

1157 **Exhibit III-4 Open Spaces**



Source: RGA Landscape Architects, Inc.

09.28.15



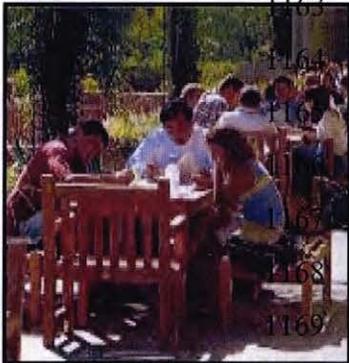
Downtown Palm Springs Specific Plan  
 Block E - Park  
 Palm Springs, California

III-4

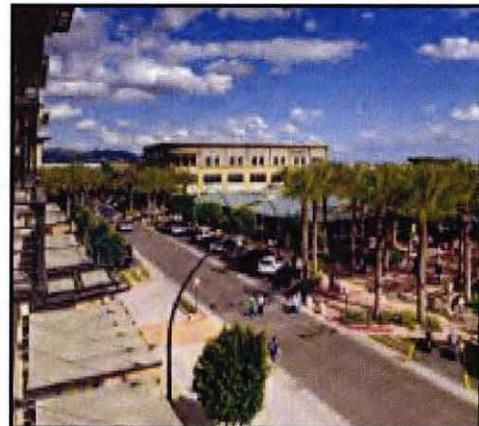
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b. Public Open Spaces

The ~~Main Plaza~~, new City-owned central park identified as “Downtown Palm Springs Park,”, occupying Block ~~BE~~ fulfills the need for a public gathering place in the Specific Plan area.



Successful, pedestrian oriented open spaces have clearly defined edges, are well connected by being situated adjacent to, but not on, main movement spaces and they are well integrated into the surrounding urban fabric. The ~~Main Plaza~~Downtown Palm Springs Park is centrally located between North Palm Canyon Drive within the Specific Plan area, with direct connection to areas north, south and east of the Specific Plan via



~~Main Street~~ and Belardo Road, ~~thereby linking two important north-south routes and providing east-west connectivity~~. The area is effectively enclosed by the surrounding blocks and its spatial characteristics provide opportunity for extended and varied uses. The ~~Main Plaza~~Downtown Palm Springs Park is fundamental to the creation of a distinctive sense of place and it will be a definitive space, forming the nucleus of ~~the Museum-Market Plaza~~Downtown Palm Springs. Design and detailing must be consistent with the wider Urban Design concept and the ~~Main Plaza~~Downtown Palm Springs Park will include a distinctive central focal point, such as a commanding piece of art or water feature, creative landscaping and a wide range of amenities to facilitate cultural, pedestrian, and recreational activities, as well as a venue for gatherings, entertainment, and community activities. Built form within the ~~Plaza~~Downtown Palm Springs Park will remain limited and subordinate to the function of the Downtown Palm Springs Park and its use as a public space and special event venue; wide views should exist in all directions.

1188 Public gathering spaces on a smaller scale will also be created in front of the Palm Springs Art  
1189 Museum on Blocks H-1 and in the center of Block K. The twoH-2. These secondary open  
1190 spaces will form an integral part of the significant view corridor that ~~will exist between~~  
1191 ~~the~~expose the eastern façade of the Palm Springs Art Museum ~~to the west and the Block K~~  
1192 ~~buildings to the east.~~ The design treatment of ~~the two spaces~~Blocks H-1 and H-2 will  
1193 complement that of the ~~Main Plaza~~Downtown Palm Springs Park so that a clear hierarchical  
1194 relationship between the open spaces within ~~the Museum Market Plaza~~Downtown Palm Springs  
1195 is evident and continuity of theme maintained.

1196

1197 c. e. Common Open Space in Residential Projects

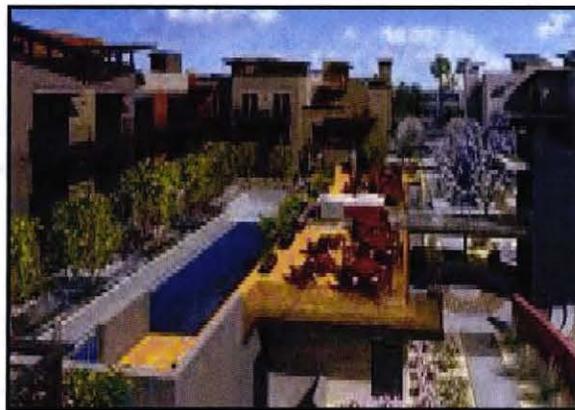
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1199 Common area open space for residential projects is intended to provide opportunities for views  
1200 within the blocks to the surrounding mountains and streetscene. When designed in conjunction  
1201 with building articulation, the aesthetic effect will be improved for residents and visitors alike.  
1202 Permeating the built form with interesting and sensitively designed open spaces prevents the  
1203 creation of continuous frontages and overwhelming urban ‘mega-blocks’, while facilitating the  
1204 safety of users by allowing spontaneous observation.

1205

1206 The domestic use of common open spaces in  
1207 residential projects must be reflected in  
1208 spatial proportions to the human scale and in  
1209 gentle means of enclosure that, while  
1210 providing residents with an essential level of  
1211 privacy, allow landscape features and a sense  
1212 of spaciousness to prevail. Design treatments  
1213 must be consistent with the wider urban  
1214 design concept and result in lively and inviting common spaces that complement the  
1215 architectural style of the adjacent buildings and encourage appropriate use.

1216



1217 **Exhibit III-5 Conceptual Master Landscape Plan**

1218 |



**Downtown Palm Springs Landscape Design Concept**  
 Conceptual Master Landscape Plan for Downtown Palm Springs, California. The plan shows a grid of streets including Museum Drive, Belardo Road, Main Street, and Palm Canyon Drive. It features various building footprints, parking lots, and extensive landscaping with trees and shrubs. A north arrow is located in the top right corner. A legend in the bottom left corner lists plant species and their quantities. A title block in the bottom right corner identifies the project as 'Downtown Palm Springs Specific Plan Conceptual Master Landscape Plan Palm Springs, California' and credits 'TERRA NOVA PLANNING & RESEARCH, INC.'

**Plant Schedule**

Plant	Quantity
1. 10' Spreading Palm	100
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III-5

Downtown Palm Springs Specific Plan  
 Conceptual Master Landscape Plan  
 Palm Springs, California

Source: TKD Associates, Incorporated  
**TERRA NOVA**  
 PLANNING & RESEARCH, INC.

1219

1220

### 3. Landscaping

1221

1222 Highly defined landscaping is an essential part of achieving quality design within the ~~Museum~~  
1223 ~~Market Plaza~~Downtown Palm Springs Specific Plan, and will have a profound effect on the  
1224 quality of life enjoyed by residents and visitors. Development of this landscape plan has been  
1225 guided by a variety of considerations,  
1226 including the natural and developed setting  
1227 within which the ~~planning area~~project occurs.

1228

1229 The Specific Plan landscape plan has been  
1230 designed to be compatible and consistent with  
1231 the local setting as well as the Downtown  
1232 Design Guidelines. Landscaped open space  
1233 areas that are responsive to desert conditions,  
1234 utilizing thoughtful and creative designs that limit water demand and are in harmony with the  
1235 natural setting. The master landscape palette includes a variety of drought tolerant and native  
1236 species.

1237

1238 Use of landscaping throughout the site to provide connectivity linking all residential, commercial  
1239 and mixed-use areas. Open space areas provide for pedestrian and bicycle access and connect to  
1240 the hotels and Convention Center to the east.

1241

1242 Landscaping will be utilized as a functional design element within all ~~planning areas~~Blocks.

1243 Landscape treatments and enhancements are designed to maximize the use of native desert and  
1244 compatible drought-tolerant planting materials. Landscape plans will address water erosion  
1245 issues and must demonstrate the water efficiency gained from plant and irrigation system  
1246 selection.





1255

To accomplish the design objectives, landscape elements will incorporate vertical dimension. Fan palms, date palms, acacia and Rhus lancia are appropriate trees within the project. Trees can also be used to provide shading and cooling. Use of trees shall take into careful account the viewsheds, as well as that rightfully enjoyed by adjoining properties.

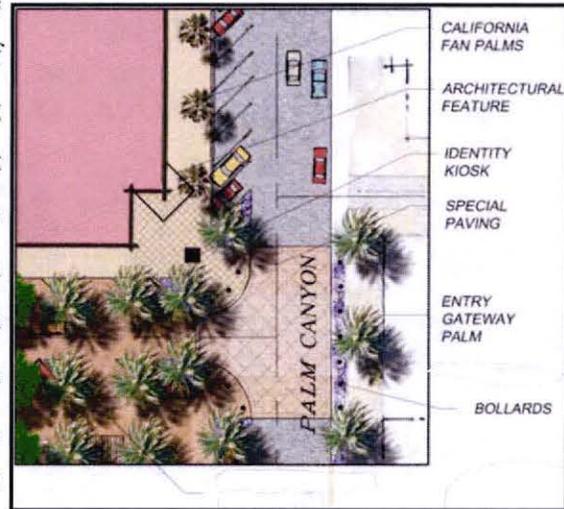
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The conceptual Master Landscaping Plan for ~~the Museum Market Plaza Downtown Palm Springs~~ is shown in Exhibit III-5. ~~The Museum Market Plaza Downtown Palm Springs~~ is divided into a series of Major and Minor Entries, and Major and Minor Focal Points.

As the central focal point to the entire project, the ~~Main Plaza Downtown Palm Springs Park~~ is to be given particular attention and care. The ~~Plaza Downtown Palm Springs Park~~ is to transition between the regimented street landscaping on surrounding streets, into a ~~shaded landscaped~~, people friendly place where the atmosphere invites visitors to sit, enjoy the cool air, and the ~~water feature amenities incorporated into the recreational space~~. Shade trees are intended to have larger canopies, including Desert Museum Cercidium, and Tipu Tree. ~~Although by necessity the Plaza will be finished in decorative pavement to a great extent, lawn areas and fountains are encouraged in this area, as are benches, and restaurant terraces associated with the two planned single story buildings~~ Design of the ~~Downtown Palm Springs Park~~ will incorporate themes that are compatible with other ~~significant outdoor public spaces~~.



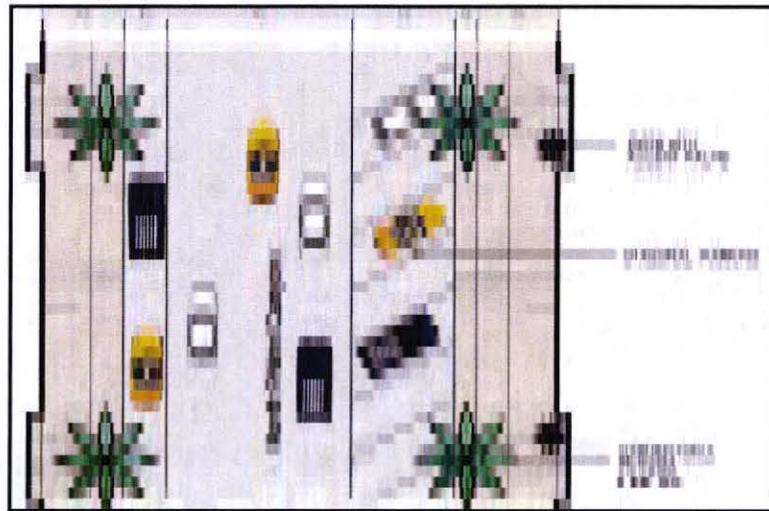
1277  
 1278 From the Plaza Downtown Palm Springs Park, the  
 1279 landscaping plan returns to the theme of  
 1280 California fan palm and date palm trees lining  
 1281 interior streets, with shade trees provided at  
 1282 intersections. Additional planting along the streets  
 1283 should focus on potted accent palms, typical of an  
 1284 urban environment, rather than planting strips and  
 1285 beds. Planting beds are appropriate when  
 1286 surrounding shade trees near parking areas,  
 1287 particularly on secondary streets, to soften the  
 1288 asphalt and hardscape.



1289  
 1290 Landscaping Zones

1291 The landscaping concept divides landscaping into three “zones”: the Streetscape Zone, the  
 1292 Transition Zone and the Open  
 1293 Space Zone.

1294  
 1295 The Streetscape Zone is designed  
 1296 to integrate into the landscaping  
 1297 patterns already occurring in  
 1298 Downtown Palm Springs. Street  
 1299 trees and plantings will emulate  
 1300 the rows of palm trees which now  
 1301 flank Palm Canyon Drive, and



1302 will extend throughout the primary streets in all planning areas. Blocks. Shade trees are provided  
 1303 at intersections to break up the linear nature of the palms, and cool the environment for both  
 1304 pedestrians and vehicles. Plantings are focused on potted palms and annual color, which does not  
 1305 block pedestrian activity.

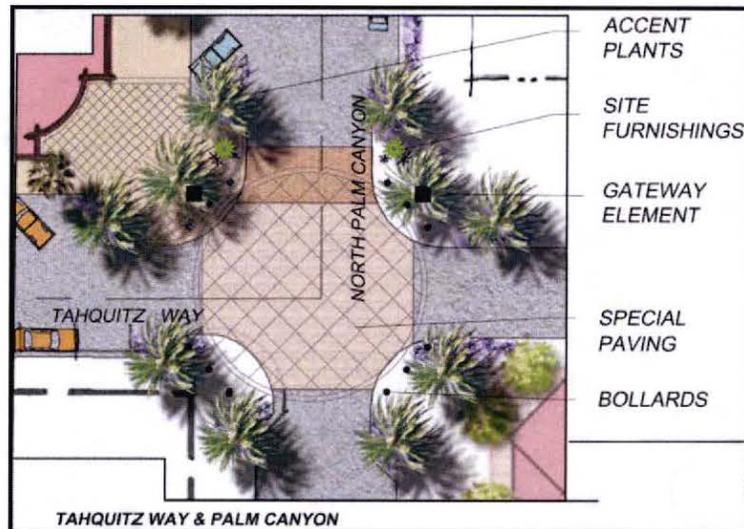
1306

1307 The Transition Zone has a less intense focus on palm trees, and introduces a greater variety of  
 1308 shade trees and shrubs. The Transition Zone plants should apply to the secondary streets and the  
 1309 residential areas, to soften the built environment, and provide greater shade and cooling. Planting  
 1310 areas should include a mix of potted palms and plants, as well as planting beds surrounding street  
 1311 trees, to reflect a less intense urban environment.

1312  
 1313 The Open Space Zone applies not only to the Main Plaza, but also to the common area open  
 1314 spaces that will be created within each Block. This Zone includes the widest variety of plant  
 1315 materials, and is intended to connect the Streetscape and Transition Zones. In areas away from  
 1316 the Main Plaza, the focus should be on canopy and accent trees, and a higher intensity of  
 1317 groundcovers, particularly in areas where the primary uses are residential.

1318  
 1319 Entries and Focal Points

1320 In addition to the **Main**  
 1321 **Plaza Downtown Palm Springs**  
 1322 **Park**, particular care must be taken  
 1323 in the landscape design of Major  
 1324 and Minor Entries, and Major and  
 1325 Minor Focal Points, as depicted in  
 1326 Exhibit III-7. The Entries to the  
 1327 Specific Plan must be designed to  
 1328 include the signature palms, accent  
 1329 trees and special paving, to draw  
 1330 the visitor in, and define the space.



1331  
 1332 The Major Focal Point in the project will be the intersection of **Museum Way Main Street** and  
 1333 Museum Drive. This area, in front of the **Palm Springs Art Museum**, must be designed to draw  
 1334 the eye from as far away as Indian Canyon **Drive**, and should include not only significant vertical  
 1335 elements, but also extensive special paving and public art. Landscaping in this area should act as  
 1336 a frame to the **Palm Springs Art Museum** building, and not obliterate the structure.

1337

1338 At Minor Focal Points, the  
1339 emphasis must be on  
1340 landscaping and hardscape  
1341 which is at a pedestrian scale,  
1342 and provides opportunities for  
1343 street furniture, directional  
1344 signage and shade. Again,  
1345 accent paving which defines  
1346 the area is critical to  
1347 providing a sense of place  
1348 within the project.



1349

#### 1350 Continuity of Theme

1351 The overall theme of the landscaping plan must be maintained throughout the Specific Plan.  
1352 Since it is expected that the project will develop in phases, and that individual buildings and  
1353 blocks will have differing architectural character, the connecting thread between the buildings  
1354 and blocks will be the landscaping. As projects are reviewed and approved, the least amount of  
1355 variation should be allowed in landscaping patterns, unlike the architectural variety which is  
1356 expected in architecture. Since the **Main Plaza Downtown Palm Springs Park** and major roadway  
1357 streetscapes are expected to be the in the **first-phase early phases** of development, these areas will  
1358 set the tone for the balance of the landscaping plans throughout **Museum—Market**  
1359 **Plaza Downtown Palm Springs**. Once established, their design theme should be adhered to for all  
1360 subsequent phases of the project.

1361

Table III-5

Landscape Palette<sup>26</sup>

Plant Zone			Scientific Name	Common Name	Size
			<b>Palms</b>		
S		O	Butia capitata	Pindo Palm	36"-Box
S			Phoenix dactylifera	Date Palm	20' B.T.H.
S	T	O	Washingtonia filifera	California fan palm	8' – 20' ht.
S	T	O	Washingtonia robusta	Mexican fan palm	8' – 16' ht.
S	T	O	Chamaerops humillis	Mediterranean fan palm	24" – 36"Box
			<b>Trees</b>		
S			Acacia salicina	Willow Acacia	24" – Box
		O	Citrus sp.	Citrus sp.	24" – Box
	T	O	Fraxinus udei 'Majestic Beauty'	Evergreen ash	36" – Box
S	T		Cercidium 'Desert Museum'	Desert Museum	36" – Box
S	T		Prosopis h. 'Phoenix'	Phoenix	24" – 36"Box
	T	O	Rhus lancea	African sumac	24" – 48"Box
	T	O	Schinus molle	California pepper tree	24" – 48"Box
		O	Schinus terebinthifolius	Brazilian pepper tree	24" – 36"Box
	T	O	Ulmus parvifolia	Evergreen Elm	24" – 36"Box
	T	O	Tipuana Tipu	Tipu tree	24" – 36"Box
			<b>Accents</b>		
		O	Beaucarnea recurvata	Ponytail palm	15 – Gal.
		O	Cycas revoluta	Sago palm	24" – Box

<sup>26</sup> Appropriate plants identified in the Coachella Valley Water District's "Lush and Efficient" publication may be used with the approval of the Planning Director.

Table III-5

Landscape Palette<sup>26</sup>

Plant Zone		Scientific Name	Common Name	Size
S	T	<i>Dasyilirion longissima</i>	Mexican grass tree	15 – Gal.
S	T	<i>Daslirion wheeleri</i>	Desert spoon	15 – Gal.
	T	O <i>Muhlenbergia rigens</i>	Dear grass	5 – Gal.
		<b>Shrubs</b>		
S	T	O <i>Bougainvillea ‘Oo La La’</i>	Bougainvillea	5 – Gal.
S	T	<i>Caesalpinia pulcherrima</i>	Red Bird of Paradise	5 – Gal.
S	T	O <i>Carissa grandiflora</i> spp.	Natal plum	5 – Gal.
S		O <i>Cassia artemesoides</i>	Desert cassis	5 – Gal.
S	T	O <i>Cassia nemophila</i>	Bushy senna	5 – Gal.
S	T	O <i>Dodonaea viscosa</i>	Hopseed bush	5 – Gal.
S		O <i>Euryops pectnatis</i>	Green leaf euryops	5 – Gal.
S	T	O <i>Hesperaloe parvifolia</i>	Red yucca	5 – Gal.
		O <i>Hibiscus Rosa-Sinensis</i>	Chinese hibiscus	5 – Gal.
S	T	<i>Leucophyllum</i> spp.	Texas ranger	5 – Gal.
	T	O <i>Nandina domestica</i>	Heavenly bamboo	5 – Gal.
	T	O <i>Nerium oleander ‘Petite’</i>	Dwarf oleander	5 – Gal.
		O <i>Pittosporum</i> t. ‘Variegata’	Variegated Pittosporum	5 – Gal.
		O <i>Pittosporum</i> t. ‘Wheeler’s dwarf’	Wheeler’s dwarf tobira	5 – Gal.
		O <i>Rhaphiolepis indica</i>	India hawthorn	5 – Gal.
S	T	<i>Salvia greggii</i>	Red salvia	5 – Gal.
S	T	O <i>Thevetia peruviana</i>	Yellow oleander	15 – Gal.
S	T	O <i>Xylosma congestum ‘Compacta’</i>	Xylosma	5 – Gal.
S		O <i>Prunus caroliniana</i>	Carolina laurel cherry	15 – Gal.
		O <i>Ligustrum</i> j. ‘Texanum’	Japanese privet	5 – Gal.

**Table III-5**

**Landscape Palette<sup>26</sup>**

Plant Zone			Scientific Name	Common Name	Size
			<b>Vines &amp; Groundcovers</b>		
S	T	O	Bougainvillea 'B. Karst'	Bougainvillea Barbara Karst	15 – Gal.
S	T	O	Calliandra inaequilatera	Pink powder puff	15 – Gal.
S	T	O	Tecoma spp.		15 – Gal.
S		O	Carrisa g. 'Green Carpet'	Green carpet	1 – Gal.
		O	Annual Color	Seasonal	Flats
S			Baccharis h. 'Thompson'	Desert Bloom	1 – Gal @ 5' o.c.
S	T	O	Lantana montevidensis	Trailing lantana	1 – Gal @ 4' o.c.
S	T	O	Lantana 'New Gold'	New Gold Lantana	1 – Gal @ 4' o.c.
		O	Trachelospermum jasminoides	Star jasmine	1 – Gal.
			Cobble 'Sunburst Pebbles'		2" – 4" dia.
			DG	3/8" Minus Desert Gold	Compacted 2" depth
			2' – 5' dia. Desert Chocolate Boulders		
Sod			Hybrid Bermuda		
Legend: S= Streetscape Zone; T= Transition Zone; O= Open Space Zone					

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- 1364 | Exhibits III-6: Landscaping Hierarchy
- 1365
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1367 **4. Street Furniture, Lighting and Art**

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1369 Well-designed street furniture, lighting and public art enliven townscape character and contribute  
1370 to a strong sense of local identity. ~~The Museum Market Plaza~~Downtown Palm Springs is a  
1371 pedestrian oriented area and street furniture should be designed to the human scale and placed to  
1372 enhance the pedestrian experience. While consistent with the general design principles included  
1373 in the Palm Springs Downtown Urban Design Plan, a variation on the recommended theme that  
1374 complements the Urban Design concept for ~~the Museum Market Plaza~~Downtown Palm Springs  
1375 should be implemented within the confines of the Specific Plan. Special detailing will define ~~the~~  
1376 ~~Museum Market Plaza~~Downtown Palm Springs as an area of distinctive identity, while  
1377 maintaining continuity of theme ensures that the downtown area as a whole engenders a clearly  
1378 perceptible sense of place. While allowing for interesting variations in complementary design, all  
1379 elements must work together to create a distinctive, unified identity.

1380

1381 The Plan's downtown location offers many opportunities for public art and items of cultural or  
1382 educational interest to be incorporated into the design of public open spaces, with the Main Plaza  
1383 presenting an opportunity to display an exceptionally commanding piece. Lighting, while  
1384 facilitating public safety, should provide illumination levels appropriate to the uses of the area  
1385 and contribute to the general ambience.

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**Exhibit III- 6  
Street Furniture**



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1436 **G. Green Building and Energy Efficiency**

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1438 ~~Museum Market Plaza~~Downtown Palm Springs provides an opportunity to demonstrate the  
1439 benefits of energy efficiency and green construction in Palm Springs. The basic tenet of the  
1440 project – to provide a place where people can live, work and shop without the use of an  
1441 automobile – is in and of itself an energy efficient concept. In addition to facilitating this concept  
1442 in its mix of land uses, ~~Museum Market Plaza~~Downtown Palm Springs can provide energy  
1443 efficient construction through the use of passive and active solar energy; construction techniques  
1444 using Green Building or Leadership in Energy and Environmental Design (LEED) principles;  
1445 installation of water conserving landscaping materials; selection of reused and repurposed  
1446 materials for buildings and public areas; and installation of recycling facilities throughout the  
1447 project.

1448

1449 Passive solar design has been implemented in Palm Springs and the Coachella Valley for a  
1450 number of years, through the use of shade structures and building orientation. Although ~~Museum~~  
1451 ~~Market Plaza's~~Downtown Palm Springs's orientation is primarily east-west, passive solar design  
1452 should still be part of building design through deep recesses for balconies which shield building  
1453 interiors; window placement on exposed wall faces; and use of buildings to shade public or  
1454 private open spaces, and limit heat sink effects.

1455

1456 Active solar design should be considered throughout the project, as flat rooftops will occur  
1457 throughout the site, and will be available for use for solar panels. As technology continues to  
1458 expand and improve, solar energy can be harnessed throughout the project to lower the energy  
1459 demand of both the residential and commercial components of the project.

1460

1461 Green building techniques and LEED design principles should be implemented throughout  
1462 ~~Museum Market Plaza~~.Downtown Palm Springs. The designers of the project should strive to  
1463 assure that 50% of the buildings be designed to meet at least the minimum LEED requirements  
1464 for certification in place at the time they are designed. LEED requirements range from access to

1465 public transit and alternative transportation to the use of recycled building materials and low-  
1466 emitting paints and coatings. The LEED model is readily accessible, beneficial to the  
1467 community, both with ~~Museum Market Plaza~~Downtown Palm Springs and throughout Palm  
1468 Springs, and is more commonly implemented every year.

1469  
1470 The landscaping palette for ~~Museum Market Plaza~~Downtown Palm Springs is designed to  
1471 minimize the use of water for irrigation. Landscape irrigation can represent the majority of a  
1472 project's water use. ~~Museum Market Plaza~~Downtown Palm Springs should be designed to lower  
1473 its water use in landscaping, through the installation of highly efficient irrigation systems, rain  
1474 censing equipment, and plant-specific emitters.

1475  
1476 Recycling of materials within ~~Museum Market Plaza~~Downtown Palm Springs should be made as  
1477 simple and accessible as possible. Although centralized solid waste disposal is likely throughout  
1478 the project, each building should be designed to make the recycling of materials easy and  
1479 convenient. If trash chutes or centralized sorting areas are designed in buildings, they must  
1480 include a recycling component. Because of the non-traditional design of housing units in the  
1481 project, consultation with Palm Springs Disposal Service may need to be augmented with  
1482 research and design more typical of urban environments, since the practices associated with  
1483 multi-story design for recycling in the Coachella Valley are limited.

1484  
1485 Finally, the public and private open spaces within the project will require furnishings and  
1486 finishes which should to the greatest extent possible be made of sustainable and/or recycled  
1487 materials. A broad range of products are now available, with more being introduced every year,  
1488 which reuse materials in their construction.

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**IV. INFRASTRUCTURE**

1497

**A. Introduction**

1499

1500 Museum Market Plaza Downtown Palm Springs occurs in an area of Palm Springs which is fully  
1501 developed. As such, most infrastructure, including roadways, water, sewer, and utilities, are in  
1502 place in the area. It is expected that with implementation of the Specific Plan, existing trunk lines  
1503 will remain, and on-site extensions will occur to service individual blocks throughout the site. A  
1504 detailed description of all existing and proposed infrastructure for the project is provided below.

1505

**B. Roadways**

1507

1508 The public roadways surrounding the project will be constructed to City General Plan standards,  
1509 with limited exceptions. Cross sections of all roadway standards are provided in Exhibit IV-1,  
1510 and roadway classifications are provided in Exhibit IV-2.

1511

1512 Parkways, which will include landscaping, sidewalks, on-street parking pockets and outdoor  
1513 seating or dining areas, will have minimum widths as described in Table IV-1, below.

1514 Encroachment into the parkway for seating, dining areas or similar obstructions must allow  
1515 travel widths which meet or exceed ADA requirements.

1516

1517  
1518

<b>Table IV-1</b>	
<b>Minimum Parkway Widths</b>	
<b>Palm Canyon Drive</b>	
Tahquitz Canyon to Main Street	25 feet
Main Street to Andreas	24 feet
Andreas to north property line	25 feet
<b>Belardo Road</b>	
Tahquitz Canyon to Main Street	17.5 feet
Main Street to Andreas	25 feet
Andreas to north property line	25 feet
<b>Main Street</b>	
Palm Canyon to Belardo	25 feet
Belardo to Museum Drive	22 feet
<b>Andreas Road</b>	19.5 feet
<b>Tahquitz Canyon</b>	30 feet

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1530

**1. Palm Canyon Drive**

North Palm Canyon is constructed at its ultimate right of way. Palm Canyon consists of an 80 foot right of way. The Specific Plan proposes to ~~maintain~~ ~~reduce a portion of the existing right of way and revise~~ the current layout of the roadway to ~~provide~~ ~~eliminate on-street~~ parking on ~~both~~ its west ~~and~~ side, and maintain on-street parking on its east side, ~~on~~ within the Specific Plan frontage. This will provide for three lanes of traffic, and parallel parking on the east ~~and west~~ sides. ~~The roadway will also include 15 feet of sidewalk on each side.~~ Specific improvements to the sidewalk connecting the Hyatt Suites hotel frontage to Block A frontage are needed to improve pedestrian circulation and access.

1531 **2. Indian Canyon Drive**

1532

1533 As with Palm Canyon Drive, Indian Canyon Drive is developed at its ultimate right of way. The  
1534 Specific Plan will implement parallel parking along its frontage on the west side of Indian  
1535 Canyon, allowing for three lanes of traffic, and parallel parking on the east side.

1536

1537 **3. Tahquitz Canyon Way**

1538

1539 Tahquitz Canyon Way is constructed to a paved width of 50 feet, within an 88 foot right of way.  
1540 The recently adopted General Plan downgraded Tahquitz Canyon to a Collector, with a 60 to 66  
1541 foot right of way. In the Specific Plan area, the north side of Tahquitz Canyon will be designed  
1542 to ~~allow incorporate a vehicular drop-off for the hotel use proposed on Block C, while~~  
1543 ~~maintaining~~ one lane of westbound traffic, ~~a center turn lane, and parallel parking within a 26~~  
1544 ~~foot half width. A 14 foot sidewalk will be provided on the north side of Tahquitz Canyon.~~

1545

1546 **4. Belardo Road**

1547

1548 Belardo Road will be extended through the Specific Plan area with a ~~624~~1 foot right of way, to  
1549 allow one lane of travel in each direction, and ~~angled~~parallel parking on each side. ~~A 12~~

1550

1551 **5. Andreas Road**

1552

1553 ~~Andreas Road will be extending across Palm Canyon Drive to Belardo Road within a 41 foot~~  
1554 ~~right of way, allowing one lane of travel in each direction, curb-adjacent landscaping and a~~  
1555 ~~sidewalk.~~

1556

1557

~~6.~~ ~~5.~~ **Museum Drive**

1558

1559 Museum Drive will be ~~48-41~~ feet of right of way, with a single lane of traffic in each direction,  
1560 and parallel parking adjacent to the Specific Plan frontage. ~~A 12-foot sidewalk will be provided~~  
1561 ~~adjacent to the Specific Plan.~~

1562

1563

~~6.~~ ~~7.~~ **Museum Way/Main Street**

1564

1565 ~~Museum Drive/Main Street~~ will be ~~48-41~~ feet of right of way, with a single lane of traffic in each  
1566 direction, and parallel parking adjacent to the Specific Plan frontage. ~~A 12-foot sidewalk will be~~  
1567 ~~provided adjacent to the Specific Plan.~~ The alignment of ~~Museum Way/Main Street~~ will begin in  
1568 front of the Palm Springs Art Museum and run due east, ~~initially terminating at Palm Canyon~~  
1569 ~~Drive, and potentially (at build out) through Block K, and terminating at Indian Canyon Drive~~  
1570 across from the ~~former Spa Hotel site.~~

1571

1572

**8. Private Drives/Internal Access**

1573

1574 Additional drives, ~~alley ways,~~ and access roads may be designed as part of the development of  
1575 each block. All such roads and drives are proposed to be private, and to be designed within a  
1576 ~~36~~ ~~minimum 20~~ foot right of way, to include one lane of traffic in each direction, ~~and no parking;~~  
1577 ~~and 6-foot sidewalks on.~~ Appropriate pedestrian access will be provided through each ~~side~~Block.

1578

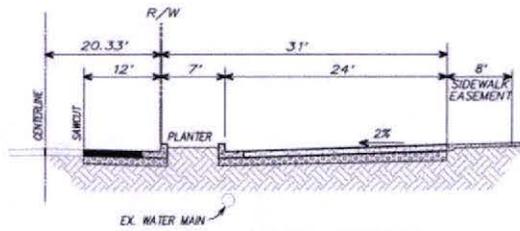
1579 **Exhibit IV-1 Street Cross sections**

1580 |

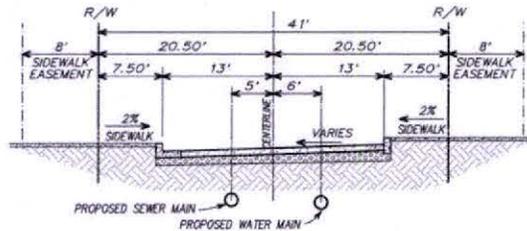
1581

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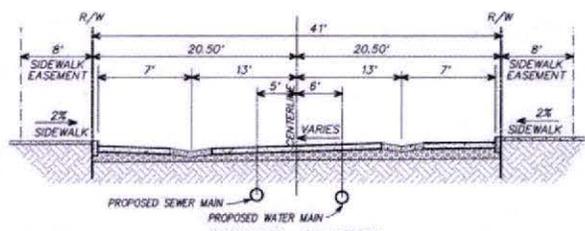
1583



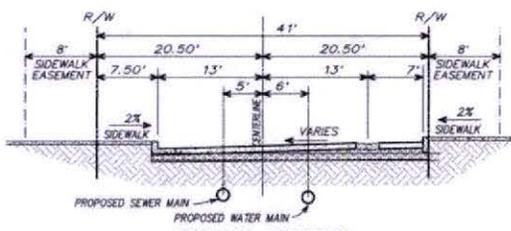
**TYPICAL SECTION**  
TAHQUITZ CANYON WAY  
AT HOTEL ENTRANCE  
N.T.S.



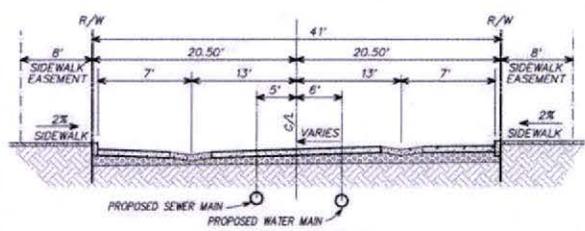
**TYPICAL SECTION**  
BELARDO ROAD, MAIN STREET  
N.T.S.



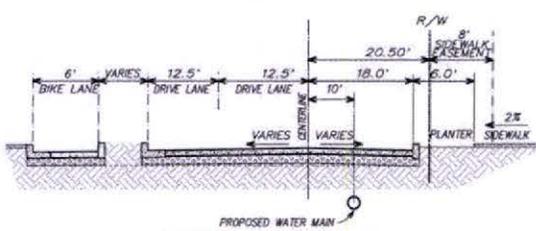
**TYPICAL SECTION**  
BELARDO ROAD, MAIN STREET  
N.T.S.



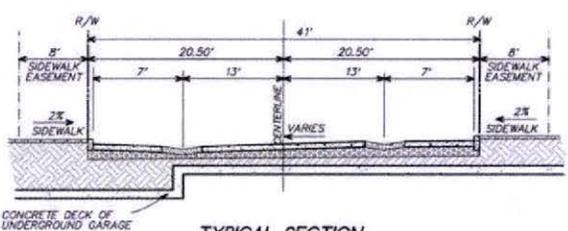
**TYPICAL SECTION**  
BELARDO ROAD  
N.T.S.



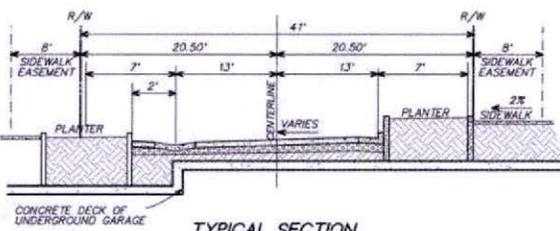
**TYPICAL SECTION**  
MAIN STREET  
N.T.S.



**TYPICAL SECTION A-A**  
AT BELARDO ROAD  
N.T.S.



**TYPICAL SECTION**  
ANDREAS ROAD NO PLANTER  
N.T.S.



**TYPICAL SECTION**  
ANDREAS ROAD / PLANTER  
N.T.S.

09.29.15

1584           **C. Public Facilities and Utilities**

1585

1586 Each of the public facilities providers' facilities are described individually below. In addition, the  
1587 existing and proposed facilities for each provider is depicted in Exhibits IV-3 through IV-9.

1588

1589           **1. Domestic Water**

1590

1591 Domestic water is provided to the Specific Plan area by the Desert Water Agency (DWA). DWA  
1592 has existing 12 inch water mains on the west and east sides of Palm Canyon Drive; a 10 inch  
1593 main on the west side, and a 6 inch line on the east side of Indian Canyon Drive; a 12 inch main  
1594 in Tahquitz Canyon, west of Belardo; a 12 inch main in Museum Drive, north of Tahquitz  
1595 Canyon; and a 12 inch main in Belardo, south of Tahquitz Canyon, and north of the north  
1596 boundary of the Specific Plan.

1597

1598 As part of the development of the Specific Plan, a 12 inch main will be installed in the extension  
1599 of Belardo Road to connect the existing northern and southern portions of this line, and the  
1600 existing 12 inch line in the north portion of Museum Drive, and its connection to Belardo Road  
1601 to the north, will be abandoned, as development will occur in that area of the Specific Plan. In  
1602 addition, an 8 inch line will be extended in the new east-west street, between Palm Canyon and  
1603 Indian Canyon.

1604

1605 Smaller service lines would connect to the main line system described above to provide water  
1606 service to individual buildings in individual blocks.

1607

1608           **2. Sanitary Sewer**

1609

1610 The City of Palm Springs provides sanitary sewer facilities to the Specific Plan area. Existing  
1611 facilities in the area include a 10 inch line in Indian Canyon north of Andreas; 8 inch lines in  
1612 Indian Canyon south of Andreas; Belardo south of Tahquitz Canyon; Tahquitz Canyon west of  
1613 Belardo; and west of Palm Canyon, within the existing Desert Fashion Plaza.

1614

1615 With the implementation of the Specific Plan, the 8 inch line in Belardo will be extended  
1616 northerly, in the extension of Belardo through the project. Six inch lateral lines will be provided  
1617 to connect individual blocks and buildings to the main lines. Finally, the western half of the  
1618 existing 8 inch sanitary sewer line through the Desert Fashion Plaza will be abandoned.

1619

1620

1621 **Exhibit IV-2 Domestic Water**

1622



**Legend**

- Existing Water
- Proposed Water
- M Proposed 2" Water Meter
- 8 Proposed 6" Detector Check Assembly

Source: Wessman Development



09.29.15

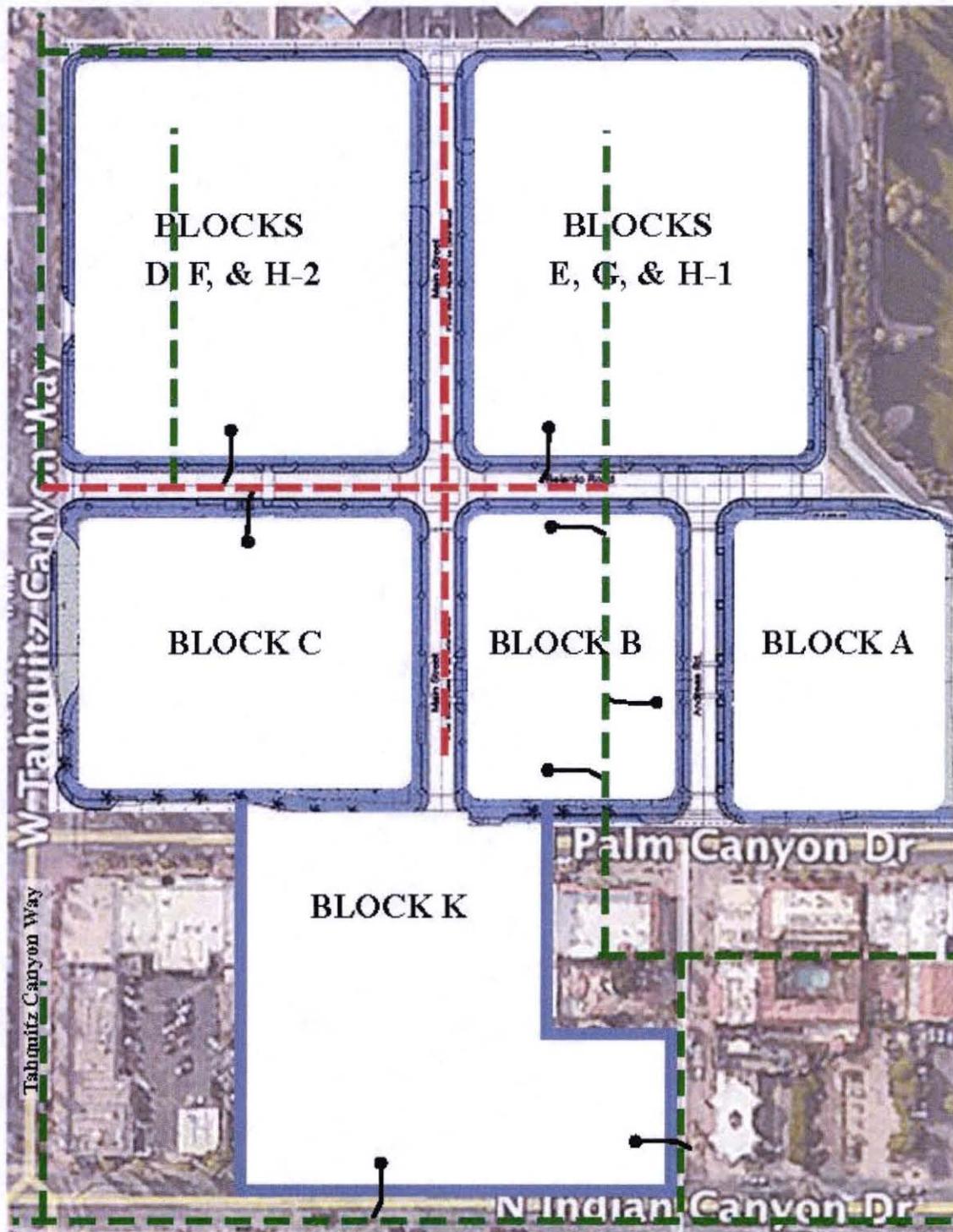


**Downtown Palm Springs Specific Plan  
Domestic Water Plan  
Palm Springs, California**

Exhibit  
**IV-2**

1623 **Exhibit IV-3 Sanitary Sewer**

1624



**Legend**

- Existing Sewer
- Proposed Sewer
- Proposed 6" Laterals

Source: Wessman Development



09.29.15



Downtown Palm Springs Specific Plan  
Sanitary Sewer Plan  
Palm Springs, California

Exhibit

**IV-3**

1625                   **3. Storm Drains**

1626

1627     An existing storm drain system occurs surrounding the Specific Plan area. This system includes  
1628     57 inch storm drains in Palm Canyon, north of Andreas; in Indian Canyon; and in Tahquitz  
1629     Canyon between Indian Canyon and Palm Canyon. In addition, a 54 inch storm drain occurs in  
1630     Tahquitz Canyon west of Palm Canyon Drive, and a 36 inch storm drain occurs in Museum  
1631     Drive, north of Tahquitz Canyon.

1632

1633     The Specific Plan's development will result in the construction of a 36 inch storm drain in the  
1634     extension of Belardo Road, from Tahquitz Canyon to the new east-west private street. This  
1635     facility will collect storm flows from throughout the project in catch basins, and direct them to  
1636     the existing facilities in surrounding streets.

1637

1638                   **4. Natural Gas**

1639

1640     Natural gas service is provided to the Specific Plan area by The Gas Company. An extensive  
1641     system of lines occurs in the area, including 3 inch lines in Palm Canyon south of Andreas, and  
1642     Tahquitz Canyon; 2 inch lines in Andreas, Palm Canyon north of Andreas, Belardo south of  
1643     Tahquitz Canyon, Cahuilla south of Tahquitz Canyon, and Belardo Road/Museum Drive along  
1644     the northern boundary of the Specific Plan. These lines will be extended through the project site  
1645     to serve development as it occurs in the Specific Plan area.

1646

1647                   **5. Electric Service**

1648

1649     Electric service is supplied by Southern California Edison, which has existing underground  
1650     facilities in Indian Canyon, Palm Canyon, Museum Drive, Belardo and Tahquitz Canyon. Future  
1651     development within the Specific Plan area will extend service from these existing facilities  
1652     throughout the Specific Plan area.

1653

1654

1655

**6. Telephone Service**

1656

1657 Telephone service is provided to the Specific Plan area by Verizon, which has existing  
1658 underground service in Indian Canyon, Belardo, and Museum Drive. Future development in the  
1659 Specific Plan area will connect to these existing lines as development occurs.

1660

**7. Cable Television**

1661

1662

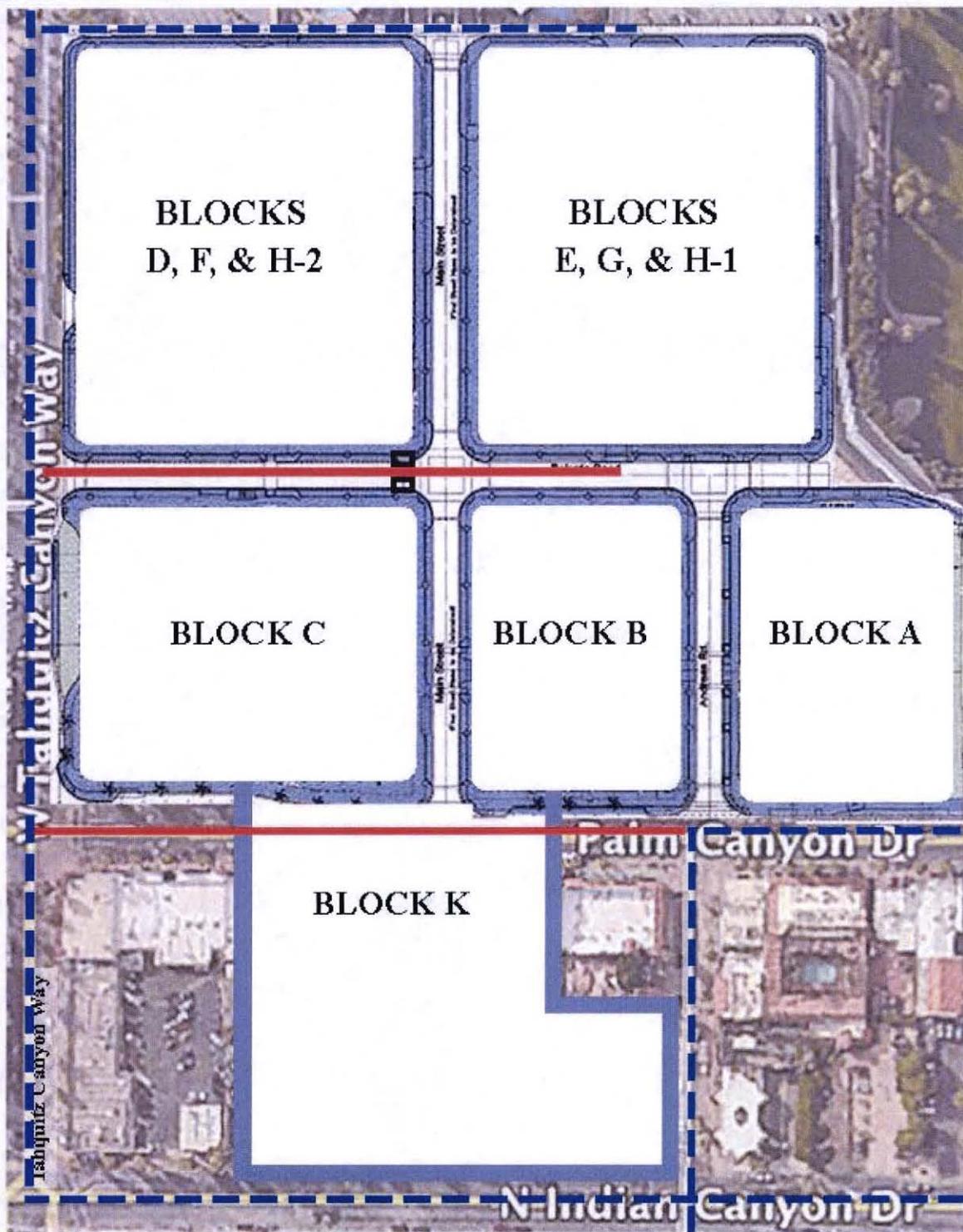
1663 Cable television service is the responsibility of Time Warner Cable. Time Warner has  
1664 underground facilities in Indian Canyon, Belardo, and Museum Drive. The implementation of  
1665 the Specific Plan will result in the extension of these services throughout the area as  
1666 development occurs.

1667

1668

1669 **Exhibit IV-4 Storm Drain**

1670



**Legend**

- - - Existing Storm Drain
- Proposed Storm Drain
- Proposed Catch Basin

Source: Wessman Development



10.01.15

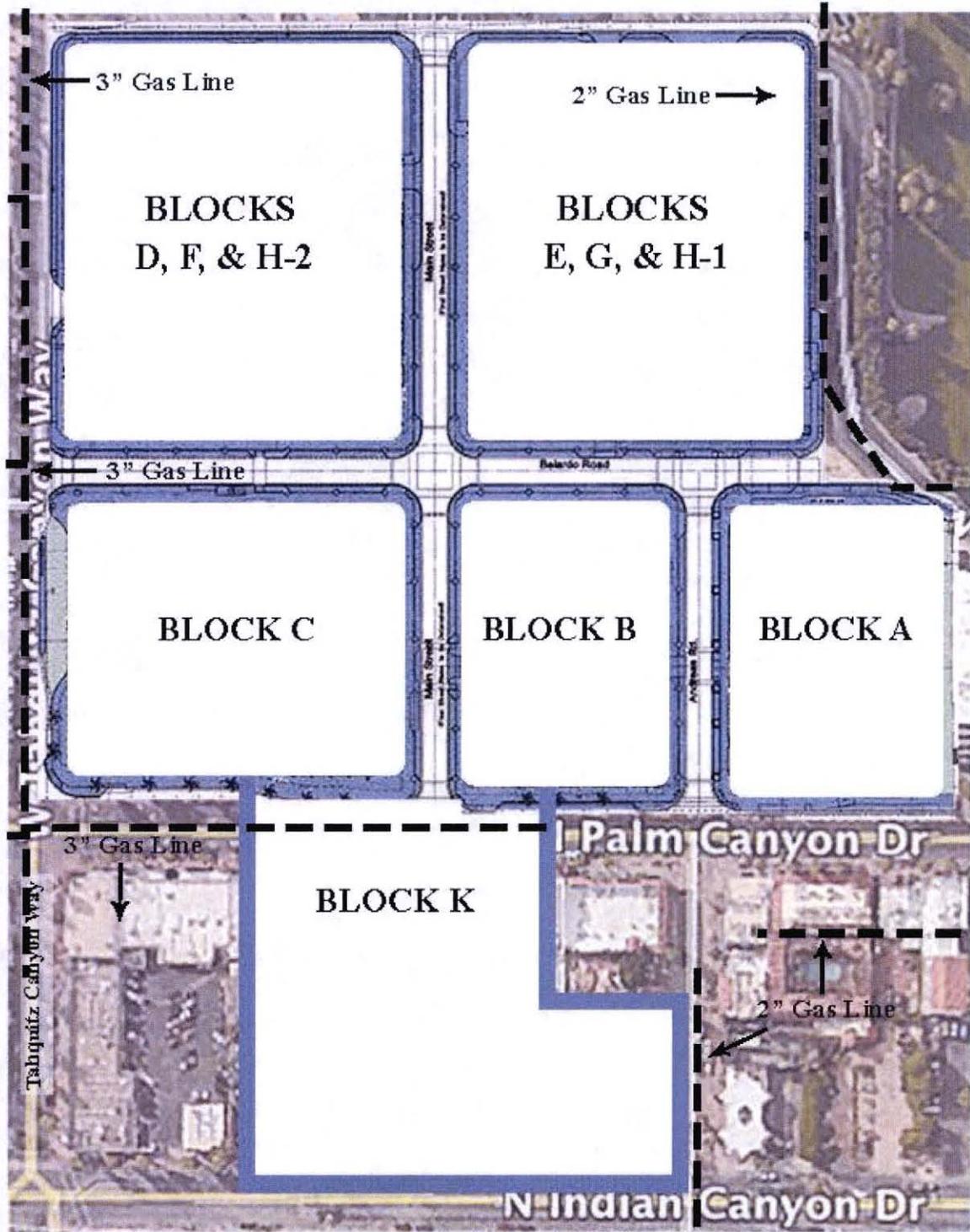


Downtown Palm Springs Specific Plan  
Storm Drain Plan  
Palm Springs, California

Exhibit  
**IV-4**

1671 **Exhibit IV-5 Natural Gas**

1672



**Legend**

--- Existing Gas Line



10.01.15

Source: Wessman Development

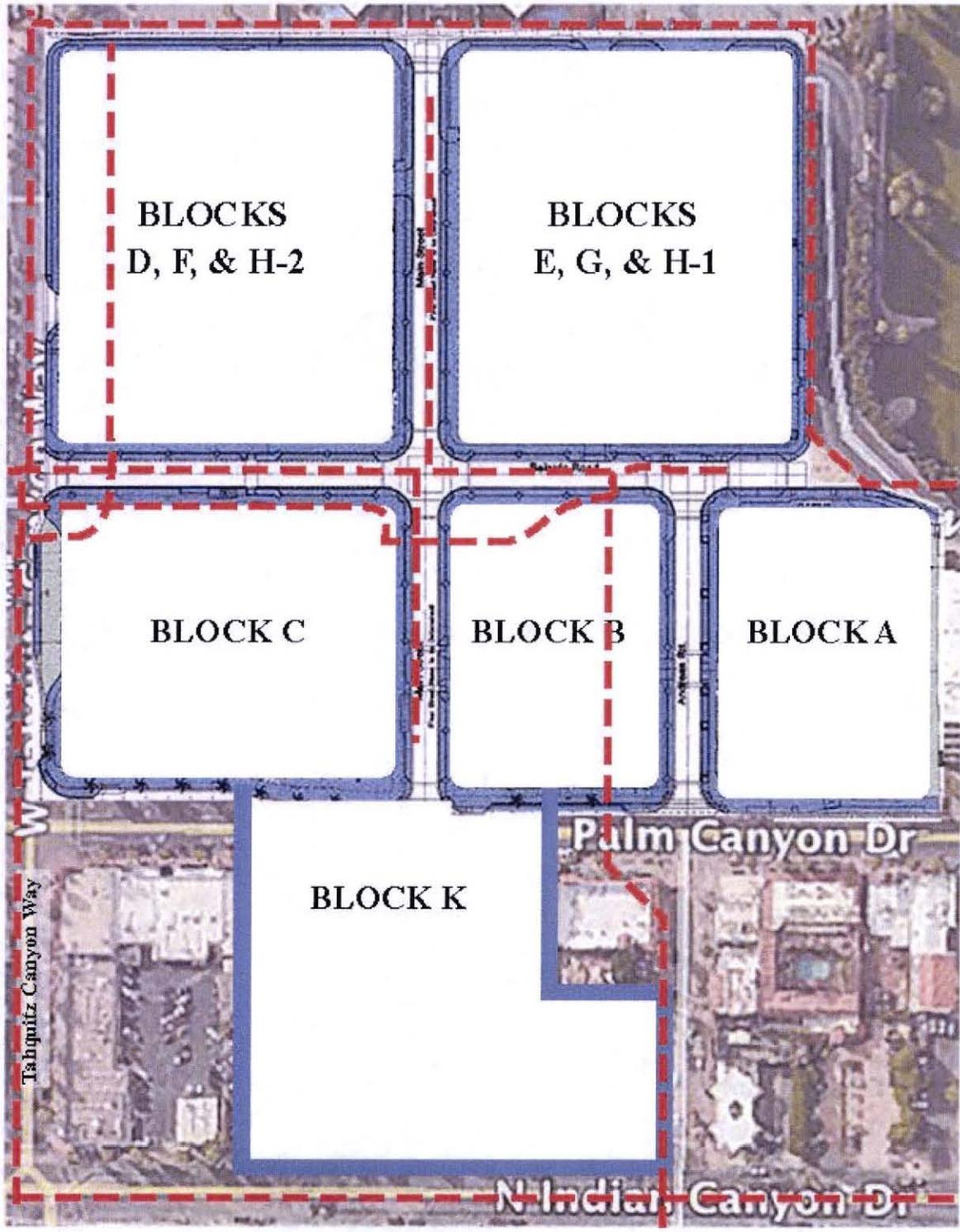


Downtown Palm Springs Specific Plan  
 Natural Gas Plan  
 Palm Springs, California

Exhibit  
**IV-5**

1673 **Exhibit IV-6 Electric**

1674



**Legend**

--- Existing Underground Electric

Source: Wessman Development

10.01.15

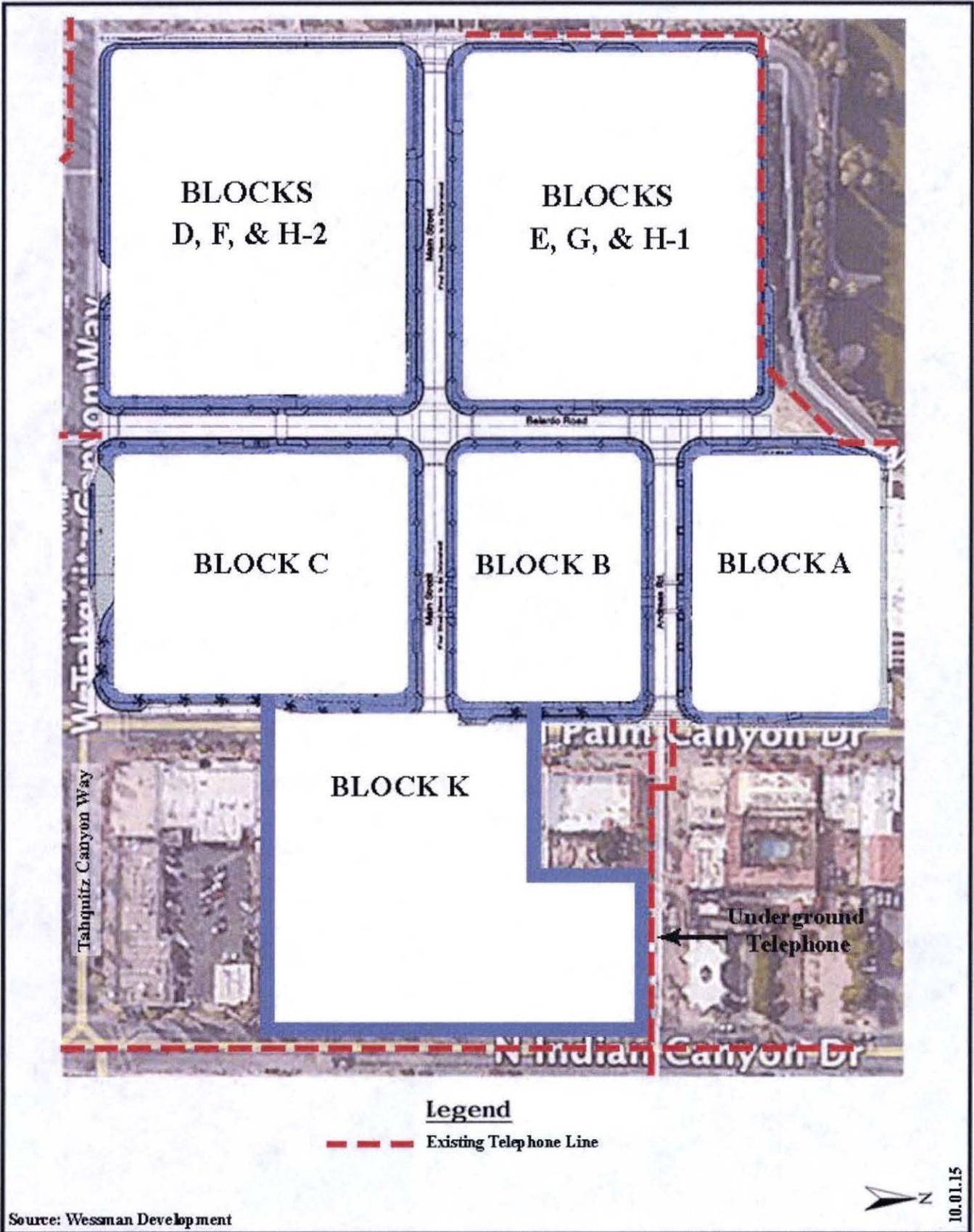


Downtown Palm Springs Specific Plan  
Electric Service  
Palm Springs, California

Exhibit  
**IV-6**

1675 **Exhibit IV-7 Telephone**

1676



Source: Wessman Development



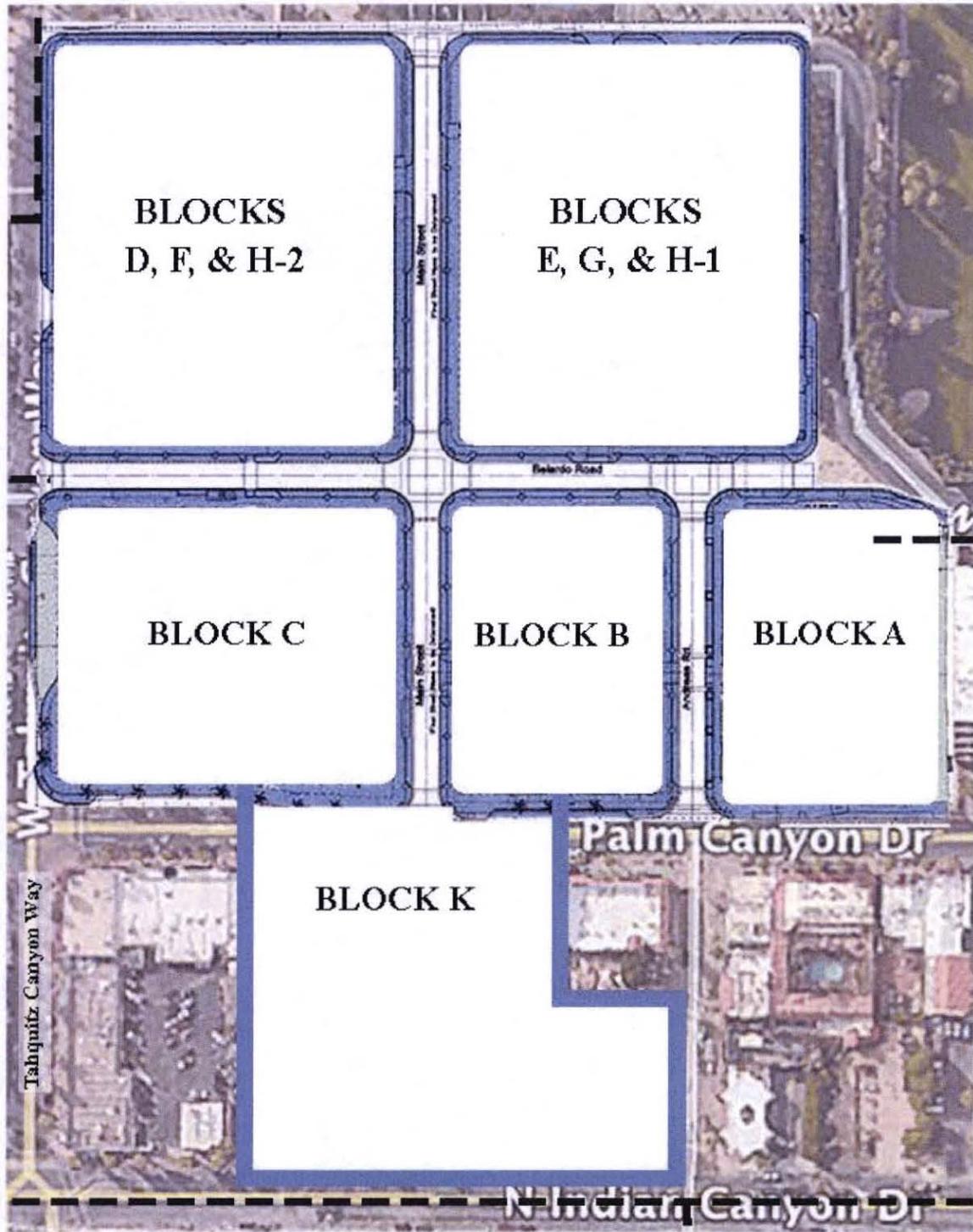
Downtown Palm Springs Specific Plan  
 Telephone Service  
 Palm Springs, California



Exhibit  
**IV-7**

1677 **Exhibit IV-8 Cable TV**

1678



**Legend**

--- Existing Cable Television

Source: Wessman Development

10.01.15  
N



Downtown Palm Springs Specific Plan  
Cable Television Service  
Palm Springs, California

Exhibit  
**IV-8**

1679

1680

1681

1682

1683

1684 **V. ADMINISTRATION AND IMPLEMENTATION**

1685

1686 **A. Application Review Process**

1687

1688 The implementation tools for the Specific Plan will be Major Architectural Reviews, Conditional  
1689 Use Permits and subdivision maps. Under certain conditions, Planned Development  
1690 ~~Permits~~~~Districts~~ may be required, ~~if the condition meets the standards of section V-B, below.~~

1691

1692 The successful implementation of the ~~Museum Market Plaza~~~~Downtown Palm Springs~~ Specific  
1693 Plan is critical to the long-term health of downtown Palm Springs. In order to assure an efficient  
1694 and streamlined entitlement process, applications for areas within the Specific Plan will require  
1695 special handling. This Specific Plan establishes a permit streamlining process which will assure  
1696 the thorough review of Major Architectural Review, Conditional Use Permit and subdivision  
1697 applications.

1698

1699 **1. Application Requirements and Process**

1700

1701 Major Architectural Review applications will include the following in addition to the materials  
1702 required as part of a standard Major Architectural Review application:

1703

1704 a. A progressive calculation of building square footage ~~and mass~~, provided on the site  
1705 plan. The analysis shall include square footage ~~and mass~~ permitted for the applicable  
1706 Block under the Specific Plan (Table III-3); square footage ~~and mass~~ approved to  
1707 date; and square footage ~~and mass~~ proposed with the application.

1708 b. If the project is for hotel or residential use, a progressive calculation of the number of  
1709 hotel rooms or residential units provided on the site. The analysis shall include rooms

- 1710 | or units permitted for the Specific Plan area approved to date and ~~room~~rooms or  
 1711 | units proposed with the application.
- 1712 | c. If the project is for retail or office use, a progressive calculation of the square footage  
 1713 | provided on the site. The analysis shall include square footage permitted for the  
 1714 | Specific Plan area approved to date and square footage proposed with the application.
- 1715 | d. A calculation of parking required, parking provided within the applicable Block, and  
 1716 | parking provided elsewhere in the Specific Plan area.
- 1717 | e. If parking is proposed to be located outside the boundaries of the Block where the use  
 1718 | is to occur, the application shall include a demonstration that sufficient parking  
 1719 | occurs elsewhere in the Specific Plan area, and shall be constructed prior to  
 1720 | occupancy of the use, to accommodate the use.
- 1721 | f. If parking is proposed to be reduced for shared uses, a parking study, completed by a  
 1722 | qualified traffic engineer or parking professional, utilizing recognized sources of data.

1723 |

1724 | When found complete by the Planning Department, a meeting for the Major Architectural  
 1725 | Application shall be held within 30 days by the Architectural Advisory Committee, and a public  
 1726 | meeting shall be scheduled, within 45 days, before the Planning Commission. Such review shall  
 1727 | include any evaluation required under the California Environmental Quality Act (CEQA). The  
 1728 | Commission, upon closing the public ~~hearing~~meeting, shall:

- 1729 |
- 1730 | 1. Request changes to the application and continue the matter; or
  - 1731 | 2. Approve the project, including the addition or modification of project conditions; or
  - 1732 | 3. Deny the project.

1733 |

1734 | Actions of the Commission can be appealed to the City Council. The decision of the City  
 1735 | Council shall be final.

1736 |

1737 | Applications for Conditional Use Permits and ~~subdivisions~~Land Use Permits, not involving  
 1738 | construction of new structures and only the use in question, shall be processed consistent with  
 1739 | the provisions of Section 94.02002.00 et. seq. of the Palm Springs Zoning Ordinance.

1740 |

1741 Subdivisions shall be processed in accordance with the Subdivision Map Act and Title 9 of the  
1742 Palm Springs Municipal Code.

1743

1744 Planned Development ~~Permits~~Districts, if required, will be processed consistent with the  
1745 requirements of Section 94.3003.00 et. seq. of the Palm Springs Zoning Ordinance.

1746

1747 ~~2.~~ 2. Conformity Review Procedure.

1748

1749 In accordance with the provisions of Subsection C (Phasing) of this Section V, Phase One of the  
1750 Specific Plan’s implementation includes the opportunity for any property owner within the  
1751 specific plan boundary area to request a “Conformity Review”. Conformity Review is a  
1752 determination that a proposed project consisting of the rehabilitation, renovation, and/or remodel  
1753 of existing buildings and facilities (a “Renovation Project”) within the Specific Plan is generally  
1754 consistent with the Specific Plan.

1755

1756 a. The property owner shall fully complete and file a request for Conformity Review  
1757 describing the proposed project and identifying the rehabilitation, renovation, and  
1758 remodel components and file such other information as the Planning Director may  
1759 require. The filing may be schematic and conceptual; precise plans or drawings  
1760 shall not be required unless the submission is processed concurrently with an  
1761 entitlement provided under the City’s Zoning Ordinance. The filing and  
1762 processing fees, if any, shall be assessed according to the City’s resolution of fees  
1763 and charges.

1764

1765 b. The Planning Director shall consider the request for Conformity Review and shall  
1766 prepare written findings and recommendations to the City Council. The request  
1767 for Conformity Review shall be considered by the City Council at a noticed  
1768 public hearing pursuant Government Code section 6061. The City Council shall  
1769 approve, conditionally approve, or deny the request. The decision of the Council  
1770 is final.

1771

1772 c. In the review and consideration of the Conformity Request, the City Council shall  
1773 consider whether the proposal reasonably furthers the goals or objectives of the  
1774 Specific Plan, including without limitation Subsection C of this Section V.

1775  
1776  
1777 **B. \_\_\_\_\_ B. \_\_\_\_\_ Specific Plan Amendments**  
1778

1779 Interpretations of this Specific Plan which may be needed to clarify standards, guidelines, or the  
1780 definitions of permitted uses, or may be otherwise required, and which do not change  
1781 development standards, guidelines or permitted uses in this Specific Plan may be made by the  
1782 Director of Planning Services.

1783  
1784 All other changes shall be considered amendments to this Specific Plan, and shall be subject to  
1785 public hearing and review by the Planning Commission and City Council.

1786  
1787 **C. \_\_\_\_\_ C. \_\_\_\_\_ Phasing**  
1788

1789 ~~In response to market conditions, implementation of the Museum Market Plaza is expected to~~  
1790 ~~begin with the renovation of the existing Desert Fashion Plaza Shopping Center (Phase One).~~  
1791 ~~The current placement of buildings, parking, and pathways at the Center may be the basis for~~  
1792 ~~renovation in this first phase. This phase is not required to implement certain elements of the~~  
1793 ~~Plan intended for subsequent phases, including the full street grid system, the removal of the~~  
1794 ~~existing underground parking garage, and the provision of open space within Block B.~~  
1795 ~~Renovation of all or a significant portion of the existing Desert Fashion Plaza Shopping Center~~  
1796 ~~which preserves opportunities for enhancing the connection between the Museum and the~~  
1797 ~~Casino/Convention Center area shall be deemed consistent with the Specific Plan.~~  
1798 market conditions, implementation of Downtown Palm Springs is expected to begin with the  
1799 development of the Specific Plan area located west of Palm Canyon Drive and defined by Blocks  
1800 A, B, C, D, E, F, G, and H. Nothing herein shall be construed as allowing or permitting any  
1801 deviation from the maximum height or density requirements of the Specific Plan.

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~~A renovation plan that is consistent with the Specific Plan's Phase One policy is the Wessman Company's proposal submitted to the City on January 13, 2009 ("Wessman Renovation Plan"), including any changes or revisions identified in the written comments of the Director of Planning Services, dated February 17, 2009.~~

~~The City specifically finds that the Wessman Renovation Plan is consistent with the Specific Plan and furthers the objectives of the Specific Plan in that the Wessman Renovation Plan will:~~

- ~~a. — Renovate a significant portion of the existing Desert Fashion Plaza Shopping Center for retail, office and resort uses, as provided in the Specific Plan,~~
- ~~b. — Facilitate the development of an east/west connection through the site to the Museum which does not currently exist, thereby contributing to the Specific Plan's goal of restoring the visual presence for the Museum that has been lacking since the construction of the Desert Fashion Plaza and creating the opportunity for direct access between the Museum and the Casino/Convention Center area,~~
- ~~c. — Create, within the new east/west connection, areas for outdoor dining and other pedestrian oriented activities to draw customers to the Center and give energy to the downtown area,~~
- ~~d. — Create, with the addition of the east/west connection, additional retail spaces with lively street frontages on the ground floor that do not exist within the current Desert Fashion Plaza,~~
- ~~e. — Provide new opportunities for high quality retail development which will contribute to realizing the Specific Plan's goal of helping to create a stable and varied economy, increase the City's tax base and act as a catalyst for further redevelopment in downtown, and~~
- ~~f. — Achieve the Specific Plan goal of expanding recreational uses in the downtown which extend the hours of active use in the area, by adding a theater and additional restaurants.~~

1831 ~~Phasing of Downtown Palm Springs subsequent phasing of the Museum Market Plaza~~ will be  
 1832 determined by the market. ~~Exhibit V-1 illustrates how phasing may occur at the site, subsequent~~  
 1833 ~~to any renovation project as allowed above (Conformity Review).~~ Phasing may be modified by  
 1834 market pressures, including changes in both the commercial and residential environments:

1835

1836 ~~Phase Two:~~ Phase 1: ~~Construction of the Main Plaza~~ Blocks A, B,  
 1837 and C, as well as the Downtown Palm Springs Park, the installation of the  
 1838 new east-west roadway ("Main Street") from the Palm Springs Art  
 1839 Museum to Palm Canyon Drive, the extension of Belardo and Andreas  
 1840 Roads through the site, and improvements to Palm Canyon Drive. ~~The~~  
 1841 ~~number of hotels shall be limited to two (not to exceed 300 rooms total)~~  
 1842 ~~until such time as the demand for additional rooms can be demonstrated.~~  
 1843 ~~Demand shall be demonstrated by a professional third party assessment~~  
 1844 ~~showing that annualized occupancy at hotels exceeding 125 rooms in the~~  
 1845 ~~City are achieving at least 62% occupancy, and that additional demand can~~  
 1846 ~~be supported in the market area. At that time, hotel rooms could total 450~~  
 1847 ~~rooms.~~

1848

1849 ~~Phase 2:~~ Blocks A, D, F and G, ~~focusing on the Main Plaza and Palm Canyon frontage.~~  
 1850 ~~This phase may also include the southern portion of Block E, G & H.~~

1851

1852 ~~Phase 3:~~ Blocks K-1 and K-2:

1853 ~~An independent study evaluating the feasibility of preserving all or portions of the existing Town~~  
 1854 ~~and Country Center buildings shall be submitted prior to any application on Blocks K-1 or K-2.~~  
 1855 ~~All development within Block K shall require approval of a Planned Development District~~  
 1856 ~~(PDD). No permit for the demolition or substantial alteration of any portion of the Town and~~  
 1857 ~~Country Center will be issued until (a) all discretionary entitlements consistent with the Specific~~  
 1858 ~~Plan have been approved for the renovation or redevelopment of Blocks A through G; (b)~~  
 1859 ~~building permits in furtherance of such renovation or redevelopment have been issued; and (c)~~  
 1860 ~~substantial work consistent with such building permits has commenced on Blocks A through G.~~

1861 A PDD for the historic restoration or adaptive reuse of the Town and Country Center may be  
1862 considered at any phase of the development.

1863 ~~Blocks A and C, focusing on the Main Plaza and Palm Canyon frontage. This phase may~~  
1864 ~~also include the southern portion of Block E, G & H.~~

1865 ~~D & F, and the northern portion of Block E, G & H.~~

1866 ~~Block K, including the new east-west street between Palm Canyon and Indian Canyon~~  
1867 ~~Drives; however, this block and / or the new east-west street may be developed in an~~  
1868 ~~earlier phase, if the market allows.~~

1869

1870

1871

1872

- 1873 Exhibit V-1 Phasing
- 1874
- 1875
- 1876 ~~(INSERT PHASING PLAN)~~
- 1877
- 1878
- 1879

1880 **B.D. Financing**

1881

1882 Although the Specific Plan occurs in an area in which infrastructure is generally complete,  
1883 improvements and alterations will be required throughout the development of ~~Museum Market~~  
1884 ~~Plaza~~Downtown Palm Springs, to allow for the intensity of use proposed and to adjust public  
1885 improvements along the boundaries and edges of the Specific Plan area. Financing for these  
1886 improvements is likely to come from a number of sources, both public and private. In addition,  
1887 the costs for the preparation of the Specific Plan can also be recovered. Some of the potential  
1888 funding mechanisms are described briefly below. This list is not intended to be exhaustive or  
1889 exclusive. The allocation of costs and the apportionment of fees pursuant to the provisions of this  
1890 Subsection, including without limitation a credit on fees, may be provided in an owner's  
1891 participation agreement or ~~disposition and development agreement (DDA) between a developer~~  
1892 ~~and the City of Palm Springs Redevelopment Agency or~~ a development agreement (DA)  
1893 between a developer and the City.

1894

1895 Specific Plan Fee

1896

1897 To defray the cost of preparation, adoption, and administration of the specific plan, including all  
1898 related studies and environmental documentation, the City Council should consider the adoption  
1899 of a fee to be imposed upon all persons seeking approvals of the City or the Redevelopment  
1900 Agency of the City of Palm Springs which are required to be consistent with the specific plan in  
1901 the manner provided under Government Code Section 65456. A portion of any amounts  
1902 collected pursuant to such fee shall be used to reimburse any person who advanced or incurred  
1903 costs for the preparation of the specific plan in excess of such person's fair share of such costs as  
1904 determined under the provisions of Government Code Section 65456.

1905

1906 Special Improvement Districts

1907 Special Improvement or Assessment Districts may be initiated subject to the approval of  
1908 property owners or voters. They allow the municipality to issue tax-exempt bonds for public  
1909 infrastructure improvements. Assessments are generally accompanied by a formal lien against  
1910 each property which receives the improvements. Those properties benefiting from the

1911 improvement are assessed an annual cost on their tax bill. Assessments are proportional to the  
 1912 amount of benefit being received by the property owner. The assessments are generally paid  
 1913 over up to 30 years, but may be prepaid.

1914

1915 Redevelopment Agency Participation

1916 ~~The Museum Market Plaza is the catalyst to the long term economic health of Downtown Palm~~  
 1917 ~~Springs. The area is also within the boundaries of the City's Redevelopment Plan. As such,~~  
 1918 ~~developers and builders may negotiate with the Redevelopment Agency for direct contributions,~~  
 1919 ~~tax rebates or other participation from the Agency's tax increment funds.~~

1920 Measure J Funding

1921 ~~The City of Palm Springs' residents passed Measure J, allowing an extra \$0.01 to be added to~~  
 1922 ~~sales tax transactions in the City. The funds raised through Measure J are administered by an~~  
 1923 ~~oversight committee that selects projects for funding on an annual basis. Various facilities~~  
 1924 ~~associated with Downtown Palm Springs may be funded through Measure J funds, if the~~  
 1925 ~~project(s) is selected by the oversight committee.~~

1926 Developer Impact Fees

1927 Developer impact fees can be used for a variety of improvements, and require the preparation of  
 1928 cost estimates and fair share distribution based on a "rational nexus" that the fee being paid is  
 1929 equivalent to the cost which would otherwise be incurred by the developer to provide his fair  
 1930 share of an improvement. Existing Impact Fees may be applicable to roadway improvements on  
 1931 Palm Canyon or Indian Canyon, or could be created to address the project's improvements.  
 1932 Conversely, most of the development within the Specific Plan area has in the past contributed to  
 1933 Development Impact Fee and TUMF fees, which may be credited to the ~~Museum Market~~  
 1934 ~~Plaza~~Downtown Palm Springs construction.

1935

1936 Landscaping and Lighting Districts

1937 Landscaping and Lighting Districts may be created to provide a range of infrastructure  
 1938 improvements. Annual assessment would be raised from properties in the district. Funds may  
 1939 be used for construction and maintenance of curbs, gutters, sidewalks, paving, parkway  
 1940 landscaping and other facilities. The long-term maintenance of the Specific Plan area's street  
 1941 system could be financed through this vehicle.

1942

1943 Mello-Roos Districts

1944 Mello-Roos districts can be used to finance a wide range of improvements, including land  
1945 purchases and maintenance. The creation of the district results in a special tax levied on the  
1946 affected property owners. Mello-Roos district taxes are not tied to property value, but rather to a  
1947 special tax formula based on the level of benefit received by each property.

1948

1949

Palm Springs Promenade, LLC

555 Sunrise Way

Palm Springs, CA 92264

January 6<sup>th</sup> 2016

Dear Marcus and Flinn

We are writing in response to the Planning Commission meeting December 9<sup>th</sup> 2016. The Commissioners requested changes to the Specific Plan Amendment Draft Document to encourage building a Residential Development early rather than later and postponing or possibly abandoning a 3rd Hotel Project within the Specific Plan Area. In a previous request we are asked for a 75 feet height limit for any residential building. After further research and preliminary design work and taking into consideration latest building method advances suggested by our structural consultants, we have concluded that a 68 feet height limit is sufficient to allow us to build an architecturally pleasing residential building.

In response to this request we would like to propose the following considerations to the latest proposed Specific Plan Amendment City Council will be reviewing next Wednesday December 16<sup>th</sup> 2015.

**Block B 1 - Park Hotel**

Currently proposed is a 142 room Park Hotel under contract with one of the most valuable brands in the world. After initial cost estimates with our consultants and preliminary discussions with lenders it became obvious that the room count has to increase to 175 rooms to absorb the extra cost to meet the brands required amenity package.

The increased room count will be accomplished by changing the construction type from wood frame to concrete or steel. This change saves over one foot per floor in construction height resulting in 175 room's hotel in the same building envelope and height as the 142 room hotel. As these plans are not engineered at this time we would request that the planning director has authority to approve up to a 5% variance regarding height to address future engineering requirements that might arise.

**Block F, G – Approved AC Hotel by Marriott – 132 rooms**

If we would receive approvals for the Park Hotel and move forward with its construction, the currently planned opening of the already approved 2<sup>nd</sup> Hotel would be postponed from 2016 to 2021, unless the occupancy rate for the member hotels in the Hospitality Association hits 62% for two consecutive years. That being said we would like to address the recommendations by the Planning Commission to encourage additional residential development first before building a 3<sup>rd</sup> hotel. After reviewing the building envelope of Block F our design team came to the conclusion that an architecturally pleasing residential building with appropriate open space on the higher floors as proposed in the Specific Plan Amendment can only be accomplished by increasing the height limit to 68 feet. As a result we would like to propose that any proposed residential building brought forward within the specific plan area would

**Block D**

We would change the current allowed height for Block D from 60 feet to 45 foot tall building targeting a Grocery Store and a Gym to service the proposed Residential units in Downtown.

**Development Agreement**

We would like these changes to vest via a Development Agreement, which should be agreed upon no later than February 2016 to avoid any delays for the proposed uses for the various blocks.

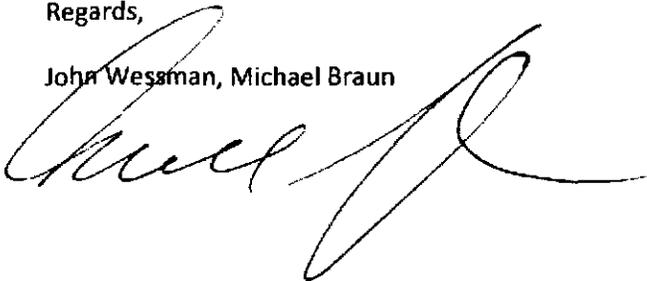
**TOT Tax Credit**

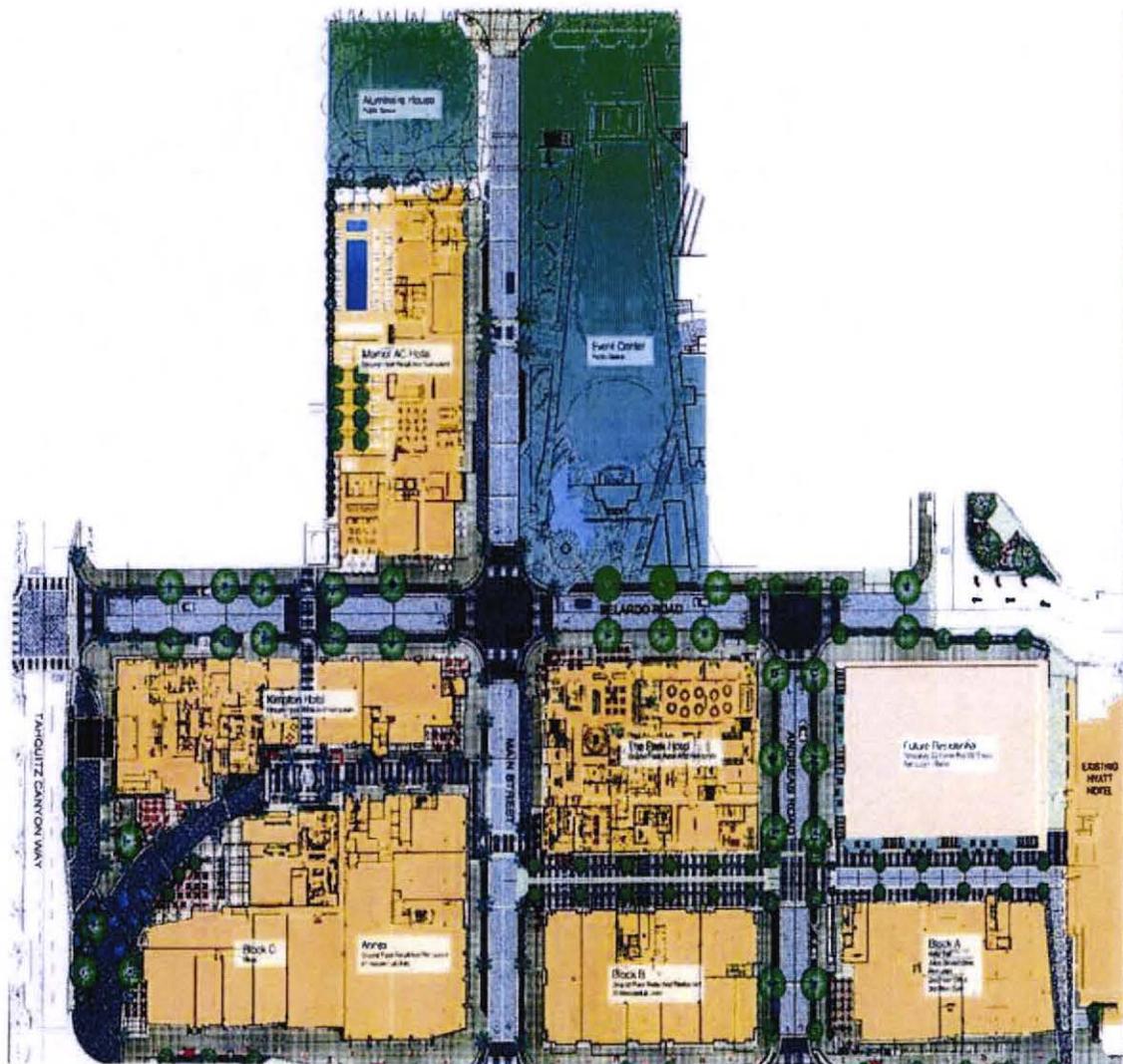
The Development Agreement will also address the already granted and approved TOT Credit of 75% towards the AC Hotel. In order to be able to finance and build the proposed Park Hotel the 75% TOT Credit Tax covenant has to be transferred from Block F to Block B 1 to assist the Park Hotel. The 3<sup>rd</sup> hotel (if build and not replaced by a residential building) will be eligible for a 50% TOT Tax Credit as outlined in the most recent city ordinance.

In order to make the overall project a success the pedestrian experience needs to carry through from Tahquitz Canyon to the Hyatt Hotel. Failure to construct a building in Block B1 in Phase 1 will leave a void in the middle of the project disrupting the desired pedestrian experience (see exhibit 1)

Regards,

John Wessman, Michael Braun

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



Palm Springs Promenade, LLC

555 Sunrise Way

Palm Springs, CA 92264

December 10<sup>th</sup> 2015

Dear Marcus:

We are writing in response to the Planning Commission meeting December 9<sup>th</sup> 2016. The Commissioners requested changes to the Specific Plan Amendment Draft Document to encourage building a Residential Development early rather than later and postponing or possibly abandoning a 3rd Hotel Project within the Specific Plan Area.

In response to this request we would like to propose the following considerations to the latest proposed Specific Plan Amendment City Council will be reviewing next Wednesday December 16<sup>th</sup> 2015.

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The increased room count will be accomplished by changing the construction type from wood frame to concrete or steel. This change saves over one foot per floor in construction height resulting in 175 room's hotel in the same building envelope and height as the 142 room hotel. As these plans are not engineered at this time we would request that the planning director has authority to approve up to a 5% variance regarding height to address future engineering requirements that might arise.

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**Block D**

We would change the current allowed height for Block D from 60 feet to 45 foot tall building targeting a Grocery Store and a Gym to service the proposed Residential units in Downtown.

**Development Agreement**

We would like these changes to vest via a Development Agreement, which should be agreed upon no later than February 2016 to avoid any delays for the proposed uses for the various blocks.

**TOT Tax Credit**

The Development Agreement will also address the already granted and approved TOT Credit of 75% towards the AC Hotel. In order to be able to finance and build the proposed Park Hotel the 75% TOT Credit Tax covenant has to be transferred from Block F to Block B 1 to assist the Park Hotel. The 3<sup>rd</sup> hotel (if build and not replaced by a residential building) will be eligible for a 50% TOT Tax Credit as outlined in the most recent city ordinance.

In order to make the overall project a success the pedestrian experience needs to carry through from Tahquitz Canyon to the Hyatt Hotel. Failure to construct a building in Block B1 in Phase 1 will leave a void in the middle of the project disrupting the desired pedestrian experience (see exhibit 1)

Regards,

John Wessman, Michael Braun



# **ATTACHMENT #3**

**Addendum #2 to the Final  
Environmental Impact Report for the  
Museum Market Plaza Specific Plan  
(SCH#2008061084)**

**AND**

**Downtown Palm Springs Project and  
Downtown Palm Springs Park Traffic  
Impact Study Update**

**UNDER SEPARATE  
COVER**

# ATTACHMENT #4



# CITY OF PALM SPRINGS

## DEPARTMENT OF PLANNING SERVICES

### MEMORANDUM

**Date:** 26 October 2015

**To:** Planning Commission

**From:** Flinn Fagg, AICP  
Director of Planning Services

**Subject:** Parking – Museum Market Plaza Specific Plan

At the Planning Commission Study Session on October 14, 2015, the Planning Commission requested information regarding the adequacy of parking spaces for the Museum Market Plaza Specific Plan area.

The number of existing and proposed parking spaces is shown in the following table:

<b>Existing Spaces</b>	
Block G – North Garage	498 spaces
Block D – South Garage	371 spaces
On-Street/Surface Parking Spaces	50 spaces
<i>Subtotal:</i>	<i>919 spaces</i>
<b>Proposed/Under Construction</b>	
Block B (Under Construction)	200 spaces
Block F (Proposed)	100 spaces
<i>Subtotal:</i>	<i>300 spaces</i>
<b>Grand Total:</b>	<b>1,219 spaces</b>

Table III-6 of the Museum Market Plaza Specific Plan establishes the parking requirements for uses within the Specific Plan area. Commercial uses are required to provide one space for every 325 square feet of floor area; hotel uses are required to provide one space for each hotel unit, and residential parking requirements are determined by the number of bedrooms. The number of parking spaces required for the entitlements that have been approved to date are summarized in the following table:

Block	Square Feet/# of Rooms	Ratio	Spaces Required
A	51,484 SF	1/325 SF	158 Spaces
B	31,800 SF	1/325 SF	98 Spaces

<b>Block</b>	<b>Square Feet/# of Rooms</b>	<b>Ratio</b>	<b>Spaces Required</b>
C	101,538 SF	1/325 SF	312 Spaces
C-1	155 Hotel Rooms	1/Hotel Room	155 Spaces
F	135 Hotel Rooms	1/Hotel Room	135 Spaces
F	5,064 SF	1/325 SF	16 Spaces
<b>Total:</b>			<b>874 Spaces</b>

Based upon the information above, the development approved to date is in conformance with the number of spaces required by the Specific Plan. If the proposed hotel development on Block B-1 is approved, an additional 142 parking spaces would be required.

A Project Financing Agreement (PFA) for the development was approved by City Council on September 7, 2011, which established financial terms, defined public assets, established a performance schedule, addressed procedures for the issuance of building permits, and defined other various issues related to the construction of the project. Four amendments to the agreement have subsequently been approved by City Council. Terms of these agreements directly address parking requirements and the construction of new parking facilities:

PFA – Original Agreement (Approved by City Council on September 7, 2011): The City agreed to acquire the existing parking structures (North Garage, South Garage) for use as free public parking. Exhibit "G" of the document states that: "...the availability of parking within the Existing Parking Structure(s) is and shall be deemed sufficient to satisfy all parking requirements for private improvements and uses contemplated by the Revitalization Plan, and that no additional parking requirements or parking fees shall be imposed in connection therewith."

PFA – Fourth Amendment (Approved by City Council on September 17, 2014): As a condition of the City purchasing Block E, the developer agreed to construct an underground garage on Block B with approximately 188 parking spaces, with the use of the spaces for development on Blocks A, B, C, D, F and G. The underground garage is currently under construction.

# ATTACHMENT #5

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

Associate Planner Lyon provided an overview of the proposed project.

Chair Klatchko opened the public hearing:

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

There being no further appearances the public hearing was closed.

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

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

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

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

A recess was taken at 2:46 pm.

The meeting reconvened at 2:52 pm.

**2E. APPLICATION BY THE CITY OF PALM SPRINGS TO UPDATE AND AMEND THE MUSEUM MARKET PLAZA SPECIFIC PLAN TO REFLECT PREVIOUS APPROVALS AND MODIFICATIONS, INCLUDING CHANGES TO PERMITTED USES FOR CERTAIN BLOCKS WITHIN THE DEVELOPMENT, CHANGES TO THE MAXIMUM PERMITTED HEIGHT FOR CERTAIN BLOCKS WITHIN THE DEVELOPMENT, REDUCTIONS IN THE OVERALL DEVELOPABLE SQUARE FOOTAGE AND PERMITTED NUMBER OF UNITS, AND OTHER VARIOUS ADMINISTRATIVE CHANGES AND CORRECTIONS (CASE NO. 5.1204 SP A-1). (FF)**

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

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

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

The Commission commented and/or requested clarification on:

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

Chair Klatchko opened the public hearing:

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

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

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

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

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

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

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

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

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

There being no further appearances the public hearing was closed.

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

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

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

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

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

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

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

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

A recess was taken at 4:38 pm.

The meeting reconvened at 4:50 pm.

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

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

Continue to a date certain of December 9, 2015.

## **2. PUBLIC HEARINGS:**

**2A. CONT'D - APPLICATION BY THE CITY OF PALM SPRINGS TO UPDATE AND AMEND THE MUSEUM MARKET PLAZA SPECIFIC PLAN TO REFLECT PREVIOUS APPROVALS AND MODIFICATIONS, INCLUDING CHANGES TO PERMITTED USES FOR CERTAIN BLOCKS WITHIN THE DEVELOPMENT, CHANGES TO THE MAXIMUM PERMITTED HEIGHT FOR CERTAIN BLOCKS WITHIN THE DEVELOPMENT, REDUCTIONS IN THE OVERALL DEVELOPABLE SQUARE FOOTAGE AND PERMITTED NUMBER OF UNITS, AND OTHER VARIOUS ADMINISTRATIVE CHANGES AND CORRECTIONS (CASE NO. 5.1204 SP A-1). (FF)**

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

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

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

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

Chair Klatchko opened the public hearing:

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

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

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

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

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

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

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

There being no further appearances the public hearing was closed.

A recess was taken at 3:28 pm.

The meeting reconvened at 3:41 pm.

Vice-Chair Roberts:

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

Commissioner Weremiuk:

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

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

Commissioner Calerdine:

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

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

Commissioner Middleton:

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

Commissioner Donenfeld:

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

Commissioner Lowe:

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

Chair Klatchko:

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

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

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

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

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

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

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

A recess was taken at 4:54 pm.

The meeting reconvened at 5:05 pm.

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

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

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

The Commission commented and/or requested details on:

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

**2B. CONT'D - APPLICATION BY THE CITY OF PALM SPRINGS TO UPDATE AND AMEND THE MUSEUM MARKET PLAZA SPECIFIC PLAN TO REFLECT PREVIOUS APPROVALS AND MODIFICATIONS, INCLUDING CHANGES TO PERMITTED USES FOR CERTAIN BLOCKS WITHIN THE DEVELOPMENT, CHANGES TO THE MAXIMUM PERMITTED HEIGHT FOR CERTAIN BLOCKS WITHIN THE DEVELOPMENT, REDUCTIONS IN THE OVERALL DEVELOPABLE SQUARE FOOTAGE AND PERMITTED NUMBER OF UNITS, AND OTHER VARIOUS ADMINISTRATIVE CHANGES AND CORRECTIONS (CASE NO. 5.1204 SP A-1). (FF)**

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

Chair Klatchko opened the public hearing:

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

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

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

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

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

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

There being no further appearances the public hearing was closed.

Commissioner Lowe made the following comments:

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

Commissioner Middleton made the following comments:

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

Commissioner Weremiuk commented on:

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

Commissioner Donenfeld commented on:

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

Commissioner Calderine made the following comments:

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

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

Chair Klatchko made the following comments:

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

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

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

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

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

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

**ABSENT:** Commissioner Lowe

**ABSTAIN:** Commissioner Weremiuk.

~~CONFIDENTIAL - INFORMATION SUBJECT TO DISCOVERY PROTECTION~~

# ATTACHMENT #6



December 9, 2015

**Via Email**

Palm Springs Planning Commission,  
c/o Flinn Fagg, Director of Planning Services  
[flinn.fagg@palmsprings-ca.gov](mailto:flinn.fagg@palmsprings-ca.gov)

**RE: Planning Commission Agenda Item 2B, Proposed amendment to the Museum Market Plaza Specific Plan**

Dear Mr. Fagg,

I have previously commented in opposition to the proposed amendments to the Museum Market Plaza Specific Plan on behalf of Advocates for Better Community Development (“ABCD”). This letter provides further comments on the proposed amendments, as well as the many questions that remain unanswered.

Initially, I note that the proposed Specific Plan amendments provides further evidence supporting the conclusion that in the past three years, the City has unlawfully approved numerous changes to the Museum Market Plaza without adequate consideration of the developmental limits contained in the Specific Plan. Many of the proposed amendments are intended to conform the Specific Plan to the City’s previous actions, which is evidence that the City continues to put the cart before the horse.

The Staff Report still refers to but does not include an EIR Addendum for these changes. Without the Addendum, it is impossible to fully understand and evaluate the potential environmental impacts of the proposed amendments. How can the Planning Commission consider recommending approval of the amendments without understanding the environmental impacts of the amendments?

Moreover, based on the extent and significance of the proposed amendments, it would appear that a subsequent or supplemental EIR would be required, as it appears that the Specific Plan EIR did not and could not have anticipated the proposed amendments. A subsequent EIR is need because many of the Project’s significant impacts, such those on significant natural views and traffic may be exacerbated by these amendments.

While the public has now finally been provided the text of the proposed amendments, the nature and reasons for the proposed amendments updates remain murky and ambiguous. ABCD shares many of the Planning Commissioners’ concerns and confusion in this regard. For example, the staff report proposes the elimination of limits on building mass without explaining why this is change desirable or what effect it would have. (390-391).

Likewise, Staff recommends adoption of Table III-5, which would replace uniform stepback requirements in favor limits on open area floor limits. Staff claims this would “generally achieve the same result” as the existing minimum stepback requirements, but

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California 93401  
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staff fails to explain why it is recommending the change. This amendment would give the applicant more “flexibility” to build out 90% of first three floors, which would create more of a canyon effect than the existing set-back limits. Why is this desirable and what effect would it have on view corridors?

Staff likewise does not provide any explanation for or evaluate the potential impacts of its proposal to eliminate the limit on transfer of density within blocks. (664-669). Staff claims this “update” is intended to “correctly identify blocks where commercial uses are permitted...,” yet the revised text will forever permit unlimited transfer of square footage within sub-area A, which consists of Blocks A, B, C, D, F and G. This fundamental change in policy is proposed without any adequate explanation or analysis of potential impacts.

As we have explained before, because the Specific Plan did not anticipate an event center (now called a park) on Block B or anywhere else within the Project area, the Specific Plan EIR never considered the environmental impacts of an event center (such as noise, circulation, aesthetics, etc.) and did not proposed any mitigation for the large event center/park now planned for Block E. The new “park” on Block E, therefore, amounts to a significant change to the Specific Plan whose impacts must be adequately analyzed in an EIR. This is especially true as the Staff Report admits that the 2012 Addendum focused only on aesthetic impacts of development on Block B, and did not even consider the noise and traffic/parking/circulation impacts that could result from the operation of major event center on Block E. Interestingly, Staff’s own parking analysis which is attached to the staff report wholly ignores the parking demand generated by the concerts and other events the City intends to sponsor on Block E. Accordingly, the impacts of the event center must be analyzed through the preparation of a supplemental or subsequent EIR.

The staff report also fails even to hint that the City’s failure to consider the environmental impacts of the event center is currently an issue that is being litigated in the case of ABCD v. Palm Springs (Case No. PSC 1405677.) Also at issue in that case is the City’s continued reliance on the conformity review process to approve changes to the Specific Plan despite the fact that staff is now proposing to eliminate all references to conformity review from the Specific Plan.

The proposed amendment to allow height increase to 75 feet for a hotel on Block B (which is also being raised as agenda item 2C) is inconsistent with the City’s own previous approvals and the Specific Plan, which provides that only “with sympathetic massing and effective architectural treatment to visually reduce building bulk, hotels may exceed 60 feet, subject to City Council approval.” III-17. The Specific Plan’s requirement that hotel heights exceeding 60 feet be approved via the PDD process reflects a policy of permitting added height only on a case by case basis, ensuring that the proposed architecture and massing is compatible with the site. Consistent with the Specific Plan, the City may only approve a hotel project exceeding 60 feet on a case by case basis, only after considering the architecture and visual character of a proposed hotel. The City’s proposed approach is inconsistent with this policy and must therefore be rejected.

Like many of the Commissioners, ABCD is concerned about addition of yet more hotel rooms, which undermines the Specific Plan’s vision of a mixed-use development that includes commercial, residential and restaurant development. No more hotel rooms should be approved without an economic impact study that assesses the need for and the impacts of any more hotel rooms in the City. The economic impacts of the project is a particularly sensitive issue in light of

Flinn Fagg/Palm Springs Planning Commission  
December 9, 2015  
Page 3 of 3

the City's substantial and "generous" contribution of public funding in support of this private project.

The Commissioners should take a close look at a number of proposed amendments that are intended to conform the Specific Plan to the City's earlier actions which, according to the Staff, appear to have resulted in granting of public right-of-way to the applicant. The right-of-way on Belardo, for example, is reduced from 62 to 41 feet, and a number of parking spaces would be lost because angled street parking would be replaced with parallel parking. The right-of-way and sidewalk widths on Museum Drive and Main Street have likewise been reduced. The Staff Report explains that these revisions are proposed to conform the Specific Plan to final maps approved by the City. Yet, there is no explanation provided as to why the City approved final maps that are inconsistent with the Specific Plan.

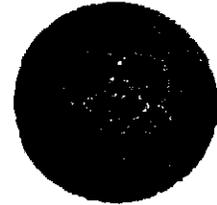
I urge the Commission not to take any action on the proposed Specific Plan Amendments.

Sincerely,

/s/  
Babak Naficy for ABCD

# AGUA CALIENTE BAND OF CAHUILLA INDIANS

FEDERAL HISTORIC PRESERVATION



03-004-2008-027

December 09, 2015

[VIA EMAIL TO:david.newell@palmsprings-ca.gov]

Palm Springs  
Mr. David A. Newell  
3200 E Tahquitz Canyon Way  
Palm Springs, CA 92262

## Re: Museum Market Plaza Specific Plan Amendment Case No. 501204

Dear Mr. David A. Newell,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the Downtown Palm Springs Specific Plan project. The project area is not located within the boundaries of the ACBCI Reservation. However, it is within the Tribe's Traditional Use Area (TUA). For this reason, the ACBCI THPO requests the following:

- \* A meeting with the appropriate city planners and the ACBCI Tribal Historic Preservation Officer.

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760)699-6829. You may also email me at [acbc-thpo@aguacaliente.net](mailto:acbc-thpo@aguacaliente.net).

Cordially,

Katie Croft  
Archaeologist  
Tribal Historic Preservation Office  
AGUA CALIENTE BAND  
OF CAHUILLA INDIANS

Judy Deertrack  
1333 South Belardo Road, Apt 510  
Palm Springs, CA 92264

Wednesday, December 9 2015

To the Honorable Members of  
the Planning Commission  
City of Palm Springs, California

2B. CONT'D - APPLICATION BY THE CITY OF PALM SPRINGS TO UPDATE AND AMEND THE MUSEUM MARKET PLAZA SPECIFIC PLAN TO REFLECT PREVIOUS APPROVALS AND MODIFICATIONS, INCLUDING CHANGES TO PERMITTED USES FOR CERTAIN BLOCKS WITHIN THE DEVELOPMENT, CHANGES TO THE MAXIMUM PERMITTED HEIGHT FOR CERTAIN BLOCKS WITHIN THE DEVELOPMENT, REDUCTIONS IN THE OVERALL DEVELOPABLE SQUARE FOOTAGE AND PERMITTED NUMBER OF UNITS, AND OTHER VARIOUS ADMINISTRATIVE CHANGES AND CORRECTIONS (CASE NO. 5.1204 SP A-1). (FF) RECOMMENDATION: Recommend approval of the Museum Market Plaza Specific Plan update to the City Council.

TO WHOM IT MAY CONCERN:

My concerns about this development have not changed since my earlier comments at the November 12, 2015, hearing with the Planning Commission; namely,

(1) the environmental assessment is not running concurrently with major revisions to the Specific Plan; and by law, it should be. The Planning Commission is acting as advisor to the City Council, with a void of environmental information and assessment on the potential impacts of changes to the plan. What are those changes? The Planning Department has concentrated almost exclusively on the decrease in square footage, and concludes there are no impacts because overall square footage is reduced. This is specious reasoning.

The real change (and environmental impact) of the amendments is a concentration of massing on Block B, view shed interruption, implemented through incremental and devastating additions to height over time – together with compromises on open space, setbacks, step backs, parking, reduction of street lanes, and abandonment of all of the planning controls that used to be available to us. We have abandoned it for congestion, concentrated development, and over-built environment. How did the City do this? From not keeping control of this process, and from letting this become developer-driven, at any cost to the City.

Block B's open space relief (an environmental impact issue) WOULD HAVE alleviated the incredible concentration of urban meta-buildings that now face Palm Canyon Drive. Now, open space relief from the drudgery of the buildings has been transferred to the back of the project where it is not needed -- in front of the museum. The City is burdened with the oppressive feel of the Palm Canyon frontage, and it is a pending disaster for any and all citizens who want village atmosphere or who appreciate scale!.

Palm Canyon Drive has always been the pride of our City, and it has not only always had a small town feel, but it connects us to nature and the vistas, and our mountain. Our treasured qualities are endangered, and the outrageous reality of this is that our planning process, early in the Specific Plan

adoption – absolutely did NOT anticipate what has happened. Everyone knows this, and the decision makers appear to be concluding that it is irreversible harm. That is not the truth!

Returning to the comments on proper integration of environmental information for comprehensive review, the *Fasano* Decision has been cited throughout California case law as representative of the level of care administrative officers (our city officials) must take in the deliberation of a case. I claim that this standard has not been met:

*“The case that finally merged the traditional and skeptical views of land use regulation was Fasano v. Board of Commissioners of Washington County 264 OR. 574, P.2<sup>nd</sup> 23 (1973). Fasano struck down a rezoning, not on the grounds that it constituted ‘spot zoning’ or because there existed a ‘right to rely’ on existing regulations but, rather, **because of the manner in which the local government had made the zoning decision and the public process it followed.** The legacy of Fasano requires local governments to make zoning decisions that are consistent with their comprehensive plans, land use regulations, and enabling legislation. Fasano requires that a public hearing is to be provided where parties are given an opportunity to be heard, to present and rebut evidence and to establish a right to a record and adequate findings to show that the ultimate decision is justified. By establishing a process for hearing and deciding land use cases, the Court was able to review the record against the decision and evaluate whether there was a legitimate basis for making the decision.” [emphasis added]*

(2) The second irregularity is something I placed on the administrative record in my earlier comments in November 2015. The *Leshner v. City of Walnut Creek* decision (California case law) has articulated a principle of law that is sacrosanct in planning, through a humorous metaphor – the tail does not wag the dog! What does this mean? It means that the Specific Plan is a more detailed treatment of the General Plan. A Specific Plan -- a component of the General Plan, and processed identically to a General Plan Amendment when it is done correctly -- is the constitutional framework for the decision. It contains the vision, the thoughtfulness, the planning, the policies, objectives, goals of this community – that are addressed with enough specificity that our dreams for downtown translate into architectural excellence, and into a reasoned, balanced, thoughtful use of land. The Downtown Plan was meant to fit, hand in glove, the nature of its surroundings. But it does not, and this, again, is environmental impact.

Planners conform the land use entitlements to the General Plan and Specific Plan, not the opposite. That is what is meant by the “tail not wagging the dog!” It is clear from the very description of the Specific Plan update (see Agenda) that the amendments are **“to reflect previous approvals and modifications.”** That means a cleanup – not a legitimate amendment process -- and the City has attended more to its anxiety about legal challenges to non-compliance than maintaining architectural and land use integrity in its planning.

One example of this “cleanup” was the original planning control of disallowing any density transfer that exceeded 15% from one block to another. Another planning control was the prohibition of “trading” parking capacity between blocks. Both of those controls have been eliminated (along with many other planning controls that have fallen on the wayside), and the result is an environmental impact – just as the concentrated height is an impact. The whole process of entitlement has been what I have called a Lego Set Game Plan – switch and bait, switch and bait. Now, the Specific Plan in its late stages is going through massive modification because the process has been quicksand.

(3) My third point from November Planning Commission was the abysmal lack of public participation in what the state of California has classified as a general plan amendment – since a Specific Plan is akin to the legislated general plan – it is simply a more detailed statement of development standards and policy. This close association is addressed directly in the Governor’s Guidebook to Planning, as it references Government Code (Section 65351) as the process for both a Specific and General Plan:

**GC 65351:** *“During the preparation or amendment of the general plan, the planning agency shall provide opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the planning agency deems appropriate.”*

Every community knows the process for a general plan amendment or update, particularly as we address and radically modify the core downtown area. This “coming together” through public process takes public workshops, and that has completely been ignored! Citizens, tribes, agencies, utility providers, civic leaders, education leaders.....to what extent has our fair city complied with this in the largest development the city has ever attempted? There is no way we can claim that these hearings comply with the edict of GC 65351.

Why has it been ignored? I am not sure, but I suspect that the current driving force is the need for Mr. Wessman to achieve the deadline of receiving the hotel incentive grant before the ordinance expires. So, because of this (if these facts are valid) our public process has been laid aside and abandoned. This is a developer driven process from top to bottom, and the public interest is neglected, which leads to my last point;

(4) It is not appropriate for the third hotel land entitlement to be running concurrently with the Specific Plan Amendment if the environmental is lagging behind. The entitlement for the third hotel, and its financing, is the driving factor, instead of the importance of understanding the time, the detail, and the importance of correctly implementing the General Plan and its Specific Plan treatment for downtown.

My comment letter has been one of my more stringent pleas for attention to our laws and obligations. That is only because the stakes are very high.

As always, I thank each and every one of you, recognizing that these problems and issues are far beyond any one individual. I do ask you to trust yourselves, empower yourselves, and be the best caretakers you can for this City and its future.

With regard,

Judy Deertrack

Planning Commission Meeting Nov. 12, 2015

The Palm Springs Modern Committee objects to the proposed revisions of the Specific Plan set forth on page II-4 as they go far beyond the proposed hotel for Block B-1.

We object to the proposal to put in an interim street through Block K prior to consideration of what will be developed in Block K. There is no need for an interim connector street as Andreas Road is being made into a two-way street and that, in addition to the existing roadways, provide more than adequate traffic access to downtown. The proposed amendment to the Specific Plan identifies the interim connection being needed to provide vistas, but it makes no sense to put in a street with a sole purpose of providing vistas to view construction.

Additionally, we would like to remind the City that there is a condition of approval on the Museum Market Plaza Project that prohibits demolition of the National Register-eligible Town & Country Center until all development has been approved for the Desert Fashion Plaza site, building permits have been issued and substantial work has been completed on all of the blocks where the Desert Fashion Plaza was located. As development has not yet been approved for Block B-1 the demolition of Town & Country Center is not permitted.

Nickie McLaughlin  
Executive Director  
Palm Springs Modern Committee

Submitted to  
Planning Commission

NOV 12 2015

Case # 2A

# ITEM 2A

Judy Deertrack  
1333 South Belardo Road, Apt 510  
Palm Springs, CA 92264

Submitted to  
Planning Commission

Thursday, November 12, 2015

NOV 12 2015

Case # 2A

To the Honorable Members of  
the Planning Commission  
City of Palm Springs, California

RE: 2A. CONT'D - APPLICATION BY THE CITY OF PALM SPRINGS TO UPDATE AND AMEND THE MUSEUM MARKET PLAZA SPECIFIC PLAN TO REFLECT PREVIOUS APPROVALS AND MODIFICATIONS, INCLUDING CHANGES TO PERMITTED USES FOR CERTAIN BLOCKS WITHIN THE DEVELOPMENT, CHANGES TO THE MAXIMUM PERMITTED HEIGHT FOR CERTAIN BLOCKS WITHIN THE DEVELOPMENT, REDUCTIONS IN THE OVERALL DEVELOPABLE SQUARE FOOTAGE AND PERMITTED NUMBER OF UNITS, AND OTHER VARIOUS ADMINISTRATIVE CHANGES AND CORRECTIONS (CASE NO. 5.1204 SP A-1). (FF) **RECOMMENDATION:** Recommend approval of the Museum Market Plaza Specific Plan update to the City Council.

## TO WHOM IT MAY CONCERN:

This letter expresses my profound concerns about the dramatic departures from the original approved Specific Plan, and the fact that these incremental changes that are now being cleaned up were not made as a series of amendments to the plan in their place and time – but it appears to be a clean up job of now seeking conformance to the Specific Plan and General Plan by first granting out a series of approvals to build upon the land, and THEN (and only then) is the City or Developer concerned about consistency – and the Specific Plan is now being re-tooled to conform.

Should this be the case (and I assert it is – and will document this at a later time), there is case law in California (*Leshar Communications v. City of Walnut Creek*), that prohibits a city from implementing a plan, creating inconsistency with the legislative planning document, and then doing a later clean up. The problem is the fact the approval of either an ordinance or permit that is inconsistent with the regulating plan is void at its inception (void ab initio).

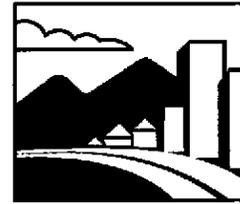
The second issue is CEQA and requirements in the State of California for adopting and amending Specific Plans. The state guidelines are very clear that major modifications to a plan (such as these, inclusions of five hotels that violate height requirements, major changes in density, intensity, use, height, and function, setback, open space, parking, transportation, and open space / stepback waivers – without cause) – have significant impacts to the CEQA process, and the two are required to move concurrently. There is a profound void of planning and CEQA information for appropriate evaluation. I have attached the State Guidelines to explain.

My recommendation to this Council, particularly in light with a pending investigation on top of a major change in city council seating, should result in a moratorium on this project for at least a six month period while the Planning Commission and City Council confer on transparency, PUBLIC INVOLVEMENT, new planning criteria, a work plan, and issues of compliance with law, and compliance with ongoing investigations.

This project is financed through Measure J and a Municipal Bond Issuance. Measure J is committed to \$3.3M to pay back a public bond, with \$32M in a private, uninspected escrow account. Please check the status of finance and funding with the City Council, which is running at \$60M in general subsidies, with two \$50M grants, and the original marketing study, with original construction costs, has been abandoned.

Judy Deertrack

## Part Two: Guidelines for Preparing Specific Plans



**T**he purpose of this part is twofold: (1) to outline a strategic approach to the preparation, adoption, and implementation of specific plans; and (2) to provide a framework and explanation of the statutory requirements for specific plans. In addition, this part provides a brief discussion of the California Environmental Quality Act (CEQA) and the role it plays in the specific planning process.

### I. Decision To Prepare A Specific Plan

Government Code §65450 provides that the local planning agency, planning commission and/or legislative body has the authority to initiate the preparation of a specific plan. Private parties may also initiate a plan as provided for by local agencies. An example of the initiation by a private party would be an application for a tentative subdivision map which, under a local subdivision ordinance or general plan policy, requires the concurrent preparation of a specific plan.

### II. Planning Process

The following model is a modified version of the strategic planning process described in the *General Plan Guidelines*, and adapted to the intricacies of specific plans. This model is conceptual and may be used as a reference to guide the selection or development of a process which meets the needs of the respective jurisdiction. Other comprehensive planning models are available which may achieve similar results.

#### A. The Work Program

The preparation of a work program should be the first consideration after making the decision to prepare a specific plan. The program should set forth the responsibilities the departments, consultants, and/or individuals will take in each phase of the process. In addition, it should provide direction in the scope of the work to be performed, the funding mechanisms, consultants, public participation, and deadlines.

#### Early Direction:

The work program should incorporate early policy direction from the legislative decision making body, defining the general direction for the specific plan and its objectives and policies. This direction may take the form of precise guidelines for what the specific plan should accomplish, or a general vision of the planning area.

This early direction may change as a result of public input, committee recommendations, or new information obtained during the collection or analysis of data. Regardless, the early policy direction will provide staff, consultants, and the public a basis for beginning the process of preparing a specific plan.

#### Consultant or Staff Preparation:

The legislative decision making body has the discretion to decide who may prepare a specific plan. Specific plans may be prepared by agency staff, by a private consulting firm under a contract to assist staff, or solely by a consultant performing the role of staff. In other situations, specific plans may be a requirement of a project and prepared by a project proponent or by a consultant under contract to the project proponent. Private parties may also be responsible for preparing or contracting for the preparation of a specific plan as part of a project application. Whenever a consultant is preparing the plan, the work program should require an administrative draft, so that agency staff can review progress of the plan. The agency must budget for sufficient staff resources to ensure that the administrative draft is reviewed for consistency with the general plan and other regulations of the city or county.

#### Adoption Deadlines:

Deadlines should be incorporated into the work program to ensure the timely completion of the specific plan. The deadlines should be reasonable to ensure that the quality of the product is consistent with the expectations of the decision makers. The time lines are typically a product of either the political constraints of a local legislative body, or the development proposals which will follow after the adoption of the specific plan.

The Permit Streamlining Act is not applicable to the adoption of a specific plan. Therefore, prudence should prevail in the adoption of deadlines which are functional and realistic.

**Public Participation:**

The participation of those working or residing within a specific plan area or more broad participation of the local citizens can play an important role in the preparation of a specific plan. Section 65453 states that "A specific plan shall be prepared, adopted and amended in the same manner as a general plan..." as such, opportunities for the involvement of citizens, public agencies, public utilities, civic education, and other community groups must be provided pursuant to §65351. For example, the City of San Jose utilizes the assistance of a community-based task force composed of property owners, business owners, residents, other agencies, school districts, and other stakeholders when preparing specific plans. The city credits this involvement for the general support apparent during public hearings on and implementation of its specific plans.

**B. Current Context**

The planning area, as it currently exists, is a function of past decisions and policies. Similarly, the development of a specific plan which serves as the basis for decision making in the future is a function of the existing social, political, economic, and physical environments. The community's values and views of the existing planning area will strongly influence the direction and focus of the specific plan.

**Planning Area Issues:**

Each planning area possesses characteristic issues which should be addressed by the specific plan. The issues may include those relevant to historic preservation, environmental quality, residential development, economic development, architectural regulation, commercial/industrial parks, and urban infill. These issues will form the basis for the detailed policies and implementation measures of the specific plan.

**Existing Land Use:**

The existing uses of land within the planning area must be analyzed to determine the influence they will have and the role they will play under the specific plan. Existing agricultural, industrial, or floodplain open space uses may substantially affect the type of uses planned for adjacent properties. The continuation of existing uses may dramatically affect the planned uses

set forth by the specific plan. Land uses surrounding the planning area should also be analyzed and connections/transitions/buffers between uses designed to ensure compatibility with those allowed by the specific plan.

**Environmental Conditions:**

An evaluation of the planning area's natural environment, including wildlife habitat, natural hazards, and resources, help provide direction to the type and intensity of development which is planned to occur. This analysis should also include an evaluation of the existing flood plain, seismic, slope and other constraints which will determine the intensity of development and feasibility of implementing plans.

**Infrastructure Constraints:**

The type and intensity of future development proposed by a specific plan is limited by the capacity of existing infrastructure or the ability to provide new public facilities. The analysis should identify available opportunities for development, as well as potential constraints resulting from the effect new development may have on schools, roads, sewage systems, water supplies, energy consumption and other public services and facilities. Existing utilities, easements, and encumbrances of property may also restrict land use.

**Existing Commitments and Policy Constraints:**

Past approvals of development entitlements and other quasi-judicial and legislative decisions may have produced limitations to the scope of the specific plan. The adoption of agricultural preserves, biological conservation easements, vesting tentative maps, and development agreements may limit the type and extent of uses allowed, or restrictions to development under the specific plan. For example, the land use and minimum parcel size for a specific plan prepared for an area subject to agricultural preserve contracts will be limited by the minimum allowable parcel size and uses established by local ordinance consistent with the provisions of the Land Conservation Act (Williamson Act) of 1965.

**C. Long Term Direction**

As a tool for the systematic implementation of the general plan, specific plans should provide the mechanism through which the long term direction of the general plan is implemented. This direction should be balanced against the objectives, policies, zoning ordi-

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nance, subdivision ordinance, and other programs which will be implemented through the specific plan.

#### **Issues, Opportunities, and Assumptions:**

The issues that have been identified and perhaps were the impetus for preparation of the specific plan should be systematically addressed through objectives, policies, and programs. The policies developed to address the issues must be considered relative to the direction provided by the general plan and the early guidance provided by the legislative decision-making body. Problems may often be resolved through creative application of financing, design features, or attributes of the planning area.

Development and/or conservation opportunities should be identified and utilized in the specific plan. For example, land owned by the local agency within the planning area may be suitable as a future public facility site, or land with significant habitat value may be suitable for a mitigation banking program. Analyses regarding infrastructure financing, ground water availability, and market demand may also help decision makers assess the viability of the plan in the future.

The preparation of a specific plan requires decision-makers, planners, and the public to form certain assumptions concerning the future of the planning area. For example, assumptions might be made for a specific plan area traversed by riparian corridors that open space, and perpetual conservation and maintenance easements will need to be included for viability of the plan.

#### **Formulating Objectives, policies, and implementation measures:**

Objectives provide direction to the physical development of the planning area. As such, they help define the range and types of data necessary for preparing the plan. Consequently, cities and counties should develop their initial objectives early in the preparation process. Objectives tend to be general and lack the focus which is required to foster a functional specific plan, but can always be supplemented with more specific policies.

A comprehensive set of policies should be developed which define and implement the objectives. Policies should be written with consideration of their implementation and the project specific implications. The functionality of the policies will often determine the success of the specific plan.

The implementation measures should be functional and realistic by design. A specific plan which is well written and focused can be self-implementing. However, the submittal and approval of individual

development proposals will normally result in implementation. Including zoning ordinances and design criteria in the specific plan will shape the planning area over time as individual development projects are designed for consistency with the plan.

#### **D. Steps for Consideration**

The following is a general list of considerations and information for inclusion in specific plans. It includes statutory requirements for coordination and review.

##### **Data Collection and Analysis:**

The information used in the early stages of specific plan preparation must be current and kept up-to-date throughout the planning process. The previously identified issues, opportunities, assumptions, and initial objectives will establish a direction for studies and help to define the range of information necessary to complete the plan. Background information and technical analyses should be included in the specific plan appendices for future reference and use in future projects. The amount of data collected and analyzed should be sufficient to address any pertinent questions regarding the plan and the plan area. This information should be comprehensive enough to satisfy the needs of both the specific plan and its CEQA document.

##### **Information Sources:**

A direct relationship exists between the quality of the information used to prepare a specific plan and its effectiveness. Case study examples of other jurisdictions' specific plans may provide angles for approaching area issues. The Office of Planning and Research's Book of Lists (updated annually) can help to locate recently adopted examples. In addition, the yearly awards presented by the California Chapter of the American Planning Association, recognize up-to-date examples of "good" plans. A number of text book references are available through the American Planning Association's BookService which covers comprehensive planning. Several publications track and analyze planning-related litigation including Daniel J. Curtin, Jr.'s *California Land-Use and Planning Law*. The State planning laws regulating planning, zoning, and development are another subject for research. Each year, the Legislature enacts laws affecting local government planning activities. The Office of Planning and Research annually compiles these statutes under the title of *Planning, Zoning and Development Laws*.

**Public Agency Information:**

Other governmental agencies may adopt subsequent projects which will affect the specific plan. These agencies may have information readily available which will address issues or requirements of the plan. Agencies should be contacted at the local, regional, state, and federal levels. One issue which transcends each of these levels is the supply of water. For example, the local public works department may have information regarding infrastructure; at the regional level, the Local Agency Formation Commission may have information regarding the extension of services or forming service areas; at the state level, the regional water quality control board provides information regarding levels of water quality; and at the federal level, the Bureau of Reclamation has information regarding the water projects and supply in the state.

**Inter-Governmental Coordination:**

Section 65103(e)(f) requires local governments to coordinate the preparation of local plans (specific plans) with the plans and programs of other public agencies. Intergovernmental coordination involves more than an exchange of information and plans; rather, it fosters cooperative efforts to address issues and promotes planning on a comprehensive basis. The planning process enables various agencies to resolve conflict through collaborative efforts. In addition, CEQA requires that the agency preparing the specific plan consult with responsible and trustee agencies regarding the project implications and the environment.

**California Environmental Quality Act (CEQA):**

CEQA requires local governments to prepare environmental documents prior to approving "projects." An initial study is prepared for a specific plan or amendment to analyze the potential for significant impacts to the environment. In such cases, where a significant effect may occur, an environmental impact report (EIR) must be prepared. The contents of a specific plan and its EIR overlap extensively. The data, analyses, and studies for one, will likely be necessary for the other. For this reason, both documents should be prepared concurrently and may utilize much of the same information. Individual development projects which follow the specific plan may be well served by a detailed analysis in the EIR. Further discussion of this topic is contained in Part 3 of this document.

**Revising Objectives:**

Refinements to the draft objectives should take place throughout the planning process. The data, analyses, and input from advisory committees may change individual aspects of the plan. For example, the identification of a threatened or endangered species within a portion of the plan area may alter the type and intensity of proposed uses allowed by the plan.

**Policies, Implementation Measures, and Alternative Plans:**

For any set of objectives there will be a number of possible courses of action to pursue. Policies, implementation measures, and programs should be developed for each of the alternative planning scenarios. The relationship of each objective and alternative course of action should be considered in light of the general plan, zoning ordinance, subdivision ordinance, capital improvement program, and other programs that will be implemented. Consistency with the general plan should be carefully analyzed and the plan amended as necessary. The policies, programs and implementation measures provide for the creative application of the specific plan to the planning area. Each should be carefully reviewed for clarity, effectiveness, and functional application. The alternative plans enable the decision makers, stakeholders, and other participants to choose from a variety of scenarios, solutions, and programs which will shape the planning area. Although the alternatives may only differ in their treatment of a particular issue, each must be realistic to ensure that the alternative is viable. In addition, the alternatives may be used to satisfy the EIR's requirements for a discussion of project alternatives.

**Selecting The Preferred Plan:**

After the plan alternatives have been thoroughly reviewed, decision makers should be able to select the preferred course of action from either one or a synthesis of several alternative plans. When the decision is made to combine two or more parts of separate alternatives, the objectives, policies, and implementation measures may need refinement to ensure that the plan effectively and consistently accomplishes its purpose.

**Adopting The Plan:**

As previously noted, a specific plan may be adopted by either resolution or ordinance. Whether adopting a new specific plan or amending an existing one, the planning commission and board or council must hold at least one public hearing each to consider the proposal prior to making the final decision (§65453 and

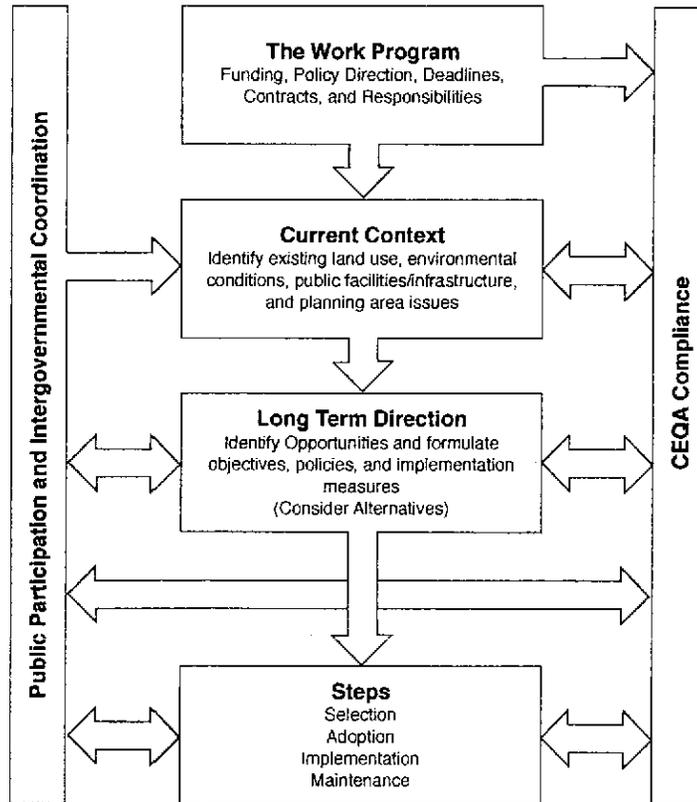
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65353). At least 10 days prior to each of these hearings, public notice of the time and place of the hearing must be given in the manner prescribed by state law (§65090 et. seq.). As a project which would affect the "permitted uses or intensity of uses of real property," expanded notice to property owners must also be given pursuant to §65091. The EIR or other environmental documentation must be certified by the legislative body prior to the adoption of the specific plan pursuant to CEQA Guidelines §15092.

**Implementation:**

Section 65451(a)(4) requires that a specific plan contain a program of implementation measures including regulations, programs, public works projects, and financing measures. A plan adopted by resolution will primarily be implemented through the enactment of separately adopted ordinances and programs. A plan adopted by ordinance will be implemented by regulations and measures contained in the plan itself. Capital improvement projects, public facility financing, application of regulations to development projects, and habitat conservation and restoration projects may act to implement the plan. (Further discussion of this topic is contained in Section 6.)

Figure 1  
**Specific Plan Process Diagram**



## MODEL SPECIFIC PLAN OUTLINE

While state law specifies the mandatory specific plan contents pursuant to §65451, it leaves the format to the discretion of the local legislative body. Many of the specific plans reviewed as part of this report utilized an approach to organization similar to that of the individual elements of a general plan, covering information relating to land use, housing, circulation, open space, and so on. The following model outline is intended as a guide to the organization of a specific plan which is effective, efficient, and statutorily complete.

### I. Introductory Plan Information

- A. Title Page
  1. Name of the plan
  2. Name of local agency (Project proponent and/or public agency)
  3. Date of adoption
- B. Credits, acknowledgments and participants
- C. Table of Contents
- D. List of Tables
- E. List of diagrams and maps
- F. Copy of Adopting Resolution and/or Ordinance

### II. Summary

- A. Purpose statement and range of issues
- B. Location
- C. Acreage
- D. Summary of preparation process

### III. Introduction

- A. Detailed specific plan purposes
- B. Development and conservation issues addressed in the plan
- C. Project location, including influencing jurisdictions
  1. Written description
  2. Regional location map (See Figure 2)
  3. Vicinity map (See Figure 3)
  4. Site Location Map (See Figure 4)
- D. Planning area information and environmental description
- E. Statement of whether the document is policy or regulatory by application (If the plan is both policy and regulatory by design, explain the relationship between the policies and regulations.)
- F. Statement of how the plans policies and/or regulations accomplish the objectives of the plan.
- G. Relationship of the specific plan to the general plan.
- H. Relationship of the specific plan to neighboring plans and those of other jurisdictions, regional agencies, and the state.
- I. A list of projects required by law to be consistent with the specific plan (e.g. rezonings, tentative subdivision maps and public works projects).

### IV. Land Use Planning and Regulatory Provisions

- A. The land use plan - a statement of development policies (opportunities, issues, and analysis of data) pertaining to the planned type, intensity, and location of land uses consisting of:
  1. Objectives
  2. Policies
  3. Programs
  4. Plan proposals
    - a. Diagram and written description of planned land uses (See Figures 4 and 5).
    - b. Characteristics of each land use designation (e.g. single family residential, neighborhood commercial, open space for conservation).
      - 1) Development Standards
      - 2) Standards for conservation, development, and utilization of natural resources.
- B. Land Use Regulations
  1. Statement of purpose or intent
  2. Applicability
    - a. Statement of applicability of the regulations to the planning area and designations on the specific plan land use plan diagram.
    - b. Effective date of the regulations
  3. Statement of relationship between the specific plan regulations and the zoning, subdivision, and other local ordinances.
  4. Development standards.
- C. Design Standards
  1. Building design, massing & height
  2. Parking ratios/standards, location & orientation
  3. Garage door size & type
  4. Entrances, access, & on-site circulation

### V. The Infrastructure Plan

- A. Transportation: Development policies pertaining to the planned distribution, location, extent and intensity of public and private transportation consisting of:
  1. Objectives
  2. Policies
  3. Discussion of the relationship between the objectives, policies and how they are implemented through the individual plan proposals.

4. Plan proposals
  - a. Diagram(s) and written description of proposed transportation components, including improvements that support the planned land uses. (See Figure 6 and 7)
  - b. Development standards for the primary components of public and private infrastructure (street cross-sections and material requirements).
- B. Public Service Infrastructure (water, sewer, and storm drainage): Development policies pertaining to the planned distribution, location, extent, and intensity of water, sewer, and storm drainage consisting of:
  1. Objectives
  2. Policies
  3. Discussion of the relationship between the objectives, policies and how they are implemented through the individual plan proposals.
  4. Plan proposals
    - a. Diagram(s) and written description of proposed water, sewer, and drainage systems, including the improvements which support the planned land uses. (See Figures 8 and 9)
    - b. Development standards for the primary components of public infrastructure (See Figure 9).
- C. Solid Waste Disposal: Development policies pertaining to the planned distribution, location, extent, and intensity of solid waste disposal facilities and services consisting of:
  1. Objectives
  2. Policies
  3. Plan Proposals
    - a. Description of the type and location of proposed solid waste disposal facilities and serving necessary to support the planned land uses.
    - a. Description of the proposed facilities and services to be provided (e.g., transformation station and recycling).
- D. Energy: Development policies pertaining to the planned distribution, location, extent, and intensity of energy facilities and services consisting of:
  1. Objectives
  2. Policies
  3. Plan proposals
    - a. Description of the type and location of proposed energy facilities, transmission lines, and easements necessary to support the planned land uses.
    - b. Description of the proposed facilities and services to be provided (e.g., distribution of natural gas and the regulation of pressure).
- E. Other essential facilities necessary to support the

proposed land uses (e.g., schools, fire stations, street lighting and landscaping).

**VI. Program of Implementation Measures**

- A. Description of the regulations and ordinances which will implement the specific plan.
- B. Capital improvement program
  1. Estimated cost of capital projects identified in the specific plan's infrastructure plan.
  2. The measures by which each capital project will be financed.
  3. Identification of parties responsible completing each proposed improvement.
- C. Financing measures necessary for implementation of each of the specific plan's proposals other than capital improvements.
  1. List and description of projects needing financing.
  2. Cost estimates
  3. The measures by which each specific plan proposal will be financed.
  4. Identification of parties responsible for completing each proposal.
- D. Phasing plan for the specific plan proposal including capital improvements (See Figure 10)
- E. Subsequent development entitlements
- F. Other Programs

**VII. Relationship of the Specific Plan's Environmental Document to Subsequent Discretionary Projects**

- A. Projects that will be exempt from additional environmental documentation based on the plan's EIR.
- B. Projects that will require additional environmental documentation.

**VIII. Specific Plan Administration**

- A. Specific plan cost recovery fees authorized by §65456
- B. Specific plan amendment procedures
  1. State requirements
  2. Local requirements

**IX. Specific Plan Enforcement**

**X. Appendices**

- A. Precise description of the specific plan area boundary.
- B. Summaries of key specific plan background data and information.
- C. Glossary of specific plan terms



November 7, 2015

Mr. Philip Klatchko  
Chair, Planning Commission  
City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262

Planning Commission Meeting  
Date: 11-12-15  
Additional Material  
Item 2A

Re: Modification of the Museum Market Plaza Specific Plan

Dear Mr. Klatchko,

We understand that the Planning Commission will meet on November 12, 2015 to consider amendments to the Museum Market Plaza Specific Plan (hereinafter referred to as the "Specific Plan"). While our focus is limited to Block K, the current site of the Town & Country Center (T&CC) (1948, Paul R. Williams and A. Quincy Jones), we have reviewed the myriad amendments to the Specific Plan and find them verging on the incomprehensible. However, from what we can discern, the amendments make significant additional concessions to the developer and make our Downtown Development "bigger and taller."

**It is our view that the developer, who owns the historic Town & Country Center, has already been accommodated to excess and at the expense of significant public funds. Hence, a compelling argument can be made that the historic preservation of the T&CC is an overdue and reasonable *quid pro quo* for those concessions previously granted to the developer. Granting yet additional major concessions to the developer (especially those regarding height) is a political decision that should be made independent of the fate of the T&CC.**

We realize this is a complex issue and would like to provide you with some important background information to help you in your deliberations:

#### Recent Events

On October 13, 2015 the city's Historic Site Preservation Board clearly and unequivocally directed the Planning staff to forward to you their recommendation that the T&CC be removed from the Specific Plan. We hope you have received that recommendation.

#### Architectural Significance of the T&CC

The T&CC was designed by two internationally-famous architects, Paul R. Williams and A. Quincy Jones. The T&CC is one of the best examples of the international-style of architecture in southern California and is an important early "mixed-use" development. It is also architecturally noteworthy for its pedestrian-friendly courtyard. Starting in 1983, the

T&CC has been evaluated for its historic significance no fewer than six times and each review determined that the T&CC was a *bona fide* historic structure eligible for listing on the National Register of Historic Places. With full knowledge of its historic significance, the T&CC was purchased by the current owner.

On August 7, 2015 the California State Historical Resources Commission in Sacramento determined the T&CC eligible for listing on the state and national registers. This determination was based on a wealth of scholarly information and was made by experts appointed by the state of California. In short, the determination was made on its objective merits and the city of Palm Springs and its residents should be proud that this architecturally significant structure has been so prominently recognized. Needless to say, it is unfortunate that our local government has repeatedly failed to acknowledge the importance of the T&CC and that PSPF was required to bring this matter before an impartial body like the California State Historical Resources Commission.

We submit that the recent honor bestowed on the T&CC demands a review of the Specific Plan (and the associated Environmental Impact Review, see section entitled "CEQA Issues") and we ask that you read and consider the scholarly T&CC historic site nomination authored by architect and PSPF board of advisor member Susan Secoy Jensen at enclosure (1).

#### Importance of Paul R. Williams' Involvement with the T&CC

Paul R. Williams is historically important as the American Institute of Architects' (AIA) first African-American architect (joining in 1923) and first African-American AIA Fellow (so honored in 1957). In April of 2011 PSPF hosted an educational advocacy visit by Mr. Sanford Garner, then president of the National Organization of Minority Architects. Mr. Garner (who has significant experience in the field of preservation architecture) toured the T&CC and commented that it was "an historic resource other cities would envy."

#### As Currently Framed the T&CC Portion of the Specific Plan is Grossly Inconsistent with the City's General Plan

The city's General Plan is replete with references to the importance of our historic resources, the "character" of our city and the importance of sustainable development. The proposed demolition of the T&CC directly contradicts many of the General Plan's values and priorities including:

- > "pedestrian-oriented shopping" (page 1-12)
- > "unique architecture" (page 1-12)
- > to "Promote the...use of...existing construction to minimize resource depletion and conserve resources for future generations." (page 1-12)
- > to "Create unique places that strengthen community identity, offer visual interest, and support lively activity." (page 1-13)
- > to "Preserve and uphold the high quality of architecture and the unique visual and aesthetic form in buildings...that distinguish Palm Springs from other cities." (page 1-13) and perhaps most to the point,
- > to "Recognize the importance of adaptive reuse for architecturally and historically significant resources." (page 1-13)

### The Specific Plan Remains Inconsistent with the Publicly-Driven "Preferred Plan"

On January 26, February 3 and February 9, 2011 the city of Palm Springs hosted "visioning sessions" to solicit public input regarding the Desert Fashion Plaza (DFP) and T&CC. Public input included calls for local (as opposed to chain) retail, pedestrian-friendly thoroughways, etc. As a result of this community process a "Preferred Concept Plan" was developed that offered a solution addressing many of the shortcomings of the failed DFP superblock. Notably, the final community-derived Preferred Concept Plan disconnected the T&CC from the DFP. Despite this apparent real progress, at the final February 9, 2011 visioning session, the mayor announced that the developer had agreed to "work with the city" and "had heard" the community's input. This has proven to be patently untrue.

### Sustainable Development

The rehabilitation of buildings like the T&CC is an environmentally responsible practice and is essentially a recycling program. Older buildings like the T&CC were often designed to be energy efficient through their use of good ventilation, durable materials and siting. A huge advantage of older buildings is that the building already exists; therefore energy is not necessary to create new building materials and the infrastructure is already in place. Minor modifications can be made to adapt existing buildings to compatible new uses and systems can be upgraded to meet modern building requirements and codes. The positive characteristics of many older buildings prompted former National Trust for Historic Preservation president Richard Moe to assert that, "The greenest building is the one that's already built."

On June 9, 2011 PSPF delivered a study entitled *Sustainability Assessment for the Preservation of the Town & Country Center* (prepared by Ecotype Consulting, Inc.) to the city of Palm Springs. In the cover letter to the mayor and city council PSPF wrote, "We're sure you would agree that our common commitment to sustainability implicitly includes a commitment to green redevelopment. With the rehabilitation of the T&CC, the city of Palm Springs would become the leader in green development throughout the Coachella Valley." The Ecotype Consulting study is provided at enclosure (2).

### The Proposed Road through the T&CC is Bad for the City, Good for the Developer

As is now obvious, the DFP can be replaced without the T&CC's demolition. It is generally held that the developer's motivation to demolish the T&CC to make way for an east-west road is obvious: he will own an entire city block of buildings, on both sides of a new street, with prime street-front commercial space that will command high market rents. However, the routing of an east-west corridor through Andreas Road has been identified many times as the most advantageous for the city. Andreas Road makes an important connection directly to the Palm Springs Convention Center.

### The Destruction of the T&CC will Damage the National Reputation of the City

There is a reasonable expectation that a city that derives so much of its revenue through architectural and cultural tourism be a good steward of the historic resources which bring visitors. The demolition of the T&CC might be expected to generate as much negative press as the destruction of Neutra's Maslon House in Rancho Mirage in 2002.

On June 3, 2009 the Palm Springs city council voted unanimously to support an application to become a "Preserve America Community." On October 7, 2009 the city of Palm Springs was officially designated a Preserve America Community in a letter from the White House signed by First Lady Michelle Obama. The Preserve America program "recognizes communities that:

- > protect and celebrate their heritage;
  - > use their historic assets for economic development and community revitalization;
- and
- > encourage people to experience and appreciate local historic resources through education and heritage tourism programs."

Obviously the current plan to demolish the T&CC directly contradicts the city's commitment to adhere to the principles of the Preserve America program.

### The Success of Courtyard Configurations

We know from local retail experience that pedestrian-friendly courtyard configurations have not only been viable in the past but are viable today (witness the success of "The Corridor" complex just a few blocks north of the T&CC).

### The T&CC is Economically Viable

Despite the developer's occasional assertions that the T&CC is standing in the way of the city's economic revitalization, the T&CC was financially viable until the DFP was built across the street. Today, shoppers have rejected retail superblocks like the DFP in favor of smaller, more pedestrian-friendly shopping opportunities. The T&CC contains approximately 60,000 square feet of rental space. Comparable space in historic downtown buildings generates an income in the range of a dollar per square foot per month. Instead the building has been allowed to languish, presumably in the hopes that it can be demolished as a development opportunity. The rehabilitation of the T&CC, when combined with sympathetic new development could, in time, provide a major expansion of the downtown retail core.

For a downtown to be viable it must possess a range of building types and functions. Mixed-use properties such as the T&CC provide small retail office and residential spaces for start-up retail businesses and offices. Over the years, the list of tenants in the T&CC has included drug stores, furniture stores, publishing offices, restaurants, architect's offices and more...all of which would still be welcome in the downtown. An examination of the preservation and restoration-based revival of the Uptown Design District, which includes several comparable properties, provides a model for preserving the downtown's historic resources.

Possible future activities like the historic preservation of the T&CC are cost-effective tools that can be used to leverage private capital, create jobs, revitalize business districts, and stimulate a wide range of other economic activities. Property owners can take advantage of federal and state tax credit programs to help rehabilitate historic buildings. Preserving historic character helps support tourism by providing interesting and unique opportunities for visitors.

CEQA Issues

A persuasive argument can be made that the original Environmental Impact Report (EIR) is now outdated for two reasons. Firstly, the T&CC's recent determination of eligibility for the National Register of Historic Places rises to the level of "new information of substantial importance" requiring a "Subsequent EIR" (see Chapter 3, Guidelines for the Implementation of the California Environmental Quality Act, Article 11, "Types of EIRS." Section 15162(a)(3) of the 2014 CEQA Statute and Guidelines). Secondly, the increased height of the proposed downtown project likewise would appear to rise to the level of causing "new significant environmental effects" (same citation as above, Sections 15162(a)(1) and 15162(a)(2)).

We trust that the foregoing information will be useful and ask that you share it with your fellow commissioners. If you have any questions, please contact PSPF board member Ron Marshall at [info@pspreservationfoundation.org](mailto:info@pspreservationfoundation.org) or (760) 837-7117,

Sincerely,



Erik Rosenow  
President

Enclosures:

1. National Register nomination for the T&CC (w/ cover letter)
2. *Sustainability Assessment for the Preservation of the Town & Country Center* prepared by Ecotype Consulting, Inc., dated June 11, 2011

Copy to (w/o enclosures):

*Desert Sun* newspaper (Mr. Skip Descant)

# **Enclosure (1)**