

REGULAR

NUMBER: 38.817

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING SECTION 53 OF CHAPTER 10 OF TITLE XI OF THE MILPITAS MUNICIPAL CODE RELATING TO CLARIFICATION ON WHEN RETAIL/COMMERCIAL DEVELOPMENT PROJECTS MAY MEET THEIR PARKING REQUIREMENTS WITH ON-STREET PARKING

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of _____, upon motion by _____ and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. 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

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

RECITALS AND FINDINGS:

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, currently, Section XI-10-53.13(A.1) of the Zoning Code does not contain clear language for allocating on-street parking spaces towards the parking requirement for commercial service or retail uses;

WHEREAS, Section XI-10-53.13(A.1) is amended to clarify when retail/commercial development projects may meet their parking requirements with on-street parking;

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

WHEREAS, on July 23, 2014, 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 adopted Resolution No. 14-029 recommending the City Council adopt an amendment to the Zoning Ordinance to clarify when retail/commercial development projects may meet their parking requirements with on-street parking;

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council 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 City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE SECTION 53 OF CHAPTER 10 OF TITLE XI.

Section XI-10-53.13.A.1 entitled “Location of Parking” of the Milpitas Municipal Code is hereby amended with the text below to read as follows:

- 1. Location of Parking in Relationship to a Use.
 - a. Residential Uses: Parking required for all residential uses shall be (i) located within the same project site as the use; (ii) less than three hundred (300) feet away from the residential unit it serves; and in no case shall parking for a residential use be more than three hundred (300) feet away from the residential use it serves (iii) shall not be located on any public street, public right-of-way or in any other public area. 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.
 - b. Commercial Services and Retail Stores in the Transit or Midtown Specific Plan Areas: Commercial service and retail uses may meet its parking requirements with on-street

parking if the project satisfies each one of the following conditions: (i) the project site is located within the Transit or Midtown Specific Plan Areas; (ii) the on-street parking space is located along the project site frontage directly serving and adjacent to the use; (iii) no more than fifty (50%) of the required parking spaces shall be allocated on-street unless the commercial or retail use requires ten (10) spaces or less parking spaces; (iv) the on-street parking is located no more than three hundred (300) feet away from the use it serves; and (v) the on-street parking space shall be designated as limited time parking in accordance with the California Vehicle Code.

a-c. Other Uses: Required parking for all other uses shall be (i) located within the same project site as the use; (ii) 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, of this Chapter; and, (iii) shall not be located on any public street, public right-of-way or in any other public area.

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

Permit.

SECTION 3. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 4. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.