

RESOLUTION R2016-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NAPA, STATE OF CALIFORNIA, ADOPTING A PARKING
IMPACT FEE FOR NON-RESIDENTIAL DEVELOPMENT IN
THE PARKING EXEMPT DISTRICT

WHEREAS, Napa Municipal Code Chapter 15.104 establishes a parking impact fee, which is a fee charged to non-residential development in the :PE Parking Exempt Overlay District ("Parking Exempt District"), to allow the City to ameliorate and mitigate the parking impacts created by non-residential development in the Parking Exempt District; and

WHEREAS, as identified in greater detail in Napa Municipal Code Chapter 15.104, the purpose of the parking impact fee is to further the implementation of the Downtown Specific Plan by continuing to promote a pedestrian-friendly downtown where new non-residential development in the Parking Exempt District is not required to provide onsite parking, thereby creating additional parking demand to be served by nearby public parking facilities; and

WHEREAS, concurrently with the City Council's consideration of this resolution, the Council is considering an accompanying ordinance to amend Napa Municipal Code Chapter 15.104, by which the City will update and clarify the procedures by which the City establishes and implements parking impact fees; and

WHEREAS, the City Council hereby finds that the parking impact fee update described in this resolution is consistent with the version of Napa Municipal Code Chapter 15.104 currently in effect (since that is the version that will be in effect on the date this resolution is considered), as well as the version of Napa Municipal Code Chapter 15.104 being concurrently considered for adoption by City Council (since that is the version that is anticipated to be in effect when the fee established by this resolution is implemented), and that the differences between the two ordinances do not create any significant impact on the manner by which the City calculates the parking impact fee; and

WHEREAS, the City wishes to impose a parking impact fee on new non-residential development in order to provide funding necessary to design and construct additional public parking to serve demand to be generated by new and existing development while serving as an incentive for developers to continue to invest in new development and redevelopment in Downtown Napa. The collection of these fees will allow the City to mitigate the parking impacts of non-residential development in the Parking Exempt District by generating monies that can be applied directly toward the production of public parking facilities; and

WHEREAS, the City commissioned the preparation of the *Downtown Napa Parking Impact Fee Nexus Study*, prepared by Walker Parking Consultants, dated April 6,

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2016 (“the Nexus Study”), attached hereto and incorporated herein as Exhibit “A,” in order to analyze and quantify the technical bases for the parking impact fee imposed on new non-residential development in the Parking Exempt District, pursuant to the requirements of the California Mitigation Fee Act, California Government Code section 66000 *et seq* (“the Act”), and Napa Municipal Code Chapter 15.104; and

WHEREAS, as analyzed in greater detail in the Nexus Study, there exists a reasonable relationship between the amount of fee imposed by this Resolution and the non-residential development considered in the Nexus Study; and

WHEREAS, as further documented in the Nexus Study, there is a reasonable relationship between the amount of the fees established by this Resolution and the costs of the public parking to be constructed, developed and administered under the City’s public parking program; and

WHEREAS, the Nexus Study establishes that there is a reasonable relationship between the fee amounts it identifies and the non-residential development on which the fee is established under this Resolution; and

WHEREAS, pursuant to Sections 66016 and 66018 of the Act, the City has provided public notice and conducted public hearings in accordance with the requirements of Government Code section 6062(a), which were conducted on August 2, 2016, as well as on September 20, 2016; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Napa, as follows:

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council’s adoption of this Resolution.
2. The City Council hereby determines that the adoption of a parking impact fee under this Resolution not in-and-of-itself a “project” (pursuant to CEQA Guidelines Section 15378) since it does not result in a physical change in the environment. However, the fee adoption is part of a larger “project” that will be subject to environmental review in accordance with CEQA at the “earliest feasible time” prior to “approval” consistent with CEQA Guidelines Sections 15004 and 15352. The earliest feasible time for Council’s evaluation of environmental impacts will be after Council identifies a site for a parking structure that will serve development in the Downtown Parking Exempt District, and prior to Council’s approval of construction for that parking structure. Furthermore, the City Council hereby determines that the potential environmental impacts of the parking impact fee program that is the subject

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of the accompanying ordinance amending Napa Municipal Code Chapter 15.104 as well as this resolution (including the mitigation of parking impacts through the construction of future parking improvements funding by parking impact fees) is: (a) adequately examined in, and within the scope of, the Final Environmental Impact Report for the Downtown Napa Specific Plan (State Clearinghouse #2010042043) adopted by City Council on May 15, 2012; and (b) adequately examined by the Mitigated Negative Declaration for the 1300 Main Street Building adopted by City Council on June 7, 2016 (Resolution R2016-80).

3. The City Council hereby finds that the fee amounts identified in this Resolution will generate revenue to offset the estimated reasonable administrative, contractual and material costs incurred by the City in providing the facilities for which the fees are imposed. The Council further finds that the fees approved pursuant to this Resolution are charges imposed as a condition of property development, and, accordingly, the fees adopted by the resolution are not “taxes” as defined by Section 1(e) of Article XIII C of the California Constitution pursuant to California Constitution Article XIII C, Section 1(e)(6).
4. The City Council hereby finds and determines that the Nexus Study documents facts and analyses necessary to address the requirements of California Government Code 66001(a)(1)-(4), specifically, and makes the following findings in support of the fee adoption :
 - a. The Nexus Study identifies the purpose of the parking impact fee. As identified in the report, the fee is intended to generate revenue to construct structured parking and facilities within the City of Napa to offset the demand for parking created by net new non-residential development in the City’s Parking Exempt District.
 - b. The Nexus Study identifies how the fee will be used. The revenue generated from the parking impact fee set by this Resolution, along with any interest earned or collected thereupon, shall be used to increase the supply of public parking serving development in the Parking Exempt District. Parking impact fee revenue shall be used to finance the acquisition of land, planning, environmental review, design, construction administration, construction, equipment manufacturing and installation, administrative costs (including financial, legal, and general administrative services), and reasonable contingencies.
 - c. The Nexus Study demonstrates a reasonable relationship between the fee’s use and the type of development project on which the fee shall be imposed. The specific parking impact for each non-residential use has been calculated based on aggregating impacts of land uses and the City’s parking requirements and calculating a cost per space to construct structured parking to serve those combined non-residential uses.

- d. The Nexus Study establishes that a reasonable relationship exists between the need for public parking and the type of development project on which the fee will be imposed. The Nexus Study analyzes the current parking supply and demand within the Downtown Parking Exempt District study area, estimating demand using assumptions based on full occupancy of current and projected vacancies and build-out, and bases the fees for the type of development project on which the fee will be imposed by estimating the current costs to build an above-grade parking structure, including real property costs, and dividing the total by the total number of parking spaces identified as required for non-residential development within the study area under current City parking standards as established under Napa Municipal Code Chapter 17.54.
 - e. The Nexus Study establishes a reasonable relationship between the amount of the fee and the costs of the public parking to be constructed, developed and administered under the City's public parking program. The parking impact fee calculation is based on the cost to provide above-grade structured parking for the 955 spaces identified by the Nexus Study as necessary to satisfy parking demand in the 2015-2030 timeframe, minus funds that have already been collected or that are expected to be available for construction of the facility.
- 5. The City Council hereby establishes a parking impact fee in the amount of \$23,000 per parking space, which shall be imposed on net new development of nonresidential development in the Parking Exempt District, in accordance with Napa Municipal Code Chapter 15.104 (particularly the calculation set forth in Section 15.104.040(C), if the fee is imposed under the version of 15.104 that is proposed to be adopted concurrently with this resolution; or the calculation set forth in Section 15.104.020, if the fee is imposed under the version of 15.104 that is in effect on the date of this resolution).
 - 6. This Resolution shall take effect immediately upon its adoption, as a documentation of the final action taken by Council. The parking impact fee established by this resolution shall be effective November 7, 2016.

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I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 20th day of September, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Dorothy Roberts
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney