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Title: PUBLIC HEARING ON 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)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD 2019-### STMP Fees Chapter 15.pdf, 2. RPT FINAL STMP Update Report 121418, 3. RPT FINAL DRAFT Admin Guidelines 021419

Date	Ver.	Action By	Action	Result
3/5/2019	1	City Council	waived first reading and introduced	Pass

PREPARED BY: ALLAN A. PANGANIBAN

DATE OF MEETING: 03/04/19

SUBJECT:

PUBLIC HEARING ON 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)

CITY MANAGER RECOMMENDATION

Introduce Ordinance; waive first reading of the Ordinance; conduct public hearing

COMPLIANCE STATEMENTS

Fiscal Sustainability - New Revenue Enhancements is an adopted policy item under the FY2018-21 Council Priority Workplan, effective November 1, 2017.

CEQA Compliance Statement

Adoption and approval of the STMP fee are exempt from CEQA pursuant to Public Resources Code § 21080(b)(8)(D) and 14 Cal. Code Regs. § 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.

BACKGROUND

WCCTAC:

The West Contra Costa Transportation Advisory Committee (WCCTAC) is one of four Regional Transportation Planning Committees (RTPCs) in Contra Costa County and represents the West Contra Costa sub-area. The Committees were created in 1988 to guide transportation projects and programs included in the Measure C, one-half (½) cent, transportation sales tax approved by Contra

Costa voters. Measure C was succeeded by Measure J in 2004.

WCCTAC is a public agency, governed by a Joint Exercise of Powers Agreement between the following member agencies: the cities of El Cerrito, Hercules, Pinole, Richmond, San Pablo; Contra Costa County; and the transit operators, AC Transit, BART and WestCAT. WCCTAC's operating revenues are derived from dues paid by member agencies as well as from numerous grants.

WCCTAC aims to improve the transportation system in West Contra Costa through the development and coordination of transportation plans, projects, programs and policies for the West Contra Costa area. In addition to directing some funds from Measure J, WCCTAC administers the Subregional Transportation Mitigation Fee Program (STMP) which collects proportional and fair-share fees for impacts to traffic and transportation in the area caused by new development projects built in West Contra County and applies them to transportation improvements.

WCCTAC also manages a Transportation Demand Management (TDM) Program using the "511 Contra Costa" brand which is aimed at vehicle trip reduction. Programs include outreach to assist employers with development of trip reduction programs, bicycle programs, carpool and transit incentive programs and other projects to encourage alternative to driving alone.

Subregional Transportation Mitigation Program (STMP):

In 1988 Contra Costa County residents adopted Measure C, a half-cent sales tax measure for transportation projects and programs which voters renewed in 2004 with the passage of Measure J. These ballot measures require that local jurisdictions develop a program of regional traffic mitigation fees, assessments, or other mitigations, as appropriate, to fund regional and subregional transportation projects. In developing these fee programs, local jurisdictions are required to consider such issues as jobs/housing balance, carpool and vanpool programs, and proximity to transit service in the establishment of the regional traffic mitigation program.

The West County Subregional Transportation Mitigation Program (STMP) is an important mechanism for regional collaboration in West County. Regional, multi-jurisdictional fee programs are more complicated than local mitigation fee programs administered by a single jurisdiction; however, regional programs offer a forum for cooperation and coordination that allows the agencies involved to make more comprehensive transportation investments than any single jurisdiction could do on its own.

The 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.

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.

Participating jurisdictions are responsible for collecting the STMP fee and forwarding it to WCCTAC. WCCTAC is empowered to coordinate and administer revenue for the regional transportation improvements funded with these fees. Measures C and J also require that all Contra Costa County jurisdictions participate in the regional transportation mitigation program. Jurisdictions that are not participating in such a program are at risk of losing their annual Measure C (and subsequently Measure J) local street maintenance and improvement (return-to-source) funds.

STMP Update:

In late 2016, WCCTAC began the process of updating the STMP and its nexus study. This update has been a multi-step process during which WCCTAC's staff and its consultants have worked closely with the WCCTAC Technical Assistance Committee (TAC) and made periodic check-ins with the WCCTAC Board. The consultant team developed a series of technical memos which evaluated the 2005/2006 STMP, reviewed West County existing conditions and growth projections, developed criteria for a project list, and identified projects and determined the nexus between the projects and the maximum potential fee that could be charged. These memos are available on the WCCTAC website: https://www.wcctac.org/app_pages/view/210. The technical memos are summarized in the Final Report of the 2019 Nexus Update of the STMP Impact Fee, which is attached. WCCTAC anticipates that the updated STMP will become effective July 1, 2019.

Final Report of the 2019 Nexus Update of the STMP Impact Fee:

The purpose of the 2019 Nexus Update is to provide the technical basis for updating the STMP. The focus of the updated program is to support a regional multimodal transportation system in West County that serves the expected future demand. This report documents the analytical approach for establishing the required nexus between anticipated future development in West Contra Costa County and the need for regional transportation improvements.

2005/2006 STMP Revenue and Disbursements:

As shown in Table 2-3, the STMP generated about \$11.6 million in revenue as of December 1, 2018, including \$8.7 million between 2005 and 2018. About \$5.9 million has been disbursed as of December 1, 2018; total disbursements by project are summarized in Table 2-4. As shown in Table 2-3, an account balance of about \$5.7 million remains as of December 1, 2018. A portion of the remaining account balance has been allocated to projects on the current STMP project list; however, not all the allocated amount has been disbursed to the project sponsor agencies to date. WCCTAC recently completed a 2018 Call for Projects and its Board agreed to disburse the remaining balance for transportation capital improvements that fall under the project list identified in the 2005 Update of the STMP. The WCCTAC Board further agreed to designate revenues generated between December 1, 2018 and June 30, 2019 (the proposed last day of the 2005/2006 STMP) to specific projects from the 2018 Call for Projects. This action essentially will result in no or very few dollars from the 2005/2006 STMP remaining un-programmed at its conclusion.

Table 2-3: STMP Revenue and Disbursements (as of December 1, 2018)^{1a}

Period ^a	Revenue ^a	Disbursements ^a	Balance ^{2a}
1998--2004 ^a	\$2,942,031.00 ^a	\$2,235,826.70 ^a	\$706,204.30 ^a
2005--2018 ^{3a}	\$8,668,484.55 ^a	\$3,652,097.91 ^a	\$5,722,590.94 ^a
Total-to-Date^a	\$11,610,515.55^a	\$5,887,924.61^a	\$5,722,590.94^a

Notes:

1. Information presented in Table 2-3 is based on the best information available at this time, however, the records may not be complete.
2. A portion of the remaining account balance has been allocated to projects on the current STMP project list; however, not all the allocated amount has been disbursed to the project sponsor agencies.
3. Reporting period as of December 1, 2018.

Source: WCCTAC, December 2018.

Table 2-4: STMP Disbursements by Project (as of December 1, 2018)¹		
Project	Total Amount Committed	Total Amount Disbursed to Date
Richmond Intermodal Station	\$527,000.00	\$223,116.36
I-80/San Pablo Dam Road, I-80/Central Avenue, SR-4/Willow Avenue Interchange Improvements	\$2,800,435.39	\$2,800,435.39
Capitol Corridor Improvements (Hercules Passenger Rail Station)	\$1,000,000.00	\$988,774.00
Ferry Service to San Francisco from Richmond and/or Hercules/Rodeo	\$300,000.00	\$0.00
BART Access and/or Parking Improvements (El Cerrito Plaza, El Cerrito Del Norte, and/or Richmond BART Stations)	\$1,186,200.00	\$813,991.86
Bay Trail Gap Closure	\$500,000.00	\$487,365.06
San Pablo Dam Road Improvements in Downtown El Sobrante	\$0.00	\$0.00
San Pablo Avenue Corridor Improvements	\$0.00	\$0.00
North Richmond Connection Project	\$0.00	\$0.00
Hercules Transit Center	\$304,963.13	\$304,963.13
Del Norte Area TOD Public Infrastructure Improvements	\$300,000	\$0.00
Administrative ²	N/A	\$269,278.81
Total	\$6,918,598.52	\$5,887,924.61

Notes:

1. Information presented in Table 2-4 is based on the best information available at this time, however, the records may not be complete for every project on the list.
2. Includes disbursements for administrative purposes and those that were not otherwise categorized.

STMP Update: New Project List

The WCCTAC TAC recommended, and WCCTAC Board approved, a final list of capital improvement projects for inclusion in the updated STMP. The detailed project list is included in the Final Report of the Nexus Update of the STMP Impact Fee as Appendix A. Summarized versions are available as Table 3-1 in the same report as well as in the Master Cooperative Agreement and the Model Ordinance. This list contains a combination of projects currently in the STMP, as well as projects that have been identified through the review of recent planning documents, the application of project eligibility criteria, and feedback from the TAC and Board. Overall, the purpose of the projects remains the same as when the STMP was first adopted. These projects are intended to provide congestion relief and mitigate traffic impacts on regional routes through capacity improvements on those routes, improved transit services for subregional and regional travel, and improved facilities that allow West County residents to more efficiently access regional routes and transit services. There are twenty projects included in the STMP Update and their overall total project cost is \$855 million. Only a portion of this overall cost can be attributed to the impact of new development. The summarized new project list is:

1. **San Pablo Avenue Complete Streets Projects** - Transit, bicycle, and pedestrian improvements along several segments of San Pablo Avenue.
2. **Appian Way Complete Streets Project** - Pedestrian, bicycle, and transit access improvements along Appian Way in El Sobrante and in City of Pinole.
3. **San Pablo Dam Road Improvements** - Multimodal access improvements along San Pablo Dam Road through downtown El Sobrante.
4. **Bay Trail Gap Closure** - Improve transit access by closing three key Bay Trail gaps: along Goodrick Avenue in Richmond, between Bayfront Park and Pinole Creek in Pinole, and between Atlas Road and Cypress Avenue in unincorporated Contra Costa County.
5. **Ohlone Greenway Improvements** - Crossing, wayfinding, signing, lighting, safety, access and landscaping improvements along Ohlone Greenway.
6. **I-580/Harbor Way Interchange Improvements** - Improve pedestrian and bicycle access across interchange, to serve movements between waterfront/ferry terminal and central Richmond.
7. **I-580/Marina Bay Parkway Interchange Improvements** - Improve pedestrian and bicycle access across interchange, to serve movements between waterfront and downtown Richmond.
8. **Richmond Ferry to Bridge Bicycle Improvements** - Improve bicycle access between Richmond Ferry Terminal and Bay Trail near Richmond-San Rafael Bridge.

9. **I-80 Express Bus** - Capital Improvements associated with implementing I-80 Express Bus service between Hercules and Oakland/Emeryville/Berkeley/San Francisco, with possible intermediate stops.
10. **Hercules Regional Intermodal Transportation Center** - Complete construction of new Capitol Corridor train stop, with associated track improvements, parking and access facilities.
11. **BART Extension from Richmond Station (Planning and Conceptual Engineering Phases)** - Planning, conceptual engineering and/or program level environmental clearance phases of potential BART extension to Contra Costa College/City of San Pablo.
12. **San Pablo Avenue Transit Corridor Improvements** - Extension and improvement of Bus Rapid Transit (BRT) and/or rapid bus service along San Pablo Avenue through West County, with stops including Richmond Parkway Transit Center and Hercules Transit Center.
13. **23rd Street Transit Corridor Improvements** - Provision of BRT and/or rapid bus service along 23rd Street from Richmond Ferry Terminal/UC Berkeley Richmond Field Station to Richmond BART, to Contra Costa College, and potentially to Hilltop Mall.
14. **West County BART Station Access and Parking Improvements** - Station modernization and capacity enhancements, parking, and access improvements at El Cerrito Plaza, El Cerrito del Norte, and Richmond BART stations, and Richmond Crossover Project to allow increased frequency along Richmond line.
15. **Del Norte Area TOD Public Infrastructure Improvements** - Parking facilities, bicycle, pedestrian, and/or bus transit access improvements, signage, lighting, improvements to station access or station waiting areas, ADA improvements, improvements to adjacent streets, street crossings, or signals, and/or Ohlone Greenway improvements.
16. **San Pablo Avenue Intersection Realignment** - Intersection reconfiguration, potential signal modifications to accommodate pedestrian, bicycle, and BRT access at intersection of San Pablo Avenue, 23rd Street, and Road 20.
17. **I-80/San Pablo Dam Road Interchange Improvements, Phase 2** - Interchange reconstruction, new bridge over Wildcat Creek, and improved bicycle and pedestrian facilities.
18. **I-80/Central Avenue Interchange Improvements, Phase 2** - Increase intersection spacing to increase vehicle capacity, connect Pierce Street and San Mateo Street, convert Pierce Street access at Central Avenue to right-in/right-out and improve multimodal access.
19. **I-80/Pinole Valley Road Interchange Improvements** - Improve merge from eastbound on-ramp to I-80, widen ramp terminal intersections, and make pedestrian crossing improvements.

20. Future Nexus Study Updates - Two comprehensive nexus studies and fee updates, over the 22-year planning horizon of the 2019 STMP fee.

STMP Update: Growth Projections

An important step in quantifying the nexus relationship is to determine the amount of new development anticipated in the planning horizon (year 2040) of the study. WCCTAC's consultant, Fehr & Peers reviewed the historical and projected housing and job growth in West County provided by the Association of Bay Area Governments (ABAG) and summarized in Table 4-1. Based on the information presented in Table 4-1, the WCCTAC TAC recommended, and the WCCTAC Board approved, a 0.9 percent annual housing growth rate and 1.2 percent annual job growth rate for use in the nexus study update. These projections were incorporated into the year 2040 land use file of the Contra Costa Transportation Authority (CCTA) travel demand model in the appropriate Transportation Analysis Zones (TAZs) for the West County region. Table 4 2 shows the amount of new development anticipated based on applying those growth rates; the number of dwelling units in West County would increase by 18,725 units (17 percent of total 2040 amount), and the number of jobs would increase by 18,794 jobs (21 percent of total 2040 amount). As shown in Table 4 3, total "service population" in West County, which is the sum of population plus jobs, is expected to increase by 82,037 (19 percent of total 2040 amount).

Table 4-1: West County Annual Growth Rate Comparison

Year Range	Annual Housing Growth Rate	Annual Job Growth Rate
2000–2005 (Historical)	0.9%	0.7%
2005–2010 (Historical)	-0.1%	-2.1%
2010–2015 (Historical)	0.9%	1.7%
2015–2040 (Forecast, based on ABAG Projections 2013)	1.2%	1.2%
2015–2040 (Forecast, based on ABAG Projections 2017)	1.0%	1.4%

Table 4-2: Forecasted Housing and Job Growth in West County

Year	Residential (Dwelling Units)			Non-Residential (Jobs)			
	Single-Family	Multi-Family	Total	Office	Retail	Industrial	Total
2018	65,727	28,657	94,384	45,920	16,172	9,525	71,617
2040	70,412	42,697	113,109	60,528	19,485	10,398	90,411
Net Increase	4,685	14,040	18,725	14,608	3,313	873	18,794
Net Increase as % of Total 2040 Amount	7%	33%	17%	24%	17%	8%	21%

Table 4-3: Forecasted Service Population Growth in West County

Year	Total Population	Total Jobs	Service Population (Population + Jobs)
2018	267,305	71,617	338,922

2040	330,548	90,411	420,959
Net Increase	63,243	18,794	82,037
Net Increase as % of Total 2040	19%	21%	19%

STMP Update: Nexus Analysis:

An important part of a nexus analysis is to establish whether the transportation facilities that will be addressed by projects in the fee program are currently operationally deficient. Existing deficiencies should be accounted for in the fee calculations to ensure new development pays its fair share and is not being charged to correct an existing problem. Fehr & Peers conducted an evaluation of existing transportation conditions based on a review of recent studies that contain information pertaining to the current operations along Routes of Regional Significance, existing transit services, and existing pedestrian and bicycle infrastructure.

In light of these conditions, the STMP calculations presented here have been conducted by calculating the growth in West County development as a percentage of the total future population and jobs.

The concept of this nexus study is to determine the proportion of the cost of each project that is reasonably attributable to new development within West County, and therefore could be included in the STMP fee. The primary analytical tool available to estimate the proportion of usage on each facility coming from new growth in West County is the CCTA regional travel demand model.

The percentages were applied to the cost of each STMP project, and the resulting amount represents the portion of the cost of each project that was used when calculating the STMP fee. Using these calculations, the STMP program could capture about \$162 million, which is approximately 19 percent of the overall total project cost of \$855 million. Other funding sources would be needed to cover the remainder of the costs, to account for the travel demand generated by existing West County residents as well as existing and future travelers who pass through West County on their way to other destinations.

The STMP Update's nexus analysis determined that the STMP could legally justify collecting a maximum potential of \$162 million (approximately 19%) of the \$855 million cost of the STMP Update Project List based on future West County growth from new development. The consultants then calculated what the maximum potential STMP fee that could be charged to new development for common land use categories.

It is important to note that the fee calculation is intended to represent the maximum potential fee that is justified through this nexus analysis and that could be charged to each land use type to support the list of STMP projects. Setting new fee levels is a policy decision of the WCCTAC Board. The WCCTAC Board in making its recommendation considered that if it set fees lower than the maximum potential fee, the STMP program would generate less revenue than estimated and would take longer to generate the estimated funding for projects on the list.

STMP Update: WCCTAC Board Recommended Fee Levels:

Although permitted to index the 2005/2006 STMP fees for inflation, there has not been consistent indexing over time. An inflation index to reflect changes in construction costs is a common practice in fee programs. To assist in making comparison to similar other fees, the consultants calculated what the 2005/2006 STMP fees would be if they had been indexed annually for inflation.

The maximum potential STMP fee was compared to the current STMP fees and to other similar, Measure J required sub-regional fee programs in Contra Costa. The new maximum potential fees calculated are higher than the current non-indexed and indexed STMP fees in all land use categories. For residential uses, the new maximum STMP fee is somewhat higher than the residential fee charged in the Tri-Valley area, and lower than the residential fees in East County and Lamorinda. For non-residential uses, the new maximum STMP fee is higher than the comparable fees in East County and Tri-Valley, and roughly similar to the non-residential fees in Lamorinda.

City Council Preliminary Review of WCCTAC Recommended Fee Levels:

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.

WCCTAC Board Action on 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.

Table 5-3.b: Comparison to Other Sub-Regional Fees					
Jurisdiction	Single-Family (per-unit)	Multi-Family (per-unit)	Office (per-sq.-ft.)	Retail (per-sq.-ft.)	Industrial (per-sq.-ft.)
West County Area					
WCCTAC Maximum Potential Fee	\$7,252	\$3,572	\$11.63	\$8.79	\$7.41
WCCTAC (original 2005) ¹	\$2,595	\$1,648	\$3.51	\$1.82	\$2.45
WCCTAC (if indexed) ²	\$3,697	\$2,348	\$5.00	\$2.59	\$3.49
Board Recommendation (75% of WCCTAC Maximum Potential Fee)³	\$5,439	\$2,679	\$8.72	\$6.59	\$5.56
Other Sub-Regional Fees in Contra Costa					
East County	\$18,186	\$11,164	\$1.56	\$1.80	\$1.56
Lamorinda	\$7,269	\$5,088	\$7.78	\$7.78	\$7.78
Tri-Valley	\$4,369	\$3,010	\$7.43	\$3.48	\$4.32

Notes:

1. Reflects the 2005 STMP Fee Schedule.

2. Reflects the 2005 STMP Fee Schedule if it had been consistently indexed to year 2018. The index is based on the Engineering-News Record

Source: Fehr & Peers, 2018.

Master Cooperative Agreement and Ordinance Approval Process:

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 substantive 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.

The Ordinance requires a public hearing and then introduction and adoption at two separate Council meetings (also known as “two readings”). Unless otherwise directed by the City Council, it is staff’s intent to bring a resolution authorizing execution of the Cooperative Agreement with the second reading/adoption of the Ordinance on the Consent Calendar for the City Council meeting on March 18, 2019.

FISCAL IMPACT

None at this time. Fees collected under the STMP will be used for the capital improvement projects identified in the attached report.

The Master Cooperative Agreement and Ordinance establish 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.

Funding STMP Eligible Projects

STMP fees collected may only be used to fund the twenty projects in the STMP Update. The STMP is not a return-to-source program but is a West County, competitive program. Periodically, WCCTAC will announce call for projects for STMP-eligible projects. Evaluation of the projects submitted will be undertaken by WCCTAC staff at the direction of the WCCTAC Board, with input from the WCCTAC TAC. The WCCTAC Board will make the final decision about which projects to fund. Factors to be considered in evaluating projects may include, but are not limited to project readiness and ability to use funds quickly. Amount of funds requested compared to amount available, reasonable distribution of funds across all project categories and reasonable distribution of funds across all agencies.

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 20/23rd 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.