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City Proposes Traffic Fee for Developers By RICHARD BRENNEMAN

Should Berkeley charge developers a fee to help alleviate traffic generated by their projects? And, if so, how much?

The purpose of the fee is to create programs, services and infrastructure improvements designed to reduce overall vehicle trips not only at individual project sites but throughout the city.

The proposed Transportation Services Fee, as originally proposed by Assistant Public Works Director Peter Hillier, would replace the fee charged by the city from 1985 to 1997, when a city attorney's ruling suspended it because the ordinance failed to comply with provisions of the state Mitigation Fee Act.

Hillier's proposal called for a $4,687 fee for each average car trip generated over the 20-year life of a project and is designed to recoup 20 percent of the city's actual costs of mitigating the impacts of new traffic.

Adam Millard-Ball, the transportation consultant hired by the city to prepare the study from which the proposed fees were drawn, said that compared with other Bay Area cities, the proposed assessments were "on the high side for high-impact uses, in the mid-range for offices and near the low end for housing."

But when the Berkeley Transportation Commission looked at his proposal Thursday, they voted to raise the sum to 25 percent of total costs and cut back on the kinds of projects that Hillier's staff had suggested be offered lower fees because city policies favored them.

They called for reducing fees to 35 percent of that 25 percent for affordable housing projects and childcare centers, while exempting altogether second units added to residential properties.

Transportation Commissioner Sarah Syed had also called for reductions on student co-op housing projects, but her motion died for lack of a second.

The highest fees would be assessed on businesses like fast food eateries that generate more trips by fast turnover of their customers. More expensive restaurants, which generate a slower turnover, would be assessed less.

The measure approved by the Transportation Commission would assess projects approximately $6,084 for each new daily trip, based on a 20-year project life. Similar fees are charged by other Bay Area cities, and the Transportation Commission's baselines would put Berkeley near the top of the list.

The staff report offered examples of fees on various projects.

One, a "West Berkeley Supermarket Complex" clearly based on the proposed new West Berkeley Bowl, calculated a $1.88 million fee for 386 new daily trips—a figure that would rise to $2.35 million under the Transportation Commission's revisions.

The fee would not apply to the new Berkeley Bowl project because it is already in the development pipeline and the fees can't be levied retroactively.

Fees for a mixed use affordable housing, office and retail project in downtown Berkeley generating 68 trips per day—clearly based on the David Brower Center and apartments—would be assessed at the reduced rate for the housing units, while paying the normal rates for other aspects of the project.

For a mixed-use residential and commercial project downtown generating 95 daily trips, the fee would be $577,998, compared to $462,398 if assessed full fees under the staff proposal.

Even assessments at the lower rate suggested by staff worried some members of the Planning Commission when they examined the plan during their Wednesday night meeting.

"In concept it's a great idea, but it (the original $4,687 figure) seems like a high number to me," said Planning Commissioner Helen Burke.

"If these kinds of fees are imposed, what is the impact on prospective development?" asked Chair Harry Pollack. "Some thought ought to be given that."

Commissioner Rob Wrenn—who also serves as chair of the Transportation Commission—said the fees are "quite modest" and unlikely to have any impact.

Other cities have higher fees, Wrenn said, noting the examples cited in the staff study. "Also, how much more development can we have without addressing the impact? It's not like it's an unmitigated good to have more development."

Planning Manager Mark Rhoades said the City Council wants to hold a public hearing on the fee—the only public hearing at any level on the proposal—in December.

Pollack held the issue over to the commission's Nov. 30 meeting, giving its members time to prepare questions and comments before the proposal is heard by the council.

No members of the public commented on the proposal before the Planning Commission, but two developers were on hand at Thursday's Transportation Commission meeting and ready with their comments.

Aran Kaufer, a former Landmarks Preservation Commission member who worker for developer Patrick Kennedy and now has his own development firm in San Francisco, appeared along with Brendan Heafey of Ruegg & Ellsworth to voice their concerns.

“I would rather see a fee on automobile users in Berkeley,” said Kaufer, suggesting no fees for single-vehicle households and escalating fees for each additional vehicle.

Commissioner Marcy Greenhut disagreed. The per-car fee, she said, “doesn’t target impacts but penalizes people who are already here.”

Calling the commission’s proposal a disincentive, Kaufer said, “There’s already a trend in Berkeley where people in the middle can’t afford to live here.” Kaufer also said the fee should be examined in conjunction with other development fees levied by the city, which would reveal that “suddenly, Berkeley is the most expensive city” for development.

Kaufer urged the commission to hold off action until it could examine the cumulative impact of the fees when added to all the others.

Millard-Ball had earlier stated that, “apart from childcare and affordable housing fees, Berkeley doesn’t have that many fees” when compared with other cities.

“I really think it is motivated by misdirected anger against the University of California, which will generate most of the new traffic” and can’t be charged any impact fees by the city, he said.

Even if developers include affordable units under the state and city density bonus regulations, “they will never be able to recover it all.”

Heafey said the fee would be a disincentive to infill development in Berkeley and would send would-be residents to the suburbs in search of housing.

“A trip-based fee penalizes our sale tax bases by penalizing restaurants and other businesses,” Heafey said. “The bottom line is that it will be felt in higher costs for housing and higher prices in our commercial businesses and restaurants.”

But the commission focused on the fee’s goal, which is to provide the funds for services and projects that will encourage fewer car trips, whether at the project in question or elsewhere in the city.

Among the programs that could be funded would be shuttle services, improvements in bicycle corridors and lanes, Eco Passes, carpools, increased signage and other measures aimed at increased bus travel, expansion of bicycle facilities at BART stations and bulb-outs on transit corridors.

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