

RESOLUTION 2021-056

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO APPLYING THE WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE APPROVED INFLATIONARY FACTOR TO THE WEST COUNTY SUBREGIONAL TRANSPORTATION MITIGATION PROGRAM FEES EFFECTIVE JULY 1, 2021

WHEREAS, in California, several constitutional laws such as Propositions 13, 4, and 218, State Government Codes 66014 and 66016, Attorney General's Opinion 92-506, and more recently Proposition 26 stipulate that user fees charged by local agencies may not exceed the estimated reasonable cost of providing the service for which the fee is charged;

WHEREAS, by definition, permit fees or user fees are a charge for services provided by a governmental agency to a public citizen or group;

WHEREAS, in 2019, the West Contra Costa Transportation Advisory Committee (WCCTAC) conducted a study which reviewed West County existing conditions and growth projections, and developed criteria for a project list and identified projects and determined the nexus between the projects and the maximum potential fee that could be charged;

WHEREAS, the West Contra Costa jurisdictions share a desire to assure that new development in West County pays its fair share toward regional circulation and transit improvements that are proportional to the traffic impact the new development will generate;

WHEREAS, the local fees collected in West County provide congestion relief to mitigate traffic on regional routes and through improved transit service;

WHEREAS, on March 4, 2019, the City Council approved an amendment of Ordinance 2019-001, Chapter 15.62 of the San Pablo Municipal Code to update the West County Subregional Transportation Mitigation Program (STMP) and cited use of the Engineering News Record Construction Cost Index for the San Francisco Bay Area for future adjustments for STMP fees; and

WHEREAS, the Engineering News Record Construction Cost Index for the San Francisco Bay Area inflationary factor from 2020 to 2021 was 2.4% and the STMP Fiscal Year 2021/22 proposed fees are shown below;

FY 20-21 STMP Fee Rates		
Type of Fee	STMP Fee per Unit	STMP Fee per Square ft.
Single Family	\$ 5,744	
Multi Family	\$ 2,829	
Senior Housing	\$ 1,551	
Hotel (per room)	\$ 3,676	
Storage Facility		\$ 0.80
Retail / Service		\$ 6.96
Industrial		\$ 5.87
Office		\$ 9.21
Other (per AM pk hr trip)	\$ 7,762	

FY 21-22 STMP Fee Rate		
Type of Fee	STMP Fee per Unit	STMP Fee per Square ft.
Single Family	\$ 5,881	
Multi Family	\$ 2,897	
Senior Housing	\$ 1,588	
Hotel (per room)	\$ 3,764	
Storage Facility		\$ 0.82
Retail / Service		\$ 7.13
Industrial		\$ 6.01
Office		\$ 9.43
Other (per AM pk hr trip)	\$ 7,948	

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Pablo hereby applies the adopted annual escalation factor based on the Engineering News Record Construction Cost Index; and

BE IT FURTHER RESOLVED that the Engineering News Record Construction Cost Index shall be applied effective July 1st, 2021, to appropriately reflect change in cost of fee-related activities or services without conducting an annual formal fee study and is an industry standard; and

BE IT FURTHER RESOLVED that the fees affected by the escalation factor are fees as defined under State law and not taxes, as (1) A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege; (2) A charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product; (3) A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof; (4) A charge imposed for entrance to or use of local government property, or the purchase, rental, or lease of local government property; (5) A fine, penalty, or other monetary charge imposed by the judicial branch of government or a local government, as a result of a violation of law; (6) A charge imposed as a condition of property development; or (7) Assessments and property-related fees imposed in accordance with the provisions of Article XIII D.

BE IT FURTHER RESOLVED that the foregoing recitations are true and correct and are included herein by reference as findings.

* * * * *

ADOPTED this 3rd day of May, 2021, by the following votes:

AYES:	COUNCILMEMBERS:	Cruz, Ponce, Xavier and Pabon-Alvarado
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Pineda
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:

APPROVED:

/s/ Dorothy Gantt
Dorothy Gantt, City Clerk

/s/ Elizabeth Pabon-Alvarado
Elizabeth Pabon-Alvarado, Mayor