

ORDINANCE NO. 7,751-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. No permits shall be issued to residents in newly constructed residential units. 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 specified otherwise when it 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.

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
 - 2. Residential projects, including the residential portion of mixed-use projects, with the majority of the units subject to recorded affordability restrictions.
- C. Projects in the Southside Plan Area shall be exempt from the transit benefit requirements in 23C.18.030 (B)

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. 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.
- 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. Projects located on a roadway with less than 26 feet in pavement width 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 efficiently allocate parking spaces in the City.
- B. To regulate the provision of off-street parking spaces 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.

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. 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.

B. If the expected demand for parking spaces 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. Off-street parking space requirements may be satisfied by tandem off-street parking space(s) with the issuance of an AUP.

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:

Use	Long Term Parking ¹ Requirement	Short-Term Parking ¹ Requirement
Dwelling Units (1 to 4 units)	None required	None required
Dwelling Units (5 units or more)	1 space per 3 bedrooms	2, or 1 space per 40 bedrooms, whichever is greater
Group Living Accommodations,	2, or 1 space per 2.5 bedrooms, whichever is	2, or 1 space per 20 bedrooms, whichever is

Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Transitional Housing)	greater	greater
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.		

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

23D.16.080 Parking -- Number of Spaces

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

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
Community Care Facilities	One per two non-resident employees *
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 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.

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

23D.20.080 Parking -- Number of Spaces

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

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
Community Care Facilities	One per two non-resident employees *
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 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.

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

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
Community Care Facilities	One per two non-resident employees *
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 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.

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

23D.32.080 Parking -- Number of Spaces

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

Table 23D.32.080	
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
<u>Community Care Facilities</u>	One per two non-resident employees *
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Nursing Homes	One per each three employees
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
Senior Congregate Housing	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
*This requirement does not apply to those Community Care Facilities which under state law	

Table 23D.32.080	
Parking Required	
Use	Number of spaces
must be treated in the same manner as a single family residence	

B. Other uses requiring Use Permits issued by the Board, 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. Senior Congregate Housing, Nursing Homes and Schools with 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)

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

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 on a roadway less than 26 feet in width in the Hillside Overlay
Dwellings (fewer than ten)	One per unit if project is located on a roadway less than 26 feet in width in the Hillside Overlay
Dwellings(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
Community Care Facilities	One per two non-resident employees *
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 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. Senior Congregate Housing, Hospitals, Nursing Homes, and Schools with 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.

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 if project is located on a roadway less than 26 feet in width in the Hillside Overlay
Dwellings(fewer than ten)	One per unit if project is located on a roadway less than 26 feet in width in the Hillside Overlay
Dwellings(ten or more)	One per 1,000 sq. ft. of gross floor area required if project is located on a roadway less than 26 feet in width in the Hillside Overlay

Table 23D.40.080**Parking Required**

Use	Number of spaces
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 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 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 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.

D. Senior Congregate Housing, Hotels, Hospitals, Nursing Homes, Offices (including Medical Offices) and Schools with 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:

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 on a roadway less than 26 feet in width in the Hillside Overlay
Dwellings(fewer than ten)	One per unit if project is located on a roadway less than 26 feet in width in the Hillside Overlay
Dwellings(ten or more)	One per 1,200 sq ft of gross floor area if project is located on a roadway less than 26 feet in width in the Hillside Overlay

Table 23D.44.080	
Parking Required	
Community Care Facilities	One per two non-resident employees *
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 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 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.

D. Senior Congregate Housing, Hotels, Hospitals, Nursing Homes, Offices (including Medical Offices) and Schools with 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

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, or Accessory Dwelling Units.
2. 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.

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.

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

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, Group Living Accommodations, or 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

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 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 Accommodations 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.

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 efficiently allocate parking spaces in the City.
- B. To 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. No building, structure, alteration, fence, landscaping or other site feature may be constructed, erected, planted or allowed to be established that would impede access to any required off-street parking space.

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. If the expected demand for parking spaces 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. Off-street parking space requirements may be satisfied by tandem off-street parking space(s) with the issuance of an AUP.

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.

F. When the number of off-street parking spaces required 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.

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:

Use	Long Term Parking ¹ Requirement	Short-Term Parking ¹ Requirement
Dwelling Units (1 to 4 units)	None required	None required
Dwelling Units (5 units or more)	1 space per 3 bedrooms	2, or 1 space per 40 bedrooms, whichever is greater

Group Living Accommodations, Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Transitional Housing)	2, or 1 space per 2.5 bedrooms, whichever is greater	2, or 1 space per 20 bedrooms, whichever is greater
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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.

D. 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.

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.

Table 23E.64.080	
Parking Required*	
Use	Number of spaces
Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses and Senior	None required

Table 23E.64.080	
Parking Required*	
Use	Number of spaces
Congregate Housing	
Dwelling Units	None required
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	. 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 additional parking space for each additional 750 sq. ft. subject to any additional requirements for parking pursuant to Section <u>23E.20.040.B</u>
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 I for substitutions of up to 10% with bicycle/motorcycle parking	

Table 23E.64.080	
Parking Required*	
Use	Number of spaces
**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. 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.

I. 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.

J. 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).

K. 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.

L. 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).

M. 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.

Use	Number of Parking Spaces Required
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	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, 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 vehicle parking, vehicle sharing spaces shall be provided in the amounts specified in the following table.

Number of Parking Spaces Provided	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

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 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.

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	. 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 Subsection B , 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.

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	None required
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Live/Work Units	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 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 G for substitutions of up to 10% with bicycle/motorcycle parking	

B. Unless otherwise specified in Subsection 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. 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.

F. 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.

G. 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.

H. In buildings with manufacturing, wholesale trade or warehouse uses, loading spaces

shall be maintained so as to meet the requirements of Chapter 23E.32.

I. 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.

At a special meeting of the Council of the City of Berkeley held on January 26, 2021, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: None.

