



## CITY COUNCIL STAFF REPORT

**TO:** City Council

**DATE:** November 10, 2025

**DEPARTMENT:** Community Development/Administration

**PREPARED BY:** Isaac Whippy, City Manager

**PRESENTER:** Isaac Whippy, City Manager

**AGENDA TITLE:** Receive a Report, Hold a Public Hearing, and Introduce, By Title Only, and Waive Further Reading of Ordinance xxxx-2025 Amending Title 6 Health and Sanitation to Add Chapter 6.30 "Vacant Buildings and Lots" to the Fort Bragg Municipal Code, Establishing a Vacant Commercial Building Program and Providing for the Registration, Maintenance, and Monitoring of Vacant or Abandoned Commercial Buildings

### RECOMMENDATION

Staff recommends that the City Council:

1. Introduce Ordinance No. XXXX-2025 by title only, and waive further reading.
2. Adopt a Resolution establishing regulatory fees for the VBCL Program (annual registration and monthly monitoring).
3. Provide direction on complementary vacancy-reduction strategies (code-enforcement focus, temporary activation tools, and longer-term options such as a potential vacancy-tax framework for future exploration).

### BACKGROUND

Downtown Fort Bragg and our commercial corridors are essential to the City's economic health and community identity. A growing number of storefronts have remained vacant or underused for extended periods, affecting pedestrian activity, neighboring business performance, tax revenues, and overall investor confidence. Unmaintained sites can also generate nuisance conditions and draw on City resources.

Best practices from other California jurisdictions include vacancy registries, temporary activation programs, targeted incentives, and—in some cities—voter-approved vacancy taxes. In early 2025, the Community Development Committee asked staff to return with a local program tailored to Fort Bragg's scale and needs.

## DISCUSSION AND ANALYSIS

The Vacant Commercial Building Program represents a proactive approach to keeping Fort Bragg’s business districts secure, attractive, and economically resilient. Following review of the draft framework, the Community Development Committee recommended adoption of a vacancy and underutilization program that prioritizes property maintenance, owner accountability, and opportunities for temporary activation. The Committee further recommended that the program initially focus on vacant commercial buildings and occupied units within commercial zones—deferring inclusion of vacant lots until the program is fully established and its effectiveness can be evaluated.

### 1. What the proposed ordinance does (Ordinance No. 1019-2025)

The proposed ordinance adds Chapter 6.30, “Vacant and Underutilized Buildings and Lots,” to the Fort Bragg Municipal Code. The ordinance applies to properties located within the Central Business District and other commercial zones citywide and establishes a framework for registration, maintenance, and monitoring of vacant and underutilized commercial properties.

Property owners must register any vacant or abandoned commercial buildings, units, or lots within 30 days of qualifying, with an accelerated timeline of 10 days when a condition poses an imminent threat to public health or safety.

- **Vacant or Abandoned:** Includes properties unoccupied for more than 90 consecutive days, or those exhibiting nuisance conditions, multiple code violations,
- **Registration and fees (6.30.30.C):** Owners must provide the required property and contact information and pay an annual registration fee, as established by City Council resolution. Properties that are re-occupied before the payment deadline will be removed from the registry.
  
- **Maintenance and monitoring (6.30.40):** Registered property owners are required to maintain their buildings or lots in a clean, secure, and orderly condition. Obligations include posting required signage with 24-hour local contact information, conducting and submitting monthly inspection reports, keeping structures secured against unauthorized entry, removing graffiti within 72 hours, maintaining storefront windows and façades in good repair, carrying current fire and liability insurance, and paying a monthly monitoring fee as established by City Council resolution.

Signage Requirements: Signs must be no smaller than 18 inches by 24 inches, with text legible from at least 45 feet.

- a) **No Trespassing Sign:** Must meet City standards and comply with California Penal Code § 602 for enforcement purposes.
- b) **Contact Information:** Must display the property owner’s or authorized local agent’s name and a 24-hour phone number or email address for inquiries or to report issues.

- c) **Property Status Signage:** Must clearly indicate the property's condition or availability, such as:
  - a. "UNDER MAINTENANCE — NOT AVAILABLE FOR SALE, LEASE, OR RENT," or
  - b. "AVAILABLE — FOR SALE/LEASE/RENT" (if the property is actively being marketed).
- d) **Prohibited Signage:** Signs may not misrepresent the property's status or availability. Property owners are not required to advertise availability unless the property is actively for sale or lease.

• **Temporary activation (6.30.50):** The Community Development Director may authorize short-term activations through a streamlined permit process for up to three months, with possible extensions. Examples include pop-up retail, art exhibits, and nonprofit programming that enhance aesthetics, deter nuisance activity, and help market vacant spaces. For the duration of a temporary activation, the property will not be considered Vacant or Abandoned and therefore not be subject to the monthly monitoring requirements, but such status will return immediately following the cessation of the temporary activation

• **Enforcement (6.30.60):** The ordinance authorizes administrative citations and fines, cost recovery and liens under Government Code §38773.5, criminal penalties for serious violations, and equitable relief. All responsible parties share joint and several liability for compliance.

• **Hardship waivers (6.30.70):** The City Manager may grant hardship waivers of fees upon a verified showing of financial hardship and good cause. Approved waivers may apply to cumulative monitoring fees but not to the initial registration fee. Properties receiving a waiver must still register and provide current owner and marketing information to ensure the City can maintain accurate contact and compliance records.

As an incentive, properties subject to active marketing of their property—consistent with the standards established by the Community Development Director—may qualify for a temporary waiver of the monthly monitoring fee during the verified marketing period. This approach encourages good-faith efforts to re-occupy or lease vacant properties while maintaining accountability and transparency.

This hardship provision is distinct from the automatic fee relief granted during periods of active construction, rehabilitation, or approved temporary activation under Sections 6.30.40 and 6.30.50.

## 2. Program Implementation and Fee Structure

Under the Community Development Department, the City has recently contracted with 4LEAF, Inc. to assist with implementation and enforcement of the Vacant and Underutilized Buildings and Lots Ordinance. 4LEAF will provide inspection and compliance

monitoring services in coordination with Community Development Department (CDD) staff. As the City currently does not have a dedicated Code Enforcement Officer, program enforcement will be managed collaboratively by CDD staff and 4LEAF under the direction of the City Manager and Community Development Director.

**Program Stages (Post 90 days)**

Stage	Trigger	Requirements	Timeframe	Fee
1. Education & Outreach	Property identified as non-compliant (no Notice of Default)	Correct violations, meet standards	30 days	None
2. Mandatory Registration	Failure to comply within 30 days or Notice of Default recorded	Submit application, post signage, inspect monthly, file reports	Ongoing until compliance	\$100/year + \$150/month Monitoring
3. Active Maintenance	While property remains vacant or abandoned	Maintain property & grounds, secure structures	Continuous	Included in fee

The annual \$100 registration and \$150/month monitoring fee recovers program costs such as appointment time, inspections, notices, reports to property owner without burdening the General Fund. Relief provisions, hardship waivers, and allowances for owners outside Mendocino County (who must appoint a local agent) ensure fairness and flexibility.

**Fee Resolution (Cost Recovery)**

The proposed fees are structured to make the program self-sustaining, ensuring that administrative and enforcement costs are recovered through user fees rather than subsidized by the General Fund. Fee revenues will reimburse the City for actual staff and consultant time associated with property inspections, compliance verification, owner notifications, and enforcement activities.

To ensure fiscal neutrality, staff recommends adoption of a companion fee resolution concurrent with the ordinance:

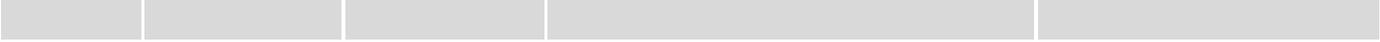
- Annual Registration Fee (per property/unit/lot): \$100
- Monthly Monitoring Fee (per building/unit): \$150
- Vacant lot monitoring may be added later by Council direction at a distinct rate.

These fees reflect the estimated time required for inspections, recordkeeping, correspondence, and compliance tracking (see attachment). The ordinance also provides flexibility through hardship waivers and temporary activation provisions, allowing relief for property owners who demonstrate financial hardship or active efforts to lease, market, or improve their properties—while maintaining accountability and supporting downtown revitalization goals.

### 3. How Fort Bragg’s Proposed Registry Compares to Other Cities

Fort Bragg’s proposed program requires mandatory registration for all commercial buildings and lots vacant for 90 days or more, regardless of maintenance condition. Owners must submit registration information, pay annual fees, and comply with maintenance and security standards until the property is re-occupied or actively in use. This ensures consistent oversight of all vacant properties while still allowing hardship waivers in limited circumstances.

City	Mandatory Registration?	Vacancy Threshold	Registration Fee	Notes
<b>Willits</b>	Yes	90 days	\$100 first year; \$200 second year; \$1,000 third year; \$2,000 fourth and beyond	Escalating fee structure to discourage prolonged vacancy; enforced through Code Enforcement.
<b>Ukiah</b>	Yes	Broad (abandoned or distressed)	\$150 flat fee for property registration; \$500 annual monitoring	Applies to both commercial and residential properties; includes ongoing inspection, maintenance, and contact posting requirements.
<b>Clearlake</b>	Yes	30 days; registration required within 10 days	Initial: \$100 + \$12.50/month until renewal; Renewal: \$250 + \$200/month monitoring	Requires monthly inspections, signage, and upkeep; part of a broader property maintenance enforcement program.
<b>Fortuna</b>	Yes	60 days	\$150 annual registration	Applies to both residential and commercial properties; includes inspection and maintenance obligations; annual renewal required.
<b>Healdsburg</b>	Yes	90 days	\$250 annual registration	Commercial-only focus; registration includes maintenance standards and code compliance verification; monitored by Planning Department.
<b>Fort Bragg (Proposed)</b>	Yes	90 days	\$100 annual registration + \$150 monthly monitoring (set by resolution)	Applies to vacant and underutilized commercial properties; includes monthly inspections, signage, hardship waivers, and temporary activation provisions.



#### **4. Complementary Strategies (Council Direction Requested)**

To support implementation of the ordinance and further reduce long-term vacancies, staff is seeking Council direction on several complementary strategies:

- **Code Enforcement Focus:** Strengthen enforcement of existing nuisance standards for vacant or underutilized properties. Consider targeted code amendments to address maintenance issues such as exterior lighting, window coverings, and the prolonged use of papered or boarded windows outside of active permits.
- **Temporary-Use Flexibility:** Explore modifications to the Limited Term Permit program to allow 90–180-day activations for temporary uses, such as pop-ups or art installations. Streamlined, low-fee approvals would encourage creative short-term occupancy and keep storefronts active during tenant transitions.
- **Targeted Incentives:** Evaluate the feasibility of offering small matching grants like the fascade improvement grant for limited improvements—such as display lighting, signage, or minor interior fit-outs—to help activate vacant spaces. Any such program must comply with prevailing wage and gift-of-public-funds requirements and would be subject to City Attorney review.
- **Long-Term Policy Tool (Discussion Only):** A commercial vacancy tax could be considered as a future ballot measure to encourage timely leasing or activation of persistently vacant properties. While not recommended for immediate action, staff could further study this option and return to Council for discussion if there is interest.

#### **CONSISTENCY**

This proposed program directly supports multiple adopted City priorities, including:

- **2025–2028 Strategic Plan – Economic Development Goal:** Revitalize the Central Business District by reducing vacancies and encouraging active use of commercial spaces.
- **City Council Goal – Downtown Vitality:** Improve the pedestrian experience, strengthen the business climate, and attract investment by addressing visible vacancies.
- **Public Safety and Quality of Life Initiatives:** Reduce vandalism, illegal dumping, and nuisance activity in vacant properties, thereby improving neighborhood appearance and safety.

#### **GENERAL PLAN**

#### **LAND USE ELEMENT**

Goal LU-3 Ensure that the Central Business District remains the historic, civic, cultural, and commercial core of the community.

Policy LU-3.1 Central Business District: Retain and enhance the small-scale, pedestrian-friendly, and historic character of the Central Business District (CBD).

Goal LU-4 Promote the economic vitality of the City's existing commercial areas.

## **COMMUNITY DESIGN ELEMENT**

Policy CD-1.4 Property Maintenance and Nuisances: Ensure that properties are well maintained and nuisances are abated.

Program CD-1.4.1: Continue to implement and enforce the City's nuisance abatement ordinance, and update it, as necessary, to ensure that property values are maintained throughout the City.

Program CD-1.4.2: Provide Code enforcement for immediate health and safety violations in conjunction with the building inspection process.

Goal CD-2 Preserve the Central Business District as the commercial, civic, historic, and cultural center of the community.

Policy CD-2.2 Pedestrian Activity: Encourage increased pedestrian movement and activity in the Central Business District.

Policy CD-2.3 Economic Vitality: Continue to support the economic diversity and vitality of downtown businesses.

Policy CD-2.5 Strengthen the Distinctive Identity of the Central Business District: Strengthen the distinctive identity and unique sense of place of the Central Business District.

By focusing on commercial zones, this ordinance targets the most visible and economically critical areas of Fort Bragg, ensuring a cleaner, safer, and more vibrant downtown for residents, visitors, and investors.

## **FISCAL IMPACT**

The proposed fee structure—\$100 annual registration and \$150 monthly monitoring—is designed to recover the City's direct costs for administering the Vacant Building and Lot Commercial (VBLC) Program, including inspections, compliance monitoring, and enforcement. No General Fund subsidy is anticipated for ongoing operations.

Under the Community Development Department, the City has contracted with 4Leaf, Inc. to assist with implementation and inspections due to the current vacancy of the Code Enforcement Officer position. These fees will reimburse the City for actual staff and consultant time spent on site inspections, file administration, owner notifications, and compliance verification. As the program matures, staff may recommend adjustments to ensure continued cost recovery and fairness.

Implementation will also require initial staff time from the City Manager’s Office, Community Development, Finance and Economic Development Departments to establish program procedures, conduct outreach, and coordinate enforcement. Estimated one-time staff commitments for the first year include:

- **Program Setup & Ordinance Implementation:** ~20–30 hours (City Manager’s Office, Community Development, 4Leaf) for ordinance finalization, outreach, staff training, and property inventory.
- **Storefront Activation Program Development:** ~20–30 hours (Economic Development) for program design, stakeholder engagement, and fiscal analysis.
- **Vacancy Tax Feasibility Study:** ~25–35 hours (City Manager’s Office & City Attorney) for legal review, comparative research, and strategy development.

These initial setup costs will be absorbed within existing department workloads (excluding City Attorney review time). Once operational, the program’s regulatory fees will provide sustainable cost recovery for inspections, monitoring, and enforcement without reliance on the General Fund.

To improve efficiency and transparency, the City will explore integrating the Vacant Property Registry into its Accela permitting and code enforcement platform, enabling automated tracking, billing, and compliance management across departments. Code Enforcement and Community Development staff will coordinate closely with the Finance Department to ensure accurate billing, collection, and reconciliation of monitoring fees and waivers.

Annual fee updates and program cost recovery adjustments will be brought forward to the City Council as part of the City’s Master Fee Schedule review to maintain fiscal accountability and alignment with actual program expenses.

**IMPLEMENTATION/TIMEFRAMES:**

Vacant Registry Commercial Program

Milestone	Target Date	Action
<b>Ordinance Introduction</b>	Nov 10, 2025	City Council considers and introduces the ordinance for first reading
<b>Ordinance Adoption</b>	Nov 24, 2025	Council adopts the ordinance
<b>Ordinance Effective Date</b>	December 24, 2025	Ordinance takes effect 30 days after adoption.

<b>Milestone</b>	<b>Target Date</b>	<b>Action</b>
<b>Program Materials Finalized</b>	By January, 2026	Finalize application packets, inspection forms, and program guidelines.
<b>Staff Training</b>	By Dec-January 2026	Train Community Development staff in coordination with 4Leaf on program requirements, forms, and tracking procedures.
<b>Public Outreach Launch</b>	Dec-February 2026	Announce program via press release, City website, social media, and direct mail to commercial property owners.
<b>Initial Compliance Inspections</b>	March 2026	Begin inspections to identify non-compliant properties in commercial zones.
<b>Notices of Violation Issued</b>	As inspections identify non-compliance	Provide a 30-day compliance period to correct violations before the registration requirement applies.
<b>First Mandatory Registrations</b>	March-April 2026	Registration begins for properties not brought into compliance or with recorded Notices of Default.
<b>Ongoing Program Monitoring</b>	June 2026 and ongoing	Monthly reporting and inspections per program requirements.

This phased approach allows adequate time for public education, voluntary compliance, and staff readiness before the enforcement and registration components of the program take effect.

## **COMMUNITY ENGAGEMENT**

In July and August 2025, the City conducted a public survey (attached) to gather input on how best to address vacant commercial properties. Of the 55 respondents, 88% supported the City taking action—such as creating a registry program, implementing a vacancy tax, and offering incentives to property owners. Respondents identified their top priorities as improving aesthetics, strengthening enforcement, and encouraging temporary activation of vacant spaces.

## **ATTACHMENTS**

- Draft Ordinance No. xxxx-2025
- Resolution
- Fees Calculation
- Survey – Business Owners
- FAQ's
- Zoning Map

- NOPH

**NOTIFY ME**

Downtown Merchant Group

Economic Development

Community Development