

DRAFT ORDINANCE

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING CHAPTER 29 (ZONING REGULATIONS) OF THE TOWN CODE
REGARDING PARKING LOT IMPROVEMENT 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 Building Permits for parking lot improvements;

WHEREAS, Section 29.20.745 of the Town Code designates the Development Review Committee (DRC) as the deciding body for these Building permits;

WHEREAS, the proposed amendments will modify the deciding body for these Building Permits from the DRC to the Community Development Director given the same departments that are represented on the DRC already review the Building Permits;

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 parking lot improvement 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 parking lot improvement regulations and the Town Council voted to introduce an Ordinance.

NOW, THEREFORE, THE PEOPLE OF THE TOWN OF LOS GATOS AND THE TOWN COUNCIL DO HEREBY 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.

...

(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.~~

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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: _____

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

DATE: _____