

**TRI-VALLEY TRANSPORTATION COUNCIL
RESOLUTION NO. 2021-02**

**A RESOLUTION OF THE TRI-VALLEY TRANSPORTATION COUNCIL
REFUNDING \$512,522.02 TO NORTHERN CALIFORNIA CARPENTER'S ATF LLC**

WHEREAS, the Tri-Valley jurisdictions joined together to form the Tri-Valley Transportation Council (TVTC) and entered into a Joint Exercise Powers of Agreement ("JEPA") in 2013; and

WHEREAS, the TVTC adopted the Tri-Valley Transportation Development Fee (TVTDF) to fund all or part of the necessary transportation improvements identified in the Strategic Expenditure Plan; and

WHEREAS, the JEPA requires each local agency to levy the TVTDF on all applicable new development projects; and

WHEREAS, the Northern California Carpenter's ATF LLC sought development approvals from the City of Pleasanton to demolish an existing building and to construct a new larger building to replace it; and

WHEREAS, the City of Pleasanton's resolution adopting the TVTDF (which is consistent with other member jurisdictions' fee enabling legislation) exempts certain categories of redevelopment projects, including any replacement or reconstruction of an existing non-residential building where the new building does not increase the demolished building's trips; and

WHEREAS, the method for calculating the TVTDF assumes that new trips are generated by additional square footage and thus, a new larger building is assessed the TVTDF based on the delta between the size of the demolished building and the size of the new building; and

WHEREAS, the City of Pleasanton collected the TVTDF on the Northern California Carpenter's ATF LLC development project in the amount of \$659,096.16 which assessed the TVTDF on the square footage of the new building and did not discount the square footage of the building that would be demolished; and

WHEREAS, Northern California Carpenter's ATF LLC has demolished the existing building and constructed the new larger building and now seeks a refund of the TVTDF assessed on the demolished building's square footage, which amounts to \$512,522.02.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Tri-Valley Transportation Council authorizes a refund to Northern California Carpenter's ATF LLC in the amount of \$512,522.02. These funds are held in two separate accounts, \$410,017.62 held by the TVTC Treasurer and \$102,504.40 held by City of Pleasanton in the local TVTDF account.
2. The Tri-Valley Transportation Council authorizes the TVTC Treasurer to transfer \$410,017.62 in TVTDF funds to the City of Pleasanton
3. The City of Pleasanton will refund the full amount of \$512,522.02 to Northern California Carpenter's ATF LLC, using the \$410,017.62 from the TVTC Treasurer and the \$102,504.40 held by City of Pleasanton in the local TVTDF account.

PASSED, APPROVED AND ADOPTED at the meeting of April 19, 2021 by the following votes:

AYES: Perkins, Josey, Morgan, Andersen, Kiick, Brown

NOES:

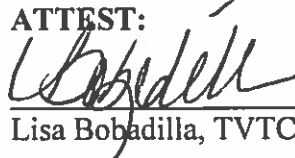
ABSENT: Haubert

ABSTAIN:



Scott Perkins, Chair
Tri-Valley Transportation Council

ATTEST:



Lisa Bobadilla, TVTC Administrative Staff