

# Major Thoroughfare and Bridge Fee Program Frequently Asked Questions

May 2024

## When are fees due? Can a builder pay the fees prior to pulling of a building permit to avoid an increase in the fee amount?

The fees are due at the time the permit for the building structure is issued. Fees should not be collected on preliminary permits such as grading or foundation permits. Fees should be paid to the TCA member agency issuing the permit. The fee rate applied is the rate in effect on the day of permit issuance. Fees cannot be paid prior to issuance of a permit to avoid a fee increase.

## What are the criteria for determining whether a single family or multi-family rate is applicable for residential projects?

In 1992, the TCA adopted an interpretation of the Fee Program (Interpretation 92-1) which clarified the criteria for determining the correct category (single family or multi-family) for residential projects. A new structure generally is considered a residential unit if it contains spaces for living, sleeping, bathroom, and kitchen/ kitchen hookups (sink, stove/oven or hookups, dishwasher/ refrigerator space, etc.) Please contact the TCA if you have questions regarding classification of a structure as a residential unit.

When a new residential unit is added, or created from an existing structure, the two sets of criteria for classifying units (irrespective of zoning) are:

<u>Single Family</u>	<u>Multi-Family</u>
(1) Separate lot	(1) No separate lot
(2) Detached	(2) Attached
(3) 1,500 square feet or larger	(3) Less than 1,500 square feet

Individual units will be classified as “single family” if they exhibit two or more characteristics of that category, and units will be classified as “multi-family” if they exhibit two or more characteristics of that category.

The possibility exists, based on this method of categorizing units that both single family and multi-family units will occur within the same tract/development.

## How are fees calculated for an Accessory Dwelling Unit (ADU)?

Effective January 1, 2020, if an ADU is determined to be a residential unit (living space, bathroom, and kitchen, or kitchen hookups), and is 750 square feet or greater, then it should be classified and assessed fees at the multi-family residential rate in proportion to the existing primary dwelling unit. For example, if a single family dwelling is 1675 square feet and a new ADU of 850 square feet is proposed to be built, divide the square footage of the ADU by the square footage of the existing primary dwelling unit ( $850 / 1675 = 0.507463$  at least six decimal points) and multiply this proportion times the current multi-family dwelling rate for the applicable zone to determine the fees due. If an ADU is less than 750 square feet, then fees are not due. If an ADU square footage is equal to or greater than the primary unit square footage, then the full multi-family dwelling rate should be used.

## Is credit given for demolition of a structure?

Yes. Reconstruction of non-residential buildings on the same legal building site (although not necessarily in the same footprint) as the demolished structure are exempt from paying fees, provided the structure is the same square footage or less than the demolished structure. If the new non-residential structure is larger than the demolished structure, fees would be collected for the net square footage increase. Credit is given for demolition (by unit, not by square footage) of residential units (single or multi-family) on the same lot. Calculation of the demolition credit should use the rate applicable to the issue date of the new construction permit.

## When are fees increased? What determines the amount of the fee increase?

The fees are currently increased by a fixed percentage on July 1st of each year. The percentages are:

Foothill/Eastern Areas of Benefit:	2.206%
San Joaquin Hills Areas of Benefit:	2.667%

## How are fees charged for a hotel?

A hotel is assessed at the non-residential rate for the gross

square feet, including each floor of multiple story buildings. A timeshare facility also is assessed at the non-residential rate for the gross square feet.

### **Are fees due for the addition of a building mezzanine?**

Per the Fee Program, any expansion of a non-residential structure is subject to fees for the net increase of gross square feet.

### **Which projects are exempt from payment of fees?**

Please consult the permitting agency and/or TCA to confirm if an exemption applies to your project. The following are examples of projects that may be exempt from fees.

- Projects that provide documentation of exemption from property taxes.
- On-site leasing offices and common structures in residential tracts such as a pool building, provided that the use is limited to residents.
- Governmental structures such as fire stations and schools, to the extent that they shall not be used for generating revenue or commercial purposes.
- Parking structures built for the parking of vehicles used for travel to and from the nonresidential development served by the structure. Fully enclosed (not open to the elements) square footage within non-residential parking structures is not exempt. Structures used for the repair, maintenance, cleaning, sale, rental or display of vehicles, or for the storage of vehicles at the site of the development, are not exempt.
- Structures that are permanently open to the elements – meaning that they do not have 4 walls, a door, and a roof (examples include gas station canopies, restaurant outdoor patio dining areas, etc.).

### **What about self-storage projects? How are the fees charged?**

Fees are collected for the gross square feet of the project which includes all enclosed storage units. If there is a manager's residence on site, a residential fee (instead of non-residential fee) would be collected for that portion of the project. The criteria for classifying residential units would apply in determining whether the manager's residence was a single family or multi-family unit.

### **How should fees be calculated for a senior citizen housing project?**

The only exception to the collection rules for senior housing is for congregate care projects. For example, senior apartments are charged at the multi-family rate; a convalescent hospital

would be charged at the non-residential rates. A congregate care facility is a licensed community care facility offering long-term accommodations for senior citizens along with a full range of related services, such as a common dining area, doctor's office, beauty salon, administrative offices, exercise room, etc. For those projects that qualify under this definition, please refer to Fee Program Interpretation 87-1 or contact TCA for details.

If the congregate care facility is housed in a single-family structure, the project is subject to single family residential rates. Any future conversions of this type of facility to any other use shall be subject to full fee assessment at that time.

### **How does a builder appeal the fees?**

The builder must pay the fees in protest and file an appeal to the Agencies' Chief Executive Officer (CEO) within ten (10) days following the date on which the fee is required to be paid. To file an appeal, the builder must send a petition and supporting evidence on why the fees were not due or how they were calculated incorrectly to the TCA Administrative Offices. The CEO will hear the appeal and issue a decision. Decisions of the CEO may be appealed to the Board of Directors.

### **What if there is an overpayment of fees?**

The builder or the member agency needs to submit a request for repayment of fees. Documentation of the reason for the overpayment and copies of the receipt for the payment of fees must be submitted. The TCA will review the request and, if approved, will issue a refund check.

### **What if the permit expires and the builder comes in to renew it? Are fees due?**

If a permit has expired, credit will be given for the fees already paid and the difference will be assessed. For example, if the fee amount per square foot was \$4.00 when the original permit was issued and, at the request for renewal, the fees are \$4.25 per square foot, 25 cents per square foot would be due.

### **What if the permit is extended? Are fees due?**

If the permit does not expire and is extended with no lapse, no fees are due. However, as a matter of practice, after the permit has been extended twice, fees will be recomputed, and the difference charged.

### **Who should be contacted if there are questions on the administration of the program or program rules?**

Please contact the TCA at (949) 789-3575, or by email at [dif-info@thetollroads.com](mailto:dif-info@thetollroads.com). If we are not available, please leave a message and we will get back to you as soon as possible.