



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: John Ristow

SUBJECT: Fiscal Year 2023-2024 Annual
Traffic Impact Fee Report

DATE: November 12, 2024

Approved 

Date:
11/20/24

COUNCIL DISTRICT: 1, 3, 4, 5, 6, 7, and 8

RECOMMENDATION

Accept the annual Fiscal Year 2023-2024 Traffic Impact Fee Report and five-year report prepared in accordance with the Mitigation Fee Act (Government Code section 66000 *et seq.*) on the status of the City’s four traffic impact fee programs: North San José, Evergreen-East Hills, US-101/Oakland/Mabury, and Interstate 280/Winchester Boulevard.

SUMMARY AND OUTCOME

Accepting this memorandum with the attached Traffic Impact Fee (TIF) reports of required information will allow the City of San José to continue to use the various TIF funds to fully or partially fund mitigation measures for transportation impacts in accordance with four development policies: 1) North San José Area Development Policy, 2) Evergreen-East- Hills Development Policy, 3) US-101/Oakland/Mabury Transportation Development Policy, and 4) Interstate 280/Winchester Boulevard Transportation Development Policy.

BACKGROUND

The Mitigation Fee Act requires public agencies to account for and make specific findings regarding mitigation fees collected by an agency as a condition of development approval. The law also requires that the local or lead agency review and make available to the public both an annual and a five-year report that accounts for the mitigation fees held by the agency. As the Mitigation Fee Act authorizes local agencies to combine the annual and five-year reports, the information in this report satisfies both requirements. The City Council approved all past reports. The Fiscal Year (FY) 2023-2024 Annual Report covers the period from July 1, 2023 to June 30, 2024.

The City has four separate traffic impact fees that are charged to new developments under the following policies and the companion ordinances that establish the TIF: the North San José Area Development Policy, the Evergreen-East Hills Development Policy, the US-101/Oakland/Mabury Transportation Development Policy, and Interstate 280/Winchester Boulevard Transportation Development Policy. All these policies rely, to varying degrees, on funding from different sources, including new development and federal, state, regional, and local sources. A summary of each TIF is provided in **Attachment A - Transportation Impact Fee Descriptions**.

As required by law, each TIF is segregated from the General Fund and accounted for in special revenue funds that earn interest. These funds, including interest, must be held for the purpose of financing the improvements for which the fees are collected (Section 66001).¹

The City of San José expects significant funding from local and state sources to contribute to the TIF-identified transportation improvements – for example, the County of Santa Clara’s 2016 Measure B and California Senate Bill 1. This will enable the City to combine TIF and other funds to significantly advance design and delivery for many transportation projects in the near term. In addition, the City of San José will continue to prioritize the implementation of improvements based on future development and associated opportunities.

ANALYSIS

The Mitigation Fee Act regulates how public agencies establish, collect, maintain, and spend impact fees imposed on developers for the purpose of defraying costs of public facilities that are necessary to mitigate the impacts of the new development. The act requires periodic public reporting of the accounts for each fee and requires certain findings be made by the City. As authorized by the Mitigation Fee Act, both the annual and five-year reports have been combined in this report.

The annual reporting requirements for each fiscal year are listed below².

- a) A brief description of the type of fee in the account or fund.
- b) The amount of the fee.
- c) The beginning and ending account balance of the account or fund.
- d) The amount of the fees collected and the interest earned.
- e) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

¹ Unless otherwise specified, all references are to the California Government Code.

² Section 66006(b)(1)

- f) An identification of an approximate date by which the construction of the public improvements will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.
- g) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.
- h) The amount of refunds made pursuant to subdivision (e) of Section 66001 and any allocations pursuant to subdivision (f) of Section 66001.

Additionally, the five-year report³ requires the inclusion of the following additional findings by the City Council with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted.

- a) Identify the purpose to which the fee is to be put.
- b) Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.
- c) Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements identified in paragraph (2) of subdivision (a) of Section 66001.
- d) Designate the approximate dates on which the funding referred to in subparagraph (c) of Section 66001 is expected to be deposited into the appropriate account or fund.

Attachments B through E address the reporting requirements for each of the four TIF accounts maintained by the City. The separate attachments include information for each different TIF account and satisfy the requirements for both an annual report and five-year report.

For each TIF fund, the City is required to make available to the public the annual report within 180 days after the last day of each fiscal year and is also required to make the information public no later than 15 days prior to the City Council meeting at which it will be considered.⁴

EVALUATION AND FOLLOW-UP

This item will be reported annually to the City Council. The next report (FY 2024-2025) will be presented to City Council in fall 2025.

³ Section 66001(d)(1).

⁴ Section 66006(b)(2).

COORDINATION

This report has been coordinated with the City Attorney's Office, City Manager's Budget Office, the Planning, Building, and Code Enforcement Department, and the Public Works Department.

PUBLIC OUTREACH

This report was made available to the public by November 18, 2024, on the City's Council Agenda website for the December 3, 2024 City Council Meeting, in accordance with the Mitigation Fee Act. This report and relevant area development policies are posted on the City of San José's Department of Transportation's "Policies⁵" webpage.

COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

CEQA

Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/
John Ristow
Director of Transportation

For questions, please contact the Department of Transportation, Jessica Zenk, Deputy Director, at (408) 535-3543.

⁵ <https://www.sanjoseca.gov/your-government/departments-offices/transportation/policies>

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/s/
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ATTACHMENTS

- A. Transportation Impact Fee Descriptions
- B. North San José Traffic Impact Fee
- C. Evergreen-East Hills Traffic Impact Fee
- D. US-101/Oakland/Mabury Traffic Impact Fee
- E. Interstate 280/Winchester Boulevard Traffic Impact Fee

Transportation Impact Fee Descriptions December 3, 2024

The City has four separate traffic impact fees (TIFs) that are charged to new developments under the following policies and the companion ordinances that establish the TIF: 1) the North San José Area Development Policy, 2) the Evergreen-East Hills Development Policy, 3) the US-101/Oakland/Mabury Transportation Development Policy, and 4) Interstate 280/Winchester Boulevard Transportation Development Policy. All these policies rely to varying degrees on funding from different sources, including new development and federal, state, regional, and local sources. The following is a summary of each TIF.

North San José TIF: In 2005, the City adopted the North San José (NSJ) Area Development Policy which established a TIF to fund a mitigation program that supports the development of the NSJ area by alleviating automobile congestion due to new development and enhancing multi-modal transportation options.

The NSJ Area Development Policy and TIF (see San José Municipal Code Chapter 14.29) authorize the City to charge the TIF to individual developments to partially fund transportation improvements that are necessary to mitigate the traffic impacts of development in the NSJ Area Development Policy area. The mitigation measures funded by the NSJ TIF are specified in the June 2005 NSJ TIF Plan and as revised in May 2009 (see San José Municipal Code sec. 14.29.020.F.) They include intersection improvements, new streets, extension and/or widening of existing streets, as well as regional improvements to County of Santa Clara expressways and state highway facilities. The plan also includes multimodal improvements to implement the City's NSJ Deficiency Plan and comply with the Santa Clara Valley Transportation Authority Congestion Management Program as required by California Government Code section 65089.3. Included in the deficiency plan are enhanced bus services, shuttle services, light rail improvements, new grid streets, and continuous bicycle connections on major streets and trails.

On May 17, 2022, the City Council approved amendments to the NSJ Area Development Policy (2022 Amendment) that effectively retired the 2005 policy with respect to future development, while still requiring past entitled projects to fulfill their requirements, including mitigation and payment of TIFs under the policy. As a result of the 2022 Amendment, the NSJ TIF no longer applies to development projects in the NSJ Area Development Policy area that did not receive entitlements and/or land use permits prior to the 2022 Amendment effective date.

Evergreen-East Hills TIF: The Evergreen-East Hills (EEH) TIF provides funding for transportation improvements necessary to mitigate the transportation impacts of new development under the EEH Development Policy (DP). The EEH DP allows a limited increase in development within the EEH area boundaries. The EEH DP promotes long-term vitality of the region by linking together this limited new development with supporting transportation infrastructure and establishes a TIF to fund those improvements. The TIF program included 20 mitigation measures as specified in the November 2008 EEH TIF Fee Analysis (see San José Municipal Code sec. 14.33.020.E).

On December 7, 2021, the City Council approved amendments to the Envision San José 2040 General Plan associated with the General Plan four-year review, which included direction to staff to amend the EEH DP so that the EEH TIF would apply to only projects that have received development approvals prior to the date of this anticipated amendment and would no longer apply to future development in EEH.

As the City is working toward delivering these transportation mitigation measures with the collected TIF, City staff completed the EEH DP Nexus Study Update in December 2020 (revised in September 2023). Originally, the 20 transportation mitigation measures were identified in the EEH DP based on projecting where the future development and impacts would be located. As part of the nexus study update, pre-COVID-19 pandemic transportation trends were incorporated in the evaluation of each of the outstanding, previously identified mitigation measures.

On October 24, 2023, City Council approved an ordinance amending San José Municipal Code Title 14, Chapter 14.33, entitled “Evergreen-East Hills Development Policy TIF Requirements.” This ordinance limited the application of Chapter 14.33 to projects that received an approved entitlement (General Plan amendment and/or zoning amendment) and/or a land use permit from the effective date of the EEH DP to the effective date of the related resolution amending the EEH DP, making the EEH TIF inapplicable to future EEH development projects.

Since the collected TIF to date cannot fund all the outstanding mitigation measures, the nexus study update prioritizes locations demonstrating the highest needs as a result of the entitled and built development in the EEH area. The nexus study update prioritized the scopes for 17 outstanding transportation improvements, 12 of which are considered high-priority improvements and would be delivered in the near term using the collected TIF to date. The remaining five improvements will be delivered when additional TIF are collected from projects that were approved prior to the effective date of the EEH DP amendments.

US-101/Oakland/Mabury TIF: The purpose of the US-101/Oakland/Mabury TIF is to partially fund transportation improvements necessary to mitigate the traffic impacts from new development under the US-101/Oakland/Mabury Transportation Development Policy.

The improvements supported by the US-101/Oakland/Mabury TIF are specified in the July 2007 US-101/Oakland & US-101/Mabury Road Interchanges TIF Analysis, see San José Municipal Code sec. 14.30.020.H, which will partially fund: 1) the improvement of the US-101 Oakland Road interchange by upgrading the facility to maximize capacity and 2) the construction of the new US-101 interchange at Mabury Road, which has been identified in the City’s General Plan as a needed freeway gateway to alleviate congestion at the US-101/Oakland Road interchange. These transportation improvements will provide more efficient access to the US-101 freeway for new development and the Berryessa/NSJ BART station.

Interstate 280/Winchester Boulevard TIF: The Interstate 280/Winchester Boulevard TIF partially funds a northbound I-280 off-ramp at Winchester Boulevard, as specified in the September 2016 Interstate 280/Winchester Boulevard TIF Plan (see San José

Municipal Code section 14.34.020.B). New development in the plan area that generates demand for the off-ramp is required to pay the TIF. Other funding sources include regional funding and fees collected from developments outside of the plan area that would be required to mitigate their traffic impacts at the interchange. The Santa Clara Valley Transportation Authority and California Department of Transportation are the lead agencies implementing the project.

NORTH SAN JOSÉ TRAFFIC IMPACT FEE December 3, 2024

1. Type and purpose of fee in fund

The North San José (NSJ) Traffic Impact Fee (TIF) was a fee charged to new development within the boundaries of the NSJ Area Development Policy (ADP) pursuant to Chapter 14.29 of the San José Municipal Code. The purpose of the fee is to partially fund transportation improvements that are necessary to mitigate cumulative traffic impacts resulting from new development in the policy area. The transportation improvements are specified in the NSJ ADP and the June 2005 NSJ TIF Plan (as revised in February 2022) and are listed in Table 4 herein.

2. Relationship between fee and purpose for which it is charged

The TIF was charged to all new development within the boundaries of the NSJ ADP pursuant to Chapter 14.29 of the San José Municipal Code. The relationship between the fee and the purpose for which it is charged is detailed in the 2005 NSJ ADP and the June 2005 NSJ TIF Plan (as revised in February 2022). The fee that is charged to new development in the policy area partially funds transportation improvements that are necessary to mitigate the cumulative traffic impacts resulting from that new development.

3. Amount of fee

The fee amounts from the effective date of the TIF, including periodic increases, are specified in Table 1 below.

Table 1.
TIFs¹

Fee Period (Starting FY*, Ending FY)	Trip Fee (per PM Peak Hour Trip)	Industrial Fee (per sq. ft.)	Residential Fee Single family (per unit)	Residential Fee Multi family (per unit)	Large-Scale Commercial Fee (per sq. ft.)	Hotel Fee (per room)
FY2005-2006, FY2006-2007	\$11,138	\$10.44	\$6,994	\$5,596	N/A	N/A
FY2007-2008, FY2008-2009	\$11,885	\$11.14	\$7,463	\$5,971	N/A	N/A
FY2009-2010, FY2010-2011	\$12,683	\$11.89	\$7,964	\$6,372	\$16.65	\$3,600

* FY = Fiscal Year

¹ The impact fee is increased by 3.3% annually compounded on July 1 of every odd-numbered year (San José Municipal Code sec. 14.29.040.B). Additionally, individual development projects may be credited for vehicle trips for existing development on their property in accordance with the requirements of the policy.

FY2011-2012, FY2012-2013	\$13,533	\$12.69	\$8,498	\$6,800	\$17.66	\$3,819
FY2013-2014, FY2014-2015	\$14,441	\$13.54	\$9,068	\$7,256	\$18.74	\$4,052
FY2015-2016, FY2016-2017	\$15,410	\$14.44	\$9,677	\$7,742	\$19.88	\$4,299
FY2017-2018, FY2018-2019	\$16,444	\$15.41	\$10,326	\$8,262	\$21.09	\$4,560
FY2019-2020, FY2020-2021	\$17,547	\$16.45	\$11,019	\$8,816	\$22.38	\$4,838
FY2021-2022, FY2022-2023	\$18,725	\$17.55	\$11,758	\$9,408	\$25.18	\$5,133
FY2023-2024, FY2024-2025	\$19,981	\$18.73	\$12,547	\$10,039	\$26.72	\$5,455

4. Sources of funding

The sources of funding for all of the improvements are outlined in the 2005 NSJ ADP and the June 2005 NSJ TIF Plan (as revised in February 2022). The cost of transportation improvements necessitated by NSJ development totals approximately \$279,011,650 (in 2024 dollars). A portion of the cost is planned to be funded by the City of San José and other funding sources (federal, state, and regional), with the remainder being funded by the NSJ TIF. Those regional funds are likely to include funding from the 2016 County of Santa Clara Measure B.

5. Beginning and ending fund balances

The beginning and ending fund balances are indicated in Table 2.

6. Fees collected and interest earned

Fees collected and interest earned by the fund are indicated in Table 2.

Table 2
Account Summary for the NSJ TIF

NSJ TIF	FY2008- FY2019	FY2020	FY2021	FY2022	FY2023	FY2024	TOTAL
Beginning Balance	\$ -	\$43,031,319	\$44,475,580	\$49,698,060	\$48,233,701	\$47,103,999	
Developer Fees	54,804,536	918,838	5,060,508	(3,366,432)		113,317	57,530,767
Miscellaneous Revenue/Xfer In From Other Funds	35,170						35,170
Interest Earnings	2,781,820	974,059	700,268	405,030	1,047,878	1,393,354	7,302,409
Expenditures							
- Highway 237 Bikeway	(298,344)						(298,344)
- Montague Expressway	(2,681,557)						(2,681,557)
- Montague Expressway Phase 2			(148,132)	(748)		(2,000,000)	(2,148,880)
- NSJ Light Rail Cabinets					(340,835)	(205,000)	(545,835)
- NSJ Transit Improvements			(36,272)	(21,589)	(82,051)	(146,656)	(286,569)
- Parks, Recreation, and Neighborhood Services Projects					(1,500,000)		(1,500,000)
- Route 101/Trimble/De La Cruz Interchange Improvements	(3,075,350)	(153,776)	(105,670)	(320,518)	(502,496)	(527,404)	(4,685,214)
- Route 101/Zanker	(4,449,218)	(107,700)	(140,788)	(199,826)	(76,471)	(182,267)	(5,156,270)
- Route 880/Charcot	(1,137,129)	(399,409)	(265,608)	(154,277)			(1,956,423)
- Trail: Guadalupe/Tasman Under-Crossing	(59,184)						(59,184)
Expenditures as part of a Settlement Agreement							
- NSJ - City of Santa Clara Settlement						(1,500,000)	(1,500,000)
Encumbrances - Prior Year	(2,889,426)	212,249	158,175	2,194,001	324,274	727	
Encumbrances - Current Year							
- NSJ Light Rail Cabinets						(240)	(240)
- NSJ Transit Improvements						(487)	(487)
NSJ Ending Balance	\$43,031,319	\$44,475,580	\$49,698,060	\$48,233,701	\$47,103,999	\$44,049,342	\$44,049,342

*The City refunded Santa Clara Unified School District \$3.4 million of TIFs collected in FY 2021.
<https://sanjose.legistar.com/View.ashx?M=F&ID=10872733&GUID=4BB88608-AC00-410F-9807-D3739C420C50>.

7. Public improvements on which fees were expended, amount of expenditure, and percentage of cost funded by fees

Table 3 below lists TIF expenditures by project in FYs 2008-2024, completed and in-progress public improvements, the amount of traffic fees expended on each project, and the percentage of the total cost of each improvement funded with TIFs. Those improvements that do not have traffic fee expenditures were funded by other funding sources.

Table 3
Project Expenditures Summary

Public Improvement	TIF Expenditures (FY2008- FY2024)	Percentage of Improvement Cost funded by TIF
Highway 237 Bikeway ³	\$298,344	50%
Montague Expressway ³	\$2,681,557	N/A
Montague Expressway Phase 2 ¹	\$2,148,880	N/A
NSJ Light Rail Cabinets ¹	\$545,835	N/A
NSJ Transit Improvements ¹	\$286,569	N/A
Route 101/Trimble/De La Cruz ¹	\$4,685,214	N/A
Route 101/Zanker ¹	\$5,156,270	N/A
Route 880/Charcot ²	\$1,956,423	N/A
Guadalupe Trail/Tasman Drive Under-crossing ³	\$59,184	10%
Montague Expressway/Old Oakland Road ³	\$0	0%

Zanker Road/Tasman Drive ³	\$0	0%
Capitol Expressway/Capitol Avenue ³	\$0	0%

- Note, expenditures do not include past encumbrances.

1. Improvement is partially completed; hence, no data is available for percentage of improvement cost.

2. Improvement has been removed from the improvements list. Expenditures are not expected beyond FY 2023.

3. Improvement is completed.

8. Approximate date by which construction of the public improvements will commence, and approximate date by which the funding for incomplete improvements will be deposited into the appropriate account or fund²

The date of construction depends on a determination by the local agency that confirms sufficient funds from all sources to complete the specified public improvement. Other than the completed projects listed in Table 3 above, sufficient funds have not been collected, either from traffic fees or other sources to complete financing and construction of the NSJ Transportation Improvements. Route 101/Trimble/De La Cruz started construction in September 2021 with an expected completion date of summer 2025.

All of the public improvements specified in the June 2005 NSJ TIF plan with the February 2022 revision and listed in Table 4 are required to address area-wide traffic impacts resulting from new development within the boundaries of the NSJ ADP. Because the TIFs do not provide full funding for all required improvements, other funding sources, such as federal, state, regional, and City funding, are also required. It is not certain when the funds from these other sources will be available and to which specific improvements they will apply. However, the City of San José expects significant funding from the 2016 County of Santa Clara Measure B to contribute to regional and active transportation improvements in the NSJ ADP.

The public improvements are prioritized to support traffic impacts from new development as they are needed within the NSJ ADP area and by when full funding of an improvement becomes available through the various funding programs. The Envision San José 2040 General Plan and the NSJ ADP are intended to provide improvements needed to support new development through 2035, so complete funding and the design and construction of improvements are expected to occur no later than five years after the conclusion of the term of the current General Plan and NSJ ADP, to wit: 2040 for past entitled projects.

9. Interfund transfers and loans

No interfund transfers or loans were made during FYs 2008-2024 utilizing these funds.

² As such, this section satisfies reporting requirements of the annual report as indicated in California Government Code Section 66006(b)(1)(F) as well as the five-year report as required in California Government Code Section 66001(d)(1)(D).

10. Refunds and allocations

No refunds or allocations pursuant to subdivisions (e) and (f) of Section California Government Code 66001 were made during FYs 2008-2024.

11. List of NSJ ADP public improvements

Table 4 lists the improvements that will be funded in part by the NSJ TIF with the associated costs of each of the transportation improvement projects pursuant to the 2005 NSJ ADP and the June 2005 NSJ TIF Plan (as revised in February 2022.)

**Table 4
NSJ TIF Improvements and Cost Summary**

Location (Type)	Cost (2005 \$)	Cost (2024 \$)
NSJ Major Roadway Improvements		
Montague Expressway Widening*	\$18,000,000	\$35,200,000
US 101/Zanker Road/Skyport Drive/Fourth Street Improvement Project	\$64,000,000	\$282,200,000
US 101/Trimble Road Interchange*	\$27,000,000	<i>Under Const.</i>
NSJ Grid Street System	\$55,000,000	\$105,737,572
<i>Subtotal NSJ Major Roadway Improvements</i>	\$164,000,000	\$423,137,572
NSJ Intersection Improvements		
Zanker Road and Montague Expressway	<i>See Note a</i>	<i>See Note a</i>
River Oaks Parkway and Montague Expressway	<i>See Note b</i>	<i>See Note b</i>
Trimble Road and Montague Expressway	\$30,000,000	\$57,675,040
McCarthy Boulevard and Montague Expressway	\$68,000,000	\$130,730,090
Old Oakland Road and Montague Expressway	\$500,000	<i>Complete</i>
Junction Avenue and Charcot Avenue	\$1,000,000	\$1,922,501
Trade Zone Boulevard and Montague Expressway	\$2,175,000	<i>Complete</i>
<i>Subtotal NSJ Intersection Improvements</i>	\$101,675,000	\$190,327,630
Other Intersections Outside of NSJ		
San Tomas Expressway and Stevens Creek Boulevard	\$1,300,000	\$2,499,252
San Tomas Expressway and Moorpark Avenue	\$500,000	\$961,251
King Road and McKee Road	\$2,025,000	\$3,893,065
Capitol Avenue and Berryessa Road	\$250,000	\$480,625
<i>Subtotal Intersections Outside of NSJ</i>	\$4,075,000	\$7,834,193
Offsetting Action from CMA Immediate Implementation Action List		
<i>Bicycle, Pedestrian, Transportation Demand Management and Transit Actions (Bus, Light Rail Improvements)</i>	\$62,300,000	\$119,771,832
TOTAL COST	\$332,050,000	\$741,071,228
Other Contributions (City of San José, Federal, State, and Regional)	(\$59,000,000)	(\$110,752,578)
Potential County of Santa Clara 2016 Measure B Contributions**	\$ -	(\$351,307,000)
NET TOTAL to be funded by the NSJ TIF	\$273,050,000	\$279,011,650
NOTES		
<i>a - Included as part of the Zanker Road Widening cost.</i>		
<i>b - Included as part of the Montague Expressway Widening cost.</i>		
<i>* - 2021 project costs reflect engineering progress and more accurate estimates of improvements.</i>		
<i>** - Figure shown represents "up to" or maximum anticipated Measure B contribution based on October 2021 application.</i>		
<i>Source: NSJ ADP (2005), Table 6, and NSJ TIF Plan, February 2005 (Revised April 2009), Table 3</i>		

EVERGREEN-EAST HILLS TRAFFIC IMPACT FEE December 3, 2024

1. Type and purpose of fee in fund

The Evergreen-East Hills (EEH) Traffic Impact Fee (TIF) was a fee charged to new development within the boundaries of the EEH Development Policy (DP) area pursuant to Chapter 14.33 of the San José Municipal Code. The purpose of the fee is to fund transportation improvements specified in the EEH DP¹. The EEH DP identified 20 transportation improvements associated with development capacity of the policy. In September 2023, the City conducted the EEH DP Nexus Study Update² which updated the scopes for 17 outstanding transportation improvements. Twelve of the 17 improvements were considered high-priority and would be delivered in the near term using the collected TIFs to date. The remaining five improvements would be delivered when additional TIFs are collected from projects that were approved prior to the effective date of the EEH DP amendments. The improvements are listed in Table 5 herein.

2. Relationship between fee and purpose for which it is charged

The TIF was charged to all new development within the boundaries of the EEH DP pursuant to Chapter 14.33 of the San José Municipal Code. The EEH DP details the relationship between the fee and its assessed purpose. The fee that was charged to new development in the policy area funds transportation improvements that are necessary to address traffic impacts resulting from new development under the policy.

3. Amount of fee

The fee amounts from the effective date of the TIF, including periodic increases, are specified in Table 1 below.

¹ EEH DP (adopted December 16, 2008)

² EEH DP Nexus Study Update (dated December 2020, revised September 2023)

**Table 1
 TIFs³**

Calendar Year	Residential Fee (per unit)	Commercial/Office Fee (per sq. ft.)
2009	\$13,214	\$11.49
2010	\$13,214	\$11.49
2011	\$13,431	\$11.68
2012	\$13,804	\$12.00
2013	\$14,037	\$12.21
2014	\$14,262	\$12.40
2015	\$14,786	\$12.86
2016	\$15,148	\$13.17
2017	\$15,605	\$13.57
2018	\$16,033	\$13.94
2019	\$16,357	\$14.22
2020	\$16,782	\$14.59
2021	\$17,575	\$15.28
2022	\$18,505	\$16.09
2023	\$20,424	\$17.76
2024	\$20,958	\$18.22

4. Sources of funding

Other than state and regional funds used for the US-101 corridor improvements, the EEH TIF is the primary source of funding for all the improvements outlined below in Table 5, in accordance with the EEH DP.

5. Beginning and ending fund balances

The beginning and ending fund balances are indicated in Table 2 below.

6. Fees collected and interest earned

Fees collected and interest earned by the fund are indicated in Table 2 below.

³ The impact fee is increased annually on January 1 per the Engineering News-Record Construction Cost Index for the San Francisco Bay Area, published by the McGraw Hill (San José Municipal Code sec. 14.33.040.B). Additionally, individual development projects may be credited for vehicle trips for existing development on their property in accordance with the requirements of the policy.

Table 2
Account Summary for the EEH TIF

EEH TIFs	FY2008- FY2019	FY2020	FY2021	FY2022	FY2023	FY2024	TOTAL
Beginning Balance	\$ -	\$ 4,668,616	\$ 7,022,648	\$ 7,350,185	\$ 6,766,784	\$ 7,176,364	
Developer Fees	4,436,312	2,231,631	235,017	51,176	610,665	859,465	8,424,266
Interest Earnings	232,304	122,401	101,459	64,304	167,092	241,739	929,300
Expenditures							
- Copper to Fiber and Adaptive Timing				(109,023)	(134,665)	(5,948)	(249,636)
- EEH Bikeways 2025						(6,171)	(6,171)
- Highway 680/Jackson Traffic Signal			(8,939)	(88,440)	(132,989)	(112,499)	(342,868)
- Nieman Boulevard/Daniel Maloney Drive Improvements					(116,079)	(94,051)	(210,130)
- San Felipe/Yerba Buena Intersection Improvements				(120,407)	(264,844)	(13,127)	(398,379)
Encumbrances - Prior Year				(381,011)	280,400	100,611	
Encumbrances - Current Year							
- Highway 680/Jackson Traffic Signal						(80,227)	(80,227)
EEH Ending Balance	\$ 4,668,616	\$ 7,022,648	\$ 7,350,185	\$ 6,766,784	\$ 7,176,364	\$ 8,066,154	\$ 8,066,154
Remaining Budgeted Capital Improvement Program Funds							
- Evergreen Bikeways 2025						494,000	494,000
- Highway 680/Jackson Traffic Signal						2,076,884	2,076,884
- Nieman Boulevard/Daniel Maloney Drive Improvements						1,949,949	1,949,949
- Ruby/Norwood Roundabout						675,000	675,000
- Story/Clayton Intersection Improvements						330,000	330,000
Remaining Unallocated EEH TIF Program Funds						\$ 2,540,322	\$ 2,540,322

7. Public Improvements on which fees were expended, amount of expenditure, and percentage of cost funded by fees

Table 3 below lists TIF expenditures by project in FYs 2008-2024, completed and in-progress public improvements, the amount of traffic fees expended on each project, and the percentage of the total cost of each improvement funded with TIFs. Those improvements that do not have traffic fee expenditures were funded by other funding sources.

Table 3
Project Expenditures Summary

Public Improvement	TIF Expenditures (FY 2008-FY 2024)	Percentage of Improvement Cost funded by TIF
I-680 Ramps (N) and Jackson Avenue ¹	\$342,868	N/A
Nieman Boulevard and Daniel Maloney Drive ¹	\$210,130	N/A
Capitol Expressway and Quimby Road ¹	\$0	N/A
White Road and Quimby Road ²	\$0	0%
Nieman Boulevard and Aborn Road ¹	\$0	N/A
San Felipe Road and Yerba Buena Road (South) ²	\$398,379	100%
Ruby Avenue and Tully Road-Murillo Avenue ²	\$0	0%
Marten Avenue and Mt. Rushmore Drive ²	\$0	0%
Ocala Avenue and Hillmont Avenue ²	\$0	0%
Ocala Avenue and Adrian Way ²	\$0	0%

Copper to Fiber and Adaptive Signal Timing Upgrades ² • White Rd ³	\$249,636	100%
US-101 Corridor Improvements ²	\$0	0%
Evergreen Bikeways 2025 ¹	\$6,171	N/A

- Note, expenditures do not include past encumbrances.
1. Improvement is partially completed; hence, no data is available for percentage of improvement cost.
 2. Improvement is completed.
 3. Included as part of the White Road/Quimby Road and White Road/Aborn Road intersection improvements.
 4. Included as part of the I-680/Jackson Avenue signal and/or related improvements.

8. Approximate date by which construction of the public improvements will commence, and approximate date by which the funding for incomplete improvements will be deposited into the appropriate account or fund⁴

The date of construction depends on a determination by the local agency that confirms existing sufficient funds from all sources to complete the specified public improvement. EEH TIFs shall be collected until the anticipated EEH DP amendment is approved. Projects entitled prior to the anticipated amendment approval date will fulfill requirements towards the improvements specified in the EEH TIF Analysis. While the EEH DP is in effect, if public funds are advanced to accelerate the construction of the improvements specified in the EEH DP, the EEH TIFs shall be collected until all advanced City funding is fully reimbursed to the City (San José Municipal Code sec. 14.33.060).

The amount of development and its timing will be determined by the economy, markets, and the decisions made by private sector property owners and developers. The timing of funding for incomplete transportation improvements for deposits into the appropriate fund depends on development activity and the availability of funding from other sources, such as the City of San José, regional authorities, and grants.

Table 4 shows known and expected project start dates. The Envision 2040 General Plan and the policy are intended to provide improvements needed to support new development through calendar year 2035. As such, the full funding deposited into the appropriate accounts and the completion of improvements are expected no later than five years after the conclusion of the term of the current General Plan and EEH DP, to wit: 2040.

⁴ As such, this section satisfies reporting requirements of the annual report as indicated in California Government Code Section 66006(b)(1)(F) as well as the five-year report as required in California Government Code Section 66001(d)(1)(D).

Table 4
Approximate Construction Start and End Dates

	Construction Year Start	Construction Year End
High-Priority Improvements		
<i>Capitol Expressway and Aborn Road</i> ¹	TBD	TBD
<i>Capitol Expressway and Silver Creek Road</i> ¹	TBD	TBD
<i>I-680 Ramps (N) and Jackson Avenue</i> ²	2025	2025
<i>Marten Avenue and Mt. Rushmore Drive</i>		Complete
<i>Marten Avenue and Flint Avenue</i>	TBD	TBD
<i>Nieman Boulevard and Daniel Maloney Drive</i>	2025	2025
<i>Ocala Avenue and Hillmont Avenue</i> ²		Complete
<i>Ocala Avenue and Adrian Way</i> ²		Complete
<i>Ruby Avenue and Norwood Avenue</i> ²	2025	2026
<i>Ruby Avenue and Tully Road-Murillo Avenue</i> ²		Complete
<i>San Felipe Road and Yerba Buena Road (South)</i> ¹		Complete
<i>Story Road and Clayton Road</i>	2025	2026
<i>White Road and Aborn Road</i> ¹	TBD	TBD
<i>White Road and Quimby Road</i> ¹		Complete
Lower-Priority Improvements		
<i>Capitol Expressway and Quimby Road</i> ¹	TBD	Partially Complete
<i>Nieman Boulevard and Aborn Road</i> ¹	TBD	Partially Complete
<i>Nieman Boulevard and Yerba Buena Road</i> ¹	TBD	TBD
<i>Quimby Road and Scottsdale Drive</i> ²	TBD	TBD
<i>Story Road and Lancelot Lane</i> ²	TBD	TBD
Bike Plan 2025 Implementation		
<i>Silver Creek Rd</i> ³	TBD	TBD
<i>Quimby Rd</i> ⁴	2023	2027
<i>White Rd</i> ⁵		Complete
<i>Aborn Rd</i> ⁶	2024	2026
<i>San Felipe Rd</i> ⁷	TBD	TBD
<i>Yerba Buena Rd</i> ⁸	TBD	TBD
<i>Nieman Blvd</i> ⁹	2024	2025
<i>Jackson Ave</i> ¹⁰	2025	2026
<i>Tully Rd</i> ¹¹	2025	2025
Copper-to-fiber and Adaptive Signal Timing Upgrades		
<i>White Rd</i> ¹²		Complete
<i>Jackson Ave</i> ¹³		Complete
US 101, between I-280 and Yerba Buena Road		
<i>US 101 Corridor Improvements</i>		Complete

NOTES

¹ The EEHDP Amendment, approved in October 2023, replaced the original mitigation measures with new or additional intersection improvements.

² The original improvement per the 2008 EEHDP Final Environmental Impact Report included adding a new signal. The EEHDP Amendment, approved in October 2023, replaced the improvement or include additional improvements.

³ Included as part of the Capitol Expressway/Silver Creek Road intersection improvements.

⁴ Included as part of the Capitol Expressway/Quimby Road and White Road/Quimby Road intersection improvements.

⁵ Included as part of the White Road/Quimby Road and White Road/Aborn Road intersection improvements.

⁶ Included as part of the White Road/Aborn Road and Nieman Boulevard/Aborn Road intersection improvements.

⁷ Included as part of the San Felipe Road/Yerba Buena Road (South) intersection improvements.

⁸ Included as part of the San Felipe Road/Yerba Buena Road (South) and Nieman Boulevard/Yerba Buena Road intersection improvements.

⁹ Included as part of the Nieman Boulevard/Aborn Road and Nieman Boulevard/Yerba Buena Road intersection

¹⁰ Included as part of the I-680/Jackson Avenue signal and/or related improvements.

¹¹ Included as part of the Ruby Avenue/Tully Road/Murillo Avenue signal and/or related improvements.

¹² Included as part of the White Road/Quimby Road and White Road/Aborn Road intersection improvements.

¹³ Included as part of the I-680/Jackson Avenue signal and/or related improvements.

9. Interfund transfers and loans

No interfund transfers or loans were made during the FYs 2010-2024 utilizing these funds.

10. Refunds and allocations

No refunds or allocations pursuant to subdivisions (e) and (f) of California Government Code Section 66001 were made during FYs 2010-2024.

11. List of EEH DP public improvements

Table 5 lists the improvements that will be funded in part by the EEH TIF with the associated costs of each of the transportation improvement projects.

**Table 5
EEH TIF Improvements and Cost Summary**

	Cost (2020 Dollars) ¹	Cost (2024 Dollars) ¹
High-Priority Improvements¹⁵		
Capitol Expressway and Aborn Road ¹	\$250,000	\$250,000
Capitol Expressway and Silver Creek Road ¹	TBD	TBD
I-680 Ramps (N) and Jackson Avenue ²	\$1,600,000	\$2,600,000
Marten Avenue and Mt. Rushmore Drive ²	Complete	Complete
Nieman Boulevard and Daniel Maloney Drive ²	\$360,000	\$2,100,000
Ocala Avenue and Adrian Way ²	Complete	Complete
Ocala Avenue and Hillmont Avenue ²	Complete	Complete
Ruby Avenue and Norwood Avenue ²	\$600,000	\$680,000
Ruby Avenue and Tully Road-Murillo Avenue ²	Complete	Complete
San Felipe Road and Yerba Buena Road (South) ¹	Complete	Complete
Story Road and Clayton Road ¹	\$300,000	\$330,000
White Road and Aborn Road ¹	TBD	TBD
White Road and Quimby Road ¹	Complete	Complete
Lower-Priority Improvements¹⁵		
Capitol Expressway and Quimby Road ¹	TBD	TBD
Nieman Boulevard and Aborn Road ¹	Complete	Complete
Nieman Boulevard and Yerba Buena Road ¹	TBD	TBD
Quimby Road and Scottsdale Drive ²	TBD	TBD
Story Road and Lancelot Lane ²	TBD	TBD
Bike Plan 2025 Implementation	\$500,000	\$500,000
Silver Creek Rd ³		
Quimby Rd ⁴		
White Rd ⁵		
Aborn Rd ⁶		
San Felipe Rd ⁷		
Yerba Buena Rd ⁸		
Nieman Blvd ⁹		
Jackson Ave ¹⁰		
Tully Rd ¹¹		
Copper-to-fiber Upgrades and Adaptive Signal Timing	Complete	Complete
White Rd ¹²		
US 101, between I-280 and Yerba Buena Road		
US 101 Corridor Improvements ¹⁴	Complete	Complete
TOTALS	\$3,610,000	\$6,460,000

NOTES

¹ The EEHDP Amendment, approved in October 2023, replaced the original mitigation measures with new or additional intersection improvements.

² The original improvement per the 2008 EEHDP FEIR included adding a new signal. The EEHDP Amendment, approved in October 2023, replaced the improvement or include additional improvements.

³ Included as part of the Capitol Expressway/Silver Creek Road intersection improvements.

⁴ Included as part of the Capitol Expressway/Quimby Road and White Road/Quimby Road intersection improvements.

⁵ Included as part of the White Road/Quimby Road and White Road/Aborn Road intersection improvements.

⁶ Included as part of the White Road/Aborn Road and Nieman Boulevard/Aborn Road intersection improvements.

⁷ Included as part of the San Felipe Road/Yerba Buena Road (South) intersection improvements.

⁸ Included as part of the San Felipe Road/Yerba Buena Road (South) and Nieman Boulevard/Yerba Buena Road intersection

⁹ Included as part of the Nieman Boulevard/Aborn Road and Nieman Boulevard/Yerba Buena Road intersection improvements.

¹⁰ Included as part of the I-680/Jackson Avenue signal and/or related improvements.

¹¹ Included as part of the Ruby Avenue/Tully Road/Murillo Avenue signal and/or related improvements.

¹² Included as part of the White Road/Quimby Road and White Road/Aborn Road intersection improvements.

¹³ Included as part of the I-680/Jackson Avenue signal and/or related improvements.

¹⁴ The US-101 Corridor Improvements was completed in 2014 with a total cost of \$81.7 million. The EEHDP TIF was not used for this improvement.

¹⁵ High-priority improvements will be delivered in the near term using the collected TIF as of October 2023. Lower-priority improvements will be delivered when additional TIF are collected from projects that were approved prior to October 2023. The categories of high- and lower-priority improvements were based upon the EEHDP Nexus Study Update (September 2023).

US-101/OAKLAND/MABURY TRAFFIC IMPACT FEE
December 3, 2024

1. Type and purpose of fee in fund

The US-101/Oakland/Mabury Traffic Impact Fee (TIF) is a fee charged to new developments within the boundaries of the US-101/Oakland/Mabury Transportation Development Policy¹ (TDP) area pursuant to Chapter 14.30 of the San José Municipal Code. The purpose of the fee is to partially fund transportation improvements outlined in the TDP. These improvements are intended to mitigate traffic congestion associated with anticipated new development in the area, and to provide adequate access to the US-101 freeway for new development and the Berryessa BART station. The TIF was established to partially fund 1) the improvement of the US-101/Oakland Road interchange by upgrading the facility to maximize capacity; and 2) the construction of the new US-101 interchange at Mabury Road, which has been identified in the City's General Plan as a needed freeway access point to alleviate congestion at the US-101/Oakland Road interchange and intersections in the proximity. The improvements are specified in the US-101/Oakland/Mabury TDP and are listed in Table 4 herein.

2. Relationship between fee and purpose for which it is charged

The TIF is charged to new developments in the proximity of the US-101/Oakland/Mabury TDP interchanges pursuant to Chapter 14.30 of the San José Municipal Code. The TIF is charged to new development near the US-101/Oakland Road interchange and the planned US-101/Mabury-Berryessa Road interchange, where the project-specific traffic analysis indicates that the new development generates interchange vehicle trips. In an effort to promote new industrial land use or intensification of existing industrial land uses, the TDP exempts trips generated by future industrial growth from the TIF program. The mechanism for determining trip credits for new industrial developments that are exempt from the TIF program is detailed in pages seven to nine of this attachment. The relationship between the fee and the purpose for which it is charged is detailed in the US-101/Oakland/Mabury TDP (2007, as revised).

¹ Adopted December 18, 2007, and as revised from time to time.

3. Amount of fee

The fee amounts from the effective date of the TIF, including periodic increases, are specified in Table 1 below.

Table 1
TIFs ^{2, 3}

Calendar Year	Trip Fee (per PM Peak Hour Trip)
2008	\$30,000
2009	\$30,000
2010	\$31,201
2011	\$31,713
2012	\$32,595
2013	\$33,143
2014	\$33,675
2015	\$34,913
2016	\$35,767
2017	\$36,847
2018	\$37,857
2019	\$38,623
2020	\$39,625
2021	\$41,499
2022	\$43,696
2023	\$48,226
2024	\$49,487

4. Sources of funding

The sources of funding for all the improvements are outlined in the 2007 US-101/Oakland/Mabury TDP (as amended). The estimated cost of improvements at the US-101 interchanges at Oakland Road and Mabury-Berryessa Road totals \$319 million. A portion of the cost is planned to be funded by the City of San José and regional sources totaling \$180 million, with the remaining \$139 million being funded by the US-101/Oakland/Mabury TIF (all amounts given in 2024 dollars).

The TIF Program requires new development that generates demands for the Policy Interchange Intersections to make a fair share of financial contributions as determined by the Nexus Study⁴ prepared as a part of this TIF program. The City administers the TIFs it collects and conducts appropriate studies, design, environmental clearance, and construction of the improvements as funds become available from payment of the

² The impact fee is increased annually on January 1 per the Engineering News-Record Construction Cost Index for the San Francisco Bay Area, published by the McGraw Hill (San José Municipal Code sec. 14.30.040.C).

³ The TDP also allocates 115 PM peak hour vehicular trips generated by future industrial development to be exempt from the TIF Program.

⁴ US-101/Oakland Road and US-101/Mabury Road Interchanges TIF Analysis, July 2007, by the Department of Transportation, City of San José.

impact fee by new development and other funding sources identified above.

5. Beginning and ending fund balances

The beginning and ending fund balances are indicated in Table 2 below.

6. Fees collected and interest earned

Fees collected and interest earned by the fund are indicated in Table 2 below.

Table 2
Account Summary for the US-101/Oakland/Mabury TIF

Mabury TIFs	FY2008- FY2019	FY2020	FY2021	FY2022	FY2023	FY2024	TOTAL
Beginning Balance	\$ -	\$ 20,903,423	\$ 23,438,856	\$ 23,715,930	\$ 18,233,685	\$ 19,029,523	23,027,283
Developer Fees	20,323,010	2,127,271	30,000	305,872	241,130	690,049	2,957,507
Interest Earnings	744,815	479,123	333,281	207,459	502,779	1,286,970	4,331,310
Expenditures							
- Route 101/Mabury Road Project Development	(164,402)	(70,961)	(86,207)	(1,155,752)	(1,567,018)	(1,286,970)	(4,331,310)
Encumbrances - Prior Year				(4,533,952)	1,554,205	2,979,747	
Encumbrances - Current Year						(1,772,192)	(1,772,192)
- Route 101/Old Oakland Road Improvements						(1,772,192)	(1,772,192)
Mabury Ending Balance	\$ 20,903,423	\$ 23,438,856	\$ 23,715,930	\$ 18,233,685	\$ 19,029,523	\$ 19,881,288	\$ 19,881,288
Remaining Budgeted Capital Improvement Program Funds						2,232,586	2,232,586
- Route 101/Mabury Road Project Development						2,232,586	2,232,586
Remaining Unallocated Mabury TIF Program Funds						\$ 17,648,702	\$ 17,648,702

7. Public Improvements on which fees were expended, amount of expenditure, and percentage of cost funded by fees

Table 3 below lists completed and in-progress public improvements, the amount of traffic fees that have been expended on each project, and the percentage of the total cost of each improvement that was funded with TIFs. Those improvements that do not have traffic fee expenditures were funded by other funding sources.

Table 3
Project Expenditures Summary

Public Improvement	TIF Expenditures (FY 2008 - FY 2024)	Percentage of Improvement Cost funded by TIF
Route 101/Mabury Road*	\$4,331,310	N/A
Route 101/Old Oakland Road*	\$1,772,192	N/A

- Note, all expenditures do not include encumbered but not spent funds.

* Project has not been completed; hence, no data is available for "percentage of improvement cost".

8. Approximate date by which construction of the public improvements will commence, and approximate date by which the funding for incomplete improvements will be deposited into the appropriate account or fund⁵

The date of construction depends on a determination by the local agency that confirms existing sufficient funds from all sources to complete the specified public improvement.

⁵ As such, this section satisfies reporting requirements of the annual report as indicated in California Government Code Section 66006(b)(1)(F) as well as the five-year report as required in California Government Code Section 66001(d)(1)(D).

To date, sufficient funding has not been collected to fully fund the interchange improvements.

In August 2012, the City Council approved an engineering consultant agreement to begin development of the initial project documentation required by the California Department of Transportation (Caltrans) to construct a new freeway interchange at the US-101 undercrossing of Mabury Road consistent with the Envision 2040 General Plan. Extensive studies followed and in 2018, Caltrans accepted findings that the US-101/Mabury Interchange would not adversely impact safety or operations along US-101; however, Caltrans stipulated that certain operational improvements – namely, auxiliary lanes – would have to be included and studied during the Project Approval and Environmental Document phase. In addition, Caltrans and the City agreed to study local street network and other interchange improvements.

In tandem, the City began looking at the whole US-101 corridor from Mabury Rd to Oakland Rd and considering an interchange at Berryessa Rd as a potential alternative to Mabury Rd. An interchange at US-101 and Berryessa Rd would include modifications to the US 101/Oakland Rd interchange and improve interchange spacing along US-101. The City coordinated with Caltrans to include this alternative as part of the study and received concurrence from Caltrans in July 2019. The cost estimate for this project is in development. An initial estimated project cost shows an increase in the project budget due to additional local improvements and improvements to Mabury Rd required for the Berryessa Rd alternative. In December 2019, the City issued a Request for Proposal to evaluate the US-101/Mabury-Berryessa-Oakland corridor and allow for new perspectives on the project. The Request for Proposal solicited engineering consultant services to prepare scoping, environmental studies, project reports, and potentially a final design of the project. The City awarded the project to HNTB in October 2020. The project is currently in the Project Approval and Environmental Document stage. Subsequent phases (e.g., plan, specification, and estimate, and property acquisition and construction) would follow as funding becomes available.

The Envision 2040 General Plan and the Policy are intended to provide improvements needed to support new development through Year 2035, so complete funding and the design and construction of improvements is expected to occur no later than five years after the conclusion of the term of the current General Plan and US-101/Oakland/Mabury TDP, to wit: 2040. If public funds are advanced to accelerate the construction of the improvements specified in the July 2007 US-101/Oakland/Mabury TDP, the TIF shall be collected until all advanced City funding is fully reimbursed to the City (San José Municipal Code sec. 14.30.051).

9. Interfund transfers and loans

No interfund transfers or loans were made during FYs 2010-2024 utilizing these funds.

10. Refunds and allocations

No refunds or allocations pursuant to subdivisions (e) and (f) of California Government Code Section 66001 were made during FYs 2010-2024.

11. List of US-101/Oakland/Mabury TDP public improvements

Table 4 below lists the improvements to be funded in part by the US-101/Oakland/Mabury TIF with the associated costs of each project.

Table 4
US-101/Oakland/Mabury TIF Improvements and Cost Summary⁶

Improvements	Cost (2014 \$)	Cost (2024 \$)
US-101/Oakland Rd Interchange*	\$23,000,000	\$75,161,359
Widening of Oakland Road between Commercial Street and US-101 freeway, including the US-101 over-crossing to eight lanes across, including dual left turn lanes for both northbound and southbound directions.		
Widening of US-101 on-ramps and off-ramps to accommodate additional turning lanes. Widening of eastbound Commercial Street to provide additional lanes.		
Signal modifications at intersections of the US-101/Oakland Road (N), the US-101/Oakland Road (S), and the Oakland Road/Commercial Street.		
Intersection improvement at Berryessa Road and Commercial Street intersection for an additional westbound to northbound right turn lane.		
US-101/Mabury Rd or Berryessa Rd Interchange*	\$57,000,000	\$244,000,000
Construction of a new northbound US-101 diagonal off-ramp and a new US-101 loop on ramp on the southeast quadrant of the US-101/Mabury Rd or Berryessa Rd interchange.		
Construction of a new southbound US-101 diagonal off ramp and a new US-101 loop on ramp on the southwest quadrant of the US-101/Mabury Rd or Berryessa Rd interchange.		
Installation of new traffic signals at the Mabury Rd or Berryessa Rd intersections with the northbound ramps and southbound ramps.		
TOTAL COST	\$80,000,000	\$319,161,359
Other Contributions (State, Regional, and/or Federal)	(\$44,000,000)	(\$179,535,714)
NET TOTAL to be funded by the US-101/Oakland/Mabury TIF	\$36,000,000	\$139,625,645
<i>Source: US-101/Oakland/Mabury TDP (2015)</i>		
<i>* - 2021 project costs reflect engineering progress and more accurate estimates of improvements</i>		

⁶ Net total to be funded by TIF decreased with increased potential County of Santa Clara 2016 Measure B Contributions.



**COUNCIL AGENDA: 3/2/2021
ITEM:**

Memorandum

TO: MICHAEL LIW
Deputy Director of Public Works

FROM: JOHN RISTOW
Deputy Director of
Transportation

**SUBJECT: INDUSTRIAL TRIP CREDITS
FOR US-101/OAKLAND/MABURY
TRANSPORTATION
DEVELOPMENT POLICY**

DATE: May 19, 2017

Approved

Date

COUNCIL DISTRICT: 3 and 4

This memo provides a mechanism for determining trip credits for new industrial developments that are exempt from the Traffic Impact Fee (TIF) program in the US 101/Oakland/Mabury Transportation Development Policy (TDP). The TDP, adopted in 2007 and amended in 2009 and 2015, includes a TIF program that requires new development to make fair share contribution toward the construction cost of the interchange improvements as identified in the TDP. The fee, as determined by the Nexus Study in the TDP, is based on the number of new trips traversing through at least one of the five identified interchange intersections during the PM peak hour. In an effort to promote new industrial land use or intensification of existing industrial land uses in the area, the TDP allocates 115 PM peak hour trips at the interchange intersections to be trips generated by future industrial growth that are exempt from the TIF program. Qualified industrial development would receive trip credits from the 115-trip pool until the pool is exhausted.

ELIGIBILITY

The following industrial land uses are eligible for industrial trip credits:

- Manufacturing and assembly (light, medium and heavy)
- Laboratory, processing
- Research and development
- Warehouse/distribution facility
- Wholesale sale establishment
- Wineries, breweries (including incidental off-sale of alcoholic beverages)
- Trade & vocational school

For the purpose of trip credit calculations, development sites that are composed of one or more discontinuous parcels shall be considered as a single development.

TRIP CREDITS

A traffic study shall be conducted to estimate the amount of trip credits a qualified industrial development would receive. Trip credits are estimated using a four-step process: (1) trip generation, (2) trip distribution, (3) trip assignment, (4) trip credits.

Trip Generation

In determining project trip generation, the magnitude of traffic entering and exiting the development is estimated for the PM peak hour. Trip generation rates for the proposed development vary based on the type of intensification. As shown in Table 1, intensification of an existing industrial development could happen by adding new building area, increasing the amount of off-street parking, or both. If the development proposes to increase *both* the building area and the number of off-street parking, intensification by building area or intensification by parking spaces, whichever is higher, shall be selected. Trip generation for the proposed development is compared with that of the pre-existing legally established development on the subject site to determine the overall net trip generation.

Table 1: Trip Generation Rates for Industrial Developments

Development Type	PM Peak Hour Trip Rates¹
New development	Measured in trips per 1,000 square feet gross floor area
Existing development intensified by building area only	Measured in trips per 1,000 square feet gross floor area
Existing development intensified by off-street parking only	Measured in trips per employee (assuming one off-street parking space equates to one employee)
Existing development intensified by both building area and off-street parking	Measured in trips per 1,000 square feet gross floor area, or trips per employee, whichever generates the higher percentage of intensification

1. Trip generation rates shall be obtained from the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Handbook.

Trip Distribution and Trip Assignment

An estimate is made of the directions which the project trips would travel, based on traffic patterns on the surrounding roadway system and on the locations of complementary land uses. The net project trips are then assigned to local transportation network to determine the number of new trips traversing the interchange intersections during the PM peak hour.

Trip Credits

Trip credits are calculated based on both the estimated number of new peak-hour trips at the interchange intersections (i.e. trip assignment) and the level of intensification. Table 2 outlines the methodology for allocating trips to existing developments based on the

percentage of intensification. If the percentage of intensification is greater than 90% of the existing site, no trip credits would be given. As the percentage of intensification decreases, the amount of trip credit increases. This framework provides incentives to existing industrial developments and facilitates reinvestment in more traditional industrial activities.

**Table 2:
 Trip Credit Incentive**

Intensification	Trip Credit Incentive
>90%	0% (except for warehouse/distribution or manufacturing/assembly facility of up to 30,000 square feet, to which 1 trip credit shall be provided)
>80% and <=90%	20% (maximum of 10 trips)
>70% and <=80%	40% (maximum of 10 trips)
>60% and <=70%	60% (maximum of 10 trips)
>50% and <=60%	80% (maximum of 10 trips)
>0% and <=50%	100% (maximum of 10 trips)

To ensure the trip credit pool is allocated to multiple developments, a maximum of 10 trips shall be allocated per new development or intensification project on a first-come, first-serve basis, until the pool of 115 industrial trip credits is exhausted. In addition, a minimum of one (1) trip shall be allocated for a new or intensification of a stand-alone warehouse/distribution or manufacturing/assembly facility of up to 30,000 square feet in size. The one-trip minimum credit will provide the incentive to small industrial developments regardless of their level of intensification. For example, if an existing warehouse of less than 30,000 square feet in size proposes to intensify by more than 90%, it would still receive one (1) trip credit.

An economic subsidy valued at \$100,000 or greater pursuant to California Government Code Section 53083 shall be brought forward for review by the San José City Council.

/s/

JOHN RISTOW Deputy
 Director of Transportation

For questions please contact Ramses Madou, Transportation Planner Manager, at 408-975-3283.

INTERSTATE 280/WINCHESTER BOULEVARD TRAFFIC IMPACT FEE December 3, 2024

1. Type and purpose of fee in fund

The Interstate 280/Winchester Boulevard Traffic Impact Fee (TIF) is a fee charged to new developments within the Interstate 280/Winchester Boulevard Transportation Development Policy (TDP) area boundaries pursuant to Chapter 14.34 of the San José Municipal Code and any development project that is projected to generate vehicle trips utilizing the planned improvement (San José Municipal Code 14.34.020.D). The TIF will provide partial funding for all design and construction related activities for the new northbound off-ramp from I-280 to Winchester Boulevard, as outlined in the Interstate 280/Winchester Boulevard TDP¹, to alleviate traffic congestion associated with anticipated intensification of development in the vicinity of the interchange, and to provide more direct access from I-280 northbound to West San José Urban Village areas and surrounding areas.

2. Relationship between fee and purpose for which it is charged

The TIF is charged to all new development within the boundaries of the Interstate 280/Winchester Boulevard TDP area pursuant to Chapter 14.34 of the San José Municipal Code. The September 2016 Interstate 280/Winchester Boulevard TDP Nexus Study² detailed the relationship between the fee and the purpose for which it is charged. Fees charged to new developments in the policy area partially funds transportation improvements that are necessary to mitigate the traffic impacts resulting from that development.

3. Amount of fee

The fee amount from the effective date of the TIF is specified in Table 1 below. Fees will be collected prior to issuance of building permits for any project.

**Table 1
 TIF³**

Year	Trip Fee (per PM Peak Hour Trip)
2016*	\$25,641
2017	\$25,641
2018	\$26,344
2019	\$38,623
2020	\$27,575
2021	\$28,878
2022	\$30,407
2023	\$33,560

**Fee was adopted in late 2016, therefore 2016 and 2017 fee amounts were the same.*

¹ Adopted in September 2016.

² "Interstate 280/Winchester Boulevard TDP Nexus Study", September 2016, by the Department of Transportation, City of San José.

³ The impact fee is increased annually on January 1 by the change in the Engineering News-Record Construction Cost Index for the San Francisco Bay Area, published by the McGraw Hill (San José Municipal Code sec. 14.34.040.B). Additionally, individual development projects may be credited for vehicle trips for existing development on their property in accordance with the requirements of the policy.

4. Sources of funding

The sources of funding for the I-280 northbound off-ramp at Winchester Boulevard are outlined in the Interchange 280/Winchester Boulevard TDP. The cost of the off-ramp is estimated to be \$230 million (in 2024 dollars). New development in the TDP area would contribute \$56.28 million (in 2024 dollars) via the TIF program. Measure B contributions will contribute up to \$171.53 million (in 2024 dollars). The remaining \$2.19 million (in 2024 dollars) is anticipated to be funded from other sources, including state or regional funds and some future development outside of the plan area.

The funding sources are shown in Table 2 below.

**Table 2
 Sources of Funding (2024 Dollars)**

Funding Source	Amount
TIF	\$56.28 million
County of Santa Clara Measure B Contributions ¹	\$171.53 million
Other Funding Sources ²	\$2.19 million
Total	\$230.00 million
Notes: 1. Figure shown represents “up to” or maximum anticipated Measure B contribution based on October 2021 application. To date, \$20.57 million has been allocated to this project. 2. Other funding sources include regional funding and other fees collected from development outside of the plan area that would be required to mitigate its traffic impacts at the interchange.	

5. Beginning and ending fund balances

The beginning and ending fund balances are indicated in Table 3 below.

6. Fees collected and interest earned

Fees collected and interest earned by the fund are indicated in Table 3 below.

Table 3
Account Summary for the I-280 Winchester TDP TIF⁵

I-280 Winchester TDP TIFs	FY2008-FY2019	FY2020	FY2021	FY2022	FY2023	FY2024	TOTAL
Beginning Balance	\$ -	\$ 250,275	\$ 574,484	\$ 1,507,209	\$ 1,437,094	\$ 1,409,539	
Developer Fees	2,240,000	376,278	1,010,731				3,627,009
Interest Earnings	10,275	9,048	8,564	12,862	31,490	43,577	115,815
Expenditures							
- I-280/Winchester Boulevard Interchange	(2,000,000)	(61,117)	(86,569)	(82,978)	(59,044)	(61,259)	(2,350,967)
I-280 Winchester Ending Balance	\$ 250,275	\$ 574,484	\$ 1,507,209	\$ 1,437,094	\$ 1,409,539	\$ 1,391,857	\$ 1,391,857
Remaining Budgeted Capital Improvement Program Funds						1,348,280	
- I-280/Winchester Boulevard Interchange							1,348,280
Remaining Unallocated I-280 Winchester TIF Program Funds						\$ 43,577	\$ 43,577

7. Public Improvements on which fees were expended, amount of expenditure, and percentage of cost funded by fees

Table 3 above shows \$2,350,967 total expenditures through FY 2024. All funds used furthered project development efforts.

8. Approximate date by which construction of the public improvements will commence, and approximate date by which the funding for incomplete improvements will be deposited into the appropriate account or fund⁴

The date of construction depends on a determination by the local agency that confirms existing sufficient funds from all sources to complete the specified public improvement. To date, sufficient funding has not been collected to fully fund the project.

Currently, the Santa Clara Valley Transportation Authority, in cooperation with the California Department of Transportation and City of San José, are finalizing the Final Environmental Impact Report/Environmental Assessment for the I-280/Winchester Boulevard Improvements Project along with the Project Approval Report by the end of the calendar year or early next calendar year pending Federal Highway Administration approval. The project will then begin on the design, right-of-way, and construction phases.

Implementation of this improvement is anticipated conclude by 2029. While development projects pay TIFs toward this improvement, the Santa Clara Valley Transportation Authority is working with the California Department of Transportation to provide the necessary environmental clearance and project design. The Santa Clara Valley Transportation Authority Plan 2040 (VTP 2040) provides a funding strategy that relies on federal, state, regional, and local funding sources which will be supplemented by the fees adopted in conjunction with this policy to deliver a complete project. In the event that public funds are advanced to accelerate the construction of the improvements specified in the September 2016 Interstate 280/Winchester Boulevard TDP, the TIF shall be collected until all advanced City funding is fully reimbursed to the City (San José Municipal Code sec. 14.34.060).

⁴ As such, this section satisfies reporting requirements of the annual report as indicated in California Government Code Section 66006(b)(1)(F) as well as the five-year report as required in California Government Code Section 66001(d)(1)(D).

9. Interfund transfers and loans

No interfund transfers or loans were made from FYs 2008-2024.

10. Refunds and allocations

No refunds or allocations pursuant to subdivisions (e) and (f) of California Government Code Section 66001 were made during FYs 2008-2024.

11. List of Interstate 280/Winchester Boulevard TDP public improvement

Table 4 below lists the cost summary of the Interstate 280/Winchester Boulevard TDP improvement.

Table 4
I-280 Winchester TDP TIF Improvements and Cost Summary

Improvement	Cost (2017 \$)	Cost (2024 \$)
280/Winchester*	\$ 145,000,000	\$ 230,000,000
TOTAL COST	\$ 145,000,000	\$ 230,000,000
Other Contributions (State, Regional, and/or Federal)**	N/A	(\$173,719,773)
NET TOTAL to be funded by the 280/Winchester TIF***	N/A	\$ 56,280,227

Notes:

**Total cost based on analysis conducted in 2022 environmental study.*

***Includes costs from 2021 Measure B Highway Interchange Application, which not available in 2017.*

**** Net total was not calculated in 2017.*

Source: Interstate 280/Winchester Boulevard Transportation Development Policy, September 2016