

RESOLUTION NO. ____-2022

**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 AND FINDING THE
ACTION EXEMPT FROM CEQA**

WHEREAS, the City of Fort Bragg adopted updated parking in-lieu fees ("Fees") based on a nexus study completed in 2007; 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, on November 28, 2016, the City Council adopted Resolution No. 3959-2016 to extend the temporary waiver of the parking in-lieu fee until December 31, 2018; and

WHEREAS, on January 28, 2019, the City Council adopted Resolution No. 4148-2019 to extend the temporary waiver of the parking in-lieu fee until December 31, 2019; and

WHEREAS, on January 13, 2020, the City Council adopted Resolution No. 4222-2020 to extend the temporary waiver of the parking in-lieu fee until December 31, 2020; and

WHEREAS, on December 14, 2020, the City Council adopted Resolution No. 4335-2020 to extend the temporary waiver of the parking in-lieu fee until December 31, 2021; and

WHEREAS, on December 13, 2021, the City Council adopted Resolution No. 4482-2021 to extend the temporary waiver of the parking in-lieu fee until December 31, 2022; and

WHEREAS, the continued slow pace of recovery in Fort Bragg after the 2009 recession and the recent pandemic and Shelter-in-Place orders has contributed to a number of vacant storefronts which continues to impact the economic vitality of the downtown; and

WHEREAS, during the past 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, 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 City 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, 2023).

NOW, THEREFORE, BE IT RESOLVED, based on all the evidence presented, the City Council finds as follows:

1. The foregoing recitals are true and correct and are made a part of this Resolution.
2. 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 the Central Business District and the greater Fort Bragg Commercial District; and
3. Re-imposition of the fees could result in discouraging potential businesses and existing businesses from expanding use or engaging in new enterprises in the Central Business District and the greater Fort Bragg Commercial District; and
4. Parking in the Central Business District and the greater Fort Bragg Commercial District has not reached a critical level as far as availability during most hours and times of year; and
5. Extension of the fee waiver is consistent with the City's Priority Area 1: Jobs/Industry and Goal 3 - Foster and help sustain local businesses.

BE IT FURTHER RESOLVED, 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.

BE IT FURTHER 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, 2023.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 28th day of November, 2022, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:**

BERNIE NORVELL
Mayor

ATTEST:

June Lemos, MMC
City Clerk