



## Planning Commission Staff Report

Date: April 14, 2010

Case No.: RV 10-001

Type: Recreational Vehicle Permit Appeal

Appellant: Marjorie Alhadeff of 1486 Driftwood Drive

Applicant: Scott Spande of 1520 Driftwood Drive

RV Location: 1520 Driftwood Drive

APN: 508-425-012

General Plan: Very Low Density Residential

Zone: R-1-C (Single Family Residential)

From: Craig A. Ewing, AICP, Director of Planning Services

Project Planner: David A. Newell, Associate Planner

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### **PROJECT DESCRIPTION:**

An appeal of the Planning Director's decision to the Planning Commission, approving a 31 foot long Recreation Vehicle (RV) located at 1520 Driftwood Drive.

### **RECOMMENDATION:**

That the Planning Commission uphold the decision of the Planning Director, Case No. RV 10-001, approving the application for a recreational vehicle permit for the property located at 1520 Driftwood Drive.

### **PRIOR ACTIONS:**

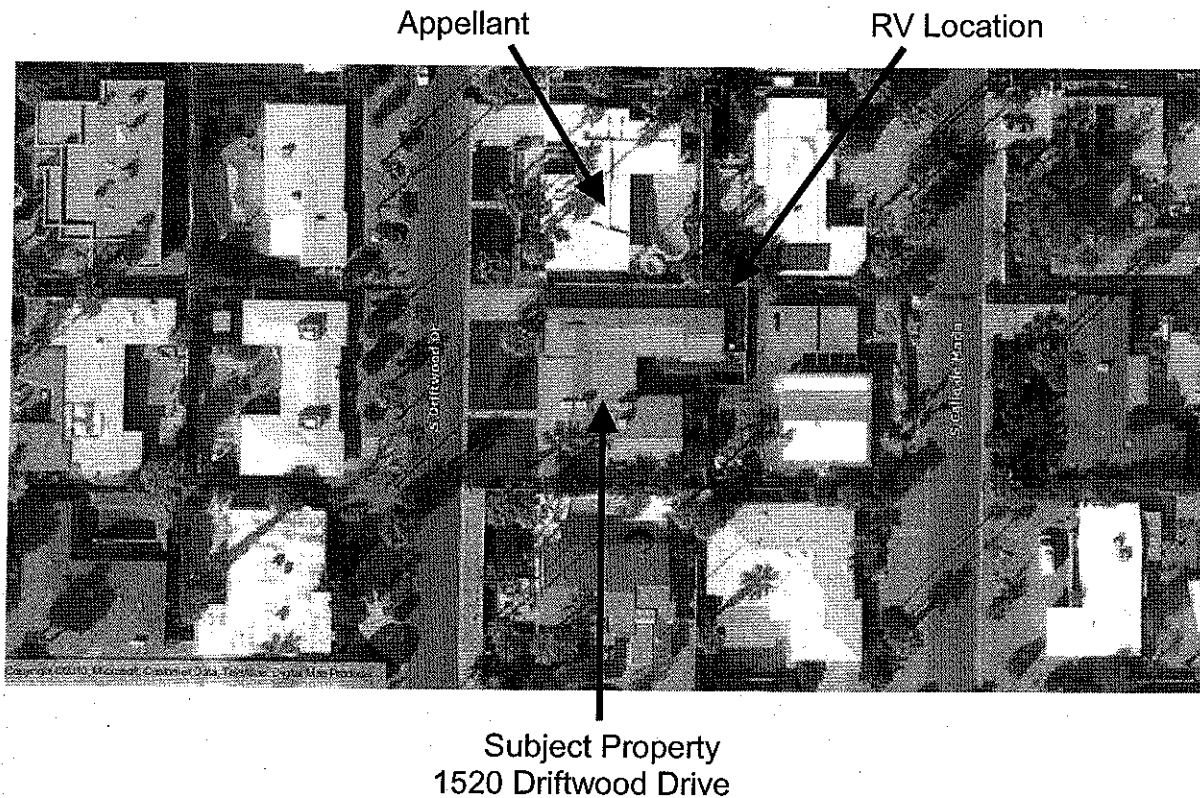
On March 18, 2010, the request for a Recreational Vehicle Permit was approved by the Director of Planning Services.

**BACKGROUND:**

The subject property is bounded by residential uses to the North, East, South, and West. Surrounding Land Uses, Zoning, and General Plan designations are detailed in Table 1 below.

Table 1: Surrounding Land Uses, Zoning and General Plan

	Land Use	Zone	General Plan
North	Single Family Residential	R-1-C (Single Family Residential)	VLDR (Very Low Density Residential)
South	Single Family Residential	R-1-C (Single Family Residential)	VLDR (Very Low Density Residential)
East	Single Family Residential	R-1-C (Single Family Residential)	VLDR (Very Low Density Residential)
West	Single Family Residential	R-1-C (Single Family Residential)	VLDR (Very Low Density Residential)



The review process was prompted by a Code Enforcement action in direct response to complaints expressed from a neighboring property owner. The subject RV is 31 feet long, eight feet wide and ten feet tall. The property owner applied for an RV permit and received approval, subject to conditions, by the Planning Department on March 18, 2010. Conditions of Approval included the installation of landscaping and an irrigation system and modification to the existing wooden fence at the rear of the RV, among others. The property owner to the north of the subject property submitted a letter of

appeal on March 22, 2010.

**ANALYSIS:**

The City of Palm Springs Municipal Code Chapter 11 addresses the issue of Recreational Permits. A Recreational Vehicle Permit is required when Section 11.96.020 (a)(3) of the Palm Springs Municipal Code (PSMC), can not be met. This section states:

*(a) It shall be unlawful to park or store any recreational vehicle, commercial vehicle, semi-trailer, trailer, or boat of any kind in any residential zone of the city except as follows:*

*(3) Unless otherwise permitted by Section 11.96.050, the vehicle or boat is parked or stored outside of any required front or side front yard and is screened from view from any adjoining property or street.*

*If the recreational vehicle is visible from either street or adjacent properties, then an application is required.*

At the time of the application submittal, the presence of the 31 foot long recreational vehicle at 1520 Driftwood Drive was visible from the street; therefore meets the above criteria for requiring a permit from the City.

In addition, the application would be subject to conditions stated in the Palm Springs Municipal Code Section 11.97.050(c) as stated below:

*(c) Any permit granted hereunder must be subject to the following conditions:*

*(1) Only one permit may be issued per residential parcel.*

There is only one RV permit issued for this property.

*(2) The permit must identify the recreational vehicle by license number. Said vehicle may not exceed twenty-four feet in length unless the length in excess of twenty-four feet can be parked within the allowable side yard setback as otherwise provided in this chapter.*

The recreational vehicle is 31 feet in length and is currently parked within the required side and rear yard setbacks which are 10 feet and 15 feet, respectively.

*(3) The permit must identify where on the parcel the recreational vehicle may be parked.*

A site plan showing the parked RV is located within the official file.

- (4) The recreational vehicle must be screened from view from surrounding properties to the degree possible as determined by the planning director.*

The Planning Director reviewed all site plans, aerials and current pictures, and visited the property prior to making the approval decision. The determination was made that the presence of 10 foot high ficus trees along the side and rear walls adjacent to the RV will sufficiently screen the RV from view to the greatest degree possible.

- (5) The recreational vehicle must be maintained in a clean and usable appearance.*

The RV appears to be in good working order, clean and well maintained.

- (6) The permit shall expire upon the applicant's termination of their residency upon the parcel.*

Termination of the permit will occur if the RV is removed from the premises.

- (7) The parcel must be maintained in accordance with Section 93.19.00 of the Zoning Ordinance.*

The subject property meets the requirement of the property maintenance standards as set for in the zoning ordinance.

### **Appellant's Argument:**

In the letter received from the applicant, dated March 22, 2010, Ms. Alhadeff stated her grounds for the appeal which are paraphrased below with staff's response following:

- The RV is visible from her property at 1486 Driftwood Drive, specifically every angle in the back yard, the living room, dining room, kitchen, den and guest quarters.*

The underlying premise of the RV regulations is that RV's are permitted to park in residential properties "by right" if certain conditions are met. A permit is required only when these conditions cannot be met; for example, the RV is visible from off-site. In such cases, the permit identifies the most that can reasonably be done to minimize visibility. Screening of the RV can be done through several different methods. In this case, the applicant submitted a reasonable planting plan, and over time the fast growing vegetation will achieve the goal of screening the RV.

- The RV appears to be parked within one foot of the fence that separates the two yards.*

The RV is parked on the northeast corner of the property and as close to the roof overhang as possible. The RV is located five feet from the side wall for approximately 28 feet of its length, and two feet from the side wall for approximately three feet of its

length (the wall returns towards the house approximately 32 feet from the back wall). This places the RV further away from the adjoining neighbor's property line as shown on the accompanying site plan.

- *The RV obstructs natural views and privacy of surrounding properties. The view of the RV will make it difficult to sell the appellant's property.*

The Municipal Code allows these types of vehicles on private residential properties with the intent that they aren't / won't be viewed from off-site. The RV permit issued requires landscaping that will grow to a height of ten feet and provide a natural screen of the RV from the surrounding properties.

#### **REQUIRED FINDINGS:**

Pursuant to Section 11.97.020 of the Palm Springs Municipal Code, parking of a recreational vehicle in a single-family residential zone requires that two findings be made. Staff has reviewed these requirements and determined that all of the required findings have been met by the applicant. The required findings are as follows:

- 1) *The vehicle or boat is parked or stored outside any required front or side yard setback.*

The RV is parked outside of the front yard; there is no side front yard.

- 2) *The vehicle is screened from view from any adjoining property or street.*

The RV may be screened from the adjoining properties by relocating the vehicular gate five feet closer to the street (west). The screening of the RV will be achieved through the placement of ficus plants at the rear of the property and the side adjacent to the north property line.

#### **CONCLUSION:**

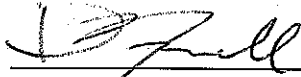
Considering all the information contained herein, staff is recommending that the Planning Commission uphold the decision of the Planning Director to approve the application for a Recreational Vehicle Permit, Case No. RV 10-001, located at 1520 Driftwood Drive (APN: 508-425-012).

#### **ENVIRONMENTAL ASSESSMENT:**

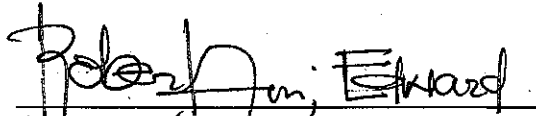
Pursuant to the California Environmental Quality Act (CEQA) Section 21065, the proposal is not considered a "Project" and is therefore not subject to CEQA requirements.

**NOTIFICATION:**

Notification is not required for this application.



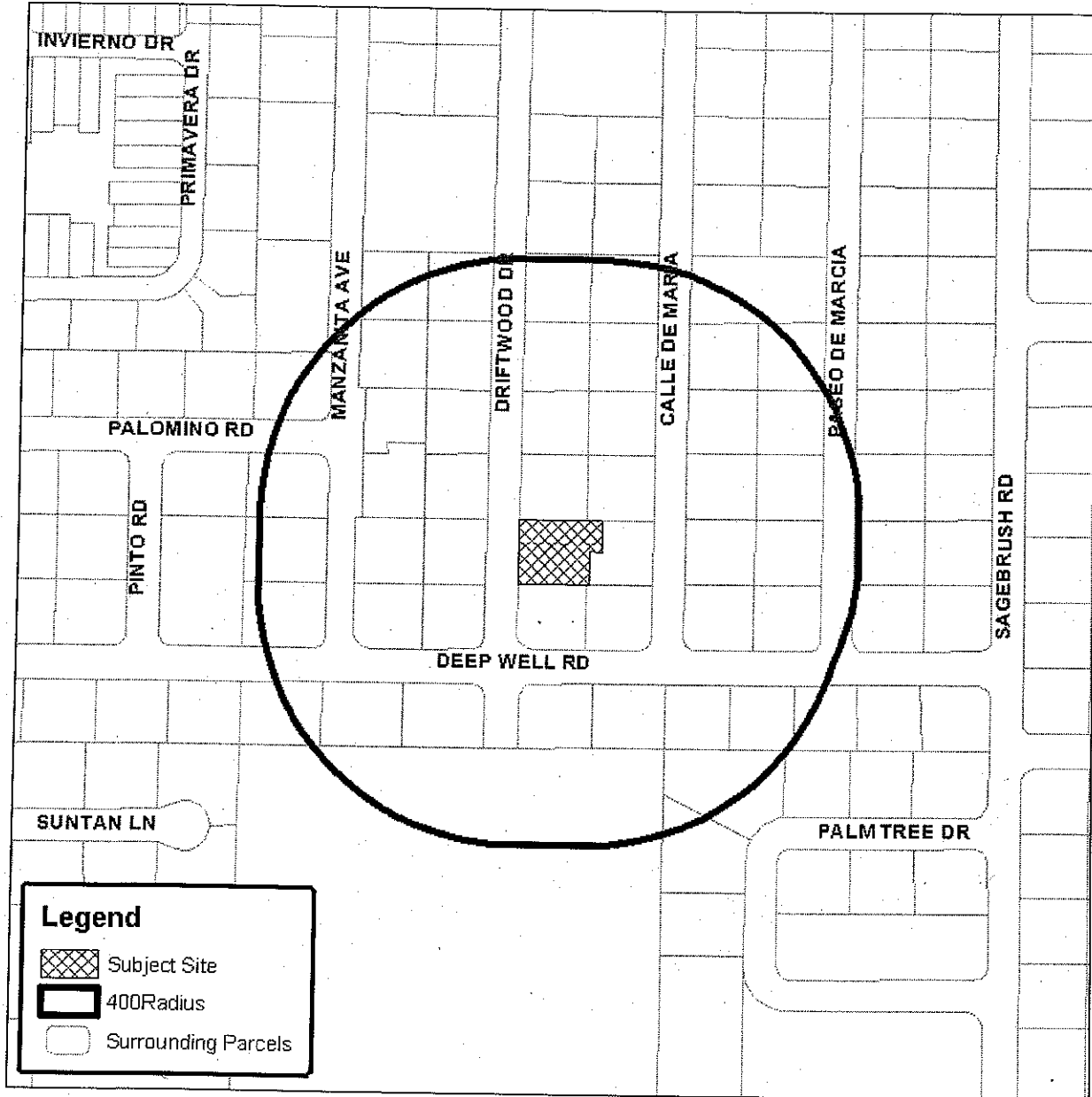
David A. Newell  
Associate Planner

for   
Craig A. Ewing, AICP  
Director of Planning Services

**ATTACHMENTS:**

1. 400' Radius Map
2. Draft Resolution
3. Letter requesting appeal to Planning Commission
4. Appellant's Photographs
5. RV Permit 10-001
6. Site Plan
7. Site Photographs

# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**CASE NO:** Appeal of RV 10-001

**APPLICANT:** Marjorie Alhadeff of  
1486 Driftwood Drive

**DESCRIPTION:** Appeal request of the Planning Director's Decision to approve RV permit 10-001, allowing an RV at 1520 Driftwood Drive, Zone R-1-C, Section 23.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, DENYING THE APPEAL BY MARJORIE ALHADEFF AND UPHOLDING THE DECISION OF THE PLANNING DIRECTOR TO APPROVE CASE NO. RV 10-001.

WHEREAS, Scott Spande ("Applicant") has filed an application with the City pursuant to Section 11.96.050 of the Palm Springs Municipal Code for a recreational vehicle permit located at 1520 Driftwood Drive, Zone R-1-C, Section 23; and

WHEREAS, on March 18, 2010, after careful consideration of staff's analysis, including several site visits, an analysis of the visibility of the recreational vehicle from adjoining properties and the street, consideration of the site plan, and consideration of neighbors complaints, the Planning Director approved the request for a recreational vehicle permit, Case No. RV10-001; and

WHEREAS, on March 22, 2010, Marjorie Alhadeff, 1486 Driftwood Drive, adjacent property owners, filed an appeal of the Planning Director's action in accordance with the City's procedures; and

WHEREAS, on April 14, 2010, the Planning Commission conducted a hearing on the matter, at which hearing the Planning Commission carefully reviewed and considered all of the evidence presented in connection with the proposal, including, but not limited to, the staff report, and all written and oral testimony presented.

THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The following required findings for the Recreational Vehicle Permit (Section 11.96.020(a)(3) of the Palm Springs Municipal Code) can be met by the proposal, as follows:

1. *The vehicle or boat is parked or stored outside of any required front or side front yard.*

The RV is parked outside of the front yard; there is no side front yard.

2. *The vehicle or boat is screened from view from any adjoining property or street.*

The screening of the RV will be achieved through the placement of ficus plants at the rear of the property and the side adjacent to the north property line. These plants will grow to a height of ten feet, which is equal to the height of the RV.



Resolution No.  
Case No. RV 10-001  
1520 Driftwood Drive

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April 14, 2010

SECTION 2. Based upon the foregoing, the Planning Commission hereby denies the appeal by Marjorie Alhadeff and upholds the decision of the Planning Director to approve Case No. RV 10-001.

ADOPTED this 14th day of April, 2010.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Craig A. Ewing, AICP  
Director of Planning Services

March 22<sup>nd</sup>, 2010

Mr. Craig Ewing  
City of Palm Springs  
Director of Planning  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

RECEIVED

MAR 22 2010

PLANNING SERVICES  
DEPARTMENT

**RE: RV Permit No. 10-001**

Mr. Ewing,

This appeal is in reference to the above RV permit that was granted to applicant Scott Spande, 1520 South Driftwood Drive, Palm Springs, CA 92264

The RV in question is next door to my property at 1486 S. Driftwood Drive. The RV is visible from every angle in the back yard, the living room, dining room, kitchen, den and guest quarters of my property. Furthermore, it appears that the RV is parked within one foot of the fence that separates the two yards. The RV certainly keeps my tenants, myself and my other neighbors from enjoying the privacy and natural views that should be customary in ones own backyard.

I plan to put this home on the market again after an unsuccessful attempt at selling it in 2009 for just over 1million dollars; this property will now be on the market at 799k. It is the professional opinion of my real estate agents, Patrick Jordan and Stewart Smith of Windermere Real Estate that the view of this RV will have a direct impact on being able to procure a buyer for this property. My real estate agents brought up a specific case in point on another listing that they had in "The Mesa" that had an RV parked in the adjacent property and the number one drawback was the view of the RV.

Considering the current financial market and the losses that I will already ascertain on this property, I totally object to having this RV parked or permitted in such a manner. The pool of potential buyers on a 799k home in an upscale neighborhood in Palm Springs should not have to be subjected to such visual blight.

As this property will be going on the market this week, I and my agents would certainly appreciate the prompt and immediate attention of The City of Palm Springs in coming to a logical conclusion in this matter: rescinding RV Permit No. 10-001.

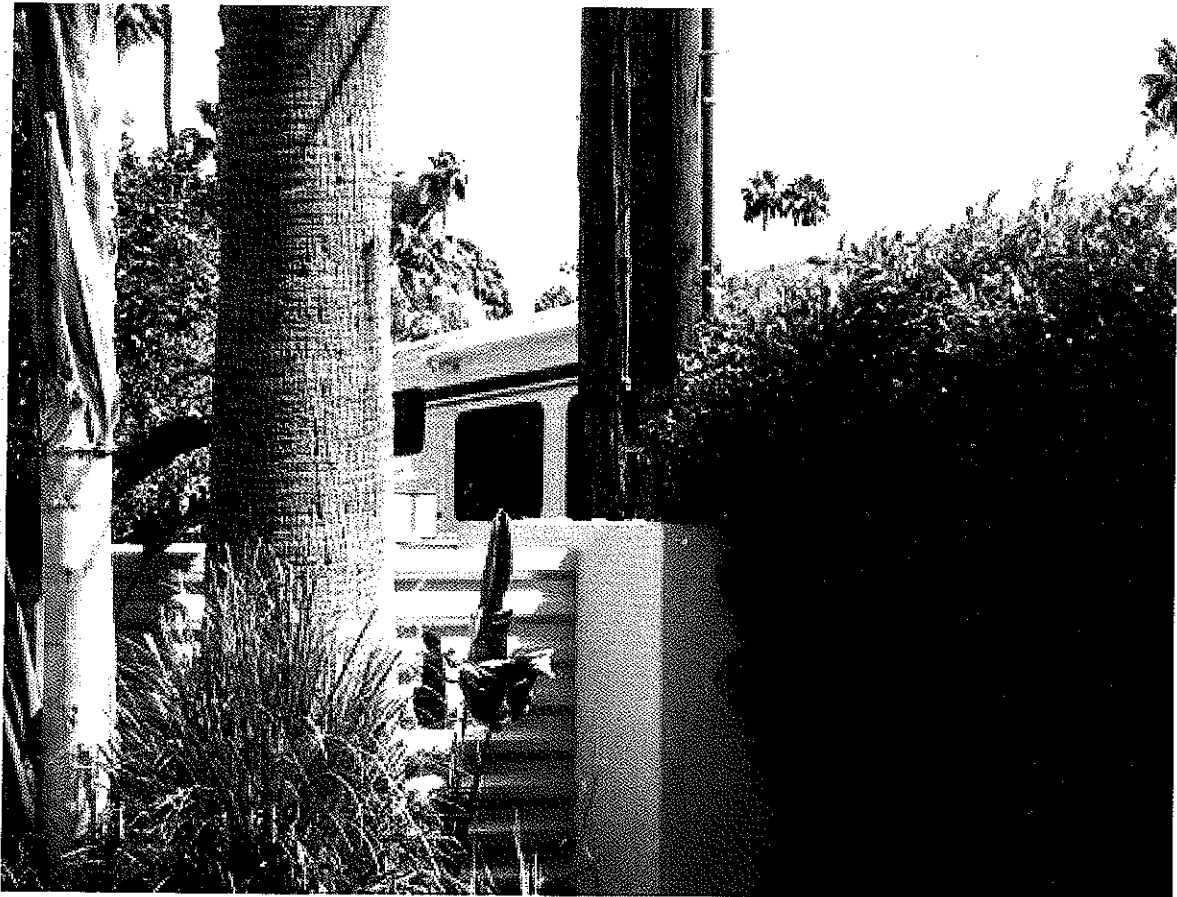
Attached are two pictures of the RV taken this morning, 03/22/10.

Sincerely,

  
Marjorie I. Alhadef









## RV Permit No. 10-001

Applicant: <b>Scott Spande</b>	Mailing Address: <b>1520 South Driftwood Drive, Palm Springs, CA 92264</b>
Phone: <b>(760) 673-7164</b>	Site Address: <b>1520 S. Driftwood Drive</b>
APN: <b>508-425-012</b>	Section, Township, Range: <b>23/4/4</b>

This permit sets forth the standards of the City of Palm Springs Municipal Code Section 11.96.050 – recreational vehicle parking permit.

### Findings:

1. *The vehicle or is parked or stored outside any required front or side front yard.*

The RV is parked outside of the front yard; there is no side front yard.

2. *The vehicle is screened from view from any adjoining property or street.*

The RV may be screened from the adjoining properties by relocating the vehicular gate five feet closer to the street (west). The screening of the RV will be achieved through the placement of ficus plants at the rear of the property and the side adjacent to the north property line.

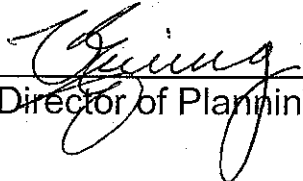
### ACTION:

March 18, 2010 – RV permit is **GRANTED**, subject to the following conditions.

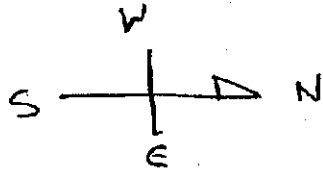
### Conditions:

- 1) The Recreational Vehicle shall be kept off-site until Conditions 2-5 below have been satisfied.
- 2) The existing gate must be moved five feet west and shall be reduced to six feet in height within ten feet of the side property line.
- 3) The new landscape planter shall be at least three feet in depth from the adjacent block wall.
- 4) The owner shall install fifteen gallon Ficus or Oleander shrubs with a minimum installation height of 5 feet, planted 42 inches on center in the locations indicated on the site plan.
- 5) Proper irrigation must be installed and maintained for the life of this permit.
- 6) Landscaping shall be left to grow to a height of 10 feet to help further screen the RV.
- 7) Revocation of this permit shall require immediate removal of the RV from the premises.

- 8) No person's are permitted to reside within the RV while parked on the subject property.
- 9) The RV shall be maintained in a clean and usable appearance.
- 10) The approval of this permit is not final until the appeal period has ended five days from the date of the decision.
- 11) The permit shall expire upon the applicant's termination of their residency upon the parcel.
- 12) Approval of a RV permit is granted for the above referenced property and license number only.

  
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Director of Planning Services

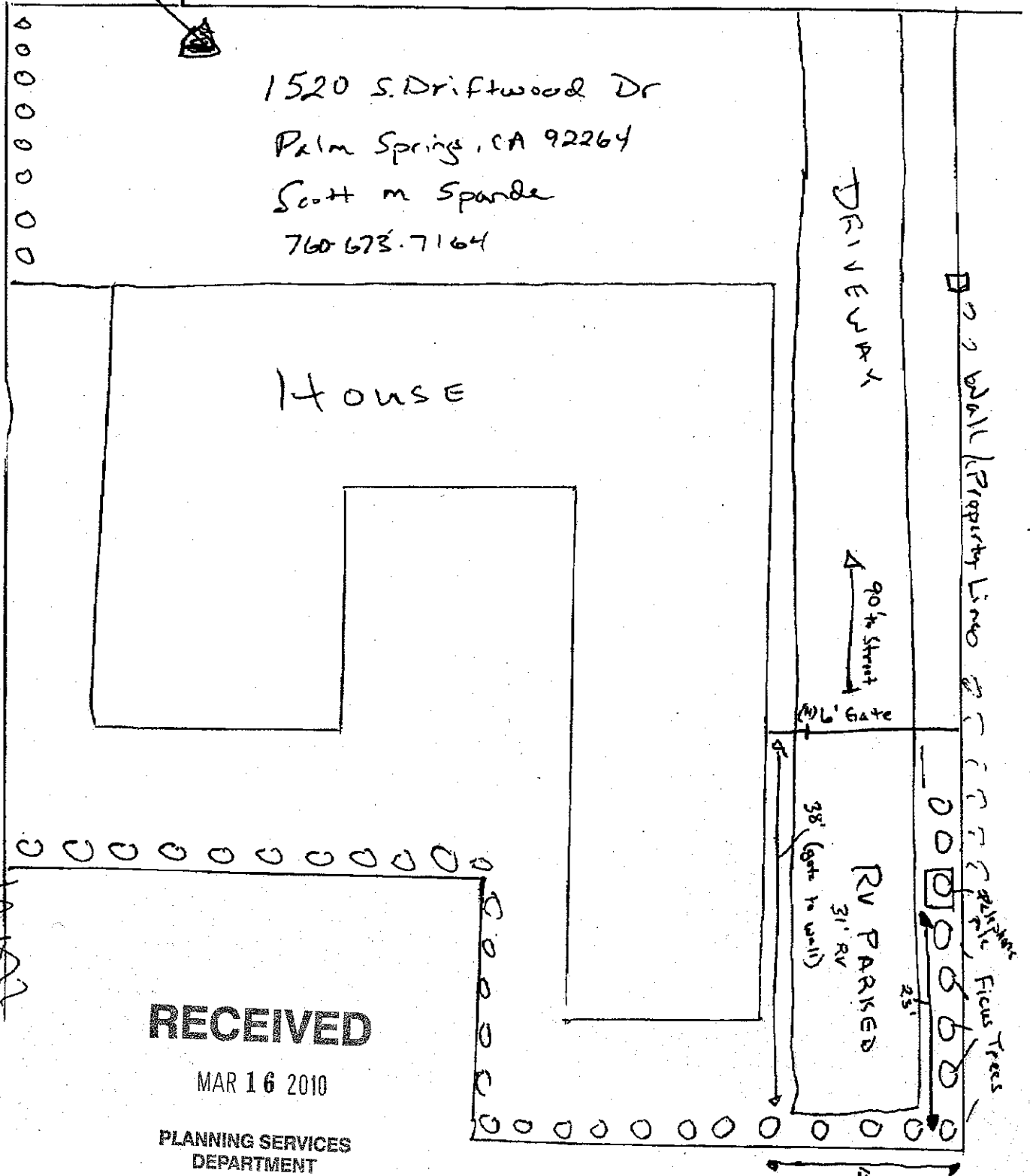
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\_\_\_\_\_  
Date



Attn: David

Fax: 760-322-8360 STREET

From: Scott Spande



1520 S. Driftwood Dr  
Palm Springs, CA 92264  
Scott M Spande  
760 673-7164

House

DRIVEWAY

90' Street

90' Gate

38' Gate to wall

RV PARKED

25'

Property Lines  
Ficus Trees

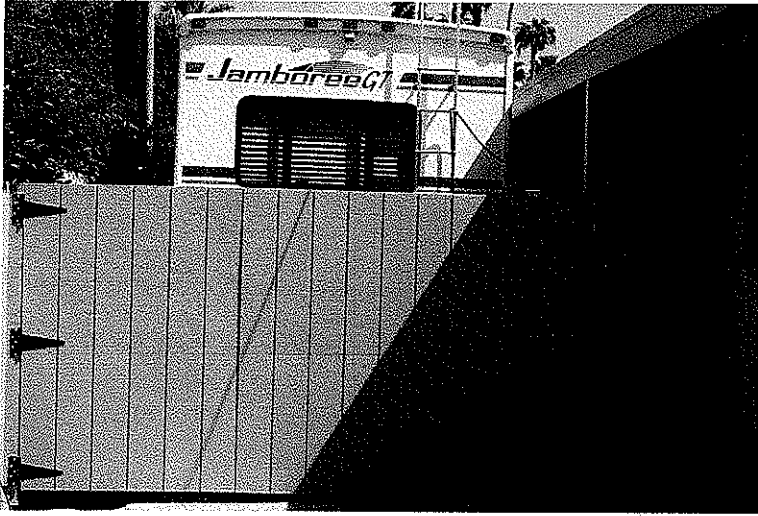
Wall

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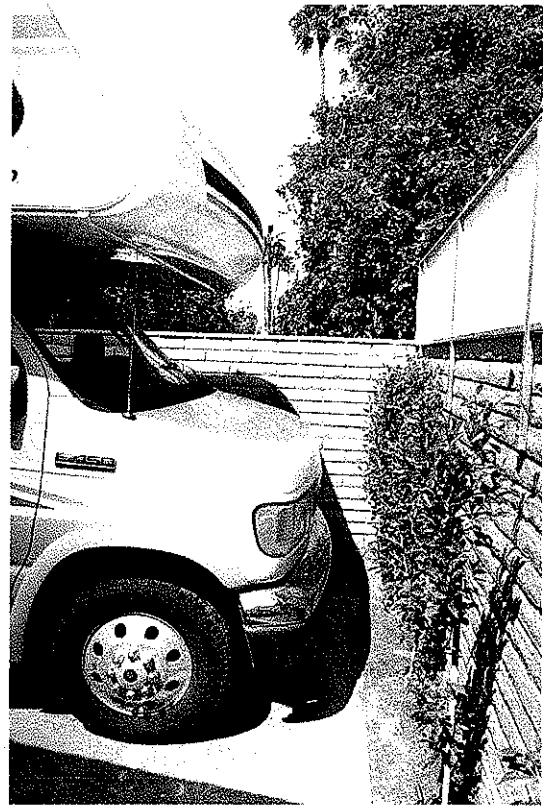
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PLANNING SERVICES DEPARTMENT





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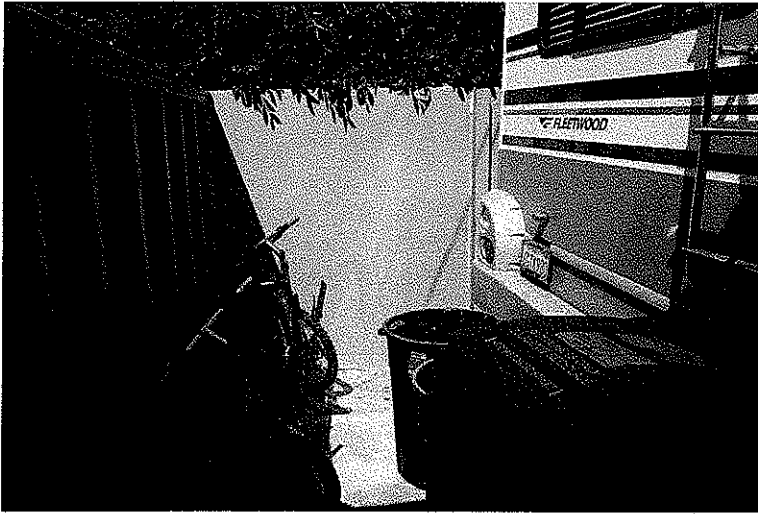
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MAR 24 2010

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RV 10-001



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MAR 24 2010

PLANNING SERVICES  
DEPARTMENT

RV 10-001