



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 08/14/2019

ITEM NO: 4

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

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Associate Planner

Reviewed by: Planning Manager and Community Development Director

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)