



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 04/16/2024

ITEM NO: 14

DESK ITEM

DATE: April 16, 2024
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute the First Amendment to the Contract with DKS Associates to Modify the Scope of Services and Increase Compensation from \$160,505 to \$166,647

REMARKS:

This Desk Item provides a revised Exhibit A (original agreement, original scope, and DKS proposal) in Attachment 4 and revised Exhibit B (additional scope of services) in Attachment 5. Both Exhibits are to Attachment 1, the proposed First Amendment to the Agreement. Exhibit A is replaced to provide the executed original agreement and associated attachments. Staff noted that Section 2.1 of Exhibit A refers to a proposal from DKS dated March 1, 2022. This date is should have read January 2022. Exhibit B is replaced with the final version of the current Scope of Services and Fee Proposal. There are no changes to the content of Exhibit B except for the removal of the "DRAFT" stamp.

Legislative History:

Based on questions from a Council Member, this Desk Item summarizes the legislative history for the Transportation Impact Fee. On December 7, 2021, Town Council had unanimously taken the following actions pertaining to the Transportation Impact Fee:

- a. Review and Adopt the Transportation Impact Policy;
- b. Authorize the Release of a Request for Proposals for the Preparation of a Study to Guide the Update of the Transportation Impact Fee Program; and
- c. Authorize the Town Manager to Negotiate and Execute a Consultant Agreement with the Highest Scored Proposer in an Amount Not to Exceed \$175,000.

The contract with DKS (see Attachment 4) was executed based on the authority provided by the action on December 7, 2021. The selection of the consultant was based on meeting the criteria in the RFP: <https://mccmeetingspublic.blob.core.usgovcloudapi.net/losgatos-meet-9aea46815454436cbf35f99919e7f311/ITEM-Attachment-003-1fcdc2ad7c5e43118c3539a105435d4f.pdf> (Attachment 2 to the 12/7/2021 agenda item).

PREPARED BY: Nicolle Burnham
Director of Parks and Public Works

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SUBJECT: DKS Amendment

DATE: April 16, 2024

REMARKS (continued):

Staff researched the development of the Project List included in the 2014 Traffic Impact Fee. In 2010, a report was developed to propose an increase to Traffic Impact Fee. That report developed a project list and assigned 100% of the cost of all improvements to new development. Council did not want to increase the traffic fee in 2010 due to economic conditions. In March 2014, Town Council adopted the updated Traffic Impact Fee, assigning 50% of costs to new development.

Attachment 3 contains public comments received between 11:01 a.m. Monday, April 15, 2024, and 11:00 a.m. Tuesday, April 16, 2024.

ATTACHMENTS:

Previously received with the April 12, 2024 Staff Report:

1. First Amendment with Exhibit A – Original Agreement for Consultant Services with DKS Associates and Exhibit B – Scope of Services for First Amendment

Previously received with Addendum:

2. Public Comment received prior to 11:00 a.m. Monday, April 15, 2024

Received with this Desk Item:

3. Public comments received between 11:01 a.m. Monday, April 15, 2024, and 11:00 a.m. Tuesday, April 16, 2024
4. Revised Exhibit A to Attachment 1
5. Revised Exhibit B to Attachment 1

From: Phil Koen

Sent: Monday, April 15, 2024 11:57 AM

To: Mary Badame <MBadame@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; Rob Moore <RMoore@losgatosca.gov>; Maria Ristow <MRistow@losgatosca.gov>

Cc: Gabrielle Whelan <GWhelan@losgatosca.gov>; Laurel Prevetti <LPrevetti@losgatosca.gov>; Wendy Wood <WWood@losgatosca.gov>

Subject: Sheetz v. County of El Dorado - Agenda Item 14

[EXTERNAL SENDER]

Dear Honorable Mayor and Council Members,

Further to my earlier email today regarding the nexus study, the Town Council needs to be fully informed of the recent Supreme Court decision Sheetz v. County of El Dorado. This will have an impact on the Town's traffic impact fee nexus study regarding proportionality.

Thank you,

Phil Koen

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

SHEETZ v. COUNTY OF EL DORADO, CALIFORNIA

CERTIORARI TO THE COURT OF APPEAL OF CALIFORNIA,
THIRD APPELLATE DISTRICT

No. 22–1074. Argued January 9, 2024—Decided April 12, 2024

As a condition of receiving a residential building permit, petitioner George Sheetz was required by the County of El Dorado to pay a \$23,420 traffic impact fee. The fee was part of a “General Plan” enacted by the County’s Board of Supervisors to address increasing demand for public services spurred by new development. The fee amount was not based on the costs of traffic impacts specifically attributable to Sheetz’s particular project, but rather was assessed according to a rate schedule that took into account the type of development and its location within the County. Sheetz paid the fee under protest and obtained the permit. He later sought relief in state court, claiming that conditioning the building permit on the payment of a traffic impact fee constituted an unlawful “exaction” of money in violation of the Takings Clause. In Sheetz’s view, the Court’s decisions in *Nollan v. California Coastal Comm’n*, 483 U. S. 825, and *Dolan v. City of Tigard*, 512 U. S. 374, required the County to make an individualized determination that the fee imposed on him was necessary to offset traffic congestion attributable to his project. The courts below ruled against Sheetz based on their view that *Nollan* and *Dolan* apply only to permit conditions imposed on an ad hoc basis by administrators, not to a fee like this one imposed on a class of property owners by Board-enacted legislation. 84 Cal. App. 5th 394, 402, 300 Cal. Rptr. 3d 308, 312.

Held: The Takings Clause does not distinguish between legislative and administrative land-use permit conditions. Pp. 4–11.

(a) When the government wants to take private property for a public purpose, the Fifth Amendment’s Takings Clause requires the government to provide the owner “just compensation.” The Takings Clause saves individual property owners from bearing “public burdens which, in all fairness and justice, should be borne by the public as a

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whole.” *Armstrong v. United States*, 364 U. S. 40, 49. Even so, the States have substantial authority to regulate land use, see *Village of Euclid v. Ambler Realty Co.*, 272 U. S. 365, and a State law that merely restricts land use in a way “reasonably necessary to the effectuation of a substantial government purpose” is not a taking unless it saps too much of the property’s value or frustrates the owner’s investment-backed expectations. *Penn Central Transp. Co. v. New York City*, 438 U. S. 104, 123, 127. Similarly, when the government can deny a building permit to further a “legitimate police-power purpose,” it can also place conditions on the permit that serve the same end. *Nollan*, 483 U. S., at 836. For example, if a proposed development will “substantially increase traffic congestion,” the government may condition the building permit on the owner’s willingness “to deed over the land needed to widen a public road.” *Koontz v. St. Johns River Water Management Dist.*, 570 U. S. 595, 605. But when the government withholds or conditions a building permit for reasons unrelated to its legitimate land-use interests, those actions amount to extortion. See *Nollan*, 483 U. S., at 837.

The Court’s decisions in *Nollan* and *Dolan* address the potential abuse of the permitting process by setting out a two-part test modeled on the unconstitutional conditions doctrine. See *Perry v. Sindermann*, 408 U. S. 593, 597. First, permit conditions must have an “essential nexus” to the government’s land-use interest, ensuring that the government is acting to further its stated purpose, not leveraging its permitting monopoly to exact private property without paying for it. See *Nollan*, 483 U. S., at 837, 841. Second, permit conditions must have “rough proportionality” to the development’s impact on the land-use interest and may not require a landowner to give up (or pay) more than is necessary to mitigate harms resulting from new development. See *Dolan*, 512 U. S., at 391, 393; *Koontz*, 570 U. S., at 612–615. Pp. 4–6.

(b) The County’s traffic impact fee was upheld below based on the view that the *Nollan/Dolan* test does not apply to monetary fees imposed by a legislature, but nothing in constitutional text, history, or precedent supports exempting legislatures from ordinary takings rules. The Constitution provides “no textual justification for saying that the existence or the scope of a State’s power to expropriate private property without just compensation varies according to the branch of government effecting the expropriation.” *Stop the Beach Renourishment, Inc. v. Florida Dept. of Environmental Protection*, 560 U. S. 702, 714 (plurality opinion). Historical practice similarly shows that legislation was the conventional way that governments at the state and national levels exercised their eminent domain power to obtain land for various governmental purposes, and to provide compensation to dispossessed landowners. The Fifth Amendment enshrined this long

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standing practice. Precedent points the same way as text and history. A legislative exception to the *Nollan/Dolan* test “conflicts with the rest of [the Court’s] takings jurisprudence,” which does not otherwise distinguish between legislation and other official acts. *Knick v. Township of Scott*, 588 U. S. 180, 185. That is true of precedents involving physical takings, regulatory takings, and the unconstitutional conditions doctrine which underlies the *Nollan/Dolan* test. Pp. 7–10.

(c) As the parties now agree, conditions on building permits are not exempt from scrutiny under *Nollan* and *Dolan* just because a legislative body imposed them. Whether a permit condition imposed on a class of properties must be tailored with the same degree of specificity as a permit condition that targets a particular development is an issue for the state courts to consider in the first instance, as are issues concerning whether the parties’ other arguments are preserved and how those arguments bear on Sheetz’s legal challenge. Pp. 10–11.

84 Cal. App. 5th 394, 300 Cal. Rptr. 3d 308, vacated and remanded.

BARRETT, J., delivered the opinion for a unanimous Court. SOTOMAYOR, J., filed a concurring opinion, in which JACKSON, J., joined. GORSUCH, J., filed a concurring opinion. KAVANAUGH, J., filed a concurring opinion, in which KAGAN and JACKSON, JJ., joined.

Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, pio@supremecourt.gov, of any typographical or other formal errors.

SUPREME COURT OF THE UNITED STATES

No. 22–1074

GEORGE SHEETZ, PETITIONER *v.* COUNTY OF
EL DORADO, CALIFORNIA

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL OF
CALIFORNIA, THIRD APPELLATE DISTRICT

[April 12, 2024]

JUSTICE BARRETT delivered the opinion of the Court.

George Sheetz wanted to build a small, prefabricated home on his residential parcel of land. To obtain a permit, though, he had to pay a substantial fee to mitigate local traffic congestion. Relying on this Court’s decisions in *Nollan v. California Coastal Comm’n*, 483 U. S. 825 (1987), and *Dolan v. City of Tigard*, 512 U. S. 374 (1994), Sheetz challenged the fee as an unlawful “exaction” of money under the Takings Clause. The California Court of Appeal rejected that argument because the traffic impact fee was imposed by legislation, and, according to the court, *Nollan* and *Dolan* apply only to permit conditions imposed on an ad hoc basis by administrators. That is incorrect. The Takings Clause does not distinguish between legislative and administrative permit conditions.

I
A

El Dorado County, California is a rural jurisdiction that lies east of Sacramento and extends to the Nevada border. Much of the County’s 1,700 square miles is backcountry. It

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is home to the Sierra Nevada mountain range and the Eldorado National Forest. Those areas, composed mainly of public lands, are sparsely populated. Visitors from around the world use the natural areas for fishing, backpacking, and other recreational activities.

Most of the County's residents are concentrated in the west and east regions. In the west, the towns of El Dorado Hills, Cameron Park, and Shingle Springs form the outer reaches of Sacramento's suburbs. Placerville, the county seat, lies just beyond them. In the east, residents live along the south shores of Lake Tahoe. Highway 50 connects these population centers and divides the County into north and south portions.

In recent decades, the County has experienced significant population growth, and with it an increase in new development. To account for the new demand on public services, the County's Board of Supervisors adopted a planning document, which it calls the General Plan, to address issues ranging from wastewater collection to land-use restrictions.¹ The Board of Supervisors is a legislative body under state law, and the adoption of its General Plan is a legislative act. See Cal. Govt. Code Ann. §65300 *et seq.* (West 2024).

To address traffic congestion, the General Plan requires developers to pay a traffic impact fee as a condition of receiving a building permit. The County uses proceeds from these fees to fund improvements to its road system. The fee amount is determined by a rate schedule, which takes into account the type of development (commercial, residential, and so on) and its location within the County. The amount is not based on "the cost specifically attributable to the particular project on which the fee is imposed." 84 Cal. App. 5th 394, 402, 300 Cal. Rptr. 3d 308, 312 (2022).

¹See County of El Dorado Adopted General Plan, https://edcgov.us/Government/planning/Pages/adopted_general_plan.aspx.

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B

George Sheetz owns property in the center of the County near Highway 50, which the General Plan classifies as “Low Density Residential.”² Sheetz and his wife applied for a permit to build a modest prefabricated house on the parcel, with plans to raise their grandson there. As a condition of receiving the permit, the County required Sheetz to pay a traffic impact fee of \$23,420, as dictated by the General Plan’s rate schedule. Sheetz paid the fee under protest and obtained the permit. The County did not respond to his request for a refund.

Sheetz sought relief in state court. He claimed, among other things, that conditioning the building permit on the payment of a traffic impact fee constituted an unlawful “exaction” of money in violation of the Takings Clause. In Sheetz’s view, our decisions in *Nollan v. California Coastal Comm’n*, 483 U. S. 825, and *Dolan v. City of Tigard*, 512 U. S. 374, required the County to make an individualized determination that the fee amount was necessary to offset traffic congestion attributable to his specific development. The County’s predetermined fee schedule, Sheetz argued, failed to meet that requirement.

The trial court rejected Sheetz’s claim and the California Court of Appeal affirmed. Relying on precedent from the California Supreme Court, the Court of Appeal asserted that the *Nollan/Dolan* test applies only to permit conditions imposed “‘on an individual and discretionary basis.’” 84 Cal. App. 5th, at 406, 300 Cal. Rptr. 3d, at 316 (quoting *San Remo Hotel L. P. v. City and Cty. of San Francisco*, 27 Cal. 4th 643, 666–670, 41 P. 3d 87, 102–105 (2002)). Fees imposed on “a broad class of property owners through legislative action,” it said, need not satisfy that test. 84 Cal. App.

²See Figure LU–1: Land Use Diagram, <https://edcgov.us/government/planning/adoptedgeneralplan/figures/documents/LU-1.pdf>.

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5th, at 407, 300 Cal. Rptr. 3d, at 316. The California Supreme Court denied review.

State courts have reached different conclusions on the question whether the Takings Clause recognizes a distinction between legislative and administrative conditions on land-use permits.³ We granted certiorari to resolve the split. 600 U. S. ____ (2023).

II

A

When the government wants to take private property to build roads, courthouses, or other public projects, it must compensate the owner at fair market value. The just compensation requirement comes from the Fifth Amendment’s Takings Clause, which provides: “nor shall private property be taken for public use, without just compensation.” By requiring the government to pay for what it takes, the Takings Clause saves individual property owners from bearing “public burdens which, in all fairness and justice, should be borne by the public as a whole.” *Armstrong v. United States*, 364 U. S. 40, 49 (1960).

The Takings Clause’s right to just compensation coexists with the States’ police power to engage in land-use planning. (Though at times the two seem more like in-laws than soulmates.) While States have substantial authority to regulate land use, see *Village of Euclid v. Amber Realty Co.*, 272 U. S. 365 (1926), the right to compensation is triggered if they “physically appropriat[e]” property or otherwise in-

³Compare, *e.g.*, *Home Builders Assn. of Dayton and Miami Valley v. Beaver creek*, 89 Ohio St. 3d 121, 128, 729 N. E. 2d 349, 356 (2000); *Northern Ill. Home Builders Assn. v. County of Du Page*, 165 Ill. 2d 25, 32–33, 649 N. E. 2d 384, 389 (1995) (applying the *Nollan/Dolan* test to legislative permit conditions), with, *e.g.*, *St. Clair Cty. Home Builders Assn. v. Pell City*, 61 So. 3d 992, 1007 (Ala. 2010); *Home Builders Assn. of Central Ariz. v. Scottsdale*, 187 Ariz. 479, 486, 930 P. 2d 993, 1000 (1997) (following California’s approach).

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terfere with the owner’s right to exclude others from it, *Cedar Point Nursery v. Hassid*, 594 U. S. 139, 149–152 (2021). That sort of intrusion on property rights is a *per se* taking. *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U. S. 419, 426 (1982). Different rules apply to State laws that merely restrict how land is used. A use restriction that is “reasonably necessary to the effectuation of a substantial government purpose” is not a taking unless it saps too much of the property’s value or frustrates the owner’s investment-backed expectations. *Penn Central Transp. Co. v. New York City*, 438 U. S. 104, 123, 127 (1978); see also *Lucas v. South Carolina Coastal Council*, 505 U. S. 1003, 1016 (1992) (“[T]he Fifth Amendment is violated when land-use regulation does not substantially advance legitimate state interests or denies an owner economically viable use of his land” (internal quotation marks omitted)).

Permit conditions are more complicated. If the government can deny a building permit to further a “legitimate police-power purpose,” then it can also place conditions on the permit that serve the same end. *Nollan*, 483 U. S., at 836. Such conditions do not entitle the landowner to compensation even if they require her to convey a portion of her property to the government. *Ibid.* Thus, if a proposed development will “substantially increase traffic congestion,” the government may condition the building permit on the owner’s willingness “to deed over the land needed to widen a public road.” *Koontz v. St. Johns River Water Management Dist.*, 570 U. S. 595, 605 (2013). We have described permit conditions of this nature as “a hallmark of responsible land-use policy.” *Ibid.* The government is entitled to put the landowner to the choice of accepting the bargain or abandoning the proposed development. See R. Epstein, *Bargaining With the State* 188 (1993).

The bargain takes on a different character when the government withholds or conditions a building permit for rea-

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sons unrelated to its land-use interests. Imagine that a local planning commission denies the owner of a vacant lot a building permit unless she allows the commission to host its annual holiday party in her backyard (in property speak, granting it a limited-access easement). The landowner is “likely to accede to the government’s demand, no matter how unreasonable,” so long as she values the building permit more. *Koontz*, 570 U. S., at 605. So too if the commission gives the landowner the option of bankrolling the party at a local pub instead of hosting it on her land. See *id.*, at 612–615. Because such conditions lack a sufficient connection to a legitimate land-use interest, they amount to “an out-and-out plan of extortion.” *Nollan*, 483 U. S., at 837 (internal quotation marks omitted).

Our decisions in *Nollan* and *Dolan* address this potential abuse of the permitting process. There, we set out a two-part test modeled on the unconstitutional conditions doctrine. See *Perry v. Sindermann*, 408 U. S. 593, 597 (1972) (government “may not deny a benefit to a person on a basis that infringes his constitutionally protected interests”). First, permit conditions must have an “essential nexus” to the government’s land-use interest. *Nollan*, 483 U. S., at 837. The nexus requirement ensures that the government is acting to further its stated purpose, not leveraging its permitting monopoly to exact private property without paying for it. See *id.*, at 841. Second, permit conditions must have “rough proportionality” to the development’s impact on the land-use interest. *Dolan*, 512 U. S., at 391. A permit condition that requires a landowner to give up more than is necessary to mitigate harms resulting from new development has the same potential for abuse as a condition that is unrelated to that purpose. See *id.*, at 393. This test applies regardless of whether the condition requires the landowner to relinquish property or requires her to pay a “monetary exactio[n]” instead of relinquishing the property. *Koontz*, 570 U. S., at 612–615.

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B

The California Court of Appeal declined to assess the County’s traffic impact fee for an essential nexus and rough proportionality based on its view that the *Nollan/Dolan* test does not apply to “legislatively prescribed monetary fees.” 84 Cal. App. 5th, at 407, 300 Cal. Rptr. 3d, at 316 (internal quotation marks omitted). That was error. Nothing in constitutional text, history, or precedent supports exempting legislatures from ordinary takings rules.

The Constitution’s text does not limit the Takings Clause to a particular branch of government. The Clause itself, which speaks in the passive voice, “focuses on (and prohibits) a certain ‘act’: the taking of private property without just compensation.” *Knight v. Metropolitan Govt. of Nashville & Davidson Cty.*, 67 F. 4th 816, 829 (CA6 2023). It does not single out legislative acts for special treatment. Nor does the Fourteenth Amendment, which incorporates the Takings Clause against the States. On the contrary, the Amendment constrains the power of each “State” as an undivided whole. §1. Thus, there is “no textual justification for saying that the existence or the scope of a State’s power to expropriate private property without just compensation varies according to the branch of government effecting the expropriation.” *Stop the Beach Renourishment, Inc. v. Florida Dept. of Environmental Protection*, 560 U. S. 702, 714 (2010) (plurality opinion). Just as the Takings Clause “protects ‘private property’ without any distinction between different types,” *Horne v. Department of Agriculture*, 576 U. S. 351, 358 (2015), it constrains the government without any distinction between legislation and other official acts. So far as the Constitution’s text is concerned, permit conditions imposed by the legislature and other branches stand on equal footing.

The same goes for history. In fact, special deference for legislative takings would have made little sense historically, because legislation was the conventional way that

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governments exercised their eminent domain power. Before the founding, colonial governments passed statutes to secure land for courthouses, prisons, and other public buildings. See, *e.g.*, 4 Statutes at Large of South Carolina 319 (T. Cooper ed. 1838) (Act of 1770) (Cooper); 6 Statutes at Large, Laws of Virginia 283 (W. Hening ed. 1819) (Act of 1752) (Hening). These statutes “invariably required the award of compensation to the owners when land was taken.” J. Ely, “That Due Satisfaction May Be Made:” the Fifth Amendment and the Origins of the Compensation Principle, 36 *Am. J. Legal Hist.* 1, 5 (1992). Colonial practice thus echoed English law, which vested Parliament alone with the eminent domain power and required that property owners receive “full indemnification . . . for a reasonable price.” 1 W. Blackstone, *Commentaries on the Laws of England* 139 (1768).

During and after the Revolution, governments continued to exercise their eminent domain power through legislation. States passed statutes to obtain private land for their new capitals and provided compensation to the landowners. See, *e.g.*, 4 Cooper 751–752 (Act of 1786); 10 Hening 85–87 (1822 ed.) (Act of 1779). At the national level, Congress passed legislation to settle the Northwest Territory, which likewise required the payment of compensation to dispossessed property owners. Northwest Ordinance of 1789, 1 Stat. 52. Two years later, the Fifth Amendment enshrined this longstanding practice. Against this background, it is little surprise that early constitutional theorists understood the Takings Clause to bind the legislature specifically. See, *e.g.*, 3 J. Story, *Commentaries on the Constitution of the United States* §1784, p. 661 (1833); 2 J. Kent, *Commentaries on American Law* 275–276 (1827). Far from supporting a deferential view, history shows that legislation was a prime target for scrutiny under the Takings Clause.

Precedent points the same way as text and history. A

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legislative exception to the *Nollan/Dolan* test “conflicts with the rest of our takings jurisprudence,” which does not otherwise distinguish between legislation and other official acts. *Knick v. Township of Scott*, 588 U. S. 180, 185 (2019). That is true of physical takings, regulatory takings, and the unconstitutional conditions doctrine in which the *Nollan/Dolan* test is rooted.

Start with our physical takings cases. We have applied the *per se* rule requiring just compensation to both legislation and administrative action. In *Loretto*, we held that a state statute effected a taking because it authorized cable companies to install equipment on private property without the owner’s consent. 458 U. S., at 438. In *Horne*, we held that an administrative order effected a taking because it required farmers to give the Federal Government a portion of their crop to stabilize market prices. 576 U. S., at 361. The branch of government that authorized the appropriation did not matter to the analysis in either case. Nor should it have. As we have explained: “The essential question is not . . . whether the government action at issue comes garbed as a regulation (or statute, or ordinance, or miscellaneous decree). It is whether the government has physically taken property for itself or someone else.” *Cedar Point*, 594 U. S., at 149.

This principle is evident in our regulatory takings cases too. We have examined land-use restrictions imposed by both legislatures and administrative agencies to determine whether the restriction amounted to a taking. In *Pennsylvania Coal Co. v. Mahon*, we held a state statute effected a taking because it prohibited the owner of mineral rights from mining coal beneath the surface estate, thus depriving the mineral rights of practically all economic value. 260 U. S. 393, 414 (1922). And in *Palazzolo v. Rhode Island*, we remanded for the lower courts to determine whether an agency decision effected a taking when it denied the owner permission to build a beach club on the wetland portion of

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his property but allowed him to build a home on the upland portion. 533 U. S. 606, 631 (2001). Here again, our decisions did not suggest that the outcome turned on which branch of government imposed the restrictions.

Excusing legislation from the *Nollan/Dolan* test would also conflict with precedent applying the unconstitutional conditions doctrine in other contexts. We have applied that doctrine to scrutinize legislation that placed conditions on the right to free speech, *Agency for Int'l Development v. Alliance for Open Society Int'l, Inc.*, 570 U. S. 205 (2013), free exercise of religion, *Sherbert v. Verner*, 374 U. S. 398 (1963), and access to federal courts, *Terral v. Burke Constr. Co.*, 257 U. S. 529 (1922), among others, *e.g.*, *Memorial Hospital v. Maricopa County*, 415 U. S. 250 (1974) (right to travel). Failing to give like treatment to legislative conditions on building permits would thus “relegat[e the just compensation requirement] to the status of a poor relation” to other constitutional rights. *Dolan*, 512 U. S., at 392.

In sum, there is no basis for affording property rights less protection in the hands of legislators than administrators. The Takings Clause applies equally to both—which means that it prohibits legislatures and agencies alike from imposing unconstitutional conditions on land-use permits.

III

The County no longer contends otherwise. In fact, at oral argument, the parties expressed “radical agreement” that conditions on building permits are not exempt from scrutiny under *Nollan* and *Dolan* just because a legislature imposed them. Tr. of Oral Arg. 4, 73–74. The County was wise to distance itself from the rule applied by the California Court of Appeal, because, as we have explained, a legislative exception to the ordinary takings rules finds no support in constitutional text, history, or precedent.

We do not address the parties’ other disputes over the validity of the traffic impact fee, including whether a permit

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condition imposed on a class of properties must be tailored with the same degree of specificity as a permit condition that targets a particular development. The California Court of Appeal did not consider this point—or any of the parties’ other nuanced arguments—because it proceeded from the erroneous premise that legislative permit conditions are categorically exempt from the requirements of *Nollan* and *Dolan*. Whether the parties’ other arguments are preserved and how they bear on Sheetz’s legal challenge are for the state courts to consider in the first instance.

* * *

The judgment of the California Court of Appeal is vacated, and the case is remanded for further proceedings not inconsistent with this opinion.

It is so ordered.

SOTOMAYOR, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 22–1074

GEORGE SHEETZ, PETITIONER *v.* COUNTY OF
EL DORADO, CALIFORNIA

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL OF
CALIFORNIA, THIRD APPELLATE DISTRICT

[April 12, 2024]

JUSTICE SOTOMAYOR, with whom JUSTICE JACKSON joins, concurring.

I join the Court’s resolution of the limited question presented in this case, that conditions on building permits are “not exempt from scrutiny under *Nollan* and *Dolan* just because a legislature imposed them.” *Ante*, at 10; see *Nollan v. California Coastal Comm’n*, 483 U. S. 825 (1987); *Dolan v. City of Tigard*, 512 U. S. 374 (1994). There is, however, an important threshold question to any application of *Nollan/Dolan* scrutiny: whether the permit condition would be a compensable taking if imposed outside the permitting context.

“A predicate for any unconstitutional conditions claim is that the government could not have constitutionally ordered the person asserting the claim to do what it attempted to pressure that person into doing.” *Koontz v. St. Johns River Water Management Dist.*, 570 U. S. 595, 612 (2013). In the takings context, *Nollan/Dolan* scrutiny therefore applies only when the condition at issue would have been a compensable taking if imposed outside the permitting process. See *Koontz*, 570 U. S., at 612 (“[W]e began our analysis in both *Nollan* and *Dolan* by observing that if the government had directly seized the easements it sought to obtain through the permitting process, it would have committed a *per se* taking”).

SOTOMAYOR, J., concurring

The question presented in this case did not include that antecedent question: whether the traffic impact fee would be a compensable taking if imposed outside the permitting context and therefore could trigger *Nollan/Dolan* scrutiny. The California Court of Appeal did not consider that question and the Court does not resolve it. See *ante*, at 10–11. With this understanding, I join the Court’s opinion.

GORSUCH, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 22–1074

GEORGE SHEETZ, PETITIONER *v.* COUNTY OF
EL DORADO, CALIFORNIA

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL OF
CALIFORNIA, THIRD APPELLATE DISTRICT

[April 12, 2024]

JUSTICE GORSUCH, concurring.

George Sheetz sued El Dorado County, alleging that the county’s actions violated the Takings Clause under the test this Court set forth in *Nollan v. California Coastal Comm’n*, 483 U. S. 825 (1987), and *Dolan v. City of Tigard*, 512 U. S. 374 (1994). State courts dismissed Mr. Sheetz’s suit, holding that the *Nollan/Dolan* test applies only in challenges to administrative, not legislative, actions. Today, the county essentially confesses error, and the Court corrects the state courts’ mistake. It does so because our Constitution deals in substance, not form. However the government chooses to act, whether by way of regulation “‘or statute, or ordinance, or miscellaneous decree,’” it must follow the same constitutional rules. *Ante*, at 9 (quoting *Cedar Point Nursery v. Hassid*, 594 U. S. 139, 149 (2021)).

The Court notes but does not address a separate question: whether the *Nollan/Dolan* test operates differently when an alleged taking affects a “class of properties” rather than “a particular development.” *Ante*, at 11. But how could it? To assess whether a government has engaged in a taking by imposing a condition on the development of land, the *Nollan/Dolan* test asks whether the condition in question bears an “‘essential nexus’” to the government’s land-use interest and has “‘rough proportionality’” to a property’s impact on that interest. *Ante*, at 6. Nothing about that test

GORSUCH, J., concurring

depends on whether the government imposes the challenged condition on a large class of properties or a single tract or something in between. Once more, how the government acts may vary but the Constitution’s standard for assessing those actions does not.

Our precedents confirm as much. In *Nollan*, the California Coastal Commission told the plaintiffs that they could build a home on their land only if they accepted an easement allowing public access across their property along the beach. The plaintiffs argued that the commission’s demand amounted to a taking without just compensation, and the Court agreed. In doing so, the Court acknowledged that the commission hadn’t singled out the plaintiffs’ particular property for special treatment but “had similarly conditioned” dozens of other building projects. 483 U. S., at 829. It acknowledged, too, that the commission’s demand of the plaintiffs came about only because of a “comprehensive program” demanding similar public access easements up and down the California coast. *Id.*, at 841. But none of that made any difference in the Court’s analysis, the test it applied, or the conclusion it reached. All that mattered was whether the government’s action amounted to an uncompensated taking of the property of the plaintiffs whose case was actually before the Court. *Id.*, at 838.

In *Dolan*, the Court faced a similar situation and reached a similar conclusion. There, an Oregon municipality conditioned a building permit on the plaintiff’s agreement to dedicate part of her land to “flood control and traffic improvements.” 512 U. S., at 377. No one suggested that the city had targeted the plaintiff’s development for special treatment; everyone agreed that the city’s challenged action was the result of a “comprehensive land use pla[n],” one developed to meet “statewide planning goals.” *Ibid.* Even so, the Court held an “individualized determination” necessary to determine whether an unconstitutional taking had occurred under the same test the Court applied in *Nollan*.

GORSUCH, J., concurring

512 U. S., at 393.

The logic of today’s decision is entirely consistent with these conclusions. The Takings Clause, the Court stresses, is no “‘poor relation’ to other constitutional rights.” *Ante*, at 10 (quoting *Dolan*, 512 U. S., at 392). And the government rarely mitigates a constitutional problem by multiplying it. A governmentally imposed condition on the freedom of speech, the right to assemble, or the right to confront one’s accuser, for example, is no more permissible when enforced against a large “class” of persons than it is when enforced against a “particular” group. If takings claims must receive “like treatment,” *ante*, at 10, whether the government owes just compensation for taking your property cannot depend on whether it has taken your neighbors’ property too.

In short, nothing in *Nollan*, *Dolan*, or today’s decision supports distinguishing between government actions against the many and the few any more than it supports distinguishing between legislative and administrative actions. In all these settings, the same constitutional rules apply. With that understanding, I am pleased to join the Court’s opinion.

KAVANAUGH, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 22–1074

GEORGE SHEETZ, PETITIONER *v.* COUNTY OF
EL DORADO, CALIFORNIA

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL OF
CALIFORNIA, THIRD APPELLATE DISTRICT

[April 12, 2024]

JUSTICE KAVANAUGH, with whom JUSTICE KAGAN and JUSTICE JACKSON join, concurring.

I join the Court’s opinion. I write separately to underscore that the Court has not previously decided—and today explicitly declines to decide—whether “a permit condition imposed on a class of properties must be tailored with the same degree of specificity as a permit condition that targets a particular development.” *Ante*, at 10–11. Importantly, therefore, today’s decision does not address or prohibit the common government practice of imposing permit conditions, such as impact fees, on new developments through reasonable formulas or schedules that assess the impact of classes of development rather than the impact of specific parcels of property. Moreover, as is apparent from the fact that today’s decision expressly leaves the question open, no prior decision of this Court has addressed or prohibited that longstanding government practice. Both *Nollan* and *Dolan* considered permit conditions tailored to specific parcels of property. See *Dolan v. City of Tigard*, 512 U. S. 374, 379–381, 393 (1994); *Nollan v. California Coastal Comm’n*, 483 U. S. 825, 828–829 (1987). Those decisions had no occasion to address permit conditions, such as impact fees, that are imposed on permit applicants based on reasonable formulas or schedules that assess the impact of classes of development.

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is dated for identification this 1st day March 2022, and is made by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and DKS Associates ("Consultant"), whose address is 1970 Broadway, Suite 740 | Oakland, CA 94612. This Agreement is made with reference to the following facts.

I. RECITALS

- 1.1 The Town desires to engage Consultant to provide services to prepare a Transportation Impact Fee Study to develop a Transportation Impact Fee Program.
- 1.2 The Consultant represents and affirms that it is willing to perform the desired work pursuant to this Agreement.
- 1.3 Consultant warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Consultant acknowledges Town has relied upon these warranties to retain Consultant.

II. AGREEMENTS

- 2.1 Scope of Services. Consultant shall provide services as described in that certain proposal sent to the Town on March 1, 2022, which is hereby incorporated by reference and attached as Exhibit A.
- 2.2 Term and Time of Performance. This contract will remain in effect upon execution to February 28, 2025. Consultant shall perform the services described in this agreement as described in Exhibit A.
- 2.3 Compliance with Laws. The Consultant shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Consultant represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.
- 2.4 Sole Responsibility. Consultant shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.
- 2.5 Information/Report Handling. All documents furnished to Consultant by the Town and all reports and supportive data prepared by the Consultant under this Agreement are the Town's property and shall be delivered to the Town upon the completion of Consultant's services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Consultant in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and

the Consultant shall not make any of the these documents or information available to any individual or organization not employed by the Consultant or the Town without the written consent of the Town before such release. The Town acknowledges that the reports to be prepared by the Consultant pursuant to this Agreement are for the purpose of evaluating a defined project, and Town's use of the information contained in the reports prepared by the Consultant in connection with other projects shall be solely at Town's risk, unless Consultant expressly consents to such use in writing. Town further agrees that it will not appropriate any methodology or technique of Consultant which is and has been confirmed in writing by Consultant to be a trade secret of Consultant.

- 2.6 Compensation. Compensation for Consultant's professional services **shall not exceed \$160,505**, inclusive of all costs. Payment shall be based upon Town approval of each task.
- 2.7 Billing. Billing shall be monthly by invoice within thirty (30) days of the rendering of the service and shall be accompanied by a detailed explanation of the work performed by whom at what rate and on what date. Also, plans, specifications, documents or other pertinent materials shall be submitted for Town review, even if only in partial or draft form.

Payment shall be net thirty (30) days. All invoices and statements to the Town shall be addressed as follows:

Invoices:

Town of Los Gatos
Attn: Accounts Payable
P.O. Box 655
Los Gatos, CA 95031-0655

- 2.8 Availability of Records. Consultant shall maintain the records supporting this billing for not less than three years following completion of the work under this Agreement. Consultant shall make these records available to authorized personnel of the Town at the Consultant's offices during business hours upon written request of the Town.
- 2.9 Assignability and Subcontracting. The services to be performed under this Agreement are unique and personal to the Consultant. No portion of these services shall be assigned or subcontracted without the written consent of the Town.
- 2.10 Independent Contractor. It is understood that the Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and not an agent or employee of the Town. As an independent contractor he/she shall not obtain any rights to retirement benefits or other benefits which accrue to Town employee(s). With prior written consent, the Consultant may perform some obligations under this Agreement by subcontracting, but may not delegate ultimate responsibility for performance or assign or transfer interests under this Agreement. Consultant agrees to testify in any litigation brought regarding the subject of the work to be performed under this Agreement. Consultant shall be compensated for its costs and expenses in preparing

for, traveling to, and testifying in such matters at its then current hourly rates of compensation, unless such litigation is brought by Consultant or is based on allegations of Consultant's negligent performance or wrongdoing.

- 2.11 Conflict of Interest. Consultant understands that its professional responsibilities are solely to the Town. The Consultant has and shall not obtain any holding or interest within the Town of Los Gatos. Consultant has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Consultant warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest, should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Consultant shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person, Consultant discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement, Consultant shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.
- 2.12 Equal Employment Opportunity. Consultant warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Consultant nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them on the basis of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, national origin, religion, or medical condition, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment & Housing Act.

III. INSURANCE AND INDEMNIFICATION

3.1 Minimum Scope of Insurance:

- i. Consultant agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.
- ii. Consultant agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.
- iii. Consultant shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. Consultant agrees that all

certificates and endorsements are to be received and approved by the Town before work commences.

- iv. Consultant agrees to have and maintain, for the duration of the contract, professional liability insurance in amounts not less than \$1,000,000 which is sufficient to insure Consultant for professional errors or omissions in the performance of the particular scope of work under this agreement.

General Liability:

- i. The Town, its officers, officials, employees and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of Consultant, premises owned or used by the Consultant. This requirement does not apply to the professional liability insurance required for professional errors and omissions.
- ii. The Consultant's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees and volunteers. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
- iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.
- iv. The Consultant's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

3.2 All Coverages. Each insurance policy required in this item shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the Town. Current certification of such insurance shall be kept on file at all times during the term of this agreement with the Town Clerk.

3.3 Workers' Compensation. In addition to these policies, Consultant shall have and maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the Town before beginning services under this Agreement. Further, Consultant shall ensure that all subcontractors employed by Consultant provide the required Workers' Compensation insurance for their respective employees.

- 3.4 Indemnification. The Consultant shall save, keep, hold harmless and indemnify the Town its officers, agent, employees and volunteers from all damages, liabilities, penalties, costs, or expenses in law or equity that may at any time arise out of or be set up because of damages to property or personal injury received by reason of, or in the course of performing work which may be occasioned by a willful or negligent act or omissions of the Consultant, or any of the Consultant's officers, employees, or agents or any subconsultant.

IV. GENERAL TERMS

- 4.1 Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder, nor does waiver of a breach or default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.
- 4.2 Governing Law. This Agreement, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this Agreement shall be in the Superior Court of the County of Santa Clara.
- 4.3 Termination of Agreement. The Town and the Consultant shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15) written notice of termination. In the event of termination, the Consultant shall deliver to the Town all plans, files, documents, reports, performed to date by the Consultant. In the event of such termination, Town shall pay Consultant an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.
- 4.4 Amendment. No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Town and the Consultant.
- 4.5 Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.
- 4.6 Notices. Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:

Town of Los Gatos
Attn: Town Clerk
110 E. Main Street
Los Gatos, CA 95030

DKS Associates
720 SW Washington St Suite #500
Portland, OR 97205

or personally delivered to Consultant to such address or such other address as Consultant designates in writing to Town.

- 4.7 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.
- 4.8 Entire Agreement. This Agreement, including all Exhibits, constitutes the complete and exclusive statement of the Agreement between the Town and Consultant. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

IN WITNESS WHEREOF, the Town and Consultant have executed this Agreement.

Town of Los Gatos by:

DKS Associates

DocuSigned by:
Laurel Prevetti 4/17/2022
853FFEA2EB39470...
Laurel Prevetti, Town Manager

Recommended by:

DocuSigned by:
Timm Borden 4/11/2022
9AC05166650A487...
Timm Borden
Interim Director Parks and Public Works

DocuSigned by:
Carl Springer 4/11/2022
BE072BAA4494498...
Carl Springer, Principal

Approved as to Form:

DocuSigned by:
Robert W. Schultz 4/16/2022
2FE09583555744C...
Robert Schultz, Interim Town Attorney

Attest:

DocuSigned by:
Shelley Neis 4/18/2022
B9668F65B1E34E6...
Shelley Neis, MMC, CPMC, Town Clerk

Scope of Work - Los Gatos Transportation Impact Fee Study

1

Task 1 - Project Management and Stakeholder Engagement

Project management will be an ongoing task throughout the length of this project. The DKS team will deliver the project within a one year schedule. A refined project schedule will be submitted within two weeks of our initial project team kickoff meeting.

Full team meetings will take place once per month via remote teleconference. Additional check-ins between the City's project manager and the DKS project manager will be scheduled on a biweekly basis. DKS will prepare materials for and attend three major public meetings to include:

- Stakeholder and community group meeting
- Town Planning Commission
- Town Council

DKS will work with the City's public works and planning departments to develop a stakeholder's email list to provide regular updates about the TIF project and inform them of opportunities to provide public comment. We understand that key stakeholders include the Town Council members.

Deliverables

- Refined project schedule
- Monthly project team meeting materials and meeting minutes for duration of project
- Monthly invoices and progress reports
- Presentation materials and attendance at three public meetings

Task 2 Recommend Alternative Fee Program Methodology

The DKS team will further research relevant planning documents, as well as the experience of jurisdictions that have implemented VMT mitigation fees. Planning documents will include the Bicycle and Pedestrian Plan, the existing fee program nexus study, the Transportation Analysis Guidelines, and the General Plan update and DEIR. We will also take into account the nature of the comprehensive project list developed under Task 3. Preliminary analysis will be undertaken as necessary to quantify the pros and cons of up to three alternative fee program structures.

These approaches may include but are not limited to:

- 1) Separate LOS-based and VMT-based fee programs
- 2) Combined fee program incorporating both LOS and VMT components
- 3) Asset-based approach with or without VMT mitigation credit

Los Gatos Transportation Impact Fee Study Proposal - Scope of Work

Page 2

Following discussion with Town staff, our recommendations will be summarized in a draft and final technical memorandum. The recommendations will be discussed during a project team meeting and finalized thereafter.

Deliverables

- Draft technical memorandum on alternatives and recommended approach
- Final technical memorandum

Task 3 Transportation Improvements Project List

DKS will compile a transportation improvements project list to be funded through the updated fee program. The new project list will carry over sufficient projects from the existing TIF list to account for the current balance in the TIF fund.

Projects will be prioritized consistent with the source planning documents and the availability of supplementary funding sources such as Santa Clara County Measure B to develop a Capital Improvement Program (CIP). Planning documents consulted will include the mobility element of the Draft 2040 General Plan and DEIR, Town's Bicycle and Pedestrian Master Plan, and the Measure B project list.

Existing planning level cost estimates will be utilized as much as possible. Existing cost estimates will be updated to a 2022 baseline using an appropriate construction cost index. If an asset-based approach is selected (see Task 2), a cost estimate of the Town's existing transportation infrastructure will also be prepared under this task. Key unit costs will be reviewed with the Town's Public Works staff prior to finalizing the cost estimates.

Deliverables

- Technical memorandum documenting the benefit zones, comprehensive project list (full universe of potential projects from all sources), criteria used for project selection and selected projects. This memorandum will also address the timing of projects and propose five, ten and ten year + CIP categories.
- Project geodatabase (ESRI format) plus PDF maps of potential projects
- Project cost estimates in spreadsheet (Excel) and PDF format

Task 4 Fee Revenue Estimation

DKS will calculate the TIF revenue expected to be generated by the fee program under the recommended approach. The projected amount of TIF revenue expected to be collected will be tied to the amount of growth planned in the General Plan 2040 and the approach selected under Task 2.

Los Gatos Transportation Impact Fee Study Proposal - Scope of Work

Page 3

DKS will work with City staff to ensure that the growth quantities from the 2040 General Plan are adjusted to reflect any projects that have already been approved under the existing fee program.

Deliverables

- Draft technical memorandum on revenue forecasts
- Final technical memorandum on revenue forecasts

Task 5 Nexus Study

Work performed under this task will meet the requirements of the Mitigation Fee Act and demonstrate: the purpose of the fee, the use to which the fee is to be put, a reasonable relationship between the fee's use and the type of development projects on which the fee is imposed; and a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

The calculation of the maximum justifiable fee rate per basic land use quantity includes the nexus approach, the amount of expected growth by land use type, the cost allocation approach, and the project list. The relative burden among different land use types can be calculated with a demand variable such as person trips, vehicle trips, or average daily VMT per land use unit.

An assessment of TIF rates among comparable jurisdictions will provide important context for policy decisions about the fee schedule that is ultimately adopted.

Deliverables

- Draft technical memorandum
- Final technical memorandum

Task 6 Draft and Final Nexus Study Reports

Work conducted under Tasks 2-5 will be documented in the draft and final nexus study reports. We have budgeted for two public meetings under Task 1 to present the draft nexus study and for adoption of the final nexus study.

An administrative draft of the nexus study report will be prepared for Town staff review. A revised draft version will be prepared for review by elected officials. Following presentation of the revised draft, a final draft will be prepared that incorporates any input received from elected officials, as directed by Town staff.

Deliverables

- Administrative draft Nexus Study Report for Town staff review
- Draft Nexus Study Report for Town Council or Commission review
- Final Nexus Study Report

Los Gatos Transportation Impact Fee Study Proposal - Scope of Work

Page 4

Task 7: Additional Services

A portion of the budget will be reserved for additional services or analyses to be identified if needed.

Task Description	DKS									Total Hours by Task	DKS Labor Cost by Task	DKS Other Direct Costs (ODC)	Urban Economics			Active Wayze				Total Cost by Task		
	Principal-in-Charge Carl Springer	Project Manager Erin Vaca	Quality Control Manager Jim Damkowitz	Stakeholder Engagement Lead Kendall Flint	Engineer/Planner V David Tokarski	Engineer/Planner III Aditi Meshram	Engineer/Planner II	Visual Communications Danelia Whitt	Project Administrator Liz Aguilar				Principal Robert Spencer	Total Sub 1 Hours by Task	Sub 1 Labor Cost by Task	Sub 1 Other Direct Costs (ODC)	Project Manager Admas Z	Project Engineer	Total Active Wayze Hours by Task		Active Wayze Labor Cost by Task	Active Wayze Other Direct Costs (ODC)
	Actual Hourly Rate	\$ 80.80	\$ 67.20	\$ 92.30	\$ 83.00	\$ 62.00	\$ 48.10	\$ 41.34	\$ 40.90				\$ 30.00	\$ 75.00			\$ 75.00	\$ 48.00				
	Annualized Direct Salary Rate	\$ 81.28	\$ 67.60	\$ 92.85	\$ 83.50	\$ 62.37	\$ 48.39	\$ 41.59	\$ 41.15				\$ 30.18	\$ 75.45			\$ 75.53	\$ 48.34				
Loaded Rate	\$ 256.51	\$ 213.34	\$ 293.02	\$ 263.50	\$ 196.83	\$ 152.70	\$ 131.24	\$ 129.84	\$ 95.24	\$ 225.32			\$ 194.43	\$ 124.44								
Task 1 Project Management and Stakeholder Engagement	9	84	32	12	0	12	0	4	18	171	\$ 36,834	\$ 150		18	\$ 4,056	\$ 150			8	\$ 1,555	\$ -	\$ 42,745
1.1 - Project Management and Administration	1	36							18	55	\$ 9,651			0	\$ -				0	\$ -		\$ 9,651
1.2 - Project Team Meetings		36	12							48	\$ 11,196		12	12	\$ 2,704		8		8	\$ 1,555.48		\$ 15,456
1.3 - Stakeholder Engagement and Public Meetings (3)		12	4	12		12		4		44	\$ 9,246	\$ 150	6	6	\$ 1,352	\$ 150	0		0	\$ -		\$ 10,898
1.4 - Quality Control Management and Review	8		16							24	\$ 6,740			0	\$ -				0	\$ -		\$ 6,740
Task 2 Fee Program Approach and Scope	4	24	4	4	0	32	0	0	0	68	\$ 13,259	\$ -		24	\$ 5,408	\$ -			##	\$ -	\$ -	\$ 18,666
2.1 Background Research and Data Gathering		16				24				40	\$ 7,078			0	\$ -				0	\$ -		\$ 7,078
2.2 Internal Meetings & Discussion	4	8	4			8				24	\$ 5,126		8	8	\$ 1,803				0	\$ -		\$ 6,929
2.3 Draft Technical Memorandum and Recommendations				4						4	\$ 1,054		12	12	\$ 2,704				0	\$ -		\$ 3,758
2.4 Final Technical Memorandum and Recommendations										0	\$ -		4	4	\$ 901				0	\$ -		\$ 901
Task 3 Transportation Improvements by Project	1	16	6	0	10	32	56	0	0	83	\$ 13,650	\$ -		14	\$ 3,155	\$ -			78	\$ 12,086	\$ 150	\$ 29,040
3.1 Review Planning Documents and Compile Project List		4				4	20			28	\$ 4,089		2	2	\$ 451		8	12	20	\$ 3,049		\$ 7,588
3.2 TIF Project Cost Estimates		4			2	2	4			12	\$ 2,077		2	2	\$ 451		20	32	52	\$ 7,871	\$ 150	\$ 10,549
3.3 Develop CIP List and Project Timing		4	2			16	16						4	4	\$ 901		4	8				\$ 901
3.4 Prepare Project GeoDatabase and Technical Mem	1	4	4		8	10	16			43	\$ 7,483		4	4	\$ 901		6		6	\$ 1,167		\$ 9,551
Task 4 Fee Revenue Estimation	1	22	2	0	0	16	8	0	0	49	\$ 9,029	\$ -		12	\$ 2,704	\$ -			0	\$ -	\$ -	\$ 11,733
4.1 Confirm amount of growth subject to fee		8					8			16	\$ 2,757			0	\$ -				0	\$ -		\$ 2,757
4.2 Fee Estimation Calculation and Draft Memo		6	2			8				16	\$ 3,088		8	8	\$ 1,803				0	\$ -		\$ 4,890
4.3 Final memo on revenue estimation	1	8				8				17	\$ 3,185		4	4	\$ 901				0	\$ -		\$ 4,086
Task 5 Nexus Study	1	32	32	4	0	20	0	0	0	89	\$ 20,568	\$ -		24	\$ 5,408	\$ -			0	\$ -	\$ -	\$ 25,976
5.1 Demonstrate AB 1600 Requirements		8	8							16	\$ 4,051		8	8	\$ 1,803				0	\$ -		\$ 5,853
5.2 Prepare Fee Schedule		8	8							16	\$ 4,051		8	8	\$ 1,803				0	\$ -		\$ 5,853
5.3 Draft Technical Memorandum		8	8	4		12				32	\$ 6,937		4	4	\$ 901				0	\$ -		\$ 7,839
5.4 Final Technical Memorandum	1	8	8			8				25	\$ 5,529		4	4	\$ 901				0	\$ -		\$ 6,430
Task 6 Draft and Final Nexus Reports	1	24	10	0	4	12	24	12	0	87	\$ 15,634	\$ -		6	\$ 1,352	\$ -			4	\$ 638	\$ -	\$ 17,624
6.1 Compile administrative draft nexus study report		8	4		4	8	16	8		48	\$ 8,026			0	\$ -		2	2	4	\$ 638		\$ 8,664
6.2 Revised draft report		8	4			2	4	2		20	\$ 3,969		4	4	\$ 901				0	\$ -		\$ 4,870
6.3 Final report (after adoption)	1	8	2			2	4	2		19	\$ 3,639		2	2	\$ 451				0	\$ -		\$ 4,090
6.4										0	\$ -			0	\$ -				0	\$ -		\$ -
Total										547	\$ 108,973	\$ 150	Urban Economics	98	\$ 22,082	\$ 150	Active Wayze	90	\$ 14,279	\$ 150	\$ 145,784	

Optional Additional Services										50	\$ 8,892	\$ -		18	\$ 4,056	\$ -			12	\$ 1,773	\$ -	\$ 14,721
7.1 Additional tasks TBD	2	8	4	4		12	12	8		50	\$ 8,892		18	18	\$ 4,056		4	8	12	\$ 1,773		\$ 14,721
Total with Optional Additional Services										597	\$ 117,865	\$ 150	Urban Economics	116	\$ 26,137	\$ 150	Active Wayze	12	\$ 16,053	\$ 150	\$ 160,505	

Los Gatos TIF Update

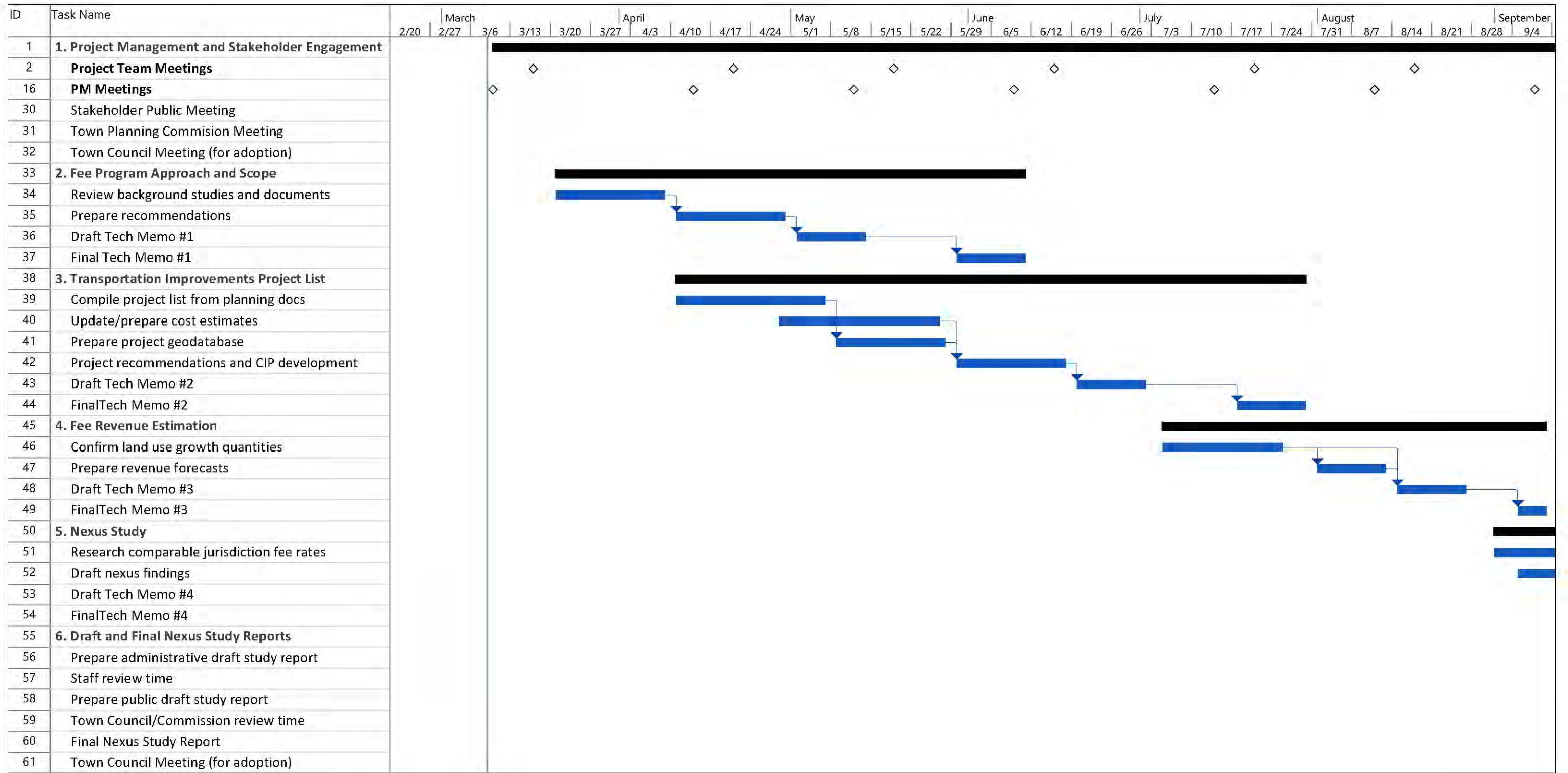
Summary by Firm

<i>Firm</i>	<i>Original Budget</i>	<i>Revised*</i>
DKS (Prime)	\$ 113,833	\$ 109,123
Urban Economics	\$ 24,105	\$ 22,232
Active Wayze	\$ 23,735	\$ 14,429
Total	\$ 161,674	\$ 145,784

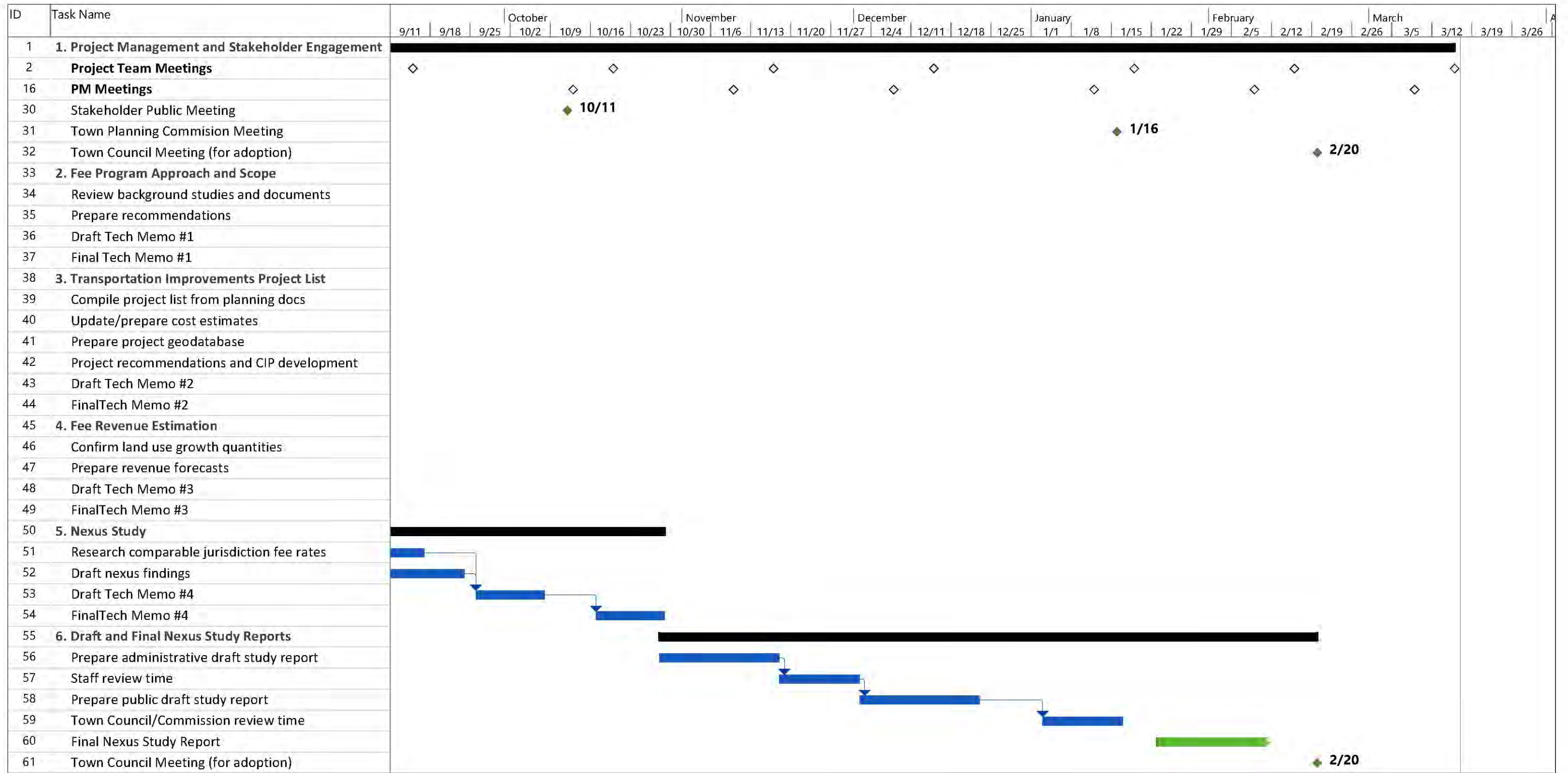
* Not including Task 7, Additional Services

Rate Assumptions

<i>Firm</i>	<i>DKS</i>	<i>Urban Economics</i>	<i>Active Wayze</i>
Overhead Rate:	100.92%	171.49%	134.04%
Fringe Rate:	80.84%	0.00%	0.00%
Fee (Profit):	12.00%	10.00%	9.00%
Annual Escalation Rate:	3.00%	3.00%	3.50%
% of budget in Current Year (CY)	80.00%	80.00%	80.00%
% of budget in CY+1	20.00%	20.00%	20.00%
Annualization Factor	1.006	1.006	1.007



Project: Los Gatos TIF Update Date: Wed 3/9/22	Task		Project Summary		Manual Task		Start-only		Deadline	
	Split		Inactive Task		Duration-only		Finish-only		Progress	
	Milestone		Inactive Milestone		Manual Summary Rollup		External Tasks		Manual Progress	
	Summary		Inactive Summary		Manual Summary		External Milestone			



Project: Los Gatos TIF Update Date: Wed 3/9/22	Task		Project Summary		Manual Task		Start-only		Deadline		Milestone
	Split		Inactive Task		Duration-only		Finish-only		Progress		Task
	Milestone		Inactive Milestone		Manual Summary Rollup		External Tasks		Manual Progress		Task
	Summary		Inactive Summary		Manual Summary		External Milestone		Manual Progress		Task



TOWN OF LOS GATOS TRANSPORTATION IMPACT FEE STUDY

JANUARY 2021



Los Gatos Theatre on Santa Cruz Avenue



SHAPING A SMARTER
TRANSPORTATION EXPERIENCE™

Letter of Transmittal

January 21, 2022
 TOWN OF LOS GATOS
 DEPARTMENT OF PARKS AND PUBLIC WORKS
 41 MILES AVENUE, LOS GATOS, CA 95030



8950 CAL CENTER DRIVE, SUITE 340
 SACRAMENTO, CA 95826-3225

SUBJECT: RFP - TRANSPORTATION IMPACT FEE STUDY

Dear Ying Smith and Members of the Selection Committee,

We are excited to offer the Town of Los Gatos a uniquely qualified consultant team to update your 2014 transportation impact fee (TIF) program and incorporate vehicle miles traveled (VMT) reduction projects. The key benefits of our team include:

- **A fresh perspective:** The Los Gatos Capital Improvement Program (CIP) will likely include few, if any, capacity-increasing projects. This provides an opportunity to consider a variety of approaches to the fee program and nexus. Our team has a variety of experience from jurisdictions across the state and will collaborate with you to identify the best approach to meet the Town's objectives.
- Distinguished team members:
 - » **Urban Economics** has developed fee programs using a variety of approaches, including the asset-based approach which can accommodate the broadest potential list of projects. Robert Spencer of Urban Economics will serve as technical advisor for the establishment of the nexus and fee schedule development. His experience and familiarity with the California statutory and legal requirements of Government Code section 66000 (AB 1600) will pay immediate benefits to the project.
 - » **ActiveWayze** is a locally experienced civil engineering firm with a specialty in active transportation projects. Their participation will result in more accurate cost estimates, leading to greater confidence in the fee program and setting the Town up for success with project delivery.
- Finally, with the help of our in-house **stakeholder outreach specialist**, Kendall Flint, our team will ensure that stakeholder concerns inform the development of the fee program at every stage.

In summary, we have formed a team that can deliver the essential VMT and TIF expertise for your Nexus Study update, while maintaining compliance with the Mitigation Fee Act (AB 1600).

Erin Vaca will be the project manager for the project. Erin has recently managed numerous impact fee and VMT studies for jurisdictions including Dixon, South Francisco, Fairfield, Hercules, and Contra Costa County. Erin will work diligently to maintain open, consistent, and responsive communications with the team and the Town of Los Gatos to ensure that the study is delivered on time and within budget.

Jim Damkowitch will serve as the Senior Technical Advisor for the project. Jim recently managed fee updates for San Joaquin County and San Joaquin Council of Governments (SJCOG). In addition, he has managed the traffic fee program updates for El Dorado County (2016 and 2020 updates), the City of Goleta (2008, 2019), City of Chico (2018), City of Rancho Cordova (present – anticipated completion February 2021). Jim has also helped a number of jurisdictions respond to the requirements of SB 743.

As the Principal-in-Charge, I am authorized to negotiate and contractually bind the DKS Team for this project. Please contact me directly at 503.753.8991 or via e-mail at carl.springer@dksassociates.com for any technical and contractual questions you may have on this submittal.

Sincerely,

Carl Springer

Carl Springer, PE, PTP | Principal
 Cell: 503.753.8991
 Email: carl.springer@dksassociates.com

Erin Vaca

Erin Vaca, TE, AICP | Project Manager
 Cell: 510.219.6226
 Email: erin.vaca@dksassociates.com

7.1 QUALIFICATIONS AND EXPERIENCE

GENERAL FIRM DESCRIPTION

Founded in 1979, DKS provides specialized transportation planning, design, and engineering services to public agencies across the country. Firmwide, our staff includes 129 professionals with offices in Oakland, Sacramento, and Anaheim, CA; Portland (Headquarters) and Salem, OR; Seattle, WA; and Austin, TX.

DKS specializes in performance-based transportation planning/engineering that blends traffic engineering, transportation planning, and traffic analysis at multiple scales of analysis. Our wide breadth of experience provides our clients with a unique blend of planning, operations and design expertise. DKS staff members have worked with many jurisdiction's staff, appointed commissions, city and county councils, and other groups to develop sound transportation solutions. The firm focuses on the continuous changes to the profession through its representation with professional societies, technical and academic committees.



QUALIFICATIONS FOR THIS TRANSPORTATION IMPACT FEE STUDY

We understand that the Town of Los Gatos wants to align its transportation impact fee with its overall general plan policies that seek to reduce VMT per capita. This step is the first action following the Town's recent update to its Transportation Impact Policy, and represents a shift from the traditional approach for Assembly Bill 1600 TIF programs, which is to implement capacity increasing projects. By taking this new approach, the Town will be able to more aggressively advance VMT reducing projects and strategies that may not only help mitigate the VMT impacts of new development but enhance the overall community's travel environment. Based on the Town's objectives, we believe that the successful consultant team will have expertise in AB 1600-compliant transportation impact mitigation fee services, be well-versed in analyzing VMT impacts and mitigation effectiveness, and have robust stakeholder outreach capabilities. The DKS team fits the bill on all these requirements.

DKS has a long history of providing AB 1600-compliant traffic impact mitigation fee services to public agencies throughout California. This includes both local agency fee programs, regional agency fee programs and facility-specific fee programs. DKS has ample project experience applying travel demand models to develop the requisite information for fee studies. We are also experts in VMT analysis, having assisted a number of jurisdictions in setting their VMT thresholds of significance and analysis procedures as well as conducting a number of individual project VMT analyses in various jurisdictions.

7.1 QUALIFICATIONS AND EXPERIENCE ▶

A selection of our team's California project experience similar to the scope and size of the Town of Los Gatos Transportation Impact Fee Study is shown below.

RELEVANT CALIFORNIA EXPERIENCE	Services Performed			
	Fee Study with Nexus Report	VMT Analysis & Mitigation	Stakeholder Outreach	Cost Estimation
City of Dixon Transportation Impact Fee Update (DKS)	●			●
Dixon SB 743 Implementation (DKS)		●		
City of South San Francisco Transportation Impact Fee Update (DKS/Urban Economics)	●			●
San Joaquin County, 2015 Traffic Impact Mitigation Fee Program Update (Jim Damkowitch/Urban Economics)	●	●	●	
San Joaquin County, 2015 General Plan Update and EIR (Jim Damkowitch)			●	●
City of Santa Maria SB 743 Implementation (DKS)		●	●	
City of Fairfield SB 743 Implementation, Fairfield (DKS)		●	●	
Lompoc VMT Thresholds Study (DKS)		●	●	
El Dorado County 2020 Western Slope Capital Improvement Program & Traffic Impact Mitigation Fee Update (DKS/Urban Economics)	●		●	
Sacramento County Transportation Development Fee Program Update (DKS/Urban Economics)	●		●	
Mono County GHG Inventory/SB 743 VMT Implementation (DKS)		●		
SACOG Inter-Jurisdictional Transportation Mitigation Fee Program (DKS/Urban Economics)	●			●
City of Oakland: Citywide Impact Fee Nexus and Implementation Study (Urban Economics)	●	●	●	
City of Long Beach: Transportation Impact Fee, CA (Urban Economics)	●			

7.1 QUALIFICATIONS AND EXPERIENCE ▶

We have included a selection of relevant projects and reference information of key clients with whom DKS has recently worked within the last seven years. We encourage you to contact our references for their insights into our work quality and level of client service.

CITY OF DIXON TRANSPORTATION IMPACT FEE UPDATE

Erin managed an update to the City of Dixon transportation impact fee. As part of this update, DKS compiled an updated project list from recently adopted planning documents including the city's General Plan, Bicycle and Pedestrian Plan, Rail and Traffic Safety Study, and Streets Master Plan. DKS also worked with the city's planning department to quantify the remaining expected development that had not been entitled and would be subject to the revised fee implement by the plan.

PROJECT DETAILS

Dates: 2020–2021

Budget: \$107,705

Key Staff: Erin Vaca (PM), Jim Damkowitz, Aditi Meshram

Reference: Deborah Barr, City Engineer/Dir. of Utilities
Ph: (707) 678-7031 x 5306
E: dbarr@cityofdixon.us

DIXON SB 743 IMPLEMENTATION

DKS prepared interim VMT baseline calculations and recommended thresholds of significance for the City of Dixon. As part of this project, DKS reviewed the two available modeling tools for VMT measurement which include the city's own trip-based travel demand model and the regional Solano Napa Activity Based Model. DKS is also reviewing and updating the city's transportation impact analysis guidelines as part of this project.

PROJECT DETAILS

Dates: Ongoing

Budget: \$67,365

Key Staff: Erin Vaca (PM), Jim Damkowitz, Aditi Meshram

Reference: Deborah Barr, City Engineer/Dir. of Utilities
Ph: (707) 678-7031 x 5306
E: dbarr@cityofdixon.us

7.1 QUALIFICATIONS AND EXPERIENCE ►

CITY OF SOUTH SAN FRANCISCO TRANSPORTATION IMPACT FEE UPDATE

DKS managed this project for the City of South San Francisco with Robert Spencer as part of the DKS team. As part of a comprehensive update of user and impact fees, DKS helped the City of South San Francisco develop a comprehensive transportation impact fee for new development. The City had identified many project needs through recent planning efforts and was experiencing high levels of development activity throughout the City. The new fee uses an existing facilities standard to justify its maximum rate per dwelling unit equivalent.

SAN JOAQUIN COUNTY 2015 TRAFFIC IMPACT MITIGATION FREE PROGRAM UPDATE

Prior to joining DKS, Jim Damkowitch managed the development of a revised base year traffic model and forecasts and determination of the geographic structure of the Traffic Impact Mitigation Free (TIMF) Program update. He also managed the development of a cost allocation methodology that allocates future improvement costs by planning area and land use type. A final report was prepared in accordance with AB 1600, which documented the deficiency, nexus, and fair share analyses. Alternative funding sources that may be applicable to offset costs of required transportation improvements, as well as recommendations to better address facilities, ways to better reflect STAA-sized vehicle usage, and promote more transparency through an ongoing fee program website were also examined. This project entailed a public outreach effort, including two public workshops, development of a project website and newsletter circulation. The 2015 TIMF update was approved by the San Joaquin County Board of Supervisors August 2015.

PROJECT DETAILS

Dates: 2019 - 2020

Budget: \$64,498

Key Staff: Erin Vaca (PM), Robert Spencer

Reference: Matthew Ruble, PE, Principal Engineer
City of South San Francisco, Engineering Div.
Ph: (650) 829-6671
E: Matthew.ruble@ssf.net

PROJECT DETAILS

Dates: 2014 -2015

Budget: \$146,111

Key Staff: Jim Damkowitch (PM), Robert Spencer

Reference: Jeffery Levers, Project Manager, San
Joaquin County Public Works, 209.953.7631,
jlevers@sjgov.org

7.1 QUALIFICATIONS AND EXPERIENCE ▶

LOMPOC VMT THRESHOLDS STUDY

In coordination with the City, DKS established the modeling methodology, project screening criteria, VMT thresholds, and potential VMT mitigation measures pursuant to Senate Bill (SB) 743 and consistent with guidance provided by the Office of Planning and Research for the implementation of SB 743. The travel demand model maintained by the Santa Barbara County Association of Governments was used to develop the VMT Thresholds. Screening maps were developed to identify areas of the City that are “low” or “high” VMT areas for given types of land uses. This study also entailed the development a CEQA VMT Sketch Planning Tool to assist City staff in implementation/CEQA determinations.

PROJECT DETAILS

Dates: 2020 - 2021

Budget: \$65,000

Key Staff: Jim Damkowitz (PM), Erin Vaca

Reference: Brian Halvorson, Planning Manager
City of Lompoc
Ph: 805) 875-8228
E: b_halvorson@ci.lompoc.ca.us

EL DORADO COUNTY 2020 WESTERN SLOPE CAPITAL IMPROVEMENT PROGRAM & TRAFFIC IMPACT MITIGATION FREE UPDATE

DKS led the 2020 Western Slope Capital Improvement Program and Traffic Impact Mitigation Fee Program Update. As part of this effort, DKS performed a peer review of the 2018 baseline travel demand model and 2040 travel forecasts. DKS peer reviewed all HCM and ADT Threshold operational analyses for determining existing/future deficiencies. Select link scripts for fair share cost allocation were also peer reviewed as well as the interchange needs analysis. Based on the Needs Analysis, the TIM Fee CIP list was updated and planning level cost estimates developed/refreshed. A preliminary fee schedule was developed for County management to review including several additional scenarios by consolidating fee zones to moderate fee increases across fee zones.

PROJECT DETAILS

Dates: 2019 - 2020

Budget: \$300,000

Key Staff: Jim Damkowitz (PM), Erin Vaca, David Tokarski, Robert Spencer, Kendall Flint

Reference: Natalie K. Porter, P.E., T.E., Senior Traffic Engineer
Community Development Services
Department of Transportation
Ph: 530.621.5442
E: natalie.porter@edcgov.us

7.1 QUALIFICATIONS AND EXPERIENCE ▶

CITY OF SANTA MARIA VMT THRESHOLDS STUDY

DKS applied the Santa Barbara Council of Governments (SBCAG) travel demand model to establish VMT baselines and thresholds of significance for the purposes of CEQA. Project objectives included deriving measurements of VMT per capita using the SBCAG model for residential and employment land uses, recommending thresholds of significance for CEQA analyses, and developing a sketch planning tool to screen proposed land development projects. As part of this project, DKS developed scripts in TransCAD to aid in calculation of VMT rates and performed approximately 80 model runs to provide data underlying a sketch planning tool.

PROJECT DETAILS

Dates: May - November 2020

Budget: \$72,000

Key Staff: Jim Damkowitz (PM), Erin Vaca, Carl Springer (PIC)

Reference: Ryan Hostetter
Planning Manager, City of Santa Maria
Ph: 805) 925-0951 x2369
E: rhostetter@cityofsantamaria.org

CITY OF FAIRFIELD SB 743 IMPLEMENTATION, FAIRFIELD

DKS reviewed the City's General Plan, transportation impact analysis guidelines, and travel demand model and recommended changes needed to implement SB 743. DKS worked with the City to validate a 2020 baseline scenario of the City's travel demand model and prepared VMT calculation scripts. DKS also implemented a procedure to estimate VMT that occurs outside the model boundaries due to internal-external travel. DKS also prepared baseline VMT calculations, developed recommended thresholds of significance, and recommended mitigation measures appropriate for Fairfield. DKS presented recommendations to the City's Planning Commission which were subsequently adopted by the City Council.

PROJECT DETAILS

Dates: 2019

Budget: \$99,130

Key Staff: Erin Vaca (PM), Jim Damkowitz, David Tokarski

Reference: Garland Wong, PE, TE, City Traffic Engineer
City of Fairfield, Public Works
Ph: (707) 434-3800
E: gwong@fairfield.ca.gov

7.1 QUALIFICATIONS AND EXPERIENCE ►

SACRAMENTO COUNTY TRANSPORTATION DEVELOPMENT FEE PROGRAM UPDATE

DKS conducted a comprehensive update of Sacramento County's Transportation Development Fee Program that had been used to fund both roadway, transit, bikeway, pedestrian, and ITS improvements. The program also accounts for the overlap of SCDTF with fees in special finance districts. DKS assisted the County in an extensive stakeholder and public outreach program that included the building industry, Regional Transit, bike and pedestrian advocates, and adjacent jurisdictions. DKS also conducted a comprehensive, multimodal needs analysis and a Nexus Study.

PROJECT DETAILS

Dates:	2017 - 2019
Budget:	\$658,000
Key Staff:	David Tokarski
Reference:	Ron Vicari, Principal Civil Engineer, 916.874.5164, vicarir@saccounty.net

SACOG INTER-JURISDICTIONAL TRANSPORTATION MITIGATION FEE PROGRAM

DKS provided technical analyses and documentation to develop and support a comprehensive Inter-Jurisdictional Transportation Mitigation Fee Program for the transportation improvements required in a study area that covers portions of Placer, Sutter and Sacramento counties. The program was designed to identify responsibility for \$1.01 billion major transportation improvements associated with buildout of large development projects and other anticipate land use changes across all three counties. Our subconsultant, Urban Economics, reviewed all written products and advised on a range of technical issues affecting the fair share allocation of costs among jurisdictions, as well as integration with existing fee programs and alternative governance structures.

PROJECT DETAILS

Dates:	2015 - 2016
Budget:	\$170,000
Key Staff:	David Tokarski
Reference:	Dan Shoeman, Transportation Planning Division Chief, Sacramento County, 916.874.6291, shoemand@saccounty.net

7.2 ORGANIZATION AND APPROACH

DKS staff has extensive experience in transportation impact fees, travel demand models, and transportation impact mitigation. The organizational chart below shows our team members and roles. Key staff biographies are located on the following pages, and key staff resumes can be found in the resumes at the end of this proposal.



TEAM ORGANIZATIONAL CHART



PROJECT MANAGEMENT



Project Manager
Erin Vaca, TE, AICP



Principal-in-Charge
Carl Springer, PE,PTP

KEY STAFF



Jim Damkowitch
Senior Technical Advisor



David Tokarski
Senior Planner



Aditi Meshram
Project Analyst



Kendall Flint
Stakeholder
Engagement Lead



Robert Spencer
Impact Fee Analyst
(Urban Economics)



Admas Zewdie, PE, MBA
Cost Estimation Lead
(ActiveWayz Engineering)

PROJECT MANAGER'S EXPERIENCE



ERIN VACA, TE AICP
PROJECT MANAGER

Erin Vaca has led local and countywide transportation plans, multimodal planning studies, corridor studies, and traffic impact analyses. She has actively followed and interpreted guidance on SB 743 to help clients set thresholds of significance for VMT impacts and incorporate VMT analysis procedures into their transportation impact analysis guidelines. Erin also worked with a California ITE SB 743 Task Force, a joint task force sponsored by California ITE Sections, to prepare a summary and guidance document on SB 743 and VMT analysis. Erin is also well-versed in transportation impact fees, having led or worked on studies for jurisdictions in Contra Costa, San Mateo and Solano Counties.

PROJECT AND MANAGEMENT APPROACH

DKS has successfully managed numerous projects, implementing the previously listed process for multiple agencies, and completing the projects on time and on budget. Project management also plays a key role to producing projects that are on time and within budget. DKS implements these project management elements:

- Weekly review of all project activity through DKS' Management Information System, which summarizes all labor and expense charges every Monday of every week
- Assignment of senior project staff experienced with the subject matter, which provides quick start-up and efficient completion of tasks
- Monthly project management review by independent staff to monitor contract performance
- Consistent communication with clients through email, work sessions, memos, meetings, or Basecamp (a cloud-based project management tool used to identify issues, ask questions, and track actions).
- Incremental project report development through memos (or other means) over the course of the project
- Strong leadership of the DKS project manager, who has a proven track record of completing tasks on time and within budget.

Meeting schedule deadlines and milestones for clients is also a key element to the vitality of a successful project.

Meeting deadlines requires more than a weekly reporting system and quality control. It includes having:

- Staff members that understand transportation planning analysis
- Staff members that have demonstrated their understanding on numerous successful transportation projects for public agencies
- Team members that have worked with DKS on multiple projects
- Staff members that are committed to client service and satisfaction

DKS uses our internal procedures for quality control. As the project manager, Erin Vaca will be responsible for proactively planning and directing the work processes, services and deliverables throughout the project. DKS will develop a project management plan and a QC plan for this project. Carl Springer in his role as Principal-In-Charge will lead to overall quality and control and client satisfaction. He will check in with the Town of Los Gatos to make sure expectations are being met or exceeded. Our QC plan includes:

Independent reviews – Conduct independent deliverable reviews by experienced planners or designers from each task.

Online issue tracking – Use shared files in the cloud for decision tracking and responding to clients, which saves time and encourages collaboration.

7.2 ORGANIZATION AND APPROACH ▶



Carl Springer, PE, PTP will serve as Principal-in-Charge. His expertise covers a wide range of multimodal transportation planning and engineering studies throughout Washington, Oregon and California. Over the past three decades in this market, he has led citywide transportation plans, corridor plans, and active transportation plans in urban and rural environments. He has also led a variety of transportation fee programs for cities and counties that complied with state guidelines. While in California, he conducted CEQA and NEPA transportation studies.



Jim Damkowitch will be the Senior Technical Advisor on the project. Jim has worked on or managed all of the fee updates in San Joaquin County and SJCOG, as well as fee updates in El Dorado County (2016 and 2020 updates), the City of Goleta (2008, 2019), the City of Chico (2018), and the City of Rancho Cordova (present – anticipated completion February 2021). Jim has also managed SB 743 implementation projects in a number of jurisdictions across the state.



David Tokarski is a Senior Transportation Planner who has worked on and managed a wide range of transportation planning projects specializing in travel demand forecasting, GIS applications, environmental analysis, and impact analysis. David has regularly acted as an extension of staff for numerous cities in Northern California.



Kendall Flint will lead the stakeholder outreach. Specializing in remote web-based and internet-based community involvement forums, Kendall will ensure that the ongoing COVID-19 pandemic will not compromise the public, stakeholders, Town Commissions, and Town Council's ability to provide input to the Transportation Impact Fee Study process.



Aditi Meshram has a wide variety of skills relating to transportation planning and analysis, safety analysis as well as traffic facility design. Aditi has worked on several travel demand modeling projects, traffic impact analysis, signal timing, operations as well as various collision and safety analysis tasks. Aditi has extensive experience with TransCAD, Synchro, VISSIM and ArcMap in addition to an understanding of CAD software packages.



Robert Spencer of Urban Economics will take the lead in fee schedule development. Robert has been involved in over 100 nexus studies for traffic impact fees in California. His experience and familiarity with the California statutory and legal requirements of Government Code section 66000 (AB 1600) will be invaluable to this project. Urban Economics and DKS have collaborated on a number of studies, including fee updates in South San Francisco and San Joaquin County.



Admas Zewdie of ActiveWayz Engineering will oversee cost estimating for the project. ActiveWayz has completed transportation projects with more than 25 client agencies throughout Northern California, with a particular focus on roadway and active transportation projects in Caltrans and local jurisdictions. ActiveWayz' services include complete street design, trail design, feasibility studies, cost estimating, utility investigation and relocation coordination, and Caltrans project development and delivery. ActiveWayz is a California Unified Certification Program (CUCP) certified minority-owned Underutilized and Disadvantaged Business Enterprise (UDBE and DBE) and an Alameda County Small Local Business Enterprise.

7.3 SCOPE OF SERVICES

The work program outlined in detail below identifies the tasks and project deliverables to meet the study's objectives.

TASK 1 - PROJECT MANAGEMENT AND STAKEHOLDER ENGAGEMENT

Project management will be an ongoing task throughout the length of this project. The DKS team proposes to complete the project within an 18-month schedule, as shown on page 18. A refined project schedule and scope will be submitted within two weeks of our initial project team kickoff meeting. Full team meetings will take place at least once per month via remote teleconference.

Additional check-ins between the City's project manager and the DKS project manager will be scheduled on a bi-weekly basis or as needed. Each check-in meeting will be an opportunity to provide updates on upcoming key decision points and flag critical items or issues. DKS will prepare materials for and attend three major public meetings to include:

- Stakeholder and community group meeting (this could also include the Complete Streets and Transportation Commission)
- Town Planning Commission
- Town Council

Stakeholder engagement is the second important component of this task. DKS will work with the City's public works and planning departments to develop a stakeholder's email list to provide regular updates about the TIF project and inform them of opportunities to provide public comment. We anticipate that interested parties may include the local chamber of commerce, businesses, the Bicycle and Pedestrian Advisory Commission, developers, and transportation consultants.

Deliverables

- Refined scope and schedule documents
- Monthly project team meeting materials and meeting minutes for duration of project
- Monthly invoices and progress reports
- Presentation materials and attendance at three public meetings

TASK 2 - FEE PROGRAM APPROACH AND SCOPE

This foundational task concerns the nexus for the new TIF and the purpose of the TIF. For consistency with policy and long range planning efforts, the new fee program "should help reduce vehicle trips and VMT within the town by minimizing the need to expand roadway capacity". The selected approach must take into account the recently adopted Transportation Impact Analysis Guidelines, the ongoing General Plan update, and the currently existing fee program. Key aspects of these programs and projects are summarized in the following sections.

Existing Fee Program

The Town's existing transportation fee program uses a "capacity increasing" method of allocating improvement costs to the fee. The fee basis is average weekday vehicle trips (ADT) adjusted to account for linked trips. The existing TIF project list includes a number of projects that should help reduce VMT, including Complete Street projects and VMT-neutral projects such as a central traffic signal control system. With one or two possible exceptions, the list does not contain VMT inducing projects (in general, the addition of through lanes for motor vehicle travel is considered VMT inducing).

Transportation Impact Analysis Guidelines

As part of the draft 2040 General Plan implementation program, the Town Council recently adopted transportation analysis guidelines that define VMT analysis methods, thresholds of significance, and mitigation programs consistent with the requirements of Senate Bill (SB) 743. One of the implementation recommendations of the revised transportation analysis policy is to update the transportation impact fee program to incorporate the VMT reduction strategies. As stated in the policy document, "Using a VMT reduction goal linked to the agency's SB 743 thresholds to establish the nexus would result in a Total Mitigation Improvements Potential Project List". Note that to qualify as a VMT mitigation program, the Town must be able to demonstrate that all projects on the list will be fully funded and implemented.

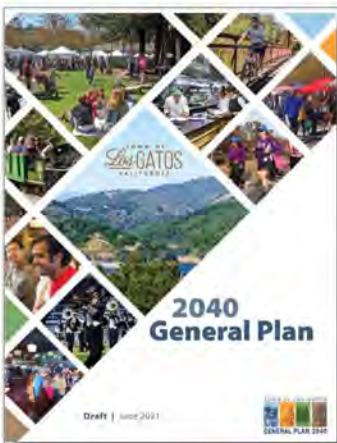
7.3 SCOPE OF SERVICES ▶

The recently revised transportation impact analysis guidelines do not specify numeric VMT targets, noting that, “ the Town elected to conduct a complete VMT analysis consistent with the General Plan future year VMT projections based on long-term expectations for air quality and GHG expectations as part of its General Plan EIR, so that it could make specific use of CEQA Statue & Guidelines Section 15183 to streamline project-specific CEQA analysis that is consistent with its General Plan and other Town documents.” Projects not consistent with the current RTP/SCS or the latest General Plan will be required to complete a VMT analysis using the VTA Travel Model.

General Plan Update

The Town has published a public draft of its 2040 General Plan and associated environmental documents which identify significant and unavoidable VMT impacts. The VMT per service population under the proposed Plan would fall 19% over the threshold of significance. VMT mitigation strategies at the individual site level (mostly TDM approaches) were found to have a maximum VMT reduction potential of 6%, townwide measures (including pedestrian and bicycle improvements) a maximum reduction potential of 10% and regional measures (including improved transit service) a reduction potential of between 20 to 60%. While the available strategies could potentially provide the needed 19% reduction, impacts were found to be significant and unavoidable because the package of mitigation measures included a number that are outside the Town’s control.

Because the fee study will be undertaken in parallel with the finalization of the General Plan, the fee study team must be ready to adapt its approach as necessary in response to any changes to the Draft documents.



Los Gatos General Plan Update 2040 and Bike/Pedestrian Master Plan

Alternative Approaches

Two alternative approaches to the updated TIF were mentioned in the RFP:

1. Maintain separate LOS-based fee program and VMT-based fee program; and
2. Develop one combined fee incorporating both LOS and VMT components.

A related question can be posed regarding the purpose of the TIF: is the fee to fund projects that accommodate increased travel demand associated with growth, mitigate the VMT impacts of growth, or can it serve both purposes? As demonstrated by the General Plan DEIR analyses, transportation infrastructure projects alone probably cannot mitigate the all VMT impacts of expected growth. However, TIF payments could potentially stand as one of a menu of VMT mitigation strategies that can feasibly be implemented at the project site level, for projects that cannot take advantage of CEQA streamlining or be presumed less than significant.

A third approach to consider would be the asset-based approach that uses the historic level of investment in the Town's transportation infrastructure as the nexus for the contribution required of new development. Briefly, a cost estimate is prepared for the jurisdiction's existing transportation infrastructure, including all locally-maintained streets, multi use paths, and traffic signal systems. The quantity of existing land use (dwelling unit equivalents) is also tabulated to calculate a historic cost per dwelling unit equivalent; this figure serves as the maximum justifiable fee. This approach has been adopted in South San Francisco, El Cerrito, and a number of other California jurisdictions.

A benefit of the asset-based approach is the flexibility of the project list that can be funded. Since the nexus is neither roadway capacity or VMT-based, there is no need to allocate project costs to the TIF on the basis of roadway capacity or VMT reduction potential. However, VMT may be incorporated into the demand variable used to scale the fee amongst different land uses by applying average trip lengths.

7.3 SCOPE OF SERVICES ▶

If the TIF is to also stand as a VMT mitigation strategy, it may be necessary to quantify the total VMT reduction potential of the project list so that the VMT reduction of any TIF payment can be estimated. It may also be necessary to maintain a separate fund for VM-reducing projects. This would ensure that any fees paid for VMT reduction purposes would be dedicated to VMT reducing projects.

Work Plan

The DKS team will further research the above-noted background planning documents, as well as the experience of jurisdictions that have implemented VMT mitigation fees. We will also take into account the nature of the comprehensive project list developed under Task 3. Our recommendations will be summarized in a draft and final technical memorandum. The recommendations will be discussed during a project team meeting and finalized thereafter.

Deliverables

- Draft technical memorandum
- Final technical memorandum

TASK 3 - TRANSPORTATION IMPROVEMENTS PROJECT LIST

The objective of this task is to identify a project list based on recent planning documents and compile or develop the associated planning level cost estimates. The new project list should carry over sufficient projects from the existing TIF list to account for the current balance in the TIF fund. In addition, any potentially VMT-inducing projects (those that add through lanes for vehicular travel) should be reconsidered for other funding sources.

Projects will be prioritized consistent with the source planning documents and the availability of supplementary funding sources such as Santa Clara County Measure B to develop a Capital Improvement Program (CIP). The TIF project list should have a reasonable expectation of being deliverable over the planning horizon and thus will also consider the TIF revenue forecasts developed under Task 4. Thus, there may be a round of iteration between the project list development and the revenue forecasts. Planning documents consulted will include the mobility element of the Draft 2040 General Plan and DEIR, the Town's Bicycle and Pedestrian Master Plan, and the Measure B project list.

Project location maps example prepared for the City of Dixon



Wherever possible, we will utilize any existing planning level cost estimates. Existing cost estimates will be updated to a 2022 baseline using an appropriate construction cost index. If an asset-based approach is selected (see discussion under Task 2), a cost estimate of the Town's existing transportation infrastructure will also be prepared under this task. Key unit costs will be reviewed with the Town's Public Works staff prior to finalizing the cost estimates.

The TIF project database will be compiled in a geodatabase format for ease of mapping. Project extents will be indicated by line or point features, as appropriate. In addition to printed maps for inclusion in technical memoranda and reports, the project geodatabase will be provided to the Town.

Deliverables

- Technical memorandum documenting the benefit zones, comprehensive project list (full universe of potential projects from all sources), and proposing the criteria used for project selection
- Comprehensive project geodatabase (ESRI format) plus PDF maps of potential projects
- Technical memorandum documenting the projects selected based on the agreed upon criteria. This memorandum will also address the timing of projects and propose five, ten and ten year + CIP categories.
- Project cost estimates in spreadsheet (Excel) and PDF format.

7.3 SCOPE OF SERVICES ▶

TASK 4 - FEE REVENUE ESTIMATION

The projected amount of TIF revenue expected to be collected will be tied to the amount of growth planned in the General Plan 2040 and the approach selected under Task 2. If an asset-based approach is selected, the revenue forecast will depend more on the expected amount of growth than the project list. If the maximum justifiable fee is derived from allocated project costs, then the project list will have a much greater influence. In either case, the fee revenue calculation is an important piece of information that will be considered as part of policy decisions such as the level of fee adopted relative to the maximum justifiable.

DKS will work with City staff to ensure that the growth quantities from the 2040 General Plan are adjusted to reflect any projects that have already been approved under the existing fee program. This will provide a more accurate estimate of the quantity of land use that will be subject to the revised TIF and a more accurate revenue forecast. This is especially important given that the total quantity of growth expected under the General Plan is modest (e.g. the maximum buildout residential growth is 3,738 dwelling units, of which 500 are Accessory Dwelling Units - ADUs- that are not subject to the TIF).

Deliverables

- Draft technical memorandum on revenue forecasts
- Final technical memorandum on revenue forecasts

TASK 5 - NEXUS STUDY

The objective of this task is to meet the requirements of the Mitigation Fee Act and demonstrate: the purpose of the fee, the use to which the fee is to be put, a reasonable relationship between the fee's use and the type of development projects on which the fee is imposed; and a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

The calculation of the maximum justifiable fee rate per basic unit of land use (typically, "dwelling unit equivalents") includes the nexus approach, the amount of expected growth by land use type, the cost allocation approach, and the project list. The relative burden among different land use types can be calculated with a demand variable such as person trips, vehicle trips, or average daily VMT per land use unit.

An assessment of TIF rates among comparable jurisdictions will provide important context for policy decisions about the fee schedule that is ultimately adopted.

Deliverables

- Draft technical memorandum
- Final technical memorandum



Main Street Bike Lanes

7.3 SCOPE OF SERVICES ▶

TASK 6 - DRAFT AND FINAL NEXUS STUDY REPORTS

Work conducted under Tasks 2-5 will be documented in the draft and final nexus study reports. We have budgeted for two public meetings under Task 1 to present the draft nexus study and for adoption of the final nexus study. A typical nexus study report outline is presented the text box below.

Nexus Study Report Outline	Fee Calculation
Introduction	Nexus Analysis
» Background and Purpose	» Purpose of Fee
Evaluation and Summary of Existing Fee Program	» Use of Fee
» Existing Fund Balance	» Relationship between Use of Fees and Type of Development
» Projects to be Carried Over	» Relationship between Amount of Fees and Development on Which Fee is Imposed
Expected Land Use Growth	
Transportation Needs Analysis	Appendices
Project List	» Cost Estimates
Improvement Cost Estimates	» Calculation Sheets
Allocation of Improvement Costs to New Development	

An administrative draft of the nexus study report will be prepared for Town staff review. A revised draft version will be prepared for review by elected officials. Following the presentation of the revised draft, a final draft will be prepared that incorporates any resulting changes.

Deliverables

- Administrative draft Nexus Study Report for Town staff review
- Draft Nexus Study Report for Town Council or Commission review
- Final Nexus Study Report

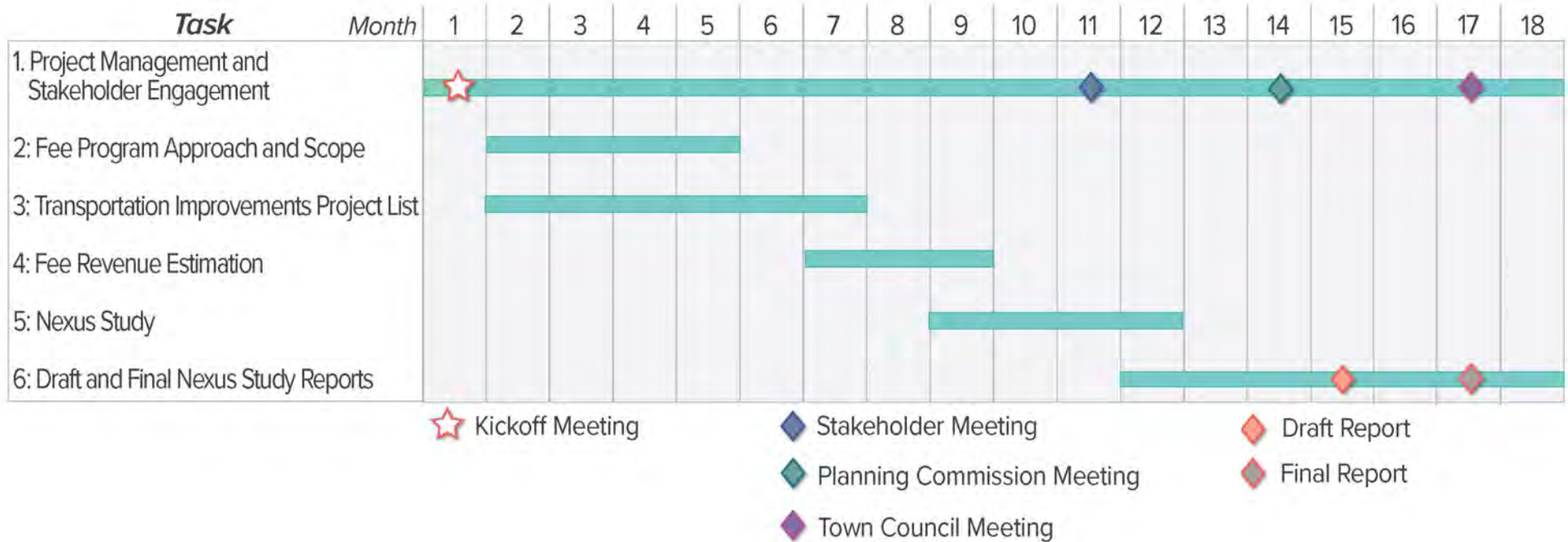


Crosswalk at Los Gatos High School

7.4 SCHEDULE OF WORK

PROJECT SCHEDULE

The schedule below shows our 18-month long timeline for project delivery, assuming the work commences upon notice to proceed on February 14, 2022.



7.5 COST PROPOSAL

Our cost proposal includes all labor costs, overhead costs, sub-consultant costs, and direct expenses. The costs are grouped by task and show hours per staff member, base labor rates, and overhead and profit rates.

Summary by Firm

Firm	Budget	Percent
DKS (Prime)	\$ 113,833	70%
Urban Economics	\$ 24,105	15%
Active Wayze	\$ 23,735	15%
Total	\$ 161,674	100%

Task Description	DKS										Total Hours by Task	DKS Labor Cost by Task	DKS Other Direct Costs (ODC)	Urban Economics			Active Wayze			Total Cost by Task			
	Principal-in-Charge Carl Springer	Project Manager Erich Vaca	Quality Control Manager Jim Danilowitch	Stakeholder Engagement Lead Kendall Flint	Engineer/Planner V David Tolarski	Engineer/Planner III Aditi Hashram	Engineer/Planner II	Visual Communications Daniella White	Project Administrator Liz Aguilar	Principal Robert Spencer				Total Sub 1 Hours by Task	Sub 1 Labor Cost by Task	Sub 1 Other Direct Costs (ODC)	Project Manager Admas Z	Project Engineer	Total Active Wayze Hours by Task		Active Wayze Labor Cost by Task	Active Wayze Other Direct Costs (ODC)	
Actual Hourly Rate	\$ 80.50	\$ 67.20	\$ 92.30	\$ 83.00	\$ 92.00	\$ 48.10	\$ 41.34	\$ 30.90	\$ 30.00				\$ 75.00				\$ 75.00	\$ 48.00					
Annualized Direct Salary Rate	\$ 81.53	\$ 67.80	\$ 93.13	\$ 83.75	\$ 92.56	\$ 48.53	\$ 41.71	\$ 31.27	\$ 30.27				\$ 75.68				\$ 75.79	\$ 48.50					
Loaded Rate	\$ 257.28	\$ 213.97	\$ 293.89	\$ 264.78	\$ 197.42	\$ 153.16	\$ 131.63	\$ 130.23	\$ 95.62				\$ 226.00				\$ 195.11	\$ 124.87					
Task 1 Project Management and Stakeholder Engagement	9	84	32	20	0	12	0	4	18	179	\$ 39,058	\$ 150		18	\$ 4,068	\$ 150		8	\$ 1,561	\$ -	\$ 44,986		
1.1 - Project Management and Administration	1	36							18	55	\$ 9,680			0	\$ -			0	\$ -		\$ 9,680		
1.2 - Project Team Meetings		36	12							48	\$ 11,230			12	\$ 2,712			4	\$ 780.44		\$ 14,722		
1.3 - Stakeholder Engagement and Public Meetings (3)		12	4	0						52	\$ 11,388	\$ 150		6	\$ 1,356	\$ 150		4	\$ 780.44		\$ 13,824		
1.4 - Quality Control Management and Review	8		16							24	\$ 6,761			0	\$ -			0	\$ -		\$ 6,761		
Task 2 Fee Program Approach and Scope	4	24	4	4	0	32	0	0	0	68	\$ 13,298	\$ -		##	\$ 6,328	\$ -		##	\$ -	\$ -	\$ 19,626		
2.1 Background Research and Data Gathering		16								40	\$ 7,099			0	\$ -			0	\$ -		\$ 7,099		
2.2 Internal Meetings & Discussion	4	8								24	\$ 5,142			8	\$ 1,808			0	\$ -		\$ 6,950		
2.3 Draft Technical Memorandum and Recommendations				4						4	\$ 1,057			16	\$ 3,616			0	\$ -		\$ 4,673		
2.4 Final Technical Memorandum and Recommendations										0	\$ -			4	\$ 904			0	\$ -		\$ 904		
Task 3 Transportation Improvements by Project List	1	18	6	0	14	26	72	0	0	91	\$ 15,042	\$ -		16	\$ 3,616	\$ -		140	\$ 21,134	\$ 150	\$ 39,942		
3.1 Review Planning Documents and Compile Project List		4				4	24			32	\$ 4,628			4	\$ 904			8	24	32	\$ 4,558	\$ 10,089	
3.2 TIF Project Cost Estimates		6				2	2			14	\$ 2,512			2	\$ 452			40	64	104	\$ 15,796	\$ 150	\$ 18,910
3.3 Develop CIP List and Project Timing		4	2			16	24			4	\$ 904			4	\$ 904			4	8		\$ 904		
3.4 Prepare Project GeoDatabase and Technical Memorandum	1	4				12	4	20		45	\$ 7,903			4	\$ 904			4	\$ 780		\$ 9,587		
Task 4 Fee Revenue Estimation	1	22	2	0	22	8	0	0	0	35	\$ 9,975	\$ -		12	\$ 2,712	\$ -		0	\$ -	\$ -	\$ 12,687		
4.1 Confirm amount of growth subject to fee		8					8			16	\$ 2,765			0	\$ -			0	\$ -		\$ 2,765		
4.2 Research supplementary funding sources (Measure B)		2				6				8	\$ 1,347			0	\$ -			0	\$ -		\$ 1,347		
4.3 Fee Estimation Calculation and Draft Memo		4	2			8				14	\$ 2,669			8	\$ 1,808			0	\$ -		\$ 4,477		
4.4 Final memo on revenue estimation	1	8				8				17	\$ 3,194			4	\$ 904			0	\$ -		\$ 4,098		
Task 5 Nexus Study	1	32	32	4	0	20	0	0	0	89	\$ 20,629	\$ -		24	\$ 5,424	\$ -		0	\$ -	\$ -	\$ 26,053		
5.1 Demonstrate AB 1600 Requirements		8	8							16	\$ 4,063			8	\$ 1,808			0	\$ -		\$ 5,871		
5.2 Prepare Fee Schedule		8	8							16	\$ 4,063			8	\$ 1,808			0	\$ -		\$ 5,871		
5.3 Draft Technical Memorandum		8	8			12				32	\$ 6,958			4	\$ 904			0	\$ -		\$ 7,862		
5.4 Final Technical Memorandum	1	8				8				25	\$ 5,545			4	\$ 904			0	\$ -		\$ 6,449		
Task 6 Draft and Final Nexus Reports	1	24	10	0	4	12	24	12	0	87	\$ 15,681	\$ -		8	\$ 1,808	\$ -		6	\$ 890	\$ -	\$ 18,379		
6.1 Complete administrative draft nexus study report		8	4			4	8	16	8	48	\$ 8,050			0	\$ -			2	4	6	\$ 890	\$ 8,940	
6.2 Revised draft report		8	4			2	4			20	\$ 3,981			4	\$ 904			0	\$ -		\$ 4,885		
6.3 Final report (after adoption)	1	8				2	4			19	\$ 3,650			4	\$ 904			0	\$ -		\$ 4,554		
Total	DKS										569	\$ 113,683	\$ 150	Urban Economics	106	\$ 23,955	\$ 150	Active Wayze	154	\$ 23,585	\$ 150	\$ 161,674	

DKS

Overhead Rate:	100.92%	% of budget in Current Year (CY)	70.00%
Fringe Rate:	80.84%	% of budget in CY+1	30.00%
Fee (Profit):	12.00%	% of budget in CY+2	0.00%
Annual Escalation Rate:	3.00%	% of budget in CY+3	0.00%
Annualization Factor			1.00900

Urban Economics

Overhead Rate:	171.49%	% of budget in Current Year (CY)	70.00%
Fringe Rate:	0.00%	% of budget in CY+1	30.00%
Fee (Profit):	10.00%	% of budget in CY+2	0.00%
Annual Escalation Rate:	3.00%	% of budget in CY+3	0.00%
Annualization Factor			1.00900

ActiveWayze

Overhead Rate:	134.04%	% of budget in Current Year (CY)	70.00%
Fringe Rate:		% of budget in CY+1	30.00%
Fee (Profit):	9.00%	% of budget in CY+2	0.00%
Annual Escalation Rate:	3.50%	% of budget in CY+3	0.00%
Annualization Factor			1.011



7.6 EXCEPTIONS TO THE STANDARD AGREEMENT

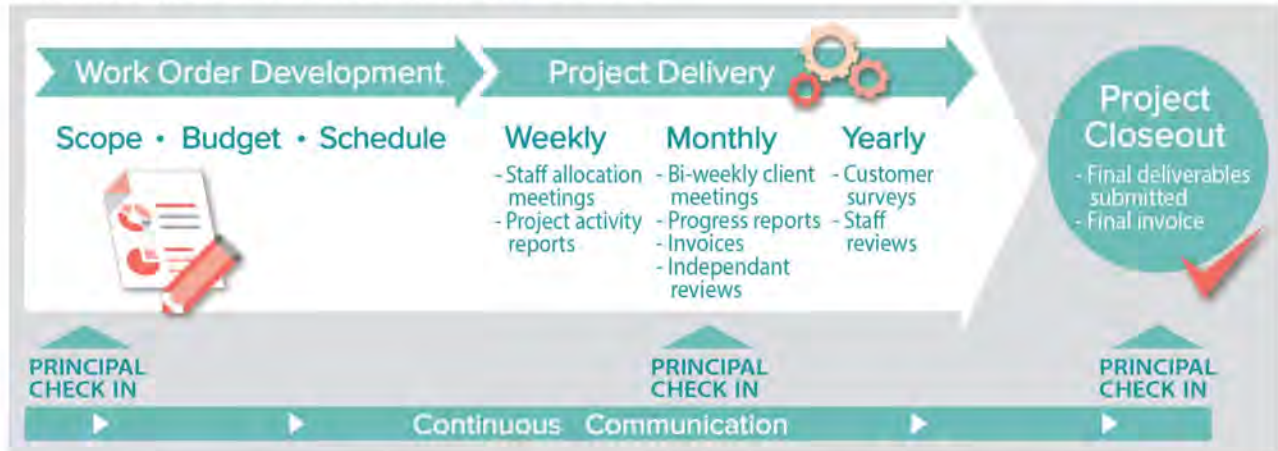
DKS requests the following edits be made to th standard agreement:

Indemnification. The Consultant shall save, keep, hold harmless and indemnify ~~and defend~~ the Town its officers, agent, employees and volunteers from all damages, liabilities, penalties, costs, or expenses in law or equity that may at any time arise ~~out of~~ or be set up because of damages to property or personal injury received by reason of, or in the course of performing work which may be occasioned by a willful or negligent act or omissions of the Consultant, or any of the Consultant's officers, employees, or agents or any subconsultant.

7.7 ADDITIONAL SUPPORTING DOCUMENTATION

INTERNAL PROCEDURES AND POLICES RELATED TO QUALITY CONTROL:

Our internal procedure to manage tasks and control costs are based on daily, weekly, monthly, and yearly procedures within the project delivery lifecycle. The figure below, illustrates our management and control procedures and are described in more detail below.



Continuous Communication: DKS creates a project management plan for each project that outlines our plan for communications, schedule, scope, and roles/responsibilities. Within our project management plan, consistent and clear communication between the DKS team and the Town of Los Gatos is a priority. We use a variety of communication tools including common e-mail platforms, web-based project management tools such as Basecamp for sharing information, cell phone contact and teleconference platforms to hold multiple user conference calls. We will hold bi-weekly phone calls with the Town of Los Gatos' project manager to track project status and resolve issues. Basecamp allows our team to collaborate on project deliverables, share information and track discussions on project issues.

Weekly: The DKS team will meet weekly to discuss each work order's staffing needs. Depending on each task, Erin Vaca will allocate staffing changes to meet deadlines and your needs. DKS will also log project activity reports so everyone on the team is aware of the current activities occurring throughout the project process.

Monthly: On a monthly basis, DKS issues invoices, progress reports and conducts independent reviews regarding the deliverables, client communication, schedule, resource needs, and financial status of each project or work order.

Yearly: Through annual customer surveys, DKS incorporates client feedback into our management practices. By refining our system, it ensures our services are always of high value and that projects are delivered within budget.

Lessons Learned: With a well-developed scope of work, regular client and team communication, and yearly surveys DKS has created a management process that focuses on the needs of our clients. By following up with our clients with surveys, and by communicating throughout the project, we can look critically where the DKS team can improve and learn from any challenges that occur.

COST, SCHEDULE AND RISK MANAGEMENT

Cost Control: Our team is committed to cost efficiency and maximizing value for the Town of Los Gatos. We are constantly seeking cost saving measures such as leveraging automated data sources, producing a systems engineering report that spans multiple implementations such as leveraging existing communications infrastructure options to save cost during construction. As the project manager, Erin will work diligently to maintain open, consistent, and responsive communications with the team and the Town of Los Gatos to reduce unnecessary out of scope work. On a monthly basis, DKS conducts independent reviews of project task, budget, and schedule.

Schedule: Once the NTP has been issued, Erin will work with the Town of Los Gatos' project manager to verify scope, deliverables and schedule. Our team will take the following steps to meet schedule deadlines.

- Tasks may be worked on concurrently to help expedite deliverables
- Organize virtual meetings and site visits with all needed team members
- Schedule of weekly and bi-weekly check-in calls to verify schedule is on track
- Assign additional resources as needed to complete deliverables

READY TO DELIVER AN EXCELLENT CLIENT EXPERIENCE

DKS strives to deliver the highest quality client experience. We focus on building and strengthening our relationships by listening to our clients, understanding their needs, and improving our processes so that we can deliver the best experience possible. We do this by focusing on four different steps throughout our project schedule and relationships with agencies.

DISCOVER - Determine client expectations by actively listening to client's needs, expectations and challenges.

PERFORM - Communicate effectively with clients and deliver a positive client experience by proactively setting goals and delivering on them.

FEEDBACK - Solicit feedback at project milestones and project completion.

Discover and assess current project work expectations are being met. Make changes if necessary

IMPROVE - Strive to constantly improve by sharing lessons learned, and address change management strategy when necessary.

We regularly measure our client service using Net Promoter Score, which is a measure of the percentage of clients that would recommend DKS to a friend or colleague. A **Net Promoter Score** above 75 is considered exceptional. **Our 2021 Net Promoter Score from all surveys was 77**, which is proof of our focus on providing excellent client service.

Risk Management: The DKS team will identify and communicate any challenges immediately and work with the Town of Los Gatos to identify and agree to solutions that meet project objectives while managing schedule and budget impacts. Some ideas for minimizing or avoiding challenges during project delivery include:

- Meet with the Town of Los Gatos' project manager and other staff during scoping to ask about potential challenges and gain a strong understanding of project risks.
- Include contingency tasks in scope to address potential foreseen issues.
- Highlight possible delays or impacts to the schedule and project budget and communicate these to Los Gatos' PM during scoping.

If the change has potential impacts to the schedule, our project manager can adjust staff levels as appropriate to meet new project demands. The benefits of using a formal change management process which includes:

- Improved communication with the agency project managers. Our change plan encourages difficult conversations that may occur as soon as the potential change is identified.
- Improved quality and completeness of final products.
- Successful completion and implementation of complex projects with fewer changes or revisions.



APPENDIX:

Key Staff
Resumes



ERIN VACA, TE, AICP, Project Manager

Erin's relevant expertise: Erin has focused most of her career on supporting public agencies with countywide transportation plans, multimodal planning studies, corridor studies, and traffic impact analyses. Erin has helped the City of Dixon assess VMT impacts of its draft general plan update and worked with the City of Fairfield to set VMT thresholds of significance and revise its transportation impact analysis guidelines accordingly. Erin also worked with a California ITE SB 743 Task Force, a joint task force sponsored by California ITE Sections, to prepare a summary and guidance document on SB 743 and VMT analysis.

As a project manager or task lead, Erin regularly presents work at public meetings and to elected officials. She has also enjoyed staffing various public outreach events throughout her career. Erin is currently serving as a pedestrian representative on the Mobility Commission, an appointed advisory body for the City of Fremont, CA; is a committee member for the Women's Transportation Seminar (WTS) San Francisco Bay Area Chapter; and is a member of the American Planning Association.

TRANSPORTATION IMPACT FEE UPDATES

City of Dixon Transportation Impact Fee Update, CA. Erin managed an update to the City of Dixon transportation impact fee. As part of this update, DKS compiled an updated project list from recently adopted planning documents including the city's General Plan, Bicycle and Pedestrian Plan, Rail and Traffic Safety Study, and Streets Master Plan. Erin also worked with the city's planning department to quantify the remaining expected development that had not been entitled and would be subject to the revised fee.

City of South San Francisco Transportation Impact Fee Update, CA. Erin managed this project for the City of South San Francisco with Bob Spencer as part of the DKS team. As part of a comprehensive update of user and impact fees, Erin helped the City of South San

Francisco develop a comprehensive transportation impact fee for new development. The City had identified many project needs through recent planning efforts and was experiencing high levels of development activity throughout the City. The new fee uses an existing facilities standard to justify a maximum rate per dwelling unit equivalent.

Hercules Transportation Impact Fee Update, Hercules, CA. Erin managed an update to the City's transportation impact fee as a follow-on task to the city's circulation element update. Project needs identified by the circulation element analyses were a key input to the new fee calculations. Key elements of the nexus study were presented to the City Council in a workshop format and updated fees were subsequently adopted.

Contra Costa Area of Benefit Fee Nexus Studies, Contra Costa County, CA. Erin managed a series of transportation impact fee nexus studies in different areas of unincorporated Contra Costa County. As part of these projects, Erin applied the Contra Costa County Transportation Authority's travel demand model to characterize traffic flow through transportation improvement project

locations, updated cost estimates, calculated maximum justifiable transportation impact fees, and compiled the nexus fee study documents.

San Mateo Transportation Plan, San Mateo County, CA. Erin served as project engineer on this project for San Mateo County in the development of a Comprehensive Transportation Management Plan (CTMP). The Plan encompassed Highway 1, SR 92, and other arterial roads on the San Mateo Midcoast and in the City of Half Moon Bay. The plan identified measures to ensure residential development is only allowed where transportation system capacity will not be burdened by growth to unacceptable levels. As part of the project team, Erin used the County Council of Governments (C/CAG) model maintained by the Valley Transportation Authority (VTA) to provide forecasts based on alternative land use scenarios and calculate base and future year performance measures for study area roadways. She has also prepared a traffic impact fee nexus analysis to quantify a potential funding source for the plan's improvements.

SB 743 IMPLEMENTATION STUDIES

Dixon SB 743 Implementation, CA. Erin and the DKS team prepared interim VMT baseline calculations and recommended thresholds of significance for the City of Dixon. As part of this project, Erin reviewed the two available modeling tools for VMT measurement which include the city's own trip-based travel demand model and the regional Solano Napa Activity Based Model. DKS is also reviewing and updating the city's transportation impact analysis guidelines as part of this project.

City of Fairfield SB 743 Implementation, Fairfield, CA. DKS reviewed the City's General Plan, transportation impact analysis guidelines, and travel demand model and recommended changes needed to implement SB 743. DKS worked with the City to validate a 2020 baseline scenario of the City's travel demand model and prepared VMT calculation scripts. DKS also implemented a procedure to estimate VMT that occurs outside the model boundaries due to internal-external travel. DKS also prepared baseline VMT calculations, developed recommended thresholds of significance, and recommended mitigation measures appropriate for Fairfield. Erin served as project manager for this project and presented recommendations to the City's Planning Commission and City Council.

City of Santa Maria and City of Lompoc SB 743 Implementation, Santa Maria, CA. Erin led application of the Santa Barbara Council of Governments (SBCAG) travel demand model and served as SB 743 subject matter expert for these projects. Project objectives included deriving measurements of VMT per capita using the SBCAG model for residential and employment land uses, recommending thresholds of significance for CEQA analyses, and developing a sketch planning tool to screen proposed land development projects. As part of her responsibilities, Erin developed scripts in TransCAD to aid in calculation of VMT rates and performed approximately 80 model runs per city to provide the underlying data for sketch planning tools.



CARL SPRINGER, PE, Principal-in-Charge

Relevant expertise: Carl leads the DKS transportation planning practice in the Pacific Northwest. His expertise covers a wide range of multimodal transportation planning and engineering studies for cities, counties, transportation agencies throughout the West Coast. He has led citywide Transportation System Plans, corridor plans, facility plans, interchange area management plans, and active transportation plans consistent with state and federal planning guidelines. He also prepared CEQA and NEPA transportation studies in California.

CLMPO 2045 Update to their Regional Transportation Plan and Congestion Management Plan, OR

– DKS assisted the Central Lane Metropolitan Planning Organization (CLMPO) in the planning and development of the 2045 Regional Transportation Plan (RTP), Intelligent Transportation System (ITS), and a Congestion Management Process (CMP). The goal of this unified long-range planning project is to develop objectives-driven, performance-based transportation plans, ensuring transportation investment decisions consider the full range of tools to meet the region's goals and objectives. The CLMPO planning area encompasses the Cities of Eugene, Springfield and Coburg, and portions of Lane County.

The project set a new standard for other agency planning efforts in Oregon. The unified planning approach integrates planners and operations personnel (such as incident responders) to consider the full spectrum of system strategies for all types of travel, including implementing and monitoring travel conditions on a day-to-day basis. The unified approach helps to ensure that the collective system investments and management procedures work toward common goals and priorities, as defined by the CLMPO partner agencies and stakeholders.

ODOT Congestion Pricing Proposals Analysis, Portland Metro

Area, OR. Carl led an evaluation of proposed congestion pricing projects in 2012, when ODOT was first exploring value pricing solutions. The study responded to Oregon House Bill 2001, which required ODOT to implement a congestion pricing project within three years. A list of pricing proposals was developed by a local advisory committee. This study looked at the net changes in travel patterns, diversions, delays, and impacts on air quality as early screening criteria for three concept solutions. The outcomes of the study showed that none of the early proposals had a net benefit to managing the system and each had significant potential risks for ODOT in terms of diversions.

Clackamas County Regional Center Multimodal Plan, OR. DKS led the development of a comprehensive multimodal plan to improve the safety and accessibility of this regional economic center. The work implemented a broader set of transportation system objectives and performance measures to better align with the County's vision for safe facilities for all users. This planning process highlighted needs for better

Registration: Oregon Professional Traffic Engineer No. 18910 | California Professional Traffic Engineer No. 1189 | Professional Transportation Planner (PTP) No. 17

Education: MS, Transportation Engineering, University of California Berkeley | BS, Civil Engineering, Washington State University

Years of experience: 42

Unique Qualifications:

- Data storytelling
- Regional and citywide Transportation System Plans
- Transportation finance and fee programs
- Data visualization

walking and biking options within the regional center area, and for enhanced crossings on the major arterial roadways that separate the surrounding neighborhoods from the office and retail destinations. The County Board of Commissioners fully supported the plan and funded design and construction of the recommended projects.

Interstate 5 Facility Plan, Wilsonville Road to Canby/Hubbard Road Exit, Wilsonville, OR.

Carl led the DKS team in assessing options to improve safety and mobility on I-5 between Wilsonville and the Canby exit, and to formalize a facility plan for ODOT to support funding for design and construction of necessary highway improvements. The evaluation used *Street Light Data* to understand detailed origin-destination patterns that revealed key operational findings for the team. The facility plan was adopted, which included widening the Boone Bridge to provide a southbound auxiliary lane between these nearby interchanges to reduce peak period congestion and vehicle weaving and merging.

Regional Transportation Council Origin-Destination Study, WA. DKS provided technical evaluation and analysis of regional origin-destination (OD) datasets for SW Washington Regional Transportation Council (RTC). The project involved an evaluation of several third-party dataset options for RTC's regional application. DKS performed analysis in Moonshadow DB4IoT platform using INRIX waypoint data to develop origin destination matrices, travel time and trip distance information, and regional travel trends. DKS prepared a final report to demonstrate the technical capabilities of this big data toolset for decision makers in Clark County.

Vancouver Transportation System Plan, WA. DKS is leading the assessment and update of the motor vehicle, freight, and ITS elements of the City's TSP. Carl is the overall lead on these elements and is working with the consultant team and City staff to expand the policies and metrics they use for needs assessment, project prioritization, and complete streets implementation. A primary focus of this TSP update is to take the next steps in establishing regional priority bikeways and designing for safer pedestrian services, particularly along the high capacity transit lines established along Mill Plain and Fourth Plain and connections into the Downtown area. Technical work is on-going and expected to be completed in 2022.

Transportation Fee Programs and Financing Studies. Carl has led the transportation analysis to support a range of fee and financing programs for jurisdictions throughout Washington and Oregon including the following cities and counties:

- Bend, OR
- Clackamas County, OR
- Clark County, WA
- Corvallis, OR
- Gresham, OR
- Hillsboro, OR
- Lane County, OR
- Mercer Island, WA
- Oregon City, OR
- Salem, OR
- Vancouver, WA
- Wilsonville, OR



Education: MS, Geography,
University of California, Santa
Barbara, CA

BA, Geography (Honors),
University of California, Santa
Barbara, CA

Presentations: Sustainable
Community Strategy
Implementation: Fact or
Fiction? Panel Discussion.
2019 American Planning
Association California Annual
Conference

SB 743 Where is the safety?
Panel Discussion. 2019
American Planning
Association California Annual
Conference

JIM DAMKOWITCH, Senior Technical Advisor

Jim has 30 years of experience in regional multimodal transportation planning, congestion management, multidisciplinary corridor studies, safety studies, transit studies, active transportation studies, operational analyses, transportation and air quality modeling, and performance measure applications. He has managed regional transportation plan/sustainable community strategy updates and general plan circulation element updates; operational traffic studies for state highway infrastructure improvement projects (PSR/PA-ED Phases); corridor studies; active transportation studies; traffic impact fee programs; travel demand modeling; air quality modeling; and, transportation operational studies for a variety of clients including Caltrans, MPOs, and various cities and counties in California. He has served on state and regional planning committees and conference panels for transportation air quality conformity, performance measurement, and SB 743, respectively.

Relevant Project Experience:

San Joaquin County TIMF Update, CA. Jim helped update the County's traffic impact fee program. The goal of the project was to ensure that new development funds its fair share of road infrastructure improvements needed to mitigate the traffic impacts of new development, expand the role of active transportation infrastructure improvements and incorporate VMT as an operative metric for alleviating this, preserve the traffic level of service standards mandated by the County General Plan, and to conform to the requirements of California Government Code sections 66000 through 66008. The resulting fees should not unduly favor or discourage any particular type of development (e.g., commercial or residential development) and should not be disproportionate to the fees charged by cities within the county and the fees charged by neighboring counties.

San Joaquin County, 2015 General Plan Update And EIR, CA. Jim performed the traffic analysis of the San Joaquin County General Plan Circulation Element update and EIR. He developed an existing conditions analysis of the County's transportation system, covering all modes of transportation services. Traffic forecasts and an analysis of future traffic conditions were performed for three future land use alternatives using the SJCOG regional travel model. Prior to generating the travel forecasts, he performed a review of regional model and recommended improvements that could result in more accurate forecasts within the unincorporated areas of the county. Based on the analysis of alternatives, a preferred land use alternative was developed using the land use allocation software Envision Tomorrow. He translated the Envision Tomorrow preferred and use output for input into the travel demand model land use, performed the Preferred Alternative LOS analysis for both state and local facilities using ADT thresholds approved by the County, reviewed the existing goals and policies and recommended changes and/or additional policies based on the results of the Circulation Element traffic analysis, and prepared the General Plan Circulation Element Report and assisted in the traffic/circulation portion of the General Plan EIR.

City Santa Maria VMT Threshold Study, CA. In coordination with the City, DKS established the modeling methodology, project screening criteria, VMT thresholds, and potential VMT mitigation measures pursuant to Senate Bill (SB) 743 and consistent with guidance provided by the Office of Planning and Research for the implementation of SB 743. The methodology entailed first checking the accuracy of the SBCAG regional travel model home-based-work trip VMT and average trip length output using LEHD journey to work data. Once confirmed, the SBCAG model was used to develop the VMT Thresholds. Screening maps were developed identifying areas of the City that are "low" or "high" VMT areas for given types of land uses. This study will entail the development a CEQA VMT Sketch Planning Tool to assist City staff in implementation/CEQA determinations. Lastly, DKS provided recommendations for modifying the City of Santa Maria Travel Model to be more sensitive to SB 743/CEQA VMT analyses. DKS participated in weekly check-in meetings with City staff and will perform presentations to the City Planning Commission and City Council. Completion of the study is anticipated in August.

Lompoc VMT Thresholds Study, CA. In coordination with the City, Jim established the modeling methodology, project screening criteria, VMT thresholds, and potential VMT mitigation measures pursuant to Senate Bill (SB) 743 and consistent with guidance provided by the Office of Planning and Research for the implementation of SB 743. The travel demand model maintained by the Santa Barbara County Association of Governments was used to develop the VMT Thresholds. Screening maps are being developed to identify areas of the City that are "low" or "high" VMT areas for given types of land uses. This study will entail the development a CEQA VMT Sketch Planning Tool to assist City staff in implementation/CEQA determinations.

El Dorado County 2016 Western Slope Capital Improvement Program & Traffic Impact Mitigation Fee Update, CA. Prior to joining DKS, Jim managed the update to El Dorado County's Western Slope Capital Improvement Program and Traffic Impact Mitigation Fee Program to near its completion. An updated 2015 baseline travel model and 2035 forecasts were applied to HCM operational analyses to determine existing/future deficiencies under two General Plan land use scenarios (current General Plan and pending approval of a revised General Plan land use and zoning map). A reassessment of the County's existing fee zone geography, CIP, and costs and a comprehensive public outreach effort was performed. Alternative fee structure scenarios were presented to the public, stakeholder focus groups and the County Board of Supervisors. Policy changes were recommended to lower fees where applicable and to modernize the program. Upon selection of the preferred fee structure scenario, technical memorandums documenting the analysis were prepared in accordance with AB 1600. Completion of the Western Slope CIP and TIM Fee update and Board of Supervisor approval occurred in 2017.



DAVE TOKARSKI, SENIOR TRANSPORTATION PLANNER

David's relevant expertise: David has managed a wide range of transportation planning projects. He specializes in environmental analysis, GIS applications, impact analyses, and travel demand forecasting. David has developed detailed GIS parcel maps, linked to land use databases, to update travel demand models.

Caltrans District 3 Managed Lanes Studies, CA. Led travel demand forecasting tasks for major investment studies of proposed managed lanes on two regional freeways in Sacramento (State Route 51, or Business Route 80, and Interstate 5). Managed inputs and outputs of regional activity based travel demand model (SACSIM19) for a variety of scenarios, including traditional high-occupancy lanes and toll lanes, with varying tolls for different types of users. He led the preparation of model inputs and testing of model outputs to determine the effectiveness of various tolling alternatives as well as led the preparation of model outputs for input into micro-simulation models.

Activity Based Model Implementation and Support, Shasta Regional Transportation Agency (SRTA), CA. David helped implement and is currently maintaining and updating SRTA's Activity Based Travel Demand Model. Managed enhancements to the model, including updating the CUBE Application Manager framework. Analyzed implementation of multiple Strategic Growth Areas (SGAs) in City of Redding. Used ABM to analyze detailed transportation measures of effectiveness for Shasta County's 2015 and 2018 RTP updates.

Transportation Development Impact Fee Program Update,

Sacramento County, CA. David provided travel demand modeling support for the fee program update, including providing parcel-based land use estimates for a 2047 scenario for the entire County, as well as providing support in fair-share calculations. DKS prepared a version of SACOG's SACSIM model with a more detailed transportation network and TAZ system including proposed new growth areas and specific plans.

SB 743 VMT Implementation, County of Sacramento, CA. Prepared preliminary screening maps displaying VMT per Capita and VMT per Employee results derived from the SACSIM Activity-Based Model (ABM). Derived VMT metrics by traffic analysis zone from ABM daily tours data. Prepared CEQA VMT analysis for various smaller projects that do not meet the County's local transportation analysis threshold but do meet its CEQA VMT threshold for further review.

City of Sacramento Central City Parking Master Plan, CA. Developed a GIS system to inventory on and off street parking in the Central City area of Sacramento. Tasks included splitting the Central City into approximately 1,000 blocks, assembling inventory and occupancy data collected in the field, and aggregating inventory and occupancy data into several large districts. Involved in the preparation of the Parking Master Plan in 2005, as well as updates in 2008 and 2011.

Education: MS, Civil and Environmental Engineering, California Polytechnic State University, San Luis Obispo

Years of experience: 21

Unique Qualifications:

- SACOG model expert
- proficient project manager successfully delivering projects on time and within budget

City of Sacramento Transportation Impact Studies, CA. Provided travel demand modeling support for various City impact analyses, including Arden Gateway, Natomas Aquatic Center, Centene, Core Apartments, Creekside Apartments, California Fruit Building, Northgate-Rosin Commercial, Retreat at Sacramento, and Wayne Court development. Tasks included updating the SacSIM activity-based model for each project (or set of alternatives for a given project) and preparing needed data outputs such as roadway segment and intersection forecasts, project trip distribution, and summarizing vehicle-miles-travelled (VMT).

Sacramento County General Plan Update EIR, CA. Utilized parcel level data to calculate existing land use and future land use capacity in the unincorporated portion of Sacramento County for use in SACOG's SACSIM model.

West Sacramento Travel Demand Model Updates, CA. Used the City's GIS parcel data of developed and undeveloped land to estimate existing and buildout land use data for 2004 and on-going 2014 model updates.

Shasta Regional Transportation Agency (SRTA), CA. ABM Implementation and Support: Helped implement and is currently maintaining and updating SRTA's Activity Based Model. Managed enhancements to the model, including updating the CUBE Application Manager framework. Analyzed implementation of multiple Strategic Growth Areas (SGAs) in City of Redding. Used ABM to analyze detailed transportation measures of effectiveness for Shasta County's 2015 RTP update.

Jackson Corridor Joint Traffic Impact Studies, CA. Prepared detailed SACSIM model inputs (land use by parcel, buffering, etc) using GIS tools for the TIS for four proposed major projects totaling about 30,000 new dwelling units and 54,000 new jobs.

Sutter County TCIP and Area of Benefit Fees, CA. Created database of County's roadway system including traffic and truck volumes, roadway width and pavement conditions and used GIS to prioritize improvements to roadway system. Used GIS to evaluate land use and conducted model runs to evaluate roadway needs in several Areas of Benefit where fee program is being considered.

Placer County Model Updates, CA. Assisted in the development of the 2001 travel model update and managed the 2004 and 2008 travel model updates. David developed a GIS layer for the detailed traffic analysis zone system for Placer County. He conducted a detailed analysis of the parcel databases from the City of Roseville and Placer County to prepare a detailed 2004 and 2008 land use inventories by development type and TAZ. He worked with the planners from the cities of Roseville, Rocklin and Lincoln and from Placer County to identify and revise issues in the parcel database to create a base land use file for model validation. He estimated buildout development levels for vacant parcels and worked with the project team and planners to allocate 2020 development levels to each TAZ. He also updated the existing and future roadway networks.



KENDALL FLINT

Regional Lead Community Engagement & Strategic Planning

Kendall's relevant expertise: Kendall is an industry professional with more than 30 years of government experience. She has developed and implemented a broad range of communications efforts for cities, counties, special districts, and regional planning agencies throughout California. She brings extensive experience with outreach in support of transportation and land use planning and overall public information. Kendall specializes in reaching out to underserved populations and managing controversial projects and issues.

Education: English Major, University of California, Los Angeles

Years of experience: 30

San Joaquin County Traffic Impact Mitigation Fee Program Update and Revision, CA. Kendall supported the County's TIM Fee Update with a stakeholder engagement program targeted to representatives in the building industry. Working closely with County staff and the consultant team, she facilitated discussions between the agency and those stakeholders resulting in acceptance of the proposed fees.

El Dorado County Traffic Impact Mitigation Fee Program Update. El Dorado County was challenged by trying to balance new business development and affordable housing without sacrificing the character of the County. Kendall facilitated a series of workshops and focus groups with residents, developers, environmental activists and proponents of alternative transportation modes as part of a robust outreach program that also included a project website and e-Newsletters.

Valley Vision San Joaquin Regional Transportation Plan & Sustainable Communities Strategy, Community Outreach, CA. Kendall assisted the San Joaquin County Council of Governments with its outreach program for its Valley Vision effort. In this case, Ms. Flint is working with staff to develop meeting structure, materials and strategies as well as meeting facilitation. The first round of workshops has recently been completed with the second round currently underway. She is responsible for media relations and implementation of a social media program.

Valley Vision Stanislaus Regional Transportation Plan & Sustainable Communities Strategy, Community Outreach, CA. Kendall was the task manager for the public outreach component of StanCOG's 2035 Regional Transportation Plan, Valley Vision Stanislaus. Her efforts include coordination with all nine cities and the County to plan individual workshops, outreach to stakeholder groups, media relations and bilingual outreach. Valley Vision Stanislaus also incorporates the MPO's Sustainable Communities Strategy and Regional Housing Needs



ADITI MESHAM, Transportation Analyst

Aditi's relevant expertise: Aditi has a wide variety of skills relating to transportation planning and analysis, safety analysis as well as traffic facility design. With a background working with the San Francisco Municipal Transportation Agency (SFMTA) and the San Mateo County Transit District she is experienced in meeting public agency standards in Northern California and has a growing familiarity with these standards in Oregon. Since joining DKS, Aditi has aided in several travel demand modeling projects, traffic impact analysis and data analysis. Aditi has extensive experience with TransCAD, Cube, Synchro, SimTraffic, Vissim, ArcMap and Python, in addition to a growing understanding of VISUM and FREQ.

Education: BS, Civil Engineering, Indian Institute of Technology Bombay
MS, Transportation Engineering, University of California Davis

Years of experience: 2

Unique Qualifications:

- Worked on estimation of VMTs with limited data for SB 743 purposes
- Experience working on several Traffic Impact Studies and devising mitigations
- Familiarity with SACSIM model
- Performed analysis and documentation for General Plans and Specific Plans
- Strong analytical, mapping and modeling skills including big data analysis

Fairfield SB 743 Implementation: DKS is helping the City of Fairfield implement the requirements of Senate Bill (SB) 743 pertaining to transportation impacts under the California Environmental Quality Act. DKS has reviewed the City's General Plan, transportation impact analysis guidelines, and travel demand model and recommended changes needed to implement SB 743. Aditi worked on filling VMT gaps by estimating VMTs for areas that do not have built infrastructure but are zoned for future developments, and created maps to display the same. Major tools used for these tasks were GIS, Python and Excel.

CCTA Multimodal Transportation Service Objectives (MTSO) and VMT Analysis (2018-2019): Aditi collaborated transportation Action Plans of the Contra Costa county sub-regions to monitor respective MTSOs. The Contra Costa County Transportation Authority (CCTA) is incorporating into its Action Plans the SB 743 guidelines for eliminating the use of vehicle delay under CEQA and for adoption of a new Vehicle Miles Traveled (VMT) threshold of significance. Aditi was instrumental in determining VMT per capita from the existing CCTA travel demand model in TransCAD and mapping them by residence and workplace location.

Caltrans District 3 On-Call: This project will make improvements on State Route 51 (SR 51) in Sacramento County by adding managed lanes, auxiliary lanes and improving intelligent transportation system elements. Aditi's role in this project was to build and refine tools for OD volume estimation, set up pre-processing mechanisms for microsimulation, and perform simulation model calibrations.

NVTA Countywide Transportation Plan (CTP): DKS is working with NVTA to update Napa's CTP. Aditi's role involved developing performance measures to quantify goals. This includes data collection and organization, calculation of baseline measures and setting future targets for each metric. Major tools included Excel, Python for big data analysis, Remix and GIS.

San Mateo County Comprehensive Transportation Management Plan: Aditi is the main engineer for the development of a Comprehensive Transportation Management Plan (CTMP) for Highway 1, SR 92 and other arterial roads on the San Mateo County Unincorporated Midcoast. Her responsibilities include development of the report, analysis of operating deficiencies, and presenting results and recommendations to the client.

City of Pacifica General Plan Update and Sharp Park Specific Plan: Aditi is the main engineer working on the transportation portion of the general plan update for Pacifica. This effort is in parallel with a Specific Plan for their downtown Sharp Park area. The analysis involves multimodal demand analysis, LOS calculation for roadway segments and intersections within the city, parking occupancy, and creation of GIS figures to represent the analysis.

Napa General Plan (2018): Aditi assisted in the circulation element update for the Napa General Plan. This included documenting existing conditions of roadway, bicycle, pedestrian and public transit network and identifying existing gaps in the network. To depict collision history, pedestrian and bicycle crashes were mapped in ArcMap using crash data from SWITRS.

Sacramento Depot Park TIA: Aditi completed a deficiency analysis and estimated the required volumes out of counts conducted during Covid-19 shelter-in-place.

Carnoustie Housing Development TIA: Aditi conducted a traffic impact study for Carnoustie Phase 4 residential development in the city of Half Moon Bay, California. The project will add eight new single-family detached residential dwelling units in close vicinity to Highway 1 and the study was carried out to determine potential traffic impacts from the proposed project. Aditi reviewed previous phase development documents, and performed delay analysis in Synchro.

Solano Transportation Authority HSIP Application (2018): Aditi assisted in preparation of the Highway Safety Improvement Plan application on behalf of Solano County. This application included analyzing crash data and recommending state funded countermeasures for the more frequent kinds of crashes. In addition, the application required a great deal of documentation deliverables including conceptual designs, cost estimates, and study area maps. These tasks involved the use of AutoCAD, GIS, and various Microsoft office tools.

E. Shorebird Way Pedestrian/Bicycle Crossing Design (2018) Aditi processed and organized existing AutoCAD as-built files and set up the plans sheets for signage, lighting and pedestrian push button (PPB) Design PS&E services for the E. Shorebird Way and Charleston Road Pedestrian Crossings Projects in the City of Mountain View. This is a high pedestrian activity path within the Google campus. Under Caltrans standards, Aditi aided in the design of advance solar LED enhanced signs and PPB assembly, and determining the ideal placement of these, all of which were integral parts in making this road safe for pedestrians and bicyclists.

E. Campbell – Leigh Avenue Intersection Analysis (2018) Aditi conducted alternatives assessment of proposed treatments for enhancing the safety of left-turn movements at the intersection of East Campbell Avenue and Leigh Avenue in San Jose. The intersection of Leigh Avenue and E. Campbell Avenue is a four-leg intersection with STOP control for the E Campbell Avenue approach and uncontrolled for Leigh Avenue. Aditi carried out thorough analysis of crash data, turning movement counts, lane geometry as well as calculation of vehicle sight distances at different scenarios. Through such analysis she helped in recommending a desirable treatment at the intersection from a safety, operations and feasibility standpoint.

ACTC Broadway/Jackson Screenline Analysis: Aditi performed screenline analysis as part of the Oakland-Alameda Access Project to study access and operational improvements between I-880, I-980 and local Oakland street.



ROBERT D. SPENCER

Principal

Mr. Robert D. Spencer, d/b/a Urban Economics, has been consulting to local and regional public agencies for 30 years. He has extensive experience developing financial resources for public infrastructure and services to serve a community's growth and revitalization. As an urban economist he focuses on the intersection between land use and fiscal policies, and business and real estate markets. He is an effective communicator for guiding the deliberations of public officials and their stakeholders.

Major areas of experience and expertise are shown below followed by representative projects for which Mr. Spencer was the principal and/or project manager.

Nexus Studies for Fees and Service Charges

Mr. Spencer is one of California's leading experts on nexus studies for fees, rates, and assessments to fund infrastructure and services. These studies include impact fees under the Mitigation Fee Act, CEQA mitigation fees, regulatory fees, benefit assessments, and user fees. Often Mr. Spencer participates in the extensive communication efforts typically required with stakeholders and policy makers to successfully adopt these revenue programs.

Mr. Spencer has been engaged by over 140 local agencies mostly located in California to prepare nexus studies for the complete range of public facilities including (1) streets, transit, bicycle & pedestrian facilities, (2) public works, fire, police, and administrative facilities, (3) parks, open space, and habitat conservation, and (4) water, wastewater and storm drain utilities. In addition, Mr. Spencer has prepared nexus studies to meet more challenging objectives related to affordable housing, transit services, and economic development.

Mr. Spencer's assistance to local agencies includes preparation of capital improvement plans, documenting statutory nexus findings, facilitating stakeholder involvement, and analyzing impacts on the local economy. He has assisted in developing regional fee programs that require the participation of multiple jurisdictions. Mr. Spencer has provided expert advice to the public agency plaintiffs in court cases defending existing fee programs. **None of the development impact fee programs developed by Mr. Spencer over the past 30 years have been modified by judicial action or been subject to an out of court settlement.**

Transportation Funding Programs and Related Environmental Impact Analysis

Mr. Spencer has developed a wide range of transportation funding programs for local agencies. Projects have included multimodal programs for transit, bike, and pedestrian facilities as well as road maintenance revenue programs. As part of this work he has developed cutting edge strategies that streamline the environmental review process for development projects.

Mr. Spencer has specific expertise developing transportation impact fee programs for consortiums of cities and counties. These studies are complex, requiring the balancing

Education

*Master of Public Policy,
Kennedy School of
Government, Harvard
University*

*Bachelor of Arts,
Economics, Colorado
College*

Additional Areas of Expertise

*Affordable Housing
Funding Policies &
Programs*

*Climate Adaptation
Finance*

*Comprehensive Funding
& Financing Plans*

*Economic Development
& Impact Analysis*

Fiscal Impact Analysis

*Habitat & Open Space
Funding Plans &
Mitigation Fees*

*Management Audits &
Financial Analysis*

*Real Estate Market
Analysis*

Professional Affiliations

*Urban Land Institute,
associate private member*

*Growth and Infra-
structure Consortium*

Bay Planning Coalition

SPUR

Robert D. Spencer

Teaching Experience

*Planning Innovations
Forum: Transportation
Impact Fees and SB 743,
speaker, 2018*

*Growth & Infrastructure
Consortium, moderator
and speaker, 2002-2015
(most years)*

*"Stormwater Funding
Strategies", Regional
Water Quality Control
Board workshop, 2008*

*"Takings and Exactions:
Imposing Conditions on
Development Without
'Going Too Far",
University of California at
Davis Extension, 2002-
2004.*

*"Effective Local
Approaches for Promoting
Smart Growth: Financing
and Planning Strategies",
Urban Land Institute and
the Association of Bay
Area Governments,
September 26, 2003.*

Prior Professional Experience

*Willdan Financial
Services (formerly
MuniFinancial), Principal
Consultant and Practice
Leader
1999-2009*

*Hausrath Economics
Group, Consultant
1989-1999*

*Ernst & Young, Local
Government Management
Consulting Practice,
Analyst
1987-1989*

*City of San Jose, City
Manager Intern,*

of political and economic interests with the technical requirements of the Mitigation Fee Act (aka AB 1600).

- ◆ City of Oakland, Citywide Impact Fee Nexus and Implementation Study, to develop the City's first comprehensive development impact fee program including nexus analyses for transportation, capital facilities, and affordable housing. The transportation fee provided a funding source for both capacity expanding infrastructure to address congestion based on level of service, and multimodal improvements for transit, bicycles, and pedestrians to support vehicle miles travelled (VMT) reduction goals.
- ◆ City and County of San Francisco: Transportation Sustainability Program and Fee Innovative program to fund \$2.0 billion in improvements focused on non-auto transportation modes (transit, bicycle, pedestrian) while concurrently streamlining the CEQA process for transportation mitigation analysis.
- ◆ Los Angeles Metropolitan County Transportation Authority: Congestion Mitigation Fee program for the entire county including 89 jurisdictions conducted as a series of sub-regional studies. Largest single transportation development impact fee program in the nation, both in new funding raised and number of jurisdictions participating.
- ◆ San Diego Association of Governments (SANDAG): CEQA Transportation Fair Share Methodology to streamline and improve CEQA mitigation analysis for regional development projects.



MEMORANDUM

DATE: April 11, 2024

TO: Nicolle Burnham | Town of Los Gatos

FROM: Erin Vaca | DKS Associates

SUBJECT: Scope and Budget Amendment for Los Gatos TIF Update Project #22046-000

INTRODUCTION

This memorandum summarizes the proposed scope and budget amendment to complete the update of the Los Gatos Transportation Impact Fee (TIF). DKS previously submitted a nexus study which was accepted by Town staff and adopted by the Town Council in January 2024. Subsequently, additional direction was received from the Town Council to significantly rework the analysis using a different methodology.

The proposed scope and budget necessary to respond to the Council's direction are detailed in the following sections. The task numbers listed below correspond to the existing budget structure.

SCOPE OF WORK

TASK 1 – PROJECT MANAGEMENT

This proposal includes up to two hours for the DKS project manager to meet with Town staff in addition to one Town Council meeting. DKS will review the staff report and assist with presentation materials for the Town Council meeting if required.

Deliverables: Preparation and attendance at one Council meeting, meeting materials

TASK 3 TRANSPORTATION IMPROVEMENTS PROJECT LIST

DKS will also work with staff to review the supplemental funding amounts available for each project. DKS will also escalate project costs to 2024 dollars using the Engineering News Record Construction Cost Index for the San Francisco Bay Area.

DKS will conduct a fair share traffic analysis of the SR-17 project. The fair share traffic analysis will apply the Santa Clara VTA travel demand model to calculate the future (year 2040) proportion of over-capacity traffic on SR-17 that is associated with growth in Los Gatos. The resulting fair share cost allocation factor will be applied to the full project cost.

Deliverables: Updated project list (Excel format), fair share traffic calculation summary (Excel format)

TASK 4 FEE REVENUE ESTIMATION

The DKS team will prepare two new versions of the fee calculations:

Option 1 will apply a growth fair share percentage to total allocated project costs.

Option 2 will apply a growth fair share percentage to all allocated project costs except for the SR-17 project. The SR-17 project costs will be allocated to the fee calculation in proportion to the share of over-capacity traffic associated with growth in Los Gatos.

This task will also include a workshop session to brainstorm alternative methods for assessing the “fair share” percentage. This subtask assumes a two-hour, virtual meeting to be attended by the DKS project manager, the Urban Economics project manager, and one additional senior DKS staff. Recommendations resulting from the workshop will be documented in a brief technical memorandum. Any significant additional work stemming from the workshop recommendations will be delivered under a separate contract amendment.

Deliverables: “Fair Share” Workshop and Technical Memorandum; Fee calculation workbooks (Excel format).

TASK 6 DRAFT AND FINAL NEXUS REPORTS

DKS will confirm the recommended option for fee calculation with Town staff. The nexus report will be updated to reflect the recommended approach. DKS will respond to a single set of comments on the administrative draft (to Town staff) and the public draft (to Town Council) to prepare a final nexus report.

Deliverables: administrative draft, draft, and final nexus reports.

BUDGET

The proposed budget for the additional scope is \$18,440 as summarized in the attached table.

SCHEDULE

DKS will complete the analysis and public draft nexus report within six weeks of notice to proceed.

DKS Associates

A Corporation

Carl Springer

Carl Springer, PE, PTP
Principal

Erin Vaca

Erin Vaca, TE, AICP
Project Manager

Approved by:

(Client Name)

By:

Title

Date

TABLE 1: BUDGET ESTIMATE
 ADDITIONAL BUDGET BY TASK

Task	DKS Staff Hours					Labor Cost	Direct Costs	Total Cost
	PIC	PM	Sr. Engineer	Senior Advisor	Admin			
	\$ 272	\$ 251.92	\$ 290	\$ 315	\$ 101			
Task 1 Project Management and Stakeholder Engagement	1	8	0	0	1	\$ 2,389	\$ 50	\$ 2,439
Task 3 Transportation Improvements Project List	0	6	16	0	0	\$ 6,152	\$ -	\$ 6,152
Task 4 Fee Revenue Estimation	2	14	0	2	0	\$ 4,701	\$ 900	\$ 5,601
Task 5 Nexus Study	0	0	0	0	0	\$ -	\$ -	\$ -
Task 6 Draft and Final Nexus Reports	1	14	0	0	0	\$ 3,799	\$ 450	\$ 4,249
Total Hours	4	42	16	2	1			
Cost	\$ 1,089	\$ 10,581	\$ 4,640	\$ 630	\$ 101	\$ 17,040	\$ 1,400	\$ 18,440

SIGNATURE CERTIFICATE



REFERENCE NUMBER

D3B1A7AF-BB94-4361-AE16-151153BEB42B

TRANSACTION DETAILS

Reference Number

D3B1A7AF-BB94-4361-AE16-151153BEB42B

Transaction Type

Signature Request

Sent At

04/15/2024 16:26 EDT

Executed At

04/15/2024 16:39 EDT

Identity Method

email

Distribution Method

email

Signed Checksum

a96e84815a7fb7bf09a0e2d1bc755927f583a817719327082fd863dfe3250046

Signer Sequencing

Disabled

Document Passcode

Disabled

DOCUMENT DETAILS

Document Name

Scope and Budget Amendment Proposal v2

Filename

Scope_and_Budget_Amendment_Proposal_v2.pdf

Pages

4 pages

Content Type

application/pdf

File Size

1.05 MB

Original Checksum

46913fcc1f4a59daf6e1b54e571bab1979f11d019e919469ae91265da53f510

SIGNERS

SIGNER	E-SIGNATURE	EVENTS
<p>Name Erin Vaca</p> <p>Email erin.vaca@dksassociates.com</p> <p>Components 1</p>	<p>Status signed</p> <p>Multi-factor Digital Fingerprint Checksum c5dbfc1b4c89464b17d5d7603d2a421225d90ecc823f7f387d052ac41d3e66bb</p> <p>IP Address 75.54.231.47</p> <p>Device Chrome via Windows</p> <p>Typed Signature </p> <p>Signature Reference ID 92B2FA1A</p>	<p>Viewed At 04/15/2024 16:39 EDT</p> <p>Identity Authenticated At 04/15/2024 16:39 EDT</p> <p>Signed At 04/15/2024 16:39 EDT</p>
<p>Name Carl Springer</p> <p>Email carl.springer@dksassociates.com</p> <p>Components 1</p>	<p>Status signed</p> <p>Multi-factor Digital Fingerprint Checksum 4c579aea16bbd51e8ff9d6d06dd6578c389c0155adc7799d687479a2feb84587</p> <p>IP Address 206.198.132.30</p> <p>Device Chrome via Mac</p> <p>Typed Signature </p> <p>Signature Reference ID 2E67F51B</p>	<p>Viewed At 04/15/2024 16:28 EDT</p> <p>Identity Authenticated At 04/15/2024 16:29 EDT</p> <p>Signed At 04/15/2024 16:29 EDT</p>

AUDITS

TIMESTAMP	AUDIT
04/15/2024 16:26 EDT	Elizabeth Aguilar (elizabeth.aguilar@dksassociates.com) created document 'Scope_and_Budget_Amendment_Proposal_v2.pdf' on Chrome via Windows from 73.12.137.5.
04/15/2024 16:26 EDT	Erin Vaca (erin.vaca@dksassociates.com) was emailed a link to sign.
04/15/2024 16:26 EDT	Carl Springer (carl.springer@dksassociates.com) was emailed a link to sign.
04/15/2024 16:28 EDT	Carl Springer (carl.springer@dksassociates.com) viewed the document on Chrome via Mac from 206.198.132.30.
04/15/2024 16:29 EDT	Carl Springer (carl.springer@dksassociates.com) authenticated via email on Chrome via Mac from 206.198.132.30.
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