

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 August 19, 2014, upon motion by Councilmember Giordano and was adopted (second reading) by the City Council at its meeting of September 2, 2014, upon motion by Councilmember Giordano. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES: (4) Mayor Esteves, Councilmembers Giordano, Gomez, and Montano

NOES: (0) None

ABSENT: (1) Vice Mayor Polanski

ABSTAIN: (0) None

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.

- a. Residential Uses: Parking required for all residential uses shall conform with all of the following: (i) be located within the same project site as the use; (ii) be 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 all 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 conform with all of the following: (i) be located within the same project site as the use; (ii) be less than three hundred (300) feet 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.

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:

H. Angles and Dimensions

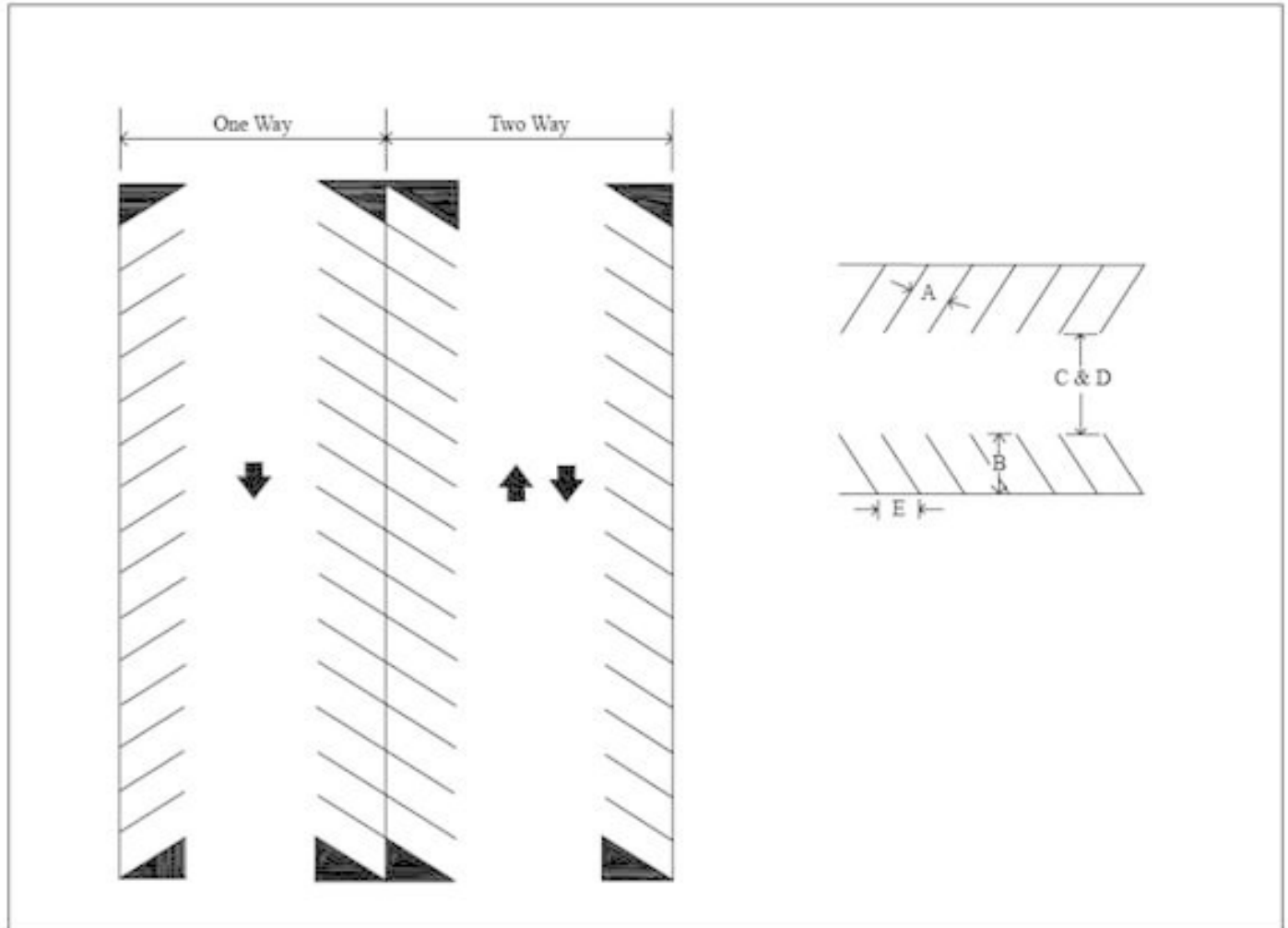
1. Vehicle Overhang. Vehicles may overhang two (2) feet into any landscape area or private walkway if the walkway is a minimum six (6) feet in width, but in no event shall the overhang be permitted within any public right-of-way.
Stall and drive aisle dimensions. The stall and drive aisle dimensions 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' |
| 90° | 7.5' | 15' | 20' | 20' | 7.5' |

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 eighty-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.