

# APPENDIX A

## Title 3 - REVENUE AND FINANCE Chapter 3.48 RESERVED TRAFFIC IMPACT FEE

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### Chapter 3.48 RESERVED TRAFFIC IMPACT FEE

#### Sections:

#### **3.48.010 RESERVED FOR FUTURE USE -Authority-**

~~This chapter is enacted pursuant to Sections 66000 through 66008 of the California Government Code. The fees established are based on an analysis of potential future growth and its impact on the city's transportation system as identified in the 2005 city of Los Altos traffic impact fee program report, herein referred to as the traffic impact fee report.~~

~~(Ord. 05-286 § 1 (part))~~

#### **3.48.020 Application-**

~~This chapter applies to fees charged as a condition of development approval to defray the cost of certain transportation improvements required to serve new development within the city. This chapter does not replace other subdivision map exactions or other measures required to mitigate site-specific impacts of a development project including, but not limited to, mitigations pursuant to the California Environmental Quality Act, regulatory and processing fees, fees required pursuant to a development agreement, or assessment district proceedings, benefit assessments, or taxes.~~

~~(Ord. 05-286 § 1 (part))~~

#### **3.48.030 Intent and purpose-**

- ~~A. Adequate transportation improvements are needed to protect the health, safety, and general welfare of the citizens, to facilitate transportation, and to promote economic well-being within the city. Transportation improvements are provided for residents, businesses, and employees within the city. Individual traffic improvements are part of an integrated transportation system serving and providing benefits to the entire city. New development within the city will create an additional burden on the existing street system. Improvements to the existing street system in the city are needed both to mitigate the cumulative impacts of new development and to accommodate future development by maintaining the appropriate level of service on streets and intersections, or providing offsetting sidewalk and bicycle improvements to meet the goals and policies of the city's general plan and the county of Santa Clara's congestion management program requirements.~~
- ~~B. All types of development require and use the street system. There are no adequate public funds available to maintain designated levels of service at all intersections in the city. In order to ensure that the appropriate level of service is maintained and to promote the health, safety, and general welfare of the community, it is necessary that new development pay a fee representing its share of costs of the necessary improvements. The traffic impact fee is based upon the evidence that new development generates additional residents, employees, and structures, which in turn place an additional cumulative burden upon the local street system, and should be expected to pay a share of the new facilities.~~
- ~~C. The purpose of this fee is to help provide adequate transportation-related improvements to serve cumulative development within the city. However, the fee does not replace the need for all site-specific~~

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traffic improvements that may be needed to mitigate the impact of specific projects upon the city's street system. The transportation improvements for which the fee will be used are identified in the city's capital improvement program and/or in the traffic impact fee report in effect at the time this chapter is enacted or as subsequently amended.

(Ord. 05-286 § 1 (part))

### **3.48.040 Fee requirement.**

- A. ~~A traffic impact fee is hereby imposed on new development which generates traffic and meets the requirements of this section. The amount of the fee shall be established periodically by the city council. The fee shall be based on the percentage of the cost of the new improvements attributable to new development as determined in the traffic impact fee program report in effect at the time this chapter is enacted or as subsequently amended.~~
- B. ~~The fee shall be applicable to development projects throughout the city as follows:~~
- ~~1. Single family housing per residential unit;~~
  - ~~2. Multiple family housing per residential unit;~~
  - ~~3. Senior housing per residential unit;~~
  - ~~4. Commercial per one thousand (1,000) gross square feet;~~
  - ~~5. Office per one thousand (1,000) gross square feet.~~
- C. ~~Residential units and nonresidential uses shall only be charged for net increases. No fee shall be charged for the remodeling, restoration or replacement of an existing residential unit or the remodeling, restoration or replacement of existing gross floor area for a nonresidential use.~~
- D. ~~When a multiple family or senior housing project replaces a nonresidential project the traffic impact fee shall either be the unit cost for every one thousand (1,000) square feet of net new building area, or the unit cost for the total number of residential units, whichever is less.~~
- E. ~~The city engineer shall determine the appropriate traffic impact fee for projects that do not fall into one of the categories defined herein based on the number of additional p.m. peak hour trips the project generates in excess of any current p.m. peak hour trips generated by current site uses, as indicated in the most current edition of the Institute of Transportation Engineers Trip Generation Manual and based on the traffic impact fee program report in effect at the time this chapter is enacted or as subsequently amended. Any determination made by the city engineer pursuant to this subsection may be appealed to the city council.~~

(Ord. 08-325 § 1; Ord. 05-286 § 1 (part))

### **3.48.050 Fee adjustment.**

- A. ~~The traffic impact fee shall be adjusted automatically each July 1st by the increase or decrease in the Engineering News Record Construction Cost Index for the San Francisco Bay Area for the period ending December 31st of the preceding calendar year.~~
- B. ~~In addition to the automatic adjustment of subsection A of this section, the city council may periodically adjust the traffic impact fee to reflect revisions in the transportation improvement projects, increases in land values or other factors.~~

(Ord. 08-325 § 2; Ord. 05-286 § 1 (part))

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### **3.48.060 Fee payment.**

The fee shall be paid in full to the city before any building permit is issued or any final subdivision map is recorded, whichever is applicable or occurs first.

(Ord. 05-286 § 1 (part))

### **3.48.070 Authority for additional mitigation.**

Fees collected pursuant to this chapter are not intended to replace or limit requirements to provide mitigation of traffic impacts not mitigated by the fee, created by a specific project, and imposed upon development projects as part of the development review process.

(Ord. 05-286 § 1 (part))

### **3.48.080 Exemptions.**

Public park facilities, city buildings, and those government facilities entitled to an exemption under law are exempt from the traffic impact fee.

(Ord. 05-286 § 1 (part))

### **3.48.090 Fee credit.**

The city engineer may adjust the fee imposed pursuant to this chapter in consideration for certain on-site and off-site facilities or improvements constructed or paid for by the developer. In determining an adjustment, the director shall consider a credit for the value of improvements if the improvements are identified in the city's capital improvement program and/or the traffic impact fee report in effect at the time this chapter is enacted or as subsequently amended. Credit shall not be given for subdivision map exactions or other measures required to mitigate site-specific impacts of a development project.

(Ord. 05-286 § 1 (part))

### **3.48.100 Accumulation and use of funds.**

A. The city shall deposit the fees collected under this chapter in a special fund designated solely for transportation improvements.

B. The fees and interest earned on accumulated funds shall be used only to:

1. Complete the traffic improvement projects specified in the city's capital improvement program and/or the traffic impact fee report in effect at the time this chapter is enacted or as subsequently amended;  
or
2. Pay costs required for the administration of this chapter.

(Ord. 05-286 § 1 (part))

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**3.48.110 Periodic review.**

The fee authorized by this chapter, and as established by the traffic impact fee report, shall be reviewed every five years in order to make findings required by the California Government Code.

{Ord. 05-286 § 1 (part)}