

Office of the City Manager

REVISED AGENDA MATERIAL

Meeting Date: January 26, 2021

Item Description: Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and 23

Submitted by: Jordan Klein, Interim Director, Planning & Development Department

In response to a recent opinion from the State Attorney General, staff are proposing different recommendations regarding Residential Preferential Parking (RPP) within the proposed package of parking reforms presented in Section 1 of the proposed ordinance (see Attachments 1 and 2).

This supplemental material includes a brief report that explains two new recommendations and two options for revised language in the proposed ordinance. The advisory opinion by the State Attorney General interprets Vehicle Code section 22506 to disallow restrictions on RPP permit issuance based on unit size or type. Staff learned of this memo after the original staff report was published. report was published, thereby requiring modifications to original recommendation.

Revised text has been provided for Section 3 of the proposed ordinance, correcting paragraph lettering in 23C.18.030, and correcting corresponding code references in Section 23C.18.040 (see Attachments 1 and 2).



Office of the City Manager

PUBLIC HEARING
January 26, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Interim Director, Planning & Development Department
Liam Garland, Director, Public Works Department

Subject: Alternative Options for Residential Preferential Parking (RPP) Permit Recommendation in Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23

ADDITIONAL RECOMMENDATION

Consider new options regarding the Residential Preferential Parking (RPP) component of the Parking Reform Package, as first presented to Council on December 1, 2020, and refer to the City Manager the review and redesign of the RPP program, in order to establish new regulations that align with the City's goals pertaining to accessibility, sustainability and equity.

FISCAL IMPACTS OF ADDITIONAL RECOMMENDATION

An overhaul of the RPP program could take approximately 12 months to implement and would require the work of a Senior Transportation Planner (0.25 FTE) and an Associate Transportation Planner 0.10. The project would require between \$50,000 and \$75,000 for a citywide outreach campaign.

CURRENT SITUATION AND ITS EFFECTS

The Parking Reform Package, presented to Council on December 1, 2020 in response to Council referrals from 2015 and 2016, included two options for modifications to the RPP program:

- Option A: No RPP permits issued to residents of projects with 5 or more units.
- Option B: No RPP permits issued to residents of projects with 10 or more units.

An advisory opinion by the State Attorney General (see Attachment 3) was brought to staff's attention after the publication of the original staff report and ordinance. The opinion suggests that RPP restrictions based on the number of units in a project are not legal. As such, staff recommends that neither of the original options be pursued. Planning staff met with Public Works Transportation Division staff to determine a path forward and came up with two recommendations, one short term and one longer term:

In the short term, the RPP program can operate by:

- Option 1: Not extending eligibility for permits to residents of any newly constructed residential buildings.
- Option 2: Extending eligibility for permits to residents of all existing and new residential buildings.

Option 1 is most similar to how the RPP program currently operates and the City has adequate staff resources to maintain this program. This option seeks to discourage car ownership, which supports the City's Climate Action Plan goals. Option 1 is problematic in that it prioritizes on-street parking for existing residents, putting new residents at a disadvantage. This option does not take into consideration the level of local access to transit, possible parking needs of affordable housing residents, and concerns of those with mobility issues or who rely on their cars for work and/or childcare.

Option 2 would provide very inexpensive on-street parking (\$0.18/day) to Berkeley residents otherwise eligible for residential parking permits. This option provides equal access to parking permits regardless of when a project was built, when residents moved in, or the location and/or type of unit. This option is problematic in that it could allow permits to be issued for more on-street parking than the City has capacity to offer and more permits than staff can process or enforce. This option may encourage the use of private vehicles, which is in conflict with the City's Climate Action Plan goals.

In the longer term, recognizing the shortcomings of both Options 1 and 2, staff recommends an overhaul of the RPP program. Improvements could include a demand-pricing model or sliding-scale pricing and distribution of available permits, which take into consideration income and mobility concerns. The City Council could refer to the City Manager the review and redesign of the RPP program in order to develop new regulations that align with the City's goals pertaining to accessibility, sustainability and equity. This would align well with an existing, grant funded, residential shared parking pilot program that will provide data to inform the long term reform of RPP. Work on the pilot had begun but has been temporarily suspended due to Covid-19.

BACKGROUND

The Transportation Division manages the City's Residential Preferential Parking (RPP) Program. This program provides on-street parking permits to owners of vehicles registered to Berkeley addresses in 16 residential zones¹. A maximum of three annual permits (\$66/year/permit) may be issued to a single address, with an option to waive this maximum for \$166/year/permit. RPP permits are not transferable between vehicles, nor are they refundable.

¹ Information on the RPP program, including a map, can be found here:
https://www.cityofberkeley.info/Custom_Service/Home/RPP_Residential_Preferential_Parking.aspx

Under current regulations, RPP permits are not available to residents of development projects that are approved with off-street parking waivers or reductions. Permits are also not available to projects in the Car-free Housing Overlay in the Southside area or in the Commercial Downtown Mixed-Use (C-DMU) district.

Modifications to the RPP program were included in the Parking Reform Package because Planning Commission recognized that modifications to the off-street parking regulations (e.g. reducing parking minimums, introducing parking maximums, requiring unbundled off-street parking) could potentially impact on-street parking. Current restrictions to RPP permits are triggered by non-compliance with parking minimums. Since the proposed ordinance would eliminate those minimums, modifications to the RPP program were needed.

ENVIRONMENTAL SUSTAINABILITY

The Parking Reform Package was introduced to support a shift from private vehicles to alternate modes of travel and would be most effective if all four measures are implemented together: Reduction/elimination of parking minimums, introduction of parking maximums, establishment of Transportation Demand Measures (TDM), and modification of the RPP program. Free or inexpensive parking encourages driving, and transportation is the number one contributor to Berkeley's greenhouse gas emissions.

RATIONALE FOR ADDITIONAL RECOMMENDATION

The advisory opinion of the State Attorney General suggested that the original recommendations to amend the RPP program would not be legal.

ALTERNATIVE ACTIONS CONSIDERED

Options are provided in the report.

CONTACT PERSONS

Alene Pearson, Principal Planner, Planning and Development, 510-981-7489

Attachments:

1. Options 1 and 2 for new ordinance language specific to the RPP program.
2. Complete revised Parking Reform ordinance, including new Options 1 and 2 for RPP program.
3. Advisory Opinion by State Attorney General

Section 1. That Berkeley Municipal Code Section 14.72.080 is amended to read as follows:

OPTION 1

**RESIDENTS OF NEWLY CONSTRUCTED RESIDENTIAL BUILDINGS
WOULD NOT BE ELIGIBLE TO RECEIVE RPP PERMITS**

14.72.080 Issuance of permits.

A. Residential, local business and neighborhood-serving community facility parking permits shall be issued by the Department of Finance in accordance with requirements set forth in this chapter. Each such permit shall be designed to state or reflect thereon the identification of the particular residential, local business or neighborhood-serving community facility permit parking area for which it is issued. No more than one residential or local business parking permit shall be issued to each motor vehicle for which application is made.

B. When issuing local business and neighborhood-serving community facility permits, the Department of Finance in consultation with the traffic engineering division shall issue permits such that they will not unduly be concentrated on a specific block front in any given residential permit parking area.

C.

1.

No permits shall be issued to residents in newly constructed residential units ~~which do not meet the parking requirements established by the Zoning Ordinance unless a variance for parking requirement set forth in the Zoning Ordinance was issued. In the C-T Zoning District, the R-SMU Zoning District, and portions of the R-S Zoning District where no parking is required for residential uses, no residential parking permits will be issued for occupants of residential units created after the effective date of the Southside Plan.~~ The Current Planning division shall provide a listing of newly-constructed housing units to the Department of Finance.

2. No permits shall be issued to residents of Group Living Accommodations as defined in Chapter 23F.04 that are approved after January 1, 2012, unless the Zoning Adjustments Board ~~specifies-specified~~ otherwise when it ~~approves-approved~~ the GLA. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.

3. In the R-2 and R-2A zoning districts, no permits shall be issued to residents of dwelling units with more than 5 bedrooms to which new bedrooms have been added subsequent to January 1, 2012. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.

4. This subdivision shall not prevent issuance of permits to residents of permitted and legal nonconforming sororities, fraternities and student cooperatives who are not otherwise prohibited from obtaining them.

D. The Department of Finance and the traffic engineering division are authorized to issue such rules and regulations necessary to implement this chapter, and are not inconsistent with it.

E. Parking permits shall not be issued for vehicles for which there is any outstanding City of Berkeley notice of violation of parking rules and restrictions that are unpaid for more than 21 calendar days from the issuance of the parking violation.

OPTION 2
RESIDENTS OF NEW AND EXISTING RESIDENTIAL BUILDINGS
WOULD BE ELIGIBLE FOR RPP PERMITS.

14.72.080 Issuance of permits.

A. Residential, local business and neighborhood-serving community facility parking permits shall be issued by the Department of Finance in accordance with requirements set forth in this chapter. Each such permit shall be designed to state or reflect thereon the identification of the particular residential, local business or neighborhood-serving community facility permit parking area for which it is issued. No more than one residential or local business parking permit shall be issued to each motor vehicle for which application is made.

B. When issuing local business and neighborhood-serving community facility permits, the Department of Finance in consultation with the traffic engineering division shall issue permits such that they will not unduly be concentrated on a specific block front in any given residential permit parking area.

~~C.1.~~

~~No permits shall be issued to residents in newly constructed residential units which do not meet the parking requirements established by the Zoning Ordinance unless a variance for parking requirement set forth in the Zoning Ordinance was issued. In the C-T Zoning District, the R-SMU Zoning District, and portions of the R-S Zoning District where no parking is required for residential uses, no residential parking permits will be issued for occupants of residential units created after the effective date of the Southside Plan. The Current Planning division shall provide a listing of newly constructed housing units to the Department of Finance.~~

~~2. No permits shall be issued to residents of Group Living Accommodations as defined in Chapter 23F.04 that are approved after January 1, 2012, unless the Zoning Adjustments Board specifies otherwise when it approves the GLA. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.~~

~~3. In the R-2 and R-2A zoning districts, no permits shall be issued to residents of dwelling units with more than 5 bedrooms to which new bedrooms have been added~~

~~subsequent to January 1, 2012. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.~~

~~4. This subdivision shall not prevent issuance of permits to residents of permitted and legal nonconforming sororities, fraternities and student cooperatives who are not otherwise prohibited from obtaining them.~~

DC. The Department of Finance and the traffic engineering division are authorized to issue such rules and regulations necessary to implement this chapter, and are not inconsistent with it.

ED. Parking permits shall not be issued for vehicles for which there is any outstanding City of Berkeley notice of violation of parking rules and restrictions that are unpaid for more than 21 calendar days from the issuance of the parking violation.

Section 3. That Berkeley Municipal Code Chapter 23C.18 is hereby added to read as follows:

Chapter 23C.18: Transportation Demand Management

Sections:

23C.18.010 Purpose

23C.18.020 Applicability of Regulations

23C.18.030 Transportation Demand Management Program Requirements

23C.18.040 Monitoring, Reporting and Compliance

Section 23C.18.010 Purpose

The purpose of this chapter is to establish a Transportation Demand Management program that supports:

- A. City Transportation Element goals of reducing vehicle trips, encouraging public transit use and promoting bicycle and pedestrian safety, and
- B. City Climate Action Plan goals to reduce private vehicle travel and promote mode shift to more sustainable transportation options.

Section 23C.18.020 Applicability of Regulations

A. The following types of projects must comply with the requirements of this Chapter:

- 1. Residential projects, including the residential portion of mixed-use projects, that include ten or more Dwelling Units that have not been issued a Building Permit by the effective date of this ordinance.

B. The following types of projects shall be exempt from the requirements of this Chapter:

- 1. Residential projects, including the residential portion of mixed-use projects, located in the following locations:
 - a. C-DMU Downtown Mixed Use District
 - b. Southside Plan Area
- 2. Residential projects, including the residential portion of mixed-use projects, with the majority of the units subject to recorded affordability restrictions.

23C.18.030 Transportation Demand Management Program Requirements

Any project subject to this Chapter shall:

A. Ensure that all parking spaces provided for residents be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a dwelling unit at a price lower than would be the case if there were a single price for both the dwelling unit and the parking space(s);

B. Offer at least one of the following transit benefits, at no cost to the resident, for a period of ten years after the issuance of a Certificate of Occupancy. For projects that include 99 dwelling units or fewer, the project shall provide one transit benefit per bedroom, up to a maximum of two benefits per dwelling unit. For projects of 100 dwelling units or more, the project shall provide one transit benefit for every bedroom in each dwelling unit. A notice describing these transportation benefits shall be posted in a location or locations visible to residents.

1. A monthly pass for unlimited local bus transit service; or

2. A functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass. Any benefit proposed as a functionally equivalent transportation benefit shall be approved by the Zoning Officer in consultation with the Transportation Division Manager; and

C. Provide publicly-available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors. Provided information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.

Section 23C.18.040 Monitoring, Reporting and Compliance

A. For projects subject to this Chapter, prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Planning Department staff to confirm that the physical improvements required in 23C.18.030 (C) and 23D.12.065 (A) have been installed. The property owner shall also provide documentation that the programmatic measures required in 23C.18.030 (A) and (B) will be implemented.

B. The property owner shall submit to the Planning Department TDM Compliance Reports in accordance with Administrative Regulations promulgated by the Zoning Officer that may be modified from time to time to effectively implement this Chapter.

C. Property owners may be required to pay administrative fees associated with compliance with this ordinance as set forth in the City's Land Use Planning Fees schedule.

ORDINANCE NO. -N.S.

AMENDING TITLE 14 AND TITLE 23 OF THE BERKELEY MUNICIPAL CODE TO MODIFY MINIMUM RESIDENTIAL OFF-STREET PARKING REQUIREMENTS, IMPOSE RESIDENTIAL PARKING MAXIMUMS IN TRANSIT RICH AREAS, INSTITUTE TRANSPORTATION DEMAND MANAGEMENT REQUIREMENTS AND AMEND THE RESIDENTIAL PREFERENTIAL PARKING (RPP) PERMIT PROGRAM

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 14.72.080 is amended to read as follows:

OPTION 1

RESIDENTS OF NEWLY CONSTRUCTED RESIDENTIAL BUILDINGS WOULD NOT BE ELIGIBLE TO RECEIVE RPP PERMITS

14.72.080 Issuance of permits.

A. Residential, local business and neighborhood-serving community facility parking permits shall be issued by the Department of Finance in accordance with requirements set forth in this chapter. Each such permit shall be designed to state or reflect thereon the identification of the particular residential, local business or neighborhood-serving community facility permit parking area for which it is issued. No more than one residential or local business parking permit shall be issued to each motor vehicle for which application is made.

B. When issuing local business and neighborhood-serving community facility permits, the Department of Finance in consultation with the traffic engineering division shall issue permits such that they will not unduly be concentrated on a specific block front in any given residential permit parking area.

C.

1.

No permits shall be issued to residents in newly constructed residential units which do not meet the parking requirements established by the Zoning Ordinance unless a variance for parking requirement set forth in the Zoning Ordinance was issued. In the C-T Zoning District, the R-SMU Zoning District, and portions of the R-S Zoning District where no parking is required for residential uses, no residential parking permits will be issued for occupants of residential units created after the effective date of the

Southside Plan. The Current Planning division shall provide a listing of newly-constructed housing units to the Department of Finance.

2. No permits shall be issued to residents of Group Living Accommodations as defined in Chapter 23F.04 that are approved after January 1, 2012, unless the Zoning Adjustments Board specifies otherwise when it approves the GLA. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.

3. In the R-2 and R-2A zoning districts, no permits shall be issued to residents of dwelling units with more than 5 bedrooms to which new bedrooms have been added subsequent to January 1, 2012. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.

4. This subdivision shall not prevent issuance of permits to residents of permitted and legal nonconforming sororities, fraternities and student cooperatives who are not otherwise prohibited from obtaining them.

D. The Department of Finance and the traffic engineering division are authorized to issue such rules and regulations necessary to implement this chapter, and are not inconsistent with it.

E. Parking permits shall not be issued for vehicles for which there is any outstanding City of Berkeley notice of violation of parking rules and restrictions that are unpaid for more than 21 calendar days from the issuance of the parking violation.

OPTION 2

RESIDENTS OF NEW AND EXISTING RESIDENTIAL BUILDINGS WOULD BE ELIGIBLE FOR RPP PERMITS.

14.72.080 Issuance of permits.

A. Residential, local business and neighborhood-serving community facility parking permits shall be issued by the Department of Finance in accordance with requirements set forth in this chapter. Each such permit shall be designed to state or reflect thereon the identification of the particular residential, local business or neighborhood-serving community facility permit parking area for which it is issued. No more than one residential or local business parking permit shall be issued to each motor vehicle for which application is made.

B. When issuing local business and neighborhood-serving community facility permits, the Department of Finance in consultation with the traffic engineering division shall

issue permits such that they will not unduly be concentrated on a specific block front in any given residential permit parking area.

C. 1.

No permits shall be issued to residents in newly constructed residential units which do not meet the parking requirements established by the Zoning Ordinance unless a variance for parking requirement set forth in the Zoning Ordinance was issued. In the C-T Zoning District, the R-SMU Zoning District, and portions of the R-S Zoning District where no parking is required for residential uses, no residential parking permits will be issued for occupants of residential units created after the effective date of the Southside Plan. The Current Planning division shall provide a listing of newly constructed housing units to the Department of Finance.

2. No permits shall be issued to residents of Group Living Accommodations as defined in Chapter 23F.04 that are approved after January 1, 2012, unless the Zoning Adjustments Board specifies otherwise when it approves the GLA. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.

3. In the R-2 and R-2A zoning districts, no permits shall be issued to residents of dwelling units with more than 5 bedrooms to which new bedrooms have been added subsequent to January 1, 2012. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.

4. This subdivision shall not prevent issuance of permits to residents of permitted and legal nonconforming sororities, fraternities and student cooperatives who are not otherwise prohibited from obtaining them.

DC. The Department of Finance and the traffic engineering division are authorized to issue such rules and regulations necessary to implement this chapter, and are not inconsistent with it.

ED. Parking permits shall not be issued for vehicles for which there is any outstanding City of Berkeley notice of violation of parking rules and restrictions that are unpaid for more than 21 calendar days from the issuance of the parking violation.

Section 2. That Berkeley Municipal Code Section 23B.44.010 is amended to read as follows:

23B.44.010 Variances

The Board may grant Variances to vary or modify the strict application of any of the regulations or provisions of this Ordinance with reference to the use of property; the height of buildings; the yard setbacks of buildings the percentage of lot coverage; the lot area requirements; or the off-street parking requirements of this Ordinance; provided, however, that a use permit, rather than a variance, may be approved to vary or modify

the strict application of any of the regulations or provisions of this Ordinance with reference to the yard setbacks of buildings; the percentage of lot coverage; or the non-residential off-street parking space requirements of this Ordinance when development is proposed on property which is located within thirty feet of an open creek and where varying from or modifying existing regulations is necessary to enable the property owner to comply with BMC Chapter 17.08, Preservation and Restoration of Natural Watercourses.

Section 3. That Berkeley Municipal Code Chapter 23C.18 is hereby added to read as follows:

Chapter 23C.18: Transportation Demand Management

Sections:

23C.18.010 Purpose

23C.18.020 Applicability of Regulations

23C.18.030 Transportation Demand Management Program Requirements

23C.18.040 Monitoring, Reporting and Compliance

Section 23C.18.010 Purpose

The purpose of this chapter is to establish a Transportation Demand Management program that supports:

- A. City Transportation Element goals of reducing vehicle trips, encouraging public transit use and promoting bicycle and pedestrian safety, and

- B. City Climate Action Plan goals to reduce private vehicle travel and promote mode shift to more sustainable transportation options.

Section 23C.18.020 Applicability of Regulations

- A. The following types of projects must comply with the requirements of this Chapter:
 - 1. Residential projects, including the residential portion of mixed-use projects, that include ten or more Dwelling Units that have not been issued a Building Permit by the effective date of this ordinance.

- B. The following types of projects shall be exempt from the requirements of this

Chapter:

1. Residential projects, including the residential portion of mixed-use projects, located in the following locations:
 - a. C-DMU Downtown Mixed Use District
 - b. Southside Plan Area
2. Residential projects, including the residential portion of mixed-use projects, with the majority of the units subject to recorded affordability restrictions.

23C.18.030 Transportation Demand Management Program Requirements

Any project subject to this Chapter shall:

- A. Ensure that all parking spaces provided for residents be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a dwelling unit at a price lower than would be the case if there were a single price for both the dwelling unit and the parking space(s);
- B. Offer at least one of the following transit benefits, at no cost to the resident, for a period of ten years after the issuance of a Certificate of Occupancy. For projects that include 99 dwelling units or fewer, the project shall provide one transit benefit per bedroom, up to a maximum of two benefits per dwelling unit. For projects of 100 dwelling units or more, the project shall provide one transit benefit for every bedroom in each dwelling unit. A notice describing these transportation benefits shall be posted in a location or locations visible to residents.
 1. A monthly pass for unlimited local bus transit service; or
 2. A functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass. Any benefit proposed as a functionally equivalent transportation benefit shall be approved by the Zoning Officer in consultation with the Transportation Division Manager; and
- C. Provide publicly-available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors. Provided information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.

Section 23C.18.040 Monitoring, Reporting and Compliance

- A. For projects subject to this Chapter, prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Planning Department staff to confirm that the physical improvements required in 23C.18.030 (C) and 23D.12.065 (A) have been installed. The property owner shall also provide documentation that the programmatic measures required in 23C.18.030 (A) and 23C.18.030 (B) will be implemented.
- B. The property owner shall submit to the Planning Department TDM Compliance Reports in accordance with Administrative Regulations promulgated by the Zoning Officer that may be modified from time to time to effectively implement this Chapter.
- C. Property owners may be required to pay administrative fees associated with compliance with this ordinance as set forth in the City's Land Use Planning Fees schedule.

Section 4. That Berkeley Municipal Code Chapter 23C.19 is hereby added to read as follows:

Chapter 23C.19: Off-Street Parking Maximums for Residential Development

Sections:

- 23C.19.010 Purpose**
- 23C.19.020 Applicability of Regulations**
- 23C.19.030 Off-street Parking Maximums**
- 23C.19.040 Excess Off-street Parking**

Section 23C.19.010 Purpose

The purpose of this chapter is to institute off-street parking maximums for residential development in order to achieve:

- A. City Transportation Element goals of reducing vehicle trips, encouraging public transit use and promoting bicycle and pedestrian safety,
- B. City Climate Action Plan goals of reducing private vehicle travel and promoting mode shift to more sustainable transportation options
- C. Housing Element goals for developing housing at all affordability levels by limiting the amount of on-site vehicle parking allowed,

Section 23C.19.020 Applicability of Regulations

A. **[OPTION A]** The provisions of this Chapter shall apply to new residential projects that have been issued a Building Permit by the effective date of this ordinance, including the residential portion of mixed-use projects, that include two or more Dwelling Units located on a parcel, any portion of which is located within 0.25 miles of a major transit stop, as defined by Section 21064.3 of the *California Public Resources Code* or along a transit corridor with service at 15 minute headways during the morning and afternoon peak periods.

A. **[OPTION B]** [The provisions of this Chapter shall apply to new residential projects that have been issued a Building Permit by the effective date of this ordinance, including the residential portion of mixed-use projects, that include ten or more Dwelling Units located on a parcel, any portion of which is located within 0.25 miles of a major transit stop, as defined by Section 21064.3 of the *California Public Resources Code* or along a transit corridor with service at 15 minute headways during the morning and afternoon peak periods.

B. The following project types shall be exempt from the provisions of this Chapter:

1. Residential projects, including the residential portion of mixed-use projects, with the majority of the units subject to recorded affordability restrictions.

2. **[OPTION A]** Projects located on a roadway with less than 26 feet in pavement width in the Hillside Overlay.

2. **[OPTION B]** Projects located in the Hillside Overlay.

3. Projects located in the Environmental Safety-Residential District.

Section 23C.19.030 Off-street Parking Maximums

Any project subject to this Chapter shall not include off-street residential parking at a rate higher than 0.5 parking spaces per Dwelling Unit.

Section 23C.19.040 Excess Off-street Parking

A. Any request for off-street residential parking in excess of values specified in Section 23C.19.030 shall require an Administrative Use Permit.

B. In order to approve any Administrative Use Permit under this Chapter the Zoning Officer or Board shall make one the following Findings:

(i) Trips to the use or uses to be served, and the apparent demand for additional parking, cannot be satisfied by the amount of parking permitted by this Chapter, by transit service which exists or is likely to be provided in the foreseeable future, or by more efficient use of existing on-street and off-street parking available in the area; or

(ii) The anticipated residents of the proposed project have special needs or require reasonable accommodation that relate to disability, health or safety that require the provision of additional off-street residential parking.

Section 5. That Berkeley Municipal Code Section 23D.12.010 is amended to read as follows:

23D.12.010 Purposes

The purposes of the parking regulations contained in this Chapter are:

- A. To ~~prevent the worsening of the already serious deficiency of efficiently allocate~~ parking spaces ~~existing in many areas of~~ in the City.
- B. To ~~require regulate~~ the provision of off-street parking spaces ~~for traffic-generating uses of land~~ within the City.
- C. To reduce the amount of on-street parking of vehicles, thus increasing the safety and capacity of the City's street system.

Section 6. That Berkeley Municipal Code Section 23D.12.020 is amended to read as follows:

23D.12.020 Applicability

- A. The requirements of this Chapter apply to all uses commenced hereafter, to all buildings and structures hereafter constructed or moved onto a lot in an R- District and to any modifications to existing uses and structures which enlarge or increase capacity, including, but not limited to, adding or creating dwelling units, guest rooms, floor area, seats or employees, except to the extent that provisions in the individual R- District provide otherwise.
- B. In addition, no building, structure, alteration, fence, landscaping or other site feature may be constructed, erected, planted or allowed to be established that would impede the access of a vehicle to any off-street parking space required under this Chapter.

C. No Zoning Certificate or Use Permit may be granted, and no permit other than a Variance from the requirements of this Chapter may be issued or approved, for any use, building or structure, unless all requirements of this Chapter are met.

~~D. In the event a Zoning Certificate is granted, the subsequent use of such building or structure is conditional upon the unqualified continuance, availability and proper maintenance of off-street parking in compliance with this Chapter.~~

Section 7. That Berkeley Municipal Code Section 23D.12.050 is amended to read as follows:

23D.12.050 Number of Parking Spaces Required

A. **[OPTION A]** Off-street parking spaces for non-residential uses may not be reduced below or, if already less than may not be further reduced below, the requirements of this chapter for similar uses or structures. Off-street parking spaces for new residential uses may be reduced below the requirements of this Chapter with issuance of an AUP.

A. **[OPTION B]** Off-street parking spaces for non-residential uses may not be reduced below or, if already less than may not be further reduced below, the requirements of this chapter for similar uses or structures. Off-street parking spaces for new residential uses maybe reduced below the requirements of the Chapter with issuance of an AUP except as provided below:

1. Projects located in the Hillside Overlay.

2. Projects located in the Environmental Safety-Residential District.

~~B. As a condition of any Permit, the Zoning Officer and Board may require more off-street parking spaces the the minimum required by the applicable residential District, if he/she or it finds that If the expected demand for parking spaces will-is found to exceed the minimum requirement, additional off-street parking may be required as a condition of approval on a Permit.~~

C. When the formula for determining the number of required off-street parking spaces results in a requirement of a fractional space, any fraction below one-half shall be

disregarded and fractions including and over one-half shall be counted as requiring one parking space.

D. ~~No Off-street parking space requirements under this Code~~ may be satisfied by tandem off-street parking space(s) ~~unless with the issuance of an AUP, approved by both the City Traffic Engineer and the Board except that a tandem space may be allowed to meet the parking requirement for an Accessory Dwelling Unit.~~

E. ~~An applicant may count existing off-street parking spaces towards meeting the parking requirements of this Ordinance when both the existing use or portions of the use that is to remain and the proposed use and/or structure are used in computing the required number of off-street parking spaces.~~

Section 8. That Berkeley Municipal Code Section 23D.12.065 is hereby added to read as follows:

23D.12.065 Bicycle Parking

A. For residential projects, including the residential portion of mixed-use projects, of five or more units, in all districts, bicycle parking shall be provided as follows:

<u>Use</u>	<u>Long Term Parking¹ Requirement</u>	<u>Short-Term Parking¹ Requirement</u>
<u>Dwelling Units (1 to 4 units)</u>	<u>None required</u>	<u>None required</u>
<u>Dwelling Units (5 units or more)</u>	<u>1 space per 3 bedrooms</u>	<u>2, or 1 space per 40 bedrooms, whichever is greater</u>
<u>Group Living Accommodations, Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Transitional Housing)</u>	<u>2, or 1 space per 2.5 bedrooms, whichever is greater</u>	<u>2, or 1 space per 20 bedrooms, whichever is greater</u>

¹ Long-Term Parking and Short-Term Parking shall meet the design standards included in Appendix F of the 2017 Berkeley Bicycle Plan, or as subsequently amended by the Transportation Division.

Section 9. That Berkeley Municipal Code Section 23D.16.080 is amended to read as follows:

[OPTION A]

23D.16.080 Parking -- Number of Spaces

A. ~~A lot shall~~The following parking requirements shall apply to new floor area or conversion of space contain the following minimum number of Off-street Parking Spaces:

Table 23D.16.080	
Parking Required	
Use	Number of spaces
Dwellings	One per unit if project is located on a roadway less than 26 feet in width in the Hillside Overlay
Employees Community Care Facilities	One per two non-resident employees for a Community Care Facility*
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Rental of Rooms	One per each two roomers or boarders if project is located on a roadway less than 26 feet in width in the Hillside Overlay
*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence	

B. Other Uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges, and ~~C~~community ~~C~~centers, shall provide the number of Off-street Parking Spaces determined by the Board, based on the amount of traffic generated by the particular Use and comparable with specified standards for other Uses.

C. Schools ~~with having~~ a total gross floor area exceeding 10,000 square feet, shall provide off-street loading spaces at the rates of:

1. One space for the first 10,000 square feet of gross floor area; and
2. One additional space for each additional 40,000 square feet of gross floor area.

[OPTION B: No changes]

Section 10. That Berkeley Municipal Code Section 23D.20.080 is amended to read as follows:

[OPTION A]

23D.20.080 Parking -- Number of Spaces

A. ~~The following parking requirements shall apply to new floor area or conversion of space~~A lot shall contain the following minimum number of Off-street Parking Spaces:

Table 23D.20.080	
Parking Required	
Use	Number of spaces
Dwellings	One per unit if project is located on a roadway less than 26 feet in width in the Hillside Overlay
Employees Community Care Facilities	One per two non-resident employees for a Community Care Facility*
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Rental of Rooms	One per each two roomers or boarders if project is located on a roadway less than 26 feet in width in the Hillside Overlay
*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence	

B. Other Uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges, and ~~Ce~~community ~~Ce~~centers, shall provide the number of Off-street

Parking Spaces determined by the Board, based on the amount of traffic generated by the particular Use and comparable with specified standards for other Uses.

C. Schools ~~having with~~ a total gross floor area exceeding 10,000 square feet, shall provide off-street loading spaces at the rates of:

1. One space for the first 10,000 square feet of gross floor area; and
2. One additional space for each additional 40,000 square feet of gross floor area.

[OPTION B: No changes]

Section 11. That Berkeley Municipal Code Section 23D.28.080 is amended to read as follows:

[OPTION A]

23D.28.080 Parking -- Number of Spaces

The following parking requirements shall apply to new floor area or conversion of space

Table 23D.28.080	
Parking Required	
Use	Number of spaces
Dwellings	One per unit if project is located on a roadway less than 26 feet in width in the Hillside Overlay
Employees Community Care Facilities	One per two non-resident employees for a Community Care Facility*
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Rental of Rooms	One per each two roomers or boarders if project is located on a roadway less than 26 feet in width in the Hillside Overlay

Table 23D.28.080	
Parking Required	
Use	Number of spaces
*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence.	

1. Other Uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges, and Community Centers, shall provide the number of Off-street Parking Spaces as determined by the Board, based on the amount of traffic generated by the particular Use and comparable with specified standards for other uses.

2. Schools, when having with a total gross floor area exceeding 10,000 square feet, shall satisfy the following off-street loading requirements:

a. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area.

b. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of above the first 10,000 square feet.

[OPTION B: No changes]

Section 12: That Berkeley Municipal Code Section 23D.32.080 is amended to read as follows:

[OPTION A]

23D.32.080 Parking -- Number of Spaces

A. The following parking requirements shall apply to new floor area or conversion of space

A. A lot shall contain, for each of the following uses, the following minimum number of Off-street Parking Spaces:

Table 23D.32.080	
Parking Required	
Use	Number of spaces
<p>Dwellings, Multiple Dwellings, one and two family</p>	<p>One per unit (75% less for seniors, see below)if project is located on a roadway less than 26 feet in width in the Hillside Overlay</p> <p>One per unit</p>
<p>Employees Community Care Facilities</p>	<p>One per two non-resident employees for a Community Care Facility*</p>
<p>Libraries</p>	<p>One per 500 sq. ft. of floor area that is publicly accessible</p>
<p>Nursing Homes</p>	<p>One per each five residents, plus one per each three employees</p>
<p>Rental of Rooms</p>	<p>One per each two roomers or boarders if project is located on a roadway less than 26 feet in width in the Hillside Overlay</p>
<p>Senior Congregate Housing</p>	<p>One per each five residents plus one for manager if project is located on a roadway less than 26 feet in width in the Hillside Overlay</p>
<p>*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence</p>	

B. Other uses requiring Use Permits issued by the Board, including, but not limited to, Child Care Centers, Clubs, Lodges and ~~C~~community ~~C~~centers, shall provide the number of Off-street Parking Spaces as determined by the Board based on the amount of traffic generated by the particular Use and comparable with specified standards for other Uses.

~~C. For multiple dwellings where the occupancy will be exclusively for persons over the age of 62, the number of required Off-street Parking Spaces may be reduced to 25% of~~

~~what would otherwise be required for multiple-family dwelling use, subject to obtaining a Use Permit.~~

CD. Senior Congregate Housing, Nursing Homes and Schools ~~with, when having~~ a total gross floor area exceeding 10,000 square feet, shall satisfy the following requirements:

1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area;
2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of above the first 10,000 square feet. (Ord. 7599-NS § 11, 2018; Ord. 7426-NS § 19, 2015; Ord. 6763-NS § 19 (part), 2003; Ord. 6478-NS § 4 (part), 1999)

[OPTION B: No changes]

Section 13: That Berkeley Municipal Code Section 23D.36.080 is amended to read as follows:

23D.36.080 Parking -- Number of Spaces

A. The following parking requirements shall apply to new floor area or conversion of space

A lot shall contain the following minimum number of Off-street Parking Spaces:

[OPTION A]

Table 23D.36.080

Parking Required	
Use	Number of spaces
Dormitories; Fraternity and Sorority Houses; Rooming	One per each five residents, plus one for manager <u>if project is located on a roadway less than 26 feet in width in the Hillside Overlay</u>

Table 23D.36.080

Parking Required	
Use	Number of spaces
and Boarding Houses; and Senior Congregate Housing	
Dwellings, Multiple (fewer than ten)	One per unit if project is located on a roadway less than 26 feet in width in the Hillside Overlay (75% less for seniors, see below)
Dwellings, Multiple (ten or more)	One per 1,000 sq. ft. of gross floor area (75% less for seniors, see below) if project is located on a roadway less than 26 feet in width in the Hillside Overlay
Dwellings, One and Two Family	One per unit
Employees Community Care Facilities	One per two non-resident employees for a Community Care Facility*
Hospitals	One per each four beds, plus one per each three employees
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Nursing Homes	One per each five residents, plus One per each three employees
*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence.	

[OPTION B]

Table 23D.36.080

Parking Required	
Use	Number of spaces
Dormitories; Fraternity and Sorority Houses; Rooming and Boarding Houses; and Senior Congregate Housing	One per each five residents, plus one for manager if project is located in the Hillside Overlay
Dwellings, Multiple (fewer than ten)	One per unit (75% less for seniors, see below)
Dwellings, Multiple (ten or more)	One per 1,000 sq. ft. of gross floor area (75% less for seniors, see below) if project is located in the Hillside Overlay
Dwellings, One and Two Family	One per unit
Employees Community Care Facilities	One per two non-resident employees for a Community Care Facility*
Hospitals	One per each four beds, plus one per each three employees
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Nursing Homes	One per each five residents, plus One per each three employees
*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence.	

B. Other uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges, and ~~C~~ommunity ~~C~~enters, shall provide the number of Off-street Parking Spaces determined by the Board based on the amount of traffic generated by the particular use and comparable with specified standards for other uses.

~~C. For multiple dwellings where the occupancy will be exclusively for persons over the age of 62, the number of required Off-street Parking Spaces may be reduced to 25% of what would otherwise be required for multiple family dwelling use, subject to obtaining a Use Permit.~~

CD. Senior Congregate Housing, Hospitals, Nursing Homes, and Schools with, when having a total gross floor area exceeding 10,000 square feet, shall satisfy the requirements of Chapter 23E.32 and the following requirements:

1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area.
2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area above the first 10,000 square feet.

Section 14: That Berkeley Municipal Code Section 23D.40.080 is amended to read as follows:

23D.40.080 Parking -- Number of Spaces

A. The following parking requirements shall apply to new floor area or conversion of space

A. A lot shall contain the following minimum number of Off-street Parking Spaces:

[OPTION A]

Table 23D.40.080	
Parking Required	
Use	Number of spaces
Dormitories; Fraternity and Sorority Houses; Rooming and Boarding Houses; and Senior Congregate Housing	One per each five residents, plus one for manager <u>if project is located on a roadway less than 26 feet in width in the Hillside Overlay</u>

Table 23D.40.080

Parking Required

Use	Number of spaces
Dwellings, Multiple (fewer than ten)	One per unit (75% less for seniors, see Section C below) if project is located on a roadway less than 26 feet in width in the Hillside Overlay
Dwellings, Multiple (ten or more)	One per 1,000 sq. ft. of gross floor area (75% less for seniors, see Section C below) required if project is located on a roadway less than 26 feet in width in the Hillside Overlay
Dwellings, One and Two Family	One per unit
Employees Community Care Facilities	One per two non-resident employees for a Community Care Facility*
Hospitals	One per each four beds, plus one per each three employees
Hotels	One per each three guest rooms, plus one per each three employees
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Nursing Homes	One per each five residents, plus one per each three employees
Offices, Medical	One per 300 sq. ft. of gross floor area
Offices, Other	One per 400 sq. ft. of gross floor area; (may be reduced, see Section D below)
*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence.	

[OPTION B]

Table 23D.40.080	
Parking Required	
Use	Number of spaces
Dormitories; Fraternity and Sorority Houses; Rooming and Boarding Houses; and Senior Congregate Housing	One per each five residents, plus one for manager <u>if project is located in the Hillside Overlay</u>
Dwellings, Multiple (fewer than ten)	One per unit (75% less for seniors, see Section C below)
Dwellings, Multiple (ten or more)	One per 1,000 sq. ft. of gross floor area (75% less for seniors, see Section C below) <u>if project is located in the Hillside Overlay</u>
Dwellings, One and Two Family	One per unit
Employees Community Care Facilities	One per two non-resident employees for a Community Care Facility*
Hospitals	One per each four beds, plus one per each three employees
Hotels	One per each three guest rooms, plus one per each three employees
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Nursing Homes	One per each five residents, plus one per each three employees
Offices, Medical	One per 300 sq. ft. of gross floor area
Offices, Other	One per 400 sq. ft. of gross floor area; (may be reduced, see Section D below)

Table 23D.40.080	
Parking Required	
Use	Number of spaces
*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence.	

B. Other uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges and Community Centers, shall provide the number of Off-street Parking Spaces determined by the Board based on the amount of traffic generated by the particular use and comparable with specified standards for other uses.

~~C. For multiple dwellings where the occupancy will be exclusively for persons over the age of 62, the number of required Off-street Parking Spaces may be reduced to 25% of what would otherwise be required for multiple family dwelling use, subject to obtaining a Use Permit.~~

DC. For offices, other than medical offices, the Board may reduce the parking requirement from one Off-street Parking Space per 400 square feet of gross floor area to a minimum of one parking space per 800 square feet of gross floor area, subject to making the required finding under Section 23D.40.090.C. In addition, any parking supplied jointly with multiple family residential uses shall be subject to the requirements set forth in Section 23D.12.060.B.

ED. Senior Congregate Housing, Hotels, Hospitals, Nursing Homes, Offices (including Medical Offices) and Schools with, when having a total gross floor area exceeding 10,000 square feet, shall satisfy the requirements of Chapter 23E.32 and the following requirements:

1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area.
2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of above the 10,000 square feet.

Section 15: That Berkeley Municipal Code Section 23D.44.080 is amended to read as follows:

23D.44.080 Parking -- Number of Spaces

A. The following parking requirements shall apply to new floor area or conversion of space

A lot shall contain the following minimum number of Off-street Parking Spaces:

[OPTION A]

Table 23D.44.080	
Parking Required	
Use	Number of spaces
Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Senior Congregate Housing	One per each five residents, plus one for manager <u>if project is located on a roadway less than 26 feet in width in the Hillside Overlay</u>
Dwellings, Multiple (fewer than ten)	One per unit (75% less for seniors, see Section C below) <u>if project is located on a roadway less than 26 feet in width in the Hillside Overlay</u>
Dwellings, Multiple (<u>ten</u> or more)	One per 1,200 sq ft of gross floor area (75% less for seniors, see Section C below) <u>if project is located on a roadway less than 26 feet in width in the Hillside Overlay</u>
Dwellings, One and Two Family	One per unit
Employees <u>Community Care Facilities</u>	One per two non-resident employees for a Community Care Facility*
Hospitals	One per each four beds, plus one per each three employees

Table 23D.44.080	
Parking Required	
Hotels	One per each three guest rooms, plus one per each three employees
Libraries	One per 500 sq ft of floor area that is publicly accessible
Nursing Homes	One per each five residents, plus one per each three employees
Offices, Medical	One per 300 sq ft of gross floor area
Offices, Other	One per 400 sq ft of gross floor area (may be reduced, see Section D below)
*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence	

[OPTION B]

Table 23D.44.080	
Parking Required	
Use	Number of spaces
Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Senior Congregate Housing	One per each five residents, plus one for manager if project is located in the Hillside Overlay
Dwellings, Multiple (fewer than ten)	One per unit (75% less for seniors, see Section C below)
Dwellings, Multiple (ten or more)	One per 1,200 sq ft of gross floor area (75% less for seniors, see Section C)

Table 23D.44.080	
Parking Required	
	below)if project is located in the Hillside Overlay
Dwellings, One and Two Family	One per unit
EmployeesCommunity Care Facilities	One per two non-resident employees for a Community Care Facility*
Hospitals	One per each four beds, plus one per each three employees
Hotels	One per each three guest rooms, plus one per each three employees
Libraries	One per 500 sq ft of floor area that is publicly accessible
Nursing Homes	One per each five residents, plus one per each three employees
Offices, Medical	One per 300 sq ft of gross floor area
Offices, Other	One per 400 sq ft of gross floor area (may be reduced, see Section D below)
*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence	

B. Other uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges and Community Centers, shall provide the number of Off-street Parking Spaces as determined by the Board based on the amount of traffic generated by the particular use and comparable with specified standards for other uses.

~~C. For multiple dwellings where the occupancy will be exclusively for persons over the age of 62 years, the number of required Off-street Parking Spaces may be reduced to 25% of what would otherwise be required for multiple family dwelling use, subject to obtaining a Use Permit.~~

DC. For offices, other than medical offices, the Board may reduce the parking requirement from one Off-street Parking Space per 400 square feet of gross floor area to a minimum of one parking space per 800 square feet of gross floor area, subject to making the required finding under Section [23D.44.090.C](#). In addition any parking supplied jointly with multiple family residential uses shall be subject to the requirements set forth in Section [23D.12.060.B](#).

ED. Senior Congregate Housing, Hotels, Hospitals, Nursing Homes, Offices (including Medical Offices) and Schools ~~with, when having~~ a total gross floor area exceeding 10,000 square feet, shall satisfy the requirements of Chapter [23E.32](#) and the following requirements:

1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area.
2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of above the first 10,000 square feet.

Section 16: That Berkeley Municipal Code Section 23D.48.080 is amended to read as follows:

23D.48.080 Parking -- Number of Spaces

[OPTION A]

A. All parking shall be provided in accordance with the requirements of this section and Chapter 23D.12, except as set forth in this Section.

B. The following provisions shall apply to properties within the R-S District:

1. No Off-street Parking Spaces shall be required for new Dwelling Units, Group Living Accommodations ~~rooms~~, or ~~for~~ Accessory Dwelling Units. ~~located within the Car-Free Housing Overlay. The Car-Free Housing Overlay area is as follows:~~

~~The complete block bounded by:~~

• ~~Dana, Haste, Ellsworth and Channing;~~

~~The partial blocks bounded by:~~

• ~~Bowditch, Haste, Telegraph and Channing, minus the portion of the block within 150 feet of Telegraph Avenue;~~

• ~~Dana, Channing, Ellsworth and Durant, minus the lot abutting the west side of Dana; and~~

• ~~Ellsworth, Channing, Fulton and Durant, minus the north-west corner with 130 feet of frontage along Fulton and 100 feet of frontage along Durant.~~

~~Additional properties as described below:~~

• ~~The properties abutting the east side of College Avenue between Bancroft Way and Channing Way, and including 2709 Channing Way;~~

• ~~The properties abutting both sides of Channing between Fulton and Shattuck, except those abutting Shattuck, and also excluding the parcel at 2111–2113 Channing;~~

• ~~The properties abutting the west side of Fulton Street from Channing Way extending north along Fulton 127.5 feet and extending south along Fulton 180 feet; and~~

• ~~The properties abutting the north side of Haste, beginning 150 feet west of Fulton Street, and extending an additional 200 feet west along Haste.~~

~~2. For properties not included in the Car-Free Housing Overlay, and for non-residential uses within the Car-Free Housing Overlay, Off-Street parking requirements shall be determined by the parking requirements of Section 23D.40.080 (R-4).~~

~~32. Bicycle parking spaces shall be provided at the ratio of one space per 2,000 square feet of gross floor area of commercial space, and in accordance with the requirements of Section 23E.28.070.~~

C. ~~Occupants of Dwelling Units and Group Living Accommodation rooms constructed without parking after the effective date of this Chapter shall not be entitled to receive parking permits under the Residential Permit Parking Program (RPP), under Section 14.72 of the BMC. Occupants of residential projects within the Car-Free Housing Overlay area that are constructed without parking after the effective date of this Chapter shall not be entitled to receive parking permits under the Residential Permit Parking Program (RPP), under Chapter 14.72 of the BMC.~~

D. Existing parking spaces for Main Buildings may be reduced if approved through a Use Permit with findings that the parking reduction is consistent with the purposes of the District and meets the findings in Section 23E.28.140.

E. Any construction which results in the creation of 10,000 square feet of new or additional non-residential gross floor space shall satisfy the loading space requirements of Chapter 23E.32 as follows:

1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area of non-residential space; and
2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of non-residential space above the first 10,000 square feet.

F. All Use Permits under this Chapter shall be subject to a condition of approval requiring payment of a Transportation Services Fee (TSF) if and when adopted.

[OPTION B: No changes]

Section 17: That Berkeley Municipal Code Section 23D.52.080 is amended to read as follows:

[OPTION A]

23D.52.080 Parking -- Number of Spaces

A. All parking shall be provided in accordance with the requirements of Chapter 23D.12 and this Section.

1. No Off-Street Parking Spaces shall be required for new Dwelling Units, of Group Living Accommodation rooms, or for Accessory Dwelling Units.

2. For non-residential uses and for Main Buildings with no Dwelling Units or Group Living Accommodations, Off-Street Parking Spaces shall be provided in accordance with the following requirements:

a. The minimum standard parking requirement for commercial floor area is two spaces per 1,000 square feet of gross floor area of commercial space. Uses listed in Table 23D.52.080 shall meet the requirements listed or the district minimum, whichever is more restrictive, for newly constructed floor area or changes of use.

Table 23D.52.080

Parking Required	
Use	Number of spaces
Hotels	One per each three guest/sleeping rooms or suites plus one per each three employees
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Medical Practitioner Offices	One per 300 sq. ft. of gross floor area
Quick or Full Service Restaurants	One per 300 sq. ft. of gross floor area
Nursing Homes	One per each three employees. Refer to R-3 Standards, Section

~~b. Parking requirements for changes in use of existing floor area where the new use has a higher parking standard than the existing use may be modified as set forth in Section 23E.28.130.~~

cb. Other uses requiring Use Permits, including but not limited to, Child Care Centers, Clubs, Lodges and Community Centers, shall provide the number of

Off-Street Parking Spaces determined by the Board based on the amount of traffic generated by the particular use and comparable with specific standards for other uses.

3. For non-residential uses in Main Buildings that include Dwelling Units or Group Living Accommodations, parking requirements may be waived if approved through an Administrative Use Permit with a finding that the parking reduction is consistent with the purposes of the District.

4. Existing parking spaces for Main Buildings may be reduced if approved through a Use Permit with findings that the parking reduction is consistent with the purposes of the District and meets the findings in Section 23E.28.140.

5. Bicycle parking spaces shall be provided at the ratio of one space per 2,000 square feet of gross floor area of new commercial space, and in accordance with the requirements of Section 23E.28.070.

B. Occupants of Dwelling Units and Group Living Accommodation ~~rooms~~ constructed without parking after the effective date of this Chapter shall not be entitled to receive parking permits under the Residential Permit Parking Program (RPP), under Section 14.72 of the BMC.

C. Any new construction which results in the creation of 10,000 square feet of new or additional non-residential floor space shall satisfy the loading space requirements of Chapter 23E.32 as follows:

1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area of non-residential space; and

2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of non-residential space above the first 10,000 square feet.

D. All Use Permits under this Chapter shall be subject to a condition of approval requiring payment of a Transportation Services Fee (TSF) if and when adopted.

[OPTION B: No changes]

Section 18: That Berkeley Municipal Code Section 23E.28.010 is amended to read as follows:

23E.28.010 Purposes

The purposes of the parking regulations in this chapter are:

- A. To ~~prevent the worsening of the already serious deficiency of~~efficiently allocate parking spaces ~~in existing in many areas of~~ the City.
- B. To ~~require~~regulate the provision of off-street parking spaces for traffic-generating uses of land within the City.
- C. To reduce the amount of on-street parking of vehicles, and thus increase the safety and capacity of the City's street system.

Section 19: That Berkeley Municipal Code Section 23E.28.020 is amended to read as follows:

23E.28.020 Applicability

- A. The requirements of this chapter apply to all uses commenced hereafter, to all buildings and structures hereafter constructed or moved onto a lot in a C-, M- or MU-District and to any modifications to existing uses and structures which enlarge or increase capacity, including, but not limited to, adding or creating dwelling units, guest rooms, floor area, seats or employees, except to the extent that provisions in the individual C-, M- or MU- District provide otherwise.
- B. ~~N~~In addition, no building, structure, alteration, fence, landscaping or other site feature may be constructed, erected, planted or allowed to be established that would impede ~~the access of a vehicle to any~~ required off-street parking space ~~required under this Ordinance~~.
- C. ~~No Zoning Certificate or Use Permit may be granted and no permit other than a Variance from the requirements of this chapter, may be issued or approved, for any use, building or structure, unless all requirements of this chapter are met.~~

~~D. In the event a Zoning Certificate is granted, the subsequent use of such building or structure is conditional upon the unqualified continuance, availability and proper maintenance of off-street parking in compliance with this chapter.~~

Section 20: That Berkeley Municipal Code Section 23E.28.050 is amended to read as follows:

23E.28.050 Number of Parking Spaces Required

A. Off-street parking spaces provided in conjunction with a use or structure existing on October 1, 1959, on the same property or on property under the same ownership, may not be reduced below, or if already less than, may not be further reduced below, the requirements of this chapter for similar use or structure. However, required parking spaces may be removed to meet ADA compliance or traffic engineering standards.

~~B. In the case of an AUP, a Use Permit, or a variance the Zoning Officer and Board may require more off-street parking spaces than the minimum required by the applicable District, if they or it finds that If the expected demand for parking spaces will is found to exceed the minimum requirement, additional off-street parking may be required as a condition of approval on a Permit.~~

C. When the formula for determining the number of required off-street parking spaces results in a requirement of a fractional space, any fraction below one-half shall be disregarded, and fractions including and over one-half shall be counted as requiring one parking space.

~~D. One off-street parking space requirements may be satisfied by tandem off-street parking space(s) with the issuance of an AUP. under this Ordinance may be satisfied by a tandem off-street parking space, unless approved by both the City Traffic Engineer and the Board.~~

~~E. Existing off-street parking spaces shall be counted towards meeting the overall parking requirements where new floor area is added to an existing site or project. An applicant may count existing off-street parking spaces towards meeting the parking requirements of this Ordinance when both the existing use, or portions of the use that is~~

~~to remain, and the proposed use and/or structure are used in computing the required number of off-street parking spaces.~~

F. When the number of off-street parking spaces required ~~for a structure or use~~ is based on the number of employees, it shall be based upon the shift or employment period during which the greatest number of employees are present ~~at the structure or use~~.

G. When the number of off-street parking spaces required is based on the floor area for a specified use, the definition of Floor Area, Gross as set forth in Sub-title [23F](#) shall apply. In addition, unenclosed areas of a lot, including, but not limited to, outdoor dining areas, garden/building supply yards and other customer-serving outdoor areas for retail sales, shall also be counted toward the floor area for those commercial uses with specified off-street parking requirements.

Section 21: That Berkeley Municipal Code Section 23E.28.070 is amended to read as follows:

23E.28.070 Bicycle Parking

A. Bicycle parking spaces required by each District’s bicycle parking requirements shall be located in either a locker, or in a rack suitable for secure locks, and shall require location approval by the City Traffic Engineer and Zoning Officer. Bicycle parking shall be located in accordance to the design review guidelines.

B. Except in C-E and C-T Districts, Bicycle Parking shall be provided for new floor area or for expansions of existing industrial, commercial, and other non-residential buildings at a ratio of one space per 2,000 square feet of gross floor area.

C. For residential projects, including the residential portion of mixed-use projects, of five or more units, in all districts, bicycle parking shall be provided as follows:

<u>Use</u>	<u>Long Term Parking¹ Requirement</u>	<u>Short-Term Parking¹ Requirement</u>

<u>Dwelling Units (1 to 4 units)</u>	<u>None required</u>	<u>None required</u>
<u>Dwelling Units (5 units or more)</u>	<u>1 space per 3 bedrooms</u>	<u>2, or 1 space per 40 bedrooms, whichever is greater</u>
<u>Group Living Accommodations, Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Transitional Housing)</u>	<u>2, or 1 space per 2.5 bedrooms, whichever is greater</u>	<u>2, or 1 space per 20 bedrooms, whichever is greater</u>
<u>¹ Long-Term Parking and Short-Term Parking shall meet the design standards included in Appendix F of the 2017 Berkeley Bicycle Plan, or as subsequently amended by the Transportation Division.</u>		

DG. The Zoning Officer in consultation with the City Traffic Engineer may modify the requirement with an Administrative Use Permit for Tourist Hotels in the C-DMU District.

Section 21: That Berkeley Municipal Code Section 23E.64.080 is amended to read as follows:

23E.64.080 Off-Street Parking and Loading Requirements

A. All parking shall be provided in accordance with the requirements of this section and Chapter 23E.28, ~~except as set forth in this section.~~

B. The district minimum standard parking requirement for commercial floor area is two spaces per 1,000 square feet of gross floor area. Uses listed in Table 23E.64.080 shall meet the requirements listed, for newly constructed floor area, except as otherwise modified in this subsection, and Subsections F through ~~H~~ below.

[OPTION A]

Table 23E.64.080	
Parking Required*	
Use	Number of spaces
Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses and Senior Congregate Housing	One per each five residents; plus one for manager <u>None required</u>
Dwelling Units	One per unit, except as modified by provisions for shared parking in Section 23E.64.080.G; 75% less for Seniors (see below). <u>None required</u>
Hospitals	One per each four beds; plus one per each three employees
Hotels	One per each three guest/sleeping rooms or suites; plus one per each three employees
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Live/Work Units	One per unit, provided, however, that if any <u>non-resident</u> workers and/or clients are permitted in any work area, there shall be one <u>additional</u> parking space for the first 1,000 sq. ft. of work area, one <u>further additional</u> parking space for each additional 750 sq. ft. subject to any additional requirements for parking pursuant to Section 23E.20.040.B
Manufacturing uses (assembly, production, storage and testing space only)	One per 1,000 sq. ft. of floor area

Table 23E.64.080	
Parking Required*	
Use	Number of spaces
Medical Practitioner Offices	One per 300 sq. ft. of floor area
Motels	One per each guest/sleeping room; plus one space for owner or manager**
Wholesale Trade	One per 1,000 sq. ft. of floor area
*See Subsection J-1 for substitutions of up to 10% with bicycle/motorcycle parking	
**Required parking shall be on the same lot as the building it serves	

[OPTION B]

Table 23E.64.080	
Parking Required*	
Use	Number of spaces
Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses and Senior Congregate Housing	One per each five residents; plus one for manager None required
Dwelling Units (fewer than ten)	One per unit, except as modified by provisions for shared parking in Section 23E.64.080.G; 75% less for Seniors (see below)
Dwelling Units (ten or more)	None required
Hospitals	One per each four beds; plus one per each three employees

Table 23E.64.080	
Parking Required*	
Use	Number of spaces
Hotels	One per each three guest/sleeping rooms or suites; plus one per each three employees
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Live/Work Units (fewer than ten)	One per unit, provided, however, that if any workers and/or clients are permitted in any work area, there shall be one additional-parking space for the first 1,000 sq. ft. of work area, one further parking space for each additional 750 sq. ft. subject to any additional requirements for parking pursuant to Section 23E.20.040.B
Live/Work Units (ten or more)	If any non-resident workers and/or clients are permitted in any work area, there shall be one parking space for the first 1,000 sq. ft. of work area, one parking space for each additional 750 sq. ft. subject to any additional requirements for parking pursuant to Section 23E.20.040.B
Manufacturing uses (assembly, production, storage and testing space only)	One per 1,000 sq. ft. of floor area
Medical Practitioner Offices	One per 300 sq. ft. of floor area
Motels	One per each guest/sleeping room; plus one space for owner or manager**
Wholesale Trade	One per 1,000 sq. ft. of floor area
*See Subsection 4-1 for substitutions of up to 10% with bicycle/motorcycle parking	
**Required parking shall be on the same lot as the building it serves	

C. Unless otherwise specified in Subsections F-~~H~~, uses designated in this chapter as Other Industrial Uses; Automobile and Other Vehicle Oriented Uses; Outdoor Uses; Residential and Related Uses or as Miscellaneous Uses shall be required to provide the number of off-street parking spaces determined by the Zoning Officer or Board based of the amount of parking demand generated by the particular use and comparable with specified standards for other uses.

D. The number of parking spaces provided for new commercial floor area shall not exceed four spaces per 1,000 square feet of gross floor area of the commercial use, except that up to five spaces per 1,000 square feet of gross floor area of food service uses may be provided.

E. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square feet of gross floor area of non-residential space, in accordance with Section [23E.28.070](#).

F. Any automobile parking required by this section may be leased, provided that the requirements of the general regulations concerning leased parking, Section [23E.28.030](#), are met and provided that the leased parking spaces are within 500 feet of the property where the parking is required; provided that leased parking a greater distance from the property may be approved by Administrative Use Permit and that if the property is located within a designated node, the leased parking spaces are located within the same designated node as the property.

~~G. For multiple dwellings where the occupancy will be exclusively for persons over the age of 62 years, the number of required off-street parking spaces may be reduced to 25% of what would otherwise be required for multiple family dwelling use, subject to obtaining a Use Permit.~~

HG. Any mixed use building (residential and commercial) shall satisfy the off-street parking standards and requirements of this District, provided, however, that the Board or the Zoning Officer may issue a Permit to modify the off-street parking and usable open space requirements where it finds such modification promotes any of the general purposes set forth in [23E.64.020](#). The Permit required shall be an Administrative Use

Permit unless a Use Permit from the Board is required to approve the use or structure, in which case a Use Permit shall be required by the Board.

H. If a public parking facility available for use by all members of the public is within 1,000 feet of a proposed use, the Zoning Officer or Board may approve a Use Permit to allow that use to reduce or eliminate the otherwise required parking.

J. Subject to the finding in Section [23E.64.090.F](#), an Administrative Use Permit may be issued to designate up to 10% of automobile parking required for a use for bicycle and/or motorcycle parking, unless a Use Permit from the Board is required to approve any part of the application, in which case the Use Permit shall be approved by the Board. Any bicycle parking created by this designation shall be in addition to otherwise required bicycle parking.

K. Notwithstanding the requirements of Section [23E.28.080](#) (the general regulations concerning screening and landscaping of off-street parking), there shall be no requirement for screening or landscaping of that portion of any parking lot which is adjacent to Third Street (Southern Pacific Railroad).

L. No off-street automobile parking may be provided between the front property line and a main structure within a designated node. Outside of a designated node, no off-street automobile parking may be provided between the front property line and a main structure unless an Administrative Use Permit is obtained; unless a Use Permit is required to approve the use or structure, in which case the Use Permit shall be approved by the Board. In order to approve this Permit, the Zoning Officer or Board shall make the finding under Section [23E.64.090.E](#).

M. No building or site shall be altered in such a way as to deprive any leasable space which is used or designated to be used by any manufacturing or wholesale trade use of all loading spaces which meet the general regulations concerning Loading Spaces (Chapter [23E.32](#)).

N. Any construction which results in the creation of 10,000 square feet of new or additional commercial gross floor space shall satisfy the loading space requirements of Chapter [23E.32](#).

Section 23: That Berkeley Municipal Code Section 23E.68.080 is amended to read as follows:

23E.68.080 Parking -- Number of Spaces

A. All parking shall be provided in accordance with the requirements of this Section and Chapter 23E.28, except as set forth in this Section. No change of commercial use within the existing floor area of a building shall be required to meet the off-street parking requirements of this Section or Chapter 23E.28, unless the structure has been expanded to include new floor area.

B. The District minimum standard vehicle parking space requirement for all floor area is one and a half spaces per each 1,000 square feet of gross floor area or as required for the uses listed in the following table.

[OPTION A]

Use	Number of Parking Spaces Required
Dwelling Units, Single and Multi-Family Buildings	One per three dwelling units None required
Hotels and Motels, Tourist (Including Inns, Bed and Breakfast and Hostels)	One per each three guest/sleeping rooms or suites
Group Living Accommodations (Including Single Room Occupancy Residential Hotels) and Nursing Homes	One per eight sleeping rooms None required

[OPTION B]

Use	Number of Parking Spaces Required
Dwelling Units, Single and Multi-Family Buildings fewer than ten	One per three dwelling units
Dwelling Units (ten or more)	None required

Use	Number of Parking Spaces Required
Hotels and Motels, Tourist (Including Inns, Bed and Breakfast and Hostels)	One per each three guest/sleeping rooms or suites
Group Living Accommodations (Including Single Room Occupancy Residential Hotels) and Nursing Homes (fewer than ten)	One per eight sleeping rooms
Group Living Accommodations (Including Single Room Occupancy Residential Hotels) and Nursing Homes (ten or more)	None required

1. Additions up to 1,000 square feet of gross floor area, or up to twenty-five percent (25%) of existing gross floor area, whichever is less, are exempt from the parking requirements for new floor area.

2. Parking spaces shall be provided on site, or off site within 800 feet subject to securing an AUP and in compliance with Section [23E.28.030](#).

C. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square feet of gross floor area of commercial space, and in accordance with the requirements of Section [23E.28.070](#).

D. The vehicle parking space requirements of this Section may be reduced or waived through payment of an in-lieu fee to be used to provide enhanced transit services, subject to securing a Use Permit subject to the finding in section [23E.68.090](#).H or modified with an AUP subject to the findings in [23E.28.140](#).

E. New construction that results in an on-site total of more than 25 publicly available parking spaces shall install dynamic signage to Transportation Division specifications, including, but not limited to, real-time garage occupancy signs at the entries and exits to the parking facility with vehicle detection capabilities and enabled for future connection

to the regional 511 Travel Information System or equivalent, as determined by the Zoning Officer in consultation with the Transportation Division Manager.

F. Occupants of residential units or GLA units constructed, newly constructed or converted from a non-residential use shall not be eligible for Residential Parking Permit (RPP) permits under Chapter [14.72](#) of the BMC.

G. For any new building with residential units or structures converted to a residential use, ~~required~~ parking spaces shall be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling unit, unless the Board grants a Use Permit to waive this requirement for projects which include financing for affordable housing subject to the finding in section [23E.68.090.I](#).

H. For new structures or additions over 20,000 square feet, the property owner shall provide at least one of the following transportation benefits at no cost to every employee, residential unit, and/or GLA resident. A notice describing these transportation benefits shall be posted in a location or locations visible to employees and residents.

1. A pass for unlimited local bus transit service; or
2. A functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass. Any benefit proposed as a functionally equivalent transportation benefit shall be approved by the Zoning Officer in consultation with the Transportation Division Manager.

I. For residential ~~projects that provide structures constructed or converted from a non-residential use that require~~ vehicle parking ~~under Section [23E.68.080.B](#), required parking spaces shall be designated as,~~ vehicle sharing spaces shall be provided in the amounts specified in the following table. ~~If no parking spaces are provided pursuant to Section [23E.68.080.D](#), no vehicle sharing spaces shall be required.~~

Number of Parking Spaces <u>Provided</u> Required	Minimum Number of Vehicle Sharing Spaces
0 – 10	0
11 – 30	1

Number of Parking Spaces Provided Required	Minimum Number of Vehicle Sharing Spaces
30 – 60	2
61 or more	3, plus one for every additional 60 spaces

1. The required vehicle sharing spaces shall be offered to vehicle sharing service providers at no cost.

2. The vehicle sharing spaces required by this Section shall remain available to a vehicle sharing service provider as long as providers request the spaces. If no vehicle sharing service provider requests a space, the space may be leased for use by other vehicles. When a vehicle sharing service provider requests such space, the property owner shall make ~~the~~a space available within 90 days.

J. For residential structures constructed or converted from a non-residential use subject to Sections 23E.68.080.G, 23E.68.080.H, and 23E.68.080.I, prior to issuance of a Certificate of Occupancy, the property owner shall submit to the Department of Transportation a completed Parking and Transportation Demand Management (PTDM) compliance report on a form acceptable to the City, which demonstrates that the project is in compliance with the applicable requirements of 23E.68.080.G, 23E.68.080.H, and 23E.68.080.I. Thereafter, the property owner shall submit to the Department of Transportation an updated PTDM compliance report on an annual basis.

K. Any construction which results in the creation of more than 10,000 square feet of new or additional commercial gross floor space shall satisfy the loading space requirements of Chapter 23E.32.

Section 23: That Berkeley Municipal Code Section 23E.80.080 is amended to read as follows:

23E.80.080 Off-Street Parking and Loading Requirements

A. For each of the following uses the minimum number of off-street parking spaces shall be provided and in accordance with Chapter 23E.28 except as set forth in Section 23E.80.080.E. Construction of new floor area and changes of use of existing floor area shall satisfy the parking requirements of this section.

[OPTION A]

Table 23E.80.080	
Parking Required*	
Use	Number of spaces
Art/Craft Studio	One per 1,000 sq. ft. of floor area
Laboratories	One per 650 sq. ft. of floor area
Live/Work Units	One per unit; provided however, that if any non-resident employees and/or customers and clients are permitted in any work area, there shall be one additional parking space for each 1,000 sq. ft. of such work area
Manufacturing uses (assembly, production, storage and testing space only), Storage, Warehousing and Wholesale Trade	One space per 1,000 sq. ft. of floor area for spaces of less than 10,000 sq. ft.; one space per 1,500 sq. ft. of floor area for spaces of 10,000 sq ft or more
Quick or Full Service Restaurants	One per 300 sq. ft. of floor area
All other non-residential uses, unless otherwise specified in Subsection B	Two per 1,000 sq. ft. of floor area
* See Subsection E for substitutions of up to 10% with bicycle/motorcycle parking	

[OPTION B]

Table 23E.80.080	
Parking Required*	
Use	Number of spaces

Art/Craft Studio	One per 1,000 sq. ft. of floor area
Laboratories	One per 650 sq. ft. of floor area
Live/Work Units (fewer than ten)	One per unit; provided however, that if any non-resident employees and/or customers and clients are permitted in any work area, there shall be one additional parking space for each 1,000 sq. ft. of such work area
Live/Work Units (ten or more)	If any non-resident employees and/or customers and clients are permitted in any work area, there shall be one parking space for each 1,000 sq. ft. of such work area
Manufacturing uses (assembly, production, storage and testing space only), Storage, Warehousing and Wholesale Trade	One space per 1,000 sq. ft. of floor area for spaces of less than 10,000 sq. ft.; one space per 1,500 sq. ft. of floor area for spaces of 10,000 sq ft or more
Quick or Full Service Restaurants	One per 300 sq. ft. of floor area
All other non-residential uses, unless otherwise specified in Subsection B	Two per 1,000 sq. ft. of floor area
* See Subsection E for substitutions of up to 10% with bicycle/motorcycle parking	

B. Unless otherwise specified in Subsection A, uses designated in this chapter as Other Industrial Uses; Automobile and Other Vehicle Oriented Uses; Outdoor Uses; Residential and Related Uses or as Miscellaneous Uses shall be required to provide the number of off-street parking spaces determined by the Zoning Officer or Board based of the amount of off-street parking demand generated by the particular use and comparable with specified standards for other uses.

C. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square feet of gross floor area of non-residential space, in accordance with Section [23E.28.070](#).

D. Off-street parking required by this section may be satisfied by the provision of leased spaces, provided that the requirements of Section [23E.28.030](#) are met; however, the leased parking spaces may be within 500 feet of the property it serves, provided that leased parking at a distance greater than 500 feet may be approved by an Administrative Use Permit.

E. Subject to the finding in Section [23E.80.090.H](#), an Administrative Use Permit may be issued to designate up to 10% of automobile parking required for a use for bicycle and/or motorcycle parking, unless a Use Permit from the Board is required to approve any part of the application, in which case the Use Permit shall be approved by the Board. Any bicycle parking created by this designation shall be in addition to otherwise required bicycle parking.

F. Notwithstanding the requirements of Section [23E.28.080](#) (the general regulations concerning screening and landscaping of off-street parking), there shall be no requirement for screening or landscaping of that portion of any parking lot which is adjacent to Third Street (Southern Pacific Railroad).

G. In buildings with one or more manufacturing, wholesale trade or warehouse use, all uses shall satisfy the loading space requirements of Chapter [23E.32](#). All uses which have one or more loading spaces shall retain at least one such space.

H. Any construction which results in the creation of 10,000square feet of new or additional commercial or manufacturing gross floor area shall satisfy Chapter [23E.32](#).

Section 24: That Berkeley Municipal Code Section 23E.84.080 is amended to read as follows:

23E.84.080 Off-Street Parking and Loading Requirements

A. Unless otherwise specified in Subsections ~~B or F~~, or in Table [23E.84.080](#), the district minimum standard parking requirement is two spaces per 1,000 square feet of gross floor area of non-residential space, in accordance with the requirements of Chapter [23E.28](#).

[OPTION A]

Table 23E.84.080	
Parking Required*	
Use	Number of spaces
Art/Craft Studio	One per 1,000 sq. ft. of floor area
Community Care Facilities	One per two non-resident employees
Dwelling Units	One per unit, except as provided in Section 23E.84.080.E; 75% less for Seniors (see Subsection E) None required
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Live/Work Units	One per unit; provided however, that if any non-resident employees and/or clients are permitted in any work area there shall be one parking space for the first 1,000 sq. ft. of work area and one additional parking space for each additional 750 sq. ft. of work area.
Manufacturing Uses (assembly, production, storage and testing space only)	One per 1,000 sq. ft. of floor area
Medical Practitioner Offices	One per 300 sq. ft. of floor area
Nursing Homes	One per each five residents; plus o One per each three employees
Restaurants and Food Service	One per 300 sq. ft. of floor area
Storage, Warehousing and Wholesale Trade	One per 1,000 sq. ft. of floor area for spaces of less than 10,000 sq.ft.; one per 1,500 sq. ft. for spaces of 10,000 sq. ft. or more

Table 23E.84.080	
Parking Required*	
Use	Number of spaces
*See Subsection H-G for substitutions of up to 10% with bicycle/motorcycle parking	

[OPTION B]

Table 23E.84.080	
Parking Required*	
Use	Number of spaces
Art/Craft Studio	One per 1,000 sq. ft. of floor area
Community Care Facilities	One per two non-resident employees
Dwelling Units (fewer than ten)	One per unit, except as provided in Section 23E.84.080.E; 75% less for Seniors (see Subsection E)
Dwelling Units (ten or more)	None required
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Live/Work Units (fewer than 10)	One per unit; provided however, that if any non-resident employees and/or clients are permitted in any work area there shall be one parking space for the first 1,000 sq. ft. of work area and one additional parking space for each additional 750 sq. ft. of work area.
Live/Work Units (ten or more)	If any non-resident employees and/or clients are permitted in any work area there shall be one parking space for the first

Table 23E.84.080	
Parking Required*	
Use	Number of spaces
	1,000 sq. ft. of work area and one additional parking space for each additional 750 sq. ft. of work area.
Manufacturing Uses (assembly, production, storage and testing space only)	One per 1,000 sq. ft. of floor area
Medical Practitioner Offices	One per 300 sq. ft. of floor area
Nursing Homes	One per each five residents; plus o One per each three employees
Restaurants and Food Service	One per 300 sq. ft. of floor area
Storage, Warehousing and Wholesale Trade	One per 1,000 sq. ft. of floor area for spaces of less than 10,000 sq.ft.; one per 1,500 sq. ft. for spaces of 10,000 sq. ft. or more
*See Subsection <u>H-G</u> for substitutions of up to 10% with bicycle/motorcycle parking	

B. Unless otherwise specified in Subsection H-G or in Table 23E.84.080, uses designated in this chapter as Automobile and Other Vehicle Oriented Uses; Outdoor Uses; or as Miscellaneous Uses shall be required to provide the number of off-street parking spaces determined by the Zoning Officer or Board based on the amount of parking demand generated by the particular use and comparable with specified standards for other uses.

C. Bicycle parking spaces shall be provided at the ratio of one space per 2,000 square feet of gross floor area of non-residential space, and in accordance with the requirements of Section 23E.28.070.

D. Off-street parking required by this section may be satisfied by the provision of leased spaces, provided that the requirements of Section [23E.28.030](#) are met; however, the leased parking spaces may be within 500 feet of the property it serves, provided that leased parking at a distance greater than 500 feet may be approved by an Administrative Use Permit.

~~E. For multiple dwellings where the occupancy will be exclusively for persons over the age of 62, the number of required off-street parking spaces may be reduced to 25% of what would otherwise be required for multiple family dwelling use, subject to obtaining a Use Permit.~~

~~FE.~~ If the Zoning Officer or Board finds that existing evening parking supply is adequate and/or that other mitigating circumstances exist on the property, the requirement for an additional off-street parking space may be waived through a Use Permit when an additional residential unit is added to a property with one or more residential units.

~~GF.~~ No off-street parking space which is required by this Ordinance, including Use Permits issued under this Ordinance, shall be removed; provided, however, any off-street parking spaces which are provided in excess of the number required at the time of application may be removed.

~~HG.~~ Subject to the finding in Section [23E.84.090.J](#), an Administrative Use Permit may be issued to designate up to 10% of automobile parking required for a use for bicycle and/or motorcycle parking, unless a Use Permit from the Board is required to approve any part of the application, in which case the Use Permit shall be approved by the Board. Any bicycle parking created by this designation shall be in addition to otherwise required bicycle parking.

~~IH.~~ In buildings with manufacturing, wholesale trade or warehouse uses, loading spaces shall be maintained so as to meet the requirements of Chapter [23E.32](#).

~~JL.~~ Any construction which results in the creation of 10,000 square feet of new or additional commercial or manufacturing gross floor area shall satisfy Chapter [23E.32](#).

Section 25. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL
State of California

KAMALA D. HARRIS
Attorney General

OPINION	:	No. 14-304
	:	
of	:	April 14, 2016
	:	
KAMALA D. HARRIS	:	
Attorney General	:	
	:	
SARA J. RUSSELL	:	
Deputy Attorney General	:	
	:	

THE HONORABLE CONNIE M. LEYVA, MEMBER OF THE STATE SENATE, has requested an opinion on the following questions:

1. Under Vehicle Code section 22507, may local authorities limit the issuance of long-term preferential parking permits to residents only?

2. In issuing long-term residential parking permits, may local authorities distinguish among residents based on the type of dwelling in which they live—for example, by only making permits available to those who reside in single-family dwellings or small (two-to-four-unit) multifamily dwellings, and excluding those who reside in larger multifamily dwelling units such as apartment buildings?

CONCLUSIONS

1. Under Vehicle Code section 22507, local authorities may limit the issuance of long-term preferential parking permits to residents only.
2. In issuing long-term residential parking permits, local authorities may not distinguish among residents based on the type of dwelling in which they live.

ANALYSIS

In accordance with Vehicle Code section 22507, many California cities have adopted measures that restrict parking on designated public streets, but exempt residents of the affected blocks from the restrictions.¹ Such exemptions are typically granted by issuing parking permits, usually valid for one or two years, to those residents who apply for them. We are told that some local parking programs² limit residential parking permits to people living in single-family or small (two-to-four-unit) multifamily dwellings. Under such programs, residents living in larger multifamily dwellings, such as apartment buildings, are not eligible for parking permits.

Given these circumstances, we have been asked to determine (1) whether a local permit parking program may be limited to only residents in the affected area, and (2) whether a parking program may be further limited to only those residents who live in single-family or small multifamily units. For the reasons that follow, we conclude that local authorities³ may generally establish resident-only parking programs, but may not distinguish among residents based on the type of dwelling in which they live.

¹ In relevant part, Vehicle Code section 22507 provides:

(a) Local authorities may . . . prohibit or restrict the . . . parking . . . of vehicles . . . on certain streets or highways, or portions thereof, during all or certain hours of the day [and] may include a designation of certain streets upon which preferential parking privileges are given to residents and merchants adjacent to the streets for their use . . . under which the residents and merchants may be issued a permit or permits that exempt them from the prohibition or restriction

² Local parking programs refer to areas, or zones, where public parking is restricted and permit parking is allowed, and are variously referred to in this opinion as “preferential parking programs,” “permit parking programs,” or “residential parking programs.”

³ A “local authority” means “the legislative body of every county or municipality having authority to adopt police regulations.” (Veh. Code, § 385.) In this opinion, we

State policy regarding traffic control by cities on public streets was described by the California Supreme Court in 1920: “The streets of a city belong to the people of the state, and every citizen of the state has a right to the use thereof, subject to legislative control. The right of control over street traffic is an exercise of part of the sovereign power of the state. Local ordinances regulating traffic which are inconsistent with general state laws are invalid. [¶] While it is true that the regulation of traffic upon a public street is of special interest to the people of a municipality, it does not follow that such regulation is a municipal affair, and if there is a doubt as to whether or not such regulation is a municipal affair, that doubt must be resolved in favor of the legislative authority of the state.”⁴

Upon enactment of the Vehicle Code in 1935, and then again upon its recodification in 1959, the state Legislature asserted its plenary power over traffic control, and preempted local regulation over the entire field—including parking on public streets. Vehicle Code section 21 states: “Except as otherwise expressly provided, the provisions of this code are applicable and uniform throughout the State and in all counties and municipalities therein, and no local authority shall enact or enforce any ordinance on the matters covered by this code unless expressly authorized herein.”⁵ Thus, in analyzing the questions presented, we must follow the principle that the state’s delegation of power to local authorities is strictly construed, meaning that delegations must be express rather than implied.⁶

In our analysis, we also apply settled principles of statutory construction. “[The] first task in construing a statute is to ascertain the intent of the Legislature so as to effectuate the purpose of the law. In determining such intent, [we] look first to the words of the statute themselves, giving to the language its usual, ordinary import and according significance, if possible, to every word, phrase and sentence in pursuance of the

use the terms “local authority” and “local government” interchangeably.

⁴ *Ex Parte Daniels* (1920) 183 Cal. 636, 639, citations omitted; see also *Rumford v. City of Berkeley* (1982) 31 Cal.3d 545, 550, fn. 3 (*Rumford*) (regulating traffic use on streets is outside the “municipal affairs” constitutional grant of authority to charter cities); *City of Lafayette v. County of Contra Costa* (1979) 91 Cal.App.3d 749, 753-755 (*City of Lafayette*).

⁵ Veh. Code, § 21; see also *Rumford*, *supra*, 31 Cal.3d at pp. 549-550, 553; *County of Los Angeles v. City of Alhambra* (1980) 27 Cal.3d 184, 189, 192-193; 75 Ops.Cal.Atty.Gen. 239, 244 (1992).

⁶ *Rumford*, *supra*, 31 Cal.3d at p. 550; *O’Connell v. City of Stockton* (2007) 41 Cal.4th 1061, 1073-1074; *City of Lafayette*, *supra*, 91 Cal.App.3d at pp. 755, 756 & fn. 3; 67 Ops.Cal.Atty.Gen. 1, 4 (1984).

legislative purpose. A construction making some words surplusage is to be avoided. The words of the statute must be construed in context, keeping in mind the statutory purpose, and statutes or statutory sections relating to the same subject must be harmonized, both internally and with each other, to the extent possible.”⁷ If the statutory language is clear, we “follow its plain meaning unless a literal interpretation would result in absurd consequences the Legislature did not intend.”⁸ In addition, where helpful, “[b]oth the legislative history of the statute and the wider historical circumstances of its enactment may be considered in ascertaining the legislative intent.”⁹ With these principles in mind, we now turn to the questions presented.

Question 1

We first consider whether local authorities may, under Vehicle Code section 22507, issue long-term preferential parking permits to residents only. We conclude that they may do so. The pertinent statutory language provides as follows:

(a) Local authorities may, by ordinance or resolution, prohibit or restrict the . . . parking . . . of vehicles . . . on certain streets or highways,^[10] or portions thereof, during all or certain hours of the day. The ordinance or resolution may include a designation of certain streets upon which preferential parking privileges are given to residents^[11] and merchants adjacent to the streets for their use and the use of their guests, under which the residents and merchants may be issued a permit or permits that exempt

⁷ *Dyna-Med, Inc. v. Fair Employment & Housing Com.* (1987) 43 Cal.3d 1379, 1386-1387 (*Dyna-Med, Inc.*), citations omitted.

⁸ *Los Angeles Unified School Dist. v. Garcia* (2013) 58 Cal.4th 175, 186, internal quotation marks and citations omitted.

⁹ *Dyna-Med, Inc., supra*, 43 Cal.3d at p. 1387.

¹⁰ “Street” is defined as “a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel” and “includes highway.” (Veh. Code, §590.) “Highway” is similarly defined and “includes street.” (Veh. Code, § 360.)

¹¹ “Resident” is defined as “any person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Presence in the state for six months or more in any 12-month period gives rise to a rebuttable presumption of residency.” (Veh. Code, § 516.) As used in Vehicle Code section 22507, “residents” are those persons living adjacent to a street or streets on which parking is restricted and parking permits are granted. (See *Bocato v. City of Hermosa Beach* (1984) 158 Cal.App.3d 804, 810-811.)

them from the prohibition or restriction of the ordinance or resolution. . . . A local ordinance or resolution adopted pursuant to this section may contain provisions that are reasonable and necessary to ensure the effectiveness of a preferential parking program.¹²

The first sentence of this statute gives local authorities broad power to restrict parking on public streets, and the second sentence gives local authorities specific power to adopt preferential parking programs that exempt residents, merchants, and their guests from those restrictions.

The use of the conjunctive phrase “residents and merchants” in the statute’s second sentence has given rise to the question whether local authorities may create *resident-only* parking programs to the exclusion of merchants. The Court of Appeal resolved that question in *Friedman v. City of Beverly Hills*,¹³ concluding that too strict a reading of the statute—i.e., one which requires permits to be issued to both residents *and* merchants, or not at all—would thwart the legislative intent to provide flexibility to local authorities in addressing local parking problems.¹⁴ The court cited precedent holding that

¹² Veh. Code, § 22507, subd. (a). Another, related section of the Vehicle Code—section 22507.5—addresses the potential implementation of permit parking under more limited circumstances and provides, in relevant part:

(a) Notwithstanding Section 22507, local authorities may, by ordinance or resolution, prohibit or restrict the parking or standing of vehicles on certain streets or highways, or portions thereof, between the hours of 2 a.m. and 6 a.m. . . . The ordinance or resolution relating to parking between the hours of 2 a.m. and 6 a.m. may provide for a system of permits for the purpose of exempting from the prohibition or restriction of the ordinance or resolution, disabled persons, residents, and guests of residents of residential areas, including, but not limited to, high-density and multiple-family dwelling areas, lacking adequate offstreet parking facilities.

We do not analyze this statute separately in connection with our consideration of Question 1, but note that it provides local authorities with another means of regulating parking and of granting preferential parking privileges to residents and other specified classes of drivers.

¹³ *Friedman v. City of Beverly Hills* (1996) 47 Cal.App.4th 436 (*Friedman*).

¹⁴ *Id.* at p. 444. In reaching this conclusion, the court reasoned that the grant of power to restrict parking in the first sentence of Vehicle Code section 22507, subdivision (a), was broad, and that subsequent amendments to the statute to allow preferential parking further expanded the powers of local authorities to ensure that “parking space is readily available to those most affected in a local area.” (*Id.* at p. 443.) The court noted that the

the word “and” may be construed to mean “or” when necessary to effectuate the intent of a statute, and concluded that “[t]he Legislature intended to allow the City to restrict parking to residents or merchants or both, as warranted by the circumstances.”¹⁵

We thus conclude that, under Vehicle Code section 22507,¹⁶ local authorities may limit the issuance of long-term preferential parking permits to residents only.¹⁷

Question 2

Having concluded that Vehicle Code section 22507 allows local authorities to limit preferential parking to residents only, we next consider whether, in issuing residential parking permits, local authorities may further distinguish among residents based on the type of dwelling in which they live—for example, by making permits available only to those residents who occupy single-family dwellings or small (two-to-four-unit) multifamily dwellings. We conclude that local authorities may not do so.

Section 22507 allows local authorities to “prohibit or restrict the . . . parking . . . of vehicles . . . on *certain* streets . . . during all or *certain* hours of the day,” and to grant “preferential parking privileges . . . to residents . . . under which the residents . . . may be

statute’s last sentence is designed to “give localities substantial power to tailor preferential parking programs to meet local circumstances.” (*Ibid.*)

¹⁵ *Id.* at p. 444.

¹⁶ Local authorities’ power to restrict parking to residents is, however, constrained by other state laws exempting certain drivers from parking restrictions generally, such as Vehicle Code section 22511.5, subdivision (a)(1)(A), which allows people with disabilities who have special license plates or distinguishing placards to park for unlimited periods of time in a permit parking zone established under section 22507.

¹⁷ Because residential parking programs discriminate against nonresidents, each program must bear a reasonable relationship to its objectives in order to withstand a facial challenge on equal protection grounds. (*Arlington County Board v. Richards* (1977) 434 U.S. 5.) In 1977, the United States Supreme Court held that a residential parking ordinance enacted by Arlington County, Virginia, did not on its face violate the equal protection guarantee of the federal Constitution because it bore a reasonable relationship to its objectives, which included (1) enhancing the quality of life for residents by reducing air pollution, noise, traffic hazards, and litter resulting from nonresident and commuter traffic in residential areas; (2) encouraging reliance by commuters on car pools and mass transit; and (3) assuring convenient parking for residents. (*Id.* at p. 7; accord, *People v. Housman* (1984) 163 Cal.App.3d Supp. 43, 54 [California residential parking ordinance with similar objectives did not violate federal or state Constitutions].)

issued . . . permits that exempt them from the [public parking] prohibition or restriction”¹⁸ We emphasize here that the adjective “certain” modifies the terms “streets” and “hours,” but does not modify the term “residents.” A common definition of “certain” is “particular.”¹⁹ Applying the rule of statutory construction that we are to give import to every word of a statute, if possible, and to avoid making some words surplusage,²⁰ we can infer from the unmodified use of the term “residents” in section 22507 that the Legislature did not intend to give local authorities discretion to treat certain, or particular, residents differently from other residents in this context.²¹

While we believe that section 22507’s terms are sufficiently clear, we nonetheless observe that the statute’s legislative history provides further support for our interpretation of those terms.²² A legislative analysis prepared for the Senate Committee on Local

¹⁸ Veh. Code, § 22507, subd. (a), emphasis added.

¹⁹ See Webster’s 3d New Internat. Dict. (2002) p. 367 (“2a: PARTICULAR: of a character difficult or unwise to specify—used to distinguish a person or thing not otherwise distinguished or not distinguishable in more precise terms.”); see generally *Smith v. Selma Community Hospital* (2010) 188 Cal.App.4th 1, 30 (“In scrutinizing the words of a statute, courts generally give them their usual, ordinary meaning, which in turn may be obtained by referring to a dictionary”).

²⁰ *City of Long Beach v. California Citizens for Neighborhood Empowerment* (2003) 111 Cal.App.4th 302, 305; see Civ. Code, § 1858.

²¹ Cf. *Capulungo v. Bondi* (1986) 179 Cal.App.3d 346, 350 (section 22507’s modification of “streets” and “hours” with the term “certain” indicates that “the designation of particular parking restrictions is a matter left to local needs and the intent of local authorities”).

We are aware that, despite the fact that the term “vehicles” in section 22507, subdivision (a), is not modified by the adjective “certain,” two appellate courts have held that local authorities may prohibit the parking of certain types of vehicles without also restricting all other vehicles. (*Homes on Wheels v. City of Santa Barbara* (2004) 119 Cal.App.4th 1173, 1178 [upholding ordinance prohibiting street parking of recreational vehicles]; *People v. Garth* (1991) 234 Cal.App.3d 1797, 1800 [upholding ordinance prohibiting street parking of unhooked boat trailer].) We believe these cases are distinguishable because the authority to grant parking privileges to residents is distinct from the authority to restrict the parking of different types of vehicles, and therefore requires a separate analysis. (See *City of Lafayette, supra*, 91 Cal.App.3d at pp. 752-753, 756, fn. 2, 757 [distinguishing between regulating classes of vehicles and excluding classes of persons from using city streets].)

²² *Dyna-Med, Inc., supra*, 43 Cal.3d at p. 1387 (“Both the legislative history of the statute and the wider historical circumstances of its enactment may be considered in

Government addressed section 22507's provision that allows local authorities to grant parking permits to "residents and merchants," noting two Legislative Counsel opinions and an opinion of the San Francisco City Attorney, which discussed the constitutionality or unconstitutionality of a residential-nonresidential distinction. Importantly for our purposes, neither the legislative analysis nor the opinions it cited discussed possible distinctions between *different types of residents*. To us, this silence indicates that the Legislature did not perceive the legislation as presenting a prospect of discrimination among types of residents.

Moreover, in a separate, comparable parking statute, the Legislature has demonstrated concern about parking problems in areas of high-density, multiple-family dwellings. Vehicle Code section 22507.5 authorizes local governments to restrict parking between the hours of 2 a.m. and 6 a.m., and to issue permits exempting certain classes of drivers, namely "disabled persons, residents, and guests of residents of residential areas, including, but not limited to, *high-density and multiple-family dwelling areas, lacking adequate offstreet parking facilities.*"²³ Bearing in mind that we are to harmonize, to the extent possible, statutes that relate to the same subject matter,²⁴ we believe it would be inappropriate to interpret section 22507 as allowing authorities to withhold preferential onstreet parking permits from the very types of residents that the Legislature has recognized, in section 22507.5, may require onstreet parking.

Our conclusion is not undercut by the *Friedman* case, discussed above, which held that section 22507 gives local governments the authority to enact a preferential parking program for either residents *or* merchants (despite the statute's use of the conjunctive phrasing "residents *and* merchants)."²⁵ As noted in *Friedman*, the convention of interpreting a statute's use of the conjunctive word "and" as the disjunctive word "or" in appropriate cases is well established, and was reasonably invoked in that instance in light of section 22507's "reasonable and necessary" provision, whose purpose was to "give localities substantial power to tailor preferential parking programs to meet local circumstances."²⁶ But no maxim of statutory construction would support reading this same provision as expressly granting localities the authority to independently characterize and single out discrete classes of residents—nowhere mentioned in the statute—as ineligible for residential parking permits.²⁷ Especially here, where the state has occupied

ascertaining the legislative intent.").

²³ Veh. Code, § 22507.5, subd. (a), emphasis added.

²⁴ *Dyna-Med, Inc.*, *supra*, 43 Cal.3d at p. 1387.

²⁵ *Friedman*, *supra*, 47 Cal.App.3d at pp. 443-444.

²⁶ *Ibid.*

²⁷ *Rumford*, *supra*, 31 Cal.3d at p. 550 ("[U]nless 'expressly provided' by the

the field of traffic control, we are not free to imply powers that are not expressly granted.²⁸

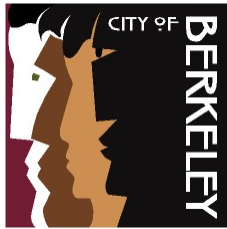
We conclude that Vehicle Code section 22507 does not authorize local authorities, in issuing long-term residential parking permits, to distinguish among residents based on the type of dwelling in which they live.

Legislature, a city has no authority over vehicular traffic control”).)

²⁸ *City of Lafayette, supra*, 91 Cal.App.3d at p. 756.

Item 40

12/15/2020



Vice Mayor Sophie Hahn
Berkeley City Council, District 5

SUPPLEMENTAL AGENDA MATERIAL

for Supplemental Packet 2

Meeting Date: December 15, 2020

Item Number: 40

Item Description: **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: Vice Mayor Sophie Hahn

Due to the complex nature of this item, Vice Mayor Hahn is offering her thoughts for a path forward. This set of proposed 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 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.



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December 15, 2020
Proposed Amendments to Item 40

To: Honorable Members of the City Council
From: Vice Mayor Sophie Hahn (Author)
Subject: 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.

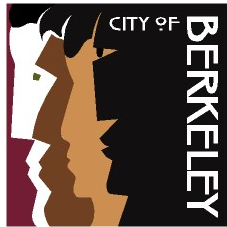
A summary of the proposed path forward is presented below for consideration.

<p>MINIMUMS:</p> <p><u>Suggested Approach:</u> Eliminate all minimums except for “Health & Safety Access Areas” - areas where off-street parking is encouraged for emergency vehicle access and evacuation.</p> <p><u>Suggested Outcomes:</u> No MINIMUM parking requirements citywide</p> <p>Except for the following Health & Safety Access Areas, to support emergency vehicle access and evacuation:</p> <ul style="list-style-type: none"> • H Overlay and ES-R • 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, ES-R and additional narrow/difficult streets collectively referred to as “Health & Safety Access Areas”) <p><u>Special Consideration:</u> 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.</p>	<p>NOTES:</p> <ul style="list-style-type: none"> • 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. • 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.
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MAXIMUMS:	NOTES:
<p><u>Suggested Approach:</u> 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.</p> <p><u>Suggested Outcomes:</u> 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.</p> <p>Covered Area I**: Within 0.25 miles of BART and CalTrans, and of major corridors - <i>University, San Pablo, Telegraph, College, Shattuck-Henry-Sutter-Solano</i>:</p> <ul style="list-style-type: none"> - Max 1 space/single unit parcel* - Max 0.5 spaces/unit for 2-unit or larger.* <p>Covered Area II**: In all other areas of Berkeley:</p> <ul style="list-style-type: none"> - Single unit properties: 2 space maximum* - 2-unit or larger: 1 space maximum per unit* <p>In Health & Safety Access Areas:</p> <ul style="list-style-type: none"> - No maximum (need to <i>encourage</i> 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). <p>* Can be increased with AUP if unusual circumstances.</p> <p>** Where a Covered Area overlaps with a Health & Safety Access Area, it would be exempt from any maximum, based on Health & Safety considerations</p>	<ul style="list-style-type: none"> • 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 <i>reflect current patterns and practice and are unlikely to be onerous</i> - 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.

<p>RPP PERMIT CHANGES:</p> <p>Suggested Approach:</p> <ul style="list-style-type: none"> - 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. <p>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.</p> <p>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.</p>	<p>NOTES:</p> <ul style="list-style-type: none"> ● 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 <i>for residents of new buildings only</i> 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.
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<p>TDM REQUIREMENTS:</p> <p>Suggested Approach: Adopt TDM as proposed with a few additions/clarifications.</p> <p>Suggested Additions/Clarifications:</p> <ul style="list-style-type: none">- 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.	<p>NOTES:</p> <ul style="list-style-type: none">• Suggestions are self-explanatory
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Office of the City Manager

REVISED AGENDA MATERIAL

Meeting Date: December 1, 2020

Item Number: 30

Item Description: Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and 23

Submitted by: Jordan Klein, Interim Director, Planning & Development Department

This supplemental report includes new language for Section 1 and Section 3 of the proposed ordinance.

The restrictions on issuance of RPP permits in Section 1 of the proposed ordinance (14.72.080 C) have been removed. It was brought to staff's attention that an advisory opinion by the State Attorney General in 2016 interprets Vehicle Code section 22506 to disallow restrictions on RPP permit issuance based on unit size or type.

Revised text has been provided for Section 3 of the proposed ordinance, correcting paragraph lettering in 23C.18.030, and correcting corresponding code references in Section 23C.18.040.

Section 1. That Berkeley Municipal Code Section 14.72.080 is amended to read as follows:

14.72.080 Issuance of permits.

A. Residential, local business and neighborhood-serving community facility parking permits shall be issued by the Department of Finance in accordance with requirements set forth in this chapter. Each such permit shall be designed to state or reflect thereon the identification of the particular residential, local business or neighborhood-serving community facility permit parking area for which it is issued. No more than one residential or local business parking permit shall be issued to each motor vehicle for which application is made.

B. When issuing local business and neighborhood-serving community facility permits, the Department of Finance in consultation with the traffic engineering division shall issue permits such that they will not unduly be concentrated on a specific block front in any given residential permit parking area.

~~C.1.~~

~~No permits shall be issued to residents in newly constructed residential units which do not meet the parking requirements established by the Zoning Ordinance unless a variance for parking requirement set forth in the Zoning Ordinance was issued. In the C-T Zoning District, the R-SMU Zoning District, and portions of the R-S Zoning District where no parking is required for residential uses, no residential parking permits will be issued for occupants of residential units created after the effective date of the Southside Plan. The Current Planning division shall provide a listing of newly constructed housing units to the Department of Finance.~~

~~2. No permits shall be issued to residents of Group Living Accommodations as defined in Chapter 23F.04 that are approved after January 1, 2012, unless the Zoning Adjustments Board specifies otherwise when it approves the GLA. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.~~

~~3. In the R-2 and R-2A zoning districts, no permits shall be issued to residents of dwelling units with more than 5 bedrooms to which new bedrooms have been added subsequent to January 1, 2012. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.~~

~~4. This subdivision shall not prevent issuance of permits to residents of permitted and legal nonconforming sororities, fraternities and student cooperatives who are not otherwise prohibited from obtaining them.~~

DC. The Department of Finance and the traffic engineering division are authorized to issue such rules and regulations necessary to implement this chapter, and are not inconsistent with it.

ED. Parking permits shall not be issued for vehicles for which there is any outstanding City of Berkeley notice of violation of parking rules and restrictions that are unpaid for more than 21 calendar days from the issuance of the parking violation.

Section 3. That Berkeley Municipal Code Chapter 23C.18 is hereby added to read as follows:

Chapter 23C.18: Transportation Demand Management

Sections:

23C.18.010 Purpose

23C.18.020 Applicability of Regulations

23C.18.030 Transportation Demand Management Program Requirements

23C.18.040 Monitoring, Reporting and Compliance

Section 23C.18.010 Purpose

The purpose of this chapter is to establish a Transportation Demand Management program that supports:

- A. City Transportation Element goals of reducing vehicle trips, encouraging public transit use and promoting bicycle and pedestrian safety, and
- B. City Climate Action Plan goals to reduce private vehicle travel and promote mode shift to more sustainable transportation options.

Section 23C.18.020 Applicability of Regulations

A. The following types of projects must comply with the requirements of this Chapter:

- 1. Residential projects, including the residential portion of mixed-use projects, that include ten or more Dwelling Units that have not been issued a Building Permit by the effective date of this ordinance.

B. The following types of projects shall be exempt from the requirements of this Chapter:

- 1. Residential projects, including the residential portion of mixed-use projects, located in the following locations:
 - a. C-DMU Downtown Mixed Use District
 - b. Southside Plan Area
- 2. Residential projects, including the residential portion of mixed-use projects, with the majority of the units subject to recorded affordability restrictions.

23C.18.030 Transportation Demand Management Program Requirements

Any project subject to this Chapter shall:

A. Ensure that all parking spaces provided for residents be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a dwelling unit at a price lower than would be the case if there were a single price for both the dwelling unit and the parking space(s);

B. Offer at least one of the following transit benefits, at no cost to the resident, for a period of ten years after the issuance of a Certificate of Occupancy. For projects that include 99 dwelling units or fewer, the project shall provide one transit benefit per bedroom, up to a maximum of two benefits per dwelling unit. For projects of 100 dwelling units or more, the project shall provide one transit benefit for every bedroom in

each dwelling unit. A notice describing these transportation benefits shall be posted in a location or locations visible to residents.

1. A monthly pass for unlimited local bus transit service; or
2. A functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass. Any benefit proposed as a functionally equivalent transportation benefit shall be approved by the Zoning Officer in consultation with the Transportation Division Manager; and
- C. Provide publicly-available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors. Provided information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.

Section 23C.18.040 Monitoring, Reporting and Compliance

A. For projects subject to this Chapter, prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Planning Department staff to confirm that the physical improvements required in 23C.18.030 (C) and 23D.12.065 (A) have been installed. The property owner shall also provide documentation that the programmatic measures required in 23C.18.030 (A) and (B) will be implemented.

B. The property owner shall submit to the Planning Department TDM Compliance Reports in accordance with Administrative Regulations promulgated by the Zoning Officer that may be modified from time to time to effectively implement this Chapter.

C. Property owners may be required to pay administrative fees associated with compliance with this ordinance as set forth in the City's Land Use Planning Fees schedule.



Office of the City Manager

PUBLIC HEARING

January 26, 2021

(Continued from December 15, 2020)

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Jordan Klein, Interim Director, Planning & Development Department
Subject: Referral Response: Zoning Ordinance Amendments that Reform Residential Off-Street Parking; Amending Berkeley Municipal Code Title 14 and Title 23

RECOMMENDATION

Conduct a public hearing and upon conclusion select among proposed ordinance language options and take the following action:

Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Title 14 and Title 23 which would:

1. Modify Minimum Residential Off-street Parking Requirements
2. Impose Residential Parking Maximums in Transit-rich Areas
3. Amend the Residential Preferential Parking (RPP) Permit Program
4. Institute Transportation Demand Management (TDM) Requirements

SUMMARY

This report presents recommendations for implementing a residential off-street parking reform package. This proposal is a response to Policy 1 of the Green Affordable Housing Package (GAHP) Referral, which focuses on parking reform, and the Citywide Green Development Referral, which requests TDM for high-density residential projects. The Planning Commission met eleven times over the past four years to develop recommendations. Staff from multiple departments have been participating in an interdepartmental working group to evaluate and discuss proposals. Council is asked to consider proposals listed as Option A and Option B in the ordinance revisions.

FISCAL IMPACTS OF RECOMMENDATION

Reductions in off-street parking requirements are intended to make land and building area available, and to provide financial incentives, for additional housing units, particularly affordable units. Projects that include additional units will result in proportionally more inclusionary housing units and Affordable Housing Mitigation Fees. Otherwise, these changes are not expected to have a fiscal impact.

CURRENT SITUATION AND ITS EFFECTS

Reforming residential parking requirements and implementing a TDM program addresses Strategic Plan Priorities, advancing the City's goals to create affordable housing and to be a global leader in addressing climate change. City Council asked Planning Commission to review parking policies in 2015 and 2016 through the following two referrals (see Attachment 2):

Green Affordable Housing Package Referral (October 27, 2015) -- Reduce barriers to affordable housing production by researching two ideas:

Policy 1: Exchange off-street parking required for new development with affordable units and/or funding for affordable housing through the following ideas:

- Reduce/eliminate parking requirement for housing that offers TDM measures, car-sharing or shared-mobility programs.
- Implement parking maximums.
- Reduce/eliminate parking requirements for new housing that serves populations with low car ownership.
- Reduce/eliminate parking requirements for transit-intensive housing.
- Reduce parking requirements for new residential units near transit hubs.

Policy 2: Remove structural barriers to affordable housing development through improvements and streamlining of the permitting process.

Citywide Green Development Requirements Referral (April 26, 2016) – Apply the Commercial Downtown Mixed-Use District's (C-DMU) TDM regulations (e.g. bicycle parking, vehicle sharing spaces, RPP, unbundled parking, and transportation benefits) to projects with 75 or more units in commercial zoning districts.

Initial GAHP discussions focused on capturing affordable housing units in exchange for parking reductions, as requested in the referral. However, the passage of new State laws that mandated parking reductions near transit (see discussion of Assembly Bill 744 in staff reports provided as Links 9, 10, and 11) limited the City's ability to capture benefits. Furthermore, there were complications associated with levying a parking fee that would go towards the Housing Trust Fund (e.g., nexus fee studies required). As a result, the response to Policy 1 of GAHP was focused solely on parking reform. Policy 2 was similarly advanced as a result of new State laws, including amendments to the Housing Accountability Act, State Density Bonus law, and State ADU law and adoption of SB-35 (Streamlined Approval Process), and was addressed with City initiatives such as the Housing Action Plan, initiation of the Zoning Ordinance Revision Project, and the pending Analysis of Development Fees. These efforts are still active and are intended to reduce barriers to affordable housing development, as requested by GAHP referral Policy 2.

The Planning Commission began discussing a comprehensive parking reform package in January 2019. Between then and March 2020, it revisited this topic seven times, having focused discussions on parking minimums, parking maximums and transportation demand management requirements. Links to staff reports from these meetings (Links 2 through 7) are provided at the end of this report. Discussions began with an analysis of current regulations, recent development patterns and regulations in other cities, then moved on to analysis of research requested on specific topics to inform proposals.

The Planning Commission received presentations from City staff from Land Use Planning, Public Works Transportation, and from the non-profit organization TransForm (<https://www.transformca.org/>). The Transportation Commission, which received a presentation on the full parking reform proposal, provided feedback to planning staff at their February 20, 2020 meeting and appointed a representative to speak at the March 4, 2020 Planning Commission public hearing. AC Transit staff attended Planning Commission meetings where TDM was discussed and provided public comment on proposals.

The Transportation Division also engaged a consultant to conduct a Residential Parking Utilization Study to inform proposals (see Attachment 3). The study summarized on- and off-street parking capacity in and near multifamily residential developments of ten or more units¹. The areas of the City that can accommodate ten or more units are located in the multi-family (R-3, R-4) and high density residential (R-S, R-SMU) and commercial districts. Most of these areas are within walking distance to commercial corridors, transit hubs and/or areas of the city that provide services and amenities to residents and visitors. Findings from the study suggest that on- and off-street parking for multi-family buildings of ten or more units is underutilized and that the average rate of car ownership (for buildings with ten or more units) is one car per two units, based on DMV registration information.

Attachment 4 provides “At-A-Glance Summaries” of parking reform topics that were discussed.

Planning Commission Recommendations

After several meetings to discuss the issues and possible strategies, on March 4, 2020 the Planning Commission held a public hearing and recommended a set of draft Zoning Ordinance amendments to City Council for consideration. Minutes from that meeting are provided as Attachment 5. The Planning Commission’s recommendations are provided below. For Recommendations 1, 2 and 3, the Planning Commission’s recommendation

¹ Staff chose the threshold of ten or more units for consistency with methodologies followed by King County, Washington, Washington DC, and Chicago when conducting similar parking utilization studies. Additionally, the Zoning Ordinance uses a threshold of ten or more units in higher-density residential districts for off-street parking requirements.

is indicated as Option A, and staff has provided alternate options for Council's consideration that are based on the results of the Residential Parking Utilization Study.

1. Modify Minimum Residential Off-Street Parking Requirements

Option A – Eliminate off-street parking minimums for all new projects (except in ES-R and H Overlay Districts on roads less than 26 feet in width).

Option B – Eliminate off-street parking minimums for new projects of ten or more units in high density residential and commercial / mixed-use districts.

Initial discussions at Planning Commission focused on staff's proposal to eliminate off-street residential parking requirements for projects with ten or more units (see Link 3). This proposal was informed by the Residential Parking Utilization Study's on- and off-street parking utilization rates and automobile registration rates in zoning districts allowing high density residential projects. The study did not include data collection or data analysis for low density residential districts (R-1, R-1A, R-2 or R-2A). Planning Commission expanded the reach of the proposal to include all units in all districts. The Transportation Commission reviewed this proposal as a discussion item at its February 20, 2020 meeting and agreed with the Planning Commission's direction. This bold move resonated with members of the public that participated in the Planning Commission and Transportation Commission meetings and requested visionary, forward-thinking policies. Option B returns to staff's initial recommendation. This option provides a more conservative approach, relying on findings in the Residential Parking Utilization Study. Extending this policy to lower density residential districts, not included in the study, may result in unintended consequences affecting the feasibility of future housing projects and/or create impacts to on-street parking.

For both options, off-street parking would still be required for projects in the Environmental Safety-Residential (ES-R) District, where preservation of off-street parking is an important factor in maintaining clear emergency access and evacuation routes. Similarly Option A applies parking minimums to projects in the Hillside Overlay (H) Districts located on roads that are less than 26 feet in width. To provide flexibility, these requirements could be waived with an AUP with Option A. Option B is more restrictive -- projects within the ES-R District and the H Districts could not reduce off-street parking requirements; however, residential projects in other districts could reduce parking minimums with an AUP.

2. Impose Parking Maximums in Transit-Rich Areas

Option A – Implement parking maximums of 0.5 spaces per unit for projects with two or more units within 0.25 miles of high frequency transit² (except in ES-R and H Overlay Districts on roads less than 26 feet in width).

² High frequency transit includes major transit stops, as defined by Section 21064.3 of the California Public Resources Code or bus stops along a transit corridor with less than 15 minute headways during the morning and afternoon weekday peak periods.

Option B – Implement parking maximums of 0.5 spaces per unit for projects with ten or more units within 0.25 miles of high frequency transit (except in ES-R and H Overlay Districts).

Parking maximum proposals are often focused on transit-rich areas in order to encourage a shift from private vehicles to alternative modes where they are readily available. Proposed options would include exceptions for projects where the majority of units are deed-restricted as affordable, to ensure parking maximums would not introduce barriers to affordable housing projects due to possible financing requirements. Proposals also include an exception for projects located in the ES-R District and the H Districts -- or portions of the H Districts (for the same safety reasons stated in Recommendation 1, above). A map of Berkeley's transit-rich areas is provided in Attachment 6.

Option A applies the findings of the Residential Parking Utilization Study (see Link 3) to establish parking maximums on projects with two or more units. As stated in Recommendation 1, the parking study did not include data collection or analysis in low density residential zoning districts (R-1, R-1A, R-2 or R-2A) and did not consider impacts of parking maximums on project feasibility. Option B establishes parking maximums on projects with ten or more units – only applying the results of the Parking Utilization Study to the type and size of project that was studied.

3. Amend the Residential Preferential Parking (RPP) Permit Program

Option A: Prohibit residents of new projects of five or more units from obtaining RPP permits.

Option B: Prohibit residents of new projects of ten or more units from obtaining RPP permits.

Current zoning and RPP regulations provide that residents of new projects that do not include parking in the C-DMU and the Car-Free Housing Overlay in the Southside Plan Area, as well as other projects that do not meet minimum parking requirements based on a Use Permit or Density Bonus concession, cannot obtain RPP permits. The Planning Commission expanded this element in the recommended parking reform package to exclude any new project with five or more units, in order to reduce demand for on-street parking and lessen impacts on RPP areas, which are generally located in lower density residential districts. Option B, the first proposal the Planning Commission considered, applies to projects with ten or more units, sharing the recommended threshold for the TDM proposal (see Link 1).

4. Institute TDM Requirements

Require the following TDM measures for projects of ten or more units:

- *Provide off-street bicycle parking per the 2017 [Berkeley Bicycle Plan](#);*
- *Provide real-time transportation information displayed on monitors in project common areas;*

- Offer residents free monthly transit passes (one per bedroom, with a maximum of two passes per unit for projects with less than 100 units and one pass per bedroom for projects with 100 units or more), or equivalent Clipper Card credit, provided by the property manager for a period of ten years; and
- Require “unbundling” of off-street parking.

Many TDM options were researched and considered by the Planning Commission. Chosen measures were selected for their demonstrated effectiveness in reducing private vehicle travel and for their ease of administration (see Links 4 and 5). This proposal includes exemptions from the TDM requirements for projects with a majority of deed-restricted affordable units (for reasons stated in Recommendation 2, above) and projects located in the C-DMU District (where TDM requirements already exist) and in the Southside Plan Area (which is predominantly populated by students who receive transit passes from UC Berkeley).

Summary of Options

The table below shows how options relate to projects of different sizes:

Regulation	Projects Affected (number of units)			
	One or More	Two or More	Five or More	Ten or More
Parking Minimums	Option A	--	--	Option B*
Parking Maximums	--	Option A	--	Option B
RPP	--	--	Option A	Option B
TDM	Option A			

* NOTE: Option B of Parking Minimums cannot be paired with Option A of Parking Maximums because Parking Maximums is less than required Parking Minimums.

Environmental Review

Pursuant to CEQA Guidelines Sections 15378(a), 15060(c)(2) and 15064(d)(3), environmental review is not required because the proposed Zoning Ordinance amendments are not a Project. The proposed Zoning Ordinance amendments do not meet the definition of a Project under CEQA Guidelines Section 15378(a), nor do they constitute activities covered by CEQA under CEQA Guidelines Section 15060(c)(2), because passage of the amendments themselves do not constitute a direct physical impact on the environment, nor would they result in an indirect, reasonably foreseeable physical impact on the environment. Due to the city-wide nature of the proposed amendments, and the diffuse impacts, if any, of physical changes to the environment that may result from the types of development encouraged by the proposed amendments, identifying and quantifying such potential changes would be highly speculative. Underlying zoning standards for density and lot development would remain unchanged. Pursuant to CEQA Guidelines Section 15064(d)(3), any change that is

speculative is not considered reasonably foreseeable. The proposed amendments do not include any provisions that would exempt or otherwise reduce environmental review required under CEQA for individual development projects.

BACKGROUND

Most zoning districts in the City of Berkeley establish minimum off-street parking requirements for residential development.³ Table 1 summarizes the basic parking requirements.

Table 1 - Current Off-Street Parking Requirements

Zone(s)	Required Off-Street Parking Spaces
R-1, R-1A, ES-R, R-2, R-2A	One space per unit
R-3, R-4 C-1, C-N, C-NS, C-SO, C-SA	One space per unit for projects of 10 or fewer units ^a OR One space per 1,000 GSF* of residential space for projects of more than 10 units ^a
C-W	One space per unit
C-DMU	One space per three units ^b
C-T	None
M-UR	One space per unit ^{a,b,c}
^a 25% reduction for projects that house senior citizens ^b Can be reduced with Use Permit and TDM measures ^c May be satisfied by off-site leased parking and may be reduced 10% by providing motorcycle parking. *GSF = gross square footage	

Use Permits are also available to reduce these parking requirements in most districts subject to a traffic and parking study, offsetting measures such as TDM, and findings related to the adequacy of the remaining parking, non-detriment to neighborhoods, and restrictions on the availability of RPP permits. State Density Bonus Law separately provides for reduced parking standards and for waivers and concessions that are intended to address the affordability of housing development and the provision of additional housing units.

To aid with a response to parking reform referrals, Land Use Planning convened an inter-departmental working group with staff from the Transportation Division, Office of Economic Development, Office of Energy and Sustainable Development, Office of Emergency Services, and Fire Department to discuss parking-related policies and to ground-truth proposals. This multi-departmental collaboration was extremely helpful in identifying unintentional consequences of proposals and provided additional options for City Council to consider.

ENVIRONMENTAL SUSTAINABILITY

Reducing minimum parking requirements and increasing the supply of housing near transit in the City of Berkeley would reduce vehicle miles traveled and greenhouse gas

³ MU-LI, MM and M Districts do not permit residential development.

emissions. Instituting new TDM requirements would encourage mode shift away from private vehicle travel and towards more sustainable modes of transportation.

RATIONALE FOR RECOMMENDATION

Off-street parking is often underutilized and adds to the cost of new housing. Parking minimums and parking maximums, if applied appropriately, encourage a supply that meets demand. TDM requirements encourage alternatives to private vehicle use and provide support for more sustainable travel modes. The adoption of the proposed RPP restrictions would control on-street parking impacts.

The latest update to the City of Berkeley’s Climate Action Plan indicated that approximately 59% of greenhouse gas emissions in Berkeley are attributable to transportation.⁴ In order to achieve the goals laid out in the Climate Action Plan, it is essential that we employ strategies to reduce these emissions.

ALTERNATIVE ACTIONS CONSIDERED

A variety of alternate options were discussed as explained in the Planning Commission Recommendation section, starting on page 3 above.

The Planning Commission also considered establishing a fee amount for the existing Transportation Services Fee (TSF), or establishing a new Transportation Impact Fee. These these ideas were not recommended as part of this package because of the time and funding needed to conduct an impact fee study. City Council could refer this as a future action if there is a desire to implement these measures.

In addition, staff considered recommending a citywide TDM program (the current recommendation excludes the C-DMU and the Southside). Staff proposed to Planning commission exempting these areas from the program – C-DMU because it operates a TDM program and Southside because the student population is provided AC Transit EZ passes. However, upon further consideration and after Planning Commission made their recommendation, staff has recognized the benefits of a citywide TDM program – the most apparent being consistency across all districts. Some of the discrepancies between the programs are listed below:

	C-DMU TDM Program	Parking Reform TMD Package
Project Applicability	Projects greater than 20,000 square feet	Projects with ten or more units
Number of Transit Passes	1 per unit	1 per bedroom, with a cap of two passes per unit for projects with 100 units or fewer, and no cap for projects with more than 100 units.

⁴ See “Climate Action Plan and Resilience Update”, July 21, 2020. https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_Special_Item_05_Climate_Action_Plan_pdf.aspx

Duration of Transit Pass Offering	In perpetuity	For ten years
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Planning Commission recommended that transit passes be offered to residents for a period of ten years based on analysis provided by staff, comparing the cost of off-street parking to the cost of offering transit passes. Additionally, the ten year cap was chosen because travel behavior has evolved significantly over the past ten years -- due to car-share, bike-share and ridesharing innovations – and Planning Commission wanted flexibility to establish new TDM measures at a later date that meets future residents' needs.

To resolve this issue, City Council can refer to the Planning Commission development of amendments that apply the new TDM program citywide. These actions would need a public hearing at Planning Commission since they were not considered by Planning Commission at a previous meeting.

CONTACT PERSONS

Justin Horner, Associate Planner, Planning and Development, 510-981-7476

Alene Pearson, Principal Planner, Planning and Development, 510-981-7489

Attachments:

1. Zoning Ordinance Amending Title 14 And Title 23 To Modify Minimum Residential Off-street Parking Requirements, Impose Residential Parking Maximums in Transit-rich Areas, Institute Transportation Demand Management (TDM) Requirements and Amend the Residential Preferential Parking (RPP) Permit Program
2. Green Affordable Housing Referral and Citywide Green Development Standards Referral
3. Residential Parking Utilization Study
4. At-A-Glance Summaries of Parking Reform Topics under Consideration
5. Minutes from March 4, 2020 Planning Commission meeting
6. Map Identifying Areas in Berkeley 0.25 Miles from Major Transit Stops and High Quality Transit Corridors
7. Public Hearing Notice

Links to Planning Commission Staff Reports:

1. [March 4, 2020 – Parking Reform Package Public Hearing
https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2020-03-04_Item%209_Staff%20Report_Parking%20Reform.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2020-03-04_Item%209_Staff%20Report_Parking%20Reform.pdf)

2. [January 15, 2020 – Parking Maximums](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2012-01-15_ITEM%2013_with%20all%20ATT_Parking%20Maximums%20Staff%20Report%201-15.pdf)
https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2012-01-15_ITEM%2013_with%20all%20ATT_Parking%20Maximums%20Staff%20Report%201-15.pdf
3. [December 4, 2019 – TDM and Parking Requirements](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/ITEM%209%20-%20combined.pdf)
https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/ITEM%209%20-%20combined.pdf
4. [October 2, 2019 – Proposed TDM Program](https://www.cityofberkeley.info/uploadedFiles/PLANNING_-_New/2019-10-02_PC_Item%209.pdf)
https://www.cityofberkeley.info/uploadedFiles/PLANNING_-_New/2019-10-02_PC_Item%209.pdf
5. [July 17, 2019 – TDM and Parking Requirements](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3)
https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3
6. [May 1, 2019 – Parking Referrals](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2019-05-01_PC_Item%2010.pdf)
https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2019-05-01_PC_Item%2010.pdf
7. [February 6, 2019 – Green Affordable Housing Referral](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2019-02-6_Item_10_GAH%20.pdf)
https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2019-02-6_Item_10_GAH%20.pdf
8. [October 18, 2017 – Consider Close-Out Referrals](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2017-10-18_Item_10_Staff_Report_Close_Out_Complete.pdf)
https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2017-10-18_Item_10_Staff_Report_Close_Out_Complete.pdf
9. [February 15, 2017 – Green Affordable Housing Package](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2017-02-15_Item%209_Green%20Affordable%20Housing-Combined.pdf)
https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2017-02-15_Item%209_Green%20Affordable%20Housing-Combined.pdf
10. [October 19, 2016 – Green Affordable Housing – Refining and Focusing Direction](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2016-10-19_Item%2010-Combined.pdf)
https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2016-10-19_Item%2010-Combined.pdf
11. [September 21, 2016 – Green Affordable Housing Package](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2016-09-21_Item%209_Combined.pdf)
https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2016-09-21_Item%209_Combined.pdf

ORDINANCE NO. -N.S.

AMENDING TITLE 14 AND TITLE 23 OF THE BERKELEY MUNICIPAL CODE TO MODIFY MINIMUM RESIDENTIAL OFF-STREET PARKING REQUIREMENTS, IMPOSE RESIDENTIAL PARKING MAXIMUMS IN TRANSIT RICH AREAS, INSTITUTE TRANSPORTATION DEMAND MANAGEMENT REQUIREMENTS AND AMEND THE RESIDENTIAL PREFERENTIAL PARKING (RPP) PERMIT PROGRAM

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 14.72.080 is amended to read as follows:

14.72.080 Issuance of permits.

A. Residential, local business and neighborhood-serving community facility parking permits shall be issued by the Department of Finance in accordance with requirements set forth in this chapter. Each such permit shall be designed to state or reflect thereon the identification of the particular residential, local business or neighborhood-serving community facility permit parking area for which it is issued. No more than one residential or local business parking permit shall be issued to each motor vehicle for which application is made.

B. When issuing local business and neighborhood-serving community facility permits, the Department of Finance in consultation with the traffic engineering division shall issue permits such that they will not unduly be concentrated on a specific block front in any given residential permit parking area.

C. 1. **[OPTION A]** No permits shall be issued to residents of newly constructed projects that include 5 or more dwelling units. **[OPTION B]** No permits shall be issued to residents of newly constructed projects that include 10 or more dwelling units. No permits shall be issued to residents in newly constructed residential units which do not meet the parking requirements established by the Zoning Ordinance unless a modification variance for of the parking requirements set forth in the Zoning Ordinance was issuedapproved. In the C-T Zoning District, the R-SMU Zoning District, and portions of the R-S Zoning District where no parking is required for

residential uses, no residential parking permits will be issued for occupants of residential units created after the effective date of the Southside Plan. The Current Planning division shall provide a listing of newly-constructed housing units to the Department of Finance.

2. No permits shall be issued to residents of Group Living Accommodations as defined in Chapter 23F.04 that are approved after January 1, 2012, unless the Zoning Adjustments Board specifies otherwise when it approves the GLA. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.

3. In the R-2 and R-2A zoning districts, no permits shall be issued to residents of dwelling units with more than 5 bedrooms to which new bedrooms have been added subsequent to January 1, 2012. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.

4. This subdivision shall not prevent issuance of permits to residents of permitted and legal nonconforming sororities, fraternities and student cooperatives who are not otherwise prohibited from obtaining them.

D. The Department of Finance and the traffic engineering division are authorized to issue such rules and regulations necessary to implement this chapter, and are not inconsistent with it.

E. Parking permits shall not be issued for vehicles for which there is any outstanding City of Berkeley notice of violation of parking rules and restrictions that are unpaid for more than 21 calendar days from the issuance of the parking violation.

Section 2. That Berkeley Municipal Code Section 23B.44.010 is amended to read as follows:

23B.44.010 Variances

The Board may grant Variances to vary or modify the strict application of any of the regulations or provisions of this Ordinance with reference to the use of property; the height of buildings; the yard setbacks of buildings the percentage of lot coverage; the lot area requirements; or the off-street parking requirements of this Ordinance; provided, however, that a use permit, rather than a variance, may be approved to vary or modify the strict application of any of the regulations or provisions of this Ordinance with reference to the yard setbacks of buildings; the percentage of lot coverage; or the non-residential off-street parking space requirements of this Ordinance when development is proposed on property which is located within thirty feet of an open creek and where varying from or modifying existing regulations is necessary to enable the property owner to comply with BMC Chapter 17.08, Preservation and Restoration of Natural Watercourses.

Section 3. That Berkeley Municipal Code Chapter 23C.18 is hereby added to read as follows:

Chapter 23C.18: Transportation Demand Management

Sections:

23C.18.010 Purpose

23C.18.020 Applicability of Regulations

23C.18.030 Transportation Demand Management Program Requirements

23C.18.040 Monitoring, Reporting and Compliance

Section 23C.18.010 Purpose

The purpose of this chapter is to establish a Transportation Demand Management program that supports:

- A. City Transportation Element goals of reducing vehicle trips, encouraging public transit use and promoting bicycle and pedestrian safety, and

- B. City Climate Action Plan goals to reduce private vehicle travel and promote mode shift to more sustainable transportation options.

Section 23C.18.020 Applicability of Regulations

- A. The following types of projects must comply with the requirements of this

Chapter:

1. Residential projects, including the residential portion of mixed-use projects, that include ten or more Dwelling Units that have not been issued a Building Permit by the effective date of this ordinance.

B. The following types of projects shall be exempt from the requirements of this Chapter:

1. Residential projects, including the residential portion of mixed-use projects, located in the following locations:

- a. C-DMU Downtown Mixed Use District
- b. Southside Plan Area

2. Residential projects, including the residential portion of mixed-use projects, with the majority of the units subject to recorded affordability restrictions.

23C.18.030 Transportation Demand Management Program Requirements

Any project subject to this Chapter shall:

A. Ensure that all parking spaces provided for residents be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a dwelling unit at a price lower than would be the case if there were a single price for both the dwelling unit and the parking space(s);

B. Offer at least one of the following transit benefits, at no cost to the resident, for a period of ten years after the issuance of a Certificate of Occupancy. For projects that include 99 dwelling units or fewer, the project shall provide one transit benefit per bedroom, up to a maximum of two benefits per dwelling unit. For projects of 100 dwelling units or more, the project shall provide one transit benefit for every bedroom in each dwelling unit. A notice describing these transportation benefits shall be posted in a location or locations visible to residents.

- 1. A monthly pass for unlimited local bus transit service; or
- 2. A functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass. Any benefit proposed as a functionally equivalent transportation benefit shall be approved by the Zoning Officer in consultation with the Transportation Division Manager; and

B. Provide publicly-available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors. Provided information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.

Section 23C.18.040 Monitoring, Reporting and Compliance

- A. For projects subject to this Chapter, prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Planning Department staff to confirm that the physical improvements required in 23C.18.020 (C) (3) and 23D.12.065 (A) have been installed. The property owner shall also provide documentation that the programmatic measures required in 23C.18.020 (C) (1) and (2) will be implemented.
- B. The property owner shall submit to the Planning Department TDM Compliance Reports in accordance with Administrative Regulations promulgated by the Zoning Officer that may be modified from time to time to effectively implement this Chapter.
- C. Property owners may be required to pay administrative fees associated with compliance with this ordinance as set forth in the City's Land Use Planning Fees schedule.

Section 4. That Berkeley Municipal Code Chapter 23C.19 is hereby added to read as follows:

Chapter 23C.19: Off-Street Parking Maximums for Residential Development

Sections:

- 23C.19.010 Purpose**
- 23C.19.020 Applicability of Regulations**
- 23C.19.030 Off-street Parking Maximums**
- 23C.19.040 Excess Off-street Parking**

Section 23C.19.010 Purpose

The purpose of this chapter is to institute off-street parking maximums for residential development in order to achieve:

- A. City Transportation Element goals of reducing vehicle trips, encouraging public transit use and promoting bicycle and pedestrian safety,

B. City Climate Action Plan goals of reducing private vehicle travel and promoting mode shift to more sustainable transportation options

C. Housing Element goals for developing housing at all affordability levels by limiting the amount of on-site vehicle parking allowed.

Section 23C.19.020 Applicability of Regulations

A. [OPTION A] The provisions of this Chapter shall apply to new residential projects that have been issued a Building Permit by the effective date of this ordinance, including the residential portion of mixed-use projects, that include two or more Dwelling Units located on a parcel, any portion of which is located within 0.25 miles of a major transit stop, as defined by Section 21064.3 of the California Public Resources Code or along a transit corridor with service at 15 minute headways during the morning and afternoon peak periods.

A. [OPTION B] [The provisions of this Chapter shall apply to new residential projects that have been issued a Building Permit by the effective date of this ordinance, including the residential portion of mixed-use projects, that include ten or more Dwelling Units located on a parcel, any portion of which is located within 0.25 miles of a major transit stop, as defined by Section 21064.3 of the California Public Resources Code or along a transit corridor with service at 15 minute headways during the morning and afternoon peak periods.

B. The following project types shall be exempt from the provisions of this Chapter:

1. Residential projects, including the residential portion of mixed-use projects, with the majority of the units subject to recorded affordability restrictions.

2. [OPTION A] Projects located on a roadway with less than 26 feet in pavement width in the Hillside Overlay.

2. [OPTION B] Projects located in the Hillside Overlay.

3. Projects located in the Environmental Safety-Residential District.

Section 23C.19.030 Off-street Parking Maximums

Any project subject to this Chapter shall not include off-street residential parking at a rate higher than 0.5 parking spaces per Dwelling Unit.

Section 23C.19.040 Excess Off-street Parking

A. Any request for off-street residential parking in excess of values specified in Section 23C.19.030 shall require an Administrative Use Permit.

B. In order to approve any Administrative Use Permit under this Chapter the Zoning Officer or Board shall make one the following Findings:

(i) Trips to the use or uses to be served, and the apparent demand for additional parking, cannot be satisfied by the amount of parking permitted by this Chapter, by transit service which exists or is likely to be provided in the foreseeable future, or by more efficient use of existing on-street and off-street parking available in the area; or

(ii) The anticipated residents of the proposed project have special needs or require reasonable accommodation that relate to disability, health or safety that require the provision of additional off-street residential parking.

Section 5. That Berkeley Municipal Code Section 23D.12.010 is amended to read as follows:

23D.12.010 Purposes

The purposes of the parking regulations contained in this Chapter are:

A. To ~~prevent the worsening of the already serious deficiency of~~ efficiently allocate parking spaces ~~existing in many areas of~~ in the City.

B. To ~~require regulate~~ the provision of off-street parking spaces ~~for traffic-generating uses of land~~ within the City.

C. To reduce the amount of on-street parking of vehicles, thus increasing the safety and capacity of the City's street system.

Section 6. That Berkeley Municipal Code Section 23D.12.020 is amended to read as follows:

23D.12.020 Applicability

A. The requirements of this Chapter apply to all uses commenced hereafter, to all buildings and structures hereafter constructed or moved onto a lot in an R- District and to any modifications to existing uses and structures which enlarge or increase capacity, including, but not limited to, adding or creating dwelling units, guest rooms, floor area, seats or employees, except to the extent that provisions in the individual R- District provide otherwise.

B. In addition, no building, structure, alteration, fence, landscaping or other site feature may be constructed, erected, planted or allowed to be established that would impede the access of a vehicle to any off-street parking space required under this Chapter.

C. No Zoning Certificate or Use Permit may be granted, and no permit other than a Variance from the requirements of this Chapter may be issued or approved, for any use, building or structure, unless all requirements of this Chapter are met.

~~D. In the event a Zoning Certificate is granted, the subsequent use of such building or structure is conditional upon the unqualified continuance, availability and proper maintenance of off-street parking in compliance with this Chapter.~~

Section 7. That Berkeley Municipal Code Section 23D.12.050 is amended to read as follows:

23D.12.050 Number of Parking Spaces Required

A. **[OPTION A]** Off-street parking spaces for non-residential uses may not be reduced below or, if already less than may not be further reduced below, the requirements of this chapter for similar uses or structures. Off-street parking spaces for new residential uses may be reduced below the requirements of this Chapter with issuance of an AUP.

A. **[OPTION B]** Off-street parking spaces for non-residential uses may not be reduced below or, if already less than may not be further reduced below, the requirements of this chapter for similar uses or structures. Off-street parking spaces for new residential uses maybe reduced below the requirements of the Chapter with issuance of an AUP except as provided below:

1. Projects located in the Hillside Overlay.

2. Projects located in the Environmental Safety-Residential District.

~~B. As a condition of any Permit, the Zoning Officer and Board may require more off-street parking spaces the the minimum required by the applicable residential District, if he/she or it finds that If the expected demand for parking spaces will is found to exceed the minimum requirement, additional off-street parking may be required as a condition of approval on a Permit.~~

C. When the formula for determining the number of required off-street parking spaces results in a requirement of a fractional space, any fraction below one-half shall be disregarded and fractions including and over one-half shall be counted as requiring one parking space.

~~D. No Off-street parking space requirements under this Code may be satisfied by tandem off-street parking space(s) unless with the issuance of an AUP. approved by both the City Traffic Engineer and the Board except that a tandem space may be allowed to meet the parking requirement for an Accessory Dwelling Unit..~~

~~E. An applicant may count existing off-street parking spaces towards meeting the parking requirements of this Ordinance when both the existing use or portions of the use that is to remain and the proposed use and/or structure are used in computing the required number of off-street parking spaces.~~

Section 8. That Berkeley Municipal Code Section 23D.12.065 is hereby added to read as follows:

23D.12.065 Bicycle Parking

A. For residential projects, including the residential portion of mixed-use projects, of five or more units, in all districts, bicycle parking shall be provided as follows:

<u>Use</u>	<u>Long Term Parking¹ Requirement</u>	<u>Short-Term Parking¹ Requirement</u>
<u>Dwelling Units (1 to 4 units)</u>	<u>None required</u>	<u>None required</u>

<u>Dwelling Units (5 units or more)</u>	<u>1 space per 3 bedrooms</u>	<u>2, or 1 space per 40 bedrooms, whichever is greater</u>
<u>Group Living Accommodations, Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Transitional Housing)</u>	<u>2, or 1 space per 2.5 bedrooms, whichever is greater</u>	<u>2, or 1 space per 20 bedrooms, whichever is greater</u>
<u>¹ Long-Term Parking and Short-Term Parking shall meet the design standards included in Appendix F of the 2017 <i>Berkeley Bicycle Plan</i>, or as subsequently amended by the Transportation Division.</u>		

Section 9. That Berkeley Municipal Code Section 23D.16.080 is amended to read as follows:

[OPTION A]

23D.16.080 Parking -- Number of Spaces

A. A lot shall contain the following minimum number of Off-street Parking Spaces:

Table 23D.16.080	
Parking Required	
Use	Number of spaces
Dwellings	One per unit if project is located on a roadway less than 26 feet in width in the Hillside Overlay
Employees Community Care Facilities	One per two non-resident employees for a Community Care Facility*

Table 23D.16.080	
Parking Required	
Use	Number of spaces
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Rental of Rooms	One per each two roomers or boarders if project is located on a roadway less than 26 feet in width in the Hillside Overlay
*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence	

B. Other Uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges, and Community Centers, shall provide the number of Off-street Parking Spaces determined by the Board, based on the amount of traffic generated by the particular Use and comparable with specified standards for other Uses.

C. Schools ~~with~~ having a total gross floor area exceeding 10,000 square feet, shall provide off-street loading spaces at the rates of:

1. One space for the first 10,000 square feet of gross floor area; and
2. One additional space for each additional 40,000 square feet of gross floor area.

[OPTION B: No changes]

Section 10. That Berkeley Municipal Code Section 23D.20.080 is amended to read as follows:

[OPTION A]

23D.20.080 Parking -- Number of Spaces

A. The following parking requirements shall apply to new floor area or conversion of space. A lot shall contain the following minimum number of Off-street Parking Spaces:

Table 23D.20.080	
Parking Required	
Use	Number of spaces
Dwellings	One per unit if project is located on a roadway less than 26 feet in width in the Hillside Overlay
Employees Community Care Facilities	One per two non-resident employees for a Community Care Facility*
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Rental of Rooms	One per each two roomers or boarders if project is located on a roadway less than 26 feet in width in the Hillside Overlay
*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence	

B. Other Uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges, and Community Centers, shall provide the number of Off-street Parking Spaces determined by the Board, based on the amount of traffic generated by the particular Use and comparable with specified standards for other Uses.

C. Schools having with a total gross floor area exceeding 10,000 square feet, shall provide off-street loading spaces at the rates of:

1. One space for the first 10,000 square feet of gross floor area; and
2. One additional space for each additional 40,000 square feet of gross floor area.

[OPTION B: No changes]

Section 11. That Berkeley Municipal Code Section 23D.28.080 is amended to read as follows:

[OPTION A]

23D.28.080 Parking -- Number of Spaces

The following parking requirements shall apply to new floor area or conversion of space

Table 23D.28.080	
Parking Required	
Use	Number of spaces
Dwellings	One per unit if project is located on a roadway less than 26 feet in width in the Hillside Overlay
Employees Community Care Facilities	One per two non-resident employees for a Community Care Facility*
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Rental of Rooms	One per each two roomers or boarders if project is located on a roadway less than 26 feet in width in the Hillside Overlay
*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence.	

1. Other Uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges, and Community Centers, shall provide the number of Off-street Parking Spaces as determined by the Board, based on the amount of traffic generated by the particular Use and comparable with specified standards for other uses.

2. Schools, when having with a total gross floor area exceeding 10,000 square feet, shall satisfy the following off-street loading requirements:

a. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area.

b. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of above the first 10,000 square feet.

[OPTION B: No changes]

Section 12: That Berkeley Municipal Code Section 23D.32.080 is amended to read as follows:

[OPTION A]

23D.32.080 Parking -- Number of Spaces

A. The following parking requirements shall apply to new floor area or conversion of space

A. A lot shall contain, for each of the following uses, the following minimum number of Off-street Parking Spaces:

Table 23D.32.080	
Parking Required	
Use	Number of spaces
<p>Dwellings, Multiple Dwellings, one and two family</p>	<p>One per unit (75% less for seniors, see below.) if project is located on a roadway less than 26 feet in width in the Hillside Overlay</p> <p>One per unit</p>
<p>Employees Community Care Facilities</p>	<p>One per two non-resident employees for a Community Care Facility*</p>
<p>Libraries</p>	<p>One per 500 sq. ft. of floor area that is publicly accessible</p>
<p>Nursing Homes</p>	<p>One per each five residents, plus one per each three employees</p>
<p>Rental of Rooms</p>	<p>One per each two roomers or boarders if project is located on a roadway less than 26 feet in width in the Hillside Overlay</p>
<p>Senior Congregate Housing</p>	<p>One per each five residents plus one for manager if project is located on a roadway less than 26 feet in width in the Hillside Overlay</p>
<p>*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence</p>	

B. Other uses requiring Use Permits issued by the Board, including, but not limited to, Child Care Centers, Clubs, Lodges and Ceommuunity Ceenters, shall provide the number of Off-street Parking Spaces as determined by the Board based on the amount of traffic generated by the particular Use and comparable with specified standards for other Uses.

~~C. For multiple dwellings where the occupancy will be exclusively for persons over the age of 62, the number of required Off-street Parking Spaces may be reduced to 25% of what would otherwise be required for multiple-family dwelling use, subject to obtaining a Use Permit.~~

~~CD. Senior Congregate Housing, Nursing Homes and Schools with, when having a total gross floor area exceeding 10,000 square feet, shall satisfy the following requirements:~~

- ~~1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area;~~
- ~~2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of above the first 10,000 square feet. (Ord. 7599-NS § 11, 2018; Ord. 7426-NS § 19, 2015; Ord. 6763-NS § 19 (part), 2003; Ord. 6478-NS § 4 (part), 1999)~~

[OPTION B: No changes]

Section 13: That Berkeley Municipal Code Section 23D.36.080 is amended to read as follows:

23D.36.080 Parking -- Number of Spaces

A. The following parking requirements shall apply to new floor area or conversion of space

A lot shall contain the following minimum number of Off-street Parking Spaces:

[OPTION A]

Table 23D.36.080

Parking Required	
Use	Number of spaces
Dormitories; Fraternity and Sorority Houses; Rooming and Boarding Houses; and Senior Congregate Housing	One per each five residents, plus one for manager <u>if project is located on a roadway less than 26 feet in width in the Hillside Overlay</u>
Dwellings, Multiple (fewer than ten)	One per unit <u>if project is located on a roadway less than 26 feet in width in the Hillside Overlay</u> (75% less for seniors, see below)
Dwellings, Multiple (ten or more)	One per 1,000 sq. ft. of gross floor area (75% less for seniors, see below) <u>if project is located on a roadway less than 26 feet in width in the Hillside Overlay</u>
Dwellings, One and Two Family	One per unit
Employees Community Care Facilities	One per two non-resident employees for a Community Care Facility*
Hospitals	One per each four beds, plus one per each three employees
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Nursing Homes	One per each five residents, plus One per each three employees
*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence.	

[OPTION B]

Table 23D.36.080

Parking Required	
Use	Number of spaces
Dormitories; Fraternity and Sorority Houses; Rooming and Boarding Houses; and Senior Congregate Housing	One per each five residents, plus one for manager if project is located in the Hillside Overlay
Dwellings, Multiple (fewer than ten)	One per unit (75% less for seniors, see below)
Dwellings, Multiple (ten or more)	One per 1,000 sq. ft. of gross floor area (75% less for seniors, see below) if project is located in the Hillside Overlay
Dwellings, One and Two Family	One per unit
Employees Community Care Facilities	One per two non-resident employees for a Community Care Facility*
Hospitals	One per each four beds, plus one per each three employees
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Nursing Homes	One per each five residents, plus One per each three employees
*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence.	

B. Other uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges, and Community Centers, shall provide the number of Off-street Parking Spaces determined by the Board based on the amount of traffic generated by the particular use and comparable with specified standards for other uses.

~~C. For multiple dwellings where the occupancy will be exclusively for persons over the age of 62, the number of required Off-street Parking Spaces may be reduced to 25% of what would otherwise be required for multiple family dwelling use, subject to obtaining a Use Permit.~~

~~CD.~~ Senior Congregate Housing, Hospitals, Nursing Homes, and Schools ~~with, when having~~ a total gross floor area exceeding 10,000 square feet, shall satisfy the requirements of Chapter [23E.32](#) and the following requirements:

1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area.
2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area above the first 10,000 square feet.

Section 14: That Berkeley Municipal Code Section 23D.40.080 is amended to read as follows:

23D.40.080 Parking -- Number of Spaces

A. The following parking requirements shall apply to new floor area or conversion of space

~~A. A lot shall contain the following minimum number of Off-street Parking Spaces:~~

[OPTION A]

Table 23D.40.080	
Parking Required	
Use	Number of spaces
Dormitories; Fraternity and Sorority Houses; Rooming and Boarding Houses; and Senior Congregate Housing	One per each five residents, plus one for manager <u>if project is located on a roadway less than 26 feet in width in the Hillside Overlay</u>

Table 23D.40.080

Parking Required

Use	Number of spaces
Dwellings, Multiple (fewer than ten)	One per unit (75% less for seniors, see Section C below) if project is located on a roadway less than 26 feet in width in the Hillside Overlay
Dwellings, Multiple (ten or more)	One per 1,000 sq. ft. of gross floor area (75% less for seniors, see Section C below) required if project is located on a roadway less than 26 feet in width in the Hillside Overlay
Dwellings, One and Two Family	One per unit
Employees Community Care Facilities	One per two non-resident employees for a Community Care Facility*
Hospitals	One per each four beds, plus one per each three employees
Hotels	One per each three guest rooms, plus one per each three employees
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Nursing Homes	One per each five residents, plus one per each three employees
Offices, Medical	One per 300 sq. ft. of gross floor area
Offices, Other	One per 400 sq. ft. of gross floor area; (may be reduced, see Section D below)
*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence.	

[OPTION B]

Table 23D.40.080	
Parking Required	
Use	Number of spaces
Dormitories; Fraternity and Sorority Houses; Rooming and Boarding Houses; and Senior Congregate Housing	One per each five residents, plus one for manager <u>if project is located in the Hillside Overlay</u>
Dwellings, Multiple (fewer than ten)	One per unit (75% less for seniors, see Section C below)
Dwellings, Multiple (ten or more)	One per 1,000 sq. ft. of gross floor area (75% less for seniors, see Section C below) <u>if project is located in the Hillside Overlay</u>
Dwellings, One and Two Family	One per unit
Employees Community Care Facilities	One per two non-resident employees for a Community Care Facility*
Hospitals	One per each four beds, plus one per each three employees
Hotels	One per each three guest rooms, plus one per each three employees
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Nursing Homes	One per each five residents, plus one per each three employees
Offices, Medical	One per 300 sq. ft. of gross floor area
Offices, Other	One per 400 sq. ft. of gross floor area; (may be reduced, see Section D below)

Table 23D.40.080	
Parking Required	
Use	Number of spaces
*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence.	

B. Other uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges and Community Centers, shall provide the number of Off-street Parking Spaces determined by the Board based on the amount of traffic generated by the particular use and comparable with specified standards for other uses.

~~C. For multiple dwellings where the occupancy will be exclusively for persons over the age of 62, the number of required Off-street Parking Spaces may be reduced to 25% of what would otherwise be required for multiple family dwelling use, subject to obtaining a Use Permit.~~

DC. For offices, other than medical offices, the Board may reduce the parking requirement from one Off-street Parking Space per 400 square feet of gross floor area to a minimum of one parking space per 800 square feet of gross floor area, subject to making the required finding under Section 23D.40.090.C. In addition, any parking supplied jointly with multiple family residential uses shall be subject to the requirements set forth in Section 23D.12.060.B.

ED. Senior Congregate Housing, Hotels, Hospitals, Nursing Homes, Offices (including Medical Offices) and Schools with, when having a total gross floor area exceeding 10,000 square feet, shall satisfy the requirements of Chapter 23E.32 and the following requirements:

1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area.
2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of above the 10,000 square feet.

Section 15: That Berkeley Municipal Code Section 23D.44.080 is amended to read as follows:

23D.44.080 Parking -- Number of Spaces

A. The following parking requirements shall apply to new floor area or conversion of space

A lot shall contain the following minimum number of Off-street Parking Spaces:

[OPTION A]

Table 23D.44.080	
Parking Required	
Use	Number of spaces
Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Senior Congregate Housing	One per each five residents, plus one for manager <u>if project is located on a roadway less than 26 feet in width in the Hillside Overlay</u>
Dwellings, Multiple (fewer than ten)	One per unit (75% less for seniors, see Section C below) <u>if project is located on a roadway less than 26 feet in width in the Hillside Overlay</u>
Dwellings, Multiple (<u>ten</u> or more)	One per 1,200 sq ft of gross floor area (75% less for seniors, see Section C below) <u>if project is located on a roadway less than 26 feet in width in the Hillside Overlay</u>
Dwellings, One and Two Family	One per unit
Employees <u>Community Care Facilities</u>	One per two non-resident employees for a <u>Community Care Facility*</u>
Hospitals	One per each four beds, plus one per each <u>three employees</u>

Table 23D.44.080	
Parking Required	
Hotels	One per each three guest rooms, plus one per each three employees
Libraries	One per 500 sq ft of floor area that is publicly accessible
Nursing Homes	One per each five residents, plus one per each three employees
Offices, Medical	One per 300 sq ft of gross floor area
Offices, Other	One per 400 sq ft of gross floor area (may be reduced, see Section D below)
*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence	

[OPTION B]

Table 23D.44.080	
Parking Required	
Use	Number of spaces
Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Senior Congregate Housing	One per each five residents, plus one for manager if project is located in the Hillside Overlay
Dwellings, Multiple (fewer than ten)	One per unit (75% less for seniors, see Section C below)
Dwellings, Multiple (ten or more)	One per 1,200 sq ft of gross floor area (75% less for seniors, see Section C)

Table 23D.44.080	
Parking Required	
	below)if project is located in the Hillside Overlay
Dwellings, One and Two Family	One per unit
EmployeesCommunity Care Facilities	One per two non-resident employees for a Community Care Facility*
Hospitals	One per each four beds, plus one per each three employees
Hotels	One per each three guest rooms, plus one per each three employees
Libraries	One per 500 sq ft of floor area that is publicly accessible
Nursing Homes	One per each five residents, plus one per each three employees
Offices, Medical	One per 300 sq ft of gross floor area
Offices, Other	One per 400 sq ft of gross floor area (may be reduced, see Section D below)
*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence	

B. Other uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges and Community Centers, shall provide the number of Off-street Parking Spaces as determined by the Board based on the amount of traffic generated by the particular use and comparable with specified standards for other uses.

~~C. For multiple dwellings where the occupancy will be exclusively for persons over the age of 62 years, the number of required Off-street Parking Spaces may be reduced to 25% of what would otherwise be required for multiple family dwelling use, subject to obtaining a Use Permit.~~

DC. For offices, other than medical offices, the Board may reduce the parking requirement from one Off-street Parking Space per 400 square feet of gross floor area to a minimum of one parking space per 800 square feet of gross floor area, subject to making the required finding under Section [23D.44.090.C](#). In addition any parking supplied jointly with multiple family residential uses shall be subject to the requirements set forth in Section [23D.12.060.B](#).

ED. Senior Congregate Housing, Hotels, Hospitals, Nursing Homes, Offices (including Medical Offices) and Schools ~~with, when having~~ a total gross floor area exceeding 10,000 square feet, shall satisfy the requirements of Chapter [23E.32](#) and the following requirements:

1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area.
2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of above the first 10,000 square feet.

Section 16: That Berkeley Municipal Code Section 23D.48.080 is amended to read as follows:

23D.48.080 Parking -- Number of Spaces

[OPTION A]

A. All parking shall be provided in accordance with the requirements of this section and Chapter 23D.12, except as set forth in this Section.

B. The following provisions shall apply to properties within the R-S District:

1. No Off-street Parking Spaces shall be required for new Dwelling Units, Group Living Accommodations ~~rooms~~, or ~~for~~ Accessory Dwelling Units. ~~located within the Car-Free Housing Overlay. The Car-Free Housing Overlay area is as follows:~~

~~The complete block bounded by:~~

• ~~Dana, Haste, Ellsworth and Channing;~~

~~The partial blocks bounded by:~~

• ~~Bowditch, Haste, Telegraph and Channing, minus the portion of the block within 150 feet of Telegraph Avenue;~~

• ~~Dana, Channing, Ellsworth and Durant, minus the lot abutting the west side of Dana; and~~

• ~~Ellsworth, Channing, Fulton and Durant, minus the north-west corner with 130 feet of frontage along Fulton and 100 feet of frontage along Durant.~~

~~Additional properties as described below:~~

• ~~The properties abutting the east side of College Avenue between Bancroft Way and Channing Way, and including 2709 Channing Way;~~

• ~~The properties abutting both sides of Channing between Fulton and Shattuck, except those abutting Shattuck, and also excluding the parcel at 2111–2113 Channing;~~

• ~~The properties abutting the west side of Fulton Street from Channing Way extending north along Fulton 127.5 feet and extending south along Fulton 180 feet; and~~

• ~~The properties abutting the north side of Haste, beginning 150 feet west of Fulton Street, and extending an additional 200 feet west along Haste.~~

~~2. For properties not included in the Car-Free Housing Overlay, and for non-residential uses within the Car-Free Housing Overlay, Off-Street parking requirements shall be determined by the parking requirements of Section 23D.40.080 (R-4).~~

~~32. Bicycle parking spaces shall be provided at the ratio of one space per 2,000 square feet of gross floor area of commercial space, and in accordance with the requirements of Section 23E.28.070.~~

C. ~~Occupants of Dwelling Units and Group Living Accommodation rooms constructed without parking after the effective date of this Chapter shall not be entitled to receive parking permits under the Residential Permit Parking Program (RPP), under Section 14.72 of the BMC. Occupants of residential projects within the Car-Free Housing Overlay area that are constructed without parking after the effective date of this Chapter shall not be entitled to receive parking permits under the Residential Permit Parking Program (RPP), under Chapter 14.72 of the BMC.~~

D. Existing parking spaces for Main Buildings may be reduced if approved through a Use Permit with findings that the parking reduction is consistent with the purposes of the District and meets the findings in Section 23E.28.140.

E. Any construction which results in the creation of 10,000 square feet of new or additional non-residential gross floor space shall satisfy the loading space requirements of Chapter 23E.32 as follows:

1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area of non-residential space; and
2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of non-residential space above the first 10,000 square feet.

F. All Use Permits under this Chapter shall be subject to a condition of approval requiring payment of a Transportation Services Fee (TSF) if and when adopted.

[OPTION B: No changes]

Section 17: That Berkeley Municipal Code Section 23D.52.080 is amended to read as follows:

[OPTION A]

23D.52.080 Parking -- Number of Spaces

A. All parking shall be provided in accordance with the requirements of Chapter 23D.12 and this Section.

1. No Off-Street Parking Spaces shall be required for new Dwelling Units, or Group Living Accommodation rooms, or for Accessory Dwelling Units.

2. For non-residential uses and for Main Buildings with no Dwelling Units or Group Living Accommodations, Off-Street Parking Spaces shall be provided in accordance with the following requirements:

a. The minimum standard parking requirement for commercial floor area is two spaces per 1,000 square feet of gross floor area of commercial space. Uses listed in Table 23D.52.080 shall meet the requirements listed or the district minimum, whichever is more restrictive, for newly constructed floor area or changes of use.

Table 23D.52.080

Parking Required	
Use	Number of spaces
Hotels	One per each three guest/sleeping rooms or suites plus one per each three employees
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Medical Practitioner Offices	One per 300 sq. ft. of gross floor area
Quick or Full Service Restaurants	One per 300 sq. ft. of gross floor area
Nursing Homes	One per each three employees. Refer to R-3 Standards, Section

~~b. Parking requirements for changes in use of existing floor area where the new use has a higher parking standard than the existing use may be modified as set forth in Section 23E.28.130.~~

cb. Other uses requiring Use Permits, including but not limited to, Child Care Centers, Clubs, Lodges and Community Centers, shall provide the number of

Off-Street Parking Spaces determined by the Board based on the amount of traffic generated by the particular use and comparable with specific standards for other uses.

3. For non-residential uses in Main Buildings that include Dwelling Units or Group Living Accommodations, parking requirements may be waived if approved through an Administrative Use Permit with a finding that the parking reduction is consistent with the purposes of the District.

4. Existing parking spaces for Main Buildings may be reduced if approved through a Use Permit with findings that the parking reduction is consistent with the purposes of the District and meets the findings in Section 23E.28.140.

5. Bicycle parking spaces shall be provided at the ratio of one space per 2,000 square feet of gross floor area of new commercial space, and in accordance with the requirements of Section 23E.28.070.

B. Occupants of Dwelling Units and Group Living Accommodation ~~rooms~~ constructed without parking after the effective date of this Chapter shall not be entitled to receive parking permits under the Residential Permit Parking Program (RPP), under Section 14.72 of the BMC.

C. Any new construction which results in the creation of 10,000 square feet of new or additional non-residential floor space shall satisfy the loading space requirements of Chapter 23E.32 as follows:

1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area of non-residential space; and

2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross floor area of non-residential space above the first 10,000 square feet.

D. All Use Permits under this Chapter shall be subject to a condition of approval requiring payment of a Transportation Services Fee (TSF) if and when adopted.

[OPTION B: No changes]

Section 18: That Berkeley Municipal Code Section 23E.28.010 is amended to read as follows:

23E.28.010 Purposes

The purposes of the parking regulations in this chapter are:

- A. To ~~prevent the worsening of the already serious deficiency of~~efficiently allocate parking spaces ~~in existing in many areas of~~ the City.
- B. To ~~require~~regulate the provision of off-street parking spaces for traffic-generating uses of land within the City.
- C. To reduce the amount of on-street parking of vehicles, and thus increase the safety and capacity of the City's street system.

Section 19: That Berkeley Municipal Code Section 23E.28.020 is amended to read as follows:

23E.28.020 Applicability

- A. The requirements of this chapter apply to all uses commenced hereafter, to all buildings and structures hereafter constructed or moved onto a lot in a C-, M- or MU-District and to any modifications to existing uses and structures which enlarge or increase capacity, including, but not limited to, adding or creating dwelling units, guest rooms, floor area, seats or employees, except to the extent that provisions in the individual C-, M- or MU- District provide otherwise.
- B. ~~N~~In addition, no building, structure, alteration, fence, landscaping or other site feature may be constructed, erected, planted or allowed to be established that would impede ~~the access of a vehicle to any~~ required off-street parking space ~~required under this Ordinance~~.
- C. ~~No Zoning Certificate or Use Permit may be granted and no permit other than a Variance from the requirements of this chapter, may be issued or approved, for any use, building or structure, unless all requirements of this chapter are met.~~

~~D. In the event a Zoning Certificate is granted, the subsequent use of such building or structure is conditional upon the unqualified continuance, availability and proper maintenance of off-street parking in compliance with this chapter.~~

Section 20: That Berkeley Municipal Code Section 23E.28.050 is amended to read as follows:

23E.28.050 Number of Parking Spaces Required

A. Off-street parking spaces provided in conjunction with a use or structure existing on October 1, 1959, on the same property or on property under the same ownership, may not be reduced below, or if already less than, may not be further reduced below, the requirements of this chapter for similar use or structure. However, required parking spaces may be removed to meet ADA compliance or traffic engineering standards.

~~B. In the case of an AUP, a Use Permit, or a variance the Zoning Officer and Board may require more off-street parking spaces than the minimum required by the applicable District, if they or it finds that If the expected demand for parking spaces will is found to exceed the minimum requirement, additional off-street parking may be required as a condition of approval on a Permit.~~

C. When the formula for determining the number of required off-street parking spaces results in a requirement of a fractional space, any fraction below one-half shall be disregarded, and fractions including and over one-half shall be counted as requiring one parking space.

~~D. One off-street parking space requirements may be satisfied by tandem off-street parking space(s) with the issuance of an AUP. under this Ordinance may be satisfied by a tandem off-street parking space, unless approved by both the City Traffic Engineer and the Board.~~

~~E. Existing off-street parking spaces shall be counted towards meeting the overall parking requirements where new floor area is added to an existing site or project. An applicant may count existing off-street parking spaces towards meeting the parking requirements of this Ordinance when both the existing use, or portions of the use that is~~

~~to remain, and the proposed use and/or structure are used in computing the required number of off-street parking spaces.~~

F. When the number of off-street parking spaces required ~~for a structure or use~~ is based on the number of employees, it shall be based upon the shift or employment period during which the greatest number of employees are present ~~at the structure or use~~.

G. When the number of off-street parking spaces required is based on the floor area for a specified use, the definition of Floor Area, Gross as set forth in Sub-title [23F](#) shall apply. In addition, unenclosed areas of a lot, including, but not limited to, outdoor dining areas, garden/building supply yards and other customer-serving outdoor areas for retail sales, shall also be counted toward the floor area for those commercial uses with specified off-street parking requirements.

Section 21: That Berkeley Municipal Code Section 23E.28.070 is amended to read as follows:

23E.28.070 Bicycle Parking

A. Bicycle parking spaces required by each District’s bicycle parking requirements shall be located in either a locker, or in a rack suitable for secure locks, and shall require location approval by the City Traffic Engineer and Zoning Officer. Bicycle parking shall be located in accordance to the design review guidelines.

B. Except in C-E and C-T Districts, Bicycle Parking shall be provided for new floor area or for expansions of existing industrial, commercial, and other non-residential buildings at a ratio of one space per 2,000 square feet of gross floor area.

C. For residential projects, including the residential portion of mixed-use projects, of five or more units, in all districts, bicycle parking shall be provided as follows:

<u>Use</u>	<u>Long Term Parking¹ Requirement</u>	<u>Short-Term Parking¹ Requirement</u>

<u>Dwelling Units (1 to 4 units)</u>	<u>None required</u>	<u>None required</u>
<u>Dwelling Units (5 units or more)</u>	<u>1 space per 3 bedrooms</u>	<u>2, or 1 space per 40 bedrooms, whichever is greater</u>
<u>Group Living Accommodations, Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Transitional Housing)</u>	<u>2, or 1 space per 2.5 bedrooms, whichever is greater</u>	<u>2, or 1 space per 20 bedrooms, whichever is greater</u>
<u>¹ Long-Term Parking and Short-Term Parking shall meet the design standards included in Appendix F of the 2017 <i>Berkeley Bicycle Plan</i>, or as subsequently amended by the Transportation Division.</u>		

DG. The Zoning Officer in consultation with the City Traffic Engineer may modify the requirement with an Administrative Use Permit for Tourist Hotels in the C-DMU District.

Section 21: That Berkeley Municipal Code Section 23E.64.080 is amended to read as follows:

23E.64.080 Off-Street Parking and Loading Requirements

A. All parking shall be provided in accordance with the requirements of this section and Chapter 23E.28, ~~except as set forth in this section.~~

B. The district minimum standard parking requirement for commercial floor area is two spaces per 1,000 square feet of gross floor area. Uses listed in Table 23E.64.080 shall meet the requirements listed, for newly constructed floor area, except as otherwise modified in this subsection, and Subsections F through ~~H~~ below.

[OPTION A]

Table 23E.64.080	
Parking Required*	
Use	Number of spaces
Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses and Senior Congregate Housing	One per each five residents; plus one for manager <u>None required</u>
Dwelling Units	One per unit, except as modified by provisions for shared parking in Section 23E.64.080.G; 75% less for Seniors (see below). <u>None required</u>
Hospitals	One per each four beds; plus one per each three employees
Hotels	One per each three guest/sleeping rooms or suites; plus one per each three employees
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Live/Work Units	One per unit, provided, however, that if any <u>non-resident</u> workers and/or clients are permitted in any work area, there shall be one <u>additional</u> parking space for the first 1,000 sq. ft. of work area, one <u>further additional</u> parking space for each additional 750 sq. ft. subject to any additional requirements for parking pursuant to Section 23E.20.040.B
Manufacturing uses (assembly, production, storage and testing space only)	One per 1,000 sq. ft. of floor area

Table 23E.64.080	
Parking Required*	
Use	Number of spaces
Medical Practitioner Offices	One per 300 sq. ft. of floor area
Motels	One per each guest/sleeping room; plus one space for owner or manager**
Wholesale Trade	One per 1,000 sq. ft. of floor area
*See Subsection J-1 for substitutions of up to 10% with bicycle/motorcycle parking	
**Required parking shall be on the same lot as the building it serves	

[OPTION B]

Table 23E.64.080	
Parking Required*	
Use	Number of spaces
Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses and Senior Congregate Housing	One per each five residents; plus one for manager None required
Dwelling Units (fewer than ten)	One per unit, except as modified by provisions for shared parking in Section 23E.64.080.G; 75% less for Seniors (see below)
Dwelling Units (ten or more)	None required
Hospitals	One per each four beds; plus one per each three employees

Table 23E.64.080	
Parking Required*	
Use	Number of spaces
Hotels	One per each three guest/sleeping rooms or suites; plus one per each three employees
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Live/Work Units (fewer than ten)	One per unit, provided, however, that if any workers and/or clients are permitted in any work area, there shall be one additional-parking space for the first 1,000 sq. ft. of work area, one further parking space for each additional 750 sq. ft. subject to any additional requirements for parking pursuant to Section 23E.20.040.B
Live/Work Units (ten or more)	If any non-resident workers and/or clients are permitted in any work area, there shall be one parking space for the first 1,000 sq. ft. of work area, one parking space for each additional 750 sq. ft. subject to any additional requirements for parking pursuant to Section 23E.20.040.B
Manufacturing uses (assembly, production, storage and testing space only)	One per 1,000 sq. ft. of floor area
Medical Practitioner Offices	One per 300 sq. ft. of floor area
Motels	One per each guest/sleeping room; plus one space for owner or manager**
Wholesale Trade	One per 1,000 sq. ft. of floor area
*See Subsection 4-1 for substitutions of up to 10% with bicycle/motorcycle parking	
**Required parking shall be on the same lot as the building it serves	

C. Unless otherwise specified in Subsections F-~~H~~, uses designated in this chapter as Other Industrial Uses; Automobile and Other Vehicle Oriented Uses; Outdoor Uses; Residential and Related Uses or as Miscellaneous Uses shall be required to provide the number of off-street parking spaces determined by the Zoning Officer or Board based of the amount of parking demand generated by the particular use and comparable with specified standards for other uses.

D. The number of parking spaces provided for new commercial floor area shall not exceed four spaces per 1,000 square feet of gross floor area of the commercial use, except that up to five spaces per 1,000 square feet of gross floor area of food service uses may be provided.

E. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square feet of gross floor area of non-residential space, in accordance with Section [23E.28.070](#).

F. Any automobile parking required by this section may be leased, provided that the requirements of the general regulations concerning leased parking, Section [23E.28.030](#), are met and provided that the leased parking spaces are within 500 feet of the property where the parking is required; provided that leased parking a greater distance from the property may be approved by Administrative Use Permit and that if the property is located within a designated node, the leased parking spaces are located within the same designated node as the property.

~~G. For multiple dwellings where the occupancy will be exclusively for persons over the age of 62 years, the number of required off-street parking spaces may be reduced to 25% of what would otherwise be required for multiple family dwelling use, subject to obtaining a Use Permit.~~

HG. Any mixed use building (residential and commercial) shall satisfy the off-street parking standards and requirements of this District, provided, however, that the Board or the Zoning Officer may issue a Permit to modify the off-street parking and usable open space requirements where it finds such modification promotes any of the general purposes set forth in [23E.64.020](#). The Permit required shall be an Administrative Use

Permit unless a Use Permit from the Board is required to approve the use or structure, in which case a Use Permit shall be required by the Board.

H. If a public parking facility available for use by all members of the public is within 1,000 feet of a proposed use, the Zoning Officer or Board may approve a Use Permit to allow that use to reduce or eliminate the otherwise required parking.

J. Subject to the finding in Section [23E.64.090.F](#), an Administrative Use Permit may be issued to designate up to 10% of automobile parking required for a use for bicycle and/or motorcycle parking, unless a Use Permit from the Board is required to approve any part of the application, in which case the Use Permit shall be approved by the Board. Any bicycle parking created by this designation shall be in addition to otherwise required bicycle parking.

K. Notwithstanding the requirements of Section [23E.28.080](#) (the general regulations concerning screening and landscaping of off-street parking), there shall be no requirement for screening or landscaping of that portion of any parking lot which is adjacent to Third Street (Southern Pacific Railroad).

L. No off-street automobile parking may be provided between the front property line and a main structure within a designated node. Outside of a designated node, no off-street automobile parking may be provided between the front property line and a main structure unless an Administrative Use Permit is obtained; unless a Use Permit is required to approve the use or structure, in which case the Use Permit shall be approved by the Board. In order to approve this Permit, the Zoning Officer or Board shall make the finding under Section [23E.64.090.E](#).

M. No building or site shall be altered in such a way as to deprive any leasable space which is used or designated to be used by any manufacturing or wholesale trade use of all loading spaces which meet the general regulations concerning Loading Spaces (Chapter [23E.32](#)).

N. Any construction which results in the creation of 10,000 square feet of new or additional commercial gross floor space shall satisfy the loading space requirements of Chapter [23E.32](#).

Section 23: That Berkeley Municipal Code Section 23E.68.080 is amended to read as follows:

23E.68.080 Parking -- Number of Spaces

A. All parking shall be provided in accordance with the requirements of this Section and Chapter 23E.28, except as set forth in this Section. No change of commercial use within the existing floor area of a building shall be required to meet the off-street parking requirements of this Section or Chapter 23E.28, unless the structure has been expanded to include new floor area.

B. The District minimum standard vehicle parking space requirement for all floor area is one and a half spaces per each 1,000 square feet of gross floor area or as required for the uses listed in the following table.

[OPTION A]

Use	Number of Parking Spaces Required
Dwelling Units, Single and Multi-Family Buildings	One per three dwelling units None required
Hotels and Motels, Tourist (Including Inns, Bed and Breakfast and Hostels)	One per each three guest/sleeping rooms or suites
Group Living Accommodations (Including Single Room Occupancy Residential Hotels) and Nursing Homes	One per eight sleeping rooms None required

[OPTION B]

Use	Number of Parking Spaces Required
Dwelling Units, Single and Multi-Family Buildings fewer than ten	One per three dwelling units
Dwelling Units (ten or more)	None required

Use	Number of Parking Spaces Required
Hotels and Motels, Tourist (Including Inns, Bed and Breakfast and Hostels)	One per each three guest/sleeping rooms or suites
Group Living Accommodations (Including Single Room Occupancy Residential Hotels) and Nursing Homes (fewer than ten)	One per eight sleeping rooms
Group Living Accommodations (Including Single Room Occupancy Residential Hotels) and Nursing Homes (ten or more)	None required

1. Additions up to 1,000 square feet of gross floor area, or up to twenty-five percent (25%) of existing gross floor area, whichever is less, are exempt from the parking requirements for new floor area.
2. Parking spaces shall be provided on site, or off site within 800 feet subject to securing an AUP and in compliance with Section [23E.28.030](#).

C. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square feet of gross floor area of commercial space, and in accordance with the requirements of Section [23E.28.070](#).

D. The vehicle parking space requirements of this Section may be reduced or waived through payment of an in-lieu fee to be used to provide enhanced transit services, subject to securing a Use Permit subject to the finding in section [23E.68.090](#).H or modified with an AUP subject to the findings in [23E.28.140](#).

E. New construction that results in an on-site total of more than 25 publicly available parking spaces shall install dynamic signage to Transportation Division specifications, including, but not limited to, real-time garage occupancy signs at the entries and exits to the parking facility with vehicle detection capabilities and enabled for future connection

to the regional 511 Travel Information System or equivalent, as determined by the Zoning Officer in consultation with the Transportation Division Manager.

F. Occupants of residential units or GLA units constructed, newly constructed or converted from a non-residential use shall not be eligible for Residential Parking Permit (RPP) permits under Chapter [14.72](#) of the BMC.

G. For any new building with residential units or structures converted to a residential use, ~~required~~ parking spaces shall be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling unit, unless the Board grants a Use Permit to waive this requirement for projects which include financing for affordable housing subject to the finding in section [23E.68.090.I](#).

H. For new structures or additions over 20,000 square feet, the property owner shall provide at least one of the following transportation benefits at no cost to every employee, residential unit, and/or GLA resident. A notice describing these transportation benefits shall be posted in a location or locations visible to employees and residents.

1. A pass for unlimited local bus transit service; or
2. A functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass. Any benefit proposed as a functionally equivalent transportation benefit shall be approved by the Zoning Officer in consultation with the Transportation Division Manager.

I. For residential ~~projects that provide structures constructed or converted from a non-residential use that require~~ vehicle parking ~~under Section [23E.68.080.B](#), required parking spaces shall be designated as,~~ vehicle sharing spaces shall be provided in the amounts specified in the following table. ~~If no parking spaces are provided pursuant to Section [23E.68.080.D](#), no vehicle sharing spaces shall be required.~~

Number of Parking Spaces <u>Provided</u> Required	Minimum Number of Vehicle Sharing Spaces
0 – 10	0
11 – 30	1

Number of Parking Spaces <u>Provided</u> Required	Minimum Number of Vehicle Sharing Spaces
30 – 60	2
61 or more	3, plus one for every additional 60 spaces

1. The required vehicle sharing spaces shall be offered to vehicle sharing service providers at no cost.

2. The vehicle sharing spaces required by this Section shall remain available to a vehicle sharing service provider as long as providers request the spaces. If no vehicle sharing service provider requests a space, the space may be leased for use by other vehicles. When a vehicle sharing service provider requests such space, the property owner shall make ~~the~~a space available within 90 days.

J. For residential structures constructed or converted from a non-residential use subject to Sections 23E.68.080.G, 23E.68.080.H, and 23E.68.080.I, prior to issuance of a Certificate of Occupancy, the property owner shall submit to the Department of Transportation a completed Parking and Transportation Demand Management (PTDM) compliance report on a form acceptable to the City, which demonstrates that the project is in compliance with the applicable requirements of 23E.68.080.G, 23E.68.080.H, and 23E.68.080.I. Thereafter, the property owner shall submit to the Department of Transportation an updated PTDM compliance report on an annual basis.

K. Any construction which results in the creation of more than 10,000 square feet of new or additional commercial gross floor space shall satisfy the loading space requirements of Chapter 23E.32.

Section 23: That Berkeley Municipal Code Section 23E.80.080 is amended to read as follows:

23E.80.080 Off-Street Parking and Loading Requirements

A. For each of the following uses the minimum number of off-street parking spaces shall be provided and in accordance with Chapter 23E.28 except as set forth in Section 23E.80.080.E. Construction of new floor area and changes of use of existing floor area shall satisfy the parking requirements of this section.

[OPTION A]

Table 23E.80.080	
Parking Required*	
Use	Number of spaces
Art/Craft Studio	One per 1,000 sq. ft. of floor area
Laboratories	One per 650 sq. ft. of floor area
Live/Work Units	One per unit; provided however, that if any non-resident employees and/or customers and clients are permitted in any work area, there shall be one additional parking space for each 1,000 sq. ft. of such work area
Manufacturing uses (assembly, production, storage and testing space only), Storage, Warehousing and Wholesale Trade	One space per 1,000 sq. ft. of floor area for spaces of less than 10,000 sq. ft.; one space per 1,500 sq. ft. of floor area for spaces of 10,000 sq ft or more
Quick or Full Service Restaurants	One per 300 sq. ft. of floor area
All other non-residential uses, unless otherwise specified in Subsection B	Two per 1,000 sq. ft. of floor area
* See Subsection E for substitutions of up to 10% with bicycle/motorcycle parking	

[OPTION B]

Table 23E.80.080	
Parking Required*	
Use	Number of spaces

Art/Craft Studio	One per 1,000 sq. ft. of floor area
Laboratories	One per 650 sq. ft. of floor area
Live/Work Units (fewer than ten)	One per unit; provided however, that if any non-resident employees and/or customers and clients are permitted in any work area, there shall be one additional parking space for each 1,000 sq. ft. of such work area
Live/Work Units (ten or more)	If any non-resident employees and/or customers and clients are permitted in any work area, there shall be one parking space for each 1,000 sq. ft. of such work area
Manufacturing uses (assembly, production, storage and testing space only), Storage, Warehousing and Wholesale Trade	One space per 1,000 sq. ft. of floor area for spaces of less than 10,000 sq. ft.; one space per 1,500 sq. ft. of floor area for spaces of 10,000 sq ft or more
Quick or Full Service Restaurants	One per 300 sq. ft. of floor area
All other non-residential uses, unless otherwise specified in Subsection B	Two per 1,000 sq. ft. of floor area
* See Subsection E for substitutions of up to 10% with bicycle/motorcycle parking	

B. Unless otherwise specified in Subsection A, uses designated in this chapter as Other Industrial Uses; Automobile and Other Vehicle Oriented Uses; Outdoor Uses; Residential and Related Uses or as Miscellaneous Uses shall be required to provide the number of off-street parking spaces determined by the Zoning Officer or Board based of the amount of off-street parking demand generated by the particular use and comparable with specified standards for other uses.

C. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square feet of gross floor area of non-residential space, in accordance with Section [23E.28.070](#).

D. Off-street parking required by this section may be satisfied by the provision of leased spaces, provided that the requirements of Section [23E.28.030](#) are met; however, the leased parking spaces may be within 500 feet of the property it serves, provided that leased parking at a distance greater than 500 feet may be approved by an Administrative Use Permit.

E. Subject to the finding in Section [23E.80.090.H](#), an Administrative Use Permit may be issued to designate up to 10% of automobile parking required for a use for bicycle and/or motorcycle parking, unless a Use Permit from the Board is required to approve any part of the application, in which case the Use Permit shall be approved by the Board. Any bicycle parking created by this designation shall be in addition to otherwise required bicycle parking.

F. Notwithstanding the requirements of Section [23E.28.080](#) (the general regulations concerning screening and landscaping of off-street parking), there shall be no requirement for screening or landscaping of that portion of any parking lot which is adjacent to Third Street (Southern Pacific Railroad).

G. In buildings with one or more manufacturing, wholesale trade or warehouse use, all uses shall satisfy the loading space requirements of Chapter [23E.32](#). All uses which have one or more loading spaces shall retain at least one such space.

H. Any construction which results in the creation of 10,000square feet of new or additional commercial or manufacturing gross floor area shall satisfy Chapter [23E.32](#).

Section 24: That Berkeley Municipal Code Section 23E.84.080 is amended to read as follows:

23E.84.080 Off-Street Parking and Loading Requirements

A. Unless otherwise specified in Subsections ~~B or F~~, or in Table [23E.84.080](#), the district minimum standard parking requirement is two spaces per 1,000 square feet of gross floor area of non-residential space, in accordance with the requirements of Chapter [23E.28](#).

[OPTION A]

Table 23E.84.080	
Parking Required*	
Use	Number of spaces
Art/Craft Studio	One per 1,000 sq. ft. of floor area
Community Care Facilities	One per two non-resident employees
Dwelling Units	One per unit, except as provided in Section 23E.84.080.E; 75% less for Seniors (see Subsection E) None required
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Live/Work Units	One per unit; provided however, that If any non-resident employees and/or clients are permitted in any work area there shall be one parking space for the first 1,000 sq. ft. of work area and one additional parking space for each additional 750 sq. ft. of work area.
Manufacturing Uses (assembly, production, storage and testing space only)	One per 1,000 sq. ft. of floor area
Medical Practitioner Offices	One per 300 sq. ft. of floor area
Nursing Homes	One per each five residents; plus o One per each three employees
Restaurants and Food Service	One per 300 sq. ft. of floor area
Storage, Warehousing and Wholesale Trade	One per 1,000 sq. ft. of floor area for spaces of less than 10,000 sq.ft.; one per 1,500 sq. ft. for spaces of 10,000 sq. ft. or more

Table 23E.84.080	
Parking Required*	
Use	Number of spaces
*See Subsection H-G for substitutions of up to 10% with bicycle/motorcycle parking	

[OPTION B]

Table 23E.84.080	
Parking Required*	
Use	Number of spaces
Art/Craft Studio	One per 1,000 sq. ft. of floor area
Community Care Facilities	One per two non-resident employees
Dwelling Units (fewer than ten)	One per unit, except as provided in Section 23E.84.080.E; 75% less for Seniors (see Subsection E)
Dwelling Units (ten or more)	None required
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Live/Work Units (fewer than 10)	One per unit; provided however, that if any non-resident employees and/or clients are permitted in any work area there shall be one parking space for the first 1,000 sq. ft. of work area and one additional parking space for each additional 750 sq. ft. of work area.
Live/Work Units (ten or more)	If any non-resident employees and/or clients are permitted in any work area there shall be one parking space for the first

Table 23E.84.080	
Parking Required*	
Use	Number of spaces
	1,000 sq. ft. of work area and one additional parking space for each additional 750 sq. ft. of work area.
Manufacturing Uses (assembly, production, storage and testing space only)	One per 1,000 sq. ft. of floor area
Medical Practitioner Offices	One per 300 sq. ft. of floor area
Nursing Homes	One per each five residents; plus o One per each three employees
Restaurants and Food Service	One per 300 sq. ft. of floor area
Storage, Warehousing and Wholesale Trade	One per 1,000 sq. ft. of floor area for spaces of less than 10,000 sq.ft.; one per 1,500 sq. ft. for spaces of 10,000 sq. ft. or more
*See Subsection <u>H-G</u> for substitutions of up to 10% with bicycle/motorcycle parking	

B. Unless otherwise specified in Subsection H-G or in Table 23E.84.080, uses designated in this chapter as Automobile and Other Vehicle Oriented Uses; Outdoor Uses; or as Miscellaneous Uses shall be required to provide the number of off-street parking spaces determined by the Zoning Officer or Board based on the amount of parking demand generated by the particular use and comparable with specified standards for other uses.

C. Bicycle parking spaces shall be provided at the ratio of one space per 2,000 square feet of gross floor area of non-residential space, and in accordance with the requirements of Section 23E.28.070.

D. Off-street parking required by this section may be satisfied by the provision of leased spaces, provided that the requirements of Section [23E.28.030](#) are met; however, the leased parking spaces may be within 500 feet of the property it serves, provided that leased parking at a distance greater than 500 feet may be approved by an Administrative Use Permit.

~~E. For multiple dwellings where the occupancy will be exclusively for persons over the age of 62, the number of required off-street parking spaces may be reduced to 25% of what would otherwise be required for multiple family dwelling use, subject to obtaining a Use Permit.~~

~~FE.~~ If the Zoning Officer or Board finds that existing evening parking supply is adequate and/or that other mitigating circumstances exist on the property, the requirement for an additional off-street parking space may be waived through a Use Permit when an additional residential unit is added to a property with one or more residential units.

~~GF.~~ No off-street parking space which is required by this Ordinance, including Use Permits issued under this Ordinance, shall be removed; provided, however, any off-street parking spaces which are provided in excess of the number required at the time of application may be removed.

~~HG.~~ Subject to the finding in Section [23E.84.090.J](#), an Administrative Use Permit may be issued to designate up to 10% of automobile parking required for a use for bicycle and/or motorcycle parking, unless a Use Permit from the Board is required to approve any part of the application, in which case the Use Permit shall be approved by the Board. Any bicycle parking created by this designation shall be in addition to otherwise required bicycle parking.

~~IH.~~ In buildings with manufacturing, wholesale trade or warehouse uses, loading spaces shall be maintained so as to meet the requirements of Chapter [23E.32](#).

~~JJ.~~ Any construction which results in the creation of 10,000 square feet of new or additional commercial or manufacturing gross floor area shall satisfy Chapter [23E.32](#).

Section 25. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

OCT 27 2015

OFFICE OF THE CITY CLERK
CITY OF BERKELEY

ACTION CALENDAR
October 27, 2015
(continued from October 6, 2015)

To: Honorable Mayor and Members of the City Council
From: Councilmember Lori Droste
Subject: Councilmember Lori Droste's Green Affordable Housing Package - Amendments

RECOMMENDATION

Request that the Planning Commission and City Manager investigate the feasibility of reducing barriers for the creation of new affordable housing. City Council requests that commissions and staff address and propose solutions and/or an implementation plan using the following recommendations by October 1, 2016.

Policy 1: Designate units and funding for affordable housing by prioritizing housing over parking spaces in new developments

1. Reduce or eliminate minimum residential parking requirements if car-sharing spaces, shared mobility devices, or transit passes or other TDM measures are provided.
2. Consider a cap on residential parking maximums.
3. Reduce or eliminate minimum parking requirements for new housing that serves populations that do not have high rates of car ownerships.
4. Reduce or eliminate minimum parking requirements for transit-intensive housing.
 - Transit-intensive housing is defined as within 1,200 feet of a transit center or within 1,200 feet of an overlap between major transit corridor and a commercial or mixed-use district.
 - Broadly defined, a *transit corridor* generally refers to a geographic area that accommodates travel or potential travel. A transit corridor is best defined as the areas around all of the stations along a transit line that have destinations or residences within reasonable distance for walking, biking, or other transit connections. ■
 - Broadly defined, a *transit hub* refers to a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or a major bus route with frequencies of service intervals of 15 minutes or less during the morning and afternoon peak commute periods. ■
5. Re-evaluate and/or reduce parking space requirements per new residential unit in areas within ½ mile of a transit hub.

Determine a process whereby the costs saved by parking reductions will be designated for affordable units or the Affordable Housing Trust Fund.

Evaluate and account for impacts of parking policies on access and routes for emergency vehicles and evacuations.

Policy 2: Remove the structural barriers to creating more housing

1. Improve and streamline the development review process, particularly for permanently affordable housing projects. ~~and smaller residential housing proposals~~ Review and compare Berkeley's process to that of neighboring cities.



Jesse Arreguín
City Councilmember, District 4

ACTION CALENDAR
April 26, 2016

To: Honorable Mayor and Members of the City Council
From: Councilmember Jesse Arreguín
Subject: Referral to Planning Commission: City-Wide Green Development Requirements

RECOMMENDATION

Refer to the Planning Commission to draft an ordinance requiring the same Green Building and Transportation Demand Management (TDM) measures required in the Commercial Downtown Mixed Use District (C-DMU) for projects of 75 units or more throughout the City of Berkeley’s commercial zoning districts.

The following standards would apply to larger projects city-wide:

1. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square feet of gross floor area of commercial space, and in accordance with the requirements of Section 23E.28.070.

Number of Parking Spaces Required	Minimum Number of Vehicle Sharing Spaces
0-10	0
11-30	1
30-60	2
61 or more	3, plus one for every additional 60 spaces

- For residential structures constructed or converted from a non-residential use that require vehicle parking under Section 23E.68.080.B, required parking spaces shall be designated as vehicle sharing spaces in the amounts specified in the adjacent table. If no parking spaces are provided pursuant to Section 23E.68.080.D, no vehicle sharing spaces shall be required.

- The required vehicle sharing spaces shall be offered to vehicle sharing service providers at no cost.

2. The vehicle sharing spaces required by this section shall remain available to a vehicle sharing service provider as long as providers request the spaces. If no vehicle sharing service provider requests a space, the space may be leased for use by other vehicles. When a vehicle sharing service provider requests such space, the property owner shall make the space available within 90 days.

3. Occupants of residential units or GLA units constructed, newly constructed or converted from a non-residential use shall not be eligible for Residential Parking Permit (RPP) permits under Chapter 14.72 of the BMC.
4. For any new building with residential units or structures converted to a residential use, required parking spaces shall be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling unit, unless the Board grants a Use Permit to waive this requirement for projects which include financing for affordable housing subject to the finding in section 23E.68.090.I.
5. Construction of new developments of at least 75 units shall attain a LEED Gold rating or higher as defined by the U.S. Green Building Council (USGBC), or shall attain building performance equivalent to this rating, as determined by the Zoning Officer.
6. New developments of at least 75 units shall be required to meet all applicable standards of the Stopwaste Small Commercial Checklist, or equivalent, as determined by the Zoning Officer. The rating shall be appropriate to the use type of the proposed construction.
7. New developments of at least 75 units, the property owner shall provide at least one of the following transportation benefits at no cost to every employee, residential unit, and/or GLA resident. A notice describing these transportation benefits shall be posted in a location or locations visible to employees and residents.
 - A pass for unlimited local bus transit service; or
 - A functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass. Any benefit proposed as a functionally equivalent transportation benefit shall be approved by the Zoning Officer in consultation with the Transportation Division Manager.

BACKGROUND:

One of the main goals of the 2012 Downtown Area Plan (DAP) is promoting sustainability in the Downtown by *“Integrat[ing] environmentally sustainable development and practices in the Downtown, and in every aspect of the Downtown Area Plan”* and to *“Model best practices for sustainability”*.¹

The DAP and its implementing zoning includes a number of green building and sustainable transportation requirements for new projects throughout the Downtown. These green measures are resulting in sustainable projects with bike and car share parking, and meeting LEED Gold standards. These forward thinking policies go a long way in helping Berkeley meet its climate action goals, but they only apply to projects in the Downtown area. Large projects throughout the city should be held to the same standard. This will result in further reducing greenhouse gases from transportation and building energy use.

¹ 2012 Downtown Area Plan, page IN-18

An update on the Climate Action Plan (CAP) presented to the City Council in November 2015 showed that the City is not on track to achieve the goals set by the Plan. While Berkeley has achieved more reductions compared to the rest of the State, despite population increases, it is clear that more must be done if we are to reach the targets set forward in the CAP. By holding large developments to the same standards as those in Downtown, we can achieve the goals of sustainability by reducing greenhouse gases.

FINANCIAL IMPLICATIONS:

Staff time to prepare zoning amendments for Planning Commission consideration.

ENVIRONMENTAL SUSTAINABILITY

Applying the same standards to large developments citywide can significantly improve the City's ability to meet the goals of the Climate Action Plan.

CONTACT PERSON

Jesse Arreguin, City Councilmember, District 4

510-981-7140



MEMORANDUM

To: Justin Horner, City of Berkeley
From: Nelson\Nygaard Team
Date: November 25, 2019
Subject: Berkeley Residential Parking Capacity Study

INTRODUCTION AND STUDY PURPOSE

By analyzing actual usage (i.e. occupancy) of residential parking, the purpose of this study is to “right size” off-street parking requirements to meet the City of Berkeley’s goals of developing more housing at all affordability levels and encouraging more sustainable transportation modes. In addition to studying off-street parking behavior, compared to what is provided, assessing the efficiency of on-street parking facilities is intended to help meet the City of Berkeley’s goals of encouraging more sustainable transportation modes.

The overall purpose of this assessment is to analyze the parking required, provided and utilized at these buildings in order to determine how existing off-street parking regulations match actual usage.

METHODOLOGY

Property Selection Process

The City identified residential properties located within a variety of neighborhoods.

City Staff made initial contact with property’s/property managers to request they take a short survey about the property and secondly confirm whether they would allow access to the property for on-site parking survey. A total of 28 survey responses were received, and of that 20 properties were selected for further data collection multi-unit residential buildings (with 10 units or more) in consultation with the city. Selection criteria included:

- Geographical distribution within multifamily zoned areas
- Mix of affordable/inclusionary and 100% market rate facilities; and
- A range of property sizes (by number of units)

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City of Berkeley

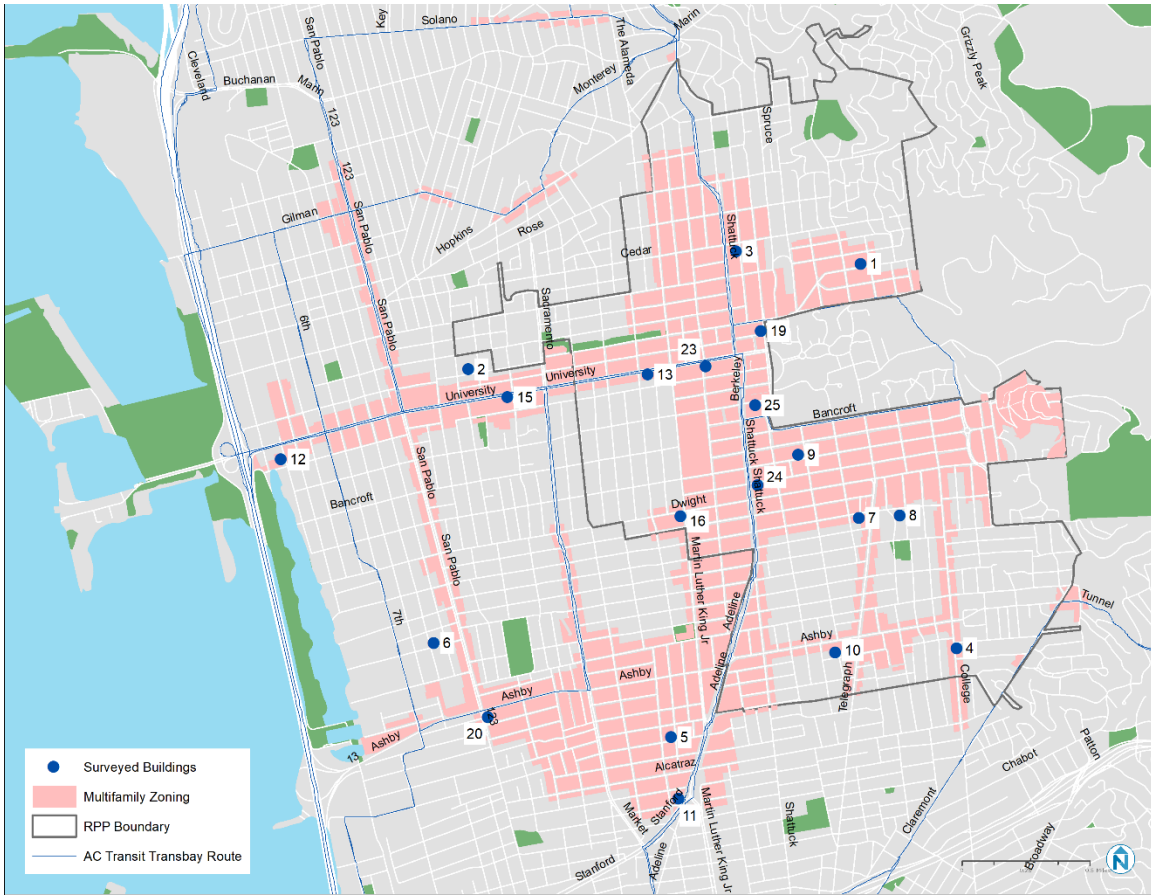
The surveyed properties are listed in Table 1 and displayed on the Figure 1 on the following page.

Table 1 - Surveyed Properties

ID	Address	Total Units	% Affordable Housing
1	2575 Le Conte Avenue	11	0%
2	1277 Hearst Avenue	8	0%
3	1612 Walnut Street	9	0%
4	3001 College Avenue	10	0%
5	3140 Ellis Street	10	0%
6	2777 Ninth Street	21	0%
7	2414 Parker Street	16	0%
8	2610 Hillegass Avenue	23	0%
9	2239 Channing Way	14	0%
10	2321 Webster Street	18	0%
11	3380 Adeline Street	14	0%
12	651 Addison Street	94	4%
13	1812 University Avenue	44	9%
15	1370 University Avenue	71	97%
16	2500 Martin Luther King Jr Way	10	20%
19	1910 Oxford Street	56	20%
20	3015 San Pablo Avenue	98	15%
23	2004 University Avenue	35	20%
24	2110 Haste Street	100	20%
25	2116 Allston Way	91	20%

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Figure 1 - Study Area Map



Note: The number label in each surveyed property in the map corresponds to the ID number in Table 1

Residential Property Manager Survey

A short on-line survey was developed and distributed for the residential property managers to get basic information about their buildings, including total units, total parking spaces, unit vacancies, the number of affordable units, unbundled parking and transportation demand management programs available to residents. A copy of the survey instrument is included in the appendix.

Parking Data Collection

A parking survey was conducted at each property including off-street inventory of parking spaces and total vehicles observed. The survey was conducted when UC Berkeley was in session on a typical weekday evening, between midnight and 5:00am in order to more reliably reflect a time when most residents would be at home.

On-street parking capacity (inventory and occupancy) in the areas around selected buildings was surveyed on the two blockfaces nearest the immediate pedestrian entrance

to each property.¹ This data was collected to help understand neighborhood parking, potential spillover and local context.

Vehicle Registration

The City provided anonymized DMV (Department of Motor Vehicle) and RPP (Residential Parking Permits) data associated with each of the residential properties. The purpose of the analysis was to determine how many vehicles are associated with each property and how many vehicles take advantage of the available Residential Preferential Permit Program rather than parking on the property.

Socioeconomic Assessment

In addition to the property related data collected, a socioeconomic assessment of multifamily housing was performed. It focused on aspects related to vehicle ownership and commute choices in areas zoned for multifamily housing. The team used 2017 ACS 5-year data at census block group (CBG) level and compared ownership and rental tenure, and income.

KEY FINDINGS

Property Survey

- Surveyed properties averaged 41.5 units per building. The median apartment building surveyed had 23 housing units.
- The residential usage rate was relatively high, ranging from 94% to 100%.
- 9 of the 20 buildings studied contained some affordable housing units, with most around 15-20% affordable.
- All 20 properties were within a reasonable walking distance (half mile or less) and 17 within very walkable distance (quarter of mile or less) of high-frequency transit service (BART or Transbay Bus).
- The average built parking ratio was 0.82 per unit.
- Properties with the fewest vehicle registrations per unit appear to be closer to downtown Berkeley.

Parking Survey

- The average parking occupancy across all properties, both on and off-street, is 55%

¹ In some cases where there were multiple entrances, the immediate blockfaces on each entrance were collected.

- There are slightly less than 0.5 vehicles registered per unit on average, yet there is an average 0.82 parking spaces per unit off-street.
- The average and median off-street occupancy for all properties is 0.45 and 0.53 per unit respectively.
- The average and median on-street occupancy for all properties was 60% and 61% respectively.

Socioeconomic Analysis

- In multifamily areas less than 25% of people drive to work alone as opposed to more than 40% in single-family areas.
- In multifamily areas slightly more than 30% of people walk to work as opposed to approximately 7% in single-family areas.
- In general, the share of zero car households in multifamily areas is higher than in single family areas.
- Of the total households in multifamily areas, 40% of renter households do not own a car and about 10% of owner households do not own a car.
- There is more available on-street and off-street parking (particularly near Downtown Berkeley) in those areas that have more renters, have fewer cars and have more residents that commute either on-foot or on transit.

PROPERTY ANALYSIS

Property managers responded to an online survey, providing relevant details for this analysis. The number of housing units in these properties ranges from 8 to 100, with an average of 41.5 units per building. The median apartment building surveyed had 23 housing units. Table 1, above, provides the number of units in each surveyed building. While there are a few vacant units in these properties, the occupancy rate is relatively high, ranging from 94% to 100%. Additionally, 9 of the 20 buildings studied contained some affordable housing units. The share of affordable housing ranged from 4% of the total units to 97%, with most around 15-20% of all units being affordable.

Ninety percent of surveyed properties had unbundled parking, meaning that the cost of parking charged separately from the apartment lease. Only two out of the twenty surveyed buildings did not charge separately for parking. Properties with unbundled parking all reported charging more than \$50 per month for a parking space.

All 20 properties were within a reasonable walking distance of high-frequency BART and AC Transit Transbay service.

Sixteen (16) of the properties included secure bike parking within their premises. The number of bicycles these facilities can store ranges from 4 (for a 10-unit apartment building) to 60 (for a 98-unit apartment building). In terms of per-unit bicycle storage, buildings that included secure parking ranged from 0.3 spaces unit to 3 spaces per unit.

All the surveyed properties include parking. The parking supply ranged from 10 parking spaces to 129 parking spaces. The following table summarizes parking supply in per-unit basis. The average built parking spaces was 0.82 per unit.

Table 2 - Built Parking Spaces per Unit

	Median	Mean	Min	Max	20 th percentile	80 th percentile
Parking Spaces	0.82	0.84	0.20	1.70	0.54	1.15

Similarly,

summarizes DMV vehicle registrations per unit for the surveyed properties. Registrations range from 0 to 69 vehicles per property, with an average of 0.49 vehicle registrations per unit. The data indicate a wide distribution. Figure 2 illustrates the distribution of vehicle registrations per unit across the 20 study properties. Red dots indicate a property with no vehicle registrations, while a large blue dot indicates a ratio of over one (1) vehicle per unit.

Table 3 - DMV Registrations per Unit

	Median	Mean	Min	Max	20 th percentile	80 th percentile
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City of Berkeley

Vehicle Registrations	0.38	0.49	0	1.80	0.25	0.71
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A handful of properties have 15 or more registrations while many have very few. Those properties with the least vehicle registrations per unit as illustrated in Figure 2 appear to be closer to downtown Berkeley.

Figure 2 – Vehicle Registrations per Unit

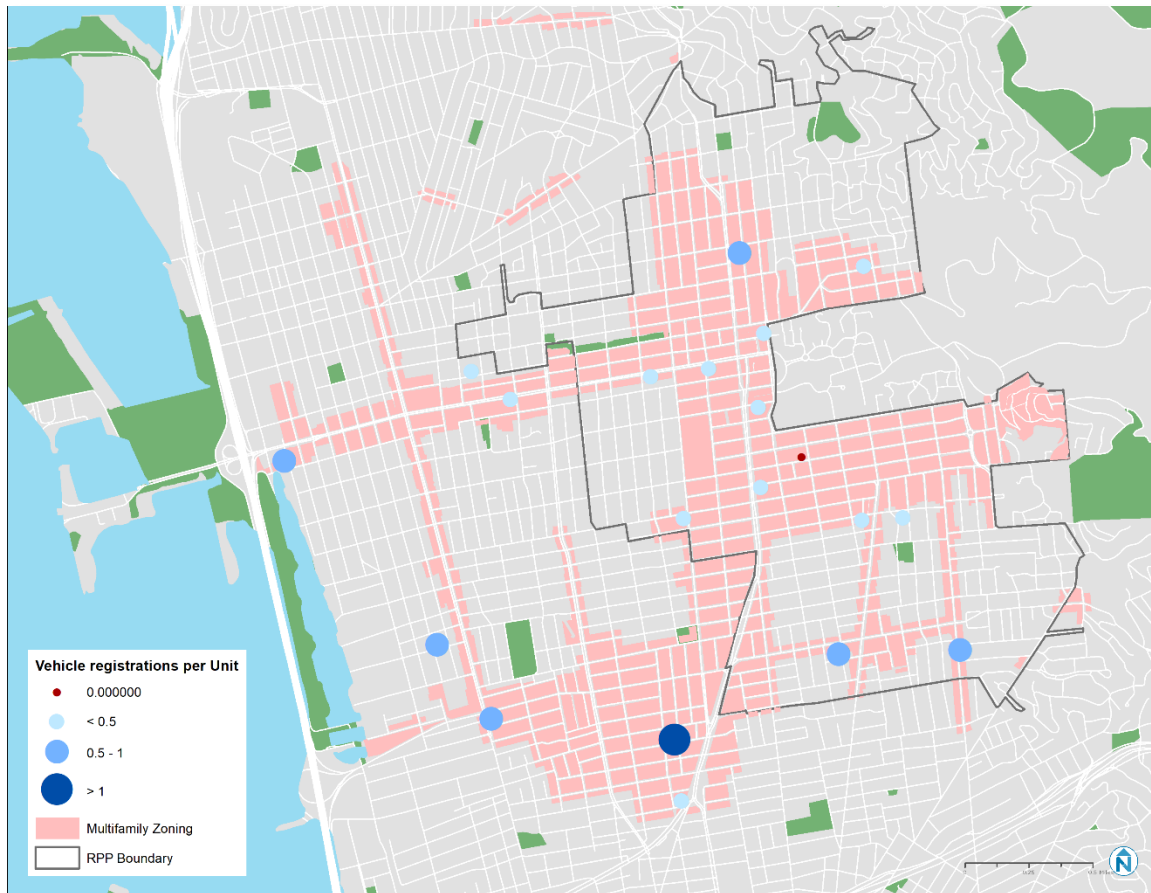
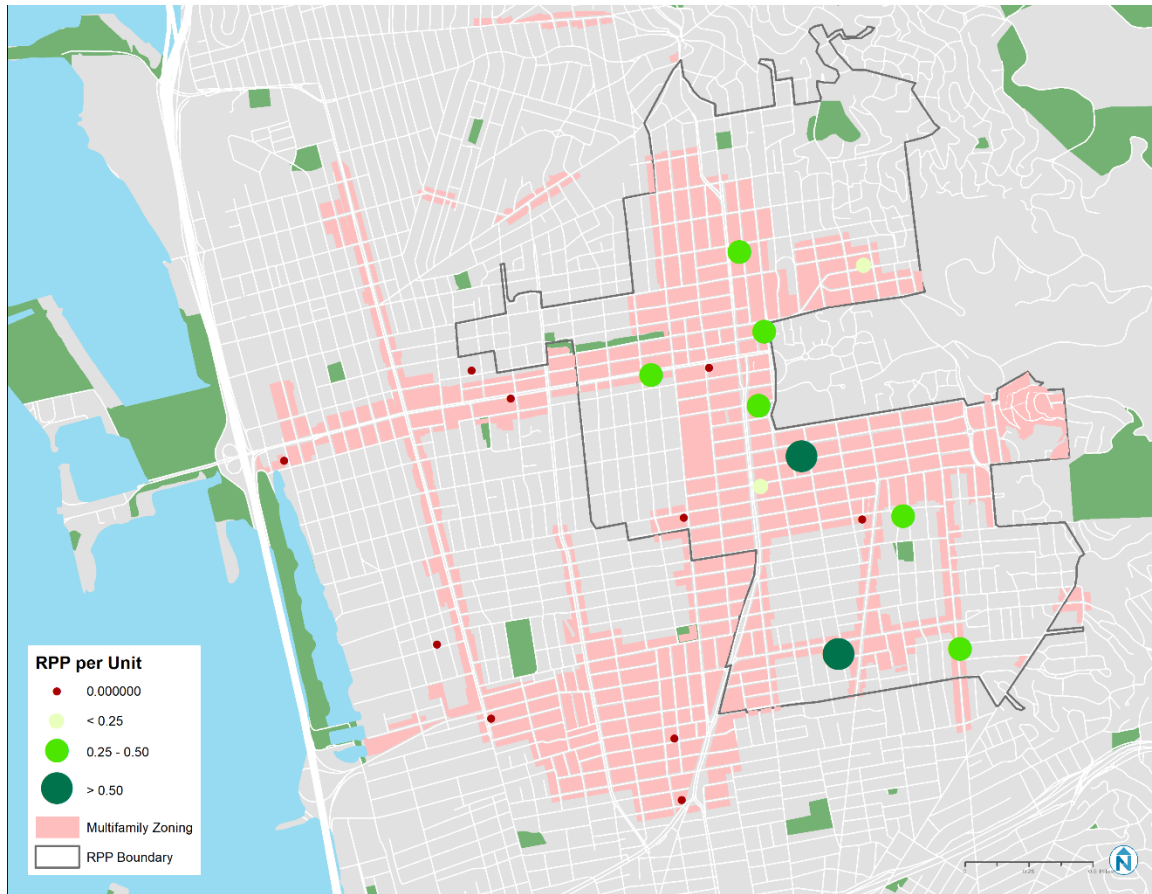


Figure 3 illustrates the distribution of residential preferential permit registrations per unit across the 20 study properties. Red dots indicate a property with no permits, while a large dark green dot indicates a ratio of more than 0.5 permit per unit. As to be expected, only properties within the RPP boundary are associated with residential permit registrations.

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Figure 3 - RPP per Unit



PARKING ANALYSIS

The following analysis combines the different data sources and studies trends and patterns on parking supply and parking usage within the surveyed properties and their adjacent streets.

Occupancy

The average parking occupancy across all properties is summarized in Table 4 at 55%. Diving deeper into per unit occupancy and occupancy rates illustrates greater differences in properties with affordable and market rate units.

Table 4 – Parking Occupancy Across all Properties

	Total # Spaces	Occupancy	Occupancy (%)
On-Street	448	297	61%
Off-Street	592	279	54%
Total	1040	576	55%

Off-Street

Table 5 shows parking occupancy and supply by unit. Properties with affordable units also lower occupancy across all categories as compared to purely market rate. This is corroborated with research indicating that lower income/ affordable housing residents are more transit dependent and less likely to own a vehicle.²

Table 5 – Off-Street Parking Occupancy and Supply per Unit

	Off-Street Supply	Off-Street Usage
Average	0.84	0.45
Market rate	0.89	0.55
Affordable/ Inclusionary	0.78	0.33

Table 6 summarizes the range of occupancies across the properties. The mean and median off-street occupancy for all properties is 0.45 and 0.54 per unit respectively.

² <https://www.jtlu.org/index.php/jtlu/article/view/1129/986>

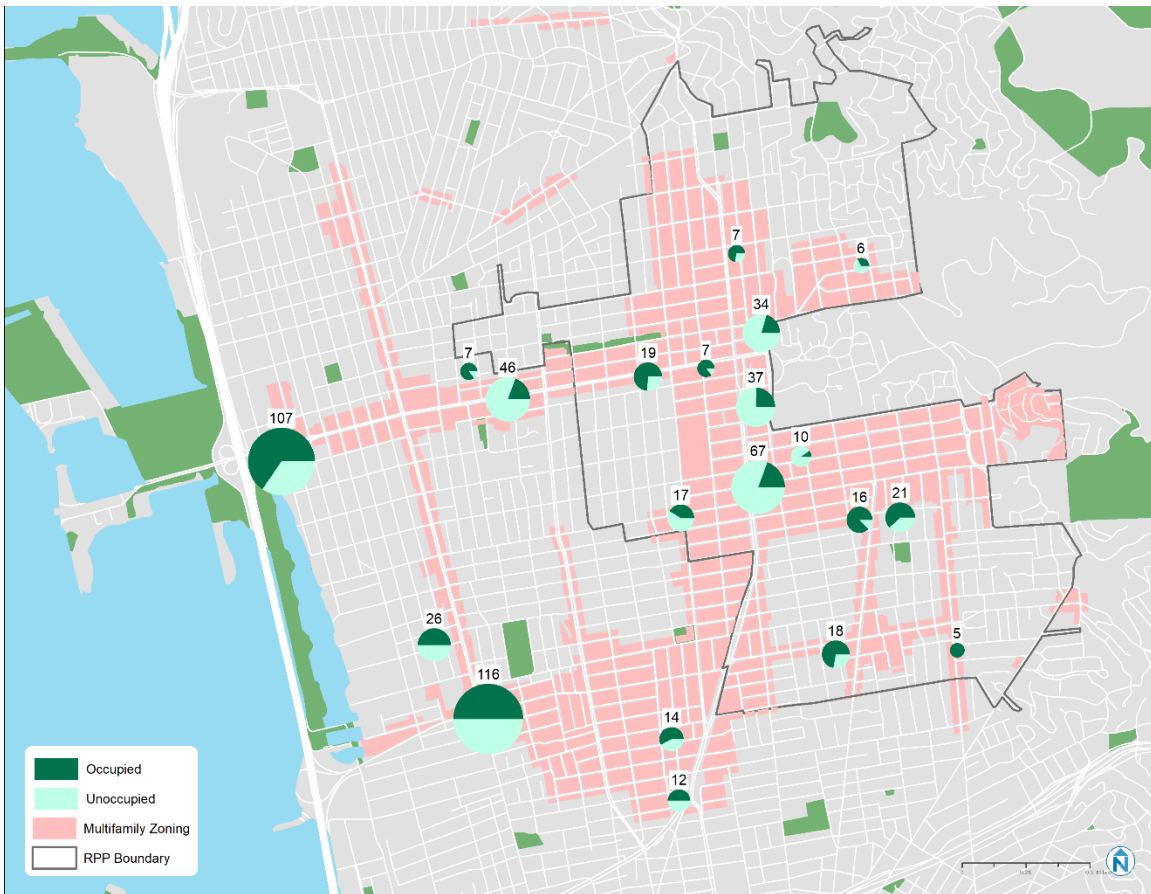
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Table 6 – Off-Street Parking Occupancy and Supply per Unit

	Median	Mean	Min	Max	20 th percentile	80 th percentile
Supply	0.82	0.84	0.20	1.17	0.54	1.15
Occupancy	0.53	0.45	0.07	0.88	0.13	0.73

Figure 4 shows the distribution of off-street occupancy counts collected at the 20 study properties. The size of the pie chart indicates the total inventory of off-street parking available at the site and the dark green vs. light green is an indication of how much parking was occupied. There appears to be a larger proportion of unoccupied off-street parking when the buildings are located closer to UC Berkeley campus and the downtown area, which could be explained by student populations and proximity to BART.

Figure 4 - Off-Street Parking

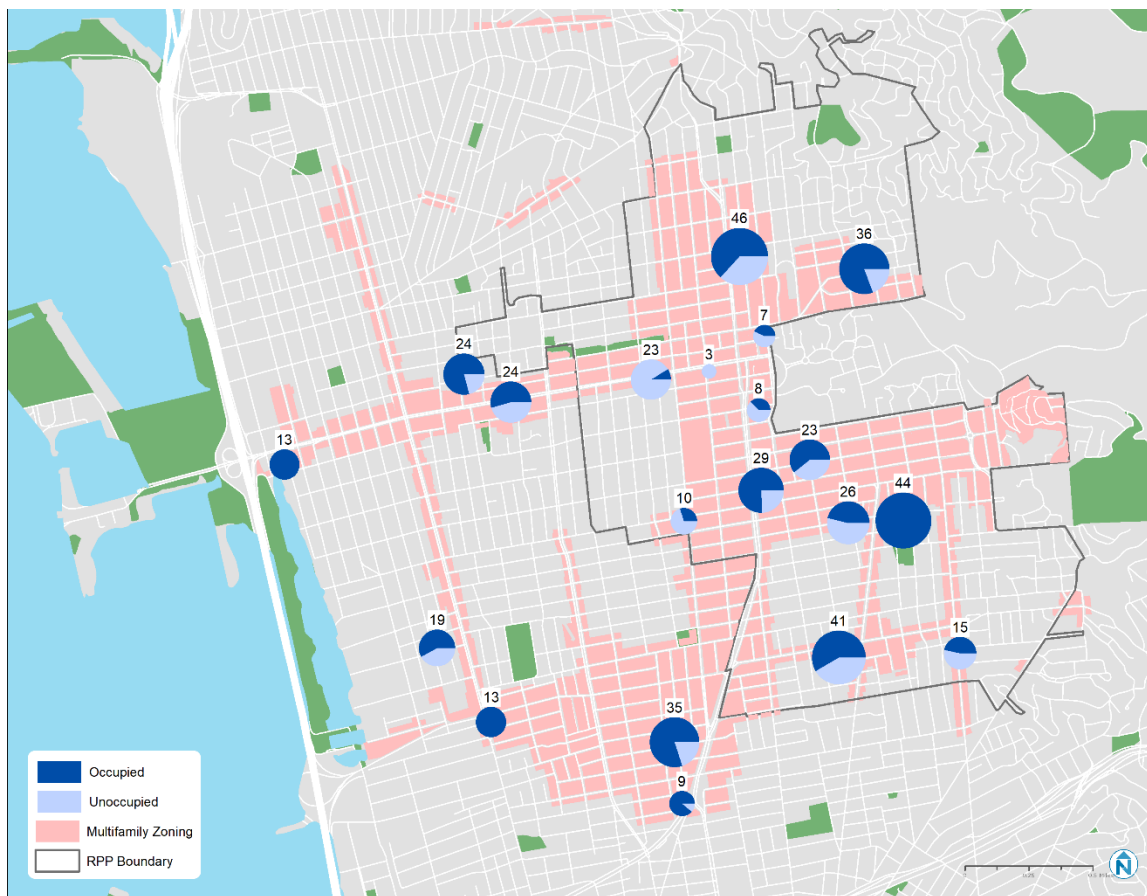


Note: Size of the pie chart and number on top indicate the total parking spaces

On-Street

Figure 5 shows the distribution of on-street occupancy counts collected at the 20 study properties. On-street parking capacity in the areas around selected buildings was surveyed on the two blockfaces nearest the immediate pedestrian entrance to each property.³ The size of the pie chart indicates the total inventory of on-street parking counted at the site and the dark blue vs. light blue is an indication of how much parking was occupied. Table 6 summarizes the range of occupancies across the properties. The average on-street occupancy for all properties was 61%. There did not appear to be any noticeable on-street occupancy pattern based on neighborhood.

Figure 5 - On-Street Parking



Note: Size of the pie chart and number on top indicate the total parking spaces

³ In some cases where there were multiple entrances, inventory and occupancy at the immediate blockfaces on each entrance were collected.

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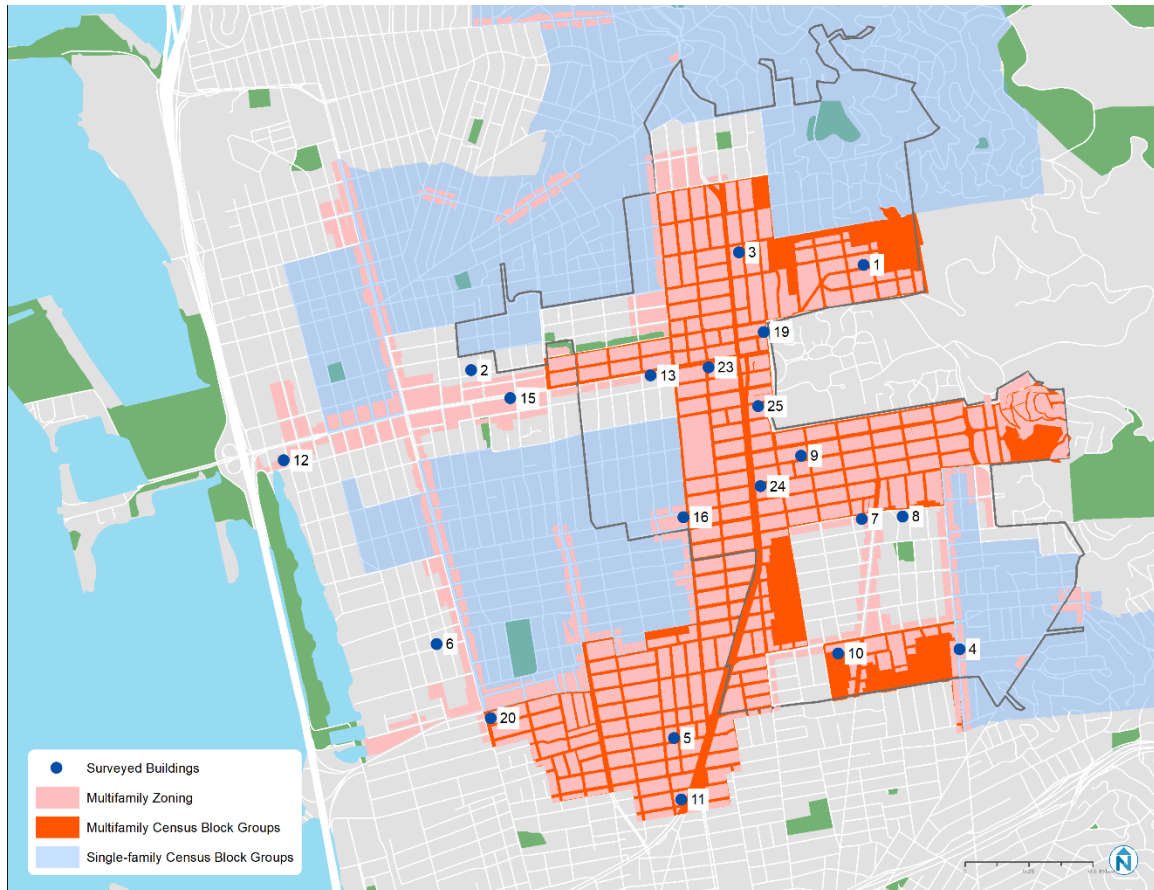
Table 7 – On-Street Parking Occupancy and Supply (# vehicles/ # spaces %)

	Median	Mean	Min	Max	20 th percentile	80 th percentile
Supply (#)	23	22	3	46	9.8	35.2
Occupancy (#)	13	14.9	0	44	3	24.8
Occupancy (%)	60%	61%	0%	100%	42%	82%

SOCIOECONOMIC ASSESSMENT

The project team evaluated characteristics of multifamily and single-family housing in Berkeley. This city-level assessment focused on aspects related to car-ownership that could provide context to the results of the parking capacity survey analysis. The team used 2017 American Community Survey (ACS) 5-year data at a census block group (CBG) level. A qualitative assessment was made to define CBGs as “multifamily housing” or “single-family housing,” based on the City of Berkeley zoning areas. CBGs were defined as either multifamily or single-family if one of the two types of land use covered most of the CBG. CBGs with an ambiguous mix of single-family and multifamily were excluded from the analysis. Figure 6 shows that most of the surveyed buildings (16) are located within multifamily zoning and in CBGs that the project team defined as multifamily. As a result, the socioeconomic assessment of the multifamily CBG (and its differences with single family areas) complement the conclusions from the survey and observation analysis.

Figure 6 – Multifamily Zoning and Census Block Groups



Note: Census block groups along the University corridor were neither defined as single nor multifamily since it was not clear the dominant zoning type in that CBG.

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Figure 7 indicates that more than 40% of workers living in single-family CBGs drive alone to work as opposed to slightly more than 20% in multifamily CBGs. ACS data also shows that the share of workers walking to work in multifamily CBGs is higher (30%) than those living in single-family areas (7%).

Figure 7 - Means of transportation to work, multifamily vs single-family CBG

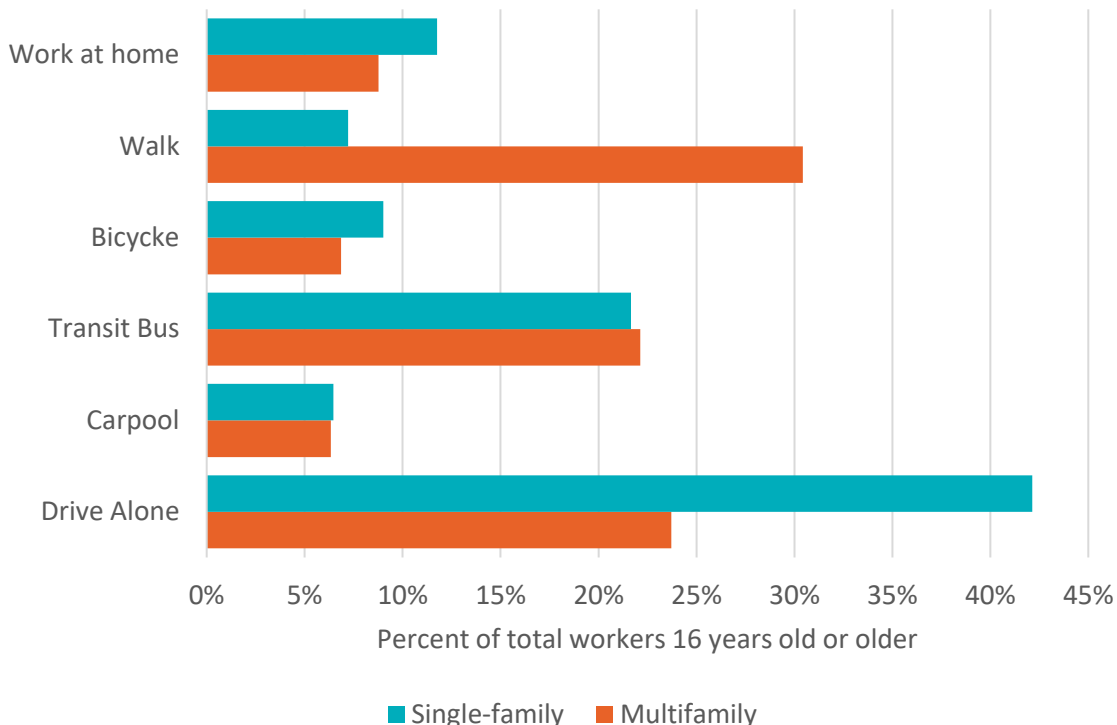


Figure 8 and Figure 9 show car-ownership by tenure in multifamily and single-family areas respectively. Approximately 40% of renters in multifamily areas do not have a car, double that of renters in single-family areas. Interestingly, homeowners show a similar car ownership pattern regardless of housing type. In multifamily housing areas, 89% of owners have at least one car, which is very close to the 95% of owners in single-family areas.

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Figure 8 – Vehicle ownership by tenure, multifamily CBG

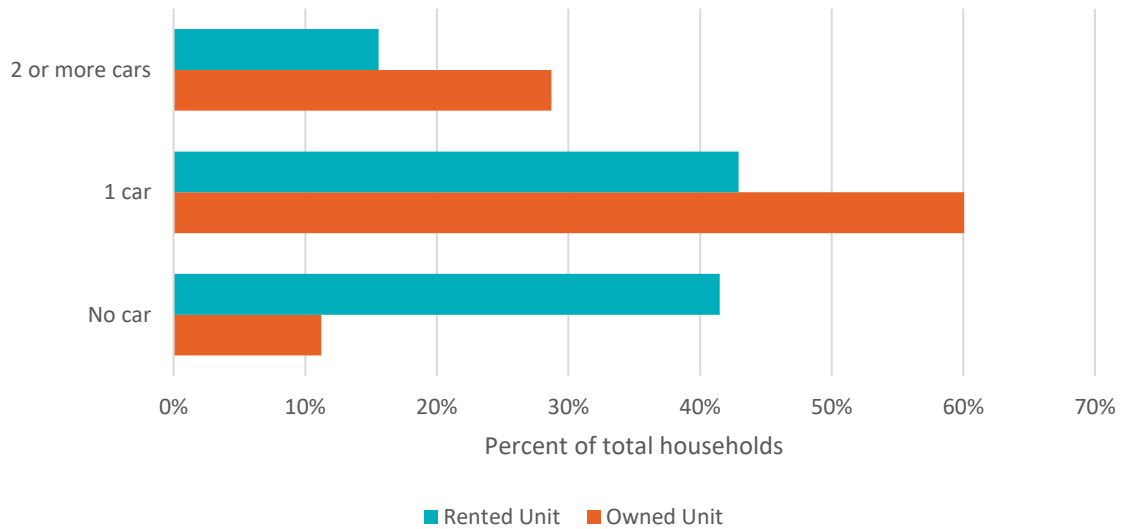
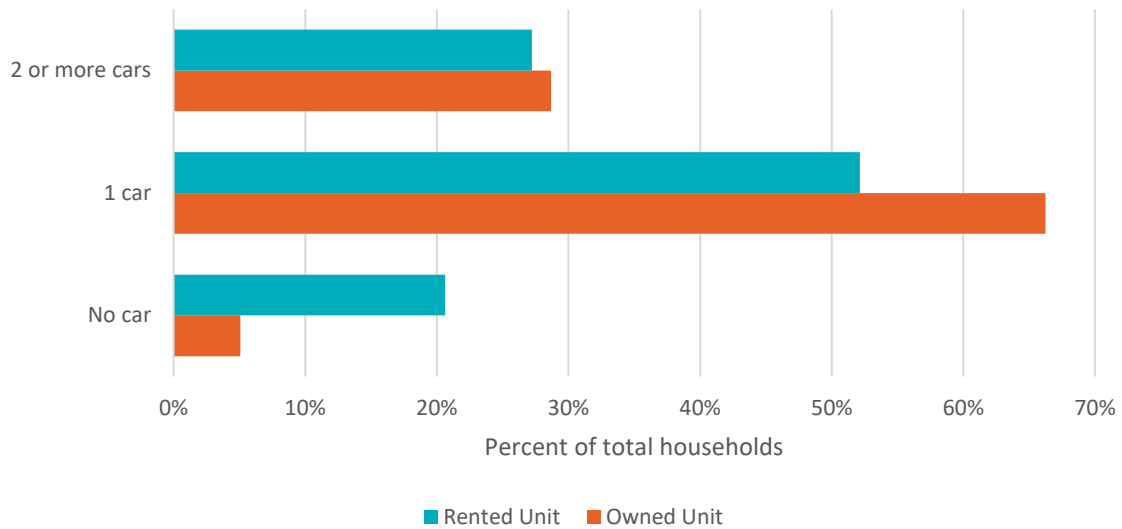


Figure 9 – Vehicle ownership by tenure, single-family CBG



APPENDICES

- A. Property Survey Instrument
- B. Property Survey Parking Data



Berkeley Parking Utilization Survey

Thank you very much for helping the Berkeley Planning Department by completing this survey. We expect this survey to only take about 5-10 minutes. After you submit the survey, we will contact you to arrange a visit to your building for a one-time parking count. If you have any questions about the survey or need any assistance, please contact Justin Horner, Associate Planner, at 510-981-7476 or jhorner@cityofberkeley.info

* 1. Residential Building Address

* 2. Site Contact Name

* 3. Site Contact Email

* 4. Is there a Property Management Company?



Berkeley Parking Utilization Survey

5. Name of the Management Company



Berkeley Parking Utilization Survey

* 6. Total Number of Residential Units

* 7. Total Number of Occupied Residential Units

* 8. Does this building have affordable residential units?



Berkeley Parking Utilization Survey

* 9. Total Number of Affordable Residential Units





Berkeley Parking Utilization Survey

* 10. Do you know how many residential units are occupied with residents that have vehicles?



Berkeley Parking Utilization Survey

* 11. Total number of residential units occupied by residents with vehicles



Berkeley Parking Utilization Survey

* 12. Total number of parking spaces designated for residential use

* 13. Are there any parking spaces designated for residential use that are used by non-residents



Berkeley Parking Utilization Survey

* 14. Total number of spaces designated for residents that are used by non-residents



Berkeley Parking Utilization Survey

* 15. Do residents pay for on-site vehicle parking under separate agreement?

- Yes. Parking is rented/deeded separately
- No. Parking is free or included in rent or condo fee



Berkeley Parking Utilization Survey

* 16. Is the monthly cost of parking less or more than \$50/month?

- Less Than \$50
- More Than \$50
- N/A



Berkeley Parking Utilization Survey

* 17. Does your building offer any of the following benefits? (select all that apply)

- Secure Bike Parking
- Discounted Transit Passes for Residents
- On-site Car-share vehicles
- None of the Above
- Other (please specify)



Berkeley Parking Utilization Survey

* 18. What is the capacity of of your on-site bike parking (i.e. how may bikes can park)?



Berkeley Parking Utilization Survey

* 19. Do you think there are residents with cars who are parking off-site?

* 20. Is there anything special or particular about residential parking in your building that you believe would be helpful for us to understand your building's situation better?

ID	Residential Building Address	Name of the Management Company	Total Number of Residential Units	Total Number of Occupied Residential Units	Does this building have affordable residential units?	Total Number of Affordable Residential Units	Do you know how many residential units are occupied with residents that have vehicles?	Total number of residential units occupied by residents with vehicles	Total number of parking spaces designated for residential use	Are there any parking spaces designated for residential use that are used by non-residents	Total number of spaces designated for residents that are used by non-residents	Do residents pay for on-site vehicle parking under separate agreement?	Is the monthly cost of parking less or more than \$50/month?	Does your building offer any of the following benefits? (select all that apply)
ID	Open-Ended Response	Open-Ended Response	Open-Ended Response	Open-Ended Response	Response	Open-Ended Response	Response	Open-Ended Response	Open-Ended Response	Response	Open-Ended Response	Response	Response	Secure Bike Parking
1	2575 Le Conte Ave.	Premium Properties	11	11	No		Yes	4	8	No		Yes. Parking is rented/d	More Than \$50	
2	1277 Hearst St.	Premium Properties	8	8	No		Yes	5	15	No		Yes. Parking is rented/d	More Than \$50	
3	1612 Walnut St.	Premium Properties	9	9	No		Yes	5	9	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
4	3001 College Ave.	Premium Properties	10	10	No		Yes	6	10	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
5	3140 Ellis St.	Premium Properties	10	10	No		Yes	5	7	No		Yes. Parking is rented/d	More Than \$50	
6	2777 9th St.	Premium Properties	21	21	No		Yes	20	21	No		No. Parking is free or included in rent or cond		Secure Bike Parking
7	2414 Parker St.	Premium Properties	16	16	No		Yes	9	16	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
8	2610 Hillegass Ave.	Premium Properties	23	23	No		Yes	10	22	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
9	2239 Channing Way	Premium Properties	14	14	No		Yes	0	6	Yes	4	Yes. Parking is rented/d	More Than \$50	
10	2321 Webster St.	Premium Properties	18	18	No		Yes	13	18	Yes	1	Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
11	3380 Adeline St.	Premium Properties	14	14	No		Yes	6	12	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
12	651 Addison St, Berkeley, CA 94710	Avalonbay Communities	94	89	Yes	4	Yes	85	101	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
13	1812 University Avenue Berkeley, CA 94703	SG Real Estate	44	44	Yes	4	No		17	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
15	1370 university Ave	Equity Residential	71	67	Yes	69	No		61	Yes	4	Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
16	2500 Martin Luther King Jr., Way		10	10	Yes	2	Yes	9	10	No		No. Parking is free or included in rent or cond		Secure Bike Parking
19	1910 Oxford Street Berkeley CA 94704	The Dinerstein Companies	56	56	Yes	11	No		36	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
20	3015 San Pablo Ave	Gerding Edlen	98	92	Yes	15	No		100	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
23	2004 University Ave. Berkeley CA, 94704	The Dinerstein Companies	35	35	Yes	7	No		6	No	unknown	Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
24	2110 Haste St. Berkeley CA, 94704	The Dinerstein Companies	100	100	Yes	20	No		64	Yes	unknown	Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
25	2116 Allston Way	The Dinerstein Companies	91	91	Yes	18	No		40	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
x	2002 Addison St, Berkeley CA, 94704	The Dinerstein Companies	27	27	Yes	4	No		18	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
x	2020 Bancroft Way - 2025 Durant Avenue	Everest Properties	105	104	No		Yes	51	106	Yes	40	Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
x	1627 University Ave Berkeley CA 94703	The Dinerstein Companies	34	32	Yes	6	No		21	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
x	1901 Dwight Way Berkeley, CA 94704	SG Real Estate	21	21	Yes	3	Yes	12	14	No		Yes. Parking is rented/d	More Than \$50	
x	2121 Dwight Way	Greystar	99	96	Yes	9	No		41	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking

ID	Residential Building Address					Capacity of of your on-site bike parking?	Are there residents with cars who are parking off-site?	Is there anything special or particular about residential parking in your building that you believe would be helpful for us to understand your building's situation better?	OFF Street	OFF Street	ON Street	ON Street
ID	Open-Ended Response	Discounted Tra	On-site Car-s	None of the Ab	Other (pleas	Open-End	Response	Open-Ended Response	TOTAL Supply	TOTAL Occupancy	TOTAL S	TOTAL Occupancy
1	2575 Le Conte Ave.			None of the Above			Yes	No	6	2	36	29
2	1277 Hearst St.			None of the Above			Yes	No	7	6	24	19
3	1612 Walnut St.					4-5	Yes	No	7	5	46	29
4	3001 College Ave.					2-3	Yes	No	5	5	15	7
5	3140 Ellis St.			None of the Above			Yes	No	14	8	35	28
6	2777 9th St.					Not sure	Yes	No	26	13	19	11
7	2414 Parker St.					Not sure	Yes	No	16	14	26	12
8	2610 Hillegass Ave.					Not sure	Yes	No	21	13	44	44
9	2239 Channing Way			None of the Above			Yes	No	10	1	23	14
10	2321 Webster St.					Not sure	Yes	No	18	13	41	24
11	3380 Adeline St.					Not sure	Yes	No	12	6	9	8
12	651 Addison St, Berkeley, CA 94710					27	Yes	All parking spaces are in the garage & 42 are standard parking spaces with 8 spaces with EV charging stations & 59 stack parking spaces	107	70	13	13
13	1812 University Avenue Berkeley, CA 94703					50	Yes	Thank you	19	14	23	2
15	1370 university Ave					40	Yes	Parking is \$150 per month in our building. Residents are all in affordable units so most residents park on the street surround building	46	9	24	13
16	2500 Martin Luther King Jr., Way					30	We ha	No	17	7	10	3
19	1910 Oxford Street Berkeley CA 94704					20	Yes	Parking is located in the garage which is gate controlled access. We have a Klaus system that allows multiple cars to park in the same space	34	7	7	3
20	3015 San Pablo Ave					60	Yes	matrix system - Matthews Mechanical	116	58	13	13
23	2004 University Ave. Berkeley CA, 94704					unknown	Yes	We utilize a Klaus machine to optimize garage space	7	6	3	0
24	2110 Haste St. Berkeley CA, 94704					unknown	Yes	utilize Klaus machine to optimize space in garage	67	13	29	22
25	2116 Allston Way					unknown	Yes	our building have a Klaus machine to optimize garage space	37	9	8	3
x	2002 Addison St, Berkeley CA, 94704					unknown	Yes	We utilize a Klaus machine to optimize garage space	NA	NA	NA	NA
x	2020 Bancroft Way - 2025 Durant Avenue					40	No	Mix of outdoor and indoor spaces.	NA	NA	NA	NA
x	1627 University Ave Berkeley CA 94703					20	Yes	Gated garage	NA	NA	NA	NA
x	1901 Dwight Way Berkeley, CA 94704			None of the			Yes	Thank you	NA	NA	NA	NA
x	2121 Dwight Way	Discounted Transit Passes for Residents				50 +	Yes	spots	NA	NA	NA	NA

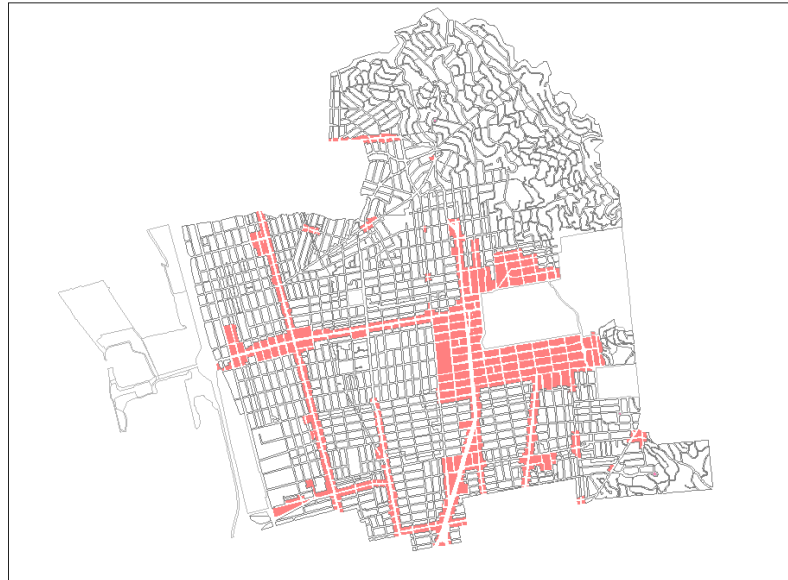
Parking Minimums At-A-Glance

- Excessive off-street parking requirements in multi-unit residential buildings have been associated with:
 - [Decreased residential densities](https://www.tandfonline.com/doi/abs/10.1080/10511482.2013.767851) -- parking spaces utilize developable square footage that could be used for dwelling units
<https://www.tandfonline.com/doi/abs/10.1080/10511482.2013.767851>;
 - [Increased development costs](http://shoup.bol.ucla.edu/HighCost.pdf) -- off-street parking can be expensive to build and adds to the overall cost of a project
<http://shoup.bol.ucla.edu/HighCost.pdf>;
 - [Increased private vehicle ownership and use](https://nyuscholars.nyu.edu/en/publications/does-residential-parking-supply-affect-household-car-ownership-th) – convenient (and inexpensive) parking may encourage car ownership and use
<https://nyuscholars.nyu.edu/en/publications/does-residential-parking-supply-affect-household-car-ownership-th>.

- Surveys from across the country have indicated that multi-unit residential buildings generally include unused required off-street parking spaces.
 - King County, WA. [Right Sized Parking Survey](https://metro.kingcounty.gov/programs-projects/right-size-parking/pdf/rsp-final-report-8-2015.pdf): 38% of required parking was unused
<https://metro.kingcounty.gov/programs-projects/right-size-parking/pdf/rsp-final-report-8-2015.pdf>
 - Washington DC. [Parking Utilization Study](https://planning.dc.gov/page/parking-utilization-study): 40% of required parking was unused
<https://planning.dc.gov/page/parking-utilization-study>
 - Chicago. [Stalled Out](https://www.cnt.org/sites/default/files/publications/CNT_Stalled%20Out_0.pdf): 35% of required parking was unused
https://www.cnt.org/sites/default/files/publications/CNT_Stalled%20Out_0.pdf

- Berkeley conducted a [Parking Utilization Study](#) in October 2019 that focused on multi-unit residential projects of 10 or more units. These types of projects are only permitted in high-density residential districts (R-3 and above) and Commercial districts (see map below) – areas with access to transit and/or a mix of land uses and high walkability.

[https://cityofberkeley.info/uploadedFiles/PLANNING - New/Att%204_Parking%20Study.pdf](https://cityofberkeley.info/uploadedFiles/PLANNING_-_New/Att%204_Parking%20Study.pdf)



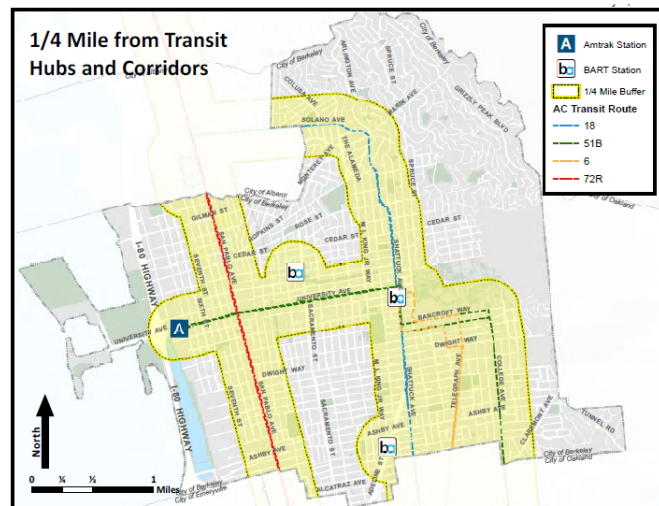
- Berkeley's *Parking Utilization Study* showed that only 54% off-street parking was occupied. It also showed that 60% of on-street parking spaces near surveyed buildings were occupied – suggesting that on-street parking “spillover” was not a concern.
- The *Parking Utilization Study* found that vehicle registration for surveyed buildings was 0.5 registrations per unit. This suggests that car-ownership in these areas of the city is lower than 1 car per unit, regardless of the number of residents in a unit.
- Reducing parking minimums does not mean that parking cannot be built; only that it is not required.

Parking Maximums At-A-Glance

- Parking maximums limit the amount of land or building area that can be used for off-street vehicle parking. As with parking minimums, parking maximums encourage increased residential densities and can potentially lower the overall cost of development projects.
- Parking maximums are more commonly instituted for commercial development, although some jurisdictions have instituted residential parking maximums. Jurisdictions with residential parking maximums include:

City	Maximum	Notes
Minneapolis, MN	1.5 – 2/unit	Maximums only apply to downtown zoning districts.
Pasadena, CA	2/unit	Maximum only applies to Sierra Madre Villa Station TOD Area
Pasadena, CA	1.75/unit	Maximum only applies to TOD Areas and Central District
Pittsburgh, PA	2/unit	Maximum only applies to 1,000 acre Uptown Ecolnnovation District
San Francisco, CA	0.5 -1.5/unit	Maximum depends on zoning district. Maximum is 1.5/unit in most cases
Vancouver, Canada	125% of base zone standard	Maximums apply in Transit Overlay District only (urban centers and transit nodes)

- There is no standard methodology for setting parking maximums, although they are typically somewhere in a range of 1.5 to 2 spaces per unit. Note that these levels generally exceed Berkeley's existing parking minimums. Donald Shoup, Professor of Urban Planning at UCLA and author of the *High Cost of Free Parking*, suggested changing off-street parking minimums to parking maximums as a simple measure to achieve more progressive parking regulations.
- Parking maximums are usually associated with specific zoning districts and/or in areas near transit. Below is a map showing areas of Berkeley within ¼ mile of high-frequency transit.

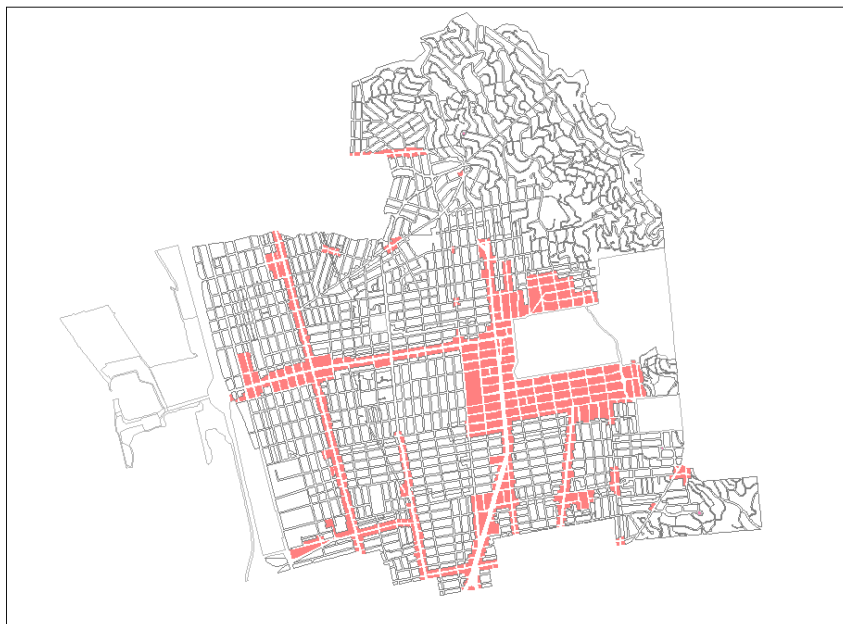


Transportation Demand Management (TDM) At-A-Glance

- Transportation Demand Management (TDM) measures are intended to provide sustainable transportation alternatives for residents while reducing reliance on private vehicles. TDM measures are often implemented as part of parking reform packages to encourage, incentivize and sometimes subsidize, the shift from one transportation mode to another.
- TDM measures are already required in Berkeley for projects in the C-DMU district that do not supply required off-street parking. The City Council's 2016 [Green Development Requirements](https://www.cityofberkeley.info/uploadedFiles/PLANNING_-_New/Att2_GreenDevReferral.pdf) (https://www.cityofberkeley.info/uploadedFiles/PLANNING_-_New/Att2_GreenDevReferral.pdf) referral specifically called for the expansion of the C-DMU's TDM measures citywide on large residential projects.
- Planning Commission considered two main approaches to TDM: 1) a menu-based approach, similar to [San Francisco's TDM program](https://sfplanning.org/transportation-demand-management-program) (<https://sfplanning.org/transportation-demand-management-program>), which allows a project sponsor to pick among a number of TDM measures; and 2) a proscriptive approach, which dictates which TDM measures would be required. They also considered Transform's [GreenTRIP Certification](https://www.transformca.org/landing-page/greentrip-certification-program) (<https://www.transformca.org/landing-page/greentrip-certification-program>) program.
- Planning Commission selected a proscriptive approach that provides clarity to applicants and residents, screened the required TDM measures for effectiveness, and ensured that the program would be relatively easy for staff to administer.
- The four TDM measures proposed as part of Berkeley Parking Reform package are listed below with a brief rationale:
 - **Off-street bicycle parking will be required for residential projects.** These requirements are taken directly from the recommendations included in the adopted 2017 *Berkeley Bike Plan*.
 - **Transit passes will be required for building residents.** This TDM measure is already established in the C-DMU district. Provision of transit passes has been shown to be an [effective tool in reducing private vehicle use](http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf) (<http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>) and a welcome benefit by residents.
 - **Off-street parking will need to be "unbundled" from housing costs.** The required sale or rental of off-street parking, separate from the cost of a dwelling unit, mirrors a TDM measure already required in the C-DMU district. The City's *Parking Utilization Study* revealed that unbundled parking is a common practice among multi-unit building owners in Berkeley, but it is currently not a requirement in all projects.
 - **Real-time transportation information monitors will be required.** This is a simple, and easily implemented, low-cost method to provide transportation options to building residents and visitors using web-based information services.

Residential Preferential Parking (RPP) Permits At-A-Glance

- The [RPP program](https://www.cityofberkeley.info/Customer_Service/Home/RPP_Residential_Preferential_Parking.aspx) is administered by the Transportation Division in the Department of Public Works. https://www.cityofberkeley.info/Customer_Service/Home/RPP_Residential_Preferential_Parking.aspx
- The cost of an RPP parking permit, available to residents with cars registered to Berkeley addresses, is \$66 per year. Residents may request up to three parking permits per dwelling unit – and may request to exceed this limit through an appeal process. RPP permits are also available to merchants and in-home care providers.
- The City of Berkeley currently limits RPP permits in [BMC 14.72.080.C](https://www.codepublishing.com/CA/Berkeley/html/Berkeley14/Berkeley1472/Berkeley1472080.html#14.72.080) for projects that provide less parking than required to mitigate any potential impacts to on-street parking. <https://www.codepublishing.com/CA/Berkeley/html/Berkeley14/Berkeley1472/Berkeley1472080.html#14.72.080>
- In the C-DMU and the Car-Free Housing Overlay in the Southside Plan Area, residents of new projects that do not include parking cannot obtain RPP permits.
- If the City Council eliminates minimum parking requirements for projects of 10 or more units in high density residential and commercial districts citywide, restrictions on RPP permits should be similarly expanded to apply existing policy consistently.
- Berkeley conducted a [Parking Utilization Study](https://cityofberkeley.info/uploadedFiles/PLANNING_-_New/Att%204_Parking%20Study.pdf) (October 2019) that focused on multi-unit residential projects of 10 or more units. These types of projects are only permitted in high-density residential districts (R-3 and above) and Commercial districts (see map below) – districts with access to transit and/or a mix of land uses and high walkability. https://cityofberkeley.info/uploadedFiles/PLANNING_-_New/Att%204_Parking%20Study.pdf



- Berkeley's *Parking Utilization Study* showed that only 54% off-street parking was occupied. It also showed that 60% of on-street parking spaces near surveyed buildings were occupied – suggesting that on-street parking “spillover” was not a concern when residential projects are not fully parked.



Planning Commission

**FINAL MINUTES OF THE REGULAR PLANNING COMMISSION MEETING
March 4, 2020**

The meeting was called to order at 7:02 p.m

Location: South Berkeley Senior Center, Berkeley, CA

1. ROLL CALL:

Commissioners Present: Benjamin Beach (left at 9:15pm), Robb Kapla, Shane Krpata, Mary Kay Lacey, Steve Martinot, Christine Schildt (left at 9:15pm), Jeff Vincent, Brad Wiblin (arrived at 7:10), and Rob Wrenn.

Commissioners Absent: None.

Staff Present: Secretary Alene Pearson, Katrina Lapira, and Justin Horner.

2. ORDER OF AGENDA: No changes.

3. PUBLIC COMMENT PERIOD: 0

4. PLANNING STAFF REPORT:

- ZORP Subcommittee Meeting - February 24, 2020
- JSISHL Commission Meeting - February 26, 2020
- Next Adeline Corridor Subcommittee Meeting - March 18, 2020
- Recommended Zoning Ordinance Amendments at City Council - March 24, 2020
- Next Planning Commission Meeting - April 1, 2020
- Emergency Operations Center (EOC) activation in response to COVID- 19. Visit <https://www.cityofberkeley.info/coronavirus/> for most up-to-date information.

Information Items:

- Comprehensive Cannabis
 - City Council Meeting Annotated Agendas – January 28 + February 11, 2020
 - City Council Staff Report – January 28, 2020

Communications:

- February 6 – Dumler, Southside EIR
- February 13 – Gold, Parking Reform
- February 13 – Trauss, Southside EIR
- February 21 – Siegel, Parking Reform

- February 25 – Hyde- Wang, Parking Reform

Late Communications (Received after the Packet deadline): *None*.

- March 3 – UCB Democrats, Parking Reform

Late Communications (Received and distributed at the meeting):

- March 4 – Staff Presentation, Item 9
- March 4 – Staff Presentation, Item 10
- March 4 – Hansen, Parking Reform
- March 4 – Clarke, Parking Reform

5. CHAIR REPORT: *None*.

6. COMMITTEE REPORT: Reports by Commission committees or liaisons. In addition to the items below, additional matters may be reported at the meeting.

- Zoning Ordinance Revision Project (ZORP): February 24 meeting continued to a date to be determined in March.
- Joint Subcommittee for the Implementation of State Housing Laws (JSISHL): At the meeting on February 26, JSISHL discussed objective standards for shadows, design, and density.
- Adeline Corridor Specific Plan Subcommittee: The next meeting is on March 18.

7. APPROVAL OF MINUTES:

Motion/Second/Carried (Krpata/Vincent) to approve the Planning Commission Meeting Minutes from February 5, 2020 with the discussed edits to Item 9 and Item 10.

Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS: To be discussed with Item 11.

AGENDA ITEMS

9. Action: **Public Hearing: Parking Reform**

Staff discussed proposed Zoning Ordinance amendments that eliminate parking requirements, establish parking maximums, establish transportation demand management (TDM) requirements, and codify bicycle parking requirements from the 2017 Berkeley Bicycle Plan. The Commission adopted the majority of the proposed draft Zoning Ordinance amendments with modifications noted in the motions. Planning Commission asked to revisit accessibility parking requirements at a future date.

Motion/Second/Carried (Wrenn/Vincent) to adopt proposed draft Zoning Ordinance amendments to eliminate parking minimums with modifications to 1) maintain off-street parking requirements for residential projects in the Hillside Overlay on roads less than 26 feet in width; and 2) provide an option to waive these requirements with the approval of an Administrative Use Permit if conditions outlined by the Fire Department are met.

Ayes: Beach, Kapla, Krpata, Lacey, Martinot, Schildt, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: None. (9-0-0-0)

Motion/Second/Carried (Vincent/Wrenn) to adopt proposed draft Zoning Ordinance amendments to implement parking maximums with modifications to 1) exempt projects with a majority of deed-restricted affordable units; and 2) exempt projects in the Hillside Overlay on streets that are less than 26 feet in width.

Ayes: Kapla, Krpata, Lacey, Martinot, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: Beach and Schildt. (7-0-0-2)

Motion/Second/Carried (Wrenn/Kapla) to adopt proposed draft Zoning Ordinance amendments to implement transportation demand management (TDM) requirements with modifications to 1) require 1 monthly transit pass per bedroom, with a maximum of 2 passes for projects with less than 100 units; 2) require 1 transit pass per bedroom for projects with 100 units or more; and 3) exclude, in all zoning districts, new projects of 5 or more units from the Residential Preferential Parking (RPP) program.

Ayes: Kapla, Krpata, Lacey, Martinot, Vincent, and Wrenn. Noes: Wiblin. Abstain: None. Absent: Beach and Schildt. (6-1-0-2)

Motion/Second/Carried (Kapla/Wiblin) to adopt proposed draft Zoning Ordinance amendments to accept technical edits and minor changes to the Variance Chapter.

Ayes: Kapla, Krpata, Lacey, Martinot, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: Beach and Schildt. (7-0-0-2)

Public Comments: 8

10. Discussion: Planning Commission Workplan

Staff gave an overview of agenda materials.

Public Comments: 0

11. Discussion: May 20, 2020 Special Meeting

Planning Commission discussed potential dates for a Special Meeting to discuss the Adeline Corridor Specific Plan. Staff will poll Commissioners and announce final date via email.

Public Comments: 0

Motion/Second/Carried (Kapla/Wiblin) to close the public hearing at 10:17pm.

Ayes: Kapla, Krpata, Lacey, Martinot, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None.
Absent: Beach and Schildt. (7-0-0-2)

The meeting was adjourned at 10:33pm

Commissioners in attendance: 9

Members in the public in attendance: 13

Public Speakers: 8 speakers

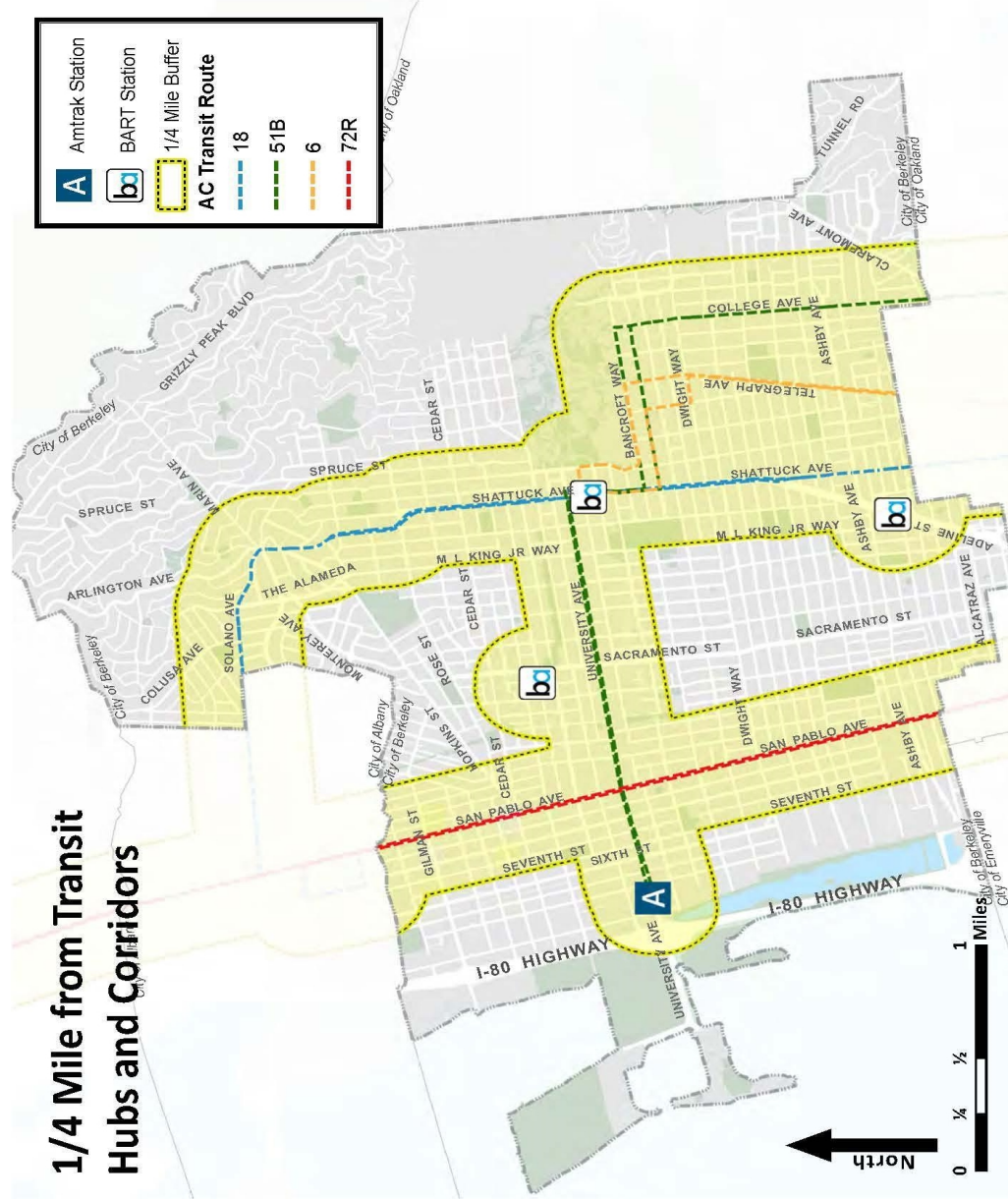
Length of the meeting: 3 hours and 31 minutes

Alene Pearson

Alene Pearson
Planning Commission Secretary

7/6/2020

Date



**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
PUBLIC PARTICIPATION BY REMOTE VIDEO ONLY**

AMENDING TITLE 14 AND TITLE 23 TO MODIFY MINIMUM RESIDENTIAL OFF-STREET PARKING REQUIREMENTS, IMPOSE RESIDENTIAL PARKING MAXIMUMS IN TRANSIT-RICH AREAS, INSTITUTE TRANSPORTATION DEMAND MANAGEMENT (TDM) REQUIREMENTS AND AMEND THE RESIDENTIAL PREFERENTIAL PARKING (RPP) PERMIT PROGRAM

The hearing will be held on January 26, 2021 at 4:00 p.m. The hearing will be held via videoconference pursuant to Governor’s Executive Order N-29-20.

The Department of Planning and Development is proposing amend the Berkeley Municipal Code in order to encourage housing development and the use of sustainable transportation options by:

- 1) Modifying minimum residential off-street parking requirements;
- 2) Imposing parking maximums in transit-rich areas;
- 3) Instituting Transportation Demand Management (TDM) requirements; and
- 4) Amending the Residential Preferential Parking (RPP) permit program.

The ordinance would modify BMC Chapters 14.72, 23B.44, 23D.12, 23D.16, 23D.20, 23D.28, 23E.28, 23D.32, 23D.36, 23D.40, 23D.44, 23D.48, 23D.52, 23E.28, 23E.64, 23E.68, 23E.80, and 23E.84, and would create two new BMC Chapters 23C.18 [Transportation Demand Management] and 23C.19 [Off-street Parking Maximums for Residential Development].

A copy of the agenda material for this hearing will be available on the City’s website at www.CityofBerkeley.info as of **January 21, 2021**. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

For further information, please contact Alene Pearson, Principal Planner, Planning and Development Department at 510-981-7489 or apearson@cityofberkeley.info.

Written comments should be mailed directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or emailed to council@cityofberkeley.info in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

Published: January 15, 2021 – The Berkeley Voice

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on January 21, 2021.

\_\_\_\_\_  
Mark Numainville, City Clerk

