

## ORDINANCE

### **ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING CHAPTER 29 (ZONING REGULATIONS) OF THE TOWN CODE REGARDING VALET PARKING REGULATIONS**

**WHEREAS**, the Town Council would like to streamline the land use process to reduce the time and cost impacts for businesses and residences;

**WHEREAS**, Section 29.10.145 of the Town Code contains regulations regarding valet parking regulations;

**WHEREAS**, Section 29.20.745 of the Town Code designates the Development Review Committee (DRC) as the deciding body for Valet Parking Permit applications and does not allow for private parking lots outside of the parking assessment district area to charge for valet parking;

**WHEREAS**, the proposed amendments will modify the deciding body for Valet Parking Permit applications from the DRC to the Community Development Director and will allow for private parking lots outside of the parking assessment district area to charge for valet parking;

**WHEREAS**, this matter was regularly noticed in conformance with State and Town law and came before the Planning Commission for public hearing on August 14, 2019;

**WHEREAS**, on August 14, 2019, the Planning Commission reviewed the proposed amendments regarding valet parking regulations and forwarded a recommendation to the Town Council for approval of the proposed amendments;

**WHEREAS**, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on September 17, 2019; and

**WHEREAS**, on September 17, 2019, the Town Council reviewed and commented on the proposed amendments regarding valet parking regulations and the Town Council voted to introduce an Ordinance.

**NOW, THEREFORE,** THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS FOLLOWS:

SECTION I

Section 29.10.145 and Section 29.20.745 of Town Code Chapter 29 are hereby amended to read as follows:

**Sec. 29.10.145. – Development standards.**

...

(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~~ the Town 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~~ Valet Parking 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.

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**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.~~

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SECTION II

With respect to compliance with the California Environmental Quality Act (CEQA), the Town Council finds as follows:

- A. These Town Code amendments are not subject to review under CEQA pursuant to sections and 15061(b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendments to the Town Code would have significant impact on the environment; and

B. The proposed Town Code amendments are consistent with the General Plan and its Elements.

### SECTION III

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This Town Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

### SECTION IV

Except as expressly modified in this Ordinance, all other sections set forth in the Los Gatos Town Code shall remain unchanged and shall be in full force and effect.

### SECTION V

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on September 17, 2019, and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on October 1, 2019 and becomes effective 30 days after it is adopted.

In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: \_\_\_\_\_

ATTEST:

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

DATE: \_\_\_\_\_

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