




CITY OF PALM SPRINGS

DEPARTMENT OF PLANNING SERVICES

MEMORANDUM

Date: October 6, 2010

To: Planning Commission and Architectural Advisory Committee

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

Subject: ZTA 5.1235 - Amnesty / Abatement Program for Non-Permitted Canopy Structures

The Planning Commission has been studying the issue of non-permitted canopies and carports for several months, including developing the terms of a possible amnesty program. This Joint Meeting will allow the Commission and the Architectural Advisory Committee (AAC) to review the work completed to date and exchange ideas on how to move forward on the issue.

Background

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:

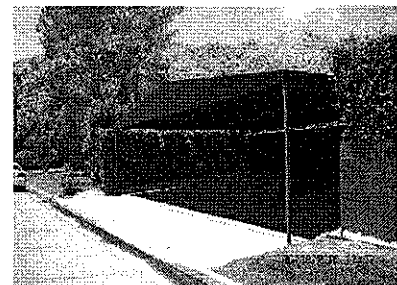
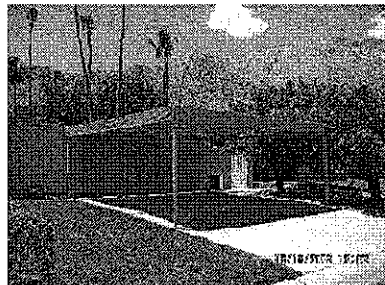
- About 220 portable canopy structures are estimated by Code Enforcement to be found in the City. Others believe the number to be higher.
- These structures are not considered "temporary" under the Palm Springs Zoning Code, which defines "temporary" as no more than 90 days.
- These structures are subject to the Uniform Building Code, including requirements for wind and fire resistance. Most appear to be out of compliance with these requirements.
- 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.
- The lack of enforcement over the past years may have created a general expectation that such structures are permissible.
- The desire for these structures may stem from any number of circumstances:
 - No covered parking on the property.
 - More than two cars owned by the household
 - Garages or carports that are used for the storage of household goods.
 - Non-permitted conversion of garages / carports.

Staff believes the City has the following options regarding these non-permitted structures:

1. Make no changes to the current zoning code and allow enforcement under the present R-1 standards to proceed;
2. Amend the Zoning Code to allow for such canopies and carports in front, side and / or rear yards.
3. Consider creation of an amnesty program for existing canopies and carports.

Developing a Response: Amnesty for Existing Structures

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:



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.

On January 13, 2010, the Planning Commission directed staff to investigate the details of an amnesty program. On February 3, 2010, the Planning Commission reviewed the framework for an amnesty and made preliminary choices on a number of related policies. These are summarized on Appendix A, attached, and addressed the following:

- Timing of the Amnesty
- Rules and Regulations
- Amnesty Procedures

The Commission also suggested that a survey be undertaken to develop an understanding of the actual conditions in the community related to non-permitted canopies and carports.

Survey of Residential Areas

In March 2010, staff drove through four single-family residential neighborhoods to assess actual conditions regarding non-permitted canopies and carports. The purpose

of this “windshield survey” was to develop a perspective around the issues of location, size, setbacks, height and materials. Over seventeen hundred lots were surveyed. Staff found it necessary to exercise some judgment in deciding what kinds of structures should be included on the survey. The typical canopy might be a canvas cover over a metal frame; however, staff included other structures, if they met the following criteria:

- The structure appeared to be made of impermanent materials, but was being used as a permanent structure, or
- The structure was made of permanent materials (brick, block or wood posts; metal or wood roof), but was located within in a required front or side yard.

Where the carport appeared to be fully integrated into the original dwelling, it was not counted unless it encroached to near the property line (five feet or less). Staff did not make any notes regarding the possibility of garage conversions where non-permitted canopies or carports were found.

In the review of the survey data, staff noticed certain patterns and also certain issues in which no real pattern emerged (additional details are summarized in Appendix B, attached):

- Out of 1716 lots surveyed, 155 non-permitted canopies and carports were identified
- There did not appear to be a clear pattern of distribution of non-permitted canopies / carports among neighborhoods:
- Non-permitted canopies / carports were more prominent in the southerly part of the City. In the northerly (more windy?) neighborhoods, fewer non-permitted canopies were observed.

Amnesty Outreach: Connecting with the Community

As the Commission continued its work on a proposed amnesty program, it considered at its June 2, 2010 meeting how to educate the public about this new approach to resolving non-permitted structures. In addition, the Commission met with the City Council and the Architectural Advisory Committee in joint session on the evening of April 7, 2010 where non-permitted canopies and carports were discussed. The joint meeting may be viewed via this link: <http://www.palmspringsca.gov/index.aspx?page=214>.

The importance of educating the community about non-permitted canopies and carports cannot be underestimated. There are many residents who bought their homes and do not know they have a non-permitted structure. Others have installed canopies in reliance on inadequate information. Others may have had some notion that permits were required, but proceeded anyway. In each circumstance, a homeowner may find it difficult to understand why the City is now enforcing against these structures. A comprehensive outreach program would be made up of three elements, as detailed in Appendix C:

- Connecting with Homeowners;
- Designing the Message; and
- Inviting Feedback.

Revisiting the Amnesty: What if the City allowed Canopies and Carports for All?

Following the Commission's study session of June 2, 2010, three Planning Commissioners 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 asked the Commission at its meeting of July 7, 2010 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?"

During joint meeting with the City Council, Planning Commission and Architectural Advisory Committee on April 7, 2010, Council members expressed concerns with the impact of an amnesty on homeowners. 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 was 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.

Next Steps

With this joint meeting between the PC and AAC, the two boards may consider some of the issues discussed in this memo and identify ideas, objectives and preferences for addressing non-permitted canopies and carports. Staff believes that the Commission's most recent direction is to develop a plan to allow such structures on any single-family residential property, subject to conditions. It would be helpful to learn from the Commission and AAC what those conditions might be, including:

- Location requirements (e.g., front and street side yards only)
- Height and area limits (e.g., maximum height of 12 ft, maximum area of 425 sf)
- Design parameters (materials, colors, compatibility, etc.)
- Notification requirements (if any)
- Approval authority (e.g., Minor Modification, Architectural Approval)

Attachments:

- Appendix A: Draft Amnesty Program for Non-permitted Canopies and Carports;
Preliminary Planning Commission Consensus (Feb. 3, 2010)
- Appendix B: Windshield Survey of Non-permitted Canopies and Carports;
Summary of Results and Observations (March 2010)
- Appendix C: Draft Amnesty Program for Non-permitted Canopies and Carports;
Conceptual Program for Public Outreach (June 2, 2010)
- Planning Commission meeting minutes, excerpt (July 7, 2010)

Appendix A

Draft Amnesty Program for Non-permitted Canopies and Carports Preliminary Planning Commission Consensus (as of February 3, 2010)

Based on the direction received from the Commission at its February 3, 2010 meeting, staff has summarized the Commission's consensus on the general terms of an amnesty program for existing non-permitted canopy structures.

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.

One year, subject to an indemnity waiver; extension available with cause

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; no closer than 1 foot to front / street side property line

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; no closer than 5 feet to interior side property line**
 - 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 each 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 _____
 - (No decision)**
- 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 by staff with option for AAC review 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 (for car covers; see discussion below)**
- Appearance (need design “principles” for guidance)**
- 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, findings should be available to allow**

b. Should illegally-converted garages be a justification for covered parking located in required setbacks?

- Yes, findings should be available to allow, and permits on converted garage must be obtained.**
- No
- Illegally-converted garages should be outside the purview of the amnesty program

Appendix B

Windshield Survey of Non-permitted Canopies and Carports, March 2010 Summary of Results and Observations

The purpose was to develop a perspective around the issues of location, size, setbacks, height and materials. Over seventeen hundred lots were surveyed. The typical canopy / carport might be a canvas cover over a metal frame; however, staff included other structures, if they met the following criteria:

- The structure appeared to be made of impermanent materials, but was being used as a permanent structure, or
- The structure was made of permanent materials (brick, block or wood posts; metal or wood roof), but was located within in a required front or side yard.

Where the carport appeared to be fully integrated into the original dwelling, it was not counted unless it encroached near the property line (five feet or less). Staff did not make any notes regarding the possibility of garage conversions where non-permitted canopies or carports were found.

In the review of the survey data, staff noticed certain patterns and also certain issues in which no real pattern emerged:

Overall characteristics

- Out of 1716 lots surveyed, 155 non-permitted canopies and carports were identified. Therefore, about nine percent of the single family homes had a non-permitted canopy. Given the large sample size and the four neighborhoods selected, this is probably a reasonably accurate estimate for the City as a whole, subject to the following caveats:
 - o Some non-permitted canopies and carports were missed because they were not visible from the street. (These would increase the total number.)
 - o Some identified structures may actually have permits. (These would decrease the total number.)
 - o A very few properties had more than one non-permitted canopy or carport.
- There did not appear to be a clear pattern of distribution of non-permitted canopies / carports among neighborhoods:
 - o Upper-income Neighborhood #1: 9 percent (41 out of 438)
 - o Upper-income Neighborhood #2: 4 percent (13 out of 332)
 - o Middle-income Neighborhood #1: 4 percent (19 out of 481)
 - o Middle-income Neighborhood #2: 18 percent (82 out of 465)
- Non-permitted canopies / carports were more prominent in the southerly part of the City (one upper- and one middle-income neighborhood were located south of Ramon Road). In the northerly (more windy?) neighborhoods north of Alejo Road, fewer non-permitted canopies were observed. (See discussion below regarding materials used.)
- It appears that, in the main, non-permitted canopies and carports were evenly distributed throughout any particular neighborhood. However, it also appeared that properties which were located on edges, corners or on remnant parcels within a subdivision were somewhat more likely to have a non-permitted canopy or carport than the more conventionally-subdivided interior lots within the tract.

Materials Used

- In three of the four neighborhoods, the most common construction materials are metal frames with canvas or other fabric covers. The fourth neighborhood, Middle-income Neighborhood #1, is in the most northerly and windiest location of the four neighborhoods:

- o Upper-income Neighborhood #1: 20 out of 41
- o Upper-income Neighborhood #2: 8 out of 13
- o Middle-income Neighborhood #1: 1 out of 19
- o Middle-income Neighborhood #2: 34 out of 82

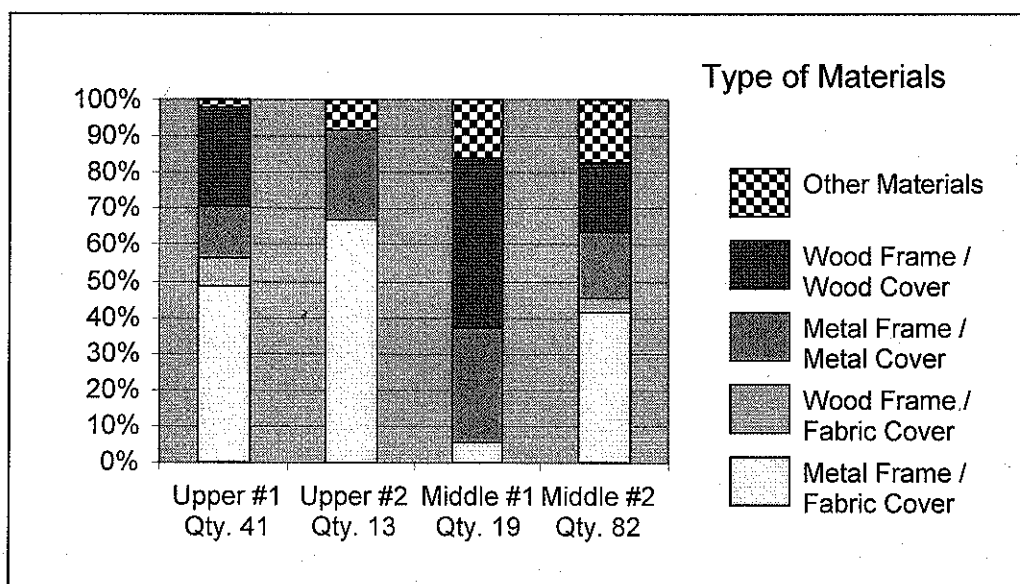
- Overall, most commonly used construction materials are metal or wood frames, with canvas, metal or wood roofs:

- o Metal Frame / Fabric Cover: 63
- o Wood Frame / Fabric Cover: 37
- o Metal Frame / Metal Cover: 30
- o Wood Frame / Wood Cover: 6
- o Other Materials: 19

“Other materials” covered a variety of conditions, including frameworks with no covers (8), brick/block and wood (5), wood and metal (4) wood and tar-and-gravel (1) and metal and bamboo (1)

- In the most northerly and wind-prone neighborhood – Middle-income Neighborhood #1), canvas covered canopies were rarely found (one out of 19). The most common material used in this neighborhood was wood / wood, (9 out of 19) and metal / metal (6 of 19)

- The following chart shows how the different materials were observed in each neighborhood, by percentage, not actual numbers:



Setbacks

- Many structures were located on, or immediately adjacent to the property lines, whether along the front, street side or interior side line. For those located in the interior side setback, most were within five feet of the side property line. (Any structure within five feet of an interior property line is required by the Building Code to be fully enclosed and meet fire-resistive construction standards.)

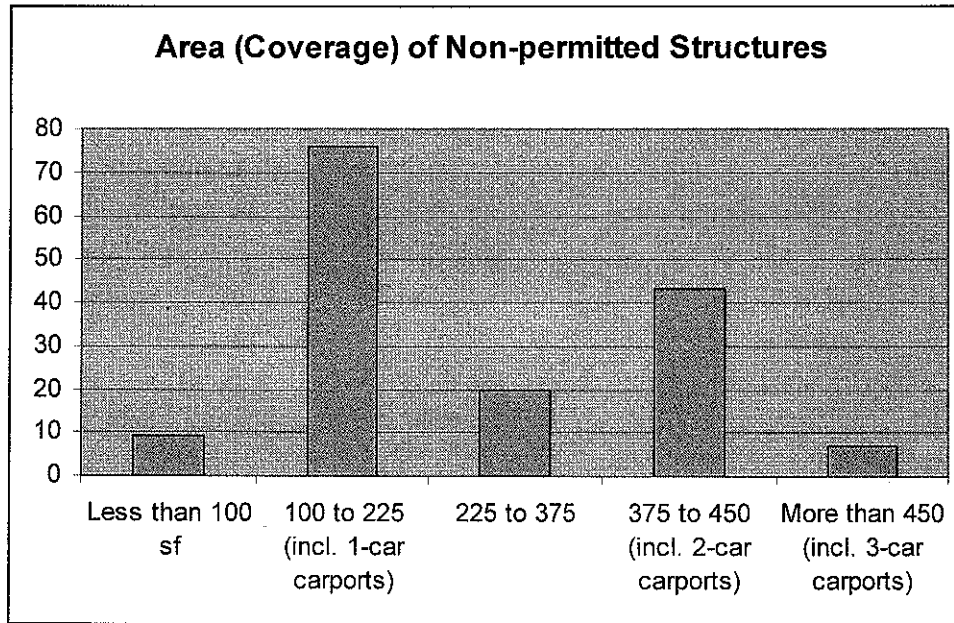
- o Front Setbacks
 - 0 to 2 ft 22
 - 2 to 10 21
 - 10 to 20 45
 - More than 20 46 (Many of these would comply with the 25-foot setback requirement for front yards.)
- o Street Side Yards (for Corner Lots)
 - 0 to 5 ft 11
 - 5 to 10 4
 - 10 to 20 6
 - More than 20 3 (Many of these would comply with the 25-foot setback requirement for street side yards.)
- o Interior Side Yards
 - 0 to 2 ft 68
 - 2 to 5 12
 - 5 to 10 23
 - More than 10 20 (These would comply with the 10-foot setback requirement for interior side yards.)

Rear yards were not surveyed, but staff notes that several canopies / carports located on corner lots appeared to encroach into rear setbacks.

Area (Coverage)

- Canopies and carports ranged widely in size, from small triangular canvases connected to fence posts, to three-car carports. About half of all canopies / carports found are one-car sized (100 to 225 sf); the second most common is sized for two cars (375 to 450 sf):

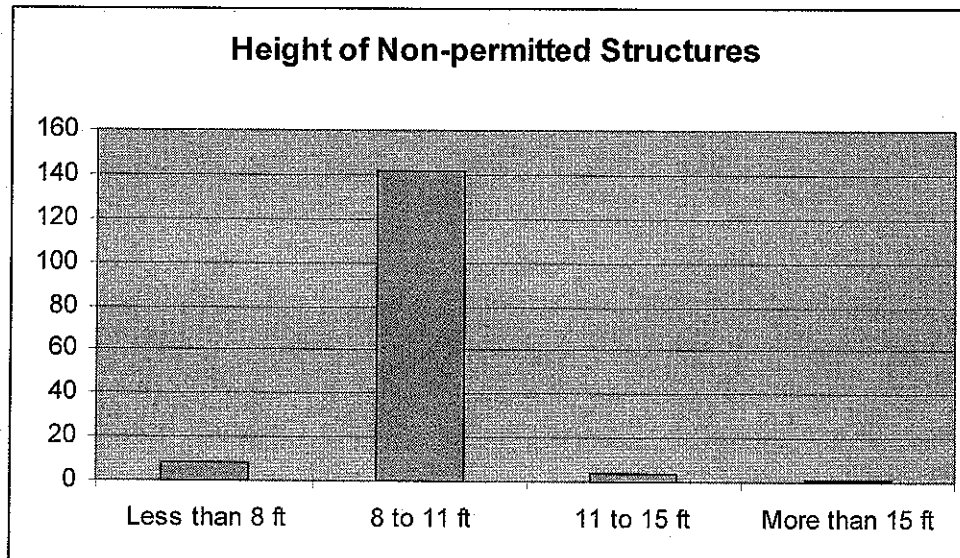
- o Less than 100 sf 9 6%
- o 100 to 225 76 49% (includes 1-car canopy / carports)
- o 225 to 375 20 13%
- o 375 to 450 43 28% (includes 2-car canopy / carports)
- o More than 450 7 4% (includes 3-car canopy / carports)



Height

- Heights ranged from seven to fifteen feet, but the vast majority is eight to eleven feet. (One structure was noted at 22 feet; it was a second-story canopy on a garage roof deck.) Many of the wood structures were built with relatively flat shed roofs and would be about eight, nine or ten feet in height. Canvas-covered structures typically were of a gabled roof design which could mean that a single structure would be seven or eight feet at the ends, but nine to thirteen feet (or higher) along the ridge:

- Less than 8 ft 8 5%
- 8 to 11 142 92%
- 11 to 15 4 3%
- More than 15 1 <1%



Esthetics and Other Issues

- About 25% of the canopies / carports were in first-rate condition. Another quarter were in fair condition, and the remainder were either poorly installed or in a deteriorated / dilapidated condition.
- Non-permitted canopies and carports in poor condition or which were poorly integrated into the look of the main dwelling were often – though not always – found on properties which had other maintenance issues (accumulated debris, abandoned vehicles, unkempt landscaping, etc.)
- As previously noted, the survey did not seek to identify any garages that might have been converted to other use. Nevertheless, staff observed that many homes lacked any other covered parking. In other cases, staff saw open garages behind or beside a canopy, where the garage was used entirely for storage of household goods or other materials. In many cases, it could not be determined if the existing garage was available for vehicle storage.

Appendix C

Draft Amnesty Program for Non-permitted Canopies and Carports Conceptual Program for Public Outreach (as of June 2, 2010)

The importance of educating the community about non-permitted canopies and carports cannot be underestimated. Homeowners may find it difficult to understand why the City is now enforcing against these structures and a comprehensive outreach program is needed. Three elements would comprise a complete program, as detailed below.

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 as decisive to the enjoyment of one's property or neighborhood. Consequently,

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.

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.

1A. Election of Commission Chair

Vice Chair Gaffery opened the nominations for Commission Chair. Commissioner Scott nominated Jon Gaffery, seconded by Commissioner Hudson. No other nominations were offered and Vice Chair Gaffery closed the nominations.

By acclamation, the Commission approved Jon Gaffery to serve as Planning Commission Chair.

1B. Election of Commission Vice Chair

Chair Gaffery opened the nominations for Commission Vice Chair. Commissioner Donenfeld nominated Bill Scott, seconded by Commissioner Munger. No other nominations were offered and Chair Gaffery closed the nominations.

By acclamation, the Commission approved Bill Scot to service as Planning Commission Vice Chair.

2A. Case 5.1235 ZTA – Amnesty / Abatement Program for Non-Permitted Canopy and Carport Structures

Director Ewing asked the Commission to revisit the three basic options raised by legalizing non-permitted canopies and carports:

1. Leave the existing rules in place, but respond to any complaint with enforcement under the current rules.
2. Amend the code to allow canopies and carports in side and front yards.
3. Create a program to allow existing canopies and carports, but not allow any new such structures,

The Commission has proceeded to develop an amnesty based on option 3. With the recent tours taken by three Commissioners of residential neighborhoods, the Director asked if the Commission is willing to consider revisiting option 2 – allowing all owners the possibility of a canopy or carport within a required front or street side yard, subject to certain design standards.

Commissioners discussed the safety, location, design and administrative elements of regulating canopies and carports:

- Street width can affect the impact of canopies and carports at the property line.
- The safety of canopies and carports under the Building Code cannot be compromised by reduced setbacks.

- Smaller lots need additional covered parking which might be difficult to provide outside of required setbacks.
- Amnesty gives "scofflaws" an approval that is not available to those who comply with the law.
- Different types of structures, including retractable canopies and heavy construction (wide columns).
- Development standards, including height and area limits, design parameters, should be developed to assure higher quality.
- Procedural issues such as notifying neighbors and the role of the Director of Planning Services, the Planning Commission and AAC in making decisions.

Staff indicated that it will prepare a draft set of development standards for presentation at a future study session.

~~2B. Temporary Banners – Update from Sub-committee Meeting~~

~~Director Ewing noted that the Planning Commission sub-committee of Vice Chair Scott and Commissioner Donenfeld met on June 3, 2010 to discuss possible amendment to the current banner regulation. Vice Chair Scott described the current rule (one time for no more than 30 days, maximum 20 square feet) and what other options might be acceptable. He expressed his concern with allowing more signs which can be poorly maintained and detract from the look of the City's commercial areas. Commissioner Donenfeld stated that some additional opportunities under new regulations could create a better outcome than the current condition of numerous unregulated banners.~~

~~The Commission discussed the role and impact of banners in the commercial areas:~~

- Many banners are too big or unmaintained or otherwise unattractive.
- Different advertising opportunities are available to merchants, other than banners.
- The location and size of banners can make a big difference in their impact on the community.
- Colors, especially background colors, could be regulated to avoid unattractive banners.
- The number of days allowed, sign size, background colors, continuous maintenance should be the basis for new regulations.
- A trial period might be a worthwhile element of a new regulation.

~~The sub-committee will continue to work with staff to develop a set of draft regulations for Commission review.~~