

PLEASE NOTE:

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This copy of Ordinance No. 38.815 is a “redlined” version for your convenience. Text additions are designated by an underline and text deletions are designated with a strikethrough.

REGULAR

NUMBER: 38.815

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING CHAPTER 10 OF TITLE XI OF THE MILPITAS MUNICIPAL CODE RELATING TO COVERED PARKING REQUIREMENTS FOR SINGLE-FAMILY HOMES/DUPLEXES AND REDUCING PARKING AISLE WIDTH REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL USES

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, Table 53.09-1 of the Zoning Code sets forth the number of parking spaces required for different uses in the City; and

WHEREAS, currently, two parking spaces are required for single-family homes/duplexes with three bedrooms or fewer and three parking spaces are required for single-family homes/duplexes with four bedrooms or more (plus one additional space for each additional bedroom); and

WHEREAS, the City of Milpitas does not require covered parking for single-family homes/duplexes and the City has received a number of inquiries and permit applications for garage conversions to living space; and

WHEREAS, garage conversions displace vehicles to the driveway and onto the public street, which in turn, creates a public nuisance for the neighborhood and potential hazard for emergency vehicles; and

WHEREAS, Table 53.13-1 of the Zoning Code sets forth the standards for parking stall and drive aisle dimensions and currently, the standard aisle width between parking spaces is 25-feet; and

WHEREAS, the City’s current parking lot drive aisle width requirement under the Zoning Code of 25-feet places an undue hardship on parking lot design and infill development since 24-feet is consistent with conventional traffic engineering standards and other cities in the Bay Area; and

WHEREAS, on February 19, 2014, the Planning Division initiated a process to amend the Milpitas Zoning Code to require covered parking for single-family homes/duplexes and to modify standard parking lot drive aisle width from 25-feet to 24-feet for commercial and industrial uses; and

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 March 12, 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 and adopted Resolution No. 14-010 recommending the City Council adopt an amendment to the Zoning Code to require to modify standard parking drive aisle from 25 feet to 24 feet for commercial and industrial uses, but, the Planning Commission did not support proposed changes to the Zoning Code relating to covered parking for single family residential uses.

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, TITLE XI

Section I entitled “Residential Uses” of Table 53.09-1 in Subsection XI-10-53.09 of the Milpitas Municipal Code is hereby amended to read as follows:

Table 53.09-1 Number of Parking Spaces Required	
Use	Minimum Parking Spaces Required
I. Residential Uses	
Single Family and Duplexes:	
3 bedrooms or fewer	<u>2 covered per unit</u> ^{4,5}

4 or more bedrooms	3 covered per unit, plus 1 <u>uncovered</u> per each additional bedroom <u>(at least two covered)</u> ^{4,5}
Multi-Family (R3-R5 zones):	
Studio	1 covered per unit
1 bedroom	1.5 covered per unit
1 or more 2-3 bedrooms	2 covered per unit
4 or more bedrooms	3 per unit, plus 1 additional space for each additional bedroom (at least two covered) ^{4,5}
Guest parking	
Projects with Parking structures	15% of total required, may be uncovered-
Projects with Private garages	20% of total required, may be uncovered
Bicycle parking	5% of the total required
Boarding houses, dormitories, sororities, and fraternities	1 per each room rented
Live-Work Units	<i>Single family</i> and <i>duplexes</i> parking requirements shall apply, plus 1.5 for the commercial component (at least two covered parking spaces for residential portion)
<i>Mixed Use buildings or sites</i>	
Residential use	
Studio	1 covered per unit
1 bedroom	1.5 covered per unit
2-3 bedrooms	2 covered per unit
4 or more bedrooms	3 per unit, plus 1 additional space for each additional bedroom (at least two covered) ^{4,5}
Guest parking	
Projects with Parking structures	15% of total required, may be uncovered
Projects with Private garages	20% of total required, may be uncovered
Bicycle parking	5% of total required
Commercial use	
Ground Floor Retail	1 per 250 sq. ft.
Office	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.
Other uses	Refer to specific uses within this table
Bicycle parking	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

The footnotes of Table 53.09-1 in Subsection XI-10-53.09 of the Milpitas Municipal Code are hereby amended to revise footnote 4 and add footnote 5 to read as follows:

4. Applicable to new and existing projects being remodeled resulting in additional bedrooms submitted for approval after “effective date of Ordinance No. 38.815 approval date”. Existing projects or projects either entitled or submitted active planning applications prior to “approval date effective date of Ordinance No. 38.815” 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.~~

5. 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.

Table 53.13-1 entitled “Parking Stall and Drive Aisle Dimensions” in Subsection XI-10-53.13 of the Milpitas Municipal Code is hereby amended to read as follows:

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

Angle	A ¹ Stall Width	B ¹ Stall Depth	C ¹ Aisle Width 1 Way	D ¹ Aisle Width 2 Way	E ¹ Curb Length per Car
Standard size:					
0°	9'	9'	12'	16'	22'
45°	9'	19.5'	12'	22'	12'
60°	9'	21'	18'	22'	10.5'
90°	9'	18'	24' 5'	24' 5'	9'
Compact size: [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'

¹ Reference to Figure 53.13-1, Parking Stall and Drive Aisle Dimensions

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.