



July 10, 2015

Via Regular U.S. Mail and Email

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**RE: July 15, 2015, Item 1.B. APPEAL OF THE HISTORIC SITE
PRESERVATION BOARD ACTION TO INITIATE STUDY FOR POSSIBLE
CLASS 1 HISTORIC SITE DESIGNATION AND A STAY OF DEMOLITION
FOR "THE TAHQUITZ PLAZA" BUILDINGS**

Dear Council Members:

Writing on behalf of Advocates for Better Community Development ("ABCD") and Palm Springs Preservation Foundation ("PSPF"), I urge you to follow staff's recommendation and deny the appeal by O & M HR, LLC/Nexus Companies of the unanimous decision of the Historic Site Preservation Board ("HSPB") to initiate investigation of the historic significance of Tahquitz Plaza and stay the demolition of Tahquitz Plaza while this investigation is pending. Granting the appeal would deny the HSPB an opportunity to conduct this important investigation and would ultimately result in the loss of an important historic resource.

**Denying the appeal would enable the HSPB to fulfill its mandate to investigate
the historic significance of City's historic resources.**

The City established the HSPB specifically to advise the City Council on issues concerning historic resources. To accomplish its mandate, the HSPB is comprised of individuals possessed of "demonstrated knowledge and interest in the cultural, socioeconomic, architectural or archaeological history of the area." (PSMC §8.05.040.) The City Code directs the HSPB to conduct surveys, studies and other investigations as necessary to adequately inform City Council and to make that information publically available. (PSMC § 8.05.135.)

In recognition of the importance of the HSPB's task and the significance of historic resources to the City, the City Municipal Code authorizes the HSPB to stay

demolition of a potentially important historic site once the site has been nominated for Class 1 Historic designation.

On June 9, 2015, after considering the PSPF's detailed nomination application, the HSPB unanimously accepted the nomination and initiated investigation into whether Tahquitz Plaza should be listed as a Class 1 Historic Site. The appeal by O & M HR, LLC/Nexus Companies ("O & M") does not raise any issues or cite any evidence that compel a finding that the HSPB should not follow its established procedure. As set forth below, the evidence shows that the historic significance of Tahquitz Plaza has never been adequately studied and there are no compelling reasons to derail the HSPB's ongoing investigation. Accordingly, the appeal should be denied.

The Hard Rock Hotel Mitigated Negative Declaration did not include any meaningful evaluation of the historic significance of Tahquitz Plaza.

O & M's appeal letter erroneously claims the City determined the historic significance of Tahquitz Plaza in connection with the City's 2007 approval of Hard Rock Hotel. The evidence shows, however, that the Mitigated Negative Declaration ("MND") prepared for the Hard Rock project did not include any meaningful evaluation of the historic significance of Tahquitz Plaza. It merely included the conclusory statements that the site contains "1970-1980 vintage office buildings. No historic structures occur on the property." The MND did not evaluate the historic significance of the Plaza. Accordingly, the City cannot rely on that MND to conclude that the expert deliberation of the HSPB should be prematurely curtailed at this time.

The Draft MND for the aborted Aberdeen Project did not adequately analyze the historic significance of Tahquitz Plaza and was never certified.

The City's draft MND for the now abandoned Aberdeen project likewise did not include any meaningful or expert evaluation of the historic significance of Tahquitz Plaza. The MND stated that the Plaza (1) does not meet the criteria of a historical resource under Section 15064.5, (2) is not listed as a state historical resource of significance, and (3) is not locally listed with the City of Palm Springs. The MND never considered whether Tahquitz Plaza qualified as a Class 1 historic site under the City's guidelines. Moreover, because the MND was never certified and was ultimately abandoned, it has no legal force and effect. Accordingly, the Aberdeen MND is legally irrelevant and not a proper basis to grant the appeal.

Credible Evidence shows Tahquitz Plaza is historically significant.

As explained by the staff report, the City has received substantial expert commentary establishing the historic significance of Tahquitz Plaza. This evidence includes the testimony of Hugh Kaptor himself, as well as that of Alan Hess who is an expert architectural historian and involved in the City's ongoing historic survey. The State's Office of Historic Preservation and the Planning Commission have determined that a study

of the historic significance of Tahquitz Plaza is warranted. As already mentioned, the Palm Springs Preservation Foundation's detailed and lengthy nomination of Tahquitz Plaza persuaded the HSPB to initiate a detailed investigation. In light of this overwhelming evidence and testimony, the City should simply allow the well-established procedure for determining the historic significance of Tahquitz Plaza to play out.

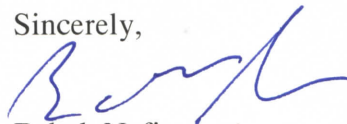
The stay of demolition should not be lifted.

Without the stay of demolition imposed by the HSPB, Tahquitz Plaza would have likely been razed by now. We urge you to maintain the stay of demolition pending a final recommendation by the HSPB and a final determination by the City Council regarding the historical significance of Tahquitz Plaza. There are simply no compelling arguments in favor of immediate demolition of Tahquitz Plaza, especially because O & M withdrew their application for the Aberdeen project, meaning there are no pending projects that could potentially be delayed at this time.

Conclusion

Based on the foregoing, we urge you to deny the appeal, thereby allowing the HSPB to proceed with the investigation of the historic significance of Tahquitz Plaza. Allowing the premature demolition of Tahquitz Plaza before the City has meaningfully evaluated its historic significance would be a tragic mistake.

Sincerely,



Babak Naficy

cc: James Thompson, City Clerk
Flinn Fagg, AICP, Director of Planning Services
Douglas Holland, City Attorney