

PLEASE NOTE:

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 SECTION 53 OF CHAPTER 10 OF TITLE XI OF THE MILPITAS MUNICIPAL CODE RELATING TO REDUCING PARKING AISLE WIDTH REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL USES, DESIGN STANDARDS FOR PARKING STRUCTURES, CLARIFYING PARKING REQUIREMENTS FOR RESIDENTIAL USES, AND CLARIFYING 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, Table 53.13-1 of the Milpitas Zoning Code sets forth the standards for parking drive aisle width of 25-feet between parking spaces; and

WHEREAS, the current parking drive aisle width requirement under the Milpitas 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 March 12, 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. 14-010 recommending the City Council adopt an amendment to the Zoning Code relating to reducing parking aisle width requirements for commercial and industrial uses; and

WHEREAS, Table 53.13-1 of the Milpitas Zoning Code sets forth the parking stall and drive aisle dimensions for vehicular parking spaces and does not include standards specifically for parking structures; and

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 and other interested parties and adopted Resolution No. 14-025 recommending the City Council adopt an amendment to the Zoning Code relating to design standards for parking structures and clarifying parking requirements for commercial and industrial uses; and

WHEREAS, Section XI-10-53.13 of the Milpitas Zoning Code sets forth the standards for location of parking spaces for various uses in the City of Milpitas; 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 Code relating to clarifying that residential uses may not meet their parking requirements with on-street parking and retail/commercial development uses may meet their parking requirements with on-street parking under certain conditions.

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 entitled "Location of Parking" of the Milpitas Municipal Code is hereby amended with the text below to read as follows:

XI-10-53.13 Design Standards

A. Location of Parking.

- 1. Location of Parking in Relationship to a Use.

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- 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 (iii) shall not be located on any public street, public right-of-way or in any other public area.
- 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 percent (50%) of the required parking spaces shall be allocated on-street unless the commercial or retail use requires ten (10) or less parking spaces; (iv) the on-street parking space is located less 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.
- c. Other Uses: Required parking for all other uses shall be (i) located within the same project site as the use; (ii) less than three hundred (300) feet of away from the use for which the parking is required, as provided for in Table 53.09-1 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.

~~Deleted:~~ if no use shall parking for a residential use be more

~~Deleted:~~ 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.

Section XI-10-53.13.H entitled "Angles and Dimensions" of the Milpitas Municipal Code is hereby amended with the text below to read as follows:

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

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 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'	24'	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'

~~Deleted:~~ 5'

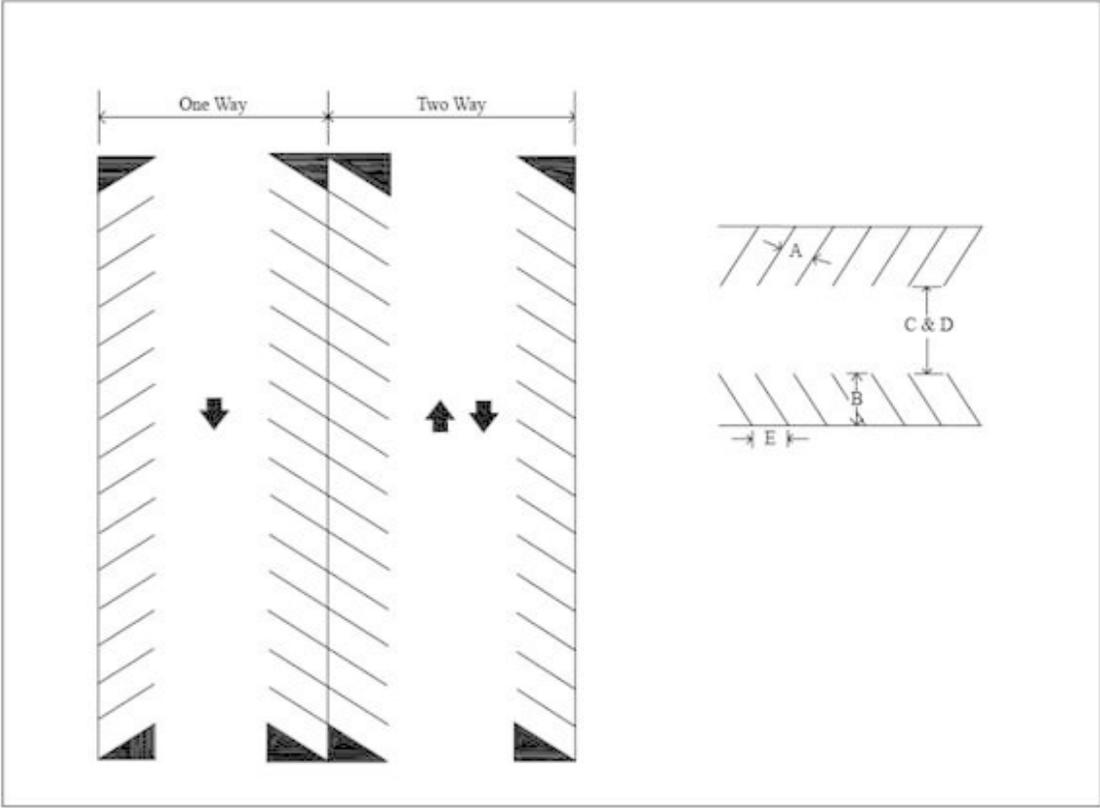
~~Deleted:~~ 5'

90°	7.5'	15'	20'	20'	7.5'
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¹ 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.

4. Parking Structures. The parking stall and drive aisle dimensions for Parking Structures, as defined in this Chapter, may be modified with the approval of a Conditional Use Permit in accordance with Section 57 of this Chapter.

SECTION 3. AMENDMENT OF MILPITAS MUNICIPAL CODE SECTION 57 OF CHAPTER 10 OF TITLE XI.

Table XI-10-57.04-1 of the Milpitas Municipal Code is hereby amended with the text below to read as follows:

Use/Modifications	As provided for in:	Notes
Height		
Height. For buildings that exceed three (3) stories or thirty-five (35) feet within the MP and TC districts.	Table XI-10-7.03-1, Industrial Zone Development Standards and Table XI-10-5.03-1 Commercial Zone Development Standards	
Height. For buildings that exceed six (6) stories or eight-five (85) feet within the -OO overlay district up to a maximum of eight (8) stories or one hundred fifteen (115) feet in height.	Section XI-10-12.02, Gateway Office (-OO) Overlay District	
Height. Permit in R2 and R3 districts, schools, hospitals, sanitariums, institutions, churches and other similar uses allowed under the use regulations of this Chapter, to be erected to a height not exceeding six (6) stories or seventy-five (75) feet, provided, that the front and side yard requirements for such buildings in the "R3" District are complied with.		
Non-conforming		
Nonconforming buildings and structures	Section XI-10-56.02(C), Additions to,—enlargements and—Moving of nonconforming buildings and structures	See footnote 1
Nonconforming uses, change of use	Section XI-10-56.03, Nonconforming use of buildings and structures	
Parking		
Parking location	Section XI-10-53.13(A), Location of Parking	
Tandem parking	Section XI-10-53.07(D), Tandem Parking Spaces and Section XI-10-53.13(B), Parking Space Size	
Parking Structures	Section XI-10-53(H)(4), Parking Structures	
Temporary Uses and Structures		
Special event and activity	Section XI-10-13.11(I), Special events and activities	
Temporary buildings and structures	Section XI-10-13.11(H), Temporary Uses and Structures.	
Other		
Certain industrial uses within commercial districts	Table XI-10-5.02-1, Commercial Zone Uses.	
Exceptions to performance standards	See the zoning districts use standards in XI-10-05, Residential Zones, XI-10-06, Mixed Use Zones, and XI-10-	

	07, Industrial Zones.	
Lot width reduction		
Wireless telecommunications facilities	Section XI-10-13.09, Wireless Telecommunications Facilities, of this Chapter, for specific standards and exempted facilities.	

SECTION 4. 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 5. 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.