



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: January 28, 2009

APPLICATION: **Zoning Amendment No. ZA08-0010, Specific Plan Amendment No. ST08-0003, Parking Requirements Amendment**

APPLICATION
SUMMARY:

A request to amend the City of Milpitas Parking regulations regarding the amount of parking required, parking design standards and formatting changes to the section. The section affects parking for all zoning districts and uses within the City. The proposed changes would affect new or remodel projects, including those within the Midtown and Transit Area Specific Plans.

LOCATION: Citywide
 APPLICANT: City of Milpitas
 OWNER: Not Applicable

RECOMMENDATION: **Staff recommends that the Planning Commission:**
1. Close the public hearing following public testimony; and
2. Adopt Resolution No. 09-007 recommending approval of the amendments to the City Council.

PROJECT DATA:
 General Plan/
 Zoning Designation: Various
 Overlay District: Various
 Specific Plan:

Site Area: Not Applicable

CEQA Determination: Staff determined the project to be exempt pursuant to Section 15061 of the CEQA Guidelines. The activity is covered by the general rule that CEQA applies only to projects, which have the potential causing a significant effect on environment.

PLANNER: Sheldon S. Ah Sing, Senior Planner

PJ: None

ATTACHMENTS: A. Strikeout and underline changes to parking regulations
 B. Planning Commission Report (October 22, 2008)

- C. Planning Commission meeting minutes (October 22, 2008)
- D. Parking Task Force meeting minutes (December 11, 2008)
- E. Resolution No. 09-007

BACKGROUND

In April 2007, the Council approved the membership of the Parking Task Force and their work plan to address parking issues throughout the City. Since that time staff and the Task Force have progressed through various tasks including research, public outreach and now presenting a draft ordinance.

Section 53 of the Zoning ordinance is intended to establish minimum requirements for the off-street parking of motor vehicles in accordance with the use established on the property; relieve congestion on streets, and to provide more fully for movement of traffic, maneuvering of emergency vehicles or street maintenance equipment; protect neighborhoods from vehicular traffic congestion generated by the adjacent nonresidential uses of land; and promote the general welfare and convenience and prosperity of residential, commercial and manufacturing developments which depend upon the availability of off-street parking facilities.

Individual Specific Plans also include parking regulations and requirements. In many cases, requirements not listed within the Specific Plan are then regulated by Section 53.

Staff presented the proposed parking regulation changes to the Planning Commission on October 22, 2008. At that hearing, the Planning Commission recommended additional changes to the guest and tandem parking requirements including making them applicable to the Transit Area Specific Plan.

Since the Transit Area Specific Plan was recently approved, staff conducted an outreach meeting to the Transit Area Stakeholders, a group of property owners and builders that were consulted during the creation of the Specific Plan. An additional Parking Task Force meeting was also held on December 11, 2008. .

PROJECT DESCRIPTION

Four issues (compact parking in commercial zones, residential parking, backup distance requirements and restaurant parking) were brought up by the public during the outreach efforts of the Parking Task Force. In addition to addressing the issues raised by the public and the Task Force, staff is also proposing parking design standard changes, additional land use categories for parking standards and introduces a new way to analyze shared parking for multiple users of a single parking pool. It is expected that these changes would not be retroactive, but only applicable to properties contemplating a remodel or a vacant lot with new construction.

ATTACHMENT A INCLUDES THE STRIKEOUT AND UNDERLINE CHANGES TO THE PARKING REGULATIONS.***Issues introduced by the public & the Parking Task Force***

Compact Parking in Commercial Zones. There is interest in allowing compact parking in commercial zones when 10 or more parking spaces are onsite (consistent with requirements for Industrial zones). This amendment introduces compact parking in commercial zones and requires that the parking be dispersed throughout the parking lot. One way to achieve that is to place compact parking next to landscaped fingers or at the end of a parking row. Allowing a maximum of 40% of compact parking would encourage efficient use of the parking lot. The Planning Commission recommend approval of this change at their October meeting.

Residential Parking. Public concerns over spillover parking onto streets and the lack of parking onsite. Presently for R1 (single family) and R2 (duplex) only two parking spaces are required for each dwelling unit. For R1 and R2 projects, staff is recommending an increase in parking for new and remodeled projects resulting in four or more bedrooms to add one additional space for each additional bedroom. Increasing the parking when additional bedrooms are created beyond three bedrooms could alleviate parking issues on the street. The Planning Commission supported this change at the October meeting.

Presently, for R3 through R5 (multi-family) studio units require 1 parking space, and 1 or 2 bedrooms require 1.5-2 parking spaces. R3 projects require 20% guest parking, while R4 and R5 require 15% guest parking. For R3 through R5 projects, staff is recommending for new and remodels projects resulting in three or more bedrooms to add one space for each additional bedroom. The Planning Commission supported this change at the October meeting.

In addition, staff is recommending an increase in guest parking for R4 and R5 projects from 15% to 20%. Increasing the parking when additional bedrooms are created beyond three bedrooms could alleviate parking issues on the street. Increasing the guest parking requirement would bring consistency to the multi-family zoning districts. The Planning Commission recommended a guest parking requirement of 25% and that it also apply in the newly created Transit Area Specific Plan.

Significant concern was expressed by two of the stakeholders within the Transit Area over this proposed change. One, which owns and operates the Crossings apartment complex located on Capitol Avenue, demonstrated that the 1.72 parking spaces per bedroom provided at their project has not resulted in any parking problems. They also ensure the management team enforces the no storage policy in the 54 garages. A representative from Milpitas Station, which recently received tentative map approval for a new project in the Transit Area, has provided a letter detailing their concerns among which are the significant costs in providing parking and the ability to meet higher densities when more area is required for cars.

The Parking Task force changed their recommendation on the guest parking requirement at their December meeting from 20% outside of the Transit Area to 25% citywide (including the Transit Area).

Back up distance requirements. Public concerns about lack of sufficient area when backing out of garages in newer developments. Staff is recommending there be a minimum unobstructed maneuvering distance of 25 feet from the opening of a garage or carport. This clearance should allow for sufficient maneuvering for vehicles, especially at the ends of drive aisles for multi-family projects. The Planning Commission supported this change at the October meeting.

Restaurant parking. The public and the Task Force both expressed concerns about the lack of available parking for restaurants. In addition, enforcement of the maximum amount of seating allowed per establishment is difficult because the amount of seats allowed is tied to the available parking, although the dining area could have more capacity based on the fire department occupancy.

Staff reviewed various parking standards and analyzed several scenarios using information from existing restaurants throughout the City. Staff is recommending basing the parking requirement for sit-down restaurants on the maximum building occupancy established by the Fire Department for the dining area of the restaurant. The parking ratio would be one (1) parking space per 2.6 persons based on the maximum dining room occupancy established by the Fire Department. Staff originally proposed a requirement of one parking space per 2.6 seats but is now recommended a simpler application of the same requirement. Since the Building Code assumes one person per 15 square feet for a restaurant, we could arrive at a simple parking space per square foot requirement by multiplying 2.6 persons by 15 square feet and get 39 square feet. Therefore, the proposed parking ratio for sit-down restaurants is recommended to be one space per 39 square feet. This would allow more flexibility to the restaurant owner in designing a dining room and allow for easier enforcement of the amount of seating allowed. The Planning Commission supported the original recommended change at the October meeting.

Tandem parking

Prior to the adoption of the Transit Area Specific Plan, there was no limit on the amount of tandem parking within residential projects. With the adoption of the Transit Area Specific Plan, the maximum amount of tandem was reduced to 75% and all requests for tandem parking requires the approval of a Conditional Use Permit from the Planning Commission given some recent concerns over the function of tandem parking in new projects.

At their September meeting, the Parking Task Force indicated support for reducing the maximum amount of tandem parking from 75% to 50% of the total required parking. The Planning Commission recommended a reduction in the maximum amount to 25% and having applied citywide at the October meeting.

Tandem parking was discussed at length at both the Stakeholder and Task Force meetings in December. There was general consensus by all parties that tandem parking was more effective in a structured parking facility (e.g. podiums and parking garages) versus in an individual garage integrated into a dwelling unit. Tandem spaces are easier to access in structured parking and will not be covered by storage as is often the case in individual garages. The concerns stated in Milpitas Stations' letter also apply to tandem parking.

The Parking Task force changed their recommendation at their December meeting from 50% tandem outside of the Transit Area to 25% citywide (including the Transit Area) for projects with individual garages and 35% for projects with structured parking.

Staff initiated changes

The Planning Commission recommended approval of the changes below at the October meeting except for the new proposal by staff to simplify how required spaces are rounded up which was not included in the October proposal.

Shared parking. Presently, the Parking Ordinance allows for the joint use of parking for certain types of uses that off-set each other's demand for parking (day, night or weekend), such as religious facilities, theaters, and banks or offices. Staff recommends revamping "joint use" parking to be consistent with ULI standards and provide flexibility. Recommend that shared parking may be used when uses demonstrate parking demand is shown to have different peaks throughout the day or when a shopping center has over 20% of gross leasable area occupied by restaurant and entertainment uses.

Revamping the shared parking analysis would provide consistency for those utilizing shared parking methodology. In addition, using this methodology will allow for the City to evaluate a broader spectrum of uses rather than just a limited number identified in the current parking ordinance.

Parking design standards. As a part of this amendment staff is introducing interior dimensions for independently accessible garage and tandem garage spaces. Staff is recommending that the interior dimensions for independently accessible garages be a minimum of 19 feet deep by 18 feet wide. The minimum interior dimensions for tandem garages would be thirty-eight feet deep by nine (9) feet wide.

Rounding. The present code requires that fractional numbers up to .74 are rounded down to the nearest whole number. Staff is proposing that when units or measurements determining the number of required off-street parking spaces result in a requirement of fractional space, any fraction up to and including (.49) shall be rounded down to the nearest whole number and fractions including and over (.50) shall be rounded up to the nearest whole number. For example, 7.41 would be rounded to 7 and 7.61 would be rounded to 8.

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan

The table below outlines the project’s consistency with applicable General Plan Guiding Principles and Implementing Policies:

Table 1
General Plan Consistency

Policy	Consistency Finding
<i>2.a-I-3: Encourage economic pursuits which will strengthen and promote development through stability and balance.</i>	Consistent. The amendments to the parking regulations will help balance supply and demand of parking for various land uses.

Zoning Ordinance

With the proposed changes the intent is create an internally consistent document. Where possible, land use classifications were made consistent with those used in the land use zone tables for residential and mixed use sections used to identify permitted and conditionally permitted land uses. In addition, Section 2, Definitions, of the Zoning Ordinance was consulted to ensure that there were no conflicts.

Specific Plans

The specific plans were established to include some unique development standards that are applicable to development within a certain geographic area. Parking standards are established for both the Midtown and Transit Area Specific Plan. The goals for Transit Area specific plan are to promote the use of transit and reduce the use of the automobile. Any changes to the parking requirements affecting the specific plans will require amendments to those plans.

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that the project is exempt pursuant to Section 15061 of the CEQA Guidelines. The activity is covered by the general rule that CEQA applies only to projects, which have the potential causing a significant effect on environment.

PUBLIC COMMENT/OUTREACH

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public. A Transit Area Stakeholder and Parking Task Force meeting were both held on December 11, 2008, to solicit additional comments on the proposed changes.

CONCLUSION

One of the primary causes of parking congestion at newer residential projects is private garages being used for storage instead of parking. Staff has not received any parking complaints from residents living in projects with structured parking where there is no choice but to use the parking spaces as they were designed. These projects with structured parking have the same guest parking requirements as the projects that have private garages. One project has 43% tandem spaces within the parking structure and has not had any parking issues. A five percent (5%) increase (15% to 20%) in the guest parking requirement outside of the Transit Area could be supported and would provide a buffer for new projects that include private garages.

The functionality of tandem parking depends in large part on adequate access to the tandem spaces. Since all tandem parking currently requires approval of a conditional use permit, the Planning Commission and staff can ensure that tandem parking is limited to only those locations where it is deemed appropriate and can function adequately. The use of tandem spaces within structured parking has been used successfully and will continue to be utilized in future higher density projects.

Staff's simplified proposed parking ratio for restaurants will ensure consistency and reduce confusion for applicants. In addition, the rounding for fractional measurements ensures practical and reasonable expectations for parking requirements. The proposed changes to the parking regulations will help streamline the development review process in that many shortcomings of the existing code are addressed, thus resulting in less time spent on internal staff discussion and inquiries to adjacent jurisdictions regarding how to treat a parking situation. In addition, the amendments allow for more flexibility with respect to parking for shopping centers with various uses having off-setting peak demands.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission adopt Resolution No. 08-058 recommending approval of the amendments to the City Council.

Attachments:

- A. Strike-through and underline exhibit for Parking regulation changes
- B. Resolution No. 08-058
- C. Milpitas Station letter
- D. October 22, 2008, PC meeting minutes

Exhibit 1

SECTION 53 OFF-STREET PARKING REGULATIONS

10-53.01 Purpose and Intent
10-53.02 Scope of Regulations
10-53.03 Continuation of Off-street Parking Spaces
10-53.04 Permissive Parking Facilities
10-53.05 Mixed Occupancies
10-53.06 Uses Not Specified
10-53.07 Joint Use
10-53.08 Required Improvements
10-53.09 Screening and Landscaping
10-53.10 Lighting
10-53.11 Signs
10-53.12 Fencing
10-53.13 Sales, Storage and Advertising
10-53.14 Compact Stalls
10-53.15 Bicycle or Motorcycle Spaces
10-53.16 Parking Standards in Other Sections
10-53.17 Parking Stall Location
10-53.18 Spaces for Physically Disabled
10-53.19 Markings and Modifications To Lots and Spaces
10-53.20 Tandem Spaces
10-53.21 Measurement Standards and Definitions
10-53.22 Parking Table: Angles and Dimensions
10-53.23 Parking Schedule

10-53.01 Purpose and Intent
10-53.03 Applicability
10-53.05 Maintenance of Off-street Parking
10-53.07 Types of Parking Allowed
10-53.09 Off-Street Parking Required by Land Use
10-53.11 Shared Parking
10-53.13 Design Standards for Off-Street Parking Facilities

53.01 Purpose and Intent

The following off-street parking requirements are regulations which are established in order to achieve, among others, the following purposes:

1. To establish minimum requirements for the off-street parking of motor vehicles in accordance with the use established on the property;
2. To relieve congestion on streets, and to provide more fully for movement of traffic, maneuvering of emergency vehicles or street maintenance equipment;
3. To protect neighborhoods from vehicular traffic congestion generated by the adjacent nonresidential uses of land; and
4. To promote the general welfare and convenience and prosperity of residential, commercial and manufacturing developments which depend upon the availability of off-street parking facilities.

53.03 Scope of Regulations Applicability

Off-street parking spaces shall be provided in accordance with the schedule in **Table 53.09-1, Number of Parking Spaces Required, of this Section** ~~Subsection 53.23~~ and improved as per Section 54.03 as a condition precedent to the occupancy of an institutional, commercial or manufacturing use and in conformance with other provisions of this Chapter:

1. Whenever a building is constructed; or
2. Whenever an existing building or use is altered, resulting in an increase in floor area, seating capacity or other units of measurement specified herein for required parking or loading facilities; or
3. Whenever the use of an existing building is changed to a use requiring fifty (50) percent or more off-street parking spaces, as determined by the provisions of **Table 53.09-1, Number of Parking Spaces Required, of this Section** ~~Section 53.23~~. (Ord. 38.760 (3), 9/17/02; Ord. 38 (part), 3/15/55)

53.05 Maintenance of Off-Street Parking

A. Continuation of Off-Street Parking. All off-street parking spaces shall continue unobstructed in operation, shall not be used for vehicle repair work of any kind unless within a building, and shall not be reduced below the required size as long as the **primary main** use remains, unless an equivalent number of spaces is provided for said use in another approved location. This does not apply to those parking spaces which are established on a voluntary basis which are in excess of the requirements of this Chapter. (Ord. 38 (part), 3/15/55)

B. Temporary Sales, Storage and Advertising. The sale or storage of merchandise in permissive parking areas ~~may shall~~ be allowed by the Planning Commission **Subcommittee through the approval of a Minor Site Development Permit** ~~as provided for in Section 42 of this Chapter~~ and subject to such reasonable conditions as may be deemed necessary by the Planning Commission to insure adequate parking, access and circulation.

In no event shall any off-street parking space (permissive or otherwise) or lot be used for the stopping, standing or parking of any vehicle(s) for either the purpose of selling such vehicle (excluding an approved car sales lot), or advertising any other property, services or products on said vehicle. (Ord. 38.665 (part), 10/29/91; Ord. 38 (part), 3/15/55)

C. Maintenance. All parking areas shall be kept clean and free of dirt, oil, mud or trash; pavement and striping shall be maintained in a continuous state of good repair.

14.07 Types of Parking Allowed

A. Standard Parking Spaces. **The number of parking spaces required for various land uses shall be as required in Table 53.09-1, Number of Parking Spaces Required. Parking spaces shall be designed as required in Subsection 53.13, Design Standards for Off-Street Parking Facilities, of this chapter.**

B. Compact Parking Spaces. For parking areas and garages containing ten (10) or more stalls serving the following **industrial** uses **in Subsection 53.07(B)(1) within the Industrial zoning districts**, up to forty (40%) percent of the required and non-required stalls may be designed as compact stalls to accommodate compact cars.

1. Applicable uses.

a. Commercial uses (CO, C1, C2, HS, TC zones).

i. Standards. Compact stalls shall be dispersed throughout the parking lot.

b. Industrial uses.

- i. Research and Development (R and D) facilities.
- ii. Manufacturing facilities plants.
- iii. Warehouse/distribution facilities.
- iv. Other industrial uses deemed appropriate by the Planning Commission.

c. Multi-Family Residential uses.

i. Projects within R3, R4, and R5 zones.

~~2. Restrictions. No compact parking spaces shall be allowed for any commercial uses or in any commercial zoning districts except as otherwise provided for in Section 4, Mixed Use Zones and Standards, of this Chapter for MXD Zoning District requirements.~~

~~2. Design Standards. See Subsection 53.13, Design Standards for Off-Street Parking Facilities, of this Section.~~

C. Disabled Accessible Parking Spaces. Parking spaces for the physically disabled shall comply in all respects with the requirements of Title 24 of the California Code of Regulations (State Building Code) or Federal law, where such prevails over State law.

D. Tandem Parking Spaces.

1. Applicability. Tandem parking may be allowed with the approval of a Conditional Use Permit, in accordance with Section 57.04, Conditional Use Permits, of this Chapter.

2. Standards.

- a. A maximum of seventy-five percent (75%) of parking required for residential uses may be tandem parking.
- b. Tandem parking spaces shall be a maximum of two (2) parking spaces deep.
- c. When tandem parking spaces are used in garages or parking facilities with more than two (2) parking spaces, they shall be assigned and marked for resident use.
- d. For projects with a Home Owners Association, a separate disclosure for prospective property owners acknowledging the presence of tandem parking shall be included for the prospective property owner's signature.

E. Bicycle or Motorcycle Parking Spaces. The number of parking spaces required for various land uses shall be as required in Table 53.09-1, Number of Parking Spaces Required. Parking spaces shall be designed as required in Subsection 53.13, Design Standards for Off-Street Parking Facilities, of this Chapter.

14.09 Off-Street Parking Required by Land Use

A. Enforcement and Interpretation of Parking Requirements.

1. Number of Off-Street Parking Spaces Required. The number of off-street parking spaces required for the land uses identified in the Permitted and Conditional Use Tables of this Chapter are listed

in Table 53.09-1, Number of Parking Spaces Required, except where parking requirements are established in Section 13, Special Uses, of this Chapter, or exceptions to these requirements are granted in accordance with this Section.

2. **Uses not specified.** In the case of a use not specifically mentioned in Table 53.09-1, Number of Parking Spaces Required, or elsewhere in this Chapter Section 53.23, the requirements for off-street parking facilities shall be determined by the Planning Commission through the Interpretation process, in accordance with Section 61, Interpretation, of this Chapter, based on uses which create similar demands for off-street parking spaces. The Planning Commission may draw upon the experience of other local cities to make their decision.
3. **New Buildings Without Tenants.** If the type of tenants that will occupy a nonresidential building, or the nonresidential portion of a mixed-use building, is not known at the time the new building is being proposed, the number of parking spaces required for the nonresidential uses will be determined through the discretionary review process.
4. **Mixed occupancies and uses.** When two or more uses are located in the same lot or parcel of land or within the same building, the number of off-street parking spaces required shall be the sum total of the requirements of the various individual uses computed separately in accordance with the provisions of this Section and Section 13, Special Uses, when applicable.

Exception: For alternative parking computation in accordance with Subsection 53.11, Shared Parking, of this Chapter.

In the case of two (2) or more uses in the same building, the total requirements for off-street parking facilities shall be the sum of the requirements for the several uses computed separately. Off-street parking facilities for one (1) use shall not be considered as providing required parking facilities for any other use, except as hereinafter specified in Section 53.07 for joint use.

5. Measurement Standards and Definitions

For the purpose of determining off-street parking requirements, the following definitions and standards shall apply:

- a. **Gross Floor Area:** The total of all the floors measured from the interior faces of the building, and outdoor areas used for retail purposes.
- b. **Net Floor Area (NFA):** Net Floor Area shall mean the Gross Floor Areas less twenty (20) percent.
- c. **Seat:** The number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs. For places of meeting or assembly that do not include fixed seating, seven (7) square feet shall equal one (1) seat.
- d. **Employees/students:** The maximum number of employees/students on the principal shift or period.
- e. **Fractional Measurements:** When units or measurements determining the number of required off-street parking spaces result in a requirement of fractional space, any fraction up to and including (.49) three-quarters (3/4) shall be rounded down to the nearest whole number disregarded and fractions including and over three-quarters (3/4) (.50) shall be rounded up to the nearest whole number. For example, 7.41 would be rounded to 7 and 7.61 would be rounded to 8. require one off-street parking space.

6. **More than One Parking Ratio.** Where more than one (1) parking ratio is shown for a particular use, the required number of spaces shall be the total of all ratios shown. For example, the parking requirement for hotel is “1 per unit, 2 for the manager’s unit.” The total parking requirement for a hotel is the sum of the required parking for the units and two (2) spaces for the manager’s unit.

B. Permissive Parking Facilities. Nothing in this Section shall prevent the voluntary establishment of off-street parking facilities in excess of the requirements of this Section to serve any existing use of land or buildings, provided that all regulations herein governing the location, size and access design, improvement and operation of such facilities are adhered to.

Exception: The Transit Area Specific Plan has a standard for the maximum number of parking allowed.

C. Number of Parking Spaces Required. The number of off-street parking spaces required for various land uses shall be as listed in Table 53.09-1, Number of Parking Spaces Required, except for those listed specifically elsewhere in this Chapter. Unless otherwise indicated, the parking requirements are for square feet of gross floor area occupied by the use and, in the case of nonresidential uses, include the parking required for customers and employees.

Exception: Where a portion of a structure is used for automobile parking, that portion shall not be counted in calculating the required parking for the structure. If parking is eliminated and the space is occupied by another use, parking shall be required for the use as indicated for the use in this Chapter.

**Table 53.09-1
Number of Parking Spaces Required**

Use	Minimum Parking Spaces Required
A. Commercial Uses	
Commercial Services ¹ (floral shops, barber shops, dry cleaners, Laundromats, photocopy shops)	1 per 200 sq. ft.
Furniture and appliance stores and other bulky item retail	1 per 350 sq. ft.
Shopping goods, retails convenience goods, personal services and repairs, except furniture stores, restaurants, service stations and car washes General Retail Convenience Stores	<i>First Floor</i> 1 per 200 sq. ft. <i>Upper Floors</i> 1 per 300 sq. ft.
Mortuary, funeral parlor	1 per 4 seats and 1 per employee
Plant nursery	1 per 200 sq. ft.
B. Entertainment and Recreation	
Arcade and amusement	1 per 200 sq. ft.
Billiards	1 per 200 sq. ft.
Bowling Alleys including incidental accessory uses (eating and drinking, billiards, etc.)	6 per alley or lane
Clubs and Lodges	1 per 200 sq. ft.
Commercial Athletic Facility(indoor) With outdoor or indoor sports courts Small courts (tennis, badminton) Large courts (basketball, volleyball)	1 per 150 sq. ft. 2 per court plus required parking for other uses on site. 5 per court plus required parking for other uses on site.

Use	Minimum Parking Spaces Required
<u>Golf Course</u>	<u>6 per hole plus parking for ancillary uses</u>
<u>Miniature Golf</u>	<u>1.25 per tee, plus 1 per employee</u>
<u>Motion Picture Theater (indoor)</u>	<u>1 per 3.5 seats</u>
Nightclub	1 per 30 sq. ft.
C. Health and Veterinarian Uses	
Convalescent Homes	1 per 2 beds or 1 per 1,000 sq. ft, whichever is greater
Hospital	1 per bed or 1 per 220 sq. ft., whichever is greater
<u>Kennel, indoor</u>	<u>1 per 1,000</u>
Medical and dental Clinic and Office	1 per 225 sq. ft.
<u>Veterinary Clinic and Animal Grooming</u>	<u>1 per 250 sq. ft.</u>
D. Industrial Uses	
Manufacturing plants, warehouses or storage, heavy industrial, distribution, and general manufacturing <u>Distribution</u> <u>Manufacturing</u> <u>Warehousing</u>	1 per 1,500 sq. ft.
<u>Mini Storage</u>	<u>1 per 5,000 sq. ft., plus 1 per resident manager</u>
<u>Wholesale uses</u>	1 per 500 sq. ft.
Research and Development uses, uses oriented toward the "high tech", medical laboratories, or uses which have a high employee demand <u>Research and Development</u> <u>Medical Laboratories</u> <u>High employee demand uses</u>	1 per 300 sq. ft.
Office space within an industrial building (to be combined with categories above)	1 per 350 sq. ft.
E. Lodging	
Hotels and motels	1 per guest room or unit, plus 2 per manager's unit
F. Professional Offices, Financial Institutions and Related Uses	
<u>Automated Teller Machine (Free standing)</u>	<u>2 per machine</u>
Financial institutions (banks, savings and loans, etc.)	1 per 180 sq. ft.
Office buildings and business services (excluding financial institutions) <u>Offices, administrative and business services</u>	<u>First Floor</u> 1 per <u>240 200</u> sq. ft. <u>of Net Floor Area</u> <u>Upper floors</u> 1 per <u>400</u> sq. ft. <u>of Gross Floor Area</u>
G. Public, Quasi-Public and Assembly Uses	
<u>Adult Day Care</u>	<u>1 per 500 sq. ft.</u>
Auditoriums and theaters and places of meeting and assembly	1 per 4 seats
<u>Child Care Uses^{2,3}:</u> <u>Single family, duplexes and multifamily residences</u> Day Care School	1 per classroom or 1 per 500 sq. ft., whichever is greater.
<u>Small family child care home</u>	Same as required for underlying residential use
<u>Child care facilities, serving more than 8 children</u> <u>Large Family Child Care Home and Child Care Centers</u>	1 per 1.5 employees

Use	Minimum Parking Spaces Required
<p>2. For loading and unloading: One (1) parking space per six (6) children up to five (5) spaces and thereafter one (1) space per ten (10) children. Driveways, garage aprons and street frontage may be counted if appropriate permits are first received when calculating spaces for child care homes. Tandem spaces are prohibited.</p> <p>3. Exceptions for Child Care Requirements: The parking and loading/unloading requirements for child care facilities may in the Planning Commission's discretion be reduced, based on an empirical study (provided by the applicant) which establishes no adverse effects will occur as a result. The required number of loading/unloading spaces may be reduced without a study by one (1) space for each employee permanently assigned to load and unload children from vehicles.</p>	
Community Center	1 per 4 fixed seats, or 1 per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes
Museums and Libraries	1 per 400 sq. ft.
Public Utilities	1 per 400 sq. ft.
Religious Institutions	1 per 5 seats in the main area of assembly plus parking for classrooms and offices in this table. Where there are no seats, then 1 seat equals 7 sq. ft.
<p>Educational Institutions: Schools other than child care centers</p> <p>School-elementary (K-8 Private) School-secondary (9-12 Private)</p> <p>Vocational School, including business, professional, technical and trade</p>	<p>1 per classroom or 1 per 500 sq. ft.</p> <p>1 per classroom, plus 1 per 240 sq. ft. of office 1 per classroom, plus 1 per 240 sq. ft. of office, plus 1 per 5 students</p> <p>1 per 200 sq. ft.</p>
Instructional Studios (Dance, Yoga)	1 per 150 sq. ft.
Private instruction, personal enrichment (tutoring)	1 per instructional area or classroom, whichever is greater. No fewer than 3 spaces.
Stadiums and arenas	1 per 4 seats
H. Restaurants or Food Service	
Banquet facilities	See restaurants below
Bars, Drinking Establishments	1 per 30 sq. ft.
Drive thru	See "Vehicle Related Uses" section.
<p>Restaurants: Table or counter service Sit down:</p> <p>Indoor and outdoor</p> <p>Take out:</p>	<p>For indoor and outdoor seats, 1 per 3 seats (all seats, including those in waiting area) and an additional ten (10) percent for employee parking</p> <p>1 per 39 square feet.</p> <p>1 per 2.5 seats (indoor/outdoor) plus 1 per 60 50 sq. ft. GFA NFA for the ordering or take out area.</p>
I. Residential Uses	
<p>Single family, duplexes and multi-family residences Single Family and Duplexes: 3 bedrooms or fewer</p>	<p>Refer to residential districts in this Chapter</p> <p>2 per unit⁴</p>

Use	Minimum Parking Spaces Required
<u>4 or more bedrooms</u>	<u>3 per unit, plus 1 per each additional bedroom⁴</u>
<u>Multi-Family:</u> <u>R3 Zone</u> Studio <u>1 or more Up to 3 bedrooms</u> <u>4 or more bedrooms</u>	1 covered per unit 2 per unit, at least one covered <u>3 per unit, at least one covered, plus 1 additional space for each additional bedroom (may be uncovered).⁴</u>
Guest parking	20% of the total required, may be uncovered
<u>R4 and R5 Zones</u> Studio 1 bedroom <u>2 or more 2 to 3 bedrooms</u> <u>4 or more bedrooms</u>	1 covered per unit 1.5 covered per unit 2 covered per unit <u>2 covered per unit, plus 1 per each additional bedroom (may be uncovered)⁴</u>
Guest parking	<u>15</u> 20% of the total required, may be uncovered ³
Bicycle parking	5% of the total required
Boarding houses, dormitories, sororities and fraternities	1 per each room rented
<i>Mixed Use buildings or sites</i>	
<u>Residential use</u> Studio 1 bedroom 2 or more bedrooms Guest parking Bicycle parking	1 covered per unit 1.5 covered per unit 2 covered per unit 15% of total required, may be uncovered 5% of total required
<u>Commercial use</u> Ground Floor Retail Office	1 per 250 sq. ft. If building is 1,000 sq. ft. or smaller: 1 per 250 sq. ft. If building is larger than 1,000 sq. ft.: 3.3 per 1,000 sq. ft.
Other uses Bicycle parking	Refer to specific uses within this table 5% of total required
<u>Mobile Homes</u>	<u>Refer to Section 13.07, Mobile Homes</u>
<u>Senior Housing</u>	<u>1 per unit plus 2 per manager's unit</u>
<u>Single Room Occupancy (SRO)</u>	<u>1 per unit</u>
J. Vehicle Related Uses	
<u>Auto rental agency</u>	<u>1 per 400 sq. ft. plus one (1) per rental vehicle</u>
<u>Auto repair (tire, oil change, smog check, etc.)</u>	<u>3 per service bay</u>
Car Wash	1 per 200 sq. ft. of building area and reservoir space outside of building equal to two (2) times the maximum capacity of facility
<u>Service Station without lube bays</u>	<u>4 per 200 sq. ft. of building area</u>
<u>Service Station with lube bays</u>	<u>3 per lube bay</u>
<u>Gas & Service Stations:</u> With Retail With Auto Repair	<u>1 per 200 sq. ft.</u> <u>3 per service bay</u>
<u>Auto dealerships:</u> Sale or lease of vehicle	<u>1 per 200 sq. ft. of showroom</u>

Use	Minimum Parking Spaces Required
Office With Service Bays	1 per 200 sq. ft. 3 per service bay
Window service or drive-thru in conjunction with any other use	The required parking for primary use (restaurant, or other use providing window service) plus queuing of five (5) vehicles which do not interfere with any on-site parking spaces (to be combined with, but not limited to categories 53.23-2.6 or 53.23-2.7, when window service is provided.)

1. Refer to Subsection 2.03, Definitions, of this Chapter for a full description of "Commercial Services".
4. Applicable to new and existing projects being remodeled resulting in additional bedrooms submitted for approval after DATE OF ADOPTION. Existing projects or projects either entitled or submitted active planning applications prior to DATE OF ADOPTION shall use the parking regulations in effect at the time of entitlement or application submittal. For R4 and R5 zones, 15% guest parking is legal and conforming for projects entitled or active planning applications submitted prior to DATE OF ADOPTION.

53.11 Shared Parking

A. Purpose and Intent. Dedicated parking areas for individual uses, especially when provided in new developments, can result in less efficient land usage, lower floor area ratios, and more environmental/water quality impacts.

Shared parking is typically applied when land uses have different parking demand patterns and are able to use the same parking spaces/areas throughout the day. Shared parking is most effective when these land uses have significantly different peak parking characteristics that vary by time of day, day of week, and/or season of the year. In these situations, shared parking strategies will result in fewer total parking spaces needed when compared to the total number of spaces needed for each land use or business separately.

B. Applicability. Shared parking may be applied in the following situations:

1. In mixed-use developments, which include one or more businesses that are complementary, ancillary, or support other activities. A typical mix of uses include, but are not limited to: residential, office, restaurants, retail, colleges, churches, cinemas, and special event situations if they can demonstrate that demand patterns vary among uses.
2. In shopping centers, when more than twenty percent (20%) of gross leasable area is occupied by dining and entertainment uses, (not including pad restaurants, unless they are located within 300 feet of the main shopping center building) shared parking may be applied.

C. Required Review. Shared parking proposals may be allowed with the approval of a Conditional Use Permit, in accordance with Subsection 57.04, Conditional Use Permits, of this Chapter.

D. Calculation of Parking Spaces Required with Shared Parking

The minimum number of parking spaces for a mixed use development or where shared parking strategies are proposed shall be determined by a study prepared following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved procedures. A formal study may be waived for small developments where there is established experience with the land use mix and its impact is expected to be minimal. The actual number of parking spaces required shall be based on well-recognized sources of parking data such as the ULI or ITE reports. If standard rates are not available or limited, the applicant may collect data at similar sites to establish local parking demand rates. If the shared parking plan assumes use of an existing parking facility, then field surveys may be conducted to determine actual parking accumulation. If

possible, these surveys should consider the seasonal peak period for the combination of land uses involved.

E. Location of Shared Parking Spaces. Shared spaces for shall be located within 300 feet of the use entrances they serve. Up to fifty percent (50%) of nonresidential spaces may be provided at greater distances if dedicated shuttle bus or van service is provided. Clear, safe pedestrian connections must be provided.

F. Captive Market Parking Requirements.

For uses that are considered ancillary to a larger business, no additional parking may be required. Examples of this case include a coffee or snack shop within an office or hotel development, a copy/package store within a business park or redevelopment of small retail uses in a large business district. Parking requirements for similar ancillary uses may be reduced to account for the likely cross patronage among the adjacent uses located within a maximum walking distance of 300 feet. Parking requirements may be reduced up to 90 percent as appropriate.

G. Agreement Between Sharing Property Owners

If a parking facility is to serve two or more separate properties, a legal agreement between property owners guaranteeing access to, use of, and management of designated spaces shall be executed to the satisfaction of the City.

H. Shared Parking Plan. A shared parking plan shall be submitted to the Planning Division with the following information:

1. Site plan and required parking calculations of parking spaces intended for shared parking and their proximity to land uses that they will serve.
2. A signage plan that directs drivers to the most convenient parking areas for each particular use or group of uses (if such distinctions can be made).
3. A pedestrian circulation plan that shows connections and walkways between parking areas and land uses. These paths should be as direct and short as possible.

The Commission may authorize the joint use of parking facilities by the following uses or activities under the following conditions:

- a) Up to fifty (50) percent of the parking facilities required by this section for a church, theater or bowling alley may be supplied by the off-street parking facilities provided by certain other types of buildings or uses specified in Section 53.07(c);
- b) Up to fifty (50) percent of the off-street parking facilities required by this section for any building or use specified under (c) below may be supplied by the parking facilities provided for uses specified in Section 53.07(d);
- c) For the purposes of this section, the following uses are considered as day-time uses; banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or service shops, manufacturing or wholesale buildings and other similar primarily day-time uses when authorized by the Commission;
- d) For the purposes of this section, the following uses are considered as night-time or Sunday uses; auditoriums incidental to a public or private school, churches, bowling alleys, theaters and other similar primarily night-time uses when authorized by the Commission;
- e) Conditions required for joint use:

- 1) The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use, shall be located within three hundred (300) feet of such facilities.
- 2) The applicant shall show that there is no substantial conflict in the principal operating hours of the two (2) buildings or uses for which joint use of off-street parking facilities is proposed.
- 3) If joint use occurs between more than one parcel or in a condominium setting, properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the City Attorney and recorded with the County Recorder. Joint use parking privilege shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required by this Chapter. (Ord. 38.761 (part), 5/20/03; Ord. 38.665 (part), 10/29/91; Ord. 38 (part), 3/15/55)

53.13 Design Standards

A. Location of Parking.

1. Location of Parking in Relationship to a Use. Parking required for all residential uses shall be located within the same site as the use; in no case shall parking for a residential use be more than three hundred (300) feet away from the residential use it serves. All other required parking shall be located within three hundred (300) feet of the of the use for which the parking is required, as provided for in Table 14.09-1, Number of Parking Spaces Required or Section 13, Special Uses, if applicable, of this Chapter.

Exception: Greater distance may be allowed through the approval of a Conditional Use Permit.

2. Location of Residential Parking, Permitted. Vehicles on private property used for residential purposes shall be parked only in paved parking spaces or in driveways which comply with the following standards:
 - a. The driveway provides access to required parking spaces; and
 - b. The vehicle is not blocking access to parking for other residential units.
3. Each automobile parking stall shall be so located that no automobile is required to back onto any public street or sidewalk to leave the parking stall, parking bay or driveway except from a lot in an "R2" or more restrictive zone containing not more than two (2) dwelling units.

B. Parking Space Size.

1. Individual garage.
 - a. Each parking space with a minimum width of ten (10) feet and a minimum length of twenty (20) feet shall be required in residential garages meeting both of the following criteria:
 - i. The individual garage contains four (4) or fewer parking spaces;
 - ii. The individual garage does not include circulation elements such as driveway aisles, but consists primarily of parking spaces.
2. Compact Spaces

a. Each stall shall be legibly marked "compact stall" or "small car" on the stall surface. Compact stalls may be used only for the above listed buildings and uses and only within the Industrial zoning district.

b. Parking stall shall be dispersed throughout the parking lot and not concentrated.

3. Tandem Spaces

a. Each residential garage tandem (two parking spaces) shall have a minimum width of ten (10) feet and a minimum length of thirty-eight (38) feet.

4. Bicycle or Motorcycle Spaces

Any existing or proposed parking facility may utilize, on a substitution basis, on-site parking spaces for bicycle or motorcycle spaces.

- a. Said bicycle spaces shall be raised a minimum of six (6) inches from grade of the adjacent parking facility.
- b. One parking space may be omitted for each eight (8) bicycle spaces provided.
- c. One parking space may be omitted for each two (2) motorcycle spaces provided.
- d. Bicycle spaces shall measure at least two (2) feet by seven (7) feet and shall be located in groups of four (4) and shall be of the following three types:
 - i. A rack which secures the frame, or
 - ii. An enclosed bike locker, or
 - iii. A fenced, covered, locked or guarded bike storage area.
- e. Motorcycle spaces shall measure four (4) feet by eight (8) feet and shall be provided with adequate unobstructed maneuvering areas to permit easy access to the space.
- f. In no instance shall credit for motorcycle or bicycle parking or combination thereof exceed five (5) percent of the total required parking spaces. (Ord. 38.665 (part), 10/29/91; Ord. 38 (part), 3/15/55)

C. Required Improvements. All parking areas and access driveways shall have a smoothly graded, stabilized and dustless surface with adequate drainage so that injury will not be caused to adjacent properties. Bumper guards or curbs shall be provided in order to define parking spaces or limits of paved areas.

Also refer to Section 54.03 of this Chapter for Improvement of Parking Areas.

D. Screening and Landscaping. All open automobile parking areas which abut upon a public street right-of-way shall provide landscaping to a depth of at least ten (10) feet of said street right-of-way and of any adopted plan line, with openings for walkway or drive purposes. Each landscaped planter in said parking facility shall be contained with a six (6) inch raised concrete curb (extruded curbing not permitted). Installation of an irrigation system shall be provided for in each planter area.

E. Lighting. All lights used to illuminate a parking area shall be designed, located and arranged so as to reflect the light away from any street and any adjacent premises.

F. Signs. Directional signs are permitted in parking areas in accordance with the adopted Sign Ordinance.

G. Fencing. A solid masonry wall a minimum height of six (6) feet shall be required on all common property lines when any parking area is established abutting residentially zoned property or property shown on the adopted General Plan as being Residential. The architectural design of said wall shall be to the approval of the Planning Commission through the Site Development Permit process in accordance with Subsection 57.03, Site Development Permits and Minor Site Development Permits, of this Chapter.

H. Angles and Dimensions

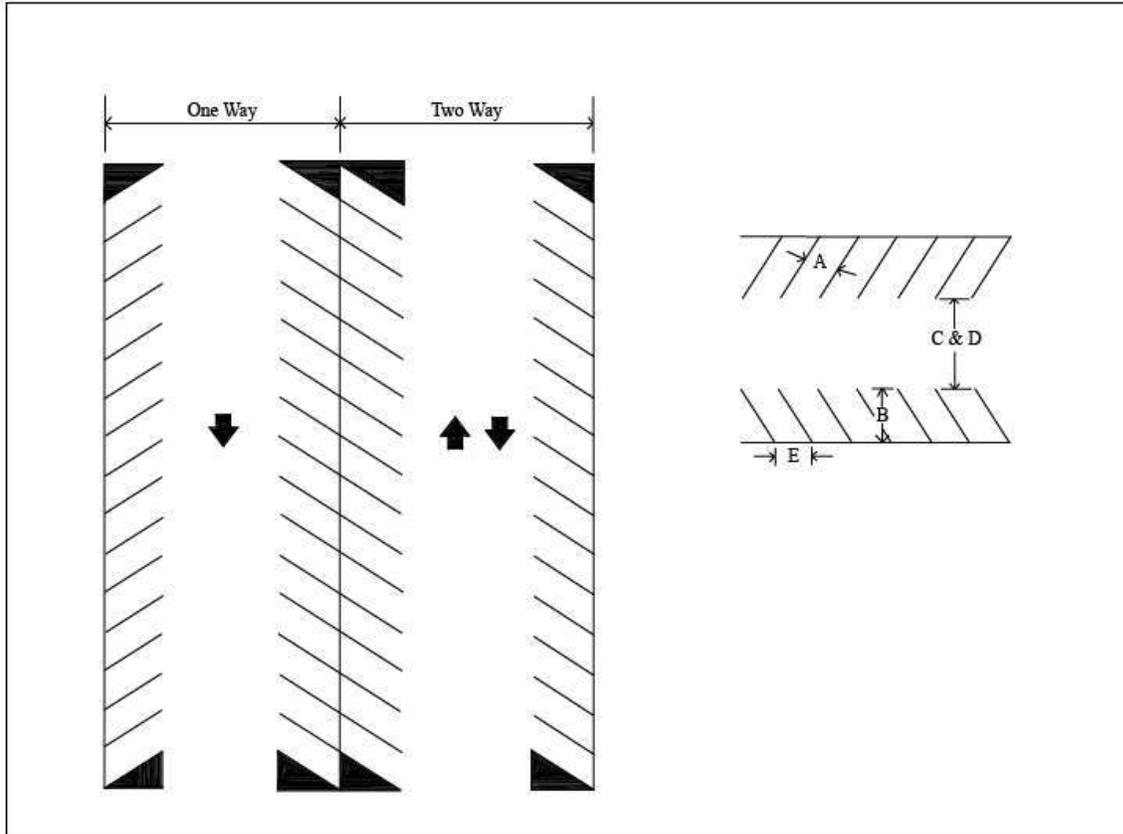
1. Vehicle Overhang. Vehicles may overhang two (2) feet into any landscape area or private walkway if the walkway is a minimum six (6) feet in width, but in no event shall the overhang be permitted within any public right-of-way.
2. Stall and drive aisle dimensions. The stall and drive aisle dimensions shall be as follows:

**Table 53.13-1
Parking Stall and Drive Aisle Dimensions**

Angle	A ¹ Stall Width	B ¹ Stall Depth	C ¹ Aisle Width 1 Way	D ¹ Aisle Width 2 Way	E ¹ Curb Length per Car
Midsize/Standard size:					
0°	8.5'9"	8.5'9"	12'12"	16'16"	22'22"
45°	8.5'9"	18.5'19.5'	12'12"	22'22"	12'12"
60°	8.5'9"	19.5'21'	18'18"	22'22"	9.5'10.5'
90°	8.5'9"	18'18"	25'25"	25'25"	8.5'9"
Compact size: [See Subsection 53.07(B)]					
0°	7.5'	7.5'	12'	15'	17'
45°	7.5'	16'	13'	20'	8.5'
60°	7.5'	17'	15'	20'	8.5'
90°	7.5'	15'	20'	20'	7.5'

1 Reference to Figure 53.13-1, Parking Stall and Drive Aisle Dimensions

Figure 53.13-1
Parking Stall and Drive Aisle Dimensions



3. Backing space in residential projects. A minimum unobstructed vehicular maneuvering distance of twenty-five (25) feet measured from the opening of the garage or carport shall be provided, except as otherwise permitted in this section.

Midtown Specific Plan, Development Standards and Design Guidelines

4.0 Off-Street Parking

a. R4 (Multifamily Very High Density)

Multiple family dwellings shall include the following ratios of parking:

Unit Size	Stalls per Unit
Studio	1.0 covered
1 Bedroom	1.5 covered
2-3 Bedrooms	2.0 covered
3-4 or more Bedrooms	2.0 covered 3.0 plus 1.0 additional space for each additional bedroom (Minimum 2.0 covered spaces). ¹
Guest Parking	20-15% of required stalls ¹
Bicycle Parking	5% of total stalls

¹Applicable to new and existing projects being remodeled resulting in additional bedrooms submitted for approval after DATE OF ADOPTION. Existing projects or projects either entitled or submitted active planning applications prior to DATE OF ADOPTION shall use the parking regulations in effect at the time of entitlement or application submittal. For R4 and R5 zones, 15% guest parking is legal and conforming for projects entitled or active planning applications submitted prior to DATE OF ADOPTION.

- Parking is prohibited in the front setback and should be at the rear of the buildings.
- Shared driveways shall be considered wherever possible to minimize curb cuts.
- Carports shall be integrated with the character and materials of the building architecture and landscaping.
- A single carport shall not be more than eight (8) stalls wide.
- Carports shall be separated from one another with a 4-foot wide (minimum interior dimension) landscaped island, planted with a tree.
- Tandem parking in garages is may be allowed pursuant to Section 53, Off-Street Parking Regulations of the City’s Zoning Ordinance.

RESOLUTION NO. 09-007

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY COUNCIL ZONING AMENDMENT NO. ZA08-0010, TO AMEND SECTION 53 OF THE ZONING ORDINANCE AND SPECIFIC PLAN AMENDMENT NO. ST08-0003, TO AMEND THE PARKING REQUIREMENTS OF THE MIDTOWN SPECIFIC PLAN.

WHEREAS, in April 2007, the City Council approved the Task Force membership and work schedule to address parking throughout the City. Since that time staff and the Task Force have progressed through various tasks including research, public outreach and now drafting possible codified solutions.

WHEREAS, the Planning Commission recommends that this project is categorically exempt per Section 15305 of the CEQA Guidelines, minor alterations in land use limitations, since the amendment of the Zoning Code provided for herein only requires a modest update of parking restrictions and requirements and does not change existing land uses nor increase land use intensity.

This project is also statutorily exempt pursuant to Sections 15168(c) and 15162 of the CEQA Guidelines, since the project provisions related to Midtown and Transit Areas parking are within the scope of development evaluated in the Midtown Specific Plan Environmental Impact Report (“EIR”). No substantial changes have occurred to the circumstances under which the EIR were certified and no new information, which was not known and could not have been known at the time that the EIR were certified as complete, has become available relating to the environmental effects of this project. Therefore, the Midtown Specific Plan EIR is adequate for the approval to the project for those areas covered in the Midtown Specific Plan EIR. In addition, the entire project is categorically exempt per Section 15061(b)(3) of the CEQA Guidelines, in that the project will not have the potential to cause a significant effect on the environment. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment because the project merely involves a modest update of required additional parking in some instances, adding standards where none previously existed and reformatting the existing legal restrictions; and

WHEREAS, on October 22, 2008, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, and other interested parties and provided a recommendation to the City Council; and

WHEREAS, additional information and changes to the proposed ordinance required feedback from the residential development community and the Parking Task Force; and

WHEREAS, on January 28, 2009, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, and other interested parties.

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

Section 1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: The project is categorically exempt per Section 15061(b)(3) of the CEQA Guidelines in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment because the project involves reformatting the code, in some instances requiring additional parking, adding standards where none are listed and clarifying other standards.

Section 3: The proposed amendments are consistent with the General Plan in that the changes ensure consistent and clear implementation of the stated goals and policies of the General Plan.

Section 4: The proposed amendments will not adversely affect the public health, safety and welfare in that the project contemplates clarifying the zoning ordinance and in some instances requiring additional parking where shortcomings exist.

Section 5: The proposed amendments are internally consistent with the remainder of the Zoning Ordinance.

Section 6: The proposed amendments are internally consistent with the remainder of the Midtown Specific Plan.

Section 7: The Planning Commission of the City of Milpitas hereby recommends that the City Council approve Zoning Amendment No. ZA08-0010 and Specific Plan Amendment No. ST08-0003, Parking Regulations Amendment, subject to the above Findings and amendments referenced as Exhibits 1-2 attached herein.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on January 28, 2009.

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on January 28, 2009, and carried by the following roll call vote:

COMMISSIONER

Cliff Williams

AYES NOES ABSTAIN OTHER

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COMMISSIONER

AYES NOES ABSTAIN OTHER

Lawrence Ciardella

Alexander Galang

Sudhir Mandal

Gurdev Sandhu

Noella Tabladillo

Aslam Ali

	AYES	NOES	ABSTAIN	OTHER
Lawrence Ciardella				
Alexander Galang				
Sudhir Mandal				
Gurdev Sandhu				
Noella Tabladillo				
Aslam Ali				

Exhibit 1 City Council Ordinance 38.785

REGULAR

NUMBER: 38.785

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS, CALIFORNIA, AMENDING TITLE XI CHAPTER 10, SECTION 53 FOR THE PURPOSE OF CHANGING THE PARKING ORDINANCE

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of _____, 2009, upon motion by Councilmember _____ and was adopted (second reading) by the City Council at its meeting of _____, 2009 upon motion by Councilmember _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Robert Livengood, Mayor

APPROVED AS TO FORM:

Michael Ogaz, City Attorney

ORDAINING CLAUSE:

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS AND FINDINGS

WHEREAS, in April 2007, the Milpitas City Council approved the membership and work schedule of the Parking Task Force to address parking needs and concerns throughout the City; and

WHEREAS, after researching present conditions and conducting public outreach on resident and business concerns, City staff and the Task Force came up with various recommendations which are now incorporated into this ordinance amending certain provisions of the Milpitas Zoning Ordinance related to parking; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission held a duly noticed public hearing on January 28, 2009 and heard evidence prepared by staff and comments by the public and recommends approval of the amendments unanimously; and

WHEREAS, the City Council determines that this project is categorically exempt per Section 15305 of the CEQA Guidelines, minor alterations in land use limitations, since the amendment of the Zoning Code provided for herein only requires a modest update of parking restrictions and requirements and does not change existing land uses nor increase land use intensity.

This project is also statutorily exempt pursuant to Sections 15168(c) and 15162 of the CEQA Guidelines, since the project provisions related to Midtown and Transit Areas parking are within the scope of development evaluated in the Midtown Specific Plan Environmental Impact Report and Transit Area Specific Plan Environmental Impact Report (“EIRs”). No substantial changes have occurred to the circumstances under which the EIRs were certified and no new information, which was not known and could not have been known at the time that the EIRs were certified as complete, has become available relating to the environmental effects of this project. Therefore, the Midtown Specific Plan EIR and the Transit Area Specific Plan EIR are adequate for the approval to the project for those areas covered in the Midtown Specific Plan EIR and Transit Area Specific Plan EIR. In addition, the entire project is categorically exempt per Section 15061(b)(3) of the CEQA Guidelines, in that the project will not have the potential to cause a significant effect on the environment. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment because the project merely involves a modest update of required additional parking in some instances, adding standards where none previously existed and reformatting the existing legal restrictions; and

WHEREAS, the City Council finds that the proposed amendments are consistent with the General Plan in that the in that the changes ensure consistent and clear implementation of the stated goals and policies of the General Plan; and

WHEREAS, the City Council finds that proposed amendments will not adversely affect the public health, safety and welfare in that the project contemplates clarifying the zoning ordinance and in some instances requiring additional parking where shortcomings exist.; and

WHEREAS, the City Council finds that with the inclusion of the amendments to the Zoning Ordinance, the document remains internally consistent.

ORDAINING CLAUSE:

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

SECTION 2. Chapter 10, Section 53 of Title XI of the Milpitas Municipal Code “Off-Street Parking Regulations” is hereby amended in its entirety to read as follows:

--Begin Section--

SECTION 53 OFF-STREET PARKING REGULATIONS

10-53.01 Purpose and Intent

10-53.03 Applicability

10-53.05 Maintenance of Off-street Parking

10-53.07 Types of Parking Allowed

10-53.09 Off-Street Parking Required by Land Use

10-53.11 Shared Parking

10-53.13 Design Standards for Off-Street Parking Facilities

53.01 Purpose and Intent

The following off-street parking requirements are regulations which are established in order to achieve, among others, the following purposes:

1. To establish minimum requirements for the off-street parking of motor vehicles in accordance with the use established on the property;
2. To relieve congestion on streets, and to provide more fully for movement of traffic, maneuvering of emergency vehicles or street maintenance equipment;
3. To protect neighborhoods from vehicular traffic congestion generated by the adjacent nonresidential uses of land; and
4. To promote the general welfare and convenience and prosperity of residential, commercial and manufacturing developments which depend upon the availability of off-street parking facilities.

53.03 Applicability

Off-street parking spaces shall be provided in accordance with the schedule in Table 53.09-1, Number of Parking Spaces Required, of this Section and improved as per Section 54.03 as a condition precedent to the occupancy of an institutional, commercial or manufacturing use and in conformance with other provisions of this Chapter:

1. Whenever a building is constructed; or
2. Whenever an existing building or use is altered, resulting in an increase in floor area, seating capacity or other units of measurement specified herein for required parking or loading facilities;
or
3. Whenever the use of an existing building is changed to a use requiring fifty (50%) percent or more off-street parking spaces, as determined by the provisions of Table 53.09-1, Number of Parking Spaces Required, of this Section.

53.05 Maintenance of Off-Street Parking

- A. Continuation of Off-Street Parking.** All off-street parking spaces shall continue unobstructed in operation, shall not be used for vehicle repair work of any kind unless within a building, and shall not be reduced below the required size as long as the primary use remains, unless an equivalent number of spaces is provided for said use in another approved location. This does not apply to those parking spaces which are established on a voluntary basis which are in excess of the requirements of this Chapter.
- B. Temporary Sales, Storage and Advertising.** The sale or storage of merchandise in permissive parking areas may be allowed by the Planning Commission Subcommittee through the approval of a Minor Site Development Permit and subject to such reasonable conditions as may be deemed necessary by the Planning Commission to insure adequate parking, access and circulation.

In no event shall any off-street parking space (permissive or otherwise) or lot be used for the stopping, standing or parking of any vehicle(s) for either the purpose of selling such vehicle (excluding an approved car sales lot), or advertising any other property, services or products on said vehicle.

- C. Maintenance.** All parking areas shall be kept clean and free of dirt, oil, mud or trash; pavement and striping shall be maintained in a continuous state of good repair.

14.07 Types of Parking Allowed

- A. Standard Parking Spaces.** The number of parking spaces required for various land uses shall be as required in Table 53.09-1, Number of Parking Spaces Required. Parking spaces shall be designed as required in Subsection 53.13, Design Standards for Off-Street Parking Facilities, of this chapter.
- B. Compact Parking Spaces.** For parking areas and garages containing ten (10) or more stalls serving the following uses in Subsection 53.07(B)(1), up to forty (40%) percent of the required and non-required stalls may be designed as compact stalls to accommodate compact cars.
1. Applicable uses.
 - a. Commercial uses (CO, C1, C2, HS, TC zones).
 - i. Standards. Compact stalls shall be dispersed throughout the parking lot.
 - b. Industrial uses.
 - i. Research and Development (R and D) facilities.
 - ii. Manufacturing facilities.
 - iii. Warehouse/distribution facilities.
 - iv. Other industrial uses deemed appropriate by the Planning Commission.
 - c. Multi-Family Residential uses.
 - i. Projects within R3, R4, and R5 zones.

2. Design Standards. See Subsection 53.13, Design Standards for Off-Street Parking Facilities, of this Section.

C. Disabled Accessible Parking Spaces. Parking spaces for the disabled shall comply in all respects with the requirements of the California Code of Regulations (State Building Code) or Federal law, where such prevails over State law.

D. Tandem Parking Spaces.

1. Applicability. Tandem parking may be allowed with the approval of a Conditional Use Permit, in accordance with Section 57.04, Conditional Use Permits, of this Chapter.
2. Standards.
 - a. A maximum of seventy-five percent (75%) of parking required for residential uses may be tandem parking.
 - b. Tandem parking spaces shall be a maximum of two (2) parking spaces deep.
 - c. When tandem parking spaces are used in garages or parking facilities with more than two (2) parking spaces, they shall be assigned and marked for resident use.
 - d. For projects with a Home Owners Association, a separate disclosure for prospective property owners acknowledging the presence of tandem parking shall be included for the prospective property owner's signature.

E. Bicycle or Motorcycle Parking Spaces. The number of parking spaces required for various land uses shall be as required in Table 53.09-1, Number of Parking Spaces Required. Parking spaces shall be designed as required in Subsection 53.13, Design Standards for Off-Street Parking Facilities, of this Chapter.

14.09 Off-Street Parking Required by Land Use

A. Enforcement and Interpretation of Parking Requirements.

1. Number of Off-Street Parking Spaces Required. The number of off-street parking spaces required for the land uses identified in the Permitted and Conditional Use Tables of this Chapter are listed in Table 53.09-1, Number of Parking Spaces Required, except where parking requirements are established in Section 13, Special Uses, of this Chapter, or exceptions to these requirements are granted in accordance with this Section.
2. Uses not specified. In the case of a use not specifically mentioned in Table 53.09-1, Number of Parking Spaces Required, or elsewhere in this Chapter, the requirements for off-street parking facilities shall be determined by the Planning Commission through the Interpretation process, in accordance with Section 61, Interpretation, of this Chapter, based on uses which create similar demands for off-street parking spaces. The Planning Commission may draw upon the experience of other local cities to make their decision.
3. New Buildings Without Tenants. If the type of tenants that will occupy a nonresidential building, or the nonresidential portion of a mixed-use building, is not known at the time the new building is

being proposed, the number of parking spaces required for the nonresidential uses will be determined through the discretionary review process.

4. Mixed occupancies and uses. When two or more uses are located in the same lot or parcel of land or within the same building, the number of off-street parking spaces required shall be the sum total of the requirements of the various individual uses computed separately in accordance with the provisions of this Section and Section 13, Special Uses, when applicable.

Exception: For alternative parking computation in accordance with Subsection 53.11, Shared Parking, of this Chapter.

5. Measurement Standards and Definitions

For the purpose of determining off-street parking requirements, the following definitions and standards shall apply:

- a. Gross Floor Area: The total of all the floors measured from the interior faces of the building, and outdoor areas used for retail purposes.
 - b. Net Floor Area (NFA): Net Floor Area shall mean the Gross Floor Areas less twenty (20%) percent.
 - c. Seat: The number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs. For places of meeting or assembly that do not include fixed seating, seven (7) square feet shall equal one (1) seat.
 - d. Employees/students: The maximum number of employees/students on the principal shift or period.
 - e. Fractional Measurements: When units or measurements determining the number of required off-street parking spaces result in a requirement of fractional space, any fraction up to and including (.49) shall be rounded down to the nearest whole number and fractions including and over (.50) shall be rounded up to the nearest whole number. For example, 7.41 would be rounded to 7 and 7.61 would be rounded to 8.
6. More than One Parking Ratio. Where more than one (1) parking ratio is shown for a particular use, the required number of spaces shall be the total of all ratios shown. For example, the parking requirement for hotel is "1 per unit, 2 for the manager's unit." The total parking requirement for a hotel is the sum of the required parking for the units and two (2) spaces for the manager's unit.

- B. Permissive Parking Facilities.** Nothing in this Section shall prevent the voluntary establishment of off-street parking facilities in excess of the requirements of this Section to serve any existing use of land or buildings, provided that all regulations herein governing the location, size and access design, improvement and operation of such facilities are adhered to.

Exception: The Transit Area Specific Plan has a standard for the maximum number of parking allowed.

- C. Number of Parking Spaces Required.** The number of off-street parking spaces required for various land uses shall be as listed in Table 53.09-1, Number of Parking Spaces Required, except for those listed specifically elsewhere in this Chapter. Unless otherwise indicated, the parking requirements are

for square feet of gross floor area occupied by the use and, in the case of nonresidential uses, include the parking required for customers and employees.

Exception: Where a portion of a structure is used for automobile parking, that portion shall not be counted in calculating the required parking for the structure. If parking is eliminated and the space is occupied by another use, parking shall be required for the use as indicated for the use in this Chapter.

**Table 53.09-1
Number of Parking Spaces Required**

Use	Minimum Parking Spaces Required
A. Commercial Uses	
Commercial Services ¹ (floral shops, barber shops, dry cleaners, Laundromats, photocopy shops)	1 per 200 sq. ft.
Furniture and appliance stores and other bulky item retail	1 per 350 sq. ft.
General Retail and Convenience Stores	1 per 200 sq. ft.
Mortuary, funeral parlor	1 per 4 seats and 1 per employee
Plant nursery	1 per 200 sq. ft.
B. Entertainment and Recreation	
Arcade and amusement	1 per 200 sq. ft.
Billiards	1 per 200 sq. ft.
Bowling Alleys including incidental accessory uses (eating and drinking, billiards, etc.)	6 per alley or lane
Clubs and Lodges	1 per 200 sq. ft.
Commercial Athletic Facility(indoor) With outdoor or indoor sports courts Small courts (tennis, badminton) Large courts (basketball, volleyball)	1 per 150 sq. ft. 2 per court plus required parking for other uses on site. 5 per court plus required parking for other uses on site.
Golf Course	6 per hole plus parking for ancillary uses
Miniature Golf	1.25 per tee, plus 1 per employee
Motion Picture Theater (indoor)	1 per 3.5 seats
Nightclub	1 per 30 sq. ft.
C. Health and Veterinarian Uses	
Convalescent Homes	1 per 2 beds or 1 per 1,000 sq. ft, whichever is greater
Hospital	1 per bed or 1 per 220 sq. ft., whichever is greater
Kennel, indoor	1 per 1,000
Medical and dental Clinic and Office	1 per 225 sq. ft.
Veterinary Clinic and Animal Grooming	1 per 250 sq. ft.
D. Industrial Uses	
Distribution Manufacturing Warehousing	1 per 1,500 sq. ft.
Mini Storage	1 per 5,000 sq. ft., plus 1 per resident manager
Wholesale	1 per 500 sq. ft.
Research and Development Medical Laboratories	1 per 300 sq. ft.

Use	Minimum Parking Spaces Required
High employee demand uses	
Office space within an industrial building (to be combined with categories above)	1 per 350 sq. ft.
E. Lodging	
Hotels and motels	1 per guest room or unit, plus 2 per manager's unit
F. Professional Offices, Financial Institutions and Related Uses	
Automated Teller Machine (Free standing)	2 per machine
Financial institutions (banks, savings and loans, etc.)	1 per 180 sq. ft.
Offices, administrative and business services	1 per 240 sq. ft.
G. Public, Quasi-Public and Assembly Uses	
Adult Day Care	1 per 500 sq. ft.
Auditoriums and theaters and places of meeting and assembly	1 per 4 seats
<i>Child Care Uses^{2,3}:</i>	
Day Care School	1 per classroom or 1 per 500 sq. ft., whichever is greater.
Small family child care home	Same as required for underlying residential use
Large Family Child Care Home and Child Care Centers	1 per 1.5 employees
2. For loading and unloading: One (1) parking space per six (6) children up to five (5) spaces and thereafter one (1) space per ten (10) children. Driveways, garage aprons and street frontage may be counted if appropriate permits are first received when calculating spaces for child care homes. Tandem spaces are prohibited.	
3. Exceptions for Child Care Requirements: The parking and loading/unloading requirements for child care facilities may in the Planning Commission's discretion be reduced, based on an empirical study (provided by the applicant) which establishes no adverse effects will occur as a result. The required number of loading/unloading spaces may be reduced without a study by one (1) space for each employee permanently assigned to load and unload children from vehicles.	
Community Center	1 per 4 fixed seats, or 1 per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes
Museums	1 per 400 sq. ft.
Public Utilities	1 per 400 sq. ft.
Religious Institutions	1 per 5 seats in the main area of assembly plus parking for classrooms and offices in this table.

Use	Minimum Parking Spaces Required
	Where there are no seats, then 1 seat equals 7 sq. ft.
<i>Educational Institutions:</i> School-elementary (K-8 Private) School-secondary (9-12 Private) Vocational School, including business, professional, technical and trade	1 per classroom, plus 1 per 240 sq. ft. of office 1 per classroom, plus 1 per 240 sq. ft. of office, plus 1 per 5 students 1 per 200 sq. ft.
Instructional Studios (Dance, Yoga)	1 per 150 sq. ft.
Private instruction, personal enrichment (tutoring)	1 per instructional area or classroom, whichever is greater. No fewer than 3 spaces.
Stadiums and arenas	1 per 4 seats
H. Restaurants or Food Service	
Banquet facilities	See restaurants below
Bars, Drinking Establishments	1 per 30 sq. ft.
Drive thru	See "Vehicle Related Uses" section.
<i>Restaurants:</i> Sit down: Indoor and outdoor: Take out:	1 per 39 square feet. 1 per 2.5 seats (indoor/outdoor) plus 1 per 60 sq. ft. GFA for the ordering or take out area.
I. Residential Uses	
<i>Single Family and Duplexes:</i> 3 bedrooms or fewer 4 or more bedrooms <i>Multi-Family:</i> R3 Zone Studio Up to 3 bedrooms 4 or more bedrooms Guest parking R4 and R5 Zones Studio 1 bedroom 2 to 3 bedrooms 4 or more bedrooms Guest parking Bicycle parking	2 per unit ⁴ 3 per unit, plus 1 per each additional bedroom ⁴ 1 covered per unit 2 per unit, at least one covered 3 per unit, at least one covered, plus 1 per each additional bedroom (may be uncovered). ⁴ 20% of the total required, may be uncovered 1 covered per unit 1.5 covered per unit 2 covered per unit 2 covered per unit, plus 1 per each additional bedroom (may be uncovered) ⁴ 20% of the total required, may be uncovered ⁴ 5% of the total required
Boarding houses, dormitories, sororities and	1 per each room rented

Use	Minimum Parking Spaces Required
fraternities	
<i>Mixed Use buildings or sites</i>	
Residential use	
Studio	1 covered per unit
1 bedroom	1.5 covered per unit
2 or more bedrooms	2 covered per unit
Guest parking	15% of total required, may be uncovered
Bicycle parking	5% of total required
Commercial use	
Ground Floor Retail	1 per 250 sq. ft.
Office	If building is 1,000 sq. ft. or smaller: 1 per 250 sq. ft. If building is larger than 1,000 sq. ft.: 3.3 per 1,000 sq. ft.
Other uses	Refer to specific uses within this table
Bicycle parking	5% of total required
Mobile Homes	Refer to Section 13.07, Mobile Homes
Senior Housing	1 per unit plus 2 per manager's unit
Single Room Occupancy (SRO)	1 per unit
J. Vehicle Related Uses	
Auto rental agency	1 per 400 sq. ft. plus 1 per rental vehicle
Auto repair (tire, oil change, smog check, etc.)	3 per service bay
Car Wash	1 per 200 sq. ft. of building area and reservoir space outside of building equal to two (2) times the maximum capacity of facility
<i>Gas & Service Stations:</i>	
With Retail	1 per 200 sq. ft.
With Auto Repair	3 per service bay
<i>Auto dealerships:</i>	
Sale or lease of vehicle	1 per 200 sq. ft. of showroom
Office	1 per 200 sq. ft.
With Service Bays	3 per service bay
Window service or drive-thru in conjunction with any other use	The required parking for primary use (restaurant, or other use providing window service) plus queuing of 5 vehicles which do not interfere with any on-site parking spaces

1. Refer to Subsection 2.03, Definitions, of this Chapter for a full description of "Commercial Services".
4. Applicable to new and existing projects being remodeled resulting in additional bedrooms submitted for approval after **DATE OF ADOPTION**. Existing projects or projects either entitled or submitted active planning applications prior to **DATE OF ADOPTION** shall use the parking regulations in effect at the time of entitlement or application submittal. For R4 and R5 zones, 15% guest parking is legal and conforming for projects entitled or active planning applications submitted prior to **DATE OF ADOPTION**.

53.11 Shared Parking

- A. Purpose and Intent.** Dedicated parking areas for individual uses, especially when provided in new developments, can result in less efficient land usage, lower floor area ratios, and more environmental/water quality impacts.

Shared parking is typically applied when land uses have different parking demand patterns and are able to use the same parking spaces/areas throughout the day. Shared parking is most effective when these land uses have significantly different peak parking characteristics that vary by time of day, day of week, and/or season of the year. In these situations, shared parking strategies will result in fewer total parking spaces needed when compared to the total number of spaces needed for each land use or business separately.

- B. Applicability.** Shared parking may be applied in the following situations:

1. In mixed-use developments, which include one or more businesses that are complementary, ancillary, or support other activities. A typical mix of uses includes, but is not limited to: residential, office, restaurants, retail, colleges, churches, cinemas, and special event situations if they can demonstrate that demand patterns vary among uses.
2. In shopping centers, when more than twenty (20%) percent of gross leasable area is occupied by dining and entertainment uses, (not including pad restaurants, unless they are located within 300 feet of the main shopping center building) shared parking may be applied.

- C. Required Review.** Shared parking proposals may be allowed with the approval of a Conditional Use Permit, in accordance with Subsection 57.04, Conditional Use Permits, of this Chapter.

- D. Calculation of Parking Spaces Required with Shared Parking.** The minimum number of parking spaces for a mixed use development or where shared parking strategies are proposed shall be determined by a study prepared following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved procedures. A formal study may be waived for small developments where there is established experience with the land use mix and its impact is expected to be minimal. The actual number of parking spaces required shall be based on well-recognized sources of parking data such as the ULI or ITE reports. If standard rates are not available or limited, the applicant may collect data at similar sites to establish local parking demand rates. If the shared parking plan assumes use of an existing parking facility, then field surveys may be conducted to determine actual parking accumulation. If possible, these surveys should consider the seasonal peak period for the combination of land uses involved.

- E. Location of Shared Parking Spaces.** Shared spaces for shall be located within three hundred (300) feet of the use entrances they serve. Up to fifty (50%) percent of nonresidential spaces may be provided at greater distances if dedicated shuttle bus or van service is provided. Clear, safe pedestrian connections must be provided.

- F. Captive Market Parking Requirements.** For uses that are considered ancillary to a larger business, no additional parking may be required. Examples of this case include a coffee or snack shop within an office or hotel development, a copy/package store within a business park or redevelopment of small retail uses in a large business district. Parking requirements for similar ancillary uses may be reduced to account for the likely cross patronage among the adjacent uses located within a maximum walking distance of 300 feet. Parking requirements may be reduced up to ninety (90%) percent as appropriate.

G. Agreement Between Sharing Property Owners. If a parking facility is to serve two or more separate properties, a legal agreement between property owners guaranteeing access to, use of, and management of designated spaces shall be executed to the satisfaction of the City.

H. Shared Parking Plan. A shared parking plan shall be submitted to the Planning Division with the following information:

1. Site plan and required parking calculations of parking spaces intended for shared parking and their proximity to land uses that they will serve.
2. A signage plan that directs drivers to the most convenient parking areas for each particular use or group of uses (if such distinctions can be made).
3. A pedestrian circulation plan that shows connections and walkways between parking areas and land uses. These paths should be as direct and short as possible.

53.13 Design Standards

A. Location of Parking.

1. Location of Parking in Relationship to a Use. Parking required for all residential uses shall be located within the same site as the use; in no case shall parking for a residential use be more than three hundred (300) feet away from the residential use it serves. All other required parking shall be located within three hundred (300) feet of the use for which the parking is required, as provided for in Table 14.09-1, Number of Parking Spaces Required or Section 13, Special Uses, if applicable, of this Chapter.

Exception: Greater distance may be allowed through the approval of a Conditional Use Permit.

2. Location of Residential Parking, Permitted. Vehicles on private property used for residential purposes shall be parked only in paved parking spaces or in driveways which comply with the following standards:
 - a. The driveway provides access to required parking spaces; and
 - b. The vehicle is not blocking access to parking for other residential units.
3. Each automobile parking stall shall be so located that no automobile is required to back onto any public street or sidewalk to leave the parking stall, parking bay or driveway except from a lot in an "R2" or more restrictive zone containing not more than two (2) dwelling units.

B. Parking Space Size.

1. Individual garage.
 - a. Each parking space with a minimum width of ten (10) feet and a minimum length of twenty (20) feet shall be required in residential garages meeting both of the following criteria:
 - i. The individual garage contains four (4) or fewer parking spaces;

- ii. The individual garage does not include circulation elements such as driveway aisles, but consists primarily of parking spaces.

2. Compact Spaces

- a. Each stall shall be legibly marked “compact stall” or “small car” on the stall surface. Compact stalls may be used only for the above listed buildings and uses and only within the Industrial zoning district.
- b. Parking stall shall be dispersed throughout the parking lot and not concentrated to discourage oversized vehicles from using the stalls.

3. Tandem Spaces

- a. Each residential garage tandem (two parking spaces) shall have a minimum width of ten (10) feet and a minimum length of thirty-eight (38) feet.

4. Bicycle or Motorcycle Spaces

Any existing or proposed parking facility may utilize, on a substitution basis, on-site parking spaces for bicycle or motorcycle spaces.

- a. Said bicycle spaces shall be raised a minimum of six (6) inches from grade of the adjacent parking facility.
- b. One parking space may be omitted for each eight (8) bicycle spaces provided.
- c. One parking space may be omitted for each two (2) motorcycle spaces provided.
- d. Bicycle spaces shall measure at least two (2) feet by seven (7) feet and shall be located in groups of four (4) and shall be of the following three types:
 - i. A rack which secures the frame, or
 - ii. An enclosed bike locker, or
 - iii. A fenced, covered, locked or guarded bike storage area.
- e. Motorcycle spaces shall measure four (4) feet by eight (8) feet and shall be provided with adequate unobstructed maneuvering areas to permit easy access to the space.
- f. In no instance shall credit for motorcycle or bicycle parking or combination thereof exceed five (5%) percent of the total required parking spaces.

C. Required Improvements. All parking areas and access driveways shall have a smoothly graded, stabilized and dustless surface with adequate drainage so that injury will not be caused to adjacent properties. Bumper guards or curbs shall be provided in order to define parking spaces or limits of paved areas.

Also refer to Section 54.03 of this Chapter for Improvement of Parking Areas.

D. Screening and Landscaping. All open automobile parking areas which abut upon a public street right-of-way shall provide landscaping to a depth of at least ten (10) feet of said street right-of-way and of any adopted plan line, with openings for walkway or drive purposes. Each landscaped planter in said parking facility shall be contained with a six (6) inch raised concrete curb (extruded curbing not permitted). Installation of an irrigation system shall be provided for in each planter area.

E. Lighting. All lights used to illuminate a parking area shall be designed, located and arranged so as to reflect the light away from any street and any adjacent premises.

F. Signs. Directional signs are permitted in parking areas in accordance with the adopted Sign Ordinance.

G. Fencing. A solid masonry wall a minimum height of six (6) feet shall be required on all common property lines when any parking area is established abutting residentially zoned property or property shown on the adopted General Plan as being Residential. The architectural design of said wall shall be to the approval of the Planning Commission through the Site Development Permit process in accordance with Subsection 57.03, Site Development Permits and Minor Site Development Permits, of this Chapter.

H. Angles and Dimensions

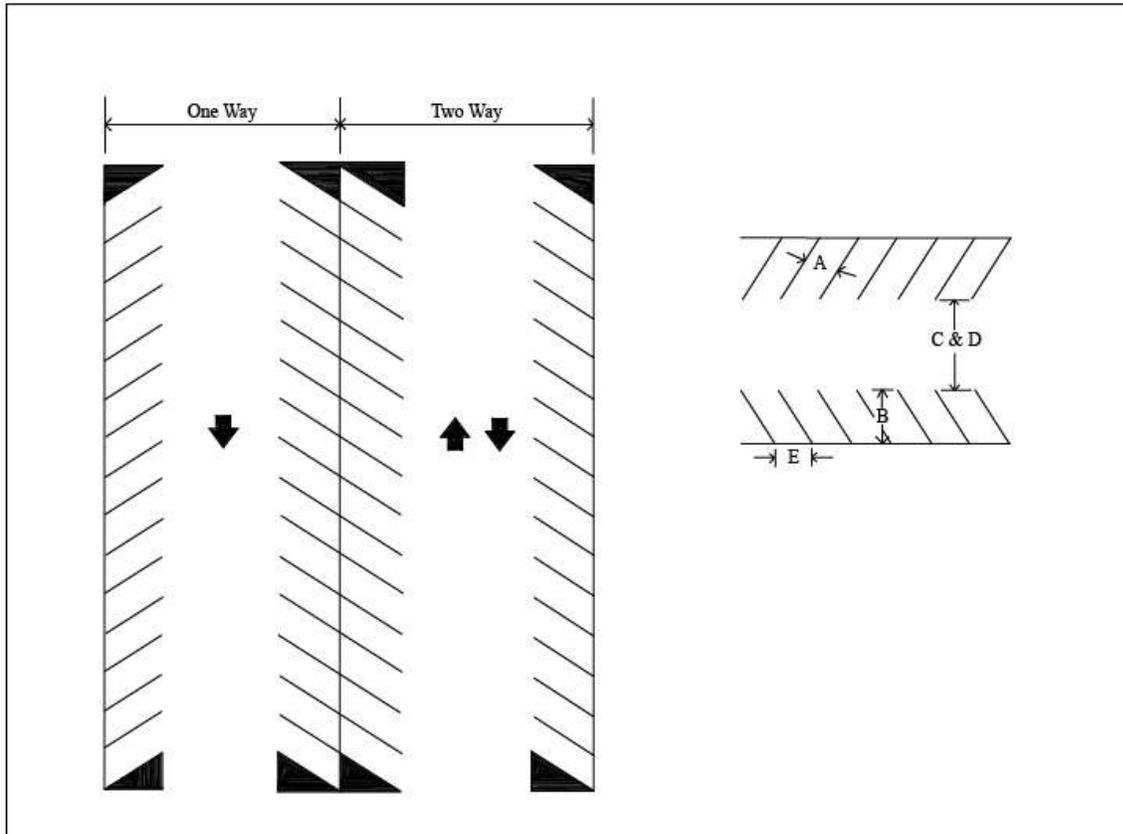
1. Vehicle Overhang. Vehicles may overhang two (2) feet into any landscape area or private walkway if the walkway is a minimum six (6) feet in width, but in no event shall the overhang be permitted within any public right-of-way.
2. Stall and drive aisle dimensions. The stall and drive aisle dimensions shall be as follows:

**Table 53.13-1
Parking Stall and Drive Aisle Dimensions**

Angle	A¹ Stall Width	B¹ Stall Depth	C¹ Aisle Width 1 Way	D¹ Aisle Width 2 Way	E¹ Curb Length per Car
Standard size:					
0°	9'	9'	12'	16'	22'
45°	9'	19.5'	12'	22'	12'
60°	9'	21'	18'	22'	10.5'
90°	9'	18'	25'	25'	9'
Compact size: [See Subsection 53.07(B)]					
0°	7.5'	7.5'	12'	15'	17'
45°	7.5'	16'	13'	20'	8.5'
60°	7.5'	17'	15'	20'	8.5'
90°	7.5'	15'	20'	20'	7.5'

¹ Reference to Figure 53.13-1, Parking Stall and Drive Aisle Dimensions

**Figure 53.13-1
Parking Stall and Drive Aisle Dimensions**



3. Backing space in residential projects. A minimum unobstructed vehicular maneuvering distance of twenty-five (25) feet measured from the opening of the garage or carport shall be provided, except as otherwise permitted in this section.

SECTION 3. SEVERABILITY

In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

SECTION 4. PUBLICATION AND EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after adoption, and thereafter the same shall be in full force and effect. Prior to the expiration of fifteen (15) days from the passage thereof, this Ordinance shall be published at least once in a newspaper of general circulation, published and circulated in the City of Milpitas, County of Santa Clara. At the election of the City, this Ordinance may be published in summary form if prior to adoption the complete text is posted in the City Clerk's Office pursuant to Government Code Section 36933(c).

Exhibit 2 Midtown Specific Plan Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING PARKING REGULATION CHANGES TO THE MIDTOWN AND TRANSIT AREA SPECIFIC PLANS

WHEREAS, in April 2007, the Council approved the Task Force membership and work schedule to address parking throughout the City. Since that time staff and the Task Force have progressed through various tasks including research, public outreach and now presenting a draft ordinance; and

WHEREAS, the City Council determines that this project is categorically exempt per Section 15305 of the CEQA Guidelines, minor alterations in land use limitations, since the amendment of the Zoning Code provided for herein only requires a modest update of parking restrictions and requirements and does not change existing land uses nor increase land use intensity.

This project is also statutorily exempt pursuant to Sections 15168(c) and 15162 of the CEQA Guidelines, since the project provisions related to Midtown and Transit Areas parking are within the scope of development evaluated in the Midtown Specific Plan Environmental Impact Report (“EIR”). No substantial changes have occurred to the circumstances under which the EIRs were certified and no new information, which was not known and could not have been known at the time that the EIR was certified as complete, has become available relating to the environmental effects of this project. Therefore, the Midtown Specific Plan EIR is adequate for the approval to the project for those areas covered in the Midtown Specific Plan EIR. In addition, the entire project is categorically exempt per Section 15061(b)(3) of the CEQA Guidelines, in that the project will not have the potential to cause a significant effect on the environment. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment because the project merely involves a modest update of required additional parking in some instances, adding standards where none previously existed and reformatting the existing legal restrictions; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 22, 2008 and heard evidence prepared by staff and comments by the public and recommends approval of the amendments unanimously; and

WHEREAS, on DATE, the City Council held a noticed public hearing to consider the amendment project and considered evidence presented by City staff, and other interested parties.

NOW, THEREFORE, BE IT RESOLVED that the Milpitas City Council determines, finds and certifies as follows:

Section 1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: The project is categorically exempt per Sections 15305, 15168(c) and 15162 of the CEQA Guidelines.

Section 3: The proposed amendments are consistent with the General Plan in that the changes ensure consistent and clear implementation of the stated goals and policies of the General Plan.

Section 4: The proposed amendments will not adversely affect the public health, safety and welfare in that the project contemplates clarifying the zoning ordinance and in some instances requiring additional parking where shortcomings exist.

Section 5: With the inclusion of the amendments to the Midtown Specific Plans, that document remain internally consistent.

BE IT FURTHER RESOLVED that the Milpitas City Council adopts the Findings and approves the amendments as outlined in Exhibit A and B.

PASSED AND ADOPTED this ____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Robert Livengood, Mayor, City of Milpitas

APPROVED AS T O FORM:

Michael J. Ogaz, City Attorney

EXHIBIT A

AMENDMENTS TO THE MIDTOWN SPECIFIC PLAN, DEVELOPMENT STANDARDS AND DESIGN GUIDELINES

4.0 Off-Street Parking

a. R4 (Multifamily Very High Density)

Multiple family dwellings shall include the following ratios of parking:

Unit Size	Stalls per Unit
Studio	1.0 covered
1 Bedroom	1.5 covered
2-3 Bedrooms	2.0 covered
4 or more Bedrooms	3.0 plus 1.0 additional space for each additional bedroom (Minimum 2.0 covered spaces). ¹
Guest Parking	25% of required stalls ¹
Bicycle Parking	5% of total stalls

¹Applicable to new and existing projects being remodeled resulting in additional bedrooms submitted for approval after **DATE OF ADOPTION**. Existing projects or projects either entitled or submitted active planning applications prior to **DATE OF ADOPTION** shall use the parking regulations in effect at the time of entitlement or application submittal. For R4 and R5 zones, 15% guest parking is legal and conforming for projects entitled or active planning applications submitted prior to **DATE OF ADOPTION**.

- Parking is prohibited in the front setback and should be at the rear of the buildings.
- Shared driveways shall be considered wherever possible to minimize curb cuts.
- Carports shall be integrated with the character and materials of the building architecture and landscaping.
- A single carport shall not be more than eight (8) stalls wide.
- Carports shall be separated from one another with a 4-foot wide (minimum interior dimension) landscaped island, planted with a tree.
- Tandem parking in garages may be allowed pursuant to Section 53, Off-Street Parking Regulations of the City's Zoning Ordinance.

Mr. James Lindsay
Planning & Neighborhood Services Director

City of Milpitas
Milpitas, California

DRAFT

December 10, 2008

Re: Milpitas TASP Parking Requirements

Dear James:

We must say that the proposed changes to the TASP parking requirements are very discouraging from many standpoints. The TASP was approved after three years of study, planning and discussion between the City, Stakeholders VTA and other interested parties. To propose such a significant change after this huge volume of intensive work was completed and approved seems a bit incomprehensible. The suggested changes are very cost generative, not environmentally sensitive, will reduce density, promulgate the “Bigger is Better” attitude that has created the crisis in our entire economy and does nothing to solve the basic cause of the problem.

Cost Generative

The increase in guest parking by our calculation will add the need for land by 77.4 sq. ft. per unit. The estimated additional direct cost per unit for land and the improvements will exceed \$5,000 which will translate to a nearly \$7,000 increase in the price of the house. The reduced tandem parking will require 100.4 sq. ft. of additional land per unit. This will result in a direct cost increase for land and improvements of over \$6,100 which will add over \$8,100 to the house price.

Thus the changes will add over \$15,000 to the price of the house. This is in direct contradiction of the policies and objectives and policy statements of the TASP. Given the perilous condition of the economy this seems to be entirely counter productive to easing the burden for homeowners and stimulating new development and job creation.

Environmental Sensitivity

The two changes will add substantial impervious cover with .41 acres of added coverage in a typical 100 unit community. This relates to 10% of a typical 4 acre site of 25 dwelling units to the acre.

Again this seems counter productive and in contradiction to the TASP objectives and policies.

Reduce Density

It is clear that if a 25du community of 100 units would take 4.41 acres instead of 4 acres then the density would be 22.68du. Greater density is one of the prime objectives of the TASP. This change seems to go the wrong way.

Public Transportation

The basis of the TASP was to foster the use of public transportation, pedestrian access and discourages the use of automobiles. The changes certainly fly in the face of those objectives.

Causation

We understand that there are complaints of inadequate parking in the higher density communities and that tandem parking spaces are inconvenient to use. We have developed higher density communities in the City of San Diego, Los Angeles County, City of Irvine, City of Tustin and other areas. Each has suffered from the same complaints of inadequate parking with both tandem and side by side garages. The root problem is the residents do not use their garages for their cars but for storage, workshops or even living space. This certainly seems to be the case in Milpitas as well. It is true that tandem garages are not as convenient as a side by side garage but earlier projects in Milpitas utilized 25' – 26' drive aisles which made the tandem garages less convenient to enter or exit while the new building code requires 30' for drive aisles which should provide easier turning movements in the drive aisles for tandem garages.

Solution

Condominium documents provide that the residents are required to utilize the garages for their automobiles. In the communities where the parking rules are vigorously enforced the problem has been dramatically reduced. In many instances the HOA Board finds it difficult to enforce their own regulations. A real solution could be the enforcement of the parking regulations by the City. There are a number of simple alternatives that could be implemented and we believe provide a real solution without the negative aspects of the proposed changes.

We would be pleased to review these comments in more detail as well as suggested solutions at your convenience.

Sincerely,
Milpitas Station LLC

By: E James Murar

Planning Commission Meeting of October 22, 2008

3. ZONING AMENDMENT ZA080010, PARKING ORDINANCE AMENDMENTS

Sheldon Ah Sing, Senior Planner, presented a request to amend the City of Milpitas Parking regulations regarding the amount of parking required, parking design standards and formatting changes to the section. The section affects parking for all zoning districts and uses within the City. The proposed changes would affect new or remodel projects. Mr. Ah Sing recommended adopting Resolution No. 08058 recommending approval of the amendments to the City Council.

Commissioner Ciardella said he is concerned about tandem parking because it would give the developers more power and asked if there any alternatives. Mr. Ah Sing said the parking for a project would come before the Planning Commission who would have the authority to approve, deny or modify the project and that tandem parking would be reviewed on a case by case basis.

Commissioner Ciardella said that parking for condominium projects is horrendous and asked if the amendments will change the process. Mr. Ah Sing said staff is hoping that it would affect the newer projects and would require an extra space for dwelling units with 4 or more bedrooms and require 5% more guest parking in R4.

Commissioner Ciardella said he is concerned and wants to make sure the process will be improving the parking situation.

Mr. Ah Sing said it would increase the parking over time in incremental changes and the parking amendment will not drastically change the city over a year.

Commissioner Galang asked if compact parking is required in a commercial zone when the business has ten or more spaces on site. Mr. Ah Sing said it is not a requirement but an option that a developer could have 40% of compact parking.

Commissioner Galang asked where compact parking is located. Mr. Ah Sing said that through design standards it is required that compact spaces be dispersed across the parking lot so they are not all in one row and that they be located near landscaped areas.

Commissioner Galang said he is concerned that sport utility vehicles park in compact stalls and asked if this is legal. Mr. Ah Sing said that he is not aware of any ordinance restricting this however the property owner could have "compact" stenciled in the parking space or signs could be installed indicating the parking space

Commissioner Galang asked if the driveway is counted as a parking space for R1 and R2 single-family residential and Mr. Ah Sing said the driveway could be counted as two spaces. Mr. Ah Sing also said that if a resident wants to add new bedrooms to their home they have to consider new parking if they do not already have it on site.

Commissioner Galang asked if there are any onstreet parking restrictions. Mr. Lindsay said the City has a history of not counting onstreet parking as required parking.

Alternate Commissioner Ali asked what the difference between R3 and R5 zoning district is. Mr. Ah Sing said there is more density per acre in R5.

Alternate Commissioner Ali asked if tandem parking works. Mr. Lindsay said there are projects that currently have tandem parking in an individual unit and are effective in structured parking. Mr. Oliva said an example of tandem parking would be Parc Place on Curtis Drive and another project on Abel Street.

Commissioner Ciardella asked how does staff regulate patrons parking in another owner's parking lot. Mr. Ah Sing said there is no ordinance or regulation to deter that.

Mr. Lindsay felt it would work because parking recommendations from restaurants that are contained in the ordinance are reflective of the actual dining area that a restaurant would have. Currently the parking is judged by the number of seats in the floor plan that is not related to the actual occupant load of the dining area. Very often, the number of seats is dictated by the available parking and the actual occupant load enforced by the fire department is actually greater which leaves extra room in the dining area for extra seating. So with this modification, the size of the dining area would be a reflection of the available parking. In the long term, it would improve the situation where there are successful restaurants creating parking impacts.

Acting Chair Sandhu opened the public hearing.

Frank De Smidt, Parking Task Force, said he is concerned about the Landmark tower project having only one parking space per unit because it will spill into the guest parking. He is also concerned that guest parking used to be 40% and then it went down to 15% and now staff wants to require 20% guest parking spaces which he felt was still not enough. He felt that tandem parking should be reduced or eliminated and asked staff to look into the restaurant parking changes carefully

Bill Cilker Jr., Owner of Milpitas shopping center, experienced the commercial end of the parking issues and felt that the changes the parking task force came out are pretty good comprises. He is concerned about tandem parking and felt 75% of tandem parking requirements is too much for a project.

Motion to close the public hearing.

M/S: Galang/Ciardella

AYES: 4

NOES: 0

ABSENT: 4 (Ali-Santosa,
Mandal, Tabladillo and Williams)

ABSTAIN: 0

Commissioner Ciardella said he is against 75% tandem parking and would like to change it to 25% tandem parking in parking garages/structures and Alternate Commissioner Ali agreed.

Commissioner Ciardella said he is also concerned about 20% guest parking requirements and would like to change it to 25% guest parking requirements.

Mr. Lindsay suggested that for guest parking, the parking characteristics are different for a town home development with individual garages than with projects that have a parking garage. He has seen issues with overflow of guest parking with townhomes

rather than projects that have parking garages and suggested that the 25% guest parking requirement be applied to town home projects rather than projects with a parking garage.

Alternate Commissioner Ali asked if the 25% guest parking requirement would make it or break it for developer and Mr. Lindsay said any residential developer looking into a project after January 2009 would have to adhere to the new policy requirement and the requirement would mean less living space and more parking.

Alternate Commissioner Ali asked what is Fremont and San Jose's guest parking requirement and Mr. Oliva said neighboring cities requirement averaged around 20% to 25%.

Motion to recommend approval to the City Council of Zoning Amendment ZA080010, Parking Ordinance Amendments and to require 25% guest parking for townhomes and condominium projects and require 25% tandem parking in structured parking garages only.

M/S: Ciardella/Galang

AYES: 4

NOES: 0

ABSENT: 4 (Ali-Santosa,
Mandal, Tabladillo and Williams)

ABSTAIN: 0