



TECHNICAL ADVISORY COMMITTEE MEETING NOTICE & AGENDA

DATE & TIME: Thursday, January 9, 2020 • 9:00 AM – 11:00 AM
LOCATION: WCCTAC Offices • 6333 Potrero Ave. at San Pablo Avenue, El Cerrito, CA 94530
TRANSIT OPTIONS: Accessible by AC Transit #72, #72R, #72M & El Cerrito del Norte BART Station

1. CALL TO ORDER and SELF-INTRODUCTIONS

Estimated Time:* 9:00 AM, (5 minutes)

2. PUBLIC COMMENT

Estimated Time:* 9:05 AM, (5 minutes)

The public is welcome to address the TAC on any item that is not listed on the agenda. Please fill out a speaker card and hand it to staff. Please limit your comments to 3 minutes. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The WCCTAC TAC may direct staff to investigate and/or schedule certain matters for consideration at a future TAC meeting.

3. CONSENT CALENDAR

Estimated Time:* 9:10 AM, (5 minutes)

A. Minutes & Sign in Sheet from October 10, 2019

Recommendation: Approve as presented.

Attachment: Yes.

B. West County Express Bus Implementation Plan – Status Update

Recommendation: Information Only.

Attachment: Yes.

4. REGULAR AGENDA ITEMS

A. Richmond Ferry Update and Weekend Service in 2020

Description: WETA staff will provide a status report on the Richmond Ferry. The TAC is also being asked to make a recommendation to the WCCTAC Board regarding weekend ferry service. In 2019, WETA provide weekend service on the Richmond Ferry from August to October as part of a pilot effort, using Measure J 22b funds. This weekend service can be provided again in 2020, although decisions need to be made about when this service would begin and end, and about its funding.

Recommendation: Receive update on the Richmond Ferry and provide a recommendation to

El Cerrito

Hercules

Pinole

Richmond

San Pablo

Contra Costa
County

AC Transit

BART

WestCAT

the WCCTAC Board regarding weekend ferry service.

Attachment: No. WCCTAC staff will provide additional information under separate cover.

Presenter/Lead Staff: WETA Staff; John Nemeth, WCCTAC Staff

Estimated Time:* **9:15 AM**, (35 minutes)

B. Draft Evaluation Criteria for STMP Funding Requests

Description: The implementation of the new STMP provides an opportunity to revise the criteria used to rank STMP funding requests. At its October meeting, the TAC made some recommendations for revising the criteria to use in the next Call for Projects. These proposed changes are described in the staff report for the TAC's review

Recommendation: Review and approve the draft STMP evaluation criteria for the next Call for Projects.

Attachment: Yes

Presenter/Lead Staff: John Nemeth, WCCTAC Staff

Estimated Time:* **9:50 AM**, (30 minutes)

C. Draft FY18-19 Annual STMP Report

Description: The Mitigation Fee Act requires that programs like the WCCTAC STMP provide reports annually that include certain information about the program. The report for FY18-19 is included for review

Recommendation: Review the draft FY18-19 Annual STMP Report.

Attachment: Yes

Presenter/Lead Staff: Leah Greenblat, WCCTAC Staff

Estimated Time:* **10:20 AM**, (15 minutes)

D. 2019 STMP and ADU Fees Impacted by New State Law

Description: A new state law exempts Accessory Dwelling Units (ADUs) under a certain size from impact fees. For administrative simplicity, staff is recommending that all ADU's be exempt and that the Administrative Guidelines be amended accordingly. WCCTAC staff is seeking the TAC's approval of this change.

Recommendation: Support modifying the May 5, 2019 STMP Administrative Guidelines to exempt Accessory Dwelling Units (ADUs) from the STMP fee.

Attachment: Yes

Presenter/Lead Staff: Leah Greenblat, WCCTAC Staff

Estimated Time:* **10:35 AM**, (15 minutes)

5. STANDING ITEMS

A. Technical Coordinating Committee (TCC) Report

Recommendation: Receive update.

Attachment: No.

* Estimated time for consideration is given as a service to the public. Please be advised that an item on the agenda may be considered earlier or later than the estimated time.

Presenter/Lead Staff: WCCTAC's TCC Representatives & WCCTAC Staff

Estimated Time:* **10:50 AM**, (5 minutes)

6. ADJOURNMENT

Description / Recommendation: Adjourn to the next regularly scheduled meeting of the TAC on Thursday, February 13, 2020. The next regular meeting of the WCCTAC Board is Friday, January 24, 2020.

Estimated Time:* **10:55 AM**

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- In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in the WCCTAC TAC 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 office.
 - 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.
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* Estimated time for consideration is given as a service to the public. Please be advised that an item on the agenda may be considered earlier or later than the estimated time.

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El Cerrito

WCCTAC TAC Meeting Minutes

Hercules

MEETING DATE: October 10, 2019

Pinole

MEMBERS PRESENT: Colin Piethe, Contra Costa County; Celestine Do, BART; Allan Panganiban, San Pablo; Denee Evans, Richmond; Nathan Landau, AC Transit; Holly Smyth, Hercules; Rob Thompson, WestCAT; and Yvetteh Ortiz, El Cerrito (arrived during the discussion of Item 6)

Richmond

GUESTS: Bill Pinkham, CBPAC Representative; Matt Kelly, CCTA

STAFF PRESENT: John Nemeth, Leah Greenblat, Coire Reilly

San Pablo

ACTIONS LISTED BY: WCCTAC Staff

Contra Costa
County

AC Transit

BART

WestCAT

ITEM	ITEM/DISCUSSION	ACTION/SUMMARY
1.	Called to Order	The meeting was called to order at 9:15 a.m.
2.	Public Comment	None.
3.	Consent Calendar: a. Action Minutes and Sign-in Sheet from September 12, 2019 – Approve as presented.	Moved by Celestine Do, seconded by Denee Evans, and unanimously adopted.
4.	Service on CCTA’s Vision Zero Working Group	Mr. Kelly provided information regarding the development of a new CCTA working group that would advise the Authority staff and its consultants in developing a Contra Costa Vision Zero Framework and Systemic Safety Approach. Smyth moved, Panganiban seconded, and the TAC unanimously recommended that Patrick Phelan from the City of Richmond serve as the primary WCCTAC representative and Yvetteh Ortiz, El Cerrito to serve as an alternate with

		Jimmy Zhou, San Pablo serving as alternate or second alternate.
5.	Development of Criteria for Future STMP Calls for Projects	<p>This item was taken out of order and occurred following Item #6, Draft Results of the Congestion Management Program (CMP) Monitoring</p> <p>Mr. Nemeth explained the previous evaluation criteria used for funding requests with the 2006 STMP. He and the TAC discussed possible revisions for use with the next Call for Projects, which will be under the 2019 STMP.</p> <p>The TAC recommended some proposed changes and requested that WCCTAC staff return with and draft criteria and a draft STMP project funding application form.</p>
6.	Draft Results of the Congestion Management Program (CMP) Monitoring	<p>This item was taken out of order and occurred following Item #4, Service on CCTA's Vision Zero Working Group.</p> <p>Mr. Kelly presented the draft CMP Monitoring Report results. This was an information only item.</p>
7.	TCC Update	Ms. Ortiz and Ms. Greenblat briefly reviewed TCC agenda items not previously discussed at the TAC meeting.
8.	Adjournment	The meeting adjourned at 11:01 AM.

Sign in Sheet for the WCCTAC Technical Advisory Committee Meeting

WCCTAC TAC	INITIALS	AGENCY	EMAIL	PHONE
Lori Reese Brown		Richmond	Lori_reese-brown@ci.richmond.ca.us	510.620.6869
John Cunningham		CCC DCD	John.cunningham@dcd.cccounty.us	925.674.7833
Colin Piethe	CP	CCC DCD	Colin.piethe@dcd.cccounty.us	
Ricki Wells		BART	rwells@bart.gov	510-464-6257
Deneé Evans		Richmond	Denee.evans@ci.richmond.ca.us	510.621.1718
Allan Panganiban		San Pablo	allanp@sanpabloca.gov	510.215.3062
Nathan Landau		AC Transit	NLandau@actransit.org	510.891.4792
Jill Mercurio		San Pablo	jillm@sanpabloca.gov	
Tamara Miller		Pinole	tmiller@ci.pinole.ca.us	510.724.9010
Melanie Mintz		El Cerrito	mmintz@ci.el-cerrito.ca.us	510.215.4330
Yvetteh Ortiz	YO	El Cerrito	yortiz@ci.el-cerrito.ca.us	510.215.4345
Mike Roberts		Hercules	miker@ci.hercules.ca.us	510.799.8241
Robert Sarmiento		CCC DCD	robert.sarmiento@dcd.cccounty.us	925.674.7822
Holly Smyth	HS	Hercules	hsmyth@ci.hercules.ca.us	510.245.6531
Michael Tanner		BART	mtanner@bart.gov	
Robert Thompson		WestCAT	rob@westcat.org	510.724.3331
Celestine Do	CD	BART	cdo@bart.gov	
WCCTAC STAFF				
Leah Greenblat	LG	WCCTAC	lgreenblat@wcctac.org	510.210.5935
Valerie Jenkins		WCCTAC	vjenkins@wcctac.org	510.210.5931
John Nemeth		WCCTAC	jnemeth@wcctac.org	510.210.5933
Joanna Pallock		WCCTAC	jpallcock@wcctac.org	510.210.5934
Coire Reilly	CR	WCCTAC	creilly@wcctac.org	510.210.5932
CCTA STAFF				
James Hinkamp		CCTA	jhinkamp@ccta.net	
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Matt Kelly	MK	CCTA	mkelly@ccta.net	925.256.4730
Hisham Noeimi		CCTA	hnoeimi@ccta.net	925.256.4731
Stephanie Hu		CCTA	stephanieh@ccta.net	925.256.4740
JURISDICTION AGENCY STAFF				
Charlie Anderson		WESTCAT	charlie@westcat.org	510.724.3331
Yader Bermudez		Richmond	Yader_berumudez@ci.richmond.ca.us	510.774.6300
Jim Cunradi		AC Transit	jcunradi@actransit.org	510.891.4841
Deidre Heitman		BART	dheitma@bart.gov	510.287.4796
Dane Rodgers		Richmond	Dane_rodgers@ci.richmond.ca.us	510-307-8112
Robert Del Rosario		AC Transit	rdelrosa@actransit.org	510.891.4734
Lina Velasco		Richmond	lina_velasco@ci.richmond.ca.us	510.620.6841
Patrick Phelan		Richmond	Patrick_phelan@ci.richmond.ca.us	510.307.8111
GUEST				
Dave Campbell		Bike East Bay	dave@bikeeastbay.org	510.701.5971
Bill Pinkham	BP	CBPAC Rep	Bpinkham3@gmail.com	510.734.8532

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TO: WCCTAC TAC

MEETING DATE: January 9, 2020

FR: Leah Greenblat, Project Manager

RE: **West County Express Bus Implementation Plan Update – Status Update**

REQUESTED ACTION

Information only.

BACKGROUND AND DISCUSSION

The West County Express Bus Implementation Plan effort is drawing near its conclusion. Due to the Caltrans grant's funding requirements, all work needs to be completed by the end of February 2020. WestCAT and AC Transit staff have been working closely on the draft Plan's development. Both the Plan's TAC and the WCCTAC Board received progress reports at their December meetings. A draft plan will be released shortly and will be available on the Plan's webpage on the WCCTAC's website (https://www.wcctac.org/app_pages/view/672). The release of the draft Plan will be accompanied by the third and final phase of public outreach. Local jurisdictions and agencies will receive notice of the draft Plan's release and are asked to disseminate the information to their constituents. The WCCTAC Board will continue its discussion of the draft Plan at its January and possibly February meetings. The WestCAT and AC Transit Boards are scheduled to review the draft Plan at their upcoming meetings.

This planning effort was initiated as a follow-up to the West County High Capacity Transit Study's recommendations and the subsequent Regional Measure 3 allocation of \$25 million towards Interstate 80 Transit Improvements. The funding environment for implementing new express bus service is fluid which creates some challenges in establishing planning priorities. Due to the unknown status of the on-going legal challenge to RM3, the impending outcome of the CCTA's Transportation Expenditure Plan on the March 2020 ballot, and the cost estimates developed for the draft Plan, the final document will likely be used to attract additional funding from other sources such as a regional transportation super measure, federal or state grants, and/or additional MTC projects for Bay Bridge forward. The West County Express Bus Implementation Plan will consider providing enough flexibility so that as new funding opportunities arise, West County is in the best position to match potential express bus improvement needs with the sources' funding priorities and requirements.

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TO: WCCTAC Board

MEETING DATE: January 9, 2020

FR: John Nemeth, Executive Director

RE: **Draft Evaluation Criteria for STMP Funding Requests**

REQUESTED ACTION

Review and approve the draft STMP evaluation criteria for the next STMP Call for Projects.

BACKGROUND AND DISCUSSION

WCCTAC is likely to release a Call for Projects for STMP funding in the first half of 2020. After funding requests are submitted by project sponsors, there's a three-step process for determining which projects will receive funding and in what amounts.

First, WCCTAC staff uses evaluation criteria to rank funding requests and presents this information to the TAC. The TAC, then, uses these rankings as a starting point to develop a consensus funding recommendation for the WCCTAC Board. The Board can then approve the TAC's funding recommendation or make its own adjustments.

Current Evaluation Criteria

At present, there are three criteria that the WCCTAC staff uses in its ranking of STMP funding requests: 1) project readiness, 2) prior receipt of funds by project sponsors, and 3) prior receipt of funds by project categories.

With the project readiness criterion, all funding requests are ranked from first to last in order of readiness with the first receiving the highest number of points and the lowest receiving the least. So, for example, a project that was in the earliest stages of conceptual development would receive fewer points than a project that is being bid for construction.

With the prior receipt of funds by project sponsors criterion, all funding requests are ranked from first to last in order of how recently their project sponsor has received STMP funding. There are often scoring ties with this criterion since funding is mostly approved by the Board in batches with several sponsors receiving funds.

With the prior receipt of funds by project categories criterion, all funding requests are ranked from first to last in order of how recently the project category in the STMP list of projects has received funding.

Proposed Revision to Evaluation Criteria

The transition from the 2006 STMP to the 2019 STMP provides an opportunity to revisit the evaluation criteria used to rank funding requests. At its October 2019 meeting, the WCCTAC TAC discussed these criteria at length and proposed some changes.

- The TAC recommended that the prior receipt of funds by project category criterion not be used, since categories have changed considerably in the new STMP.
- The TAC recommended the continued use of the project readiness criterion. However, it also recommended that extra points not be awarded to projects that are beyond the construction phase. In short, completed projects with construction funding deficits would be ranked on par with (and not ahead of) projects in construction phase.
- The TAC recommended that the prior receipt of funds by project sponsor should continue to be used, but with a different focus. Instead of rankings being based on which sponsors received funds last, they would be based on total amount of funds distributed for the entire 2006 STMP. The project sponsor who received the least would get the most amount of points. This criterion would be used for the first Call for Projects but would be revisited going forward. Staff will provide a table to the TAC, under separate cover, showing funding by project sponsor in the 2006 program.
- The TAC recommended a new criterion that considers how much funding is being requested as a share of total project costs. Funding requests under \$500,000 would get the maximum number of points. Funding requests over \$500,000 would be ranked next, with the smallest request (as a percentage of total project cost) getting the next highest score.

Other TAC Recommendations

In addition to changes to the evaluation criteria, the TAC made two other recommendations:

- 1) That WCCTAC staff develop a short funding request form to streamline requests and to minimize follow-up questions and communications between WCCTAC staff and project sponsor staff. WCCTAC staff will either provide this form under separate cover or provide it at the February TAC meeting.
- 2) That after WCCTAC has received and ranked funding applications, it will provide a map to the TAC showing where projects are located.

FY 2018-2019 Annual STMP Report

California state law requires WCCTAC to provide an annual report on its Subregional Transportation Mitigation Program (STMP) as part of the Mitigation Fee Act, with certain information included, as follows:

i. A brief description of the type of fee in the account or fund.

The STMP is a mechanism for regional collaboration in West County. It was established to comply with the countywide Measures C and J Growth Management Program requirements for a mitigation program to fund improvements needed to meet the transportation demands resulting from growth. WCCTAC is a sub-regional transportation agency charged with administering the program to fund sub-regional transportation improvement projects in West Contra Costa County. WCCTAC's jurisdiction encompasses the western portion of Contra Costa County, including unincorporated areas as well as the cities of El Cerrito, Hercules, Pinole, Richmond and San Pablo.

ii. The amount of the fee.

In 2006, the WCCTAC Board adopted the current STMP program and fee schedule. The 2006 program permitted the indexing of the fee to account for inflation; however, there was not consistent indexing over time. The 2019 STMP Update reconciled these differences. Currently all West County jurisdictions collect fees as approved by the WCCTAC Board and its STMP member agencies in its Master Cooperative Agreement effective July 1, 2019.

FY 2018-2019 STMP Fees

Type of Fee	STMP Fee per Unit	STMP Fee per Square ft.
Single Family	\$ 2,595.00	
Multi Family	\$ 1,648.00	
Senior Housing	\$ 701.00	
Hotel (per room)	\$ 1,964.00	
Church		\$ 1.58
Retail		\$ 1.82
Office		\$ 3.51
Industrial		\$ 2.45
Storage Facility		\$ 0.53
Hospital		\$ 4.21
Other (per AM pk hr trip)	\$ 3,507	

FY 2019-2020 STMP Fees

(Provided for informational purposes only.)

Type of Fee	STMP Fee per Unit	STMP Fee per Square ft.
Single Family	\$ 5,439	
Multi Family	\$ 2,679	
Senior Housing	\$ 1,469	
Hotel (per room)	\$ 3,481	
Retail / Service		\$ 6.59
Office		\$ 8.72
Industrial		\$ 5.56
Storage Facility		\$ 0.76
Other (per AM pk hr trip)	\$ 7,350	

iii. **The beginning and ending balance of the account or fund.**

FY 2018-2019 STMP Fund Balances	
July 1, 2018 (beginning of FY)	\$3,305,972.41
June 30, 2019 (end of FY)	\$XXXXX

iv. **The amount of the fees collected and the interest earned.**

In FY 2018-19, WCCTAC received \$1,094,703 in STMP fees and earned \$XXXXXX in interest which is kept in the STMP account. (In FY 17-18 WCCTAC received \$2,605,925 in STMP fees. The reduction in revenue is attributable to less development occurring in unincorporated Contra Costa County in FY 18-19.)

v. **An identification of each public improvement on which fees were expended in the reporting fiscal year and the amount of the expenditures on each improvement.**

Expenditure	STMP Funds Expended
STMP Nexus Update	\$110,038
I-80/San Pablo Dam Rd.	\$436,000
BART: Del Norte Modernization Improvements	\$978,045
El Cerrito: Del Norte Area TOD	\$300,000
Total Expenditures	\$1,824,083

- vi. **An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001 of the Government Code, and the public improvement remains incomplete.**

Current STMP Projects with Committed STMP Funds			
Project	Committed STMP Funds	Remaining STMP Funds Committed, as of 7/1/19	Approximate Date Construction Begins
STMP Nexus Study	\$250,000.00	\$997.50	N/A
Hercules Intermodal Transit Center	\$750,000	\$750,000	?????
BART: Del Norte Modernization	\$507,261	\$507,261	Under Construction
County: San Pablo Dam Rd. Sidewalk Gap	\$270,000	\$270,000	?????
Pinole: San Pablo Ave. Bridge Replacement Project	\$1,600,000	\$1,600,000	?????
Pinole: Bay Trail Gap Closure at Tennent Ave.	\$150,000	\$150,000	?????
Richmond: I-80/Central Ave. Ph. 2	\$700,000	\$700,000	?????

- vii. **A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.**

There were no loans during FY 2018-19. The sole interfund transfer was for \$36,289 or 2% of STMP funds disbursed for WCCTAC's administration of the program. The dollar amount is consistent with the percentage authorized by the 2008 STMP ordinance and Master Cooperative Agreement.

- viii. **The amount of refunds made pursuant to subdivision (e) of Section 66001 and any allocations pursuant to subdivision (f) of Section 66001.**

There were no refunds granted during FY 2018-19.

On June 22, 2019, a development in the City of Richmond was granted a STMP fee credit of \$119,370 for right-of-way dedication for the I-80/Central Ave. Interchange Project.

Under the 2005 STMP, two percent of STMP funds distributed annually may be allocated to WCCTAC for administrative expenses. In FY 2018-19, \$36,289 in STMP funds were allocated to WCCTAC for program administration expenses.

Last revision: January 2, 2020

TO: WCCTAC Board

MEETING DATE: January 9, 2020

FR: Leah Greenblat, Project Manager

RE: **2019 STMP and ADU Fees Impacted by New State Law**

REQUESTED ACTION

Support modifying the May 5, 2019 STMP Administrative Guidelines to exempt Accessory Dwelling Units (ADUs) from the STMP fee.

BACKGROUND AND DISCUSSION

California's Senate Bill 13 (SB 13) took effect on January 1, 2020. It divides ADUs into two categories: those greater than, and less than, 750 SF. For ADUs less than 750 SF, no impact fee may be assessed. For ADUs greater than 750 SF, the fee must be proportional to the square footage of the primary dwelling unit.

When developing the 2019 STMP, WCCTAC anticipated that there could be state-wide changes in ADU fee regulations.

The current Administrative Guidelines (May 9, 2019) note in Section B: Development Projects, Subsection 2 - Intensification of Use that ADUs "within the existing habitable living area footprint are not considered an intensification of use and no STMP Fee would be applied." The Administrative Guidelines further note in Section C: Land Use Categories, Subsection 1.ii. that detached ADUs are subject to the Multi-Family Residential fee.

With SB13, ADUs under 750 feet would now be exempt. This likely applies to the majority of ADUs. Given the new legislation, and given the staffing limitations in most of the West County cities, calculating proportional fees solely ADU's larger than 750 SF could be very burdensome. Therefore, WCCTAC staff is recommending that the STMP Administrative Guidelines be revised to exempt all ADUs. Please see the attached draft revisions with strikethrough changes noted.

WCCTAC's consultant for the 2019 STMP Nexus Study, Fehr and Peers, has confirmed that exempting ADUs from STMP fees will have only a minor impact on the potential STMP fee revenue generated and the study would still be valid. WCCTAC staff also consulted with its legal counsel which advised that neither the Master Cooperative Agreement nor the STMP ordinances adopted by local jurisdictions would need to be modified as a result of the proposed changes.

Subsection 13 of the STMP Administrative Guidelines states that “the STMP Administrative Guidelines may be changed from time to time in the sole discretion of the WCCTAC Executive Director, as long as such changes do not conflict with this Agreement or applicable law. Prior to adopting any changes to the STMP Administrative Guidelines, the Executive Director shall submit the proposed changes to the WCCTAC Technical Advisory Committee for review.”

ATTACHMENTS:

- A. Email exchange RE: SB 13, ADUs and STMP
- B. January 3, 2020 Proposed Revisions to May 9, 2019 STMP Administrative Guidelines

From: [Mog, Alex](#)
To: [Leah Greenblat](#); [Julie Morgan](#)
Cc: [Kokotaylo, Kristopher](#)
Subject: RE: SB 13, ADUs and STMP
Date: Friday, December 6, 2019 3:13:33 PM
Attachments: [image002.jpg](#)
[image004.jpg](#)

Hi Leah,

Sorry for the delay. There is no requirement to take this item to the Board for official action, but I'd recommend bringing it as an informational item, so they are up to date on policies. In an ideal world, we would update the Master Cooperative Agreement and ordinance so that they both reflect the change, but given how much coordination that would take, I don't recommend it. Nothing in the agreement or model ordinance conflicts with a policy of no impact fees for ADUs, and those documents anticipate that the Administrative Guidelines will be changed from time to time. Accordingly, no change to the agreement or model ordinance is required.

Thanks,
Alex

From: Leah Greenblat <lgreenblat@wcctac.org>
Sent: Wednesday, November 27, 2019 9:22 AM
To: Julie Morgan <J.Morgan@fehrendpeers.com>; Mog, Alex <amog@meyersnave.com>
Cc: Kokotaylo, Kristopher <kkokotaylo@meyersnave.com>
Subject: RE: SB 13, ADUs and STMP

Alex and Julie,

Thanks for your responses. I have some follow up questions below noted in **RED**. I'll bring this to the TAC in December. Assuming the TAC recommends no ADU fees for any type of development, we could update the Administrative Guidelines easy enough; per the Guidelines that just takes a TAC action and ED signature. **But do I bring this to the WCCTAC Board for some kind of official action, if so what action? Or would it just be an informational item for the Board? Would we need to make a change to the Master Coop Agreement and would the local jurisdictions need to modify their ordinances?** Whatever change is made, we'd need to notify the local jurisdictions with an update to the Admin Guidelines.

From the Master Coop Agreement:



I don't see that there's any change needed to the Coop. **Please confirm.**

From the Ordinance:



The ordinance exempts some ADUs already and directs people to the Admin Guidelines, which could be modified to further exempt all ADUs. So I don't believe the ordinances need changing either. **Please confirm.**

Anything else we need to consider?

Thanks for your guidance.
Happy Thanksgiving.
Leah

Leah Greenblat
WCCTAC Project Manager
510.210.5935
LGREENBLAT@wcctac.org
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From: Julie Morgan <J.Morgan@fehrandpeers.com>
Sent: Tuesday, November 26, 2019 3:35 PM
To: Mog, Alex <amog@meyersnave.com>; Leah Greenblat <lgreenblat@wcctac.org>
Cc: Kokotaylo, Kristopher <kkokotaylo@meyersnave.com>
Subject: RE: SB 13, ADUs and STMP

Thanks to Alex for that helpful discussion.

Leah, I wonder if it would be worth raising a question with the TAC about whether, in light of this new legislation, the STMP should simply exempt all ADUs? Given the staffing limitations in most of the local cities, I can imagine they might feel that having to calculate a proportional fee for an ADU larger than 750 sq ft would be very burdensome, and as Alex points out it is likely that most ADUs will be smaller than that anyway.

Thanks,
Julie

From: Mog, Alex <amog@meyersnave.com>
Sent: Tuesday, November 26, 2019 2:04 PM

To: Julie Morgan <J.Morgan@fehrandpeers.com>; lgreenblat@wcctac.org

Cc: Kokotaylo, Kristopher <kkokotaylo@meyersnave.com>

Subject: RE: SB 13, ADUs and STMP

Hi Leah,

Kris forwarded me your questions.

1. For ADUs larger than 750 square feet, impact fees must be charged proportionately in relation to the square footage of the primary dwelling unit. For example, imagine there is a parcel with an existing 2,400 square foot single family home and the impact fee for single family homes is \$6,000. If the property owner proposes an 800 square foot ADU (1/3 the size of the primary home), that ADU could not be charged an impact fee of more than \$2000. If the property owner proposes a 1,200 square foot ADU (1/2 the size of the primary home), that ADU could not be charged an impact fee of more than \$3,000. Importantly, the proportional determination must be made for each individual ADU based on the square footage of the ADU and the primary unit.

The STMP fee for single family homes is \$5,439, and for each multifamily dwelling units is \$2,679 (my recollection is ADUs were to be charged the multifamily rate). That means that impact fee for ADUs is 49.3% of the rate for single family homes. Accordingly, as long as the proposed ADU is at least 49.3% of the primary single family dwelling unit, the existing STMP fee is okay. However, if an ADU is only 40% of the primary dwelling unit on the property, the STMP fee for the ADU cannot be more than 40% of the single family dwelling unit. For example, if an 800 square foot ADU is built on a parcel with a 2,000 square foot single family home, the STMP fee for the ADU cannot exceed \$2,175.6 (40% of \$5,439.) The numbers are different for ADUs on parcels with multifamily buildings, but the basic idea is the same.

The STMP fee for ADUs is proportional for ADUs which are at least 49.3% of the square footage of the primary single family dwelling unit, but are not proportional for ADUs that are less than 49.3% of the square footage of the single-family home. This can be addressed by changing the Administrative Guidelines to provide that the STMP fee for ADUs large than 750 square feet shall be calculated proportionally based on the size of the ADU compared to the primary dwelling unit, but in no event shall exceed \$2,679.

2. As you can see, the fee calculation for large ADUs requires individual calculations for each ADU to confirm proportionality. Because of this administrative burden (and because most ADUs have historically been less than 750 square feet), some cities are voluntarily choosing to eliminate impact fees for all ADUs. If a city eliminates impact fees for all ADUs, then they do not need to impose the STMP fee on the ADU, as authorized by Section F.1 of the administrative guidelines.

However, SB 13's rules about impact fees for ADUs do not apply for sewer and water connections fees/capacity charges or school impact fees. While some cities may be eliminating their own impact fees, they have no control over impact fees charged by other agencies (like sanitary districts or school districts), but collected by the City through the building permit process. I'd recommend interpreting Section F.1 to apply whenever an agency exempts an applicant from impact fees charged and retained by that agency (right now it says "local impact fees", which could be interpreted to include impact fees charged by other agencies). If

Richmond is exempting ADUs from all of the impact fees it charges and retains, then it can exempt ADUs from the STMP fee.

Hope this helps. Let me know if you have any questions.

Thanks,
Alex

From: Leah Greenblat <lgreenblat@wcctac.org>
Sent: Monday, November 25, 2019 2:21 PM
To: Kokotaylo, Kristopher <kkokotaylo@meyersnave.com>; Julie Morgan <
Subject: SB 13, ADUs and STMP

[EXTERNAL E-MAIL]

Hi Julie and Kris,

We received two STMP-ADU emails from Richmond staff regarding a SB 13 which goes into effect on January 1, 2020. I'm hoping you might be able to weigh in on the questions below. My questions and comments are in RED.

The questions raised:

1. Can you please advise us how WCCTAC is considering the regulations coming online on January 1, 2020 regarding impact fees assessed on ADUs with the passage of SB13 that states no impact fees can be charged on ADUs less than 750 SF. Language is below and SB13 is attached.

“(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. **Can we claim that the STMP fee as applied to ADUs is proportional for ADUs greater than 750 sf?**

(B) For purposes of this paragraph, “impact fee” has the same meaning as the term “fee” is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. “Impact fee” does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.”

2. It is the City's intent to exempt A.D.U's from local impact fees in an effort to encourage these projects. In accordance with item F1 of the STMP Fee Administrative Guidelines, this would include STMP fees. Please confirm this is consistent with the Administrative Guidelines. **I've asked city staff to confirm that all other local fees would be exempted.**

Thanks,
Leah

Leah Greenblat
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**WEST CONTRA COSTA
TRANSPORTATION ADVISORY
COMMITTEE**

**SUBREGIONAL
TRANSPORTATION
MITIGATION PROGRAM
(STMP) FEE
ADMINISTRATIVE
GUIDELINES**

**APPROVED BY WCCTAC EXECUTIVE
DIRECTOR MAY 9, 2019**

REVIEWED BY WCCTAC TAC 5/9/2019

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A. INTRODUCTION

The purpose of these Administrative Guidelines is to assist WCCTAC and Agency staff with implementation of the STMP Fee. These Guidelines provide additional detail not included in the Master Cooperative Agreement (“Coop Agreement”), and the Coop Agreement is an integral part of these Guidelines. “Agency” or “Agencies” is used in these Guidelines as the term is used in the Master Cooperative Agreement to indicate the cities and the County that are members of WCCTAC and responsible for collecting the STMP Fee and for sponsoring certain capital projects funded by the STMP Fee. The term Agencies excludes AC Transit and the Bay Area Rapid Transit District that are also members of WCCTAC because these agencies have no role in collecting the STMP Fee. Future modifications to these Guidelines will be reviewed by the WCCTAC Technical Advisory Committee (TAC) before approval by the WCCTAC Executive Director.

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. ~~All 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.

C. LAND USE CATEGORIES

The Agency, as part of their typical process of reviewing a proposed Development Project, shall determine the land use categories that are applicable and shall calculate the STMP fee. This applies to both private and public Development Projects. The following sections offer guidance to the Agency as they make those determinations.

1. Residential Land Uses

- i. Single Family Residential: Dwelling units that are one single family detached unit on a parcel, and excluding Senior Housing.
- ii. Multi-Family Residential: Dwelling units that are apartments, condominiums, townhomes, multiplexes, or mobile homes in mobile home parks, ~~or detached accessory units or conversion of attached non-habitable space~~, except Senior Housing. Accessory dwelling units ~~within the footprint of an existing dwelling unit's habitable space~~ are not required to pay the STMP Fee.
- iii. Senior Housing: All senior age-restricted dwelling units regardless of type of housing.

2. Non-residential Land Uses

- i. Hotel: Temporary lodging establishments including hotels, motels, resorts and bed and breakfast establishments.
- ii. Office: Office facilities where the primary use is not direct service to customers, including branch and head offices, multi-tenant buildings, and business parks.
- iii. Retail/Service: Neighborhood, community, and thoroughfare commercial districts, including retail and personal service businesses, restaurants, and medical offices.
- iv. Industrial: Light and heavy industrial uses, including manufacturing, processing, fabrication, and distribution.
- v. Storage Facility: Facilities used for the purposes of renting or leasing individual storage space.

3. Other Land Uses

- i. Other: The Other land use category is intended for Development Projects with land uses that do not fit within the standard residential or non-residential categories defined above where number of dwelling units or building square footage are the usual measures of trip generation. It is anticipated that most Development Projects will fit within the standard STMP categories, but it is understood that some Projects will contain land uses with trip generation characteristics that are not adequately captured by the standard STMP categories. Examples of such land uses could include gas stations, drive-through facilities, private schools, and theaters or other entertainment venues, among others. The Agency will determine whether a particular Development Project involves land uses that should be treated within the Other category; conferral with WCCTAC staff is highly

recommended if there are questions or discussion items. Application of the Other category will require the estimation of the number of AM peak hour trips that will be generated by the proposed land use.

D. FEE CALCULATION

1. New Construction

$$\text{STMP Fee} = \frac{\text{STMP Fee per Dwelling Unit or per Square Foot Based on Applicable Land Use Category}}{\text{Applicable Land Use Category}} \times \text{New Dwelling Units or New Square Feet}$$

For Development Projects with multiple land use categories, the STMP Fee equals the sum of STMP Fees applied to each land use category.

2. Intensification of Use

First calculate the STMP Fee for the proposed new use, using the formula provided in the section above on New Construction. Then calculate what the STMP Fee would be for the existing permitted use (that is, the existing square footage multiplied by the STMP Fee per square foot for the existing permitted land use category). Subtract the existing permitted use fee from the proposed new use fee. If the difference is greater than zero, that difference represents the STMP Fee due as a result of the intensification of use. If the difference is less than zero, then no STMP Fee is due, nor will there be any STMP Fee refund or credit.

3. Other Land Use Category

$$\text{STMP Fee} = \frac{\text{STMP Fee per AM Peak Hour Trip}}{\text{Peak Hour Trip}} \times \frac{\text{Number of New AM Peak Hour Trips Estimated for Proposed Use}}{\text{Peak Hour Trips Estimated for Proposed Use}}$$

As described above, the Agency will determine the applicability of the Other category, as part of its typical process of evaluating the transportation and other impacts of a proposed Development Project. Transportation impact analysis requires the processes and methods outlined in the *Technical Procedures* adopted by the Contra Costa Transportation Authority.

Part of a transportation impact analysis involves estimating the trip generation of the proposed Development Project. This typically involves reference to the most current edition of *Trip Generation* published by the Institute of Transportation Engineers (ITE), but may also involve conducting trip generation surveys at other sites that share the Development Project's characteristics, as further described in the ITE manual and in the *Technical Procedures*. For reference purposes, see the

Appendix for the trip generation rates used in the STMP nexus study for each land use category.

E. CREDITS AND REIMBURSEMENTS

Refer to the approved Master Cooperative Agreement, Section D. Fees, paragraph 10. Credits and Reimbursements.

F. APPEALS FOR FEE EXEMPTIONS AND WAIVERS

No exemption or waiver of the STMP Fee for a development project is allowed except as permitted by this section.

1. If the Agency exempts or waives all other local impact fees, then the STMP fee may also be exempted or waived; the Agency must report this action to WCCTAC.
2. Otherwise, to be granted a STMP fee exemption or waiver, the Agency or the development project applicant must:
 - Pay the STMP Fee pursuant to these Administrative Guidelines under protest pending the resolution of the appeal.
 - Appeal the STMP Fee no later than the date of application for the building permit for the Development Project.
 - Bear the burden of establishing satisfactory factual proof of the basis for the appeal based on the opinion of a registered traffic engineer.
 - Submit all information in support of the appeal necessary for WCCTAC's consideration of the appeal. The Agency or applicant may submit any documentation it thinks WCCTAC should consider as part of the appeal. Additional issues raised once the appeal is submitted will not be considered by WCCTAC. WCCTAC may require, at the expense of the Project Applicant, review of the submitted materials by a third party with appropriate technical knowledge.
 - Pay the cost of processing the appeal, as determined by WCCTAC.
 - The appeal will be considered by the WCCTAC Board within 180 days. The appellant may, at the sole discretion of WCCTAC, have the opportunity to present oral testimony, in addition to the written documents submitted in support of the appeal.
 - If all other local impact fees are not waived, then any STMP fee exemption or waiver must receive approval from the WCCTAC Board.

G. ANNUAL FEE ADJUSTMENT

The annual fee adjustment provided for in Section D.8 of the Master Cooperative Agreement is based on the annual percentage change in the Engineering News-Record

Construction Cost Index for the San Francisco Bay Area. WCCTAC staff will annually calculate the increase and is responsible for notifying all Agencies of the change bringing the adjusted STMP Fee schedule to a regular meeting of the WCCTAC Board as an information item, and providing the adjusted STMP fee schedule to the Agencies in a timely manner each year so that Agencies can begin collecting the updated adjusted fees by July 1.

H. CONCEPTUAL PROCESS FOR STMP FUNDING

WCCTAC is responsible for implementing the STMP. Periodically, WCCTAC will issue a call for projects to invite Agencies to submit requests for funding for STMP-eligible projects. Under normal circumstances, a call for projects will occur every 1-3 years, at WCCTAC's discretion and depending on fund availability.

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 Board will make the final decisions about which projects will receive STMP funds and in what amounts. Factors to be considered in evaluating projects may include (but not be limited to) characteristics such as project readiness, 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.

APPENDIX A. A.M. PEAK HOUR TRIP GENERATION RATES**A.M. Peak Hour Trip Generation Rates for STMP Land Use Categories**

Land Use Category	ITE Land Use Code	Unit	A.M. Peak Hour Vehicle Trip Generation Rate
Single-Family Residential	210	Dwelling Unit	0.74
Multi-Family Residential	221	Dwelling Unit	0.36
Senior Housing	252	Dwelling Unit	0.20
Hotel	310	Room	0.47
Retail/Service	820	1,000 Square Feet	0.94
Office	710	1,000 Square Feet	1.16
Industrial	110	1,000 Square Feet	0.70
Storage Facility	151	1,000 Square Feet	0.10

Source: Institute of Transportation Engineer, *Trip Generation* (10th Edition). Note that no trip adjustments have been applied to these trip generation rates; adjustments might be appropriate depending on the characteristics of the Development Project being evaluated.

APPENDIX B: STMP FEE SUBMITTAL FORM

West County Subregional Transportation Mitigation Program (STMP) Developer Fees JURISDICTION'S QUARTERLY TRANSMITTAL REPORT FORM

Jurisdictions are required to submit this completed form to WCCTAC no later than 30 days following the close of each calendar quarter; whether or not there are fees to submit, continuing through the life of the Master Cooperative Agreement.

Check Appropriate Box:

All sections of the report must be completed.
Attach check, payable to WCCTAC, to this report.
Submit check and completed transmittal report to:
WCCTAC
6333 Potrero Ave., Suite 100
El Cerrito, CA 94530

Fiscal Year: _____
Reporting Period:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FY Q1	FY Q2	FY Q3	FY Q4
July-Sept	Oct-Dec	Jan-Mar	Apr-June
31-Oct	30-Jan	30-Apr	31-Jul

Fee Submittal Due Date:

Jurisdiction's Name: _____

Contact Name: _____

Contact Email: _____

No development to report this period. OR Notes:
Insert below the # of Units or # of Sq. Ft. to calculate the amnt. of fee collected.
List each project or project component separately. Add rows as needed.

Type of Fee	Project Address	Development Name	STMP Fee per Unit	STMP Fee per Square ft.	Total # Units or Sq. Ft.	STMP \$ Collected
Single Family			\$ 5,439			\$ -
Multi Family			\$ 2,679			\$ -
Senior Housing			\$ 1,469			\$ -
Hotel (per room)			\$ 3,481			\$ -
Retail / Service				\$ 6.59		\$ -
Office				\$ 8.72		\$ -
Industrial				\$ 5.56		\$ -
Storage Facility				\$ 0.76		\$ -
Other (per AM pk hr trip)			\$ 7,350			\$ -
TOTAL FEES COLLECTED:						\$ -

This should be the amount of your check to WCCTAC.

During the reporting period, has your agency granted:

- STMP Fee Credits to any development? Yes No
- STMP Fee Waivers/Exemptions to any development? Yes No

If yes to either of the above, please respond to the questions on the next page.

If STMP Credits were granted, for each development complete the questions below:

- What is the name and address of the development project receiving the credit?
- What was the dollar value of the credit?
- Which of the 20 STMP Projects was the credit used for?
- What elements of the STMP project were completed with the credited funds?

If Waivers/Exemptions of STMP Fees were granted, for each development, complete the questions below:

- Were all other local fees waived/exempted for the development project? Yes No
- Briefly explain why the development project's STMP fee was waived/exempted?

Respond to Credit and Waiver/Exemption Questions here: