



**TOWN OF LOS GATOS
PLANNING COMMISSION AGENDA
AUGUST 14, 2019
110 EAST MAIN STREET
LOS GATOS, CA**

*Matthew Hudes, Chair
Melanie Hanssen, Vice Chair
Mary Badame, Commissioner
Kendra Burch, Commissioner
Kathryn Janoff, Commissioner
Tom O'Donnell, Commissioner
Reza Tavana, Commissioner*

PARTICIPATION IN THE PUBLIC PROCESS

How to participate: The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please complete a “speaker’s card” and return it to the Staff Liaison. If you wish to speak to an item NOT on the agenda, you may do so during the “verbal communications” period. The time allocated to speakers may change to better facilitate the Planning Commission meeting.

Effective Proceedings: The purpose of the Planning Commission meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town’s meeting guidelines while attending Planning Commission meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Commissioners without first being recognized; interrupting speakers, Commissioners or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject.

Deadlines for Public Comment and Presentations are as follows:

- Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email, to the Planning Department by 1 p.m. or the Clerk’s Office no later than 3:00 p.m. on the day of the Planning Commission meeting.
- Persons wishing to submit written comments to be included in the materials provided to the Planning Commission must provide the comments to the Planning Department as follows:
 - For inclusion in the regular packet: by 11:00 a.m. the Friday before the meeting
 - For inclusion in any Addendum: by 11:00 a.m. the Monday before the meeting
 - For inclusion in any Desk Item: by 11:00 a.m. on the day of the meeting

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Live and Archived Planning Commission meetings can be viewed by going to:
<https://www.kcat.org/government-meetings>**

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]

**TOWN OF LOS GATOS
PLANNING COMMISSION AGENDA
AUGUST 14, 2019
7:00 PM**

MEETING CALLED TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

VERBAL COMMUNICATIONS *(Members of the public may address the Commission on any matter that is not listed on the agenda. Unless additional time is authorized by the Commission, remarks shall be limited to three minutes.)*

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION) *(Before the Planning Commission acts on the consent agenda, any member of the public or Commission may request that any item be removed from the consent agenda. At the Chair's discretion, items removed from the consent calendar may be considered either before or after the Public Hearings portion of the agenda)*

1. Minutes of July 10, 2019

PUBLIC HEARINGS *(Applicants/Appellants and their representatives may be allotted up to a total of ten minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for closing statements. Items requested/recommended for continuance are subject to the Commission's consent at the meeting.)*

2. Project Location: **Town Wide**. Applicant: Town of Los Gatos.
Consider Modifications to Chapter III (Site Planning), Chapter IV (Development Intensity), Chapter V (Architectural Design), Chapter VI (Site Elements), Chapter VIII (Subdivision and Planned Development Projects), Chapter IX (Project Review and Approval Process), and Chapter X (Glossary) of the Hillside Development Standards and Guidelines
3. Town Code Amendment Application A-19-004. Project Location: **Town Wide**. Applicant: Town of Los Gatos.
Consider amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding parking lot improvement regulations.
4. 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.

5. 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.

OTHER BUSINESS (*Up to three minutes may be allotted to each speaker on any of the following items.*)

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

SUBCOMMITTEE REPORTS / COMMISSION MATTERS

ADJOURNMENT (*Planning Commission policy is to adjourn no later than 11:30 p.m. unless a majority of the Planning Commission votes for an extension of time*)

Writings related to an item on the Planning Commission meeting agenda distributed to members of the Commission within 72 hours of the meeting are available for public inspection at the reference desk of the Los Gatos Town Library, located at 100 Villa Avenue; the Community Development Department and Clerk Department, both located at 110 E. Main Street; and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Commission at the meeting are available for review in the Town Council Chambers.

Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 08/14/2019

ITEM NO: 1

**DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
JULY 10, 2019**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, July 10, 2019, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Present: Chair Matthew Hudes, Vice Chair Melanie Hanssen, Commissioner Mary Badame, Commissioner Kendra Burch, Commissioner Kathryn Janoff, Commissioner Reza Tavana, and Commissioner Tom O'Donnell

Absent: None.

PLEDGE OF ALLEGIANCE

Commissioner Badame led the Pledge of Allegiance. The audience was invited to participate.

VERBAL COMMUNICATIONS

David Weissman

- He appealed the DRC approval of the Greenridge Terrace Subdivision Map because what the applicant had proposed and what staff had accepted did not comply with what the Town Council had discussed. He pulled his appeal because the applicant has made significant changes.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Approval of Minutes – June 12, 2019

MOTION: Motion by **Commissioner Badame** to approve adoption of the Consent Calendar, as amended. **Seconded** by **Vice Chair Hanssen**.

VOTE: Motion passed unanimously.

PUBLIC HEARINGS

2. 15860-15894 Winchester Boulevard

Architecture and Site Application S-19-026

Subdivision Application M-19-006

APN 529-11-013, -038, -039, and -040

Applicant: Doug Rich, Valley Oak Partners

Property Owners: South Beach Partners LLC and Cumulus Capital Holdings LLC

Project Planner: Jennifer Armer

Requesting approval of a time extension to demolish three existing single-family residences, remove an accessory dwelling unit, remove large protected trees, and merge four lots for the purposes of constructing a new two-story office building with below grade and at grade parking.

Jennifer Armer, Senior Planner, presented the staff report.

Opened Public Comment.

Georgina Van Horn

- She lives at the University Oaks Condos and is the closest neighbor to this property. She requests the time extension not be approved because the developer has had two years to build and has not, and the Town does not need more office space.

Andrew Spyker

- He also supports not approving the time extension and provided details on the compliance issues, such as squatters having open fires, and said there has been no maintenance on the property in 21 months.

Doug Rich

- Taking action against the squatters was delayed because it took time to get an appointment for a fence installation. They were working with the Los Gatos Police Department on the issue and have kept in touch with the neighbors. They will do what it takes to address the issues.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Badame** to approve an Architecture and Site Application and Subdivision Application requesting approval for a time extension for 15860-15894 Winchester Boulevard. **Seconded by Commissioner Janoff.**

Commissioners discussed the matter.

VOTE: **Motion passed unanimously.**

3. 16 Chestnut Avenue

Architecture and Site Application S-17-047

APN 510-40-012

Applicant/Appellant: Bess Wiersema, Studio 3 Design

Property Owner: Kim Roper

Project Planner: Erin Walters

Consider an appeal of a Development Review Committee decision approving a request for demolition of an existing pre-1941 single-family residence and construction of a new single-family residence on property zoned R-1:12.

Erin Walters, Associate Planner, presented the staff report.

Opened Public Comment.

Kim Roper, Property Owner

- Today was the first they had heard that they needed an expert witness. They also just got a discussion packet from the Town a few days ago and are unable to address a lot of the issues because of the delay in receiving it. The location the Town wants for her driveway is unsafe because she would not be visible to oncoming traffic.

Bess Wiersema, Studio 3

- This project was intended as a rebuild from the beginning two years ago. This is an existing intersection with other existing driveways that will remain and not change based on site conditions and existing lot frontages, so they are in keeping with the existing neighborhood and very visible to oncoming traffic. The current location is the safest place for the driveway.

Bart Hechtman

- The Planning Commission's discretion should be exercised based on the unique configuration of this intersection, not generic statements pulled from transportation documents that do not apply. Visibility at the present location is excellent. He urged the

Commission to uphold the appeal, delete Condition 59, and approve the driveway at the current location.

Sharon Herald

- She will save her remarks for the continuance.

Bob Simmons

- He lives up the street from the subject property. There has never been an accident in the 40-plus years he has lived there due to the multiple stop signs that give great visibility. He hopes the stone wall on the subject property is preserved.

Margo Simmons

- She cannot recall an accident on her street in spite of heavy pedestrian traffic, so if things work leave them alone. The subject's property's driveway is unique in its location and adds to the Town's character and should be preserved.

Doug Evans

- He loves the authenticity of Glenridge and would hate to see it disturbed by moving the driveway. He bikes on that street and it is a very safe location.

Bart Hechtman

- They do not have any additional comments, but the team is available to answer any questions and hopefully discuss the parameters of a continuance if the Planning Commission will entertain that.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner O'Donnell** to continue the public hearing for 16 Chestnut Avenue to the meeting of October 9, 2019. **Seconded by Vice Chair Hanssen.**

Commissioners discussed the matter.

VOTE: **Motion passed unanimously.**

Commissioner O'Donnell indicated that he would recuse himself from participating in Item 4, 66 E. Main Street, as his residence is within 500 feet of the subject property.

4. 66 E. Main Street

Conditional Use Permit Application U-19-010

APN 529-29-049

Applicant: Alex Anderson

Appellant: Thomas Spilsbury

Property Owner: Jane Thomas Living Trust

Project Planner: Jennifer Armer

Consider an appeal of a Development Review Committee decision approving a Conditional Use Permit Application requesting approval of group classes on property zoned C-2.

Jennifer Armer, Senior Planner, presented the staff report.

Opened Public Comment.

Thomas Spilsbury, Appellant

- He owns the property directly across from the subject site and would be directly impacted by the project. People in the neighborhood are not in support of the gym, but he and his neighbors would support it with the following changes and conditions: 1) The CUP is valid and sunsets in 12 months, 2) A six-month review would be conducted, 3) Gym hours would be 7a.m. to 7p.m., 4) No outdoor music or speakers, and 5) The outdoor area should be returned to parking.

Alex Anderson, Applicant

- The Club's interest in 66 E. Main is based on the desire to ensure their members are able to maintain their fitness routines while the Club undergoes a remodel at 285 E. Main. By occupying 66 E. Main they would be able to turn a multi-phase, two-year remodel into a single-phase, one-year remodel. Their business model fits the code and they do not seek a variance. They have sufficient parking and they will leave the parking lot open during the Club's remodel. Staff will park at 285 E. Main Street.

Melissa Thomas

- She owns the Garden Inn hotel immediately next door to the subject site and welcomes the Club of Los Gatos as a new neighbor. The Club would be a considerate neighbor and she anticipates life and vibrancy returning to this iconic corner.

Jane Thomas

- She owns the subject site and supports the health club. It has taken over 18 months to find a suitable tenant for this site, and after carrying an unsightly vacant corner property for so long she considers herself very fortunate to have found a reliable and established Los Gatos business owner to rent the space.

Mike Williams

- He owns Southern Kitchen Los Gatos. He completely supports the application, saying it would bring more people to the area. Parking is not an issue; they seat 300 people a day in eight hours and parking has not been a problem.

John Lochner

- He is a member of the board of the Veterans Memorial and Support Foundation and they would welcome the Club as next-door neighbors, but would hope the Commission places some restrictions, such as hours and parking, because parking is a major problem.

Kent Hillhouse

- He is president of the Veterans Memorial and supports the Appellant. He believes the project is moving too fast and his organization has not received notification of meetings, although they are located across the street from the subject site. A more thorough examination of the CUP, as requested by the Appellant, is in order.

Jim Free

- He is an advisor to the Veterans Memorial and Support Foundation board. His concern is that this memorial is a place one can go and contemplate and understand the sacrifices made by those who have given their all, and he hopes that can be maintained.

Samantha Moore

- She lives across the street from 66 E. Main. This building was built to show cars, is not soundproof, has Plexiglass walls and a big open space. Gym activity is not meant to be seen on both sides of the street. There is nothing obstructing the view or noise from her building.

Erika Venter

- She is the applicant's neighbor and was surprised that she received no notices with respect to the project. She supports comments made by the Appellant and Ms. Moore. She is a member of the gym, but one thing she needs more than exercise is sleep.

Greg Hacker

- He is the president of the Forbes Mill Homeowners Association. Their biggest concerns are the fact that the original proposal of the CUP was for a temporary use, which seems to have been made more permanent, and they would prefer time limits, possibly the originally proposed one year. The hours of 5a.m. to 10p.m. seems excessive because of the potential for noise.

Alice Hoagland

- The Los Gatos Veterans Memorial Foundation has tried to bring a serene and solemn memorial and a place for reflection to the community. She fears the music and noise from the gym and the added traffic congestion would make it difficult for those looking to the Veterans Memorial to be such a place.

Mike Hogan

- He lives at Forbes Mill in a front unit facing the proposed site. The problem is when the Club owner was asked to make concessions and make them enforceable by putting them into the use permit he objected to them all, yet he said he wants to be a good neighbor.

Noreen Clark

- She has been a member of the Club for 30 years. Although people are concerned about noise, most of the Club members are mature citizens who don't like the music really loud. The Veterans Memorial is on Main Street in the nucleus of the Town where there is the noise of everyday life.

Emilie Schultz

- She is an instructor at the Club and the music they play is at a very low volume. Noise volume is unfounded in this situation, because it is an older crowd who have been working out together for 30 years and they don't like loud music.

Maureen Cappon-Javey

- She is executive director of the New Museum Los Gatos, which is directly across from 66 E. Main. Her concern is parking, and her advice is to put conditions in place so everyone is kept honest. She agreed with a former speaker that being a good neighbor is great but get it in writing.

Catherine Somers

- She is executive director of the Los Gatos Chamber of Commerce. The applicant has persevered through four years of getting permits to rebuild the Club that so many people enjoy and need for fitness. There are a lot of underutilized spaces on Main Street and if they want to reinvigorate the Town they have to start getting people in these spaces.

Maria Ristow

- She is a member of the Club where there are lifelong athletes, an older demographic, and a community of people who support each other and work out. The CUP is all about helping the members have a place to continue working out while the Club has a long overdue remodel.

Fiona Maloney-McCrystle

- She works at the Chamber of Commerce and one of the things they hear most from people is the low morale about empty storefronts, a trend that is very prevalent in the Town currently. There needs to be thoughtful compromising so these empty storefronts can be filled.

Alex Anderson

- After 6 p.m. all classes would be yoga or Pilates. He is eager to comply with ordinances and reiterated that he would be a good neighbor. He stands with the Veterans Memorial, and anything short of treating it with respect would be unacceptable. His first obligation is to his members, and they have already suffered reductions in showers, the pool, and locker rooms.

Thomas Spilsbury

- Good written agreements make good neighbors. He and the other business owners on the street are okay with the noise as long as it is kept inside the building as the ordinances require. They couldn't live with classes outside because that is not part of the CUP or what was requested in the CUP. The permanent CUP length is an issue because the applicant waffles when asked to stand behind the temporary length. There was no neighborhood outreach, not even to him when he own the property right across the street. The other businesses have tried to be good neighbors and encourage the Club's business, but the applicant needs to meet them in the middle.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Chair Hudes** to deny the appeal and uphold the DRC decision, subject to additional conditions: The use would be for group classes at a non-formula, private sports recreation club and the opportunity for private fitness workout; the language from the letter that says, "Utilizing the front assembly room, approximately 1,700 square feet, for classes like dance, yoga, and Pilates while utilizing the rear exercise room, approximately 3,700 square feet, for exercise equipment, employees and an administrative office," would be inserted; with a three-month report to the Planning Commission from the Community Development Director, and then a six-month review process after the three-month report.

Commissioners discussed the matter.

The motion failed for lack of a second.

MOTION: **Motion by Chair Hudes** to deny the appeal and uphold the DRC decision, subject to amended additional conditions: The use will be a non-formula private sports recreation club offering group classes and facilities for private fitness workout with a three-month administrative review of the project to the Planning Commission from the Community Development Director.

Seconded by Commissioner Badame.

Commissioner Janoff requested the motion be amended to replace "opportunity" with "facility that offers."

The Maker of the Motion accepted the amendment to the motion.

The Seconder of the Motion accepted the amendment to the motion.

VOTE: **Motion passed unanimously.**

5. **16100 Greenridge Terrace**
Subdivision Application M-19-004
APN 528-12-002
Applicant: Hanna & Brunetti
Appellant: David Weissman
Property Owner: Emerald Lake Investments, LLC

Chair Hudes indicated that the Appellant had rescinded his appeal with respect to 16100 Greenridge Terrace and the Planning Commission would not hear the item.

6. **Consider the Draft General Plan Vision Statement and Guiding Principles**

Jennifer Armer, Senior Planner, presented the staff report.

Opened and Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Vice Chair Hanssen** to forward a recommendation on the General Plan Vision Statement and Guiding Principles to the Town Council with Planning Commission changes discussed at this hearing.
Seconded by Commissioner Burch.

VOTE: **Motion passed unanimously.**

OTHER BUSINESS

7. Report from the Director of Community Development

Joel Paulson, Director of Community Development

- GPAC will meet July 18, 2019 to continue discussion on land use alternatives.
- There are no items on the Planning Commission's July 24, 2019 meeting agenda and that meeting will likely be canceled.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

General Plan Advisory Committee

Vice Chair Hanssen

- GPAC met June 20, 2019; discussed land use alternative and the hillsides and the necessity to grow residential in town.

Historic Preservation Committee

Chair Hudes

- HPC met June 26, 2019; discussed two items:
 - o 62 Ellenwood
 - o 17 North Santa Cruz Avenue

ADJOURNMENT

The meeting adjourned at 11:18 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the July 10, 2019 meeting as approved by the Planning Commission.

Vicki Blandin



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 08/14/2019

ITEM NO: 2

DATE: August 6, 2019
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Project Location: **Town Wide**. Applicant: Town of Los Gatos.
Consider Modifications to Chapter III (Site Planning), Chapter IV (Development Intensity), Chapter V (Architectural Design), Chapter VI (Site Elements), Chapter VIII (Subdivision and Planned Development Projects), Chapter IX (Project Review and Approval Process), and Chapter X (Glossary) of the Hillside Development Standards and Guidelines

RECOMMENDATION:

Forward a recommendation to the Town Council for approval of the modifications to Chapter III (Site Planning), Chapter IV (Development Intensity), Chapter V (Architectural Design), Chapter VI (Site Elements), Chapter VIII (Subdivision and Planned Development Projects), and Chapter IX (Project Review and Approval Process) of the Hillside Development Standards and Guidelines.

CEQA:

The project is Categorical 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 proposed modifications 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
- That the modifications to the Hillside Development Standards and Guidelines are consistent with the General Plan.

PREPARED BY: Jocelyn Shoopman
Associate Planner

Reviewed by: Planning Manager and Community Development Director

BACKGROUND:

On February 26, 2019, the Policy Committee reviewed possible streamlining opportunities that relate to the land use process and costs for businesses and residences. Potential modifications to the Hillside Development Standards and Guidelines (HDS&G) 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 HDS&G regulations for further discussion.

On May 28, 2019, the Policy Committee reviewed potential modifications to Chapter IV (Development Intensity) and Chapter IX (Project Review and Approval Process) of the HDS&G regarding certain project review processes. After discussion, the Committee recommended approval of the modifications to Chapter IV (Development Intensity) and Chapter IX (Project Review and Approval Process) of the HDS&G and provided direction to staff to modify language in all chapters of the HDS&G to be consistent with previous HDS&G amendments and recent amendments to the Zoning Ordinance.

DISCUSSION:

Chapter IV (Development Intensity) of the HDS&G contains information regarding the maximum allowed gross floor area. The maximum allowed gross floor area for a house includes floor area for the house and accessory buildings, including garages that are larger than 400 square feet. This limits the development intensity for houses on hillside lots where property owners choose to have garages and/or other accessory buildings that are larger than 400 square feet.

Chapter IX (Project Review and Approval Process) of the HDS&G uses the proposed gross floor area of a home as a factor to determine the deciding body that can approve various applications. Depending on the type of structure and proposed square footage, remodels and smaller additions are either processed as Minor Residential Applications or Building Permits, approved by the Community Development Director; while larger additions and new homes are processed as Architecture and Site Applications, approved by the Development Review Committee (DRC) or Planning Commission.

A. Proposed Modifications

Based on the direction provided by the Policy Committee, staff has prepared modifications to the HDS&G, (Exhibits 6 through 12) for the Planning Commission's consideration. These modifications would allow for more remodels and single-story additions to be processed as Building Permits, modify the deciding body for new homes over 5,000 square feet, and modify language within the HDS&G to be consistent with the Zoning Ordinance. The potential modifications shown in ~~strike through~~ and underline font in Exhibits 6 through 12, would make the following changes:

DISCUSSION (continued):

- Modify the deciding body for single-story additions over 800 square feet or greater than 20 percent of the existing floor area from the DRC to the Community Development Director, to be processed as Building Permits;
- Modify the deciding body for new homes over 5,000 square feet that do not exceed the maximum allowable floor area and are not visible, from the Planning Commission to the DRC;
- Remove the requirement that subsequent Architecture and Site Applications may not be applied for, for the same property for a period of three years following issuance of an occupancy permit; and
- Modify language regarding accessory dwelling units, viewing areas, below grade square footage, fences, and entry gates to be consistent with previous HDS&G amendments and recent amendments to the Zoning Ordinance.

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 NextDoor page.

In addition, the following organizations have been contacted regarding the modifications:

- 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

CONCLUSION (continued):

recommendation to the Town Council for approval of the proposed modifications. The Commission should also include any comments or recommended changes 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 modifications to the Hillside Development Standards and Guidelines are consistent with the General Plan (Exhibit 1); and
3. Forward a recommendation to the Town Council for approval of the proposed modifications to Chapters III, IV, V, VI, VIII, IX, and X of the Hillside Development Standards and Guidelines (Exhibits 6 through 12).

B. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation to the Town Council for approval of the modifications to Chapters III, IV, V, VI, VIII, IX, and X of the Hillside Development Standards and Guidelines with modifications; or
2. Forward a recommendation to the Town Council for denial of the proposed modifications to Chapters III, IV, V, VI, VIII, IX, and X of the Hillside Development Standards and Guidelines; 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 without attachments, 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 Modifications to Chapter III (Site Planning) of the HDS&G (10 pages)
7. Draft Modifications to Chapter IV (Development Intensity) of the HDS&G (four pages)
8. Draft Modifications to Chapter V (Architectural Design) of the HDS&G (11 pages)
9. Draft Modifications to Chapter VI (Site Elements) of the HDS&G (eight pages)
10. Draft Modifications to Chapter VIII (Subdivision and Planned Development Projects) of the HDS&G (seven pages)
11. Draft Modifications to Chapter IX (Project Review and Approval Process) of the HDS&G (five pages)
12. Draft Modifications to Chapter X (Glossary) of the HDS&G (five pages)

PLANNING COMMISSION – August 14, 2019
REQUIRED FINDINGS FOR:

Consider Modifications to Chapter III (Site Planning), Chapter IV (Development Intensity), Chapter V (Architectural Design), Chapter VI (Site Elements), Chapter VIII (Subdivision and Planned Development Projects), Chapter IX (Project Review and Approval Process), and Chapter X (Glossary) of the Hillside Development Standards and Guidelines

FINDINGS

Required Findings for CEQA:

- It has been determined 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).

Required Findings for General Plan:

- The proposed modifications to Chapter III (Site Planning), Chapter IV (Development Intensity), Chapter V (Architectural Design), Chapter VI (Site Elements), Chapter VIII (Subdivision and Planned Development Projects), and Chapter IX (Project Review and Approval Process) of the Hillside Development Standards and Guidelines are consistent with the General Plan.

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**MINUTES OF THE SPECIAL TOWN COUNCIL POLICY COMMITTEE MEETING
FEBRUARY 26, 2019**

The Town Council Policy Committee of the Town of Los Gatos conducted a special meeting on Thursday, February 26, at 5:00 p.m.

MEETING CALLED TO ORDER

ROLL CALL

Members Present: Marcia Jensen, Barbara Spector.

Staff Present: Rob Schultz, Town Attorney; Joel Paulson, Community Development Director; Matt Morley, Parks and Public Works Director; Shelley Neis, Town Clerk.

VERBAL COMMUNICATIONS

None.

OTHER BUSINESS

1. Approval of the January 24, 2019 Council Policy Committee Minutes.

Approved.

2. Provide direction on Commission Appointment Policy 2-11 in relation to Commissioner interviews, and the Town Agenda Format and Rules Policy 2-01 regarding remote meeting participation.

Shelley Neis, Town Clerk, presented the staff report.

Maria Ristow

- Commented on remote participation and requested the Council consider requiring that applicants must attend a Commission meeting before applying.

After discussion the Committee directed staff to forward the two Policies to Council with the following recommendation:

- Allow a submission letter and remote participation for interview purposes only for incumbents.
- Suggested language from the Town Attorney regarding special meeting times.
- Suggested number of allowed remote meeting participation that is less than half as there was not consensus on the number.

Chair Jensen moved Items #4 and #5 before Item #3.

3. Provide direction on potential land use streamlining modifications.

Joel Paulson, Community Development Director, presented the staff report.

Bess Weirsema, Studio 3

- Requested the design professional community have a seat at the table to discuss potential modifications to land use processes and permitting and commented on the demolition regulations.

Jennifer Crutchmer

- Commented on the demolition regulations.

Tony Jeans

- Requested the design professional community have a seat at the table to discuss potential modifications to the demolition regulations and streamlining land use processes.

Jay Plett

- Commented on the demolition requirements and requested the demolition policy be streamlined.

Dave Zicovich

- Commented on the demolition policy and requested the demolition policy be streamlined.

Catherine Somers

- Commented on streamlining processes to allow business to open within three months and consider a deciding body policy.

After discussion the Committee directed staff to look at how the accessory dwelling unit (ADU) ordinance interacts with other regulations, how the hillside and historical regulations interact with other regulations, and to bring the demolition regulations and policy to the next meeting.

4. Provide direction on potential modifications or updates to the Traffic Impact Mitigation Ordinance, Policy, and Fees.

Matt Morley, Parks and Public Works Director, presented the staff report.

Maria Ristow

- Suggested an alternative to exceptions, a traffic demand mitigation (TDM) or some way to waive the fees if the traffic is mitigated.

Item #4 – continued

After discussion, the Committee identified that Town Code Section 15.70.030(c)(5) enables the Town Council to consider unusual circumstances and approve a deviation from the Traffic Policy. The Committee directed staff to bring the requested fee modification to the Town Council for its consideration consistent with this provision.

5. Receive information on the development of Arborist Report Standards.

Joel Paulson, Community Development Director, presented the staff report.

Dave Weismann

- Commented on the prolonged timeline for the development of arborist standards.

Refer the item to the Town Manager to discuss with the Mayor to determine if the item will be placed on a future Council agenda for discussion.

6. Determine meeting schedule for 2019 (verbal discussion only).

The Committee chose the second Tuesday of each month at 5:00 p.m. The next meeting will be March 12, 2019.

ADJOURNMENT

The meeting adjourned at 6:08 p.m.

Attest:

/s/ Shelley Neis, Town Clerk



**TOWN OF LOS GATOS
POLICY COMMITTEE REPORT**

MEETING DATE: 2/26/2019

ITEM NO: 9

DATE: FEBRUARY 21, 2019

TO: POLICY COMMITTEE

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: DISCUSS AND PROVIDE DIRECTION ON POTENTIAL LAND USE
STREAMLINING MODIFICATIONS.

RECOMMENDATION:

Discuss and provide direction on potential land use streamlining modifications.

BACKGROUND:

Over the last couple years, the Town has considered and approved a number of modifications and/or pilot programs that have streamlined the process and costs for businesses. Additional opportunities for streamlining opportunities for businesses will be considered by the Town Council on March 5, 2019.

DISCUSSION:

Staff has identified some additional opportunities to streamline land use processes for the Policy Committee's consideration. Staff has prepared an outline that contains possible streamlining opportunities that relate to the land use process and costs for businesses and residences (Attachment 1). Attachment 1 contains general comments and questions regarding potential streamlining opportunities as outlined below by category:

- Demolition Regulations (see Attachments 2 and 3);
- Hillside Development Standards and Guidelines Project Review and Approval Process (see Attachment 4);
- Deciding Body Modifications (see Attachments 5 through 10); and

PREPARED BY: JOEL PAULSON
Community Development Director

Reviewed by: Town Manager

DISCUSSION (continued):

- Architecture and Site Applications (see Attachment 10).

This meeting will allow for an initial conversation between staff and the Policy Committee. Staff will be prepared to walk through these topics and answer questions.

Staff is interested in the Policy Committee's discussion and direction on these general topics to help prioritize next steps. Given staff resource constraints, staff will bring individual topics back to the Policy Committee for a more thorough discussion.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office.

Attachments:

1. Possible Streamlining Opportunities
2. Demolition Affidavit
3. Demolition Diagram
4. Chapter IX of the Hillside Development Standards and Guidelines
5. Excerpt from the Town Code relating to Deciding Bodies
6. Excerpt from the Town Code relating to loss of Parking in the Parking Assessment District
7. Excerpt from the Town Code relating to Parking Lot Modifications
8. Excerpt from the Town Code relating to Valet Parking
9. Policy relating to Minor Exterior Modifications to Commercial Buildings
10. Excerpt from the Town Code relating to Minor Exterior Alterations to Commercial Building and the requirement for an Architecture and Site application for a change in architectural style



**MINUTES OF THE SPECIAL TOWN COUNCIL POLICY COMMITTEE MEETING
MAY 28, 2019**

The Town Council Policy Committee of the Town of Los Gatos conducted a special meeting on Tuesday, May 28, 2019, at 5:00 p.m.

MEETING CALLED TO ORDER AT 5:01 P.M.

ROLL CALL

Members Present: Marcia Jensen, Barbara Spector.

Staff Present: Laurel Prevetti, Town Manager; Joel Paulson, Community Development Director; Holly Zappala, Management Analyst.

VERBAL COMMUNICATIONS

None.

OTHER BUSINESS

1. Approval of the May 9, 2019 Council Policy Committee Minutes.

Approved.

Joel Paulson, Community Development Director, presented the staff reports for Items 2 through 5.

2. Provide direction on potential amendments to the Hillside Development Standards and Guidelines approval processes.

After discussion, the Committee asked staff to email the Committee a revised draft for review and, upon review and approval of the draft, forward a recommendation to the Planning Commission to approve the amendments to the Hillside Development Standards and Guidelines.

3. Provide direction on potential amendments to the parking lot improvement approval process.

After discussion, the Committee decided to forward a recommendation to the Planning Commission to approve the amendments to the parking lot improvement approval process.

4. Provide direction on potential amendments to the valet parking regulations.

After discussion, the Committee agreed to forward a recommendation to the Planning Commission to approve the amendments to the valet parking regulations and to expand the valet parking regulations beyond the parking assessment district to apply Town-wide.

5. Provide direction on potential amendments to parking assessment district regulations.

After discussion, the Committee forwarded a recommendation to the Planning Commission to approve the amendments to parking district regulations with minor changes to the wording to make it clear that they apply to on-site parking spaces.

The Committee also agreed to amend the regular meeting schedule of the Town Council Policy Committee to meet on the fourth Tuesday of each month at 5:00 p.m. in Town Council Chambers.

ADJOURNMENT

The meeting adjourned at 5:26 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the May 28, 2019 meeting as approved by the Town Council Policy Committee.

/s/ Holly Zappala, Management Analyst



**TOWN OF LOS GATOS
POLICY COMMITTEE REPORT**

MEETING DATE: 5/28/2019

ITEM NO: 2

DATE: MAY 23, 2019

TO: POLICY COMMITTEE

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: PROVIDE DIRECTION ON POTENTIAL AMENDMENTS TO THE HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES APPROVAL PROCESSES.

RECOMMENDATION:

Provide direction on potential amendments to the Hillside Development Standards and Guidelines approval processes.

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. Following a brief discussion, the Policy Committee provided direction to bring back Hillside Development Standards and Guidelines (HDS&G) regulations for further discussion.

Potential amendments to the HDS&G regulations was one of the topics identified by staff as an opportunity to streamline the land use process and costs. The general questions and comments regarding potential amendments to HDS&G regulations presented in the February 26, 2019 Policy Committee report were:

- Should new homes or additions to existing homes that result in square footage over 5,000 square feet (**including** garage over 400 square feet), but meet the allowed FAR, be reviewed and approved by the Development Review Committee (DRC) rather than having to go to the Planning Commission?

PREPARED BY: JOEL PAULSON
Community Development Director

Reviewed by: Town Manager

BACKGROUND (continued):

- Should new homes or additions to existing homes that result in square footage over 5,000 square feet (**not including** garage over 400 square feet), but meet the allowed FAR, be reviewed and approved by the DRC rather than having to go to the Planning Commission?
- Should single-story additions over 800 square feet or greater than 20 percent of the existing square footage be handled at the building permit level rather than having to go to the DRC?
- This would save time and money for applicant's, if the application isn't appealed.

DISCUSSION:

The HDS&G contains information regarding the maximum allowed gross floor area (Attachment 1). The maximum allowed gross floor area for a house includes the house and accessory structures, including garages, that are larger than 400 square feet. This helps limit the development intensity, for the house, on hillside lots for property owners who choose to have a garage that is larger than 400 square feet and/or other accessory structures larger than 400 square feet.

The HDS&G uses the maximum allowed gross floor area as a factor to determine the deciding body that can approve various applications (Attachment 2). Depending on the type of structure and proposed square footage, the deciding body is the Community Development Director, DRC, or Planning Commission. Attachment 3 contains information regarding application processes pursuant to the current HDS&G.

This meeting will allow for a conversation between staff and the Policy Committee. Staff will be prepared to walk through this matter and answer questions.

Staff is interested in the Policy Committee's discussion and direction on the potential streamlining opportunities outlined above which would reduce the time and cost to property owners for these types of applications.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office.

Attachments:

1. Excerpt from the HDS&G regarding Maximum Allowed Gross Floor Area
2. Excerpt from the HDS&G regarding Deciding Bodies
3. Application Table



III. SITE PLANNING

The intent of this section is to insure that new development fits into the topography with minimum impacts to the site physically and visually.

Refer to the
Town's
Grading
Ordinance

A. Grading.

A grading permit shall be obtained as required by the Town's Grading Ordinance. Vegetation removal may qualify as grading.

Standards:

1. The following cut and fill criteria are intended to ensure that new construction retains the existing landform of the site and follows the natural contours.

Cuts and fills in excess of the following levels are considered excessive and contrary to the objectives of the Hillside Design Standards and Guidelines. Grade to the minimum amount necessary to accommodate buildings and to site structures consistent with slope contours. These are maximum numbers and may be reduced by the deciding body if the project does not meet other grading standards or is not consistent with the goals and objectives of the Hillside Development Standards and Guidelines.

Table 1
Maximum Graded Cuts and Fills

Site Element	Cut*	Fill*
House and attached garage	8'***	3'
Accessory Building*	4'	3'
Tennis Court*	4'	3'
Pool*	4'***	3'
Driveways*	4'	3'
Other (decks, yards) *	4'	3'

* Combined depths of cut plus fill for development other than the main residence shall be limited to 6 feet.

** Excludes cellars below grade square footage pursuant to Section 29.40.072 of the Town Code.

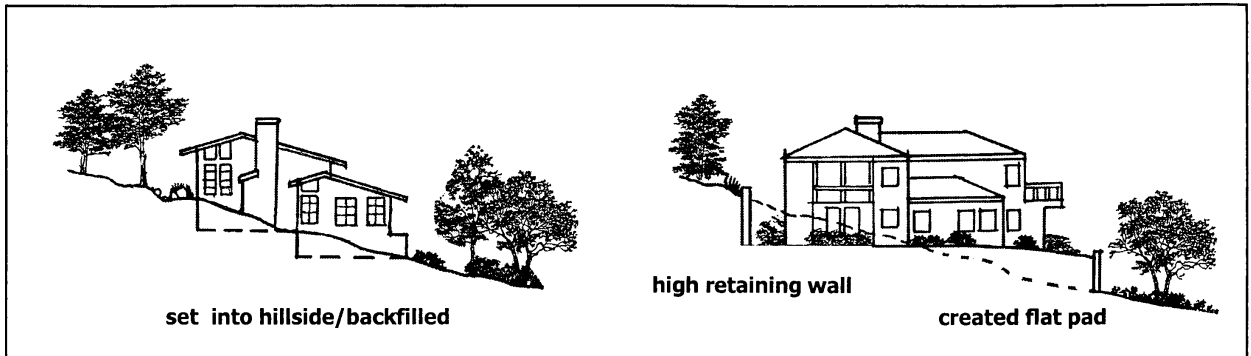
*** Excludes excavation for pool.

2. Earthwork quantities (grading) shall be categorized as follows:
 - a. access: driveway, parking and fire turnaround, if applicable
 - b. house footprint
 - c. cellars below grade square footage pursuant to Section 29.40.072 of the Town Code



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HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES

- d. other areas including landscaping, hardscape and outdoor spaces
 - e. total
3. Buildings shall be located in a manner that minimizes the need for grading and preserves natural features such as prominent knolls, ridgelines, ravines, natural drainage courses, vegetation, and wildlife habitats and corridors to the maximum extent possible.
 4. Unless specifically approved by the Town, strip grading for the purpose of clearing land of native vegetation is prohibited except for small areas adjacent to buildings, access drives, and parking areas.
 5. Graded areas shall not be larger than the area of the footprint of the house, plus that area necessary to accommodate access, guest parking, and turnaround areas.
 6. After placing development the site shall be restored as closely as possible to its original topography.



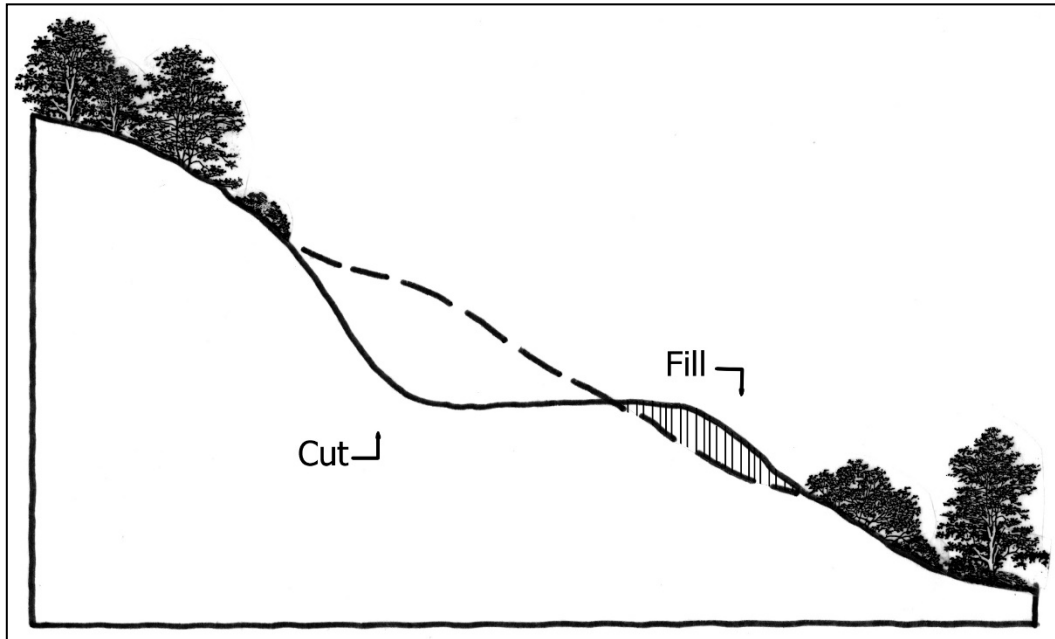
Do this

Don't do this

7. Contour grading techniques shall be used to provide a variety of both slope percentage and slope direction in a three-dimensional undulating pattern similar to existing, adjacent terrain. The following concepts shall be utilized:
 - a. Hard edges left by cut and fill operations shall be given a rounded appearance that closely resembles the natural contours of the land.

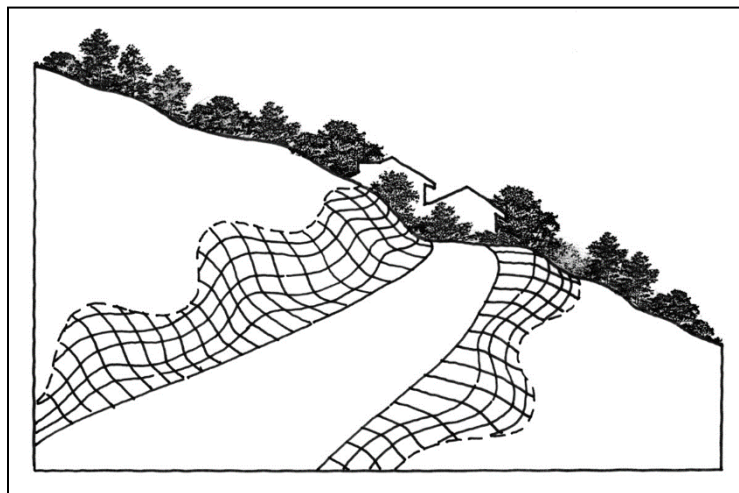


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Rounded edges resemble natural slope

- b. Manufactured slopes adjacent to driveways and roadways shall be modulated by berming, regrading, and landscaping to create visually interesting and natural appearing streetscapes. However, preservation of trees and elimination of retaining walls is a priority.

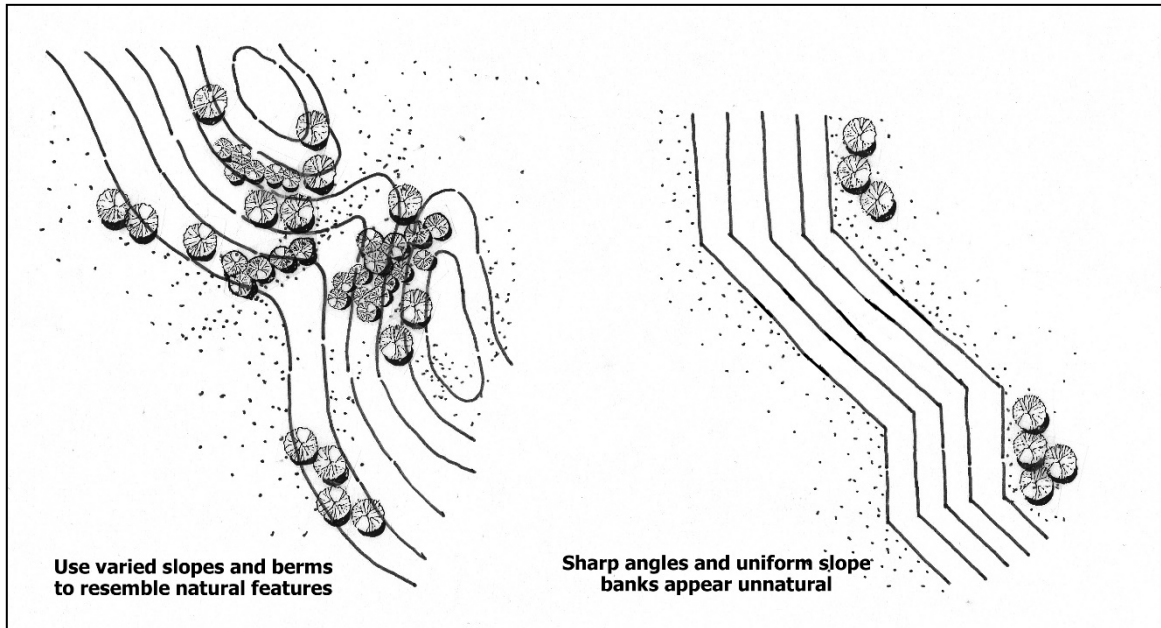


Modulate manufactured slopes to appear natural



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HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES

- c. Where cut and fill conditions are created, slopes shall be varied rather than left at a constant angle, which creates an unnatural, engineered appearance.



Do this

Don't do this

- d. The angle of any graded slope shall be gradually transitioned to the angle of the natural terrain. Creation of new grades slopes, significantly steeper than local natural slopes should be minimized.
8. Grading plans shall include provisions for restoration of vegetation on cuts and fills. All manufactured slopes shall be planted with native, fire-resistant, low water using plantings to control erosion.
9. An erosion/sedimentation control plan shall be included with all site plans and/or grading plans. The erosion/sedimentation control plan shall provide interim (during construction) and ultimate plans for control of erosion and sedimentation or describe in detail why this is not necessary.
10. Grading shall not occur during the rainy season (October 1 to April 1) unless approved by the Town Engineer. If grading is planned to occur between October 1 and April 1, interim provisions for erosion and sedimentation control shall be in place before grading begins.



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Guidelines:

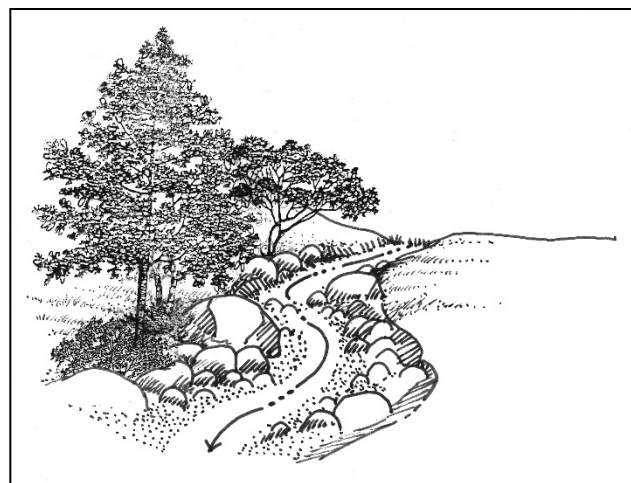
1. The creation of permanent flat pads, except for the house footprint and area needed for access, parking and turnaround, should be avoided

B. Drainage.

Standards:

1. Runoff shall be dispersed within the subject property to the greatest extent feasible. Runoff concentration that requires larger drainage facilities shall be avoided.
2. Upslope drainage shall not negatively impact downslope development.
3. Natural drainage courses shall be preserved with any native vegetation intact and shall be enhanced to the extent possible, and shall be incorporated as an integral part of the site design in order to preserve the natural character of the area.
4. Manmade drainage channels shall receive a naturalizing treatment such as rock and landscaping so that the structure appears as a natural part of the environment.

**Manufactured
drainage courses
shall simulate
natural drainage
courses**



Guidelines:

1. Manmade drainage channels should be placed in the least visible locations possible.
2. Lining of natural drainage courses is discouraged.



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3. Dry Stream effects (manufactured drainage courses designed to simulate natural drainage courses) that move water over the property are preferred over channeling or underground methods.

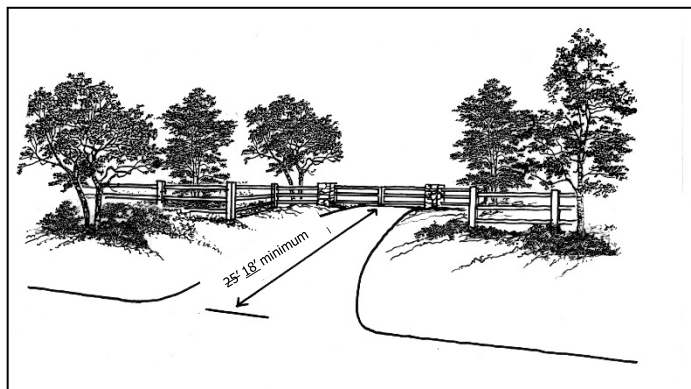
C. Driveways and parking.

It is recommended that the Fire Department be consulted early in the design process about water supply, accessibility and the need for emergency vehicle turnarounds, turnouts, etc.

Standards:

See
 Chapter
 VII.B.
 Standard 2

1. Driveways shall be located so as to minimize the need for grading.
2. Driveways shall be paved in compliance with Town standards, and shall be installed prior to occupancy.
3. When a gated entrance is provided, the gates shall be set back a minimum of 25 18 feet from the right-of-way to allow vehicles to pull completely off the roadway while waiting for the gates to open. Gated entrances serving more than one house may be required to have a greater setback. Gates should open away from or parallel to the street.



**Entrance gates shall
 be set back at least
25 18 feet from the
 street**

4. Driveways shall have an all-weather surface in compliance with Fire Department weight loading requirements (40,000 pounds).
5. The maximum slope of a driveway shall not exceed 15 percent unless it can be demonstrated that a flatter driveway cannot be constructed without excessive grading (more than 4 feet of cut or 3 feet of fill). Driveway slopes in excess of 15 percent require approval by the Town Engineer and Santa Clara County Fire Department.



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Guidelines:

1. Driveways serving one residence should have a 12-foot minimum width.
2. The maximum length of a driveway should be 300 feet unless the deciding body makes specific findings for deviation and places additional conditions such as turnouts and secondary accesses to reduce hazards. A turnaround area shall not have a grade that exceeds five (5) percent.
3. Driveway approaches should be located a safe distance from intersections. On adjoining properties, driveways should be spaced a minimum of 20 feet apart or located immediately adjacent to each other.
4. Shared driveways serving more than one lot are encouraged as a means of reducing grading and impervious surfaces.
5. Driveways should be located and maintained so as to ensure an adequate line of sight.

D. Safety.

Geologic hazards.

Potential geologic hazards, if not avoided or mitigated, can result in damage to the environment and structures and can place public safety at risk.

Standards:

1. Site specific geologic engineering investigations and reports are required of qualifying projects in State of California Seismic Hazard Zones (Liquifaction and Earthquake Induced Landslide Areas) and in areas believed to be geologically hazardous as determined by the Director of Community Development and /or Town Engineer. Refer to California Geological Survey Seismic Hazard Zones Map, Los Gatos Quadrangle, dated September 23, 2002.
2. Construction shall be avoided in areas with geologic hazards (e.g., slope instability, seismic hazards, etc.) as identified in the site specific geologic investigations and reports, unless adequate mitigation design measures are proposed to achieve a low level of risk.

Guidelines: None.



TOWN OF LOS GATOS

HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES

Fire hazards.

The hillsides above Los Gatos are areas of high fire hazard. House fires in the hillsides have the potential to become wildfires if not controlled quickly. A dependable, adequate water supply, automatic fire sprinklers, access for fire fighting equipment and fast response times are critical factors in gaining quick control over a structural fire. Factors that affect the speed at which a wildfire spreads include topography, available fuel, weather (wind, humidity) and availability of fire fighting resources. Lack of adequate circulation or evacuation routes can also impact public safety.

Development in the hillsides presents inherent conflicts between creating and maintaining a fire safe environment, preserving existing vegetation, and minimizing the visual impacts of new development. These conflicts can be minimized by incorporating the concept of fire defensible space into site planning and landscape design. The concept of defensible space involves reducing fuel load, designing structures and landscaping with fire safety in mind, and locating structures to minimize their exposure to wildfires.

Standards:

1. Building locations shall be selected and structures designed to minimize exposure to wildfires (also see Chapter V. Section I.).
2. A landscape plan shall be provided and will be reviewed by the Town's Landscape Consultant with input from the Fire Department. The landscape plan shall create defensible space around the home, and if there is a fire ladder on the property it shall be eliminated in an environmentally sensitive manner.
3. Development shall have adequate fire access (also see Chapter III section C. and Chapter VII section b.2.).
4. A dependable and adequate water supply for fire protection and suppression purposes, as required by the Santa Clara County Fire Department, shall be provided for all properties. If no public hydrant is available, there shall be an on-site water supply in a storage facility with an appropriate outlet valve in close proximity to an accessible hard road surface.
5. Water for fire suppression shall be available and labeled before any framing may begin.
6. Above ground water tanks shall not be located in required setback areas.



TOWN OF LOS GATOS HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES

Guidelines:

1. Development should avoid areas subject to severe fire danger. In order to achieve this, development should:
 - a. Be set back from the crest of a hill
 - b. Not be located at the top of a canyon
 - c. Not be located on or adjacent to slopes greater than 30%
 - d. Not be located within densely wooded areas

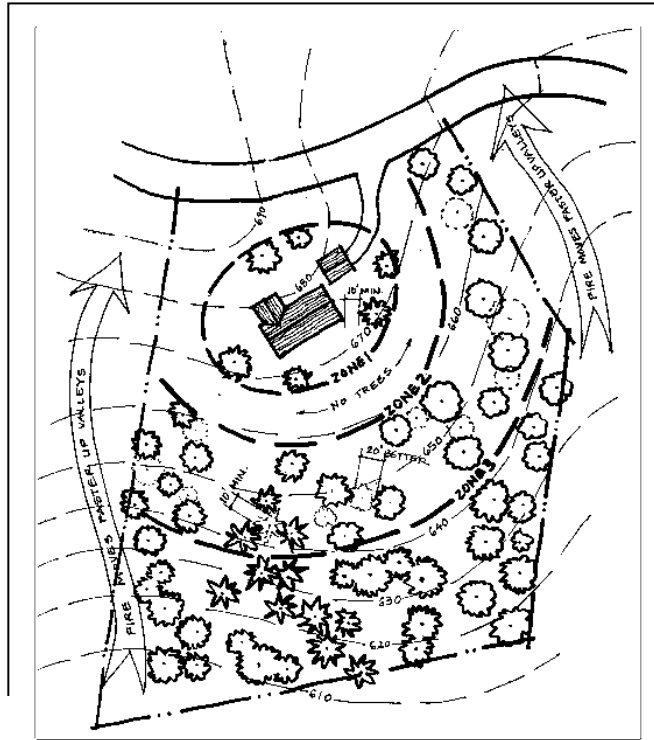
If this is not possible, measures designed to assure the highest degree of fire prevention, and fast effective means of evacuation and fire suppression shall be provided.

2. The fuel load within a defensible space should be minimized by use of selective pruning, thinning and clearing as follows:
 - Removal of flammable species and debris
 - Removal of dead, dying or hazardous trees
 - Mow dead grasses
 - Removal of dead wood from trees and shrubs
 - Thin tree crowns (maximum of 25%)
3. Discontinuous fuel sources should be created and maintained within a defensible space through use of the following techniques (see illustrations on page 27):
 - Thin vegetation to form discontinuous groupings of trees or shrubs
 - Limb trees up from the ground
 - Establish a separation between the lowest branches of a tree and any understory shrubs.
4. Landscaping within a defensible space should be designed with fire safety in mind. Landscaping in defensible space should be:
 - Fire resistant and drought tolerant
 - Predominantly low growing shrubs and groundcovers (limit shrubs to 30% coverage)
 - Limited near foundations (height and density)
5. Above ground tanks should not be located in areas of high visibility unless it can be demonstrated to the satisfaction of the decision making body that no other feasible locations are available.

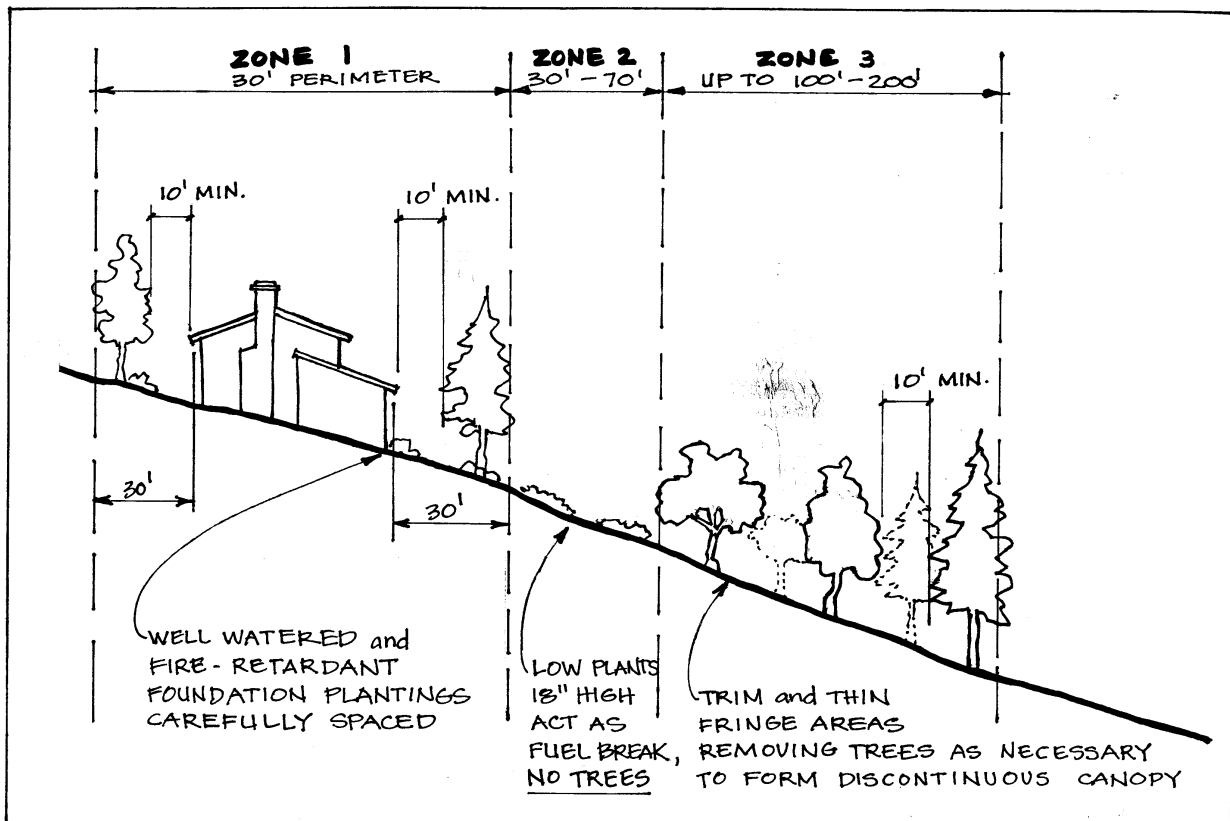
Refer to
Appendix
A



TOWN OF LOS GATOS
HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES



Defensible space should be maintained around the home





IV. DEVELOPMENT INTENSITY

A. Maximum Allowable Development

The Town of Los Gatos controls the amount of development that is allowed by limiting density and intensity of development - the minimum land area required for each house - and by limiting the maximum floor area of each house.

In Los Gatos, limiting the floor area or size of a house is important for several reasons:

- Large houses are more visible and therefore create greater adverse visual impacts.
- Large houses cover more land area, therefore requiring more disruption of the natural landscape and ecosystems.
- Large houses create more impervious surface area, which can increase runoff and cause drainage, landslide, and flooding problems.
- Large houses consume a greater amount of resources, both to construct and to maintain.

Maximum allowed gross floor area. The maximum allowable gross floor area for homes subject to the Hillside Development Standards and Guidelines is determined using a floor area ratio (FAR) adjusted for slope as provided in Table 1, below. However, achieving the maximum floor area allowed is not guaranteed due to individual site constraints. The priority is to comply with the standards and guidelines rather than designing to the FAR. The FAR is a numerical guide and achieving the allowable square footage is not a goal. Greater weight shall be given to issues, including but not limited to, height, building mass and scale, visual impacts, grading and compatibility.

Refer to the
Town's
Zoning
Regulations

**TABLE 1
REDUCTION OF NET SITE AREA ON SLOPING LOTS**

Average lot slope	Percent of net lot area to be deducted
10.01 - 20%	10% plus 2% for each 1% of slope over 10%
20.01 - 30%	30% plus 3% for each 1% of slope over 20%
Over 30%	60%



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HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES

TABLE 2
MAXIMUM ALLOWED GROSS FLOOR AREA

Net Lot Area¹	Floor Area Ratio (%)	Allowable Floor Area³
11,000 sq. ft. and less	34.5	3800
up to 12,000 sq. ft.	32.5	3900
up to 13,000 sq. ft.	30.7	4000
up to 14,000 sq. ft.	29.3	4100
up to 15,000 sq. ft.	28.0	4200
up to 16,000 sq. ft.	26.9	4300
up to 17,000 sq. ft.	25.9	4400
up to 18,000 sq. ft.	25.0	4500
up to 19,000 sq. ft.	24.2	4600
up to 20,000 sq. ft.	23.5	4700
up to 21,000 sq. ft.	22.8	4800
up to 22,000 sq. ft.	22.3	4900
up to 23,000 sq. ft.	21.7	5000
up to 24,000 sq. ft.	21.3	5100
up to 25,000 sq. ft.	20.8	5200
up to 26,000 sq. ft.	20.4	5300
up to 27,000 sq. ft.	20.0	5400
up to 28,000 sq. ft.	19.6	5500
up to 29,000 sq. ft.	19.3	5600
up to 30,000 sq. ft.	19.0	5700
up to 31,000 sq. ft.	18.7	5800
up to 32,000 sq. ft.	18.5	5900
32,001 sq. ft. and above ²		6000

¹Net lot area as adjusted for slope – see Table 1

²For lots containing a net lot area of more than 32,000 square feet, the maximum gross floor area shall be 6,000 square feet unless an exception is granted by the Planning Commission in compliance with subsection c. (Exceptions to maximum floor area)

³Accessory structures ~~structures~~ buildings including garages larger than 400 sq. ft. are included in the maximum floor area.



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HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES

B. Exclusions from allowed floor area.

The following items are not included in the calculation of a structure’s allowed gross floor area.

1. Cellars-Below grade square footage pursuant to Section 29.40.072 of the Town Code.
2. Garages up to 400 square feet in area.
3. Stables that are not fully enclosed.
4. Barns that do not exceed the applicable size shown in Table 3 below.
5. Additional floor area allowed pursuant to Section 29.10.320 of the Town Code for accessory dwelling units.

TABLE 3
MAXIMUM FLOOR AREA FOR BARNs AND STABLES*

Parcel Size (gross)	Maximum floor area of accessory structure <u>barns and stables</u>
Up to one acre	500 sq. ft.
Up to 2.5 acres	1,000 sq. ft.
Up to 5 acres	2,000 sq. ft.
Over 5 acres	2,500 sq. ft.

*All other enclosed accessory buildings are included in FAR.

Note: Accessory buildings that do not contain floor area because they are not fully enclosed (e.g. gazebos, arbors, carports) will be carefully reviewed for potential impacts such as grading, trees, impervious coverage, visibility, etc.

C. Exceptions to maximum floor area.

The Town Council or Planning Commission *may* approve residential projects greater than the maximum allowed floor area (but it is not guaranteed) when all of the following conditions apply:

1. The development will not be visible from any of the established viewing ~~platforms~~ areas (see glossary for definition of visible home).
2. There will be no significant impacts on protected trees, wildlife habitat or movement corridors.



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HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES

3. Any grading necessary to accommodate the building area that exceeds the allowed FAR or an accessory building will be minimized.
4. All standards and applicable guidelines are being met.
5. Compliance to Title 24 Energy Efficiency Standards are shown using computer methods. The compliance margin must be at least 10.0.
6. The house will be pre-wired for future photovoltaic (PV) installation.
7. A minimum of 25% of hardscape material is permeable (certain types of interlocking pavers, grasscrete, pervious concrete, etc.).
8. A significant ~~cellar~~ below grade square footage element is included in the design, unless it conflicts with other standards.
9. There will not be a significant visual impact to neighboring properties.

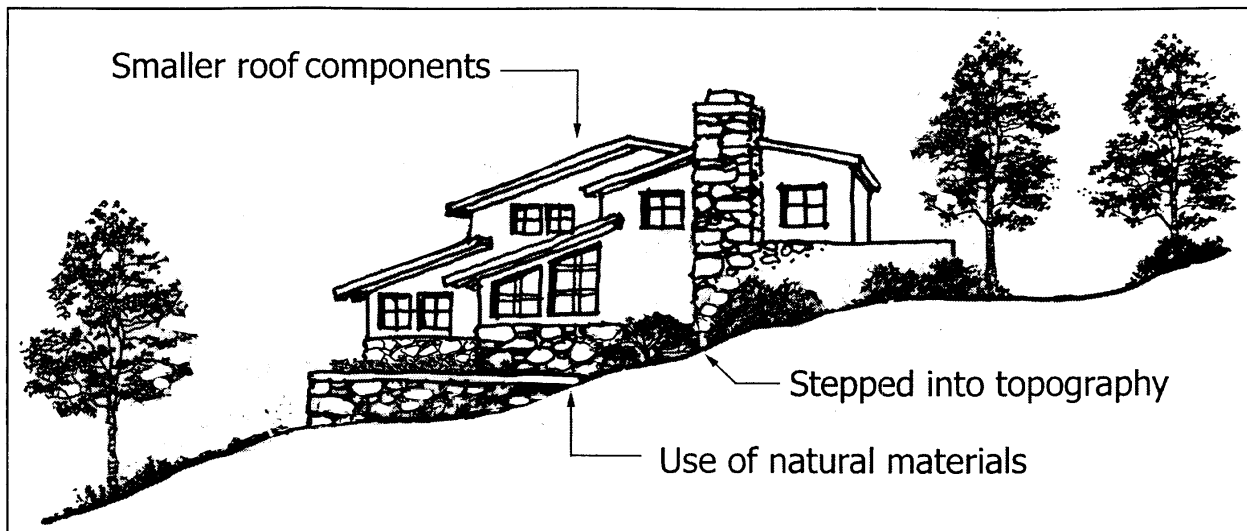


V. ARCHITECTURAL DESIGN

A. Design objectives.

The standards and guidelines in this section are intended to encourage architectural design that is:

1. in harmony and visually blends with the natural environment,
2. responsive to site constraints and opportunities,
3. compatible with the surrounding neighborhood and respectful of neighbors, and
4. respectful of the rural character of the hillsides.



Building form reflects hillside form/setting



B. Design to be neighbor friendly.

Protecting the privacy of neighboring homes is a high priority in the siting and design of a new house or addition. The following design standards shall be followed to the greatest extent feasible to ensure privacy to surrounding neighbors.

Standards:

1. Privacy impacts shall be addressed and resolved during the constraints analysis phase and initial design stage, not with mitigation measures imposed as an afterthought. Sight lines shall be studied so that windows and outdoor areas are placed to maintain privacy.

Guidelines:

1. The following design guidelines should be implemented to the greatest degree feasible where privacy impacts are of concern;
 - a. Minimize second-story windows facing close neighboring properties.
 - b. Orient upper floor windows, decks, and balconies to avoid impacting the privacy of neighbors.
 - c. Incorporate screening measures (e.g., solid railing walls, lattice work, or planters) to obscure lines of sight to neighboring properties.
 - d. Limit the size of decks and balconies to six feet in depth in areas where privacy is a concern. This will limit their use to passive activities.
 - e. Use landscaping to screen views to your neighbor's living areas most sensitive to privacy. Use evergreen trees and shrubs to provide year-round privacy.
 - f. Existing vegetation that protects privacy should not be removed.
 - g. Screen and control noise sources such as parking, outdoor activities, and mechanical equipment (e.g., air conditioning and pool equipment).
 - h. Locate outdoor activity areas adjacent to neighbor's outdoor activity areas rather than in close proximity to their quiet areas (bedrooms).



C. Design for sustainability.

Sustainability and the conservation of natural resources are important issues to Los Gatos residents. Sustainability refers to the use of natural resources in a manner that insures their continued availability to future generations.

The term "green building" is often used to relate sustainability to development. Green building addresses a broad range of techniques to reduce the consumption of natural resources during construction and over the lifetime of a home. These include designing structures to be energy water efficient, utilizing building materials that reduce resource consumption and improve indoor air quality, and taking maximum advantage of renewable energy resources. Refer to Appendix B for additional information on green building.

Appendix B, Green Building Strategies and Materials, contains design strategies that maximize the use of renewable energy resources for heating, cooling and lighting, additional strategies that conserve energy and water, a list of building materials that reduce the consumption of nonrenewable resources and improve air quality, and a list of various sources for "green building" information and their web sites.

The following design guidelines are aimed at maximizing energy efficiency and reducing consumption of resources.

Standards: None.

Guidelines:

1. The design of each house should show evidence to the satisfaction of the deciding body that a significant effort has been made towards incorporating energy-conservation and water saving techniques above and beyond the minimum requirements of Title 24.
2. All homes over 3,500 square feet should incorporate a variety of green building strategies and materials (see Appendix B). Homes less than 3,500 square feet are also encouraged to incorporate additional energy and resource saving features.
3. Homes should be designed and located to take maximum advantage of passive solar heating (space and water), natural cooling and lighting. Houses should be designed to maximize the benefits of sun and wind as follows:
 - a. Orient the house and arrange doors and windows to take advantage of prevailing summer winds for natural ventilation and cooling (also see Appendix B).
 - b. Orient the house and the most used living areas to take advantage of passive solar heating. Orient the house on an east-west access and locate the most used living areas and the majority of windows on the south side (also see appendix B).



- c. Landscaping should be used to control exposure to sun and wind (Refer to Chapter VI, Section B, Landscape Design Concepts for ways to meet this guideline.). Shading and solar access should be balanced when both heating and cooling is needed.
 - Where protection from summer sun is needed, tall spreading deciduous trees should be planted to the south, east and west sides of pavement and buildings. Trees should be placed so they do not block winter sun.
 - Where protection from winter wind is needed, plant dense evergreen trees and/or shrubs in random discontinuous groups. A distance of four to five times the ultimate height of the plants is recommended to allow light to penetrate into the home.
4. Selection of building materials that reduce the consumption of natural resources and are non-toxic is strongly encouraged. This includes, but is not limited to, salvaged or reused materials and products made from recycled materials (also see Appendix B).

D. Design for fire safety.

A home that is located, designed and maintained for fire safety will not only protect the individual homeowner, but will reduce the chance for a home fire to become a wildfire. Conversely, in the case of a wildfire, the home will have a better chance of surviving and may help limit a fires spread. See Chapter III, section D for guidance in choosing a building site to minimize exposure to potential wildfires. See Chapter VII, section A for guidance on how to landscape and maintain a site with fire safety in mind.

The following standards are intended to maximize protection from wildfires:

Refer to
Chapter II
section C

Standards:

1. Structures shall be designed to maximize protection from wildfires.
2. Roofs shall have a Class A covering or a Class A roof assembly.
3. Eaves and soffits shall be protected on the exposed underside with noncombustible material or by materials approved for a minimum one-hour rated fire resistive construction.
4. Gutters and downspouts shall be constructed of noncombustible material.
5. Exterior walls shall be constructed with noncombustible materials on the exterior side or materials approved for a minimum one-hour rated fire resistive construction.



6. Under floor areas and areas below decks shall be enclosed to the ground with noncombustible materials or with materials approved for a minimum one-hour rated fire resistive construction.
7. Attic and under floor vents shall be covered with corrosion-resistant mesh not to exceed ¼-inch.
8. Automatic fire sprinklers shall be installed in accordance with National and Fire Department Standards.
9. Roof skylights shall be tempered or have multi-layered glazing.

Guidelines:

1. Exterior windows should be tempered glass.
2. The size and number of windows on the side of the house that would likely be exposed to a fire approaching from the downhill side should be minimized.
3. Roof eaves should be designed with minimal overhang to prevent entrapment of heat and flames.

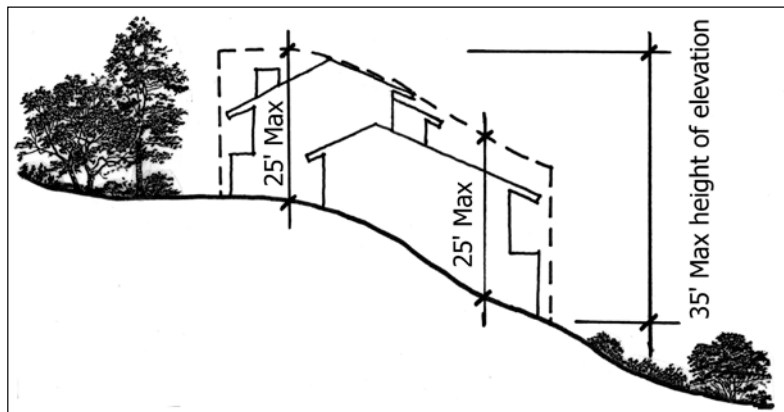
E. Building height.

Refer to
Chapter II
section C

Standards:

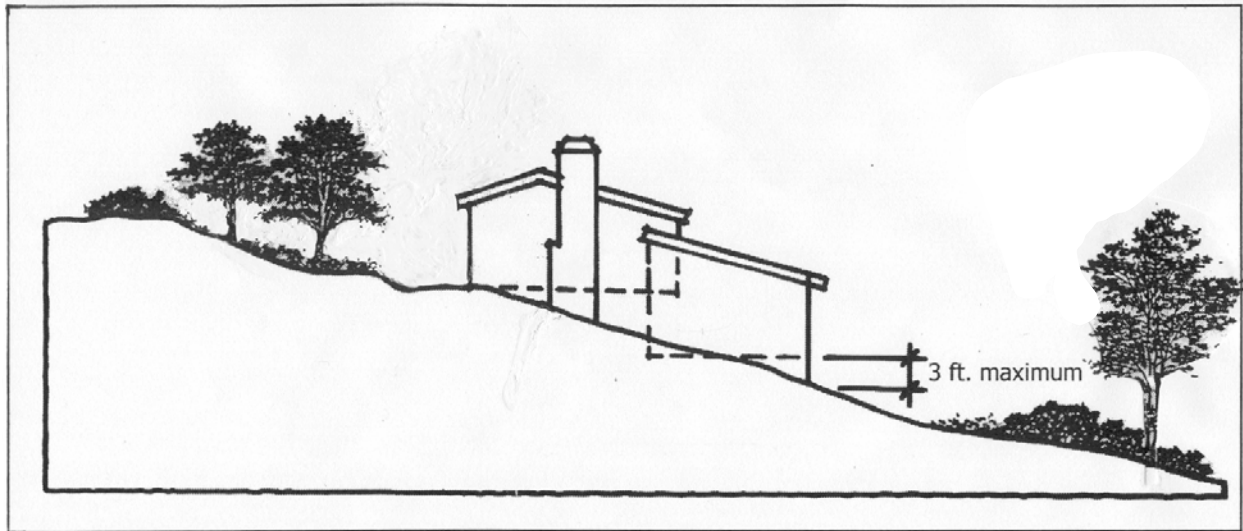
1. The maximum allowed height for homes in hillside areas shall be 25 feet. Building height shall be measured in compliance with provisions of the Town's Zoning Ordinance.

2. The maximum height of a building's tallest elevation shall not exceed 35 feet measured from the lowest part of the building to the highest part, except buildings extending above a ridgeline or that are visible from a viewing platform area where the maximum height from the lowest to highest points shall not exceed 28 feet.





3. Ridgeline and visible homes shall not extend more than 18 feet above the existing grade.
4. The height of the lowest finished floor(s) of a structure, excluding cellars below grade square footage pursuant to Section 29.40.072 of the Town Code, shall not be more than ~~four~~ three feet above the existing grade to ensure that buildings follow slopes.



5. Three-story elevations are prohibited.

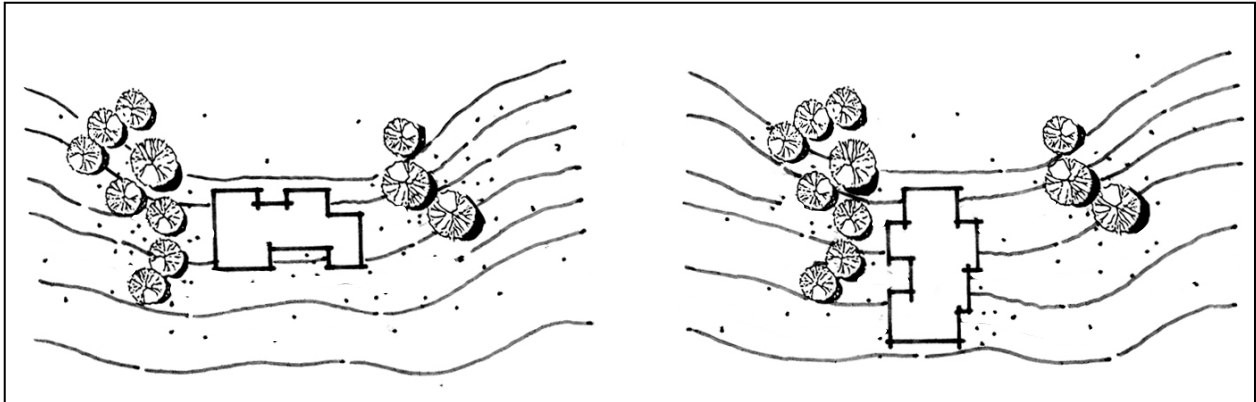
Guidelines: None.

F. Minimize building bulk and mass

One of the primary concerns of Los Gatos residents is that some new houses in the hillsides appear overly large and bulky, resulting in high visibility from surrounding properties and the valley floor. The design standards and guidelines in this section address this issue.

Standards:

1. Buildings shall be designed to minimize bulk, mass and volume so as not to be prominently visible from a distance or from surrounding properties.
2. Buildings shall be designed to conform to the natural topography of the site and run with the contours. Blending with the existing terrain reduces the appearance of bulk.



Do this

Building is parallel with the contours.

Don't do this

Building is perpendicular to the contours

Guidelines:

1. The building design should incorporate but not be limited to, the following techniques to effectively reduce the appearance of mass, bulk and volume:
 - a. Keep building forms simple.
 - b. Avoid architectural styles that are inherently viewed as massive and bulky.



Don't do this

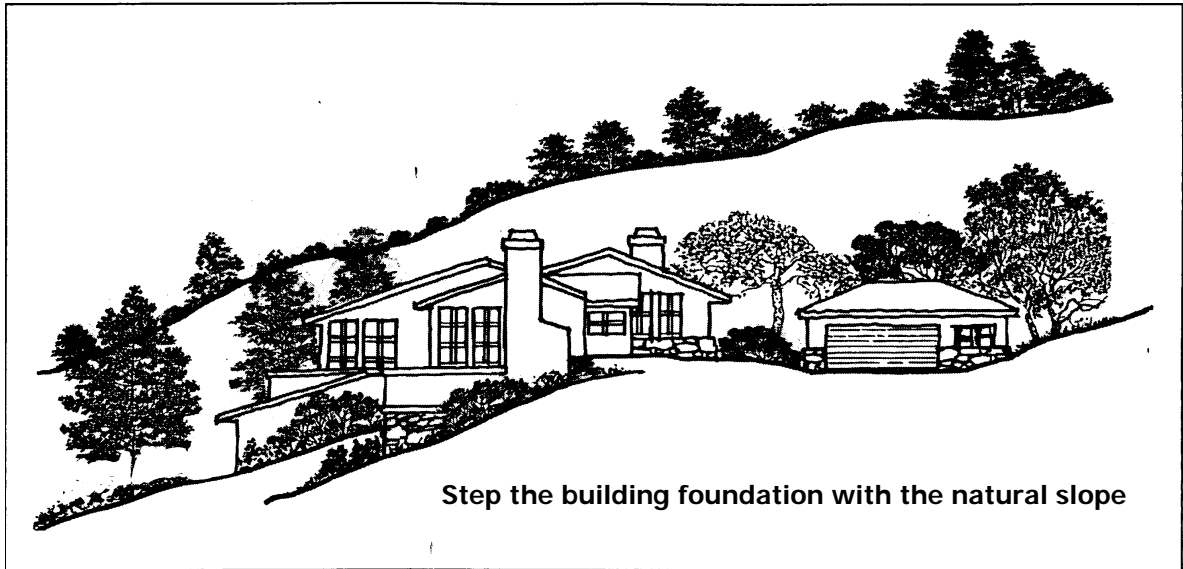


Don't do this

- c. Minimize square footage.
- d. Minimize volume; avoid large volume buildings.
- e. Avoid overhanging decks, large staircases and patios formed by retaining walls that make buildings appear more massive. Avoid use of balustrades and solid wall



railings that add to the mass of the design. *(Revised 2/22/05 by Council Resolution 2005-11)*



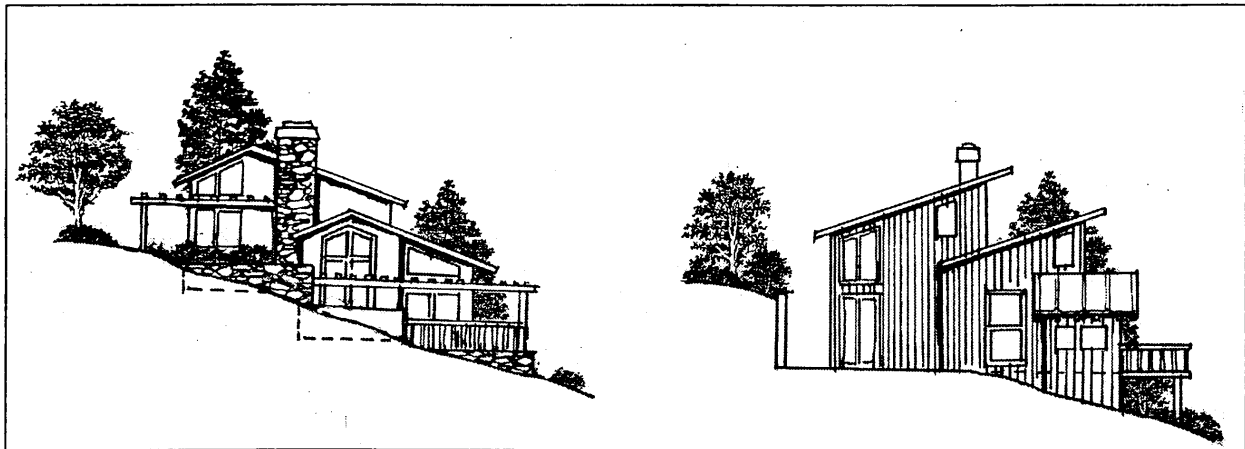
- f. Step the building foundation and roofs with the natural slope.
- g. Use horizontal and vertical building components to reduce bulk. Avoid two story wall planes.
- h. Create light and shadow by providing modest overhangs, projections, alcoves, and plane offsets, and varying elevations such as stepping second stories.
- i. Vary elevations, such as stepping back second stories, to conform with topography.
- k. Excavate or use below-grade rooms to reduce effective bulk. The visual area of the building can be minimized through a combined use of grading and landscaping techniques.
- l. Use vaulted ceilings rather than high walls and ceilings with attics above to achieve a feeling of volume.
- m. Second stories should be stepped back so the difference in wall planes is visible from a distance. *(Revised 2/22/05 by Council Resolution 2005-11)*



G. Roofs.

Standards:

1. Roof forms and rooflines shall be broken into smaller building components to reflect the irregular forms of surrounding natural features.
2. The slope of the main roof shall generally be oriented in the same direction as the natural slope of the terrain.

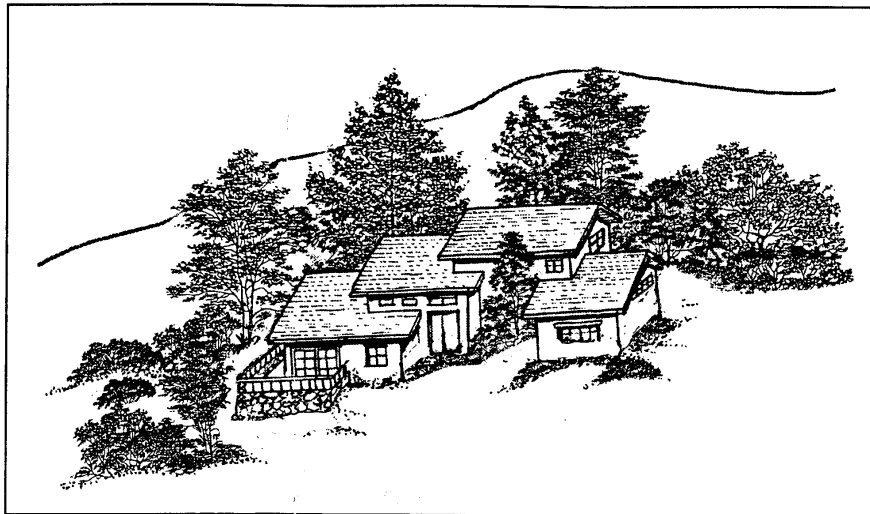


Do this

Don't do this

Guidelines:

1. Large gable ends on downhill elevations should be avoided.



Roof forms are kept small and reflect the surrounding topography



H. Architectural elements.

Standards:

1. Exterior structural supports and undersides of floors and decks not enclosed by walls are prohibited unless it is proven that no alternative type of construction is feasible and that fire safety and aesthetic considerations have been adequately addressed (also see Chapter III section D.2).

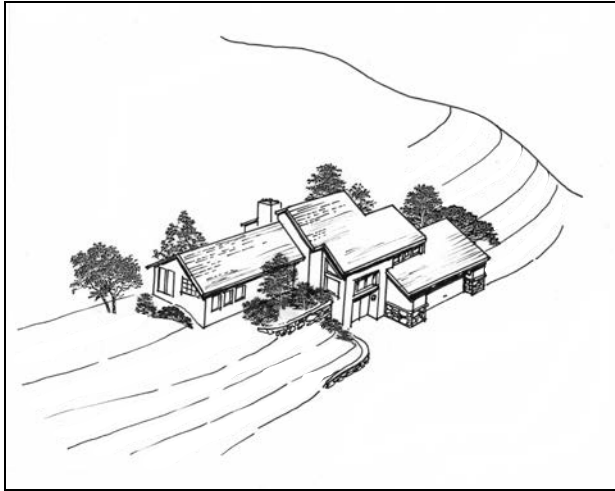


Don't do this

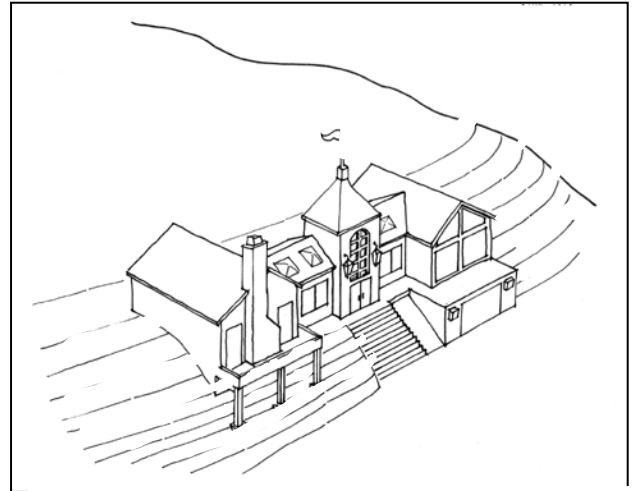
2. Skylight glazing material shall be selected to reduce glare at night. Large skylights with dome-style glazing should be avoided.
3. Architectural detailing shall be provided on all sides of the building. Elements of the architectural treatment used on the front facade shall be repeated on all sides of the building.

Guidelines:

1. The use of large windows and glass doors should be kept to the minimum to reduce the daytime glare and nighttime lighting emanating from large glazed areas, and to increase heating and cooling efficiency. Of particular concern is glare that impacts neighboring properties and is visible from the valley floor (also see Chapter V section I.).
2. The use of architectural features that increase visual prominence should be avoided. Massive, tall elements, such as two-story entries, turrets, and large chimneys should be avoided. Such elements on the downhill facade of the house is of particular concern.



Do this



Don't do this

I. Materials and colors.

Standards:

1. The contrast between manmade buildings and the environment shall be minimized. A buildings color and materials shall complement and blend with the predominant colors and values of the surrounding natural environment.
2. Exterior material colors for homes, with the exception of homes with any elevation that is more than 24.5% percent visible from the viewing ~~platforms~~ area, may use color averaging of all exterior materials to meet the maximum light reflectivity value of 30 and shall blend with the natural vegetation. Roof materials shall be calculated separately and shall not exceed a light reflectivity value of 30
3. Roofs shall be a dark earth tone color with a variety of shades of that color that blend with the environment.
4. Exposed metal surfaces shall be painted to compliment adjacent materials, be anodized a dark color, or have the ability to develop a patina (e.g., copper).
5. Mirror-like window tinting is prohibited.
6. Contrasting color accents shall be kept to a minimum.



Guidelines:

1. A variety of materials, textures, and architectural details compatible with the design theme of the house should be used to add interest and to mitigate the visual impact of large wall areas. Natural materials such as wood and stone will help soften the appearance of stucco and blend it with the natural setting. *(Revised 2/22/05 by Council Resolution 2005-11)*



VI. SITE ELEMENTS

A. Fences and walls.

The following standards and guidelines are intended to accompany the Town Code regulations for fences and walls in the hillside area. The objective of the following standards and guidelines is to limit six-foot high fences and walls and deer fencing to those areas where they are absolutely necessary. It is recognized that fencing around limited landscaped areas is sometimes necessary for security and to provide yard areas for and to protect children and pets. However, ~~the cumulative impact of six-foot high~~ chain link fences and solid fences and walls surrounding hillside properties ~~has~~ have a significant impact on the movement pattern of wildlife and on the open rural character of the hillsides.



Rural character allows wildlife to pass through.
Do this



Urban character
Don't do this

Standards:

1. The use of fences and walls shall be minimized and located so that natural landforms appear to flow together and are not disconnected. The primary emphasis shall be on maintaining open views, protecting wildlife corridors, and maintaining the rural, open, and natural character of the hillsides.
2. Fences and walls shall not exceed a height of six feet measured from the highest side of the fence or wall and should be limited to those areas where fences and walls of this height are necessary for protection of ornamental landscaping, security, or play areas.
3. Solid fencing materials shall not be used unless needed for privacy and an exception is granted pursuant to Section 29.40.0315 of the Town Code.



4. Only open fencing shall be located within 20 feet of a property line adjacent to a street pursuant to Section 29.40.0315 of the Town Code.
5. Deer fencing up to a maximum height of eight feet shall be limited to areas around ornamental landscaping. Larger areas shall not be enclosed unless specific reasons for keeping deer out have been demonstrated to the satisfaction of the decision making body.
6. Fences shall not be allowed in areas that would impede the movement of wildlife as determined by the decision making body.
7. Temporary construction fencing shall be limited to the building envelope or shall be elevated to allow for movement of small animals.

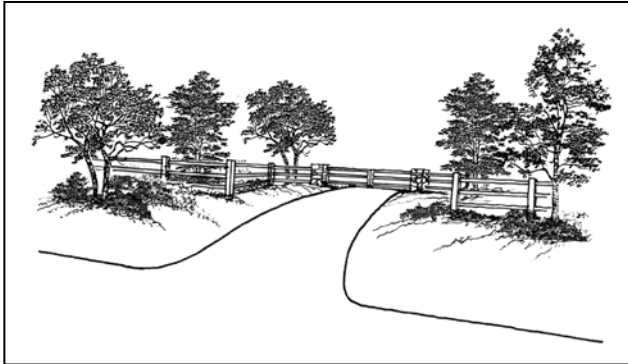
Guidelines:

1. Wood rail-type fences and gates are preferred.
2. Chain link fences are strongly discouraged.
3. Chain link fencing should be coated with green, brown, or black vinyl or finish and shall be supported by a wood frame. Dark, painted metal poles may be required if deemed appropriate by the decision making body.
4. ~~Only open fencing should be located within 20 feet of a property line adjacent to a street.~~
5. Fences should follow the topography.

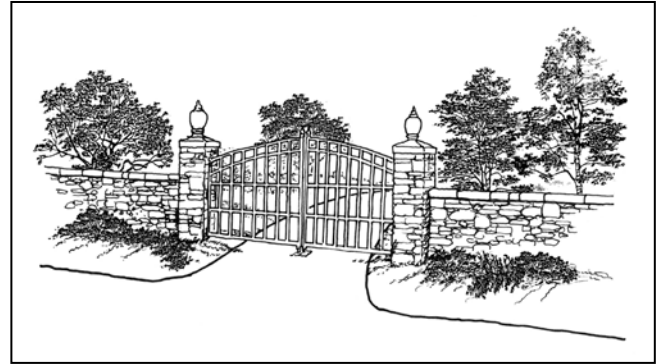
B. Driveway entries.

Standards:

1. Entryways shall be designed to blend with the natural environment and to maintain the rural character of the hillsides.
2. Entry gates shall be set back from the edge of the adjacent street a minimum of ~~25~~ 18 feet and shall not exceed the height limitations as specified in Section 29.40.030 of the Town Code. A greater setback may be required when a gated entrance serves more than one house.
3. Lighting fixtures at entryways shall direct light downwards and shall be designed so that no part of the light source is visible from the street.



Wood fences and gates are encouraged
Do this



Monumental entry gates are strongly discouraged
Don't do this

4. The property address shall be clearly displayed so that it is visible from the street at each driveway.



5. Entry gates equipped with locking devices or electronic control switches shall be approved by the Santa Clara County Fire Department.

Guidelines:

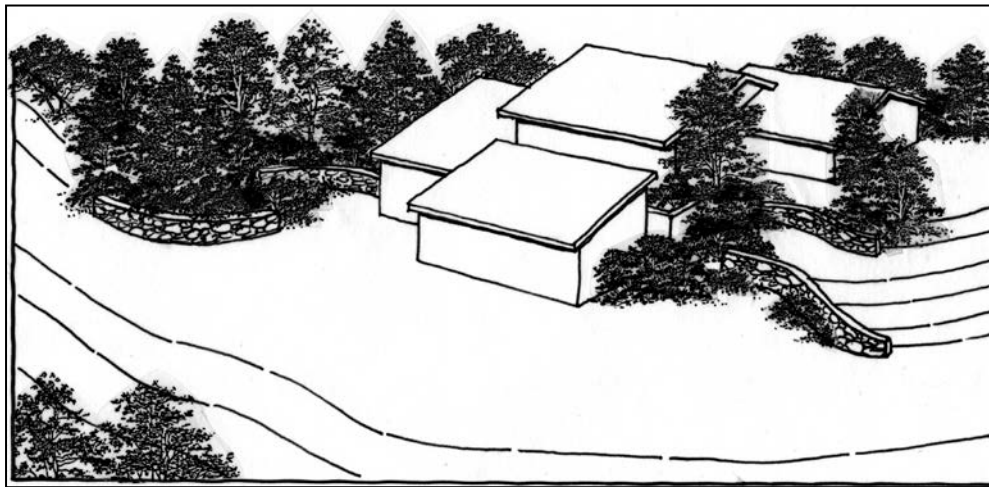
1. Entryway gates and fencing should be of an open design.
2. Entry gates that are monumental are strongly discouraged.



C. Retaining walls.

Standards:

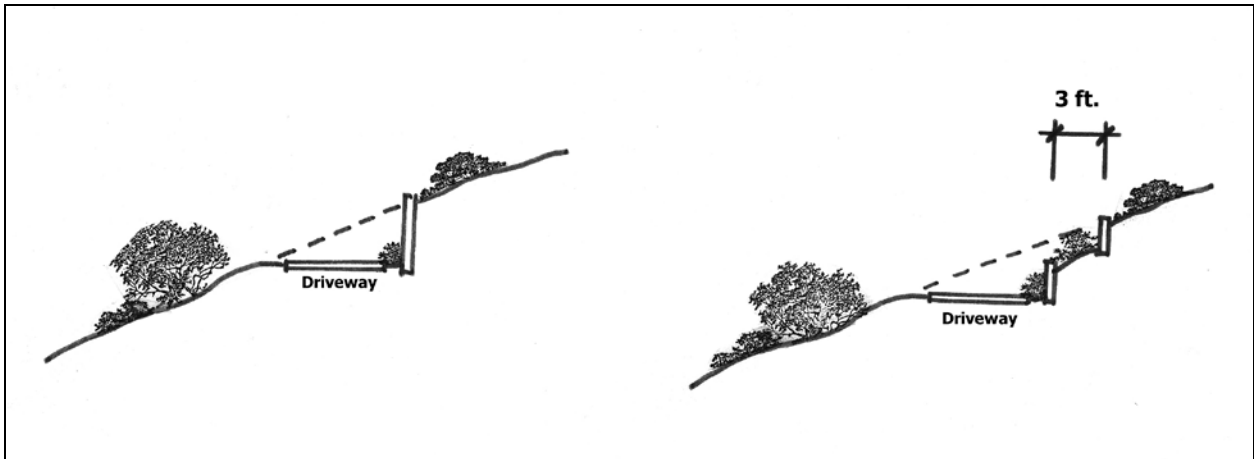
1. Retaining walls shall not be used to create large, flat yard areas. The limited use of retaining walls may be allowed when it can be demonstrated that their use will substantially reduce the amount of grading.
2. Retaining walls that are visible from a public street shall have a veneer of natural stone, stained concrete, or textured surface to help blend the wall with the natural hillside environment and to promote a rural character.



Retaining walls blend with the natural topography

Guidelines:

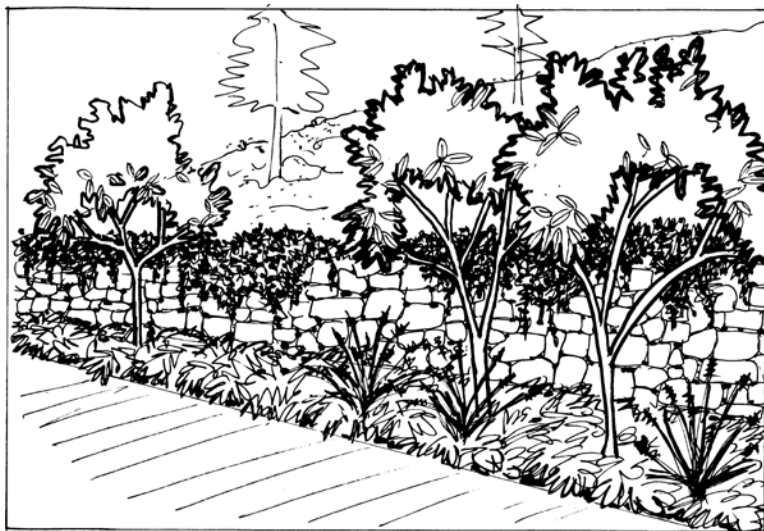
1. Retaining walls should not be higher than five feet. Where an additional retained portion is necessary due to unusual or extreme conditions (e.g., lot configuration, steep slope, or road design), the use of multiple-terraced, lower retaining structures is preferred.
2. Terraced retaining walls should be separated by at least three feet and include appropriate landscaping.
3. Retaining and planter walls should be provided with a landscaped setback or buffer of at least five feet adjacent to the street.



Don't do this

Do this

- Retaining walls should blend with the natural topography, follow existing contours, and be curvilinear to the greatest extent possible. Retaining walls should not run in a straight continuous direction for more than 50 feet without a break, offset, or planting pocket to break up the long flat horizontal surface.
- Landscaping should be provided adjacent to retaining walls and should include a combination of native trees and shrubs to screen the wall.



Landscaping used to screen and soften tall retaining wall



4. Retaining walls should be constructed of permanent materials (stone, concrete, masonry block/brick) rather than wood.



Retaining walls maintain rural character



Retaining walls maintain rural character

D. Outdoor lighting.

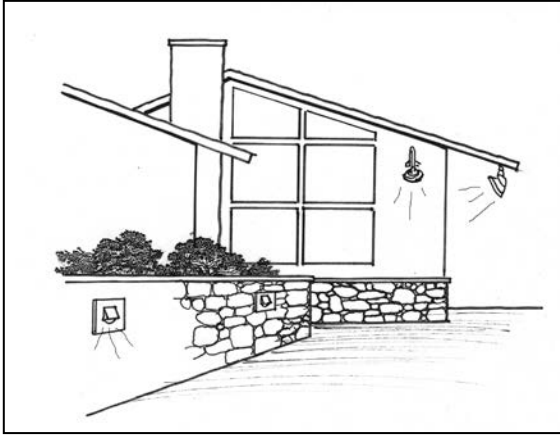
Standards:

1. Outdoor lighting shall comply with the Town of Los Gatos Zoning Ordinance.
2. Lighting shall be the minimum needed for pedestrian safety, and shall be low level, directed downward, and shielded so that no bulb is visible and no light or glare encroaches onto neighboring properties.
4. Unshaded or nonrecessed spotlights are prohibited.
5. Lighting for purely decorative purposes is prohibited. Up-lighting of trees, lighting of facades and architectural features is prohibited.
6. Lighting for night use of outdoor game courts (e.g., tennis, paddle tennis, basketball, etc.) is prohibited.

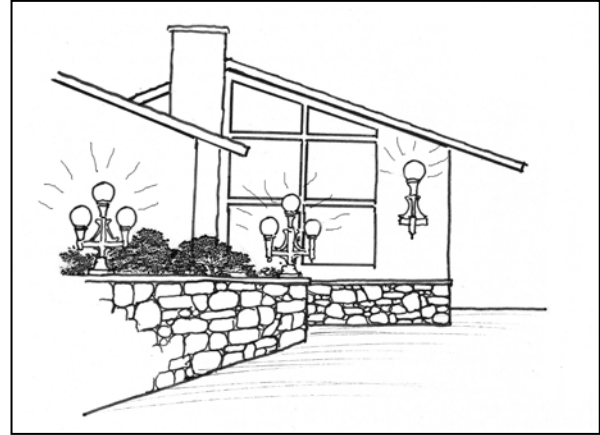
Refer to the
Town's
Zoning
Ordinance



Inappropriate
lighting fixture



Do this



Don't do this

Guidelines:

1. The use of energy-efficient lighting is strongly encouraged.
2. Outdoor light fixtures at a height of four feet or greater should use full cutoff fixtures. A "full cutoff fixture" is one that directs light downwards so that no direct light rays are emitted at more than 90 degrees from the vertical.

E. Accessory buildings, accessory dwelling units, pools, and sport courts.

Standards:

1. Accessory buildings and accessory dwelling units (ADUs) are permitted in compliance with the Town of Los Gatos Zoning Ordinance ~~for accessory buildings, except that, a~~ Accessory buildings and ADUs shall have the same setback requirements as the main building in the hillside area.
2. Accessory buildings and ADUs shall be integrated with the natural topography of the site and shall be compatible with other buildings by use of similar forms, colors, and materials.



3. Due to topographic constraints, not every lot will be able to accommodate a pool or sport court. Swimming pools and sport courts are prohibited on slopes greater than 30 percent.
4. ~~New caretaker units may be allowed when in compliance with the following:~~
 - a. ~~It is deemed necessary or desirable to provide maintenance or other services to the property and/or facilities.~~
 - b. ~~The deciding body determines that the lot is large enough to support a second living structure.~~
 - c. ~~The maximum floor area for a caretaker unit shall be 900 square feet.~~
 - d. ~~Caretaker units shall be architecturally compatible with the main structure and shall meet all standards and guidelines applicable to the main structure.~~
 - e. ~~The lot is not part of a Planned Development or the Planned Development permits caretakers units.~~

Guidelines: None.

F. Impervious surfaces.

Standards: None.

Guidelines:

1. Impervious surfaces should be minimized. Parking areas, walkways, patios, and similar areas should be constructed with pervious surfaces, such as pavers set in sand, natural stone, decomposed granite, gravel, and similar materials. At-grade decks constructed of sustainable decking materials can also be used in place of impervious patio materials.
2. Run off from impervious surfaces should not be directed toward areas of native trees and shrubs.



VIII. SUBDIVISION AND PLANNED DEVELOPMENT PROJECTS

A. Purpose and intent.

Subdivisions may be processed under the provisions of the Town of Los Gatos Zoning Ordinance as a standard subdivision or in conjunction with a Planned Development overlay zone. The maximum density of new subdivisions in hillside areas is determined by the use of a slope density formula that diminishes residential densities as the slope of the natural terrain increases.

The purpose of the PD overlay zone, as it relates to hillside areas, is to encourage the appropriate location of residential units in the least restrictive development areas of the site. The intent is to significantly reduce the amount of grading, roads, and other alterations to the existing environment, to minimize the visual impact of the development, and to retain the maximum amount of continuous open space in its natural state.

Refer to the
Town's
Zoning
Ordinance

Site constraints and the implementation of the Hillside Development Standards and Guidelines may not allow a specific site to be developed to the maximum density allowed by the Zoning Ordinance.

B. Applicability of standards.

In addition to all applicable standards and guidelines of the previous chapters, the following development standards and guidelines apply to all Planned Development applications in hillside areas.

C. Least restrictive development areas (LRDA)

1. Hillside residential development shall preserve open space and protect significant natural features in the layout and design of streets, lots, and grading patterns in subdivisions and planned developments. Development shall be limited to the least restrictive development areas as defined below.



2. The least restrictive development areas within sub-areas 2 through 9 of the Los Gatos Hillside Specific Plan shall be defined as those areas:
 - a. Below the ridge view protection line as defined in Chapter III, Section D.3.
 - b. Outside riparian corridors,
 - c. With a 30 percent slope or less, and
 - d. Where the impact on the natural hillside environment including vegetation, wildlife corridors, cut and fill slopes, and natural watersheds is minimized.
3. Within Sub-areas 2 through 9 of the Hillside Specific Plan, development is prohibited outside the least restrictive development areas unless there is no feasible alternative.
4. The Blossom Hill Open Space Study contains a map identifying the least restrictive development area for Sub-area 1, of the Hillside Specific Plan. Development applications for property located outside sub-area 1 shall be required to map the least restrictive development areas for their individual sites

D. Exceptions to development within LRDA.

Within Sub-area 1 of the Hillside Specific Plan, development outside of the least restrictive development areas, as identified by the Blossom Hill Open Space Study, shall be prohibited except when all of the following conditions exist:

1. The development is clearly in compliance with the provisions of the Hillside Development Standards and Guidelines, Hillside Specific Plan, and General Plan.
2. Development outside of the least restrictive development areas results in minimal grading, tree removal and/or changes to the natural landscape and is more advantageous as determined by the decision making body.
3. Access to a development within a least restrictive development area can only be attained by developing a road or driveway outside a least restrictive development area.
4. Project visibility from any valley floor viewing ~~platform~~ area shall not exist or shall be significantly less than development within the LRDA.



E. Development standards and guidelines.

Refer to the
Town's
Grading
Ordinance

1. Site preparation.

Standards:

- a. Grading shall be kept to a minimum and shall be performed in a way that respects all significant natural features and visually blends with adjacent natural areas.
- b. The existing natural grade as well as the proposed final grade shall be shown on all elevations submitted with plans.
- c. Graded areas shall appear as smooth flowing contours of varying gradients, preferably with slopes of 2:1 to 5:1. Sharp cuts and fills and long linear slopes that have uniform grade should be avoided.

Guidelines:

- a. Grading should be avoided in areas where the slope is greater than 25 percent.
- b. Pad and terrace grading should be avoided to the maximum extent possible. However, if these techniques are used, the pad configuration should be softened with variable, undulating slopes created to give a more natural appearance (i.e. contour grading techniques – see Chapter III section A).

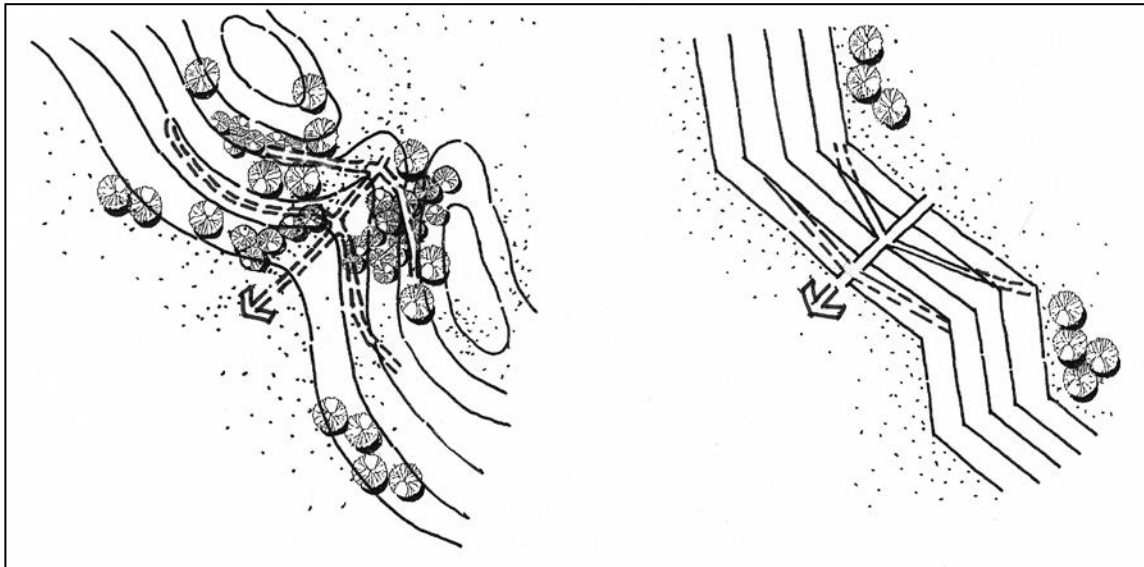
2. Drainage.

Standards:

- a. Upslope development shall not negatively impact downslope drainage.
- b. Natural drainage courses shall be preserved. Drainage features should be incorporated as an integral part of the project design in order to enhance the overall aesthetic and natural quality of the development.

Guidelines:

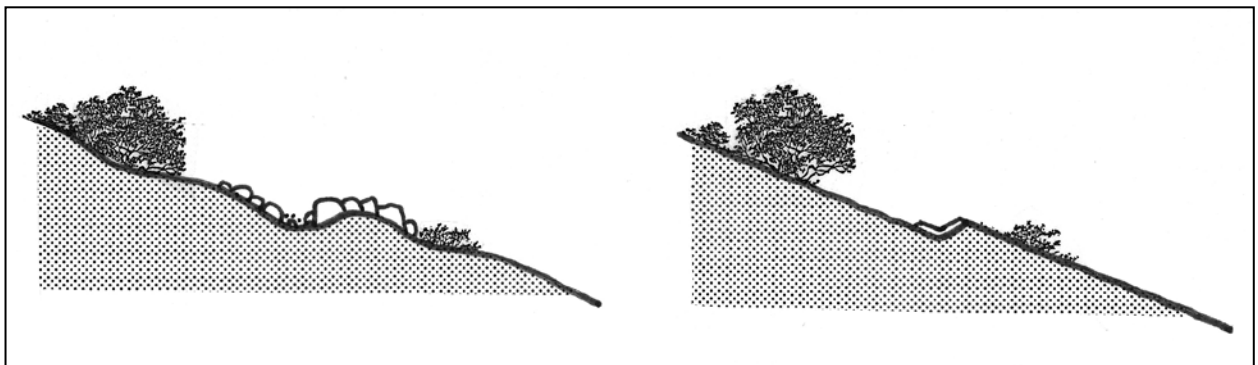
- a. Where terrace drains are required, they should follow a landform slope configuration. Down drains should be placed in the least conspicuous locations.



Do this

Don't do this

- b. Drainage channels and brow ditches should receive a naturalizing treatment including native rock and landscaping so that the structure appears as an integral part of the environment and should be placed in the least visible locations.



Do this

Don't do this

3. Lot configuration and building locations.

Standards:

- a. The layout of lots shall be derived from the form of the land. The development plan shall adapt to existing topography and natural features, avoiding unnecessary alteration of landforms.



- b. Lot patterns shall offer a variety of lot shapes and sizes influenced by topography and natural features.
- c. Projects shall incorporate varied setbacks, multiple orientations, side-entry garages, and other site planning techniques to preserve open spaces, protect natural features, and reduce the monotony of repetitive designs.
- d. Building footprints shall be indicated on grading plans and shall be staked on site in order to assist in the review of proposed building locations.
- e. Graded areas shall be designed with manufactured slopes located on the uphill side of buildings, thereby hiding the slope behind the building.

Guidelines:

- a. Location of development is encouraged in order to preserve environmentally sensitive areas, existing natural features and open space, and to reduce the potential for fire hazard, erosion, and excess runoff.

4. Street layout and driveways.

Standards:

- a. Hillside street and drainage standards shall reflect a rural rather than urban character and shall allow for special designs where natural features such as rocks, slopes, and trees require special treatment.

Refer to the
Hillside
Specific Plan

Guidelines:

- a. Streets, driveways, parking, and emergency vehicular access should be aligned to conform, as closely as possible, to existing grades, minimizing the need for the grading of slopes. They should not greatly alter the physical and visual character of the hillside by creating large notches in ridgelines or by defining wide straight alignments.
- b. Driveways that serve more than one parcel are encouraged as a method of reducing unnecessary grading, paving, and site disturbance. Joint driveway entrances shall have street addresses for all residences using the driveway.
- c. Driveway approaches should be located to maximize on-street parking, especially on curves or cul-de-sac bulbs.
- d. Road lighting should be limited to intersections, dangerous curves, dead ends, and multi-use parking areas, and shall be installed to "cut-off" standards.



- e. Roadway and driveway graded banks should be provided with planting of grasses and native trees and shrubs, and include irrigation devices to ensure maintenance of landscaping until it is permanently established.

5. Trails.

The development of a hillside trail network is an important goal of the Town of Los Gatos to increase public recreational opportunities as well as maximize access to regional parks and open space preserves.

Standards:

- a. All new subdivision applications shall be reviewed for compliance with the Trails section of the Los Gatos and Santa Clara County General Plans.

Refer to the Los Gatos and Santa Clara County General Plans

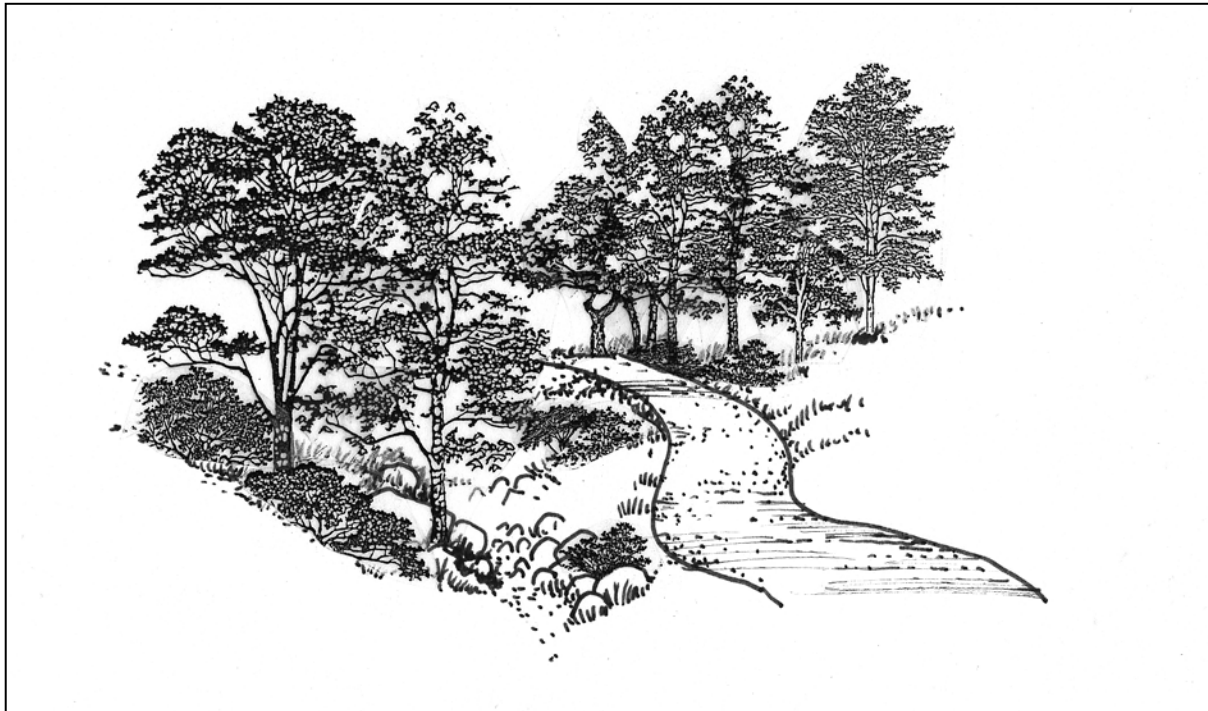
Guidelines:

- a. Where possible, trail easement dedication to the Town and construction of trails shall be a condition of subdivision approval.
- b. Trails should be designed for multiple use.
- c. CC&Rs or maintenance districts should be formed so that trail maintenance expenses will be borne by property owners in the subdivision.
- d. Trails should be located away from existing residential areas wherever possible.
- e. "Cross-country" type trails should be developed, as opposed to trails bordering roads.
- f. Trails should be located through areas containing scenic natural resources as well as those dedicated for open space wherever possible.





- f. Trail design standards should be developed and included in planned development documents or subdivision plans that:
- limit trail use to pedestrian, bicycle, and equestrian use only
 - prevent use by all motorized vehicles
 - protect the natural environment
 - promote safe recreational use
 - determine appropriate width
 - establish policies regarding fencing location and type
 - incorporate erosion control measures





IX. PROJECT REVIEW AND APPROVAL PROCESS

A. Architecture and Site Approval

Architecture and site approval is required for all new construction including major additions and remodels in all areas of the Town shown on the Hillside Area Map on page 8. A subdivision or Planned Development application is required for any proposed land division.

The flow chart on page 66 outlines the steps an application for architecture and site approval will go through. The process begins with a ~~preapplication~~ meeting with the Community Development Department. It is highly recommended that applicants considering the design of a new home or remodel of an existing home ~~take advantage of the preapplication meeting to~~ discuss their ideas with Town staff **before** any plans are actually drawn and money and time are expended on a project that may not be entirely feasible.

An application for architecture and site approval or subdivision shall be accompanied by a written letter of justification that describes how the proposed project complies with the General Plan, Hillside Specific Plan and the Hillside Development Standards and Guidelines.

B. Project Approval Authority

Projects may be approved by the Planning Commission, Development Review Committee (DRC), or Director of Community Development (Director) depending on a project's potential impact on surrounding properties and the overall community.

The Planning Commission is the decision making body for projects that have the greatest potential impact, while the DRC and Director make decisions on projects with less impact, as described in Subsections ~~D, E, and F~~ 1, 2, and 3 below. ~~For projects that fall within the Planning Commission's decision making authority, the DRC shall first review the project and provide its recommendation to the Commission.~~



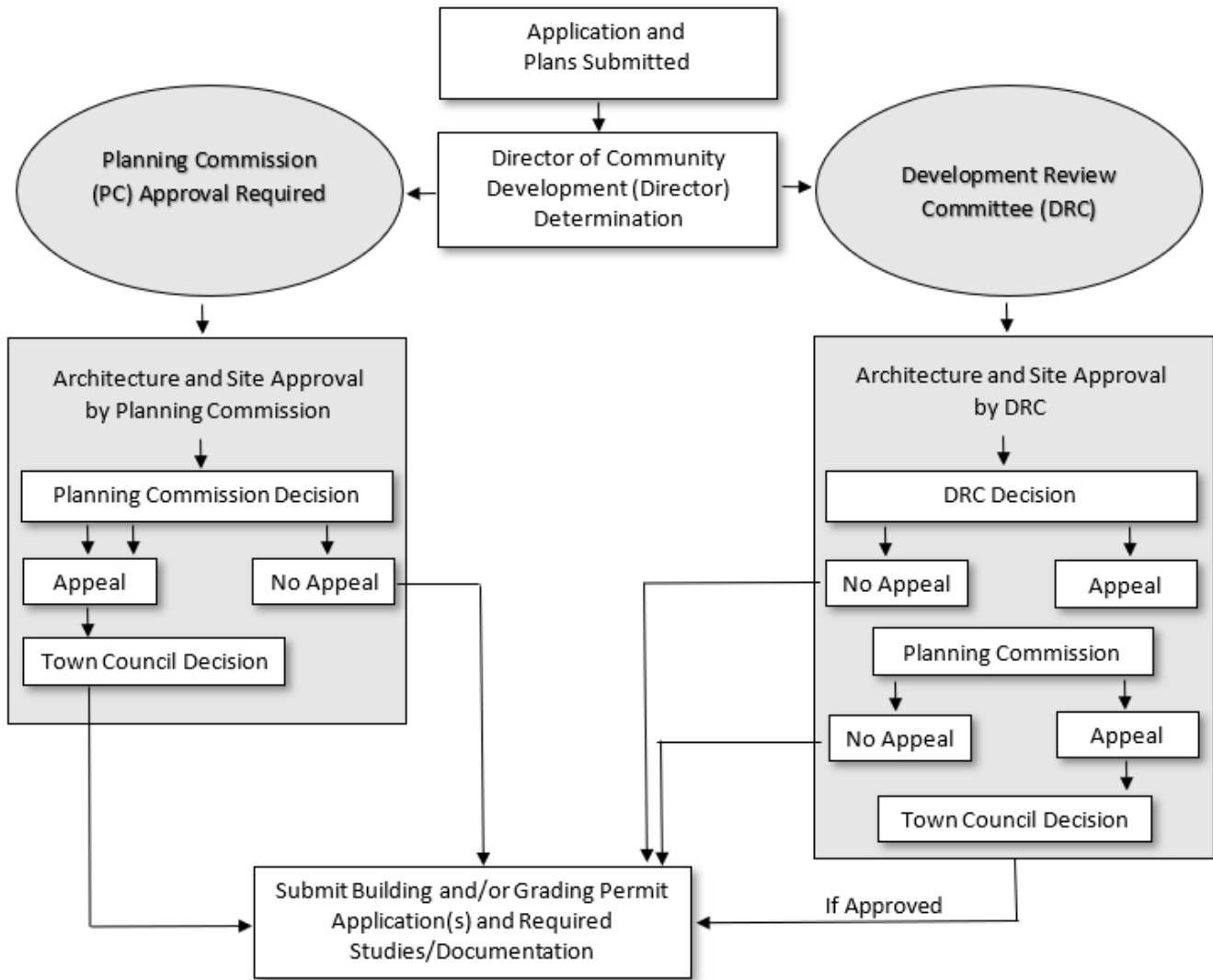
The subdivision and architecture and site approval processes are discretionary actions on the part of all decision making bodies. When reviewing projects, the decision making body may:

- (1) approve a project without imposing extra or special conditions;
- (2) approve a project and add special conditions to reduce the impact(s) of the project to an acceptable level and/or achieve compliance with these standards and guidelines; or
- (3) deny the project by stating specific reasons for its action.

The Director of Community Development may refer an application to the Planning Commission. The decisions of the Planning Commission, DRC, and Director are final unless appealed. Decisions of the Director and DRC may be appealed to the Planning Commission and decisions of the Planning Commission may be appealed to the Town Council. Appeal procedures are outlined in the Town's Zoning Regulations.



Architecture and Site Review Process





1. Projects That May be Approved by the Director of Community Development

The Director has the authority to review and approve the following types of projects provided they comply with all development standards and guidelines:

- a. Accessory dwelling units pursuant to Section 29.10.320 of the Town Code.
- b. Accessory structures buildings not requiring a conditional use permit that have a combined gross floor area greater than 450, but less than 600 square feet may be approved with a Minor Residential Application pursuant to Section 29.20.480 of the Town Code.
- c. Swimming pools that do not require a grading permit.

2. Projects That May be Approved by the Development Review Committee

The ~~Development Review Committee (DRC)~~ has the authority to review and approve the following types of projects provided they comply with all development standards and guidelines:

- a. ~~New houses that do not exceed 5,000 square feet in gross floor area~~ meet the allowable floor area ratio and that are not visible from any established viewing ~~platform area~~.
- b. ~~Additions over 800 square feet or greater than 20% of existing floor area provided that the house size will not exceed 5,000 square feet with the addition(s).~~
- c. ~~Accessory structures buildings, except those requiring a conditional use permit~~ that have a combined gross floor area of 600 square feet or more but do not exceed 1,000 square feet in combined gross floor area.
- d. Swimming pools and game courts requiring a grading permit and/or retaining walls.
- e. Grading permits.



3. Projects That Require Planning Commission Approval

The Planning Commission has the authority to approve all architecture and site projects that do not fall within the authority of the DRC or Director and any projects referred to it by the DRC or Director. ~~The Planning Commission shall be the review authority for any residential project greater than 5,000 square feet in gross floor area.~~ The Planning Commission approves standard subdivisions and makes recommendations to the Town Council on Planned Development applications.

C. Application Period of Validity

An approved architecture and site application shall be valid for a the period of time specified in the Town's Zoning Regulations.

~~D. Subsequent Applications~~

~~Following approval of the original architecture and site review application, no subsequent applications for architecture and site approval shall be filed for the same property for a period of three years following final inspection and issuance of an occupancy permit.~~

E. Required findings

In addition to the considerations for architecture and site approval provided in the Town's Zoning Regulations, the decision making body shall also find that the proposed project meets or exceeds the objectives and requirements of the Hillside Development Standards and Guidelines and shall provide supportive evidence to justify making such findings.

F. Exceptions

Exceptions from the standards in this document may only be granted after carefully considering the constraints of the site. Any deviation from the standards contained in this document shall include the rationale and evidence to support the deviation. The burden of proof shall be on the applicant to show that there are compelling reasons for granting the requested deviation.

Major exceptions may only be granted by the Town Council or Planning Commission. Major exceptions include the following:

- a. building height
- b. maximum floor area

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X. GLOSSARY

For the purposes of these Hillside Development Standards and Guidelines, the following words and phrases defined in this section shall apply.

Access road. A vehicular access roadway greater than or equal to 20 feet in width and serving more than two single family dwellings.

Accessory ~~structure~~ building. A detached ~~structure~~ building, the use of which is incidental to an allowed use of the property but which is not designed, constructed, or used for living quarters. Accessory ~~structures~~ buildings include garages, equipment sheds, barns, decks, fences, and similar nonhabitable ~~structures~~ buildings.

Accessory dwelling unit. A detached or attached dwelling unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and is generally smaller and located on the same parcel as the primary dwelling unit. An accessory dwelling unit also includes efficiency units and manufactured homes.

- (1) A detached accessory dwelling unit is physically separate from the primary dwelling unit.
- (2) An attached accessory dwelling unit is physically attached to the primary dwelling unit.

Attic. Use definition in Attic Policy adopted under Council Resolution 2002-167, or as may be amended.

Average slope. The rate of vertical change of ground surface averaged over the site and expressed in percentage or degrees. Average slope is calculated as follows:

$$S = \frac{.00229 IL}{A}$$

Where:

.00229 is the conversion factor for square feet;

I = contour interval in feet;

L = combined length of all contour lines within the parcel;

A = area of parcel in gross acres.

Balance. The cutting and filling of a site which does not require the export or import of earth material.

Barn. A building designed for the storage of farm products or feed and/or for the housing of farm animals or farm equipment. To qualify for an exclusion from FAR a barn may not be habitable floor area.



Basement. ~~Partially below grade floor area that does not qualify as a cellar.~~

Cellar. ~~Use definition in Cellar Policy adopted under Council Resolution 2002-167, or as may be amended.~~

Contour. A line drawn on a plan which connects all points of equal elevation.

Contour grading. A grading concept designed to result in earth forms which resemble natural terrain characteristics. Horizontal and vertical curve variations are often used for slope banks. Contour grading does not necessarily minimize the amount of cut and fill occurring.

Cut. The mechanical removal of earth material.

Cut and fill. The excavating of earth material in one place and depositing of it as fill in an adjacent place.

Cut-off standards. A standard of light emission wherein light rays emanating from a source are shielded, reflected, or refracted at angles that direct and cut off the light at an angle less than 90 degrees.

Defensible space. Established areas where vegetation is planned and/or maintained to reduce fuel load to minimize a structure's exposure to wildfire.

Density. Applying to residential developments, density refers to the number of people living in a certain area, generally expressed in terms of the number of housing units per acre.

Driveway. A vehicular access road less than 20 feet wide and serving not more than two single family dwellings.

DRC. Development Review Committee (DRC).

Effective bulk. The effective visual bulk of a building when seen from a distance either from above or below.

Emergency Accessway. An approved secondary access roadway for the exclusive use of fire department apparatus.

Erosion. The process by which the soil and rock components of the earth's crust are worn away and removed from one place to another by natural forces such as wind and water.

Export. Excess earth material that is removed from a grading project and deposited off-site.

Fill. A deposit of earth material placed by artificial means.

Finish grade. The final elevation of the ground surface after development, which is in conformance with the approved plan.



Floor area, gross. ~~The sum of all enclosed or covered areas of a building measured to the exterior faces of the enclosing walls, columns or posts~~ The entire enclosed area of all floors that are more than four (4) feet above the proposed grade, measured from the outer face of exterior walls or in the case of party walls from the centerline, but excluding the following:

- A. Areas permanently open to the sky.
- B. Exterior areas under roof eaves, trellises, porches or cantilevered overhangs.
- C. Attics.
- D. ~~Cellars~~ Below grade square footage pursuant to Section 29.40.072 of the Town Code.
- E. Garages up to 400 square feet.
- F. Elevators and stairwells above the first floor.
- G. Barns and stables.

Floor area ratio (FAR). The gross floor area of a building or buildings on a lot divided by the area of the lot. The allowed floor area ratio is a numerical guide, not a goal, and may not be able to be achieved on every lot.

Grading. To bring an existing surface to a designed form by excavating, filling, or smoothing operations (Refer to the Town's Grading Ordinance).

Hardscape. All artificially produced impervious surfaces such as concrete, asphalt, pools, sport courts, and wooden decks.

Hillside lot. A parcel of land that is shown on the Hillside Area map (page 8) regardless of zoning district.

Intensity of development. The amount of development that may be placed on a site as governed by building square footage and envelope criteria, such as floor area ratio, setbacks, height, lot coverage, etc. Also see slope density formula.

LRDA (Least Restricted Development Area). Least restricted areas on a property where development would have a minimal impact on the natural landscape and environment.

Manmade slope. A manufactured slope consisting wholly or partially of either cut or filled material.

Minimal grading. A grading concept designed to minimize excavation and filling. Allows the movement of earth for projects such as individual building foundations, driveways, local roads, and utility excavation. The concept is associated with roads conforming closely to natural contours and with buildings being built on natural terrain.



Natural slope. A slope that is not manmade.

Net lot area. The area of a lot exclusive of rights-of-way or ingress-egress easements for public or private use.

Ornamental landscaping. Exotic, non-indigenous, non-naturalized plant materials.

Pad. A level area created by grading to accommodate development.

Remodel. An improvement or alteration to the exterior or interior of a building that requires a building permit.

Ridgeline. A line connecting the highest points along a ridge and separating drainage basins or small-scale drainage systems from one another.

Riparian corridor. An area comprised of habitat strongly influenced and delineated by the presence of perennial or intermittent streams.

Scar. A visible cut in a hillside with a slope greater than 1 1/2:1 in which all topsoil has been removed and vegetation will be unable to establish itself after a significant period of time (five years).

Site Analysis. A process where a homeowner meets with staff before development plans have progressed substantially to discuss potential site constraints, conceptual plans, design considerations, neighborhood compatibility, and general standards and guidelines in designing a home.

Slope. An inclined ground surface, the inclination of which is expressed as a ratio of the vertical distance (rise), or change in elevation, to the horizontal distance run. The percent of any given slope is determined by dividing the rise by the run, multiplied by one hundred.

Slope density formula. The size of lots allowed in a new subdivision based on a formula that increases the minimum lot size allowed as the slope of the site increases. See Chapter IV. Development Intensity.

Slope transition. The area where a slope bank meets the natural terrain or a level graded area either vertically or horizontally.

Stable. A building with stalls or compartments in which domestic animals are sheltered and fed.

Viewing platforms areas. Specific locations on the valley floor or surrounding hillsides selected as vantage points from which field observations are made to assess the visual impact of development within the Town's hillside areas.



Visible home. A single family residence where 25% or more of an elevation can be seen from any of the Town's established viewing ~~platforms~~ areas (see Chapter II, section B).

West Valley Hillside Preservation Strategies. A document developed through a joint planning review by the Cities of Cupertino, Saratoga and Monte Sereno, the Town of Los Gatos, and the County of Santa Clara that establishes strategies to protect the scenic appearance of the west valley hillsides (available for review at the Los Gatos Community Development Department).

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 08/14/2019

ITEM NO: 3

DATE: August 5, 2019
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Town Code Amendment Application A-19-004. Project Location: **Town Wide.**
Applicant: Town of Los Gatos.
Consider amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding parking lot improvement regulations.

RECOMMENDATION:

Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding parking lot improvement 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. Following a brief discussion, the Policy Committee provided direction to bring back the parking lot improvement regulations for further discussion. Potential amendments to the

PREPARED BY: Jocelyn Shoopman
Associate Planner

Reviewed by: Planning Manager and Community Development Director

BACKGROUND (continued):

regulations for parking lot improvements was one of the topics identified by staff as an opportunity to streamline the land use process and costs.

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

DISCUSSION:

Section 29.10.145 (h), (l), (m), and (n) of the Town Code contains regulations regarding Building Permits for parking lot improvements. Additionally, Section 29.20.745 (4) of the Town Code designates the Development Review Committee (DRC) as the deciding body for these Building Permits.

The existing Town Code requires Building Permits for parking lot improvements to be reviewed by the DRC. DRC review of the Building Permits does not require an additional fee, and typically does not add significant processing time to the Building Permit process. While there are no additional costs nor significant processing time related to the DRC review, the Policy Committee did not believe that the additional layer of review was necessary, given that the same departments that are represented on the DRC already review the Building Permits. This additional layer of review could be eliminated if Section 29.10.145 (l), (m), and (n) and Section 29.20.745 (4) were amended.

A. Existing Town Code

Existing Town Code Section 29.10.145 (l), (m), and (n) of the Town Code discusses parking lot improvement regulations:

.....

(l) *Determination.* Applications for permits for parking lot improvements shall be determined by the Planning 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 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 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

DISCUSSION (continued):

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 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 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.

.....

Existing Town Code Section 29.20.745 discusses the assignment of duties for the DRC:

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.

.....

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:

- Modify the deciding body for Building Permits for parking lot improvements 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;

DISCUSSION (continued):

- 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

PAGE 5 OF 5

SUBJECT: Parking Lot Permit Regulations

DATE: August 5, 2019

CONCLUSION (continued):

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)

PLANNING COMMISSION – August 14, 2019
REQUIRED FINDINGS FOR:

Town Code Amendment Application A-19-004

Consider amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding parking lot improvement regulations.

FINDINGS

Required Findings for CEQA:

- It has been determined 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).

Required Findings for General Plan:

- The proposed amendments to Chapter 29 of the Town Code regarding parking lot improvement regulations are consistent with the General Plan.



**MINUTES OF THE SPECIAL TOWN COUNCIL POLICY COMMITTEE MEETING
FEBRUARY 26, 2019**

The Town Council Policy Committee of the Town of Los Gatos conducted a special meeting on Thursday, February 26, at 5:00 p.m.

MEETING CALLED TO ORDER

ROLL CALL

Members Present: Marcia Jensen, Barbara Spector.

Staff Present: Rob Schultz, Town Attorney; Joel Paulson, Community Development Director; Matt Morley, Parks and Public Works Director; Shelley Neis, Town Clerk.

VERBAL COMMUNICATIONS

None.

OTHER BUSINESS

1. Approval of the January 24, 2019 Council Policy Committee Minutes.

Approved.

2. Provide direction on Commission Appointment Policy 2-11 in relation to Commissioner interviews, and the Town Agenda Format and Rules Policy 2-01 regarding remote meeting participation.

Shelley Neis, Town Clerk, presented the staff report.

Maria Ristow

- Commented on remote participation and requested the Council consider requiring that applicants must attend a Commission meeting before applying.

After discussion the Committee directed staff to forward the two Policies to Council with the following recommendation:

- Allow a submission letter and remote participation for interview purposes only for incumbents.
- Suggested language from the Town Attorney regarding special meeting times.
- Suggested number of allowed remote meeting participation that is less than half as there was not consensus on the number.

Chair Jensen moved Items #4 and #5 before Item #3.

3. Provide direction on potential land use streamlining modifications.

Joel Paulson, Community Development Director, presented the staff report.

Bess Weirsema, Studio 3

- Requested the design professional community have a seat at the table to discuss potential modifications to land use processes and permitting and commented on the demolition regulations.

Jennifer Crutchmer

- Commented on the demolition regulations.

Tony Jeans

- Requested the design professional community have a seat at the table to discuss potential modifications to the demolition regulations and streamlining land use processes.

Jay Plett

- Commented on the demolition requirements and requested the demolition policy be streamlined.

Dave Zicovich

- Commented on the demolition policy and requested the demolition policy be streamlined.

Catherine Somers

- Commented on streamlining processes to allow business to open within three months and consider a deciding body policy.

After discussion the Committee directed staff to look at how the accessory dwelling unit (ADU) ordinance interacts with other regulations, how the hillside and historical regulations interact with other regulations, and to bring the demolition regulations and policy to the next meeting.

4. Provide direction on potential modifications or updates to the Traffic Impact Mitigation Ordinance, Policy, and Fees.

Matt Morley, Parks and Public Works Director, presented the staff report.

Maria Ristow

- Suggested an alternative to exceptions, a traffic demand mitigation (TDM) or some way to waive the fees if the traffic is mitigated.

Item #4 – continued

After discussion, the Committee identified that Town Code Section 15.70.030(c)(5) enables the Town Council to consider unusual circumstances and approve a deviation from the Traffic Policy. The Committee directed staff to bring the requested fee modification to the Town Council for its consideration consistent with this provision.

5. Receive information on the development of Arborist Report Standards.

Joel Paulson, Community Development Director, presented the staff report.

Dave Weismann

- Commented on the prolonged timeline for the development of arborist standards.

Refer the item to the Town Manager to discuss with the Mayor to determine if the item will be placed on a future Council agenda for discussion.

6. Determine meeting schedule for 2019 (verbal discussion only).

The Committee chose the second Tuesday of each month at 5:00 p.m. The next meeting will be March 12, 2019.

ADJOURNMENT

The meeting adjourned at 6:08 p.m.

Attest:

/s/ Shelley Neis, Town Clerk



**TOWN OF LOS GATOS
POLICY COMMITTEE REPORT**

MEETING DATE: 2/26/2019

ITEM NO: 9

DATE: FEBRUARY 21, 2019

TO: POLICY COMMITTEE

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: DISCUSS AND PROVIDE DIRECTION ON POTENTIAL LAND USE
STREAMLINING MODIFICATIONS.

RECOMMENDATION:

Discuss and provide direction on potential land use streamlining modifications.

BACKGROUND:

Over the last couple years, the Town has considered and approved a number of modifications and/or pilot programs that have streamlined the process and costs for businesses. Additional opportunities for streamlining opportunities for businesses will be considered by the Town Council on March 5, 2019.

DISCUSSION:

Staff has identified some additional opportunities to streamline land use processes for the Policy Committee's consideration. Staff has prepared an outline that contains possible streamlining opportunities that relate to the land use process and costs for businesses and residences (Attachment 1). Attachment 1 contains general comments and questions regarding potential streamlining opportunities as outlined below by category:

- Demolition Regulations (see Attachments 2 and 3);
- Hillside Development Standards and Guidelines Project Review and Approval Process (see Attachment 4);
- Deciding Body Modifications (see Attachments 5 through 10); and

PREPARED BY: JOEL PAULSON
Community Development Director

Reviewed by: Town Manager

DISCUSSION (continued):

- Architecture and Site Applications (see Attachment 10).

This meeting will allow for an initial conversation between staff and the Policy Committee. Staff will be prepared to walk through these topics and answer questions.

Staff is interested in the Policy Committee's discussion and direction on these general topics to help prioritize next steps. Given staff resource constraints, staff will bring individual topics back to the Policy Committee for a more thorough discussion.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office.

Attachments:

1. Possible Streamlining Opportunities
2. Demolition Affidavit
3. Demolition Diagram
4. Chapter IX of the Hillside Development Standards and Guidelines
5. Excerpt from the Town Code relating to Deciding Bodies
6. Excerpt from the Town Code relating to loss of Parking in the Parking Assessment District
7. Excerpt from the Town Code relating to Parking Lot Modifications
8. Excerpt from the Town Code relating to Valet Parking
9. Policy relating to Minor Exterior Modifications to Commercial Buildings
10. Excerpt from the Town Code relating to Minor Exterior Alterations to Commercial Building and the requirement for an Architecture and Site application for a change in architectural style



**MINUTES OF THE SPECIAL TOWN COUNCIL POLICY COMMITTEE MEETING
MAY 28, 2019**

The Town Council Policy Committee of the Town of Los Gatos conducted a special meeting on Tuesday, May 28, 2019, at 5:00 p.m.

MEETING CALLED TO ORDER AT 5:01 P.M.

ROLL CALL

Members Present: Marcia Jensen, Barbara Spector.

Staff Present: Laurel Prevetti, Town Manager; Joel Paulson, Community Development Director; Holly Zappala, Management Analyst.

VERBAL COMMUNICATIONS

None.

OTHER BUSINESS

1. Approval of the May 9, 2019 Council Policy Committee Minutes.

Approved.

Joel Paulson, Community Development Director, presented the staff reports for Items 2 through 5.

2. Provide direction on potential amendments to the Hillside Development Standards and Guidelines approval processes.

After discussion, the Committee asked staff to email the Committee a revised draft for review and, upon review and approval of the draft, forward a recommendation to the Planning Commission to approve the amendments to the Hillside Development Standards and Guidelines.

3. Provide direction on potential amendments to the parking lot improvement approval process.

After discussion, the Committee decided to forward a recommendation to the Planning Commission to approve the amendments to the parking lot improvement approval process.

4. Provide direction on potential amendments to the valet parking regulations.

After discussion, the Committee agreed to forward a recommendation to the Planning Commission to approve the amendments to the valet parking regulations and to expand the valet parking regulations beyond the parking assessment district to apply Town-wide.

5. Provide direction on potential amendments to parking assessment district regulations.

After discussion, the Committee forwarded a recommendation to the Planning Commission to approve the amendments to parking district regulations with minor changes to the wording to make it clear that they apply to on-site parking spaces.

The Committee also agreed to amend the regular meeting schedule of the Town Council Policy Committee to meet on the fourth Tuesday of each month at 5:00 p.m. in Town Council Chambers.

ADJOURNMENT

The meeting adjourned at 5:26 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the May 28, 2019 meeting as approved by the Town Council Policy Committee.

/s/ Holly Zappala, Management Analyst



**TOWN OF LOS GATOS
POLICY COMMITTEE REPORT**

MEETING DATE: 5/28/2019

ITEM NO: 3

DATE: MAY 22, 2019

TO: POLICY COMMITTEE

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: PROVIDE DIRECTION ON POTENTIAL AMENDMENTS TO THE PARKING LOT IMPROVEMENT APPROVAL PROCESS.

RECOMMENDATION:

Provide direction on potential amendments to the parking lot improvement approval process.

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. Following a brief discussion, the Policy Committee provided direction to bring back parking lot improvement regulations for further discussion.

Potential amendments to parking lot improvement regulations was one of the topics identified by staff as an opportunity to streamline the land use process and costs. The general question regarding potential amendments to parking lot improvement regulations presented in the February 26, 2019 Policy Committee report was:

- Should parking lot improvements that are handled at the building permit level still be required to go to the Development Review Committee (DRC)?

PREPARED BY: JOEL PAULSON
Community Development Director

Reviewed by: Town Manager

DISCUSSION:

Section 29.10.145 (h), (l), (m), and (n) of the Town Code contain regulations regarding parking lot improvements (Attachment 1).

Additionally, Section 29.20.745 (4) of the Town Code designates the DRC as the deciding body for parking lot improvements.

These regulations require parking lot improvement building permits to be reviewed by the DRC. DRC review of the building permit does not require an additional fee and typically does not add more than a couple weeks to the building permit process. While the cost and processing time for a parking lot improvement application are not significant, staff does not believe the additional layer of process is necessary. This determination is based on the fact that the same departments that make up the DRC already review the building permit. This additional layer of process could be eliminated if Section 29.10.145 (l), (m), and (n) and Section 29.20.745 (4) were amended.

Staff has prepared potential Town Code amendments (Attachment 2) for the Policy Committee's consideration. These amendments would allow the Community Development Director to approve parking lot improvement building permits. The potential amendments, are shown in strike-through and underline font in Attachment 2.

This meeting will allow for a conversation between staff and the Policy Committee. Staff will be prepared to walk through this matter and answer questions.

Staff is interested in the Policy Committee's discussion and direction on the potential parking lot improvement regulation modifications.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office.

Attachments:

1. Excerpt from the Town Code regarding Parking Lot Improvements
2. Potential Town Code amendments

Excerpts from Los Gatos Town Code
Chapter 29
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.~~

.....



**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

PREPARED BY: Jocelyn Shoopman
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:

.....

(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.

.....

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.

PAGE 5 OF 5

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)

PLANNING COMMISSION – August 14, 2019
REQUIRED FINDINGS FOR:

Town Code Amendment Application A-19-006

Consider amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding Parking Assessment District regulations.

FINDINGS

Required Findings for CEQA:

- It has been determined 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).

Required Findings for General Plan:

- The proposed amendments to Chapter 29 of the Town Code regarding Parking Assessment District regulations are consistent with the General Plan.



**MINUTES OF THE SPECIAL TOWN COUNCIL POLICY COMMITTEE MEETING
FEBRUARY 26, 2019**

The Town Council Policy Committee of the Town of Los Gatos conducted a special meeting on Thursday, February 26, at 5:00 p.m.

MEETING CALLED TO ORDER

ROLL CALL

Members Present: Marcia Jensen, Barbara Spector.

Staff Present: Rob Schultz, Town Attorney; Joel Paulson, Community Development Director; Matt Morley, Parks and Public Works Director; Shelley Neis, Town Clerk.

VERBAL COMMUNICATIONS

None.

OTHER BUSINESS

1. Approval of the January 24, 2019 Council Policy Committee Minutes.

Approved.

2. Provide direction on Commission Appointment Policy 2-11 in relation to Commissioner interviews, and the Town Agenda Format and Rules Policy 2-01 regarding remote meeting participation.

Shelley Neis, Town Clerk, presented the staff report.

Maria Ristow

- Commented on remote participation and requested the Council consider requiring that applicants must attend a Commission meeting before applying.

After discussion the Committee directed staff to forward the two Policies to Council with the following recommendation:

- Allow a submission letter and remote participation for interview purposes only for incumbents.
- Suggested language from the Town Attorney regarding special meeting times.
- Suggested number of allowed remote meeting participation that is less than half as there was not consensus on the number.

Chair Jensen moved Items #4 and #5 before Item #3.

3. Provide direction on potential land use streamlining modifications.

Joel Paulson, Community Development Director, presented the staff report.

Bess Weirsema, Studio 3

- Requested the design professional community have a seat at the table to discuss potential modifications to land use processes and permitting and commented on the demolition regulations.

Jennifer Crutchmer

- Commented on the demolition regulations.

Tony Jeans

- Requested the design professional community have a seat at the table to discuss potential modifications to the demolition regulations and streamlining land use processes.

Jay Plett

- Commented on the demolition requirements and requested the demolition policy be streamlined.

Dave Zicovich

- Commented on the demolition policy and requested the demolition policy be streamlined.

Catherine Somers

- Commented on streamlining processes to allow business to open within three months and consider a deciding body policy.

After discussion the Committee directed staff to look at how the accessory dwelling unit (ADU) ordinance interacts with other regulations, how the hillside and historical regulations interact with other regulations, and to bring the demolition regulations and policy to the next meeting.

4. Provide direction on potential modifications or updates to the Traffic Impact Mitigation Ordinance, Policy, and Fees.

Matt Morley, Parks and Public Works Director, presented the staff report.

Maria Ristow

- Suggested an alternative to exceptions, a traffic demand mitigation (TDM) or some way to waive the fees if the traffic is mitigated.

Item #4 – continued

After discussion, the Committee identified that Town Code Section 15.70.030(c)(5) enables the Town Council to consider unusual circumstances and approve a deviation from the Traffic Policy. The Committee directed staff to bring the requested fee modification to the Town Council for its consideration consistent with this provision.

5. Receive information on the development of Arborist Report Standards.

Joel Paulson, Community Development Director, presented the staff report.

Dave Weismann

- Commented on the prolonged timeline for the development of arborist standards.

Refer the item to the Town Manager to discuss with the Mayor to determine if the item will be placed on a future Council agenda for discussion.

6. Determine meeting schedule for 2019 (verbal discussion only).

The Committee chose the second Tuesday of each month at 5:00 p.m. The next meeting will be March 12, 2019.

ADJOURNMENT

The meeting adjourned at 6:08 p.m.

Attest:

/s/ Shelley Neis, Town Clerk



**TOWN OF LOS GATOS
POLICY COMMITTEE REPORT**

MEETING DATE: 2/26/2019

ITEM NO: 9

DATE: FEBRUARY 21, 2019

TO: POLICY COMMITTEE

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: DISCUSS AND PROVIDE DIRECTION ON POTENTIAL LAND USE
STREAMLINING MODIFICATIONS.

RECOMMENDATION:

Discuss and provide direction on potential land use streamlining modifications.

BACKGROUND:

Over the last couple years, the Town has considered and approved a number of modifications and/or pilot programs that have streamlined the process and costs for businesses. Additional opportunities for streamlining opportunities for businesses will be considered by the Town Council on March 5, 2019.

DISCUSSION:

Staff has identified some additional opportunities to streamline land use processes for the Policy Committee's consideration. Staff has prepared an outline that contains possible streamlining opportunities that relate to the land use process and costs for businesses and residences (Attachment 1). Attachment 1 contains general comments and questions regarding potential streamlining opportunities as outlined below by category:

- Demolition Regulations (see Attachments 2 and 3);
- Hillside Development Standards and Guidelines Project Review and Approval Process (see Attachment 4);
- Deciding Body Modifications (see Attachments 5 through 10); and

PREPARED BY: JOEL PAULSON
Community Development Director

Reviewed by: Town Manager

DISCUSSION (continued):

- Architecture and Site Applications (see Attachment 10).

This meeting will allow for an initial conversation between staff and the Policy Committee. Staff will be prepared to walk through these topics and answer questions.

Staff is interested in the Policy Committee's discussion and direction on these general topics to help prioritize next steps. Given staff resource constraints, staff will bring individual topics back to the Policy Committee for a more thorough discussion.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office.

Attachments:

1. Possible Streamlining Opportunities
2. Demolition Affidavit
3. Demolition Diagram
4. Chapter IX of the Hillside Development Standards and Guidelines
5. Excerpt from the Town Code relating to Deciding Bodies
6. Excerpt from the Town Code relating to loss of Parking in the Parking Assessment District
7. Excerpt from the Town Code relating to Parking Lot Modifications
8. Excerpt from the Town Code relating to Valet Parking
9. Policy relating to Minor Exterior Modifications to Commercial Buildings
10. Excerpt from the Town Code relating to Minor Exterior Alterations to Commercial Building and the requirement for an Architecture and Site application for a change in architectural style



**MINUTES OF THE SPECIAL TOWN COUNCIL POLICY COMMITTEE MEETING
MAY 28, 2019**

The Town Council Policy Committee of the Town of Los Gatos conducted a special meeting on Tuesday, May 28, 2019, at 5:00 p.m.

MEETING CALLED TO ORDER AT 5:01 P.M.

ROLL CALL

Members Present: Marcia Jensen, Barbara Spector.

Staff Present: Laurel Prevetti, Town Manager; Joel Paulson, Community Development Director; Holly Zappala, Management Analyst.

VERBAL COMMUNICATIONS

None.

OTHER BUSINESS

1. Approval of the May 9, 2019 Council Policy Committee Minutes.

Approved.

Joel Paulson, Community Development Director, presented the staff reports for Items 2 through 5.

2. Provide direction on potential amendments to the Hillside Development Standards and Guidelines approval processes.

After discussion, the Committee asked staff to email the Committee a revised draft for review and, upon review and approval of the draft, forward a recommendation to the Planning Commission to approve the amendments to the Hillside Development Standards and Guidelines.

3. Provide direction on potential amendments to the parking lot improvement approval process.

After discussion, the Committee decided to forward a recommendation to the Planning Commission to approve the amendments to the parking lot improvement approval process.

4. Provide direction on potential amendments to the valet parking regulations.

After discussion, the Committee agreed to forward a recommendation to the Planning Commission to approve the amendments to the valet parking regulations and to expand the valet parking regulations beyond the parking assessment district to apply Town-wide.

5. Provide direction on potential amendments to parking assessment district regulations.

After discussion, the Committee forwarded a recommendation to the Planning Commission to approve the amendments to parking district regulations with minor changes to the wording to make it clear that they apply to on-site parking spaces.

The Committee also agreed to amend the regular meeting schedule of the Town Council Policy Committee to meet on the fourth Tuesday of each month at 5:00 p.m. in Town Council Chambers.

ADJOURNMENT

The meeting adjourned at 5:26 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the May 28, 2019 meeting as approved by the Town Council Policy Committee.

/s/ Holly Zappala, Management Analyst



**TOWN OF LOS GATOS
POLICY COMMITTEE REPORT**

MEETING DATE: 5/28/2019
ITEM NO: 5

DATE: MAY 22, 2019
TO: POLICY COMMITTEE
FROM: LAUREL PREVETTI, TOWN MANAGER
SUBJECT: PROVIDE DIRECTION ON POTENTIAL AMENDMENTS TO PARKING ASSESSMENT DISTRICT REGULATIONS.

RECOMMENDATION:

Provide direction on potential amendments to parking assessment district regulations.

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. Following a brief discussion, the Policy Committee provided direction to bring back parking assessment district regulations for further discussion.

Potential amendments to parking assessment district regulations was one of the topics identified by staff as an opportunity to streamline the land use process and costs. The general question regarding potential amendments to parking assessment district regulations presented in the February 26, 2019 Policy Committee report was:

- Should a reduction in on-site parking spaces for a property in the Parking Assessment District require a Variance application and Planning Commission approval if the resulting use is changed to a residential use?

PREPARED BY: JOEL PAULSON
Community Development Director

Reviewed by: Town Manager

DISCUSSION:

Section 29.10.150 (f) of the Town Code contains regulations regarding properties in the parking assessment district (Attachment 1). Section 29.10.150 (f) (5) states:

Any parking spaces that are credited in the parking assessment district calculation may not be eliminated.

This regulation requires approval of a Variance application when commercial uses on properties in the parking assessment district are converted to a residential use. A couple recent zone change applications have been approved to change the zoning designation from O:LHP to R-1D:LHP for properties that were occupied by commercial uses which will be converted to residential uses. The removal of existing on-site parking spaces (i.e. conversion to landscaping or construction of an attached or detached garage) will 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) was amended.

Staff has prepared potential Town Code amendments (Attachment 2) for the Policy Committee's consideration. These amendments would allow for the removal of existing on-site parking spaces when the use is changed to a residential use that does not require all of the existing on-site spaces to remain. The potential amendments, shown in underline font, would make the following changes:

Any 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 amount of on-site parking spaces.

This meeting will allow for a conversation between staff and the Policy Committee. Staff will be prepared to walk through this matter and answer questions.

Staff is interested in the Policy Committee's discussion and direction on the potential parking assessment district regulation modifications.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office.

PAGE 3 OF 3

SUBJECT: PARKING ASSESSMENT DISTRICT REGULATIONS

DATE: MAY 22, 2019

Attachments:

1. Excerpt from the Town Code regarding properties in the Parking Assessment District
2. Potential Town Code Amendments

Excerpts from Los Gatos Town Code

Chapter 29

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.

.....



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 08/14/2019

ITEM NO: 5

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

Reviewed by: Planning Manager and Community Development Director

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:

.....

(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.

.....

Existing Town Code Section 29.20.745 discusses the assignment of duties for the DRC:

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

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.

.....

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)

PLANNING COMMISSION – August 14, 2019
REQUIRED FINDINGS FOR:

Town Code Amendment Application A-19-005

Consider amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding valet parking regulations.

FINDINGS

Required Findings for CEQA:

- It has been determined 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).

Required Findings for General Plan:

- The proposed amendments to Chapter 29 of the Town Code regarding valet parking regulations are consistent with the General Plan.



**MINUTES OF THE SPECIAL TOWN COUNCIL POLICY COMMITTEE MEETING
FEBRUARY 26, 2019**

The Town Council Policy Committee of the Town of Los Gatos conducted a special meeting on Thursday, February 26, at 5:00 p.m.

MEETING CALLED TO ORDER

ROLL CALL

Members Present: Marcia Jensen, Barbara Spector.

Staff Present: Rob Schultz, Town Attorney; Joel Paulson, Community Development Director; Matt Morley, Parks and Public Works Director; Shelley Neis, Town Clerk.

VERBAL COMMUNICATIONS

None.

OTHER BUSINESS

1. Approval of the January 24, 2019 Council Policy Committee Minutes.

Approved.

2. Provide direction on Commission Appointment Policy 2-11 in relation to Commissioner interviews, and the Town Agenda Format and Rules Policy 2-01 regarding remote meeting participation.

Shelley Neis, Town Clerk, presented the staff report.

Maria Ristow

- Commented on remote participation and requested the Council consider requiring that applicants must attend a Commission meeting before applying.

After discussion the Committee directed staff to forward the two Policies to Council with the following recommendation:

- Allow a submission letter and remote participation for interview purposes only for incumbents.
- Suggested language from the Town Attorney regarding special meeting times.
- Suggested number of allowed remote meeting participation that is less than half as there was not consensus on the number.

Chair Jensen moved Items #4 and #5 before Item #3.

3. Provide direction on potential land use streamlining modifications.

Joel Paulson, Community Development Director, presented the staff report.

Bess Weirsema, Studio 3

- Requested the design professional community have a seat at the table to discuss potential modifications to land use processes and permitting and commented on the demolition regulations.

Jennifer Crutchmer

- Commented on the demolition regulations.

Tony Jeans

- Requested the design professional community have a seat at the table to discuss potential modifications to the demolition regulations and streamlining land use processes.

Jay Plett

- Commented on the demolition requirements and requested the demolition policy be streamlined.

Dave Zicovich

- Commented on the demolition policy and requested the demolition policy be streamlined.

Catherine Somers

- Commented on streamlining processes to allow business to open within three months and consider a deciding body policy.

After discussion the Committee directed staff to look at how the accessory dwelling unit (ADU) ordinance interacts with other regulations, how the hillside and historical regulations interact with other regulations, and to bring the demolition regulations and policy to the next meeting.

4. Provide direction on potential modifications or updates to the Traffic Impact Mitigation Ordinance, Policy, and Fees.

Matt Morley, Parks and Public Works Director, presented the staff report.

Maria Ristow

- Suggested an alternative to exceptions, a traffic demand mitigation (TDM) or some way to waive the fees if the traffic is mitigated.

Item #4 – continued

After discussion, the Committee identified that Town Code Section 15.70.030(c)(5) enables the Town Council to consider unusual circumstances and approve a deviation from the Traffic Policy. The Committee directed staff to bring the requested fee modification to the Town Council for its consideration consistent with this provision.

5. Receive information on the development of Arborist Report Standards.

Joel Paulson, Community Development Director, presented the staff report.

Dave Weismann

- Commented on the prolonged timeline for the development of arborist standards.

Refer the item to the Town Manager to discuss with the Mayor to determine if the item will be placed on a future Council agenda for discussion.

6. Determine meeting schedule for 2019 (verbal discussion only).

The Committee chose the second Tuesday of each month at 5:00 p.m. The next meeting will be March 12, 2019.

ADJOURNMENT

The meeting adjourned at 6:08 p.m.

Attest:

/s/ Shelley Neis, Town Clerk



**TOWN OF LOS GATOS
POLICY COMMITTEE REPORT**

MEETING DATE: 2/26/2019

ITEM NO: 9

DATE: FEBRUARY 21, 2019

TO: POLICY COMMITTEE

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: DISCUSS AND PROVIDE DIRECTION ON POTENTIAL LAND USE
STREAMLINING MODIFICATIONS.

RECOMMENDATION:

Discuss and provide direction on potential land use streamlining modifications.

BACKGROUND:

Over the last couple years, the Town has considered and approved a number of modifications and/or pilot programs that have streamlined the process and costs for businesses. Additional opportunities for streamlining opportunities for businesses will be considered by the Town Council on March 5, 2019.

DISCUSSION:

Staff has identified some additional opportunities to streamline land use processes for the Policy Committee's consideration. Staff has prepared an outline that contains possible streamlining opportunities that relate to the land use process and costs for businesses and residences (Attachment 1). Attachment 1 contains general comments and questions regarding potential streamlining opportunities as outlined below by category:

- Demolition Regulations (see Attachments 2 and 3);
- Hillside Development Standards and Guidelines Project Review and Approval Process (see Attachment 4);
- Deciding Body Modifications (see Attachments 5 through 10); and

PREPARED BY: JOEL PAULSON
Community Development Director

Reviewed by: Town Manager

DISCUSSION (continued):

- Architecture and Site Applications (see Attachment 10).

This meeting will allow for an initial conversation between staff and the Policy Committee. Staff will be prepared to walk through these topics and answer questions.

Staff is interested in the Policy Committee's discussion and direction on these general topics to help prioritize next steps. Given staff resource constraints, staff will bring individual topics back to the Policy Committee for a more thorough discussion.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office.

Attachments:

1. Possible Streamlining Opportunities
2. Demolition Affidavit
3. Demolition Diagram
4. Chapter IX of the Hillside Development Standards and Guidelines
5. Excerpt from the Town Code relating to Deciding Bodies
6. Excerpt from the Town Code relating to loss of Parking in the Parking Assessment District
7. Excerpt from the Town Code relating to Parking Lot Modifications
8. Excerpt from the Town Code relating to Valet Parking
9. Policy relating to Minor Exterior Modifications to Commercial Buildings
10. Excerpt from the Town Code relating to Minor Exterior Alterations to Commercial Building and the requirement for an Architecture and Site application for a change in architectural style



**MINUTES OF THE SPECIAL TOWN COUNCIL POLICY COMMITTEE MEETING
MAY 28, 2019**

The Town Council Policy Committee of the Town of Los Gatos conducted a special meeting on Tuesday, May 28, 2019, at 5:00 p.m.

MEETING CALLED TO ORDER AT 5:01 P.M.

ROLL CALL

Members Present: Marcia Jensen, Barbara Spector.

Staff Present: Laurel Prevetti, Town Manager; Joel Paulson, Community Development Director; Holly Zappala, Management Analyst.

VERBAL COMMUNICATIONS

None.

OTHER BUSINESS

1. Approval of the May 9, 2019 Council Policy Committee Minutes.

Approved.

Joel Paulson, Community Development Director, presented the staff reports for Items 2 through 5.

2. Provide direction on potential amendments to the Hillside Development Standards and Guidelines approval processes.

After discussion, the Committee asked staff to email the Committee a revised draft for review and, upon review and approval of the draft, forward a recommendation to the Planning Commission to approve the amendments to the Hillside Development Standards and Guidelines.

3. Provide direction on potential amendments to the parking lot improvement approval process.

After discussion, the Committee decided to forward a recommendation to the Planning Commission to approve the amendments to the parking lot improvement approval process.

4. Provide direction on potential amendments to the valet parking regulations.

After discussion, the Committee agreed to forward a recommendation to the Planning Commission to approve the amendments to the valet parking regulations and to expand the valet parking regulations beyond the parking assessment district to apply Town-wide.

5. Provide direction on potential amendments to parking assessment district regulations.

After discussion, the Committee forwarded a recommendation to the Planning Commission to approve the amendments to parking district regulations with minor changes to the wording to make it clear that they apply to on-site parking spaces.

The Committee also agreed to amend the regular meeting schedule of the Town Council Policy Committee to meet on the fourth Tuesday of each month at 5:00 p.m. in Town Council Chambers.

ADJOURNMENT

The meeting adjourned at 5:26 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the May 28, 2019 meeting as approved by the Town Council Policy Committee.

/s/ Holly Zappala, Management Analyst



**TOWN OF LOS GATOS
POLICY COMMITTEE REPORT**

MEETING DATE: 5/28/2019

ITEM NO: 4

DATE: MAY 22, 2019

TO: POLICY COMMITTEE

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: PROVIDE DIRECTION ON POTENTIAL AMENDMENTS TO THE VALET PARKING REGULATIONS.

RECOMMENDATION:

Provide direction on potential amendments to the valet parking regulations.

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.

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. Following a brief discussion, the Policy Committee provided direction to bring back valet parking regulations for further discussion.

Potential amendments to valet parking regulations was one of the topics identified by staff as an opportunity to streamline the land use process and costs. The general questions regarding potential amendments to parking assessment district regulations presented in the February 26, 2019 Policy Committee report were:

- Should valet parking be reviewed and approved by the Director of Community Development rather than having to go to Development Review Committee (DRC)?

PREPARED BY: JOEL PAULSON
Community Development Director

Reviewed by: Town Manager

BACKGROUND (continued):

- Should charging for valet parking be expanded beyond the parking assessment district area?

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 DRC as the deciding body for Valet Parking applications.

These regulations require Valet Parking applications to be approved by the DRC and don't allow charging for valet parking outside of the parking assessment district area. The Valet Parking 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 application could be eliminated if Section 29.10.145 (g) and Section 29.20.745 (4) were amended.

Staff has prepared potential Town Code amendments (Attachment 2) for the Policy Committee's consideration. These amendments would allow the Community Development Director to approve Valet parking applications and allow charging for valet parking outside of the parking assessment district area. The potential amendments, are shown in strike-through and underline font in Attachment 2.

This meeting will allow for a conversation between staff and the Policy Committee. Staff will be prepared to walk through this matter and answer questions.

Staff is interested in the Policy Committee's discussion and direction on the potential valet parking regulation modifications.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office.

Attachments:

1. Excerpt from the Town Code regarding Valet Parking
2. Potential Town Code Amendments

Excerpts from Los Gatos Town Code
Chapter 29
Sec. 29.10.145. - Requirements Generally

.....

(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 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 ~~the~~ 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~~ Community Development Director 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 ~~the~~ 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~~ Community Development Director pursuant to a ~~parking lot~~ Valet Parking Permit. The ~~Development Review Committee~~ Community Development Director shall have the discretion to deny the ~~parking lot~~ Valet Parking 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~~ Valet Parking Permit for valet parking with a minimum of ten (10) days notice.

.....

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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