

**RESOLUTION NO. \_\_\_\_-2022**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL TEMPORARILY  
WAIVING WATER CAPACITY FEES FOR ALL FOOD, BEVERAGE AND  
RETAIL SHOPS IN THE CENTRAL BUSINESS DISTRICT**

**WHEREAS**, the City of Fort Bragg charges a fee to its water customers for capital improvements; and

**WHEREAS**, capacity charges collected are used for facilities in existence at the time the charge is imposed and for new facilities to be constructed in the future that are of benefit to the person being charged; and

**WHEREAS**, the capacity charges have been adjusted over time to provide a more equitable charge and to allow for an annual adjustment tied to the change in the Engineering News-Record 20-City Construction Cost Index; and

**WHEREAS**, the City has in the past temporarily reduced or waived development fees for parking in-lieu to encourage revitalization of the City's Central Business District, which is the City's commercial, civil, historic and cultural center of the community; and

**WHEREAS**, small businesses, located in the Central Business District were economically disproportionately impacted during the COVID-19 pandemic and associated State and County Shelter-in-Place orders; and

**WHEREAS**, businesses in the Central Business District have closed or downsized their retail presence during the COVID-19 pandemic and associated State and County Shelter-in-Place orders in greater numbers than businesses located in the rest of the City;

**WHEREAS**, the number of vacant storefronts in the Central Business District continues to impact the economic vitality of the downtown Central Business District; and

**WHEREAS**, the historic downtown Central Business District is an important aspect of and asset to the City's tourism-based economy; and

**WHEREAS**, essentially all of the businesses in the Central Business District have been and continue to be small unique enterprises that make the Fort Bragg Central Business District an attraction for visitors and encourages those visitors to stroll through the shops, and fee waivers may allow businesses to establish new uses in vacant buildings thereby improving the overall vitality of the downtown area; and

**WHEREAS**, lack of food, beverage and retail service businesses in the Central Business District, particularly on Franklin Street, has been cited as a contributing factor to the increase in vacant buildings. The lack of food service businesses has also been blamed as partially responsible for the limited hours of operation in the Central Business District, which in turn reduces the pedestrian traffic; and

**WHEREAS**, the City Council wants to assist local businesses by extending a temporary waiver of the Water Capacity Fees for all businesses that are considered a "change of use" within an existing structure for a three-year period (i.e., until June 30, 2025); and

**WHEREAS**, 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. A temporary waiver of the Water Capacity Fees could result in encouraging potentially any and all businesses (as defined in the City’s Inland Land Use & Development Code) to expand their existing use or engage in new enterprises in the Central Business District; and
3. Increasing the existence of new and expanding businesses in the Central Business District would add additional pedestrian traffic to the neighborhood and create a destination or anchor that would benefit other businesses in the Central Business District; and
4. The temporary Water Capacity Fee waiver is consistent with the City’s Priority Area 1: Jobs/Industry and Goal 3 - Foster and help sustain local businesses.

**WHEREAS**, the temporary waiver of the Water Capacity Fees 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 Water Capacity Fees for changes of use for all businesses (as defined in the City’s Inland Land Use & Development Code) located in the Central Business District Zoning District until June 30, 2025.

**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 27th day of June, 2022, by the following vote:**

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

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**BERNIE NORVELL**  
**Mayor**

**ATTEST:**

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**June Lemos, MMC**  
**City Clerk**