

Item 9: Public Hearing on Proposed Zoning Ordinance Amendments that Eliminate Minimum Parking Requirements, Establish Parking Maximums, Establish a Transportation Demand Management (TDM) Requirement, and Add Bicycle Parking Requirements.

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1. Eliminate Minimum Parking Requirements
2. Establish residential parking maximums
3. Require new TDM measures and bicycle parking requirements
4. Technical clean-up
5. Option Variance changes

Eliminate Minimum Parking Requirements

Eliminate Minimum Parking Requirements

1. Remove residential parking requirements

2. Amend Purpose statements
3. Allow conditioning of more parking spaces only for non-residential uses
4. Remove unnecessary provisions for senior housing
5. Amend carshare provisions in the C-DMU

1. Amendments
 Removing
 Parking
 Requirements
 (Att. 5, pgs.
 65, 69, 72,
 74-75, 77,
 78, 79, 81,
 82, 84, 86,
 88, 92)

| Use | Number of spaces |
|---|--|
| Dormitories; Fraternity and Sorority Houses; Rooming and Boarding Houses; and Senior Congregate Housing | None required One per each five residents, plus one for manager |
| Dwellings, Multiple (fewer than ten) Dwellings, Multiple (Ten or more) Dwellings, One and Two Family | None required One per unit (75% less for seniors, see below) One per 1,000 sq. ft. of gross floor area (75% less for seniors, see below) One per unit |
| Employees | 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.

2. Purpose Statements (Att 8, pgs 105 and 112-113)

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. (Ord. 6478-NS § 4 (part), 1999)

3. Conditioning to Provide More Parking (Att 8, pgs 107 and 114)

23D.12.050 Number of Parking Spaces Required

B. ~~As a condition of any A Permit, the Zoning Officer and Board may require~~ may be conditioned to provide more than the minimum required off-street parking spaces for non-residential projects or non-residential portions of mixed-use projects ~~than 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.

4. Remove Unnecessary Provisions for Senior Housing (Att 5, pgs 67, 75, 82, 85, 87, 89)

R-2A, R-3, R-4, R-5, C-W, and MU-R

~~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.~~

5. Amend Carsharing Requirements in the C-DMU (Att 5, pg 70)

23E.68.080 Parking -- Number of Spaces

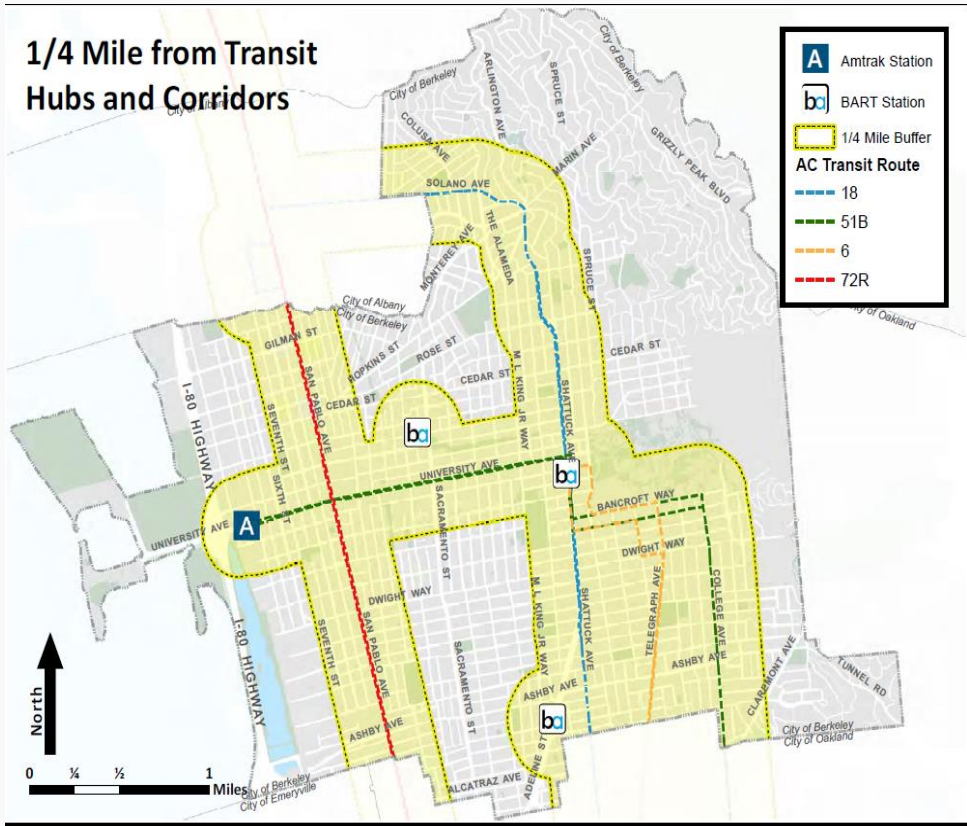
I. For residential ~~structures constructed or converted from a non-residential use that require projects that provide~~ vehicle parking under Section ~~23E.68.080.B, required parking spaces shall be designated as~~ vehicle sharing spaces shall be provided in the amounts specified in the following table.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

| Number of Parking Spaces Required <u>Provided</u> | Number of Vehicle Sharing Parking Spaces |
|---|---|
| 0-10 | 0 |
| 11-30 | 1 |
| 30-60 | 2 |
| 61 or more | 3, plus one for every additional 60 spaces |

Establish Residential Parking Maximums (Attachment 7, pgs 101-102)

0.5 spaces
per unit

Projects with
two or more
units located 1/4
mile from transit



Administrative Use Permit Findings to Provide More than Maximum (Lines 35 - 48)

1. 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
2. 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.

Transportation Demand Management

Transportation Demand Management

1. New Transportation Demand Management Chapter (10 or more units, some exceptions)
 - Transit Passes
 - Unbundled Parking
 - Real-time Transportation Information
2. New Residential Bicycle Parking Requirements (5 or more units, no exceptions)
3. New RPP Regulations

1. New Transportation Demand Management Chapter (Attachment 8, pgs 103-104)

- Applicability: Residential projects, or residential portions of mixed-use projects that include 10 or more dwelling units.
- Exemptions
 - C-DMU (already existing TDM program)
 - Southside Plan Area
 - Projects with a majority of their units subject to deed-restricted affordability

1. New Transportation Demand Management Chapter (Attachment 8, pgs 103-104)

Three required measures (lines 44 - 72):

1. Unbundled parking: Definition taken from existing C-DMU requirement
2. Transit passes: One per unit for ten years. Definition taken from existing C-DMU requirement
3. Real-time transportation information: Definition adapted from San Francisco TDM ordinance definition

1. New Transportation Demand Management Chapter (Attachment 8, pgs 103-104)

Monitoring

- On-site inspection to confirm compliance before issuance of Certificate of Occupancy
- On-going monitoring requirements to be outlined in administrative regulations to be developed by Land Use Planning
- Compliance to be tracked by Land Use Planning

2. Residential Bicycle Parking Requirements (Att. 8, p. 108-109 and 115)

| <u>Use</u> | <u>Long-Term Parking Requirement</u> | <u>Short-Term Parking Requirement</u> |
|---|---|---|
| <u>Dwelling Units (1 to 4 units)</u> | <u>None required</u> | None required |
| <u>Dwelling Units (5 units or more)</u> | <u>1 space per three bedrooms</u> | 2, or 1 space per 40 bedrooms, whichever is greater |
| <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> | 2, or 1 space per 20 bedrooms, whichever is greater |

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.

3. New Transportation Demand Management Chapter (Attachment 8, pgs 103-104)

B. In addition to any other restrictions on access to Residential Parking Permits, residents of any project subject to this Chapter that is located in a Commercial (C-prefixed) Zoning District shall not be eligible for Residential Parking Permit (RPP) permits under BMC Chapter 14.72.

Technical Edits and Zoning Ordinance Clean Up

1. Eliminate Redundancy in 23E.28.020.C (Att. 8, pg. 113, Lines 42-44)

~~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.~~

2. Allow Tandem Parking with an AUP (Att. 8, pg 107, lines 66-68 pg. 114, Lines 63-65)

D. ~~No~~ ~~Off-street~~ parking space requirements may be satisfied by a tandem off-street parking space 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.~~

3. Reorder Cells for Community Care Facilities (Att. 5, pgs. 77, 78, 79, 81, 82, 86)

| Use | Number of Spaces |
|--|--|
| <u>Employees Community Care Facility</u> | One per two non-resident employees for a Community Care Facility* |

4-5. Changes to R-S District Standards (Attachment 5, pgs 90 - 91)

1. Eliminate Car-Free Housing Overlay (p. 90, lines 151 - 172)
2. Restate restriction on RPP permits for residents of projects built without parking in the R-S (p. 91, lines 175-180)

6. Only Obstruction of *Required* Parking is Prohibited (Attachment 8, pg 113)

B. ~~In addition, no~~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.~~

7. Replace “Modify” with “Reduce or Eliminate” in the C-W (Attachment 5, pg 67, line 32)

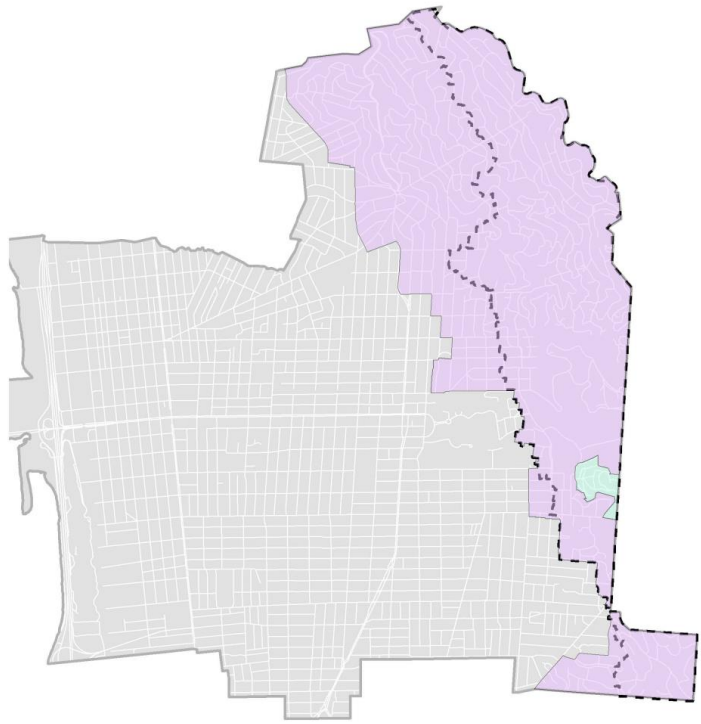
G. Any mixed use building (residential and commercial) shall satisfy the off-street parking standards and requirements of this District, provided, however, that the Board or the Zoning Officer may issue a Permit to ~~modify~~ reduce or eliminate the off-street parking and usable open space requirements 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.

Option: Variance Changes

Variance Change Option Summary

| | Residential Project in Fire Zones 2 and 3 | All Other Residential Projects | Non-Residential Projects |
|-------------------------|--|---|-------------------------------------|
| Current Requirement | Variance | Variance | Variance |
| Proposed Requirement | Variance | UP (PH) | Variance |

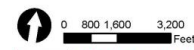
City of Berkeley Fire Zone Map



Legend

- CA Very High Hazard Severity Zone
- Berkeley Fire Zone 2
- Berkeley Fire Zone 3
- Berkeley Boundary

Updated:
November 14, 2019



CITY OF BERKELEY
Land Use Planning Division
Dept of Planning & Development
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23B.44.010 Variances (Attachment 9, pg. 117)

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 non-residential the-off-street parking space 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; provided, also, that a use permit, rather than a variance, may be approved to reduce required off-street parking for residential projects or residential portions of mixed-use projects not in Berkeley Fire Zones 2 or 3. In Berkeley Fire Zones 2 or 3, residential off-street parking requirements can be reduced with the approval of a variance. (Ord. 6954-NS § 1 (part), 2006: Ord. 6478-NS § 4 (part), 1999)

Next Steps

1. Hold a Public Hearing
2. Consider testimony
3. Discuss recommendation:

Direct staff to bring draft Zoning Ordinance amendments to City Council