



300 East Molino Road Palm Springs, CA 92262

9/24/09

Palm Springs Planning Commission
Ken Lyon, Associate Planner
3200 East Tahquitz Canyon Way
Palm Springs, CA 92263

PLEASE CIRCULATE TO PLANNING COMMISSION MEMBERS
INCLUDE AS PUBLIC RECORD

Re: Case 5.1231 PD 356 - 51 unit Project, 3130 North Indian Canyon Drive

Dear Mr. Lyon,

In reference to and as the owner of a Class One Historic Wexler Steel Home I whole heartedly support the letter submitted September 23, 09 by James and Ginger Pigott, requesting suspension of application activities to address further explanation and to hopefully resolve outstanding issues.

As permanent residents, our privacy will be eliminated and our retirement will have vanished due to congestion, noise and pollution that will come from the housing next door. Here is a perfect opportunity to propose a community with an innovative direction, the way Mr. Wexler did in 1962. His designs were modular, pre-fabricated and for middle income families. They were beautifully built at that time and even more beautiful today. Set an example for the rest of the country to show what "sustainability" and "green" really means rather than reciting two words that happen to be in vogue at the moment!

Thank you,

Thomas Carnase

Owner: 1962 Class 1 Historic Site, Wexler Folded Roof Steel Home.

RECEIVED

SEP 24 2009

**PLANNING SERVICES
DEPARTMENT**

24 September 2009

David Ready, City Manager
City of Palm Springs
3200 Tahquitz Canyon Way
Palm Springs CA 92263

RE: Case 5.1231 PD 356 (Condo Development, 3130 North Indian Canyon Drive)

Dear Mr. Ready,

With regard to the request submitted by Ginger Heyman Pigott and James Pigott for suspension of the application filed by Community Dynamics, please be advised that I also support this requested action. I live adjacent to the parcel in question in another of the Wexler steel houses. Please reference my previous letters to the City dated 22 September 2008, 19 October 2008, 24 June 2009, 14 July 2009, and 7 September 2009.

There are too many things wrong with this project for a 3-minute sound-byte or an e-mail to adequately articulate. But the cumulative message is as follows:

- This project does not serve the intended residents of the proposed condos.
- This project does not serve the environment.
- This project does not serve the long-term interests of Palm Springs.
- This project does irreparable harm to the current residents of this neighborhood through diminution of property values, loss of privacy, decrement in quality of life, adulteration of an historic neighborhood, and slumification of the north end of Palm Springs through a development of inappropriate density that is not even needed.
- This project only serves an out-of-town developer, who for some reason is being allowed to inappropriately utilize the PD designation in order to sidestep building codes, to cynically exploit loopholes, to generate inaccurate documents and misleading simulations, and to ignore constructive input.

I feel that a hearing on October 14 is premature given the many flaws in the project and that a delay is essential so that all of the issues enumerated in the Pigott's letter—plus those I list above—may be fully explored and understood. And quite possibly, a better project may emerge.

Thank you for your consideration of this request.

Sincerely,

Brian McGuire PhD
bmcguire98443@roadrunner.com

3125 North Sunny View Drive, Palm Springs CA 92262
or
PO Box 1613, Thousand Oaks CA 91358



Racquet Club Estates Neighborhood Organization

9/24/2010

TO: The Planning Commission
City of Palm Springs
3200 Tahquitz Canyon
Palm Springs, CA 92262

FROM: Racquet Club Estates Neighborhood Organization (RCENO)
801 E. Francis Dr.
Palm Springs, CA 92262

RE: Case 3.333. (Proposed housing development, 3130 N. Indian Canyon Road)

Dear Planning Commissioners,

As you know the proposed development at 3130 n. Indian canyon, bordering the northwest corner of our neighborhood, has generated a significant amount of interest and concern in the community. While there are various complex issues involved with this project there is one position that we can strongly state now. That is that the Wexler Steel Houses affected by the proposed development are a significant cultural and historic resource for Palm Springs, and that any development adjacent to them should be overseen with the utmost sensitivity and care to not diminish their unique aesthetic. The Steel Homes have Class One Historic Designation and are of continuous and particular interest to visitors from all over the world and a source of pride to our neighborhood and the city of Palm Springs. One of the Steel Houses was a great attraction on our modern homes tour earlier this year (and has been published), and it and others have been featured in many architectural home tours in the past. The specialness of these homes cannot be overstated. In that light we sincerely hope that the city will make every effort to understand the importance of the houses' surrounding environment and work to affect it to the benefit of their preservation and appreciation as a valuable piece of Palm Springs heritage.

Racquet Club Estates Neighborhood Organization Board of Advisers
Nat Gozzano, Board Member

A handwritten signature in black ink, appearing to read "Nat Gozzano", is written over the typed name of the board member.

RECEIVED

OCT 01 2009

PLANNING SERVICES
DEPARTMENT

**Claire Victor
300 East Molino Road
Palm Springs, CA 92262**

VIA EMAIL

September 25, 2009

David Ready, City Manager
City of Palm Springs
3200 Tahquitz Canyon Way
Palm Springs CA 92263

Re: Case 5.1231 PD 356 & Associated Files – 51-unit Project, 3130 North Indian Canyon Drive

REQUEST FOR SUSPENSION OF APPLICATION ACTIVITIES

Dear Mr. Ready:

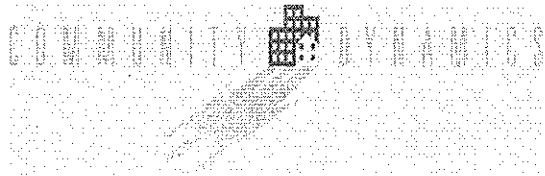
I am writing to you today to let you know that I also support James and Ginger Pigott's request for suspension of application activities. The Pigott's have clearly outlined some of our many questions and concerns about this project, and while I have already stated my views in my August 17, 2009 letter to the Planning Commission I want to stress again that I am not opposed to moderate income housing, but to the density and ill conceived design that will only satisfy the developer.

This is such an opportunity for Palm Springs to show the world that they are again a leader in cutting edge and "green" architectural design for all people. The fact that the property abuts class one historic houses is an obvious opportunity to do something that complements those houses, enhances the area and makes it a great neighborhood for everyone living there. Let's come together and work towards taking that opportunity!

Respectfully,

Claire Victor

cc: Mayor Steve Pougnet, Mayor Pro Tem Chris Mills, Councilmember Ginny Foat, Councilmember Rick Hutcheson, Councilmember Lee Weigel, Palm Springs Planning Commission, Ken Lyon, Dale Cook, Jim Isermann, Tom Carnase, Brian McGuire, Mary Ann Webster and Doug Keeve, Jim Moore



September 28, 2009

David H. Ready, City Manager
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92263
760-322-8350

Via E-Mail

Re: Case 5.1231 PD 356 – 51 Townhomes for Moderate Income Households at Indian Canyon and San Rafael

Dear David,

We are writing in response to a letter you received from James and Ginger Pigott dated September 23 regarding the above referenced development.

In September, 2007, Community Dynamics responded to a Request for Qualifications and Conceptual Proposals issued by John Raymond of the Community Redevelopment Agency for sustainable, moderate income housing at the above referenced site. In May, 2008, the Redevelopment Agency Board reviewed staff's recommendation and instructed them to enter into an exclusive negotiation with our firm with the intent of delivering approximately 52 townhomes affordable to moderate income families who might otherwise be excluded from homeownership in the Palm Springs market. While John has since left the Agency, we have continued to work closely with Agency and City staff, and have consistently endeavored to reach out to the neighbors of the site.

Specifically, we notified and met with our immediate neighbors at the Wexler steel homes, and notified leaders, and met with responding members of, the Racquet Club Estates, Racquet Club West and Desert Highland Gateway Estates neighborhood organizations in October, 2008 and June, 2009. Our development was originally scheduled for a Planning Commission hearing in July, but certain members of the community advised that they hadn't had sufficient time to respond and requested a 60 day delay. In an effort to ensure that we had reached out to affected members of the community, we supported their request and recommended a continuance. During that period, we sent out a notice to

property owners within a 400 foot radius of the project site, inviting them to yet another community meeting this last September 3.

All of these meetings were modestly attended, though several of the Wexler neighbors understandably attended them all. Members from the adjacent neighborhood groups who took the time to attend the community meetings were reasonably receptive, and primarily expressed concerns with reference to left turn traffic on Indian Canyon both at Simms and San Rafael. Engineering has since advised that they will be conditioning the project for the construction of a median along the Indian Canyon frontage with left turn pockets, which will improve traffic safety in the area and address this community concern.

The Wexler neighbors have expressed primary concern regarding the density, which they regard as being too high, parking and traffic in the neighborhood, possible spillover lighting from our carports and possible impacts on their privacy and views of the mountains.

Please note that the R-2 zone, which is consistent with the General Plan's Land Use Element, would allow up to 53 units, and we are applying for approval of 51 homes under a PD application which will go to Council for final approval. The economies of scale associated with a project of this size are essential to the generation of affordability for moderate income households and the viability of this development.

Our parking exceeds that required by the City's zoning. The City's strict outdoor lighting ordinance ensures the delivery of full cutoff lighting, and we have promised the neighbors to keep them informed of our design programming in this regard throughout the development of construction documentation. Finally, we have contracted with our civil engineers and a local contractor to stake and erect story poles and prepare a scaled and accurate photo simulation of the neighbors' future views in advance of the scheduled Planning Commission hearing on October 14.

Both we and your staff have worked diligently to bring high quality and much needed affordable housing to the Palm Springs community. It is past time to bring it to the Commission, and we look forward to the October 14 hearing.

We appreciate the Agency's courage and vision. Both Loren Bloch, our President, and I are available to meet with you and any member of your staff in the event you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Stephen Roberts". The signature is written in a cursive style with a horizontal line extending to the right.

Stephen Roberts
Vice President, Development

cc: Hon Steve. Pougnet, Mayor
Mayor Pro Tem Chris Mills
Councilmember Ginny Foat
Councilmember Rick Hutcheson
Councilmember Lee Weigel
Palm Springs Planning Commission
Ken Lyon
Dale Cook

Ken Lyon

From: James Pigott [jpigott@kernowpartners.com]
Sent: Tuesday, September 29, 2009 5:52 PM
To: Steve Roberts
Cc: Ginger Heyman Pigott; Thomas Carnase; Claire Victor; Jim Isermann; bmcguire98443@roadrunner.com; Mary Ann Webster; Doug Keeve; Jim Moore; Ken Lyon; Donna Chaban
Subject: Development story poles



IMG_8449.JPG (2 MB)
ATT96866.txt (346 B)

Dear Steve,

I have just returned home from Palm Springs, and wanted to confirm a couple of things we talked about this morning. First, the poles representing the units were set to a height of 22' 3" (which I presume will be the height of the completed buildings and equipment), and this height takes into account the grading of the site? Second, once the land has been graded the level will actually be lower than the adjacent lots (such as ours, Tom's and Brian's)? Do you know how much lower, and is there a document to support this assumption?

It may also be worth you checking with MSA about the distances the poles are set at. Tom and I checked 3 poles this afternoon; the 2 carport poles at the south end are 9' away from the wall (shouldn't they be 8'), and the pole opposite to our house measured approx. 112'

from the wall, and I thought the '8 plex' had a 109' setback. I don't think this makes a massive difference to the illustrations, but it was disappointing that again we are having to check details to ensure accuracy.

On the way home I was thinking about how depressing this whole process is. I am staggered, especially after seeing the poles today, that in the PD application you have answered 'no' as to whether there is any change to scenic views from existing residential areas. How can you justify this? Even if there were doubts before, we can now all clearly see the massive impact this development will have on views and privacy. I have attached a photograph as taken from our back window for those not around this morning, but the picture really does not capture the scale and presence of the issue (the pole is the north corner of an '8 plex' building).

We are all aware this is a project that is causing upset, anger and division. From the few times we have met, you have appeared to be someone who is reasonable and courteous, even given the sometimes heated arguments between Community Dynamics and those of us opposed to the project. Steve, I urge you to please consider what you have seen today, and heard from Tom this morning, with regards to the impacts this development will have. There simply must be a better option than this.

Regards
James

Ken Lyon

From: Steve Roberts [sroberts@com-dyn.com]
Sent: Thursday, October 01, 2009 9:05 AM
To: 'James Pigott'
Cc: 'Ginger Heyman Pigott'; 'Thomas Carnase'; 'Claire Victor'; 'Jim Isermann'; bmcguire98443@roadrunner.com; 'Mary Ann Webster'; 'Doug Keeve'; 'Jim Moore'; Ken Lyon; 'Donna Chaban'
Subject: RE: Development story poles

James,

It costs less on a per home basis to build 51 townhomes; therefore, the homes can be delivered at a sales price that is affordable to moderate income households. Development costs have been paid from combination of our capital and CRA grant funds.

Stephen Roberts
Vice President, Development
Community Dynamics
2800 28th Street, Suite 206
Santa Monica, CA 90405
(310) 399-9555 x204
(310) 399-9777 fax
www.com-dyn.com

From: James Pigott [mailto:jpigott@kernowpartners.com]
Sent: Wednesday, September 30, 2009 4:19 PM
To: Steve Roberts
Cc: 'Ginger Heyman Pigott'; 'Thomas Carnase'; 'Claire Victor'; 'Jim Isermann'; bmcguire98443@roadrunner.com; 'Mary Ann Webster'; 'Doug Keeve'; 'Jim Moore'; 'Ken Lyon'; 'Donna Chaban'
Subject: Re: Development story poles

Steve

Thanks for your responses. I am truly sorry that you won't be amending the application to reflect what is obvious.

With respect to the final point, does 'economies of scale' mean that it is cheaper for you to build 51 units rather than 30? I am not a developer so it is unclear how the costs work on a project such as this. Also, most entitlement process costs so far have been covered by the \$530,000 CRA grant, is that right?

Thanks
James

On Sep 30, 2009, at 3:34 PM, Steve Roberts wrote:

James - I've responded to your questions in blue below.

Stephen Roberts
Vice President, Development
Community Dynamics
2800 28th Street, Suite 206

10/1/2009

Santa Monica, CA 90405
 (310) 399-9555 x204
 (310) 399-9777 fax
www.com-dyn.com

From: James Pigott [<mailto:jpigott@kernowpartners.com>]
Sent: Wednesday, September 30, 2009 1:15 PM
To: Steve Roberts
Cc: 'Ginger Heyman Pigott'; 'Thomas Carnase'; 'Claire Victor'; 'Jim Isermann'; bmcguire98443@roadrunner.com; 'Mary Ann Webster'; 'Doug Keeve'; 'Jim Moore'; 'Ken Lyon'; 'Donna Chaban'
Subject: Re: Development story poles

Steve
 Thanks, and my responses are in red below.
 James

On Sep 30, 2009, at 12:36 PM, Steve Roberts wrote:

James - I've responded to your questions in blue below.

Dear Steve,

I have just returned home from Palm Springs, and wanted to confirm a couple of things we talked about this morning. First, the poles representing the units were set to a height of 22' 3" (which I presume will be the height of the completed buildings and equipment), and this height takes into account the grading of the site?

Yes, the building story poles are all set at 22'-3" from finished floor. 22'-3" is the height of the taller building parapet. As discussed at the 9.3.09 meeting, at the building height of 22'-3" (which we lowered from the original 23'-0" height) the low profile roof mounted AC units will be taller (by approx 8") than the parapet. The AC units will be located away from the building edges to minimize views of them.

So does this mean the buildings are 22'-3", plus 8" for the part of the AC that sticks above the parapet? So a total height of 22'-11"? The height of the roof is 19'-8". The height of the taller parapet is 22'-3" and the height of the lower parapet is 21'-3". The height of the AC units, which are located on a small portion of the roof area, is 22'-11".

Second, once the land has been graded the level will actually be lower than the adjacent lots (such as ours, Tom's and Brian's)? Do you know how much lower, and is there a document to support this assumption?

Let me clarify. My comment yesterday was in response to your question/comment as to whether the height of your wall was comparable to height of the nearby carport story pole. My statement was that the finished paving grade for the carport story pole nearest your residence is lower than your existing grade, so the wall and the carport story pole heights are not directly comparable. The existing grade for the adjacent lots varies, as does the finished paving grade, therefore the grade relationship will vary along the property line. The buildings will be at a higher grade than the parking area and will not be lower than adjacent lots. The preliminary grading exhibit calls out the grading. This plan was submitted to the City and is a matter of public record; therefore you should be able to obtain a copy from the City.

I think I get it now, and sorry for the confusion. So the graded land for the buildings will be higher than our land, yes but the parking element when finished will be lower than the land we have? The relationship will vary depending on location.

It may also be worth you checking with MSA about the distances the poles are set at. Tom and I checked 3 poles this afternoon; the 2 carport poles at the south end are 9' away from the wall (shouldn't they be 8'), and the pole opposite to our house measured approx. 112' from the wall, and I thought the '8 plex' had a 109' setback. I don't think this makes a massive

10/1/2009

difference to the illustrations, but it was disappointing that again we are having to check details to ensure accuracy.

Using a survey control point the civil engineer staked each point at +/- 0.1' tolerance. The contractor then erected the story poles adjacent to the stakes in order to preserve the points. I did not witness your measurement, but I'd guess that a combination of the pole/stake offset, the grade contours (due to existing grades you may not have been measuring a straight horizontal line) and the fact that the west face of the existing wall is not perfectly on the property line (varies a couple of inches) accounted for the discrepancy in measurement. Additionally, the east face of the buildings vary in depth. 109'-4" is the closet point of the north 8-plex to the east PL, but the portion of the north 8-plex building staked is 111'-9" away. After the poles were set the civil engineer returned to the site and confirmed the height of the poles. As such, the story poles are materially accurate and will provide the locations / heights to complete an accurate photo simulation.

I agree our measuring was probably not the most accurate ever! So the pole for the 8 plex is for the part of the building that indents, and not the part nearest to our wall? Yes.

On the way home I was thinking about how depressing this whole process is. I am staggered, especially after seeing the poles today, that in the PD application you have answered 'no' as to whether there is any change to scenic views from existing residential areas. How can you justify this?

We reason that we decided to erect story poles and complete the photo simulation was to understand what impact our proposal might have on neighboring views. We're grateful for your and your neighbors' cooperation to complete this work.

Sorry, but does this mean you will be changing the answer to 'yes' in the application after seeing the poles yesterday? We do not plan to change the submitted application. We do plan on submitting additional information (photo simulations).

Even if there were doubts before, we can now all clearly see the massive impact this development will have on views and privacy. I have attached a photograph as taken from our back window for those not around this morning, but the picture really does not capture the scale and presence of the issue (the pole is the north corner of an '8 plex' building).

We are all aware this is a project that is causing upset, anger and division. From the few times we have met, you have appeared to be someone who is reasonable and courteous, even given the sometimes heated arguments between Community Dynamics and those of us opposed to the project. Steve, I urge you to please consider what you have seen today, and heard from Tom this morning, with regards to the impacts this development will have. There simply must be a better option than this.

I appreciate your comments. I do believe our proposal is responsibly designed in relation to neighboring residences and appropriate for the site. My hope is to work with you and your neighbors on addressing your concerns through design modification (such as obscured second story east facing windows, the selection of landscaping screening materials, and the reduction in building height to 22'-3") while at the same time maintaining a development program that delivers affordability to target buyers.

We hope we can work together also, we really do. Why does the project have to be 51 units to deliver affordability to the target buyers? To achieve economies of scale in development and construction.

Regards,
James

Stephen Roberts
Vice President, Development
Community Dynamics
2800 28th Street, Suite 206
Santa Monica, CA 90405
(310) 399-9555 x204
(310) 399-9777 fax
www.com-dyn.com

Ken Lyon

From: Ken Lyon
Sent: Monday, August 10, 2009 9:48 AM
To: 'Pigott, Ginger Heyman'
Cc: Dale Cook; 'Steve Roberts'
Subject: RE: 10 August 2009 -- Questions to PS Planning Office re Proposed Development Case No. 3.3333
Importance: High

Hi Ginger, please see my replies below.

(Dale, Ms. Pigott is a neighbor to the Community Dynamics Project at 3130 North Indian Canyon Drive; see request for information below from Ms. Pigott for items that I do not have answers)

Ken Lyon,
Associate Planner
City of Palm Springs Department of Planning Services
3200 Tahquitz Canyon Way
Palm Springs, CA 92263
Phone 760 323 8245 Fax 760 322 8360

"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"
- Daniel Burnham, Architect and Planner

From: Pigott, Ginger Heyman [mailto:GHeyman@ReedSmith.com]
Sent: Monday, August 10, 2009 8:50 AM
To: Ken Lyon
Cc: Sroberts@com-dyn.com; Loren Bloch; James Pigott; Thomas Carnase; cvictor@dc.rr.com; Jim Isermann; Jim Moore; Doug Keeve; mawebster; bmcguire98443@roadrunner.com
Subject: 10 August 2009 -- Questions to PS Planning Office re Proposed Development Case No. 3.333

Dear Ken,

As you know, James and I recently returned from our trip and unfortunately, beyond the confirmation that the Planning Commission continued the hearing until 9 September 2009, we have had no response from the Planning Office or Community Dynamics on any of the issues raised in our submissions. To that end, we write with the following questions that we believe need immediate attention:

1. In follow-up to both our email exchange of 14 July 2009 (where you indicated you would be studying the further information provided by Community Dynamics) and your emails with Steve Roberts from 15-17 April 2009 (reflecting your efforts to obtain the setback averaging confirmation from Community Dynamics), do you agree with our calculations relating to the average setback, i.e., that the plan as it currently stands does not comply with the applicable zoning code requirements?

KL: The City has reviewed the calculation methods and advised ComDyn of its non-conformance with regard to the 150 foot setback average. We are awaiting their response to this issue.

A copy of the information provided to us on 13 July 2009 is attached again below for your convenience. Did you ever receive any confirmation or exhibit as requested in response to your 17 April 2009 email? If so, can you please provide a copy of that information?

KL: The City received additional information on how ComDyn did their setback calculations which confirms the

8/10/2009

information on what you have attached. I will try to assemble a packet of materials based on this and your request for additional public records below.

2. Are you aware of any agreement between the Redevelopment Agency and Community Dynamics regarding the requirement for undergrounding of the utility lines?

KL: City staff in the Economic Development department, via the addenda to the RFP (which you have) noted they would support a request from the developer at the time of the hearing for relief from the undergrounding requirement of the utility lines. I am not aware of any other agreement on this matter, but will forward this to Dale Cook in Economic Development to see if he is aware of any other data. (FYI, the undergrounding requirement is part of the City Ordinances and Staff cannot waive that requirement, only the Council/Planning Commission may do so.)

3. Can you please explain to us the various subsidies or financial assistances that Community Dynamics is receiving either from the Redevelopment Agency or the City? If not, can you tell us to whom to address this question?

KL: I cannot, but will forward this inquiry to Dale Cook in Economic Development who may know more about this question.

4. Who is responsible for the CEQA status determination and to whom can we correspond on that issue?

KL: The City is the lead agent (via Planning Department Staff). You may correspond with me on that matter. The categorical exemption was reviewed by me with the Director of Planning during the project review period and it was determined at that time to be an appropriate determination for the reasons stated in other correspondence you already have.

5. Can you please supply us with a copy of the original RFQ and Community Dynamics response to RFQ? Can you tell us how many other developers responded to the RFQ? Also, are their further addendums apart from Addendum No. 1 which was in the file?

KL: I cannot, but Dale Cook may be able to provide that to you.

6. Also, can you please provide us with copies of any additional documents which should be in the public file since our last collection (including any paper or electronic documents)?

KL: Consistent with the previous process we will make them available for your pick up (same fee rates apply) here at the City. See note below regarding materials in other departments which you seem to be seeking.

7. By what date will the package for the September 9, 2009 Planning Commission meeting be finalized? Will it include documents previously submitted?

KL: It is usually made a public document the Thursday before the hearing and can be obtained via the City's website. Public comment letters that were received and provided to the Planning Commission for the continuance request will not be re-copied as they have already been submitted for Planning Commission consideration and review and made a part of the public record.

8. Can you please confirm that all relevant permits and reports have been submitted by Community Dynamics i.e. the Water Quality Management Plan, lighting plan etc?

KL: No, WQMD issues are reviewed by City Engineering and I don't know the status of them. Site lighting plan conformity with the Outdoor Lighting Ordinance is reviewed by the Planning Department and is usually received prior to application for building permit.

9. Are minutes or other notes/documents maintained relating to meetings between the Planning Office (and/or any

City department or representative) and Community Dynamics?

KL: Formal minutes of all meetings are not taken. You have copies of all notes from Planning from your previous public records request (up to the date that you requested them). There may have been meetings that Com Dyn had with other City Departments, (e.g. Economic Development, Engineering, Assistant City Manager or other individuals) for which the Planning Department was not present and therefore has no record. The Planning Department has attempted to provide you a comprehensive set of records from your earlier requests. However, a formal public records request through the City Clerk would be required to trigger City-wide review and submittal of materials from other departments.

We look forward to your response.

KL: Let me know if you have additional questions.

Regards,

Ginger

<<Building Setbacks.pdf>>

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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* * *

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pdcl

Ken Lyon

From: Steve Roberts [sroberts@com-dyn.com]
Sent: Tuesday, August 11, 2009 5:29 PM
To: 'Pigott, Ginger Heyman'
Cc: 'Loren Bloch'; 'Thomas Carnase'; cvictor@dc.rr.com; 'Jim Isermann'; 'Jim Moore'; 'Doug Keeve'; 'mawebster'; bmcguire98443@roadrunner.com; 'James Pigott'; Ken Lyon
Subject: RE: 10 August 2009 -- Questions to Community Dynamics re Proposed Development Case No. 3.333

Ginger,

Following in blue are responses to the questions in your e-mail yesterday:

1. Can you please confirm by date and any other identifying information which is the most recent/accurate set of design plans?

The most recent set of architectural design plans are dated 5.22.09 (sheets A-1 through A-18) and the most recent set of landscape design plans are dated 5.21.09 (sheets PL-1 through PL-5). Dates and sheet numbers are typically found in each sheet's title block.

2. Have there been any changes to the plans that were submitted to the AAC for the June 2009 meeting?

We have not modified the plans since they were submitted for review at the AAC meeting on June 8th. That said, as noted when we met with James, Thomas, Claire and Brian on June 18th, and in our correspondence with the same parties following that meeting (including the line of sight and planting studies we prepared and transmitted) our intent is to collaborate with you and your neighbors on the selection of landscape screening materials that may be more desirable to you than the originally specified oleander.

3. Can you please provide us with a full size set of the most recent plans? We can arrange for collection at your offices.

As noted above, the most recent plans were submitted to the City and are a matter of public record; therefore you should be able to obtain copies directly from the City.

4. We are still awaiting copies of the CCR's and HOA information on the proposed development that you agreed to provide, please advise when we can expect them and be sure to send them to us via PDF for quickest delivery.

I have attached draft CC&Rs for the community, which we previously indicated that we would deliver to you. This is the same draft that we submitted to the City as part of our application for development in March 2009. Since then you and your neighbors have brought up some topics that we may want to further develop into the CC&Rs, such requirements for landscaping maintenance that are specific to the shared property line area. We would be interested to hear, and are open to incorporating, reasonable and mutually beneficial suggestions that you may have with respect to the CC&Rs.

5. Do the set back distances provided on the attached diagram (sent by you on 13 July) rely on the Planning Commission's grant of the pending Administrative Minor Modification Application No. 7.1320 (dated 19 March 2009)? If so, how do those distances change if the AMM is denied?

The setback distances shown in the diagram that you reference incorporate the AMM. It is our understanding that the AMM will be considered concurrently with the Major Architectural application.

Based on my understanding of your concerns, as stated in your letters, I would anticipate that you would support the AMM because it results in the proposed buildings being located further away from your property.

With respect to the Indian Canyon Drive setback, in a letter dated 7.7.09 you stated that there will be "only 24 feet between the homes and the (Indian Canyon Drive) roadway". The 24' setback is the distance to the property line. There is an additional 12 feet of public right of way between the property line and Indian Canyon Drive. Therefore the closest homes will be 36 feet from Indian Canyon Drive, which is a significant landscape setback and buffer from the roadway.

I hope that this adequately answers your questions.

Stephen Roberts
Vice President, Development
Community Dynamics
2800 28th Street, Suite 206
Santa Monica, CA 90405
(310) 399-9555 x204
(310) 399-9777 fax
www.com-dyn.com

From: Pigott, Ginger Heyman [mailto:GHeyman@ReedSmith.com]

Sent: Monday, August 10, 2009 8:49 AM

To: Sroberts@com-dyn.com

Cc: Loren Bloch; Thomas Carnase; cvictor@dc.rr.com; Jim Isermann; Jim Moore; Doug Keeve; mawebster; bmcguire98443@roadrunner.com; James Pigott; Ken Lyon

Subject: 10 August 2009 -- Questions to Community Dynamics re Proposed Development Case No. 3.333

Dear Steve,

In preparation for the 9 September Planning Commission hearing, we have the following questions/requests:

1. Can you please confirm by date and any other identifying information which is the most recent/accurate set of design plans?
2. Have there been any changes to the plans that were submitted to the AAC for the June 2009 meeting?
3. Can you please provide us with a full size set of the most recent plans? We can arrange for collection at your offices.
4. We are still awaiting copies of the CCR's and HOA information on the proposed development that you agreed to provide, please advise when we can expect them and be sure to send them to us via PDF for quickest delivery.
5. Do the set back distances provided on the attached diagram (sent by you on 13 July) rely on the Planning Commission's grant of the pending Administrative Minor Modification Application No. 7.1320 (dated 19 March 2009)? If so, how do those distances change if the AMM is denied?

In light of the upcoming schedule, we would appreciate your timely response.

Regards,

Ginger

<<Building Setbacks.pdf>>

Ginger Heyman Pigott | Partner | ReedSmith LLP

gpigott@reedsmith.com | gheyman@reedsmith.com

direct: 213.457.8027 | cell: 213.300.9983 | fax: 213.457.8080

8/11/2009

355 S. Grand Ave., Suite 2900, Los Angeles, CA 90071

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pdc1

Claire Victor
300 East Molino Road
Palm Springs, CA 92262

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2009 AUG 17 AM 8:14

JAMES THOMPSON
CITY CLERK

VIA: Email and Hand Delivery

August 17, 2009

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

Dear Mr. Thompson:

Please enter my letter into the record and distribute copies to the Planning Committee.

My husband Tom Carnase and I are owners and full-time residents of one of the Class One Historic, Donald Wexler designed steel houses that abut the proposed development. We moved here almost two years ago, specifically to live in, care for and restore this one of a kind treasure. We were inspired to do so because of the abundance of mid-century architecture and Palm Springs' mind-set towards preserving and showcasing this time period.

While I am not opposed to the property being developed I cannot in any way support the current plan 3.3333 as submitted by Community Dynamics.

I question the need to build on that property, at this time. Currently we are in a time of economic crisis, the likes of which almost everyone has never before experienced. We do not know how long it will take to recover or what that recovery will look like. Within eyesight, there is one failed project which is a skeletal eyesore (The Racquet Club) and one uncompleted project (Palermo) that has turned to renting some of the few units that were completed. What guarantee do we have that this will not become another partially completed eyesore to the area and Palm Springs as a whole? What guarantee do we have that this will not become a rental? A quick online search of real estate shows ample private homes and condos for sale, in Palm Springs within the price range that will be offered by Community Dynamics.

Palm Springs Homes for Sale: MLS Listings on CaliforniaMoves.com*

Property Type	Active Listings	Lowest List Price	Average List Price	Highest List Price
<u>Single Family</u>	603	\$25,000	\$719,408	\$12,900,000
<u>Condos / Townhouses</u>	596	\$48,900	\$299,445	\$2,100,000
<u>Multi - Family</u>	54	\$125,900	\$1,254,640	\$4,925,000
<u>Mobile Home</u>	59	\$12,000	\$92,858	\$239,900
<u>Commercial</u>	31	\$225,000	\$1,668,067	\$5,400,000
<u>Lots / Land</u>	96	\$19,000	\$732,736	\$10,147,737

Farm / Ranches 0 \$0 \$0 \$0

*As of 08/14/2009

Palm Springs Homes for Sale: MLS Listings on CaliforniaMoves.com*

Bedrooms	Active Listings	Lowest List Price	Average List Price	Highest List Price
0 Bedrooms	28	\$49,900	\$1,399,500	\$4,925,000
1 Bedrooms	135	\$12,000	\$203,795	\$3,750,000
2 Bedrooms	481	\$25,000	\$308,995	\$1,150,000
3 Bedrooms	401	\$30,000	\$460,302	\$2,100,000
4 Bedrooms	196	\$78,900	\$819,971	\$5,950,000
5 Bedrooms	71	\$175,000	\$1,758,889	\$12,900,000

Why start a project when you already have what you need? While properties are not necessarily new, in many cases they are offering garages and in most cases they are offering swimming pools, neither of which Community Dynamics is offering.

How does starting this new construction fit into Palm Springs pledge to sustainability?

- Will this action conserve resources?
- Will this action help the City eliminate waste and recycle and reuse resources?
- Will this action reduce/eliminate toxic materials?
- Does this action help the City develop and/or support renewable resources?
- Will this action help the City grow innovation and green businesses (green technology, green collar jobs, green building, ecotourism, clean processes and products)?
- Does this action restore ecosystems and habitats?
- Does this action help to promote and communicate the idea of sustainability within the community?
- How does this action improve health, safety and quality of life for all citizens?
- Is there a balance between the cost and benefit of this action?

(Above is from the City of Palm Springs website)

Why are 51 family homes being proposed when 30 homes would meet the medium density criteria? As the proposal stands now, it would be a jam-packed high density condominium with an average of 150 full-time residents, plus two cars per family and pets. Surely a project with fewer homes, and possibly varying heights would allow for a much nicer place for all the residents of the neighborhood.

I am extremely confused as to why the minimum set-backs are not being met. To date there have been several letters from other neighbors pointing out that the average set-back required by code is not correct. I would agree that some points about this project are subjective but not this one. Again, I question if this project is really for the potential homeowners – surely they would want as much space as possible separating them from us as we do.

The project as it stands, gives me concerns regarding privacy and security. Our privacy will be completely destroyed with second story windows facing us. Why is that a necessary design element? Wouldn't the preferred view for the home owners be the mountains? This will also

encourage kids to climb over our walls and into our swimming pools causing all kinds of potential dangers and uninvited annoyances.

The carports as designed further add to the low desirability of this project. The roofs are higher than the walls; therefore there will be light seepage. The noise and car emission pollution from over 100 cars will be staggering and significant. Approximately 18 cars will back up my property – isn't that asking too much? Community Dynamics has agreed to work with us regarding what planting will be used as the required landscape screen but I wonder (1) how much water will be used to maintain the screen? (2) How can we be guaranteed proper drainage? (3) How long will it take for the screen to grow to full maturity, I know plants grow fast in the desert but I was told it could many take years and (4) how are they going to maintain the landscape screen without making a mess of our yards?

I also wonder why we are being told that the power lines are not going to be buried even though it's on record as a recommendation from the City Engineer. Several other concerns have been raised regarding placement of trash bins, obstruction of views, safety dangers associated with the main thoroughfare of Indian Canyon and lack of nearby public transportation.

I admit to not fully understanding the process, but as a piece of land owned by the City of Palm Springs, shouldn't we as full-time residents of Palms Springs (occupying and caring for a Class One historic house that brings money and tourism into this city) be kept informed and have our comments sought out regarding this project? Sadly that has not happened until recently.

I am hopeful that you will decide against proceeding with this development and will consider something more creative, less invasive and more appropriate for everyone, when the market warrants it.

I respectfully oppose the proposed development on Indian Canyon and San Rafael, referred to as Case 3.333.

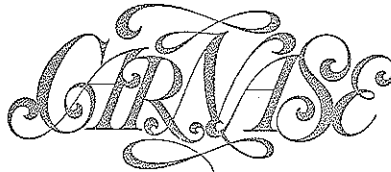
Sincerely,



Claire Victor

cc: Ken Lyon

"Whether you have just moved here, or have always called Palm Springs home, we appreciate that you have chosen to live in our great City. We love it here! Although Palm Springs is a tourist destination, welcoming visitors worldwide, we take pride in the quality of life our residents enjoy."
(Above is from the City of Palm Springs website)



300 East Molino Road Palm Springs, CA 92262

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2009 AUG 17 AM 8:13

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 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
With Limited Public Transportation

R-2 zoning means medium density multi-family.
51 units with an average of 4 people per family = 200 population plus pets,
visitors and 2 vehicles per household = 100 cars. Serious high density!!
How did 51 units become valid when the original recommendation was 30?

Modular single story structures, similar to those diagonally across the street, west of Simms Road,
with a protection wall from the roadway or side-by-side units with connecting common walls should be
considered a possible direction to follow since they are friendly in design and will not impact the area
in a negative way. This would keep rooftops low to minimize mountain view obstruction and help to
complement our historic homes. There are numerous versions of these types of structures in the
valley that have been successfully constructed over the years.
Why not use them as examples to follow with a green motivation ?

Indian Canyon Drive and San Raphael Road are very dangerous thoroughfares and the traffic
situation within the proposed community itself is an unsafe environment.
A bad recipe for child safety.

Plantings along the property line wall will somehow attempt to cover carport roofs with night lighting
that will glow like a shopping center and trash bins that are positioned too near our property line will
blow unhealthy fumes downwind into our homes. No doubt, our privacy will be compromised.

This proposed shoe-horn development is far too congested and its compact-like nature
doesn't offer public benefits or a sense of community. Would you be willing to live there?
Indian Canyon Drive is a gateway to Palm Springs. I must question this awkward presentation!

These unique published Wexler steel homes, of protected status, are an attraction for viewing
from all over the world and that contributes to the economy of Palm Springs. Let's be thankful
of our city for being blessed with such an exciting rich heritage!
As historic sites it is noteworthy that the surrounding areas provide little obstruction
to foster their civic beauty. As proud owners, great expense and effort has already been expended
to restore these wonderful specimens that future generations will enjoy. Why would the
Planning Commission allow this out-of-step housing to interrupt such a wonderful asset and run the
risk of bad publicity?

According to Section 15332 (Infill develop't) Part (d), this project does qualify for Environmental Review.

Respectfully,

Thomas Carnase
300 East Molino Road
Palm Springs, CA 92262

Owner: 1962 Class 1 Historic Site, Wexler Folded Roof Steel Home