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Development Program Report for the Discovery Bay Area of Benefit

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Prepared Pursuant to Section 913 of the County Ordinance Code

Prepared by and for:

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Department of Conservation and Development, Community Development Division

"Accredited by the American Public Works Association"

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Chapter

1

Introduction and Purpose

The Discovery Bay Area of Benefit (“Discovery Bay AOB”) was created as a means to collect funds to maintain and improve roadway, bicycle, and pedestrian facilities needed to accommodate travel demand generated by new land development within Discovery Bay. This Development Program Report (“DPR”) contains information and data in support of assessing development projects within the Discovery Bay AOB as a means for development to pay its fair share towards future infrastructure. The DPR is required by Chapter 913-6 of the County Ordinance Code and is required by the Board of Supervisors’ Policy on Bridge Crossing and Major Thoroughfare Fees (adopted July 17, 1979), which implements Division 913 of the County Ordinance Code and section 66484 of the State Subdivision Map Act.

One of the objectives of the County General Plan is to connect new development directly to the provision of community facilities necessary to serve that development. In other words, development cannot be allowed to occur unless a mechanism is in place to provide the funding for the infrastructure necessary to serve that development. The Discovery Bay AOB Fee is a means of raising revenue to construct road improvements to serve new developments. Requiring that all new development pay a road improvement fee will help ensure that they participate in the cost of improving the road system.

Each new development or expansion of an existing development will generate additional traffic. Where the existing road system is inadequate to meet future needs of new development, improvements are required to meet the new demand. The purpose of a development program is to determine improvements ultimately required by future development and to require developers to pay a fee to fund these improvements. Because the Discovery Bay AOB Fee is based on the relative impact on the road system and the costs of the necessary improvements to mitigate this impact, the fee amount is roughly proportional to the development impact. This report discusses the basis of that fee amount.

Chapter

2

Background

On September 18, 1979, the Board of Supervisors passed a resolution forming the State Route 4 Area of Benefit. At the time, there were many vacant parcels in the area with potential for residential development, and the existing transportation system was inadequate to handle the additional traffic generated from the projected development. In 1987, an ordinance was adopted which renamed the area of benefit to the "Discovery Bay Area of Benefit." In 1992, the Area of Benefit program was revised to reflect the changing needs of the area. Over the past 36 years, Area of Benefit fees have helped pay for improvements to Byron Highway. The program was last updated in 1997.

The Discovery Bay area has, in recent years, experienced changes in the area's circulation needs and development potential. The Nexus Study provides the technical basis for a comprehensive update of the Discovery Bay AOB Program. The focus of the updated program is to support an overall transportation system in the Discovery Bay AOB that serves the expected future demand based on changes in regional and local land use projections, planned and approved development projects, and associated changes to capital improvements and updated cost estimates.

The Nexus Study documents the analytical approach for determining the nexus between the fees, the local impact created by anticipated development in the Discovery Bay AOB, and the transportation improvements to be funded with fee revenues. A traffic and fair-share cost analysis was conducted to equitably distribute the cost of the necessary improvements to developments that cause the impacts, per the provisions of the Mitigation Fee Act. The most up-to-date analytical tools and techniques, available at the time this study commenced, were used to ensure the highest level of consistency with current standards.

Chapter

3

Location and Boundary

The Discovery Bay AOB boundary location is described in Exhibit A and generally shown in Exhibit B. However, fees will only be collected within the unincorporated portions of the AOB and will only fund projects within the unincorporated portions of the AOB.

Chapter

4

General Plan Relationship

One of the objectives of the County General Plan is to relate new development directly to the provision of community facilities necessary to serve that new development. Accordingly, development cannot be allowed to occur unless a mechanism is in place to provide the funding for the infrastructure necessary to serve that development. The Discovery Bay AOB Program is a fee mechanism providing funds to construct transportation improvements to serve new residential, commercial and industrial development. Requiring that all new development pay a transportation improvement fee will help ensure that it participates fairly in the cost of improving the transportation system. This Program applies only to new development within the unincorporated portions of the Discovery Bay AOB.

The Discovery Bay AOB is consistent with the features of the County General Plan and its amendments, and subscribes to the policies of the General Plan elements. The General Plan policies include, but are not limited to, improving the County roadway network to meet existing and future traffic demands. The Discovery Bay AOB Fee will assist in funding the necessary roadway improvements required for future growth as shown in the General Plan.

Chapter

5

Project List

The project list for the Discovery Bay AOB is set forth in Table 1 below. This list contains six projects, with several related to pedestrian and bicycle safety improvements. The improvements not related to pedestrian and bicyclist safety are focused on capacity and safety improvements.

The improvements included on the Discovery Bay AOB project list have been identified through a Transportation Needs Analyses conducted by DKS Associates, in which existing and anticipated future deficiencies were identified, including traffic congestion, roadway deficiencies, and safety improvements based upon current conditions, as well as travel demand forecast for 2040 conditions.

The improvements proposed on the Discovery Bay AOB project list were refined through a cooperative effort between the Public Works Department and community stakeholders through the Discovery Bay Community Services District (CSD).

The proposed improvements will be reviewed periodically to assess the impacts of changing travel patterns, the rate of development, and the accuracy of the estimated project costs. The periodic review of the program will also allow staff to evaluate project priority and the need to increase fees should project costs increase or exceed the rate of inflation.

Table 1. Proposed Project List for Discovery Bay AOB Program

Location	Description
Discovery Bay Boulevard at Clipper Drive	Intersection Improvements
Improvements Along SR-4	<ol style="list-style-type: none"> 1. Widening and Bicycle Improvements Between Bixler Road and Discovery Bay Boulevard 2. Rebuild Bridge to Accommodate Four Lanes Between Bixler Road and Discovery Bay Boulevard 3. Intersection Improvements at Newport Drive 4. Widen Roadway Between Byron Highway and Regatta Drive
Byron Highway at Byer Road	Intersection Improvements
Clipper Drive	Traffic Calming Measures
Bixler Road , Between SR-4 and Byer Road	Bicycle Improvements
Byer Road, Between Bixler Road and Byron Highway	Bicycle Improvements

Chapter

6

Development Potential

The “Nexus Study: Discovery Bay Area of Benefit” (“Nexus Study”), dated April 2018, was prepared by DKS Associates in collaboration with Urban Economics for the Public Works Department and is attached as Exhibit D and incorporated herein by reference. The Nexus Study provides the technical basis for establishing the required nexus between the anticipated future development within the Discovery Bay AOB boundary and the need for certain facilities.

The projected growth in households, employment, and vehicle-miles traveled within the Discovery Bay AOB is discussed and shown in the Nexus Study.

A summary of the potential new residential dwelling units, office, industrial, and commercial/retail developments (net growth from 2010 to 2040) for the unincorporated portion of AOB is shown in Table 2.

Table 2. Development Potential Summary

Land Use Category	Units
Single-Family Residential	50 dwelling units
Multi-Family Residential	80 dwelling units
Office	4,950 sq ft
Industrial	600 sq ft
Commercial/Retail	35,000 sq ft

Chapter

7

Estimated Cost of Road Improvements

The estimated cost of the road improvements planned for the Discovery Bay AOB is listed in Exhibit C. The Discovery Bay AOB will only finance the proportional share of the improvements necessitated by the impact on the road system from new development.

Detailed cost estimates for the projects included in the road improvement plan are provided in Appendix C of the Nexus Study.

The County will assess an administrative fee equal to 2% of the applicable fee. This additional fee will be used to cover staff time for fee collection, accounting, and technical support to the community groups and traffic advisory committees.

Chapter

8

Method of Fee Apportionment

The total estimated cost of the projects included in the Discovery Bay AOB project list is \$32,555,000. The cost to accommodate new development within the Discovery Bay AOB is \$6,631,325. There is an existing balance of approximately \$240,760.

An adjusted project cost to be covered by the Discovery Bay AOB fees was determined by subtracting the existing fund balance from the attributable project cost.

$$\begin{array}{rcl}
 \$6,879,847 & - & \$240,760 & = & \$6,639,087 \\
 \text{(Attributable Project Cost)} & & \text{(Balance)} & & \text{(Adjusted Project Cost)}
 \end{array}$$

This adjusted project cost represents the amount of revenue needed from the Discovery Bay AOB Fee to fund growth's share of the project cost as shown in Exhibit C.

The expected growth in the Discovery Bay AOB to the year 2040 is 50 single-family units, 80 multi-family units, 35,000 square feet of retail space, 4,950 square feet of office space, and 600 square feet of industrial space. To determine a fee rate per unit, first each development type is assigned a dwelling unit equivalent or "DUE" rate. DUEs compare the trip making characteristics of a land use in relation to a typical single-family residential unit, which is assigned a DUE of 1. Land uses with lower overall traffic impacts than a single family home are assigned values less than 1, and vice versa. The following Table shows the DUE rates for the various land use categories.

Table 3

Dwelling Unit Equivalent (DUE) Rates						
Land Use Category	PM Peak Hour Trip Rate per	Unit	Trip Length (miles) ²	Percent New trips ²	VMT per Unit	DUE per Unit
Singe Family	1.01	Dwelling Unit	5.0	100	5.050	1.00
Multi-Family	0.62		5.0	100	3.100	0.61
Retail	4.10	1,000 Square Feet	2.3	76	7.167	1.42
Office	1.40		4.5	92	5.796	1.15
Industrial	0.98		5.1	92	4.598	0.91

¹ ITE Trip Generation 7th Edition
² ITE Journal, May 1992
Source: DKS Associates, 2018

Table 4

Growth in DUEs				
Land Use Category	Unit	Growth in Units ¹	DUE per Unit	Growth in DUEs
Singe Family	Dwelling Unit	50	1.00	50
Multi-Family		80	0.61	49
Retail	1,000 Square Feet	35	1.42	50
Office		4.95	1.15	6
Industrial		0.6	0.91	1
Total				155
¹ See Table 2: "Summary of Estimated Development 2010 to 2040 Growth" Source: DKS Associates, 2018				

The growth in DUEs for each land use and the total growth in DUEs is shown above in Table 4. Because the DUE rates are based on estimates of the average vehicle-miles of travel generated during the PM peak hours for each general land use type, the developments are charged fees in proportion to the amount of traffic impact they are projected to generate. In this way, the fees attributed to each new parcel will be proportional to the estimated benefits they receive through use of the new improvements.

Finally, the Cost per DUE is found by dividing the total Cost of Improvements Allocated to AOB Growth by the total Growth in Dwelling Unit Equivalent (DUE's):

$$\frac{\$6,639,087}{155} = \$42,830.79 \text{ per DUE}$$

Chapter

9

Fee Rates

Calculation of Fees

The fee calculation is set forth in detail in the Nexus Study.

To determine a maximum fee rate for each land use category, the Cost per DUE is multiplied by the DUE per unit. In the residential categories, this results in a fee per dwelling unit. In the non-residential categories, the fee is listed per square foot. These calculations are summarized in Table 5 below.

Table 5. Fee Calculations

Nexus-Based Fee Rates for Discovery Bay AOB			
Cost of Improvements Allocated to AOB			\$6,639,087
Growth in Dwelling Unit Equivalents			155
Cost per DUE			\$42,830.79
Land Use	Units	DUE per Unit	Maximum Fee per Unit ¹
Single Family	Dwelling Unit	1.00	\$42,831
Multi-Family	Dwelling Unit	0.61	\$26,292
Retail	Square Foot	0.00142	\$60.78
Office	Square Foot	0.00115	\$49.16
Industrial	Square Foot	0.00091	\$39.00
Other	Dwelling Unit Equivalent	1.00	\$42,831
¹ Maximum Fee per Unit = (Cost per DUE) x (DUE per Unit)			
Source: DKS Associates, 2018			

To determine the DUE for a development considered "Other," the vehicle miles traveled (VMT) are first estimated using a combination of trip generation data, the default rate for trip length, and percent new trips.

Recommended Fees

The potential maximum fee rates calculated in the Nexus Study and presented in Table 5 above are not the recommended fee rates, as this sizeable increase in fee rates could stagnate future growth. The recommended Fee Schedule will moderately increase the fees to be comparable to rates in surrounding jurisdictions, yet encourage continued economic growth. Thus, the proposed fee rate to implement, as identified in the shaded column in Table 6, is a reduction from the rates calculated from the Nexus Study.

Table 6. Fee Schedule to Implement

Land Use Category	Calculated Nexus Fee Rate	Proposed Fee Rate to Implement
Single-Family	\$42,831 / du	\$9,244 / du
Multi-Family	\$26,292/ du	\$5,675 / du
Commercial/Retail	\$60.78 / sf	\$9.11 / sf
Office	\$49.16/ sf	\$7.37 / sf
Industrial	\$39.00 / sf	\$5.85 / sf
Other	\$42,831 / due	\$9,244 / due

Note: du = dwelling unit; sf = square foot; due = dwelling unit equivalent

Other Funding Sources

The improvements planned for the Discovery Bay AOB will be only partially funded by Discovery Bay AOB fee revenues. Other sources of funding, such as State or Federal aid, or local sources such as sales tax, gas tax, etc., will be pursued.

These other funding sources include, but are not limited to, Regional Measure J Funds, State Transportation Improvement Program (STIP) Funds, and Federal Program Funds.

The rate at which revenue is generated by the Discovery Bay AOB Fee depends on the rate of new development. This rate of revenue generation affects the timing of construction of the improvement projects because it is dependent upon the total amount of fees collected, less expenditures. Alternate sources of funding would permit construction of AOB projects sooner.

Review of Fees

Project cost estimates will be reviewed periodically while the Discovery Bay AOB is in effect. On January 1 of each year thereafter, the amount of the fees will be increased or decreased based on the percentage change in the Engineering News Record Construction Cost Index for the San Francisco Bay Area for the 12-month period ending with the September 30th index of the previous calendar year, without further action of the Board of Supervisors.

Collection of Fees

Fees will be collected when a building permit is issued, in accordance with Section 913-4.204 of Title 9 (Subdivisions) of the Contra Costa County Ordinance Code. Fees collected will be deposited into an interest bearing trust fund established pursuant to Section 913-8.002 of the Contra Costa County Ordinance Code.

Interest on Fees

The interest accrued on the fees collected shall continue to accumulate in the trust account and shall be expended for construction of the improvements, or to reimburse the County for the cost of constructing the improvements, pursuant to Section 913-8.006 of the County Ordinance Code.

Dedication in Lieu of Fee

A development may be required to construct, or dedicate right-of-way for a portion of the improvements as a condition of approval. In such an event, the developer may be eligible to receive credit for the fee or reimbursement. The eligible credit and/or reimbursement shall be determined in accordance with the County's "Traffic Fee Credit and Reimbursement Policy."

Exhibit

A

Area of Benefit Boundary Legal Description

A portion of Sections 23, 24, 25, 26, 35, and 36, Township 1 North, Range 3 East, Mount Diablo Meridian, in the county of Contra Costa, State of California, described as follows:

Beginning at the southeast corner of Lot "E" of Subdivision 7252 filed September 15, 1989 in Book 337 of Maps at page 30; thence westerly along the northerly right of way line of State Highway 4, being also the south line of said Lot "E" and the south line of Lot "J" of Subdivision 7106 filed June 21, 1989 in Book 334 of Maps at page 39, north $89^{\circ}12'29''$ west 4600.00 feet more or less to the east line of Lot 184 of Subdivision 6561 filed July 22, 1985 in Book 291 of Maps at page 39; thence continuing along said northerly right of way line, thru said Lot 184, westerly 312.22 feet to the southeast corner of Parcel "A" of Subdivision 6760 filed June 23, 1988 in Book 323 of Maps at page 9; thence continuing along said right of way line, being also the southerly line of Parcels "A", "AA" and "B" of said Subdivision 6760, westerly 4352.86 feet to the southwest corner of said Parcel "B"; thence leaving said right of way line and along the westerly line of said Subdivision, thence north $00^{\circ}56'27''$ east 2520.11 feet; thence north $00^{\circ}59'24''$ east 628.84 feet to the northwest corner of said Subdivision; thence along the westerly line of Subdivision 6979 filed March 6, 1989 in Book 331 of Maps at page 20, north $00^{\circ}59'24''$ east 1100.80 feet; thence along the westerly line of Subdivision 7140 filed April 8, 1996 in Book 385 of Maps at page 43, north $00^{\circ}59'32''$ east 916.31 feet to the northwest corner of said Subdivision; thence along the north line of said Subdivision, north $89^{\circ}08'08''$ east 1388.74 feet to the northeast corner of said Subdivision; thence north $47^{\circ}37'44''$ east 1249.47 feet along the northwesterly line of Subdivision 6144 filed March 28, 1984 in Book 277 of Maps at page 42; thence north $47^{\circ}37'44''$ east 265.13 feet along the northwesterly line of Subdivision 4687 filed May 24, 1978 in Book 211 of Maps at page 5; thence northeasterly along a tangent curve to the left having a radius of 660.00 feet through an angle of $14^{\circ}02'20''$, an arc distance of 161.71 feet to a point on the southern boundary of Subdivision 4206 filed July 6, 1972 in Book 148 of Maps at page 1; thence along said boundary, north $42^{\circ}37'00''$ west 12.66 feet; thence north $47^{\circ}23'00''$ east 123.10 feet; thence north $16^{\circ}18'57''$ east 436.29 feet to the southeast corner of Subdivision 4205 filed June 22, 1972 in Book 147 of Maps at page 27; thence along the westerly lines of said Subdivision 4205 the following six courses; thence north $16^{\circ}18'57''$ east 52.94 feet; thence north $15^{\circ}55'12''$ east 300.00 feet; thence north $15^{\circ}43'32''$ east 600.21 feet; thence north $14^{\circ}59'17''$ east 344.51 feet; thence north $17^{\circ}33'17''$ east 300.09 feet; thence north $16^{\circ}03'32''$ east 220.63 feet to an angle point in Lot 18 of Subdivision 5811 filed August 18, 1980 in Book 236 of Maps at page 4, thence along the westerly boundary of said Subdivision 5811 the following nine courses; north $16^{\circ}03'32''$ east 139.38 feet; thence north $18^{\circ}40'12''$ east 140.12 feet; thence north $08^{\circ}17'27''$ east 106.18 feet; thence north $28^{\circ}33'12''$ east 147.78 feet; thence north $30^{\circ}02'22''$ east 130.07 feet; thence north $35^{\circ}10'12''$ east 170.29 feet; thence north $33^{\circ}30'07''$ east 312.11 feet; thence north $70^{\circ}55'07''$ east 5.88 feet to the northeast corner of Lot 1 of said Subdivision, also being the northwest corner of Lot 70 of "Amended Map" Subdivision 4077 filed July 8, 1974 in Book 170 of Maps at page 36; thence along the northerly line of said Subdivision, north $70^{\circ}55'07''$ east 65.07 feet; thence north $73^{\circ}22'17''$ east 52.68 feet; thence north $82^{\circ}50'17''$ east 225.73 feet; thence along the northern line of Subdivision 4224 filed December 19, 1973 in Book 165 of Maps at page 38 north $82^{\circ}50'17''$ east 31.00 feet; thence north $83^{\circ}04'37''$ east 507.95 feet; thence north $84^{\circ}25'17''$ east 13.83 feet; thence along the northerly line of Subdivision 4077, north $84^{\circ}25'17''$ east 314.46 feet; thence north $81^{\circ}53'52''$ east 372.07 feet; thence along the northerly line of Amended Map Subdivision 3653 filed June 13, 1974 in Book 169 of Maps at page 42, north $81^{\circ}53'52''$ east 46.99 feet; thence north $82^{\circ}39'37''$ east 260.45 feet more or less to a point of curvature on the north line of Lot



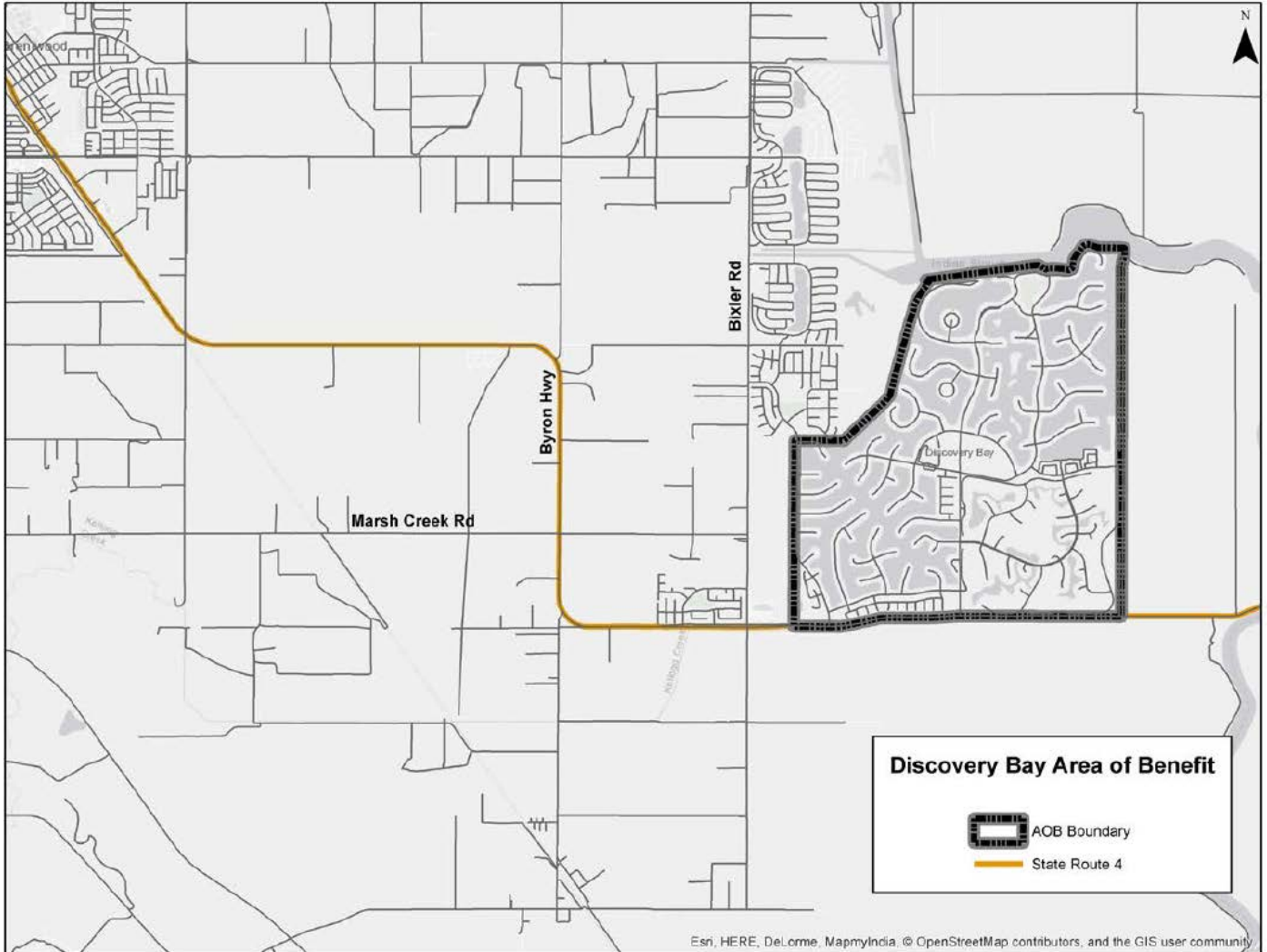
16, Subdivision 4223 filed December 19, 1973 in Book 165 of Maps at page 31; thence along the northerly line of said Subdivision, north $83^{\circ}04'37''$ east 1009.26 feet to the western line of Lot 80 in Subdivision 4076 filed December 9, 1970 in Book 134 of Maps at page 19; thence along said Lot 80, north $00^{\circ}58'07''$ east 8.16 feet; thence north $82^{\circ}22'27''$ east 60.45 feet to the northeast corner of said Lot being also the northwestern corner of Lot 15 Subdivision 4378 filed June 10, 1977 in Book 198 of Maps at page 8; thence along the northerly line of said Subdivision the following seven courses; thence north $82^{\circ}22'27''$ east 120.00 feet; thence north $87^{\circ}17'02''$ east 82.74 feet; thence south $58^{\circ}54'13''$ east 168.88 feet; thence south $69^{\circ}31'13''$ east 43.97 feet; thence north $82^{\circ}38'57''$ east 172.35 feet; thence south $87^{\circ}58'43''$ east 73.67 feet; thence south $83^{\circ}56'58''$ east 83.15 feet; thence along the northerly line of Subdivision 5353 filed December 21, 1978 in Book 219 of Maps at page 44 the following twenty courses; thence south $83^{\circ}56'58''$ east 163.59 feet; thence south $79^{\circ}55'08''$ east 176.44 feet; thence north $77^{\circ}14'02''$ east 62.13; thence north $57^{\circ}14'12''$ east 49.86 feet; thence north $43^{\circ}06'52''$ east 26.12 feet; thence north $21^{\circ}46'37''$ east 32.03 feet; thence north $14^{\circ}54'32''$ east 55.15 feet; north $02^{\circ}38'12''$ east 76.77 feet; thence north $10^{\circ}04'07''$ east 93.55 feet; thence north $27^{\circ}32'47''$ east 87.19 feet; thence north $34^{\circ}36'52''$ east 63.80 feet; thence north $45^{\circ}23'17''$ east 71.36 feet; thence north $35^{\circ}01'32''$ east 173.30 feet; thence north $44^{\circ}21'42''$ east 78.12 feet; thence north $67^{\circ}09'37''$ east 76.44 feet; thence south $81^{\circ}13'28''$ east 71.20 feet; thence south $70^{\circ}22'33''$ east 96.67 feet; thence south $71^{\circ}02'13''$ east 80.05 feet; thence south $76^{\circ}51'23''$ east 3.33 feet; thence south $89^{\circ}02'35''$ east 779.76 feet; thence along the easterly line of said Subdivision the following three courses; thence south $00^{\circ}57'32''$ west 216.15 feet; thence south $77^{\circ}22'13''$ east 31.45 feet; thence south $13^{\circ}53'01''$ west 327.93 feet; thence southerly along the easterly line of said Subdivision 5353, the easterly line of Subdivision 5586 filed November 7, 1979 in Book 233 of Maps at page 13, the easterly line of Subdivision 6026 filed April 2, 1981 in Book 250 of Maps at page 33, the easterly line of Subdivision 6145 filed June 17, 1982 in Book 264 of Maps at page 32, the easterly line of Marina Road recorded July 17, 1981 in series No. 81-88549, the easterly line of the parcel described in the grant deed recorded April 23, 1979 in Book 9320 Official Records page 418, the easterly line of the parcel described in the grant deed recorded June 20, 1972 in Book 6678 Official Records page 355, and the easterly line of said Subdivision 7252 (337 M 30), south $00^{\circ}44'31''$ west 9792.35 feet to the point of beginning.



Exhibit

B

Area of Benefit Boundary Plat Map



Exhibit

C

Road Improvement Plan – Project List with Associated Costs

Allocation of Project Costs to Discovery Bay AOB Program		
Recommended Project	Estimated Total Cost	AOB Allocation
Discovery Bay Boulevard at Clipper Drive Intersection Improvements	\$1,910,000	\$599,341
Improvements Along SR-4 1. Widening and Bicycle Improvements Between Bixler Road and Discovery Bay Boulevard 2. Rebuild Bridge to Accommodate Four Lanes Between Bixler Road and Discovery Bay Boulevard 3. Intersection Improvements at Newport Drive 4. Widen Roadway Between Byron Highway and Regatta Drive	1. \$4,976,000	1. \$1,509,204
	2. \$8,201,000	2. 2,487,336
	3. \$731,000	3. \$243,667
	4. \$4,096,000	4. \$1,242,303
Byron Highway at Byer Road Intersection Improvements	\$1,198,000	\$273,738
Clipper Drive Traffic Calming Measures	\$224,000	\$10,262
Bixler Road Widening and Bicycle Improvements, Between SR-4 and Byer Road	\$5,742,000	\$263,068
Byer Road Widening and Bicycle Improvements, Between Bixler Road and Byron Highway	\$5,477,000	\$250,927
Total	\$32,555,000	\$6,631,325

Source: DKS Associates, 2018



Exhibit

D

Nexus Study

Discovery Bay Area of Benefit

Exhibit D
Attached as separate document
