



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 05/27/2020

ITEM NO: 3

DATE: May 22, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Forward a Recommendation to the Town Council for Approval of Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding Vehicle Sales, Town Wide. Town Code Amendment Application A-20-003.
Applicant: Town of Los Gatos

RECOMMENDATION:

Forward a recommendation to the Town Council for approval of amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding vehicle sales.

CEQA:

The proposed project is 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 the amendments to Chapter 29 of the Town Code will have a significant effect on the environment.

FINDINGS:

- As required, the project is exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3); and
- The amendments to Chapter 29 of the Town Code are consistent with the General Plan.

BACKGROUND:

Sections 29.20.180 through 29.20.200 of the Town Code regulate conditional uses. The Table of Conditional Uses in Section 29.10.185, requires approval of a Conditional Use Permit (CUP) for new vehicle sales and rental in the C-2, LM, and CH zones. Additionally, used vehicle sales are allowed with approval of a CUP in the C-2, LM, and CH zones only when their sale is

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Reviewed by: Planning Manager and Community Development Director

BACKGROUND (continued):

incidental to new vehicle sales and rental. Standalone used vehicle sales are not currently allowed as a permitted or conditional use in any zone.

The Town was approached by a business seeking to locate a standalone used vehicle sales business in the C-2 zone. Given the unique business model proposed by the business owner, staff forwarded the issue to the Town Council Policy Committee to seek input and direction on the appropriateness of standalone used vehicle sales in commercial and industrial zones.

On January 28, 2020, the Policy Committee discussed the matter and recommended that standalone used vehicle sales be allowed with an approved CUP for vehicle sales and rental in the C-2, LM, and CH zones (Exhibit 2). The Policy Committee recognized that vehicle sales would continue to require a CUP, and that the Planning Commission would consider whether a vehicle sales and rental use at a specific site is appropriate or not when reviewing the CUP application.

DISCUSSION:

A. Amendments to the Town Code

The Policy Committee recommended that the Town Code be amended to allow standalone used vehicle sales with an approved CUP for vehicle sales and rental in the C-2, LM, and CH zones. Section 29.20.185, Table of Conditional Uses would be amended by striking “new” from the new vehicle sales and rental category and eliminating the used vehicle sales category. This change would eliminate the distinction between new and used vehicle sales, allowing standalone used vehicle sales in the C-2, LM, and CH zones with an approved CUP.

<i>TABLE OF CONDITIONAL USES</i>	<i>RC</i>	<i>HR</i>	<i>R1</i>	<i>RD</i>	<i>R-M</i>	<i>RMH</i>	<i>R-1D</i>	<i>O</i>	<i>C-1</i>	<i>C-2</i>	<i>CH</i>	<i>LM</i>	<i>CM</i>
(7) Automotive (Vehicle sales, services, and related activities)													
a. New Vehicle sales and rental										X	X	X	
b. Used vehicle sales only incidental to new vehicle sales and rental. <u>Reserved</u>										X	X	X	

DISCUSSION (continued):

B. 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 Next Door page.

PUBLIC COMMENTS:

At this time, the Town has not received any public comments.

CONCLUSION:

A. Recommendation

Based on the direction of the 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 the proposed project is exempt, pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Section 15061 (b) (3), in that there is no possibility that the amendments to Chapter 29 of the Town Code in the draft Ordinance will have a significant effect on the environment (Exhibit 1);
2. Make the finding that the amendments to Chapter 29 of the Town Code in the draft Ordinance are consistent with the General Plan (Exhibit 1);
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 3).

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CONCLUSION (continued):

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
2. January 28, 2020, Town Council Policy Committee Report
3. Draft Ordinance