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REVISED AGENDA MATERIAL for Supplemental Packet 3

Meeting Date: January 26, 2021, 4pm
Item Number: 1
Item Description: Slightly Revised Proposed Friendly Amendments to Referral
Response: Zoning Ordinance Amendments that Reform Residential Off-Street
Parking; Amending Berkeley Municipal Code Title 14 and Title 23
Submitted by: Councilmember Sophie Hahn

“Good of the City” Analysis:

The analysis below must demonstrate how accepting this supplement/revision is for the “good of the City” and outweighs the lack of time for citizen review or evaluation by the Council.

This supplemental puts a small but meaningful change to Councilmember Hahn’s original supplemental in writing, rather than offering the change verbally on the dais, providing an easier basis for consideration by both Council and the public.

Consideration of supplemental or revised agenda material is subject to approval by a two-thirds roll call vote of the City Council. (BMC 2.06.070)

A minimum of **42 copies** must be submitted to the City Clerk for distribution at the Council meeting. This completed cover page must accompany every copy.

Copies of the supplemental/revised agenda material may be delivered to the City Clerk Department by 12:00 p.m. the day of the meeting. Copies that are ready after 12:00 p.m. must be delivered directly to the City Clerk at Council Chambers prior to the start of the meeting.

Supplements or Revisions submitted pursuant to BMC § 2.06.070 may only be revisions of the original report included in the Agenda Packet.



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January 26, 2021~~December 26, 2020~~
Proposed Amendments to Item 40 - Updated

To: Honorable Members of the City Council
From: Councilmember Sophie Hahn (Author)
Subject: Slightly Revised Proposed Friendly Amendments to Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23

The Parking reforms before us are designed to reduce dependence on private vehicles and move people towards alternative modes - in particular public transit.

This proposed set of Friendly Amendments picks a path through the two sets of proposals (Planning Commission and Staff) while seeking to (1) more broadly apply changes to achieve the incentives/goals of the proposals citywide, with exceptions being related only to health and safety (fire and emergency access, and emergency egress/evacuations); and (2) provide a stronger and more consistently applied message of encouraging mode shift across residents of both new and existing housing.

A summary of the proposed path forward is presented below for consideration.

MINIMUMS:

Suggested Approach:

Eliminate all minimums except for “Health & Safety Access Areas” - areas where off-street parking is encouraged for emergency vehicle access and evacuation.

Suggested Outcomes:

No MINIMUM parking requirements citywide

Except for the following Health & Safety Access Areas, to support emergency vehicle access and evacuation:

- H Overlay and ES-R, minus “safe” streets that do not present health and safety/access and egress challenges, as identified by the City Manager (Fire Dept.)
- Other narrow or difficult-to-access streets or cul de sacs citywide that present health and safety/access and egress challenges, as identified by the City Manager (Fire Dept.)
- (H and ES-R, minus “safe” streets plus additional narrow/difficult streets throughout Berkeley as identified by the City Manager, collectively referred to as “Health & Safety Access Areas”)

Special Consideration:

Consider requiring residential handicapped parking spaces for buildings with 25 or more units (with 1 space for every 1-25 units, to echo ADA requirements). The first space could be either on-site or via a blue curb, avoiding curb cuts.

NOTES:

- In Health & Safety Access Areas, existing 1 space per unit minimum would remain in place, but does not apply to ADUs, by State Law.
- H and ES-R districts include a combination of steep, narrow and curved streets and some intersections with turn-radii well over 90 degrees, while being subject to extremely high wildfire risks and likelihood of evacuations.
- The PC’s proposed 26-foot carve-out does not account for the many factors that exacerbate large vehicle access to streets in the H and ES-R areas and other narrow streets and cul-de-sacs citywide. In addition, wider blocks in H and ES-R are frequently accessed via narrower or harder-to-navigate street segments.
- At the same time, some “safe” streets in the H and ES-R areas do not present health and safety/access and egress challenges and can be removed from the H and ES-R exception by the City Manager (Fire Dept.).
- Access issues in cul de sacs, excessively narrow streets and other unusual configurations citywide present similar health and safety concerns as in H and ES-R areas. The Fire Department can determine these streets and designate them via an AR.
- Important to ensure new housing is accessible to individuals requiring handicapped parking.

MAXIMUMS:

Suggested Approach:

Apply maximums more broadly across the City and in a fixed manner, to support transition to all alternative modes and consistency over time and neighborhoods.

Suggested Outcomes:

Maximums apply to all areas except Health & Safety Access Areas where off-street parking is encouraged, and, in many locations, where additional red-curbing is planned that limits on-street parking.

Covered Area I:** Within 0.25 miles of BART and CalTrans, and of major corridors - *University, San Pablo, Telegraph, College, Shattuck-Henry-Sutter-Solano:*

- Max 1 space/single unit parcel*
- Max 0.5 spaces/unit for 2-unit or larger.*

Covered Area II:** In all other areas of Berkeley:

- Single unit properties: 2 space maximum*
- 2-unit or larger: 1 space maximum per unit*

In Health & Safety Access Areas:

- **No maximum** (need to *encourage* off-street parking).
- **Add a requirement** that parking (in new-build) must be kept free and clear for parking access (no planting/landscaping over driveways or filling garages with storage, etc).

* **Can be increased with AUP** if unusual circumstances.

** Where a Covered Area overlaps with a Health & Safety Access Area, it would be exempt from any maximum, based on Health & Safety considerations

NOTES:

- Much of Berkeley is served by multiple modes - Bus, BART, biking (+ electric bikes), walking, car share, taxis, etc. Incentives still have significant value in broader areas than around transit.
- Very few properties in Berkeley currently provide more than one off-street parking space per unit. The maximums proposed *reflect current patterns and practice and are unlikely to be onerous* - especially with the possibility of an AUP for unusual circumstances.
- Tying parking maximums to bus service results in possible uncertainty/inconsistency of requirements over time, should headways be reduced or increased, or routes eliminated, added, or changed.
- Broader applicability can be achieved based on areas around fixed transit (BART, Rail) + set/fixed areas close to shopping, transit, bike lanes, bike share and other services and amenities, incentivizing both use of public transit and other alternative modes.
- Applying Maximums citywide except for Health & Safety Access Areas sends a strong message of support for mode shift without imposing burdens - the maximums reflect overwhelming existing practices.
- An AUP can be applied-for to meet a special/unusual need or circumstance.

RPP PERMIT CHANGES:

Suggested Approach:

- Avoid concerns with regs based on building type, age or size.
- Increase disincentives to park on-street throughout RPP areas, with exceptions to provide equitable access for low income, limited mobility and other households with special circumstances.

Suggested Outcomes:

Refer to staff to revisit price-based and other RPP incentives citywide and consider increasing costs and cost-escalation for additional permits, while incorporating additional sliding-scale, waiver and/or other low-income provisions and providing more generous exceptions for individuals with limited mobility (even if not eligible for Handicapped placards), seniors, households with youth 16 or younger, and other special circumstances.

Proposed New Element:

Require disclosure in property sale and rental listings and contracts/agreements specifying the availability, terms and limitations of both on-site and off-street parking associated with the unit, so renters and buyers are aware of parking options before they enter into purchase and rental agreements.

NOTES:

- Many older/existing homes/units throughout Berkeley have no off-street parking or, if they do “on paper,” the off-street parking is used for storage or has been converted to garden space. Under the new regulations proposed, new-build will also have a mix of “parked” and “not-parked” units.
- Existing and new developments are thus “less different” from each other than imagined.
- Only ~50% of parking in Berkeley’s larger multi-unit buildings is currently used; the imposition of a 0.5 parking max/unit simply reflects the status quo, and does not change the “burden” to off-street parking.
- Based on the fact that a 0.5 space/unit maximum reflects the status quo, and some of both existing and new units provide/will provide no on-site parking, the need for a ban on RPP permits *for residents of new buildings only* is less compelling. The existence of TDM in larger new developments also helps incentivize use of transit by residents of those buildings.
- Incentivizing all residents, regardless of when their unit was produced, to reduce dependence on private vehicles and adopt alternative modes will ultimately result in less automobile use across the board.
- With steeper price disincentives to access RPP permits, price reductions and/or exceptions should be expanded to address increased equity impacts.

TDM REQUIREMENTS:

Suggested Approach:

Adopt TDM as proposed with a few additions/clarifications.

Suggested Additions/Clarifications:

- Require “long term” (indoor) bike parking to provide outlets capable of supporting electric bike charging at all spaces.

- [If not already required] Require all new vehicle parking citywide to be EV-ready; all spaces furnished with outlets accommodating both 110v and 220v chargers.

- Consider mandating regular maintenance of screen-based transit boards to address vandalism and ensure accountability for upkeep/ relevance over time.

- Limit alternatives to provision of Clipper Cards to public transit benefits only.

- Establish a mechanism for payment into a transit fund as an alternative to provision of public transit passes, and/or as a required community benefit where transit passes are refused/ unclaimed by residents.

NOTES:

- Suggestions are self-explanatory