



CITY OF PALM SPRINGS
DEPARTMENT OF PLANNING SERVICES

MEMORANDUM

Date: July 7, 2010
To: Planning Commission
From: Craig A. Ewing, AICP, Director of Planning Services
Subject: ZTA 5.1235 - Amnesty / Abatement Program for Non-Permitted Canopy Structures

Following the Commission's last study session (June 2, 2010) three Commissioners have toured two residential neighborhoods with staff. The tours provided a street view of how canopies and carports are used by homeowners. Based on the initial comments of those Commissioners, staff believes it worthwhile to revisit one of the early questions posed by the problem of non-permitted canopy and carport structures: "What should the City's basic approach be?"

On October 28, 2009 and again on January 13, 2010, the Commission considered several options, summarized as follows in the October 28 memo:

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

After much discussion, the Commission settled on the idea that existing canopies and carports could be retained, but similar new structures should not be allowed. The only way to reasonably implement that approach would be to create an amnesty opportunity for existing structures. All the Commission's subsequent work has been to develop the terms and provisions for such an amnesty, and a draft program is nearly complete. Nevertheless, the basic question may be worth revisiting in light of recent comments.

The Commission may recall that during its joint meeting with the City Council and Architectural Advisory Committee on April 7, 2010, Council members expressed concerns with the impact of an amnesty on homeowners (see attached Council meeting minutes). Mindful of those comments, staff posed a question to Commissioners during the tour: "If there were twice as many street-front canopies in the neighborhood as there are today, and if they all met minimal design and quality standards, would it be acceptable?" This is a somewhat leading question. If the answer is "Yes" then the

Commission should consider allowing canopies and carports in front or street-side yards for anyone, subject to design and quality standards.

Staff believes this to be a reasonable option to consider because:

- Even if everyone could have a canopy or carport in the front or street side (corner) yard, not everyone would chose to; it seems unlikely that the entire City would be overwhelmed with canopies.
- Design and quality standards could be established to assure that the location, orientation, appearance, colors and materials of canopies and carports would complement surrounding structures.
- Commission approval could be required for exceptions to allow good designs that did not meet the specific standards.
- Enforcement against non-complying structures would be easier because homeowners would have new options for upgrading, relocating or replacing existing structures.

Staff is interested in the Commission's thoughts on revisiting this basic question.

Attachments:

- City Council Joint Session meeting minutes, April 7, 2010 (excerpt)
- Planning Commission Study Session meeting minutes, June 2, 2010 (excerpt)
- Staff memo, Commission Study Session of June 2, 2010

CITY OF PALM SPRINGS
Planning Commission Study Session Minutes
June 2, 2010
Large Conference Room, City Hall
3200 East Tahquitz Canyon Way
Palm Springs, California

CALL TO ORDER:

Chair Cohen called the meeting to order at 2:01 p.m.

Roll Call:	Present This Meeting:	Present to Date:	FY: 2009 / 2010 Absences:
Tracy Conrad		12	9
Doug Donenfeld	X	21	0
Doug Hudson	X	18	1
Leslie Munger	X	15	4
Bill Scott	X	19	2
Jon Caffery, Vice Chair		16	5
Leo Cohen, Chair	X	19	2

REPORT OF POSTING OF AGENDA:

The agenda was posted for public access at the City Hall exterior bulletin board (west side of Council Chamber) and the Planning Services counter by 4:00 p.m. on Thursday, 27, 2010.

ACCEPTANCE OF THE AGENDA: The agenda was accepted, as presented.

PUBLIC COMMENTS: Three (3) minutes is allowed for each speaker.

Chair Cohen opened public comments; and with no appearances coming forward public comments was closed.

1. DISCUSSION:

- 1A. 5.1235 ZTA: Amnesty / Abatement Program for Non-Permitted canopy and Carport Structures – Discussion of Public Outreach and Program Implementation

Director Ewing provided an overview on the Commission's previous discussions on the issue of non-permitted canopies and carports. He reported that education and public outreach will be critical to the success of the program that is implemented.

Staff believes there are three elements to a successful outreach program: How we connect with homeowners, what we tell them and how we invite feedback / participation in the program. Director Ewing explained that a series of workshops could be organized with the Neighborhood Organizations to inform their members. The Commission discussed neighborhood organizations, distribution of fliers, a booth at the annual neighborhood picnic, converted garages and amortization.

Commissioner Donenfeld suggested the local newspaper could be used to provide information to the general public. Director Ewing provided an overview on the process of the amnesty program including the notification process, zoning clearance, building permits and sign-off. He suggested the Commission, along with staff, could participate in the "windshield survey" and tour the neighborhoods.

Director Ewing noted that there are 1300 single detached homes and it would not be difficult to find out how many of these homes are a part of the neighborhood organizations; and so the question is how many remain and how do we contact these residents. Staff believes workshops are the best way to get this task accomplished.

Director Ewing recapped the Commission's suggestions in assisting with the task of public outreach:

1. Board of Directors
2. Neighborhood Organizations
3. Un-reinforced Masonry Programs
4. Building Safety Standards Specifications

Staff noted that a date and time would be scheduled for a canopy/carport tour consisting of two or three Commissioners at a time.

~~PLANNING COMMISSION COMMENTS:~~

~~Commissioner Munger reminder staff that she would not be present for the June 9th meeting.~~

~~PLANNING DIRECTOR'S COMMENTS:~~

~~Staff reported that the Specific Plan for the Desert Palisades project would be coming up on the meeting of June 23rd. Staff provided an update on the status of the Orchid Tree Inn and the Desert Fashion Plaza.~~

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planning services and approval of projects, consolidation of functions, and consistency of signage and the look and feel of the Downtown and Uptown areas.

Mayor Pougnet provided a recap of the direction that Subcommittees would be beneficial for public projects, and additional discussion is needed on easements and font sizes.



Craig Ewing, Director of Planning Services, provided background information on the discussion of an amnesty/abatement program for non-permitted canopy structures.

The City Council discussed and/or commented on the following with respect to non-permitted canopy structures: code enforcement issues and complaints, the purpose of taking on these structures during the current economic conditions, treating such as a variance and review on an individual basis, the length of the term of amnesty, the length of time to correct violations, and taking action first on those canopies in a high risk category.

No action taken.

~~The Planning Commission and Architectural Advisory Committee adjourned at 7:26 p.m., and the City Council recessed.~~

The City Council reconvened at 7:32 p.m.

PRESENTATIONS: Mayor Pougnet provided an update on the recent activities and events in the City of Palm Springs: Dinah Shore Weekend and Dog Park "Best of the Best."

Jacques Caussin announced to the City Council the success of the recent Modernism Week event in the City of Palm Springs.

Councilmember Mills provided an update on Census 2010.

1. PUBLIC HEARINGS:

- 1.B. NEXUS DEVELOPMENT AMENDING A PLANNED DEVELOPMENT DISTRICT AND TENTATIVE TRACT MAP, REDUCING THE DENSITY FROM 84 TO 53 RESIDENTIAL UNITS AND REVISING THE TENTATIVE TRACT MAP TO A SUBDIVISION OF 53 LOTS WITH COMMON AREAS AND PRIVATE ROADWAYS, LOCATED ON APPROXIMATELY 8.48 ACRES AT THE SOUTHEAST CORNER OF AVENIDA CABALLEROS AND ALEJO ROAD IN SECTION 14 (CASE 5.1082):**



CITY OF PALM SPRINGS
DEPARTMENT OF PLANNING SERVICES

MEMORANDUM

Date: June 2, 2010
To: Planning Commission
From: Craig A. Ewing, AICP, Director of Planning Services
Subject: ZTA 5.1235 - Amnesty / Abatement Program for Non-Permitted Canopy Structures

On April 7, 2010, the Commission conducted its third study session on the issue of non-permitted canopies and carports. The discussion centered on a "windshield survey" conducted by staff which helped describe actual conditions in the community related to non-permitted canopies and carports. The Commission provided comment on the provisional elements of an amnesty and compliance program, including some additional tuning of program rules and regulations.

In addition, the Commission met with the City Council and the Architectural Advisory Committee in joint session on the evening of April 7, 2010, and non-permitted canopies and carports were discussed. The joint meeting may be viewed via this link: <http://www.palmspringsca.gov/index.aspx?page=214>. In addition, relevant staff reports and meeting minutes are attached.

Public Outreach

While staff believes that the general terms of the amnesty and compliance program are nearly complete, the issue of public outreach and education remains to be addressed. The importance of educating the community about non-permitted canopies and carports cannot be underestimated. There are many residents who bought their homes with a canopy in place and do not know they have a non-permitted structure. Others have installed their canopies in reliance on inadequate information from the sellers or contractors. Others may have had some notion that permits were required, but proceeded anyway. In each of these circumstances, homeowners may find it difficult to understand why the City is now enforcing against these structures.

Clearly, some outreach should be undertaken before the amnesty / compliance program is implemented. In fact, based on Council comments at the April 7, 2010 joint meeting, staff anticipates that the success of the program will largely depend on an education and outreach effort that reaches out to all prospective applicants. The purpose of this memo is to present some ideas regarding community outreach and to seek Commission comments and suggestions.

Elements of an Outreach Program

Staff believes there are three elements to a successful outreach program: How we connect with homeowners, what we tell them and how we invite feedback / participation in the program. Each element has several options, with associated strengths and weaknesses.

Connecting with Homeowners

Getting the word out about an upcoming amnesty is a challenge. The program itself is a regulatory intrusion and many people will, consciously or unconsciously, tune out. To prepare the community, the City might communicate with residents via a post card, e-mail, newspaper advertising and the like. Each of these, however, has significant drawbacks. Post cards cost about \$0.50 each for about 13,000 detached single family dwellings¹, and such cards are easily missed among the flyers and advertisements in the mail. E-mail is virtually free, but we do not have an adequate address list, and "spam" blocking may further inhibit communications. Newspaper advertising is costly and does not reach many households.

In order that we have the highest message 'penetration', staff believes the City's Neighborhood Organizations are key to informing people about the amnesty. These organizations are an effective link between residents and the City on a variety of topics. Further, the Palm Springs Neighborhood Involvement Committee (PSNIC) has already taken an interest in the issue of non-permitted canopies and carports, and staff has met with PSNIC's Code Enforcement Committee three times on the matter. Staff has also met with a few Neighborhood Organization leaders who have been supportive of making the NO meetings available to the City to communicate to residents.

Staff believes that the most effective connection would be a series of workshops sponsored by the Neighborhood Organizations, conducted by staff and held in advance of any formal implementation of the amnesty program. Publicity would be directed through the Neighborhood Organizations' various communication channels and the workshops would be held at venues near the residents. For those single family neighborhoods without formal NO's, staff would need to reach out via other means: Perhaps a directed windshield survey with an invitation mailed to owners of property with identified canopies / carports would be possible. These workshops could be supplemented by web-site information, press releases and other communiqués.

Designing the Message

The message for any outreach effort must begin by persuading residents that a problem exists which requires their attention. We must communicate that non-permitted canopies and carports run afoul of both the Building Code and the Zoning Code. Most people accept that yard setbacks in the Zoning Code are useful, but may not see them

¹ Staff anticipates that detached single family dwellings are the primary focus of the amnesty. Single family homes with are "attached" are expected to be within condominium development and much less likely to have non-permitted exterior canopies / carports. According to the 2005 Census, the City of Palm Springs had 12,099 detached single family homes, 6,679 detached single family homes, 12,473 multiple family units and 2,228 mobile homes.

as decisive to the enjoyment of one's property or neighborhood. Consequently, convincing people of the need for an amnesty from the City's zoning rules, with an application and review process, may be difficult.

Most people do recognize, however, the importance of safe buildings and are more accepting of the requirements of the California Building Code. People are justifiably concerned for the potential injuries, property loss or loss of life that can result from non-compliant structures. Since the Building Code will be the greater obstacle to retaining many canopies and carports compared to the Zoning Code, the message must include a discussion of both these provisions and what they mean to the community.

As the Commission has already learned, the City cannot modify the California Building Code, except to adopt more stringent provisions based on local conditions (such as for high wind areas). The City also cannot issue Variances to the Building Code. The City does have the authority to modify the Zoning setbacks – either through a city-wide amendment (including an amnesty) or case-by-case through the Administrative Minor Modification, Variance or other process. Staff believes that this is key information, but must be presented in a straightforward and non-threatening way.

One approach suggested by a neighborhood organization official would be to compare the available procedures in a side-by-side column format. Staff supports this idea and is seeking additional ways to craft a message that will both increase awareness of the program and create a recognition of the need for it. The Commission may also have ideas on how to tell the story about the amnesty.

Inviting Feedback

One of the advantages of the workshops is that people can engage in a question-and-answer dialogue with City staff. Other means of communication such as postcards, advertising or public service announcements tend to be one-way and need other efforts to allow the public to seek new information, register their concerns or begin the process of legalizing their structures. Staff believes that the City's web-page may be a useful tool for people to provide feedback, in addition to the give-and-take of the neighborhood workshops.

Staff anticipates that there will be a wide range of interests and opinions among affected property owners, including those who will avoid the permitting of their structures at almost any cost and those "early adopters" who want to get their structure legalized quickly. Staff must be prepared at any public meeting to have the forms and procedures ready for those interested in getting the process completed and out of the way.

The benefits of receiving feedback can even extend to refining the amnesty program prior to final roll-out. It is clear from that many people with non-permitted canopies and carports are fearful of the consequences of enacting an amnesty / compliance program. It is reasonable to expect that the program may create hardship for some homeowners due to permit costs or the removal / replacement of the structure. It will be the task of

the outreach and feedback effort to listen carefully and make adjustment so that the program has the least impact on the greatest number of homeowners. The Commission may have additional thoughts on how to assure that the program is sensitive to the needs and expectations of the community.

Attachments:

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