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June 19, 2015

*Via Hand Delivery*

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

Re: Appeal of Conditional Use Permit Amendment to Expand Existing Retail Space for William F. Cody Designed Gas Station at 2796 North Palm Canyon Drive, Zone C-1 (Case 5.0712 CUP)

Dear Mr. Thompson:

As allowed by Palm Springs Municipal Code sections 94.02.00 and 2.05, and pursuant to Public Resources Code section 21151(c), the Palm Springs Modern Committees appeals the Planning Commission's approval of a conditional use permit (CUP) amendment for the William F. Cody designed gas station located at 2796 North Palm Canyon Drive.

We appeal the Planning Commission approval because the CUP amendment allows an addition to this historic building that would materially alter its historic significance. The applicant misrepresented the project to the Planning Commission by repeatedly stating the project would not touch the Cody-designed building. This is not true; the west elevation of the Cody-designed building will be removed to provide wall-less, open interior space for tenant improvements.

The CUP amendment fails to comply with the recommendations made by the Historic Site Preservation Board (HSPB), which recommended no changes to the original building. The HSPB also recommended that this project follow the Secretary of Interior's Standards for Rehabilitation. The project does not follow these standards, thereby resulting in an adverse impact to an historic resource.

The Planning Commission approved this project based upon a categorical exemption. The reliance on a categorical exemption was improper because the project could adversely impact the historic Cody-designed building. "A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource." (CEQA Guidelines § 15300.2(f).) In order to approve the impactful changes allowed by the CUP amendment, the City is required to prepare environmental review for the project.

We further appeal approval of this project because the required findings for a CUP cannot

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be made. The alteration that adversely impacts this historic building is not necessary or desirable for the development of the community. It is not in harmony with the objectives of the City's General Plan, which require the protection of historic resources.

We will provide further detailed comments to the City Council after our appeal has been accepted.

Thank you for your time and consideration in this matter. Please feel free to contact me if you have any questions regarding this appeal.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amy Minter".

Amy Minter  
Attorney at Law

Enclosure: Check for Appeal Fee

cc: Flinn Fagg, Planning Director (*via email: Flinn.Fagg@palmsprings-ca.gov*)