

**RESOLUTION NO. 21-003**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS  
RECOMMENDING THAT THE CITY COUNCIL ADOPT A CITY-INITIATED  
ZONING TEXT AMENDMENT TO AMEND SECTIONS OF CHAPTER 10 OF TITLE  
XI OF THE MILPITAS MUNICIPAL CODE RELATING TO OFF-STREET PARKING  
REGULATIONS FOR HOTELS, MOTELS, AND OTHER TRANSIENT LODGING  
USES; AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM  
ENVIRONMENTAL REVIEW PURSUANT TO CEQA GUIDELINES SECTION  
15061(B)(3)**

**WHEREAS**, the City of Milpitas, California (the “City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

**WHEREAS**, California Government Code Section 65800 et seq. authorizes the adoption and administration of zoning laws, ordinances, rules and regulations by cities as a means of implementing the General Plan; and

**WHEREAS**, the City’s Zoning Ordinance, Chapter 10 of Title XI of the Milpitas Municipal Code, contains minimum off-street parking requirements for new development projects and for expansions or changes to existing properties, based on the type of land use, which are intended to ensure an adequate supply of parking to serve residences, businesses, and other establishments; and

**WHEREAS**, Planning Department staff have observed, based on recent applications for new hotel development projects, that the current off-street parking requirements for hotels in the Zoning Ordinance are excessive compared to the actual demand for parking at hotels in the city, causing an inefficient use of land on sites of new hotel projects and an unnecessary burden and expense for developers of hotel projects; and

**WHEREAS**, travel patterns and preferences for business and leisure travelers in the San Francisco Bay Area have shifted in recent years, away from traveling by or renting private vehicles and toward using on-demand rideshare services such as Uber and Lyft and/or using public transportation such as BART and VTA Light Rail; and

**WHEREAS**, according to the Institute of Transportation Engineers (ITE) Parking Generation Manual, 4<sup>th</sup> Edition, the peak period parking demand for hotels (based on survey data for actual hotels) is 0.64 parking spaces per occupied hotel room in urban areas, and 0.9 parking spaces per occupied hotel room in suburban areas; and

**WHEREAS**, according to the ITE Parking Generation Manual, 4<sup>th</sup> Edition, the average weekday hotel occupancy rate ranges from 62 percent to 69 percent, and the average weekend hotel occupancy rates are 72 percent on Saturdays and 51 percent on Sundays; and

**WHEREAS**, Planning Department staff has consulted with developers of recent hotel projects in Milpitas to seek input about actual parking demand for hotels and possible approaches

to amending the City's off-street parking requirement for hotels, including incentives for parking demand management measures to be incorporated into hotel development projects; and

**WHEREAS**, parking demand management measures, such as shared parking programs, shared transportation shuttles, shared bicycles, and methods to lower to cost and increase the convenience of using public transportation, have been shown to be effective in reducing the demand for parking for a variety of residential and commercial land uses; and

**WHEREAS**, the City has prepared a Zoning Amendment ("Amendment") to the City's Municipal Code, including refinements to Section 2 ("Definitions") and Subsection 53.09 ("Off-Street Parking Required by Land Use") and a new Subsection 53.15 ("Allowed Reductions to Required Parking for Lodging Uses") of the Municipal Code; and

**WHEREAS** the proposed amendments reduce the base requirement for off-street parking for hotels, motels and other lodging uses and allows for further discretionary reductions to required off-street parking through implementation of parking demand management measures; and

**WHEREAS**, the Planning Commission makes and accepts as its own the findings set forth in this resolution; and

**WHEREAS**, the Planning Commission is an advisory body to the City Council; and

**WHEREAS**, the Planning Commission hereby finds and determines that the project is exempt from further CEQA review pursuant to CEQA Guidelines section 15061(b)(3) (common sense exemption); and

**WHEREAS**, on February 24, 2021, the Planning Commission held a duly noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on the Zoning Text Amendment; and

**WHEREAS**, the Planning Commission has considered all of the written and oral testimony presented at the public hearing in making its decision; and

**NOW THEREFORE**, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

#### **SECTION 1. Recitals.**

The Planning Commission 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 Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

#### **SECTION 2. CEQA Finding**

The Planning Commission recommends that the City Council find, under CEQA Guidelines, Section 15061(b)(3), that this Ordinance is exempt from further environmental review because it is the adoption of an ordinance amending zoning regulations, but would not permit any particular project. Therefore, it can be seen with certainty that there is no possibility that the Ordinance in question may have a significant effect on the environment; accordingly, the Ordinance is not subject to review under CEQA.

**SECTION 3. Findings for Zoning Amendment (Milpitas Municipal Code, Subsection XI-10-57-02(G)(3)) - *The Planning Commission makes the following findings based on the evidence in the public record in support of Zoning Text Amendment No. ZA21-0002:***

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

The proposed zoning amendments are consistent with the Milpitas General Plan because they support implementation of the principles and policies of the Circulation Element related to improving access to multimodal transportation options and increasing bicycling and walking as convenient and viable forms of travel. By requiring developers and operators of hotels and motels to provide fewer on-site parking spaces, the zoning changes would serve to disincentivize the use of private vehicles by hotel and motel guests while incentivizing them to walk and use public transit, shuttles, and rideshare options, and bicycles.

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

The proposed zoning amendments will not adversely affect public health, safety, and welfare because they will, in effect, correct an existing provision of the Zoning Code that is outdated and does not reflect current market realities, planning industry best practices, or City of Milpitas policies related to sustainable, multimodal transportation. Requiring more parking for new developments than is needed based the actual demand the project will generate is a policy that reflects and favors reliance on private automobiles and driving as the dominant mode of transportation. In this respect, the current zoning standard for hotel parking is contrary to the public health, safety, and welfare because it encourages and facilitates the use of private automobiles, which results in traffic congestion, carbon emissions, and the use of urban land for parking instead of for more ecologically sustainable uses. The proposed amendments will improve the situation by allowing less parking for hotels and incentivizing hotels operators to offer, and hotel guests to use, alternative and more sustainable modes of transportation such as public transit, ridesharing, bicycling, and walking. Therefore, the proposed amendments will positively affect public health, safety, and welfare.

**SECTION 4:** The Planning Commission of the City of Milpitas hereby adopts Resolution No. 21-003 recommending that the City Council adopt Zoning Text Amendment ZA21-0002 based on the above Findings.

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**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Milpitas on February 24, 2021.

DocuSigned by:



Mar-08-2021

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Steve Tao, Chair

**TO WIT:**

**I HEREBY CERTIFY** that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on February 24, 2021 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Steve Tao	✓			
Bill Chuan	✓			
Tim Alcorn	✓			
Steve Belong	✓			
Mercedes Albana	✓			
Larry Ciardella	✓			
Alexander Galang	✓			