



CITY OF PALM SPRINGS

DEPARTMENT OF PLANNING SERVICES

MEMORANDUM

Date: February 3, 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 direction received from the Commission at its January 13, 2010 meetings, staff has proceeded with the preparation of an amnesty program for existing non-permitted canopy structures. To begin, staff has developed a set of questions for the Commission's review that would set the terms of such a program.

The Commission should work through each question, some of which may be decided by consensus and some will need a motion and vote. **Please note that these questions may take some time for the Commission to answer, and that a decision is not required at this Study Session. Staff will be seeking Commission dialogue, which may include direction for more research before a decision is made.** We also recommend that you review all the questions before drawing any conclusions on individual issues.

Once completed, staff will begin the development of code language for recommendation by the Commission to City Council.

1. Establishing the timing of the program
Amnesties typically have certain time limits by which people may apply and thereafter comply with the program:
 - a. What should the cut-off date be for construction of a non-permitted structure that would be eligible for an amnesty?
 - The effective date of adoption of the ordinance
 - December 31, 2009
 - Other date _____

- b. What should the cut-off date be for applying for the amnesty (after this date, the amnesty would not be available)?
- Within 6 months of construction cut-off date
 - Within one year of construction cut-off date
 - No end date.
- c. Once a determination is made that the project qualifies under the terms of the amnesty / compliance program, how much time should the applicant have to bring the property into compliance (i.e., obtain final inspection / sign-off)?
- 90 days
 - Six months, subject to an indemnity waiver
 - Two years, subject to an indemnity waiver
 - Five years, subject to an indemnity waiver
 - Compliance required only at time of property sale / transfer
 - Different schedules for different circumstances, including project cost, availability of other legal, covered parking, etc.

2. Amnesty Rules and Procedures

The regulations within the amnesty program must address a number of issues to set the boundaries by which individual applications may be qualified and evaluated:

- a. Most existing, non-permitted canopies are used to provide covered parking, but some are used for other purposes, including pool covers, storage and the like. Should the amnesty program be limited to parking covers or to any existing, non-permitted canopy?
- Any canopy or covering structure may be eligible, regardless of purpose
 - Only canopies / carports located for use as parking cover may be eligible.

- b. What kind of existing, non-permitted canopy or carport structure should be considered eligible for amnesty (even if the structure itself might not remain for reasons of the Building Code)?
- Any covered canopy regardless of materials, including suspended fabric.
 - Only solid, non-fabric structures, including wood, steel, aluminum, fiberglass, or combinations
 - Only stick-built carports
 - Other definition _____
- c. If an existing, non-permitted canopy / carport is located within the front yard or street side yard setback (typically required to be 20 to 25 feet), what should the amnesty-allowed front or street side yard setback be (subject to safe visibility, as determined by Public Works)?
- Whatever is set by the existing, non-permitted structure
 - Zero feet
 - 20% setback reduction (as allowed by an AMM)
 - No reduction from code-required setback
 - Other setback _____
- d. If an existing, non-permitted canopy / carport is located within the interior side yard setback (typically required to be 10 feet), what should the amnesty-allowed interior side setback be (subject to a minimum of 5 feet, per the State Building Code)?
- Whatever is set by the existing, non-permitted structure
 - Five feet
 - 20% setback reduction (as allowed by an AMM)
 - No reduction from code-required setback
 - Other setback _____

- e. Should there be a maximum allowed area (coverage) for a canopy / carport?
- No greater than what is currently existing
 - No greater than what is currently existing, but in no case more than 400 square feet (the size of an average 20 ft x 20 ft. two-car garage)
 - Max 400 square feet
 - Max 200 square feet (a typical 10 x 20 foot one-car garage)
 - No limit
 - Other area _____
- f. Should there be a maximum allowed height for a canopy / carport?
- No greater than what is currently existing
 - No greater than what is currently existing, but in no case more than 12 (the maximum allowed height at the property line in the R-1 zone)
 - Max 12 feet
 - Other height _____
- g. Canopies / carports which are highly visible due to their proximity to front or side property lines have raised concerns about these structures' appearance (esthetics). What approach should the amnesty program take regarding design review of existing, non-permitted structures or their replacements under the program?
- No design review, except in hillsides or on Major Thoroughfares (current rule in R-1 zone)
 - Design review at AAC or staff for all existing / replacement structures (findings discussed below)
 - Design review by Planning Commission for all existing / replacement structures (findings discussed below)
 - Other approach _____

3. Amnesty Procedures

The amnesty program will be administered through procedural rules that must deal with a large number of individual cases in a consistent manner. The underlying process will be no different than any zoning clearance: Application – Analysis & Review – Findings – Decision & Conditions – Appeal. Within this process are specific questions for the amnesty:

- a. After an application is determined to be qualified under the above rules, who makes the decision on the approval?
- Planning Staff, with the option of including the AAC
 - AAC required, then Planning Staff
 - AAC required, then Planning Commission
 - Different approvals for different circumstances, including amount of zoning relief, proposed materials, project size, etc.
 - Other method _____
- b. How much notification should be provided to the community prior to a decision?
- No notification
 - Immediately adjacent neighbors
 - 400-foot radius mailing / publication in the Desert Sun
 - Other _____
- c. Since “findings” will be required for a decision on an amnesty request, what values should the findings reflect in determining the continuation or replacement of an existing, non-permitted canopy / carport (in addition to basic health & safety, etc.)?
- Need for parking (see discussion below)
 - Appearance (esthetics)
 - Compatibility with home / neighborhood
 - Others _____

4. Other issues are likely to be raised by the discovery and processing of existing, non-permitted canopies and carports, especially illegally converted garages, garages used for storage and the like. How should the amnesty program address these issues?
 - a. Should garages used for storage be a justification for covered parking located in required setbacks?
 - Yes, findings should be available to allow
 - No
 - b. Should illegally-converted garages be a justification for covered parking located in required setbacks?
 - Yes, findings should be available to allow
 - No
 - Illegally-converted garages should be outside the purview of the amnesty program