



CITY OF FORT BRAGG

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COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE: July 24, 2018
TO: Community Development Committee
FROM: Sarah McCormick, Assistant Planner
AGENDA ITEM TITLE: Receive Vacant Property Report Update, Consider Policy and Programmatic Options for Addressing Vacant Residential and Commercial Properties in Fort Bragg, and Make Recommendation to Council

ISSUE:

At the April Community Development Committee (CDC) meeting, committee members received a report on responses to the Vacant Property Survey (Attachment 1 – CDC Staff Report 4/24/2018). Committee members directed staff to complete the following:

- Telephone survey respondents and local property management companies to gather specific details and gain a clearer understanding of the factors that may motivate and/or constrain owners of vacant property;
- Contact the Police Department about trespassing authorization protocol;
- Develop an informational brochure about building maintenance expectations and the building permit process; and
- Provide an analysis and recommendation regarding a Commercial Vacant Property Ordinance.

Accordingly, staff has prepared the following analysis and supporting materials to continue both the vacant residential and commercial property discussion.

SUMMARY:

Vacant commercial and residential properties have different impacts on our community and as such two distinct policy and programmatic approaches are presented.

RESIDENTIAL

Feedback from Survey Respondents/Property Managers

It is evident that there is a severe housing shortage in California and in Fort Bragg. While Fort Bragg has a housing shortage, the City's vacancy rate is healthy for residential properties. Many

long term vacant properties have recently been purchased and rehabilitated as home-owner occupied or rental properties.

Staff initially mailed a vacant property survey in January to vacant properties (identified with inactive water meters). In May, staff contacted 22 survey respondents with follow up with questions in order to gain a better understanding of vacant residential properties in Fort Bragg. During the follow-up conversations, fifteen property owners reported that the units were sold, rented, on the market, or under repair as follows:

- Five (5) properties have sold;
- Six (6) properties are now rented;
- Two (2) properties are currently on the market;
- Two (2) homes are being repaired.

Additionally, staff spoke with property owners to determine why they were not fully utilizing the property. Five property owners who explained the house isn't "vacant", so much as underutilized as a vacation home; and/or the house in question is located on the same parcel where the owner's live and put to use as guest accommodations, workshops and storage. Two survey respondents spoke of elderly parents who recently moved into assisted living situations and the property is in transition. Another two survey respondents reported that a lack of finances was a determining factor, however, one of these owners shared an active timeline to upgrade and repair the structure as finances become available.

Maintenance Expectations and Building Permits

Fort Bragg Municipal Code (FBMC) Chapter 6.12 provides information on nuisance conditions and outlines the requirements of property owners (Attachment 2 – FBMC Section 6.12.060 Nuisance Conditions). This information has been distilled into the following bullets and incorporated into a brochure (Attachment 3 – Building Maintenance Expectations Brochure).

- **Maintain structures.** Neglected buildings are partially destroyed or in an unreasonable state of prolonged construction; have broken windows; unsecured roof materials, siding, rain gutters, etc. that cause a detriment to nearby property values.
- **Maintain landscaping.** Overgrown vegetation and diseased trees can be a fire hazard, harbor rats and other vermin and be a detriment to nearby property values. Please keep vegetation trimmed and clear weeds from sidewalks, curb and gutter.
- **Dispose trash and debris.** Discarded furniture, household equipment, boxes, trash and debris that are visible from the street or nearby property are considered a visual blight. Utilize weekly waste management cans or deliver larger items to local transfer station.
- **Maintain Sidewalks.** Keep the sidewalks clear from obstructions. It is also important to keep the sidewalk, curb and gutter clear of weeds.
- **Motor Vehicles.** Inoperable or dismantled vehicles, motorcycles, recreational vehicles, trailers, campers, boats, etc. must be kept in an enclosed garage and cannot be visible from the street or nearby property.

No Trespassing Protocol

The Fort Bragg Police Department accepts No Trespassing Letters from property owners. These letters stay on file for six months at which time they become null and void, requiring a new letter to be submitted. Staff will follow up with the Police Department to determine if letters can authorize a longer period of trespassing enforcement.

COMMERCIAL

Feedback from Vacant Property Owners

As one might expect, owners of vacant commercial properties are challenging to contact. Staff mailed letters to several empty commercial properties and did not receive a response.

Feedback from Neighboring Businesses

Staff walked throughout the Central Business District and spoke with over twenty business owners, including several businesses in close proximity to vacant stores located in General Commercial and Highway Visitor Commercial zoning districts. Business owners and managers discussed how vacant storefronts impact their business. The majority of business owners declared that vacancies create a void in the pedestrian experience that negatively impacts their business. Several complained that the building they occupy suffered from deferred maintenance and needed to be upgraded. Other feedback provided is that customers often comment on the poor maintenance of buildings and ask why most businesses are closed on Sunday.

Staff inquired as to whether business owners and managers would support a Vacant Commercial Property Ordinance. The majority of people interviewed were interested in developing an ordinance to help regulate vacant commercial properties. The specifics of what would be included in such an ordinance varied, but most agreed that providing general parameters to ensure buildings are not a visual blight and tenants are actively being sought should be included.

Vacant Commercial Property Ordinance

Vacant storefronts can have significant economic and social impacts that affect the desirability of new business investment and weigh heavy on the character of our community. Developing a Vacant Commercial Property Ordinance would be another tool for code enforcement to regulate buildings before nuisance conditions set in. An ordinance specifically created to address standards for vacant commercial properties would define otherwise subjective terms, such as “vacant”, “local contact” and “ready for occupancy”. Attachment 4 provides examples of Vacancy Ordinances from other jurisdictions for review.

However, another way to create regulatory tools to ensure maintenance standards of vacant commercial buildings is to simply add a section to the existing FBMC Chapter 6.12 Nuisances. The maintenance standards that were identified and supported by business owners, managers and community members interviewed at the City’s weekly farmer’s market outreach match well with elements considered a public nuisance and include the following:

- Require windows on the façade to be clean;
- Require the building and vestibule be clear of trash and debris; and
- Clearly post contact information so interested persons who wish to rent, lease or buy the property can speak to a local contact.

Committee members may also consider additional suggestions for which support is less clear:

- Requiring window displays;
- Survey existing buildings by inspection to ensure building safety;
- Fines for chronic vacancy (longer than a year or two).

Code Enforcement

CDC requested staff to continue with code enforcement efforts to abate nuisance conditions. The conditions addressed through Title 6: Health and Sanitation, 6.12 Nuisances of the Municipal Code often involve circumstances displaying severe neglect of premises. For reasons discussed above, adding a section to this chapter that specifically addresses maintenance standards for vacant commercial properties or developing an ordinance would allow for code enforcement to monitor and regulate before a building becomes a public nuisance as currently defined.

RECOMMENDED ACTIONS:

Discuss and consider regulatory and programmatic options to address residential and commercial properties in Fort Bragg, provide direction to staff, and make recommendation to City Council.

ATTACHMENTS:

1. CDC Staff Report 4/24/2018
2. FBMC Section 6.12.060 Nuisance Conditions
3. Building Maintenance Expectations Brochure
4. Examples of Vacancy Ordinances