



COMMUNITY DEVELOPMENT DEPARTMENT

CITY HALL

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CITY COUNCIL STAFF REPORT

Meeting: September 20, 2016

Subject

An Ordinance of the City Council of the City of Cupertino regarding legal non-conforming single-family garages, and standards for bicycle parking and facilities (Application No. MCA-2016-02; Applicant: City of Cupertino; Location: City-wide)

Recommended Action

Conduct the first reading of Ordinance No. 16-_____ "An ordinance of the City Council of the City of Cupertino amending Title 19, Chapter 19.124 Section 19.124.030 "Regulations for Parking and Keeping Vehicles in Various Zones" and Section 19.124.040 "Regulations for Off-Street Parking", regarding legal non-conforming single-family garages, and making standards for bicycle parking and facilities consistent with the City of Cupertino 2016 Bicycle Transportation Plan. (Attachment A).

Discussion

Background

Periodically, language in the Municipal Code is reviewed to reflect current issues with development standards and to ensure consistency with other planning documents. The proposed amendment seeks to provide clarification on allowing modifications and improvements to legal non-conforming single-family garages after City Council requested Staff to review the ordinance in May 2016. Additionally, the modifications include updated standards for bicycle parking and facilities are consistent with the adopted *City of Cupertino 2016 Bicycle Transportation Plan* adopted on June 21, 2016. The following revisions to Chapter 19.124 Parking Regulations have been identified:

1. Section 19.124.030 "Regulations for Parking and Keeping Vehicles in Various Zones;"
2. Section 19.124.040 "Regulations for Off-Street Parking" (standards for bicycle parking and facilities).

Analysis

1. *Section 19.124.030 – Regulations for Parking and Keeping Vehicles in Various Zones*

Clarification of Planning Standard – The Municipal Code requires that conforming parking in a Single Family Residential zone be four (4) spaces per dwelling unit. This includes two (2) garage spaces with an interior dimension of 20'x20', and two (2) unenclosed spaces. Any existing enclosed space not meeting the minimum requirement, but which was allowed under zoning ordinances at the time of construction, is considered a "Legal Non-conforming Single Family Garage." Currently, the ordinance allows the nonconformity to continue provided that the square footage necessary to legalize the garage be reserved from the allowable floor area ratio for future garage upgrades. However, the Municipal Code does not permit these structures to be upgraded or altered, or they lose the non-conforming status. Many homes in the City were built before the current standards and have a single garage/carport, which was allowed at the time. The enforcement of this standard has created a hardship for many residents because they cannot alter or upgrade their one-car garage. As such, the modification proposes to allow legal non-conforming single-car garages/carports for existing homes to be substantially modified and/or rebuilt as long as they do not increase the non-conformity. New homes would be required to provide conforming parking spaces.

2. Section 19.124.040 "Regulations for Off-Street Parking"

Consistency with *City of Cupertino 2016 Bicycle Transportation Plan* – On June 21, 2016, City Council approved the *City of Cupertino 2016 Bicycle Transportation Plan*. Bicycle parking location, quantities, and types are provided in Table 19.124.040(A). The proposed amendments revise the bicycle parking requirements to be consistent with the Bicycle Transportation Plan. In cases, where additional clarification was needed for specific uses in the Parking Ordinance, beyond that identified in the Transportation Plan, the Bicycle Transportation Plan consultants provided bicycle parking requirements consistent with best practices.

Commission Review and Recommendation

Planning Commission:

On August 9, 2016, the Planning Commission reviewed the proposed Ordinance and recommended approval to the City Council on a 4-0 vote (Gong absent) (See Attachment B).

Noticing and Public Outreach

The following noticing has been conducted for this application as required by the City's Municipal Code and State Law:

Legal Ad, Display Ad	Agenda
<ul style="list-style-type: none">▪ Legal Ad in the newspaper (<i>at least ten days prior to the hearing</i>)▪ Display Ad in the newspaper (<i>at least 10 days prior to the hearing</i>)	<ul style="list-style-type: none">▪ Posted on the City's official notice bulletin board (<i>at least five days prior to the hearing</i>)▪ Posted on the City of Cupertino's Web site (<i>at least five days prior to the hearing</i>)

CEQA

The proposed Ordinance is not a project within the meaning of section 15378 of the California Environmental Quality Act ("CEQA") Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment but also not limited to Existing Facilities (Sec. 15301), Replacement or Reconstruction (Sec. 15302), or Construction or Conversion of Small Structures (Sec. 15303).

Sustainability Impact

As the ordinance amendment is increasing the number of bicycle facilities for development, it is encouraging bicycling as viable transportation mode to decrease the number of single-occupancy vehicle trips within the community.

Fiscal Impact

None

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Approved for Submission by: David Brandt, City Manager

Attachments:

- A. Draft Ordinance No. 16-_____
- B. Resolution No. 6816 of the Planning Commission recommending adoption of the draft ordinance
- C. Redline document indicating changes in Chapter 19.124