



Transportation Corridor Agencies™

FREQUENTLY ASKED QUESTIONS
MAJOR THOROUGHFARE AND BRIDGE FEE PROGRAM

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 building permit is issued. 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 Boards adopted an interpretation of the Fee Program (Interpretation 92-1) which clarified the criteria for determining the correct category (single family v. multi-family) for residential projects.

The two sets of criteria for classifying units within projects are:

Single Family

Multi-Family

- (1) Separate lot
- (2) Detached
- (3) 1,500 square feet or larger

- (1) No separate lot
- (2) Attached
- (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.

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

The fees are 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%

Are fees due for the addition of a building mezzanine?

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

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 is exempt from paying fees, provided the structure is the same square footage or less than the demolished structure. If the new structure is larger than the demolished structure, fees would be collected for the net square footage increase. Credit would be given for demolition of residential units (single or multi-family) on the same lot.

Which projects are exempt from payment of fees?

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

- 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 and their guests
- Governmental structures such as fire stations, schools to the extent that they shall not be used for generating revenue or commercial purposes
- Structures that are permanently open to the elements – meaning that they do not have 4 walls, a door, and a roof (examples -- gas station canopies, restaurant outdoor patio dining areas)

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.

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.

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 should be recomputed and the difference charged.

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 to the permit holder.

How does a builder appeal the fees?

The builder must pay the fees in protest and file an appeal to the Agencies' Technical Advisory Committee. 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 City will be asked by the TCA to review the petition and provide any documentation necessary such as copies of the permit and receipt for the payment of fees. The Committee will hear the appeal and issue a decision. The Committee decisions may be appealed to the Board of Directors. If the builder wins the appeal, TCA will refund the fees.

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 e-mail at dif-info@thetollroads.com. If we are not available, please leave a message and we will get back to you as soon as possible.