

RESOLUTION NO. 14-010

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS
RECOMMENDING THE CITY COUNCIL APPROVE ZONING AMENDMENT NO.
ZA-14-0003 TO AMEND SECTION 53 OF THE ZONING ORDINANCE TO REQUIRE
COVERED PARKING FOR SINGLE-FAMILY RESIDENTIAL USES AND TO
MODIFY STANDARD PARKING LOT DRIVE AISLE WIDTH FROM 25 TO 24-FEET
FOR COMMERCIAL AND INDUSTRIAL PARKING LOTS**

WHEREAS, Table 53.09-1 of the Zoning Ordinance sets forth the number of parking spaces required for different uses in the City; and

WHEREAS, currently, two parking spaces are required for single-family homes/duplexes with three bedrooms or fewer and three parking spaces are required for single-family homes/duplexes with four bedrooms or more (plus one additional space for each additional bedroom); and

WHEREAS, the City of Milpitas does not require covered parking for single-family homes or duplexes and the City has received a number of inquiries and permit applications for garage conversions to living space; and

WHEREAS, garage conversions displace vehicles to the driveway and onto the public street, which in turn, creates a public nuisance for the neighborhood and potential hazard for emergency vehicles; and

WHEREAS, Table 53.13-1 of the Zoning Code sets forth the standards for parking stall and drive aisle dimensions and currently, the standard aisle width between parking spaces is 25-feet; and

WHEREAS, the City's current parking lot drive aisle width requirement under the Zoning Ordinance of 25-feet places an undue hardship on parking lot design and infill development since 24-feet is consistent with conventional traffic engineering standards and other cities in the Bay Area; and

WHEREAS, on February 19, 2014, the Planning Division initiated a process to amend the Milpitas Zoning Ordinance to require covered parking for single-family homes and duplexes and to modify standard parking lot drive aisle width from 25-feet to 24-feet for commercial and industrial parking lots;

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project exempt under CEQA Guidelines Section 15061(b)(3);

WHEREAS, on March 12, 2014, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties;

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

Section 1: The Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are 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 modifying the parking requirement for all single-family homes and duplexes by requiring covered parking and modifying the standard drive aisle width from 25-feet to 24-feet for commercial and industrial uses.

Section 3: Zoning Amendment (Section XI-10-57.02(G)(3)) - The Planning Commission makes the following findings based on the evidence in the public record in support of Zoning Amendment No. ZA-14-0003:

1. *The project is consistent with the Milpitas General Plan.*

The project is consistent with the Milpitas General Plan, specifically:

- Policy 2-a-I-17: Foster community pride and growth through beautification of existing and future development
- Goal B-1: Maintain High Quality Residential Environments—The maintenance and improvement of the quality of life of existing neighborhoods is a high priority for the City of Milpitas
- Policy 2.a I-2: Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.

The project is consistent with this finding because it furthers the policies and goal of the General Plan by improving the quality of life of existing neighborhoods, ensuring adequate parking and fostering community pride and growth through beautification by providing adequate off-street and on-street parking. Furthermore, changing the parking lot and structure drive aisle standard from 25-feet to 24-feet accommodates and promotes infill development within the City.

2. *The proposed amendment will not adversely affect the public health, safety and welfare.*

The project is consistent with this finding because due to its nature, it does not impact public health, safety and welfare. But rather promotes neighborhood beautification and preservation by maintaining vehicles on residential lots and keeping the street free and clear of unnecessary vehicles. Additionally, changing the parking aisle width from 25-feet to 24-feet for commercial and industrial parking lots is consistent with engineering standards and other cities requirements.

Section 4: The Planning Commission of the City of Milpitas hereby adopts Resolution No. 14-010 recommending the City Council adopt an amendment to the Zoning ordinance to require covered parking for single family residential uses and to modify standard drive aisle from 25 feet to 24 feet—(Zoning Amendment No. ZA-14-0003) - based on the above findings incorporated herein. A copy of the proposed ordinance is attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on March 12, 2014:

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 March 12, 2014 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Lawrence Ciardella				
John Luk				
Rajeev Madnawat				
Sudhir Mandal				
Demetress Morris				
Gurdev Sandhu				
Garry Barbadillo				
Hon Lien (alternate)				