

ORDINANCE 2272

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING SECTION 29.10.150 TO REVISE THE REQUIRED PARKING REQUIREMENTS FOR RESTAURANTS

WHEREAS, one of the Town Council's 2015-2017 strategic goals is to develop an Economic Vitality strategic plan to evaluate opportunities that allow the Town to enhance vibrancy and attract residents and visitors to shop, dine, and stay in Los Gatos; and

WHEREAS, since September 1, 2015, the Town Council has been considering a series of policies and Code amendments that relate to businesses, including: formula retail, paid valet parking service in downtown, outdoor seating and entertainment policy, retail and restaurant definitions, and the relationship between parking requirements and seating capacities in restaurants; and

WHEREAS, on December 15, 2015, the Town Council considered the potential separation of parking requirements and seating capacities in order to promote businesses and explore options that provide businesses with the flexibility necessary to operate their restaurants; and

WHEREAS, on December 15, 2015, the Town Council voted unanimously to direct staff to present options to the Planning Commission regarding potential ordinance language to separate parking and seats in the Code and to provide a recommendation back to the Town Council; and

WHEREAS, on January 13, 2016 and March 16, 2016, the Planning Commission held a public hearing that identified several options regarding amending the parking requirements for seating restaurants; and

WHEREAS, on March 16, 2016, the Planning Commission voted 3-2-2 with Chair Badame and Commissioner Erikson opposing and Commissioners Burch and Hansen absent, to recommend separating parking from seats to the Town Council, with the separation requiring approval of a square foot factor used to determine how many seats/patrons were allowed in a restaurant; and

WHEREAS, on October 4, 2016, the Town Council held a public hearing, considered the public testimony and Planning Commission recommendations, reviewed the recommended ordinance, and returned the matter to the Town Council Policy Committee for consideration along with other parking topics; and

WHEREAS, on February 15, 2018, the Town Council Policy Committee held a public meeting, considered public testimony, and requested that the recommended ordinance be returned to the Town Council for consideration; and

WHEREAS, on March 20, 2018, the Town Council held a public hearing, considered public testimony and both the Planning Commission and Town Council Policy Committee recommendations, reviewed the recommended ordinance, and determined that it is in the best interest of the Town, its residents and visitors to adopt the amendments to Section 29.10.150 of the Los Gatos Town Code.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS FOLLOWS:

SECTION I.

Los Gatos Town Code Section 29.10.150 is hereby amended to read as follows:

Sec. 29.10.150. - Number of off-street spaces required.

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(b) *Parking requirements for downtown.* In addition to other parking requirements, one visitor parking space for each residential unit other than detached single-family or two-family dwelling shall be required unless the Planning Commission makes a finding that more or less visitor parking is necessary due to the size or type of housing unit(s). The parking requirement for various uses in the downtown are as follows:

- (1) *Retail and commercial stores shops, restaurants, bars, taverns and nightclubs.* One (1) parking space for each three hundred (300) square feet of gross floor area.
- (2) *Business and professional offices, banks, financial institutions, insurance companies, social service agencies and studios.* One (1) parking space for each two hundred fifty (250) square feet of gross floor area.
- (3) *Theaters.* One (1) parking space for each three hundred (300) square feet of gross floor area.

- (4) For uses not specifically listed in this subsection the requirements shall be as set forth in subsection (c).
- (c) *Outside downtown parking requirements.* The number of off-street parking spaces required for areas outside the downtown is set in this subsection. When a use is not listed in this subsection, the Planning Director shall determine the parking requirements by analogy to the requirements for the listed uses. In addition to other parking requirements, one visitor parking space for each residential unit other than a detached single-family or two-family dwelling shall be required, unless the Planning Commission makes a finding that more or less visitor parking is necessary due to the size or type of housing unit(s).
- (1) *Single-family, residential condominiums and two-family dwellings.* Two (2) parking spaces for each living unit.
- (2) *Secondary dwelling units.* Parking spaces shall be provided in addition to the required minimum number of parking spaces for the primary dwelling unit as follows:
- Interior secondary dwelling unit1 space
- Attached secondary dwelling unit1 space
- Detached secondary dwelling unit2 spaces
- (3) *Multiple-unit dwellings in all zones and two-family dwellings in the R-1D zone.* One and one-half (1½) times the number of living units in such dwellings.
- (4) *Hotels, motels and auto courts.* One (1) parking space for each guest room or suite, plus one (1) parking space for each employee.
- (5) *Lodginghouses, boardinghouses.* One (1) parking space for each two (2) beds in such building, plus one (1) parking space for each employee.
- (6) *Hospitals.* One and one-half (1½) parking spaces for each bed. For uses not specifically listed in this subsection the requirements shall be as set forth in section 29.10.150(c).
- (7) *Sanitariums, convalescent homes and rest homes.* One (1) parking space per two and one-half (2½) beds.
- (8) *Medical or dental clinic or office.* One (1) parking space for each two hundred fifty (250) square feet of gross floor area or six (6) spaces per doctor; whichever is more restrictive.

- (9) *Retail and commercial stores shops, restaurants, bars, taverns and nightclubs.* One (1) parking space for each two hundred thirty-five (235) square feet of gross floor area.
- (10) *Business and professional offices, banks, financial institutions, insurance companies, social service agencies and studios.* One (1) parking space for each two hundred thirty-five (235) square feet of gross floor area.
- (11) *Household furniture, appliances and furniture repair shops.* One (1) parking space for each three hundred fifty (350) square feet of gross floor area.
- (12) *Enclosed automobile or machinery sales.* One (1) parking space for each four hundred seventy (470) feet of gross floor area.
- (13) *Open sales areas.* Two (2) parking spaces for each employee.
- (14) *Service stations and auto repair and auto service businesses.* Two (2) parking spaces for each grease rack or working bay, plus one (1) parking space for each employee.

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SECTION II

With respect to compliance with the California Environmental Quality Act (CEQA), the Town Council finds as follows:

- A. This ordinance is not subject to review under CEQA pursuant to sections and 15061(b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendment to the Town Code would have significant impact on the environment; and
- B. The proposed Town Code amendments are consistent with the General Plan and its Elements.

SECTION III

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This Town Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION IV

Except as expressly modified in this Ordinance, all other sections set forth in the Los Gatos Town Code shall remain unchanged and shall be in full force and effect.

SECTION V

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on March 20, 2018 and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on April 3, 2018 and becomes effective 30 days after it is adopted.

In Lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

COUNCIL MEMBERS:

AYES: Marcia Jensen, Steve Leonardis, Marico Sayoc, Mayor Rob Rennie

NAYS: Barbara Spector

ABSENT: None.

ABSTAIN: None.

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____