



MILPITAS PLANNING COMMISSION STAFF REPORT

March 12, 2014

APPLICATION: **Parking Ordinance Amendment - Zoning Amendment No. ZA-14-0003** - A City-initiated request to consider a zoning amendment to off-street parking standards to require covered parking for single-family residential uses and to modify the standard parking lot drive aisle width from 25-feet to 24-feet.

RECOMMENDATION: **Staff recommends that the Planning Commission: Adopt Resolution No. 14-010 recommending the City Council adopts an amendment to the Zoning Ordinance to require covered parking for single-family residential uses and to modify standard parking lot drive aisle width from 25 to 24-feet.**

LOCATION:
Address/APN: City-wide

PEOPLE:
Project Applicant: City of Milpitas Planning Division
Project Planner: Tracy Tam, Planning Intern

LAND USE:
General Plan Designation: City-wide
Zoning District: City-wide

ENVIRONMENTAL: Categorically Exempt from further environmental review pursuant to Section 15061(b)(3) in that CEQA only applies to projects that have the potential for causing a significant effect on the environment.

EXECUTIVE SUMMARY

The proposed amendment includes two changes to the City's Zoning Ordinance. Currently, the Ordinance does not require single-family residential homes or duplexes to provide on-site covered parking. Complimentary to this, the Planning Division has noticed a recent increase in permit applications for garage conversions. The garage conversions are displacing vehicles onto the driveways, which in turn displace vehicles onto the public street. This has resulted in a reduction of available parking on public streets in residential neighborhoods.

Secondly, the City's standard for parking lot drive aisle width is 25-feet. However, research on neighboring cities and industry standards has shown that 24-feet is more common requirement. In the interest of promoting regional consistency and accommodating infill development, the zoning amendment proposes a change from 25-feet to 24-feet.

Pictures



Carnegie Drive



Park Grove Drive



Smithwood Street

BACKGROUND

History

On February 25, 2009, Planning Commission adopted Resolution No. 09-007 recommending approval to the City Council Zoning Amendment No. ZA08-0010, to amend Section 53 of the Zoning Ordinance and Specific Plan Amendment No. ST08-0003, to amend the parking requirements of the Midtown and Transit Area Specific Plans. On April 7, 2009, City Council approved Ordinance 38.785, specifically amending the parking regulations regarding the amount of parking required for certain uses, parking design standards and formatting changes to the section. Ordinance 38.785 did not address covered parking for single-family residential and the standard drive aisle width of 25-feet.

More recently, staff has received a number of permit applications for garage conversions to living space in single-family residential neighborhoods. According to data from the City's permit database, there were 27 approved garage conversions from 2012 through 2014. This increase in garage conversions displaces vehicles to the driveways, which in turn displace more vehicles onto the public street. This displacement of vehicles is creating a parking shortage in that there is an overcrowding of vehicles parked on the public street. The Neighborhood Services Division, and Police Department also get multiple calls regarding crowding of public street in residential neighborhoods. This proposed amendment to the parking ordinance will require covered parking for single-family residential homes to help ensure there is adequate on-street parking. Currently, the cities of Mountain View, Fremont, Sunnyvale, Dublin and Burlingame require covered parking for single-family homes.

The proposed zoning amendment will also modify the standard commercial and industrial parking lot and parking structure drive aisle width from 25-feet to 24-feet. Currently, the cities of Mountain View, Fremont, Sunnyvale, Alameda, Dublin, Livermore, Burlingame, Daly City, Foster City, Millbrae, Redwood City, and San Bruno standard drive aisle width is 24-feet for 90 degree parking spots. Conventional traffic engineering standards also recommend 24-feet. Hence, staff is proposing an amendment to ensure regional consistency to better accommodate infill development.

The Application

The following is a summary of the request:

- *Zoning Amendment:* Amend the Parking Ordinance (Section 53: Off-Street Parking Regulations) to require two covered parking spaces for single-family residential uses and to modify standard parking lot and structure drive aisle width from 25-feet to 24-feet.

PROJECT DESCRIPTION

Overview

Table 53.09-1 of the Zoning Ordinance sets forth the number of parking spaces required for different uses in the City. 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).The proposed amendment will amend Table 53.09-1 and require two covered parking spaces for single-family residential homes/duplexes regardless of the size of the home. However, the proposed amendment will not change the number of parking spaces required for single-family homes/duplexes.

Table 53.13.-1 of the Zoning Code sets forth the standards for parking stall and drive aisle dimensions. Currently, the standard aisle width between parking spaces is 25-feet. The proposed zoning amendment would amend Table 53.13-1 to modify the standard parking lot and structure drive aisle width from 25-feet to 24-feet

Location and Context

The Zoning Ordinance amendment will apply City-wide to all single-family and duplex residential homes; and, the new drive aisle width be applicable to commercial and industrial parking lots and parking structures.

Applicability

The proposed covered parking standard will apply to new single-family homes and duplexes and future requests for garage conversions or remodeling projects that add bedrooms to existing single-family homes and duplexes. Existing garage conversions will be permitted to remain without the requirement of providing covered parking.

PROJECT ANALYSIS

General Plan and Zoning Conformance

The project is consistent with the intent of the General Plan to maintain high quality residential environments and to foster community pride and growth through beautification of existing and future residential neighborhoods. The proposed amendment to the Zoning Ordinance will encourage neighborhood preservation and beautification by ensuring adequate parking in residential neighborhoods and accommodating infill development.

Zoning Development Standards

For multi-family residential units, covered parking is already required. The parking requirement for each multi-family unit with two to three bedrooms is two covered parking spaces. For units with four or more bedrooms, three parking spaces plus one additional space for each additional bedroom is required. The proposed amendment to add covered parking for single-family homes and duplexes will be consistent with the requirement for multi-family units.

FINDINGS FOR APPROVAL (OR DENIAL)

A finding is a statement of fact relating to the information that the Planning Commission or City Council has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Zoning Amendment (Section XI-10.57(G)(3))

- 1. The project is consistent with the Milpitas General Plan.*

The project is consistent with the Milpitas General Plan, specifically:

- Policy 2-a-I-17: Foster community pride and growth through beautification of existing and future development
- Goal B-1: Maintain High Quality Residential Environments—The maintenance and improvement of the quality of life of existing neighborhoods is a high priority for the City of Milpitas
- Policy 2.a I-2: Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.

The project is consistent with this finding because it furthers the policies and goal of the General Plan by improving the quality of life of existing neighborhoods, ensuring adequate parking and fostering community pride and growth through beautification by providing adequate off-street and on-street parking. Furthermore, changing the parking lot and structure drive aisle standard from 25-feet to 24-feet accommodates and promotes infill development within the City.

2. *The proposed amendment will not adversely affect the public health, safety and welfare.*

The project is consistent with this finding because due to its nature, it does not impact public health, safety and welfare. But rather promotes neighborhood beautification and preservation by maintaining vehicles on residential lots and keeping the street free and clear of unnecessary vehicles. Additionally, changing the parking aisle width from 25-feet to 24-feet for commercial and industrial parking lots is consistent with general engineering standards and other cities requirements.

ENVIRONMENTAL REVIEW

The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is categorically exempt from further CEQA review under Section 15061(b)(3) of the CEQA Guidelines in that the project has no potential to cause a significant effect on the environment. Staff has determined that amending the Zoning Ordinance to require covered parking for properties located in the residential districts and modifying the standard parking lot and structure drive aisle width from 25-feet to 24-feet has no potential to cause a significant effect on the environment. These are considered policy amendments and will not have a significant effect on the environment, but rather they will provide beneficial impacts by promoting neighborhood beautification and accommodating infill development.

PUBLIC COMMENT/OUTREACH

Staff provided public notice for the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on February 28, 2014 (two Fridays before the meeting). A public notice was also provided on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CITY COUNCIL REVIEW

This project requires review by the City Council and is tentatively scheduled on the April 15, 2014 Council agenda.

CONCLUSION

In summary, the proposed Zoning Ordinance amendment will preserve the quality of life in existing neighborhoods by providing adequate off-street and on-street parking. This proposed Zoning Ordinance amendment will also accommodate infill development and be consistent with regional standards by requiring 24-foot drive aisle widths instead of 25-feet for parking lots and structures.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close Public Hearing; and
2. Adopt Resolution 14-010 recommending City Council to adopt an amendment to the Zoning Ordinance to require covered parking for single-family residential uses and duplexes, and to modify the standard parking lot and structure drive aisle width from 25-feet to 24-feet for commercial and industrial parking lots.

ATTACHMENTS

A: Resolution No. 14-010



MILPITAS PLANNING COMMISSION STAFF REPORT

June 11, 2014

APPLICATION: **Parking Ordinance Amendment II, ZA14-0006**
A City-initiated request to consider a Zoning Amendment to Title XI, Chapter 10, Section 53, Off-Street Parking Regulations, of the Milpitas Municipal Code to provide flexibility with development standards for parking structures; and, to clarify that residential uses shall not be able to meet their parking requirements with on-street parking on public streets.

RECOMMENDATION: **Staff recommends that the Planning Commission: Adopt Resolution No. 14-025 recommending the City Council adopts an amendment to the Zoning Code to provide flexibility with development standards for parking structures; and, to clarify that residential uses shall not be able to meet their parking requirements with on-street parking on public streets.**

LOCATION:
Address/APN: City-wide

PEOPLE:
Project Applicant: City of Milpitas Planning Division
Project Planner: Tracy Tam, Planning Intern

LAND USE:
General Plan Designation: City-wide
Zoning District: City-wide

ENVIRONMENTAL: Exempt from further environmental review pursuant to Section 15061(b)(3) in that CEQA only applies to projects that have the potential for causing a significant effect on the environment.

EXECUTIVE SUMMARY

The proposed amendment includes two changes to the City's Zoning Code. Currently, Table 53.13-1 of the Milpitas Zoning Code sets forth the parking stall and drive aisle dimensions for all parking spaces in the City, including parking structures. Due to increasing demand for infill development, the high cost of constructing parking structures, and flexible development standards in neighboring cities, staff felt that it is appropriate to include flexibility through a Conditional Use Permit to modify the parking standards for parking structures. Secondly, the parking requirement for residential uses is not clearly stated in Section XI-10-53.13(A)(1) (Location of Parking) of the Zoning Code. Incorporation of language within this section directly addresses that on-street parking on public streets is not allowed to count towards the parking requirement.

BACKGROUND

History

On February 25, 2009, Planning Commission adopted Resolution No. 09-007 recommending approval to the City Council Zoning Amendment No. ZA08-0010, to amend Section 53 of the Zoning Ordinance and Specific Plan Amendment No. ST08-0003, to amend the parking requirements of the Midtown and Transit Area Specific Plans. On April 7, 2009, City Council approved Ordinance 38.785, specifically amending the parking regulations regarding the amount of parking required for certain uses, parking design standards and formatting changes to the section.

On March 12, 2014, Planning Commission adopted a Resolution recommending the City Council approve the City-initiated request for a zoning amendment (No. ZA14-0003) to modify the parking lot drive aisle width from 25-feet to 24-feet. On April 15, 2014, the City Council directed staff to return to the City Council with a revised ordinance incorporating the change in drive aisle width only.

The proposed zoning amendment will provide flexibility to development standards for parking structures through the approval of a Conditional Use Permit and clarifies that on-street parking on public streets is not allowed to count towards a residential projects' parking requirement.

The Application

The following is a summary of the request:

- *Zoning Amendment:* Amend the Parking Ordinance (Section 53: Off-Street Parking Regulations) to provide flexibility with development standards for parking structures; and, to clarify that on-street parking on public streets is not allowed count towards a residential projects' parking requirement.

PROJECT DESCRIPTION

Overview

Currently, Table 53.13-1 of the Milpitas Zoning Code sets forth parking stall and drive aisle dimensions for all parking uses in the City. The proposed zoning amendment will provide flexibility to the design standards (i.e. parking stall dimensions, and drive aisle width) subject to review and approval of a Conditional Use Permit. Additionally, the proposed zoning amendment will clarify that on-street parking on public streets or in the public right-of-way is not allowed to count towards a residential projects' parking requirement.

Location and Context

The Zoning Code amendment will apply City-wide to all new parking structures and the clarification of residential parking standards will apply to all new residential projects.

PROJECT ANALYSIS

General Plan and Zoning Conformance

This proposed zoning amendment is consistent with the intent of the General Plan in that it seeks to promote infill development within the City and assists in maintaining a relatively compact urban form. By providing flexibility with the development standard for parking structures, staff can work with the applicant in satisfying on-site parking requirements while meeting economic development and public health and safety goals. Because most development within the City is infill development, having flexible development standards for parking structures will promote business retention, new business attraction, and infill development while meeting or exceeding the code-required parking requirements.

This proposed zoning amendment will help maintain a relatively compact urban form in that it will promote a more efficient use of land as a vertical built form instead of a horizontal one. Given the size of certain parcels within the City and the minimum density requirements within certain areas of the City, parking structures are proposed in order to meet those requirements.

The amendment will also clarify that on-street parking on public streets is not counted toward a residential project's parking requirement. This is consistent with the General Plan in that public streets are public spaces and available to all residents and visitors of the City. Allocation of parking on public streets to private residential development is inconsistent with the intent of the Zoning Ordinance and the use of public streets. Clarification of this provisions in the Zoning Ordinance is internally consistent with the Zoning Ordinance since the provision already exists and is just being clarified.

FINDINGS FOR APPROVAL (OR DENIAL)

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Zoning Amendment (Section XI-10.57(G)(3))

- 1. The proposed amendment is consistent with the General Plan.*

The project is consistent with the Milpitas General Plan, specifically:

- Policy 2.a I-2: Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.
- Principle 2.a-G-1: Maintain a relatively compact urban form. Emphasize mixed-use development to the extent feasible, to achieve service efficiencies from compact development patterns and to maximize job development and commercial opportunities near residential development.

The project is consistent with this finding because it furthers the policies and principles of the General Plan by providing language that provides flexibility with the development standards for parking structures through approval of a Conditional Use Permit. In doing so, infill development is accommodated because staff has direction to review the design of the parking structure in the

context of each project, the uniqueness and different character of each project. An increasing number of projects are proposing parking structures in order to meet the parking requirement generated by the project and the flexibility to modify the current design standards will assist staff in working with the applicant to achieve a parking structure design that meets the unique details of various land uses and property owners.

The proposed zoning amendment will assist with maintaining a relatively compact urban form in that it will promote a vertical building form instead of a horizontal one. By its nature, vertical development promotes a compact urban form and infill development.

The amendment to clarify that on-street parking on public streets is not counted toward a residential project's parking requirement is also consistent with the General Plan in that public streets are public spaces and available to all residents and visitors of the City. Allocation of parking on public streets to private residential development is inconsistent with the intent of public streets.

2. The proposed amendment will not adversely affect the public health, safety and welfare.

The project is consistent with this finding because due to its nature, there is no potential to affect the public health, safety and welfare of the general public. Providing flexibility on development standards for parking structures is intended to assist in the review of the design of the parking structure and making appropriate recommendations to the Planning Commission. Further, clarification of on-street parking allocation will not affect the public health and safety because the intent of public streets is for public use rather than private use by private development.

ENVIRONMENTAL REVIEW

The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is exempt from further CEQA review under Section 15061(b)(3) of the CEQA Guidelines in that the project has no potential to cause a significant effect on the environment. Staff has determined that amending the Zoning Code to provide flexibility on development standards for parking structures and clarifying that on-street parking on public streets is not allowed for residential projects' parking requirement has no potential to cause a significant effect on the environment. Any future project will need to go through environmental review in compliance with CEQA.

PUBLIC COMMENT/OUTREACH

Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on May 30, 2014. (Two Fridays before the meeting). A public notice was also provided on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CITY COUNCIL REVIEW

This project requires review by the City Council and is tentatively scheduled on the August 5, 2014 Council agenda.

CONCLUSION

In summary, the proposed Zoning Code amendment will provide flexibility with the development standards for parking structures, and clarify that on-street parking on public streets is not allowed to count towards a residential projects' parking requirement. The proposed Zoning Code amendment will further the General Plan policy to accommodate infill development by providing an improved review process for staff. The proposed Zoning Code amendment will also help maintain a relatively compact urban form in that it will promote a vertical built form as opposed to a horizontal one and it will promote economic development through business attraction and retention.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close Public Hearing; and
2. Adopt Resolution 14-025 recommending City Council adopt an amendment to the Zoning Code to provide flexibility with development standards for parking structures through a Conditional Use Permit; and to clarify that residential use shall not meet its parking requirements with on-street parking on public streets, public right-of-way, or public areas.

ATTACHMENTS

A: Resolution No. 14-025

B: Ordinance 38.010



MILPITAS PLANNING COMMISSION STAFF REPORT

July 23, 2014

APPLICATION: **Parking Ordinance Amendment III, ZA14-0009**
A City-initiated request to consider a Zoning Text Amendment to Section XI-10-53.13.A1, Location of Parking to clarify when on-street parking can be allocated to a retail/commercial project's parking requirement in the Midtown and Transit Area Specific Plan Areas.

RECOMMENDATION: **Staff recommends that the Planning Commission: Adopt Resolution No. 14-029 recommending the City Council adopt an amendment to the Zoning Code to clarify when on-street parking can be allocated to a retail/commercial project's parking requirement in the Midtown and Transit Area Specific Plan Areas.**

LOCATION:
Area of the City: Transit Area Specific Plan (TASP) and Midtown Specific Plan Areas

PEOPLE:
Project Applicant: City of Milpitas Planning Division
Project Planner: Tracy Tam, Planning Intern

LAND USE:
General Plan Designation: Commercial and Mixed Use designations in the TASP and Midtown Areas
Zoning District: Commercial and Mixed Use designations in the TASP and Midtown Areas

ENVIRONMENTAL: Exempt from further environmental review pursuant to Section 15061(b)(3) in that CEQA only applies to projects that have the potential for causing a significant effect on the environment.

EXECUTIVE SUMMARY

Currently, the use of on-street parking for commercial uses is not clearly stated in Section XI-10-53.13(A)(1) of the Milpitas Zoning Code. The purpose of this amendment is to clarify when commercial service or retail uses within the City's specific plan areas can meet their parking requirements with on-street parking. The proposed amendment will clarify that on-street parking on public streets may be allocated for commercial and/or retail use in the Transit Area Specific Plan and the Midtown Specific Plan in certain situations.

BACKGROUND

History

On February 25, 2009, Planning Commission adopted Resolution No. 09-007 recommending approval to the City Council Zoning Amendment No. ZA08-0010, to amend Section 53 of the Zoning Code and Specific Plan Amendment No. ST08-0003, to amend the parking requirements of the Midtown and Transit Area Specific Plans. On April 7, 2009, City Council adopted Ordinance 38.785, amending the parking regulations regarding the number of parking spaces required for certain uses, parking design standards and formatting changes to the section.

On March 12, 2014, Planning Commission adopted a resolution recommending the City Council approve the City-initiated request for a Zoning Amendment (No. ZA14-0003) to modify the parking lot drive aisle width from 25-feet to 24-feet for commercial and industrial uses. On April 15, 2014, the City Council held a public meeting to consider the Planning Commission's recommendation. The City Council agreed with the Planning Commission's recommendation and directed staff to return to the City Council with a revised ordinance incorporating the change in drive aisle width only for commercial and industrial uses.

On June 11, 2014, Planning Commission adopted Resolution No. 14-025 recommending the City Council amend the Zoning Code (ZA14-0006) to provide flexibility with development standards for parking structures through a Conditional Use Permit and to clarify that residential uses shall not meet its parking requirement with on-street parking on public right-of-way or public areas. This item is tentatively scheduled for the City Council meeting on August 19, 2014.

The proposed zoning text amendment will clarify when on-street parking can be allocated to a retail/commercial project's parking requirement.

The Application

The following is a summary of the request:

- *Zoning Amendment:* Amend Section XI-10-53(A)(1) of the Milpitas Zoning Code to clarify when commercial service and retail uses can meet its parking requirements with on-street parking.

PROJECT DESCRIPTION

Overview

Currently, Section XI-10-53.13(A)(1) of the Zoning Code does not contain clear language for allocating on-street parking spaces towards the parking requirement for commercial service or retail uses. The proposed zoning amendment will clarify when on-street parking can be allocated to a commercial or retail project's parking requirement. Staff is proposing that an applicant may utilize on-street parking toward the parking requirement for commercial service and/or retail uses if the parking is located along the project site frontage directly serving and adjacent to the use. No more than 50% of the required parking spaces may be allocated to the public street unless the use requires ten (10) parking spaces or less. And, in no case shall the parking be located more than three hundred (300) feet away from the commercial service or retail use it serves.

Additionally, the on-street parking spaces shall be designated as limited term and will be appropriately indicated as such.

Location and Context

The Zoning Code amendment will only apply to future commercial service and retail uses in the Transit Area Specific Plan and the Midtown Specific Plan areas.

PROJECT ANALYSIS

General Plan and Zoning Conformance

The proposed zoning amendment is consistent with several Policies contained within the General Plan. The proposed zoning amendment is consistent with the intent of the General Plan in that it seeks to promote infill development within the City, encourages economic pursuits which will strengthen and promote development through stability and balance, and maintains policies that promote a strong economy which provides economic opportunities for all Milpitas residents within existing environmental, social fiscal and land use constraints. Additionally, this amendment will provide opportunities to expand employment, participate in partnerships with local businesses to facilitate communication, and promote business retention.

The proposed zoning amendment is consistent with the above mentioned Policies because it promotes infill development by providing a cost effective alternative to satisfy the parking requirement. Given the constraints of the smaller parcels within the City, it has been a growing trend for the development to propose parking garages. Above and below grade parking garages add a considerable amount to the cost of construction for a development project. By clarifying when on-street parking can be utilized for a retail/commercial development, infill development is better accommodated by possibly reducing the cost of parking and encouraging commercial and retail uses along the street. Most development within the City is infill development, and having the option for on-street parking for retail/commercial uses will assist in meeting the parking requirements as required by the Zoning Code.

The proposed zoning amendment encourages economic pursuits by promoting the convenience and ease of parking for business patrons within the City. This proposed amendment will also promote a strong economy by encouraging developers to provide retail/commercial space and encouraging business owners and patrons with a parking amenity that is convenient and encourages economic activity. Lastly, this proposed zoning amendment will expand employment and promote business retention by catering to the small businesses and patrons by having an availability of retail/commercial space and encouraging foot traffic and business recognition for retail/commercial uses. Parking on public streets is available to all residents and visitors of the City and clarifying that on-street parking may be utilized for retail/commercial uses will better serve the businesses and visitors.

Clarification of this provision in the Zoning Ordinance is internally consistent with the Zoning Ordinance since the provision already exists and is just being clarified.

FINDINGS FOR APPROVAL

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Zoning Amendment (Section XI-10.57(G)(3))

1. The proposed amendment is consistent with the General Plan.

The project is consistent with the Milpitas General Plan, specifically:

- Policy 2.a I-2: Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.
- Policy 2.a-I-3: Encourage economic pursuits which will strengthen and promote development through stability and balance.
- Policy 2.a-I-5: Maintain policies that promote a strong economy which provides economic opportunities for all Milpitas residents within existing environmental, social fiscal and land use constraints.
- Policy 2.a-I-7: Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.

The project is consistent with these findings because it furthers the policies of the General Plan by clarifying when on-street parking can be allocated towards a retail/commercial project's parking requirement. This project accommodates infill development by providing a cost effective alternative to satisfy the parking requirement for a development. The ability to count on-street parking towards the parking requirement but limiting the on-street parking spots to fifty percent (50%) or less of the required parking and requiring the on-street parking spots be within three hundred (300) feet from the use will allow the projects to meet the parking requirement for infill development and smaller sized parcels within the City.

This proposed amendment encourages economic pursuits by incentivizing the development community to construct retail and commercial uses to better serve the visitors and residents of the City. Allowing ability project to count on-street parking towards a retail/commercial use will encourage business patrons to support local businesses by providing them the convenience and ease of on-street parking directly in front of the use. This amendment will also promote a strong economy and business retention by increasing the amount of available retail and commercial space within the City while providing convenient parking amenities for patrons. Lastly, on-street parking will encourage foot traffic and business recognition which will create vibrancy.

2. The proposed amendment will not adversely affect the public health, safety and welfare.

The project is consistent with this finding because due to its nature, there is no potential to affect the public health, safety and welfare of the general public. Providing clarification on when on-street parking can be utilized for a retail/commercial project is intended to assist the development

community, City staff, and all decision makers in determining when on-street parking may be utilized. Furthermore, this project will not affect the public health and safety because it is meant as a tool to assist in decision making and the intent of the public streets is for public use rather than private use by private development. Any future development project will be required to complete a full environmental review under CEQA.

ENVIRONMENTAL REVIEW

The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is exempt from further CEQA review under Section 15061(b)(3) of the CEQA Guidelines in that the project has no potential to cause a significant effect on the environment. Staff has determined that amending the Zoning Code to provide clarity on when on-street parking can be allocated towards a retail/commercial project's parking requirement has no potential to cause a significant effect on the environment. Any future project will need to go through environmental review in compliance with CEQA.

PUBLIC COMMENT/OUTREACH

Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on July 11, 2014. (Two Fridays before the meeting). A public notice was also provided on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CITY COUNCIL REVIEW

This project requires review by the City Council and is tentatively scheduled on the August 19, 2014 Council agenda.

CONCLUSION

In summary, the proposed Zoning Code amendment will clarify when on-street parking can be allocated to a retail/commercial project's requirement. The proposed Zoning Code amendment will further the General Plan policy to accommodate infill development by providing developers with the possibility of counting on-street parking towards the parking requirement for a development.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Conduct a Public Hearing; and
2. Adopt Resolution 14-029 recommending City Council adopt an amendment to the Zoning Code to clarify when retail/commercial uses may meet their parking requirement with on-street parking.

ATTACHMENTS

- A: Resolution No. 14-029
- B: Ordinance 38.817