

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 ASSESSMENT DISTRICT 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 29.10.150 of the Town Code states that parking spaces that are credited in the Parking Assessment District calculation may not be eliminated;

WHEREAS, removal of on-site parking spaces in the Parking Assessment District requires a Variance application when commercial uses are converted to a residential use;

WHEREAS, the proposed amendments will reduce cost and processing time for conversion of a commercial use to a residential use with less intensive parking requirements;

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 amendment regarding Parking Assessment District 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 Assessment District 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 29.10.150 of Town Code Chapter 29 are hereby amended to read as follows:

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 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.

...

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 amendment to the Town Code would have significant impact on the environment; and

B. The proposed Town Code amendment is 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: _____