarding the Muscum Market Plaza Specific Plan from Mr. Gary Frank, owner / representative of The Henry Frank building at 234 – 240 N. Palm Cyn. Drive. A printed copy will be included with the staff report. Thank you, and let me know if you have any questions.

Craig A. Ewing, AICP  
Director of Planning Services  
City of Palm Springs  
3200 E. Tahquitz Canyon Drive  
Palm Springs, CA 92262  
760-323-8245

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**From:** Gary Frank [mailto:gfrank828@gmail.com]  
**Sent:** Wednesday, January 07, 2009 8:21 PM  
**To:** Craig Ewing  
**Subject:** Plan Error--Museum Market Project

1/8/09

RE: Case #5.1204 GPA/ZTA, Plan Amendment and Zoning Code Amendment, Wessman Muscum Market Plan, Palm Springs.

Dear Mr. Ewing,

We are the owners of The Henry Frank building at (234), 236, 240 N. Palm Canyon Drive. Several months ago we were assured by Planning that our property was not included in the Wessman Museum Market Plan, even though our property appeared to be included in the map of the proposed plan. We have since been advised that the plan that the City Council is voting on January 14th does include our property.

We would like to officially go on record to declare that our property has never been a part of the Muscum Market Plan. We have never engaged in any dialogue with Mr. Wessman or any of his representatives about this plan, and we have no interest in our property being included in this plan, either in its present or any future version.

We request that our property be officially removed from any connection to this plan and we would appreciate receiving a letter from Planning or the City to that effect.

Please forward this email to the Mayor and all City Council members as well as any other officials you deem as necessary recipients.

If you would like to discuss this further, please call Gary at 415 652-1185.

Thank you in advance for your cooperation.

Sincerely,

Jay, Gary and Don Frank

**CITY OF PALM SPRINGS  
PUBLIC HEARING NOTIFICATION**



**CITY CLERK'S DEPARTMENT**  
James Thompson, City Clerk

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Meeting Date: January 14, 2009  
Subject: Museum Market Plaza, Case 5.1204 GPZ/Zone Code Amendment

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**AFFIDAVIT OF MAILING**

I, Kathie Hart, CMC, 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 30, 2008, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (140 notices)


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

  
\_\_\_\_\_  
Kathie Hart, CMC  
Chief Deputy City Clerk

**AFFIDAVIT OF PUBLICATION**

I, Kathie Hart, 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 January 3, 6, and 8, 2009.

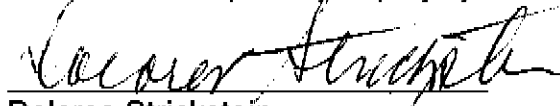
I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Kathie Hart, CMC  
Chief Deputy City Clerk

**AFFIDAVIT OF POSTING**

I, Dolores Strickstein, Secretary, 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 January 2, 2009.

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

  
\_\_\_\_\_  
Dolores Strickstein  
Secretary



# City of Palm Springs

Office of the City Clerk

3200 Tahquitz Canyon Way • Palm Springs, California 92262  
TEL: (760) 323-8204 • FAX: (760) 322-8332 • TDD: (760) 864-9527

December 30, 2008

Ms. Claudia Salgado  
Bureau of Indian Affairs  
P. O. Box 2245  
Palm Springs, CA 92263

Dear Ms. Salgado:

RE: City Council Meeting – January 7, 2009  
Museum Market Plaza – Case 5.1204 GPZ/Zone Code Amendment

The City Council of the City of Palm Springs will be conducting a public hearing relating to the above referenced on January 7, 2009. Enclosed are 4 copies of the public hearing notice to be forwarded to the appropriate Indian landowner within the 400 ft. radius of the project location as listed below:

APN 508-041-12

Please feel free to contact me if there are any questions or concerns, 323-8206.

Sincerely,

Kathie Hart, CMC  
Chief Deputy City Clerk

/cab PHN to BIA – MuseumMarketPlaza 01-07-2009.doc

Encl: Public Hearing Notice



NOTICE OF PUBLIC HEARING  
CITY COUNCIL  
CITY OF PALM SPRINGS

CASE 5.1204 GENERAL PLAN AMENDMENT AND ZONING CODE AMENDMENT  
MUSEUM MARKET PLAZA SPECIFIC PLAN - DOWNTOWN PALM SPRINGS

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of January 14, 2009. The City Council meeting begins at 6:00 p.m. in the Council Chamber at City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs.

The purpose of the hearing is to consider a draft Specific Plan initiated by the City of Palm Springs as an amendment to the Palm Springs General Plan and Zoning Code. As proposed, the draft Specific Plan would allow up to 955 high-density residential units, up to 400,000 square feet of commercial retail and office space, and up to 620 hotel rooms. The 20-acre site is generally located at the northwest corner of North Palm Canyon Drive and Tahquitz Canyon Way. The proposed Specific Plan also includes lands between Palm Canyon Drive and Indian Canyon Drive, north of Tahquitz Canyon Way and south of Andreas Road; at the southwest corner of Cahuilla Road and Tahquitz Canyon Way; and at the northeast corner of Belardo Road and Arenas Road.

**ENVIRONMENTAL DETERMINATION:** A Final Environmental Impact Report (FEIR) has been prepared for this project under the California Environmental Quality Act (CEQA) guidelines 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. and 3:00 p.m., Monday through Friday and submit written comments at, or prior to, the City Council meeting.

**REVIEW OF PROJECT INFORMATION:** The Draft Specific Plan, Final 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 5:00 p.m., Monday through Friday. 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 Craig A. Ewing, AICP, Director of Planning Services at (760) 323-8245.

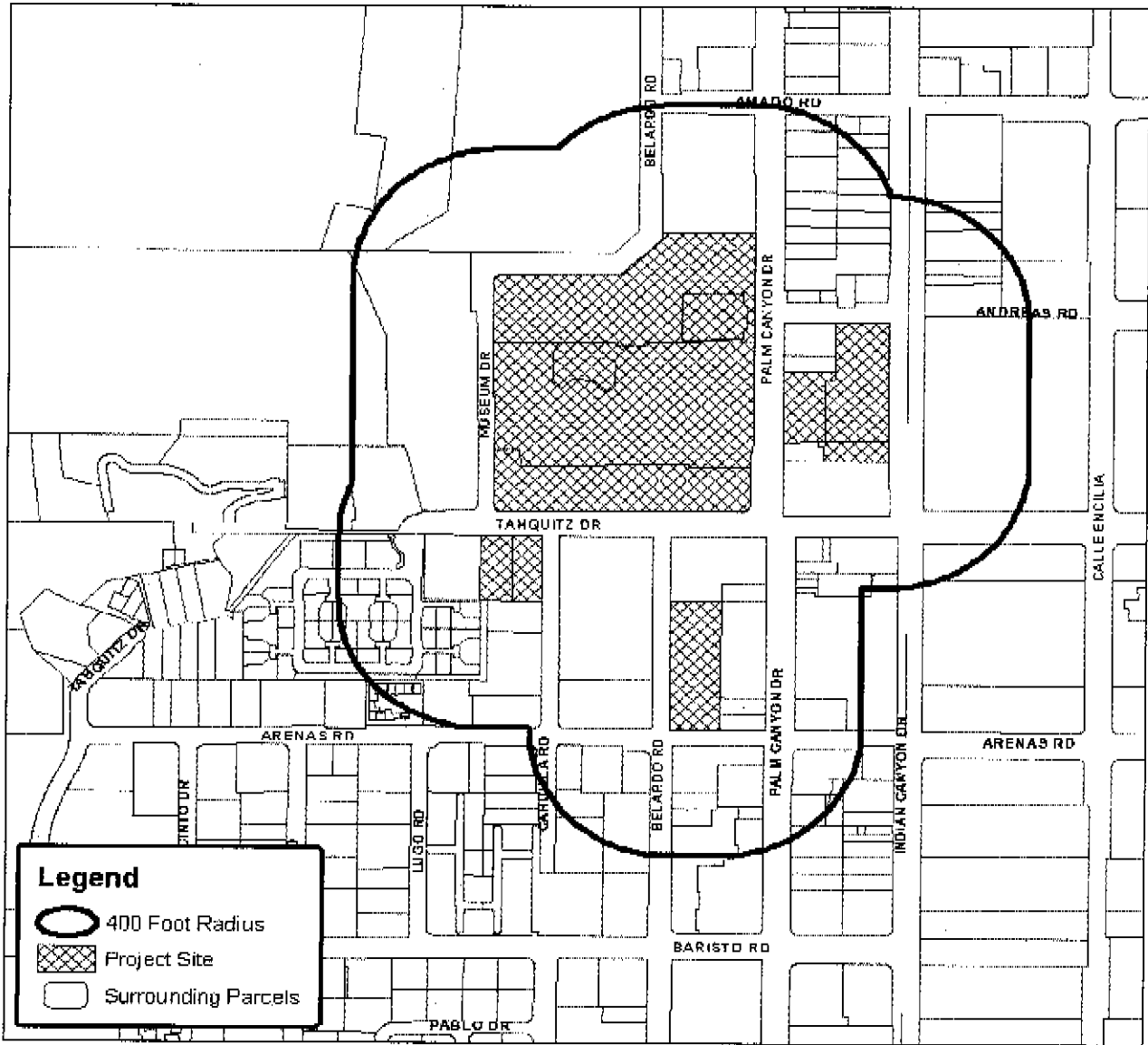
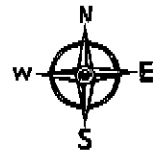
Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Nadine Fieger telefono (760) 323-8245.



Kathie Hart, CMC  
Chief Deputy City Clerk



# Department of Planning Services Vicinity Map



**Legend**

-  400 Foot Radius
-  Project Site
-  Surrounding Parcels

## CITY OF PALM SPRINGS

**CASE NO:** 5.1204 GPA/ZTA

**APPLICANT:** Wessman Development

**DESCRIPTION:** To consider a draft Specific Plan initiated by the City of Palm Springs as an amendment to the Palm Springs General Plan and Zoning Code. As proposed, the draft Specific Plan would allow up to 955 high-density residential units, up to 400,000 square feet of commercial retail and office space, and up to 620 hotel rooms. The 20-acre site is generally located at the northwest corner of North Palm Canyon Drive and Tahquitz Canyon Way. The proposed Specific Plan also include lands between Palm Canyon Drive and Indian Canyon Drive, north of Tahquitz Canyon Way and south of Andreas Road; at the southwest corner of Cahuilla Road and Tahquitz Canyon Way; and at the northeast corner of Belardo Road and Arenas Road.