

TOWN OF LOS GATOS
RESOLUTION NO. ____ (2024)

**UPDATING THE TRANSPORTATION IMPACT FEE AND AMENDING THE 2023-2024 MASTER FEE
SCHEDULE TO INCLUDE THE UPDATED FEE**

WHEREAS, the Town has adopted a traffic impact fee which is used to make traffic improvements in the Town;

WHEREAS, the Town wishes to rename the traffic impact fee as the “transportation impact fee” since it will be used to make transportation improvements, which include pedestrian and bicycle improvements;

WHEREAS, the amount of the Town’s transportation impact fee is established by resolution at the Town Council;

WHEREAS, the Town’s transportation impact fee is used to make transportation improvements within the Town;

WHEREAS, the state Mitigation Fee Act imposes requirements on local jurisdictions prior to implementing increases to development impact fees; and

WHEREAS, DKS Associates on behalf of the Town has prepared the Transportation Impact Fee Update Nexus Study dated November 2023 (the “Nexus Study”);

WHEREAS, the Town has prepared a Capital Improvement Plan describing the improvements to be funded with the Transportation Impact Fee, which is included in the Nexus Study;

WHEREAS, the Nexus Study describes the projects on which transportation impact fees are to be imposed, the reasonable relationship between the impact fees and the various types of new development, the need for new public facilities and improvements to serve the new development, sets forth a methodology for determining the relationship between new development and the needed public facilities and the estimated cost of those improvements, and otherwise satisfies the requirements of the state Mitigation Fee Act;

WHEREAS, the Town has complied with the notice and hearing requirements of state law in that the Town Council met on November 21, 2023, to schedule a noticed public hearing for January 16, 2024, and the Town mailed notice to any interested party who had filed a written request with the Town Clerk for mailed notice of a meeting on new or increased fees;

WHEREAS, the Town Council held a public hearing on January 16, 2024;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS, CALIFORNIA, HEREBY FINDS AND RESOLVES that:

1. Mitigation Fee Act (codified at CA Government Code Sections 66000-66025) Findings. The Town Council finds that:
 - a. The purpose of the fee is to fund transportation improvements described in the Town's Capital Improvement Plan.
 - b. The fee is used to fund transportation improvements such as roadways, pedestrian facilities, bicycle lanes, and traffic signal improvements as described in the Town's Capital Improvement Plan.
 - c. There is a reasonable relationship between the fee's use and new development, because the fee will be used to make improvements to the City's transportation infrastructure to serve new development and the fee is imposed on all new development requiring a planning application.
 - d. There is a reasonable relationship between the need for transportation improvements and new development, because the fee is calculated based upon the additional transportation needs expected to be generated by each land use.
2. Adoption of the Transportation Impact Fee. The Town Council hereby approves and adopts the development impact fees for transportation improvements in accordance with the schedule set forth in Exhibit A to this Resolution.
3. Methodology for Calculation, Adjustment, and Collection of Transportation Impact Fees. The transportation impact fees shall be calculated, adjusted, and collected in accordance with the Town ordinances and Nexus Study. The amount of the transportation impact fees shall be automatically adjusted annually for inflation on July 1st of each year by the percentage change in the Consumer Price Index (Bureau of Labor Statistics, US Department of Labor for the San Francisco / Oakland / San José Metropolitan Statistical Area (or any successor index) The calculation for that annual adjustment shall be made using the month of April over the month of April in the previous year.
4. Severability. If any section subsection, subdivision, paragraph, sentence, clause, or phrase of this Resolution or any part hereof is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of this Resolution or any part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one ore more section, subsection, subdivision, paragraph, sentence, clause, or phrase be declared invalid or unconstitutional.
5. CEQA. Pursuant to section 15378(b)(4) of the California Environmental Quality Control Act (CEQA) Guidelines, the adoption of the resolution to approve the fee is not a project subject to CEQA in that it is a government fiscal activity which does not involve any commitment to any specific project which may result in a significant impact on the environment.
6. Effective Date. This Resolution will become effective 60 days after its adoption.

RESOLUTION NO. ____ (2024) adopted by the Town Council of the Town of Los Gatos, California at a regular meeting held on January 16, 2024, by the following vote of the Town Council: