



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 08/14/2019

ITEM NO: 3

DATE: August 5, 2019
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Town Code Amendment Application A-19-004. Project Location: **Town Wide.**
Applicant: Town of Los Gatos.
Consider amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding parking lot improvement regulations.

RECOMMENDATION:

Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding parking lot improvement 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. Following a brief discussion, the Policy Committee provided direction to bring back the parking lot improvement regulations for further discussion. Potential amendments to the

PREPARED BY: Jocelyn Shoopman
Associate Planner

Reviewed by: Planning Manager and Community Development Director

BACKGROUND (continued):

regulations for parking lot improvements was one of the topics identified by staff as an opportunity to streamline the land use process and costs.

On May 28, 2019, the Policy Committee reviewed potential changes to the parking lot improvement regulations, and recommended approval of the changes.

DISCUSSION:

Section 29.10.145 (h), (l), (m), and (n) of the Town Code contains regulations regarding Building Permits for parking lot improvements. Additionally, Section 29.20.745 (4) of the Town Code designates the Development Review Committee (DRC) as the deciding body for these Building Permits.

The existing Town Code requires Building Permits for parking lot improvements to be reviewed by the DRC. DRC review of the Building Permits does not require an additional fee, and typically does not add significant processing time to the Building Permit process. While there are no additional costs nor significant processing time related to the DRC review, the Policy Committee did not believe that the additional layer of review was necessary, given that the same departments that are represented on the DRC already review the Building Permits. This additional layer of review could be eliminated if Section 29.10.145 (l), (m), and (n) and Section 29.20.745 (4) were amended.

A. Existing Town Code

Existing Town Code Section 29.10.145 (l), (m), and (n) of the Town Code discusses parking lot improvement regulations:

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(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

DISCUSSION (continued):

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.

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Existing Town Code Section 29.20.745 discusses the assignment of duties for the DRC:

The Development Review Committee shall:

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- (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.

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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:

- Modify the deciding body for Building Permits for parking lot improvements from the DRC to the Director of Community Development.

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;

DISCUSSION (continued):

- The Town's website home page, What's New;
- The Town's Facebook page;
- The Town's Twitter account;
- 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

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SUBJECT: Parking Lot Permit Regulations

DATE: August 5, 2019

CONCLUSION (continued):

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.

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-19-004

Consider amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding parking lot improvement 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 lot improvement regulations are consistent with the General Plan.

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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:

/s/ Shelley Neis, Town Clerk

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**TOWN OF LOS GATOS
POLICY COMMITTEE REPORT**

MEETING DATE: 2/26/2019

ITEM NO: 9

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

Reviewed by: Town Manager

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



**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.

/s/ Holly Zappala, Management Analyst



**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 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

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 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 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 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

Excerpts from Los Gatos Town Code
Chapter 29
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.

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Sec. 29.20.745. - Development Review Committee.

The Development Review Committee shall:

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~~(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.~~

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