

RESOLUTION NO. 19-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES AUTHORIZING THE CITY MANAGER, CITY CLERK, AND CITY ATTORNEY TO SIGN THE NEW MASTER COOPERATIVE AGREEMENT WITH WCCTAC AND AMEND THE CITY'S MASTER FEE SCHEDULE TO ACCOUNT FOR THE 2019 UPDATE TO THE SUBREGIONAL TRANSPORTATION MITIGATION FEE PROGRAM (STMP)

WHEREAS, the West Contra Costa Transportation Advisory Committee ("WCCTAC") is a joint exercise of powers authority (JPA) formed in 1990 pursuant to Government Code Section 6500, et. Seq. by and between the City of El Cerrito, the City of Hercules, the City of Pinole, the City of Richmond, the City of San Pablo, Contra Costa County, Alameda-Contra Costa Transit District ("AC Transit"), San Francisco Bay Area Rapid Transit ("BART"), and West Contra Costa Transit Authority ("WestCAT"); and

WHEREAS, the Mitigation Fee Act allows for fees to be charged to new development to offset the impacts generated by the new development; and

WHEREAS, Measure C and its successor Measure J both included a Growth Management Plan which require local jurisdictions to develop a program of regional traffic mitigation fees, assessments, or other mitigations, as appropriate, to fund regional and subregional transportation projects; and

WHEREAS, WCCTAC first implemented a transportation impact fee via the Subregional Transportation Mitigation Fee Program (STMP) in 1997, the purposes of which is to mitigate the impacts of new trips generated by new development; and

WHEREAS, the last update to the STMP program was in 2006; and

WHEREAS, WCCTAC retained Fehr and Peers to conduct a new nexus study regarding an update to the STMP impact fee; and

WHEREAS, the WCCTAC Board accepted the Final Report of the 2019 Nexus Update of the STMP impact fee ("Nexus Update") at its December 14, 2018 meeting; and

WHEREAS, the WCCTAC Board passed Resolution 19-02 at their January 25, 2019 meeting authorizing the WCCTAC Board Chair to sign the Master Cooperative Agreement for the 2019 Update to the Subregional Transportation Mitigation Fee Program (STMP) (which no longer includes CCTA) and then a transmittal letter has asked that the other five West County cities and the County each sign on to the new Master Cooperative Agreement; and

WHEREAS, the cities of El Cerrito, Hercules, Pinole, Richmond and San Pablo and the County of Contra Costa, as well as WCCTAC, have developed a Master Cooperative Agreement for the 2019 STMP Program, attached hereto as Exhibit A, that outlines the roles and

responsibilities of the Parties relative to the administrative, fiscal, and project management of the STMP impact fee program; and

WHEREAS, in 2006 the City adopted implementing Ordinance 417 and entered into a Master Cooperative Agreement with the Contra Costa Transportation Authority (CCTA), the City of Hercules, and the Cities of El Cerrito, Pinole, Richmond, and San Pablo, and the County of Contra Costa and the West Contra Costa Transportation Advisory Committee (WCCTAC) to implement the 2006 Subregional Transportation Mitigation Program (STMP) impact fee; and

WHEREAS, in order to implement the updated STMP program, each city and the County will again need to adopt a new ordinance and sign the new Master Cooperative Agreement; and

WHEREAS, the members of WCCTAC wish to update the Ordinances (which will be considered as a separate action) and Master Cooperative Agreement that support the STMP impact fee program; and

WHEREAS, on February 26, 2019 the City Council held a required public hearing (with two notices being published in the local newspaper 10 and 5 days prior and sent out to requesting parties and current developers notifications 14 days in advance) as required by Government Code section 6062a prior to considering new impact fees; and

WHEREAS, the City Council reviewed the City STMP staff report, 2019 Nexus Update of the Subregional Transportation Mitigation Program (STMP) with data and findings required by California Government Code Section 66016, STMP Administrative Guidelines, a new Master Cooperative Agreement, this Resolution and a draft Ordinance amending the Hercules Municipal Code Title 10, Chapter 17 for the STMP, and took public testimony; and

WHEREAS, the West Contra Costa Subregional Transportation Mitigation Program (STMP) impact fees are proposed as follows (representing the WCCTAC Board recommendation of 75% of WCCTAC maximum potential fee for all uses as stated in the 2019 Nexus Update of the STMP Final Report and the Master Cooperative Agreement):

Single Family (per unit)	\$5,439
Multi Family (per unit)	\$2,679
Office (per sq ft)	\$8.72
Retail (per sq ft)	\$6.59
Industrial (per sq ft)	\$5.56
Senior Housing (per unit)	\$1,469
Hotel (per room)	\$3,481
Storage Facility	\$0.76
Other (AM peak hour trip)	\$7,350

WHEREAS, adoption and approval of the STMP fee are also exempt from CEQA pursuant to Public Resources Code 21080(b)(8)(D) and 14 California Code Red 15273(a), since they constitute the modification, restructuring or approval of a fee or charge needed to obtain funds

for capital project that are necessary only to maintain service within existing service areas with the City pursuant to the findings set forth in the 2019 Nexus Update of the STMP.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hercules that the City Council hereby:

- 1) Authorizes the City Manager, City Clerk, and City Attorney to enter into the new Master Cooperative Agreement in substantively the same format as the attached by and among the Cities of El Cerrito, Hercules, Pinole, Richmond, and San Pablo, the County of Contra Costa and the West Contra Costa Transportation Advisory Committee for the 2019 Subregional Transportation Mitigation Fee Program.
- 2) Amends the City's existing Master Fee Schedule, approving updates to the Community Development Department section related to the West County Subregional Transportation Mitigation Fee Program (STMP), as listed above, contingent upon the full passage of companion Ordinance _____ introduced on February 23, 2019 and anticipated to be passed March 12, 2019 to become effective by July 1, 2019.

The foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Hercules held on the twenty third day of February 2019, by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Romero, Mayor

ATTEST:

Lori Martin, Administrative Services Director &
City Clerk

ATTACHMENT:

Master Cooperative Agreement with WCCTAC

- Exhibit A: 2019 Nexus Update of the SUBREGIONAL Transportation Mitigation Program (STMP) Impact Fee
- Exhibit B: STMP Administrative Guidelines (amendable by the WCCTAC Executive Director in consultation with the WCCTAC TAC)