

O & M HR, LLC

June 24, 2015

VIA ELECTRONIC MAIL AND OVERNIGHT DELIVERY

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

RE: Appeal of Case HSPB #97- "Tahquitz Plaza" Application for Class 1 Historic Site Designation

Dear Mr. Thompson:

I write to you on behalf of O & M, LLC ("O&M"), whose address is c/o Nexus Companies, 1 MacArthur Place, Suite 300, Santa Ana, CA 92707. O&M is the owner of the buildings located at 600, 650 and 700 East Tahquitz Canyon Way and commonly known as the "Tahquitz Plaza" (collectively, the "Buildings").

As you may be aware, at its meeting on June 9, 2015, the Historic Site Preservation Board ("HSPB") (a) voted 7-0 to initiate studies and investigation on an application by the Palm Springs Preservation Foundation ("PSPF") requesting Class 1 historical status for the Buildings, and (b) voted 7-0 to place a stay of demolition on the Buildings (collectively, the "HSPB Actions"). O&M was notified of the HSPB Actions by letter dated June 18, 2015.

O&M has been aggrieved by, and its interest in the Buildings has been directly and adversely affected by, the HSPB Actions. Pursuant to Chapter 2.05 and Section 8.05.230 of the Palm Springs Municipal Code (the "Code"), O&M, as an aggrieved party, hereby exercises its right to appeal each and both of the HSPB Actions to the City Council of Palm Springs.

O&M appeals the HSPB Actions on the grounds that the studies and investigations purportedly initiated by the HSPB are unwarranted, unnecessary, and an inappropriate use of taxpayer money. Specifically, the Buildings were the subject of prior historical studies (mostly recently, earlier this year) which determined that they were not a historic resource because they did not meet the applicable qualifications. In fact the City certified a CEQA document in 2007 and O&M received entitlements from the City in 2008 for a hotel project that approved the demolition of all 4 Buildings, finding that such Buildings were not historically significant. Notably, the Buildings do not even fall within the scope of the City's pending city-wide historic

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resources survey, since the City decided in 2014 to limit the survey to properties built prior to 1968 (the Buildings were constructed in 1974 and 1977).¹

For these reasons, O&M hereby appeals each and both of the HSPB Actions and respectfully requests that the City Council rescind each and both of the HSPB Actions. Please note that, concurrently herewith, O&M is remitting payment of the applicable appeal fee to the City Clerk. O&M looks forward to hearing back from you regarding a hearing date for its appeal. I can be reached at (714) 546-5600 x211 should you have any questions or desire any additional information.

Very Truly Yours,



Matthew B. Kaufman
On behalf of O & M HR, LLC

cc: David Ready, City Manager (via email only - david.ready@palmsprings-ca.gov)
Douglas Holland, Esq. (via email only - dholland@wss-law.com)

¹ The grounds for O&M's appeal set forth herein are an addition to what O&M believes may constitute procedural and due process violations relating to the time and manner in which the June 9th meeting was conducted. O&M expressly reserves the right to supplement the basis for its appeal of the HSPB Actions as more information becomes available to it.