

**RESOLUTION 2014-017**

**RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF LOS GATOS  
AMENDING TRAFFIC IMPACT MITIGATION FEES  
AND RESCINDING RESOLUTION 1994-55**

**WHEREAS**, Chapter 15, Article VII of the Town of Los Gatos Town Code provides for the establishment of Traffic Impact Mitigation Fees; and

**WHEREAS**, the purpose of these fees is to assure that each new development or expansion of use pays its fair share of the transportation improvements needed to accommodate cumulative traffic impacts associated with development as anticipated in the Town's adopted General Plan; and

**WHEREAS**, the Traffic Impact Mitigation Fees currently in place have been unchanged since their approval by the Council on April 4, 1994 with the adoption of Resolution 1994-55; and

**WHEREAS**, the Town has determined the estimated cost of the transportation improvements necessary to implement the circulation element of the Town's General Plan; and

**WHEREAS**, the Town has determined the current and anticipated funding available to pay for the cost of construction of the transportation improvements, including the amount of funding currently available in the Town's Traffic Impact Mitigation Fee Fund; and

**WHEREAS**, Section 15.70.035 (a) of the Town Code provides for periodic review of these fees; and

**WHEREAS**, Section 15.70.035 (a) of the Town Code also sets forth that the Town Council shall by resolution set the specific amount of traffic impact mitigation fees; and

**WHEREAS**, on March 24, 2014, the Town Council at a duly noticed Public Hearing considered and took action on the specific amount to be charged for traffic mitigation fees which shall be incorporated in the Town of Los Gatos 2014/15 Comprehensive Fee Schedule.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Los Gatos, County of Santa Clara, State of California that the following Traffic Mitigation Fees, adopted by the Town Council on March 24, 2014, shall be payable as set forth in Chapter 15, Article VII of the Town Code:

- A. The fee for all uses shall be calculated at \$854 per new Average Daily Trip (ADT).

**FURTHER RESOLVED**, that the following provisions, previously included as part of Resolution 1994-55 adopted on April 4, 1994, shall remain in effect:

- A. Walk-in, impulse businesses, such as juice bars, yogurt shops and donut shops, which do not serve meals, shall be considered Specialty Retail for purposes of traffic impacts only.
- B. Traffic credit may be granted for an existing or former use within the past five years prior to project approval. When applicable, existing or former use traffic (ADT) shall be subtracted from the project traffic prior to calculating the fee.
- C. ADT is defined as the number of average daily trips associated with an identified land use as determined or derived from the most recent edition of Trip Generation by the Institute of Transportation Engineers or a Town sponsored traffic study. The Town approved traffic study will be paid for by the applicant.
- D. A secondary dwelling unit with a floor area of six hundred square feet or less shall be exempt from this fee.
- E. The Town Council may exempt housing developments for very low, low and moderate income residents (as defined by Town Ordinance, General Plan, or statute) from all or a portion of the traffic impact mitigation fee upon making a finding that the development provides a significant community benefit by meeting current needs for affordable housing. The exempted fees will be made up from other sources of revenue. Traffic mitigation fees paid by other developers will not be used to subsidize the exempted projects. Each year the Town will identify how much money is to be allocated in the Capital Improvement Program for traffic improvement projects. Additional revenue sources will be identified to cover exempted fees.

**FURTHER RESOLVED**, that credit against Traffic Impact Mitigation Fees due shall be granted up to the amount of the Estimated Project Cost shown on Attachment 1, Town of Los Gatos Traffic Mitigation Improvements Project List, for any listed projects for which the developer either constructs at his own cost, or contributes a fixed or percentage amount. Where construction is fully funded and completed by the developer, said credit shall be equal to the Project Cost as shown in Attachment 1. Where payment is a fixed amount or a percentage of Project Cost, credit shall be equal to the actual amount due, whether the project is constructed by the developer or others.

**FURTHER RESOLVED**, that on an annual basis, or before as needed or indicated by staff or the Council, that the structure of the Traffic Mitigation Fee be reviewed to determine that it is doing what is intended and does not have unintended consequences; and

**FURTHER RESOLVED**, that on an annual basis, the Traffic Mitigation Fee be reviewed for a Cost of Living Adjustment (COLA) or other appropriate adjustment.

**FURTHER RESOLVED**, this resolution rescinds Resolution No. 1994-55.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos held on the 19<sup>th</sup> day of May, 2014 by the following vote:

COUNCIL MEMBERS:

AYES: Marcia Jensen, Barbara Spector, Mayor Steven Leonardis

NAYS: Diane McNutt, Joe Pirzynski

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:

*Shelley Reis*

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

## Attachment 1

### Town of Los Gatos Traffic Mitigation Improvements Project List

Source	Description	Estimated Project Cost (2014 \$)	Growth Related Project Cost	Mitigation Impact Fee Eligible Cost
GP/TP 2035	Blossom Hill Rd and Union Ave Intersection Improvements	\$ 1,200,000	90.00%	\$ 1,080,000
GP/TP 2035	Los Gatos - Almaden Rd Improvements	\$ 3,000,000	50.00%	\$ 1,500,000
GP/TP 2035	Los Gatos Blvd Widening - Samaritan Dr to Camino Del Sol - Road widening, new sidewalks and bike lanes	\$ 4,000,000	50.00%	\$ 2,000,000
GP/TP 2035	Union Ave Widening and Sidewalks - complete ped and bike routes	\$ 3,000,000	50.00%	\$ 1,500,000
GP/TP 2035	Wood Rd Gateway on Santa Cruz Ave - roundabout	\$ 1,200,000	50.00%	\$ 600,000
GP/TP 2035	Central Traffic Signal Control System	\$ 750,000	9.68%	\$ 72,600
GP/TP 2035	Hwy 9 Los Gatos Creek Trail connector - new path and bridge for	\$ 1,000,000	50.00%	\$ 500,000
GP/TP 2035	Hwy 9/N. Santa Cruz Ave Intersection Improvements	\$ 1,400,000	90.00%	\$ 1,260,000
CIP	Roberts Road Improvements from bridge to University	\$ 600,000	50.00%	\$ 300,000
CIP	Pollard Road Widening from Knowles to York Avenue	\$ 2,500,000	50.00%	\$ 1,250,000
CIP	Sidewalks infill - Van Meter, Fischer and Blossom Hill Schools	\$ 1,000,000	50.00%	\$ 500,000
CIP	Winchester Blvd/Lark Avenue Intersection Improvements	\$ 850,000	90.00%	\$ 765,000
CIP	Westbound Lark to Hwy 17 northbound ramps - add two right-turn	\$ 3,750,000	90.00%	\$ 3,375,000
CIP	Unfunded Deferred Street Maintenance (Annual PMS Survey)	\$ 10,500,000	9.68%	\$ 1,016,400
GP	Lark/Los Gatos Intersection Improvements - Add Third Left Turn Lanes for Eastbound and Northbound Approaches	\$ 1,200,000	90.00%	\$ 1,080,000
GP	Complete Street Improvements - Lark from Garden Hill to Los Gatos	\$ 2,100,000	50.00%	\$ 1,050,000
GP	Complete Street Improvements - SR 9 from University to Los Gatos	\$ 650,000	50.00%	\$ 325,000
GP	Complete Street Improvements - Blossom Hill Road from Old Blossom Hill Road to Regent Drive	\$ 3,000,000	50.00%	\$ 1,500,000
GP	Complete Street Improvements - Knowles from Pollard to Winchester	\$ 2,000,000	50.00%	\$ 1,000,000
GP	Complete Street Improvements - Winchester from Blossom Hill to Lark	\$ 1,500,000	50.00%	\$ 750,000
GP	Blossom Hill Road widening over Highway 17	\$ 2,000,000	50.00%	\$ 1,000,000
GP	Local Bikeway Improvements	\$ 750,000	50.00%	\$ 375,000

Notes:

Total \$ 47,950,000

\$ 22,799,000

VTP = Valley Transportation Plan, 2035 by Santa Clara Valley Transportation Authority.

Town CIP = Town of Los Gatos, Capital Improvement Program and pending construction project list.

Source: Town of Los Gatos.

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