



PLANNING COMMISSION STAFF REPORT

DATE: September 11, 2013

Other Business

SUBJECT: A MINOR AMENDMENT TO THE FINAL PLANNED DEVELOPMENT DISTRICT BY RIDGEBACK MONTE SERENO, LLC REQUESTING APPROVAL TO DELETE ENGINEERING CONDITION OF APPROVAL #9, REQUIRING TRAFFIC CALMING STRUCTURES IN A DEVELOPMENT OF 89 SINGLE FAMILY RESIDENTIAL UNITS AT 1040 BOGERT TRAIL, ZONE W-R-1-B / PDD 269. (APN'S 512-330-024, 512-340-030 & 512-350-048) AND A CLASS 3 CATEGORICAL EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), (CASE 5.0881 PD 269 AMND TTM 30046).

FROM: Margo Wheeler, AICP, Director of Planning Services

SUMMARY

A minor amendment to Planned Development District (PDD) 269 requesting approval to delete Engineering Condition of Approval #9, (traffic calming structures) within "Monte Sereno", an eighty-nine unit single family residential subdivision.

RECOMMENDATION

1. Open the public hearing and take public testimony.
2. Close the public hearing and adopt Resolution no. ____, "A resolution of the Planning Commission of the City of Palm Springs, California, denying the request to delete Engineering Condition of Approval #9 and requiring the developer to install the traffic calming structures as conditioned in the Final PDD."

PRIOR ACTIONS

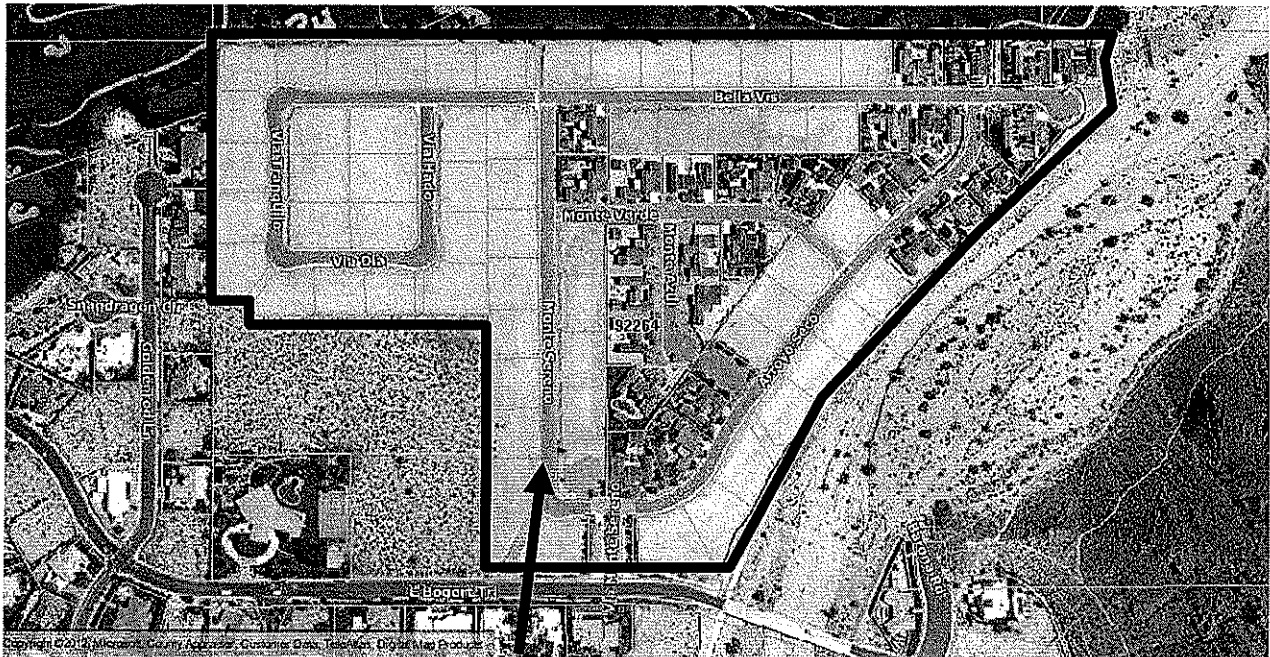
<i>Related Relevant City Actions by Planning, Fire, Building, etc...</i>	
May 25, 2005	Planning Commission approval of the final PDD
March 14, 2012	Planning Commission approval of a minor amendment to the final PDD establishing new home types for the remaining unbuilt lots.

PLANNED DEVELOPMENT DISTRICT

<i>Neighborhood Meeting</i>	
	The applicant has not indicated whether the subject amendment request was reviewed or discussed in any neighborhood organization or HOA meeting.

BACKGROUND AND SETTING

Monte Sereno is a residential subdivision of eighty-nine (89) detached single-family units, including associated on and off-site improvements, on approximately forty acres.



MONTE SERENO

ANALYSIS

In 2009, Ridgeback Monte Sereno, LLC acquired the partially completed project which included sixty undeveloped lots and the private streets. A condition of approval (Engineering Condition #9) of the original Planned Development District required installation of three traffic calming “chokers”. At the time of acquisition by Ridgeback Monte Sereno, the streets within the development were partially finished, with only the base course of asphalt installed. The asphalt top course, which includes the precast paving at the traffic calming structures, has not been installed.

The applicant is requesting elimination of this condition on the basis that the configuration of the private streets does not warrant traffic calming structures. If the traffic calming structures are not installed, the finished roadbed on all the private streets within the development would simply be asphalt.

The Department of Engineering imposed the condition as follows:

PRIVATE STREETS

9. The following traffic calming devices, OR equal, (the final configuration to be approved by the City Engineer) shall be incorporated into the on-site streets:

Narrowed pavement 'chokers' shall be provided at one location on Street "B" between Streets "A" and "E", one location on Street "D" between Streets "B" and "E", and one location on Street "F" between Streets "B" and "D", as approved by the City Engineer. Chokers shall be designed with a transition using 25 foot reverse curves and a 40 to 80 foot long, 20 foot wide (10 feet each side of centerline) narrowed travel way. The narrowed travel way shall be constructed with a colored or decorative Portland cement concrete section 6 inches thick as approved by the City Engineer.

A diagram showing the proposed precast concrete paver "chokers" is attached to this staff report.

REQUIRED FINDINGS

Minor architectural or site changes not affecting the intent of a PDD may be approved by the Planning Commission. No council action is necessary for minor changes except appealed decisions. In order for the project to be approved by the Planning Commission, the following finding must be made in support of the minor change:

1. *The minor architectural or site changes do not affect the intent of the PD.*

The intent of the PDD was to establish a subdivision of individual single family residences on separate lots. Although the request for removal of the traffic calming measures does not affect the intent of the PDD, the Director of Public Works imposed the condition of approval on the original application to slow traffic on the straight sections of roadway within the development. The Director of Public Works does not support removal of the condition and therefore the request is recommended for denial.

ENVIRONMENTAL ASSESSMENT

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, a Mitigated Negative Declaration (MND) was previously adopted by the City Council on July 30, 2003, for the Monte Sereno development. Pursuant to Section 15303 ("New construction or conversion of small structures") of CEQA, the proposed deletion of traffic calming structures is deemed "Categorically Exempt from further CEQA analysis."

NOTIFICATION

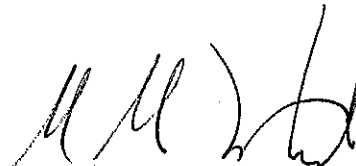
A notice was mailed to all listed property owners within a four hundred foot radius in accordance with state law. As of the writing of this staff report, staff has received no

PLANNED DEVELOPMENT DISTRICT

correspondence on the subject project.



Ken Lyon, RA
Associate Planner



Margo Wheeler, AICP
Director of Planning Services

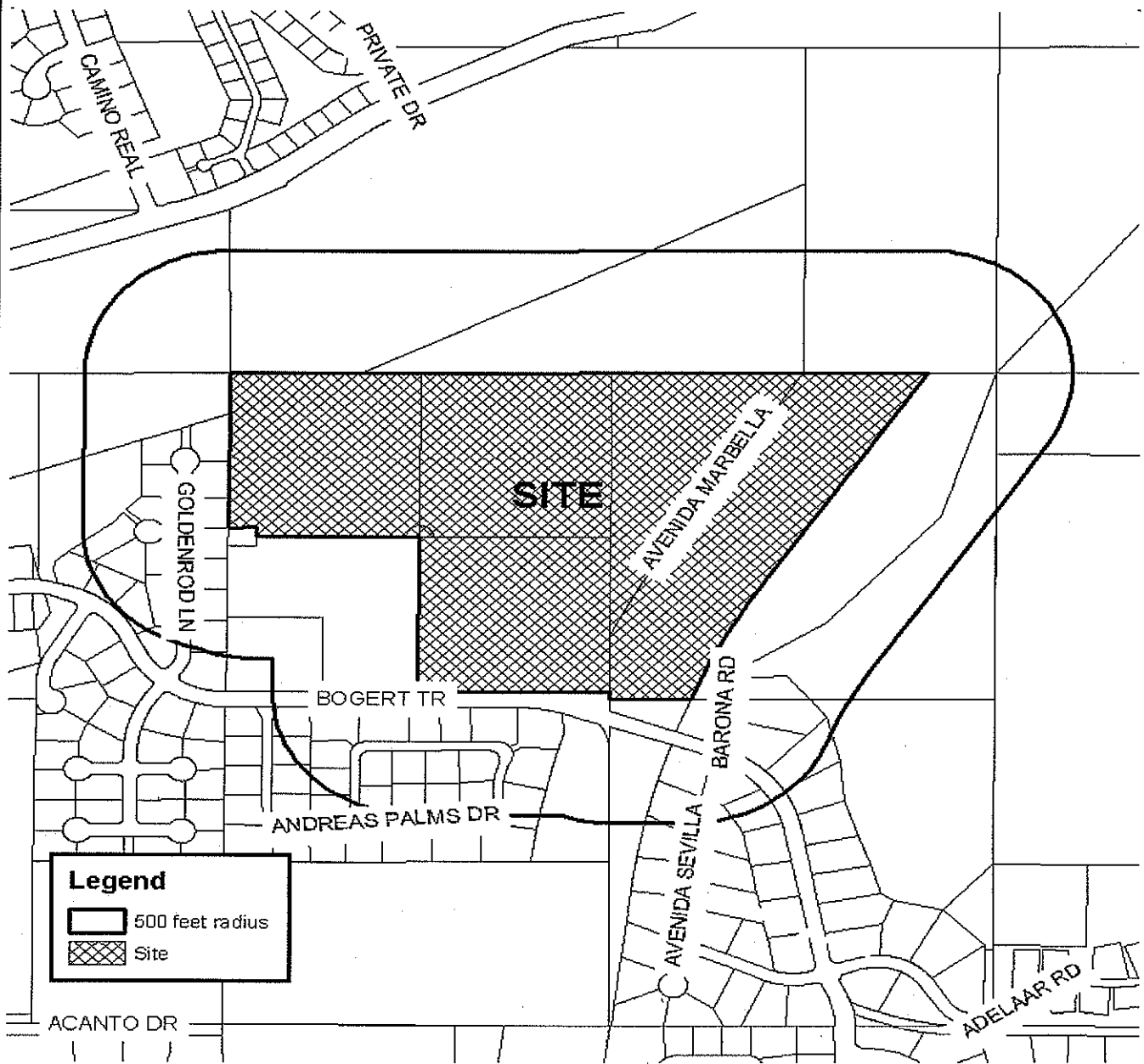
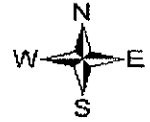
ATTACHMENTS:

1. Vicinity Map
2. Draft Resolution
3. Correspondence from Applicant and Homeowners Association
4. Diagram showing proposed traffic calming structures.
5. March 14, 2012 Planning Commission meeting minutes

PLANNED DEVELOPMENT DISTRICT



Department of Planning Services Vicinity Map



Legend

- 500 feet radius
- Site

CITY OF PALM SPRINGS

CASE NO:
5.0881 PD-269 AMND

APPLICANT:
Ridgeback Monte Sereno, LLC

DESCRIPTION:
Minor Amendment to PDD 269 requesting removal of Engineering Condition of Approval #9; traffic calming structures. Zone W-R-1-B, Section 35.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, DENYING CASE 5.0881 PD-269 AMND; A REQUEST TO AMEND THE MONTE SERENO PLANNED DEVELOPMENT DISTRICT BY REMOVAL OF ENGINEERING CONDITION #9; (TRAFFIC CALMING STRUCTURES) WITHIN THE MONTE SERENO RESIDENTIAL SUBDIVISION LOCATED AT 1040 BOGERT TRAIL, ZONE PD 269, SECTION 35.

WHEREAS, Ridgeback Monte Sereno, LLC. ("Applicant") has filed an application pursuant to Zoning Code Section 94.03.00 (G) requesting approval of a minor amendment to Final Planned Development District (PDD 269), deleting Engineering Condition of Approval #9 (Traffic Calming Structures) for the residential subdivision located at 1040 Bogert Trail, Zone PD 269, Section 35; and

WHEREAS, in accordance with Section 94.03.00(G) of the Zoning Code, the Planning Commission may approve minor architectural or site changes that do not affect the intent of the PD; and

WHEREAS, on September 11, 2013, a public meeting on Case No. 5.0881 PD-269 AMND was held by the Planning Commission in accordance with applicable law; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) Guidelines, the proposed amendment has been determined to be a project subject to environmental analysis under CEQA; and

WHEREAS, the Planning Commission has 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 PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, a Mitigated Negative Declaration (MND) was previously adopted by the City Council on July 30, 2003, for the Monte Sereno development. Pursuant to Section 15303 ("*New construction or conversion of small structures*") of the California Environmental Quality Act (CEQA), the proposed deletion of traffic calming structures is deemed "Categorically Exempt from further CEQA analysis.

Section 2: The proposed deletion of traffic calming structures imposed by Engineering Condition of Approval #9 is not supported by the Director of

Engineering.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby denies Case 5.0881 PD-269 AMND; an amendment to Planned Development District 269, requesting removal of Engineering Condition of Approval #9 (Traffic Calming Structures) within the eighty-nine lot single-family residential subdivision located at 1040 Bogert Trail,

ADOPTED this 11th day of September 2013.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Margo Wheeler, AICP
Director of Planning Services



July 23, 2013

PALM SPRINGS PLANNING COMMISSION
c/o Ms. Margo Wheeler, Director of Planning
City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

Subject: Request to Modify Conditions of Approval PDD-269

Dear Commissioners:

On behalf of our client, Ridgeback Partners, we are requesting modification of one Condition of Approval which required a series of traffic calming measures in this single-family community with private streets. The project is Monte Sereno located adjacent to the Palm Canyon Wash on the north side of Bogert Trail. The Condition of Approval (COA) is Engineering #9 (conditions attached).

The history of the project is important to the understanding of this request. The Planned Development District 269 and Tentative Tract Map 30046 were originally approved by the Planning Commission and then City Council in July of 2002. The applicant was Palm Canyon LLC which then sold the entitled project to another developer who proceeded to complete the final plans, record the map and begin construction. The developer completed the basic site improvements, began construction of homes and received occupancy permits for several homes before losing the project in the recession.

Ridgeback Partners took over the project in 2009 and began completing the unfinished aspects of the development. The one COA that is the subject of this request was a non-standard City Engineering Department requirement for a series of three traffic calming improvements in the form of traffic chokers and decorative pavement; one on each of three different streets within the tract. The new developer has questioned the rationale for these chokers given the relatively low density of the project.

MSA has participated in the design of hundreds of residential communities throughout Palm Springs and the Coachella Valley and we were comfortable when we prepared and submitted this subdivision that the streets were well designed and would not create a raceway condition. While the two of the three streets are essentially straight, the overall layout does not encourage vehicles speeding through their community.

While the Engineering Department occasionally installs traffic calming improvements on public streets and works in response to requests from neighborhood groups, this and the nearby Alta development (another Palm Canyon LLC application) are the only instances to our knowledge where the engineering

staff imposed such a condition on a private development. The current staff believes that the rationale of the contested condition was to "calm" traffic on the relatively straight streets.

Where public streets in other residential neighborhoods in Palm Springs include through traffic and drivers not from the neighborhood, the traffic in Monte Sereno will be primarily residents and guests of the community which naturally keeps drivers in check.

The current owner and project residents have reviewed and discussed the choker requirement and feel rather than improving traffic conditions it will actually do the opposite. With a mixture of permanent and seasonal residents, the 89 lot development will not generate a large amount of traffic and the 36 foot streets shared with pedestrians including multiple driveways, intersecting streets and various turns and curves will provide the desired traffic calming as found in most residential areas of Palm Springs. Action by the HOA in support of this request is attached.

The design of the chokers that were shown on the original street improvement plans allowed for drainage to remain in a straight line along the gutter with the choker being a free standing, raised curb protruding into the street a total of 6 feet. The approved plan shows the chokers finished with pavers.

The developer respectfully requests that Engineering COA #9 be deleted in its entirety.

Very truly yours,



Marvin D. Roos
Director of Design Development

MDR/nv

c: Marcus Buerosse, Ridgeback Partners
David Barakian, P.E. City of Palm Springs

Enclosures: PDD COA 269
Craig Ewing Email Dated 3/6/13
Exhibits

HOWARD SILVERMAN
1037 BELLA VISTA
PALM SPRINGS, CA 92264

June 14, 2013

PALM SPRINGS PLANNING COMMISSION
c/o Ms. Margo Wheeler, Director of Planning
City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

Subject: Request to Modify Conditions of Approval PDD-269

Dear Ladies and Gentlemen of the Planning Commission:

The Homeowner's Association of Monte Sereno has been advised of the outstanding city requirement to construct three traffic control devices (chokers) within the otherwise improved private streets of Monte Sereno. Some of our residents have been living in Monte Sereno for up to five years already and this requirement is certainly news to our association. We have asked our residents their opinion and we find that they find no need for any new traffic control and would strongly urge that the requirement be deleted. We are not aware of a single resident that would want the traffic chokers, and we do not like the traffic chokers for a number of reasons.

As we understand the proposed construction, the developer would be required to install three pairs of small concrete islands with concrete pavers that jut out into the street about the width of a parked car. We have been driving on these three streets for up to five years without incident and expect that if they were to be installed, that these devices would cause more problems than they solve.

Our residents are a combination of permanent and seasonal or part time residents and we enjoy a very low key street scene already—very few cars parked on the streets, pedestrians and bicyclists sharing the streets with their neighbors and virtually no fast drivers given the relatively short distances of the streets.

The design of the Monte Sereno community is such that drivers must drive relatively slowly due to key turning movements here and there and, again, we have not experienced any speeding problem thus far and would strongly support the developer's request to delete the requirement of the traffic chokers.

Very truly yours,



Howard Silverman
President, Monte Sereno HOA

2. OTHER BUSINESS:

- 2A. Case 5.0881 PD 269 Final PD AMEND - A request by Alta Verde Sereno, LLC, to amend previously approved Final Development plans for 60 proposed single-family residences within the Monte Sereno Planned Development located at 1040 Bogert Trail, Zone W-R-1-B / PD-269, Section 35. (Project Planner: David A. Newell, Associate Planner)**

David A. Newell, Associate Planner, provided background information as outlined in the staff report dated March 14, 2012.

Vice Chair Hudson noted that he attended the AAC meeting when this project was presented and it was very well received.

Staff provided clarification on the limited purpose of the ad-hoc subcommittee that was created for review of this project only.

ACTION: To approve the proposed amendment to the Final Development Plans of Planned Development District 269, Case 5.0881, subject to the previous Conditions of Approval.

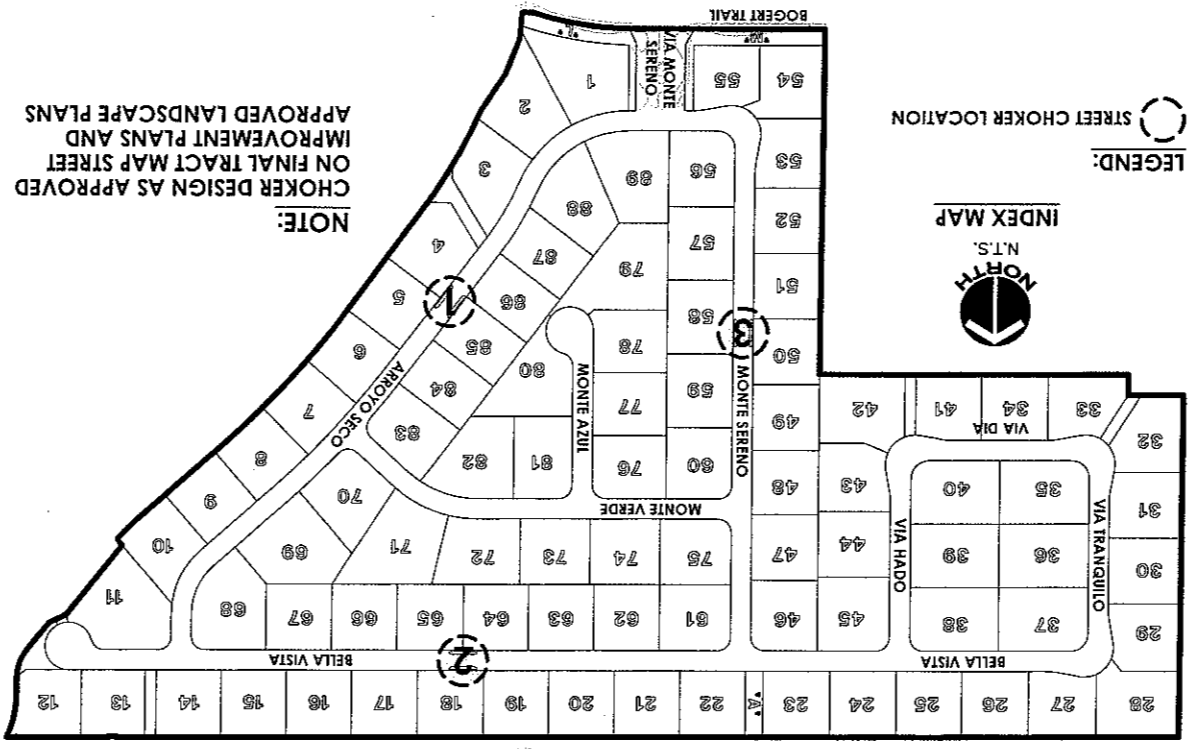
Motion Vice Chair Hudson, seconded by Leslie Munger and unanimously carried on a roll call vote.

AYES: Leslie Munger, Tracy Conrad, Philip Klatchko, J.R. Roberts, Chair Donenfeld, Vice Chair Hudson

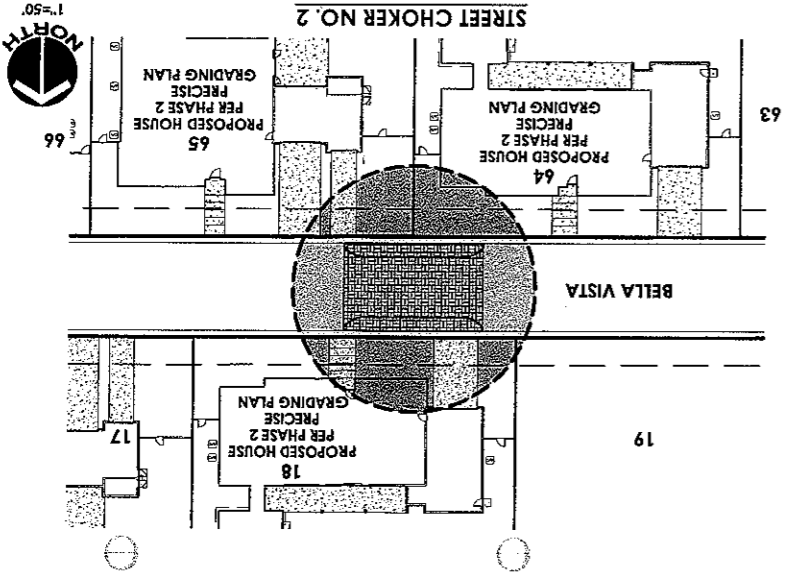
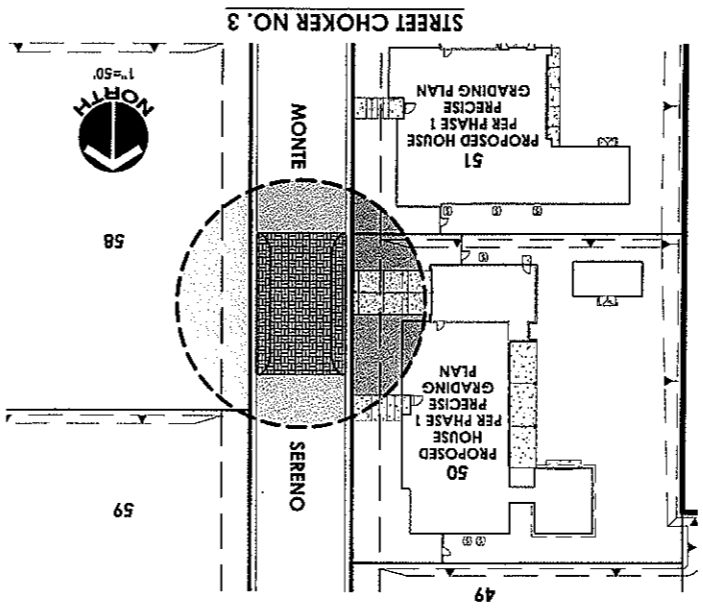
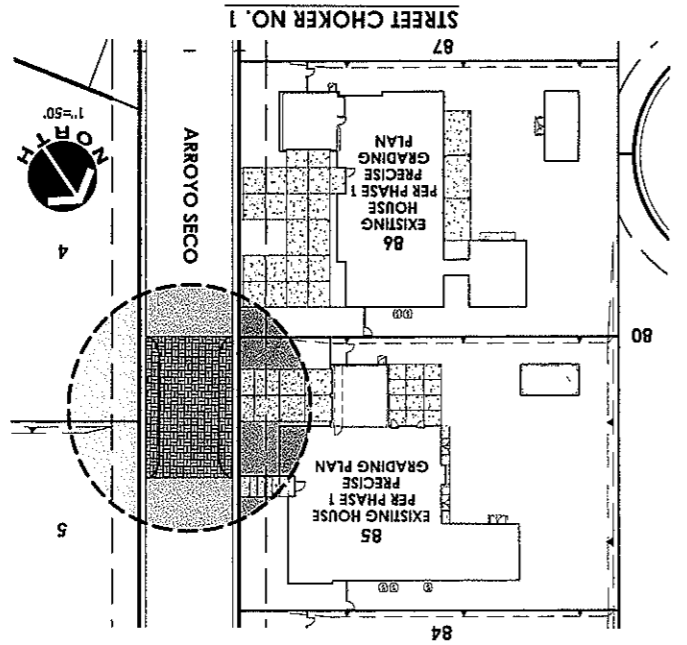
3. PUBLIC HEARING:

- 3A. Case 5.1275 CZ / 7.1239 AMM / TPM 36438 - An application by Wessman Holdings, for a change of zone (CZ) from C1AA (Large Scale Retail Commercial) to C1 (Retail Business) and a parcel map waiver to reconfigure two existing lots. The application includes an Administrative Minor Modification (AMM) for a five (5) foot reduction in setbacks along Tahquitz Canyon Way. The 1.38 acre parcel map is located at the northeast corner of Tahquitz Canyon Way and Sunrise Way. Section 13; APNs 502-065-018 and 502-065-008. (Project Planner: Ken Lyon, Associate Planner)**

Ken Lyon, Associate Planner, provided background information as outlined in the staff report dated March 14, 2012.



NOTE:
 CHOKER DESIGN AS APPROVED
 ON FINAL TRACT MAP STREET
 IMPROVEMENT PLANS AND
 APPROVED LANDSCAPE PLANS



MSA CONSULTING, INC.
 PLANNING ■ CIVIL ENGINEERING ■ LAND SURVEYING
 34200 BOB HOPE DRIVE ■ RANCHO MIRAGE ■ CA 92270
 TELEPHONE (760) 320-9811 ■ FAX (760) 323-7893

MONTE SERENO STREET CHOKER STUDY
 TRACT MAP NO. 30046
 IN THE CITY OF PALM SPRINGS

2. OTHER BUSINESS:

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ACTION: To approve the proposed amendment to the Final Development Plans of Planned Development District 269, Case 5.0881, subject to the previous Conditions of Approval.

Motion Vice Chair Hudson, seconded by Leslie Munger and unanimously carried on a roll call vote.

AYES: Leslie Munger, Tracy Conrad, Philip Klatchko, J.R. Roberts, Chair Donenfeld, Vice Chair Hudson

3. PUBLIC HEARING:

- 3A. Case 5.1275 CZ / 7.1239 AMM / TPM 36438 - An application by Wessman Holdings, for a change of zone (CZ) from C1AA (Large Scale Retail Commercial) to C1 (Retail Business) and a parcel map waiver to reconfigure two existing lots. The application includes an Administrative Minor Modification (AMM) for a five (5) foot reduction in setbacks along Tahquitz Canyon Way. The 1.38 acre parcel map is located at the northeast corner of Tahquitz Canyon Way and Sunrise Way. Section 13; APNs 502-065-018 and 502-065-008. (Project Planner: Ken Lyon, Associate Planner)**

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