



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 08/14/2019

ITEM NO: 5

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DATE: August 5, 2019  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Town Code Amendment Application A-19-005. Project Location: **Town Wide.**  
Applicant: Town of Los Gatos.  
Consider amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding valet parking regulations.

RECOMMENDATION:

Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding valet parking 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 6, 2018, the Town Council approved Town Code amendments regarding valet parking to allow properties in the parking assessment district to charge patrons for valet parking.

PREPARED BY: Jocelyn Shoopman  
Associate Planner

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Reviewed by: Planning Manager and Community Development Director

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BACKGROUND (continued):

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 valet parking regulations was one of the 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 valet parking regulations for further discussion.

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

DISCUSSION:

Section 29.10.145 (g) of the Town Code contains regulations regarding valet parking (Attachment 1).

Additionally, Section 29.20.745 (4) of the Town Code designates the Development Review Committee (DRC) as the deciding body for Valet Parking Permit applications. These regulations require Valet Parking Permit applications to be approved by the DRC and do not allow for private parking lots outside of the parking assessment district area to charge for valet parking. The Valet Parking Permit application fee is a \$1,000.00 deposit used to cover the actual cost of processing the application and DRC approval which typically takes between two and four months. The cost and processing time for a Valet Parking Permit application could be eliminated if Section 29.10.145 (g) and Section 29.20.745 (4) were amended.

A. Existing Town Code

Existing Town Code Section 29.10.145 (g) discusses valet parking regulations:

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(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

DISCUSSION (continued):

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 town parking assessment district 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 pursuant to a parking lot 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 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 pursuant to a parking lot permit. The Development Review Committee shall have the discretion to deny the parking lot 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 permit for valet parking with a minimum of ten (10) days notice.

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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

DISCUSSION (continued):

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 changes:

- Remove the requirement that private parking lots outside of the parking assessment district area may not charge for valet parking; and
- Modify the deciding body for Valet Parking Permits 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;
- 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
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)