

**TRI-VALLEY TRANSPORTATION COUNCIL  
RESOLUTION NO. 2022-07**

**A RESOLUTION OF THE TRI-VALLEY TRANSPORTATION COUNCIL (TVTC)  
ADOPTING THE TRI-VALLEY TRANSPORTATION DEVELOPMENT FEE, ADOPTING A  
NEW STRATEGIC EXPENDITURE PLAN AND PRIORITIZATION OF PROJECTS AND  
FUNDING PLAN, AND ADOPTING AN AB602 SUPPLEMENTAL ANALYSIS**

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**WHEREAS**, since 2008, there have been changes in the funding, planning and traffic conditions under which the Tri-Valley Transportation Development Fee (TVTDF) was originally developed. In addition, many of the original 22 projects have been completed and the TVTC has identified 23 new projects (List C) to be considered; and

**WHEREAS**, TVTC entered into a contract with Kimley Horn Associates (“Consultant”) to complete the 2020 TVTC Nexus Study and Strategic Expenditure Plan (SEP) in accordance with the requirements of the California Mitigation Fee Act; and

**WHEREAS**, the 2020 Nexus Study considered the following new projects (“Projects”) and the number of trips generated by anticipated development of each land use type and determined a Maximum Fee Rate for each of the land uses from Appendix B, of the Study. The Projects considered in the 2020 Nexus Fee Study includes the remaining projects from List A and List B as well as the following new projects: C-1 Tesla Road Safety Improvement, C-2 Norris Canyon Road Safety Improvement Project, C-3 Dublin Boulevard-North Canyons Parkway Extension, C-4 Vasco Road at Dalton Avenue Intersection Improvements, C-5 El Charro Road Widening, C-6 Sunol/680 Interchange Improvements, C-7 I-680 Express Lanes-Hwy 84 to Alcosta, C-8 Santa Rita/I-580 Interchange, C-9 Stoneridge/I-680 Interchange, C-10 Innovate 680 C-11A Iron Horse Trail Bicycle Pedestrian Overcrossing-City of San Ramon, C-11B Iron Horse Trail Bicycle Pedestrian Overcrossing-City of San Ramon, C-11C Iron Horse Trail Crossing at Dublin Boulevard, C-11D Iron Horse Trail, C-11E Iron Horse Trail to Shadow Cliffs Connection, C-11F Iron Horse Trail Connection Improvements at Santa Rita Road, C-11G Iron Horse Trail Bicycle/Pedestrian Overcrossing-Town of Danville, C-11H Iron Horse Trail System-Wide Improvements, C-12 I-680 Interchange Improvements at Hacienda Drive, C-13 Fallon/El Charro Interchange, C-14 Valley Link Rail (Phase 1), C-15 Technology Enhancements, C-16 I-680 Express Bus Service; and

**WHEREAS**, the Technical Advisory Committee and Consultant reviewed forecasts of new development in the Tri-Valley, and outlined the status, scope, costs, and anticipated funding for the Projects; and

**WHEREAS**, on August 16, 2021, the Tri-Valley Transportation Council (“TVTC”) adopted the Tri-Valley Transportation Council 2020 Nexus Study Fee Update, attached hereto as Exhibit A, pursuant to Resolution 2021-10; and

**WHEREAS**, the Mitigation Fee Act (California Government Code § 66001(a)) requires jurisdictions to make certain statutory findings prior to any action establishing, increasing, or imposing a fee as a condition of approval of a development project; and

**WHEREAS**, since adopting the 2020 Nexus Study in August 2021, Assembly Bill (AB) 602 was approved by the Governor of California and includes additional requirements for nexus fee studies adopted after January 1, 2022.

**WHEREAS**, while the 2020 Nexus Fee Study was not required to incorporate AB 602 given its adoption date, TVTC retained Kimley-Horn and Associates, Inc. to provide transportation planning services and professional opinions to complete an AB 602 supplemental analysis to (1) outline the future implications of AB 602 and (2) to proactively define the methodologies of future Nexus Fee Study updates such that they will be compliant with AB 602; and

**WHEREAS**, the AB 602 Supplemental Analysis, attached hereto and incorporated herein as Exhibit B, has been completed and is proposed for adoption by the TVTC; and;

**WHEREAS**, the proposed fee rate is 15% of the Maximum Fee Rate for the duration of the SEP for all uses except retail and “other” land uses, which are set at 6% and 12% of the Maximum Fee Rates respectively (“2022 TVTDF”); and

**WHEREAS**, if adopted, the new 2022 TVTDF rates would be effective July 1, 2022 as follows:

*Table 4: FY 2022/2023 Rate Adjustment*

Land Use	Current 2021 Rate	% of Maximum	FY 2022/23 Rates	Change from 2021 Rates	% Change
Single Family (DU)	\$5,057	15%	\$6,596.40	\$1,539.40	30.4%
Multi-Family (DU)	\$3,484	15%	\$3,889.20	\$405.20	11.6%
Retail (SF)	\$3.74	6%	\$5.07	\$1.33	35.6%
Office (SF)	\$8.59	15%	\$8.81	\$0.22	2.5%
Industrial (SF)	\$5.00	15%	\$4.97	-\$0.03	-0.6%
Other (avg AM/PM trips)	\$5,620	12%	\$6,100.68	\$480.68	8.6%

DU = Dwelling Units; SF = Square Feet

**WHEREAS**, Transit-oriented housing development projects satisfying the criteria in Government Code 66005.1 may conduct a project-level transportation analysis and a smaller proportion of the applicable fee may be imposed; and

**WHEREAS**, if adopted, the new retail rate will be \$5.07 for FY 22-23 and the retail rate will be \$5.92 (7% of the maximum) effective July 1, 2023. All other rates for remaining land uses will be adjusted per Construction Cost Index (CCI) consistent with current practice; and

**WHEREAS**, the TVTC SEP Subcommittee has developed and recommends adoption of the draft SEP and Prioritization of Projects and Funding Plan, which proposes funding for 22 projects (16 projects from New List C and 6 priority list from previous project lists) over the next 10 years, attached hereto and incorporated herein as Exhibit C; and

**WHEREAS**, in accordance with the requirements of the Mitigation Fee Act, (1) a public hearing notice was published in the newspaper and interested persons were notified 30 days in advance of this meeting at which the AB 602 Supplemental Analysis is proposed for adoption, (2) notices were sent to any individuals requesting notices pertaining to fee increases by TVTC 14 days in advance of this meeting at which the new 2022 TVTDF is proposed for adoption, (3) the 2020 Nexus Study, AB 602 Supplemental Analysis, and the draft SEP Funding Plan were available for public review on the TVTC website and at San Ramon City Hall 10 days in advance of this meeting at which the new 2022 TVTDF, SEP, and AB 602 Supplemental Analysis is proposed for adoption, and (4) A public hearing notice was published twice in

the newspaper 10 days in advance of this meeting with 5 days intervening between publication dates; and

**WHEREAS**, two public information sessions regarding the proposed 2022 TVTDF rate increases and the new SEP were held via Zoom Teleconference on February 23, 2022 and March 30, 2022; and

**WHEREAS**, pursuant to Section 3(d)(i) of the TVTC JEPa, a vote of at least six (6) members is required to adopt or amend the Strategic Expenditure Plan and amend the TVTDF fee structure.

**NOW THEREFORE, BE IT RESOLVED THAT** in accordance with Government Code § 66001(a) and based on the information presented in the 2020 Nexus Study, the TVTC, by a supermajority of six (6), adopts and approves the 2022 TVTDF rates shown in Table 4 above and makes the following findings:

1. Identify the purpose to which the fee is to be put. Response: TVTC policy, as expressed through the TVTC Action Plan, is that new development shall contribute for mitigation of their impacts on Routes of Regional Significance, and that the cost sharing of recommended improvements will be implemented through the Tri-Valley Transportation Development Fee regional impact fee program. The fee advances a legitimate public interest by enabling the TVTC to fund improvements to transportation infrastructure required to accommodate and mitigate the impacts of new development. This finding is documented by the analysis of the projected increase in future travel generated by the new development that is projected to occur in the Tri-Valley. Growth in new residents and employees is projected to increase cumulative average daily delay on the Tri-Valley regional roadways in the morning and evening peak hours, excluding effects from more cut-through traffic.

2. Identify the use to which the fee is to be put. Response: The TVTDF will be used to fund projects to expand capacity, traffic signal coordination and other traffic improvements, improve safety, improve regional transit, improve active transportation/bicycle options, and mitigate the impacts of additional congestion on Routes of Regional Significance to serve new development as designated in the Strategic Expenditure Plan. The projects/public facilities to be funded by the fee are identified in the 2020 Nexus Study and the SEP and the Prioritization of Projects and Funding Plan.

3. Determine how there is a reasonable relationship between the fee's use and the type of development project upon which the fee is imposed. Based on the analysis in the 2020 Nexus Study, the new development projects within the Tri-Valley will generate additional trips which will impact the transportation system in the region, including on Routes of Regional Significance. As illustrated in the 2020 Nexus Study, the planned projects will expand and improve capacity on the Routes of Regional Significance and alleviate congestion to accommodate the increased trips generated by new development. Thus, there is a reasonable relationship between the use of the fee for these projects and the new development generating these additional trips on which the fee will be imposed. .

4. Determine that there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed. The need for the planned projects is based on the forecasted increase in congestion on Routes of Regional Significance, as well as other transportation impacts resulting from new development. The 2020 Nexus Study analyzed the contribution by each land use based on the proportion of average AM/PM trips generated by each land use. As demonstrated in the Study, there is a reasonable relationship between the need for the planned projects and the types of development upon which the fee is imposed because the planned projects will mitigate the transportation impacts generated by new development.

5. Determine that there is a reasonable relationship between the amount of the fee and the cost of public facilities or portion of the public facilities attributable to the development on which the fee is imposed. The 2020 Nexus Study demonstrates that there is a reasonable relationship

between the amount of the proposed fee and the cost or portion of the cost of the public facilities attributable to the development on which the fee is imposed because each land use category's share of the total trips generated was multiplied by the applicable project costs and then divided by the total number of units, square feet or trips that will occur within the development horizon. In this way, there is a reasonable relationship between the amount of the fee and the cost attributable to each land use type because the fee applicable to each land use type is based on the number of trips generated by that applicable land use type. Furthermore, the 2022 TVTDF is proposed to be set at between 6% to 15% of the justified maximum fee rate and thus, the amount of the fee is lower than the actual costs attributable to new development.

**NOW THEREFORE BE IT FURTHER RESOLVED THAT** the Tri Valley Transportation Council adopts and approves, by a supermajority of (6), the SEP and the Prioritization of Projects and Funding Plan (Exhibit B), and adopts the AB 602 Supplemental Analysis (Exhibit C); and

**NOW THEREFORE BE IT FURTHER RESOLVED THAT** the Tri Valley Transportation Council finds that the foregoing recitals are true.

**PASSED, APPROVED, AND ADOPTED** at the meeting of April 18, 2022 by the following votes:

**AYES:** Perkins, Josey, Americh, Brown, Kiick, Andersen, Haubert  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**



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Scott Perkins, Chair  
Tri-Valley Transportation Council

**ATTEST:**



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Lisa Bobadilla, TVTC Administrative Staff