



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 08/14/2019

ITEM NO: 4

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DATE: August 5, 2019  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Town Code Amendment Application A-19-006. Project Location: **Town Wide**.  
Applicant: Town of Los Gatos.  
Consider amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding Parking Assessment District regulations.

RECOMMENDATION:

Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding the Parking Assessment District regulations.

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that this project will have a significant effect on the environment.

FINDINGS:

- As required, pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, this project is Exempt, Section 15061(b)(3); and
- The amendments to Chapter 29 of the Town Code are consistent with the General Plan.

BACKGROUND:

On February 26, 2019, the Policy Committee reviewed an outline of possible streamlining opportunities that relate to the land use process and costs for businesses and residences. Potential amendments to the regulations for the Parking Assessment District was one of the

PREPARED BY: Jocelyn Shoopman  
Associate Planner

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Reviewed by: Planning Manager and Community Development Director

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BACKGROUND (continued):

topics identified by staff as an opportunity to streamline the land use process and costs. Following a brief discussion, the Policy Committee provided direction to bring back the Parking Assessment District regulations for further discussion.

On May 28, 2019, the Policy Committee reviewed potential modifications to the Parking Assessment District regulations and recommended approval of the changes.

DISCUSSION:

Section 29.10.150 (f) of the Town Code contains the Parking Assessment District regulations. Additionally, Section 29.10.150 (f) (5) of the Town Code states that parking spaces that are credited in the Parking Assessment District calculation may not be eliminated.

Section 29.10.150 (f) (5) requires approval of a Variance application when commercial uses on properties in the Parking Assessment District are converted to a residential use with less intensive parking requirements. Recent applications have included Zone Change applications that were approved to change the zone for a downtown property from Office: Landmark Historic Preservation (O:LHP) to Single-Family Residential, Downtown: Landmark Historic Preservation (R-1D:LHP) to be consistent with the General Plan Land Use designation. The removal of existing on-site parking spaces (i.e. conversion to landscaping or construction of a garage) would 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) were amended.

A. Existing Town Code

Existing Town Code Section 29.10.150 (f) discusses Parking Assessment District regulations:

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(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.

DISCUSSION (continued):

- (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.

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B. Proposed Modifications

Based on the discussion above, as recommended by the Policy Committee, staff has prepared a Draft Ordinance implementing the amendments (Exhibit 6), for the Planning Commission's consideration. The potential amendments, shown in ~~strike through~~ and underline font in Exhibit 6, would make the following change:

- Remove the requirement for a Variance application for the removal of on-site parking spaces when the use is changed to a residential use that does not require the amount of on-site parking spaces.

C. Public Outreach

Public input has been requested through the following media and social media resources:

- A poster at the Planning counter at Town Hall;
- The Town's website home page, What's New;
- The Town's Facebook page;
- The Town's Twitter account;

DISCUSSION (continued):

- The Town's Instagram account; and
- The Town's NextDoor page.

In addition, the following organizations have been contacted regarding the amendments:

- American Institute of Architects (AIA) Silicon Valley;
- Santa Clara County Association of Realtors (SCCAR); and
- Silicon Valley Association of Realtors (SILVAR).

PUBLIC COMMENTS:

At this time, the Town has not received any public comment.

CONCLUSION:

A. Recommendation

Based on the direction of the Town Council Policy Committee, staff recommends that the Planning Commission review the information included in the staff report and forward a recommendation to the Town Council for approval of the amendments to Chapter 29 of the Town Code in the Draft Ordinance. The Commission should also include any comments or recommended changes to the Draft Ordinance in taking the following actions:

1. Make the finding that there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act [Section 15061 (b) (3)] (Exhibit 1);
2. Make the required finding that the amendments to Chapter 29 of the Town Code in the Draft Ordinance are consistent with the General Plan (Exhibit 1); and
3. Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 of the Town Code in the Draft Ordinance (Exhibit 6).

B. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation to the Town Council for approval of the Draft Ordinance with modifications; or
2. Forward a recommendation to the Town Council for denial of the Draft Ordinance; or
3. Continue the matter to a date certain with specific direction.

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SUBJECT: Parking Assessment District Regulations

DATE: August 5, 2019

EXHIBITS:

1. Required Findings (one page)
2. Town Council Policy Committee Minutes, February 26, 2019 (three pages)
3. Town Council Policy Committee Report, February 26, 2019 (two pages)
4. Town Council Policy Committee Minutes, May 28, 2019 (two pages)
5. Town Council Policy Committee Report without attachments, May 28, 2019 (two pages)
6. Draft Ordinance (one page)

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**PLANNING COMMISSION – August 14, 2019**  
**REQUIRED FINDINGS FOR:**

**Town Code Amendment Application A-19-006**

Consider amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding Parking Assessment District regulations.

**FINDINGS**

**Required Findings for CEQA:**

- It has been determined that there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act, Section 15061 (b)(3).

**Required Findings for General Plan:**

- The proposed amendments to Chapter 29 of the Town Code regarding Parking Assessment District regulations are consistent with the General Plan.

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**TOWN OF LOS GATOS  
TOWN COUNCIL  
POLICY COMMITTEE**

MEETING DATE: 04/09/2019

ITEM NO: 1

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**MINUTES OF THE SPECIAL TOWN COUNCIL POLICY COMMITTEE MEETING  
FEBRUARY 26, 2019**

The Town Council Policy Committee of the Town of Los Gatos conducted a special meeting on Thursday, February 26, 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; Matt Morley, Parks and Public Works Director; Shelley Neis, Town Clerk.

**VERBAL COMMUNICATIONS**

None.

**OTHER BUSINESS**

1. Approval of the January 24, 2019 Council Policy Committee Minutes.

Approved.

2. Provide direction on Commission Appointment Policy 2-11 in relation to Commissioner interviews, and the Town Agenda Format and Rules Policy 2-01 regarding remote meeting participation.

Shelley Neis, Town Clerk, presented the staff report.

Maria Ristow

- Commented on remote participation and requested the Council consider requiring that applicants must attend a Commission meeting before applying.

After discussion the Committee directed staff to forward the two Policies to Council with the following recommendation:

- Allow a submission letter and remote participation for interview purposes only for incumbents.
- Suggested language from the Town Attorney regarding special meeting times.
- Suggested number of allowed remote meeting participation that is less than half as there was not consensus on the number.

Chair Jensen moved Items #4 and #5 before Item #3.

3. Provide direction on potential land use streamlining modifications.

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

Bess Weirsema, Studio 3

- Requested the design professional community have a seat at the table to discuss potential modifications to land use processes and permitting and commented on the demolition regulations.

Jennifer Crutchmer

- Commented on the demolition regulations.

Tony Jeans

- Requested the design professional community have a seat at the table to discuss potential modifications to the demolition regulations and streamlining land use processes.

Jay Plett

- Commented on the demolition requirements and requested the demolition policy be streamlined.

Dave Zicovich

- Commented on the demolition policy and requested the demolition policy be streamlined.

Catherine Somers

- Commented on streamlining processes to allow business to open within three months and consider a deciding body policy.

After discussion the Committee directed staff to look at how the accessory dwelling unit (ADU) ordinance interacts with other regulations, how the hillside and historical regulations interact with other regulations, and to bring the demolition regulations and policy to the next meeting.

4. Provide direction on potential modifications or updates to the Traffic Impact Mitigation Ordinance, Policy, and Fees.

Matt Morley, Parks and Public Works Director, presented the staff report.

Maria Ristow

- Suggested an alternative to exceptions, a traffic demand mitigation (TDM) or some way to waive the fees if the traffic is mitigated.

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SUBJECT: MINUTES OF THE SPECIAL TOWN COUNCIL POLICY COMMITTEE MEETING OF  
MARCH 12, 2019

DATE: MARCH 7, 2019

Item #4 – continued

After discussion, the Committee identified that Town Code Section 15.70.030(c)(5) enables the Town Council to consider unusual circumstances and approve a deviation from the Traffic Policy. The Committee directed staff to bring the requested fee modification to the Town Council for its consideration consistent with this provision.

5. Receive information on the development of Arborist Report Standards.

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

Dave Weismann

- Commented on the prolonged timeline for the development of arborist standards.

Refer the item to the Town Manager to discuss with the Mayor to determine if the item will be placed on a future Council agenda for discussion.

6. Determine meeting schedule for 2019 (verbal discussion only).

The Committee chose the second Tuesday of each month at 5:00 p.m. The next meeting will be March 12, 2019.

## **ADJOURNMENT**

The meeting adjourned at 6:08 p.m.

Attest:

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/s/ Shelley Neis, Town Clerk

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**TOWN OF LOS GATOS  
POLICY COMMITTEE REPORT**

MEETING DATE: 2/26/2019

ITEM NO: 9

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DATE: FEBRUARY 21, 2019

TO: POLICY COMMITTEE

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: DISCUSS AND PROVIDE DIRECTION ON POTENTIAL LAND USE  
STREAMLINING MODIFICATIONS.

**RECOMMENDATION:**

Discuss and provide direction on potential land use streamlining modifications.

**BACKGROUND:**

Over the last couple years, the Town has considered and approved a number of modifications and/or pilot programs that have streamlined the process and costs for businesses. Additional opportunities for streamlining opportunities for businesses will be considered by the Town Council on March 5, 2019.

**DISCUSSION:**

Staff has identified some additional opportunities to streamline land use processes for the Policy Committee's consideration. Staff has prepared an outline that contains possible streamlining opportunities that relate to the land use process and costs for businesses and residences (Attachment 1). Attachment 1 contains general comments and questions regarding potential streamlining opportunities as outlined below by category:

- Demolition Regulations (see Attachments 2 and 3);
- Hillside Development Standards and Guidelines Project Review and Approval Process (see Attachment 4);
- Deciding Body Modifications (see Attachments 5 through 10); and

**PREPARED BY:** JOEL PAULSON  
Community Development Director

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Reviewed by: Town Manager

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DISCUSSION (continued):

- Architecture and Site Applications (see Attachment 10).

This meeting will allow for an initial conversation between staff and the Policy Committee. Staff will be prepared to walk through these topics and answer questions.

Staff is interested in the Policy Committee's discussion and direction on these general topics to help prioritize next steps. Given staff resource constraints, staff will bring individual topics back to the Policy Committee for a more thorough discussion.

COORDINATION:

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

Attachments:

1. Possible Streamlining Opportunities
2. Demolition Affidavit
3. Demolition Diagram
4. Chapter IX of the Hillside Development Standards and Guidelines
5. Excerpt from the Town Code relating to Deciding Bodies
6. Excerpt from the Town Code relating to loss of Parking in the Parking Assessment District
7. Excerpt from the Town Code relating to Parking Lot Modifications
8. Excerpt from the Town Code relating to Valet Parking
9. Policy relating to Minor Exterior Modifications to Commercial Buildings
10. Excerpt from the Town Code relating to Minor Exterior Alterations to Commercial Building and the requirement for an Architecture and Site application for a change in architectural style



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**MINUTES OF THE SPECIAL TOWN COUNCIL POLICY COMMITTEE MEETING  
MAY 28, 2019**

The Town Council Policy Committee of the Town of Los Gatos conducted a special meeting on Tuesday, May 28, 2019, at 5:00 p.m.

**MEETING CALLED TO ORDER AT 5:01 P.M.**

**ROLL CALL**

Members Present: Marcia Jensen, Barbara Spector.

Staff Present: Laurel Prevetti, Town Manager; Joel Paulson, Community Development Director; Holly Zappala, Management Analyst.

**VERBAL COMMUNICATIONS**

None.

**OTHER BUSINESS**

**1. Approval of the May 9, 2019 Council Policy Committee Minutes.**

Approved.

Joel Paulson, Community Development Director, presented the staff reports for Items 2 through 5.

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

After discussion, the Committee asked staff to email the Committee a revised draft for review and, upon review and approval of the draft, forward a recommendation to the Planning Commission to approve the amendments to the Hillside Development Standards and Guidelines.

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

After discussion, the Committee decided to forward a recommendation to the Planning Commission to approve the amendments to the parking lot improvement approval process.

**4. Provide direction on potential amendments to the valet parking regulations.**

After discussion, the Committee agreed to forward a recommendation to the Planning Commission to approve the amendments to the valet parking regulations and to expand the valet parking regulations beyond the parking assessment district to apply Town-wide.

**5. Provide direction on potential amendments to parking assessment district regulations.**

After discussion, the Committee forwarded a recommendation to the Planning Commission to approve the amendments to parking district regulations with minor changes to the wording to make it clear that they apply to on-site parking spaces.

The Committee also agreed to amend the regular meeting schedule of the Town Council Policy Committee to meet on the fourth Tuesday of each month at 5:00 p.m. in Town Council Chambers.

**ADJOURNMENT**

The meeting adjourned at 5:26 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the May 28, 2019 meeting as approved by the Town Council Policy Committee.

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/s/ Holly Zappala, Management Analyst





**TOWN OF LOS GATOS  
POLICY COMMITTEE REPORT**

MEETING DATE: 5/28/2019

ITEM NO: 5

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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 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

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Reviewed by: Town Manager

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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 meeting will allow for a conversation between staff and the Policy Committee. Staff will be 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.

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SUBJECT: PARKING ASSESSMENT DISTRICT REGULATIONS

DATE: MAY 22, 2019

Attachments:

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

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**Excerpts from Los Gatos Town Code**

**Chapter 29**

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

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(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 on-site 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 existing on-site parking spaces.

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