

TOWN OF LOS GATOS
RESOLUTION NO. ____ (2024)

ADOPTING THE NEXUS STUDY FOR THE 2023 UPDATE TO THE TRANSPORTATION IMPACT FEE

WHEREAS, the Town has an existing traffic impact fee;

WHEREAS, the Town wishes to update the traffic impact fee to, among other things, rename it as the “transportation impact fee” and utilize the calculation methods required by AB 602 amending the state Mitigation Fee Act;

WHEREAS, Government Code Section 66016.5 requires that the Town adopt a nexus study to support changes to development impact fees;

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. Adoption of the Nexus Study. The Town Council hereby approves the Nexus Study, which includes the Town’s capital improvement plan, prepared by DKS Associates and dated November 2023, and attached as Exhibit A to this Resolution. The Town Council further adopts the methodology set forth in the Nexus Study for calculating and collecting the impact fees. A copy of the Nexus Study shall be on file with the Town Clerk and available during regular Town business hours for public inspection.

2. 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.
3. CEQA. Pursuant to section 15378(b)(4) of the California Environmental Quality Control Act (CEQA) Guidelines, the adoption of the Nexus Study supporting an update to the Town's transportation impact 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.
4. Effective Date. This Resolution will become effective upon 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: