



## Legislation Details (With Text)

**File #:** #19-100      **Version:** 1      **Name:**

**Type:** RESOLUTION      **Status:** Passed

**File created:** 3/4/2019      **In control:** City Council

**On agenda:** 3/18/2019      **Final action:** 3/19/2019

**Title:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING CHAPTER 15.62 OF THE SAN PABLO MUNICIPAL CODE TO UPDATE THE WEST CONTRA COSTA SUBREGIONAL TRANSPORTATION MITIGATION PROGRAM (STMP) AND RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A MASTER COOPERATIVE AGREEMENT WITH WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE (WCCTAC)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD 2019-001 STMP Fees Chapter 15.62 022619.pdf, 2. RESO 2019-041 STMP Master Coop Agreement, 3. FINAL STMP Master Coop.pdf

Date	Ver.	Action By	Action	Result
3/19/2019	1	City Council	waived second reading and adopted	Pass

**PREPARED BY:** ALLAN A. PANGANIBAN      **DATE OF MEETING:** 03/18/19

**SUBJECT:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING CHAPTER 15.62 OF THE SAN PABLO MUNICIPAL CODE TO UPDATE THE WEST CONTRA COSTA SUBREGIONAL TRANSPORTATION MITIGATION PROGRAM (STMP) AND RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A MASTER COOPERATIVE AGREEMENT WITH WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE (WCCTAC)

**CITY MANAGER RECOMMENDATION**

Waive second reading and adopt Ordinance; adopt Resolution

**COMPLIANCE STATEMENTS**

Economic Development and Diversification - New Revenue Enhancements is an adopted policy item under the FY 2019-21 Council Priority Workplan, effective March 1, 2019.

**CEQA Compliance Statement**

Adoption and approval of the STMP fee are exempt from CEQA pursuant to Public Resource Code § 21080 (b)(8)(D) and 14 California Code of Regulations § 15273 (a), since they constitute the modification, restructuring or approval of a fee or charge needed to obtain funds for capital projects that are necessary only to maintain service within existing service areas within the City of San Pablo, pursuant to the findings set forth. The execution of an agreement is not subject to CEQA.

**BACKGROUND**

**Subregional Transportation Mitigation Program (STMP):**

The West County Subregional Transportation Mitigation Program (STMP) was developed with the participation and concurrence of local jurisdictions in determining the most feasible methods of mitigating regional traffic impacts. The Cities of El Cerrito, Hercules, Pinole, Richmond, and San Pablo, as well as the County of Contra Costa, have each adopted an ordinance implementing this fee program. These jurisdictions share a desire to assure that new development in West County pays its fair-share toward regional circulation and transit improvements that are proportional to the traffic impact the new development will generate. The STMP is not a return-to-source program. The local fees collected in West County provide congestion relief to mitigate traffic on regional routes and through improved transit service throughout West County.

West Contra Costa Transportation Advisory Committee (WCCTAC) first implemented a transportation impact fee via the STMP in 1997. Impact fees are established under a state law known as Assembly Bill (AB) 1600, the Mitigation Fee Act. WCCTAC conducted an update of the fee program in 2005/2006 to help fund an expanded list of regional transportation improvements.

### **STMP Update:**

The City of San Pablo first updated its STMP fees by amending its Municipal Code Chapter 15.62 in May 2006. Along with the amendment, a Master Cooperative Agreement was executed to implement the updated STMP.

On September 17, 2018, the City Council received a preliminary report of the STMP Update, and an overview of the WCCTAC recommended fee levels to be considered for WCCTAC Board of Directors review on September 28, 2018. The City Council discussed and received the STMP report, and voted by majority vote via minute action to state that the City Council had no major objections to the calculations being formulated by WCCTAC for STMP recommended fee levels.

At the September 28, 2018 meeting, the WCCTAC Board recommended that fee levels be set at 75 percent of the maximum potential fee calculations. Setting the fees at these levels is expected to generate an estimated \$121.3 million (of the \$162 million potential) through year 2040.

On March 4, 2019, San Pablo City Council held a noticed public hearing regarding the 2019 update of the STMP fees and amendment to Municipal Code Chapter 15.62. Following a presentation by staff and representatives of WCCTAC, City Council waived the first reading of the ordinance, and held a public hearing. No members of the public commented.

### **Master Cooperative Agreement and Ordinance Approval Process:**

The Master Cooperative Agreement is by and among the Cities of El Cerrito, Hercules, Pinole, Richmond, and San Pablo, the County of Contra Costa and the West Contra Costa Transportation Advisory Committee for the 2019 STMP.

The Master Cooperative Agreement, with implementing guidelines, is the means by which WCCTAC and its members implement the collection of the STMP fee and construction of the West County transportation projects with the proceeds of those fees.

As the agency that oversees the STMP, the WCCTAC Board accepted the Final Report of the 2019 Nexus Update of the STMP Impact Fee at its December 2018 meeting. At its January 2019 meeting, the Board authorized WCCTAC signing the Master Cooperative Agreement, in substantially the same form as provided and agreed to circulate that document and a Model STMP Ordinance to the STMP agencies for their review and approval. WCCTAC requests that all actions on the STMP Master

Cooperative Agreement and STMP Ordinance be completed by April 30, 2019 so that the new fees may go into effect on July 1, 2019.

### **Funding STMP Eligible Projects**

STMP fees collected may only be used to fund the twenty projects in the STMP Update. The City of San Pablo would benefit from the following projects included in these twenty projects.

- I80/San Pablo Dam Road Interchange Improvements (Phase 2)
- San Pablo Avenue Transit Corridor Improvements
- San Pablo Avenue Complete Streets Projects
- San Pablo Avenue/Road 20/23<sup>rd</sup> Street Realignment
- Preliminary Study for BART to Contra Costa College

The full list of the eligible projects can be found in the STMP Update Final Report on the WCCTAC website, [https://www.wcctac.org/app\\_pages/view/210](https://www.wcctac.org/app_pages/view/210).

### **FISCAL IMPACT**

None at this time. Fees collected under the STMP will be used for the capital improvement projects identified in the 2019 Nexus Update of the Subregional Transportation Mitigation Program (STMP) Impact Fee, prepared for West Contra Costa Transportation Advisory Committee (WCCTAC), dated December 2018.

The Master Cooperative Agreement establishes the mechanisms and procedures for local jurisdictions to collect the STMP fees on behalf of WCCTAC at the issuance of building permits. WCCTAC will require that the funds are kept in their own separate account and are submitted quarterly along with a quarterly report. Local resources are required for collecting and processing the fees and incorporating on-going, annual fee adjustments for inflation into local master fee schedules. Should a local jurisdiction want to collect an additional fee amount to cover its administrative expenses, it may do so, but the local jurisdiction is responsible for justifying the amount and the administrative fee must be kept separate from the STMP fees. The City of San Pablo will place any administrative fees within its adopted Master Fee Schedule should the Council approve such administrative fees in the future.

### **Attachments:**

Ordinance amending Chapter 15.62 of the San Pablo Municipal Code to update the STMP Resolution approving the Master Cooperative Agreement