

**REGULAR**

**NUMBER: 38.785**

**TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS, CALIFORNIA, AMENDING TITLE XI CHAPTER 10, SECTION 53 FOR THE PURPOSE OF CHANGING THE PARKING ORDINANCE**

**HISTORY:** This Ordinance was introduced (first reading) by the City Council at its meeting of March 17, 2009 upon motion by Vice Mayor McHugh 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

\_\_\_\_\_  
Robert Livengood, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney

**RECITALS AND FINDINGS:**

**WHEREAS**, in April 2007, the Milpitas City Council approved the membership and work schedule of the Parking Task Force to address parking needs and concerns throughout the City; and

**WHEREAS**, after researching present conditions and conducting public outreach on resident and business concerns, City staff and the Task Force came up with various recommendations which are now incorporated into this Ordinance amending certain provisions of the Milpitas Zoning Ordinance related to parking; and

**WHEREAS**, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA); and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on January 28, 2009 and heard evidence prepared by staff and comments by the public, and recommended that staff continue to address additional issues relating to parking; and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on February 25, 2009 and heard evidence prepared by staff and comments by the public; and

**WHEREAS**, the City Council determines that this project is categorically exempt per Section 15305 of the CEQA Guidelines, minor alterations in land use limitations, since the amendment of the Zoning Code provided for herein only requires a modest update of parking restrictions and requirements and does not change existing land uses nor increase land use intensity.

This project is also statutorily exempt pursuant to Sections 15168(c) and 15162 of the CEQA Guidelines, since the project provisions related to Midtown and Transit Areas parking are within the scope of development evaluated in the Midtown Specific Plan Environmental Impact Report and Transit Area Specific Plan Environmental Impact Report (“EIRs”). No substantial changes have occurred to the circumstances under which the EIRs were certified and no new information, which was not known and could not have been known at the time that the EIRs were certified as complete, has become available relating to the environmental effects of this project. Therefore, the Midtown Specific Plan EIR and the Transit Area Specific Plan EIR are adequate for the approval to the project for those areas covered in the Midtown Specific Plan EIR and Transit Area Specific Plan EIR.

In addition, the entire project is categorically exempt per Section 15061(b)(3) of the CEQA Guidelines, in that the project will not have the potential to cause a significant effect on the environment. 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 merely involves a modest update of required additional parking in some instances, adding standards where none previously existed and reformatting the existing legal restrictions; and

**WHEREAS**, the City Council finds that the proposed amendments are consistent with the General Plan in that the changes ensure consistent and clear implementation of the stated goals and policies of the General Plan; and

**WHEREAS**, the City Council finds that the proposed amendments will not adversely affect the public health, safety and welfare in that the project contemplates clarifying the zoning ordinance and in some instances requiring additional parking where shortcomings exist; and

**WHEREAS**, the City Council finds that with the inclusion of the amendments to the Zoning Ordinance, the document remains internally consistent.

**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 TITLE XI, CHAPTER 10**

Title XI, Chapter 10, Section 2.03 (“Definitions”) of the Milpitas Municipal Code is hereby amended with the addition of a new definitional entry, to be placed between the terms “Parking Space, Automobile” and “Patio Cover,” to read as follows:

“**Parking Structure**” means a structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

**SECTION 3. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10**

Title XI, Chapter 10, Table 4.04-1 (“Residential Zone Development Standards”) of the Milpitas Municipal Code is hereby amended by deletion of the row entitled “Parking” and replacement of said row with the text below to read as follows:

Parking	Refer to Section 53, Off Street Parking Regulations, of this Chapter.	Refer to Section 53, Off Street Parking Regulations, of this Chapter.	Refer to Section 53, Off Street Parking Regulations, of this Chapter.	Refer to Section 53, Off Street Parking Regulations, of this Chapter.	Refer to Section 53, Off Street Parking Regulations, of this Chapter.
---------	---	---	---	---	---

**SECTION 4. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10**

Title XI, Chapter 10, Section 4.06 (“Off-Street Parking Regulations”) of the Milpitas Municipal Code, including Table XI-10-4.06-1 (“Number of Parking Spaces Required for R3 Zone”), Table XI-10-4.06-2 (“Number of Parking Spaces Required for R4 Zone”), and Table XI-10-4.06-3 (“Number of Parking Spaces required for R5 Zone”), is hereby repealed in its entirety and deleted.

**SECTION 5. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10**

Title XI, Chapter 10, Table 6.04-1 (“Mixed Use Zone Development Standards”) of the Milpitas Municipal Code is hereby amended by deletion of the row entitled “Parking” and replacement of said row with the text below to read as follows:

Parking	Refer to Section 53, Off Street Parking Regulations, of this Chapter.	Refer to Section 53, Off Street Parking Regulations, of this Chapter.	Refer to Section 53, Off Street Parking Regulations, of this Chapter.
---------	---	---	---

**SECTION 6. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10**

Title XI, Chapter 10, Section 6.05 (“Off-Street Vehicle and Bicycle Parking”) of the Milpitas Municipal Code, including Table XI-10-6.05-1 (“Number of Parking Spaces Required for Mixed Use Zones”) is hereby repealed in its entirety.

**SECTION 7. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10**

Title XI, Chapter 10, Section 53 (“Off-Street Parking Regulations”) of the Milpitas Municipal Code is hereby repealed in its entirety and replaced with the text below to read as follows:

**SECTION 53 OFF-STREET PARKING REGULATIONS**

- 10-53.01 Purpose and Intent
- 10-53.03 Applicability
- 10-53.05 Maintenance of Off-street Parking
- 10-53.07 Types of Parking Allowed
- 10-53.09 Off-Street Parking Required by Land Use
- 10-53.11 Shared Parking
- 10-53.13 Design Standards for Off-Street Parking Facilities

**53.01 Purpose and Intent**

The following off-street parking requirements are regulations which are established in order to achieve, among others, the following purposes:

1. To establish minimum requirements for the off-street parking of motor vehicles in accordance with the use established on the property;
2. To relieve congestion on streets, and to provide more fully for movement of traffic, maneuvering of emergency vehicles or street maintenance equipment;
3. To protect neighborhoods from vehicular traffic congestion generated by the adjacent nonresidential uses of land; and
4. To promote the general welfare and convenience and prosperity of residential, commercial and manufacturing developments which depend upon the availability of off-street parking facilities.

**53.03 Applicability**

Off-street parking spaces shall be provided in accordance with the schedule in Table 53.09-1, Number of Parking Spaces Required, of this Section and improved as per Section 54.03 as a condition precedent to the occupancy of an institutional, commercial or manufacturing use and in conformance with other provisions of this Chapter:

1. Whenever a building is constructed; or
2. Whenever an existing building or use is altered, resulting in an increase in floor area, seating capacity or other units of measurement specified herein for required parking or loading facilities;  
or

3. Whenever the use of an existing building is changed to a use requiring fifty percent (50%) or more off-street parking spaces, as determined by the provisions of Table 53.09-1, Number of Parking Spaces Required, of this Section.

### **53.05 Maintenance of Off-Street Parking**

- A. Continuation of Off-Street Parking.** All off-street parking spaces shall continue unobstructed in operation, shall not be used for vehicle repair work of any kind unless within a building, and shall not be reduced below the required size as long as the primary use remains, unless an equivalent number of spaces is provided for said use in another approved location. This does not apply to those parking spaces which are established on a voluntary basis which are in excess of the requirements of this Chapter.
- B. Temporary Sales, Storage and Advertising.** The sale or storage of merchandise in permissive parking areas may be allowed by the Planning Commission Subcommittee through the approval of a Minor Site Development Permit and subject to such reasonable conditions as may be deemed necessary by the Planning Commission to ensure adequate parking, access and circulation.

In no event shall any off-street parking space (permissive or otherwise) or lot be used for the stopping, standing or parking of any vehicle(s) for either the purpose of selling such vehicle (excluding an approved car sales lot), or advertising any other property, services or products on said vehicle.

- C. Maintenance.** All parking areas shall be kept clean and free of dirt, oil, mud or trash; pavement and striping shall be maintained in a continuous state of good repair.
- D. Acknowledgment of Parking Spaces in Residential Projects.** For new residential tract, multi-family or condominium projects, the amount and type of parking available to each dwelling unit shall be clearly stated within the CC&Rs in large font and bold lettering to the approval of the City Attorney or designee.

### **14.07 Types of Parking Allowed**

- A. Standard Parking Spaces.** The number of parking spaces required for various land uses shall be as required in Table 53.09-1, Number of Parking Spaces Required. Parking spaces shall be designed as required in Subsection 53.13, Design Standards for Off-Street Parking Facilities, of this Chapter.
- B. Compact Parking Spaces.** For parking areas and garages containing ten (10) or more stalls serving the following uses in Subsection 53.07(B)(1), up to forty percent (40%) of the required and non-required stalls may be designed as compact stalls to accommodate compact cars.

1. Applicable uses.

- a. Commercial uses (CO, C1, C2, HS, TC zones).

- i. Standards. Compact stalls shall be dispersed throughout the parking lot.

- b. Industrial uses.

- i. Research and Development (R and D) facilities.

- ii. Manufacturing facilities.

- iii. Warehouse/distribution facilities.

- iv. Other industrial uses deemed appropriate by the Planning Commission.
- c. Multi-Family Residential uses.
  - i. Projects within R3, R4, and R5 zones.
- 2. Design Standards. See Subsection 53.13, Design Standards for Off-Street Parking Facilities, of this Section.

**C. Disabled Accessible Parking Spaces.** Parking spaces for the disabled shall comply in all respects with the requirements of the California Code of Regulations (State Building Code) or Federal law, where such prevails over State law.

**D. Tandem Parking Spaces.**

- 1. Applicability. Tandem parking may be allowed with the approval of a Conditional Use Permit, in accordance with Section 57.04, Conditional Use Permits, of this Chapter.
- 2. Standards.
  - a. Maximum allowed.
    - i. A maximum of seventy-five percent (75%) of parking required for residential uses may be tandem parking in projects with open structured parking facilities (e.g. single level or multi-level parking structures).
    - ii. A maximum of fifty percent (50%) of parking required for residential uses may be tandem parking in projects with private individual garages.
  - b. Tandem parking spaces shall be a maximum of two (2) parking spaces deep.
  - c. When tandem parking spaces are used in private garages or other parking facilities with more than two (2) parking spaces, they shall be assigned and marked for resident use.

**E. Bicycle or Motorcycle Parking Spaces.** The number of parking spaces required for various land uses shall be as required in Table 53.09-1, Number of Parking Spaces Required. Parking spaces shall be designed as required in Subsection 53.13, Design Standards for Off-Street Parking Facilities, of this Chapter.

**14.09 Off-Street Parking Required by Land Use**

**A. Enforcement and Interpretation of Parking Requirements.**

- 1. Number of Off-Street Parking Spaces Required. The number of off-street parking spaces required for the land uses identified in the Permitted and Conditional Use Tables of this Chapter are listed in Table 53.09-1, Number of Parking Spaces Required, except where parking requirements are established in Section 13, Special Uses, of this Chapter, or exceptions to these requirements are granted in accordance with this Section.
- 2. Uses not specified. In the case of a use not specifically mentioned in Table 53.09-1, Number of Parking Spaces Required, or elsewhere in this Chapter, the requirements for off-street parking facilities shall be determined by the Planning Commission through the Interpretation process, in accordance with Section 61, Interpretation, of this Chapter, based on uses which create similar

demands for off-street parking spaces. The Planning Commission may draw upon the experience of other local cities to make their decision.

3. New Buildings Without Tenants. If the type of tenants that will occupy a nonresidential building, or the nonresidential portion of a mixed-use building, is not known at the time the new building is being proposed, the number of parking spaces required for the nonresidential uses will be determined through the discretionary review process.
4. Mixed occupancies and uses. When two or more uses are located in the same lot or parcel of land or within the same building, the number of off-street parking spaces required shall be the sum total of the requirements of the various individual uses computed separately in accordance with the provisions of this Section and Section 13, Special Uses, when applicable.

*Exception:* For alternative parking computation in accordance with Subsection 53.11, Shared Parking, of this Chapter.

#### 5. Measurement Standards and Definitions

For the purpose of determining off-street parking requirements, the following definitions and standards shall apply:

- a. Gross Floor Area: The total of all the floors measured from the interior faces of the building, and outdoor areas used for retail purposes.
- b. Net Floor Area (NFA): Net Floor Area shall mean the Gross Floor Areas less twenty percent (20%).
- c. Seat: The number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs. For places of meeting or assembly that do not include fixed seating, seven (7) square feet shall equal one (1) seat.
- d. Employees/students: The maximum number of employees/students on the principal shift or period.
- e. Fractional Measurements: 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.

#### 6. More than One Parking Ratio.

Where more than one (1) parking ratio is shown for a particular use, the required number of spaces shall be the total of all ratios shown. For example, the parking requirement for hotel is “1 per unit, 2 for the manager’s unit.” The total parking requirement for a hotel is the sum of the required parking for the units and two (2) spaces for the manager’s unit.

**B. Permissive Parking Facilities.** Nothing in this Section shall prevent the voluntary establishment of off-street parking facilities in excess of the requirements of this Section to serve any existing use of land or buildings, provided that all regulations herein governing the location, size and access design, improvement and operation of such facilities are adhered to.

*Exception:* The Transit Area Specific Plan has a standard for the maximum number of parking allowed.

**C. Number of Parking Spaces Required.** The number of off-street parking spaces required for various land uses shall be as listed in Table 53.09-1, Number of Parking Spaces Required, except for those listed specifically elsewhere in this Chapter. Unless otherwise indicated, the parking requirements are for square feet of gross floor area occupied by the use and, in the case of nonresidential uses, include the parking required for customers and employees.

*Exception:* Where a portion of a structure is used for automobile parking, that portion shall not be counted in calculating the required parking for the structure. If parking is eliminated and the space is occupied by another use, parking shall be required for the use as indicated for the use in this Chapter.

**Table 53.09-1  
Number of Parking Spaces Required**

<b>Use</b>	<b>Minimum Parking Spaces Required</b>
<b>A. Commercial Uses</b>	
Commercial Services <sup>1</sup> (floral shops, barber shops, dry cleaners, Laundromats, photocopy shops)	1 per 200 sq. ft.
Furniture and appliance stores and other bulky item retail	1 per 350 sq. ft.
General Retail and Convenience Stores	1 per 200 sq. ft.
Mortuary, funeral parlor	1 per 4 seats and 1 per employee
Plant nursery	1 per 200 sq. ft.
<b>B. Entertainment and Recreation</b>	
Arcade and amusement	1 per 200 sq. ft.
Billiards	1 per 200 sq. ft.
Bowling Alleys including incidental accessory uses (eating and drinking, billiards, etc.)	6 per alley or lane
Clubs and Lodges	1 per 200 sq. ft.
Commercial Athletic Facility (indoor) With outdoor or indoor sports courts Small courts (tennis, badminton)  Large courts (basketball, volleyball)	1 per 150 sq. ft.  2 per court plus required parking for other uses on site.  5 per court plus required parking for other uses on site.
Golf Course	6 per hole plus parking for ancillary uses
Miniature Golf	1.25 per tee, plus 1 per employee
Motion Picture Theater (indoor)	1 per 3.5 seats
Nightclub	1 per 30 sq. ft.
<b>C. Health and Veterinarian Uses</b>	
Convalescent Homes	1 per 2 beds or 1 per 1,000 sq. ft, whichever is greater
Hospital	1 per bed or 1 per 220 sq. ft., whichever is greater
Kennel, indoor	1 per 1,000
Medical and dental Clinic and Office	1 per 225 sq. ft.
Veterinary Clinic and Animal Grooming	1 per 250 sq. ft.
<b>D. Industrial Uses</b>	
Distribution Manufacturing Warehousing	1 per 1,500 sq. ft.
Mini Storage	1 per 5,000 sq. ft., plus 1 per resident manager
Wholesale	1 per 500 sq. ft.
Research and Development	1 per 300 sq. ft.

Use	Minimum Parking Spaces Required
Medical Laboratories High employee demand uses	
Office space within an industrial building (to be combined with categories above)	1 per 350 sq. ft.
<b>E. Lodging</b>	
Hotels and motels	1 per guest room or unit, plus 2 per manager's unit
<b>F. Professional Offices, Financial Institutions and Related Uses</b>	
Automated Teller Machine (free standing)	2 per machine
Financial institutions (banks, savings and loans, etc.)	1 per 180 sq. ft.
Offices, administrative and business services	1 per 240 sq. ft.
<b>G. Public, Quasi-Public and Assembly Uses</b>	
Adult Day Care	1 per 500 sq. ft.
Auditoriums and theaters and places of meeting and assembly	1 per 4 seats
<i>Child Care Uses<sup>2,3</sup>:</i>	
Day Care School	1 per classroom or 1 per 500 sq. ft., whichever is greater.
Small family child care home	Same as required for underlying residential use
Large Family Child Care Home and Child Care Centers	1 per 1.5 employees
Community Center	1 per 4 fixed seats, or 1 per 6 linear feet of seating, plus 1 per 200 square feet of area without seating but designed for meeting or assembly by guests, plus 1 per 500 sq. ft. of outdoor area developed for recreational purposes
Museums	1 per 400 sq. ft.
Public Utilities	1 per 400 sq. ft.
Religious Institutions	1 per 5 seats in the main area of assembly plus parking for classrooms and offices in this table. Where there are no seats, then 1 seat equals 7 sq. ft.
<i>Educational Institutions:</i>	
School-elementary (K-8 Private) School-secondary (9-12 Private)	1 per classroom, plus 1 per 240 sq. ft. of office 1 per classroom, plus 1 per 240 sq. ft. of office, plus 1 per 5 students
Vocational School, including business, professional, technical and trade	1 per 200 sq. ft.
Instructional Studios (Dance, Yoga)	1 per 150 sq. ft.
Private instruction, personal enrichment (tutoring)	1 per instructional area or classroom, whichever is greater. No fewer than 3 spaces.
Stadiums and arenas	1 per 4 seats
<b>H. Restaurants or Food Service</b>	
Banquet facilities	See restaurants below
Bars, Drinking Establishments	1 per 30 sq. ft.
Drive thru	See "Vehicle Related Uses" section.
<i>Restaurants:</i>	

Use	Minimum Parking Spaces Required
Sit down: Indoor and outdoor:  Take out:	1 per 39 square feet of dining area.  1 per 2.5 seats (indoor/outdoor) plus 1 per 60 sq. ft. GFA for the ordering or take out area.
<b>I. Residential Uses</b>	
<i>Single Family and Duplexes:</i> 3 bedrooms or fewer 4 or more bedrooms  <i>Multi-Family (R3-R5 zones):</i> Studio 1 bedroom 1 or more 2 - 3 bedrooms 4 or more bedrooms  Guest parking Projects with Parking structures Projects with Private garages  Bicycle parking	2 per unit <sup>4</sup> 3 per unit, plus 1 per each additional bedroom <sup>4</sup>  1 covered per unit 1.5 covered per unit 2 covered per unit 3 per unit, plus 1 additional space for each additional bedroom (at least two covered). <sup>4</sup>  15% of the total required, may be uncovered 20% of the total required, may be uncovered  5% of the total required
Boarding houses, dormitories, sororities and fraternities	1 per each room rented
<i>Mixed Use buildings or sites</i>  Residential use Studio 1 bedroom 2 - 3 bedrooms 4 or more bedrooms  Guest parking Projects with Parking structures Projects with Private garages  Bicycle parking  Commercial use Ground Floor Retail Office  Other uses Bicycle parking	1 covered per unit 1.5 covered per unit 2 covered per unit 3 per unit, plus 1 additional space for each additional bedroom (at least two covered). <sup>4</sup>  15% of the total required, may be uncovered 20% of the total required, may be uncovered  5% of total required  1 per 250 sq. ft. If building is 1,000 sq. ft. or smaller: 1 per 250 sq. ft. If building is larger than 1,000 sq. ft.: 3.3 per 1,000 sq. ft. Refer to specific uses within this table 5% of total required
Mobile Homes	Refer to Section 13.07, Mobile Homes
Senior Housing	1 per unit plus 2 per manager's unit
Single Room Occupancy (SRO)	1 per unit
<b>J. Vehicle Related Uses</b>	

Use	Minimum Parking Spaces Required
Auto rental agency	1 per 400 sq. ft. plus 1 per rental vehicle
Auto repair (tire, oil change, smog check, etc.)	3 per service bay
Car Wash	1 per 200 sq. ft. of building area and reservoir space outside of building equal to two (2) times the maximum capacity of facility
<i>Gas &amp; Service Stations:</i>	
With Retail	1 per 200 sq. ft.
With Auto Repair	3 per service bay
<i>Auto dealerships:</i>	
Sale or lease of vehicle	1 per 200 sq. ft. of showroom
Office	1 per 200 sq. ft.
With Service Bays	3 per service bay
Window service or drive-thru in conjunction with any other use	The required parking for primary use (restaurant, or other use providing window service) plus queuing of 5 vehicles which do not interfere with any on-site parking spaces

- <sup>1</sup> Refer to Subsection 2.03, Definitions, of this Chapter for a full description of “Commercial Services.”
- <sup>2</sup> For loading and unloading: One (1) parking space per six (6) children up to five (5) spaces and thereafter one (1) space per ten (10) children. Driveways, garage aprons and street frontage may be counted if appropriate permits are first received when calculating spaces for child care homes. Tandem spaces are prohibited.
- <sup>3</sup> Exceptions for Child Care Requirements: The parking and loading/unloading requirements for child care facilities may in the Planning Commission’s discretion be reduced, based on an empirical study (provided by the applicant) which establishes no adverse effects will occur as a result. The required number of loading/unloading spaces may be reduced without a study by one (1) space for each employee permanently assigned to load and unload children from vehicles.
- <sup>4</sup> Applicable to new and existing projects being remodeled resulting in additional bedrooms submitted for approval after April 7, 2009. Existing projects or projects either entitled or submitted active planning applications prior to April 7, 2009 shall use the parking regulations in effect at the time of entitlement or application submittal. For R4, R5, MXD/MXD2/MXD3 zones, 15% guest parking is legal and conforming for projects entitled or active planning applications submitted prior to April 7, 2009.

### 53.11 Shared Parking

**A. Purpose and Intent.** Dedicated parking areas for individual uses, especially when provided in new developments, can result in less efficient land usage, lower floor area ratios, and more environmental/water quality impacts.

Shared parking is typically applied when land uses have different parking demand patterns and are able to use the same parking spaces/areas throughout the day. Shared parking is most effective when these land uses have significantly different peak parking characteristics that vary by time of day, day of week, and/or season of the year. In these situations, shared parking strategies will result in fewer total parking spaces needed when compared to the total number of spaces needed for each land use or business separately.

**B. Applicability.** Shared parking may be applied in the following situations:

1. In mixed-use developments, which include one or more businesses that are complementary, ancillary, or support other activities. A typical mix of uses includes, but is not limited to: residential, office,

restaurants, retail, colleges, churches, cinemas, and special event situations if they can demonstrate that demand patterns vary among uses.

2. In shopping centers, when more than twenty percent (20%) of gross leasable area is occupied by dining and entertainment uses, (not including pad restaurants, unless they are located within 300 feet of the main shopping center building) shared parking may be applied.

**C. Required Review.** Shared parking proposals may be allowed with the approval of a Conditional Use Permit, in accordance with Subsection 57.04, Conditional Use Permits, of this Chapter.

**D. Calculation of Parking Spaces Required with Shared Parking.** The minimum number of parking spaces for a mixed use development or where shared parking strategies are proposed shall be determined by a study prepared following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved procedures. A formal study may be waived for small developments where there is established experience with the land use mix and its impact is expected to be minimal. The actual number of parking spaces required shall be based on well-recognized sources of parking data such as the ULI or ITE reports. If standard rates are not available or limited, the applicant may collect data at similar sites to establish local parking demand rates. If the shared parking plan assumes use of an existing parking facility, then field surveys may be conducted to determine actual parking accumulation. If possible, these surveys should consider the seasonal peak period for the combination of land uses involved.

**E. Location of Shared Parking Spaces.** Shared spaces shall be located within three hundred (300) feet of the use entrances they serve. Up to fifty percent (50%) of nonresidential spaces may be provided at greater distances if dedicated shuttle bus or van service is provided. Clear, safe pedestrian connections must be provided.

**F. Captive Market Parking Requirements.** For uses that are considered ancillary to a larger business, no additional parking may be required. Examples of this case include a coffee or snack shop within an office or hotel development, a copy/package store within a business park or redevelopment of small retail uses in a large business district. Parking requirements for similar ancillary uses may be reduced to account for the likely cross patronage among the adjacent uses located within a maximum walking distance of three hundred (300) feet. Parking requirements may be reduced up to ninety percent (90%) as appropriate.

**G. Agreement Between Sharing Property Owners.** If a parking facility is to serve two (2) or more separate properties, a legal agreement between property owners guaranteeing access to, use of, and management of designated spaces shall be executed to the satisfaction of the City.

**H. Shared Parking Plan.** A shared parking plan shall be submitted to the Planning Division with the following information:

1. Site plan and required parking calculations of parking spaces intended for shared parking and their proximity to land uses that they will serve.
2. A signage plan that directs drivers to the most convenient parking areas for each particular use or group of uses (if such distinctions can be made).
3. A pedestrian circulation plan that shows connections and walkways between parking areas and land uses. These paths should be as direct and short as possible.

### 53.13 Design Standards

#### A. Location of Parking.

1. Location of Parking in Relationship to a Use. Parking required for all residential uses shall be located within the same site as the use; in no case shall parking for a residential use be more than three hundred (300) feet away from the residential use it serves. 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.

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

2. Location of Residential Parking, Permitted. Vehicles on private property used for residential purposes shall be parked only in paved parking spaces or in driveways which comply with the following standards:
  - a. The driveway provides access to required parking spaces; and
  - b. The vehicle is not blocking access to parking for other residential units.
3. Each automobile parking stall shall be so located that no automobile is required to back onto any public street or sidewalk to leave the parking stall, parking bay or driveway except from a lot in an "R2" or more restrictive zone containing not more than two (2) dwelling units.
4. Parking Location for R5, MXD2 and MXD3 projects.
  - a. No parking spaces area allowed within the front or street side setback areas.
  - b. Parking must be located behind buildings to minimize visibility from public streets.
  - c. At least seventy percent (70%) of the street facing perimeter of above-ground parking shall be wrapped with habitable space.

*Exception:* Exceptions may be allowed through the approval of a Conditional Use Permit, if the design quality of the structure is equivalent to habitable space.

- d. Parking may be partially above grade along the street, provided that no more than four (4) feet of the structure is above grade. The above-grade area must be wrapped with continuous landscaping that screens parking garage openings.
5. Parking Structure access for R5, MXD2 and MXD3 projects.
  - a. No more than one curb cut per street frontage is allowed.
  - b. Parking structure entrances shall be no greater than twenty-two (22) feet wide.
  - c. Parking structure access points shall be set back from the curb so that a car can pull up to the entry gate or ticket machine without blocking the sidewalk.

## **B. Parking Space Size.**

1. Individual garage.
  - a. Each parking space with a minimum width of ten (10) feet and a minimum length of twenty (20) feet shall be required in residential garages meeting both of the following criteria:
    - i. The individual garage contains four (4) or fewer parking spaces;

- ii. The individual garage does not include circulation elements such as driveway aisles, but consists primarily of parking spaces.

## 2. Compact Spaces

- a. Each stall shall be legibly marked “compact stall” or “small car” on the stall surface. Compact stalls may be used only for the above-listed buildings and uses and only within the Industrial zoning district.
- b. Parking stalls shall be dispersed throughout the parking lot and not concentrated to discourage oversized vehicles from using the stalls.

## 3. Tandem Spaces

- a. Each residential garage tandem (two parking spaces) shall have a minimum width of ten (10) feet and a minimum length of thirty-eight (38) feet.

## 4. Bicycle or Motorcycle Spaces

Any existing or proposed parking facility may utilize, on a substitution basis, on-site parking spaces for bicycle or motorcycle spaces.

- a. Said bicycle spaces shall be raised a minimum of six (6) inches from grade of the adjacent parking facility.
- b. One parking space may be omitted for each eight (8) bicycle spaces provided.
- c. One parking space may be omitted for each two (2) motorcycle spaces provided.
- d. Bicycle spaces shall measure at least two (2) feet by seven (7) feet and shall be located in groups of four (4) and shall be of the following three types:
  - i. A rack which secures the frame, or
  - ii. An enclosed bike locker, or
  - iii. A fenced, covered, locked or guarded bike storage area.
- e. Motorcycle spaces shall measure four (4) feet by eight (8) feet and shall be provided with adequate unobstructed maneuvering areas to permit easy access to the space.
- f. In no instance shall credit for motorcycle or bicycle parking or combination thereof exceed five percent (5%) of the total required parking spaces.

**C. Required Improvements.** All parking areas and access driveways shall have a smoothly graded, stabilized and dustless surface with adequate drainage so that injury will not be caused to adjacent properties. Bumper guards or curbs shall be provided in order to define parking spaces or limits of paved areas.

Also refer to Section 54.03 of this Chapter for Improvement of Parking Areas.

**D. Screening and Landscaping.** All open automobile parking areas which abut upon a public street right-of-way shall provide landscaping to a depth of at least ten (10) feet of said street right-of-way and of any

adopted plan line, with openings for walkway or drive purposes. Each landscaped planter in said parking facility shall be contained with a six (6) inch raised concrete curb (extruded curbing not permitted). Installation of an irrigation system shall be provided for in each planter area.

**E. Lighting.** All lights used to illuminate a parking area shall be designed, located and arranged so as to reflect the light away from any street and any adjacent premises.

**F. Signs.** Directional signs are permitted in parking areas in accordance with the adopted Sign Ordinance.

**G. Fencing.** A solid masonry wall a minimum height of six (6) feet shall be required on all common property lines when any parking area is established abutting residentially zoned property or property shown on the adopted General Plan as being Residential. The architectural design of said wall shall be to the approval of the Planning Commission through the Site Development Permit process in accordance with Subsection 57.03, Site Development Permits and Minor Site Development Permits, of this Chapter.

**H. Angles and Dimensions**

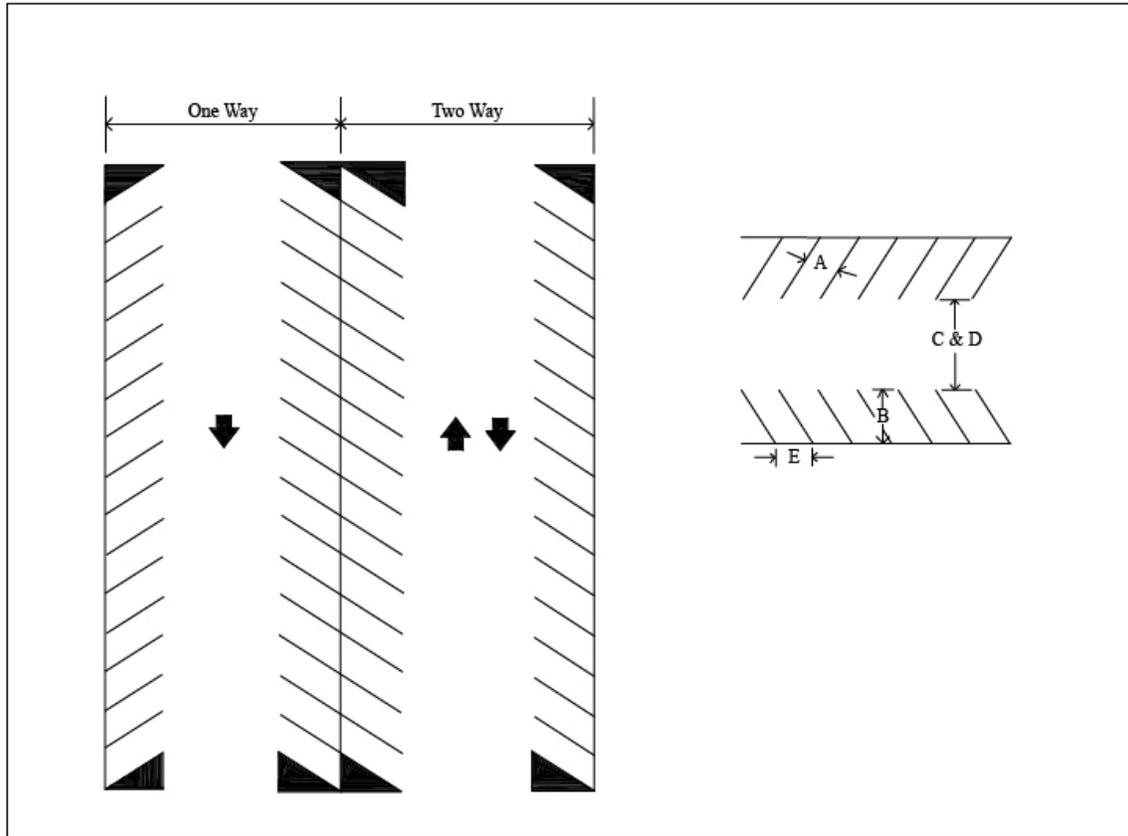
1. Vehicle Overhang. Vehicles may overhang two (2) feet into any landscape area or private walkway if the walkway is a minimum six (6) feet in width, but in no event shall the overhang be permitted within any public right-of-way.
2. Stall and drive aisle dimensions. The stall and drive aisle dimensions shall be as follows:

**Table 53.13-1  
Parking Stall and Drive Aisle Dimensions**

Angle	A <sup>1</sup> Stall Width	B <sup>1</sup> Stall Depth	C <sup>1</sup> Aisle Width 1 Way	D <sup>1</sup> Aisle Width 2 Way	E <sup>1</sup> Curb Length per Car
<b>Standard size:</b>					
0°	9'	9'	12'	16'	22'
45°	9'	19.5'	12'	22'	12'
60°	9'	21'	18'	22'	10.5'
90°	9'	18'	25'	25'	9'
<b>Compact size:</b> [See Subsection 53.07(B)]					
0°	7.5'	7.5'	12'	15'	17'
45°	7.5'	16'	13'	20'	8.5'
60°	7.5'	17'	15'	20'	8.5'
90°	7.5'	15'	20'	20'	7.5'

<sup>1</sup> Reference to Figure 53.13-1, Parking Stall and Drive Aisle Dimensions

**Figure 53.13-1  
Parking Stall and Drive Aisle Dimensions**



3. Backing space in residential projects. A minimum unobstructed vehicular maneuvering distance of twenty-five (25) feet measured from the opening of the garage or carport shall be provided, except as otherwise permitted in this section.

**SECTION 8. 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 9. 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.