



CITY COUNCIL STAFF REPORT

DATE: September 2, 2009

LEGISLATIVE

SUBJECT: REVIEW OF THE DRAFT OF A PROPOSED ORDINANCE AMENDING THE VACANT BUILDING ORDINANCE TO ESTABLISH THE STOREFRONT IMPROVEMENT PROGRAM AND PROVIDE A PROCESS FOR THE IMPLEMENTATION OF DESIGN GUIDELINES FOR WINDOW COVERINGS IN VACANT BUILDINGS IN THE CITY'S COMMERCIAL AREAS

FROM: David H. Ready, City Manager

BY: City Attorney and Building Department

SUMMARY

This Ordinance would establish a Storefront Improvement Program and a process through which to implement design guidelines for window coverings in an effort to enhance the appearance and/or interest in the storefronts of vacant buildings in the City's commercial areas. At present, the City's ordinances require that the windows of vacant buildings be covered with an opaque material. The proposed ordinance would establish a process for the review and approval of vacant building window coverings and provide an alternative to window coverings through owners' participation in the City's Storefront Improvement Program which would provide for the installation and display of artwork in vacant storefront windows.

RECOMMENDATION:

1. Review the Draft of the proposed amendments to the Vacant Building Ordinances;
2. Provide direction to staff for any revisions to the Draft Ordinance;
3. Direct staff to place the Ordinance on the September 16, 2009, Council Agenda for Introduction.

ITEM NO. 3.A.

STAFF ANALYSIS:

Vacant commercial buildings can present a profile of economic stagnation and, when vacancies persist, may become a source of blight and burden on the community. Currently, the City's vacant building ordinances only require that vacant storefront windows be covered by an opaque covering. At best, this provision creates a very bland, mundane appearance and, at worst, can present the appearance that the property is abandoned.

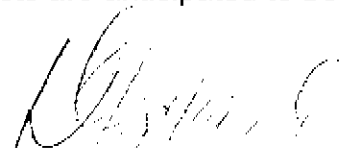
The proposed ordinance amendments require property owners to register vacancies with the City's Building Department within ten business days of the vacancy occurring. Then the owner must either:

1. Submit the proposed opaque window covering material for approval by the Planning Commission's Architectural Advisory Committee, or;
2. Participate in the City's Storefront Improvement Program.

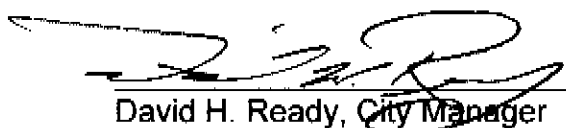
The Storefront Improvement Program is a new proposed program in which owners of vacant properties would allow the City to install artwork in storefront windows instead of opaque coverings with the goal of creating "sidewalk interest" while eliminating the appearance of blight or abandonment. Upon City Council's approval of the Storefront Improvement Program concept, staff would define the specifics of the Program.

FISCAL IMPACT:


Implementation of the new Storefront Improvement Program would require the City to incur costs associated with the display of artwork in participating storefronts. Such costs are anticipated to be modest.



Douglas C. Holland, Esq.



David H. Ready, City Manager



Thomas J. Wilson, Assistant City Manager

Attachments: Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PALM SPRINGS MUNICIPAL CODE SECTIONS 8.80.020, 8.80.030, 8.80.040, AND 8.80.070 RELATIVE TO VACATED BUILDINGS ESTABLISHING THE STOREFRONT IMPROVEMENT PROGRAM.

City Attorney Summary

This Ordinance establishes the Storefront Improvement Program and establishes design guidelines for window coverings and a process to implement either of the foregoing in an effort to enhance the streetscape of business areas of the City for the enhancement and benefit of the community.

WHEREAS, The City of Palm Springs has recognized and determined that vacant buildings are a major cause and source of blight in both residential and nonresidential neighborhoods, especially when the owner of the building fails to actively maintain and manage the building to ensure that it does not become a liability to the neighborhood or surrounding businesses; and

WHEREAS, it is the responsibility of property ownership to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare; and

WHEREAS, the City Council desires to establish a policy whereby storefront windows of vacated commercial buildings visible from the public right-of-way may be improved consistent with established design guidelines for window coverings in the City's commercial areas to make businesses and surrounding communities more attractive.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 8.80.020 of the Palm Springs Municipal Code is amended to add the following:

8.80.020 Definitions

"Storefront Improvement Program" or "SIP" means a program that establishes pre-approved artwork to be installed by the City which may be chosen as an alternative pursuant to Section 8.80.030(a)(3)(F) to provide window coverings for the storefronts of vacated commercial buildings. The SIP will be administered by the Community and Economic Development Department and approved by the City

Manager. Owners of vacated commercial buildings which have windows visible from the public right-of-way or can be seen by the public are eligible to participate in the SIP upon registration of the vacated building as prescribed in Section 8.80.040. A copy of the SIP shall be made available in the Office of the City Clerk.

SECTION 2. Section 8.80.030(a)(3)(F) of the Palm Springs Municipal Code is amended to read:

8.80.030 Owner Responsibilities.

(F) Windows screened with (i) opaque material as approved by the Architectural Advisory Committee pursuant to established design guidelines for window coverings upon application and payment of application fee related thereto, or (ii) election upon registration of a vacant building to participate in the Storefront Improvement Program.

SECTION 3. Section 8.80.040 of the Palm Springs Municipal Code is amended to add the following:

8.80.040 Registration Requirement for Vacant Properties.

(b) Within ten (10) business days of identification of any vacant property, or owner's actual knowledge of any vacant property, owner, owner of record, the beneficiary, and trustee must register the property with the Building Director.

(d) The registration pursuant to subsection (b) shall contain the identity of the owner, owner of record, the beneficiary, and trustee and, in the case of a corporate or out of area owner, owner of record, beneficiary, or trustee, the local property management company, if any, responsible for the security, maintenance, and marketing of the property in question.

(j) The duties/obligations specified in this section shall be joint and several among and between all owners, owners of record, beneficiaries, and trustees, and their respective agents, successors, and assigns.

SECTION 4. Section 8.80.070(b)(3) of the Palm Springs Municipal Code is amended to read:

8.80.070 Monitoring Program-Departmental Responsibility and Fees.

(3) To initiate proceedings against the owner and/or the owner of record of any vacant building found to be substandard as defined in this title or a nuisance under Title 11 of this Code; for purposes of this Chapter, failure to comply with Section 8.80.030(a)(3)(F) related to storefront window coverings is hereby declared a public nuisance and is thereby subject to all available legal remedies to cure said nuisance.

SECTION 5. If any section or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

SECTION 6. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

[SIGNATURE PAGE FOLLOWS]

ADOPTED THIS _____ DAY OF _____, 2009.

STEPHEN P. POUQUET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

APPROVED AS TO FORM:

DOUGLAS C. HOLLAND, CITY ATTORNEY

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. _____ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on _____, 2009, and adopted at a regular meeting of the City Council held on _____, 2009 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California