

## MEETING NOTICE AND AGENDA

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**DATE & TIME:** September 29, 2023 • 8:00 AM – 10:00 AM

**LOCATION:** City of El Cerrito, Council Chambers  
10890 San Pablo Avenue (at Manila Ave)  
El Cerrito, California (Accessible by AC Transit #72, #72M & #72R)

Pursuant to Government Code section 54953(b)(3), Director Bana may attend this meeting from the following location: 225330 A Street, NE, Washington, DC 20002. Director Peeples may attend this meeting from the following location: AC Transit General Office, 1600 Franklin Street, Room 205, Oakland, California 94612. The public shall have the opportunity to address the Board at the teleconference location, which will be accessible to the public, and the agenda will be posted at the teleconference location at least 72 hours before the meeting.

**REMOTE ACCESS:**

<https://us02web.zoom.us/j/7321058840?pwd=c1dMVjJydlBoYk0yYWVlZWVlWHZ4Zz09>  
Meeting ID: 732 105 8840

Phone: =  
+Dial the following number, enter the participant PIN followed by # to confirm:  
+1 669 900 6833  
Meeting ID: 732 105 8840  
Password: 066620

**Public Comment via Teleconference**

Participants may use the chat function on Zoom or physically raise their hands to indicate if they wish to speak on a particular item.

*The ability to participate and observe via Zoom or teleconference is predicated on those technologies being available and functioning without technical difficulties. Should they not be available or become non-functioning or should the WCCTAC Board otherwise encounter technical difficulties that make those platforms unavailable, the WCCTAC Board will proceed with business in person unless otherwise prohibited by law.*

**Written Comment** (accepted until the start of the meeting, unless otherwise noted on the meeting agenda). Public comments received by 5:00 p.m. on the evening before the Board meeting date will be provided to the WCCTAC Board. Comments may be submitted by email to [vjenkins@wcctac.org](mailto:vjenkins@wcctac.org).

Comments may also be submitted via e-mail to [vjenkins@wcctac.org](mailto:vjenkins@wcctac.org) at any time prior to closure of the public comment portion of the item(s) under consideration. All written comments will be included in the record.

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1. **Call to Order and Board Member Roll Call.** *(Paul Fadelli – Chair)*
2. **Public Comment.** The public is welcome to address the Board on any item that is not listed on the agenda.

### **CONSENT CALENDAR**

3. **Minutes of July 28, 2023 Board Meetings.** *(Attachment; Recommended Action: Approve).*
4. **Monthly Update on WCCTAC Activities.** *(Attachment; Information only).*
5. **Financial Reports.** The reports show the Agency’s revenues and expenses for July 2023. *(Attachment; Information only).*
6. **Payment of Invoices over \$10,000.** None. *(Attachment; Information only).*

### **REGULAR AGENDA ITEMS**

7. **Appeal of STMP Fee for 1711-1755 Eastshore Boulevard.** Baco Properties, the developer of a storage facility project in El Cerrito, is seeking a waiver of its STMP fees. WCCTAC staff and WCCTAC’s counsel have reviewed the request and concluded that the City of El Cerrito applied the fee appropriately and that there is no basis for waiving the fee. WCCTAC staff will introduce the item and staff from Baco Properties and/or Downey Brand LLP will deliver a presentation to the Board. *(John Nemeth, Executive Director; Attachments; Recommended Action: Deny the STMP fee waiver request).*
8. **Richmond Parkway Transportation Plan (RPTP): Existing and Future Conditions and Phase 1 Engagement Update.** At this second progress update on the development of the RPTP, the Board will receive a presentation on recent work including analysis of car and truck conditions, traffic signal operations and public health impacts. *(Leah Greenblat, WCCTAC staff, and Karina Schneider, Fehr and Peers; No Attachments; Recommended Action: Receive information and provide feedback as needed).*

9. **STMP Cycle 2 Call for Projects: Funding Recommendations.** In March 2023, the WCCTAC Board approved the release of a Call for Projects for Subregional Transportation Mitigation Program (STMP) making \$5.3 million available. This is the second grant cycle of the 2019 STMP Update. At its September 14, 2023, meeting, the WCCTAC TAC developed a unanimous funding recommendation for the Board's consideration. (*John Nemeth – WCCTAC staff; Attachment; Recommended Action: Approve the TAC's proposed funding allocation*)

**STANDING ITEMS**

10. **Board and Staff Comments.**
- a. Board Member Comments, Conference/Meeting Reports (AB 1234 Requirement), and Announcements
  - b. Report from CCTA Representatives (*Directors Fadelli & Kelley*)
  - c. Executive Director's Report
11. **General Information Items.**
- a. Letter to CCTA Executive Director with Summary of Board Actions for July 28, 2023
  - b. Acronym List
12. **Adjourn.** Next regular meeting is: October 27, 2023 @ 8:00 a.m.

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- In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in the WCCTAC Board meeting, or if you need a copy of the agenda and/or agenda packet materials in an alternative format, please contact Valerie Jenkins at 510.210.5930 prior to the meeting.
  - If you have special transportation requirements and would like to attend the meeting, please call the phone number above at least 48 hours in advance to make arrangements.
  - Handouts provided at the meeting are available upon request and may also be viewed at WCCTAC's offices.
  - Please refrain from wearing scented products to the meeting, as there may be attendees susceptible to environmental illnesses. Please also put cellular phones on silent mode during the meeting.
  - A meeting sign-in sheet will be circulated at the meeting. Sign-in is optional.

**West Contra Costa Transportation Advisory Committee  
Board of Directors Meeting  
Meeting Minutes July 28, 2023**

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**MEMBERS PRESENT:** Paul Fadelli, Chair (El Cerrito), Rita Xavier, Vice-Chair (San Pablo), Dion Bailey (Hercules), Cameron Sasai (Pinole), Eduardo Martinez, (Richmond), Cesar Zepeda (Richmond), Chris Peeples (AC Transit), R. Saltzman (BART)

**STAFF PRESENT:** John Nemeth, Joanna Pallock, Coire Reilly, Valerie Jenkins,  
Alex Mog (legal counsel)

**ACTIONS LISTED BY:** WCCTAC Staff

**Meeting Called to Order:** 8:00 a.m.

**Public Comment:** None

**CONSENT CALENDAR**

Motion by **Director Martinez**; seconded by **Director Peeples**

Yes- P. Fadelli, R. Xavier, C. Sasai, C. Peeples, D. Bailey, C. Zepeda, E, Martinez, R. Saltzman

No- None

Abstention- None

Motion passed unanimously.

**Item #3. Approved:** Minutes of the June 23,2023, Board Meeting

**Item #4. Received:** Monthly Update on WCCTAC Activities

**Item #5. Received:** Financial Reports for June 2023

**Item #6. Received:** Payment of Invoices over \$10,000. (None)

**REGULAR AGENDA ITEMS**

ITEM/DISCUSSION	ACTION
<p><b>Item #7</b> <b>Appeal of STMP Fee for 1711-1755 Eastshore Boulevard</b></p>	<p>Postponed to the September 2023 WCCTAC Board Meeting</p>

<p><b>Item #8</b> <b>AC Transit Realign</b></p>	<p><b>Information Only</b> David Bearman, AC Transit Staff, shared information about Phase 2 of the five-phase, AC Transit Realign Plan that will conclude in September 2024. Phase 2 will involve community outreach, including both online and hosted events. The Realign Plan is examining bus service to better align it with current travel needs. The development of the plan is based on ridership data as well as public feedback. AC Transit is ensuring that it receives feedback from all the zip codes in its service area.</p>
<p><b>Item #9</b> <b>Joint Power Agreement (JPA) – Review of Comments on Draft Update</b></p>	<p>John Nemeth, WCCTAC Executive Director, discussed the 25 comments received from JPA member agencies. He noted that most of the proposed edits were minor and recommended that the Board accept most. Director Nemeth also requested that the Board discuss a few substantive comments.</p> <p>Motion by <b>Director Peeples</b>; seconded by <b>Director Saltzman</b> to</p> <ul style="list-style-type: none"> <li>(1) accept edits proposed by member agencies, as recommended by staff.</li> <li>(2) change the Executive Directors spending level to \$25k, as suggested in a member agency comment.</li> <li>(3) postpone a decision on an agency name change, and discuss the issue further at the September 2023 meeting.</li> </ul> <p>Yes- P. Fadelli, R. Xavier, C. Sasai, C. Peeples, D. Bailey, C. Zepeda, E, Martinez, R. Saltzman No- None Abstention- None Motion passed unanimously.</p>

**Meeting Adjourned: 9:21 a.m.**

**TO:** WCCTAC Board

**DATE:** September 29, 2023

**FR:** John Nemeth, Executive Director

**RE:** Monthly Update on WCCTAC Activities

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**West County Travel Training Wraps Up for the Season**



WCCTAC is wrapping up its Travel Training Program outings for the season. Recently, staff has focused on showing seniors options for trips to medical facilities in Martinez including: the VA Hospital, the Kaiser Martinez Medical Center, and the County Hospital. The post-pandemic focus on getting senior and disabled residents to medical appointments has led to new initiatives. Specifically, WCCTAC staff has worked with staff from CCTA, the County, and San Pablo to develop a medical trip pilot that can use funding from the countywide Measure X sales tax. That service is expected to start running next year. A report on the Travel Training Program and on the Medical Trip Pilot will be presented at the October WCCTAC Board meeting.

## **Richmond Parkway Transportation Plan: A Busy Summer!!**

August and September have been busy months for the development of the Richmond Parkway Transportation Plan. Three pop-up events (at the North Richmond Flea Market, Thrive Thursday, and the Walmart at Hilltop) provided excellent opportunities to engage members of the public and collect their input on issues of concern along the Parkway. At each pop up, there were Spanish and English-speaking staff available to communicate and gather comments.

The Plan Team also delivered three neighborhood presentations at the North Richmond Municipal Advisory Council, Parchester Village Neighborhood Council, and Iron Triangle Neighborhood Council. These meetings provided greater insight into each of the neighborhood's individual concerns.



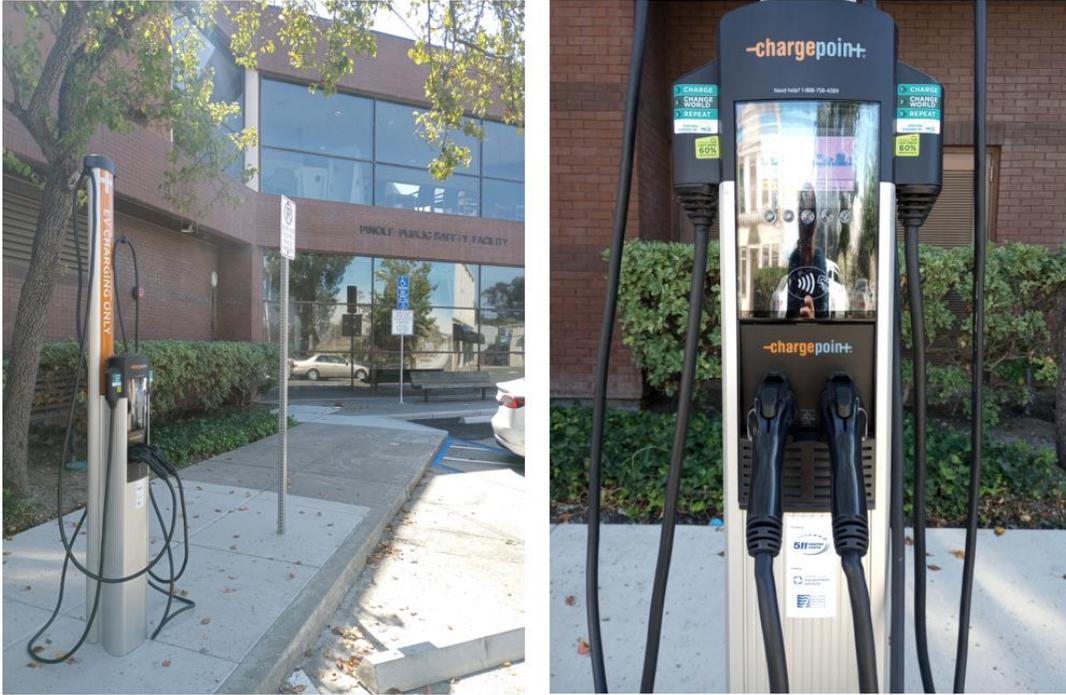
Simultaneously, multiple online ads in Spanish and English were purchased targeting residents in the study area. In total, these outreach efforts may have contributed to the over 1,750 unique visitors to the online, interactive webmap where the public could learn more about the planning effort and leave their comments.



Additionally, in September, the Plan Team met with the Plan's Public Advisory Group (composed of representatives from community groups, businesses and non-profits) and the Plan's Technical Advisory Committee (TAC). The TAC includes staff from the cities of Richmond, San Pablo, Pinole, Contra Costa County, AC Transit, WestCAT, BART, MTC, CCTA, EBRPD, West County Wastewater District, and Supervisor Gioia's Office.

Lastly, in August and September, the Plan Team wrapped up the technical information gathering and analysis phase of the Plan's development.

## **511 Contra Costa provides Pinole with EV Charging Station Incentive Funds**



511 Contra Costa, WCCTAC and CCTA's TDM Program, provided incentive funding for the city of Pinole to install a dual-port electric vehicle charger in front of the Public Safety Facility at Pinole City Hall. The charger is available for staff and the public alike to use.

### **Charge Up Contra Costa Program Has Funds for EV Charging Stations**

Charge Up Contra Costa, a program that provides a variety of electrification incentives, has funds to help bring more EV charging stations to your city. The program, partially funded by WCCTAC's share of County TFCA funds and administered by the CCTA, provides incentives of up to \$3500 per port for installing charging stations. Find more information and apply here:

<https://ccta.net/projects/charge-up/>

### **San Pablo Ave Multimodal Corridor Study - STMP Application**

When Phase 2 of the San Pablo Avenue Multimodal Corridor Study was completed, the WCCTAC Board embraced a package of improvements aimed at pedestrian safety. It also encouraged staff to continue exploring a potential bus-only lane demonstration that could work for both AC Transit and one or more local jurisdictions. WCCTAC, El Cerrito, Richmond, and AC Transit staff continued to meet and discuss the issue. To facilitate concrete next steps, WCCTAC staff, in cooperation with El Cerrito, Richmond, and AC Transit, submitted a request for STMP funding for consultant services to develop consensus around a bus-only lane demonstration project, including identifying a project segment on San Pablo Avenue and undertaking an extensive public engagement effort with the business and residential community. The WCCTAC TAC recommended funding the STMP request and, if the WCCTAC Board concurs, WCCTAC would prepare an RFP later this fall.

### **WCCTAC Joint Powers Agreement (JPA) Update**

WCCTAC is in the process of updating its JPA which has not been amended since 2003. At its July meeting, the WCCTAC Board incorporated comments from member agencies and CCTA. The Board also tasked staff with gathering more information about the implications and potential costs of a WCCTAC name change. Staff will bring this subject to the Board at its October 27, 2023 meeting. At that meeting, the Board should be able to forward a final version of the JPA update to member agencies for approval.

# General Ledger Monthly Budget Report

User: AnnC  
 Printed: 9/14/2023 1:27:36 PM  
 Period 02 - 02  
 Fiscal Year 2024



Account Number	Description	Adopted	Budget Adjustments	Adjusted	YTD Actual	Variance Encumbered	Available	% Avail
7700	WCCTAC Operations							
770-7700-41000	Salary	0.00	0.00	0.00	75,518.60	-75,518.60	-75,518.60	0.00
770-7700-41200	PERS Retirement	0.00	0.00	0.00	52,209.23	-52,209.23	-52,209.23	0.00
770-7700-41310	Medical Insurance	0.00	0.00	0.00	13,838.69	-13,838.69	-13,838.69	0.00
770-7700-41311	Retiree Healthcare	0.00	0.00	0.00	185.91	-185.91	-185.91	0.00
770-7700-41400	Dental	0.00	0.00	0.00	738.46	-738.46	-738.46	0.00
770-7700-41500	Flexible Spending Account	0.00	0.00	0.00	135.00	-135.00	-135.00	0.00
770-7700-41800	LTD Insurance	0.00	0.00	0.00	790.51	-790.51	-790.51	0.00
770-7700-41900	Medicare	0.00	0.00	0.00	1,081.37	-1,081.37	-1,081.37	0.00
770-7700-41901	Other Insurances	0.00	0.00	0.00	9,566.45	-9,566.45	-9,566.45	0.00
770-7700-41904	Life Insurance	0.00	0.00	0.00	311.10	-311.10	-311.10	0.00
770-7700-41912	Unemployment Insurance	0.00	0.00	0.00	112.00	-112.00	-112.00	0.00
	Salary and Benefits	0.00	0.00	0.00	154,487.32	-154,487.32	-154,487.32	0.00
770-7700-43500	Office Supplies	0.00	0.00	0.00	781.35	-781.35	-781.35	0.00
770-7700-43501	Postage	0.00	0.00	0.00	308.76	-308.76	-308.76	0.00
770-7700-43520	Copies/Printing/Shipping/Xerox	0.00	0.00	0.00	228.01	-228.01	-228.01	0.00
770-7700-43600	Professional Services	0.00	0.00	0.00	8,314.77	-8,314.77	-8,314.77	0.00
770-7700-43900	Rent/Building	0.00	0.00	0.00	3,685.50	-3,685.50	-3,685.50	0.00
770-7700-44000	Special Department Expenses	0.00	0.00	0.00	1,207.24	-1,207.24	-1,207.24	0.00
	Service and Supplies	0.00	0.00	0.00	14,525.63	-14,525.63	-14,525.63	0.00
	Expense	0.00	0.00	0.00	169,012.95	-169,012.95	-169,012.95	0.00
7700	WCCTAC Operations							
7720	WCCTAC TDM							
772-7720-41000	Salary	0.00	0.00	0.00	36,407.67	-36,407.67	-36,407.67	0.00
772-7720-41200	PERS Retirement	0.00	0.00	0.00	39,289.85	-39,289.85	-39,289.85	0.00
772-7720-41310	Medical Insurance	0.00	0.00	0.00	7,409.25	-7,409.25	-7,409.25	0.00
772-7720-41400	Dental Insurance	0.00	0.00	0.00	389.10	-389.10	-389.10	0.00
772-7720-41800	LTD Insurance	0.00	0.00	0.00	278.51	-278.51	-278.51	0.00
772-7720-41900	Medicare	0.00	0.00	0.00	523.22	-523.22	-523.22	0.00
772-7720-41901	Other Insurances	0.00	0.00	0.00	7,141.72	-7,141.72	-7,141.72	0.00
772-7720-41904	Life Insurance	0.00	0.00	0.00	85.02	-85.02	-85.02	0.00
	Salary and Benefits	0.00	0.00	0.00	91,524.34	-91,524.34	-91,524.34	0.00
772-7720-43500	Office Supplies	0.00	0.00	0.00	1,546.43	-1,546.43	-1,546.43	0.00
772-7720-43501	TDM Postage	0.00	0.00	0.00	193.01	-193.01	-193.01	0.00
772-7720-43520	Copies/Printing/Shipping/Xerox	0.00	0.00	0.00	193.01	-193.01	-193.01	0.00

Account Number	Description	Adopted	Budget Adjustments	Adjusted	YTD Actual	Variance	Encumbered	Available	% Avail
772-7720-43600	Professional Services	0.00	0.00	0.00	6,011.97	-6,011.97	0.00	-6,011.97	0.00
772-7720-43900	Rent/Building	0.00	0.00	0.00	3,685.50	-3,685.50	0.00	-3,685.50	0.00
772-7720-44000	Special Department Expenses	0.00	0.00	0.00	54,076.00	-54,076.00	0.00	-54,076.00	0.00
772-7720-44320	Travel/Training Staff	0.00	0.00	0.00	0.50	-0.50	0.00	-0.50	0.00
	Service and Supplies	0.00	0.00	0.00	65,706.42	-65,706.42	0.00	-65,706.42	0.00
7720	Expense	0.00	0.00	0.00	157,230.76	-157,230.76	0.00	-157,230.76	0.00
7730	WCCTAC TDM	0.00	0.00	0.00	157,230.76	-157,230.76	0.00	-157,230.76	0.00
	STMP								
773-7730-44000	Special Department Expense	0.00	0.00	0.00	11,247.23	-11,247.23	0.00	-11,247.23	0.00
	Service and Supplies	0.00	0.00	0.00	11,247.23	-11,247.23	0.00	-11,247.23	0.00
	Expense	0.00	0.00	0.00	11,247.23	-11,247.23	0.00	-11,247.23	0.00
7730	STMP	0.00	0.00	0.00	11,247.23	-11,247.23	0.00	-11,247.23	0.00
7740	WCCTAC Special Projects								
774-7740-43600	Professional Services	0.00	0.00	0.00	111,671.29	-111,671.29	0.00	-111,671.29	0.00
774-7740-44000	Special Department Expense	0.00	0.00	0.00	18.00	-18.00	0.00	-18.00	0.00
	Service and Supplies	0.00	0.00	0.00	111,689.29	-111,689.29	0.00	-111,689.29	0.00
	Expense	0.00	0.00	0.00	111,689.29	-111,689.29	0.00	-111,689.29	0.00
7740	WCCTAC Special Projects	0.00	0.00	0.00	111,689.29	-111,689.29	0.00	-111,689.29	0.00
Expense Total		0.00	0.00	0.00	449,180.23	-449,180.23	0.00	-449,180.23	0

# General Ledger Monthly Budget Report

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Period 02 - 02

Fiscal Year 2024



**CITY of SAN PABLO**  
*City of New Directions*

Account Number	Description	Adopted	Budget Adjustments	Adjusted	YTD Actual	Variance	Encumbered	Available	% Avail
0000	Non Departmental								
773-0000-34310	CC County STMP Fees	0.00	0.00	0.00	-10,216.45	10,216.45	0.00	10,216.45	0.00
773-0000-34325	Pinole STMP Fees	0.00	0.00	0.00	-121,449.08	121,449.08	0.00	121,449.08	0.00
773-0000-34330	Richmond STMP Fees	0.00	0.00	0.00	-1,050,217.62	1,050,217.62	0.00	1,050,217.62	0.00
	Licenses and Permits	0.00	0.00	0.00	-1,181,883.15	1,181,883.15	0.00	1,181,883.15	0.00
	Revenue	0.00	0.00	0.00	-1,181,883.15	1,181,883.15	0.00	1,181,883.15	0.00
0000	Non Departmental	0.00	0.00	0.00	-1,181,883.15	1,181,883.15	0.00	1,181,883.15	0.00
Expense Total		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0

**TO:** WCCTAC Board

**MEETING DATE:** September 29, 2023

**FR:** John Nemeth, Executive Director

**RE:** Appeal of STMP Fee for 1711-1755 Eastshore Boulevard

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### **REQUESTED ACTION**

WCCTAC staff recommends denying the STMP fee waiver request for the proposed project at 1711-1755 Eastshore Boulevard in El Cerrito.

### **BACKGROUND AND DISCUSSION**

#### Details Related to the STMP Appeal

Baco Properties, the developer of a proposed self-storage facility at 1711-1755 Eastshore Boulevard in El Cerrito, is appealing their Subregional Transportation Mitigation Program (STMP) fees. The City of El Cerrito applied the “storage facility” land use designation from the STMP Administrative Guidelines and collected a fee of \$94,241.70. Subsequently, the applicant informally requested that the WCCTAC Executive Director waive the STMP fees and provide a refund. WCCTAC staff reviewed the request and concluded that the fees were applied appropriately by El Cerrito staff. When that request was denied, the applicant filed a formal appeal in accordance with STMP Administrative Guidelines.

When a new use is proposed on a site that contains an existing building, the STMP Administrative Guidelines provide that if the building has been vacant for fewer than three (3) years, the applicant will pay the STMP Fee based only on any intensification of use of the site. If the building has been vacant for more than three (3) years, the project is treated as new construction and the STMP fee is applied to the entire project.

The applicant is arguing that because a hardware store previously occupied the site, and because the new use is expected to generate fewer trips than the hardware store, the impact fee should be waived. The hardware store, however, closed ten (10) years ago in 2013 and the building has been vacant since that time. The full appeal letter from the applicant is included as Attachment A.

#### Staff Assessment

It is WCCTAC’s staff’s assessment that the City of El Cerrito was correct in applying the fee and that there is no basis for waiving the fee.

The purpose of the STMP is to mitigate the regional impacts of new trips generated by development. The impact of new development cannot be determined without first defining the current baseline condition and whether trips qualify as “new”. When a condition previously existed on a site, but has gone away, a determination needs to be made as to whether that prior condition should be considered part of the current baseline for the purpose of assessing impacts. To accomplish this, time thresholds are often used in impact fee programs to establish a current baseline. Similar processes are used for many government activities, such as conducting environmental reviews under CEQA, for which it is necessary to establish a baseline against which to compare a proposed future condition.

WCCTAC uses a three-year threshold. If a site with a previous use was active within the last three years, that previous use would be considered part of the current baseline. The STMP’s three-year threshold is similar to, or longer than, the thresholds used by many other public agencies for establishing a baseline for the purposes of development impact fees. In this case, the site being vacant for 10 years far exceeds the three-year time period established by the Administrative Guidelines for considering a prior use part of the current baseline.

Lastly, it should be noted that the developer paid the City of El Cerrito’s Transportation Impact Fee (TIF), which was calculated based on the proposed new use in its entirety. The developer did not challenge that fee on the basis of a prior use.

**ATTACHMENTS:**

- A. STMP Appeal Letter to WCCTAC for 1711-1755 Eastshore Boulevard
- B. STMP Appeal PowerPoint Presentation

July 18, 2023

West Contra Costa Transportation Advisory  
Committee  
6333 Potrero Avenue  
El Cerrito, CA 94530

Re: BD22-0634 - 1711-1755 Eastshore Boulevard Self-Storage STMP Fee Appeal

To the Board of the West Contra Costa Transportation Advisory Committee:

I write in response to the June 5, 2023 email determination (“Email”) from West Contra Costa Transportation Advisory Committee (“WCCTAC”) Executive Director, John Nemeth, regarding the imposition of Subregional Transportation Mitigation Program Fees (“STMP Fees”) on the self-storage facility that Baco Properties is developing at 1711-1755 Eastshore Blvd. (“Site”) in the City of El Cerrito (“Self-Storage Project” or “Project”). Despite Director Nemeth’s acknowledgement that the Self-Storage Project will generate fewer trips and substantially reduce traffic (a reduction of an estimated 1,363 trips per day) as compared to the hardware store that previously occupied the Site, Director Nemeth determined that imposition of approximately \$94,241.70 in STMP Fees were applicable to the Project.

In doing so, Director Nemeth cited Section B.2 of WCCTAC’s STMP Fee Administrative Guidelines (“Guidelines”) which states that “[i]f a vacancy ha[s] occurred greater than three years prior to the date of the building permit application, then the STMP Fee shall be applied as if the project was New Construction.” Although Director Nemeth recognized that STMP Fees would be waived if the Site had been vacant for less than three years, Director Nemeth determined that the STMP Fees applied because the Project site has purportedly been vacant since 2013. This rationale fails to satisfy appropriate legal standards.

The United States Supreme Court has determined that a government agency may not condition the approval of a land-use permit on the owner’s relinquishment of a portion of their property unless “there is a nexus and rough proportionality between the government’s demand and the effects of the proposed land use.” (*Koontz v. St. Johns River Water Mgmt. Dist.* (2013) 570 U.S. 595, 599.) This “nexus and rough proportionality” requirement, also known as the *Nollan/Dolan* requirements, must be satisfied even when the government’s demand is for money. (*Id.* at p. 619.) As Baco Properties’ previous appeal letter to WCCTAC describes in detail (see attached May 18, 2023 WCCTAC STMP Fee Appeal Letter (“Appeal Letter”)), California courts will only allow for the imposition of fees under the Mitigation Fee Act (Gov. Code, § 66000 et seq.) when the “fees are reasonably related to the burden caused by the development.” (*Boatworks v. City of Alameda* (2019) 35 Cal.App.5th 290, 294, italics added.)

In addition to the reasons stated in the attached Appeal Letter as to why imposition of the STMP Fee in this case would be inappropriate, WCCTAC has failed to show any rational connection or evidentiary support to justify its arbitrary three-year cutoff for re-use of vacant buildings. (See *Sheetz v. County of El Dorado* (2022) 84 Cal.App.5th 394, 415 [courts will overturn fees imposed under the Mitigation Fee Act if the agency’s decision was arbitrary, capricious or entirely lacking in evidentiary support].) Although Director Nemeth makes reference to the “Nexus Study” that was performed for WCCTAC’s 2019 STMP fee in the Email, ostensibly to support his position that there is a nexus or reasonable relationship between the STMP Fees being imposed and the Project’s burden on traffic, nothing in the referenced Nexus Study or in the Guidelines – other than the section that cursorily imposes the three-year cutoff – explains WCCTAC’s reasoning behind imposing such an arbitrary cutoff for re-use of vacant buildings by projects that impose less traffic burdens than the previous use. Because Director Nemeth acknowledged that the STMP Fee would have been waived had the space been occupied in the last three years, and there is no evidentiary support in either the Guidelines or the Nexus Study discussing the reasons for imposing such a cutoff term, WCCTAC has failed to show a reasonable relationship between the STMP Fees and the traffic burdens that will be caused by the Project.

Based on the above, the imposition of STMP Fees on the Project is invalid under the Mitigation Fee Act, and Baco Properties respectfully requests WCCTAC to waive the STMP Fee for the Project.

Sincerely,

DOWNEY BRAND LLP



Andrew M. Skanchy

AMS

Attachment: May 18, 2023 WCCTAC STMP Fee Appeal Letter

1872347v1

Attachment:  
May 18, 2023 WCCTAC STMP  
Fee Appeal Letter

May 18, 2023

West Contra Costa Transportation Advisory Committee  
c/o Ms. Leah Greenblat  
Transportation Planning Manager  
6333 Potrero Avenue  
El Cerrito, CA 94530

RE: PL21-0103 West County Subregional Transportation Mitigation Program Fee Appeal

Dear Ms. Greenblat:

This letter serves as a formal protest of the imposed West County Subregional Transportation Mitigation Program fee (the “STMP Fee”) for the Eastshore Boulevard Self-Storage Project (the “Project”) located at 1711-1755 Eastshore Boulevard (the “Property”) in the City of El Cerrito (the “City”). Specifically, the Project applicant, Baco Properties, has been informed that the Project must pay the STMP Fee. As explained herein, the STMP Fee is not appropriate for the Project because the Project will substantially reduce traffic as compared to the previous use for the Property—i.e., there will be no traffic impact as a result of the Project.

### **Background**

Baco Properties has proposed construction of the Project at 1711-1755 Eastshore Boulevard. The Property’s previous use was a retail hardware store, Orchard Supply Hardware (OSH). The Project entails converting the hardware store into a self-storage facility.

Baco Properties has been informed by the City that the Project will be required to pay the STMP Fee to mitigate/off-set the Project traffic impacts. However, an analysis of the previous hardware store’s traffic as compared to the Project’s likely traffic demonstrates that there will be a substantial *decrease* in traffic as confirmed in *W-Trans Parking and Traffic Study* for the Project and thus no need for additional transportation or public improvements infrastructure.

### **Legal Basis for Impact Fees**

Under the California Government Code, when imposing a fee as a condition of approval of a development project, a local agency must:

- (1) Identify the purpose of the fee.

- (2) Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in Section 65403 or 66002, may be made in applicable general or specific plan requirements or may be made in other public documents that identify the public facilities for which the fee is charged.
- (3) Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
- (4) Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed. (Government Code, § 66001(a).)

A recent court decision concisely explained that: "The Mitigation Fee Act (Gov. Code, § 66000 et seq.) authorizes local agencies to impose fees on a development project in order to defray the cost of public facilities needed to serve the growth caused by the project, *as long as the fees are reasonably related to the burden caused by the development.*" (*Boatworks v. City of Alameda* (2019) 35 Cal.App.5th 290, 294, emphasis added; see also *Dolan v. City of Tigard* (1995) 512 U.S. 374, 391 [impact fees must have a rough proportionality both in nature and extent to the impact of the proposed development].)

Further, the relevant Government Code statute quoted above explicitly states that: "A fee shall not include the costs attributable to existing deficiencies in public facilities, but may include the costs attributable to the *increased demand* for public facilities *reasonably related to the development project* in order to (1) refurbish existing facilities to maintain the existing level of service or (2) achieve an adopted level of service that is consistent with the general plan." (Government Code, § 66001(g).)

In the situation at hand, the Project is being required to pay the STMP Fee based on the presumption that the Project will increase traffic requiring additional transportation and capital improvements infrastructure. The presumption is incorrect as the existing infrastructure will not be burdened by the reduced traffic brought by the Project, especially as the existing infrastructure has previously accommodated greater volumes of traffic in the Property's past use.

The Institute of Transportation Engineers (ITE) in Trip Generation Manual, 10th Edition, 2017 projects the number of daily trips every type of land use will produce. According to the ITE, a Home Improvement Superstore, OSH, produces around 1,565 daily trips. In contrast, the proposed Project (a Mini-Warehouse and a small shopping space), according to the ITE, produces 202 daily trips. That is, the Project will reduce the Property's daily trips by 1,363.

Further, there is also a significant reduction in peak hour trips. According to ITE, the previous use produced 80 AM Peak Hour Trips and 119 PM Peak Hour Trips whereas the Project would

produce merely 11 AM Peak Hour Trips and 23 PM Peak Hour Trips—a reduction of 69 trips during AM peak hours 96 trips during PM peak hours.

Along with a reduction in traffic the Project is likely to accommodate its own demand. According to W-Trans' Parking and Traffic study, the ITE estimates that the parking demand for such a project are eleven spaces, but the Project will have twelve spaces, *a surplus of two spaces than estimated demand.*

As is evident, the Project will not increase traffic or otherwise burden the City's infrastructure. In fact, the Project will *decrease* roadway usage and actually *benefit* the City's infrastructure as compared to OSH, the Property's previous use, or any other retail, commercial or industrial use for the Property. As such, the STMP Fee demanded of the Project fails to meet the legal requirements to impose the impact fee. That is, the STMP Fee is not reasonably related to the burden caused by the Project and is therefore invalid.

### **Conclusion**

The above explanation is intended to satisfy Baco Properties' requirement to protest the imposition of the named traffic impact fees under Government Code 66020. Namely, Baco Properties has informed the City's governing body of the factual elements of the dispute and the legal theory forming the basis of the protest (Gov. Code, § 66020(a)(2)(B).) Additionally, Baco Properties will tender the required payment when due (Gov. Code, § 66020(a)(2)(A).) Please refer to the *W-Trans Parking and Traffic Study* as basis for support.

Baco Properties appreciates the City's support for the Project and looks forward to learning your decision regarding the appeal contained in this letter.

Please feel free to contact me with any questions regarding the foregoing.

Sincerely,

Michael Eisler

# BD22-0634 1711-1755 Eastshore Boulevard Self-Storage STMP Fee Appeal

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Appeal to the Board of the West Contra Costa  
Transportation Advisory Committee (WCCTAC)

July 28, 2023

# 1711-1755 Eastshore Boulevard Project Location



# 1711-1755 Eastshore Boulevard Project Summary

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- Existing building is one-story, 50,905 sf, former Orchard Supply Hardware building
- Project would convert building into two-story, 103,298 sf self-storage facility consisting of 664 storage units and a 1,227 square foot retail/rental office with two employees.

# Project Traffic Impacts

<b>Table 1 – Trip Generation Summary</b>											
<b>Land Use</b>	<b>Units</b>	<b>Daily</b>		<b>AM Peak Hour</b>				<b>PM Peak Hour</b>			
		<b>Rate</b>	<b>Trips</b>	<b>Rate</b>	<b>Trips</b>	<b>In</b>	<b>Out</b>	<b>Rate</b>	<b>Trips</b>	<b>In</b>	<b>Out</b>
<b>Existing</b>											
Home Improvement Superstore	50.905 ksf	30.74	-1,565	1.57	-80	-46	-34	2.33	-119	-58	-61
<b>Proposed</b>											
Mini-Warehouse	103.298 ksf	1.51	156	0.10	10	6	4	0.17	18	8	10
Shopping	1.227 ksf	37.75	46	0.94	1	1	0	3.81	5	2	3
<b>Total</b>			<b>-1,363</b>		<b>-69</b>	<b>-39</b>	<b>-30</b>		<b>-96</b>	<b>-48</b>	<b>-48</b>

Note: ksf = 1,000 square feet

Using Institute of Transportation Engineers’ Trip Generation Manual, 10<sup>th</sup> Edition, 2017, a traffic and parking study for the 1711-1755 Eastshore Boulevard Self-Storage determined that the Project is expected to generate 1,363 fewer daily trips compared to the Orchard Supply Hardware that was previously on the site. <sup>7B-4</sup>

## Conclusions and Recommendations

- Compared to the previous land use, the proposed project is expected to generate 1,363 fewer weekday daily trips, 69 fewer trips during the weekday a.m. peak hour and 96 fewer trips during the p.m. peak hour.
- The proposed project would be presumed to have a less-than-significant transportation impact on vehicle miles traveled.
- Nearby pedestrian, bicycle, and transit facilities are adequate to serve the project.
- Sight distances at the project driveway are adequate.
- The proposed parking supply of 13 spaces would accommodate the anticipated peak parking demand of 11 spaces.

# WCCTAC's Subregional Transportation Mitigation Program (STMP) Fee Administrative Guidelines' Three-Year Re-Use Standard

## B. DEVELOPMENT PROJECTS

Agencies shall apply the STMP Fee to building permits associated with all Development Projects as defined in this section, unless exempt under Section D.9 of the Coop Agreement.

### 1. New Construction

Includes construction of new building space for either residential or non-residential use(s), including the addition of building space to existing developed property.

### 2. Intensification of Use

Includes the intensification of use of all or part of an existing building, whether vacant or not. An intensification of use occurs when a Development Project would pay a higher fee under the proposed use compared to the existing permitted use based on the current STMP Fee schedule. Accessory dwelling units added within the existing habitable living area footprint are not considered an intensification of use and no STMP Fee would be applied.

In the case of the *re-use of a vacant building, the building's current use shall be the use when the building was occupied if the vacancy had occurred within three years prior to the date of the building permit application.* If the vacancy had occurred greater than three years prior to the date of the building permit application, then the STMP Fee shall be applied as if the project was New Construction. The building permit applicant bears the burden of demonstrating that the building was in use within this time period through submittal of documents acceptable to the Agency such as executed lease agreements or lease payment records.

# The Mitigation Fee Act's (Gov. Code, § 66000 et seq.) Reasonable Relationship Requirements

"The Mitigation Fee Act ("MFA") authorizes local agencies to impose fees on a development project in order to defray the cost of public facilities needed to serve the growth caused by the project, as long as the fees are reasonably related to the burden caused by the development." (*Boatworks, LLC. v. City of Alameda* (2019) 35 Cal.App.5th 290, 294, italics added; see also *Dolan v. City of Tigard* (1995) 512 U.S. 374, 391 [impact fees must have a rough proportionality both in nature and extent to the impact of the proposed development].)

A local agency can satisfy the MFA's "reasonable relationship" requirement by:

- (1) identifying the purpose of the fee;
- (2) identifying the use and type of development for which the fee is imposed;
- (3) determining how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed; and
- (4) by determining how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed. (See Gov. Code, § 66001(a).)

Courts will overturn an agency's decision to impose fees if that decision was "arbitrary, capricious or entirely lacking in evidentiary support." (*Sheetz v. County of El Dorado* (2022) 84 Cal.App.5th 394, 415.)

# WCCTAC's Imposed STMP Fees Violates the MFA's Reasonable Relationship Standard

DB

Factors showing that there is not a reasonable relationship between the \$94,241.70 STMP fee and the Project:

- WCCTAC has acknowledged that the Project **will result in fewer trips than the previous use of the site**, and pursuant to Gov. Code section 66001(g), a "fee shall not include the costs attributable to existing deficiencies in public facilities, but may include the costs attributable to the *increased demand* for public facilities *reasonably related to the development project* in order to (1) refurbish existing facilities to maintain the existing level of service or (2) achieve an adopted level of service that is consistent with the general plan."

# WCCTAC's Imposed STMP Fees Violates the MFA's Reasonable Relationship Standard (cont'd)

DB

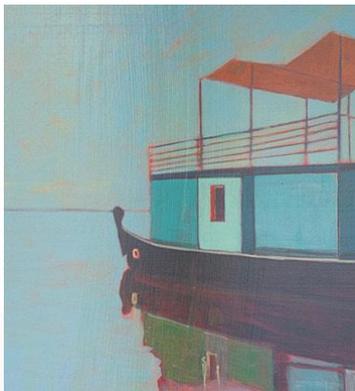
Factors showing that there is not a reasonable relationship between the \$94,241.70 STMP fee and the Project (cont'd):

- According to WWCTAC's website, STMP fees arise from the participating local municipalities' desire for new development to pay its "fair share" towards transit improvements that are "proportional to the traffic impact the new development will generate." This is reflected in the Nexus Study which focuses on the impacts of new development by estimating the growth between existing and future conditions. (2019 Nexus Update of the Subregional Transportation Mitigation Program (STMP) Impact Fee ("Nexus Study") at pp. 15-18 ["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."] **Because the Project will result in fewer trips than the previous use, the Nexus Study's STMP fee calculations do not reflect a reasonable relationship to the lessened traffic burdens that will result from the Project. (See *City of Lemoore, supra*, 185 Cal.App.4th at p. 572 [existing facilities are already adequate to continue to provide the same level of service, and new development will not burden the current facilities].)**

# WCCTAC's Imposed STMP Fees Violates the MFA's Reasonable Relationship Standard (cont'd)

DB

- › Additional factors showing that there is not a reasonable relationship between the \$94,241.70 STMP fee and the Project:
- › WCCTAC has determined that the Project should be assessed as “New Construction” per their Administrative Guidelines because the Site has purportedly been vacant longer than three years. This determination, however, lacks evidentiary support and is therefore arbitrary and capricious because there is no further discussion of vacant properties in either the Administrative Guidelines or the Nexus Study. Because WCCTAC is unable to show any rational connection or evidentiary support for this arbitrary three-year cutoff, and WCCTAC has conveyed through its Executive Director that the STMP Fee here would have been waived had Orchard Supply Hardware occupied the space within the last three years, imposition of STMP Fees on the Project would violate the Mitigation Fee Act and should, accordingly, be waived.



## San Francisco

455 Market Street | Suite 1500

San Francisco, CA 94105

tel: 415.848.4800

[www.downeybrand.com](http://www.downeybrand.com)

# Thank You

## Amy R. Higuera



(415) 848-4836

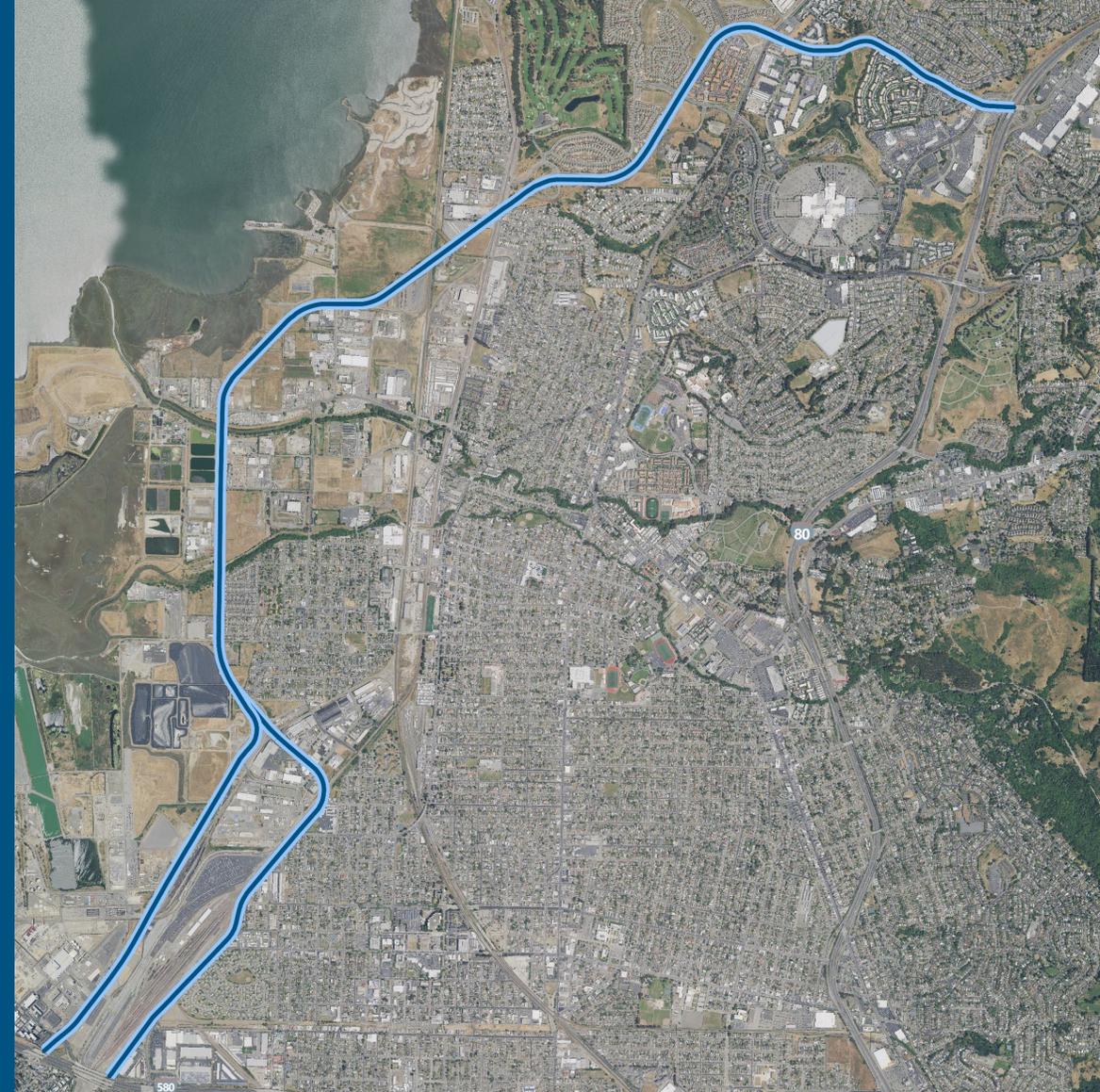


[ahiguera@downeybrand.com](mailto:ahiguera@downeybrand.com)

**RICHMOND PARKWAY TRANSPORTATION PLAN**

# **WCCTAC Board Meeting #2**

## **Existing & Future Conditions and Phase 1 Engagement**



**September 29, 2023**

[www.wcctac.org](http://www.wcctac.org)



**WCCTAC** | West Contra Costa  
Transportation  
Advisory Committee

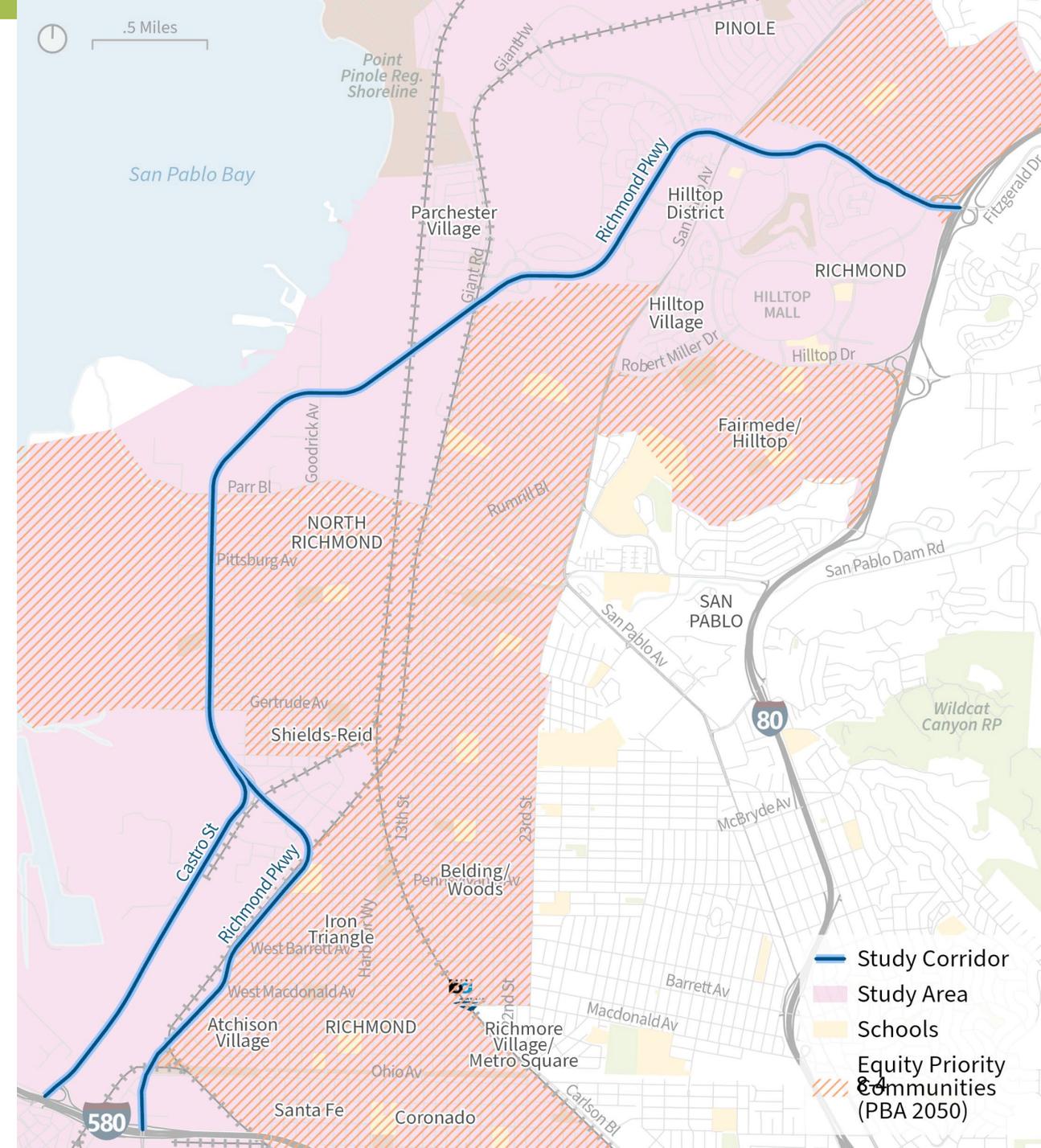
- **01** Project Recap
- **02** Existing & Future Conditions
- **03** Phase 1 Engagement Input
- **04** Next Steps



# Project Recap

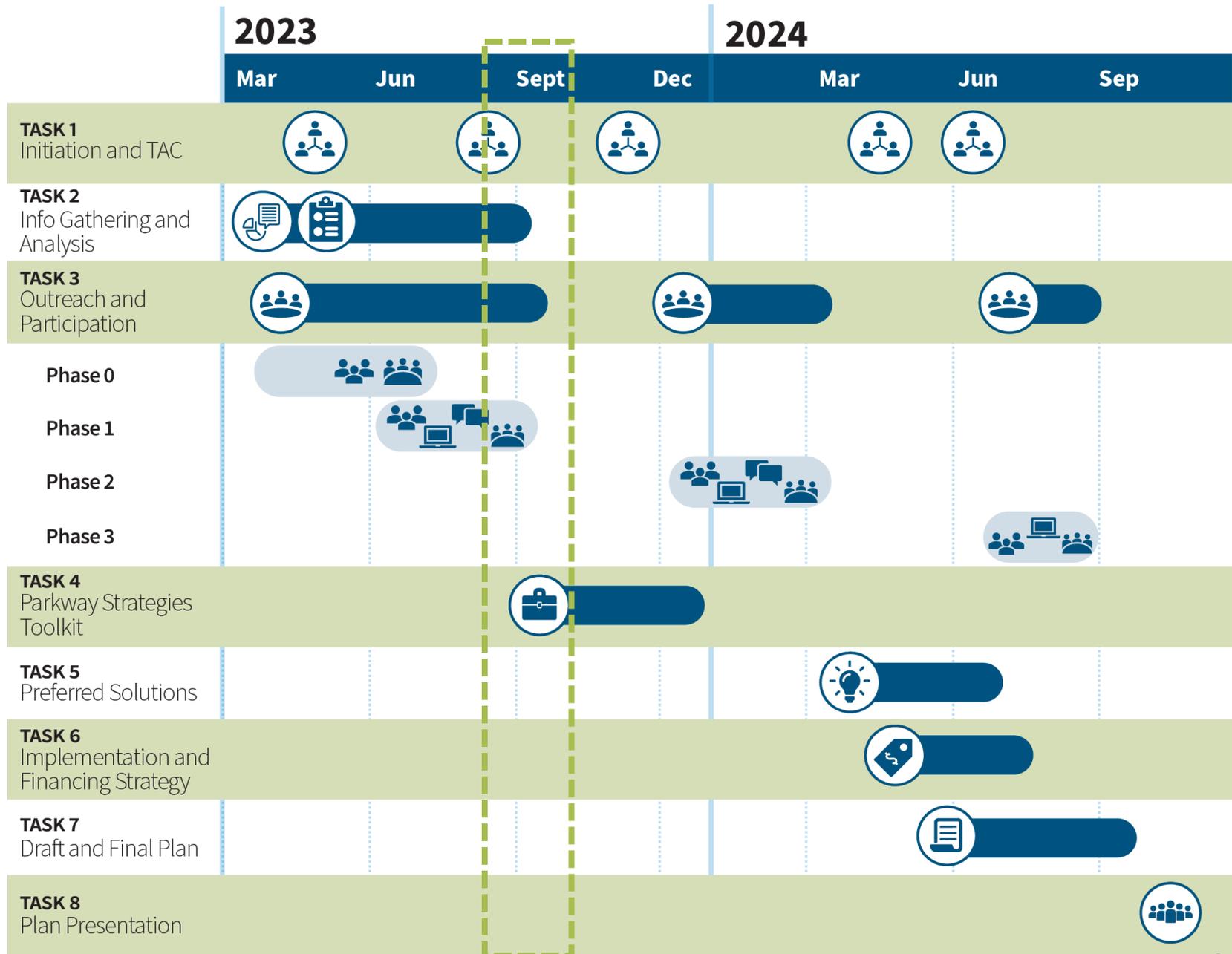
# About the Project Corridor

- Includes Richmond Parkway and Castro Street between I-580 and I-80
- Falls within City of Richmond and Unincorporated Contra Costa County
- Impacts Equity Priority Communities
- Local and regional connector
- Includes segments of the Bay Trail
- Planned growth



# Opportunities for Public Input

-  Public Advisory Group Mtg
-  3 Pop-ups, 3 Community Mtgs
-  Digital Engagement
-  WCCTAC Board Mtg





# Existing & Future Conditions



## Safe Streets



## Bike & Pedestrian Network



## Traffic Signals



## Transit



## Cars & Trucks



## Public Health



## Safe Streets



## Bike & Pedestrian Network



## Traffic Signals



## Transit



## Cars & Trucks



## Public Health

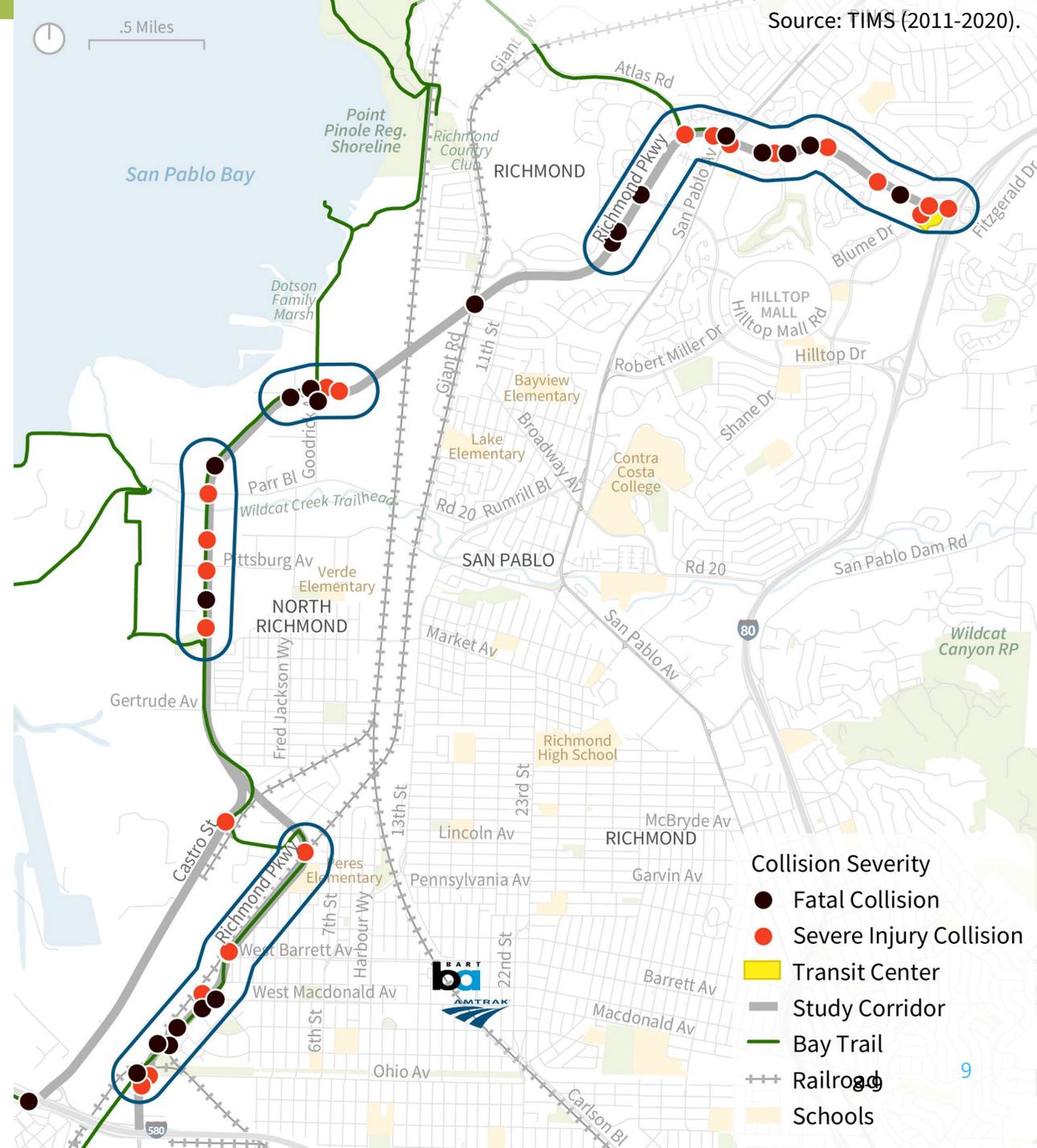
- Between 2011 and 2020, **46 people were killed or severely injured** in collisions along the corridor
  - **Unsafe speed** is the leading primary collision factor (28%) for these collisions
- Limited and ill-maintained infrastructure on the Bay Trail, sidewalks, and crossings make **active transportation challenging for all ages and abilities**



**Poor pavement quality**

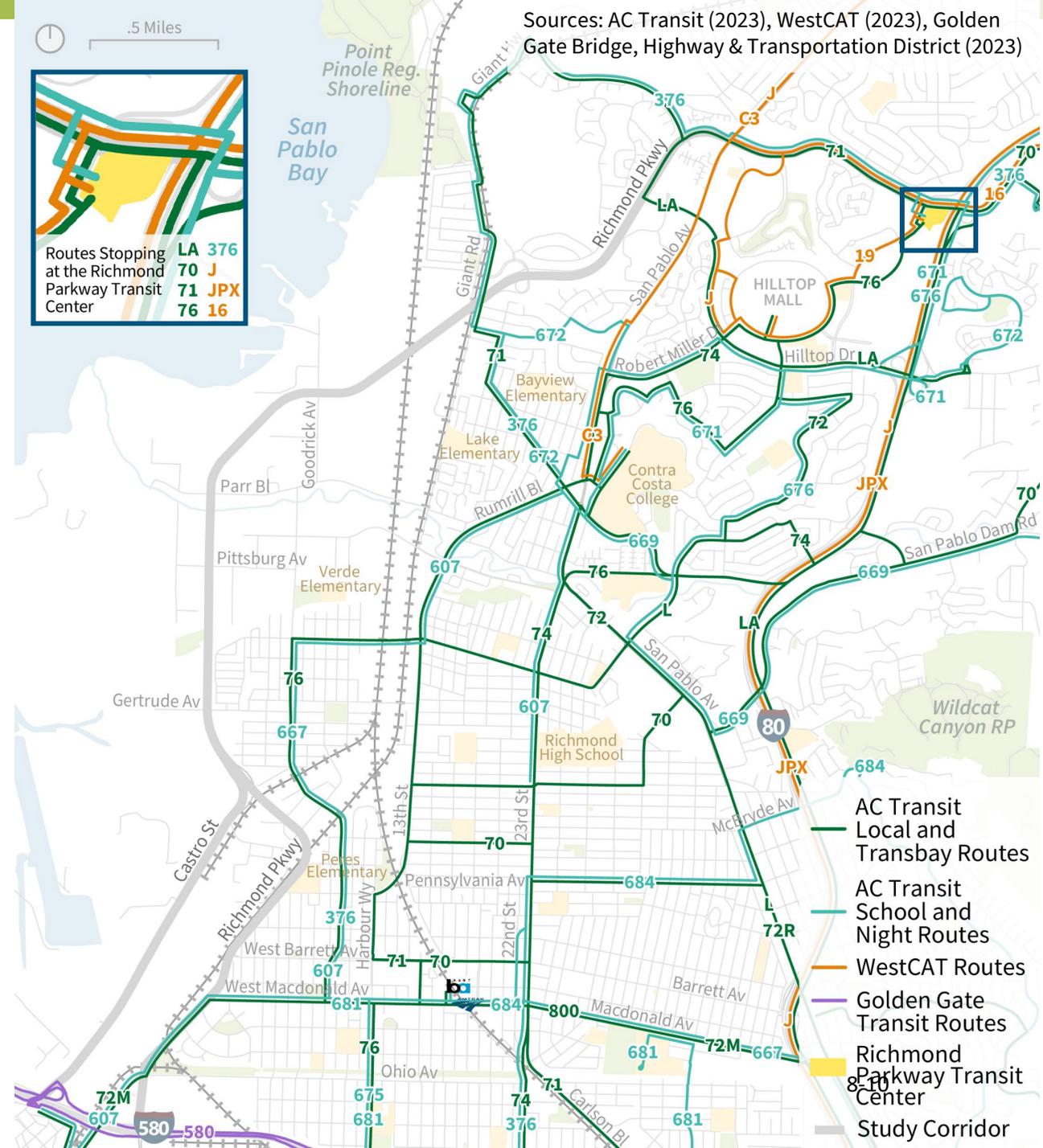


**High vehicle turn speeds**



# Transit Service on the Parkway

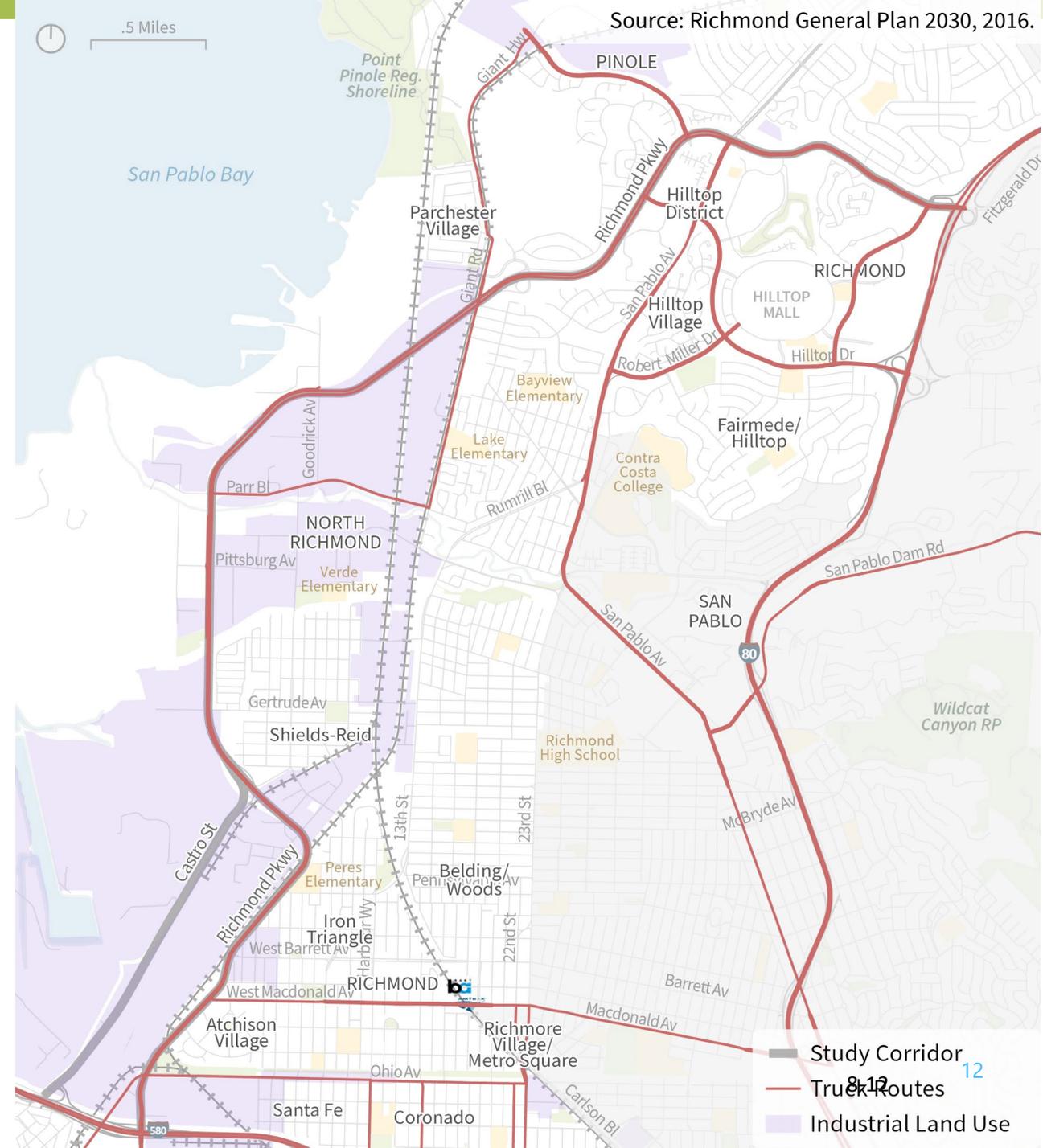
- 11 bus routes stop on the corridor, including 8 routes at the Richmond Parkway Transit Center



- 
- Over **25,000 cars** travel on the Parkway on weekdays (*Fehr & Peers, May 2023*)
  - Commute patterns on the Parkway reflect **highest demand northbound in the afternoon**
  - Drivers **typically use the Parkway for trips that start or end in the study area** rather than as a freeway-to-freeway connector
    - Less than a third of northbound PM drivers travel from the I-580 interchange and get onto I-80 (*Streetlight, 2022*)



- About **2,000 trucks** travel on the Parkway on weekdays (7% of total vehicle travel) (*Fehr & Peers, May 2023*)
- **Industrial uses** and the **nearby port** generate truck trips along the corridor
- Most truck traffic is concentrated in the **morning commute and midday periods** (*Streetlight, 2022*)
- **More than 60%** of trucks use the corridor to access or depart from destinations in the study area (*Streetlight, 2022*)



- Given the high level of development and land use growth expected in the area, additional vehicle volumes will **increase travel times in the future** along the corridor
- Drivers could see the **longest travel times in the afternoon in the northbound direction**
- **Southbound AM** could also see at least a **15-minute increase** in travel time

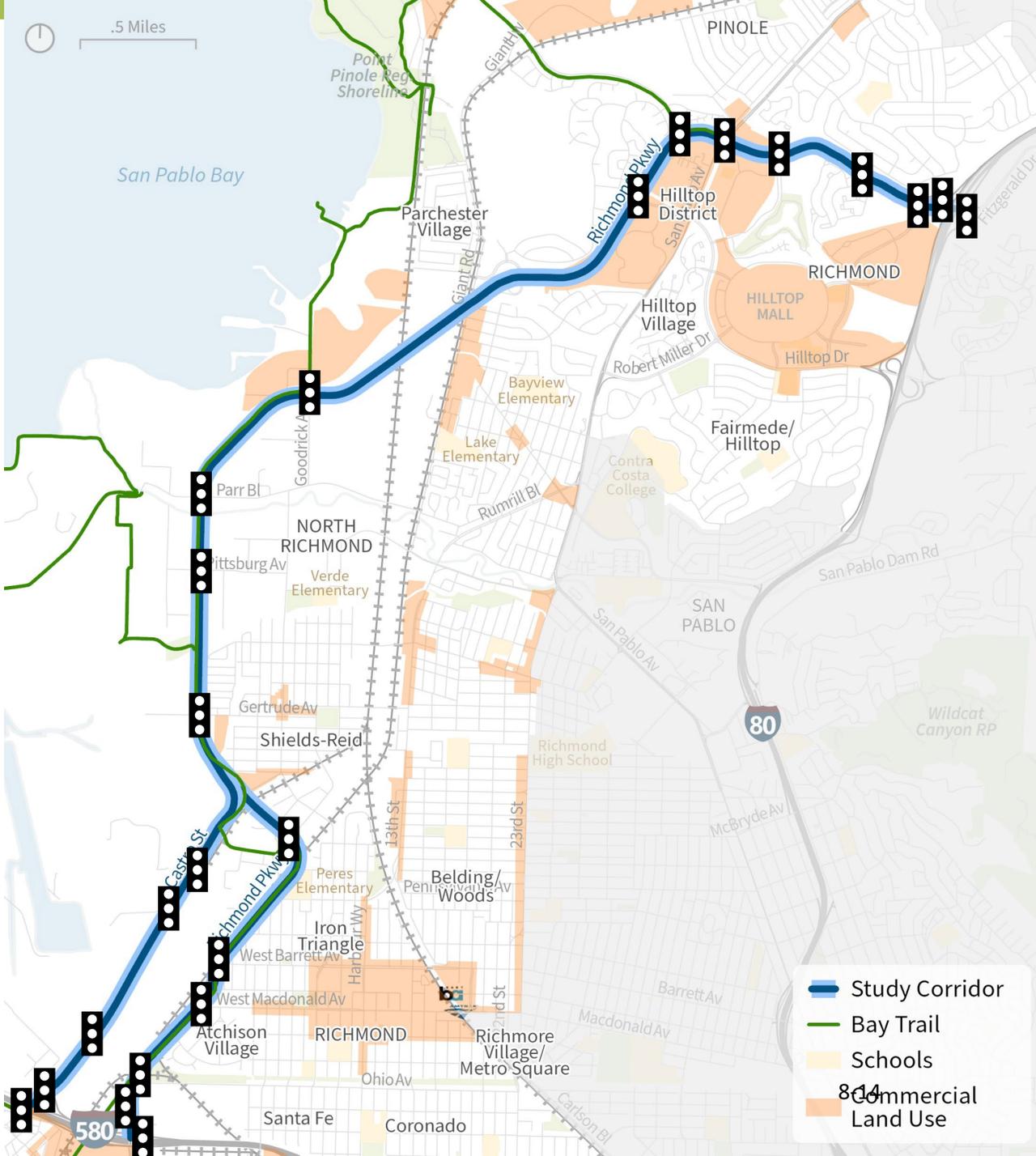
Study Corridor Direction	Existing Travel Time (minutes)		Future Travel Time (minutes)	
	AM Peak	PM Peak	AM Peak	PM Peak
Northbound	12	26	<20	> <b>60</b>
Southbound	14	13	30-40	20-30

Note: These conditions are based on the CCTA travel demand model and future land use growth in the area. No transportation projects on Richmond Parkway are modeled as part of this analysis.

Source: Fehr & Peers, 2023

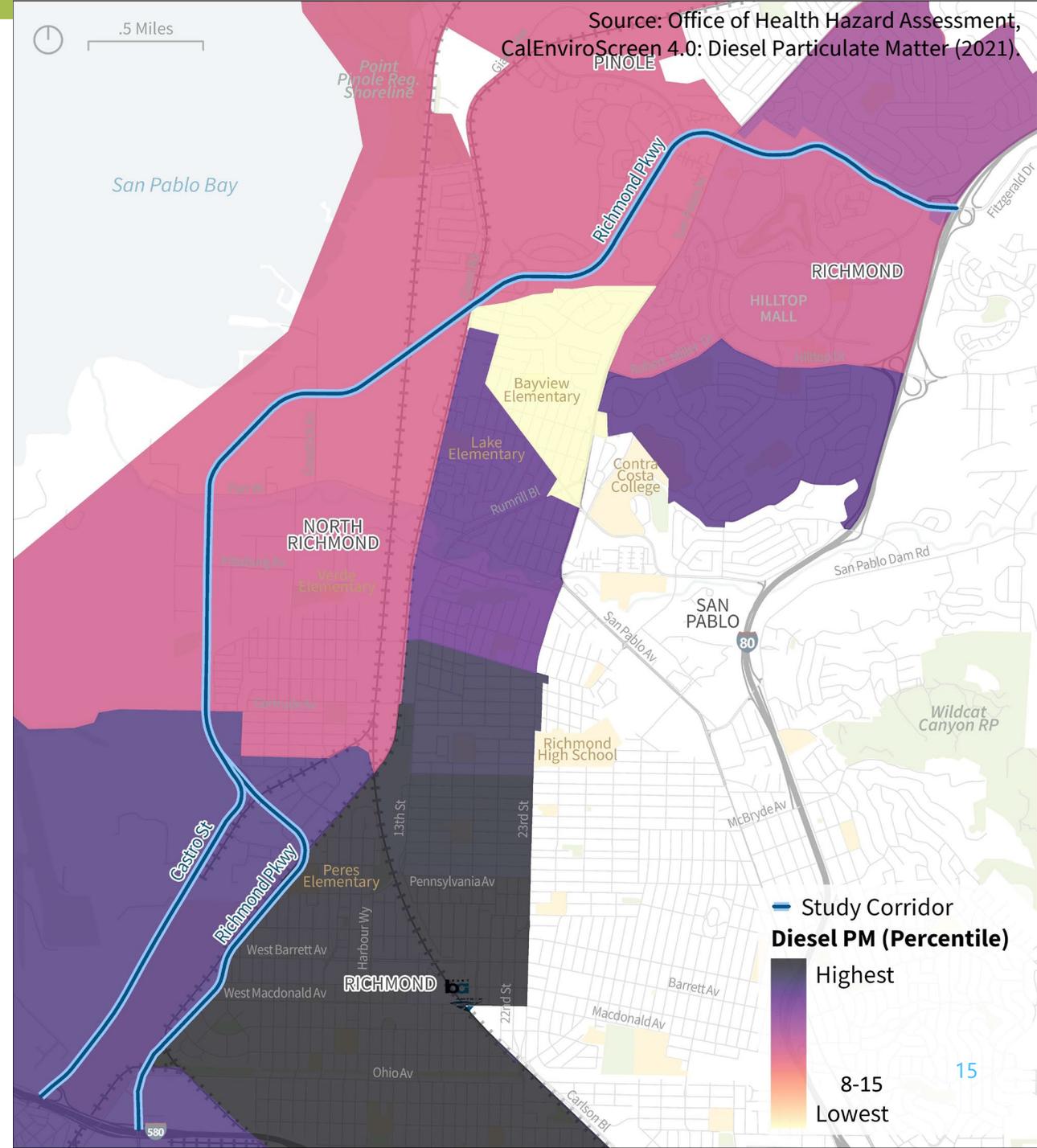
# Traffic Signals

- 70% do not have bike detection
- 65% do not have a pedestrian countdown signal
- 39% do not have a battery backup



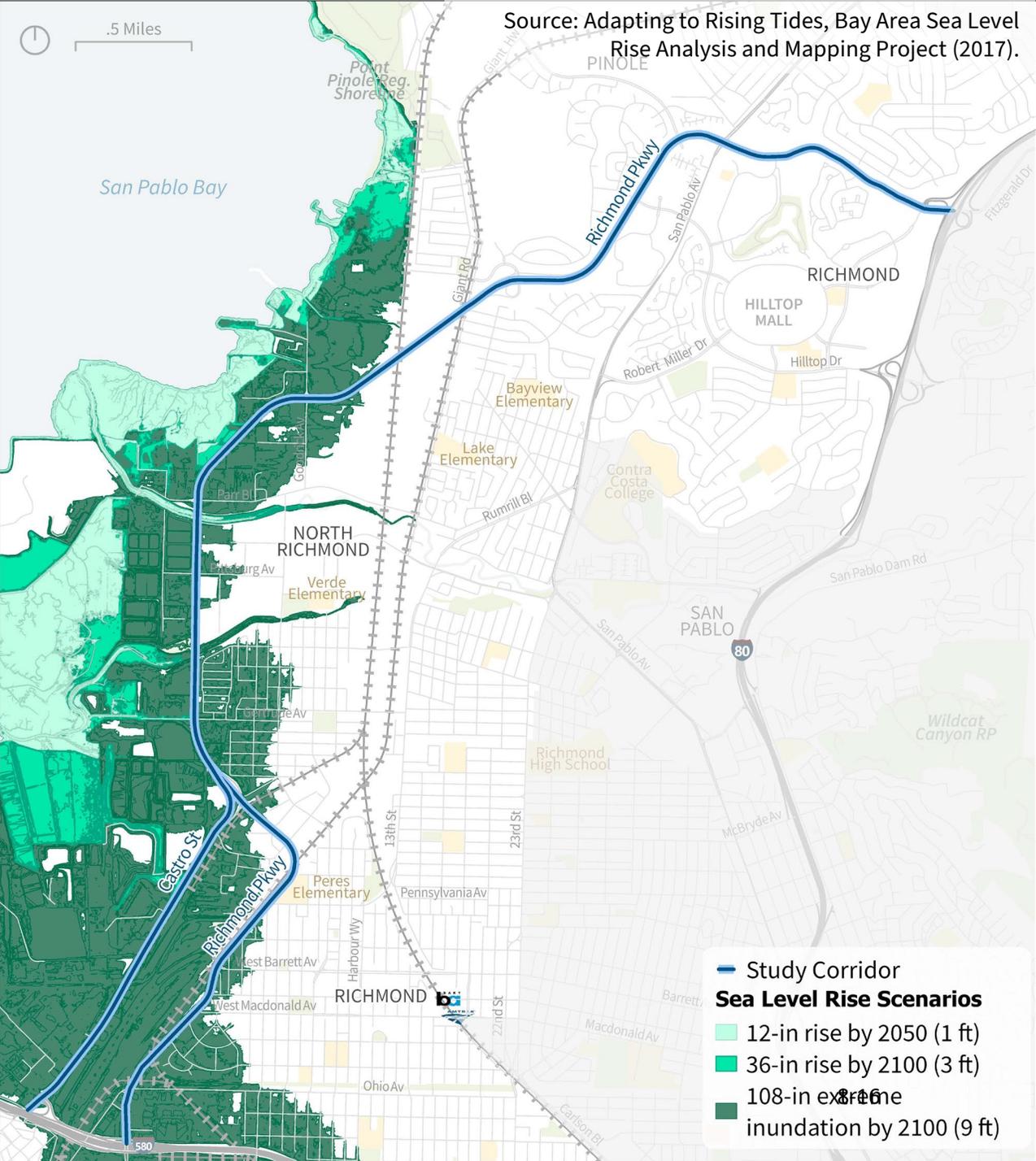
# Diesel Particulate Matter (Diesel PM)

- Diesel PM is a **toxic air contaminant** produced by exhaust of trucks, trains, ships, and equipment with diesel engines.
- Diesel PM concentration around the Parkway ranges from 0.08 to 0.98 tons per year. This is **greater than 78% of communities** statewide.
- Higher levels of Diesel PM can cause eye, throat, and nose irritation and contribute to **asthma attacks, heart and lung disease, and lung cancer**.
  - North Richmond's asthma rate is greater than 98% of other communities statewide



# Sea Level Rise

- Already seeing impacts of this at the Wildcat Creek Trail crossing





# Phase 1 Engagement Input

# Public Engagement Plan

## IDENTIFY NEEDS

-  3 Pop-up events and 3 community meetings
-  Digital engagement
-  WCCTAC Board Mtg #2
-  PAG Mtg #2
-  TAC Mtg #2

## Phase 2

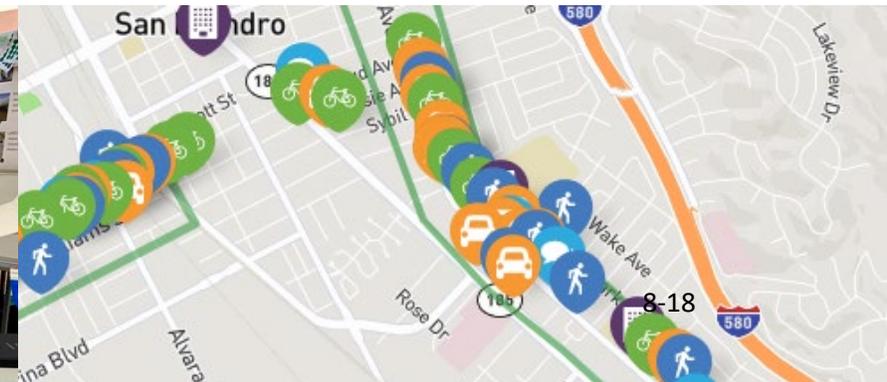
### EXPLORE STRATEGIES

-  PAG Mtg #3
-  3 Pop-up events and 2-3 community meetings
-  Digital engagement
-  WCCTAC Board Mtg #3
-  TAC Mtg #4

## Phase 3

### REFINE SOLUTIONS

-  PAG Mtg #4
-  Digital Engagement
-  TAC Mtg #4-5
-  WCCTAC Board Mtg #4

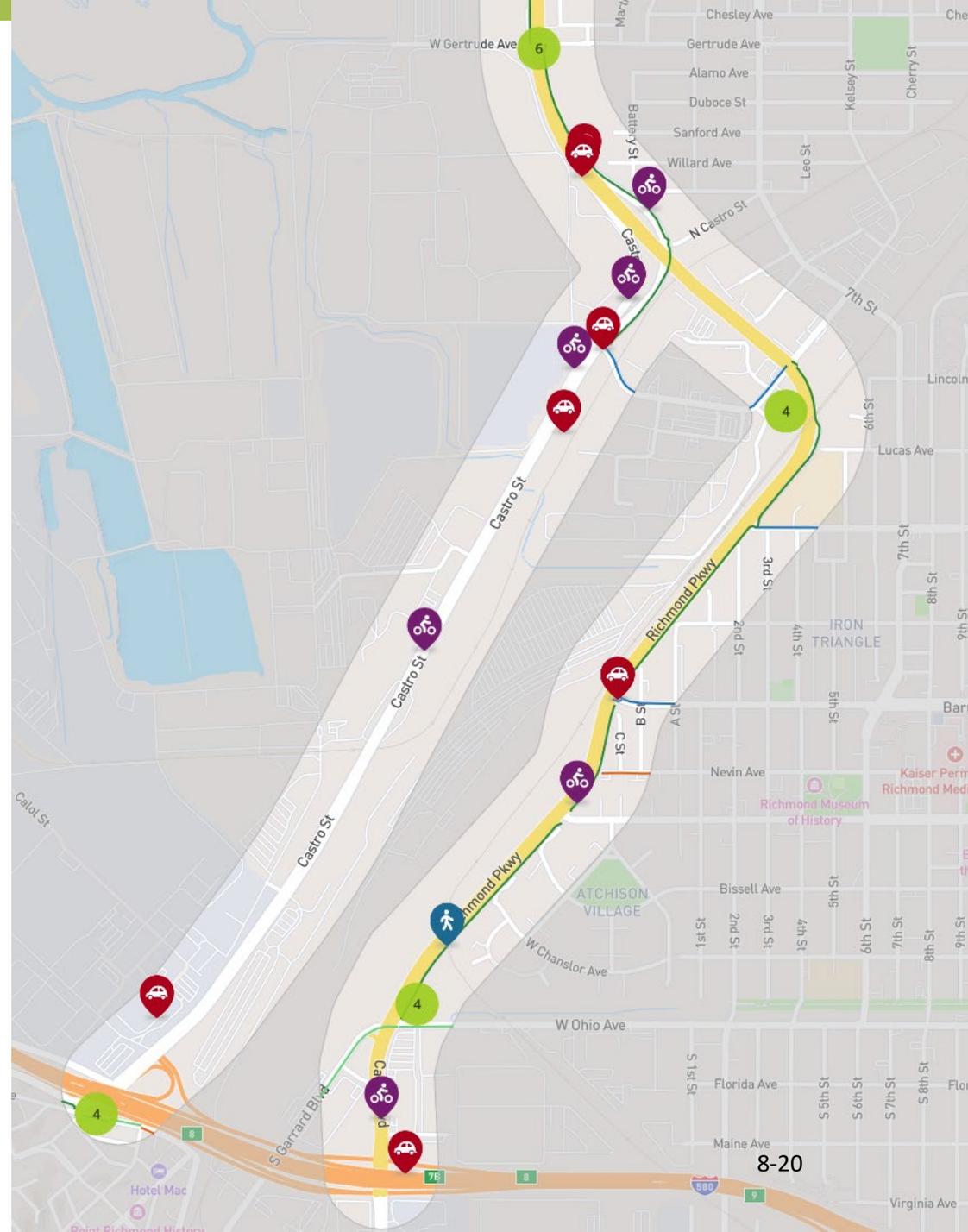


# Phase 1 Engagement: Pop-Ups & Community Meetings



# Phase 1 Engagement: Digital Engagement

- 983 visitors learned about webmap through our social media ads



# Feedback Themes

Most comments received from the public referenced four topic areas.



## Safety

- 29% of pop-up comments
- 37% of online comments



- 26% of pop-up comments
- 35% of online comments



## Congestion

- 13% of pop-up comments
- 16% of online comments



## Maintenance

- 12% of pop-up comments
- 13% of online comments

# Concerns about Safety & Speeding

- 15% of pop-up comments and 13% of online comments mention speeding specifically

"It's a deadly rat race road that I prefer not to drive on anymore."

"Cars blow through the yellow, and often red, light."

"The stretch where Parkway opens up from 2 lanes to 4 is crazy! It turns into a speedway!"

# Comfort and Safety while Biking and Walking

“Need more crosswalks, sidewalks, and bike lanes with good lighting.”

“Walking across the Parkway is super scary.”

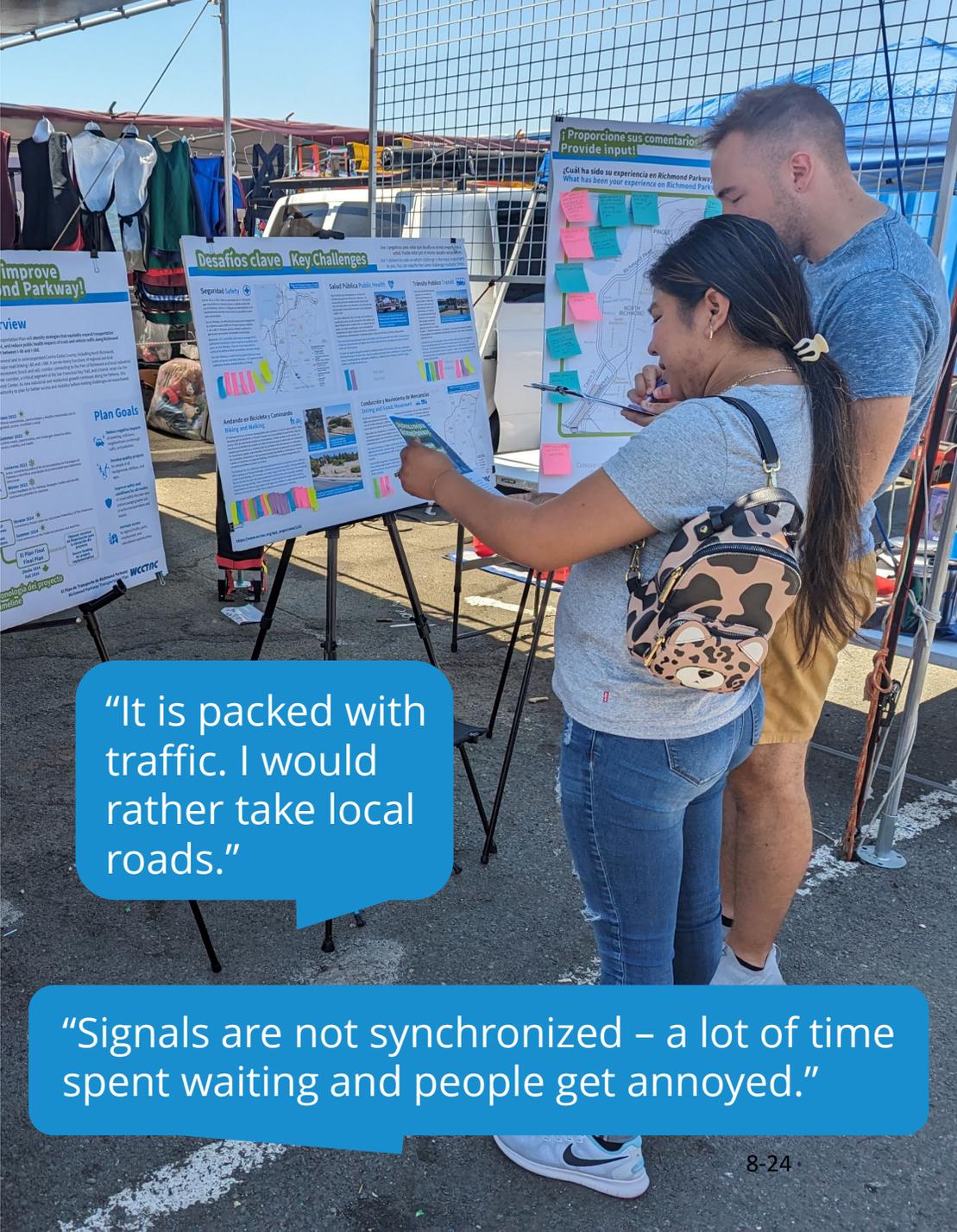


“Would not bike out there without Class IV protection.”

“Our kids need to be safe walking to or from school.”

# Challenges with Peak Period Congestion

- Better detection
- Synchronized/coordinated signals
- Shorter signal cycle lengths



“It is packed with traffic. I would rather take local roads.”

“Signals are not synchronized – a lot of time spent waiting and people get annoyed.”

# Improving Street Maintenance



“Need to cut back the trees – you can’t see the light until you’re just past the bend.”

“There is frequently a lot of debris and illegal dumping.”

“Would be nice to see more trees, less potholes, and clearer lanes.”

“Making the parkway look like it’s being cared for will go a long way towards making people feel safe.”



# Next Steps

# Next Steps

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# Let's Discuss

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- Did we reach an appropriate range of community members?
- Did we receive the kinds of input you were expecting?

**TO LEARN MORE VISIT:**

**[www.wcctac.org/app\\_pages/view/1182](http://www.wcctac.org/app_pages/view/1182)**

**TO:** WCCTAC Board

**MEETING DATE:** September 29, 2023

**FR:** John Nemeth, Executive Director

**RE: STMP Call for Projects: Funding Recommendation**

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### **REQUESTED ACTION**

1. Approve the WCCTAC TAC recommendation for the Subregional Transportation Mitigation Program (STMP) funding allocation.
2. Extend three expired funding agreements and incorporate previously committed funding into new funding agreements for those projects.

### **BACKGROUND AND DISCUSSION**

On March 24, 2023, the WCCTAC Board approved making \$5,300,000 available for the Cycle 2 Call for Projects of the 2019 STMP Update. The Board also endorsed the staff recommendation to allow the WCCTAC TAC to refine details of the Call for Projects before releasing it. The TAC established some parameters, including that each project sponsor should be limited to a maximum of two applications and that each sponsor's total funding request should not exceed \$1.5M. The Call for Projects was formally issued by WCCTAC staff on May 12, 2023, with funding applications due by August 30, 2023.

#### Funding Requests

WCCTAC received nine funding requests, listed in Table 2 on the following page. A brief description of the projects and their proposed use of STMP funding is included as Attachment A. All the funding requests are combined into one document, of about 100 pages, which is posted on the WCCTAC website as a stand-alone document in the Meeting Calendar for the September 29, 2023, Board Meeting.

All funding requests were deemed eligible by WCCTAC staff. The amount of funding available for the El Cerrito Plaza TOD East-West Bikeway (Project 14b on the STMP Project List), however, is limited to a maximum of \$239,000 per the 2019 STMP Update. The "Amended Request" column in Table 2 on the following page below reflects this limitation.

#### Scoring Criteria

At its April and May meetings, the WCCTAC TAC established evaluation criteria to allow for WCCTAC staff to score applications. The scoring criteria are shown in Table 1 on the following page.

**Table 1**

<b>Scoring Criteria for Cycle 2 2019 STMP Update Call for Projects:</b>	
<b>Criteria</b>	<b>Max. Points</b>
Ability to spend STMP funds in the near term	10
Value of STMP funding for advancing the project	10
Serves a disadvantaged community	5
Improves subregional alternative mode network	5

Using the criteria in Table 1, WCCTAC staff scored the funding applications as shown in Table 2 below. A more detailed review of the scoring methodology is included as Attachment B. The scores were not intended to determine outcomes but to provide a starting point for TAC member discussions.

**Table 2**

<b>Sponsor</b>	<b>Project</b>	<b>Funding Request</b>	<b>Amended Request</b>	<b>TAC Recomm.</b>	<b>Score</b>
Pinole	Tennent Ave, Bay Trail Gap Closure	\$645,000	\$645,000	\$645,000	25
El Cerrito	Ohlone Greenway - Uptown District	\$180,000	\$180,000	\$180,000	24
WCCTAC	San Pablo Ave - Bus Only Lane Concept	\$325,000	\$325,000	\$325,000	24
El Cerrito	El Cerrito Plaza TOD East-West Bikeway	\$1,278,000	\$239,000	\$239,000	23
County	Rodeo to Crockett Bay Trail	\$1,500,000	\$1,500,000	\$1,200,000	23
Richmond	I-80 / Central Ave Interchange (Phase 2)	\$1,500,000	\$1,500,000	\$1,111,000	22
Hercules	Hercules Hub	\$1,500,000	\$1,500,000	\$800,000	19
BART	El Cerrito Plaza - Access Improvements	\$1,500,000	\$1,500,000	\$800,000	19
Pinole	San Pablo Ave. Bridge over BNSF	\$855,000	\$855,000	future pts.	16
<b>TOTAL</b>		<b>\$9,283,000</b>	<b>\$8,244,000</b>	<b>\$5,300,000</b>	

TAC Recommendations

At its meeting on September 14, 2023, the WCCTAC TAC made a unanimous funding recommendation to the WCCTAC Board. As shown in Table 2 above, the TAC recommends fully funding the four requests with the highest scores, which also happen to be the smallest requests. The TAC further recommends partly funding the next four highest-scoring requests, with amounts based partly on scores and partly on project need. Lastly, the TAC did not recommend funding the request for the “San Pablo Ave. Bridge over BNSF” project at this time. It did, however, recommend that this project receive additional points (an additional 15% of the total points available) in a future Cycle 3 Call for Projects when the timing of funding for this project will be more critical.

Staff recommends that the Board approve the TAC’s recommendation. If it wishes, the Board could choose to modify the TAC’s proposed funding allocation.

Expired Funding Agreements

In addition to recommending a funding allocation for this cycle, staff is also recommending that the Board extend three funding agreements that have expired, as shown in Table 3 below. The funding agreements involve STMP dollars that the Board previously committed in past allocations but that project sponsors have not yet fully spent.

**Table 3**

<b>Sponsor</b>	<b>Project</b>	<b>Date of Agreement</b>	<b>Agreement Expiration</b>	<b>Amount Allocated</b>	<b>Amount Disbursed</b>	<b>Amount Still Committed</b>
Pinole	Tennent Ave, Bay Trail Gap	4/24/2020	12/31/2021	\$100,000	\$38,444	\$61,556
Richmond	I-80 / Central Ave, Phase 2	4/26/2019	7/30/2023	\$700,000	\$0	\$700,000
Hercules	Hercules Hub	7/27/2019	6/20/2021	\$750,000	\$137,560	\$612,440

All three of the expired agreements are active projects with good prospects for being able to use STMP funds in the next few years. Additionally, all three of the projects with expired agreements are being recommended to receive additional funds this cycle. In drafting new funding agreements, staff proposes to combine the amounts allocated in this cycle with previously committed and unspent funds.

Next Steps

Following an action by the Board, WCCTAC staff will develop funding agreements with the sponsors of funded projects. Staff will bring those agreements back to the WCCTAC Board for final approval.

Attachments

- A: Brief Description of Funding Proposals
- B: Scoring Methodology

## **Attachment A: Brief Description of Funding Proposals**

### County: Rodeo to Crockett Bay Trail

The County is aiming to transform San Pablo Avenue, between Rodeo and Crockett, into a multi-modal road with a Class I shared-used path, closing a gap in the Bay Trail. The project involves a road diet, reducing travel lanes from four to three. The total project cost is \$13.7M and has been awarded \$10.5M in state ATP funds. STMP funds would be used as a local match for ATP funds and would be used for preliminary engineering. STMP funds could be spent between now and October 2027 when the project will be completed.

### BART: El Cerrito Plaza - Access Improvements

BART is in the process of converting its parking lots at the El Cerrito Plaza Station to a transit-oriented development (TOD) with housing, a new library, public open space, a parking structure, and other access improvements. STMP funds would be used for the first phase of the project to advance the design and construction of the parking structure and transit/passenger loading improvements. The total cost of this phase is \$24M. BART has secured a variety of other funds sources including a state earmark and a Transit and Intercity Rail Capital Improvement Program (TIRCP) grant.

### El Cerrito: Ohlone Greenway – Uptown District

This project would upgrade a segment of the Ohlone Greenway, in El Cerrito, from Conlon Avenue to Knott Avenue that hasn't been improved in the last 20 years. It also includes improvements to a segment between Hill Street and Blake Street. The planned improvements include: reconstructing and widening the pathway, installing ADA-compliant curb ramps, adding bulb-outs, upgrading signage, adding lighting, re-landscaping to improve sight lines, and adding pavement markings and striping. STMP funds would be used for engineering design. The total project cost for design and construction is approximately \$1.5M.

### El Cerrito: El Cerrito Plaza TOD East-West Bikeway

The El Cerrito Plaza TOD East-West Bikeway aims to improve multimodal access, circulation, and safety and to provide streetscape elements along Central Avenue between Richmond Street and Carlson Boulevard. The first phase is a 0.3 mile (of an approximately 1 mile) low-stress, east-west bikeway between Ashbury Ave and the planned I-80/Central Avenue bikeway undercrossing. The estimated cost of the project is \$6.2M. STMP funds would be used for engineering design and construction. The design process is currently underway.

### Hercules: Hercules Hub

The Hercules Hub is a multi-phase project that includes transit-oriented development along with transportation improvements, including a new rail stop along the Capital Corridor line, WestCAT bus connections, bicycle and pedestrian pathways, and ferry service. Approximately \$107.7 million is needed to complete the remaining phases, which include: the realignment of tracks, a new track bridge over Refugio Creek, installation of railroad signals, a new platform with pedestrian overcrossing, a new station plaza, a bus circulation area, remaining restoration of

Refugio Creek, and relocation of utilities. STMP funds would be used as a local match for other grant funds to finalize design work.

Pinole: Tennent Avenue Bay Trail Gap Closure

Within the City of Pinole, there is a gap in the Bay Trail at Tennent Avenue, involving a crossing of the Union Pacific rail line. This project will close the gap by extending the trail on the northeastern side of Tennent Avenue across the Union Pacific Railroad tracks. The project also provides for a safer railroad crossing and adds a Class 1 trail along Railroad Avenue. STMP funds would be used for construction work to support an already secured OBAG 3 grant. The total project cost is approximately \$1.66M

Pinole: San Pablo Ave. Bridge over BNSF

Pinole is replacing the bridge along San Pablo Avenue that crosses the BNSF rail tracks near the border with Hercules. The proposed new bridge provides four traffic lanes and two Class II bike lanes in either direction, as well as an eight-foot multi-use raised path on the northwest side of the bridge to align with the existing sidewalk facilities. The total estimated cost is \$28.8M. The project received \$16.8M from the Caltrans Highway Bridge Program and is working through required Caltrans processes. New STMP funds could be used for the construction phase, which is expected to advertise for construction in July 2025.

Richmond: I-80 / Central Ave Interchange (Phase 2)

This project aims to improve traffic operations at the Interstate 80 (I-80)/ Central Avenue Interchange. Phase 2 will increase the spacing between the signalized intersections east of I-80 by connecting Pierce Street and San Mateo Street, converting Pierce Street access at Central Avenue to “right-in, right-out,” and relocating the traffic signal at Pierce Street/Central Avenue to the San Mateo Street/Central Avenue intersection. STMP funds could leverage STIP funds. They can also be spent over the next two years and would be used for engineering design and construction of required utility undergrounding work for various joint utility poles and services lines for PG&E (electric) and telecommunications providers. The total estimated cost is \$14.1M.

WCCTAC: San Pablo Ave Bus Only Lane Concept

When Phase 2 of the San Pablo Avenue Multimodal Corridor Study was completed, the WCCTAC Board embraced a package of improvements aimed at pedestrian safety. It also encouraged staff to continue exploring a potential bus-only lane demonstration that could work for both AC Transit and one or more local jurisdictions. WCCTAC, in cooperation with El Cerrito, Richmond, and AC Transit, submitted a request for STMP funding for consultant services to develop a consensus around a bus-only lane demonstration project, including identifying a segment on San Pablo Avenue and undertaking an extensive public engagement effort with the business and residential community.

## Attachment B: Scoring Methodology

The scoring for each project is shown in the table below and includes scores for each of the four criteria. A more detailed explanation follows the table.

Project	Readiness to spend STMP funds (10 points)	Value of STMP funding for advancing project (10 points)	Serves a disadvantaged community (5 points)	Improves the alt. mode network (5 points)	Total Score
Tennent Ave, Bay Trail Gap Closure	9	9	2	5	25
Ohlone Greenway - Uptown District	8	7	5	4	24
San Pablo Ave - Bus Only Lane Concept	8	8	3	4	23
El Cerrito Plaza TOD East-West Bikeway	6	7	5	5	23
Rodeo to Crockett Bay Trail	8	7	3	5	23
I-80 / Central Ave Interchange (Phase 2)	9	8	3	2	22
Hercules Hub	6	6	2	5	19
El Cerrito Plaza - Access Improvements	8	5	2	4	19
San Pablo Ave. Bridge over BNSF	6	5	2	3	16

### Readiness to spend STMP funds (10 points)

For this criteria, WCCTAC staff assigned points based on the likely timing of STMP fund expenditures, using the point assignment shown below. Nearer term spending scored higher than longer term spending. When spending was expected to occur over a broad stretch of time, staff used a mid-point.

- 10 points – Funds can be spent immediately
- 9 points – Funds can be spent in early 2024
- 8 points – Funds can be spent in late 2024
- 7 points – Funds can be spent in early 2025
- 6 points – Funds can be spent in late 2025
- 5 points – Funds can be spent in early 2026
- 4 points – Funds can be spent in late 2026
- 3 points – Funds can be spent in early 2027
- 2 points – Funds can be spent in late 2027
- 1 point – Funds can be spent in 2028 or after

Value of STMP funding for advancing the project (10 points)

This criterion is the most subjective of the four. The “value of STMP funding” can be interpreted in a variety of different ways. It could mean the STMP’s share of overall funding for a project or phase. It could mean the degree to which STMP leverages other sources of funding. It could also refer to the prospects for advancing a project in the absence of STMP funding, which requires some understanding of what other sources may or may not be available. WCCTAC staff’s scoring attempted to take all these interpretations into consideration.

10 points – Funding is essential to sustaining or completing the project

8 points – Funding is key to advancing the project or phase

6 points – Funding makes a tangible difference in advancing the project or phase

4 points – Funding provides a modest benefit to the advancement of the project

2 points – Funding makes a small difference to the advancement of the project

Serves a Disadvantaged Community (5 points)

WCCTAC staff assigned points as follows:

5 points - located entirely within an MTC-defined Equity Priority Community

4 points - mostly within an MTC-defined Equity Priority Community

3 points - partially located within an MTC-defined Equity Priority Community

2 points - located within a mile of an MTC-defined Equity Priority Community

1 point – located more than one mile away from an MTC-defined Equity Priority Community

Improves the Subregional Alternative Mode Network (5 points)

WCCTAC staff assigned points as follows:

5 points - fills a critical gap in the alternative modes network

4 points - substantially improves the alternative modes network

3 points - benefits the alternative modes network

2 points - has some secondary benefits for the alternative modes network

1 point – not related to the alternative modes network

El Cerrito

Hercules

July 28, 2023

Pinole

Mr. Tim Haile, Executive Director  
Contra Costa Transportation Authority  
2999 Oak Road, Suite 100  
Walnut Creek, CA 94597

RE: July 2023 WCCTAC Board Meeting Summary

Richmond

Dear Tim:

The WCCTAC Board, at its meeting on July 28, 2023, took the following actions that may be of interest to CCTA:

San Pablo

- *Approved* edits to the Joint Powers Agreement (JPA) as proposed by WCCTAC member agencies and deferred a decision about whether to pursue an agency name change to a future meeting.

Sincerely,



John Nemeth  
Executive Director

cc: Tarien Grover, CCTA

AC Transit

BART

WestCAT

**ACRONYM LIST.** Below are acronyms frequently utilized in WCCTAC communications.

**ABAG:** Association of Bay Area Governments  
**ACTC:** Alameda County Transportation Commission  
**ADA:** Americans with Disabilities Act  
**APC:** Administration and Projects Committee (CCTA)  
**ATSP:** Accessible Transportation Strategic Plan  
**ATP:** Active Transportation Program  
**AV:** Autonomous Vehicle  
**BAAQMD:** Bay Area Air Quality Management District  
**BATA:** Bay Area Toll Authority  
**BCDC:** Bay Conservation and Development Commission  
**Caltrans:** California Department of Transportation  
**CBTP:** Community Based Transportation Plan  
**CCTA:** Contra Costa Transportation Authority  
**CEQA:** California Environmental Quality Act  
**CIL:** Center for Independent Living  
**CMAAs:** Congestion Management Agencies  
**CMAQ:** Congestion Management and Air Quality  
**CMIA:** Corridor Mobility Improvement Account (Prop 1B bond fund)  
**CMP:** Congestion Management Program  
**CSMP:** Corridor System Management Plan  
**CTC:** California Transportation Commission  
**CTP:** Contra Costa Countywide Comprehensive Transportation Plan  
**CTPL:** Comprehensive Transportation Project List  
**DAA:** Design Alternatives Assessment  
**DEIR:** Draft Environmental Impact Report  
**EBRPD:** East Bay Regional Park District  
**EIR:** Environmental Impact Report  
**EIS:** Environmental Impact Statement  
**EPCs:** Equity Priority Communities  
**EVP:** Emergency Vehicle Preemption (traffic signals)  
**FHWA:** Federal Highway Administration  
**FTA:** Federal Transit Administration  
**FY:** Fiscal Year  
**HOV:** High Occupancy Vehicle Lane  
**ICM:** Integrated Corridor Mobility  
**ITC or RITC:** Hercules Intermodal Transit Center  
**ITS:** Intelligent Transportations System  
**LOS:** Level of Service (traffic)  
**MOU:** Memorandum of Understanding  
**MPO:** Metropolitan Planning Organization

**MTC:** Metropolitan Transportation Commission  
**NEPA:** National Environmental Policy Act  
**O&M:** Operations and Maintenance  
**OBAG:** One Bay Area Grant  
**PAC:** Policy Advisory Committee  
**PASS:** Program for Arterial System Synchronization  
**PBTF:** Pedestrian, Bicycle and Trail Facilities  
**PC:** Planning Committee (CCTA)  
**PCC:** Paratransit Coordinating Committee (CCTA)  
**PDA:** Priority Development Areas  
**PSR:** Project Study Report (Caltrans)  
**RHNA:** Regional Housing Needs Allocation (ABAG)  
**RPTC:** Richmond Parkway Transit Center  
**RTIP:** Regional Transportation Improvement Program  
**RTO:** Regional Transportation Objective  
**RTP:** Regional Transportation Plan  
**RTPC:** Regional Transportation Planning Committee  
**SCS:** Sustainable Communities Strategy  
**SHPO:** State Historic and Preservation Officer  
**SOV:** Single Occupant Vehicle  
**STA:** State Transit Assistance  
**STIP:** State Transportation Improvement Program  
**STMP:** Subregional Transportation Mitigation Plan  
**SWAT:** Regional Transportation Planning Committee for Southwest County  
**TAC:** Technical Advisory Committee  
**TCC:** Technical Coordinating Committee (CCTA)  
**TDA:** Transit Development Act funds  
**TDM:** Transportation Demand Management  
**TFCA:** Transportation Fund for Clean Air  
**TEP:** Transportation Expenditure Plan  
**TLC:** Transportation for Livable Communities  
**TOD:** Transit Oriented Development  
**TRANSPAC:** Regional Transportation Planning Committee for Central County  
**TRANSPLAN:** Regional Transportation Planning Committee for East County  
**TSP:** Transit Signal Priority (traffic signals and buses)  
**VMT:** Vehicle Miles Traveled  
**WCCTAC:** West County Costa Transportation Advisory Committee  
**WETA:** Water Emergency Transportation Authority