



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 12/11/2024

ITEM NO: 4

DATE: December 6, 2024
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Forward a Recommendation to the Town Council on an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code Regarding Parking Standards, Pursuant to Implementation Program AA of the 2023-2031 Housing Element. Adoption of this Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in that it can be Seen with Certainty that it will not Impact the Environment. Town Code Amendment Application A-24-009.
Project Location: Town Wide. Applicant: Town of Los Gatos.

RECOMMENDATION:

Forward a recommendation to the Town Council on an Ordinance amending Chapter 29 (Zoning Regulations) of the Town Code regarding parking standards, pursuant to Implementation Program AA of the 2023-2031 Housing Element.

CEQA:

The proposed amendments are exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), because it can be seen with certainty that they will not significantly affect the physical environment in that they make modifications to parking standards.

FINDINGS:

- The proposed amendments are exempt pursuant to CEQA, Section 15061(b)(3); and
- The proposed amendments to Chapter 29 of the Town Code are consistent with the General Plan.

PREPARED BY: Sean Mullin, AICP
Planning Manager

Reviewed by: Community Development Director and Town Attorney

BACKGROUND:

Implementation Program AA of the Housing Element requires that the Town initiate a study and outreach, including developers, to make specific updates that would reduce parking standards in the Town by taking the following actions:

1. Align parking requirements with the preparation of Objective Design Standards (ODS).
2. Reduce parking requirements near transit.
3. Remove guest parking requirements for all residential and mixed-use projects in all zones.
4. Allow parking to be unbundled from residential units.

DISCUSSION:

Staff has initiated the study and outreach process included in Program AA. The following items included in Program AA have been forwarded to the Planning Commission ahead of completing the study and outreach process due to their relative simplicity and in an effort to continue to make progress on the Implementation Programs included in the 2023-2031 Housing Element. Staff anticipates returning with additional Town Code amendments related to parking in Spring 2025.

Item #1

Item #1 requires that the Town's parking requirements align with preparation of the ODS. This item was developed with the assumption that the ODS, which were still being developed at the time, would include parking requirements stipulating the quantity of parking required for qualifying projects. During development of the ODS document, it was determined that the existing parking requirements included in the Town Code were objective and it was not necessary to repeat these requirements in the ODS document. Therefore, no parking requirements were included in the final ODS and no action is needed by the Town to complete Item #1.

Item #2

Item #2 requires that the Town reduce parking requirements near transit. The Town Code currently requires multi-family developments to provide one and one-half parking spaces per dwelling unit. Since the term "transit" is ambiguous and open to interpretation, the following provides several defined terms in state law and the Town Code related to transit in the context of parking requirements.

State law primarily relies on two definitions when addressing parking requirements near transit: *major transit stop*; and *high-quality transit corridor*.

Public Resources Code Section 21064.3 defines a *major transit stop* as a site containing any of the following:

- (a) An existing rail or bus rapid transit station.
- (b) A ferry terminal served by either a bus or rail transit service.
- (c) The intersection of two or more major bus routes with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute periods.
- (d) A site in an urbanized area that is served by an on-demand transit service at least 12 hours each day, seven days per week.

Public Resources Code 21155 defines a *high-quality transit corridor* as a corridor with fixed route bus service with service intervals no longer than 20 minutes during peak commute hours.

The State Density Bonus Law allows the following parking ratios by-right:

- (A) Zero to one bedroom: one onsite parking space.
- (B) Two to three bedrooms: one and one-half onsite parking spaces.
- (C) Four and more bedrooms: two and one-half parking spaces.

Density Bonus Law allows for further parking ratio reductions for specific scenarios when a development is located within one-half mile of a *major transit stop*.

The Town's ADU ordinance, which is consistent with state law, eliminates additional parking requirements for ADUs located within one-half mile walking distance of *public transit*, interpreted to mean any transit stop, regardless of service intervals. This provision of the ADU ordinance applies to those areas of Town within one-half mile walking distance of the three VTA bus routes currently serving the Town.

The Town's SB 9 ordinance, which is consistent with state law, eliminates parking requirements for units located within one-half mile walking distance of a *major transit stop*, *high-quality transit corridor*, or where there is a designated parking area for one or more car-share vehicles within one block of the parcel. As noted above, there are no *major transit stops* in the Town and only a limited area of the Town within one-half mile of a *high-quality transit corridor*.

Based on an analysis of VTA's system map (Exhibit 3) and frequency tables (Exhibit 4), there are no *major transit stops* within Town boundaries or within one-half mile of the Town boundary. Portions of Bascom Avenue and Samaritan Drive meet the definition of *high-quality transit corridor*, as they are served by VTA bus Route 61 having a peak service interval of 15 minutes. The other two VTA routes serving the Town have peak service intervals of 30 minutes (Route 27) and 60 minutes (Route 37) and would not qualify as *high-quality transit corridors*.

To implement Item #2, staff recommends that the Town Code Section 29.10.150 (c)(3) be amended to reduce the parking requirements for multi-family residential developments and mixed-use developments that include a multi-family residential component from one and one-half parking spaces per dwelling unit to one parking space per dwelling unit when the parcel is located within one-half mile of a *transit stop*. Staff recommends using *transit stop* to ensure that the intended impact of Item #2 is met. If the Town Code were amended to reduce parking standards near *major transit stops* and/or *high-quality transit corridors*, the change would have little impact and may not satisfy the intent of this implementation program.

- (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, except multiple-unit dwellings and mixed-use developments that include a multiple-unit dwelling component that are located within one-half (½) mile walking distance of a transit stop shall provide one (1) parking space per dwelling unit.

Item #3

Item #3 requires that the guest parking requirements included in the Town Code be eliminated. Currently, in addition to other parking requirements, the Town Code requires one visitor parking space for each residential unit other than a detached single-family or two-family dwelling throughout the Town. The proposed amendments to the Town Code would eliminate the guest parking requirements contained in Town Code Section 29.10.150 (b) and (c).

- (b) ~~Parking requirements for downtown. In addition to other parking requirements, one (1) 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:
- (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 (1) 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).~~

Item #4

Item #4 requires that the Town allow parking to be unbundled from residential units. California Civil Code § 1947.1 defines “unbundled parking” as the practice of selling or leasing parking

spaces separate from the lease of the residential property. Staff is currently studying existing state law and programs in other municipalities regarding unbundled parking to determine an appropriate approach for the Town. Staff anticipates returning to the Planning Commission with amendments to the Town Code regarding unbundled parking in Spring 2025.

Additional Code Amendments for Parking

In addition to the items above, staff has included the following clean up amendments to the parking division of the Town Code:

- Reintroduce the following parking requirements in Section 29.10.150 (b) that were erroneously removed through a Town Code amendment related to economic vitality completed in 2023.
 - (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).
- Remove language from 29.10.150 (c)(6) parking requirements for hospitals, that is unrelated to parking requirements for hospitals.
 - (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 subsection 29.10.150(c).

CEQA DETERMINATION:

The proposed amendments are exempt pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that they will not significantly affect the physical environment in that they make modifications to parking regulations.

CONCLUSION:

A. Summary

The proposed amendments to the Town Code related to parking respond to Implementation Program AA of the 2023-2031 Housing Element.

B. Recommendation

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 proposed amendments to Chapter 29 of the Town Code (Exhibit 2). The Planning Commission should also include any comments or recommended changes to the proposed amendments in taking the following actions:

1. Make the finding that the proposed amendments to the Town Code are exempt pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that they will not significantly affect the physical environment in that they make modifications to parking regulations (Exhibit 1);
2. Make the required finding that the proposed 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 proposed amendments to Chapter 29 of the Town Code (Exhibit 2).

C. Alternatives

Alternatively, the Commission can:

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

COORDINATION:

This report was coordinated with the Town Attorney's office.

EXHIBITS:

1. Required Findings
2. Proposed amendments to the Town Code
3. VTA System Map excerpt
4. VTA Frequency Chart