




# CITY OF PALM SPRINGS

## DEPARTMENT OF PLANNING SERVICES

### MEMORANDUM

**Date:** January 13, 2010

**To:** Planning Commission

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

**Subject:** Establishment of an Amnesty / Abatement Program for Non-Permitted Canopy Structures

---

Based on the comments received from the Commission at its October 28, 2009 meeting, staff has developed an approach to legalizing non-permitted canvas and canopy structures. As previously noted, it is estimated that the City has over two hundred such structures, most of which are located in front or side setbacks, and all of which lack building permits. One of the key elements to the draft program is to allow certain structures that do not comply with current zoning requirements to be legalized through an amnesty program. This memo describes the program and identifies a number of policy decisions that would need to be finalized by Council before the program could be implemented. Staff is seeking the Commission's comments, as well as a motion to initiate a zone text amendment for the program.

#### **Preliminary Issues**

It is important to establish a couple of principles to begin the Commission's consideration of this issue. First, a canvas or lightweight canopy is a structure under the zoning code, having the same status as a permanent (stick-built) carport or garage. In fact, any structure that is intended to remain in a single location for more than 90 days is considered permanent:

*Structure, Temporary. "Temporary structure" means a structure which is readily movable and used or intended to be used for a period not to exceed ninety (90) consecutive days. Such structure shall be subject to all applicable property development standards for the zone in which it is located. (Palm Springs Zoning Code Section 90.00.10)*

The importance of this definition is that a light-weight, canvas-covered, plastic frame canopy that is placed on a property on a permanent basis is of no less concern to the Zoning Code than more robust construction; they are treated the same. One policy

question will be whether or not to create a definition for lighter-weight structures so that they may then receive different treatment under the Code.

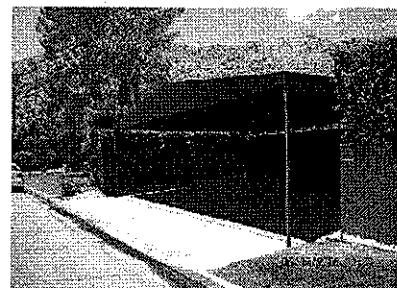
Another important issue when addressing non-permitted structures is to distinguish between the zoning code and the building code. The City has wide authority to modify and amend its rules for zoning: The ability to change zoning development standards (such as height, setback and lot coverage) is almost exclusively reserved to the City. However, the building code is a State law, developed to assure uniform standards for health and safety in the construction of buildings. Consequently, the City has little room to adjust the building code (it may adopt more restrictive standards when local conditions warrant).

As a result, the City's exploration of various policy options, including an amnesty, must first acknowledge that any program would only apply to the Zoning Ordinance. Whatever relief the City might offer to setback and height standards, all non-permitted structures must still obtain a building permit and comply with the building code. Since the building code has standards which address wind load and seismic safety, it is likely that many of the canopies built from light-weight materials or which are not properly anchored to the ground will not qualify for a building permit. They would have to be rebuilt to the Building Code or removed<sup>1</sup>. With that understanding, the focus of this memo will be almost exclusively on the Zoning Code.

In the R-1 zone, front yards are typically twenty-five (25) feet; lots fronting cul-de-sacs may have 20-foot front yard and those along major thoroughfares must provide fifty (50) feet. Structures are not permitted in the front yard, with exceptions provided for fences of limited height, landscape structures (fountains, bar-be-cues and the like), eave overhangs and certain other features. Side yards are typically ten (10) feet in width, and they are similarly restricted regarding structures.

### **Developing a Program**

In the informal survey conducted by the Code Enforcement Division of the Department of Building & Safety, most non-permitted canopies are located in the front and side yards of R-1 homes. Most of these are on interior lots, though canopies on corner lots can also be found. Here are a few examples:



<sup>1</sup> It should also be noted that the Building Code requires any structure built within 3 feet of a property line to have no "openings", including the space between the posts of a canopy. This would disqualify such structures within 3 feet of a property line. Structures fronting a street (front property line) may be exempt.

In order to bring these canopies into conformance with the City's Zoning and Building Codes, several options are available:

1. **Enforce Existing Laws:** The City could begin immediate enforcement of the current rules. Code Enforcement staff would notify owners of non-permitted structures that they must remove, or possibly relocate the structures from the front or side setbacks. If the structures are relocated, they must also comply with other provisions of the Zoning Code.
2. **Amend the Zoning Code to Allow Only Existing Structures in the Setbacks:** This would allow existing non-permitted structures that meet certain rules to remain, but not allow any new, similarly-located structures. This would include an amnesty program to provide a limited window for bringing existing structures into conformance, including:
  - a. An outreach program to homeowners with non-permitted structures;
  - b. A set of time limits:
    - i. Cut-off date for construction of non-permitted structure,
    - ii. Last date for making application, and
    - iii. Last date for finalizing the permit;
  - c. A set of rules and procedures:
    - i. Definition of canopies or carports,
    - ii. Minimum Setbacks, Area, Height,
    - iii. Maximum Heights within Setbacks,
    - iv. Allowed Materials / Design Parameters,
    - v. Establishment of a review process:
      1. Over-the-counter (staff approval),
      2. Architectural Advisory Committee review (w/ staff approval), or
      3. Planning Commission approval;
    - vi. Determination of the level of notification, if any; and
    - vii. Creation of findings for review and approval:
      1. No existing covered / enclosed parking,
      2. Absence of conforming location for canopy structure, and
      3. Attractive esthetics
  - d. Policies for related concerns:
    - i. Discovery of garages converted without permits, and
    - ii. Legal garages used for storage of other goods (non-vehicular).
3. **Amend the Zoning Code to Allow Structures in the Setbacks:** This would reset the laws for carports and other structures, including:
  - a. The creation of a definition for canopies or carports;
  - b. A reduction of setbacks to zero or some small number (three or five feet); and
  - c. The establishment of a review process:
    - i. Over-the-counter (staff approval),
    - ii. Architectural Advisory Committee review (w/ staff approval), or

iii. Planning Commission approval

This option would allow both existing non-permitted structures as well as new structures to be placed in setback areas.

**In any case, all non-permitted structures would be required to obtain a Building Permit and inspection sign-off.**

Staff believes the amnesty program (Option 2, above) provides the most appropriate response at this time, given the number of canopies that have proliferated over the past decade or more. The amnesty would give limited opportunity to those who have installed such structures, or acquired them as part of the purchase of their home, to bring them into conformance. Once again, staff believes that many such structures may well fail Building Code requirements; notwithstanding an amnesty and relief from the zoning code, many existing structures would have to be removed. (An additional policy question for the City, therefore, would be whether or not to allow homeowners to replace an existing structure in the setbacks with a new structure, if the existing structure does not pass muster with the Building Code.)

Zoning amnesty programs are very rare. A search on the internet showed only one similar program in California: An amnesty offered by the City of Alameda in 2008 for undocumented construction, especially bootlegged dwelling units. A summary of the program is attached, and staff notes that it has a more significant reach than the program envisioned for the City of Palm Springs because it addressed habitable buildings, not covered parking.

Staff is seeking the Commission's consensus on an approach to unpermitted canopy and carport structures. We do not believe the issue of unpermitted canopies should remain unresolved, because failure to address it would only lead to the installation of more and more potentially unsafe structures. While the issues and implications are complex, a solution that provides relief to most homeowners can be found. Staff recommends that the Planning Commission initiate a zone text amendment to establish an amnesty program based on Option 2 described above. Staff will return with a draft ordinance for discussion by the Commission. A future public hearing will also be held prior to the Commission's final recommendation.

**Attachments:**

1. City of Alameda Amnesty Program Summary
2. Planning Commission memorandum, October 28, 2009
3. Building & Safety Memoranda, July 27 and August 5, 2009



## **AMNESTY PROGRAM** FOR LEGALIZATION OF UNDOCUMENTED CONSTRUCTION

CITY OF ALAMEDA - PERMIT CENTER  
2263 SANTA CLARA AVENUE, ROOM 190  
ALAMEDA CA 94501  
510-747-6800 ph 510-747-6804 fax

### **What is eligible for the AMENSTY PROGRAM?**

The AMNESTY PROGRAM will allow undocumented construction work within the City of Alameda completed prior to the current code adoption date (January 1, 2008) to be approved by the City. Anyone who voluntarily applies to the AMNESTY PROGRAM may have the undocumented construction at their property recognized by the City provided that the work and materials comply with all minimum program and code requirements.

### **What is undocumented construction work?**

Undocumented construction work is any construction work completed at a property for which no City permit(s) were obtained or for which no permit records exist. This includes large jobs such as room additions, kitchen remodels, or small jobs such as adding plumbing for an additional sink. This also includes undocumented dwelling units.

## **UNDOCUMENTED DWELLING UNITS**

### **Is it possible to legalize undocumented dwelling units?**

An undocumented dwelling unit may be legalized by this program provided that:

- The subject dwelling unit has been verified as existing by Alameda County Assessor or utility records and/or by inspection by a City of Alameda Combination Inspector; and
- The subject dwelling unit can be proven to have been occupied at some time since August 1, 1993, based upon City of Alameda business records or a certified copy of Federal Tax returns; or,
- If documentary evidence regarding the date of last occupancy is inconclusive, the Building Official may make a determination that the subject dwelling unit has been occupied at some time since August 1, 1993 based upon available evidence. A copy of this written decision will be provided to neighboring property owners within 300 feet from the subject property. The decision of the Building Official may be appealed to the Housing and Building Code Hearing and Appeals Board within ten (10) days from the date of the written decision.

**What Zoning and Building Codes must be complied with?**

It will be necessary for the undocumented construction to comply with all Zoning and Building Codes and City Charter regulations in effect at the time of the original construction. The first step in the AMNESTY PROGRAM application process is the establishment of the date of the undocumented construction. Through a combination of physical inspection and review of available evidence, the Building Official will establish the presumed date of construction for the undocumented construction. Please see attached information sheets regarding ceiling heights and window requirements.

**Will the City need to perform any inspections as part of the program enrollment process?**

Yes, a major part of the program will be the inspection of the undocumented construction by a City Inspector to determine whether any health or life safety violations exist that needs to be corrected. The property owner must consent to inspection as a condition of participating in this program.

**How quickly must corrective work be completed?**

Extreme health and life safety violations will be required to be corrected within thirty (30) days. All necessary Building Permits and Zoning approvals must be obtained for the correction of other minor violations and any other work necessary to legalize the undocumented construction within one year from the program enrollment date. All necessary construction must be completed within one year from the date the correction permits are issued.

**Is it possible to "BACK OUT" of the program?**

It would be possible to "back out" of the program prior to the time that the undocumented construction is inspected by the City to determine whether there are any health or life safety violations that required correction. Potential program applicants are encouraged to participate in pre-qualification conferences/discussions with City staff to educate and inform themselves of their rights and obligations once they enroll into the program so that they may make informed decisions.

**Will any permit fees or development fees need to be paid as part of the AMNESTY PROGRAM?**

Yes. Any City permit fees or development fees in effect at the time of the original construction and that would have been applicable to the construction would need to be paid. The amount of the required fee would be based upon the current schedule of fees. Anyone who voluntarily enrolls into the AMNESTY PROGRAM would be exempt from all investigative fees.

**Will it be necessary to prepare any building plans?**

It is necessary to prepare a fully dimensioned plot plan and floor plan(s) of the existing building. The plot plan and floor must be drawn to scale. Please see attached submittal checklist.

**What happens if a property is sold after enrollment in the program?**

Prior to any property sale or transfer of title, the City will require all necessary permits for the necessary repair or correction work to be obtained by the seller. Prior to the final close of escrow, the seller would need to transfer the permits to the new owner. The new owner would then be responsible for completion of all the necessary correction work.

## PROCEDURES

1. Complete and submit "Application for Amnesty Program."
  - a. All applicable items on "Undocumented Construction Submittal Checklist" must be submitted with application.
  - b. Fee of \$40.00 to be submitted at time of application.
  
2. The Building Official will review the application and determine if application can be approved for program.
  - a. If Approved – staff will contact applicant to pay remainder fee of \$210.00 to set up inspection.
  - b. If Denied – further processing ceases and applicant is advised of reasons for denial and possible options
  
3. Inspection: A mutually agreeable date and time will be set for City staff to conduct an inspection of the subject property to:
  - a. Determine date of construction if necessary
  - b. Identify all zoning, health and life safety issues that need to be resolved in order for the City to recognize the undocumented construction
  - c. Inspections are conducted on Wednesdays and Thursdays at either 10:30 a.m. or 1:30 p.m. The applicant or an adult representative of the applicant must be present at this inspection.
  
4. Within 10 days following the inspection, the applicant will be provided with written inspection reports that identify all Health and Life Safety violations and other issues which must be resolved in order for the City to recognize the subject undocumented construction. The inspection report will identify the necessary Building Permits and Zoning Permits and Approvals in order for the subject undocumented construction to be recognized by the City. The Inspection reports will also identify milestone deadlines for the various issues.
  
5. Applicant submits necessary information (if any needed) to obtain necessary permits and approvals as soon as possible after inspection.
  - a. Permits are reviewed and issued
  - b. Correction work completed one year from date permits are issued.
  
6. City finals Amnesty Program application and updates City records.



# CITY OF PALM SPRINGS

## DEPARTMENT OF PLANNING SERVICES

### MEMORANDUM

**Date:** October 28, 2009  
**To:** Planning Commission  
**From:** Craig A. Ewing, AICP, Director of Planning Services  
**Subject:** Discussion of Portable Canvas / Canopy Structures

---

According to the City's Code Enforcement staff, there has been a proliferation of canopy structures erected in the front and side yards of single family properties in recent years. Most have not received any permit from Planning or Building and thus are in violation of both the Palm Springs Zoning Code and the Uniform Building Code. Code Enforcement also reports that there was an effort begun about five or so years ago to develop an approach to regulating these canopies, including an informal suspension of enforcement. However, no policy was developed.

In response to some complaints filed against some of the newer installations, staff is revisiting the issue and seeks to develop for Council action an approach to these structures.

In advance of bringing this item to the Commission, staff met with the Palm Springs Neighborhood Involvement Committee (PSNIC) and its Code Enforcement sub-committee. We shared the background information and received neighborhood feedback on the issue. The PSNIC sub-committee has been invited to the Commission's study session so that you may also hear their perspectives, as well as jointly consider possible alternatives. Code Enforcement staff will also be in attendance.

Staff offers the following items as a basis for the Commission's deliberations:

1. About 220 portable canopy structures are estimated by Code Enforcement to be found in the City. Others believe the number to be higher.
2. These structures are not considered "temporary" under the Palm Springs Zoning Code, which defines "temporary" as no more than 90 days.



3. These structures are subject to the Uniform Building Code, including requirements for wind and fire resistance. Most appear to be out of compliance with these requirements.
4. Structures located within the front or side yards are subject to abatement unless a Variance is approved by the Planning Commission. Staff believes that most cases would have a difficult time meeting the findings required for a Variance.
5. The lack of enforcement over the past years may have created a general expectation that such structures are permissible.
6. The desire for these structures may stem from any number of circumstances:
  - a. No covered parking on the property.
  - b. More than two cars owned by the household
  - c. Garages or carports that are used for the storage of household goods.
  - d. Non-permitted conversion of garages / carports.

Staff has attached two memoranda, a copy of relevant Building Code provisions and photographs of some of the canopies in the community for the Commission's review.

The Commission may direct staff, as follows:

1. Make no changes to the current zoning code and allow enforcement under the present R-1 standards to proceed;
2. Agendize on a future meeting the initiation of a Zone Text Amendment for provide relief from the yard standards for canopy structures, including Minor Modifications.
3. Consider creation of an amnesty program for existing canopies
4. Other direction

attachment



## Memorandum

Date: August 5, 2009  
To: Craig Ewing, Director of Planning & Zoning  
From: Terry Tatum, Building & Safety Supervisor  
Subject: Temporary and Permanent Tents, Canopies and Membrane Structures

All tents, canopies and membrane structures, both temporary (not erected for a period of more than 180 days) and permanent, shall comply with the California Building code, Section 2404.

Flame propagation performance treatment, Section 2404.2, shall have a permanently affixed label bearing the identification of size and fabric or material type.

Tents, canopies and membrane structures shall comply with Section 2401 of the California Building Code. For definitions refer to Section 2402.

(Section 2403) Permits shall be required per Appendix Chapter 1, Section 105.6 and 105.7

Inspections, refer to Section 2403.7

Engineering design (Section 3102.7) states "The structure shall be designed and constructed to sustain dead loads, loads due to tension or inflation, live loads including wind (95 mph, exposure "C"), snow or flood and seismic loads in accordance with Chapter 16.

Location (Section 3103.3): "Structures shall be located in accordance with requirements of Table 602. Structures not to be located less than ~~X~~ feet from property line."

## CHAPTER 24

# TENTS, CANOPIES AND OTHER MEMBRANE STRUCTURES

### SECTION 2401 GENERAL

**2401.1 Scope.** Tents, canopies and membrane structures shall comply with this chapter. The provisions of Section 2403 are applicable only to temporary membrane structures. The provisions of Section 2404 are applicable to temporary and permanent membrane structures.

### SECTION 2402 DEFINITIONS

**2402.1 Definitions.** The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

**AIR-SUPPORTED STRUCTURE.** A structure wherein the shape of the structure is attained by air pressure, and occupants of the structure are within the elevated pressure area.

**CANOPIE.** A structure, enclosure or shelter constructed of fabric or pliable materials supported by any manner, except by air or the contents it protects, and is open without sidewalls or drops on 75 percent or more of the perimeter.

**MEMBRANE STRUCTURE.** An air-inflated, air-supported, cable or frame-covered structure as defined by the *California Building Code* and not otherwise defined as a tent or canopy. See Chapter 31 of the *California Building Code*.

**TENT.** A structure, enclosure or shelter constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

### SECTION 2403 TEMPORARY TENTS, CANOPIES AND MEMBRANE STRUCTURES

**2403.1 General.** All temporary tents, canopies and membrane structures shall comply with this section.

**2403.2 Approval required.** Tents and membrane structures having an area in excess of 200 square feet (19 m<sup>2</sup>) and canopies in excess of 400 square feet (37 m<sup>2</sup>) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

#### Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Fabric canopies open on all sides which comply with all of the following:
  - 2.1. Individual canopies having a maximum size of 700 square feet (65 m<sup>2</sup>).
  - 2.2. The aggregate area of multiple canopies placed side by side without a fire break clearance of 12

feet (3658 mm), not exceeding 700 square feet (65 m<sup>2</sup>) total.

- 2.3. A minimum clearance of 12 feet (3658 mm) to all structures and other tents.

**2403.3 Place of assembly.** For the purposes of this chapter, a place of assembly shall include a circus, carnival, tent show, theater, skating rink, dance hall or other place of assembly in or under which persons gather for any purpose.

**2403.4 Permits.** Permits shall be required as set forth in Appendix Chapter 1, Sections 105.6 and 105.7.

**2403.5 Use period.** Temporary tents, air-supported, air-inflated or tensioned membrane structures and canopies shall not be erected for a period of more than 180 days within a 12-month period on a single premises.

**2403.6 Construction documents.** A detailed site and floor plan for tents, canopies or membrane structures with an occupant load of 50 or more shall be provided with each application for approval. The tent, canopy or membrane structure floor plan shall indicate details of the means of egress facilities, seating capacity, arrangement of the seating and location and type of heating and electrical equipment.

**2403.7 Inspections.** The entire tent, air-supported, air-inflated or tensioned membrane structure system shall be inspected at regular intervals, but not less than two times per permit use period, by the permittee, owner or agent to determine that the installation is maintained in accordance with this chapter.

**Exception:** Permit use periods of less than 30 days.

**2403.7.1 Inspection report.** When required by the fire code official, an inspection report shall be provided and shall consist of maintenance, anchors and fabric inspections.

**2403.8 Access, location and parking.** Access location and parking for temporary tents, canopies and membrane structures shall be in accordance with this section.

**2403.8.1 Access.** Fire apparatus access roads shall be provided in accordance with Section 503.

**2403.8.2 Location.** Tents, canopies or membrane structures shall not be located within 20 feet (6096 mm) of lot lines, buildings, other tents, canopies or membrane structures, parked vehicles or internal combustion engines. For the purpose of determining required distances, support ropes and guy wires shall be considered as part of the temporary membrane structure, tent or canopy.

#### Exceptions:

1. Separation distance between membrane structures, tents and canopies not used for cooking, is not required when the aggregate floor area does not exceed 15,000 square feet (1394 m<sup>2</sup>).

**2403.12.4 Doors.** Exit doors shall swing in the direction of exit travel. To avoid hazardous air and pressure loss in air-supported membrane structures, such doors shall be automatic closing against operating pressures. Opening force at the door edge shall not exceed 15 pounds (66 N).

**2403.12.5 Aisle.** The width of aisles without fixed seating shall be in accordance with the following:

1. In areas serving employees only, the minimum aisle width shall be 24 inches (610 mm) but not less than the width required by the number of employees served.
2. In public areas, smooth-surfaced, unobstructed aisles having a minimum width of not less than 44 inches (1118 mm) shall be provided from seating areas, and aisles shall be progressively increased in width to provide, at all points, not less than 1 foot (305 mm) of aisle width for each 50 persons served by such aisle at that point.

**2403.12.5.1 Arrangement and maintenance.** The arrangement of aisles shall be subject to approval by the fire code official and shall be maintained clear at all times during occupancy.

**2403.12.6 Exit signs.** Exits shall be clearly marked. Exit signs shall be installed at required exit doorways and where otherwise necessary to indicate clearly the direction of egress when the exit serves an occupant load of 50 or more.

**2403.12.6.1 Exit sign illumination.** Exit signs shall be of an approved self-luminous type or shall be internally or externally illuminated by luminaires supplied in the following manner:

1. Two separate circuits, one of which shall be separate from all other circuits, for occupant loads of 300 or less; or
2. Two separate sources of power, one of which shall be an approved emergency system, shall be provided when the occupant load exceeds 300. Emergency systems shall be supplied from storage batteries or from the on-site generator set, and the system shall be installed in accordance with the *California Electrical Code*.

**2403.12.7 Means of egress illumination.** Means of egress shall be illuminated with light having an intensity of not less than 1 foot-candle (11 lux) at floor level while the structure is occupied. Fixtures required for means of egress illumination shall be supplied from a separate circuit or source of power.

**2403.12.8 Maintenance of means of egress.** The required width of exits, aisles and passageways shall be maintained at all times to a public way. Guy wires, guy ropes and other support members shall not cross a means of egress at a height of less than 8 feet (2438 mm). The surface of means of egress shall be maintained in an approved manner.

## SECTION 2404 TEMPORARY AND PERMANENT TENTS, CANOPIES AND MEMBRANE STRUCTURES

**2404.1 General.** All tents, canopies and membrane structures, both temporary and permanent, shall be in accordance with this section. Permanent tents, canopies and membrane structures shall also comply with the *California Building Code*.

**2404.2 Flame propagation performance treatment.** Before a permit is granted, the owner or agent shall file with the fire code official a certificate executed by an approved testing laboratory certifying that the tents; canopies and membrane structures and their appurtenances; sidewalls, drops and tarpaulins; floor coverings, bunting and combustible decorative materials and effects, including sawdust when used on floors or passageways, shall be composed of material meeting the flame propagation performance criteria of NFPA 701 or shall be treated with a flame retardant in an approved manner and meet the flame propagation performance criteria of NFPA 701, and that such flame propagation performance criteria are effective for the period specified by the permit.

**2404.3 Label.** Membrane structures, tents or canopies shall have a permanently affixed label bearing the identification of size and fabric or material type.

**2404.4 Certification.** An affidavit or affirmation shall be submitted to the fire code official and a copy retained on the premises on which the tent or air-supported structure is located. The affidavit shall attest to the following information relative to the flame propagation performance criteria of the fabric:

1. Names and address of the owners of the tent, canopy or air-supported structure.
2. Date the fabric was last treated with flame-retardant solution.
3. Trade name or kind of chemical used in treatment.
4. Name of person or firm treating the material.
5. Name of testing agency and test standard by which the fabric was tested.

**2404.5 Combustible materials.** Hay, straw, shavings or similar combustible materials shall not be located within any tent, canopy or membrane structure containing an assembly occupancy, except the materials necessary for the daily feeding and care of animals. Sawdust and shavings utilized for a public performance or exhibit shall not be prohibited provided the sawdust and shavings are kept damp. Combustible materials shall not be permitted under stands or seats at any time. The areas within and adjacent to the tent or air-supported structure shall be maintained clear of all combustible materials or vegetation that could create a fire hazard within 20 feet (6096 mm) of the structure. Combustible trash shall be removed at least once a day from the structure during the period the structure is occupied by the public.

**2404.6 Smoking.** Smoking shall not be permitted in tents, canopies or membrane structures. Approved "No Smoking" signs shall be conspicuously posted in accordance with Section 310.

**2404.7 Open or exposed flame.** Open flame or other devices emitting flame, fire or heat or any flammable or combustible liquids, gas, charcoal or other cooking device or any other

## CHAPTER 31

# SPECIAL CONSTRUCTION

### SECTION 3101 GENERAL

**3101.1 Scope.** The provisions of this chapter shall govern special building construction including membrane structures, temporary structures, pedestrian walkways and tunnels, awnings and canopies, marquees, signs, and towers and antennas.

### SECTION 3102 MEMBRANE STRUCTURES

**3102.1 General.** The provisions of this section shall apply to air-supported, air-inflated, membrane-covered cable and membrane-covered frame structures, collectively known as membrane structures, erected for a period of 180 days or longer. Those erected for a shorter period of time shall comply with the *California Fire Code*. Membrane structures covering water storage facilities, water clarifiers, water treatment plants, sewage treatment plants, greenhouses and similar facilities not used for human occupancy, are required to meet only the requirements of Sections 3102.3.1 and 3102.7.

**3102.2 Definitions.** The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein:

**AIR-INFLATED STRUCTURE.** A building where the shape of the structure is maintained by air pressurization of cells or tubes to form a barrel vault over the usable area. Occupants of such a structure do not occupy the pressurized area used to support the structure.

**AIR-SUPPORTED STRUCTURE.** A building wherein the shape of the structure is attained by air pressure and occupants of the structure are within the elevated pressure area. Air-supported structures are of two basic types:

**Double skin.** Similar to a single skin, but with an attached liner that is separated from the outer skin and provides an airspace which serves for insulation, acoustic, aesthetic or similar purposes.

**Single skin.** Where there is only the single outer skin and the air pressure is directly against that skin.

**CABLE-RESTRAINED, AIR-SUPPORTED STRUCTURE.** A structure in which the uplift is resisted by cables or webbings which are anchored to either foundations or dead men. Reinforcing cable or webbing is attached by various methods to the membrane or is an integral part of the membrane. This is not a cable-supported structure.

**MEMBRANE-COVERED CABLE STRUCTURE.** A nonpressurized structure in which a mast and cable system provides support and tension to the membrane weather barrier and the membrane imparts stability to the structure.

**MEMBRANE-COVERED FRAME STRUCTURE.** A nonpressurized building wherein the structure is composed of a

rigid framework to support a tensioned membrane which provides the weather barrier.

**NONCOMBUSTIBLE MEMBRANE STRUCTURE.** A membrane structure in which the membrane and all component parts of the structure are noncombustible.

**3102.3 Type of construction.** Noncombustible membrane structures shall be classified as Type IIB construction. Noncombustible frame or cable-supported structures covered by an approved membrane in accordance with Section 3102.3.1 shall be classified as Type IIB construction. Heavy timber frame-supported structures covered by an approved membrane in accordance with Section 3102.3.1 shall be classified as Type IV construction. Other membrane structures shall be classified as Type V construction.

**Exception:** Plastic less than 30 feet (9144 mm) above any floor used in greenhouses, where occupancy by the general public is not authorized, and for aquaculture pond covers is not required to meet the fire propagation performance criteria of NFPA 701.

**3102.3.1 Membrane and interior liner material.** Membranes and interior liners shall be either noncombustible as set forth in Section 703.4 or meet the fire propagation performance criteria of NFPA 701 and the manufacturer's test protocol.

**Exception:** Plastic less than 20 mil (0.5 mm) in thickness used in greenhouses, where occupancy by the general public is not authorized, and for aquaculture pond covers is not required to meet the fire propagation performance criteria of NFPA 701.

**3102.4 Allowable floor areas.** The area of a membrane structure shall not exceed the limitations set forth in Table 503, except as provided in Section 506.

**3102.5 Maximum height.** Membrane structures shall not exceed one story nor shall such structures exceed the height limitations in feet set forth in Table 503.

**Exception:** Noncombustible membrane structures serving as roofs only.

**3102.6 Mixed construction.** Membrane structures shall be permitted to be utilized as specified in this section as a portion of buildings of other types of construction. Height and area limits shall be as specified for the type of construction and occupancy of the building.

**3102.6.1 Noncombustible membrane.** A noncombustible membrane shall be permitted for use as the roof or as a skylight of any building or atrium of a building of any type of construction provided it is at least 20 feet (6096 mm) above any floor, balcony or gallery.

**3102.6.1.1 Membrane.** A membrane meeting the fire propagation performance criteria of NFPA 701 shall be permitted to be used as the roof or as a skylight on build-

## SPECIAL CONSTRUCTION

ings of Type IIB, III, IV and V construction, provided it is at least 20 feet (6096 mm) above any floor, balcony or gallery.

**3102.7 Engineering design.** The structure shall be designed and constructed to sustain dead loads; loads due to tension or inflation; live loads including wind, snow or flood and seismic loads and in accordance with Chapter 16.

**3102.8 Inflation systems.** Air-supported and air-inflated structures shall be provided with primary and auxiliary inflation systems to meet the minimum requirements of Sections 3102.8.1 through 3102.8.3.

**3102.8.1 Equipment requirements.** This inflation system shall consist of one or more blowers and shall include provisions for automatic control to maintain the required inflation pressures. The system shall be so designed as to prevent overpressurization of the system.

**3102.8.1.1 Auxiliary inflation system.** In addition to the primary inflation system, in buildings exceeding 1,500 square feet (140 m<sup>2</sup>) in area, an auxiliary inflation system shall be provided with sufficient capacity to maintain the inflation of the structure in case of primary system failure. The auxiliary inflation system shall operate automatically when there is a loss of internal pressure and when the primary blower system becomes inoperative.

**3102.8.1.2 Blower equipment.** Blower equipment shall meet the following requirements:

1. Blowers shall be powered by continuous-rated motors at the maximum power required for any flow condition as required by the structural design.
2. Blowers shall be provided with inlet screens, belt guards and other protective devices as required by the building official to provide protection from injury.
3. Blowers shall be housed within a weather-protecting structure.
4. Blowers shall be equipped with backdraft check dampers to minimize air loss when inoperative.
5. Blower inlets shall be located to provide protection from air contamination. The location of inlets shall be approved.

**3102.8.2 Standby power.** Wherever an auxiliary inflation system is required, an approved standby power-generating system shall be provided. The system shall be equipped with a suitable means for automatically starting the generator set upon failure of the normal electrical service and for automatic transfer and operation of all of the required electrical functions at full power within 60 seconds of such service failure. Standby power shall be capable of operating independently for a minimum of 4 hours.

**3102.8.3 Support provisions.** A system capable of supporting the membrane in the event of deflation shall be provided for in air-supported and air-inflated structures having an occupant load of 50 or more or where covering a swimming pool regardless of occupant load. The support system shall be capable of maintaining membrane structures used

as a roof for Type I construction not less than 20 feet (6096 mm) above floor or seating areas. The support system shall be capable of maintaining other membranes at least 7 feet (2134 mm) above the floor, seating area or surface of the water.

## SECTION 3103 TEMPORARY STRUCTURES

**3103.1 General.** The provisions of this section shall apply to structures erected for a period of less than 180 days. Tents and other membrane structures erected for a period of less than 180 days shall comply with the *California Fire Code*. Those erected for a longer period of time shall comply with applicable sections of this code.

**3103.1.1 Permit required.** Temporary structures that cover an area in excess of 120 square feet (11.16 m<sup>2</sup>), including connecting areas or spaces with a common means of egress or entrance which are used or intended to be used for the gathering together of 10 or more persons, shall not be erected, operated or maintained for any purpose without obtaining a permit from the building official.

**3103.2 Construction documents.** A permit application and construction documents shall be submitted for each installation of a temporary structure. The construction documents shall include a site plan indicating the location of the temporary structure and information delineating the means of egress and the occupant load.

**3103.3 Location.** Temporary structures shall be located in accordance with the requirements of Table 602 based on the fire-resistance rating of the exterior walls for the proposed type of construction.

**3103.4 Means of egress.** Temporary structures shall conform to the means of egress requirements of Chapter 10 and shall have a maximum exit access travel distance of 100 feet (30 480 mm).

## SECTION 3104 PEDESTRIAN WALKWAYS AND TUNNELS

**3104.1 General.** This section shall apply to connections between buildings such as pedestrian walkways or tunnels, located at, above or below grade level, that are used as a means of travel by persons. The pedestrian walkway shall not contribute to the building area or the number of stories or height of connected buildings.

**3104.2 Separate structures.** Connected buildings shall be considered to be separate structures.

### Exceptions:

1. Buildings on the same lot in accordance with Section 503.1.2.
2. [HCD 1-AC & DSA-AC] For purposes of *accessibility as required by Chapter 11A*, structurally connected buildings, buildings connected by stairs, walkways, or roofs, and buildings with multiple wings shall be considered one structure.



## Memorandum

Date: July 27, 2009  
To: Craig Ewing, Director of Planning & Zoning  
From: Terry Tatum, Building & Safety Supervisor TT  
Subject: Temporary/Portable Shade Structures

Per our discussion, staff has determined that there are approximately 220 portable shade structures located throughout the City. These are mostly located in areas such as front yards, and side and rear setbacks.

TT:bo