

**TOWN OF SAN ANSELMO
STAFF REPORT
April 14, 2017**

For the Meeting of April 18, 2017

TO: Economic Development Committee
FROM: Elise Semonian, Planning Director
SUBJECT: Window Screening for Vacant Storefronts

RECOMMENDATION

That the Committee review and discuss the draft regulations for window screening for vacant storefronts and request any modifications or additional information from staff.

BACKGROUND AND DISCUSSION

In February, the Economic Development Committee (EDC) received a report from staff with ideas for addressing commercial vacancies. The EDC asked for additional information on a window screening ordinance, which could improve the appearance of vacant storefronts by requiring graphic or artistic screening of vacant storefront windows. Currently, many vacant storefront windows are covered with brown paper.

Staff has prepared draft regulations that would require property owners to screen vacant storefronts after 60 days of vacancy. There are many options that the EDC can consider, including the types of graphics to be displayed and when they would be required.

The regulations will have a financial impact on property owners. Staff requested proposals to screen three street facing windows at the former Great Acorn store at 800 San Anselmo Avenue, which the Town leases from the County of Marin. Estimates for three vinyl images of historic San Anselmo ranged from \$800 on line (no installation) to \$2,650 for a local sign company prepare and install the window screening. The sign companies can install the treatments within 1-2 weeks of an order. Staff is awaiting one proposal that will include a photomontage of the screening.

The draft regulations would require the screening to be changed every six months so the images do not become "stale." However, this is an optional requirement that will add additional expense to the property owner. It may also serve as an incentive to lease the vacant space. To avoid the expense for the Great Acorn building, which is planned to be demolished in association with bridge reconstruction, the Town could exempt property owned by local government from complying with this requirement.

The Town may not be able to regulate the content of the screening. Staff will be discussing any potential legal issues with a sign law attorney on April 24, 2017. Staff would like the EDC to make recommendations on the types of screening it would like to see, and staff will return with more information.

Assistant Planner Sarah Price will attend the EDC meeting to present the item and receive any questions and comments from the EDC.

Respectfully submitted,

Elise Semonian

Elise Semonian
Planning Director

Examples of graphic Storefront Window Treatments



Draft Window Screening Regulations

Amend sign code to exclude “Window Screening installed in compliance with Chapter 10-3.610 of this Code” from the definition of “sign.”

Add new Chapter 10-3.610 to Town Municipal Code:

Window Screening for Vacant Storefronts

(a) Purpose and Intent. This chapter is intended to provide for an attractive commercial and retail shopping environment in the Town of San Anselmo and to deter graffiti and vandalism of vacant properties.

(b) Definitions. Terms used in this chapter shall have the following meanings:

“Ground Floor Premises” means the ground floor of any commercial building or any separately owned, leased, or occupied space of a mixed-use building in the C-1, C-2 or C-3 Zoning District. For lots that slope away from a street, the ground floor is the floor at the street elevation, which may not be the lowest floor of the building.

“Storefront Window” shall mean any window of any Ground Floor Premises that permits an unobstructed public view into the interior of that Ground Floor Premises from any immediately adjacent street, sidewalk, or right-of-way.

“Vacant” shall mean buildings or individual storefronts that are not open to the public or to clientele for a lawful business for a period of more than 60 consecutive days. [Optional: Buildings or individual storefronts that are under construction for business occupancy and have a valid building permit shall not be considered vacant.]

“Window Screening” shall mean a graphically designed covering which is constructed of heavy-duty material suitable for long-term use, such as film or vinyl and that is placed in a Storefront Window.

(c) Window Screening Required. When a Ground Floor Premises is vacant for more than 60 days, the property owner, or any person in possession or control of the vacant space, shall cover all Storefront Windows with Town approved Window Screening. The premises is also entitled to display commercial messages as allowed under the Town Sign Ordinance, Title 10, Chapter 9 of this code.

(d) The Window Screening shall consist of one of the following:

[These are several options. The Town may not be able to regulate the content of the screening. Staff requests EDC preferences and will return with more information]

- (1) Historical pictures of the Town of San Anselmo provided by the Town historical society;
- (2) Art work or an artistic display;
- (3) Information on a Town of San Anselmo sponsored event or Town project; or
- (4) Graphic design related to future business.

(e) Requirements for Window Screening:

- (1) The Window Screening shall completely screen the glass to a level at least six feet above where pedestrians can view the interior to obscure a direct public view of the Vacant space;
- (2) Adhesive materials used to affix the covering or appliqué shall not be visible from the exterior of the building;
- (3) Window Screening shall have a seamless appearance;
- (4) Window Screening shall be maintained in a clean and neat appearance and not torn, damaged or faded;
- (5) Window Screening shall be replaced every six months with new graphics;
- (6) Window Screening shall be removed within two weeks of legal occupancy.

(f) Prohibited Window Screening Content. No Window Screening shall contain any matter, in writing or in a depiction, that, when considered as a whole, predominantly appeals to prurient interests.

(g) Review and approval procedures.

- (1) Application. An application for a Window Screening shall be filed with the Planning Department on forms prescribed by the Planning Director, along with any plans or additional information required and a fee as established by a resolution of the Town Council.

- (2) Review and Approval Authority. The Planning Director shall review and approve, conditionally approve, or deny a Window Screening application administratively with no public meeting.
- (h) Penalties and Enforcement.
- (1) The Town Manager or their designee may enforce provisions of this chapter.
 - (2) Any violation of the provisions of this chapter is hereby declared a public nuisance and shall be subject to summary abatement as provided by law and Title 1, Chapter 2 of the San Anselmo Municipal Code.
 - (3) Any person violating any provision of this chapter shall be deemed guilty of an infraction and punishable by (1) a fine not exceeding one hundred dollars (\$100) for a first violation; (2) a fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one year; (3) a fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year.
 - (4) Each and every day that any violation of this chapter continues, is committed or is permitted to continue shall be regarded as a new and separate offense.
 - (5) The remedies provided in this section shall be cumulative and not exclusive.