



**National Trust for
Historic Preservation**
Save the past. Enrich the future.

April 9, 2015

City Council
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, California 92262

VIA Email

**RE: Aberdeen Project IS/MND, Case Nos 5.1361 PD-375, CUP, 3.3820 MAJ
and TTM 36876**

Honorable Councilmembers:

On behalf of the National Trust for Historic Preservation, I would like to express our concern with the proposed demolition of the Tahquitz Plaza on Tahquitz Canyon Way in the heart of the City of Palm Springs. We are particularly alarmed with the City's preliminary determination that the demolition project and subsequent development of a mixed-use project on the site would cause no harm to historic resources. The City has received the opinion of multiple experts, including City staff, that Tahquitz Plaza is a historical resource. We are aware of no evidence in the record that contradicts these well-supported arguments. **Under these circumstances, the California Environmental Quality Act requires the City to prepare an EIR and consider feasible alternatives to demolition.**

The Tahquitz Plaza office buildings were designed by Kaptur & Lapham in 1971 and are excellent and well-preserved examples of Palm Springs Modernism. Hugh Kaptur's contributions to the City of Palm Springs were significant and Tahquitz Plaza is considered to be one of his most outstanding works.

The City's February 2015 Mitigated Negative Declaration indicates that the demolition of Tahquitz Plaza would "cause no substantial adverse change in the significance of a historical resource as defined in [CEQA Guideline] 15064.5" (MND, p.24-25). This determination was made in error. According to a March 26, 2015 letter from the California Office of Historic Preservation, the City has commissioned a city-wide survey of its historic resources and, during this process, identified Tahquitz Plaza as a historical resource. It has also received the opinion of Alan Hess, a qualified expert in the field of architectural history, that the Plaza is historically significant. Further, the City's own Architectural Advisory Committee and Planning Commission have both recommended denial of the project as a result of the proposed impact to historic resources.

Under CEQA, an EIR is required if there is substantial evidence in the "whole record" of proceedings that supports a "fair argument" that a project "may" have a significant effect on the environment. Guideline § 15064(f)(1). *In League for Protection of Oakland's Architectural etc. v. City of Oakland* (1997) 52 Cal.App.4th 896, the court affirmed that the fair argument standard as to whether an impact "may" occur is a low threshold test. (See also *Architectural Heritage Association v. County of Monterey* (2005) 122

Cal.App.4th 1095; holding that the opinion of a consultant commissioned by the county, findings of an advisory committee and testimony of members of the public with relevant expertise represented “substantial evidence supporting a fair argument” that the Old Jail was a historic resource).

In addition to case law, the CEQA Guidelines are clear that a conflict in expert opinion over the significance of an environmental impact normally requires preparation of an EIR. Guideline § 15064(g). *Sierra Club v. CDF* (2007) 150 Cal.App.4th 370. In this case, all evidence before the City suggests that Tahquitz Plaza is historically significant. The cannot in good faith deny that its finding that the Tahquitz Plaza is non-historic against the litany of public information prepared by experts in the field of historic preservation, including the Office of Historic Preservation and the City’s own staff.

We urge the City to develop an Environmental Impact Report in light of the very serious consequences to historic resource that would result from the project as proposed.

Thank you for your consideration of these comments. Please contact me at bturner@savingplaces.org or 415-947-0692 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Turner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Senior Field Officer/Attorney

Cc:

Flinn Fagg, AICP, Director of Planning Services
David Newell, Associate Planner
David H. Ready, Esq., Ph.D., City Manager
James Thompson, City Clerk
California Office of Historic Preservation
California Preservation Foundation
Palm Springs Modern Committee