



MILPITAS PLANNING COMMISSION STAFF REPORT

June 11, 2014

APPLICATION: **Parking Ordinance Amendment II, ZA14-0006**
A City-initiated request to consider a Zoning Amendment to Title XI, Chapter 10, Section 53, Off-Street Parking Regulations, of the Milpitas Municipal Code to provide flexibility with development standards for parking structures; and, to clarify that residential uses shall not be able to meet their parking requirements with on-street parking on public streets.

RECOMMENDATION: **Staff recommends that the Planning Commission: Adopt Resolution No. 14-025 recommending the City Council adopts an amendment to the Zoning Code to provide flexibility with development standards for parking structures; and, to clarify that residential uses shall not be able to meet their parking requirements with on-street parking on public streets.**

LOCATION:
Address/APN: City-wide

PEOPLE:
Project Applicant: City of Milpitas Planning Division
Project Planner: Tracy Tam, Planning Intern

LAND USE:
General Plan Designation: City-wide
Zoning District: City-wide

ENVIRONMENTAL: Exempt from further environmental review pursuant to Section 15061(b)(3) in that CEQA only applies to projects that have the potential for causing a significant effect on the environment.

EXECUTIVE SUMMARY

The proposed amendment includes two changes to the City's Zoning Code. Currently, Table 53.13-1 of the Milpitas Zoning Code sets forth the parking stall and drive aisle dimensions for all parking spaces in the City, including parking structures. Due to increasing demand for infill development, the high cost of constructing parking structures, and flexible development standards in neighboring cities, staff felt that it is appropriate to include flexibility through a Conditional Use Permit to modify the parking standards for parking structures. Secondly, the parking requirement for residential uses is not clearly stated in Section XI-10-53.13(A)(1) (Location of Parking) of the Zoning Code. Incorporation of language within this section directly addresses that on-street parking on public streets is not allowed to count towards the parking requirement.

BACKGROUND

History

On February 25, 2009, Planning Commission adopted Resolution No. 09-007 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 and Transit Area Specific Plans. On April 7, 2009, City Council approved Ordinance 38.785, specifically amending the parking regulations regarding the amount of parking required for certain uses, parking design standards and formatting changes to the section.

On March 12, 2014, Planning Commission adopted a Resolution recommending the City Council approve the City-initiated request for a zoning amendment (No. ZA14-0003) to modify the parking lot drive aisle width from 25-feet to 24-feet. On April 15, 2014, the City Council directed staff to return to the City Council with a revised ordinance incorporating the change in drive aisle width only.

The proposed zoning amendment will provide flexibility to development standards for parking structures through the approval of a Conditional Use Permit and clarifies that on-street parking on public streets is not allowed to count towards a residential projects' parking requirement.

The Application

The following is a summary of the request:

- *Zoning Amendment:* Amend the Parking Ordinance (Section 53: Off-Street Parking Regulations) to provide flexibility with development standards for parking structures; and, to clarify that on-street parking on public streets is not allowed count towards a residential projects' parking requirement.

PROJECT DESCRIPTION

Overview

Currently, Table 53.13-1 of the Milpitas Zoning Code sets forth parking stall and drive aisle dimensions for all parking uses in the City. The proposed zoning amendment will provide flexibility to the design standards (i.e. parking stall dimensions, and drive aisle width) subject to review and approval of a Conditional Use Permit. Additionally, the proposed zoning amendment will clarify that on-street parking on public streets or in the public right-of-way is not allowed to count towards a residential projects' parking requirement.

Location and Context

The Zoning Code amendment will apply City-wide to all new parking structures and the clarification of residential parking standards will apply to all new residential projects.

PROJECT ANALYSIS

General Plan and Zoning Conformance

This proposed zoning amendment is consistent with the intent of the General Plan in that it seeks to promote infill development within the City and assists in maintaining a relatively compact urban form. By providing flexibility with the development standard for parking structures, staff can work with the applicant in satisfying on-site parking requirements while meeting economic development and public health and safety goals. Because most development within the City is infill development, having flexible development standards for parking structures will promote business retention, new business attraction, and infill development while meeting or exceeding the code-required parking requirements.

This proposed zoning amendment will help maintain a relatively compact urban form in that it will promote a more efficient use of land as a vertical built form instead of a horizontal one. Given the size of certain parcels within the City and the minimum density requirements within certain areas of the City, parking structures are proposed in order to meet those requirements.

The amendment will also clarify that on-street parking on public streets is not counted toward a residential project's parking requirement. This is consistent with the General Plan in that public streets are public spaces and available to all residents and visitors of the City. Allocation of parking on public streets to private residential development is inconsistent with the intent of the Zoning Ordinance and the use of public streets. Clarification of this provisions in the Zoning Ordinance is internally consistent with the Zoning Ordinance since the provision already exists and is just being clarified.

FINDINGS FOR APPROVAL (OR DENIAL)

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Zoning Amendment (Section XI-10.57(G)(3))

- 1. The proposed amendment is consistent with the General Plan.*

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

- 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.
- Principle 2.a-G-1: Maintain a relatively compact urban form. Emphasize mixed-use development to the extent feasible, to achieve service efficiencies from compact development patterns and to maximize job development and commercial opportunities near residential development.

The project is consistent with this finding because it furthers the policies and principles of the General Plan by providing language that provides flexibility with the development standards for parking structures through approval of a Conditional Use Permit. In doing so, infill development is accommodated because staff has direction to review the design of the parking structure in the

context of each project, the uniqueness and different character of each project. An increasing number of projects are proposing parking structures in order to meet the parking requirement generated by the project and the flexibility to modify the current design standards will assist staff in working with the applicant to achieve a parking structure design that meets the unique details of various land uses and property owners.

The proposed zoning amendment will assist with maintaining a relatively compact urban form in that it will promote a vertical building form instead of a horizontal one. By its nature, vertical development promotes a compact urban form and infill development.

The amendment to clarify that on-street parking on public streets is not counted toward a residential project's parking requirement is also consistent with the General Plan in that public streets are public spaces and available to all residents and visitors of the City. Allocation of parking on public streets to private residential development is inconsistent with the intent of public streets.

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, there is no potential to affect the public health, safety and welfare of the general public. Providing flexibility on development standards for parking structures is intended to assist in the review of the design of the parking structure and making appropriate recommendations to the Planning Commission. Further, clarification of on-street parking allocation will not affect the public health and safety because the intent of public streets is for public use rather than private use by private development.

ENVIRONMENTAL REVIEW

The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is exempt from further CEQA review under Section 15061(b)(3) of the CEQA Guidelines in that the project has no potential to cause a significant effect on the environment. Staff has determined that amending the Zoning Code to provide flexibility on development standards for parking structures and clarifying that on-street parking on public streets is not allowed for residential projects' parking requirement has no potential to cause a significant effect on the environment. Any future project will need to go through environmental review in compliance with CEQA.

PUBLIC COMMENT/OUTREACH

Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on May 30, 2014. (Two Fridays before the meeting). A public notice was also provided on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CITY COUNCIL REVIEW

This project requires review by the City Council and is tentatively scheduled on the August 5, 2014 Council agenda.

CONCLUSION

In summary, the proposed Zoning Code amendment will provide flexibility with the development standards for parking structures, and clarify that on-street parking on public streets is not allowed to count towards a residential projects' parking requirement. The proposed Zoning Code amendment will further the General Plan policy to accommodate infill development by providing an improved review process for staff. The proposed Zoning Code amendment will also help maintain a relatively compact urban form in that it will promote a vertical built form as opposed to a horizontal one and it will promote economic development through business attraction and retention.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close Public Hearing; and
2. Adopt Resolution 14-025 recommending City Council adopt an amendment to the Zoning Code to provide flexibility with development standards for parking structures through a Conditional Use Permit; and to clarify that residential use shall not meet its parking requirements with on-street parking on public streets, public right-of-way, or public areas.

ATTACHMENTS

A: Resolution No. 14-025

B: Ordinance 38.010