

RESOLUTION NO. 14-025

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING THE CITY COUNCIL APPROVE ZONING AMENDMENT NO. ZA14-0006 TO 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

WHEREAS, Table 53.13-1 of the Milpitas Zoning Code currently sets forth parking stall and drive aisle dimensions for all parking spaces in the City including parking structures, as further defined in the Milpitas Zoning Code; and

WHEREAS, Section XI-10-53.13 of the Milpitas Zoning sets forth the standards for location of parking spaces for various uses in the City of Milpitas; and

WHEREAS, on May 9, 2014, the Planning Division initiated a process to amend the Milpitas Zoning Code to provide flexibility with design standards for parking structures and to clarify that residential use shall not meet its parking requirements with on-street parking public streets, public-right-of-way, or public areas; and

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. The project is exempt from further CEQA review under Section 15061(b)(3) of the CEQA Guidelines (Review for Exemption) because the project has no potential to cause a significant effect on the environment since these are policy amendments that clarify existing regulations and approval authority.

WHEREAS, on June 11, 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 providing

flexibility on development standards for parking structures with 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. Any future projects will be required to conduct complete environmental review under CEQA.

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-14-0006:

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.

Section 4: The Planning Commission of the City of Milpitas hereby adopts **Resolution No. 14-025 recommending the 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 (Zoning Amendment No. ZA-14-0006) 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 June 11, 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 June 11, 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)				