

September 16, 2009

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

**Re: 5.1231 PD – Statement of Public Benefit**

Dear Ken,

In accordance with the City Council Policy Statement requiring a public benefit for Planned Development Districts, this letter describes the public benefits that the above referenced application delivers to the City of Palm Springs.

As discussed individually below, the proposed development of 51 townhomes and associated common areas delivers two of the public benefit types defined in the Policy Statement - the Project as Public Benefit and Sustainable Features:

- **The Project as Public Benefit:** The proposed development delivers 51 new townhomes which will be sold to moderate income first-time homebuyers. By providing housing affordable to moderate income households, which are households earning from 81% to 120% of Area Median Income, the proposal addresses important land use and housing goals outlined in the General Plan.

The Land Use Element cites the importance of making homes available to first-time homebuyers and the City's labor force, and defines the key goal (Goal LU6): "Ensure that housing needs of people with varying incomes, household sizes, and lifestyles can be met within the City."

The Housing Element similarly states that "Palm Springs considers housing affordability to be a critical issue" (page 3-15) and identifies the following as a key goal (Goal HS1): "Facilitate a broad range of housing types, prices, and opportunities to address current and future housing needs in the community."

The proposed development addresses these goals by providing 51 moderate income households, who are working families typically employed by the hospitality, retail, government, education, healthcare and other sectors

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important to the local economy, the opportunity to purchase their first home at an affordable housing cost. In compliance with State Redevelopment law, resale restrictions will ensure the townhomes remain affordable for 45 years; therefore, the development will increase the City's affordable housing stock and strengthen the City's jobs/housing balance on a long-term basis.

Further evidencing the fact that the project is a public benefit, the development assists the City in meeting its Regional Housing Needs Assessment (RHNA) goals. Through the RHNA process, the Southern California Association of Governments has stated that the City of Palm Springs must work to supply 421 housing units for moderate income households in the planning period 2006-2014. By delivering 51 moderate income residences to the City's long term affordable housing stock, the proposed development delivers more than 12% of the 421 moderate income residential units required in the 2006-2014 RHNA planning period.

- **Sustainable Features:** The proposed community includes a comprehensive sustainability program which significantly outperforms applicable requirements. The community's sustainable design and construction features, which are detailed in Exhibit A attached, will deliver energy savings, minimize water use, promote indoor air quality and encourage recycling, making the community a truly green development and a model for sustainable residential development.

Notable sustainability features include a building design that is 25% more energy efficient than current State standards (through high SEER air conditioning units, tankless water heaters, and various other measures), drought tolerant native landscape design and water efficient plumbing fixtures to minimize water use, a 3.8kw photovoltaic (solar power) system to power common area electricity needs, among various other sustainable design features above and beyond requirements, as outlined in Exhibit A.

We note that the development's sustainability program is consistent with the City's initiative to create a Path to a Sustainable Community, and by outperforming applicable requirements, the development achieves sustainability goals and policies defined in the General Plan, such as:

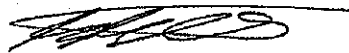
- o Community Design Element Goal CD29: "Establish the City as a leader in energy efficient and environmentally sustainable development and planning practices."

- Housing Element policy HS4.3: "Encourage the use of green building practices, including Title 24 energy conservation standards, in the construction, rehabilitation, and renovation of housing..."
- Housing Element policy HS4.4: "Encourage the conservation of water resources through the incorporation of native landscaping and noninvasive species that are specially adapted to the desert climate."

We note that the Community Redevelopment Agency of the City of Palm Springs (CRA) acquired this property using its low and moderate income housing set aside funds, has designated the site for the creation of for-sale housing for moderate income households, and initiated the development of the site with Community Dynamics. In addition to creating new affordable housing, the CRA has set aggressive green building goals for the development.

Community Dynamics is pleased to present our development program which meets the CRA's goals of delivering new housing that's affordable to moderate income households using sustainable design and construction practices, and in doing so delivers significant public benefits to the City of Palm Springs.

Respectfully,



Stephen Roberts  
Vice President, Development



## **EXHIBIT A GREEN BUILDING PROGRAM**

Following is a detailed description of the sustainable design and construction features incorporated in our development proposal for 51 moderate income townhomes at the southeast corner of Indian Canyon and San Rafael:

### **Energy Savings**

The townhomes will exceed California's current Title-24 Energy Efficiency Standards by at least 25% by way of the following energy programming for all townhomes:

- R38 Ceiling Insulation with a Radiant barrier
- R15 Wall Insulation with HERS Verified Insulation Quality
- R19 Floor Insulation
- Tankless Water Heater
- 14.0 Seasonal Energy Efficiency Rating (SEER) minimum AC unit
- 80% AFUE Furnace
- 12.5 Energy Efficient Ratio (EER) and Thermal Expansion Valve (TXV)
- R-6 Duct Insulation with Tight Duct Test
- Windows with double glazing and low-e coatings
- Permanent overhangs, cantilevers and architectural recessing at windows and doors, which will provide shade and minimize heat gain

### **Green Systems & Materials**

In addition to the standard energy programming noted under "Energy Savings" above, we will achieve utility savings through the following measures:

- ENERGY STAR Appliances: The homes will include ENERGY STAR qualified dishwashers standard, which use up to 50% less energy and water than standard models. We will also utilize ENERGY STAR thermostats, light fixtures and exhaust fans throughout the homes. Although homebuyers will provide their own clothes washers, driers and refrigerators; we will create and advertise an ENERGY STAR appliance package which will encourage buyers to purchase ENERGY STAR qualified appliances at a competitive cost as a buyer option.
- Photovoltaic Program: Included in our proposal is a 3.8 kilowatt photovoltaic (PV) system. This PV system will provide clean, renewable electricity to power the common area which is maintained by the homeowner's association. The PV system will offset the community's energy consumption by generating more than 5,400 kw hours of renewable power per year, and will lower the ongoing maintenance costs borne by the HOA, thus enhancing affordability.

Community Dynamics will also pre-wire all homes for the addition of approximately 2 kw PV systems on the roofs of each townhome. Although the development currently cannot bear the cost of PV systems on each home, we intend to seek financing to install roof mounted PV on all townhomes by way of a Power Purchase Agreement (PPA).

Community Dynamics is experienced with PV, and committed to the technology as an increasingly important tool in residential homebuilding. In 1999, we became the first builder in the western U.S. to install architecturally integrated PV in a residential subdivision, and in Palm Desert we recently installed more than 100 architecturally integrated PV systems with a combined capacity of 214 kw.

- Landscape Shading: Landscape shading will minimize heat gain in the homes thus reducing energy use, and will provide additional privacy and shading for homeowners' private outdoor areas. In addition, where possible, trees have been strategically located to provide shading of site hardscape areas to help mitigate the heat island affect from solar radiation.
  
- Recycled Content Materials & Waste Management: We will utilize pre-and post-consumer recycled content materials for construction and utilize waste saving advanced construction techniques in order to maximize the use of recycled construction materials and to minimize construction waste sent to landfills.
  - The carport structures will be built using steel. According to the Steel Recycling Institute, steel is the world's, as well as North America's, most recycled material as new steel includes more than 80% recycled content. We note that we will utilize wood framing for the homes, rather than steel, because steel is an electricity conductor and would result in increased air conditioning energy use.
  - We will contract with a rough framing subcontractor with the capability to panelize framing operations in its factory, provided panelized framing is commercially available at the time of construction. Panelized framing is considered an advanced framing technique by the Department of Housing and Urban Development's Partnership for Advancing Technology in Housing (PATH) program, as it uses less lumber.
  - We will utilize engineered floor joists made of recycled wood content OSB (oriented strand board). I-joists consist of 50% less lumber material than sawn lumber of a comparable strength and depth.
  - We will utilize pre-manufactured structural headers and beams constructed from scrap during the milling. Headers and beams sizes used will be based on actual sizes specified in the structural calculations and not oversized for convenience.

### **Water Conservation**

The development will minimize water use by incorporating the following water conserving features:

- Landscaping: According to the Desert Water Agency, residents of the Coachella Valley use as much as 80 percent of their water for landscaping. RGA Landscape Architects specializes in designing landscaping for desert microclimates and is expert at creating attractively landscaped environments with minimal water use. RGA has developed a landscape design that features native plants, which grow naturally in the desert climate and require minimal watering or maintenance. We will limit turf grass lawns to areas actually used as active public open spaces. We will also install programmable water-wise drip irrigation systems that can be adjusted for maximum water savings with seasonal changes and minimize water loss due to evaporation, and the landscape design program will feature inorganic materials such as permeable decomposed granite, cobble and boulders, which create beautifully designed spaces however do not require any water.
- Low-Flow Plumbing Fixtures: We will utilize low-flow plumbing fixtures in all townhomes, including toilets, faucet aerators and showerheads, to minimize the community's ongoing water use.

### **Indoor Air Quality**

Community Dynamics will institute the following air quality program to minimize VOC's and to keep our minimize moisture and mold, pests, combustion gases, and other airborne pollutants from our homes:

- Low VOC Paints, Sealants and Adhesives: We will utilize low odor and very low VOC paints, sealants and adhesives for the interior walls, ceilings and trim occupied buildings to deliver a very low odor and reduce chemical exposure.
- Room Ventilation: Whenever possible by design, windows have been arranged to permit cross ventilation.
- HVAC Filters: Filters with a minimum MERV 6 rating will be installed for improved filtration of the indoor air.
- Duct System: All HVAC ducts and registers will be sealed off during construction prior to occupancy.

### **Recycling Program**

Community Dynamics will encourage recycling and the reduction of solid waste through the following measures:

- Achieve a minimum diversion rate of 60% of construction waste such as roofing, concrete, drywall and lumber from landfill dumping.
- Utilize optimal value engineering and advanced framing techniques to minimize construction waste and optimize material use, particularly lumber.
- Include full size recyclable material enclosures in the trash enclosure structures to encourage recycling by homeowners.

- Locate smaller recycling receptacles in public spaces to encourage residents and their guests to recycle when using outdoor amenities.
- Design kitchen cabinetry to provide dedicated spaces for both trash and recycling.
- Require that the homeowners association's gardening and landscape maintenance contractor recycle green waste (grass clippings, tree trimmings, shrubs, etc.).
- Work with the HOA to coordinate a "Recycling 101" event to educate homebuyers about the City's recycling guidelines, what materials they can and cannot recycle, etc.
- Work with the HOA to coordinate a hazardous waste recycling/disposal event to encourage homeowners recycle and/or properly dispose of tires, antifreeze, batteries, motor oil, e-waste (computers, cell phones, TVs) and all other forms of household hazardous waste, and to educate them how to recycle such items.

**Advanced Engineering Acoustics**  
663 Bristol Avenue  
Simi Valley, California 93065-5402  
(805) 583-8207 - Voice (805) 231-1242 - Cell (805) 522-6636 - Fax

September 23, 2009

Mr. Stephen Roberts  
Community Dynamics  
2800 28th Street, Suite 206  
Santa Monica, CA 90405

Subject: Residential Development – Palm Springs – Case 5.1231 PD  
Letter of Professional Opinion – 2025 Traffic Noise

Dear Mr. Roberts:

At your request, Advanced Engineering Acoustics (AEA) has carefully reviewed the project location and layout designs, Traffic Element technical report for 2025 build out, and 2007 Noise Element of the General Plan for a proposed residential development project in the city of Palm Springs, CA (City). Using the above referenced information, AEA conducted a two dimensional noise model to assess the extent to which the proposed development's design adheres to the noise standards cited in the City's General Plan. Figure 1 shows an aerial view of the project site. This letter report provides the results of AEA's findings and professional judgment.

**City Noise Standards** - The City General Plan Noise Element cites 45 CNEL interior and 65 CNEL exterior noise criteria for multi-family dwellings<sup>1</sup>.

**Observed Design and Setting** – Figure 2 shows a view of the proposed project layout. The proposed project design includes private yards and patios on the north and west side of the development that would be located within the 65 CNEL traffic noise contour due to year 2025 traffic on San Rafael Drive and Indian Canyon Drive. In addition, there are private yards and patios nearest Indian Canyon Drive that may be within the future 70 CNEL traffic noise contour. The General Plan Future Roadway Noise Contours exhibit (Figure 8-5) is inconclusive as to whether, or to what extent, the exterior private patios are located within the 70 CNEL noise contours; however this review conservatively assumes these patios are within the 70 CNEL noise contour. A landscape buffer and meandering side walk are located in a 36-foot setback (from curb to patio and building line) along Indian Canyon Drive. While providing visual screening, the landscaping would not provide noise attenuation. The design program calls for 6-foot high solid masonry yard walls around the private yard and patio areas along both Indian Canyon Drive and San Rafael Drive. Concrete block masonry is an effective noise control when it cuts the line of sight between source (vehicles) and receiver (user of exterior patio).

**Traffic Noise Mitigation Model** - A two dimensional noise barrier model was used to check the adequacy of traffic noise attenuation provided by the project yard and patio area walls along San Rafael Drive and Indian Canyon Drive. The General Plan Update Traffic Analysis (2007) provides ADT and Peak Hour summaries for both roadways. The future peak-hour and average daily traffic on San Rafael Drive would create traffic noise in excess of 65 CNEL in the back yards and at patios and would require mitigation. The 6-foot block walls in the project design would provide up to 5 dB attenuation and will be sufficient to reduce traffic noise to less than 65 CNEL at the building façades on San Rafael Drive. Future traffic noise along Indian Canyon

<sup>1</sup> Palm Springs 2007 General Plan, Chapter 8, Noise Element



Drive will exceed 70 CNEL in the landscaping buffer and possibly in the yard and patio areas. The top of these yard walls must be 7 feet above the patio surface along Indian Canyon Drive to reduce future traffic noise to less than 65 CNEL at the building façades on Indian Canyon Drive.

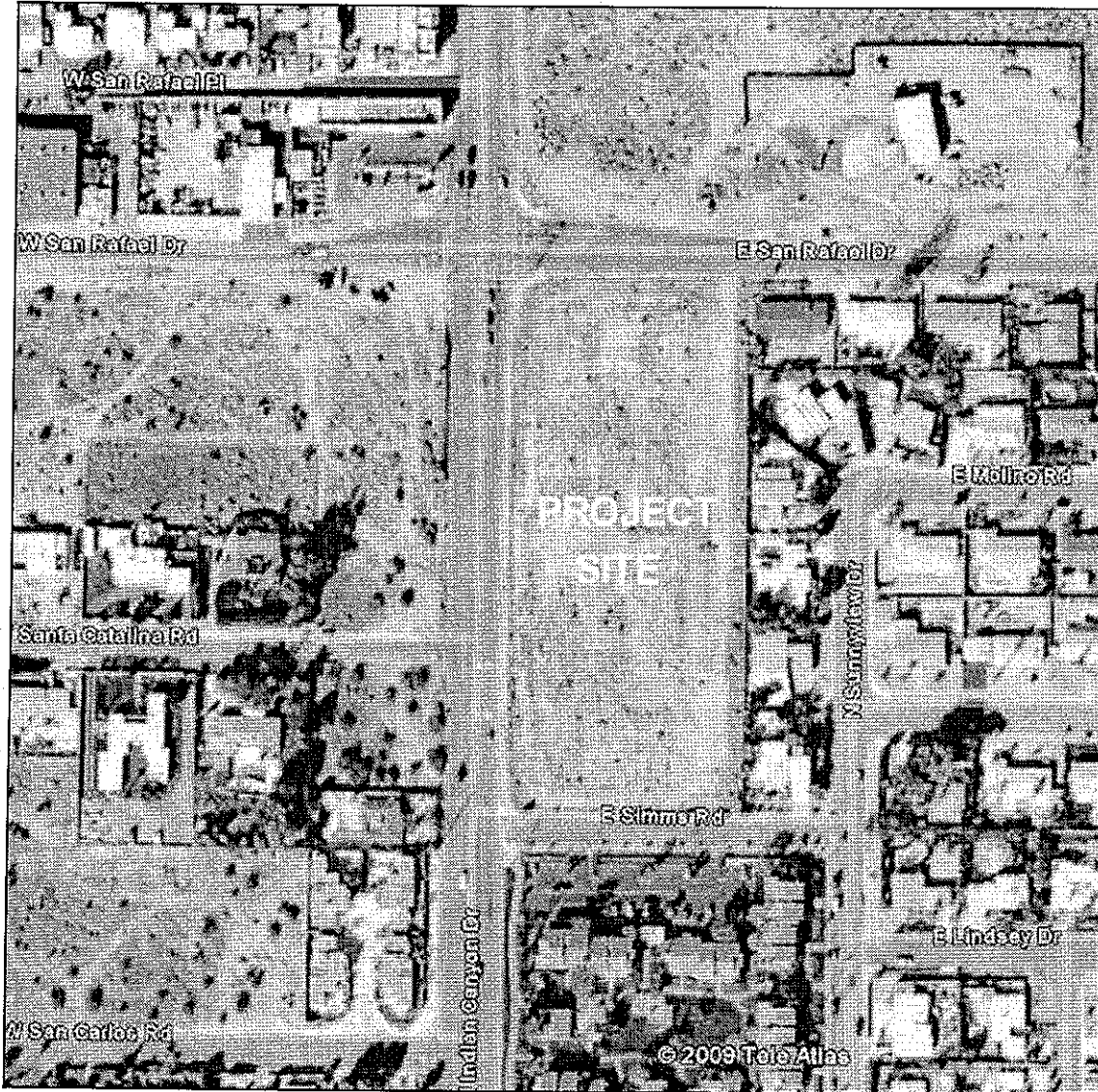


Figure 1. Indian Canyon Project Site Aerial View

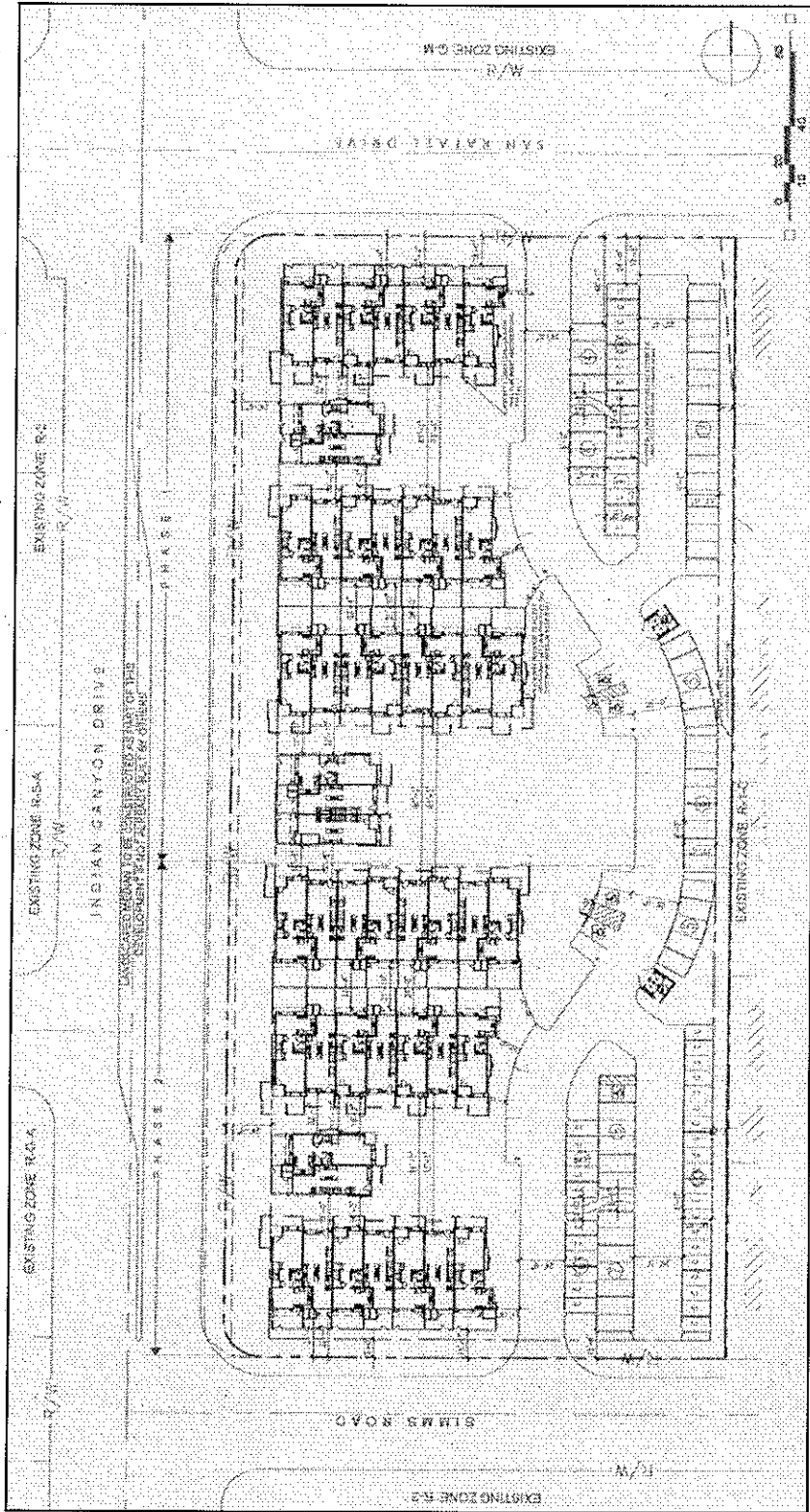


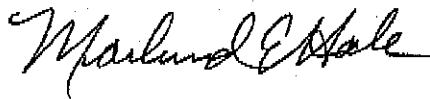
Figure 2. Indian Canyon Residential Project Layout

**Recommendations** – The 6-foot high solid yard walls along San Rafael should have 6-foot high solid gates as well to bring 2025 traffic noise to less than 65 CNEL in the yard and patio areas and at building facades along San Rafael Drive. The walls directly adjacent to Indian Canyon Drive, which may be within the 70 CNEL contour, will require a 7-foot high solid masonry wall and 7-foot high solid gates in order to provide the sound attenuation needed to ensure the 2025 traffic noise is reduced to less than 65 CNEL in the yard and patio areas and at building facades.

**Conclusions** - The project design calls for dual-glazed windows and air conditioning, which would allow the exterior facades of the project to provide sufficient traffic noise mitigation so that the interior living areas of the development would be at or below 45 CNEL. Thus, the project will comply with the residential exterior and interior noise standards cited in the City's General Plan when the aforementioned recommendations are properly implemented. It should be noted that the three interior courtyards are substantially shielded from traffic noise by the townhome buildings and therefore will meet the city's exterior noise standard.

This concludes our letter of opinion for the review of future project traffic noise exposure. If you have any questions regarding our findings and recommendations, please contact the undersigned at (805) 583-8207, or by cell phone at (805) 231-1242.

Sincerely,



Marlund E. Hale, Ph.D., P.E.(Acoustics - OR), INCE  
Technical Director

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1 October 2009

Via Email

Palm Springs Planning Commission  
City of Palm Springs  
3200 Tahquitz Canyon Way  
Palm Springs, CA 92263

Re: 10/14/2009 Agenda Item Case 5.1231 PD 356 & Assoc. Files – 3130 N. Indian Canyon Drive  
**REQUEST FOR CONTINUANCE AND/OR DENIAL – ISSUE ONE**

Dear Planning Commission Members:

We are owners of one of the site adjacent Class One Historic Wexler Steel Houses. We respectfully request a continuance and/or denial of this Planned Development District (PDD) application. There are many grounds for this request and we address one here; evidence that the developers, Community Dynamics, are using the PDD process to circumnavigate problems they had with their March 2009 MAJ application and its inability to meet underlying R2 zoning setback requirements. They may also attempt to use this application to seek waivers for the conditioned undergrounding of utility lines on the subject site, and other ordinances obligations they hope to avoid.

Furthermore, the stated public benefits identified by the developer in correspondence dated September 16, 2009 have not been designed by their architect as voluntary additions to this proposal, but are simply the basic intentions of the original project RFQ, "...**Housing for Moderate Income Families Using 'Green Building' Technologies,**" as issued by the Community Redevelopment Agency in March 2007, two and a half years ago. The RFQ also clearly states;

**Development proposals shall be based on current municipal codes, standards and policies and not on the necessity for adjusting existing development standards in order for the development proposal to be viable.**

Moreover, the developer has threatened to use other means to gain approval for this project, from linking all the buildings together with walls to avoid the setback issue to even invoking SB1818, but these actions only serve to further highlight the problem with this application; that Community Dynamics ignored the initial 2007 RFQ request for a developer to construct "up to thirty homes," and are trying to force 51 units upon all.

We seek this continuance and/or denial to further pursue negotiations with the City to resolve other technical issues we have uncovered with this proposed development. Some of these issues were identified in our previous correspondence to the Planning Commission dated June 29, July 7, July 13 and July 14, 2009. We would like to reiterate that we are supporters of suitable affordable housing developments, but this application fails to meet the legal standards established in the various ordinances and codes by The City of Palm Springs.

Regards,  
*Electronically Signed*  
James and Ginger Pigott

Cc: See list on page 2

Cc: Mayor Steve Pougnet  
Mayor Pro Tem Chris Mills  
Councilmember Ginny Foat  
Councilmember Rick Hutcheson  
Councilmember Lee Weigel  
David Ready  
Tom Wilson  
Dale Cook  
Craig Ewing  
Ken Lyon  
Jim Isermann  
Tom Carnase and Claire Victor  
Brian McGuire  
Mary Ann Webster and Doug Keeve  
Jim Moore  
Donna Chaban  
Rick Vila, Racquet Club Estates Neighborhood Association  
Peter Moruzzi, The Palm Springs Modern Committee

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1 October 2009

**Via Email**

Palm Springs Planning Commission  
City of Palm Springs  
3200 Tahquitz Canyon Way  
Palm Springs, CA 92263

Re: 10/14/2009 Agenda Item Case 5.1231 PD 356 & Assoc. Files – 3130 N. Indian Canyon Drive  
**REQUEST FOR CONTINUANCE AND/OR DENIAL – ISSUE TWO**

Dear Planning Commission Members:

We are owners of one of the site adjacent Class One Historic Wexler Steel Houses. We respectfully request a continuance and/or denial of this Planned Development District (PDD) application. There are many grounds for this request and we address one here; the developer, Community Dynamics, has incorrectly completed elements of their September 3, 2009 PDD application despite certifying its truth and accuracy. As with our earlier letter, this alone supports the requested relief.

For example, on page 12 of 22 in the application, entitled "Anticipated Changes As A Result Of The Proposal," Community Dynamics has submitted the following incorrect statements:

- Question 11 asks if there will be change to scenic views from existing residential areas. Community Dynamics answers "No" when it is obvious there will be a significant impact to views of the surrounding mountains from adjacent houses. This was dramatically confirmed on September 29, 2009 when the developer installed a small number of story poles on site. Yet they indicated on September 30 that they will not change their answer in the application.
- Question 13 asks if the project generates controversy, and again Community Dynamics answers "No." However, a brief review of the attachments to Ken Lyons' Staff Memo dated July 22 illustrates the level of controversy regarding the proposal.
- Question 10 asks if there will be significant affects on any unique feature, and again the developer answers "No." To clarify, it is still unclear as to the affects on the five adjacent Class One Historic Wexler Steel houses, and thus a "Maybe" answer would have been suitable. The developer has not guaranteed against negative impacts to the features and natural environment that are important to the architectural setting of the houses.

We seek this continuance and/or denial to further pursue negotiations with the City to resolve other technical issues we have uncovered with this proposed development. Some of these issues were identified in our previous correspondence to the Planning Commission dated June 29, July 7, July 13 and July 14, 2009. We would like to reiterate that we are supporters of suitable affordable housing developments, but this application fails to meet the legal standards established in the various ordinances and codes by The City of Palm Springs.

Regards,  
*Electronically Signed*  
James and Ginger Pigott

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5 October 2009

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Via Email

Palm Springs Planning Commission  
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3200 Tahquitz Canyon Way  
Palm Springs, CA 92263

Re: 10/14/2009 Agenda Item Case 5.1231 PD 356 & Assoc. Files – 3130 N. Indian Canyon Drive  
**REQUEST FOR CONTINUANCE AND/OR DENIAL – ISSUE THREE**

Dear Planning Commission Members:

We are owners of one of the site adjacent Class One Historic Wexler Steel Houses. We respectfully request a continuance and/or denial of this Planned Development District (PDD) application. There are many grounds for this request and we address one here; the failure of the developer, Community Dynamics, to conform to the underlying R2 zoning code with reference to building setbacks.

In the initial project RFQ, issued by the Community Redevelopment Agency ("CRA") in March 2007, it was clearly stated that any proposal must comply with R-2 zoning standards. Particular reference was made to the site's eastern property line with the adjacent R1 zone including the Class One Historic Wexler Steel Houses. Also included was "Attachment B; R-2 Zoning Standards."

The issue of R-2 zoning standards was again clarified by the CRA in RFQ Addendum No. 1 issued April 16, 2007. The RFQ asked for up to thirty units to be constructed. And, while the CRA stated that a developer could propose to construct any number of units up to the maximum allowable under R-2, the CRA specifically emphasized that the developer, **"needs to conform to the other development standards under the R-2 Zoning Code, including a restriction on two-story units within 150 feet of adjacent R-1 zoning (the east property line). Staff feels that, given this setback requirement....30 was a reasonable number of units to propose."**

In correspondence dated November 24, 2008, Steve Roberts of Community Dynamics confirmed with Ken Lyon the applicable R-2 setback standard; that no structure over 15 feet high can be within 150' of the R1 property line, but the setback line can vary by fifty feet if the average setback is 150' and the Planning Commission determines that no detrimental effects will result.

After our June 18, 2009 meeting with the developer, where the question of the nine building setbacks was raised, we received a letter on June 24 from Mr. Roberts who assured us that **"the average distance is 154 feet and 5 inches. This complies with the site's current R-2 zone..."**

However, our further investigation revealed **the true average setback was only 139 feet and 9 inches**, nearly 15 feet less than the developer had told us and far short of that required under zoning standards. We informed Mr. Lyon of this problem, and he clarified the details with the developer whose failure to meet the setback requirement is the main reason why this application is now a PDD. Furthermore, we have since learned that the developer claims to have calculated setbacks with a system that includes measuring empty space, which gave them a setback average distance of 166'. If they always believed their calculation was 166 feet, why did they tell us a completely different distance in June? How can the City donate the land to this developer and approve a project that violates both the spirit and the letter of both the RFQ and the zoning code?



We seek this continuance and/or denial to further pursue negotiations with the City to resolve other technical issues we have uncovered with this proposed development. Some of these issues were identified in our previous correspondence to the Planning Commission dated June 29, July 7, July 13, July 14, and October 1, 2009. We would like to reiterate that we are supporters of suitable affordable housing developments, but this application fails to meet the legal standards established in the various ordinances and codes by The City of Palm Springs.

Regards,  
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Re: 10/14/2009 Agenda Item Case 5.1231 PD 356 & Assoc. Files – 3130 N. Indian Canyon Drive  
**REQUEST FOR CONTINUANCE AND/OR DENIAL – ISSUE FOUR**

Dear Planning Commission Members:

We are owners of one of the site adjacent Class One Historic Wexler Steel Houses. We respectfully request a continuance and/or denial of this Planned Development District (PDD) application. There are many grounds for this request and we address one here; the original purchase of the development site in September 2001 by the Community Redevelopment Agency ("CRA") using monies from the Low and Moderate Income Housing Fund, and the possibly illegitimate request for a property ownership extension in 2007. As with our earlier letters, this alone supports the requested relief.

In September 2001, the CRA purchased the site at issue for \$500,000 using Low and Moderate Income Housing Fund monies as part of a settlement due to litigation initiated by the then owners of the site, CBM Group. Under the terms of California Redevelopment Law Section 33334.16, the CRA had five years – **up to September 2006** – to have either conveyed the site for development or sold the land and deposited the sale proceeds less costs back into the Low and Moderate Income Housing Fund. Unfortunately, neither scenario was realized.

While California Redevelopment Law provided authority for the CRA to have sought a further five year extension of ownership, in this case, the five years expired without such a request or grant by the City. It was not until seven months later, on April 18, 2007, that the CRA sought an extension. In his staff memo to the City Council of the same date, David Ready explained that the "purpose of the extension [was] to enable the Agency to comply with (Section 33334.16) which, barring an extension from the City Council as the legislative body, prohibits redevelopment agencies from retaining such properties longer than five years without initiating specific development activities."

Mr. Ready continued in his memo to urge that the City act stating **"the period of time to hold the land for affordable housing purposes must be extended prior to June, 2007 in order to avoid an audit finding."**

Moreover, the RFQ for this proposed development was only issued on March 6, 2007, six months beyond the allowable term of unextended ownership. Regardless, even if the CRA had complied with Section 33334.16 (which they did not) it is clear that physical development of the site must be started by September 2011, or the property sold and monies put into the relevant Housing Fund. Whether the developers proposing to enter into a DDA with the CRA were made aware of this fact is not obvious, but we do not see such a condition in the March 2007 RFQ for this development or subsequent addendums.

We seek this continuance and/or denial to further pursue negotiations with the City to resolve other technical issues we have uncovered with this proposed development. Some of these issues were

identified in our previous correspondence to the Planning Commission dated June 29, July 7, July 13, July 14, and October 1, 2009. We would like to reiterate that we are supporters of suitable affordable housing developments, but this application fails to meet the legal standards established in the various ordinances and codes by The City of Palm Springs.

Regards,  
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JAMES THOMPSON  
CITY CLERK

James & Ginger Pigott  
P.O. Box 712755  
Los Angeles, California 90071  
jpigott@kernowpartners.com  
gpigott@reedsmith.com

6 October 2009

Via Email

Palm Springs Planning Commission  
City of Palm Springs  
3200 Tahquitz Canyon Way  
Palm Springs, CA 92263

Re: 10/14/2009 Agenda Item Case 5.1231 PD 356 & Assoc. Files – 3130 N. Indian Canyon Drive  
**REQUEST FOR CONTINUANCE AND/OR DENIAL – ISSUE FIVE**

Dear Planning Commission Members:

We are owners of one of the site adjacent Class One Historic Wexler Steel Houses. We respectfully request a continuance and/or denial of this Planned Development District (PDD) application. There are many grounds for this request and we address one here; the now inapplicable Architectural Advisory Committee (AAC) approval of the development design as a MAJ application, with no subsequent approval as the now proposed PDD.

In November 2008, April 2009 and June 2009, the development design was reviewed by the AAC where it encountered significant opposition and negative commentary. By way of example only, minutes of the April 2009 AAC meeting included the comment that the project was "**woefully under designed,**" and was subsequently voted against by 5-0. At the third attempt in June, the design was approved with a narrow 3-1 vote. However, the comments reveal that the development remained problematic for the AAC, with members noting it was "**still too dense, courtyards and back to back patios still don't work.**"

However, this approval is now effectively moot and certainly lacks any authority given the developers' September 2009 re-submittal of the application as a PDD due to the failure of the original MAJ (to meet R2 zoning standards). This fact should be reflected in all future Staff Memos presented to the Planning Commission and City Council. Even though the basic design has not changed the blatant intentions of the PDD application certainly have, and the AAC would have taken into account any waivers sought, and/or stated public benefits, before deciding on whether to give their approval.

Moreover, as the final AAC meeting occurred in June 2009, it is fair to assume that the members were under the impression that all R2 zoning standards had been met, including building setbacks with regard to the R1 property line. However, as we have noted in prior correspondence, in July 2009 it was discovered that the developer had failed to meet the minimum setback requirement, and this led to the withdrawal of the MAJ application and the re-submittal of this proposal as a PDD.

We appreciate that the AAC approval has no binding authority, but such approval might give this design some ill-deserved credibility prior to the Planning Commission and City Council hearings. Certainly, this development should no longer benefit from an approval achieved only with incomplete and inaccurate information such as the setback conformance and related line of site problems among other issues.

We seek this continuance and/or denial to further pursue negotiations with the City to resolve other technical issues we have uncovered with this proposed development. Some of these issues were identified in our previous correspondence to the Planning Commission dated June 29, July 7, July 13,

July 14, October 1 and October 5, 2009. We would like to reiterate that we are supporters of suitable affordable housing developments, but this application fails to meet the legal standards established in the various ordinances and codes by The City of Palm Springs.

Regards,  
*Electronically Signed*  
James and Ginger Pigott

Cc: Mayor Steve Pougnet  
Mayor Pro Tem Chris Mills  
Councilmember Ginny Foat  
Councilmember Rick Hutcheson  
Councilmember Lee Weigel  
David Ready  
Tom Wilson  
Dale Cook  
Craig Ewing  
Ken Lyon  
Jim Isermann  
Tom Carnase and Claire Victor  
Brian McGuire  
Mary Ann Webster and Doug Keeve  
Jim Moore  
Donna Chaban  
Rick Vila, Racquet Club Estates Neighborhood Association  
Peter Moruzzi, The Palm Springs Modern Committee

RECEIVED  
CITY OF PALM SPRINGS

2009 OCT -6 PM 3:41

JAMES THOMPSON  
CITY CLERK

James & Ginger Pigott  
P.O. Box 712755  
Los Angeles, California 90071  
jpigott@kernowpartners.com  
gpigott@reedsmith.com

6 October 2009

Via Email

Palm Springs Planning Commission  
City of Palm Springs  
3200 Tahquitz Canyon Way  
Palm Springs, CA 92263

Re: 10/14/2009 Agenda Item Case 5.1231 PD 356 & Assoc. Files – 3130 N. Indian Canyon Drive  
**REQUEST FOR CONTINUANCE AND/OR DENIAL – ISSUE SIX**

Dear Planning Commission Members:

We are owners of one of the site adjacent Class One Historic Wexler Steel Houses. We respectfully request a continuance and/or denial of this Planned Development District (PDD) application. There are many grounds for this request and we address one here; the incorrect and inapplicable CEQA Categorical Exemption as determined and proposed by the Palm Springs Planning Department.

The Public Notice for the October 14, 2009 Planning Commission hearing for this proposed PDD states the project is "categorically exempt from further environmental review pursuant to Section 15332 (Infill development) of the California Environmental Quality Act (CEQA)." This same language was used on the notice for a prior hearing (later continued) when this project was submitted as a MAJ.

However, a brief review of Section 15332 demonstrates that this proposal fails to meet at least three of the five requirements for such an exemption to apply, including the following:

**(a) The project is consistent with....applicable zoning designation and regulations.**

We, and others, have submitted previous correspondence that clearly demonstrates the developer's failure and inability to meet the underlying R2 zoning standards, in particular with building setbacks in relation to the adjacent R1 zone and the subsequent withdrawal of the MAJ and submittal of this PDD.

**(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**

The 3.6 acre development proposal calls for parking for over 110 vehicles, estimates the number of residents at approximately 180 people (plus pets), and places 51 air conditioning units on unit roof tops. These combined factors will have an incredible impact on many levels of pollution including traffic, light, noise and air, as well as significant energy use and issues relating to personal safety.

**(e) The site can be adequately served by all required utilities and public services.**

As highlighted in a previous letter, the lack of access to adequate public transport is a problem for this development, and will only serve to exacerbate the issues of excessive car usage, large-scale parking and negative environmental impacts.

Given this brief analysis, we fail to understand how this proposed development can be "categorically exempt" from a full CEQA analysis including an Environmental Impact Report. CEQA was enacted to protect from the very types of impacts this project proposes to inflict and a full analysis performed by

the City is mandated in order to make sure such impacts are quantified and accounted for, and if necessary, mitigated. Yet here, we have a case where in reviewing their CEQA determination the City Staff attempted to find loopholes as to why an EIR is not required, as opposed to looking at all the reasons why a Report should be undertaken. How can that procedure be reconciled with the statute? And, does it not make more sense, when further issues are raised by the public, for the City to even minimally provide analysis to support an exemption prior to making a decision that might result in protracted contentious proceedings? Yet, here, despite analysis provided by us in July and a request for further discussion, the City Staff have provided no substantive response.

We seek this continuance and/or denial to further pursue negotiations with the City to resolve other technical issues we have uncovered with this proposed development. Some of these issues were identified in our previous correspondence to the Planning Commission dated June 29, July 7, July 13, July 14, October 1 and October 5, 2009. We would like to reiterate that we are supporters of suitable affordable housing developments, but this application fails to meet the legal standards established in the various ordinances and codes by The City of Palm Springs.

Regards,  
*Electronically Signed*  
James and Ginger Pigott

Cc: Mayor Steve Pougnet  
Mayor Pro Tem Chris Mills  
Councilmember Ginny Foat  
Councilmember Rick Hutcheson  
Councilmember Lee Weigel  
David Ready  
Tom Wilson  
Dale Cook  
Craig Ewing  
Ken Lyon  
Jim Isermann  
Tom Carnase and Claire Victor  
Brian McGuire  
Mary Ann Webster and Doug Keeve  
Jim Moore  
Donna Chaban  
Rick Vila, Racquet Club Estates Neighborhood Association  
Peter Moruzzi, The Palm Springs Modern Committee

## Ken Lyon

---

**From:** mawebster [mawebster1984@sbcglobal.net]  
**Sent:** Sunday, October 04, 2009 3:04 PM  
**To:** Jay Thompson; CityClerk  
**Cc:** Ken Lyon; Ginger H. Pigott; Rick Hutcheson; Jim Moore; Ginny Foat; Lee Weigel; Dale Cook; Steve Pognet; James Pigott; Jay Thompson; Jim Isermann; Claire Victor; Thomas Carnase; Chris Mills; Doug Keeve; CityManager@palmsprings-ca.gov; David Ready; b Mcguire; mawebster1984@sbcglobal.net  
**Subject:** Request for Suspension & Meeting Regarding Case 5.1231

To: Jay Thompson, City Clerk re Case 5.1231. Request for denial of this project or for a continuance.

Please forward these comments to members of the Palm Springs Planning Commission and enter these comments into the public record.

Dear Planning Commission Members:

This proposed development at 3130 No. Indian Cyn Drive impacts in general the entire neighborhood, including the owners of Historic Wexler Steel houses. It seems clear that the project fails to meet several ordinances and codes set forth by Palm Springs City government. Most important, this development should not be categorically exempt from a complete environmental review under the CA Environmental Quality Act. A full CEQA review would ensure that decisions for this project take into account environmental impacts, so as to ensure that local residents are given a chance to examine and monitor such impacts, including:

1. viewshed pollution: two-story height and roof air-conditioners curtail and impact the scenic views of the adjacent community, including those who live in the historic Case Study Houses.
2. noise pollution: operation of 51 air conditioning units; vehicle noise entering and exiting the parking areas, directly adjacent to the case study residences.
3. light pollution: intensity of lighting from the placement of the parking and the unit areas.
4. high density: these 51 units create a severe lack of green/open space in a extremely limited space.

We ask that a new design features be implemented, with single-story residences and ample green space. Such residences should follow green building practices and high standards of environmental protection for the local neighborhood and its residents. No variances of any kind should be permitted.

Thank you.

Mary Ann Webster and Douglas Keeve, owners of Wexler Case Study House at 3165 SunnyView Drive, Palm Springs, CA



**Ken Lyon**

---

**From:** Thomas Carnase [carnase@carnase.com]  
**Sent:** Monday, October 05, 2009 10:27 AM  
**To:** Jay Thompson  
**Cc:** Ginny Foat; Steve Pougnet; Rick Hutcheson; Lee Weigel; Chris Mills; CityManager@palmsprings-ca.gov; Ken Lyon; James Pigott; bmcguire98443@roadrunner.com; Jim Isermann; mawebster  
**Subject:** CEQA

Dear Mr. Thompson,

In the NOTICE OF PUBLIC HEARING letter there is a paragraph outlined as ENVIRONMENTAL DETERMINATION

which states that "the project has been determined to be catagorically exempt from further environmental review

pursuant to section 15332 ( infill development ) of CEQA.

I reviewed section 15332 and discovered that under part (d) Approval of the project would not result in any significant

effects relating to traffic, noise, air quality or water quality.

I believe it is essential that CEQA have the opportunity to investigate this project without fair interference or pre-determination by anyone.

Thomas Carnase  
300 East Molino Road  
Palm Springs, CA 92262

October 1, 2009

Mr. Jay Thompson, City Clerk  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262  
[cityclerk@palmsprings-ca.gov](mailto:cityclerk@palmsprings-ca.gov)

**Re: Letter of Support  
Residential Development of 51 Moderate Income Townhomes  
Case Number - 5.1231 PD 356**

Dear Mr. Thompson,

We are owners of a townhome in the Palermo Development just north of the proposed site and want to provide this letter in support of the 51 Moderate Income Townhomes planned in our neighborhood.

We have lived in Palermo for more than two years and it is our belief that this development makes perfect sense and will provide moderate income, working families with a quality development within the City of Palm Springs. The design and layout are of a high quality and I think most families would be proud to call one of the units "home".

The "NIMBY" (Not In My Back Yard) mentality that resounds in several areas of our valley needs to stop. Projections for population growth in this valley over the next 20 years make it obvious that we need to provide quality housing for the workforce that will be required to sustain the Coachella Valley's continued growth.

As recent first-time home owners and residents of Palm Springs for more than 5 years it is refreshing to see a concerned effort by the city to bring a quality/affordable home development to our neighborhood. We look forward to continued, thoughtful growth of the Indian Canyon/San Rafael corridor.

Sincerely,

Mark & Troy Dansby  
Palermo Home Owners  
3555 Sunburst Blvd.  
Palm Springs, 92262

**Jay Thompson**

RECEIVED  
CITY OF PALM SPRINGS

**From:** Thomas Carnase [carnase@carnase.com]

**Sent:** Monday, October 05, 2009 11:56 AM

2009 OCT -5 PM 12: 06

**To:** Ken Lyon

JAMES THOMPSON  
CITY CLERK

**Cc:** Ginny Foat; Steve Pougnet; Chris Mills; CityManager@palm Springs-ca.gov; David Ready; Rick Hutcheson; Lee Weigel; Tom Wilson; Craig Ewing; Jay Thompson; CityClerk; James Pigott; bmcguire98443@roadrunner.com; mawebster; Jim Isermann; Dale Cook

Dear Ken,

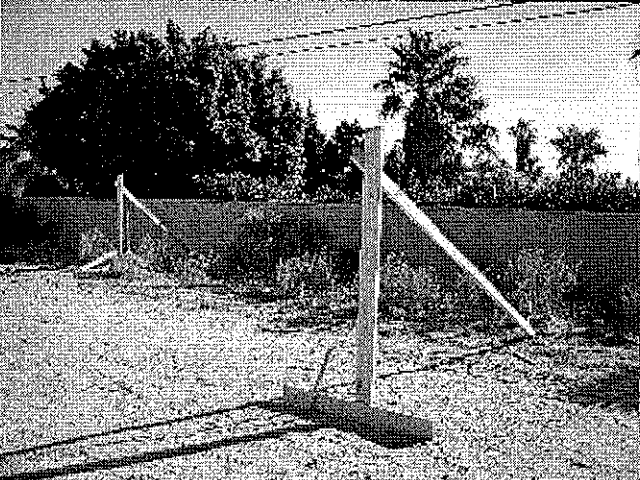
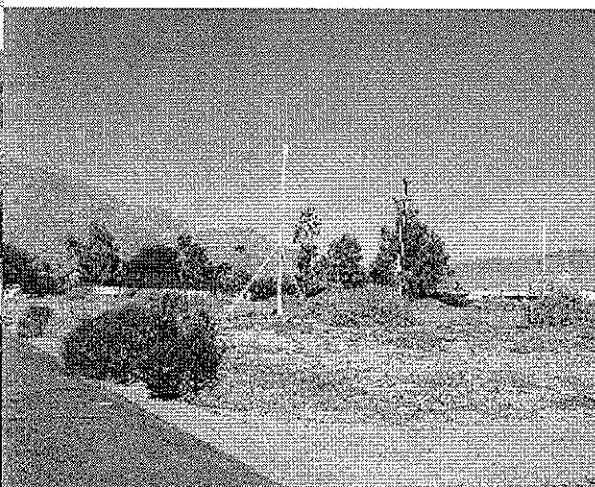
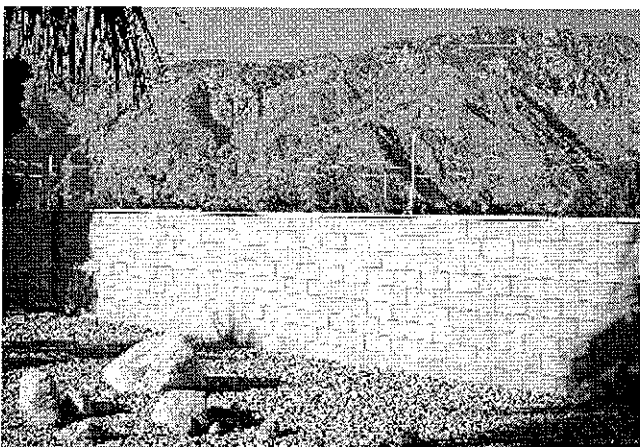
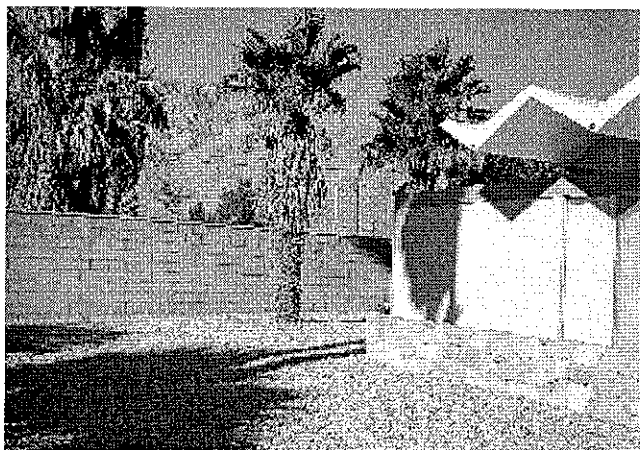
Case 5.1231 PD 356 & Associated Files- 51 unit project, 3130 N. Indian Canyon Drive

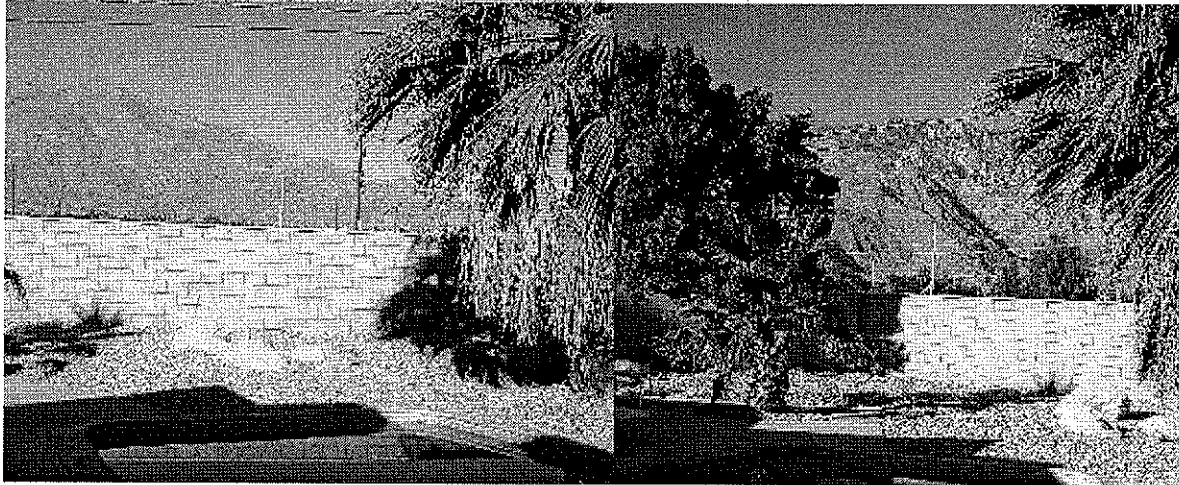
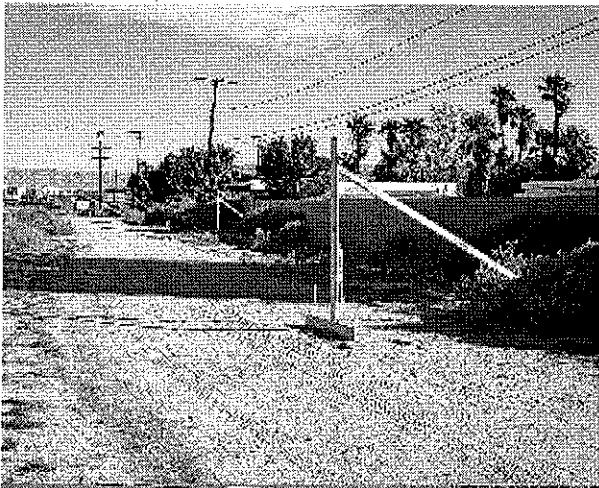
These pictures of the STORY POLES certainly shows the poor misleading sight line lecture by the builder of how I would only see a sliver of the buildings roof line. Now, this unbelievably dishonest and manipulative issue surfaces with the true horrible visual story. This is just one of the many lies told us during the history of this Proposal.

Thomas Carnase  
300 East Molino Road  
Palm Springs, CA 92262



to me about this project.





**Jay Thompson**

RECEIVED  
CITY OF PALM SPRINGS

**From:** Thomas Carnase [carnase@carnase.com]

**Sent:** Monday, October 05, 2009 11:39 AM 2009 OCT -5 AM 11:49

**To:** Jay Thompson

JAMES THOMPSON  
CITY CLERK

**Subject:** Re: CEQA

Dear Mr. Thompson,

I'm addressing Case 5.1231 PD 356 & Associated Files - 51 Unit project, 3130 North Canyon Drive

Thank you,  
Thomas Carnase

On Oct 5, 2009, at 11:12 AM, Jay Thompson wrote:

Thomas, which project are you referring you public testimony to? Jay

*James Thompson, City Clerk*

*City of Palm Springs, California*

*TEL (760) 323-8204*

---

**From:** Thomas Carnase [mailto:carnase@carnase.com]

**Sent:** Monday, October 05, 2009 10:27 AM

**To:** Jay Thompson

**Cc:** Ginny Foat; Steve Pougnet; Rick Hutcheson; Lee Weigel; Chris Mills;

[CityManager@palmsprings-ca.gov](mailto:CityManager@palmsprings-ca.gov); Ken Lyon; James Pigott;

[bmcquire98443@roadrunner.com](mailto:bmcquire98443@roadrunner.com); Jim Isermann; mawebster

**Subject:** CEQA

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which states that "the project has been determined to be catagorically exempt from further environmental review

pursuant to section 15332 ( infill development ) of CEQA.

I reviewed section 15332 and discovered that under part (d) Approval of the project would not result in any significant

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I believe it is essential that CEQA have the opportunity to investigate this project without fair interference or

pre-determination by anyone.

Thomas Carnase

300 East Molino Road

Palm Springs, CA 92262

**Jay Thompson**

---

**From:** mawebster [mawebster1984@sbcglobal.net]  
**Sent:** Sunday, October 04, 2009 3:04 PM  
**To:** Jay Thompson; CityClerk  
**Cc:** Ken Lyon; Ginger H. Pigott; Rick Hutcheson; Jim Moore; Ginny Foat; Lee Weigel; Dale Cook; Steve Pougnet; James Pigott; Jay Thompson; Jim Isermann; Claire Victor; Thomas Carnase; Chris Mills; Doug Keeve; CityManager@palmsprings-ca.gov; David Ready; b Mcguire; mawebster1984@sbcglobal.net  
**Subject:** Request for Suspension & Meeting Regarding Case 5.1231

To: Jay Thompson, City Clerk re Case 5.1231. Request for denial of this project or for a continuance.

Please forward these comments to members of the Palm Springs Planning Commission and enter these comments into the public record.

Dear Planning Commission Members:

This proposed development at 3130 No. Indian Cyn Drive impacts in general the entire neighborhood, including the owners of Historic Wexler Steel houses. It seems clear that the project fails to meet several ordinances and codes set forth by Palm Springs City government. Most important, this development should not be categorically exempt from a complete environmental review under the CA Environmental Quality Act. A full CEQA review would ensure that decisions for this project take into account environmental impacts, so as to ensure that local residents are given a chance to examine and monitor such impacts, including:

1. viewshed pollution: two-story height and roof air-conditioners curtail and impact the scenic views of the adjacent community, including those who live in the historic Case Study Houses.
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4. high density: these 51 units create a severe lack of green/open space in a extremely limited space.

We ask that a new design features be implemented, with single-story residences and ample green space. Such residences should follow green building practices and high standards of environmental protection for the local neighborhood and its residents. No variances of any kind should be permitted.

Thank you.  
Mary Ann Webster and Douglas Keeve, owners of Wexler Case Study House at 3165 SunnyView Drive, Palm Springs, CA

RECEIVED  
CITY OF PALM SPRINGS  
2009 OCT -5 AM 8:18  
JAMES THOMPSON  
CITY CLERK



October 7, 2009

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

Dear Planning Commissioners:

RE: Case 5.1231 PD

I am a 9 year owner of an Alexander home in the Racquet Club Estates neighborhood and my home is just a few blocks from the proposed site. I am concerned about quality development for the north end of Palm Springs especially as it relates to vacant parcels and the new College of the Desert West Valley Campus.

Recently I met with the developer and reviewed Case 5.1231PD. I found the project to be:

1. Well thought out in terms of being sensitive to surrounding neighbors' views. The housing portion of the project is set back far away from the adjacent neighbors' backyards and includes view corridors.
2. The proposed density is appropriate for the site. In fact it is below the existing R-2 density. The 2 story buildings make sense on Indian Canyon where there are 2 story buildings to the north and south of the proposed site.
3. This is quality development for Palm Springs that will help improve the neighborhood not hinder it. Its architecture is also fitting for the area.
4. The developer has a track record of producing quality projects such as this one; all of which have improved the neighborhoods for which they are located in.

I feel this development will be an asset to our north end and to the City of Palm Springs and its residents. I would like to see this project approved so this blighted parcel can be developed and assist in bringing life to our north end.

Sincerely,

*Tamara Stevens*

Tamara Stevens  
Racquet Club Estates – Sycamore Circle

cc: [steve.pouget@palmsprings-ca.gov](mailto:steve.pouget@palmsprings-ca.gov)  
[chris.mills@palmsprings-ca.gov](mailto:chris.mills@palmsprings-ca.gov)  
[ginny.foat@palmsprings-ca.gov](mailto:ginny.foat@palmsprings-ca.gov)  
[rick.hutcheson@palmsprings-ca.gov](mailto:rick.hutcheson@palmsprings-ca.gov)  
[lee.weigel@palmsprings-ca.gov](mailto:lee.weigel@palmsprings-ca.gov)

[ken.lyon@palmsprings-ca.gov](mailto:ken.lyon@palmsprings-ca.gov)  
[dale.cook@palmsprings-ca.gov](mailto:dale.cook@palmsprings-ca.gov)  
[David.Ready@palmsprings-ca.gov](mailto:David.Ready@palmsprings-ca.gov)  
[Tom.Wilson@palmsprings-ca.gov](mailto:Tom.Wilson@palmsprings-ca.gov)  
[Martha.edgmon@palmsprings-ca.gov](mailto:Martha.edgmon@palmsprings-ca.gov)

**Ken Lyon**

---

**From:** SUNDANCEPS@aol.com  
**Sent:** Tuesday, September 01, 2009 6:05 PM  
**To:** Ken Lyon; Lee A. Husfeldt  
**Subject:** Proposed Low Income Housing Development

Upon returning from my vacation, I learned there is a meeting this Thursday with the developer of a proposed low-income housing development at San Rafael and Indian Canyon.

I own a home one block west of Indian and two blocks north of Racquet Club Road yet I was not notified of this meeting directly, which is very upsetting since it will directly effect my property and the Sundance Villas property rentals I manage which generate over \$50,000 in annual Transient Occupancy Tax to the City of Palm Springs.

The existing low-cost housing and charity shelters in this neighborhood already make rentals and re-sales difficult. As I count the number of low-income developments within a two mile radius of my home, including a low-cost apartment complex which sets due east of my home on Indian Canyon, I am wondering why neighborhoods south, southwest and southeast of my home are not also considered for low-income housing. It has been a struggle to entice developers of higher-end properties to even consider building north of Racquet Club Road, and those that have taken the gamble have been met with opposition from buyers worried about crime in this area. With the development of "48@ Racquet Club" and Palm Springs' Moderns' interest in additional developments in this neighborhood, why would you want to risk driving away a developer who wants to beautify this historic gateway to Palm Springs?

I would like to believe the City shares our concerns and will work with us, rather than against us, to improve and beautify our Racquet Club neighborhood.

Thank you.

Sincerely,

Ginny Hahn  
Owner  
Private Villa Management  
Exclusive rental management for Sundance Villas  
303 Cabrillo Road  
Palm Springs, CA 92262  
760-325-3888

*Sundance Villas 800/455-3888*

*www.sundancevillas.com*

---

07 September 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 Affordable Townhouses, 3130 North Indian Canyon Drive  
(Public Hearing date to be announced)

Dear Members of the Palm Springs Planning Commission:

I am a property owner at 3125 North Sunny View Drive, one of the all-steel Wexler homes. Please reference my previous correspondences to the City dated 22 September 2008, 19 October 2008, 24 June 2009, and 14 July 2009.

I am writing in response to new information obtained at the community meeting hosted by Community Dynamics (ComDyn) the evening of 03 September 2009—specifically the issue of setbacks between R1- and R2-zoned land. We had been told in the past by ComDyn that, although the closest 2-story structure would be only 108 feet from the property line, the average setback was in excess of 150 feet. In a letter from ComDyn dated 24 June 2009, they quoted an average of 154 feet 5 inches. When I and my neighbors were finally provided the setback map, our independent calculations came up with less than 140 feet (I arrived at 139.9 feet and the Pigotts arrived at 139 feet 9 inches). ComDyn is now claiming the average setback to be over 166 feet. When we questioned the discrepancy, it was disclosed to us that the larger setback calculations were derived **by averaging in the unbuilt strips of land between the various buildings!**

Using this flawed and somewhat ludicrous logic, a builder could in theory put up a 2-story structure 5 feet from a property line and then, by averaging in all of the unbuilt area around it, still claim an average setback greater than 150 feet. Or, a room full of people could average all of their respective ages, throwing in zeros for every empty chair in the room to demonstrate how youthful they are.

When we questioned ComDyn about the propriety of that approach, they implied that, with PD status, they could basically do what they want, and additionally by structurally tying together the various buildings with some sort of connection, they could even bypass the setback issue altogether.

*How does this manipulation fulfill either the letter or the spirit of the ordinance? Is it not enough that the developer sidesteps the 150-foot code by invoking the averaging method? Now they are creating loopholes in the loopholes. Is it that easy to "game" City building codes and does that not bother you? Why do we even have codes? Legal or not, this is sickening to me.*

Given the extreme disparities between the average setback calculations (140 feet vs 166 feet, a difference of 26 feet or 18.5%), it seems worthwhile to have an independent arbitrator perform the definitive calculation and not just take the word of the developer.

What I find inexplicable is that there are relatively easy ways to address the setback issue—either by making each unit within 150 feet of the property line single story, or by just lopping off the end units of the longest structures. Yes, this would decrease the number of units, but that can't affect the profit margin materially since the developer was given free land to begin with.

Also in the meeting, the issue of the highly misleading and manipulated line-of-sight studies came up and the developer committed to performing a story-pole analysis. I trust that the City Planning Commission will hold ComDyn to that promise.

Thank you for your attention to this matter and for your commitment to protecting the rights of current residents and taxpayers.

Respectfully,

Brian W. McGuire PhD  
PO Box 1613  
Thousand Oaks CA 91358  
[bmcguire98443@roadrunner.com](mailto:bmcguire98443@roadrunner.com)

cc: L. Bloch (ComDyn)  
T. Carnase  
G. Heyman  
J. Isermann  
D. Keeve  
K. Lyon  
J. Pigott  
C. Victor  
M. Webster

RECEIVED  
CITY OF PALM SPRINGS

2009 SEP 21 AM 11:25

DATE: September 18, 2009  
TO: Palm Springs City Council  
FROM: Dr. Richard Gordinier, MD, JD  
RE: Low income housing on San Rafael and Indian Cyn

JAMES THOMPSON  
CITY CLERK

We have been coming to Palm Springs for over fifty years and have watched Palm Springs grow into a desirable place to live and visit.

Our residence is in the middle of a historical area of this city known as Racquet Club West. This location is the area where many celebrities have lived. This location is zoned for private single dwelling homes and many are the original homes of the rich and famous. This includes the Palm Springs Racquet club, Christina Onassis, Joan Crawford and Betty Davis.

Adjacent to the area in discussion is concern over the <sup>ERMO</sup>Palmero Division where the project has come to a stand-still and maintenance of this project is in question.

The north end of the city is plagued by crime. In this area alone are approximately thirty plus sexual offenders. Low cost housing could attract more of this element or might create a safety issue for the people living in this project. This area has seen an increase in crime and vandalism.

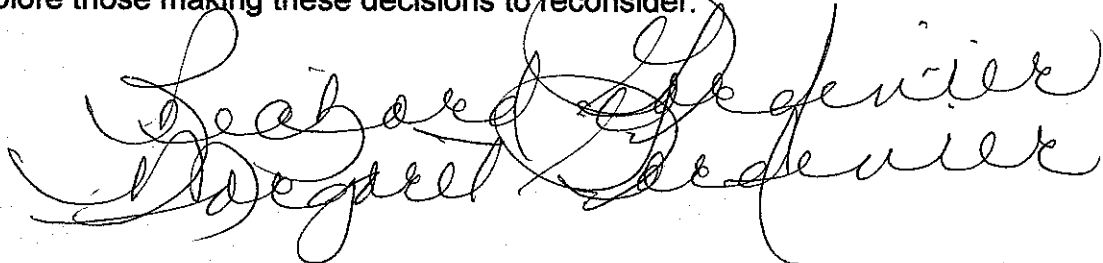
In addition, this area is the entry to Palm Springs for residents and visitors arriving off the 10 freeway. First impressions can be lasting impressions.

The intersection of San Rafael and Indian Canyon is dangerous. Numerous accidents occur here because of the high volume of traffic that uses San Rafael as the first eastbound street off Palm Canyon going south from the freeway. On Indian Canyon this intersection is the first stop light going south from the 10.

The recent proposal of adding more low income housing and high density housing is a grave concern to residents. We are seriously concerned about these plans and would ask the City council and Planning commission to reconsider the present and long range effect on Palm Springs.

There is an abundance of available open space for this development in other areas. We feel this plan is poorly thought out and can only be a detriment to creating a desirable image for Palm Springs residents and visitors who enjoy the area and want to spend their money vacationing or living in Palm Springs.

At a time when it is necessary to restore the image of Palm Springs as a desirable place to live and visit, this would be a major step backwards. We implore those making these decisions to reconsider.



**Ken Lyon**

**From:** MCLEConsul@aol.com  
**Sent:** Wednesday, September 23, 2009 1:17 PM  
**To:** David Ready  
**Cc:** Steve Pougnet; Chris Mills; Ginny Foat; Rick Hutcheson; Lee Weigel; Ken Lyon; carnase@carnase.com; jpigott@kernowpartners.com  
**Subject:** Fwd: Request for Suspension

David Ready, Esq., PhD.  
 City Manager  
 City of Palm Springs  
 3200 Tahquitz Canyon Way  
 Palm Springs, CA 92262

Re: Case 5.1231 PD 356 and Associated Files - Proposed 51 Unit Project,  
 3130 North Indian Canyon Drive

Dear Dr. Ready (David):

I fully concur with the attached letter from Mr. James Pigott ; it totally expresses facts and views that I share as well as concerns I have heard from many homeowners throughout this historic neighborhood, The Racquet Club Estates.

One thing I would like to share if I may - a personal effort of my own - I have sketched and produced a site map (or rendering) demonstrating how easily a developer can place 20 to 30 single-story family homes, which mimic the Alexander designs, each with its own garage. Cost effective to build, for low to moderate income families. Now, if I, an amateur planner, can create such a site map, why can't a developer?

Twenty to thirty homes would not negatively impact the lives of the neighbors. A 51-unit complex would. It would also eventually negatively impact the lives of the families who would reside in such complex. How, you ask? The development as proposed does not foster a sense of home ownership pride. Its layout as designed is inconvenient and, quite frankly, just bad design. Couple of perfect examples in our City - -

- 1) Catalina Grove with carports located far from the apartments (now condos); vehicles broken into or stolen, muggings of residents walking to or from the dark and remote carport;
- 2) "The Towers," Indian Canyon and Francis, which many refer to as "the rehab center" or "the nursing home," because of its inappropriate design for the gateway to our neighborhood. Not one unit could be sold; it therefore became a rental apartment building and on its own property that empty lot full of trash; and renters who have no vested interest in the property's cleanliness.

On the other hand, to encourage a thoughtful project that would be a better fit, this developer should travel around the city and observe for example single-storey condo complexes that have garages with direct access to the residences not jammed up against one another - because its/their developer had the sensitivity and brains to create a low-density, quality-of-life complex designed for human beings.

A great example, albeit higher income, is the upscale complex of Alexander homes on West Vista Chino. While these were (before our economic downturn) million dollar homes, it shows how development of a relatively small piece of land was well thought out.

I am not a professional planner or architect. I come from a contractor family. I worked for top architects. I have a keen sense of design and sensibility. I have designed three homes of my own, acting as my own contractor - experience that I am happy to share "pro bono" giving you fresh perspective, if you care to call upon me. Thank you for your time and attention to my thoughts on the subject.

Sincerely,

9/23/2009

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