



CITY COUNCIL STAFF REPORT

DATE: FEBRUARY 18, 2009 NEW BUSINESS

SUBJECT: DISCUSSION OF DRAFT CONDITIONS OF APPROVAL RELATED TO THE MAINTENANCE OF VACANT OR UNUSED PROPERTY

FROM: David H. Ready, City Manager

BY: Planning Department

SUMMARY

At the request of the Council, staff and the Planning Commission have prepared a list of draft conditions of approval related to the maintenance and use of property when an entitle project does not go forward. The conditions listed below would be considered a "tool box" of options from which an appropriate condition would be selected and imposed on a project approval. The specific circumstances of each site would be evaluated and the appropriate condition applied. No action is required on this item, but the Council may give direction for modifications or additions to the list of conditions.

RECOMMENDATION:

Direct staff as appropriate, including possible modifications and additions to the list of conditions.

STAFF ANALYSIS:

Staff has finalized a set of conditions for future entitlements based on direction provided at the Commission study session of January 7, 2009. Below is the list of conditions from which staff will recommend – and the Commission and Council will approve – to address any site that is not developed within a reasonable time following approval of its entitlement. Staff has included a new condition regarding the requirement of allowing public use on private land as requested by the Commission. Staff is seeking any additional comments prior to reporting to the City Council on the matter.

(Note that all conditions would be prefaced with the statement, "If construction of the approved project has not commenced within three / six / (other) months..." The actual time would be set based on the type and complexity of the project.)

1. Site status: Vacant site, no improvements

Condition A: *The site shall be maintained in its natural, existing condition. No perimeter or other fencing shall be installed. Vegetation removal shall be limited to that required by the Fire Marshall to minimize potential hazards from combustible materials. Existing access ways may be closed by the placement of (locked barrier gates / boulders).*

OR

Condition B: *Landscape vegetation shall be installed at all street front property lines. The landscape border shall have a minimum depth of five feet; plant materials shall be drought-tolerant and have a mature height of four feet. No perimeter or other fencing shall be installed.*

OR

Condition C: *Perimeter fencing shall be installed at all street front property lines and any other property line, as determined by the Director of Planning Services. The fencing shall be tube steel or other decorative form, but may not be chain link or barbed / razor wire. The maximum height of the fence at grade shall not exceed six (6) feet.*

OR

Condition D: *Perimeter fencing with decorative graphic screening shall be installed at all street front property lines and any other property line, as determined by the Director of Planning Services. The fencing may be chain link, and the graphic screening shall comply with the City Council's policy for decorative fence graphics, including student murals. The maximum height of the fence at grade shall not exceed six (6) feet.*

OR

Condition E *The site shall be made available for interim public use as a _____ (park, trail, public garden, public art installation, etc.) The applicant shall execute an access agreement with the City, subject to approval by the City Attorney, for the public use, and shall work with the City to prepare a site plan and operations plan to provide reasonable accommodation of the public for the use.*

2. Site status: Vacant site, remains of previously demolished structures. In addition to one of the above conditions (A through D), the following conditions may be considered and required:

Condition F: *The existing improvements shall be removed and the site returned to a pre-existing grade to the greatest extent feasible. No new grading and no import or export of fill shall be allowed, except to eliminate any potential hazards or to conduct exploratory investigations for geo-*

technical or other studies, as allowed by the Director of Building Safety..

OR

Condition G: *The existing improvements shall remain until such time as building permits are issued. No grading or other activity shall be allowed, except to conduct exploratory investigations for geo-technical or other studies, as allowed by the Director of Building Safety.*

3. Site status: Developed site, existing structures abandoned. In addition to one of the above conditions (A through F), the following conditions may be considered and required:

Condition H: *The existing improvements shall be secured and maintained in a first-class condition. All doors shall be secured with locks to prevent unauthorized entry. All windows shall be repaired or removed, boarded and painted to match surroundings. All signs shall be removed and mounting surfaces shall be patched and painted to match surroundings. All graffiti shall be removed within 48 hours of notification.*

AND / OR

Condition I: *A private security service shall be contracted to patrol the site and buildings on a regular schedule, as determined by the Chief of Police.*

4. Site status: Developed site, existing buildings vacant. In addition to one of the above conditions (A through H), the following conditions may be considered and required:

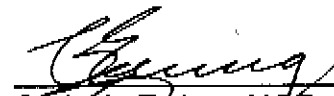
Condition J: *The property shall participate in the City's window poster program, including placement and maintenance of historic / decorative window posters.*

The chart on the next page summarizes the options available to the applicant, the Planning Commission and City Council. It is not anticipated that all these conditions would be imposed, but that any could be considered – including a combination of two or more – as needed to address unique site circumstances.

Site status:	1. Vacant Site	2. Vacant w/ Remains	3. Abandoned Structures	4. Vacant Buildings
COA:				
A. Natural State	X	X	X	X
B. Landscape	X	X	X	X
C. Fence	X	X	X	X
D. Fence w/ Mesh	X	X	X	X
E. Public Use	X	X	X	X
F. Remove Struct.		X	X	X
G. Maintain Struct.		X	X	X
G. Public Use		X	X	X
H. Secure Struct.			X	X
I. Private Security			X	X
J. Window Posters				X

FISCAL IMPACT:

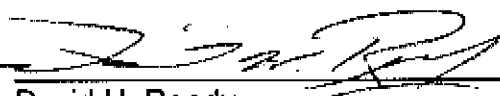
No fiscal impact.



Craig A. Ewing, AICP
Director of Planning Services



Thomas J. Wilson
Assistant City Manager, Dev't Svcs



David H. Ready
City Manager

Attached: Planning Commission Meeting Minutes (January 7, 2009, excerpt)

1. JOINT MEETING OF THE PLANNING COMMISSION AND ARCHITECTURAL ADVISORY COMMITTEE:

A. Discussion of Conditions for Vacant, Approved Sites -

Director Ewing provided an update on the Commission's request for staff to prepare a set of draft conditions of approval to address the issue of undeveloped sites. Director Ewing explained that the process would begin with dialogue between the project applicant (who would propose their preferred conditions) and staff. Staff would evaluate the proposed conditions and provide a recommendation to the Planning Commission or City Council.

Director Ewing reported that staff has outlined the following four "site status" circumstances that may warrant conditions of approval should a project not precede in a timely manner:

1. Vacant site, no improvements.
2. Vacant site, remains of previously demolished structures.
3. Developed site, existing structures abandoned.
4. Developed site, existing buildings vacant.

The Commission and AAC members discussed and/or commented on the idea of planting a sustainable garden on a vacant site, the liability to the city and the status of large entitled sites. Further discussion occurred on the merits of using a vacant site to be used as a public art community garden.

Director Ewing noted that the project applicant would likely be concerned with the financial aspect of imposed improvements on developments which include landscaping, lighting, better design and or a public benefit. The Commission discussed imposing project phasing on a case-by-case basis.

Director Ewing summarized the discussion and noted that staff would draft a 3rd condition for vacant sites to include public arts and a community garden as a public use that could be adopted as an additional condition.