



October 21, 2012

Dr. David Ready, City Manager
City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

Re: Chapter 8.80 of the Palm Springs Municipal Code, "Maintenance of Long-Term
Boarded and Vacated Buildings" (Amended and Restated by Ordinance No. 1746)

Dear Dr. Ready,

On October 18, 2012 Palm Springs Preservation Foundation board members (Messrs. Williams, Johns, McGrew and Marshall) met with city staff (Messrs. Wilson, Tatum, Holland and police chief Franz) to discuss the background and implementation of the Vacant Building ordinance. While we had hoped that the Vacant Building ordinance monitoring program were more robustly and evenly implemented, it appears that ongoing code compliance efforts (including some enforcement actions initiated by the city as recently as October 15, 2012) are fulfilling some of the intent of the ordinance. Our discussion with staff was collegial and we now have a much better understanding of the city's views on the ordinance and code enforcement.

That said, the meeting with city staff reinforced our view that the current owner of the Town & Country Center is in serious breach of both the letter and intent of the subject ordinance. On October 15, 2012, prior to our meeting with city staff, we conducted a photographic survey of the building (limited to the exterior ground-level) which documents the numerous violations of the subject ordinance. We are providing a partial, but representative, portion of that limited survey at attachment (1) and have cited the germane violations of the Vacant Building ordinance. Our survey also discovered water-damage to the building and we would strongly recommend that a city code enforcement officer, or professional consultant, conduct an inspection of the entire roof of the structure. Of course, the ordinance provides for fining the owner if identified violations are not corrected in a timely manner.

For the past decade we have watched the historic Town & Country Center (146-176 North Palm Canyon Drive) slowly deteriorate through neglect under the current owner. We are now at the point where a decade of deferred maintenance is starting to take a serious physical toll on the structure. The Vacant Building ordinance asserts that it is the

responsibility of the property owner to prevent their properties from becoming a burden to the community and a threat to the public health, safety and welfare. The ordinance (which applies to both residential and commercial properties) was established by the city of Palm Springs to prevent exactly what is now unfolding at the Town & Country Center.

On a more positive note, we most recently wrote you on September 9, 2012 to report unauthorized persons (i.e., transients) occupying the Town & Country Center. We greatly appreciate the city's prompt response to our concerns and the concentrated and ongoing fire and police department efforts to address this problem.

If you have any questions or if we can be of further assistance please contact us at (760) 837-7117 or info@pspreservationfoundation.org.

Sincerely,

A handwritten signature in cursive script that reads "Ron Marshall". The signature is written in dark ink and is positioned below the word "Sincerely,".

Ron Marshall
President

Attachment (1): Various photographs of Town & Country Center taken on the morning of October 15, 2012 (22 in total)

Copy to: Director of Building & Safety (Mr. Terry Tatum); Mayor (Mr. Steve Pougnet); City Attorney (Mr. D. Holland)

Attachment (1)

Photographs of Town & Country Center (Taken on October 15, 2012)

For buildings like the Town & Country Center that are vacant for more than 90 days, the Vacant Building ordinance (Section 8.80.030) requires that the owner actively maintain and monitor the building. The ordinance requires that the owner ensure:

- “Maintenance of landscaping and plant materials in good condition” (subparagraph A.3.i)
- “Maintenance of the exterior of the building including, but not limited to, paint and finishes, in good condition” (subparagraph A.3.ii)
- “Regular removal of all exterior trash, debris and graffiti” (subparagraph A.3.iii)
- “Maintenance of the building in continuing compliance with all applicable codes and regulations” (subparagraph A.3.iv)
- “Windows screened with opaque material that prevents interior space of the building from being visible from public rights of way or public property (subparagraph A.3.vi)
- “Securing the property in a manner so as not to be accessible to unauthorized persons...In the case of broken windows, securing means replacing the window” (subparagraph A.3.vii)



Photo 1: General deterioration of the structure (water damage) on North Indian Canyon Drive – Violations of subparagraphs A.3.ii and A.3.iv.



Photos 2 and 3: Deterioration of planters on North Indian Canyon Drive – Violations of subparagraphs A.3.ii and A.3.iv.



Photo 4: Unmaintained landscaping, deterioration of structure and graffiti (stickers), Indian Canyon Drive – Violations of subparagraphs A.3.i, A.3.iii and A.3.iv.



Photos 5 and 6: Peeling paint (this is a systemic problem throughout the complex) – Violations of subparagraph A.3.ii



Photos 7 and 8: Major deterioration (rust) of courtyard metal planter and dead shrubbery in same metal planter – Violations of subparagraphs A.3.ii and A.3.i respectively



Photo 9: Deteriorating awning covering – Violations of subparagraph A.3.ii and A.3.iv.



Photos 10 and 11: Broken windows and missing panes of jalousie window – Violations of subparagraph A.3.vii



Photo 12: Uncovered electrical junction in courtyard. Although probably not electrified, “mystery wiring” is a systemic problem throughout the complex and constitutes a potential safety violation – Violation of subparagraph A.3.iv



Photo 13: Unmaintained landscaping within the interior courtyard. Just a few years ago this tree and another nearby tree broke out of their rotted wooden planter leaving a rather grotesque above-ground mass of roots...pieces of the old planter remain – Violation of subparagraph A.3.i



Photo 14: Missing blinds, falling window coverings – Violation of subparagraph A.3.vi



Photos 15 and 16: Graffiti and “mystery wiring” – Violations of subparagraphs A.3.iii and A.3.iv



Photo 17: Missing fascia – Violation of subparagraphs A.3.ii and A.3.iv



Photo 18: Missing stucco (a systemic problem throughout the complex) on North Palm Canyon Drive – Violation of subparagraphs A.3.ii and A.3.iv



Photos 19 and 20: Severely cracked stucco under eaves in courtyard – Violations of subparagraphs A.3.ii and A.3.iv



Photos 21 and 22: Severely rusted air-conditioning unit on North Indian Canyon Drive. Rusting downspouts are another systemic problem – Violations of subparagraphs A.3.ii and A.3.iv