



**TOWN OF LOS GATOS
TOWN COUNCIL SPECIAL POLICY COMMITTEE MEETING
MAY 28, 2019
TOWN COUNCIL CHAMBERS – 110 EAST MAIN STREET
LOS GATOS, CA
5:00 P.M.**

*Marcia Jensen, Vice Mayor
Barbara Spector, Council Member*

MEETING CALLED TO ORDER

ROLL CALL

VERBAL COMMUNICATIONS *(Members of the public may address the Committee on any matter that is not listed on the agenda. Unless additional time is authorized by the Committee, remarks shall be limited to three minutes.)*

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items.)*

1. Approve the May 9, 2019 Council Policy Committee Draft Minutes.
2. Provide direction on potential amendments to the Hillside Development Standards and Guidelines approval processes.
3. Provide direction on potential amendments to the parking lot improvement approval process.
4. Provide direction on potential amendments to the valet parking regulations.
5. Provide direction on potential amendments to parking assessment district regulations.

ADJOURNMENT

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]



**TOWN OF LOS GATOS
TOWN COUNCIL SPECIAL POLICY COMMITTEE MEETING
MAY 28, 2019
TOWN COUNCIL CHAMBERS – 110 EAST MAIN STREET
LOS GATOS, CA
5:00 P.M.**

*Marcia Jensen, Vice Mayor
Barbara Spector, Council Member*

MEETING CALLED TO ORDER

ROLL CALL

VERBAL COMMUNICATIONS *(Members of the public may address the Committee on any matter that is not listed on the agenda. Unless additional time is authorized by the Committee, remarks shall be limited to three minutes.)*

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items.)*

1. Approve the May 9, 2019 Council Policy Committee Draft Minutes.
2. Provide direction on potential amendments to the Hillside Development Standards and Guidelines approval processes.
3. Provide direction on potential amendments to the parking lot improvement approval process.
4. Provide direction on potential amendments to the valet parking regulations.
5. Provide direction on potential amendments to parking assessment district regulations.

ADJOURNMENT

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]



**TOWN OF LOS GATOS
TOWN COUNCIL SPECIAL POLICY COMMITTEE MEETING
MAY 28, 2019
TOWN COUNCIL CHAMBERS – 110 EAST MAIN STREET
LOS GATOS, CA
5:00 P.M.**

*Marcia Jensen, Vice Mayor
Barbara Spector, Council Member*

MEETING CALLED TO ORDER

ROLL CALL

VERBAL COMMUNICATIONS *(Members of the public may address the Committee on any matter that is not listed on the agenda. Unless additional time is authorized by the Committee, remarks shall be limited to three minutes.)*

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items.)*

1. Approve the May 9, 2019 Council Policy Committee Draft Minutes.
2. Provide direction on potential amendments to the Hillside Development Standards and Guidelines approval processes.
3. Provide direction on potential amendments to the parking lot improvement approval process.
4. Provide direction on potential amendments to the valet parking regulations.
5. Provide direction on potential amendments to parking assessment district regulations.

ADJOURNMENT

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]



**DRAFT
MINUTES OF THE SPECIAL TOWN COUNCIL POLICY COMMITTEE MEETING
APRIL 9, 2019**

The Town Council Policy Committee of the Town of Los Gatos conducted a special meeting on Tuesday, April 9, at 5:00 p.m.

MEETING CALLED TO ORDER

ROLL CALL

Members Present: Marcia Jensen, Barbara Spector.

Staff Present: Rob Schultz, Town Attorney; Joel Paulson, Community Development Director; Laurel Prevetti, Town Manager; Arn Andrews, Assistant Town Manager.

VERBAL COMMUNICATIONS

None.

OTHER BUSINESS

1. Approval of the February 26, 2019 Council Policy Committee Minutes.

Approved.

2. Provide direction on potential demolition regulation modifications.

Joel Paulson, Community Development Director, presented the staff report.

Bess Weirsema, Studio 3

- Reported that the professional design community is in full support of the staff recommended changes. Suggested that some additional definition of what counts towards the 50% exterior wall calculation would be helpful. Supported the in-kind replacement standard if it enhances the structural integrity of the building and aligns better with existing building standards.

After discussion, the Committee directed staff to forward the recommended Town Code Amendments for the demolition regulation modifications (Attachment 2 of the staff report) to the Planning Commission for review. In addition, review by the Historic Preservation Committee is preferable if scheduling permits.

3. Provide direction on potential amendments to the Town's Below Market Price regulations.

Joel Paulson, Community Development Director, presented the staff report.

Natalie Ladd, BMP owner

- Disagreed with items 1, 2, and 5 from Attachment 5. Suggested that other communities have ownership programs and market rate resale options.

After discussion, the Committee asked staff to review elements of BMP regulations in other communities, review the Town's prior housing affordability plan, explore residential linkage fees, and provide options for amending the Town's BMP regulations including: potential lowering of threshold for requiring BMP units, greater flexibility in unit size and types, a potential plan for use of the Town's accumulated and future BMP in-lieu fees.

4. Provide direction on potential amendments to the Town Agenda Format and Rules Policy regarding time limits for applicant and appellant presentations and rebuttals.

Laurel Prevetti, Town Manager, presented the staff report.

After discussion, the Committee unanimously approved a motion to modify the Town Agenda Format and Rules Policy regarding Public Hearings. The section should be modified to reflect that when there is an appeal, the appellant shall be provided an initial ten (10) minutes and subsequent five (5) minute rebuttal. All other speakers shall be provided three (3) minutes. The Town Attorney expressed concerns about the modification and the Committee asked that he provide case law when the item goes to Council.

ADJOURNMENT

The meeting adjourned at 6:10 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the April 9, 2019 meeting as approved by the Council Policy Committee.

Arn Andrews, Assistant Town Manager



**TOWN OF LOS GATOS
POLICY COMMITTEE REPORT**

MEETING DATE: 5/28/2019

ITEM NO: 2

DATE: MAY 23, 2019

TO: POLICY COMMITTEE

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: PROVIDE DIRECTION ON POTENTIAL AMENDMENTS TO THE HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES APPROVAL PROCESSES.

RECOMMENDATION:

Provide direction on potential amendments to the Hillside Development Standards and Guidelines approval processes.

BACKGROUND:

On February 26, 2019, the Policy Committee reviewed an outline of possible streamlining opportunities that relate to the land use process and associated costs for businesses and residences. Following a brief discussion, the Policy Committee provided direction to bring back Hillside Development Standards and Guidelines (HDS&G) regulations for further discussion.

Potential amendments to the HDS&G regulations was one of the topics identified by staff as an opportunity to streamline the land use process and costs. The general questions and comments regarding potential amendments to HDS&G regulations presented in the February 26, 2019 Policy Committee report were:

- Should new homes or additions to existing homes that result in square footage over 5,000 square feet (**including** garage over 400 square feet), but meet the allowed FAR, be reviewed and approved by the Development Review Committee (DRC) rather than having to go to the Planning Commission?

PREPARED BY: JOEL PAULSON
Community Development Director

Reviewed by: Town Manager

BACKGROUND (continued):

- Should new homes or additions to existing homes that result in square footage over 5,000 square feet (**not including** garage over 400 square feet), but meet the allowed FAR, be reviewed and approved by the DRC rather than having to go to the Planning Commission?
- Should single-story additions over 800 square feet or greater than 20 percent of the existing square footage be handled at the building permit level rather than having to go to the DRC?

The aforementioned potential amendments would all save time and money for applicant's, if the application isn't appealed.

DISCUSSION:

The HDS&G contains information regarding the maximum allowed gross floor area (Attachment 1). The maximum allowed gross floor area for a house includes the house and accessory structures, including garages, that are larger than 400 square feet. This helps limit the development intensity, for the house, on hillside lots for property owners who choose to have a garage that is larger than 400 square feet and/or other accessory structures larger than 400 square feet.

The HDS&G uses the maximum allowed gross floor area as a factor to determine the deciding body that can approve various applications (Attachment 2). Depending on the type of structure and proposed square footage, the deciding body is the Community Development Director, DRC, or Planning Commission. Attachment 3 contains information regarding application processes pursuant to the current HDS&G.

This agenda item allows for a conversation between staff and the Policy Committee. Staff is prepared to walk through this matter and answer questions.

Staff is interested in the Policy Committee's discussion and direction on the potential streamlining opportunities outlined above which would reduce the time and cost to property owners for these types of applications.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office.

Attachments:

1. Excerpt from the HDS&G regarding Maximum Allowed Gross Floor Area
2. Excerpt from the HDS&G regarding Deciding Bodies
3. Application Table



IV. DEVELOPMENT INTENSITY

A. Maximum Allowable Development

The Town of Los Gatos controls the amount of development that is allowed by limiting density and intensity of development - the minimum land area required for each house - and by limiting the maximum floor area of each house.

In Los Gatos, limiting the floor area or size of a house is important for several reasons:

- Large houses are more visible and therefore create greater adverse visual impacts.
- Large houses cover more land area, therefore requiring more disruption of the natural landscape and ecosystems.
- Large houses create more impervious surface area, which can increase runoff and cause drainage, landslide, and flooding problems.
- Large houses consume a greater amount of resources, both to construct and to maintain.

Maximum allowed gross floor area. The maximum allowable gross floor area for homes subject to the Hillside Development Standards and Guidelines is determined using a floor area ratio (FAR) adjusted for slope as provided in Table 1, below. However, achieving the maximum floor area allowed is not guaranteed due to individual site constraints. The priority is to comply with the standards and guidelines rather than designing to the FAR. The FAR is a numerical guide and achieving the allowable square footage is not a goal. Greater weight shall be given to issues, including but not limited to, height, building mass and scale, visual impacts, grading and compatibility.

Refer to the
 Town's
 Zoning
 Regulations

**TABLE 1
 REDUCTION OF NET SITE AREA ON SLOPING LOTS**

Average lot slope	Percent of net lot area to be deducted
10.01 - 20%	10% plus 2% for each 1% of slope over 10%
20.01 - 30%	30% plus 3% for each 1% of slope over 20%
Over 30%	60%



TABLE 2
MAXIMUM ALLOWED GROSS FLOOR AREA

Net Lot Area¹	Floor Area Ratio (%)	Allowable Floor Area³
11,000 sq. ft. and less	34.5	3800
up to 12,000 sq. ft.	32.5	3900
up to 13,000 sq. ft.	30.7	4000
up to 14,000 sq. ft.	29.3	4100
up to 15,000 sq. ft.	28.0	4200
up to 16,000 sq. ft.	26.9	4300
up to 17,000 sq. ft.	25.9	4400
up to 18,000 sq. ft.	25.0	4500
up to 19,000 sq. ft.	24.2	4600
up to 20,000 sq. ft.	23.5	4700
up to 21,000 sq. ft.	22.8	4800
up to 22,000 sq. ft.	22.3	4900
up to 23,000 sq. ft.	21.7	5000
up to 24,000 sq. ft.	21.3	5100
up to 25,000 sq. ft.	20.8	5200
up to 26,000 sq. ft.	20.4	5300
up to 27,000 sq. ft.	20.0	5400
up to 28,000 sq. ft.	19.6	5500
up to 29,000 sq. ft.	19.3	5600
up to 30,000 sq. ft.	19.0	5700
up to 31,000 sq. ft.	18.7	5800
up to 32,000 sq. ft.	18.5	5900
32,001 sq. ft. and above ²		6000

¹Net lot area as adjusted for slope – see Table 1

²For lots containing a net lot area of more than 32,000 square feet, the maximum gross floor area shall be 6,000 square feet unless an exception is granted by the Planning Commission in compliance with subsection d. (Exceptions to maximum floor area).

³Accessory structures including garages larger than 400 sq. ft. are included in the maximum floor area.



B. Exclusions from allowed floor area.

The following items are not included in the calculation of a structure's allowed gross floor area.

1. Cellars.
2. Garages up to 400 square feet in area.
3. Stables that are not fully enclosed.
4. Barns that do not exceed the applicable size shown in Table 3 below.

**TABLE 3
MAXIMUM FLOOR AREA FOR BARN AND STABLES***

Parcel Size (gross)	Maximum floor area of accessory structure
Up to one acre	500 sq. ft.
Up to 2.5 acres	1,000 sq. ft.
Up to 5 acres	2,000 sq. ft.
Over 5 acres	2,500 sq. ft.

*All other enclosed accessory buildings are included in FAR.

Note: Accessory buildings that do not contain floor area because they are not fully enclosed (e.g. gazebos, arbors, carports) will be carefully reviewed for potential impacts such as grading, trees, impervious coverage, visibility, etc.

C. Exceptions to maximum floor area.

The Town Council or Planning Commission *may* approve residential projects greater than the maximum allowed floor area (but it is not guaranteed) when all of the following conditions apply:

1. The development will not be visible from any of the established viewing platforms (see glossary for definition of visible home).
2. There will be no significant impacts on protected trees, wildlife habitat or movement corridors.
3. Any grading necessary to accommodate the building area that exceeds the allowed FAR or an accessory building will be minimized.
4. All standards and applicable guidelines are being met.



5. Compliance to Title 24 Energy Efficiency Standards are shown using computer methods. The compliance margin must be at least 10.0.
6. The house will be pre-wired for future photovoltaic (PV) installation.
7. A minimum of 25% of hardscape material is permeable (certain types of interlocking pavers, grasscrete, pervious concrete, etc.).
8. A significant cellar element is included in the design, unless it conflicts with other standards.
9. There will not be a significant visual impact to neighboring properties.



1. Projects That May be Approved by the Director of Community Development

The Director has the authority to review and approve the following types of projects provided they comply with all development standards and guidelines:

- a. Additions to houses that do not exceed 20% of the existing floor area of the house or 800 square feet of gross floor area, whichever is less. *
- b. Accessory structures not requiring a conditional use permit that have a gross floor area less than 600 square feet.
- c. Swimming pools that do not require a grading permit.

2. Projects That May be Approved by the Development Review Committee

The Development Review Committee (DRC) has the authority to review and approve the following types of projects provided they comply with all development standards and guidelines:

- a. New houses that do not exceed 5,000 square feet in gross floor area and that are not visible from any established viewing platform.
- b. Additions over 800 square feet or greater than 20% of existing floor area provided that the house size will not exceed 5,000 square feet with the addition(s).
- c. Accessory structures, except those requiring a conditional use permit that have a gross floor area of 600 square feet or more but do not exceed 1,000 square feet in gross floor area.
- d. Swimming pools and game courts requiring a grading permit and/or retaining walls.
- e. Grading permits.

* Additions of 500 square feet or greater require a review by the Santa Clara County Fire Department and may require geotechnical review.



3. Projects That Require Planning Commission Approval

The Planning Commission has the authority to approve all architecture and site projects that do not fall within the authority of the DRC or Director and any projects referred to it by the DRC or Director. The Planning Commission shall be the review authority for any residential project greater than 5,000 square feet in gross floor area. The Planning Commission approves standards subdivisions and makes recommendations to the Town Council on Planned Development applications.

C. Application Period of Validity

An approved architecture and site application shall be valid for a period of time specified in the Town's Zoning Regulations.

D. Subsequent Applications

Following approval of the original architecture and site review application, no subsequent applications for architecture and site approval shall be filed for the same property for a period of three years following final inspection and issuance of an occupancy permit.

E. Required findings

In addition to the considerations for architecture and site approval provided in the Town's Zoning Regulations, the decision making body shall also find that the proposed project meets or exceeds the objectives and requirements of the Hillside Development Standards and Guidelines and shall provide supportive evidence to justify making such findings.

F. Exceptions

Exceptions from the standards in this document may only be granted after carefully considering the constraints of the site. Any deviation from the standards contained in this document shall include the rationale and evidence to support the deviation. The burden of proof shall be on the applicant to show that there are compelling reasons for granting the requested deviation.

Major exceptions may only be granted by the Town Council or Planning Commission. Major exceptions include the following:

- a. building height
- b. maximum floor area

Application Table

Proposed Project	Square Footage or Percent	Application Type	Fee	Deciding Body	Process Timing
Accessory Structure	Less than 450 sq. ft.	Building Permit	Varies	CDD	2 to 4 months
Accessory Structure	Between 450 and 600 sq. ft.	Minor Residential	\$2,223.00	CDD	2 to 4 months
Accessory Structure	Between 600 and 1,000 sq. ft.	A&S	\$2,515.50	DRC	2 to 4 months
Accessory Structure	Over 1,000 sq. ft.	A&S	\$6,159.75	PC	3 to 6 months
Addition	Less than 20% of existing sq. ft.	Building Permit	Varies	CDD	2 to 4 months
Addition	Over 20% of existing sq. ft.	A&S	\$2,515.50	DRC	2 to 4 months
Addition	Less than 800 sq. ft.	Building Permit	Varies	CDD	2 to 4 months
Addition	Over 800 sq. ft.	A&S	\$2,515.50	DRC	2 to 4 months
Second Story	Over 100 sq. ft.	Minor Residential	\$2,223.00	CDD	2 to 4 months
House and Garage	Less than 5,000 sq. ft.	A&S	\$10,071.03	DRC	4 to 6 months
House and Garage	Over 5,000 sq. ft.	A&S	\$13,713.99	PC	4 to 8 months



**TOWN OF LOS GATOS
POLICY COMMITTEE REPORT**

MEETING DATE: 5/28/2019

ITEM NO: 3

DATE: MAY 22, 2019

TO: POLICY COMMITTEE

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: PROVIDE DIRECTION ON POTENTIAL AMENDMENTS TO THE PARKING LOT IMPROVEMENT APPROVAL PROCESS.

RECOMMENDATION:

Provide direction on potential amendments to the parking lot improvement approval process.

BACKGROUND:

On February 26, 2019, the Policy Committee reviewed an outline of possible streamlining opportunities that relate to the land use process and associated costs for businesses and residences. Following a brief discussion, the Policy Committee provided direction to bring back parking lot improvement regulations for further discussion.

Potential amendments to parking lot improvement regulations was one of the topics identified by staff as an opportunity to streamline the land use process and costs. The general question regarding potential amendments to parking lot improvement regulations presented in the February 26, 2019 Policy Committee report was:

- Should parking lot improvements that are handled at the building permit level still be required to go to the Development Review Committee (DRC)?

PREPARED BY: JOEL PAULSON
Community Development Director

Reviewed by: Town Manager

PAGE 2 OF 2
SUBJECT: PARKING LOT PERMIT REGULATIONS
DATE: MAY 22, 2019

DISCUSSION:

Section 29.10.145 (h), (l), (m), and (n) of the Town Code contain regulations regarding parking lot improvements (Attachment 1).

Additionally, Section 29.20.745 (4) of the Town Code designates the DRC as the deciding body for parking lot improvements.

These regulations require parking lot improvement building permits to be reviewed by the DRC. DRC review of the parking lot improvement building permit does not require an additional fee and typically does not add more than a couple weeks to the building permit process. While the cost and processing time for a parking lot improvement application are not significant, staff does not believe the additional layer of process is necessary. This determination is based on the fact that the same departments that make up the DRC already review the building permit. This additional layer of process could be eliminated if Section 29.10.145 (l), (m), and (n) and Section 29.20.745 (4) were amended.

Staff has prepared potential Town Code amendments (Attachment 2) for the Policy Committee's consideration. These amendments would allow the Community Development Director to approve parking lot improvement building permits. The potential amendments, are shown in strike-through and underline font in Attachment 2.

This agenda item allows for a conversation between staff and the Policy Committee. Staff is prepared to walk through this matter and answer questions.

Staff is interested in the Policy Committee's discussion and direction on the potential parking lot improvement regulation modifications.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office.

Attachments:

1. Excerpt from the Town Code regarding Parking Lot Improvements
2. Potential Town Code amendments

Sec. 29.10.145. - Requirements Generally.

.....

- (h) *Permit required for parking lot improvements.* No person shall erect, construct, relocate, enlarge, alter, repair, move, improve, remove, or convert any parking lot without a permit except:
- (1) When repainting the existing lines in the same configuration without any resurface or top coat;
 - (2) When included as part of a zoning approval; or
 - (3) Normal maintenance which does not involve extensive structural repairs when necessary to provide for health or safety.

.....

Sec. 29.10.145. - Development standards.

.....

(l) *Determination.* Applications for permits for parking lot improvements shall be determined by the Planning Director. When compliance with State disabled-accessibility statutes and regulations will result in a reduction in the number of spaces remaining in the parking lot below the number required by this chapter, the application shall be determined by the Development Review Committee through the building permit process.

(m) *Standards for disabled accessibility.* Parking lot improvements shall be rendered disabled-accessible. Each application for a permit for parking lot improvements shall be reviewed and determined in accordance with the requirements for disabled-accessibility as set forth in title 24 of the California Administrative Code. The Development Review Committee may approve a permit for parking lot improvements which reduces the number of parking spaces required pursuant to section 29.10.150. This approval must be based upon a finding that public necessity for disabled-accessible parking spaces outweighs the need for the number of parking spaces required by section 29.10.150.

(n) *Effect of Development Review Committee approval.* No penalties shall apply to and no assessments shall be based on an increased parking space deficiency or a created parking space deficiency pursuant to section 29.10.150 resulting from the Development Review Committee approval of a parking lot permit under subsection (l) of this section. This subsection (n) shall not apply to an increased parking space deficiency or a created parking space deficiency due to an addition to a building or a structure or to an intensification of use.

.....

Sec. 29.20.745. - Development Review Committee.

The Development Review Committee shall:

.....

- (4) Review and make recommendations on parking lot permits under section 29.10.155(l) including reconfiguration or trade-off of zoning requirements under other sections of this chapter, and under section 29.10.145(g) on use of valet parking for parking lots within a town parking assessment district. The development review committee has the authority to make final determinations for approval and revocation of parking lot permits for valet parking.

.....

N:\DEV\TC POLICY COMMITTEE REPORTS\2019\5-28-19\Parking Lot Permits\Attachment 1 - Excerpt from the Town Code regarding Parking Lot Improvements.docx

Sec. 29.10.145. - Requirements Generally

.....

(g) Commercial operation of parking spaces.

- (1) All privately owned off-street parking spaces required to be provided by this division, or required by the administrative approval authorized by this chapter, shall be operated without charge to the users thereof. No privately owned parking lot which contains such spaces shall be operated commercially or under a validation system whereby parkers patronizing business for which the spaces are provided are admitted to the lot free of charge or at reduced charges and other parkers are charged a fee, and the admission of vehicles to such lots shall not be restricted by gates or other physical means during periods when the use or uses for which the spaces are required are in operation. The provisions of this section shall not be deemed to prohibit the posting of signs at entrances to such parking lots identifying the businesses or uses for whose benefits the lots are operated, prohibiting other parking under threat, and enforcing such prohibitions.
- (2) Notwithstanding subsection (1) above, a parking lot located within a the Town parking assessment district may be operated with a charge for its use under the following circumstances if the Town has instituted and continues to maintain a charge for use of Town owned or operated parking lots ~~in the district~~:
 - a. A charge is made for use of the private parking lot that does not exceed the highest hourly rate charged by the town for use of its lots. Such a charge may include a validation system whereby parkers are admitted to the lot free of charge or at reduced charges if certain businesses are patronized and may also include restriction by gates or other physical means; or
 - b. Use of valet parking, so long as the parking lot is usable at all times during which the parking spaces are in operation as required by this chapter, and the use of the valet parking has been approved by the ~~Development Review Committee~~ Community Development Director pursuant to a parking lot permit; or
 - c. A combination of a charge and valet system.
- (3) Notwithstanding subsection (1) above, a private parking lot, or sections of a private parking lot located within a the Town parking assessment district may be operated as a valet parking lot under the following circumstances:
 - a. The valet parking may be provided with or without charge to the public; and
 - b. The valet parking lot service adheres to and maintains all fire codes and emergency access standards; and
 - c. The valet parking lot service shall not impair the safe and efficient use of existing adjacent non-valet parking; and

- d. The private valet parking lot is approved by the ~~Development Review Committee~~ Community Development Director pursuant to a ~~parking lot~~ Valet Parking permit. The ~~Development Review Committee~~ Community Development Director shall have the discretion to deny the ~~parking lot~~ Valet Parking permit application if any criteria set forth above and/or any other rules and regulations adopted by the Town Council cannot be met and shall have the ability to revoke the ~~parking lot~~ Valet Parking permit for valet parking with a minimum of ten (10) days notice.

....

Sec. 29.20.745. - Development Review Committee.

The Development Review Committee shall:

....

- (4) Review and make recommendations on parking lot permits under [section 29.10.155\(l\)](#) including reconfiguration or trade-off of zoning requirements under other sections of this chapter, ~~and under [section 29.10.145\(g\)](#) on use of valet parking for parking lots within a town parking assessment district. The development review committee has the authority to make final determinations for approval and revocation of parking lot permits for valet parking.~~

....



**TOWN OF LOS GATOS
POLICY COMMITTEE REPORT**

MEETING DATE: 5/28/2019

ITEM NO: 4

DATE: MAY 22, 2019

TO: POLICY COMMITTEE

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: PROVIDE DIRECTION ON POTENTIAL AMENDMENTS TO THE VALET
PARKING REGULATIONS.

RECOMMENDATION:

Provide direction on potential amendments to the valet parking regulations.

BACKGROUND:

On February 6, 2018, the Town Council approved Town Code amendments regarding valet parking to allow properties in the parking assessment district to charge patrons for valet parking.

On February 26, 2019, the Policy Committee reviewed an outline of possible streamlining opportunities that relate to the land use process and associated costs for businesses and residences. Following a brief discussion, the Policy Committee provided direction to bring back valet parking regulations for further discussion.

Potential amendments to valet parking regulations was one of the topics identified by staff as an opportunity to streamline the land use process and costs. The general questions regarding potential amendments to parking assessment district regulations presented in the February 26, 2019 Policy Committee report were:

- Should valet parking be reviewed and approved by the Director of Community Development rather than having to go to Development Review Committee (DRC)?

PREPARED BY: JOEL PAULSON
Community Development Director

Reviewed by: Town Manager

BACKGROUND (continued):

- Should charging for valet parking be expanded beyond the parking assessment district area?

DISCUSSION:

Section 29.10.145 (g) of the Town Code contains regulations regarding valet parking (Attachment 1).

Additionally, Section 29.20.745 (4) of the Town Code designates the DRC as the deciding body for Valet Parking applications.

These regulations require Valet Parking applications to be approved by the DRC and don't allow charging for valet parking outside of the parking assessment district area. The Valet Parking application fee is a \$1,000.00 deposit used to cover the actual cost of processing the application and DRC approval which typically takes between two and four months. The cost and processing time for a Valet Parking application could be eliminated if Section 29.10.145 (g) and Section 29.20.745 (4) were amended.

Staff has prepared potential Town Code amendments (Attachment 2) for the Policy Committee's consideration. These amendments would allow the Community Development Director to approve Valet parking applications and allow charging for valet parking outside of the parking assessment district area. The potential amendments, are shown in strike-through and underline font in Attachment 2.

This agenda item allows for a conversation between staff and the Policy Committee. Staff is prepared to walk through this matter and answer questions.

Staff is interested in the Policy Committee's discussion and direction on the potential valet parking regulation modifications.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office.

Attachments:

1. Excerpt from the Town Code regarding Valet Parking
2. Potential Town Code Amendments

Sec. 29.10.145. - Requirements Generally

.....

(g) Commercial operation of parking spaces.

- (1) All privately owned off-street parking spaces required to be provided by this division, or required by the administrative approval authorized by this chapter, shall be operated without charge to the users thereof. No privately owned parking lot which contains such spaces shall be operated commercially or under a validation system whereby parkers patronizing business for which the spaces are provided are admitted to the lot free of charge or at reduced charges and other parkers are charged a fee, and the admission of vehicles to such lots shall not be restricted by gates or other physical means during periods when the use or uses for which the spaces are required are in operation. The provisions of this section shall not be deemed to prohibit the posting of signs at entrances to such parking lots identifying the businesses or uses for whose benefits the lots are operated, prohibiting other parking under threat, and enforcing such prohibitions.
- (2) Notwithstanding subsection (1) above, a parking lot located within a town parking assessment district may be operated with a charge for its use under the following circumstances if the town has instituted and continues to maintain a charge for use of town owned or operated parking lots in the district:

 - a. A charge is made for use of the private parking lot that does not exceed the highest hourly rate charged by the town for use of its lots. Such a charge may include a validation system whereby parkers are admitted to the lot free of charge or at reduced charges if certain businesses are patronized and may also include restriction by gates or other physical means; or
 - b. Use of valet parking, so long as the parking lot is usable at all times during which the parking spaces are in operation as required by this chapter, and the use of the valet parking has been approved by the Development Review Committee pursuant to a parking lot permit; or
 - c. A combination of a charge and valet system.
- (3) Notwithstanding subsection (1) above, a private parking lot, or sections of a private parking lot located within a Town parking assessment district may be operated as a valet parking lot under the following circumstances:

 - a. The valet parking may be provided with or without charge to the public; and
 - b. The valet parking lot service adheres to and maintains all fire codes and emergency access standards; and
 - c. The valet parking lot service shall not impair the safe and efficient use of existing adjacent non-valet parking; and

- d. The private valet parking lot is approved by the Development Review Committee pursuant to a parking lot permit. The Development Review Committee shall have the discretion to deny the parking lot permit application if any criteria set forth above and/or any other rules and regulations adopted by the Town Council cannot be met and shall have the ability to revoke the parking lot permit for valet parking with a minimum of ten (10) days notice.

.....

Sec. 29.20.745. - Development Review Committee.

The Development Review Committee shall:

.....

- (4) Review and make recommendations on parking lot permits under [section 29.10.155\(l\)](#) including reconfiguration or trade-off of zoning requirements under other sections of this chapter, and under [section 29.10.145\(g\)](#) on use of valet parking for parking lots within a town parking assessment district. The development review committee has the authority to make final determinations for approval and revocation of parking lot permits for valet parking.

.....

N:\DEV\TC POLICY COMMITTEE REPORTS\2019\5-28-19\Valet\Attachment 1 - Excerpt from the Town Code regarding Valet Parking.docx

Sec. 29.10.145. - Development standards.

.....

(l) *Determination.* Applications for permits for parking lot improvements shall be determined by the ~~Planning~~ Community Development Director. When compliance with State disabled-accessibility statutes and regulations will result in a reduction in the number of spaces remaining in the parking lot below the number required by this chapter, the application shall be determined by the ~~Development Review Committee~~ Community Development Director through the building permit process.

(m) *Standards for disabled accessibility.* Parking lot improvements shall be rendered disabled-accessible. Each application for a permit for parking lot improvements shall be reviewed and determined in accordance with the requirements for disabled-accessibility as set forth in title 24 of the California Administrative Code. The ~~Development Review Committee~~ Community Development Director may approve a permit for parking lot improvements which reduces the number of parking spaces required pursuant to section 29.10.150. This approval must be based upon a finding that public necessity for disabled-accessible parking spaces outweighs the need for the number of parking spaces required by section 29.10.150.

(n) *Effect of ~~Development Review Committee~~ Community Development Director approval.* No penalties shall apply to and no assessments shall be based on an increased parking space deficiency or a created parking space deficiency pursuant to section 29.10.150 resulting from the ~~Development Review Committee~~ Community Development Director approval of a parking lot permit under subsection (l) of this section. This subsection (n) shall not apply to an increased parking space deficiency or a created parking space deficiency due to an addition to a building or a structure or to an intensification of use.

.....

Sec. 29.20.745. - Development Review Committee.

The Development Review Committee shall:

.....

- (4) Review and make recommendations on parking lot permits ~~under section 29.10.155(l) including reconfiguration or trade-off of zoning requirements under other sections of this chapter,~~ and under section 29.10.145(g) on use of valet parking for parking lots within a town parking assessment district. The development review committee has the authority to make final determinations for approval and revocation of parking lot permits for valet parking.

.....



**TOWN OF LOS GATOS
POLICY COMMITTEE REPORT**

MEETING DATE: 5/28/2019

ITEM NO: 5

DATE: MAY 22, 2019

TO: POLICY COMMITTEE

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: PROVIDE DIRECTION ON POTENTIAL AMENDMENTS TO PARKING ASSESSMENT DISTRICT REGULATIONS.

RECOMMENDATION:

Provide direction on potential amendments to parking assessment district regulations.

BACKGROUND:

On February 26, 2019, the Policy Committee reviewed an outline of possible streamlining opportunities that relate to the land use process and associated costs for businesses and residences. Following a brief discussion, the Policy Committee provided direction to bring back parking assessment district regulations for further discussion.

Potential amendments to parking assessment district regulations was one of the topics identified by staff as an opportunity to streamline the land use process and costs. The general question regarding potential amendments to parking assessment district regulations presented in the February 26, 2019 Policy Committee report was:

- Should a reduction in on-site parking spaces for a property in the Parking Assessment District require a Variance application and Planning Commission approval if the resulting use is changed to a residential use?

PREPARED BY: JOEL PAULSON
Community Development Director

Reviewed by: Town Manager

PAGE 2 OF 2

SUBJECT: PARKING ASSESSMENT DISTRICT REGULATIONS

DATE: MAY 22, 2019

DISCUSSION:

Section 29.10.150 (f) of the Town Code contains regulations regarding properties in the parking assessment district (Attachment 1). Section 29.10.150 (f) (5) states:

Any parking spaces that are credited in the parking assessment district calculation may not be eliminated.

This regulation requires approval of a Variance application when commercial uses on properties in the parking assessment district are converted to a residential use. A couple recent zone change applications have been approved to change the zoning designation from O:LHP to R-1D:LHP for properties that were occupied by commercial uses which will be converted to residential uses. The removal of existing on-site parking spaces (i.e. conversion to landscaping or construction of an attached or detached garage) will require approval of a Variance application.

The Variance application fee is currently \$5,239.98 and requires Planning Commission approval which typically takes between two and four months. The cost and processing time for a Variance application could be eliminated if Section 29.10.150 (f) (5) was amended.

Staff has prepared potential Town Code amendments (Attachment 2) for the Policy Committee's consideration. These amendments would allow for the removal of existing on-site parking spaces when the use is changed to a residential use that does not require all of the existing on-site spaces to remain. The potential amendments, shown in underline font, would make the following changes:

Any parking spaces that are credited in the parking assessment district calculation may not be eliminated, unless the use is changed to a residential use that does not require the amount of on-site parking spaces.

This agenda item allows for a conversation between staff and the Policy Committee. Staff is prepared to walk through this matter and answer questions.

Staff is interested in the Policy Committee's discussion and direction on the potential parking assessment district regulation modifications.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office.

Attachments:

1. Excerpt from the Town Code regarding properties in the Parking Assessment District
2. Potential Town Code Amendments

Sec. 29.10.150. - Number of off-street spaces required.

.....

(f) *Properties in parking districts.* Required spaces in parking districts shall be as follows:

- (1) For any building or open-air use in a public parking district, the number of required off-street parking spaces is:
 - a. None, when the gross floor area of the building and open area occupied by a use, combined, do not exceed the area of the building and open area occupied when the district is formed; or
 - b. When the area limitation in subsection (f)(1)a. is exceeded or the use is intensified, the required number is derived only on the basis of the excess area.
- (2) The creation of a parking assessment district relieves those properties located within the district which were nonconforming as to parking from having to supply on-site parking spaces in accordance with subsection (b).
- (3) The assessment formula was based on a number of factors that included existing floor area, existing use, in some cases potential floor area and included credits for existing on-site parking spaces and for participation in past assessment districts.
- (4) The Planning Director shall develop a table using the floor area, parking and previous assessment district information used to calculate the parking assessment and translating that information into a parking credit based on the parking requirements set forth in subsection (b).

When an application is filed to intensify the use within an existing building or to expand an existing building, this information will be used to calculate the amount of on-site parking, if any, that will be necessary to comply with the parking requirements set forth in subsection (b).

- (5) Any parking spaces that are credited in the parking assessment district calculation may not be eliminated.

.....

This Page Intentionally Left Blank

Sec. 29.10.150. - Number of off-street spaces required.

.....

(f) *Properties in parking districts.* Required spaces in parking districts shall be as follows:

- (1) For any building or open-air use in a public parking district, the number of required off-street parking spaces is:
 - a. None, when the gross floor area of the building and open area occupied by a use, combined, do not exceed the area of the building and open area occupied when the district is formed; or
 - b. When the area limitation in subsection (f)(1)a. is exceeded or the use is intensified, the required number is derived only on the basis of the excess area.
- (2) The creation of a parking assessment district relieves those properties located within the district which were nonconforming as to parking from having to supply on-site parking spaces in accordance with subsection (b).
- (3) The assessment formula was based on a number of factors that included existing floor area, existing use, in some cases potential floor area and included credits for existing on-site parking spaces and for participation in past assessment districts.
- (4) The Planning Director shall develop a table using the floor area, parking and previous assessment district information used to calculate the parking assessment and translating that information into a parking credit based on the parking requirements set forth in subsection (b).

When an application is filed to intensify the use within an existing building or to expand an existing building, this information will be used to calculate the amount of on-site parking, if any, that will be necessary to comply with the parking requirements set forth in subsection (b).

- (5) Any parking spaces that are credited in the parking assessment district calculation may not be eliminated, unless the use is changed to a residential use that does not require the amount of on-site parking spaces.

.....



**TOWN OF LOS GATOS
POLICY COMMITTEE REPORT**

MEETING DATE: 5/28/2019

ITEM NO: 3

DATE: MAY 22, 2019

TO: POLICY COMMITTEE

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: PROVIDE DIRECTION ON POTENTIAL AMENDMENTS TO THE PARKING LOT
IMPROVEMENT APPROVAL PROCESS.

RECOMMENDATION:

Provide direction on potential amendments to the parking lot improvement approval process.

BACKGROUND:

On February 26, 2019, the Policy Committee reviewed an outline of possible streamlining opportunities that relate to the land use process and associated costs for businesses and residences. Following a brief discussion, the Policy Committee provided direction to bring back parking lot improvement regulations for further discussion.

Potential amendments to parking lot improvement regulations was one of the topics identified by staff as an opportunity to streamline the land use process and costs. The general question regarding potential amendments to parking lot improvement regulations presented in the February 26, 2019 Policy Committee report was:

- Should parking lot improvements that are handled at the building permit level still be required to go to the Development Review Committee (DRC)?

PREPARED BY: JOEL PAULSON
Community Development Director

Reviewed by: Town Manager

PAGE 2 OF 2
SUBJECT: PARKING LOT PERMIT REGULATIONS
DATE: MAY 22, 2019

DISCUSSION:

Section 29.10.145 (h), (l), (m), and (n) of the Town Code contain regulations regarding parking lot improvements (Attachment 1).

Additionally, Section 29.20.745 (4) of the Town Code designates the DRC as the deciding body for parking lot improvements.

These regulations require parking lot improvement building permits to be reviewed by the DRC. DRC review of the parking lot improvement building permit does not require an additional fee and typically does not add more than a couple weeks to the building permit process. While the cost and processing time for a parking lot improvement application are not significant, staff does not believe the additional layer of process is necessary. This determination is based on the fact that the same departments that make up the DRC already review the building permit. This additional layer of process could be eliminated if Section 29.10.145 (l), (m), and (n) and Section 29.20.745 (4) were amended.

Staff has prepared potential Town Code amendments (Attachment 2) for the Policy Committee's consideration. These amendments would allow the Community Development Director to approve parking lot improvement building permits. The potential amendments, are shown in strike-through and underline font in Attachment 2.

This agenda item allows for a conversation between staff and the Policy Committee. Staff is prepared to walk through this matter and answer questions.

Staff is interested in the Policy Committee's discussion and direction on the potential parking lot improvement regulation modifications.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office.

Attachments:

1. Excerpt from the Town Code regarding Parking Lot Improvements
2. Potential Town Code amendments

Sec. 29.10.145. - Requirements Generally

.....

(g) *Commercial operation of parking spaces.*

- (1) All privately owned off-street parking spaces required to be provided by this division, or required by the administrative approval authorized by this chapter, shall be operated without charge to the users thereof. No privately owned parking lot which contains such spaces shall be operated commercially or under a validation system whereby parkers patronizing business for which the spaces are provided are admitted to the lot free of charge or at reduced charges and other parkers are charged a fee, and the admission of vehicles to such lots shall not be restricted by gates or other physical means during periods when the use or uses for which the spaces are required are in operation. The provisions of this section shall not be deemed to prohibit the posting of signs at entrances to such parking lots identifying the businesses or uses for whose benefits the lots are operated, prohibiting other parking under threat, and enforcing such prohibitions.
- (2) Notwithstanding subsection (1) above, a parking lot located within a the Town parking assessment district may be operated with a charge for its use under the following circumstances if the Town has instituted and continues to maintain a charge for use of Town owned or operated parking lots ~~in the district~~:
 - a. A charge is made for use of the private parking lot that does not exceed the highest hourly rate charged by the town for use of its lots. Such a charge may include a validation system whereby parkers are admitted to the lot free of charge or at reduced charges if certain businesses are patronized and may also include restriction by gates or other physical means; or
 - b. Use of valet parking, so long as the parking lot is usable at all times during which the parking spaces are in operation as required by this chapter, and the use of the valet parking has been approved by the ~~Development Review Committee~~ Community Development Director pursuant to a parking lot permit; or
 - c. A combination of a charge and valet system.
- (3) Notwithstanding subsection (1) above, a private parking lot, or sections of a private parking lot located within a the Town parking assessment district may be operated as a valet parking lot under the following circumstances:
 - a. The valet parking may be provided with or without charge to the public; and
 - b. The valet parking lot service adheres to and maintains all fire codes and emergency access standards; and
 - c. The valet parking lot service shall not impair the safe and efficient use of existing adjacent non-valet parking; and

- d. The private valet parking lot is approved by the ~~Development Review Committee~~ Community Development Director pursuant to a ~~parking lot~~ Valet Parking permit. The ~~Development Review Committee~~ Community Development Director shall have the discretion to deny the ~~parking lot~~ Valet Parking permit application if any criteria set forth above and/or any other rules and regulations adopted by the Town Council cannot be met and shall have the ability to revoke the ~~parking lot~~ Valet Parking permit for valet parking with a minimum of ten (10) days notice.

.....

Sec. 29.20.745. - Development Review Committee.

The Development Review Committee shall:

.....

- (4) Review and make recommendations on parking lot permits under [section 29.10.155\(l\)](#) including reconfiguration or trade-off of zoning requirements under other sections of this chapter, ~~and under [section 29.10.145\(g\)](#) on use of valet parking for parking lots within a town parking assessment district. The development review committee has the authority to make final determinations for approval and revocation of parking lot permits for valet parking.~~

.....