



TOWN OF LOS GATOS
PLANNING COMMISSION STAFF REPORT
Meeting Date: October 14, 2015

ITEM NO: 4

PREPARED BY: Lynne E. Lampros, Deputy Town Attorney
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APPLICATION NO: Town Code Amendment A-15-003

LOCATION: Downtown, Parking Assessment District

APPLICANT: Town of Los Gatos

APPLICATION SUMMARY: Public hearing to consider adoption of amendments to Section 29.10.145 of Chapter 29 (Zoning Regulations) of the Town Code allowing businesses to charge for valet parking services within private parking lots.

RECOMMENDATION: Forward to Town Council with a recommendation for adoption.

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)].

FINDINGS:

- Find 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)].
- The Planning Commission must make a finding that the Town Code amendments are consistent with the General Plan if the recommendation is for adoption.

ACTION: Recommendation to Town Council.

EXHIBITS: 1. Draft Town Code Amendments, Section 29.10.145 of Chapter 29

BACKGROUND:

For decades, the Town of Los Gatos has been working on ways to increase parking space inventory throughout Downtown to allow customers to park more easily when shopping, dining, and participating in the many services offered here. Adding spaces through increased parking areas such as new parking lots and structures is a costly and lengthy process. While this option is currently being explored through a Request for Interest process, the Town continues to seek more immediate and cost effective solutions to provide parking opportunities for customers.

Recently, Town Staff and Council Members have been approached by Downtown business owners interested in operating valet parking services for a charge within their privately owned parking lots. The current provisions of the Town Code only allow for a valet parking service to be offered if the service is offered free of charge within the Parking Assessment District and with an approved Parking Lot Permit.

A Parking Lot Permit may be obtained by a business or property owner upon review and approval by the Development Review Committee (DRC). Lyndon Plaza, on the corner of S. Santa Cruz Avenue and W. Main Street, is the only private lot with a current permit to operate a free valet service.

The Town recognizes that valet parking is an effective way to park more cars within the same amount of parking lot space and that providing such a service can be costly. Each December, the Town provides valet parking to customers during the peak holiday shopping season to encourage shoppers to patronize Los Gatos. This program operates free of charge in Parking Lot 4, between Grays Lane and Elm Street, and continues to be a successful way to park more cars and create a desirable amenity to both customers and employees. While this service is beneficial, it is costly. If an independent business wanted to add a similar service within their own lot on an ongoing basis under the Town's current code, they would need to absorb the entire cost.

DISCUSSION:

Los Gatos Municipal Code section 29.10.145 (g)(3) currently allows a private parking lot, located within the Town Parking Assessment District, to provide valet parking only if it is offered free of charge to the user. Section 29.10.145 (g)(3) currently reads as follows:

.....

(g) Commercial operation of parking spaces.

.....

(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 is provided 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 ability to revoke the parking lot permit for valet parking with a minimum of ten (10) days' notice.

.....

While valet parking is a convenient way for residents and visitors to access the Town's businesses; valet parking has the potential to disrupt vehicular and pedestrian traffic if not regulated. The proposed amendments to Town Code Section 29.10.145 (g)(3) would change Subsection a. to allow for valet parking with a charge. In addition, the proposed amendments would require property owners or tenants to continue to secure a Parking Lot Permit prior to providing valet parking services. Maintaining Code Subsections b – c and adding the other subsections is important to enable the Town to evaluate a private property valet parking request on the basis of emergency vehicle access, ADA compliance and other safety issues and potential impacts on the Town.

The amendments also require, in part, that valet parking operators are licensed and insured and that operators have secured sufficient accessible private off-street parking spaces. On-street parking spaces and Town owned or operated parking facilities would not be allowed to be used by permittees to park vehicles. The proposed amendments would ensure, among other safeguards, that permits will not be issued where the drop-off or pick-up of vehicles will interfere with the safe operation of traffic or result in a delay of traffic. Among other restrictions, the proposed amendments to the Ordinance would require that valet parking stands not interfere with pedestrian traffic and that liability and damage insurance naming the Town as an additional insured and defending and indemnifying the Town from liability. The proposed Ordinance provides for the ongoing regulation of valet parking operations and the authority of the Town to revoke or suspend a permit. Further it would enable the Town to require insurance and agreements for the assignment of sole liability to the applicant.

The proposed amendments to Section 29.10.145 (g)(3) are shown below in red, underlined font. There are no proposed deletions.

- 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 and ADA 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. Applicants for permits for valet parking services may be the property owner, if consent has been obtained from all tenants with the right to use the private parking lot, or a business owner with the right to use the private parking lot, if consent has been obtained from the property owner and all other tenants with the right to use the private parking lot.
- e. Providers of valet parking services shall be commercially licensed and insured vendors holding a valid occupational license.
- f. Permits shall be issued only to applicants that provide documentation that they have procured sufficient accessible private off-street parking spaces for their valet parking services.
- g. On-street parking spaces and parking spaces owned or maintained by the Town shall not be used by the permittee to park vehicles.
- h. The valet parking service area shall not be located on a public right-of-way.
- i. The location of the valet parking queue is restricted to existing designated off-street parking area.
- j. Permits will not be issued where the drop-off and pick-up of vehicles will interfere with the safe operation of driveways, street intersections, crosswalks or other prohibited areas.
- k. Permits will not be issued where the stacking of drop-off and/or pick up of vehicles will interfere with the safe traffic operation on adjacent streets or unduly delay or interfere with normal traffic operations.

- l. The permittee shall conduct valet parking services only during the hours of operation of the permittee's business.
- m. The permit issued shall be personal to the permittee only and shall not be transferable in any manner.
- n. Prior to the issuance of a permit, the applicant shall furnish the Town with a liability and property damage insurance for the benefit of the Town and a signed statement that the permittee shall hold-harmless, indemnify and defend the Town for any claims for damages.
- o. 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 permit application if any criteria 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.

ENVIRONMENTAL REVIEW:

The project is exempt from environmental review pursuant to CEQA Guidelines under the General Rule [Section 15061 (b) (3)]. The project involves updates and revisions to existing regulations. The proposed Code amendments are consistent with California Law, specifically Government Code section 65850.5 and Civil Code section 714. It can be seen with certainty that the proposed Town Code amendments will have no significant negative effect on the environment.

PUBLIC COMMENTS:

No public comments have been received at the time of this report preparation.

CONCLUSION AND RECOMMENDATION:

A. Conclusion

Based on their consistency with the General Plan and State Law requirements to implement these amendments, staff recommends that the Planning Commission forward the draft Town Code amendments to the Town Council with a recommendation for adoption as outlined below.

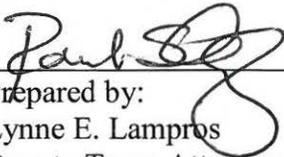
B. Recommendation

For the reasons discussed in this report, staff recommends that the Planning Commission forward the draft Town Code amendments to the Town Council with a recommendation for adoption. The Commission should also include any comments or recommended changes to the draft Town Code amendments in taking the following actions:

1. Find 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)].
2. Make the required finding that the Town Code (Zoning Regulation Ordinance) amendments are consistent with the General Plan; and
3. Forward a recommendation to Town Council for adoption of the amendments to the Town Code (Exhibit 1).

Alternatively, the Planning Commission may:

1. Forward a recommendation to the Town Council for adoption of the Town Code amendments with modifications; or
2. Forward a recommendation to the Town Council for denial of the Town Code amendments; or
3. Continue the matter to a date certain with specific direction.



Prepared by:
Lynne E. Lampros
Deputy Town Attorney



Approved by:
Laurel R. Prevetti
Town Manager/Community Development
Director

ORDINANCE NO.

**ORDINANCE OF THE TOWN OF LOS GATOS
AMENDING SECTION 29.10.145 OF THE LOS GATOS TOWN CODE TO
ALLOW BUSINESSES TO CHARGE FOR VALET PARKING SERVICES WITHIN
PRIVATE PARKING LOTS.**

WHEREAS, to promote the safe and legal operation of valet parking services for the use and convenience of businesses and the general public, the Town Council desires to adopt regulations that allow businesses to charge for valet parking services within the Town;

WHEREAS, the Town Council has reviewed the recommended ordinance and has determined that it is in the best interest of the public health, safety and general welfare of the Town, its residents and visitors to adopt the amendments to Section 29.10.145 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 29.10.145 (g)(3) is hereby added to read as follows:

- (g) *Commercial operation of parking spaces.*
- (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 and ADA 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. Applicants for permits for valet parking services may be the property owner, if consent has been obtained from all tenants with the right to use the private parking lot, or a business owner with the right to use the private parking lot, if consent has been obtained from the property owner and all other tenants with the right to use the private parking lot.

- e. Providers of valet parking services shall be commercially licensed and insured vendors holding a valid occupational license.
- f. Permits shall be issued only to applicants that provide documentation that they have procured sufficient accessible private off-street parking spaces for their valet parking services.
- g. On-street parking spaces and parking spaces owned or maintained by the Town shall not be used by the permittee to park vehicles.
- h. The valet parking service area shall not be located on a public right-of-way.
- i. The location of the valet parking queue is restricted to existing designated off-street parking area.
- j. Permits will not be issued where the drop-off and pick-up of vehicles will interfere with the safe operation of driveways, street intersections, crosswalks or other prohibited areas.
- k. Permits will not be issued where the stacking of drop-off and/or pick up of vehicles will interfere with the safe traffic operation on adjacent streets or unduly delay or interfere with normal traffic operations.
- l. The permittee shall conduct valet parking services only during the hours of operation of the permittee's business.
- m. The permit issued shall be personal to the permittee only and shall not be transferable in any manner.
- n. Prior to the issuance of a permit, the applicant shall furnish the Town with a liability and property damage insurance for the benefit of the Town and a signed statement that the permittee shall hold-harmless, indemnify and defend the Town for any claims for damages.
- o. 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 permit application if any criteria 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.

SECTION II

The Town Council finds and determines that the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines under the General Rule (Section 15061(b)(3)), which sets forth that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that the proposed Town Code text amendments will have no significant negative effect on the environment.

SECTION III

If any provision of this ordinance or the application thereof to any person or circumstances 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 shall take effect thirty (30) days after its adoption. 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 City Clerk, pursuant to GC 36933(c)(1).

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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