



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: February 25, 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:

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 Reports (October 22, 2008 & January 28, 2009)
 C. Planning Commission meeting minutes (October 22, 2008 & January 28, 2009)
 D. Parking Task Force meeting minutes (December 11, 2008)
 E. Resolution No. 09-007

BACKGROUND

On January 28, 2009, the Planning Commission heard the proposed amendments from staff; however, the Commission had concerns about enforcement and equity between the standards used for the two specific plans and existing single family neighborhoods.

The purpose of this report is to address the Planning Commission's concerns expressed at the January 28th meeting. The previous staff report has been included as Attachment __ as a reference to the other changes being recommended. Attached A includes the strikeout and underline changes being recommend by staff to the ordinance.

DISCUSSION

Multi-Family Districts

Significant discussion has occurred regarding guest parking in multi-family projects. Like the approaches for single-family projects, a solution needs to balance the concerns of all stakeholders. There is a noticeable difference in the parking congestion for multi-family projects that have individual garages versus those that have open structured parking. The Terra Serra project on South Abel Street is an excellent case study where many parking complaints have been received from residents living in the townhomes that have private garages yet we have received no complaints from residents living in the condominiums built over an open parking structure. The same parking requirements (R4 zoning) were applied to both unit types.

It is becoming more typical to see multi-level or podium level parking (level below the units) being developed in conjunction with higher density projects. These facilities provide levels of open parking spaces that are assigned with stenciling a number on each space. The tenant of the dwelling unit has little choice but to use their assigned space for the parking of their vehicle. In contrast, lower density developments (including townhouses) typically provide individual garages, which are for the sole use of the dwelling tenant. It is staff's experience that these garages tend to be used for private storage rather than parking of vehicles. This leads to tenants using "guest" parking or street parking for everyday use.

To address the Planning Commission's request to have consistent parking standards throughout the City (regardless of which specific plan a project is located in), Staff is proposing the following changes to the parking requirements for the multi-family zoning districts:

Table 1
Existing & Proposed Parking Requirements –
Multi-Family Zoning Districts

Zone	Studio		1 Bedroom		2 + Bedrooms		Guest		
	<i>Exist.</i>	<i>Prop.</i>	<i>Exist.</i>	<i>Prop.</i>	<i>Exist.</i>	<i>Prop.#</i>	<i>Exist.</i>	<i>Proposed Open Garage</i>	<i>Proposed Pvt. Garage</i>
R3	1	1	2	1.5	2	2	20%	15%	20%
R4	1	1	1.5	1.5	2	2	15%	15%	20%
R5	1	1	1.5	1.5	2	2	15%	15%	20%

Staff is recommending requiring one additional parking space for each bedroom over three.

This recommendation would result in revised parking standards for both the Midtown and Transit Area Specific Plans. Alternatively, the Planning Commission could consider the Parking Task Force's recommendation of 25% citywide for guest parking. The Parking Task Force did not discuss any differences for structured parking and individual garages.

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.

To address the Planning Commission's request to have consistent parking standards throughout the City, staff is recommending a conditional use permit be required in all cases and the amount of tandem provided be limited to 75% for projects with structured parking facilities and 50% for projects with individual garages. These requirements would apply throughout the City and would require amendments to the Midtown and Transit Area Specific Plans.

Alternatively, the Planning Commission could consider the Parking Task Force's recommendation of reducing the maximum to 25% citywide for projects with individual garages and 35% for projects with structured parking.

One and Two Family Zoning Districts

Presently for the R1 (single family) and R2 (one & two family) zones only two parking spaces are required for each dwelling unit. These parking spaces are not required to be covered, so in many cases the parking on a driveway is sufficient to meet the standard. In addition, no guest parking is required for these types of units. Staff has identified three approaches that could address the Planning Commission's concerns regarding enforcement and equity.

1. The first approach is "as is" or "no change." This approach provides the greatest amount of flexibility to a property owner in that garage conversions can continue, additional bedrooms may be added to the home with no requirement for additional parking and spillover parking would continue to occur on the public streets.
2. The second approach (staff's recommendation) is to require an increase in parking for new and remodeled projects resulting in four or more bedrooms to add one additional space on-site for each additional bedroom. For a typical single-family unit with a two-car garage and driveway, additional parking spaces would be required when a sixth bedroom is proposed. Constraints may occur when a property owner contemplates converting a parking space into livable area (e.g. garage conversions). Increasing the on-site parking when additional bedrooms are created beyond three bedrooms could help to alleviate parking congestion on the public streets. Staff is recommending the Planning Commission support this change.
3. The third approach could involve prohibiting garage conversions, and mandate covered parking. This approach provides the least amount of flexibility but could have the biggest impact on reducing future parking congestion on the public streets.

Table 2
Existing & Proposed Parking Requirements –
One & Two Family Zoning Districts

Zone	1-3 Bedrooms		4 + Bedrooms#		Guest	
	<i>Exist.</i>	<i>Prop.</i>	<i>Exist.</i>	<i>Prop.</i>	<i>Exist.</i>	<i>Proposed</i>
R1	2	2	2	3+	n/a	n/a
R2	2	2	2	3+	n/a	n/a

Staff is recommending requiring one additional parking space for each bedroom over three

SUMMARY OF CC&R LAW

The Planning Commission has asked for a short summary of covenant law and possible applications to address reported on-site parking abuses in developments.

Covenants are types of restrictions placed upon buyers of real property. Frequently, they are partnered or mentioned under the collective term of “covenants, conditions and restrictions” or “CC&R’s.” A CC&R is recorded in private deeds as either deed restrictions or in local community compacts between private parties in a neighborhood. Covenants are entered into voluntarily (i.e, contingent upon purchase of a home).

CC&R’s differ from zoning ordinances in that they are between private parties rather than between a governmental agency and a private company or person. Thus, a single resident that is subject to a set of CC&R’s or a neighborhood association may enforce a covenant against another homeowner. Cities, however, generally have no legal “standing” or right to enforce a CC&R provision. Furthermore, residents under state law are entitled to modify their CC&R’s upon an association or resident vote. Such amendments might be made without notice to the City.

Accordingly, cities and counties typically regulate and address most community concerns through their zoning, nuisance, and other codes and inserting direct conditions of approval which have a nexus to the proposed activity or use on proposed land use applications.

CONCLUSION

When drafting solutions for parking, a one size fits all approach does not work. A balancing of points of view from various stakeholders needs to be considered. It also needs to be noted that these changes are not retroactive and that only new development (tenant improvements and new construction) will result in incremental change.

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.

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.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission adopt Resolution No. 09-007 recommending approval of the amendments to the City Council.

Attachments:

- A. Strikeout and underline changes to parking regulations
- B. Planning Commission Reports (October 22, 2008 & January 28, 2009)
- C. Planning Commission meeting minutes (October 22, 2008 & January 28, 2009)
- D. Parking Task Force meeting minutes (December 11, 2008)
- E. Resolution No. 09-007



MILPITAS PLANNING COMMISSION AGENDA REPORT

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

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

Planning Commission Meeting Minutes for January 28, 2009

Sheldon Ah Sing, Senior Planner, presented a request to amend the city of Milpitas Zoning Ordinance Section 53 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, including those within the Midtown and Transit Area Specific Plans. The proposed changes would affect new or remodel projects. Mr. Ah Sing recommended to Adopt Resolution No. 09-007 recommending approval of the amendments to the City Council.

Chair Williams asked if there have been any complaints. Mr. Ah Sing stated staff heard a lot from neighbors in the existing areas.

Commissioner Ciardella asked if staff could restrict restaurants from moving into buildings to solve the restaurant parking problem. Mr. Ah Sing stated that if new projects come into effect it would be up to the Commission to decide the restrictions.

Chair Williams opened the public hearing.

John Holmes, 1438 Clear Lake Avenue, stated that according to the State a restaurant is suppose to have one parking space for each employee. He is concerned about the parking capacity at the Church on Park Victoria.

E James Murar, Milpitas Station LLC, wanted to thank the Commission for bringing in the property owners and stake holders as part of the study. He is in support of staff's recommendations.

Charles McKay, Vice-President, Citation Homes Central, wanted clarification of staff's recommendation. Mr. Ah Sing said the Transit Area Specific Plan is a separate document from the Zoning Ordinance. Mr. Otake recommended accepting the Transit Area Specific Plan consistent with the staff recommendation.

Ed Mendence, State Licensed Commercial Real Estate Agent, stated that the Transit Area Specific Plan should not be exempt from the new parking requirements. Also, the guest parking space requirements should be restored to at least 20% of project parking.

Frank De Smidt, Parking Task Force, stated he also agrees that the Transit Area should not be exempt from the new parking requirements. Homeowners are disappointed with the parking problems they are having. He feels there should be little tandem parking as possible. He also feels this is a quality of life problem. He says tandem parking and the lack of guest parking is inconvenient.

Betty Johnson, 1236 So. Park Victoria, asked how the Commission can help with the parking situation at the church on So. Park Victoria.

Chair Williams directed staff to coordinate with the residents to get their input and report back to the Commission.

Motion to close the public hearing.

M/S: Mandal, Sandhu

AYES: 6

NOES: 0

ABSENT: 1 (Alex Galang)

ABSTAIN: 0

Chair Williams stated there are too many issues of concern. He said there is no enforcement of rules. He sees a problem out there and not a resolution.

Vice-Chair Mandal feels it is a good proposal. He said it is not a problem that will be resolved tomorrow. It will take some time.

Chair Williams asked if the Parking Task Force should look at developing some sort of progressive plan and see how Code Enforcement can get involved.

Vice-Chair Mandal stated from his perspective that there could be more things that could be more proactive.

James Lindsay, Planning Director, suggested producing a document that would lay out the parking expectations. Chair Williams wanted this document to have a way of contacting someone in the City if needed.

Commissioner Tabladillo stated this document is more for the future. She is concerned with the parking situation in the present and past. She is concerned with the equity for the homeowner. She does not feel this document helps the parking situation at this time.

Vice-Chair Mandal stated he does not want to dictate how people should live in Milpitas.

Motion to continue the item and report back to the Commission at a later date.

M/S: Ciardella, Tabladillo

AYES: 6

NOES: 0

ABSENT: 1 (Alex Galang)

ABSTAIN: 0

Planning Commission meeting minutes for February 25, 2009

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Chair Williams asked how do we get developers to be sensitive to Milpitas' unique parking issues in determining the best way to utilize parking and to understand that parking is an infrastructure with any development. Mr. AhSing stated that staff has been working with developers to find ways to find additional parking on site. Within the Transit Area Plan there is a 20% transit oriented development discount, but the developers can provide up to 100% of the required parking allowed in the Zoning Ordinance. Staff is educating developers to the concerns and sensitivity that decision makers have.

Commissioner Galang asked if it is legal for a car to park in the same location for a week with a "For Sale" sign. Mr. AhSing stated that while he is not too familiar with that section of the municipal code, he has noticed that cars in similar situations have notices from the Police Department.

Chair Williams asked Planning Director, James Lindsay, to confirm the existence of an ordinance with a 72-hour parking restriction. Mr. Lindsay confirmed that there are limitations to how long a car can be parked in the same location on a public and requested that concerned citizens contact the Police Department, after 3 days, to report any vehicles in violation.

Chair Williams opened the public hearing on Item 5.

There were no speakers from the audience.

Motion to close the public hearing on Item 5.

M/S: Mandal / Sandhu

AYES: 6

NOES: 0

ABSENT: 1 (Larry Ciardella)

ABSTAIN: 0

Motion to adopt Resolution No 09-007 recommending approval of the amendments to the City Council.

M/S: Galang / Mandal

AYES: 6

NOES: 0

ABSENT: 1 (Larry Ciardella)

ABSTAIN: 0

City of Milpitas Parking Task Force Meeting

Thursday December 11, 2008 5:30 PM

Committee Conference Room

Unapproved Minutes

Task Force Members Present:

- Frank De Smidt Economic Development Commission
- Ed Mendence, Commercial Real Estate Broker
- Bill Cilker, Shopping Center Owner

Staff Present

- Joseph J. Oliva III, Principal Transportation Planner
- Sheldon S. Ah Sing, Senior Planner

Task Force Members Absent

- Zeya Moshin, Economic Development Commission
- Vince Songcayawon, Economic Development Commission
- Jeff Gradinger, D R Horton
- Sudhir Mandel, Planning Commission
- Don Peoples, Economic Development Commission
- Richard Gallagher, Great Mall of the Bay Area
- Eric Juria, Parc Metropolitan HOA

1. Introduction – vice-chair De Smidt called the meeting to order at 5:45 PM.

2. Approval of September 30, 2008 Meeting Action Minutes – The three Task Force members approved September 30, 2008 meeting minutes.

3. Discussion of October 22, 2008 Planning Commission Recommendation – Mr. Oliva and Mr. Ahsing reviewed the Planning Commission's recommendations to the Zoning Ordinance. Staff also shared input received from the TASP Stakeholder meeting conducted earlier in the afternoon. The Task Force had significant discussion on the recommendations and the following recommendations resulted.

They were:

ATTACHMENT 4

1. The revised Zoning Ordinance would encompass the entire City, including the Transit Area Specific Plan. The TASP allows for a reduction of up to 20 percent for Transit Oriented Development (TOD).
 2. The Task Force endorsed the Planning Commission increase for guest parking from the Parking Task Force original 20 percent recommendation. They did state that they could also support the 20 percent guest parking.
 3. The Task Force recommended that tandem parking standards should be different for personal garages versus podium or structured parking garages. They endorsed the Planning Commission's 25 percent maximum for personal garages and felt podium or structured garages could be increased to 35 percent.
 4. The Task Force felt that reduction of parking standards is appropriate in certain cases. Several members indicated that there should be flexibility in the Zoning Ordinance to accommodate unique situations. They did feel that reductions in parking for residential uses were not prudent.
- 4. Next Steps** – Mr. Oliva indicated that the Planning Commission would consider input from the TASP Stakeholders meeting and the Parking Task Force and make their recommendation to the City Council at their meeting on January 28, 2009. The City Council will review the Zoning Ordinance at their February 17, 2009 meeting.
- 5. Adjournment** – Vice-chair De Smidt adjourned the meeting at 7:00 PM.