




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.

CANOPY. 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 m²) and canopies in excess of 400 square feet (37 m²) 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 m²).
 - 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 m²) 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 m²).

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-



Memorandum

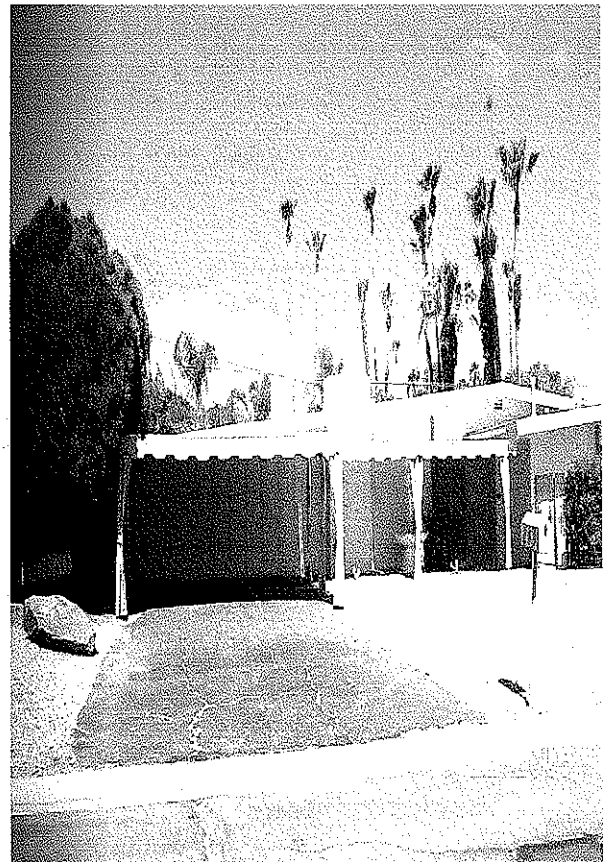
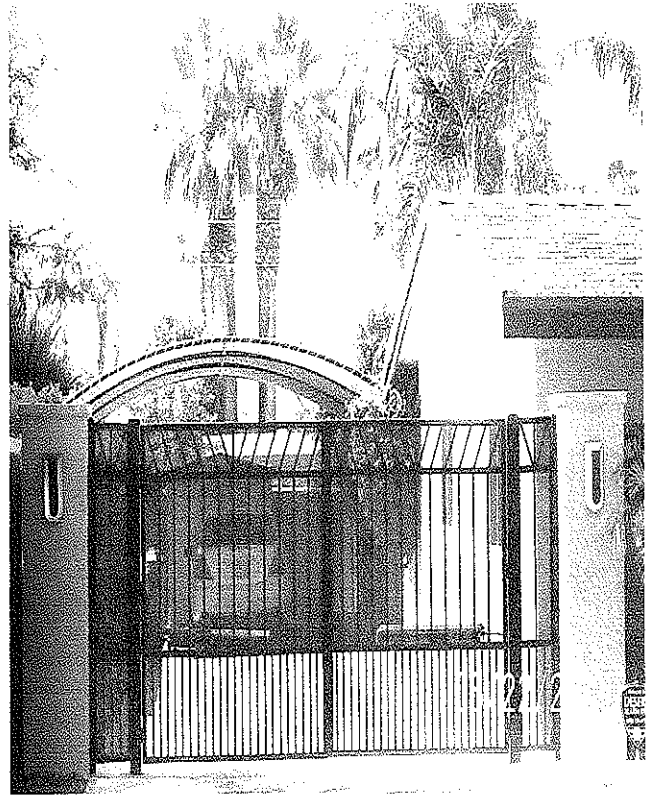
Date: July 27, 2009
To: Craig Ewing, Director of Planning & Zoning
From: Terry Tatum, Building & Safety Supervisor TT
Subject: Temporary/Portable Shade Structures

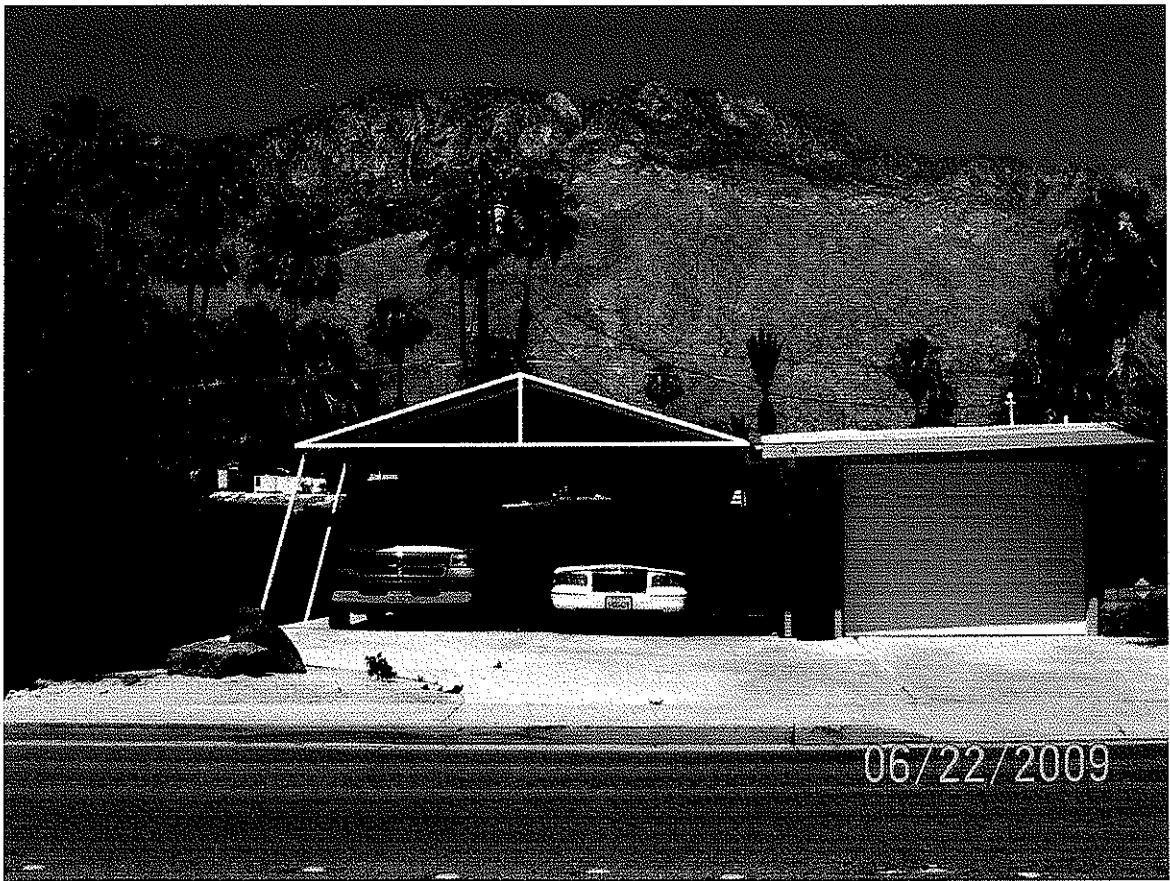
Per our discussion, staff has determined that there are approximately 220 portable shade structures located throughout the City. These are mostly located in areas such as front yards, and side and rear setbacks.

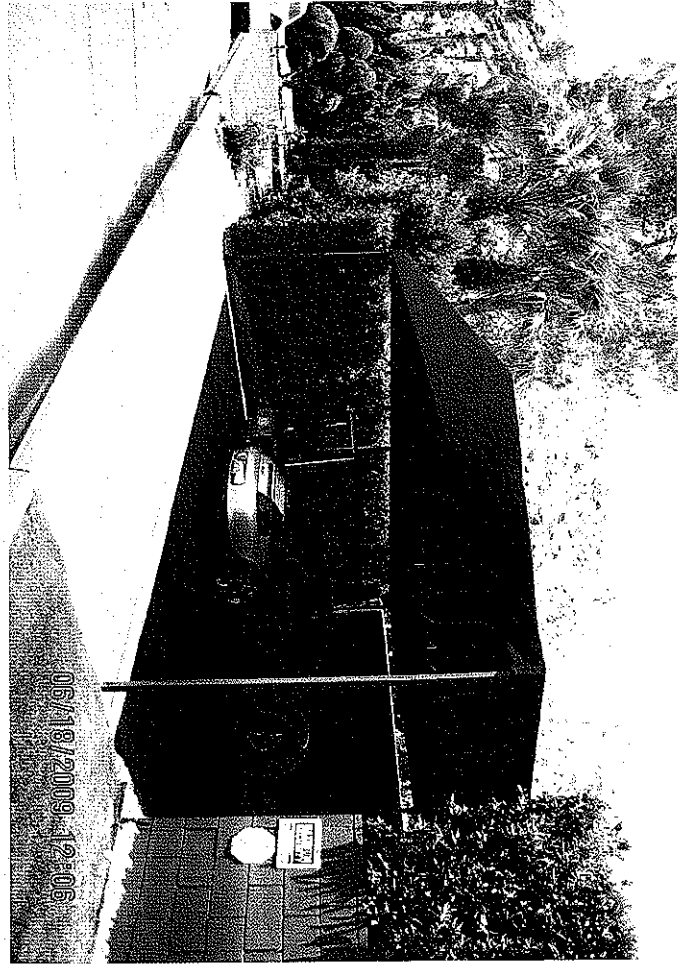
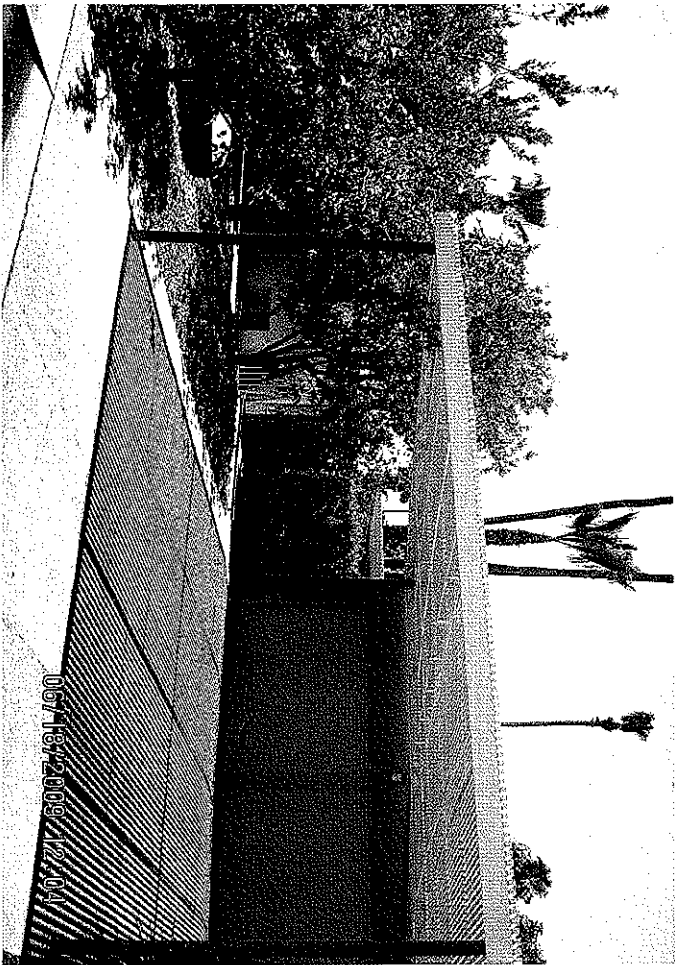
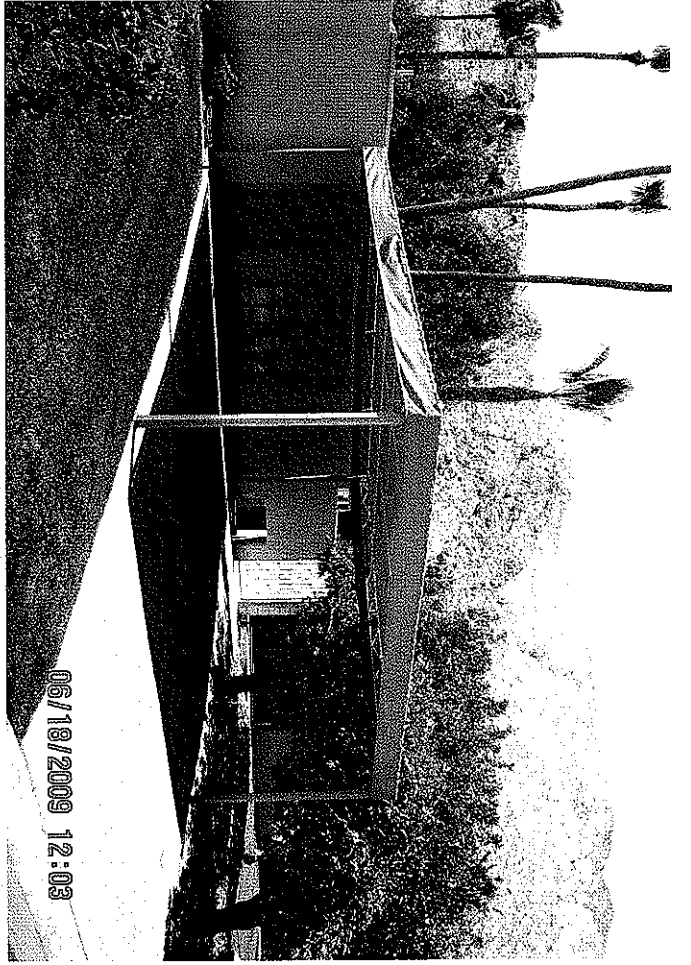
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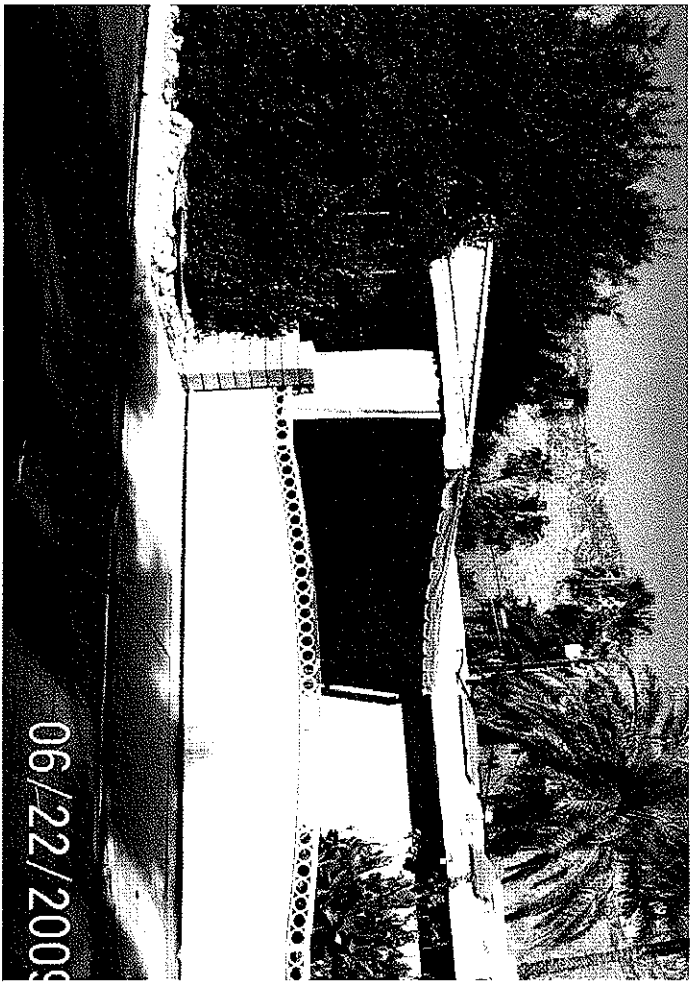
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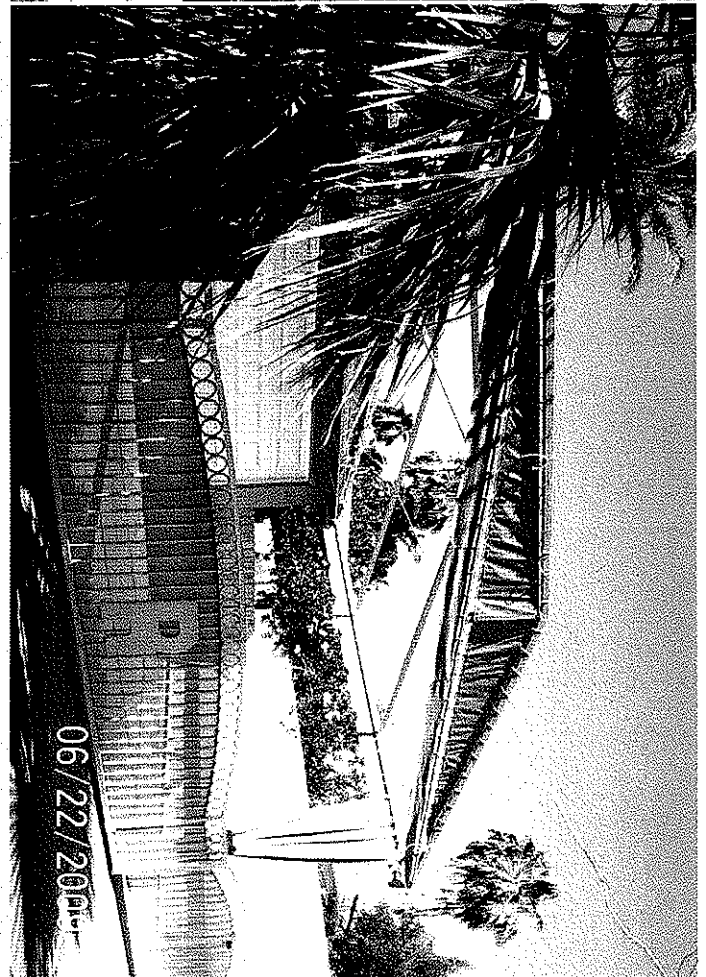
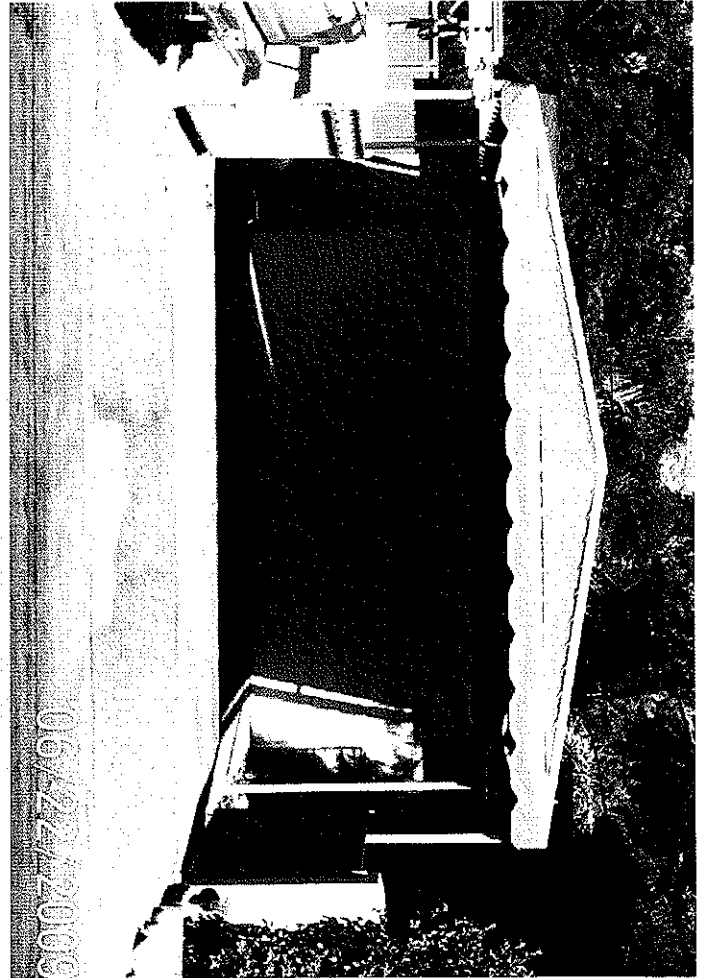
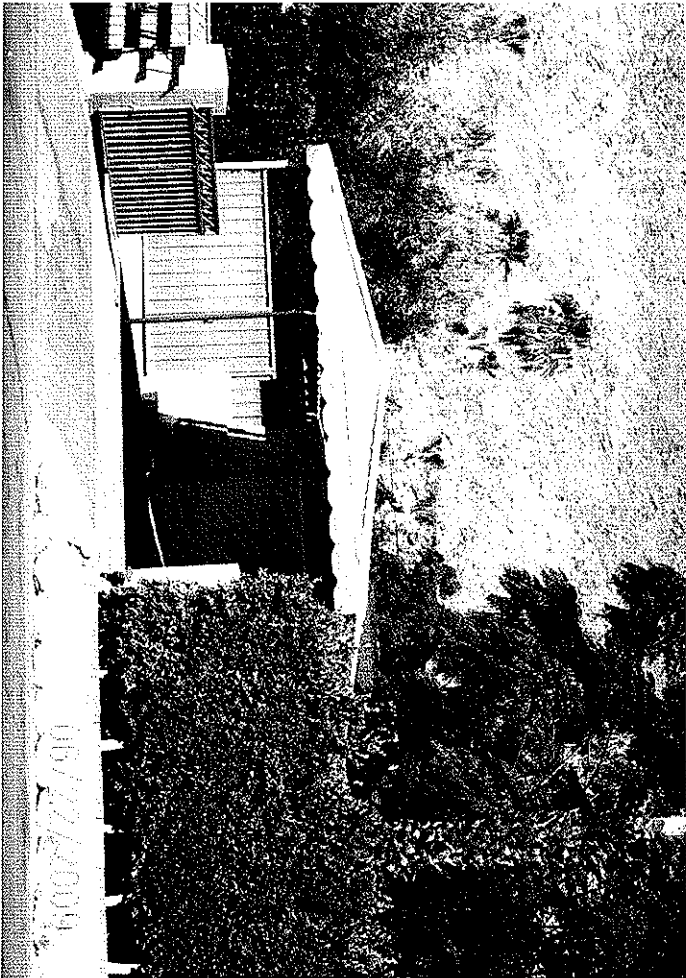
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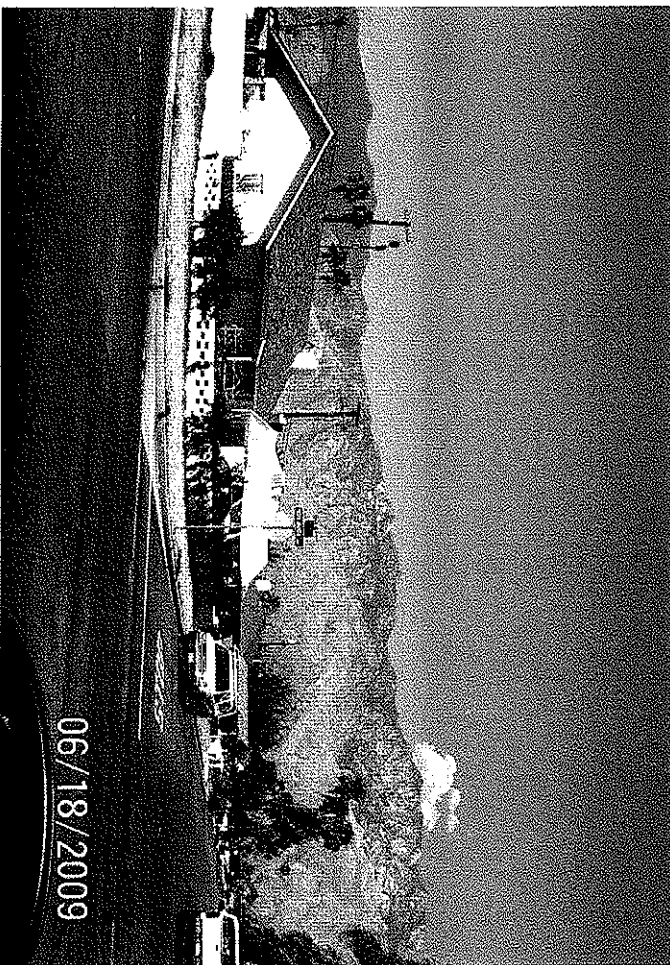
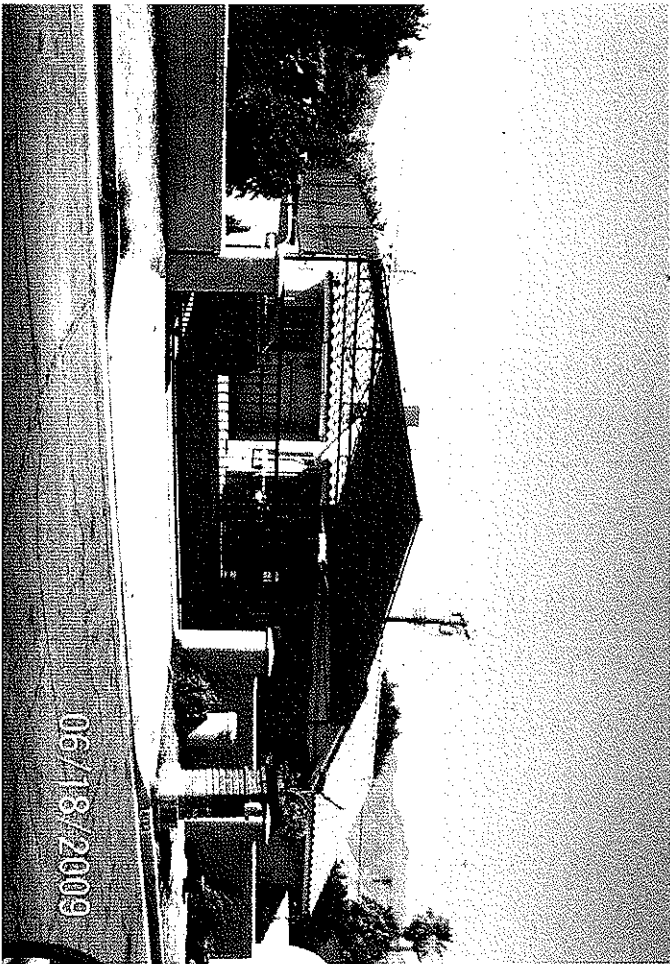
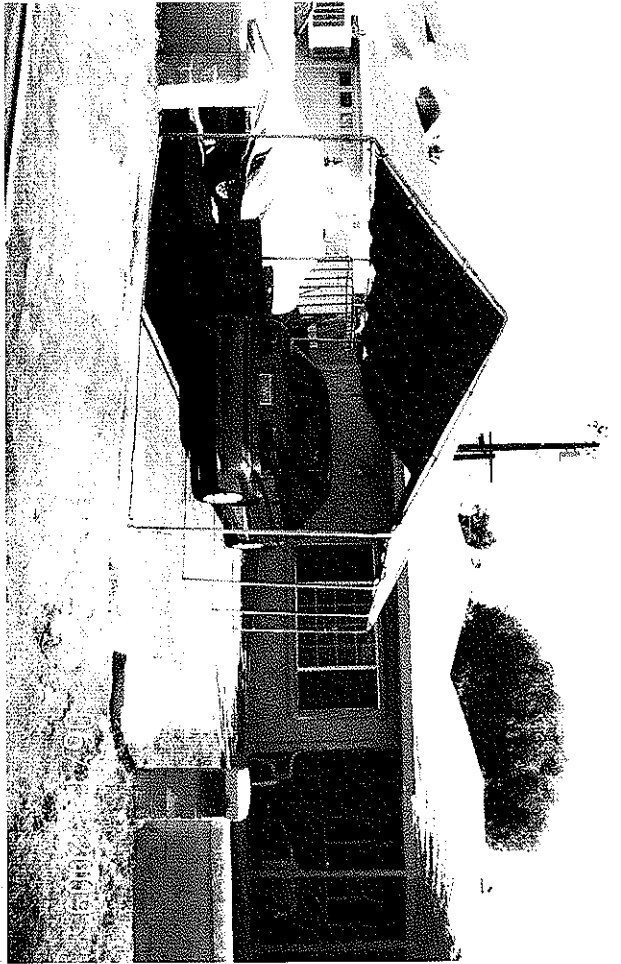




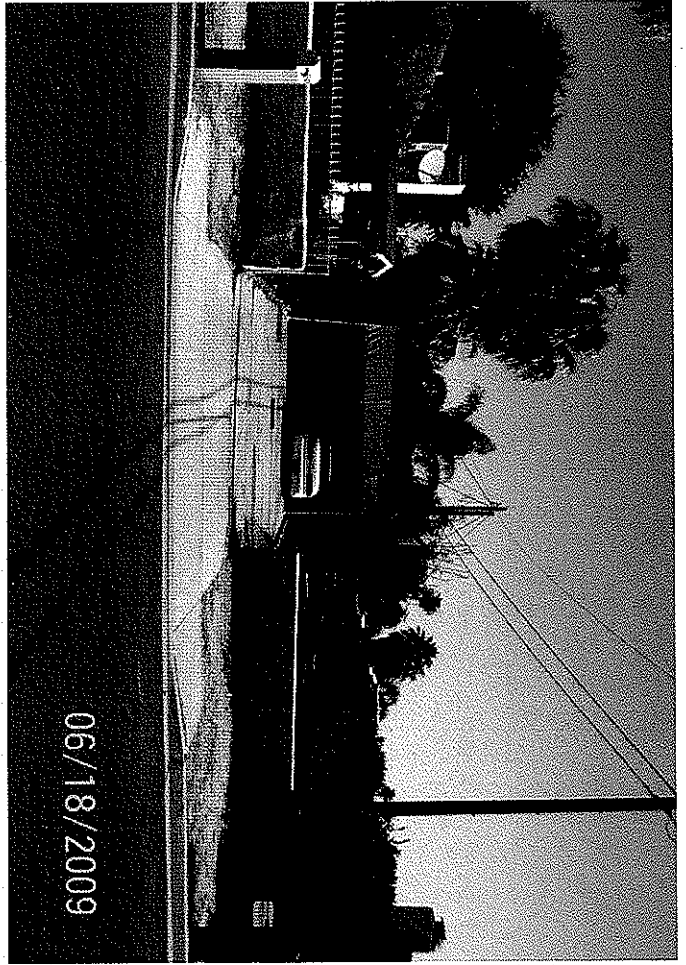
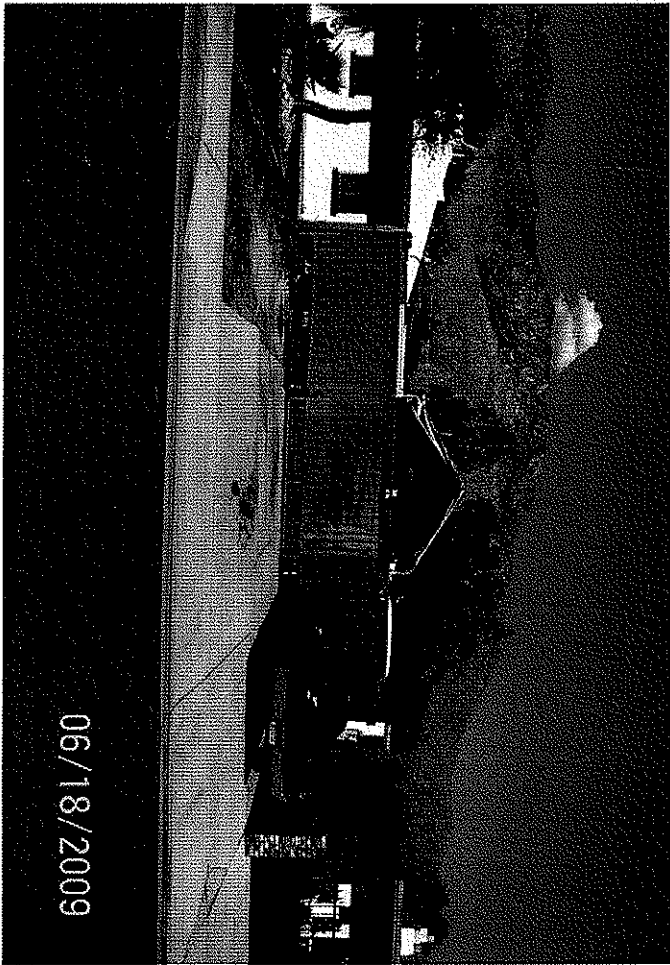












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also to you -
these photos



06/22/2009



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