

## RESOLUTION NO. 3959-2016

### RESOLUTION OF THE FORT BRAGG CITY COUNCIL EXTENDING THE TEMPORARY WAIVER OF THE PARKING IN-LIEU FEE FOR CHANGES OF USE IN THE CENTRAL BUSINESS DISTRICT

**WHEREAS**, the City of Fort Bragg adopted updated parking in-lieu fees ("Fees") based on a nexus study completed in 2007; and

**WHEREAS**, over the past several years, an economic recession has resulted in a reduction of property values and revenues generated by downtown businesses; and

**WHEREAS**, on July 25, 2011, the City Council adopted Resolution No. 3467-2011 reducing the Fees by 50%; and

**WHEREAS**, on October 22, 2012, the City Council adopted Resolution No. 3576-2012 to provide a temporary (two year) waiver for payment of the fee that extended through December of 2014; and

**WHEREAS**, on February 9, 2015, the City Council adopted Resolution No. 3780-2015 to extend the temporary waiver of the parking in-lieu fee until December 31, 2016; and

**WHEREAS**, the recession, the slow pace of recovery, and internet retailing has resulted in a number of vacant storefronts which continues to impact the economic vitality of the downtown; and

**WHEREAS**, during the past two years while the Fee waiver was in place, a number of business owners have benefited from the waiver as it has allowed them to expand the hours of operation of restaurants, and to establish new uses in vacant buildings thereby improving the overall vitality of the downtown area; and

**WHEREAS**, the Fees are voluntary fees that a business owner or property owner can pay in lieu of providing parking onsite as required by the Land Use and Development Code; and

**WHEREAS**, the Council wants to assist local businesses by extending the temporary waiver of the Fees for businesses that are considered a "change of use" within an existing structure for an additional one year (i.e., until December 31, 2017); and

**WHEREAS**, based on all the evidence presented, the City Council finds as follows:

1. Re-imposing the Fees would make it more difficult for financially-challenged businesses to expand their operations in order to become more profitable and thereby contribute to the vibrancy of downtown; and
2. During the current economic recovery, re-imposition of the Fees would result in a new barrier for restaurants that wish to serve lunch and/or expand their hours of operation during the day, and a vibrant downtown depends on excellent lunch options; and
3. Extension of the Fee waiver is consistent with the City's Economic Development Strategy.

**WHEREAS**, the temporary waiver of the Fee for changes of use within an existing structure is exempt from environmental review under the California Environmental Quality Act

("CEQA") pursuant to Title 14, the California Code of Regulations ("CEQA Guidelines"), Section 15273(a)(4) which provides an exception for modifications to fees for the purpose of obtaining funds for capital projects necessary for maintaining service within existing service areas; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby approve a temporary waiver of the Parking In-Lieu Fee for changes of use in the Central Business District until December 31, 2017.

The above and foregoing Resolution was introduced by Councilmember Deitz, seconded by Councilmember Cimolino, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 28<sup>th</sup> day of November, 2016, by the following vote:

**AYES:** Councilmembers Cimolino, Deitz, Hammerstrom, Peters, and Mayor Turner.  
**NOES:** None.  
**ABSENT:** None.  
**ABSTAIN:** None.  
**RECUSED:** None.



**DAVE TURNER,**  
Mayor

**ATTEST:**



**June Lemos**  
City Clerk