



## **HISTORIC SITE PRESERVATION BOARD STAFF REPORT**

DATE: October 8, 2019

PUBLIC HEARING

SUBJECT: AN APPLICATION BY THE DESERT HOLLY HOMEOWNERS ASSOCIATION, REQUESTING HISTORIC DISTRICT DESIGNATION OF "THE DESERT HOLLY CONDOMINIUMS" LOCATED AT 2244 EAST TAHQUITZ CANYON WAY, CASE HSPB #117. (KL).

FROM: Department of Planning Services

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### SUMMARY

This is a request for historic district designation of the Desert Holly condominiums. The proposed district would be comprised of the fourteen (14) dwelling units arranged in eight (8) buildings and encompass the common areas of the development which total just under one acre in area. A historic resource report ("the report") prepared by the Palm Springs Preservation Foundation ("PSPF") dated March 19, 2019 provides the background for this report.

The Desert Holly complex was developed in 1957 by William J. O'Brien, Jr, a developer and builder from Long Beach, California. The architect of record, if there was one, is not known. The report asserts that the eight buildings and common areas that comprise the Desert Holly condominiums qualify as a historic district because: (1) they are a noteworthy example of the type of multi-family development that became popular in Palm Springs in the period after World War II, (2) they exemplify the distinctive characteristics of mid-century Modern architecture, and (3) they exhibit a high level of quality and craftsmanship typically found in more expensive custom-built homes, and (4) the proposed district represents a distinctive entity the individual part of which – specifically the common areas are not necessarily significant or distinctive.

If designated as a historic district the properties therein would be subject to the regulations outlined in Section 8.05 of the Palm Springs Municipal Code. In addition, if all eight buildings in the proposed district are determined to be "contributing", then the owners of each of the fourteen residential units within them would be eligible to apply for a historic property preservation agreement, commonly referred to as a Mills Act Contract.

**RECOMMENDATION:**

1. Open the public hearing and receive public testimony.
2. Close the public hearing and adopt Resolution HSPB #117, “A RESOLUTION OF THE HISTORIC SITE PRESERVATION BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL DESIGNATE “THE DESERT HOLLY CONDOMINIUMS” LOCATED AT 2244 EAST TAHQUIZ CANYON WAY AS A HISTORIC DISTRICT, SUBJECT TO CONDITIONS.”

**BACKGROUND AND SETTING:**

The eight buildings that comprise the proposed Desert Holly historic district were constructed in 1957 according to the report and developed by William J. O'Brien, Jr. of Long Beach, California. O'Brien is credited with the construction of many buildings in Long Beach and the Coachella Valley including the McCallum Theater for the Performing Arts in Palm Desert.

The complex was originally sold as cooperative apartment units and converted to condominiums in 1998.

Desert Holly, like many “garden apartment” complexes constructed in Palm Springs from the late 1950's through the 1970's was built in response to a burgeoning middle-class and retiree population in Palm Springs after World War II<sup>1</sup>. In a 1958 Planning Commission Community Survey Report, responses showed that over 60% of the respondents lived in single family homes and only 5.6% in apartments, despite several areas of the City with multi-family zoning. Desert Holly advertisements promised “a new concept of living” in “beautiful apartments with no maintenance or upkeep problems”.

These carefree conditions appealed not only to new second-home buyers but also the growing population of retired persons who chose to make Palm Springs their permanent home.

<b><i>Related Relevant City Actions by HSPB, Planning, Fire, Building, etc...</i></b>	
<b>September, 2019</b>	<b>Site inspection by members of the HSPB and City Staff.</b>

<sup>1</sup> According to the 1959 Palm Springs General Plan, the permanent population in Palm Springs in 1940 was 3,434. By 1950 it had more than doubled to 7,660 and by 1956, the permanent population had increased to 12,225 – a 60% increase since 1950 and a nearly four-fold increase from 1940.

**BELOW AN AERIAL VIEW OF THE DESERT HOLLY CONDOMINIUM COMPLEX.  
FROM REVIEW OF VINTAGE PHOTOS, IT APPEARS THERE HAD BEEN TWO SHUFFLE BOARD COURTS  
EAST OF THE SWIMMING POOL WITH LONG BENCHES BETWEEN THEM AND THE POOL (SEE PAGE 12 OF  
THE HISTORIC RESOURCES REPORT), AND A NINE-HOLE PUTTING COURSE TO THE WEST OF THE POOL  
(SEE PAGE 11 OF THE HISTORIC RESOURCES REPORT).**



**ANALYSIS:**

Historic Preservation activities in Palm Springs are regulated under Municipal Code Section 8.05 ("*Historic Preservation*"). The purpose of the Historic Preservation Ordinance is:

*"...to stabilize and improve buildings, structures or areas which are considered to be of historical, architectural, archaeological or ecological value, to foster civic beauty, to strengthen the local economy and to promote the use of historic resources for the education and welfare of the citizens."*

Conditions that apply to Class 1 historic sites or resources and historic districts:

1. It shall meet the definition of a historic district as outlined in Municipal Code Section 8.05.020.
2. An archival file shall be maintained on the property by the City.
3. It may be qualified as 'historic' at the federal, state, and/or county level.
4. A marker explaining the historic nature of the district may be installed at the perimeter of the proposed district in a location viewable from the public way.
5. Compliance with all rules and regulations for Historic Resources and Historic Districts under Chapter 8.05 of the Municipal Code.
6. If designated, the findings in support of designation shall be stated in a resolution of the City Council that shall be recorded with the County Recorders' office within 90 days of the effective date of the Council's resolution.

PSMC 8.05.090 (A,3,a – c): Required documentation for consideration by the City of the proposed historic district.

Palm Springs Municipal Code ("PSMC") Section 8.05.090 (A,3) requires the following documentation in support of the proposed application:

a1. A map of the proposed district boundaries identifying all potentially contributing resources and a list of all parcel numbers, addresses and ownership information (at the time of submission of the application):

As seen on the map that follows, the boundaries of the proposed Desert Holly historic district are co-terminus with the common area parcel on which the various buildings and other resources are located. The proposed district is approximately 218 feet in length by 180 feet in depth (0.90 acre) with the longer dimension fronting Tahquitz Canyon Way (a major thoroughfare). There are nine (9) unique resources that comprise the proposed Desert Holly Historic District.

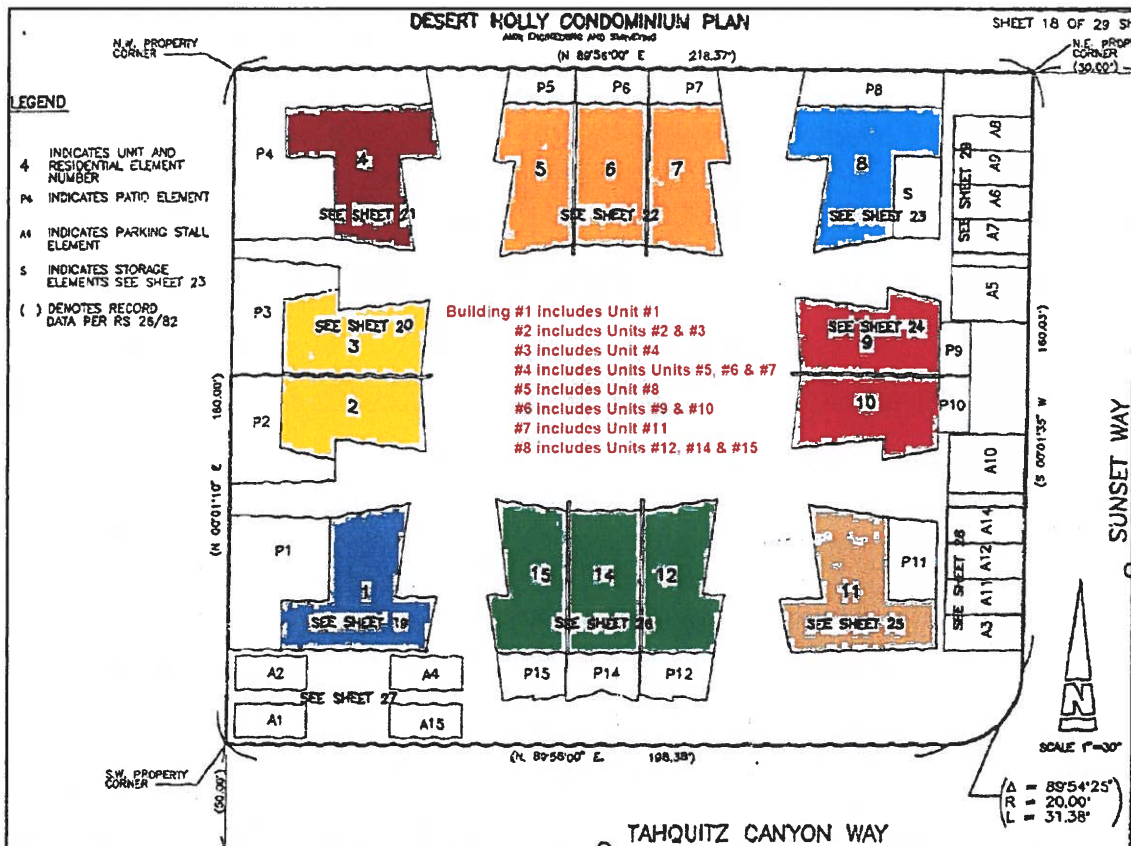
The potentially contributing resources and their APN's, addresses owners are identified in a table later in this staff report.

- a2. Photographs (see attachments).
- a3. Architect, Designer, Developer: William J. O'Brien, Jr. (no known architect of record.)
- a4. Dates and methods of construction: 1957, wood frame, masonry & stucco with composition roof.
- a5. Period of Significance: Post World War II – (1945 – 1969)



**LIST OF RESOURCES, ASSESSOR PARCEL NUMBERS, UNIT NUMBERS AND OWNERS**

Resource Nmbr. / Location	APN	Address <sup>2</sup>	Owner Name (at the time of application submission)
Building 1	502-085-001	Unit 1	Joseph Sierra
Building 2	502-085-002	Unit 2	---
Building 2	502-085-003	Unit 3	Thom McMorris
Building 3	502-085-004	Unit 4	Steve Pell
Building 4	502-085-005	Unit 5	John Fudyama / Sarah Fallon
Building 4	502-085-006	Unit 6	Joseph Cullen
Building 4	502-085-007	Unit 7	Dave Eck
Building 5	502-085-008	Unit 8	James Hanlin / Wm Tadlock
Building 6	502-085-009	Unit 9	John Bardy
Building 6	502-085-010	Unit 10	Carolyn Jones
Building 7	502-085-011	Unit 11	Tracy & Steven McCrary
Building 8	502-085-012	Unit 12	Peter Poules
Building 8	502-085-013	Unit 14	Carlos Castano
Building 8	502-085-014	Unit 15	Burton McKelvie
9. Common area,	502-085-015	---	Desert Holly Homeowners Ass'n.



<sup>2</sup> All dwellings have the same common street address of 2244 East Tahquitz Canyon Way

- a6. Distinctive characteristics (materials, architectural or landscape elements, architectural style of structures, buildings, objects, etc.: As described in this report and the historic resources report.
- a7. Source of information used to compile report: (See Bibliography in the back of the historic resources report).
- b. Proposed historic district design guidelines (including development standards, aesthetic standards, approval criteria that assist in preserving the character of the district and contributing resources therein: An outline set of architectural review guidelines were submitted by the applicant, however these will need revision. Staff recommends a condition of approval that the architectural review guidelines be developed into design guidelines for the historic prior to the public hearing of the City Council to consider the HSPB’s recommendation on the case.
- c. Letters of support from no less than 51% of all property owners within the boundaries of the proposed district: (See attached.)

<i>Neighborhood Meeting/Neighborhood Notice</i>	
December 2018	Written owner support to pursue historic district designation was obtained from 13 of the 14 homeowners at Desert Holly. <sup>3</sup>
September 26, 2019	Notices of the public hearing were sent to all property owners within 500 feet of the subject site and those within the boundaries of the proposed district.
September, 2019	Pursuant to PSMC 8.05.190 (B,1), the City’s Historic Preservation Officer held neighborhood outreach meeting via teleconference.

**CRITERIA AND FINDINGS FOR DESIGNATION OF HISTORIC DISTRICTS.**

Pursuant to Municipal Code Section 8.05.090 (C), the HSPB shall evaluate the application and make findings in conformance with the following criteria:

*FINDINGS PART 1 – The proposed district exhibits exceptional historic significance and meets one or more of the criteria listed below:*

The buildings and common area that comprise the proposed Desert Holly Historic District exhibit exceptional historic significance as a modest-scaled multi-family development typology that became popular in Palm Springs from the 1950’s through the 1970’s.

<sup>3</sup> In addition to meetings with City staff, the homeowners at Desert Holly held several meetings prior to submission of the historic district application and four meetings with the Palm Springs Preservation Foundation to discuss benefits and responsibilities in forming a historic district .

*(Criterion 1) Is associated with events that have made a meaningful contribution to the nation, state or community;*

The report does not identify any significant events associated with the proposed Desert Holly Historic District. It does not qualify as a historic district under Criterion 1.

*(Criterion 2) Is associated with the lives of persons who made a meaningful contribution to national, state or local history;*

The report did not identify any persons associated with the buildings that comprise the proposed Desert Holly Historic District and thus it does not qualify as a historic district under Criterion 2.

*(Criterion 3) Reflects or exemplifies a particular period of national, state or local history;*

The proposed Desert Holly Historic District exemplifies the post WWII Modern period in the development of Palm Springs (1945 – 1969) because it is a significant example of a multi-family residential development type built in response to the growing population that included second home buyers and retirees seeking a low maintenance type of dwelling. It also is reflective of the period in Palm Springs in which Modern architecture was very popular for many building types, from residential to commercial and institutional. It is an architectural style for which the City has become internationally recognized. The proposed Desert Holly Historic District qualifies under Criterion 3.

*(Criterion 4) The resource embodies the distinctive characteristics of a type, period or method of construction;*

The report asserts that the proposed Desert Holly historic district is comprised of several buildings that collectively represent the small multi-family development type that was popular among both second home buyers and retirees seeking a simpler more easy-to-maintain dwelling type. The construction of the buildings within the proposed district is of high quality – reflective of the type of construction found in more expensive custom-built homes.

The report asserts the buildings in the proposed district are of “post and beam” construction; however extensive use of concrete block bearing wall construction and what appears to be conventional “stick built” wood frame and stucco appears to be more the case. Regardless, the eight buildings do reflect the type of construction common during the post-World War II period and reflect a high level of quality and craftsmanship. As such the district qualifies under Criterion 4.

*(Criterion 5) The resource presents the work of a master builder, designer, artist, or architect whose individual genius influenced his age, or that possesses high artistic value;*

The buildings and the site plan of the proposed Desert Holly historic district possesses high artistic value in the form, plan, and overall site development. A unique collection of buildings in terms of the angular geometry and sublime detailing, the proposed Desert Holly historic district qualifies under Criterion 5.

*(Criterion 6) The resource represents a significant and distinguishable entity whose components may lack individual distinction, as used in evaluating applications for designation of historic districts, for parcels on which more than one entity exists; or*

The eight buildings within the proposed Desert Holly historic district collectively are similar, but unique in their character and are significant in terms of the period of local history that they reflect. The common open areas, parking, and landscape are somewhat lacking in distinction. Some of the design components in the common areas, such as the 9-hole golf putting course and shuffleboard court that have been removed over time would also have been a significant component however the proposed district as a whole can be deemed significant and noteworthy. Thus the proposed district also qualifies under Criterion 6.

*(Criterion 7) The resource has yielded or may be likely to yield information important to national, state or local history or prehistory.*

No information has been provided in the historic resources report on any pre-historic significance of the site.

*FINDINGS PART 2 – The proposed district: (a) Contains contributing resources on a majority of the sites within the proposed district which individually meet the criteria and findings outlined in Part 1 above, (b) Includes non-contributing properties or vacant parcels only to the extent necessary to establish appropriate, logical, or convenient boundaries.*

- a. Contributing resources include Buildings 1 through 8.
- b. Non-contributing resources:
  1. The parking areas.
  2. The common area landscape.



## DEFINING HISTORIC CHARACTERISTICS

In considering a recommendation for historic resource designation it is important to distinguish those physical elements that are original or from the period of significance that contribute to the resource's historic significance from alterations, additions or features that were added at a later time that may be sympathetic to the original character, but which may create a false sense of historicity. Distinguishing original character-defining features from non-original elements aids the HSPB when it is tasked with evaluating future alterations to the historic resource.<sup>4</sup>

The eight buildings in the proposed Desert Holly historic district share design characteristics. They were all constructed at the same time with the same materials and details. Therefore the physical character defining historic features that are listed below apply to all eight buildings.<sup>5</sup>

1. Exposed 8" x 8" x 16" concrete masonry units with contrasting grout color.
2. The projecting roof eaves and the 30-degree tilted fascia boards.
3. Wood slab front doors with octagonal decorative elements
4. The round fireplace chimney flues and "pancake" spark arresters.
5. The mature saguaro cacti puncturing the roof plane of unit Building #2.
6. The original block letter sign on painted pegboard on Building #2. (The sign should be repainted to match the original paint scheme of light colored letters on a black or dark grey background.
7. The acute angles of the structures in plan (non-right angle).
8. The tapered beams at the eave overhangs.
9. The original front door wall sconce light fixtures (mostly in storage at this time).
10. The shape of the swimming pool.<sup>6</sup>
11. The Mid-century modern / Desert Modern architectural style.

The non-contributing features include the following:

1. The swimming pool (changed by bldg. permit B35271).
2. The aluminum patio covers on units 4, 9, 10, and 11.
3. The parking areas.
4. The common area landscape.
5. The screen doors.

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<sup>4</sup> It should be noted that an evaluation of "Integrity" is not a requirement at this time for contributing structures within a proposed historic district however as the HOA can afford to do so, the areas of surface-mounted conduit and wiring should be addressed and concealed to the extent possible without materially impairing the contributing resources themselves.

<sup>5</sup> Note that there is no mention in the report on what the original colors of the Desert Holly were; currently it is painted crème white walls and dark grey / black fascias.

<sup>6</sup> The shape of the pool is noted as a contributing design characteristic, however the pool itself has been upgraded and modified. Future infrastructure improvements at the pool should be allowed as long as the shape of the pool is retained.

## ENVIRONMENTAL ASSESSMENT

The proposed historic district designation is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical changes to the environment, directly or indirectly.

## NOTIFICATION

Pursuant to section 8.05.140 of the Municipal Code of Palm Springs, All residents within five hundred (500) feet of the proposed historic district and all residents within the proposed district have been notified and notice was made in a newspaper of general circulation.

## CONCLUSION:

The proposed Desert Holly historic district meets the definition of a historic district based on Criterion 3, 4, 5, and 6. Staff has concluded that the proposed district could qualify as a recognized historic district.



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Ken Lyon, RA  
Associate Planner,  
Historic Preservation Officer



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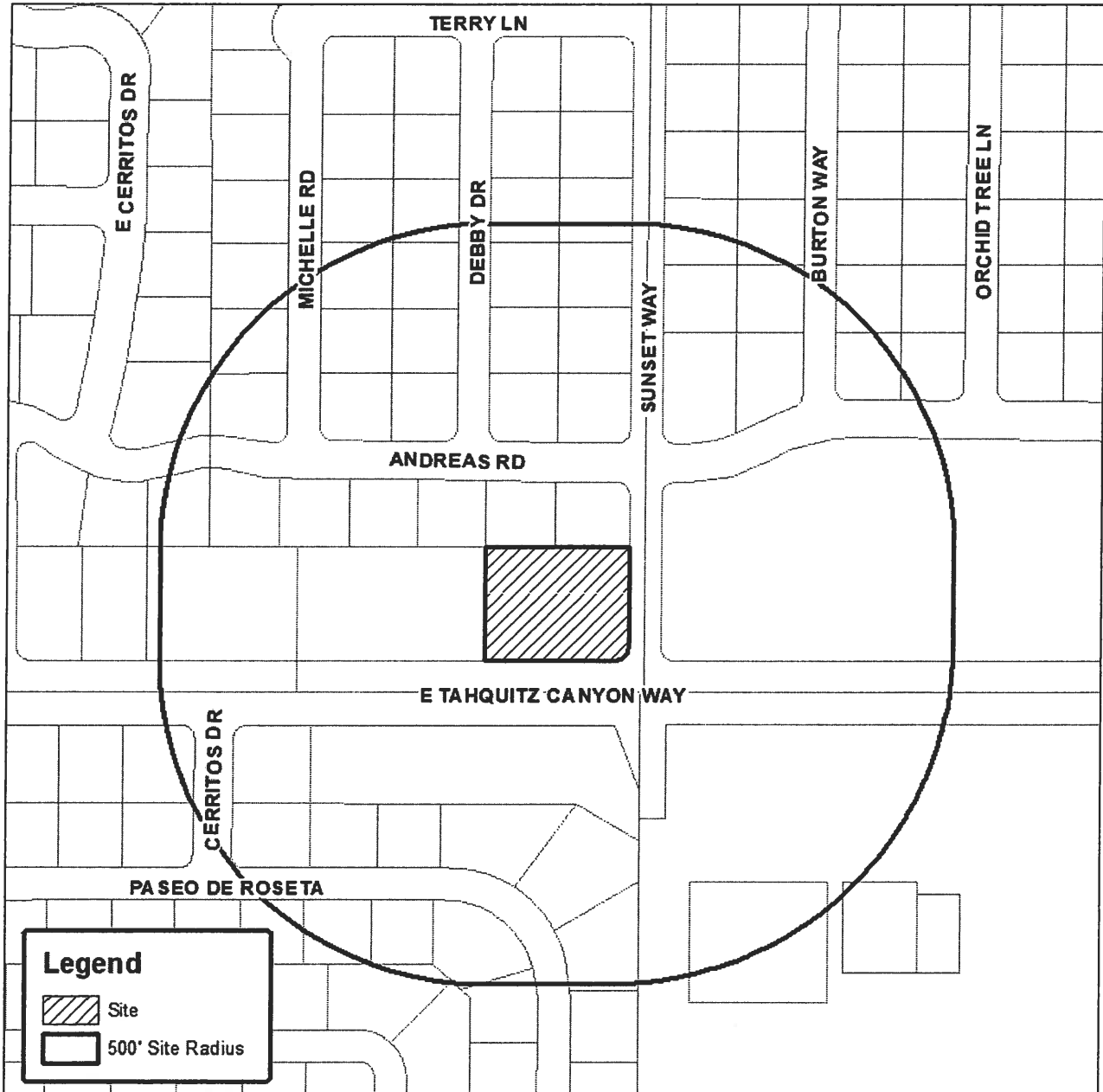
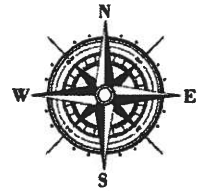
Flinn Fagg, AICP  
Director of Planning Services

## Attachments:



1. Vicinity Map
2. Draft Resolution
3. Application, related background materials, photos.



# Department of Planning Services Vicinity Map



**Legend**

-  Site
-  500' Site Radius

**CITY OF PALM SPRINGS**  
**HSPB 117 Desert Holly Historic District**  
**2244 East Tahquitz Canyon Way**



# ATTACHMENT 2

## Draft Resolution





RESOLUTION NO. HSPB 117

A RESOLUTION OF THE HISTORIC SITE PRESERVATION BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL DESIGNATE DESERT HOLLY CONDOMINIUMS LOCATED AT 2244 EAST TAHQUITZ CANYON WAY, AS A HISTORIC DISTRICT (HSPB 117 / HD-7).

THE HISTORIC SITE PRESERVATION BOARD (“HSPB”) FINDS AND DETERMINES AS FOLLOWS:

- A. Chapter 8.05 of the Palm Springs Municipal Code allows for the designation of historic sites and districts.
- B. On March 14, 2019, the Desert Holly Homeowners Association filed an application with the City pursuant to Article III, Section 8.05.090 (*Procedure and Criteria for Designation of Historic Districts*) of the Palm Springs Municipal Code requesting historic district designation for Desert Holly Condominiums located at 2244 East Tahquitz Canyon Way. The application included a historic resources report (“the report”) prepared by the Palm Springs Preservation Foundation, dated March, 2019.
- C. In September, 2019, members of the Historic Site Preservation Board (HSPB) conducted site inspections of the proposed historic resource, accompanied by City staff.
- D. On October 8, 2019, a noticed public hearing of the Palm Springs Historic Site Preservation Board (“HSPB”) to consider Case HSPB #117 was held in accordance with applicable law.
- E. The HSPB carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report and all written and oral testimony presented.

THE HISTORIC SITE PRESERVATION BOARD OF THE CITY OF PALM SPRINGS RESOLVES:

SECTION 1: FINDINGS – PART “1”, CRITERIA FOR HISTORIC DISTRICTS.

Pursuant to Municipal Code Section 8.05.090 (C), the HSPB shall evaluate the application and make findings in conformance with the following criteria:

*FINDINGS PART 1 – The proposed district exhibits exceptional historic significance and meets one or more of the criteria listed below:*



The eight buildings that comprise the proposed Desert Holly Historic District collectively exhibit exceptional historic significance as a modest-scaled multi-family development typology that became popular in Palm Springs from the 1950's through the 1970's. The HSPB collectively evaluated the eight buildings as follows:

*(Criterion 1) Is associated with events that have made a meaningful contribution to the nation, state or community;*

The report does not identify any significant events associated with the proposed Desert Holly Historic District. It does not qualify as a historic district under Criterion 1.

*(Criterion 2) Is associated with the lives of persons who made a meaningful contribution to national, state or local history;*

The report did not identify any persons associated with the buildings that comprise the proposed Desert Holly Historic District and thus it does not qualify as a historic district under Criterion 2.

*(Criterion 3) Reflects or exemplifies a particular period of national, state or local history;*

The proposed Desert Holly Historic District exemplifies the post WWII Modern period in the development of Palm Springs (1945 – 1969) because it is a significant example of a multi-family residential development type built in response to the growing population that included second home buyers and retirees seeking a “no maintenance” type of dwelling. It also is reflective of the period in Palm Springs in which Modern architecture was very popular for many building types, from residential to commercial and institutional. The eight buildings exemplify an architectural style for which the City has become internationally recognized. The proposed Desert Holly Historic District qualifies under Criterion 3.

*(Criterion 4) The resource embodies the distinctive characteristics of a type, period or method of construction;*

The report asserts that the proposed Desert Holly historic district is comprised of several buildings that collectively represent the small multi-family development type that was popular among both second home buyers and retirees seeking a simpler more easy-to-maintain dwelling type. The quality of construction of the buildings within the proposed district is of high quality – reflective of the type of construction found in more expensive custom-built homes.

The report asserts the buildings in the proposed district are of “post and beam” construction; however extensive use of concrete block bearing wall construction and what appears to be conventional “stick built” wood frame and stucco appears to be more the case. Regardless, the eight buildings do reflect the type of construction common during the post-World War II period and reflect a level of quality and





craftsmanship more often found in custom-built home construction. As such the district qualifies under Criterion 4.

*(Criterion 5) The resource presents the work of a master builder, designer, artist, or architect whose individual genius influenced his age, or that possesses high artistic value;*

The buildings and the site plan of the proposed Desert Holly historic district possesses high artistic value in the form, plan, and overall site development. A unique collection of buildings in terms of the angular geometry and sublime detailing, the proposed Desert Holly historic district qualifies under Criterion 5.

*(Criterion 6) The resource represents a significant and distinguishable entity whose components may lack individual distinction, as used in evaluating applications for designation of historic districts, for parcels on which more than one entity exists; or*

The eight buildings within the proposed Desert Holly historic district collectively are similar, but unique in their character (i.e. plan and development) and are significant in terms of the period of local history that they exemplify. The common open areas, parking, and landscape are somewhat lacking in distinction.

Some of the components in the common areas, such as the 9-hole golf putting course and shuffleboard court that have been removed. The restoration / reconstruction of these features would strengthen the historic integrity of the common areas, however the proposed district as a whole can be deemed significant and noteworthy despite the loss of these site features. Thus the proposed district also qualifies under Criterion 6.

*(Criterion 7) The resource has yielded or may be likely to yield information important to national, state or local history or prehistory.*

No information has been provided in the historic resources report on any pre-historic significance of the site.

## SECTION 2: FINDINGS PART 2: COMPOSITION OF THE PROPOSED DISTRICT - CONTRIBUTING AND NON-CONTRIBUTING SITES

The HSPB reviewed the proposed historic district for conformance with the findings in Part 2 of Zoning Code Section 8.05.190 (C) and made the following findings:

*FINDINGS PART 2 – The proposed district: (a) Contains contributing resources on a majority of the sites within the proposed district which individually meet the criteria and findings outlined in Part 1 above, (b) Includes non-contributing properties or vacant parcels only to the extent necessary to establish appropriate, logical, or convenient boundaries.*



- a. The evaluation of buildings that individually meet the criteria and findings for contributing resources include Buildings 1 through 8. This represents all the buildings in the proposed historic district.

The boundaries of the Desert Holly historic district are proposed as follows: East Tahquitz Canyon Way on the south, North Sunset Way on the east, a property line 180 feet north of the property line along East Tahquitz Canyon Way, and a property line 218.37 feet west of the property line along North Sunset Way.

- b. The evaluation of buildings and features that are non-contributing resources are as follows:
  1. The parking areas.
  2. The common area landscape.

### SECTION 3: DEFINING HISTORIC CHARACTERISTICS

In considering a recommendation for historic resource designation it is important to distinguish those physical elements that are original or from the period of significance that contribute to the resource's historic significance from alterations, additions or features that were added at a later time that may be sympathetic to the original character, but which may create a false sense of historicity. Distinguishing original character-defining features from non-original elements aids the HSPB when it is tasked with evaluating future alterations to any of the historic resources in the proposed historic district.

The eight buildings in the proposed Desert Holly historic district share design characteristics. They were all constructed at the same time with the same materials and details. Therefore the physical character defining historic features that are listed below apply to all eight buildings.<sup>1</sup>

1. Exposed 8" x 8" x 16" concrete masonry units with contrasting grout color.
2. The projecting roof eaves and the 30-degree tilted fascia boards.
3. Wood slab front doors with octagonal decorative elements
4. The round fireplace chimney flues and "pancake" spark arresters.
5. The mature saguaro cacti puncturing the roof plane of unit Building #2.
6. The original block letter sign on painted pegboard on Building #2. (The sign should be repainted to match the original paint scheme of light colored letters on a black or dark grey background.
7. The acute angles of the structures in plan (non-right angle).
8. The tapered beams at the eave overhangs.
9. The original front door wall sconce light fixtures (mostly in storage at this time).

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<sup>1</sup> Note that there is no mention in the report as to what were the original colors of the Desert Holly; currently it is painted with crème white walls and dark grey / black fascias.



10. The shape of the swimming pool.<sup>2</sup>

The non-contributing features include the following:

1. The swimming pool (changed by bldg. permit B35271).
2. The aluminum patio covers on units 4, 9, 10, and 11.
3. The parking areas.
4. The common area landscape.
5. The screen doors.

SECTION 4: ENVIRONMENTAL ASSESSMENT

The proposed historic resource designation is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical changes to the environment, directly or indirectly.

SECTION 5: CONDITIONS THAT APPLY TO CLASS 1 HISTORIC DISTRICTS.

According to Section 8.05 of the Municipal Code, the following shall apply to a Class 1 Historic Resource:

1. An archival file shall be maintained on the property by the City.
2. It may be qualified as 'historic' at the federal, state, and/or county level.
3. The structures/sites within the proposed historic district may not be modified without following the procedures outlined in Municipal Code Section 8.05.120 "*Demolition, Alteration or New Construction within a Historic District – Certificate of Appropriateness*".
4. A marker explaining the historic nature of the district may be installed at the perimeter of the proposed district in a location viewable from the public way.
5. Compliance with all rules and regulations for Historic Sites and Historic Districts under Chapter 8.05 of the Municipal Code shall be required.
6. The City Clerk shall submit the Council Resolution to the County recorder for recordation within 90 days of the effective date of the Council's resolution. The recordation shall apply to those assessor parcel numbers for the fourteen dwelling units located within the eight contributing buildings.

Based upon the foregoing, the Historic Site Preservation Board recommends that the City Council designate the Desert Holly Condominiums as a historic district (HSPB #117

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<sup>2</sup> The shape of the pool is noted as a contributing design characteristic, however the pool itself has been upgraded and modified. Future infrastructure improvements at the pool should be allowed as long as the shape of the pool is retained.





/ HD-7).

ADOPTED THIS EIGHTH DAY OF OCTOBER, 2019.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Flinn Fagg, AICP, Director of Planning Services



# ATTACHMENT 3

Draft

Historic District

Design Guidelines







# City of Palm Springs

## Department of Planning Services

3200 East Tahquitz Canyon Way • Palm Springs, CA 92262  
Tel: 760-323-8245 • Fax: 760-322-8360 • Web: [www.palmspringsca.gov](http://www.palmspringsca.gov)

October 8, 2019

Subject: Case HSPB 117 – Application for historic district designation for the Desert Holly Condominiums – Proposed Historic District Design Guidelines.

Attached is an excerpt from the Desert Holly Condominium Association's Covenants, Conditions, Easements and Restrictions Article V, "Architectural Control". The applicant is submitting this document in response to PSMC Section 8.05.090 (A,3,b):

*"Proposed historic district design guidelines, which shall include, but not be limited to, development standards, aesthetic standards, and approval criteria that assist in preserving the character of the district and contributing structures therein."*

RECORDING REQUESTED BY,  
AND WHEN RECORDED RETURN TO:

DESERT HOLLY HOMEOWNERS ASSOCIATION  
c/o KIPP IAN LYONS, ESQ.  
400 South Farrell Drive, Suite B 200-2  
Palm Springs, CA 92262

**DECLARATION OF  
COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS  
FOR  
DESERT HOLLY HOMEOWNERS ASSOCIATION**

**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS  
OF DESERT HOLLY HOMEOWNERS ASSOCIATION**

THIS DECLARATION, made on the date hereinafter set forth, by the owners of the units in the Desert Holly Project, whose signatures are set forth on the signature page of this Declaration, hereinafter collectively referred to as the "Declarants," is made with reference to the following facts:

**RECITALS**

A. Declarants are the fee owners of the real property ("Properties") located in the City of Palm Springs, County of Riverside, State of California, as described in Exhibit "A" attached hereto, which shall be the Property under this Declaration. The Properties have been improved with fourteen (14) dwelling units. This Declaration is being imposed by Declarants upon the Properties for purposes of establishing a plan of condominium ownership.

B. Those certain declarations of protective restrictions listed in Exhibit A (collectively, the "Original Declaration"), which were set forth in the original deeds from the developer of the Desert Holly Apartments project, as listed in Article VI, below (collectively, the "Original Declarant"), and recorded in the Official Records of Riverside County, California, at the book and page numbers of said Official Records identified in Exhibit A, are hereby consolidated into this single Declaration covering all the Properties and are amended, consolidated and restated in their entirety and the Original Declarations should be considered as extinguished with the recordation of this Declaration.

C. The Original Declarant conveyed the Properties, subject to certain easements, protective covenants, conditions, restrictions, reservations, liens and charges as set forth in the Original Declaration referred to above, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of Properties and all of which shall run with the Properties and be binding on all parties having or acquiring any right, title or interest in the Properties, or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner thereof.

D. The owners of the Units in the Project have determined to convert the Desert Holly Apartments from a community apartment project into a condominium project under the applicable provisions of California law. Upon recordation of this Declaration, it is the intention of the Owners and lienholders set forth on the signature page that the residential Condominiums improved by residences originally constructed by Declarant to the Owners, subject to the protective covenants, conditions, restrictions, limitations, reservations, grants of easements, rights, rights-of-way, liens, charges and equitable servitudes between Declarant and such Owners which are set forth in this

Declaration and which are intended to be in furtherance of a general plan for the subdivision, development, sale and use of the Properties in furtherance of a plan of condominium ownership as described in section 1351(e) of the California Civil Code. Finally, it was the intention of Declarant that the "Common Areas" and "Common Facilities" be owned and maintained by the Association, but reserved exclusively for the use and enjoyment of the Members of the Association, their tenants, lessees, guests and invitees, all subject to the terms and conditions of the Governing Documents.

E. On \_\_\_\_\_, 199\_\_\_\_, \_\_\_\_\_ percent of the Owners of Condominiums within the Properties voted by written ballot to amend and restate the Original Declarations, all in accordance with the procedures for amendment set forth in the Original Declarations. It was the intention of said Owners to replace the Original Declarations, in their entirety, with the recordation of this Declaration. The Owners' action to amend and restate the Original Declarations as set forth herein and the fact that the requisite percentage of affirmative votes required in the Original Declarations was achieved, is attested by the execution of this Declaration by duly authorized officers of the Association, as required by California Civil Code section 1355(a). As so amended and restated, the easements, covenants, restrictions and conditions set forth herein shall run with the Properties and shall be binding upon all parties having or acquiring any right, title or interest in the Properties or any portion thereof, and shall inure to the benefit of each Owner thereof.

## ARTICLE I DEFINITIONS

[ 1.1 "Architectural Committee" means the committee created in accordance with Article V of this Declaration.

1.2 "Articles" means the Articles of Incorporation of Desert Holly Homeowners Association, which are filed in the Office of the California Secretary of State, as such Articles may be amended from time to time.

1.3 "Assessment" means any Regular, Special or Special Individual Assessment made or assessed by the Association against an Owner and his or her Condominium in accordance with the provisions of Article IV of this Declaration.

1.4 "Association" means Desert Holly Homeowners Association, a California nonprofit corporation (formed pursuant to the Nonprofit Mutual Benefit Corporation Law of the State of California), its successors and assigns. The Association is an "association" as defined in California Civil Code section 1351(a).

1.5 "Association Rules" means the rules, regulations and policies adopted by the Board of Directors of the Association, pursuant to Article III, section 3.7 of this Declaration, as the same may be in effect from time to time.

1.6 "Board of Directors" or "Board" means the Board of Directors of the Association.

1.7 "Bylaws" means the Bylaws of the Association, as such Bylaws may be amended from time to time.

1.8 "City" means the City of Palm Springs and its various departments, divisions, employees and representatives.

1.9 "Common Area" means the entire Project except all Units, as defined in Article II and shown on the Condominium Plan. Unless the context clearly indicates a contrary intent, any reference herein to the "Common Areas" shall also include any Common Facilities located thereon. As more particularly described in article II, section 1(e), portions of the Common Area are designated as Exclusive Use Common Areas whose use and enjoyment are restricted to the Owners and occupants of the Residences adjacent to such Exclusive Use Common Areas.

1.10 "Common Expense" means any use of Common Funds authorized by Article IV hereof and Article IX of the Bylaws and includes, without limitation: (a) All expenses or charges incurred by or on behalf of the Association for the management, maintenance, administration, insurance, operation, repairs, additions, alterations or reconstruction of the Common Area, Common Facilities or any portion of any Unit that the Association is obligated to maintain or repair, (b) all expenses or charges reasonably incurred to procure insurance for the protection of the Association and its Board of Directors or any portion of any Unit that the Association is obligated to maintain or replace, and for nonpayment of any Assessments, and (d) the use of such funds to defray the costs and expenses incurred by the Association in the performance of its functions or in the proper discharge of the responsibilities of the Board as provided in the Governing Documents.

1.11 "Common Facilities" means the swimming pool and apron area, pool storage and pump house, pool furniture, as shown on the Subdivision Map, trees, hedges, plantings, lawns, shrubs, landscaping, fences, utilities, berms, pipes, lines, lighting fixtures, buildings, structures and other facilities constructed or installed, or to be constructed or installed, or currently located within the Common Area.

1.12 "Condominium" means an estate in real property as described in the California Civil Code sections 783 and 1351(f) consisting of an undivided interest as a tenant in common in all or any portion of the Common Area, together with a separate fee interest in a Unit and any other separate interests in the real property as are described in this Declaration, in the Condominium Plan, or in the deed conveying the Condominium.

1.13 "Condominium Plan" means a condominium plan recorded pursuant to California Civil Code section 1351(e) respecting the Project, and any amendments to the plan. A copy of the Condominium Plan is attached as Exhibit C.

1.14 "County" means the County of Riverside, State of California, and its various departments, divisions, employees and representatives.

1.15 "Declarant" means the original developer of the Properties, namely William J. O'Brien, Jr. And Edna A. O'Brien, husband and wife.

1.16 "Declaration" means this instrument, as it may be amended from time to time. The "Original Declaration[s]" means and refers to the document referenced in the Preamble to this Declaration and Exhibit A, together with all amendments and annexations thereto, adopted prior to adoption of this Declaration.

1.17 "Governing Documents" is a collective term that means and refers to this Declaration and to the Articles, the Bylaws, and the Association Rules.

1.18 "Improvement" includes, without limitation, the construction, installation, alteration, or remodeling of any buildings, walls, decks, fences, swimming pools, landscaping, landscape structures, skylights, solar heating equipment, spas, antennas, utility lines, or any structure of any kind. In no event shall the term "Improvement" be interpreted to include projects which are restricted to the Unit interior and which do not involve the roof located over any load bearing wall thereof.

1.19 "Member" means every person or entity who holds a membership in the Association and whose rights as a Member are not suspended pursuant to Article XIV, section 14.6 hereof.

1.20 "Mortgage" means any security device encumbering all or any portion of the Properties, including any deed of trust. "Mortgagee" shall refer to a beneficiary under a deed of trust as well as to a mortgagee in the conventional sense.

1.21 "Owner" means any person, firm, corporation or other entity which owns a fee simple interest in any Condominium. The term "Owner" shall include, except where the context otherwise requires, the family, guests, tenants and invitees of an Owner.

1.22 "Owner of Record" and "Member of the Association" include an Owner and mean any person, firm, corporation or other entity in which title to a Condominium is vested as shown by the official records of the Office of the County Recorder.

1.23 "Party Wall" shall mean any wall of a Residence located on a property line dividing any Condominiums, including patio fences, which wall is commonly used by any such Condominium and the adjoining Condominium.

1.24 "Project" means the Properties and the improvements located thereon which are intended to create a condominium project as described in California Civil Code section 1351(f).

1.25 "Properties" means all parcels of real property common Area and Condominium Units described in recital "A" hereof, together with all buildings, structures, utilities, Common Facilities, and other improvements located thereon, and all appurtenances thereto.

**ARTICLE V**  
**ARCHITECTURAL CONTROL**

5.1 Improvements in General; Establishment of Architectural Committee. No "improvement" (as defined in Article I, section 1.18) of any kind shall be commenced, erected or maintained within the properties, nor shall any exterior addition to or change or alteration be made in or to any Unit or Common Facility structure containing Units or to any Exclusive Use Common Area until the plans and specifications showing the nature, color, kind, shape, height (including front, side and rear elevations), materials, and location of the same shall have been submitted to and approved in writing by the Association's Architectural Committee as to quality of workmanship and materials, harmony of external design and location in relation to surrounding structures, setback lines, topography and finish grade elevation.

5.2 Appointment of Architectural Committee. The Board of Directors shall appoint an Architectural Committee composed of not less than three nor more than five members. Committee members appointed shall be from the membership of the Association. The Board of Directors may, in its discretion, appoint the Board of Directors to act as the Architectural Committee. A majority of the Architectural Committee may designate a representative to act on its behalf. Members of the Committee shall serve for a term of one year. In the event of the death or resignation of any member of the Architectural Committee, a successor shall be appointed by the Board. Neither the members of the committee nor its designated representatives shall be entitled to any compensation for services performed pursuant hereto.

5.3 Submission of Plans; Action by Board or Committee. Plans and specifications for the proposed Improvement shall be submitted to the Architectural Committee by personal delivery or certified mail to the secretary of the Association or the chairman of the Architectural Committee. In the event the Committee fails to approve or disapprove such design and location within 45 days after said plans and specifications have been submitted to it, the request shall be deemed to have been approved. Approval of the Committee can contain conditions or requests for modification of particular aspects of the Owner's plan; and specifications.

5.4 Architectural Rules. The Architectural Committee may, subject to review by the Board of Directors, from time to time adopt, amend and repeal rules and regulations to be known as "Architectural Rules." Said rules shall interpret and implement the provisions of this Declaration by setting forth the standards and procedures for the review and approval of proposed Improvements and guidelines for architectural design, placement of any work of Improvement or color schemes, exterior finishes and materials and similar features which are recommended for use within the Properties, provided that said rules shall not be in derogation of the minimum standards required by this Declaration. In the event of any conflict between the Architectural Rules and this Declaration, the Declaration shall prevail.

5.5 Variances. The Architectural Committee shall be entitled to allow reasonable variances with respect to this Article V or any restrictions specified in Article VI in order to overcome practical difficulties, avoid unnecessary expense or prevent unnecessary hardships, provided that the following conditions are met:

(a) If the requested variance will necessitate deviation from, or modification of, a property use restriction that would otherwise apply under this Declaration, the Committee must conduct a hearing on the proposed variance after giving at least 10 days' prior written notice to the Board and to all Owners of Units in the Project. The Owners receiving notice of the proposed variance shall have 30 days in which to submit to the Board or Committee written comments or objections with respect to the variance. No decision shall be made with respect to the proposed variance until the 30-day comment period has expired.

(b) The Committee must make a good faith determination that (i) the requested variance does not constitute a material deviation from the overall plan and scheme of development within the Properties or from any restriction contained herein or that the proposal allows the objectives of the violated requirement(s) to be substantially achieved despite noncompliance; or (ii) the variance relates to a requirement hereunder that it is unnecessary or burdensome under the circumstances; or (iii) the variance, if granted, will not result in a material detriment, or create an unreasonable nuisance, with respect to any other Unit, Common Area or Owner within the Properties.

5.6 Estoppel Certificate. Within 30 days after written demand is delivered to the Architectural Committee by any Owner, and upon payment to the Association of a reasonable fee (as fixed from time to time by the Board), the Committee shall execute an estoppel certificate, executed by any two of its members, certifying (with respect to any Unit owned by the applicant Owner) that as of the date thereof, either (i) all Improvements made and other work completed by said Owner with respect to the Unit comply with this Declaration; or (ii) that such Improvements or work do not so comply, in which event the certificate shall also identify the noncomplying Improvements or work and set forth with particularity the bases of such noncompliance. Any purchaser from the Owner, or anyone deriving any interest in said Unit through the Owner, shall be entitled to rely on said certificate with respect to the matters therein set forth, such matters being conclusive as between the Association, all Owners and any persons deriving any interest through them.

## ARTICLE VI USE OF PROPERTIES AND RESTRICTIONS

In addition to the restrictions established by law or Association Rules promulgated by the Board of Directors (consistent with this Declaration), the following restrictions are hereby imposed upon the use of Condominium Units, Common Areas and other parcels within the Properties.

6.1 Single Family Residential Use. The use of the Units within the Properties is hereby restricted to Single Family Residential Use, as defined in Article I, section 1.27 hereof. In no event shall a Residence be occupied by more individuals than permitted by applicable zoning laws or governmental regulations. An Owner is permitted to lease or rent his or her Unit, subject to the provisions of Article II, section 2.4 ("Delegation or Use") of this Declaration.



# ATTACHMENT 4

Signatures of Support.





From: James Hanlin jhanlin1984@me.com  
 Subject: Peter Poulos  
 Date: May 24, 2018 at 7:27 AM  
 To: James Hanlin jhanlin1984@me.com



# Attachment **B**

Document of Owner Support  
 regarding

2244 E. TAHQUITZ

Previously, as a matter of policy, the City of Palm Springs Director of Planning Services has required a "document of owner support" before processing historic district applications. Accordingly, the below property owners in Desert Holly support the pursuit of Historic District status as described in Chapter 8.05 of the Palm Springs Municipal Code.

	Owner Name	Address	Signature
1	Joseph Scire	2244 E Tahquitz Apt 1	<i>[Signature]</i>
2		2244 E Tahquitz Apt 2	
3	Thom McMorris	2244 E Tahquitz Apt 3	<i>[Signature]</i>
4	Steve Pell	2244 E Tahquitz Apt 4	<i>[Signature]</i>
5	DANTE NOTO	2244 E Tahquitz Apt 5	<i>[Signature]</i>
6	Joseph Cullen	2244 E Tahquitz Apt 6	<i>[Signature]</i>
7	Dave Kirk	2244 E Tahquitz Apt 7	<i>[Signature]</i>
8	James Hanlin William Tadlock	2244 E Tahquitz Apt 8	<i>[Signature]</i>
9		2244 E Tahquitz Apt 9	
10	Cherilyn Jones	2244 E Tahquitz Apt 10	<i>[Signature]</i>
11	MARIA STAFF	2244 E Tahquitz Apt 11	<i>[Signature]</i>
12	Peter Poulos	2244 E Tahquitz Apt 12	<i>[Signature]</i>
14		2244 E Tahquitz Apt 14	
15	BURTAS McKEOWN	2244 E Tahquitz Apt 15	<i>[Signature]</i>

From: James Hanlin jhanlin1984@me.com  
 Subject: Charles Costano  
 Date: May 24, 2018 at 7:28 AM  
 To: James Hanlin jhanlin1984@me.com



Attachment (C)

Document of Owner Support  
 regarding

**DESERT HOLLY**  
 Class I Historic District

Previously, as a matter of policy, the City of Palm Springs' Director of Planning Services has required a "document of owner support" before processing historic district applications. Accordingly, the below property owners in Desert Holly support the pursuit of Historic District status as described in Chapter 8.05 of the Palm Springs Municipal Code.

	Owner Name	Address	Signature
1.	Joseph Seria	2244 E Tahquitz Apt. 1	
2.		2244 E Tahquitz Apt. 2	
3.	Thom McMorris	2244 E Tahquitz Apt. 3	
4.	STEVE PELL	2244 E Tahquitz Apt. 4	
5.	DANTE NOTO	2244 E Tahquitz Apt. 5	
6.	Joseph Cullen	2244 E Tahquitz Apt. 6	
7.	Dave Eck	2244 E Tahquitz Apt. 7	
8.	James Hanlin William Tadlock	2244 E Tahquitz Apt. 8	
9.		2244 E Tahquitz Apt. 9	
10.	Cherilyn Jones	2244 E Tahquitz Apt. 10	
11.	MARIA SONG	2244 E Tahquitz Apt. 11	
12.		2244 E Tahquitz Apt. 12	
14.	Charles Costano	2244 E Tahquitz Apt. 14	
15.	BARTON McKELVINE	2244 E Tahquitz Apt. 15	

Attachment (D)

Document of Owner Support regarding

DESERT HOLLY

Class 1 Historic Site or Historic District? TBD

Previously, as a matter of policy, the City of Palm Springs' Director of Planning Services has required a "document of owner support" before processing historic district applications. Accordingly, the below property owners in Desert Holly support the pursuit of Historic District status as described in Chapter 8.05 of the Palm Springs Municipal Code.

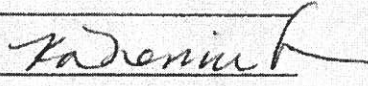
	<u>Owner Name</u>	<u>Address</u>	<u>Signature</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____
11.	Tracy + Steven McCrany	2244 E Tahquitz Canyon Way Unit 11 92262	T. McCrany
12.	_____	_____	_____
13.	_____	_____	_____
14.	_____	_____	_____
15.	_____	_____	_____
16.	_____	_____	_____
17.	_____	_____	_____
18.	_____	_____	_____
19.	_____	_____	_____

Document of Owner Support  
regarding

**DESERT HOLLY**

Class 1 Historic Site or Historic District? TBD

Previously, as a matter of policy, the City of Palm Springs' Director of Planning Services has required a "document of owner support" before processing historic district applications. Accordingly, the below property owners in Desert Holly support the pursuit of Historic District status as described in Chapter 8.05 of the Palm Springs Municipal Code.

	<u>Owner Name</u>	<u>Address</u>	<u>Signature</u>
1.	_____	_____	_____
2.	<u>KATHERINE SIERRA</u>	<u>2244 E. Tahqutz Canyon Hwy</u> <u>Unit # 2</u> <u>Palm Springs CA</u>	
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____
11.	_____	_____	_____
12.	_____	_____	_____
13.	_____	_____	_____
14.	_____	_____	_____
15.	_____	_____	_____
16.	_____	_____	_____
17.	_____	_____	_____
18.	_____	_____	_____
19.	_____	_____	_____

