



December 13, 2016

Dr. David Ready, City Manager
City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

Dear Dr. Ready,

On October 24, 2016, we delivered the Class 1 Historic Site nomination of the Abe & Marion Schwartz Residence (1964, Hal Levitt) to the city. The Schwartz Residence has been privately owned for more than 50 years and is fee simple. We expected the nomination, which has the unqualified support of the owners, to be processed quickly and without controversy.

We were recently informed, in a November 2, 2016 email from the city's Planning Services Department, that the Schwartz Residence nomination was placed "on hold" pending the city attorney's review of recent correspondence from the Agua Caliente Band of Cahuilla Indians (hereinafter referred to as the "tribe"). The tribal letters at issue are dated June 29, 2015 (forwarding the tribe's "Policy Statement Regarding Historic Preservation" of May 8, 2015) and December 2, 2015.

Ostensibly, the Schwartz Residence nomination is in limbo because it is located in Section 26 which is considered "historically tribal land." It should be recognized that many of the city's important Class 1 historic resources (e.g., Tahquitz Plaza, the Morse Residence, the Steel Development Houses, etc.), and the Royal Hawaiian Estates historic district, are also located on historically tribal land.

As the city attorney continues to wrestle with this issue, we would like to point out that paragraph 4 of the tribal policy statement regarding historic preservation (dated May 8, 2015) reads as follows:

"4. Although cities, states, or other organizations may make a determination regarding properties pursuant to applicable laws of their jurisdiction, the Tribe *will also make* a determination regarding historic and cultural significance pursuant to the authority vested in the Tribe and the Tribal Historic Preservation Officer (THPO) pursuant to federal and tribal law." [emphasis added]

The foregoing paragraph clearly contemplates that the city would continue to play an active role in historic preservation within the city limits of Palm Springs despite the tribe's authority to "also make" determinations. Regardless of whether the Tribe does or does not have the final say in determining the historic significance of any given site, the plain language of Paragraph 4 above implies those tribal determinations will be made independently, but not necessarily replace

those of the city. This sets up the reasonable scenario wherein a resource could be determined historic by both the city and the tribe. Given the city's expertise in determining historic significance of important sites, it would be important for the city to continue to proactively seek to identify and preserve historically significant sites within the city limits.

In conclusion, even as the future role of the tribe in historic preservation within the city is being clarified, it would be appropriate for the city to continue with its established historic preservation process by acting on PSPF's nomination of the Abe & Marion Schwartz Residence.

Indisputably, it is poor public policy to indefinitely stall the proper administration of city processes, especially those specifically directed by the city's municipal code (i.e., PSMC Chapter 8.05). Therefore, we ask you to please direct the city's Planning Services Department to immediately resume the processing of the Schwartz Residence Class 1 Historic Site nomination.

If you have any questions or require any additional information, please feel free to call me at (760) 837-7117.

Sincerely,



Erik Rosenow
President

Copy to:

Palm Springs City Council (R. Moon, G. Foat, G. Kors, J. R. Roberts and C. Mills)
Chair, Palm Springs Historic Site Preservation Board
Palm Springs Modern Committee
Desert Sun