




City of Palm Springs

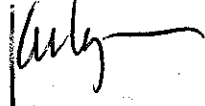
Department of Planning Services

MEMORANDUM

Date: July 22, 2009

To: The Planning Commission

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

Project Planner: Ken Lyon, Associate Planner 

Subject: Case 3.3333 MAJ, TTM 36185, 7.1320 AMM; a 51-unit moderate income for-sale condominium development at 3130 North Indian Canyon Drive

PROJECT DESCRIPTION

The proposal is an application by Community Dynamics, Inc. requesting architectural approval for the construction of a 51-unit moderate income for-sale condominium town-home development. The project features off street parking and landscaping on an approximately 3.6 acre parcel provided by the City's Redevelopment Agency. There is a Tentative Tract Map application for condominium purposes, and an Administrative Minor Modification (AMM) seeking reduced yard setbacks at 3130 North Indian Canyon Drive, Zone R-2, Section 2/T4/R3.

RECOMMENDATION

That the Planning Commission continues the project to a date certain of September 9, 2009 as requested by the applicant to allow time for further review between the applicant and neighbors.

Attachments:

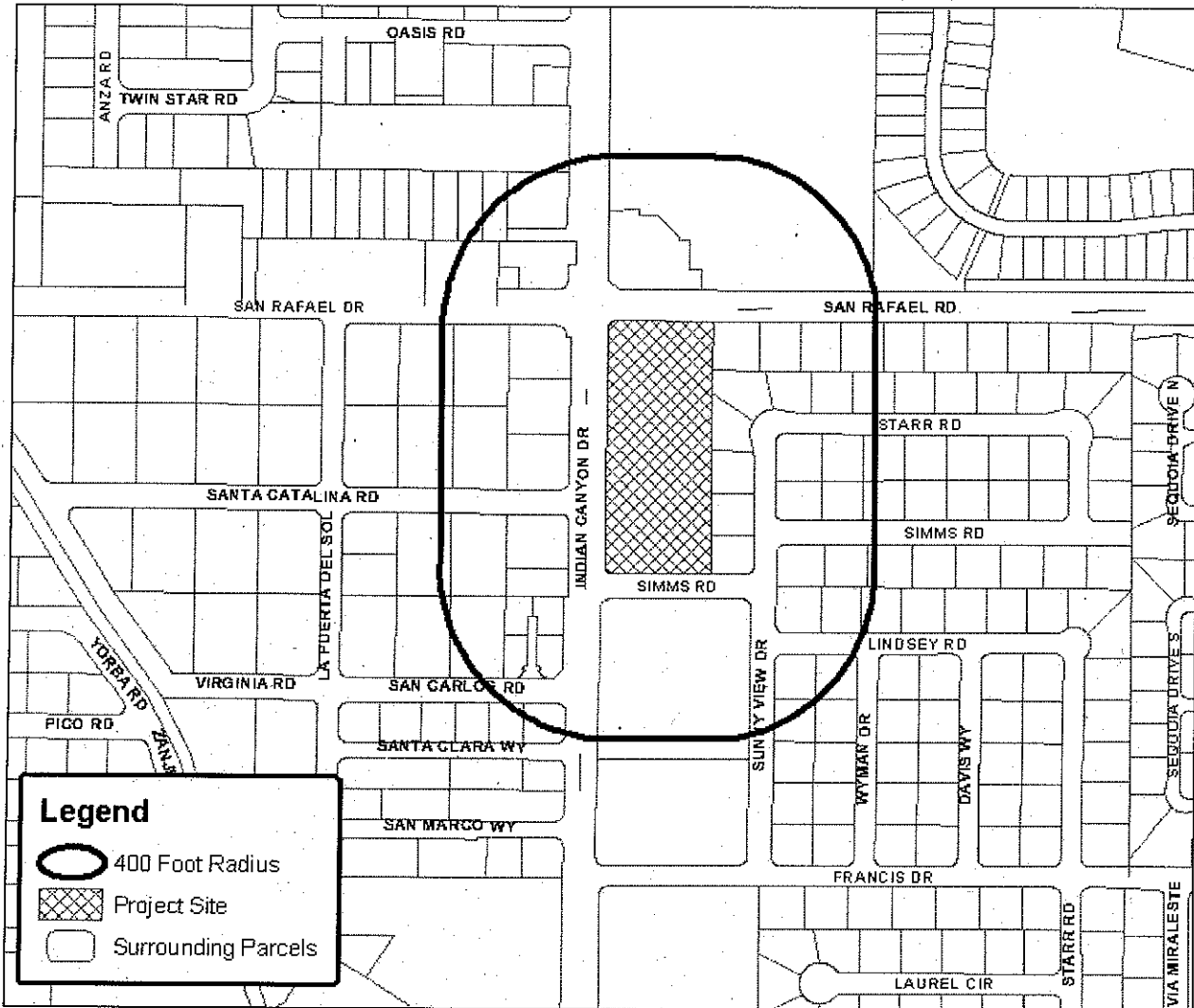
Vicinity Map

Roberts to Lyon letter dated 7-16-09 requesting continuance.




Miscellaneous correspondence from neighbors.



Department of Planning Services Vicinity Map



Legend

-  400 Foot Radius
-  Project Site
-  Surrounding Parcels

CITY OF PALM SPRINGS

CASE NO: 3.3333 MAJ, 7.1320
AMM, & TTM 36185

APPLICANT: Community Dynamics

DESCRIPTION: An application by Community Dynamics for a 51-unit moderate income condominium development on approximately 3.6 acres at 3130 North Indian Canyon Drive; Zone R2, Section 2/T4/R3.

July 16, 2009

Mr. Ken Lyon, Associate Planner
Department of Planning Services
City of Palm Springs
3200 E Tahquitz Canyon Way
Palm Springs, CA 92262

2800 TWENTY-EIGHTH STREET
SUITE 205
SANTA MONICA
CALIFORNIA 90405

Re: Case 3.3333 MAJ

Dear Ken,

ComDyn PS supports the request submitted by some members of the community to continue the above referenced case from the Planning Commission meeting currently scheduled for July 22.

While we support the request by these neighbors to further evaluate the proposed community, and we look forward to continuing our communications with the site's neighbors, we must balance their request with our need to continue to move our proposal forward.

We therefore request that the above referenced case be continued to the Planning Commission meeting scheduled for September 9, 2009.

Sincerely,



Stephen Roberts
Vice President, Development

310/399-9555 Office
310/399-9777 Fax

www.com-dyn.com

Ken Lyon

From: donsoja@aol.com

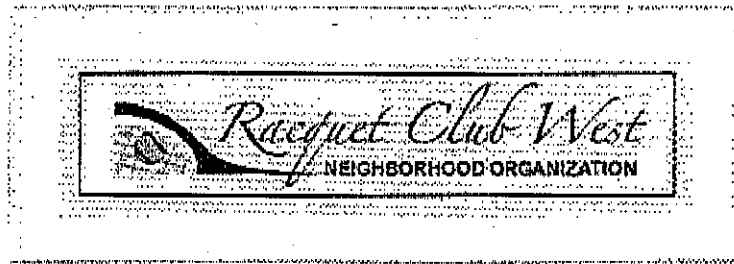
Sent: Thursday, July 16, 2009 11:44 AM

To: Ken Lyon

Subject: Community Dynamics proposed 51 unit town home application.

Dear Mr. Ken Lyon, My name is Donald J. Soja, and I am the Secretary/Treasurer of the Racquet Club West Homes Association. I Live at 536 west Santa Catalina Road ... Palm Springs, California 92262. I want to voice my Extreme Opposition to the Community Dynamics proposed 51 unit town home application : Case 3.3333 ... I truly believe this High Density proposed housing development would be an Extreme number of people living on a very small parcel of land. This parcel of land is surrounded by mid to upper bracket homes. I do not believe this proposed lower income housing project fits into the character of our existing neighborhood. This proposed project would also increase the number of vehicles using Santa Catalina Road as a cut thru between Indian Canyon Road and Palm Canyon Road. We are currently trying to decrease the number of vehicles using our neighborhood as a cut thru. This proposed High Density town home application should be denied as it does not fit into the over all plan, character, and integrity of the existing neighborhoods. Thank You, Donald J. Soja 536 west Santa Catalina Road, Palm Springs, California, 92262 760-778-0018

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July 16, 2009

Ken Lyon
City of Palm Springs

We oppose this project.

Case 3.3333; Community Dynamics 51-unit town home application 3130 North Indian Canyon Drive

Dear Ken

Well, here's another Builder, this time he's from Santa Monica and his trying to make money for HIMSELF by lowering OUR property values. WE MUST STOP HIM!! Low Income housing (51 town homes) located on the Southeast corner of San Rafael & Indian Canyon Drive.

WE ARE TIRED of everything being dumped in our backyard! In addition there is more low Income housing planned north of San Rafael and we are not a dumping ground.

Thanks
Joy Smith
President
Racquet Club West Neighborhood Organization
540 W. Yorba Road
Palm Springs, CA 92262
Phone 760 333-4744



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Cc:

D O N S O J A

@ A O L . C O M

From: (Identifies Sender, Enables Replies, Provides Confirmation, Tracking Number & Exact Replica Archive Copy to Email)

P A L M S P R I N G S J O Y

@ A O L . C O M

Subject:

Case # 3 3333

Racquet Club West Neighborhood



Notes:

*We oppose Case #
3.333
Thanks
[Signature]*

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14 July 2009

Palm Springs Planning Commission
c/o Jay Thompson, City Clerk
City of Palm Springs
3200 Tahquitz Canyon Way
Palm Springs CA 92263

RECEIVED
CITY OF PALM SPRINGS

2009 JUL 15 AM 8:14

JAMES THOMPSON
CITY CLERK

Re:

Case 3.3333

51-unit Affordable Condos, 3130 North Indian Canyon Drive
Public Hearing 22 July 2009

Dear Members of the Palm Springs Planning Commission:

I have written previously but am compelled to send an additional letter due to new information coming to light and to issues raised that have been ignored. I am a property owner at 3125 North Sunny View Drive, one of the adjacent Wexler all-steel homes.

I am requesting that the above-referenced application be denied—or at the very least, granted a continuance—on the following grounds (I will try to be brief):

- **Setback** – According to recently obtained data, the average setback measures only 139.99 feet, 10 feet less than that required by law. We were told 150 feet and that has proven to be an untruth. Why does this rule exist if it is ignored?
- **Environmental Impact Report** – It is unclear why this project is exempt from an EIR, given its certain effects on noise, traffic, light pollution, garbage from up to 200 residents, the violation of the required setbacks, pet poop (I can predict where that will end up: right against the shared wall), and most notably the deleterious impact on the historic steel houses.
- **Privacy** – My objection to the windows on the eastern second stories and my request for redesign—either elimination altogether or reconfiguration to clerestory—was ignored. The current design renders my property unusable with regard to the private enjoyment of my pool and yard area.
- **Line of Sight** – The recently distributed diagrams are highly manipulated, misleading, and deliberately deceptive. A story-pole analysis is essential. Presently a resident in a second story condo will be treated to a full-length view of myself and guests around my pool . . . not a child-friendly sight.
- **Dumpsters** – My request that the site of the condo dumpsters be relocated further away from the property line was ignored.
- **AC Units** – I was recently informed of the plan to locate the AC units on the condo roofs, an even uglier adulteration to our already compromised views.
- **Carports** – My suggestion that the eastern carports be placed 2 feet below grade to be out of sight was met with the argument that it would be too expensive. *How does that “expense” compare with our diminished property values?*

- **Future residents** – Most importantly, the current design of this project does not even serve the sector for which it is intended: families with children. This is a high-traffic, high-wind area with no place to walk, no place to play, no swimming pool (but with an unobstructed view of mine). How many children will be tempted to jump the wall and swim on my property?

Who indeed is being served by this ill-conceived project? Only an entity who is not even a member of the Palm Springs community: the developer. This is an insulting kick in the teeth to those of us who originally restored the steel houses (Jim Moore, Jim Isermann, Doug Keeve/MaryAnn Webster) and the rest of us who are carefully maintaining our homes and grounds—and sharing them with the public in countless home tours.

In summary, there are too many unanswered questions and unaddressed issues for this project to be intelligently considered on 22 July. Once approved—and once building commences—what will be our recourse with regard to even more variances (such as “Administrative Minor Modification” applications) or deliberate deviations?

I like to think that Palm Springs can do better than this, both for its current and future residents. Please reject this application.

Respectfully,

Brian W. McGuire PhD
PO Box 1613
Thousand Oaks CA 91358

bmcguire98443@roadrunner.com

July 14, 2009

RECEIVED
CITY OF PALM SPRINGS

2009 JUL 14 PM 2:50

JAMES THOMPSON
CITY CLERK

Mr. Jay Thompson, City Clerk
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262
cityclerk@palmsprings-ca.gov

**Re: Letter of Support
Residential Development of 51 Moderate Income Townhomes
Case Number - 3.3333 MAJ, TTM 36185, AMM 7.1320**

Dear Mr. Thompson,

I am writing to voice my support of the above-referenced proposed townhome development at the southeast corner of Indian Canyon and San Rafael in Palm Springs.

I am a twenty-five year resident of Palm Springs and currently own two single family residences within 1500 feet of this proposed development. I have lived in this area long enough to see other proposed developments for this location fail before completion. Hopefully this one will succeed, as it is, by far, the best one yet.

Frankly, I question the reasoning and motivation of those neighbors who are opposed to this development. I doubt that they even gave the project a fair look. I have attended two presentations by the developer, Community Dynamics, at the Desert Highland Community Center. These meetings were very poorly represented by our community, to say the least. Those in attendance could be counted on one hand. I suspect that some local residents are concerned that their own property values may be adversely affected, since this development is being presented as affordable housing for moderate income families. However, I feel that this proposed development is a much more desirable use of this parcel than any alternative I can think of, and certainly more desirable than past proposals for this location. If the local residents are waiting for a high-end development to come along for this property, it isn't going to happen--the parcel won't support it.

I particularly like the fact that these townhomes are to be "for sale" only to owner-occupied residents. I would definitely not be in favor of another "rental" development. I believe this area of our city is in need of additional appropriately priced residences for moderate income individuals and families who wish to work, **and live**, in Palm Springs. I see this as particularly important for this end of our city as the future west valley COD campus develops and generates additional development in the area.

I would like to commend Community Dynamics for their willingness to keep the neighborhood apprised of their development plans and progress, and for their strong desire to address the concerns of the neighbors. They have professionally presented

themselves to be an outstanding and worthy company to work with. I initially had concerns about the traffic flow around the development at this busy intersection and was pleased to find that they specifically addressed these concerns in a later revision.

I find the developer's plans to be well laid out and aesthetically pleasing, and I believe the fact that these townhomes are to be for sale to owner-occupants will instill pride of ownership and a greater sense of community. So I look forward to this being a welcome addition to the neighborhood for many years to come and perhaps 51 lucky hard-working families will be able to experience the joy of owning their own home in the city where they work and avoid a possible daily commute to and from Desert Hot Springs.

I urge the Planning Commission and City Council to give their approval for this development.

Thank you,

Rick Bernardin

415 W. Santa Catalina Rd.
Palm Springs, CA 92262
(760) 325-0884

psrick@earthlink.net

Ken Lyon

From: Terri Hintz
Sent: Tuesday, July 14, 2009 9:46 AM
To: Ken Lyon
Subject: FW: Important Further Information Re 22 July 2009 Planning Commission Hearing (Case 3.333 and Related Files)

See e-mail below.

Terri Hintz
Planning Administrative Coordinator
City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, California 92262
Tel. (760) 323-8245 / Facsimile (760) 322-8360
E-mail: Terri.Hintz@palmsprings-ca.gov

From: Jay Thompson
Sent: Tuesday, July 14, 2009 9:39 AM
To: Craig Ewing; Terri Hintz
Subject: FW: Important Further Information Re 22 July 2009 Planning Commission Hearing (Case 3.333 and Related Files)

Information received for 7/22 Planning Commission Hearing.

From: Pigott, Ginger Heyman [mailto:GHeyman@ReedSmith.com]
Sent: Tuesday, July 14, 2009 9:28 AM
To: Ken Lyon; Jay Thompson; CityClerk
Cc: Steve Pougnet; rick@rickvila.com; Peter Moruzzi; chrissahlin@verizon.net; Sroberts@com-dyn.com; Loren Bloch; Thomas Carnase; Jim Isermann; Jim Moore; Doug Keeve; Mary Ann Webster; bmcguire98443@roadrunner.com; James Pigott
Subject: Important Further Information Re 22 July 2009 Planning Commission Hearing (Case 3.333 and Related Files)

Further to our previous correspondence, we believe new additional information is highly relevant to the issues and needs to be considered by the Planning Commission as part of its evaluation of the request for continuance and/or denial relating to this Development. Specifically, as you will see in the attached, we received the proposed setback distances as to each of the 9 multiple unit blocks from Steve Roberts of Community Dynamics at 5:39 pm yesterday 13 July 2009, despite our initial request for such measurements over one week ago. Not only do we struggle to see how this delay is acceptable given the acute time constraints we made clear to all (James has already departed), but the information given raises serious concerns over why this Development is even being put forward to the Planning Commission at this time. The average setback for this Development, using the data supplied by Community Dynamics, provides an average setback distance of 139' 9" (our prior estimates based on the incomplete measurements in the plans put it at 140 feet and now we have firm confirmation). The Zoning Code quite clearly states that the average setback needs to be 150 feet before any possible allowance of a 50 foot variable to the setback line is even considered. Here, the first requirement has not been met.

By way of side note, we are also confused as to why some of these distances appear to be different from previously viewed material and plans in the public file. This certainly gives pause as to the accuracy of the other proposed distances and ability to comply with the zoning code.

If our understanding of the setback is indeed the case (and we have no basis to conclude otherwise), we are perplexed as to why this development is being possibly heard and even approved on July 22nd, given this elementary issue? We have spent considerable amounts of time, money and other resources over recent weeks, and have endeavored to be timely with all of our correspondence and honest with our approach. It is our perception that unfortunately others do not seem to have followed these standards.

Certainly the Planning Commission's time is also valuable and limited. We, however, fully expect and request that this serious issue be raised with them specifically as it makes no sense for them to consider a development that has not even minimally met the requirements. Certainly the Commission should not be asked to even consider the question of whether a request for the variance in the code is detrimental (and we have argued previously that it is) when the initial threshold has not been met. We would like it noted for the public record that it is our intention to appeal (and possibly pursue other legal action) if approval is given to the development on July 22nd. Given the problems mentioned above, as well as those raised in previous correspondence from us and other members of the community and noting the mounting number of issues we have uncovered in the limited time we have had, we reiterate our request for a continuance/denial for the hearing on July 22nd.

Please confirm receipt of this email and its submission to the Public Record. I am due to leave for the airport at midday. Your attention is appreciated.

Regards,
Ginger Pigott
<<Building Setbacks>>

Ginger Heyman Pigott | Partner | ReedSmith LLP
gpigott@reedsmith.com | gheyman@reedsmith.com
direct: 213.457.8027 | cell: 213.300.9983 | fax: 213.457.8080
355 S. Grand Ave., Suite 2900, Los Angeles, CA 90071

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Cindy Berardi

From: pspuppy@earthlink.net
Sent: Tuesday, July 14, 2009 1:24 PM
To: CityClerk
Subject: Case Number - 3.3333 MAJ, TTM 36185, AMM 7.1320

RECEIVED
CITY OF PALM SPRINGS

2009 JUL 14 PM 2:50

JAMES THOMPSON
CITY CLERK

Mr. Jay Thompson, City Clerk
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262
cityclerk@palmsprings-ca.gov

Re: Letter of Support
Residential Development of 51 Moderate Income Townhomes
Case Number - 3.3333 MAJ, TTM 36185, AMM 7.1320

Dear Mr. Thompson,

On June 23, 2009 I and my partner were invited to a meeting hosted by Stephen Roberts, representing Community Dynamics, for their project at the southeast corner of San Rafael and Indian Canyon.

The presentation was very informative and, in my view, a great opportunity for our community to gain a much-needed project for affordable housing, which is extremely important to working-class people. The hosts were very, very informative and polite and I am sure they will do a wonderful job when the City approves this project. I look forward to it being a worthy addition to our neighborhood.

Sincerely,

John S. Ricci
415 W. Santa Catalina Rd.
Palm Springs, CA 92262
(760) 325-0884

Ken Lyon

From: Craig Ewing
Sent: Tuesday, July 14, 2009 1:22 PM
To: Ken Lyon
Subject: FW: 3130 N. Indian Canyon Proposed Project - Case No. 3.333

Ken,
Please print for file and share with applicant.

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

From: Jay Thompson
Sent: Tuesday, July 14, 2009 12:55 PM
To: Craig Ewing; Terri Hintz
Subject: FW: 3130 N. Indian Canyon Proposed Project - Case No. 3.333

From: MCLEConsul@aol.com [mailto:MCLEConsul@aol.com]
Sent: Tuesday, July 14, 2009 12:35 PM
To: Jay Thompson
Cc: Craig Ewing; David Ready; tracy@smoketreeramnch.com
Subject: 3130 N. Indian Canyon Proposed Project - Case No. 3.333

Attention: Craig Ewing and Planning Department/Planning Commission:

Dear Mr. Thompson and all Concerned

Greetings. I am a homeowner in the Racquet Club Estates in a William Krisel Alexander. My family has been here since the 1940s, and I returned in 1999 to live in jthis beloved historic neighborhood. I have just learned that a builder named Community Development, Inc., out of Santa Monica, is proposing a 55-unit family complex at the corner of Indian Canyon and San Rafael, and that this parcel extends all the way to the Historic Wexler Steel Homes on Sunny View.

I looked at the site plan and spoke to many people on that block, as well as the wonderful owners of "Vista del Monte" at 3131 North Indian Canyon; owner Richard Anderson (partner, Candra Scott & Anderson, renowned architects of historic properties world-wide) recently and lovingly restored his historic home, and no doubt will be offering some very helpful and constructive ideas for you this week.

The biggest problem is for the owners of the Wexler steel homes on Sunny View who will no longer have privacy and quiet enjoyment of their homes. There will be all-night light pollution from carports, noise pollution from the high density, and smell pollution from the dumpsters

that are clearly shown on that site map to be right up against the walls of the Wexler home owners. Wexler owners and others will lose their views of mountains. The people who will live in the proposed two-storey homes can look right down into the Wexler owners' backyards, right through the glass walls into their homes. There will be NO privacy. Additionally, safety, parking and other issues have not been addressed properly.

Firstly, when that government apartment complex down the street on Indian was built many years ago, our City apparently did not have height restrictions. There are inherent problems with that complex because - while low income families need a nice place to live - no provision was ever made for those children to have recreational facilities. As a result, many of us EVERY summer find these children and teenagers roaming the neighborhood, some hoisting themselves over walls of homes to use swimming pools. Police are often called.

Secondly, a project which is an embarrassment to our neighborhood is "The Towers" at 200 Francis Road, a horrific eyesore. When it was being proposed, neighbors were not notified. Later, developers told neighbors it would not be a 2-story complex, but that parking would be underneath each owner's unit. Well, you can call it what you want, but we all know that 1) it IS in fact a 2-storey complex, 2) it blocks mountain views causing affected home owners to sell; 3) it is now a rental complex because as Condos, they were not selling; tenants now hang torn sheets as window coverings, causing it to look like a ghetto; and 4) everyone in the neighborhood calls it "the nursing home," or "the rehab center," because that is exactly what it looks like.

While it is welcomed to have a nicely laid out affordable community, this one has not been thought out. The developers are not from here and demonstrate little to no understanding of this community. It is inappropriate to have 2-storey homes in this Historic district. Why you need 55 homes on 3 acres is beyond me when we have many hundreds of perfectly nice, bank-owned family homes all over the city at unbelievably low prices. Further, if this project is intended as a family community, where is the swimming pool and recreational features for the children who are proposed to live there? There are no sidewalks, no safe walking access along Indian Canyon.

Homes in this neighborhood need backyards and safe parking AT each unit, not a common carport structure distances from front doors.

Another great example of bad planning (although they could only work with what was already in existence) is the Catalina Grove Apartments on Sunrise that were converted to condos and took forever to sell because they are tiny units, and there is no safe parking. Residents there have been victims of crimes walking from the distant carports to their condos, and/or have had their cars vandalized due to lack of security, and elderly residents cannot lug groceries from car to front door due to the distance.

Therefore in closing, I respectfully request a continuance of this hearing (scheduled for July 22) and delay of any decision, so that Wexler and other home owners can have the opportunity to sit with Planning and the developers to voice their very real concerns, to solve the inherent problems, and to come to an agreement. I understand that homeowners have offered some intelligent and creative alternatives as solutions to the problems that will occur if this project proceeds in this manner. Many are traveling right now and will return in a few weeks; such a continuance would surely not affect the developer's progress at this stage. We want to help you.

Thank you for your time reading this communication, which is vital to all of us in RCENO (Racquet Club Estates Neighborhood Organization), as well as those homeowners on the west side of Indian Canyon whose properties and quiet enjoyment of life will be adversely affected.

Respectfully,

Donna Chaban
488 Laurel Circle
760 - 218-4230

Summer concert season is here! [Find your favorite artists on tour at TourTracker.com.](http://TourTracker.com)



July 13, 2009

Palm Springs Planning Commission
c/o Jay Thompson, City Clerk
City of Palm Springs
3200 Tahquitz Canyon Way
Palm Springs CA 92263

Re: Case 3.3333; 51-unit Project, 3130 North Indian Canyon Drive

Dear Palm Springs Planning Commission:

Within the last 2 weeks, Racquet Club Estates Neighborhood Organization (RCENO) has been contacted by several homeowners of the Wexler Steel homes that lie within our organization boundaries. They are requesting that all RCENO members be informed of this project, and of their perceived concerns for the neighborhood at large.

At our monthly board meeting this past Saturday, July 11, 2009, the Board moved to send an email to all RCENO members alerting them about the proposed project and soliciting feedback before RCENO would take an official stand.

We respectfully ask that this Development be continued from the July 22 Planning Commission agenda and pushed back a minimum of 60 days. This will allow RCENO's Board of Advisors sufficient time to collect input and feedback from our members so that we can present a representative view.

Thank you in advance for your consideration.

Sincerely,

Board of Advisors
Racquet Club Estate Neighborhood Organization
Sub Committee Chair Scott Kennedy
Telephone: 760.327.6747

Ken Lyon

From: Terri Hintz
Sent: Monday, July 13, 2009 8:23 AM
To: Ken Lyon
Subject: FW: Palm Springs Case 3.333. , Continuation Please

Importance: High

Here's another letter

Terri Hintz
Planning Administrative Coordinator
City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, California 92262
Tel. (760) 323-8247 / Facsimile (760) 322-8360
E-mail: Terri.Hintz@palmsprings-ca.gov

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

From: Jay Thompson
Sent: Monday, July 13, 2009 8:14 AM
To: Craig Ewing; Terri Hintz
Subject: FW: Palm Springs Case 3.333. , Continuation Please
Importance: High

Craig and Teri,

Information received for the Planning Commission 7/22 public hearing. Jay.

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

From: nat gozzano [mailto:nat@gozzano.com]
Sent: Sunday, July 12, 2009 11:56 PM
To: Jay Thompson
Subject: Palm Springs Case 3.333. , Continuation Please

Dear Mr. Thompson,

I am a resident of Racquet Club Estates Neighborhood and webmaster for racquetclubestates.com. I am almost frantic with the recent realization that the historically significant Wexler Steel Homes are going to have their settings and contexts negatively and forever altered by the development planned for 3130 N. Indian Canyon Road. The community, not just our neighborhood, has a huge stake in making sure the Steel Homes are not negatively impacted by the development around them. We had a Modern Homes tour in our neighborhood this year and the Steel Home on the tour was a major attraction of great importance to all interested in architecture.

*I can't see why there should be any hurry going forward with this project when there are so many unsold houses in our neighborhood, and all over Palm Springs, that **are **now well within the moderate income

price range.* In fact the project really undermines the stability the neighborhood struggling not to become a half empty slum.

We in the neighborhood are all just getting up to speed on what is going on and need more time to understand and review the projects impact.

Apparently the developer has misrepresented the project in a number of way's to the owners of the Steel Houses to make it seem less undesirable. This project needs to be much more closely scrutinized to protect the Steel Houses as important cultural and historic assets of the city. More time is needed for concerned citizens to get involved (you may say we've already had time but that would really be unfair since none of us are being paid to deal with this project like the developers and city planners). Please give a continuance to the hearing of at least sixty days.

Residential projects are folding all over town how do we even know that this won't turn into another disaster and now eyesore like The Racquet Club, across the street or Port Lawrence?

Sincerely
Nat Gozzano
323-304-8822

Ken Lyon

From: Craig Ewing
Sent: Monday, July 13, 2009 8:18 AM
To: Ken Lyon
Subject: FW: Case 3.3333 - & Associated Files

Ken,
Please print for file and forward to applicant.

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

From: Jay Thompson
Sent: Thursday, July 09, 2009 7:29 PM
To: Craig Ewing; Terri Hintz
Subject: FW: Case 3.3333 - & Associated Files

Craig and Terry, information received to distribute to the Planning Commission for the July 22 meeting. Jay

James Thompson, City Clerk
City of Palm Springs, California
TEL (760) 323-8204

From: mawebster [mailto:mawebster1984@sbcglobal.net]
Sent: Thursday, July 09, 2009 7:10 PM
To: Jay Thompson
Cc: Jimm Isermann; Tom Carnase; Douglas N. Keeve; Jim Moore; James Pigott; Ginger H. Pigott; b Mcguire; Steve Pougnet; Ken Lyon; Jay Thompson; rick villa; pmoruzzia@earthlink.net
Subject: Re: Case 3.3333 - & Associated Files

VIA EMAIL
Palm Springs Planning Commission
c/o **Jay Thompson**, City Clerk
City of Palm Springs
3200 Tahquitz Cyn Way, Palm Springs CA 92263

Re: Case 3.3333 & Associated Files - 51 unit Project, 3130 N. Indian Cyn Drive. **Public Hearing July 22, 2009**

From: Mary Ann Webster, co-owner: 3165 SunnyView Drive, Palm Springs, CA 92262. phone: 310 733-7042.
email: mawebster1984@sbcglobal.net

Please read my comments into the record.

1. This is a request for denial of the Development, Case 3.333.
2. Secondary request for a continuance of Development Case 3.333 of 51 Unit Project, 3130 N. Indian Cyn. Drive, as a significant number of members of the adjacent community cannot attend the July 22nd meeting to give public comment.

7/13/2009

3. Request for an EIR. This is mandatory because of the environmental considerations of historic significance of the neighborhood, noise, traffic, scenic views (height limits), density, adequate green space, setbacks, parking, for 51 units.

4. The proposed Development, as planned, will negatively impact the designated Historic Designated Class I Wexler designed steel homes that are directly adjacent to the proposed development. No variances should be allowed.

4. Zoning for the Development does not comply with Palm Springs Zoning Code and Laws.

5. Setbacks do not comply with "average" regulations and would result in detrimental effects.

The community would welcome an environmentally strong development on this property, with well-designed, single story structures, adequate green space, moderate density and preservation of scenic views for the entire community. Such a development should go through the EIR process and proceed without variances or other negative impacts.

Ken Lyon

From: Craig Ewing
Sent: Monday, July 13, 2009 9:56 AM
To: Ken Lyon
Subject: FW: Palm Springs Case - 3.333

Ken,
Please print for file and forward to applicant.

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

From: Jay Thompson
Sent: Monday, July 13, 2009 9:50 AM
To: Craig Ewing; Terri Hintz
Subject: FW: Palm Springs Case - 3.333

Information received on upcoming Planning Commission Hearing. Jay

From: Jay Thompson
Sent: Monday, July 13, 2009 9:49 AM
To: 'Bmaccarillo@aol.com'
Subject: RE: Palm Springs Case - 3.333

Thank you, Barbara. Information received and will be provided to the Planning Commission and staff prior to the 7/22 public hearing. Jay

James Thompson, City Clerk
City of Palm Springs, California
TEL (760) 323-8204

From: Bmaccarillo@aol.com [mailto:Bmaccarillo@aol.com]
Sent: Monday, July 13, 2009 9:40 AM
To: Jay Thompson
Cc: rcenorg@gmail.com
Subject: Palm Springs Case - 3.333

I am requesting continuance of the hearing on Palm Springs Case - 3.333, in order to further examine the impact on our neighborhood.

For many reasons I feel this development proposal is ill conceived & untimely. As a homeowner in the Racquet Club Estates Neighborhood Organization, living in the northwest corner of our defined area, I am sensitive to the concerns of my neighbors directly impacted by the location & poor planning of this proposed development, even more than I am. Their concerns are valid, well defended, & suggested alternatives have been thoughtfully proposed.

A continuance is imperative in order to provide RCENO residents time to present those concerns to the decision makers. Rubber-stamp approval & failure to permit resident participation would be unfair. Please consider a continuance of the hearing. Thank you.

Barbara Maccarillo
2815 N Starr Rd
Palm Springs, CA 92262

An Excellent Credit Score is 750. See Yours in Just 2 Easy Steps!

Ken Lyon

From: Terri Hintz
Sent: Monday, July 13, 2009 9:51 AM
To: Ken Lyon
Subject: FW: Palm Springs Case 3.333 (3130 N. Indian Canyon project)

Terri Hintz
Planning Administrative Coordinator
City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, California 92262
Tel. (760) 323-8275 / Facsimile (760) 322-8360
E-mail: Terri.Hintz@palm Springs-ca.gov

From: Jay Thompson
Sent: Monday, July 13, 2009 9:30 AM
To: Craig Ewing; Terri Hintz
Subject: FW: Palm Springs Case 3.333 (3130 N. Indian Canyon project)

Craig and Teri,

Information received for the Planning Commission 7/22 public hearing. Jay.

From: Briarbruin@aol.com [mailto:Briarbruin@aol.com]
Sent: Monday, July 13, 2009 9:19 AM
To: Jay Thompson
Subject: re: Palm Springs Case 3.333 (3130 N. Indian Canyon project)

To the Palm Springs Planning Commission:

I am writing to express my concerns over the proposed 3130 N. Indian Canyon project.

I am a permanent resident of Palm Springs and live in the Racquet Club Estates neighborhood.

I believe this project could negatively impact my neighborhood for several reasons.

As presented to the Racquet Club Estates Neighborhood Association, of which I am an active member, this project obviously creates several issues for the residents of the Wexler Steel Homes, including interrupted mountain views, privacy issues, light pollution issues, and traffic/parking issues.

I do not understand the Palm Springs Planning Commission's embrace of a project in an economy where there are not only a huge surplus inventory of affordable residences at a price point equal to or less than the proposed project but also a number of failed or stalled projects blighting the city ("Port Lawrence..... putting the 'villa' back into 'village'").

Given the local economy there is a very real possibility this project could fail or convert to rental units which again is a scenario that has played out several times in Palm Springs.

Thank you for the opportunity to express my concerns.

Sincerely,
Bob Merliss

Dr. Robert L. Merliss
2636 N. Starr Rd.
Palm Springs, CA 92262

Jay Thompson

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From: Scarbro, Lauren [Lauren.Scarbro@safenet-inc.com]
Sent: Monday, July 13, 2009 5:17 PM
To: Jay Thompson
Subject: Palm Springs Case 3.333 Attn : City Planning Commission

2009 JUL 13 PM 6:01

JAMES THOMPSON
CITY CLERK

Dear City Planning Commission

I have concerns about the development planned for 3130 N. Indian Canyon on the commissions schedule for a 7/22 public hearing:

1. What assurances do we have that when said units go "un-sold", they won't be converted to apartments?
2. What assurances do we have that underground power line (all four sides of property) **won't be "deferred"** from the developer's expense?
3. What assurances do we have to maintain, without deviation, required setbacks from existing properties (is this 150 feet)?
4. With intended target market to be families and limited "public use" facilities (why is there no pool?), is the developer contributing in any way to city park enhancements?
5. How do you intend to protect the back yard privacy and light pollution to the existing home owners?

It is not clear to me who is benefitting from said development project. I would request that discussions and/or decision on the Development be continued at least 60 days to a later scheduled meeting to allow further investigation and participation in the process.

Sincerely,

Lauren Scarbro
896 E. Racquet Club Road
Palm Springs, CA 92262
310-308-4044 (Cell)

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2009 JUL 13 PM 6:01

JAMES THOMPSON
CITY CLERK

James & Ginger Pigott
P.O. Box 712755
Los Angeles, California 90071

jpigott@kernowpartners.com
gpigott@reedsmith.com

13 July 2009

Via Email

Palm Springs Planning Commission
c/o Jay Thompson, City Clerk
City of Palm Springs
3200 Tahquitz Canyon Way
Palm Springs CA 92263

Re: Case 3.3333 & Associated Files – 51-unit Project, 3130 North Indian Canyon Drive
Public Hearing 22 July 2009 – REQUEST FOR DENIAL AND/OR CONTINUANCE

Dear Members of the Palm Springs Planning Commission:

This is our third letter to you in advance of the 22 July 2009 meeting where Case 3.333 (hereinafter referred to as the "Development") will be considered. Our prior letters of 29 June and 7 July outlined some of our initial concerns and set forth the basis for our request for a continuance and/or denial of this matter to allow all interested and impacted parties additional time before making a decision on this proposed Development. This letter is unfortunately necessitated by information only made available on the 9th and 10th of July and is further support of the reasonableness of our request.

First, there is an issue with regard to access to and completeness of files despite our request and notice of our inability to be at the meeting due to James departure on 12 July and Ginger's departure on 14 July for the remainder of the month. On 29th of June, we requested by phone, in writing and in person to have access to and copies of the entire file(s) from the Planning Department. What we received was approximately 135 pages of documents that were out of order and in many places incomplete (e.g. pages numbered as 4 of 16 with not all 16 pages). We spoke to Ken Lyon upon his return on 6 July and indicated we were reviewing the file, and he kindly responded to some of our initial questions on zoning. On 7 July we submitted our second letter quoting from the files extensively despite limited review time, and putting the City on notice that we had issues with the files and that the City should take all steps to preserve all relevant information such as paper documents and electronically stored information.

On 9 July we had a further email from Ken Lyon indicating he was providing access to an additional 200 pages relating to the Development. This more than doubled what we were provided previously. We made arrangements to have the documents collected and were able to begin review on 10 July.¹ Not only did this leave us little time to process the information, but these documents refer to communications and relevant documents that are missing. By way of example only, we see addendum number 1 to the original "RFQ" for this Development but there is no original RFQ, and no documentation on that process, within the papers we have seen.

With reference to our letter of 7 July, we highlighted potential issues with regard to the average

¹ We note for the record that paper copies of emails are not sufficient for preservation and we urge the City to maintain the electronically stored information in accordance with relevant standards.

setback of the Development and compliance with zoning requirements. We would like to note at this point that despite two written requests to Community Dynamics to confirm the setback distances for each of the 9 multiple unit blocks, we have still not had an answer. Based on the measurements we can see from Community Dynamics' plans, the average setback appears to be only 140 feet. Furthermore, upon initial review of the new tranche of documents, we note there is correspondence in April 2009 between Ken Lyon and Steve Roberts where Mr. Lyon requests Community Dynamics to provide an exhibit that "demonstrates conformance with the 150 foot average set back for buildings greater than 15 feet in height between the R1 and R2 zones...." Mr. Roberts responded that no such exhibit existed but that one would be provided within approximately 7 days. After our hastened review, we see no such exhibit in the file.

Further, during this latest exercise additional issues and questions were revealed by the documents:

- Power lines – Apparent confusion between the City Engineering Division, Planning Department and Community Dynamics relating to required undergrounding of power lines on the north, east and west property lines of the Development. It appears there is some question as to the cost, necessity of and responsibility for undergrounding. This issue seems to be one that even members of the Planning Department were not aware of as recently as 7 July 2009. We believe this highlights another area where the developer will seek relief to the detriment of the community and environment.
- Proposed unit purchase financing method for moderate income families – the scheme as outlined in an email dated 9 June 2009 reveals possible issues for the target buyers as to the proposed method of purchase and the impacts of a 'negative direction' property market such as currently exists.
- Other areas of possible zoning and related compliance problems, and therefore requiring further research, include the proposed San Rafael bus turn-out and the existing storm water drainage system on the eastern property line contiguous to the R1 properties.

We have also submitted to the public record copies of correspondence between ourselves and Community Dynamics with regards to our concerns connected to a purported line of sight study. We disagree with the study's findings and underlying assumptions. We believe a more physical study should be undertaken with sufficient access to our property and the other adjacent homes.

In addition, late on Friday, 10 July, we received Notice of Public Hearing relating to this Development. The section titled "Environmental Determination," stated that this Development was "categorically exempt" from further environmental review pursuant to Section 15332 of CEQA Guidelines. The cited section, however, is not applicable to this Development. We object to this conclusion and note that there are inadequate findings to support such a conclusion. We urge the Commission to grant our request for continuance and/or denial, and to reject the categorical exemption which we believe is subject to formal challenge if the Development is approved. Although we are seeking qualified legal counsel, we have reviewed this section and note the following immediate concerns.

First, from the plain language of Section 15332, this Development does not meet the necessary requirements. For example, in order to qualify, the Development must be consistent with the applicable zoning regulations. See § 15332(a). Please refer to our letter of 7 July 2009 for a fuller analysis of zoning problems. Briefly, to be consistent with the zoning regulations, this Development must (a) comply with the 150 foot setback rule or (b) obtain a determination from the Planning Commission that there will be no detrimental effect of using a 150 foot average setback variation, once an average 150 foot setback has been established and (c) must obtain approval of the AMM if it is

seeking. None of the above has been approved as of the date of the Notice of Public Hearing, and therefore we do not see how a categorical exemption can be authorized at this time.²

Furthermore, even if the City disagrees with the very real zoning problems, there are additional issues with a categorical exemption. Section 15332 is part of Article 19 "Categorical Exemptions" (Sections 15300 to 15333) and derives its authority from CEQA (part of the California Public Resources Code) Sections 21083 and 21084. Within the CEQA Guidelines themselves, Section 15300.2 mandates that a categorical exemption within Article 19 such as 15332, "**shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.**" See §15300.2(f) (emphasis added); and see § 15354 (defining categorical exemption as one that does not have a "significant effect on the environment"). As we have urged in our prior letters, this Development as presently configured will effect substantial adverse changes in the significance of the Class One Historic Wexler Steel Houses both in the long and short term.

Finally, under any exemption, whether a residential infill categorical exemption under Article 19, a residential infill project under Article 12.5 (covered in our 7 July 2009 letter) or any other exemption that might be considered, CEQA mandates that Sections 21083 and 21084 must be followed and those do not allow the City to simply overlook the impacts as raised in our correspondence. Section 21084 (a) authorizes the creation of the Article 19 exemptions contained within the CEQA Guidelines. However, subdivision (e) of Section 21084 specifically states that "**[n]o project that may cause a substantial adverse change in the significance of an historical resource, as specified in Section 21084.1, shall be exempted from this division pursuant to subdivision (a).**" Thus, as mandated by the CEQA statute and the CEQA Guidelines, no exemption can apply where historical resources are impacted. We do not believe the City has outlined adequate findings to support a categorical exemption under these circumstances.

We note once again that we have done our best with limited time and resources to address very serious concerns. We do this to reserve our rights and note our diligent efforts to do so in advance of this hearing. To the extent additional issues are raised that were not revealed prior to the meeting, we reserve any and all arguments as outlined in Government Code Section 65009(b)(1)(A).

Sincerely,

Electronically Signed
James and Ginger Pigott

Cc: Mayor Pougnet
Ken Lyon
Steve Roberts & Loren Bloch, Community Dynamics
Palm Springs Architectural Advisory Committee c/o Chairman Chris Sahlin
Rick Vila, Racquet Club Estates Neighborhood Association
Peter Moruzzi, The Palm Springs Modern Committee
Jim Isermann
Tom Carnase and Claire Victor
Brian Mcguire
Jim Moore
Doug Keeve & Mary Ann Webster

² There also may be question as to Section 15332(d) and the potential significant effects of this Development on traffic, noise, air quality and/or water quality. We have previously outlined concerns in these areas as well and any one of them might disqualify application of a categorical exemption.

330 East Molino Road
Palm Springs CA 92262
760 416 3061
jimisermann@earthlink.net
jimisermann.com



7 July 2009

Via Email
Palm Springs Planning Commission
c/o Jay Thompson, City Clerk
City of Palm Springs
3200 Tahquitz Canyon Way
Palm Springs CA 92263

Re: Case 3.3333 & Associated Files – 51-unit Project, 3130 North Indian Canyon Drive
Public Hearing 22 July 2009

I have been an active member of the Palm Springs community for twelve years. I served two terms/6 years on the Palm Springs Historic Site Preservation Board, 1999 – 2006, and 3 years on the Palm Springs Art Museum's Architecture and Design Council chairing their lecture committee. 2002 - 06. I purchased my 1962 Donald Wexler designed prefabricated steel home in 1997 and spent the better part of two years personally restoring the property. Mine was the third Steel Home to be restored, following Jim Moore and Douglas Keeve, which contributed greatly to the tipping point for the renaissance of the entire Racket Club Alexander neighborhood. I was intimately involved in the 1999-2000 effort to rebuff the regressive high-density housing project that would have unfairly ghettoized Palm Springs north end. That fight galvanized the disparate group of steel house homeowners to come together and support my successful effort to have the homes recognized as seven Class I Historic Sites by the Palm Springs Historic Site Board and subsequently, by a unanimous vote, approved by the Palm Spring City Council. The Steel Homes are one of the most significant achievements of Don Wexler's career, the all-steel home system made the post-war dream of mass-produced and affordable, architect designed, single family homes a reality in the north end of Palm Springs. In 2008 Donald Wexler received a star on Palm Springs walk of fame and was the recipient of the Palm Springs Modern Committee Lifetime Achievement Award, and in 2009 he was the subject of a feature length documentary on his life's work, Journeyman Architect, the life and work of Donald A. Wexler, FAIA.

Today 6 of the 7 steel homes have been extensively restored, and all are lovingly maintained. A new development threatens theirs and the neighborhood's continued lively hood. I am not alone to strongly wanting a successful and sympathetic market rate development on the lot directly adjacent to 5 of the Wexler Steel Homes. But the development as proposed is decidedly unsympathetic. I would like to bring several of the top issues to your attention. The key problem with 1999's Garden Springs project was its status as a PDD and the variances that allowed. I

330 East Molino Road
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do not believe that any development that backs directly up to 6 single-family homes should be granted variances of any kind. This must include but not be limited to variances for setbacks and for burying power lines. The unimaginative plan has lighted parking for nearly 100 plus cars directly along side the six homes' backyards. How can a covered, lighted carport be allowed within 5 feet of a single-family property? One of the alleged benefits of Class I designation is the requirement that any impact from proposed developments be carefully considered and weighed, yet no Environmental Impact Report has been deemed necessary for the proposed development. For more detailed impact I refer you to the well-articulated letter submitted by my dear neighbors James Pigott and Ginger Heyman Pigott.

Finally, Palm Springs is littered with foreclosed homes and half started housing projects, one directly across the street from the proposed project. If these now affordable homes remain unsold and the low demand for housing has shuttered promising developments how can a poorly envisioned, high density project proposed for one of the most windy and bleak corners of Palm Springs stand a chance. I repeat that I would love to support a well-designed, green project for the site. But the neighborhood deserves better than the current proposal. And certainly the target market for the property deserves far better.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Isermann", written over a light gray, textured background.

Jim Isermann

Cc: Mayor Pougnet
Ken Lyon
Steve Roberts & Loren Bloch, Community Dynamics
Rick Vila, Racquet Club Estates Neighborhood Association
Peter Moruzzi, The Palm Springs Modern Committee
Tom Carnase and Claire Victor
Brian Mcguire
Jim Moore
Doug Keeve
Mary Ann Webster

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2009 JUL -7 PM 4:20

JAMES THOMPSON
CITY CLERK

James & Ginger Pigott
P.O. Box 712755
Los Angeles, California 90071

jpigott@kernowpartners.com
gpigott@reedsmith.com

7 July 2009

Via Email

Palm Springs Planning Commission
c/o Jay Thompson, City Clerk
City of Palm Springs
3200 Tahquitz Canyon Way
Palm Springs CA 92263

Re: Case 3.3333 & Associated Files – 51-unit Project, 3130 North Indian Canyon Drive
Public Hearing 22 July 2009 – REQUEST FOR DENIAL AND/OR CONTINUANCE

Dear Members of the Palm Springs Planning Commission:

In follow-up to our letter of 29 June 2009, we write with some additional information that we believe further supports our request for a continuance and/or denial of your consideration of Case 3.333 (hereinafter referred to as the "Development"). As you know from our prior letter, we are unable attend the 22 July 2009 scheduled meeting. The timing is unfortunate because we are out of the country from the 14th of July through the 1st of August 2009.

Nonetheless, we are now informed by Chris Ewing of the Palm Springs Planning Department that you will not be in a position to respond to our request for continuance until the meeting itself. We are hoping that an exception might be made to allow for planning purposes, but in the meantime we were told we should expect the meeting's agenda will go forward and that you will consider the request in our absence. At a minimum, we hope that the agenda will be amended to allow for consideration of our request for continuance. Thus, we provide the following with the sincere hope that this matter can be continued for at least 60 days to allow all interested and impacted parties sufficient and reasonable time to address the serious issues we have identified with the proposed Development. We believe this is in the best interests for all involved.

In preparing this letter, with limited time, we have attempted to further highlight some of the immediate issues that have been revealed. We would like to note that upon review, the relevant case files held with the Planning Department for this project were somewhat confusingly maintained, though perhaps it was our inexperience in review of such material that led us to this conclusion. We also appear to have some incomplete copies of documents even though the full file was requested. Please accept this letter also as formal notice of our request that all documents and other communications in any way relating or referring to the Development be preserved (including emails and other electronic documents stored on devices such as, but not limited to, servers, laptops, thumb drives, cell phones, Blackberries or other portable devices etc.) as such are relevant to any future evaluation of the Development. We again note that we are in the process of seeking further experienced counsel to assess our rights, but the following outline should be sufficient to support our requested relief.

We also note that where documents have been quoted in this letter such documents can be found either in the Development's project file or on the City of Palm Springs website. Statutes and other authorities are cited where applicable. We would like to take this opportunity to thank Ken Lyon for his assistance and patience with our questions.

1. The Development has significant potential for failure to meet R-2 zoning code requirements.

For the purposes of clarity, the proposed medium density condominium Development is located on an R2 zoned, approximately 3.6 acre site, which directly abuts (on the entire eastern side) an existing R1 zone of single family dwellings, including five of the seven Class One Historic Wexler Steel Houses. The following analysis describes briefly some significant issues that seem to make it unlikely that the proposed Development would comply with the requirements of the zoning laws. For this reason alone the Planning Commission may choose to not approve the plans for the Development and/or continue consideration for a later meeting.

First, the proposed Development continues to struggle to comply with Palm Springs Zoning Code including but not limited to Section 92.03.03 (E)(2). This section provides that "[w]hen R-2 zoned property abuts R-1 zoned property, all structures within one hundred fifty (150) feet of the R-1 zone boundary line shall have a height of not greater than fifteen (15) feet and shall not exceed more than one (1) story. This setback line may vary by fifty (50) feet if the average setback is one hundred fifty (150) feet and the planning commission determines that no detrimental effects will result." Thus, the Development must comply and if it chooses to use an average setback, the Planning Commission must determine that no detrimental effect will result.

The problems here start with the Development's attempt to comply with the average setback of 150 feet. From the limited architectural plans (dated 22 May 2009) we have reviewed, it seems there will be nine "multiple unit blocks" in the Development, with varying setbacks from the existing R1 property line:

- Two 'multiple unit blocks' containing eight units each (16 in total) with a proposed two (2) story height of 23' 8" will be only **108' 9"** from the R1 property line
- Four 'multiple unit blocks' containing seven units each (28 in total) with a proposed two (2) story height of 23' 8" will be only approximately **121'** from the R1 property line
- Three 'multiple unit blocks' containing seven units in total with a proposed two (2) story height of 23' 8" will be **186' 1"** away from the R1 property line.

First, this does not appear to equal an average setback of 150 feet.¹ Furthermore, it appears these distances are also incorporating the 20% setback reliefs requested in Administrative Minor Modification (AMM) application 7.1320 (dated 19 March 2009), which we understand has not yet been granted. The AMM places units 6 feet nearer to the major thoroughfare on Indian Canyon Drive, with only 24 foot distance between the homes and the roadway. Thus, even if the plans did currently equal the average of 150 feet setback on the east side, the average may only work if the AMM is granted for the western side relief. However, in an email from Ken Lyon to Steve Roberts dated 8 April 2009, Mr. Lyon notes (with regard to back yards facing Indian Canyon) that they will be "uninhabitable due to road noise and wind." Is it therefore not reasonable to expect these same road noises and wind conditions to impact homes that are moved 6 feet nearer to Indian Canyon?²

¹ Based on the information above, the average is only 140 feet. We confirmed "average setback" means that one takes the distances for each of the nine buildings, adds them together and then divides by nine. We asked Community Dynamics to confirm these distances, but as of the date of this letter we have not received them.

² Indian Canyon is windy, busy, noisy and dangerous. Certainly no one will argue it is a major thoroughfare that even the developer refers to as "one of the City's significant north/south arterials." See 19 March 2009 Major Architectural Application ("MAJ") Exhibit B.1 page 1 of 3.

If the AMM is not granted it will mean the multiple unit blocks would have to be moved east to 6 feet nearer the existing R1 property line, further impacting the necessary 150 foot average setback. We see this AMM as being anything but "minor," and the whole design and possible future of the Development in its current form appears to hinge on the granting of AMM 7.1320.

It is our belief that the use of the AMM process for such a major design issue demonstrates that the Development's designers are intending to exploit and manipulate the average setback rule in a most deliberate and cynical manner; only by placing a small number of units (seven) at a large distance away from the R1 property line can the Development even hope to fall within the 150 foot average setback rule; only by seeking an AMM, which was filed on the same day as the Major Architectural Application³, can the Development hope to force the number of units onto the site to satisfy the claimed "economic need." A conservative estimate places at least 33 percent of the total unit space within 150 feet of the R1 property line with the consequent losses of privacy, views, lifestyle and property value.⁴ Surely this is the very reason why such a planning law exists, to protect existing and potentially affected homeowners in adjacent zones? We strongly encourage the Planning Commission to realize the disastrous and detrimental affect that this Development, with its attempt to squeeze a round peg into a square hole, will have on so many people.

For this reason alone, denial of or continuance of any action on the proposed Development should be considered. However, this is again only one of the serious issues we have uncovered in our review.

³ In addition to this questionable use of a purported AMM in conjunction with a MAJ, we note problems even within the MAJ itself. For example, on Page 11 (Anticipated Changes as a Result of the Proposal) of the MAJ 3.3333 date stamped 19 Mar 2009, question 11 "Change in scenic views or vistas from existing residential areas or public land/roads" has been ticked as a "no" by Community Dynamics. From review of the plans and lines of site from our home and our neighbors, this is clearly incorrect and the current uninterrupted San Jacinto mountain views to our west will be decimated by the 8 foot planting and 8 foot carports being proposed directly behind the R1 property line walls, and the 23' 8" two story buildings which will be 108' from the property line (not including the rooftop mounted A/C units now incorporated into the plans). Certainly the AAC was equally concerned about the impact on views urging that the trees on that side "do not block neighboring property owners' views of the mountains to the west." See Exhibit B.2 of the MAJ, the AAC comment No. 5 (page 2 of 5). The response to the comment suggests that the "screen landscaping is designed to block the neighboring properties' views of the carports and buildings, while at the same time maintaining the neighbors' views of the mountains to the west." Nonetheless, we quite reasonably question how it is possible that the western mountain views (including watching cars descend the mountain road from the Palm Springs Arial Tramway and the stunningly beautiful summertime sunsets) would not be impacted by the Development?

⁴ Here again, we note that the Development will have windows overlooking the R1 zoned properties. Is it reasonable to expect that the Development will place 24 foot trees in front of each of the east facing windows to address the privacy concerns? There has been no adequate answer to the impacts on the existing R1 properties to justify placing over 33% of the Development within the 150 foot setback zone (this percentage does not include the 100% of the carport structures that will be within the 150 foot setback zone). Similarly, the MAJ completed by Community Dynamics suggests that there may be insignificant impacts from an increase in ambient noise due to the Development. See Page 11 question 5. Yet, the Development seeks to add 51 homes and approximately 180 people with the cars, children and pets one would reasonably expect. The design places sufficient parking for 116 vehicles immediately behind the wall that divides the adjacent R1 properties from the Development. Engine noise, car alarms, slamming doors and the normal sounds of people coming and going (with some possible night shift workers) will certainly add considerable noise, as acknowledged by the AAC's 10 November 2008 review. The design documentation outlines seven open spaces that are intended to create areas for birthday and holiday celebrations, outdoor barbeques and other large gatherings that will no doubt add to the level of noise (not to mention the children's splash pool area and potential future multiple swimming pools). See MAJ Exhibit B.1 page 2 of 3. We are also concerned about the proposed location of the Development's dumpsters and the consequential use, collection and smells associated with the large amount of waste created by 180+ residents, their visitors and their activities.

2. **The Development fails to satisfy or comply with requirements of California Environmental Quality Act (CEQA)/Environmental Impact Report (EIR).**

In addition to the zoning questions, we next must look at the environmental impact of this Development. Yet, despite what seem obvious issues with the Development, there is no EIR in the files we were provided and Mr. Ewing indicated in our conversation that he did not believe a report had been completed. He suggested that perhaps a Negative Declaration or other process was undertaken, however, we do not see any documentation of a Negative Declaration nor have we seen any formal notice of such a process. The only documentation relative to CEQA that we have located in the files is in a memorandum from Ken Lyon to the AAC dated April 20 2009 where he states:

The environmental analysis has not been performed, however it is believed that the project may be deemed Categorical Exempt from CEQA as an infill development project.

We strongly disagree that the project "may be deemed" exempt from CEQA under any exception. Even a cursory analysis of CEQA mandates an entirely different conclusion and at a minimum requires additional steps to be taken. Clearly, the Development and the City must comply with the CEQA Statute codified in the California Public Resources Code Sections 21000-21177 (hereinafter "CEQA") and further outlined in the CEQA Guidelines located in the California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387 ("CEQA Guidelines"). Our own brief review of the relevant authorities confirms that CEQA not only applies here, but requires an EIR be completed. Moreover, the burden is on the City and the Development to comply with the statutes and to substantiate any alleged exemption. This burden may not have been met; we provide a brief overview.

First, we note that the definition of the term "environment" within the statute includes objects of historic significance. See CEQA § 21060.5. Designated Class One Historic homes are therefore included in the "environment" and thus subject to impact analysis pursuant to this statute. This is further supported throughout other applicable sections of the statute and guidelines. Furthermore, if one accepts Mr. Lyon's reference as to the type of project the Development might be under CEQA (an "Infill Project"), it still must comply with "all of the following criteria.... (g) [t]he project **does not** have a significant effect on historical resources pursuant to Section 21084.1 [of the Public Resources Code]." See CEQA § 21159.21 and subsection (g) and see CEQA Guidelines § 15192 (Threshold Requirements for Exemptions for Agricultural Housing, Affordable Housing, and Residential Infill Projects) (emphasis added).

Section 21084.1 as referred to in the above states that a project that "**may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.**" The Section goes on to outline that a historical resource is one that is eligible for listing in the California Register of Historical Resources. *Id.* Historical resources included in a local register of historical resources or deemed significant pursuant to criteria set forth in the code are also presumed historical resources for purposes of this section. *Id.* As we have outlined in our earlier letter, this Development is contiguous to and directly impacts the Class One Historic Wexler Steel homes both in the immediate short and long term.

Moreover, Section 21159.24 which defines an Infill Housing Exemption actually requires a list of several criteria **all of which must be met.** We note that it would appear that Section 21159.24 (a)(3) requiring compliance with Section 21159.21 (including subsection (g) outlined

above) and Section 21159.24 (a)(8), requiring an Infill project to be within 1/2 mile of a major transit stop⁵ as defined by CEQA, both prevent the proposed Development from being deemed exempt.

While this is by no means a full analysis of CEQA, it is intended only to support our request that this Development not be granted permission at this time. As with the zoning concerns, this alone should be sufficient to grant our request for a continuance. Yet, CEQA and zoning problems are only two of the places where our position finds support.

3. Documents reveal significant, acknowledged problems with the Development site configuration, size, location and design.

From the small amount of correspondence we have seen it is abundantly clear that the location of the proposed Development, including the limitations due to its size and layout, is causing all parties involved serious problems for which very few and even less adequate solutions have been proposed. By way of brief background, it seems the Development was first reviewed by the AAC on 10 November 2008, and they had a host of negative comments (as noted in Ken Lyon's memo to the AAC dated 20 April 2009 prior to a second review) including concerns over the entire site configuration with its "anti-neighborhood stance," the parking being all in one location leading to a messy "parking lot" feel making for "bad neighbors," and the project seeming too dense with inadequate open space for the number of units (which at the time was noted as being 52). The following is just a sampling of the issues raised – none of which seem to be adequately addressed in the current plans.

(a) An 8 April 2009 email from Ken Lyon to Steve Roberts of Community Dynamics states, "I think it is likely that the site plan will still receive some possible objections," before going on to list nine issue areas including the location of A/C units, the lack of a swimming pool, parking remaining in one location and the back elevations looking like "low income apartments." It concludes with Mr. Lyon stating that he was "just concerned that they're [the AAC] not going to be very receptive to a scheme that is still pretty much what they saw, and had objections to, before."

(b) In the 20 April 2009 memorandum referenced above, Ken Lyon notes his staff's analysis as to the Development revisions prepared by the Community Dynamics team:

The parking remains concentrated along the east half of the site,...the project's density remains roughly the same, and even though facades were revised as suggested the back side still has an "apartment appearance."

(c) In an email from Ken Lyon to Steve Roberts (20 April 2009) he outlines some of the AAC's comments from their review of the same day. Many concerns were again expressed with areas such as landscaping, wall heights, color palettes and solar issues with certain patios etc. More seriously however, Doug Hudson noted that the site was still problematic, with the newly revised carport separation a "too small" gesture to earlier comments, and the scheme was still

⁵ This Development does not appear to be within 1/2 mile of a major transit stop as defined under Section 21064.3 requiring that there is an "intersection of **two or more** major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." (Emphasis added). At best, Sunline Transit Agency has one line that services the neighborhood and frequency intervals are not 15 minutes or less based on their printed schedule. Indeed, in commenting on the need for adequate on-site parking Mr. Roberts of Community Dynamics admits that the Development is located in a currently under-resourced area of North Palm Springs stating that there are "limited opportunities to walk to work/shopping at this location, and **limited public transportation.**" See email from Steve Roberts to Ken Lyon dated 28 April 2009 (emphasis added). Furthermore, the MAJ also confirms one bus line that would be accessible from the project. See MAJ Exhibit B.1 Page 2 of 3.

"dreadful." AAC Chairman Chris Sahlin was noted as commenting that the site plan was still an issue and problematic. The AAC Motion at that time was for restudy by a vote of 5-0-1, with Community Dynamics to take into account all of the comments, with the site plan issues "woefully under designed."

(d) In an email from Ken Lyon to Dale Cook dated 21 April 2009 it is noted that "the project was not received well at the pre-app [by the AAC], and was not well received again today" and that "thus far, there seems to be resistance from the applicant/developer to respond to the site conditions and suggestions from both Staff and the AAC."

(e) In email correspondence between Ken Lyon and Steve Roberts (27/28 April 2009), Mr. Roberts states that "we're concerned that the staff analysis dated 4.20.09 was largely critical of the design and focused on areas where changes had not been made....".

(f) Finally, on June 8th, although nothing much appears to have changed, the AAC approved the plan (with condition of creating a pedestrian path between back to back courtyards) with a vote of 3-1, but commented that it was "still too dense" and the "rear patios don't work."

We fail to understand how the plan had changed so significantly from the November 2008 design, to the one currently being considered today, that it warranted AAC approval. The parking lot is still concentrated on the eastern side of the site with its inherent light, noise and pollution problems for existing adjacent homes; the overall plan for the units is still too dense; the redesigned grey, stucco cubes⁶ do nothing to improve the Development design or improve the appearance of the local community; the A/C unit issue has been resolved by placing them on the roofs adding to the height of the structures which of course will be a further impact on views (and please imagine the noise created by 51 A/C units running during the summer); a swimming pool has still not been installed, creating the high risk of children entering and using the adjacent properties' pools, unsupervised, with the related dangers.

Since nothing has really changed since November and in fact some of the proposed solutions raise other significant problems, we are left wondering when and why did this Development design suddenly stop being problematic as well-documented in the files? When did it stop being too dense, stop being dreadful and stop being anti-neighborhood? When and why did it become acceptable for potential owners, the local community and Palm Springs as a whole? From our perspective, which we believe is shared by many others, the answer is that the Development has not addressed those problems and should not be permitted to seek planning approval. In fact, due to the size and configuration of the lot and the commensurate zoning requirements and environmental impacts, we believe this proposed Development will always struggle (if not fail) to meet the applicable requirements.

4. The process and documents to date raise significant concerns regarding future attempts to alter the design, configuration and/or the overall zone/designation of the Development to the detriment of the local community.

With the previously mentioned problems the Development has in satisfying the targets and remits of all involved, we are concerned that attempts will be made to subsequently request reliefs and to use other such "tools" that are available, which would have further negative impacts on the local community and environment. This concern is not without support and

⁶ We note with humor the reference to the proposed steel carports as being designed to "complement the vocabulary of the nearby Wexler steel homes" and further how the architecture as currently proposed pays "homage to the modernist context evident in the area." See MAJ Exhibit B.1 pages 1-2 of 3.

indeed examples of this thought process exist in official files we have reviewed (and we suspect more would be revealed in the documents not currently shared with the public). By way of brief example, we provide the following highlights:

(a) An email dated 21 April 2009 in which Ken Lyon comments in relation to the applicant having problems satisfying the AAC that "this is one of those projects that would benefit greatly if it were switched to a PDD to give them some flexibility in the setbacks."

(b) In a subsequent email from John Raymond to Ken Lyon dated 26 April Mr. Raymond notes:

...but moving parking up to Indian and pushing some of the buildings to the back of the property is asking for an entitlement disaster. You know that the property is R-2 adjacent to R-1 (the historic Wexler steel homes). I think the code requires that there be a 150' separation between the property line and a two-story building. I think they used the average setback to comply.

He then discusses the issues relating to processing a PDD and comments:

...that's where the disaster starts. You know there is still some anxiety about the project from the adjacent owners, but one of the things we were very clear about in putting the RFP together was to respect that setback. You weren't here in 1999/2000 - I was.

Mr. Raymond then recalls his experience of that process and concludes:

In 15 years there, it was the ugliest set of Council meetings I attended.... It was the memory of that experience that lead us to do an RFP for for-sale, moderate income housing rather than another attempt at low-income rental housing. But it hasn't been as easy as we expected and there are still project opponents.

(c) In an undated and untitled agenda (on City of Palm Springs headed paper) held in the file there is an item called "Consider AMM to add a unit (53 units)," and also a heading "Cost saving opportunities" beneath which the notes "[a]dd one to two units back into the project" and "[d]elete some off-street parking spaces."

(d) An email from Ken Lyon to Steve Roberts dated 27 April 2009:

...since you have already engaged the AMM application, it may behoove you to exercise as many of the other minor modifications that are permissible under that ordinance section to help you.... Specifically Item A1, the addition of one more dwelling unit when additional lot size permits, and A6, the reduction in the amount of off-street parking.

We are nervous that the intention of the applicant/developer is to have the Development approved with the narrowest of design tolerances, and then hope to expand their plans through the use of AMMs and other "claw back" devices, and that such processes and decisions would require significant resources on our behalf to monitor and understand what was happening and how it would further impact us and others. We are disappointed as to why a project that should be such a positive and exciting thing for Palm Springs (the creation of new and affordable homes for moderate income families) is being treated in such a way with absolutely no input from those it is trying to serve i.e. the community. One can only be left with an underlying feeling of a lack of transparency and open dialogue, and foresee real potential for negative publicity and more importantly, great emotional and financial cost for so many.

As noted in our previous letter we support Palm Springs with its goal of providing affordable housing for moderate income, local families who work to provide the City with many of its essential services. We simply want to see that these families are provided with homes that are designed, developed and supported to a standard that many of us are fortunate enough to enjoy, and that the construction of these homes does not impact existing communities unnecessarily. This Development appears to ignore this simple philosophy on all levels, and the attempts to place the near maximum number of dwellings onto this already compromised site bodes ill for all concerned. As we highlighted in our last letter, with so many half-finished and abandoned lots that line our streets, we are not without precedent to be concerned about where this one ends.

We are reasonable people and members of a community who believe that a far simpler and less intensive development plan would generate nothing but positive publicity for the City of Palm Springs, proving that affordable housing projects can stimulate real excitement, real passion and real profits in a true environmentally aware and sustainable manner.

We appreciate your consideration of this material. As noted, we hope to have an opportunity to present a fuller analysis, but more importantly hope that you will require that any proposed Development fully satisfy the requirements mandated by all relevant statutes and codes and that as an overriding point the City will think carefully about whether this Development makes the most sense in this location and, more crucially, for the citizens it seeks to serve.

Finally, after reviewing a number of emails, we noticed at the bottom of Ken Lyon's signature a quotation by Daniel Burnham, Architect and Planner:

Make no small plans; they have no magic to stir men's blood and probably won't be realized. Make big plans; aim high in your work and in hope. Let your watchword be Order, and your beacon beauty.

Sincerely,

James and Ginger Pigott

Cc: Mayor Pougnet
Ken Lyon
Steve Roberts & Loren Bloch, Community Dynamics
Palm Springs Architectural Advisory Committee c/o Chairman Chris Sahlin
Rick Vila, Racquet Club Estates Neighborhood Association
Peter Moruzzi, The Palm Springs Modern Committee
Jim Isermann
Tom Carnase and Claire Victor
Brian Mcguire
Jim Moore
Doug Keeve
Mary Ann Webster

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2009 JUN 29 PM 2:54

JAMES THOMPSON
CITY CLERK

James & Ginger Pigott
P.O. Box 712755
Los Angeles, California 90071

jpigott@kernowpartners.com
gpigott@reedsmith.com

29 June 2009

Via Hand Delivery & Email

Palm Springs Planning Commission
c/o Jay Thompson, City Clerk
City of Palm Springs
3200 Tahquitz Canyon Way
Palm Springs CA 92263

Re: Case 3.3333 – 51-unit Project, 3130 North Indian Canyon Drive
(a) Public Hearing 22 July 2009 – REQUEST FOR DENIAL AND/OR CONTINUANCE
(b) AAC Approval 8 June 2009 – REQUEST FOR APPEAL PROCESS DETAILS

Dear Members of the Palm Springs Planning Commission:

We write to request your attention on items relating to the project identified as Case 3.3333 above (hereinafter referred to as the "Development"). The Development involves land currently owned by the Community Redevelopment Agency for the City of Palm Springs and planned for development by Santa Monica based construction company Community Dynamics LLC. We are owners of one of the seven Historic Class One 'Donald Wexler Steel Homes', and our property at 3133 N. Sunnyview Drive is directly adjacent to the east of the proposed site of 51 medium density for sale condominiums on the 3.6 acre parcel on Indian Canyon/San Rafael.

First, we write to request that consideration of this Development be removed from the 22 July 2009 Planning Commission agenda and that it be pushed back for a minimum of 60 days to allow us sufficient and reasonable time to investigate and address some of the items we will outline below, and to be present at such later meeting.

Second, we write to request information on any applicable process to appeal the approval of the Architectural Advisory Committee (AAC) that we understand was given to the Development without our prior notice or participation on or about 8 June 2009 (AAC Agenda Item #3).

Finally, we write to clarify some of our issues with respect to the Development and to note that we are further requesting to review the plans for the Development including but not limited to the Environmental Assessment Report and any Environmental Impact Report that was completed. We urge your timely consideration of these requests and look forward to hearing from you.

As stated above, we request that the Planning Commission's consideration of the Development be removed from the current July agenda and rescheduled. We believe good cause exists to grant this continuance because we have not yet had a meaningful opportunity to raise our unqualified opposition to the Development with the City of Palm Springs, and feel that any approval of the Development at this time is premature and fraught with potential issues for all involved. There is no doubt that our property, environment, lifestyle and financial position will be severely impacted should this Development be allowed to continue.

Some background information may be relevant to your decision. On the 18th of June 2009 we attended a second meeting scheduled by Community Dynamics to discuss the architectural elements of the proposed Development. While there had been an introductory meeting in October 2008, we believed that our concerns would have been addressed or at least we would have been provided with notice of any further activity. However, at this most recent meeting we were informed that without any notice to us the plans (which were dramatically different to the first designs we were shown in 2008), had received AAC approval and that full planning consent was being sought in July 2009. However, as in the previous meeting, we left with more questions (and concerns) than answers. Nonetheless, we fully expected a detailed briefing by the Community Redevelopment Agency or other City representative. Unfortunately this communication has not taken place and we discovered (by chance) that a Planning Commission Public Meeting is scheduled for the 22nd of July 2009, where we would have only 3 minutes to explain our objections to the Development.

In light of the timing of our notice, and lack of reasonable communication from the City, we request that any discussion and/or decision on the Development be continued at least 60 days to a later scheduled meeting to allow us and our representative adequate time to prepare for, be present, and participate in the process. Also, we are scheduled to be out of the country making it impossible for us to attend the July meeting. We are not familiar with the elements or timetable involved in approving a Development such as this, but we suspect the impact to the community, and the adjacent homeowners in particular, will be significant and long-lasting and justifies the brief delay we are seeking. We write only to reserve our rights and to assure that our voices can be heard in this process. We are undertaking to have all of our concerns evaluated further by legal counsel to ensure our rights are protected. We also request to be heard more fully and we outline herein some of our more significant issues, though this by no means is a full and complete list.

1. There has been zero communication from the City as to the basis for the Development. From the little we have been able to learn there are a number of red flags including significant interference with views, negative effects on property values, problems with adequacy of the project to comply with its own objectives and a complete lack of justification to the community at large for the environmental impact such a development will have at this location. At present it is unclear as to whether any form of Environmental Impact Study has been made, which would surely have to be considered given the large increase in local residents and vehicle traffic, and the lack of current adequate infrastructure within this immediate area of North Palm Springs.
2. The construction of the Development is scheduled to take place over a period of approximately 18 months with a possible start date of March 2010 (according to Community Dynamics). During this time there will be loss of use and/or loss of enjoyment of the adjacent properties and other homes nearby, large volumes of trash, noise, dust pollution and other general construction related disruption. There will be loss of revenue for those properties in the vicinity that lease or rent, and sale of a home will be impossible during the construction phase.
3. For the city at large, the seven historically significant Steel Homes are visited on a daily basis by a staggering number of individuals and tours almost year round. The Development's construction will impact visitors' ability to enjoy and take in these homes in their environment, with the unobstructed and dramatic mountain views obscured by dust and construction equipment.
4. There have been no assurances or even explanation as to how the Development will be financed and that it can be completed in full without ending like so many half finished construction projects that litter both the close and distant landscape in Palm Springs.

Notwithstanding the impact on the appearance of the community (and one of the main entry routes into Palm Springs) there are the attendant safety, health and financial concerns of a building project standing incomplete for a prolonged period. Dramatic examples of this can be observed even in the small vicinity near our home; the abandoned Racquet Club development, part completion of the Palermo site etc.

5. Based on the drawings we have seen, the existing homes directly adjacent to the Development will be dramatically overlooked with massive increases in noise, light, trash and other forms of pollution, a complete loss of currently enjoyed privacy and a very probable diminution of value. The majority of the Wexler Steel Homes have been saved from total ruin and brought back to life at considerable private expense. They bring publicity and recognition to Palm Springs and the Racquet Club Estates, and we are fearful that these one-of-a-kind homes will be irrevocably impacted by this proposed Development.

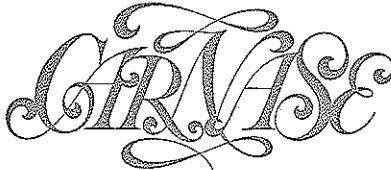
In summary, if the City's target is to address the needs of moderate income families there are far more immediate, environmentally supportive and lower impact alternatives. In fact, the proposed site does not appear to fit the subject criteria on any level; the nearby roads are notoriously dangerous (a person was recently killed at the signal on Indian/San Rafael) and we would imagine not suitable for children. The infamous strong winds which affect the area between March and June every year will make some of the properties quite unbearable, and the homes appear to offer very little space for families to be private and for children to play. We wholeheartedly support the endeavor to provide affordable housing throughout the City of Palm Springs, but fail to understand why it is deemed acceptable by the AAC that hard working families earning moderate incomes should be subjected to such conditions in a compromised location. The Development currently represents another wasted opportunity for a city to show real leadership, vision, imagination and complete environmental awareness and we strongly urge all involved to ask themselves one simple question; is this the very best we can do for the citizens, the visitors and the future of Palm Springs?

This outline is not intended as our full analysis of the issues the Development raises. We simply write to request that our legitimate concerns be addressed and that the proper parties understand our intention to assert our rights with respect to opposing the Development. We welcome the opportunity to be involved in this process and appreciate any consideration to our requests that may be given.

Sincerely,


James and Ginger Pigott

Cc: Mayor Pougnet
Ken Lyon
Steve Roberts & Loren Bloch, Community Dynamics
Palm Springs Architectural Advisory Committee c/o Chairman Chris Sahlin
Rick Vila, Racquet Club Estates Neighborhood Association
Peter Moruzzi, The Palm Springs Modern Committee
Jim Isermann
Tom Carnase and Claire Victor
Brian Mcguire



300 East Molino Road Palm Springs, CA 92262

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2009 JUN 29 PM 2:53

6/29/09

Palm Springs Planning Commission
James Thompson, City Clerk
3200 East Tahquitz Canyon Way
Palm Springs, CA 92263

JAMES THOMPSON
CITY CLERK

Please circulate copies to City Planning Commission Members

PROPOSED COMMUNITY TOWN HOMES AT INDIAN CANYON DRIVE AND SAN RAPHAEL ROAD
51 Unit Affordable Public Housing Case 3.3333 Public Hearing - July 22, 2009

I find it difficult to understand how successful sales will occur during this challenging period of economic stress. Within eyesight there are two unfinished projects and several more north and east from here. Why build another travesty?

R-2 zoning means medium density multi-family. 51 units with an average of 3 people per family = 153 population plus pets, visitors and 1 1/2 vehicles per household. High density?

There are several R-2 properties in this area -- sharing them will also help lessen the density. Or, single story units similar to those diagonally across the street, west of Simms Road, should be considered the ideal R-1 direction to follow and will probably satisfy all parties. Think horizontal not vertical!

Also, consider that Indian Canyon Drive and San Raphael Road are very dangerous traffic flow areas. Child safety can be a hazardous risk!

Being a retired New York designer, I understand renderings that exemplify view sight lines. Some are misleading since they depend purely on where one is standing and topography. It has been recommended that the air conditioning units be installed on the rooftops. Obstruction will increase accordingly!

The proposed Yellow Oleander (not even native) plantings along the property line wall will be measured to one foot above the cement block line -- now, before they are trimmed again, they will probably grow two feet (or more) further contributing to obstructing mountain views while requiring expensive maintenance and deep irrigation. Also, according to plans, trash bins that are positioned too close to the property line and barbecue stoves, both, will blow unhealthy fumes downwind into our historic homes and neighborhood.

This proposed development is much too congested and the stark-like design certainly doesn't offer public benefits or a sense of community. Indian Canyon Drive is one of the gateways to Palm Springs. I must question what kind of presentation this is for visitors to see?

These unique Wexler modernist steel homes, of protected status, are an attraction to people for viewing from all over the world and that contributes to the economy of Palm Springs. On almost a daily basis we see tours. Let's be thankful of our city for being blessed with such an exciting rich heritage! As historic sites (and works of art) it is noteworthy that the surrounding areas have little obstruction and open space to foster their civic beauty. As proud owners, great expense and effort has already been expended to restore and maintain these wonderful specimens with hopes that they will endure for future generations to enjoy.

The above comments make reasonable sense yet if this project moves forward without revision the results will introduce a detriment to the Palm Springs future. We love this city and hope you will support us as well.

Respectfully,

Thomas Carnase
300 East Molino Road
Palm Springs, CA 92262

Owner: 1962 Class I Historic Site, Wexler Folded Roof Steel Home.

24 June 2009

Palm Springs Planning Commission
c/o Jay Thompson, City Clerk
City of Palm Springs
3200 Tahquitz Canyon Way
Palm Springs CA 92263

RECEIVED
CITY OF PALM SPRINGS

2009 JUN 25 AM 8:47

JAMES THOMPSON
CITY CLERK

Re:

Case 3.3333

51-unit Affordable Condos, 3130 North Indian Canyon Drive
Public Hearing 22 July 2009

Dear Palm Springs Planning Commission:

I am a property owner at 3125 North Sunny View Drive, which is one of the Wexler-designed all-steel homes that are designated Class One Historic Sites. I am writing in regard to the planned R2 development (referenced above) adjacent to my R1 property. I am not a proponent of this seemingly unnecessary project, but I am aware that it may become a reality and hence wish to relay several requests to the Commission.

Setback and View Issues

- o Problem – Given the minimum setback of 108 feet between the closest condo structure and the shared property line, condo occupants looking east out of their second story window will be able to see everything that is going on around my pool (which is in my side yard). This is unacceptable.
- o Solution – Either eliminate the second-story windows of each end unit looking east, or alternatively make them clerestory: high windows at the ceiling above eye level that provide light into the room and permit the occupants to see the mountains to the east but not to look down into our yards.

Placement of Dumpsters

- o Problem – According to existing drawings, the trash dumpsters of the proposed development are at the far eastern end of the property, placing them closer to my house (which is downwind) than to the condos (which are upwind). Given the northwesterly winds and the certainty of blowing trash and smell emanating from the dumpsters, this is unacceptable.
- o Solution – I see numerous alternative locations for the dumpsters that place them equidistant between the condos and the adjacent R1 neighborhood, such as at the ends of the westerly row of parking slots.

Carports and Lighting

- o Problem – The height of the carport roofs will be 8 feet (2 feet higher than the existing property line walls). Carport lighting will be installed on the ceilings, creating the potential for glare under our view of the mountains. The planned

hedges between the carports and the wall are themselves problematic (see below).

- o Solution – Build the eastern carports below grade by 2 feet, making the roofline of the carport flush with the top of the existing wall. The carports themselves and any light emanating from them will be totally obscured without the need for the hedges. I understand that there will be underground storm water retention tanks, which should take care of drainage issues.

Landscaping

- o Problem – The inappropriate choice of landscape vegetation will create the chronic problem of leaves, twigs, plant debris, etc blowing into our yards by the prevailing northwesterly winds—notably from (but not limited to) the high hedges planned between the easterly carports and the property line wall.
- o Solution – Every plant species must be carefully chosen to eliminate dropping leaves and other litter. This approach will of course also benefit the condos by decreasing ground maintenance.

Power Lines

- o Problem – It is my understanding that the developer plans to submerge the existing power lines to their west along Indian Canyon and to their north along San Rafael, but not to the east (those serving the adjacent R1 neighborhood).
- o Solution – Given the adulteration of our view of the mountains and the decrement to our quality of life that this condo development will incur, it seems only fair that the developer submerge our power lines along with the others that they are already intending to submerge. This would be the only quantifiable “plus” to an otherwise devastating alteration to our neighborhood.

I hope that the above thoughts are helpful.

Respectfully,

Brian W. McGuire
PO Box 1613
Thousand Oaks CA 91358

bmcguire98443@roadrunner.com

19 June 2009

Steve Roberts, Vice President of Development
Community Dynamics
2800 Twenty-eighth Street, Suite 206
Santa Monica CA 90405

Dear Steve,

Thank you for the time that you and your colleague Loren gave our neighborhood group last evening. Please share this letter with him. I am also copying Ken Lyon of the Palm Springs Planning Department for his information.

I have been giving some thought to what are the major issues from my perspective and hope that providing potential solutions is more constructive than just pointing out problems. Below are three issues with some of my thoughts for a work-around.

Setback and View Issues

- Problem -First of all, "average setback" is an inappropriate and misleading statistic. What is relevant to any house in question is the *actual* setback of the structure immediately adjacent to it. If that setback is 108 feet—or whatever—that is what should be cited, not the average of 150 feet. And unfortunately the sight-line studies that were presented are flawed for too many reasons to go into. From the end of my pool, I can see the stop sign at the corner of Simms and Indian Canyon (which is maybe 8 feet tall) over my wall. So there is no way that occupants looking east out their second story window will not be able to see everything that is going on around my pool—especially with a 108-foot setback. That is unacceptable.
- Solution – Make every second-story window looking east toward the steel houses clerestory windows: high windows at the ceiling above eye level that provide light into the room and permit the occupants to see the mountains to the east but not to look down into our back yards. This is an easy fix.

Carports and Lighting and Hedges

- Problem – As I understand it, the height of the carport roofs will be 8 feet (approximately 2 feet higher than the existing property line walls). Carport lighting will be installed on the ceilings, pointing downwards. But until the planned hedges in between grow to a height of 8 feet, there will be a 2-foot strip of light shining over our walls creating glare and light pollution. (The hedges themselves are discussed below.) Even if the carports have some kind of back wall, there will be an ugly 2-foot strip of building visible.
- Solution – Build the eastern carports below grade by 2 feet. That way the roofline of the carport will be flush with the top of the existing wall, and the carports themselves and any light emanating from them will be totally obscured. You will have to grade down anyway, as there is a deep accumulation of sand

and debris against these walls. Just dig 2 feet deeper and install adequate drains. That will also avoid runoff from your property to ours through the "weepholes" at the base of the walls. This is also an easy fix.

Hedges and Landscaping in General

- Problem – As I articulated very clearly in the meeting, one of my biggest concerns is the chronic potential for leaves, twigs, plant debris, etc blowing into our yards by the prevailing northwestern winds due to inappropriate choice of vegetation. Oleanders are perhaps one of the worst possible selections.
- Solution – If the below-grade approach is taken for the carports as suggested above, the hedges immediately adjacent to our walls will not even be necessary. However, as everything originating in your complex will be blowing from northwest to southeast, it is important that every plant species be carefully chosen to minimize leaves and other litter. This approach will of course also benefit the condos by decreasing ground maintenance.

Additionally, I don't believe there was any discussion about where trash dumpsters are to be located, with the concern not only of blowing winds but also of hygiene. *Don't even think* about putting them *anywhere close* to that eastern wall. Enough said.

I hope that the above thoughts are helpful.

Sincerely,

Brian W. McGuire
PO Box 1613
Thousand Oaks CA 91358