ABAG-MTC Local Parking Policy Technical Assistance **| Parking Policy Playbook FINAL**

APPENDIX B

Sample Staff Reports & Council Resolutions

**[ 1 ]**



**Planning and Development Department**

Land Use Planning Division

STAFF REPORT

DATE: March 4, 2020

TO: Members of the Planning Commission FROM: Justin Horner, Associate Planner

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

BACKGROUND

In response to the Green Affordable Housing Package and City-wide Green Development Requirements referrals, the Planning Commission has discussed parking reform and the establishment of Transportation Demand Management (TDM) requirements at five meetings over the past year. Consistent with the City Council’s referrals, the Planning Commission has consistently expressed concern that requiring

too much residential parking encourages driving, increases transportation-related emissions, reduces residential densities and makes housing more expensive. While considering the reduction or elimination of parking requirements, the Planning Commission also expressed concern that doing so could simply cause more vehicles to park on the street and that eliminating requirements alone would not necessarily support the growth of more sustainable transportation modes. Therefore, at its meeting of July 17, 2019, the Planning Commission determined that the adoption of TDM requirements should go hand-in-hand with any reductions in required off-street parking.

To ensure that policy recommendations reflected Berkeley-specific conditions, the Planning Commission requested staff to undertake a Residential Parking Utilization Study (“Parking Study”-- Attachment 2) to examine parking usage at 20 existing residential buildings. As presented at their meeting of December 4, 2019 (Attachment 3), the Parking Study found that the average occupancy rate for off-street residential

parking spaces was 54%, that the average occupancy rate for on-street parking spaces near the 20 properties was 61%, and that the average dwelling unit among the surveyed buildings had 0.5 vehicle registrations. The Planning Commission determined that the study supported the contention that Berkeley’s parking requirements do not match actual residential parking usage.

Public Hearing on Proposed Zoning Ordinance Amendments for Parking and TDM Page **2** of **12**

At that meeting, the Planning Commission directed staff to develop amendments to the Zoning Ordinance that reflected the following policy recommendations:

1. Eliminate minimum parking requirements for all residential projects in the City of Berkeley.
2. Establish maximum parking limits of 0.5 spaces per unit for all project that include two or more dwelling units on parcels located within ¼ mile of transit.
3. Require proposed residential projects of 10 or more units to include the following TDM measures:
   1. Off-street bicycle parking, consistent with the 2017 *Berkeley Bicycle Plan*;
   2. Real-time transportation information displayed on monitors in project common areas;
   3. One free monthly transit pass, or equivalent Clipper Card credit, for each unit in the project for a period of ten years; and
   4. “Unbundling” of any provided parking.
4. Prohibit residents of new projects of 10 or more units located in C-prefix districts from obtaining Residential Parking Permits (RPP).

The proposed Zoning Ordinance amendments to implement the Planning Commission’s direction are listed in Attachment 4. Full text of the amendments is provided (redlined) in Attachments 5 and 8.

DISCUSSION

The proposed Zoning Ordinance amendments are presented in five categories listed below:

1. Provisions that eliminate minimum parking requirements for residential development. These include changes that do not directly eliminate parking requirements but are required to further the intent of the Planning Commission’s recommendation and ensure consistency across the Zoning Ordinance (Attachment 5);
2. A new Chapter that establishes maximum parking requirements for residential developments near transit, and new limitations on RPP permits;
3. Provisions that implement TDM requirements, including a new Chapter of required TDM measures, and amendments to existing sections to require residential bicycle parking;
4. Technical edits to existing sections that clean-up language and include changes consistent with the Planning Commission’s direction; and
5. Optional changes to the Variances Chapter.

Public Hearing on Proposed Zoning Ordinance Amendments for Parking and TDM Page **3** of **12**

* 1. Eliminating Minimum Parking Requirements

The first category of proposed Zoning Ordinance amendments reflect the Planning Commission’s recommendation to remove minimum residential parking requirements for all new development projects that include dwelling units. Based on the findings of the Parking Study, as well as similar studies undertaken in other cities, staff initially recommended eliminating parking requirements for multi-unit buildings of 10 dwelling units or more. As the Parking Study and staff research did not include consideration of smaller residential projects, staff’s initial recommendation did not include elimination of parking requirements for smaller projects in lower-density districts. Additionally, staff did not consider potential trade-offs in lower-density hills areas between eliminating off- street parking requirements and impeding emergency access, including potential conflicts with the city’s Local Hazard Mitigation Plan and/or Safe Passages Program.

Upon consideration of the staff recommendation, Planning Commission directed staff to

return with a modified version of staff’s proposal, which is detailed below.

The draft Zoning Ordinance amendments include revisions to 11 zoning districts to eliminate minimum residential parking requirements. There are also revisions to 4 other sections that are suggested to ensure consistency across the Zoning Ordinance in applying the elimination of parking requirements.

Amendments Removing Residential Parking Requirements

For 12 zoning districts, the amount of parking required for each use is currently displayed in a table included in each district’s *Parking—Number of Spaces* section (delineated as 23X.XX.*080* in all 12 chapters). In nearly all cases, the necessary amendments strike the per-unit parking requirement and replace it with the words “None required.” The redlined versions of these changes can be found in Attachment 5.

To illustrate these proposed Zoning Ordinance amendments, the redlined amendments to Table 23D-30-080 (R-3 Multiple Family Residential District Provisions) are provided below. The R-3 zoning district is illustrative, as it allows a number of different residential use types, and five of the nine C-prefix districts utilize the R-3 requirements for

residential parking.

Public Hearing on Proposed Zoning Ordinance Amendments for Parking and TDM Page **4** of **12**

|  |  |
| --- | --- |
| **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 o~~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. | |

Amendments to the Purpose sections of Chapters 23D.12 and 23E.28

The Purpose statements in 23D.12.010 and 23E.28.010 provide the justification for regulation of off-street parking in residential and non-residential zones, respectively. The existing Purposes state that the intent of the Chapters is to require off-street parking to prevent the worsening of a deficiency of parking spaces.

Elimination of minimum residential parking requirements introduces an inconsistency with the Purposes mentioned above. Draft amendments for 23D.12 and 23E.28 correct this error and reflect the findings of the Parking Study (i.e. off-street and on-street

Public Hearing on Proposed Zoning Ordinance Amendments for Parking and TDM Page **5** of **12**

parking are currently underutilized). The redlined versions of these changes can be found in Attachment 8. The new language would read:

**23D.12.010 Purposes**

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

1. To ~~prevent the worsening of the already serious deficiency of~~efficiently allocate parking spaces ~~existing in many areas of~~in the City.
2. To ~~require~~ regulate the provision of off-street parking spaces for traffic-generating uses of land within the City.
3. 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)

Amendments to Chapters 23D.12.050 and 23E.28.050

Currently, Chapters 23D.12.050 and 23E.28.050 allow the Zoning Officer to require any permit to be conditioned to provide more than the minimum required off-street parking if the Zoning Officer finds that the demand for parking spaces would exceed what is provided by the minimum required parking.

Consistent with Planning Commission’s direction to eliminate minimum residential parking requirements, these sections are amended to allow permits to be so conditioned *only* for non-residential projects, or non-residential portions of mixed use projects. The redlined version of these changes can be found in Attachment 8. The amended language would read:

**23E.28.050 Number of Parking Spaces Required**

B. ~~In the case of an AUP, a Use Permit, or a variance the Zoning Officer and Board~~ A Permit may be conditioned to provide ~~require~~ 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 District~~, if ~~he/she or it finds that~~ the expected demand for parking spaces ~~will~~ is found to exceed the minimum requirement.

Removing Unnecessary Provisions Regarding Senior Housing in Six Districts

The R-2A, R-3, R-4, R-5, C-W, and MU-R districts each include provisions that allow residential projects that include senior housing to provide less than the required residential minimum parking, subject to a Use Permit. Pursuant to the proposed Zoning Ordinance amendments, residential parking would no longer be required, so these sections can be struck. The language is identical in all 6 districts and is shown, redlined, below:

~~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.~~

Public Hearing on Proposed Zoning Ordinance Amendments for Parking and TDM Page **6** of **12**

The redlined version of these changes can be found in Attachment 5.

Amending Vehicle Share Requirements in the C-DMU (23E.68.080.I)

Section 23E.68.080.I currently requires residential projects in the C-DMU to designate a certain number of their required off-street vehicle parking spaces for the use of vehicle sharing services such as Zipcar or City Carshare. Pursuant to the proposed Zoning

Ordinance amendments, residential parking spaces would no longer be required, so vehicle share space requirements would only apply to parking spaces that are “provided” by a project. The redlined version of these changes can be found in

Attachment 5. The section would read:

**23E.68.080 Parking -- Number of Spaces**

1. For residential ~~structures constructed or converted from a non-residential use that require~~ projects that provide vehicle parking ~~under Section~~ [~~23E.68.080.~~](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E68/Berkeley23E68080.html#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~~](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E68/Berkeley23E68080.html#23E.68.080)~~.D, no vehicle sharing spaces~~ ~~shall be required.~~

|  |  |
| --- | --- |
| **Number of Parking Spaces ~~Required~~ 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 |

2: Establishing Off-Street Parking Maximums for Residential Development

At its meeting of January 15, 2020, the Planning Commission discussed instituting parking maximums for residential development (Attachment 6). The Planning Commission considered staff’s research, which found that few jurisdictions have instituted maximum parking requirements, and of the few that have, they are limited to specific zoning districts or sub-areas within their respective cities. Parking maximums that have been set by other jurisdictions were found to be at levels well above what is already being constructed in Berkeley, even before the Planning Commission considered moving forward to reduce or remove minimum parking requirements.

Additionally, the lack of tested methodologies for setting parking maximums for residential projects was of concern to staff. Therefore, the Planning Commission considered a staff recommendation to not implement parking maximums at this time.

The Planning Commission provided alternative direction to establish parking maximums for residential projects near transit.

Public Hearing on Proposed Zoning Ordinance Amendments for Parking and TDM Page **7** of **12**

As directed by the Planning Commission, the proposed Zoning Ordinance amendments include a new Chapter 23C.19 (Attachment 7). This new Chapter includes the Purpose and Applicability of the new off-street parking maximums, the maximum itself, and a process by which projects can exceed the maximum with an Administrative Use Permit (AUP), if specific findings are made.

The Planning Commission recommended a parking maximum of 0.5 parking spaces per dwelling unit for all projects that include two or more units and are located on parcels within ¼ mile of transit. Transit is defined as a Major Transit Stop per *California Public Resources Code* Section 21064.3 or a transit corridor with service at 15 minute headways during the morning and afternoon peak periods. Areas that meet this criteria are shown in Figure 1.

Chapter 23C.19.040 allows applicants to request parking in excess of the maximum with an AUP if one of the following findings can made by the Zoning Officer or the

Zoning Adjustments Board (ZAB):

* 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.

Public Hearing on Proposed Zoning Ordinance Amendments for Parking and TDM Page **8** of **12**

Figure 1. Areas within ¼ Mile of Major Transit Stop



1. Establishing Transportation Demand Management (TDM) Requirements

The third category of proposed Zoning Ordinance amendments include new TDM requirements for residential development recommended by the Planning Commission at their December 4, 2019 meeting. These changes include a new Chapter 23C.18 (Transportation Demand Management) as well as changes to two other sections of the Zoning Ordinance to implement residential bicycle parking requirements (Attachment 8).

Adopt Chapter 23C.18: Transportation Demand Management

The new Chapter 23C.18 includes the Purpose, Applicability, Requirements and Monitoring and Compliance sections for TDM measures that are required of projects that include 10 or more dwelling units.

23C.18.030 includes specifications for three of the TDM measures recommended by the Planning Commission: (1) unbundled parking, (2) real-time transportation information displays, and (3) a free monthly transit pass for each unit for a period of ten years. It also includes the Planning Commission’s stipulation that residents of projects of 10 or more dwelling units developed in C-prefix districts shall not be eligible for RPP permits.

The new Chapter also includes project types that are exempt from these new requirements. They include:

Public Hearing on Proposed Zoning Ordinance Amendments for Parking and TDM Page **9** of **12**

* Projects located in the C-DMU district. The C-DMU already has its own TDM requirements, pursuant to the Downtown Area Plan.
* Projects located in the Southside Plan Area. Projects in the Southside Plan Area are anticipated to house UC students, all of whom already receive transit passes.
* Projects in which the majority of units are subject to deed-restricted affordability. The Planning Commission’s intent is to avoid any unintended negative consequences of these new requirements on potential sources of funding for

affordable housing (for example, some Federal funding sources prohibit unbundled parking).

23C.18.040 includes monitoring provisions, which include a site visit before the issuance of a Certificate of Occupancy. Eligible projects would be required to submit compliance reports consistent with regulations staff would develop to implement the ordinance.

Adopt Section 23D.12.065 and Amend Section 23E.28.070: Residential Bicycle Parking

The proposed Zoning Ordinance amendments include a new section (23D.12.065 Off- Street Parking Requirements: Bicycle Parking – Attachment 8) to reflect Planning Commission’s direction to include the residential bicycle parking requirements in the 2017 *Berkeley Bicycle Plan* as a required TDM measure. Although the Planning Commission’s recommendation for TDM requirements applied only to projects that include 10 or more dwelling units, staff has put forward the *Berkeley Bicycle Plan*’s recommended threshold of 5 or more units for bike parking, consistent with Planning Commission’s December 2018 direction to include bicycle parking in the Zoning

Ordinance. Amendments to Section 23E.28.080 apply these same requirements to residential portions of projects located in non-residential districts.

The requirements are set forth below:

|  |  |  |
| --- | --- | --- |
| **Use** | **Long Term Parking1**  **Requirement** | **Short-Term Parking1**  **Requirement** |
| Dwelling Units (1 to 4 units) | None required | None required |
| Dwelling Units (5 units or more) | 1 space per three 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 |
| 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. | | |

Public Hearing on Proposed Zoning Ordinance Amendments for Parking and TDM Page **10** of **12**

1. Technical Edits and Zoning Ordinance Clean-Up

The fourth category of changes consists of technical edits and clean-up that are consistent with the intent of the Planning Commission’s recommendations. There are eight such changes, which are explained below.

1. *Eliminate Redundancy in 23E.28.020.C*. This section states that a Use Permit cannot be granted unless the project complies with the requirements of Chapter 23E.28. This is redundant, as compliance with the Chapter is already required in all cases. The redlined version of this change can be found in Attachment 8.
2. *Allow Tandem Parking with an AUP in 23D.12.050.D and 23E.28.050.D*. These sections currently only allow tandem spaces to satisfy minimum parking requirements with the approval of the City Traffic Engineer and ZAB. To more efficiently use land already committed in part to off-street parking, amendments to this section allow tandem spaces to satisfy minimum parking requirements with an AUP. This would apply to both residential and non-residential projects. The redlined version of these changes can be found in Attachment 8.
3. *Reorder Cells for Community Care Facility Parking Requirements*. In six R-prefix districts, parking requirements for Community Care Facilities are based on number of employees. The Parking Required table in each of the six R-prefix districts lists the land use as “employees,” when, in fact, the land use is Community Care Facility. The redlined version of the amended row for Community Care Facility, which can be found in Attachment 5, is identical in all six districts, and would read:

|  |  |
| --- | --- |
| Use | Number of Spaces |
| ~~Employees~~ Community Care Facility | One per two non-resident employees ~~for a~~ ~~Community Care Facility~~\* |

1. *Eliminate the Car-Free Housing Overlay in the R-S District*. The Car-Free Housing Overlay was designated as an area where no off-street parking would be required for residential uses. As the proposed Zoning Ordinance amendments include the elimination of minimum residential parking requirements, the Car-Free Housing Overlay is now unnecessary and can be struck. The redlined version of this change can be found in Attachment 5.
2. *Clarify the Restriction on RPP Permits in the R-S District*. Currently, residents of projects constructed without parking in the Car-Free Housing Overlay are not entitled to receive RPP permits. As the proposed Zoning Ordinance amendments include the elimination of the Car-Free Housing Overlay, new language is proposed to preserve this restriction in the R-S district. The redlined version of this change can be found in Attachment 5.

Public Hearing on Proposed Zoning Ordinance Amendments for Parking and TDM Page **11** of **12**

1. *Clarify that Only Obstructions to Required Parking Spaces are Prohibited*. Currently, 23E.28.020 prohibits the construction of any structure that could impede access to *any* off-street parking spaces. Clarifying language is proposed to specify that only *required* off-street parking spaces are so protected. This would apply to both residential and non-residential parking. The redlined version of this change can be found in Attachment 8.
2. *Replace “Modify” with “Reduce or Eliminate” in the C-W*. 23E.64.080G permits ZAB or the Zoning Officer to “modify” parking requirements in the C-W. As the intent of this provision is understood to not allow an increase in required parking, the word “modify” is replaced with “reduce or eliminate.” The redlined version of this change can be found in Attachment 5.
3. *Replace “Required” with “Provided.”* In appropriate places throughout the Zoning Ordinance, “required” parking is replaced with “provided” parking.
4. Optional Change to Variance Section (23B.44.010)

Section 23B.44.010 currently requires any reduction in minimum parking requirements

to obtain a Variance. Planning Department staff, community members, and members of the ZAB and Planning Commission have expressed concern that obtaining a Variance requires findings that are difficult to meet to reduce residential parking requirements.

If the Planning Commission recommends eliminating minimum residential parking requirements for all residential projects, the process of reducing residential parking requirements will be moot and no change to the Variance section would be required.

However, if the Planning Commission recommends amendments that include the preservation of residential parking requirements in certain zoning districts and/or circumstances, they are asked to consider the following amendments to the Variance Section:

* Allow reductions in required residential parking with a Use Permit, except in Berkeley Fire Zones 2 or 3; and
* Require a Variance to reduce residential parking requirements in Berkeley Fire Zones 2 or 3.

The redlined version of these changes can be found in Attachment 9.

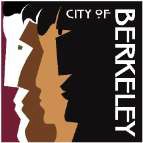
CONCLUSION AND NEXT STEPS

1. Conduct a public hearing.
2. Recommend for adoption by the City Council draft Zoning Ordinance amendments

Public Hearing on Proposed Zoning Ordinance Amendments for Parking and TDM Page **12** of **12**

Attachments:

1. Public Hearing Notice
2. Residential Parking Utilization Study (October 2019)
3. Staff Report, Proposed Transportation Demand Management Program and Reduction of Parking Requirements, December 4, 2019 (without Attachments)
4. List of Zoning Ordinance Sections Amended
5. Proposed Zoning Ordinance Amendments: Eliminating Minimum Parking Requirements
6. Staff Report, Parking Maximums, January 15, 2020. (without Attachments)
7. Proposed Zoning Ordinance Amendments: Implementing Residential Parking Maximums
8. Proposed Zoning Ordinance Amendments: TDM Requirements and Bicycle Parking
9. Optional Zoning Ordinance Amendments: Variances Chapter

**P L A N N I N G**

**C O M M I S S I O N**

N o t i c e o f P u b l i c H e a r i n g

March 4, 2020

**Consider Zoning Ordinance Amendments for Residential Development that Eliminate Minimum Parking Requirements, Add Bicycle Parking Requirements, Establish Parking Maximums, and Establish a Transportation Demand Management (TDM) Requirement**

The Planning Commission of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23A.20.30, on **Wednesday, March 4, 2020,** at the **South Berkeley Senior Center**, 2939 Ellis Street, Berkeley (wheelchair accessible). The meeting starts at **7:00 p.m**.

**PROJECT DESCRIPTION:** The proposed amendments to Berkeley’s Zoning Ordinance would: 1) eliminate minimum residential off-street parking requirements; 2) add bicycle parking requirements; 2) establish maximum residential off-street parking limits; and 3) establish a Transportation Demand Management (TDM) requirement. Changes to be considered are summarized below:

* Modify Berkeley Municipal Code (BMC) Chapters 23D.12, 23D.16, 23D.20, 23D.24, 23D.28, 23D.32. 23D.36, 23D.40, 23D.44, 23D.48, 23D.52. 23E.28, 23E.56, 23E.64, 23E.68, 23E.84 to eliminate minimum residential off-street parking requirements for all projects that include dwelling units;
* Adopt BMC Chapter 23D.12.065 and modify BMC Chapter 23E.28 to add bicycle parking requirements adopted in the 2017 Berkeley Bicycle Plan for all projects that include five or more dwelling units;
* Adopt BMC Chapter 23C.27 to establish maximum residential off-street parking limits of 0.5 vehicle spaces per dwelling unit for projects that include two or more dwelling units within ¼ mile of transit*;* and
* Adopt BMC Chapter 23C.28 to establish a TDM program requiring the inclusion of three (3) TDM measures for projects that include ten (10) or more dwelling units. The proposed measures are one free transit pass per unit; the provision of on-site real-time transportation information; and the “unbundling” of parking from the cost or rent for a dwelling unit*.*

Full text of Zoning Ordinance Amendments can be found on the Planning Commission’s homepage

(https:/[/w](http://www.cityofberkeley.info/Clerk/Commissions/Commissions)w[w.cityofberkeley.info/Clerk/Commissions/Commissions](http://www.cityofberkeley.info/Clerk/Commissions/Commissions) page.aspx).

Planning\_Commission\_Home

The Planning Commission will make a recommendation to City Council. City Council will consider the recommendation at a public hearing (date to be determined, notice to be published).

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**E-mail:** [**planning@ci.berkeley.ca.us**](mailto:planning@ci.berkeley.ca.us)

ZO AMENDMENTS TO PARKING REQUIREMENTS AND TDM

Page 2 of 2

NOTICE OF PUBLIC HEARING

Posted February 21, 2020

**LOCATION:** Affected districts could include: R-1, R-1A, ES-R, R-2, R-2A, R-3, R-4, R-5, R-S, R-SMU, C- 1, C-N, C-E, C-NS, C-SA, C-T, C-SO, C-DMU, C-W, and MU-R. The zoning map is available online: <http://www.ci.berkeley.ca.us/uploadedFiles/IT/Level_3_-> General/Zoning%20Map%2036x36%2020050120.pdf

**ENVIRONMENTAL REVIEW STATUS:** Environmental review is not required because the proposed Zoning Ordinance amendments are not a Project under CEQA Guidelines Sections 15378(a), 15060(c)(2) and 15064(d)(3).

#### PUBLIC COMMENT

###### Comments may be made verbally at the public hearing and in writing before the hearing. Written comments concerning this project should be directed to:

[Planning Commission](http://www.ci.berkeley.ca.us/uploadedFiles/IT/Level_3_-General/Zoning%20Map%2036x36%2020050120.pdf) **Alene Pearson, Secretary** Land Use Planning Division 1947 Center Street, 2nd floor Berkeley, CA 94704

###### Phone: (510) 981-7489

E-mail: [**apearson@cityofberkeley.info**](mailto:apearson@cityofberkeley.info)

To assure distribution to Commission members prior to the meeting, **correspondence must be received by 12:00 noon, eight (8) days before the meeting date.** Fifteen (15) copies must be submitted of any correspondence that requires color printing or pages larger than 8.5x11 inches.

#### COMMUNICATION ACCESS

To request a meeting agenda in large print, Braille, or on audiocassette, or to request a sign language interpreter for the meeting, call (510) 981-7410 (voice) or 981-6903 (TDD). Notice of at least five (5) business days will ensure availability.

#### FURTHER INFORMATION

###### Questions should be directed to **Alene Pearson** at (510) 981-7489 or [**apearson@cityofberkeley.info.**](mailto:apearson@cityofberkeley.info)Past and future agendas are also available on the Internet at: https:/[/w](http://www.cityofberkeley.info/Clerk/Commissions/Commissions)w[w.cityofberkeley.info/Clerk/Commissions/Commissions](http://www.cityofberkeley.info/Clerk/Commissions/Commissions) Planning\_Commission\_Homepag

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## M E M O R A N D U M

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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[www.nelsonnygaard.com](http://www.nelsonnygaard.com/)

**Berkeley Residential Capacity Study**

City of Berkeley

The surveyed properties are listed in [Table 1](#_bookmark0) and displayed on the [Figure 1](#_bookmark1) on the following page.

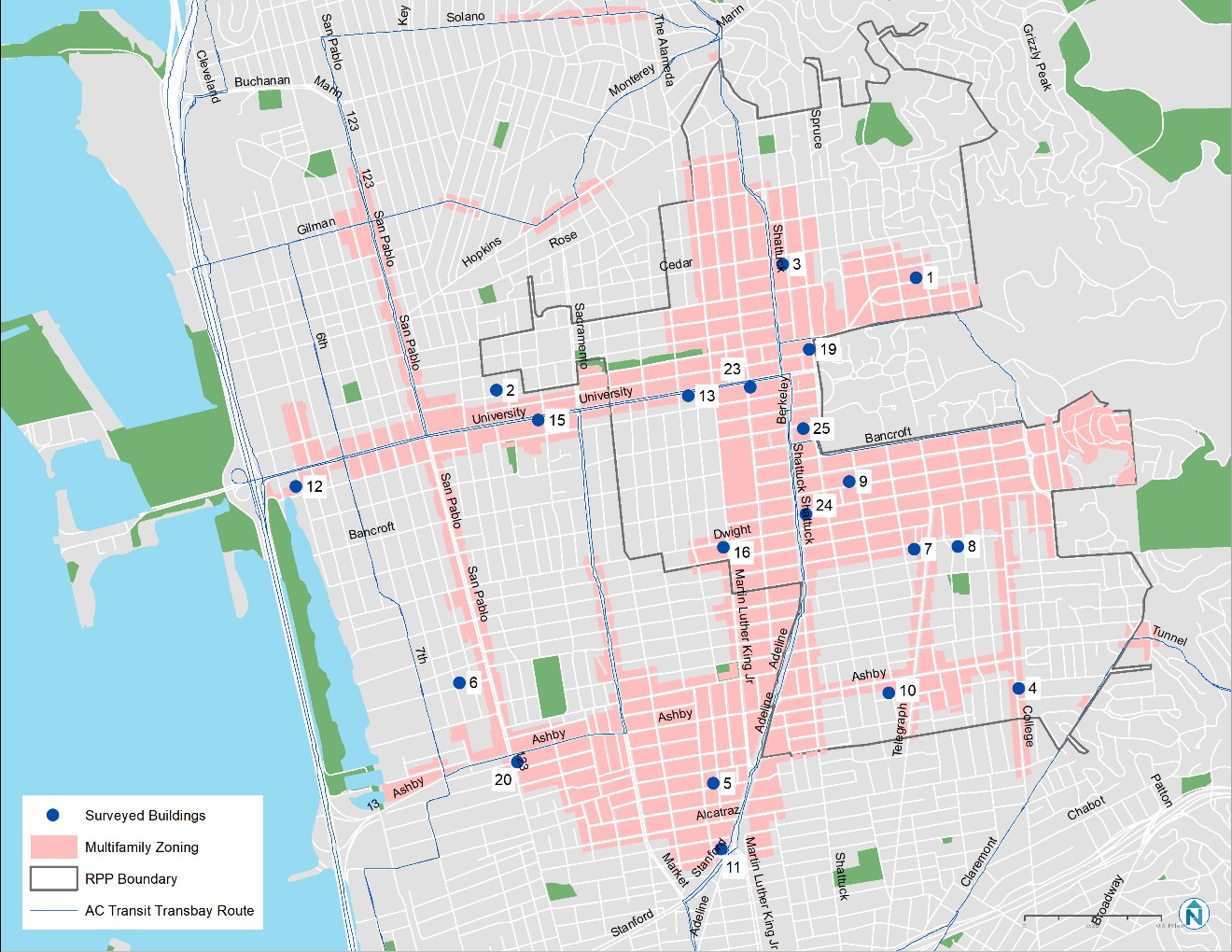
**Table 1 - Surveyed Properties**

|  |  |  |  |
| --- | --- | --- | --- |
| **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](#_bookmark0)

### 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

**Berkeley Residential Capacity Study**

City of Berkeley

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 of 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.

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City of Berkeley

* 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.

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**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](#_bookmark0), 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**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Parking Spaces** | **Median** | **Mean** | **Min** | **Max** | **20th percentile** | **80th percentile** |
| 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](#_bookmark3) 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** | **20th percentile** | **80th percentile** |

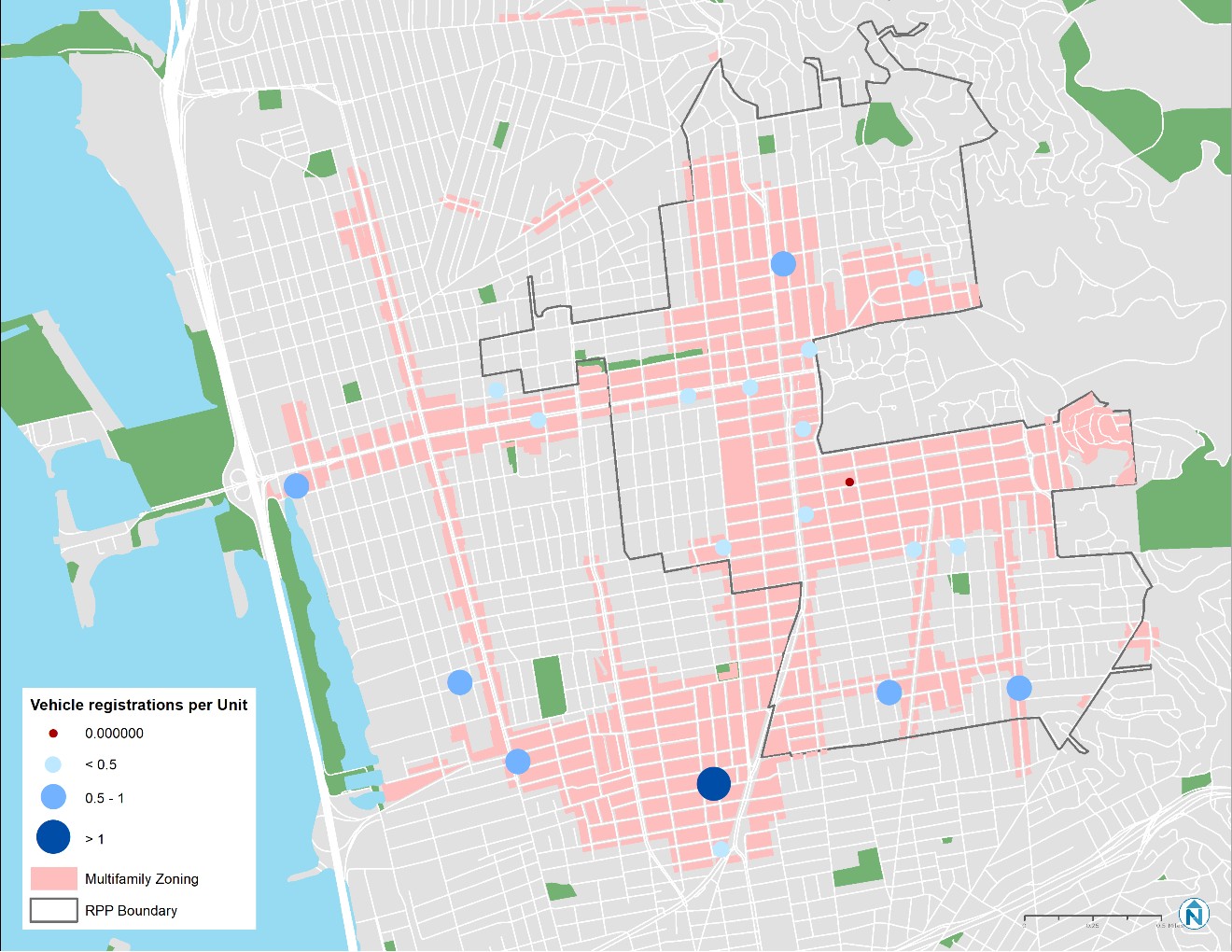
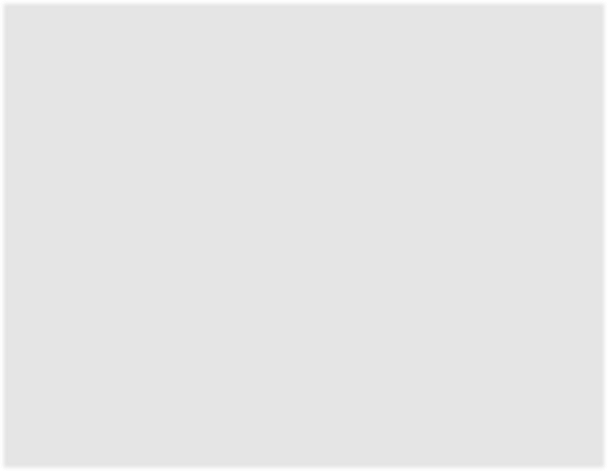
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City of Berkeley

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Vehicle Registrations** | 0.38 | 0.49 | 0 | 1.80 | 0.25 | 0.71 |

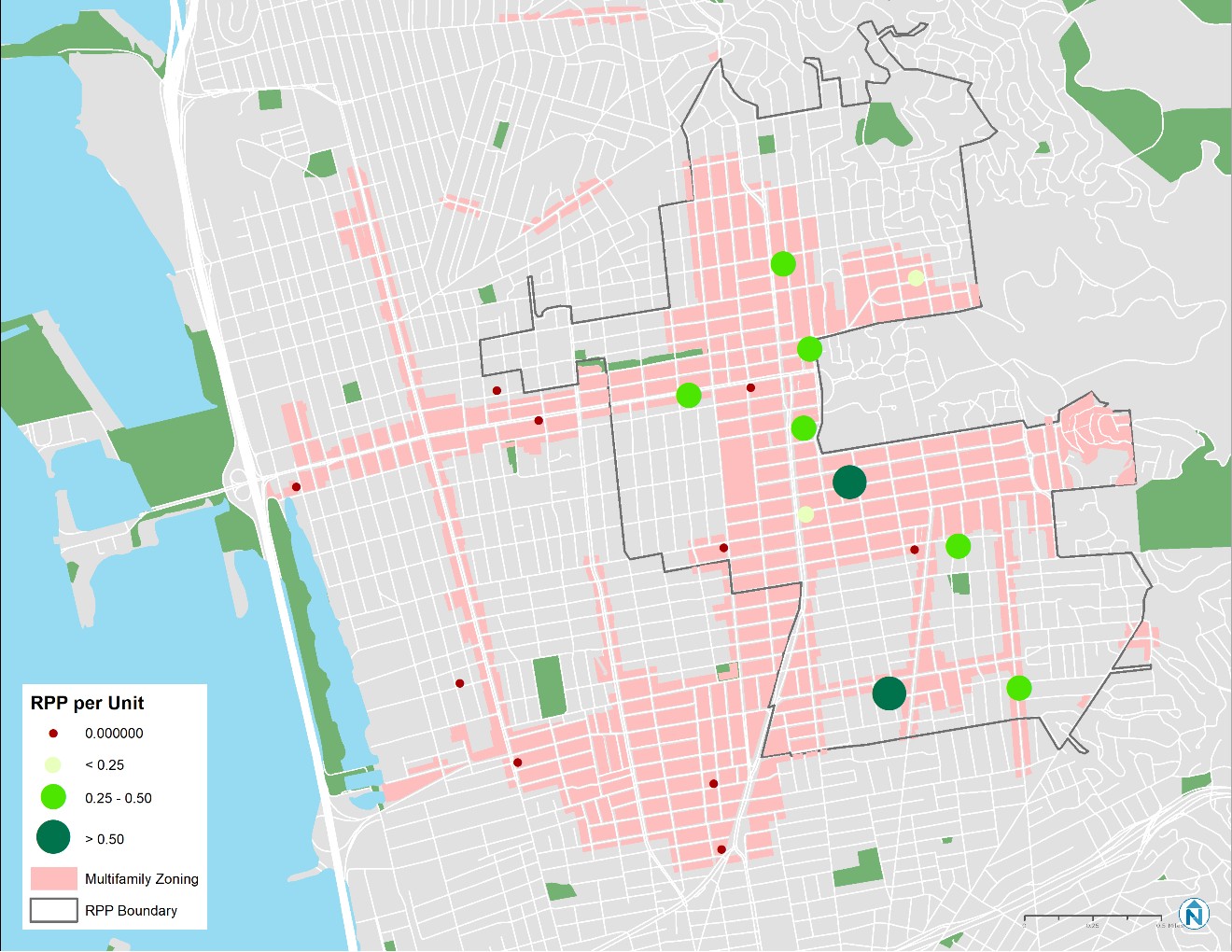
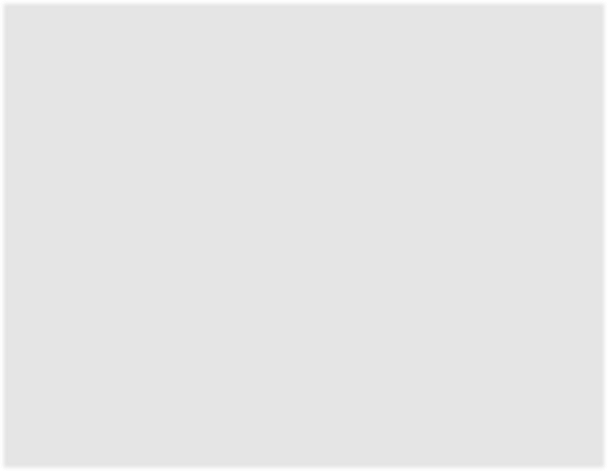
A handful of properties have 15 or more registrations while many have very few. Those properties with the least vehicle registrations per unit as illustrated in [Figure 2](#_bookmark3) appear to be closer to downtown Berkeley.

**Figure 2 – Vehicle Registrations per Unit**



[Figure 3](#_bookmark4) 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.

**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](#_bookmark5) 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](#_bookmark6) 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.

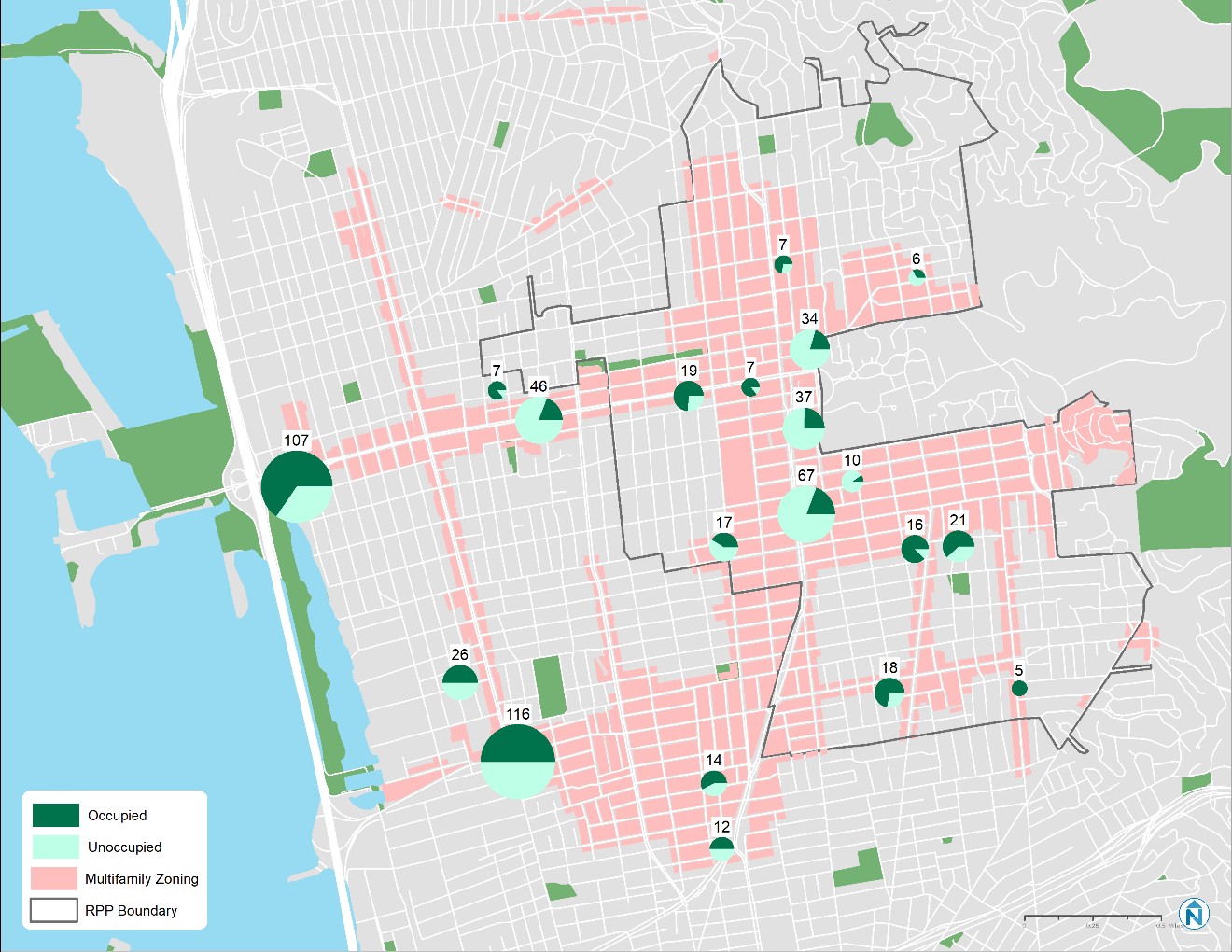
2 https://[www.jtlu.org/index.php/jtlu/article/view/1129/986](http://www.jtlu.org/index.php/jtlu/article/view/1129/986)

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

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **Median** | **Mean** | **Min** | **Max** | **20th percentile** | **80th 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](#_bookmark7) 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**

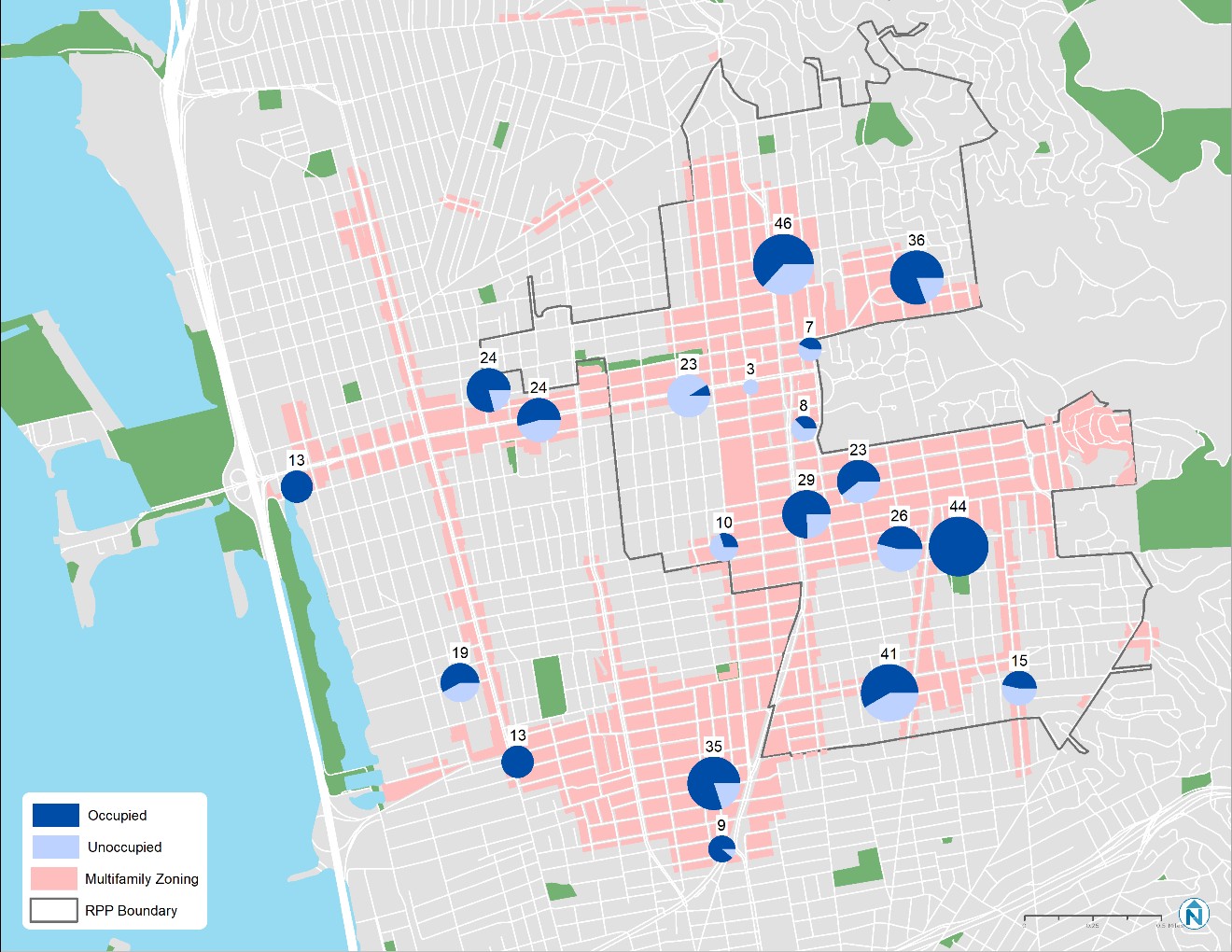


Note: Size of the pie chart and number on top indicate the total parking spaces

### On-Street

[Figure 5](#_bookmark8) 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.

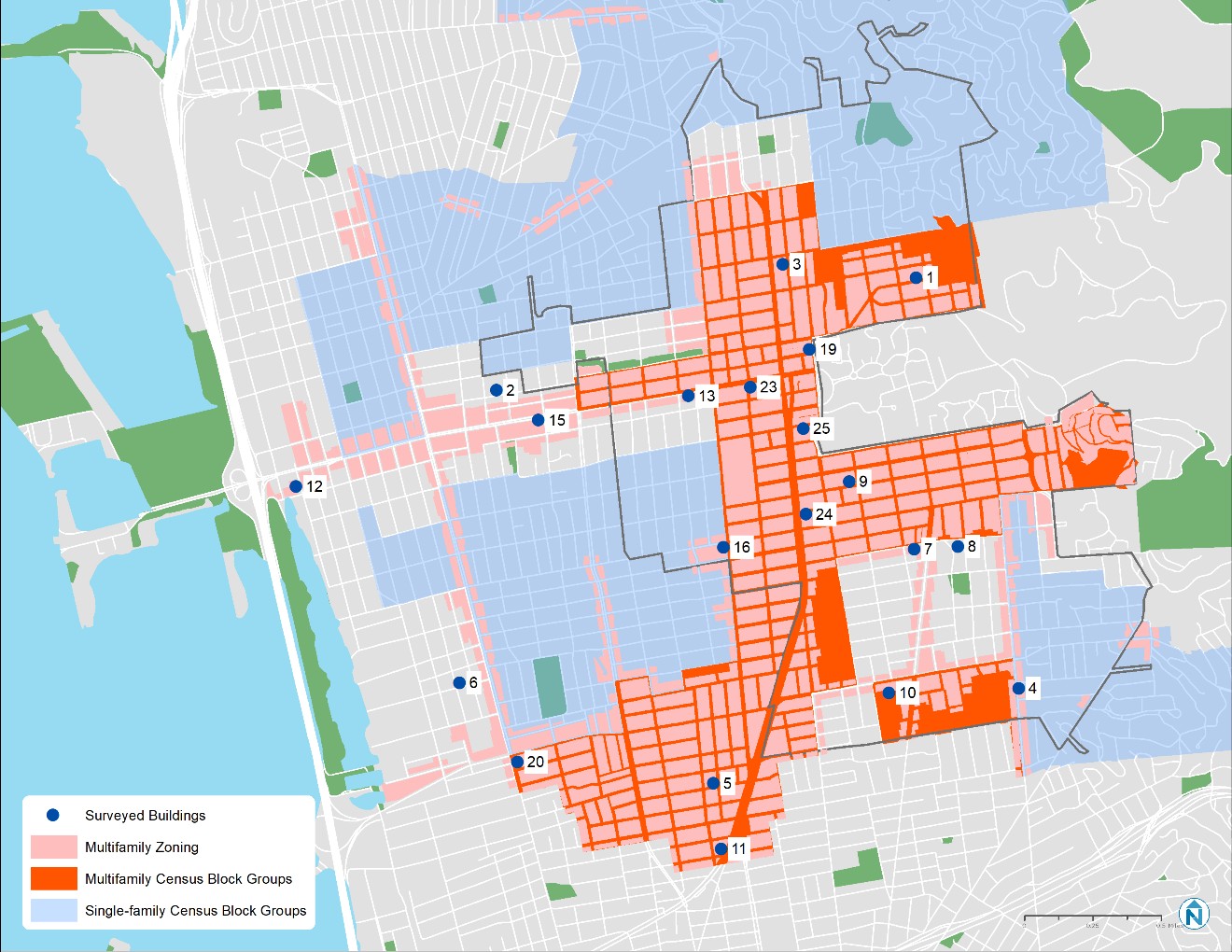
**Table 7 – On-Street Parking Occupancy and Supply (# vehicles/ # spaces %)**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **Median** | **Mean** | **Min** | **Max** | **20th percentile** | **80th 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](#_bookmark9) 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.

[Figure 7](#_bookmark10) 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**

Work at home

Walk

Bicycke

Transit Bus

Carpool

Drive Alone

0% 5% 10% 15% 20% 25% 30% 35% 40% 45%

Percent of total workers 16 years old or older

Single-family Multifamily

[Figure 8](#_bookmark11) and [Figure 9](#_bookmark12) 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.

**Figure 8 – Vehicle ownership by tenure, multifamily CBG**

2 or more cars

1 car

No car

0% 10% 20% 30% 40% 50% 60% 70%

Percent of total households

Rented Unit Owned Unit

**Figure 9 – Vehicle ownership by tenure, single-family CBG**

2 or more cars

1 car

No car

0% 10% 20% 30% 40% 50% 60% 70%

Percent of total households

Rented Unit Owned Unit

**Berkeley Residential Capacity Study**

City of Berkeley

## APPENDICES

1. Property Survey Instrument
2. 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](mailto: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





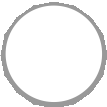
# Berkeley Parking Utilization Survey

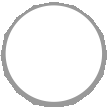
* 14. Total number of spaces designated for residents that are used by non-residents



# Berkeley Parking Utilization Survey

* 15. Do residents pay for on-site vehicle parking under separate agreement?

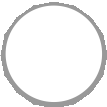
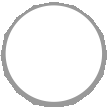
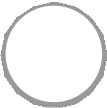
 Yes. Parking is rented/deeded separately

 No. Parking is free or included in rent or condo fee



# Berkeley Parking Utilization Survey

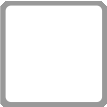
* 16. Is the monthly cost of parking less or more than $50/month?

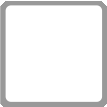
 Less Than $50  More Than $50  N/A

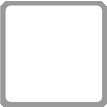


# Berkeley Parking Utilization Survey

* 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?

Appendix B - Berkeley Parking Survey Utilization Data

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 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 res idential 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-Ende | Open-Ended R | Response | Open-Ended | Response | Open-Ended R | Open-Ended Re | Response | Open-Ended Resp | 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 |

Appendix B - Berkeley Parking Survey Utilization Data

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 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 Tr | 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 | Besides the 10 parking spots for the residential units all numbered there are 5 other parking spots for the 2  commercial units, a Chiropractor and Art Studio that | 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 |



**Planning and Development Department**

Land Use Planning Division

STAFF REPORT

DATE: December 4, 2019

TO: Members of the Planning Commission FROM: Justin Horner, Associate Planner

SUBJECT: Proposed Transportation Demand Management Program and Reduction of Parking Requirements

RECOMMENDATION

Review report and parking utilization study, provide feedback on a proposed Transportation Demand Management (TDM) program for new residential and mixed-use residential development of ten or more dwelling units, and consider recommendation to eliminate minimum parking requirements for certain multi-family projects.

BACKGROUND

In response to the City Council’s Green Affordable Housing Package and the City-wide Green Development Requirements referrals, the Planning Commission discussed potential parking reform at their July 17, 2019 meeting (see *Attachment 1*). Planning Commission requested development of a Transportation Demand Management (TDM) requirement for new residential and mixed-use residential development in Berkeley that would result in 10 or more dwelling units. They also discussed a proposal to conduct a Residential Parking Capacity Study (Parking Study) to provide data on real-world residential parking usage and to inform future discussions about TDM and parking requirement reform.

At their meeting of October 2, 2019, the Planning Commission discussed four specific TDM frameworks and directed staff to return with a TDM program that included specific recommended elements. They also requested that TDM be discussed with reductions in parking requirements, in the context of the results of the Parking Study, at their meeting of December 4, 2019.

Presented here is the Parking Study, a recommended TDM program, and a recommendation to eliminate minimum parking requirements for certain multi-family projects. It is requested that the Planning Commission receive this report and its accompanying presentation, provide comments and feedback, and direct staff to develop Zoning Ordinance language for the TDM program to be presented at a public hearing at the February 5, 2020 Planning Commission meeting.

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Proposed Transportation Demand Management Program and Reduction of Parking Requirements Page **2** of **8**

Residential Parking Utilization Study

In August, 2019, the City of Berkeley entered into a contract with the transportation planning consultant Nelson/Nygaard to conduct a residential parking utilization study (Parking Study). The purpose of the Parking Study is to analyze the actual usage of residential parking, both off- street and on-street, with the goal of reducing minimum parking requirements for residential development and improving the efficiency of on-street parking facilities. By analyzing actual demand for residential parking, the Parking Study would help “right size” parking requirements to meet the City of Berkeley’s goals of developing more housing at all affordability levels and encouraging more sustainable transportation modes.

The Parking Study included two survey approaches for each of twenty multi-unit buildings in Berkeley (see *Attachment 2*). The first survey was an on-line questionnaire, completed by a building owner or representative, that included basic information about each building, including the number of units, the number of vacant units, the number of residential parking spaces, whether parking was unbundled, and whether building occupants were offered transportation amenities such as bicycle parking or transit passes. The second survey was an in-person visit to each property, on a weeknight in early October between the hours of 12am and 4am, to physically count parking spaces and parked vehicles.

The Parking Study, included as *Attachment 3* of this report, includes the following key findings:

* Off-street Residential Parking

*Finding:* Across all 20 properties, the average occupancy rate for **off-street residential parking** spaces was **54%** (592 total spaces, with 279 spaces used), with a range of 100% occupancy at one property to 10% at another, with the median building occupancy at 50%. Projects located in the Southside neighborhood had the highest average occupancy at 66%, while projects in Downtown Berkeley had the lowest, at 45%.

*Analysis:* This finding shows that Berkeley’s average occupancy rate falls below that of other cities that have conducted similar studies. For example, King County Metro’s *Right Size Parking*1 study found the utilization rate of required parking was 62% and Washington DC’s *Parking Utilization Study2* found a utilization rate of 60%. A survey of 40 multi-unit buildings in Chicago3 found a utilization rate of 65% and a 2010 study of existing projects by the Santa Clara Transportation Authority found a utilization rate of 74%4

* On-street Parking

*Finding:* The average occupancy rate for **on-street parking** spaces near the 20 properties was **61%**, with a range of 100% occupancy at two properties to 0% at another, with the median on- street occupancy rate at 59%. 90% of the surveyed properties offered unbundled parking.

1 <https://metro.kingcounty.gov/programs-projects/right-size-parking/pdf/rsp-final-report-8-2015.pdf>

2 <https://planning.dc.gov/page/parking-utilization-study>

3 <https://www.cnt.org/sites/default/files/publications/CNT_Stalled%20Out_0.pdf>

4 <http://www.sjsu.edu/urbanplanning/docs/VTA-TODParkingSurveyReport-VolI.pdf>

Proposed Transportation Demand Management Program and Reduction of Parking Requirements Page **3** of **8**

*Analysis:* Unbundled parking could motivate residents to park on-street in lieu of paying for parking. While this may be the case, the on-street occupancy finding indicates available on- street spaces in the vicinity of most surveyed buildings with underutilized off-street parking.

* Car-Ownership

*Finding:* Across all 20 properties, there was an average of 0.5 **DMV registrations** per unit. The Parking Study suggested that rates of car ownership are likely higher for homeowners than for tenants. For example, 89% of homeowners who live in census districts that are primarily multi- family have at least one car.

*Analysis:* Tenants are less likely than homeowners to own a vehicle.

**DISCUSSION:**

The City Council’s original Green Affordable Housing Package (see *Attachment 4*) referral included direction to “reduce or eliminate minimum residential parking requirements if car- sharing spaces…or other TDM measures are provided. It also included consideration of “a cap on residential parking maximums.” At their meeting of October 2, 2019, the Planning Commission expressed support for the elimination of parking minimums within a TDM program and the consideration of parking maximums. Staff’s proposals addressing these requests follow:

Minimum Parking Requirements

Table 1 shows current off-street parking requirements for zoning districts that currently permit development at densities of ten units or more.

Table 1. Current Off-Street Parking Requirements

|  |  |
| --- | --- |
| **Zone(s)** | **Required Off-Street Parking Spaces** |
| R-3, R-4  C-1, C-N, C-NS, C-SO, C-SA | One per unit, for projects of 10 or fewer units1 OR  One per 1,000 GSF of residential space, for projects of more than 10 units1 |
| C-W | One per unit |
| C-DMU | One per three units2 |
| C-T | None |

1 25% reduction for senior projects

2 Can be reduced with UP and TDM measures

The findings of the Parking Study, consistent with similar studies undertaken in other jurisdictions, as noted above, indicate that multi-unit developments in Berkeley currently contain more parking than is typically used by building occupants. While nearly all surveyed projects include unbundled parking, the availability of on-street parking in the areas around the surveyed projects indicates that even if residents are avoiding the cost of unbundled parking by using on- street parking, there still remains sufficient on-street parking to meet residents’ current needs.

Proposed Transportation Demand Management Program and Reduction of Parking Requirements Page **4** of **8**

*Eliminating Off-street Parking Requirements*: Reducing required parking to zero would remove a development standard that can result in the creation of unused parking spaces. Eliminating the construction of unused parking spaces would reduce the cost of overall development and provide the opportunity for square footage within a project to be put to other uses, including residential. In addition, the presence of off-street parking is the primary variable influencing whether an individual decides to own, and therefore use, a private vehicle. Eliminating parking requirements may therefore result in a decrease in private vehicle use.

With the elimination of parking requirements, project sponsors would be given the option of providing parking and would determine the number of spaces a project would include. The Parking Study indicates that there are roughly 0.5 registered vehicles per unit in multi-unit buildings in Berkeley, and required off-street parking is currently 54% occupied, so it is likely that new multi-unit projects would continue to offer off-street parking to meet existing usage trends even with the elimination of this requirement. Under the proposed TDM plan (explained in the next section), all provided parking would be required to be unbundled, which the Parking Study indicates is already standard practice in Berkeley.

*Instituting Off-street Parking Maximums*: In addition to eliminating required parking, the Planning Commission could also recommend instituting parking maximums. Instituting parking maximums results in all of the benefits of eliminating minimum parking requirements, as discussed above, while also preventing a project sponsor from voluntarily including parking at levels that could contradict those benefits. That is, if parking minimums are eliminated, there would be nothing necessarily preventing a project sponsor from proposing a project that has as much, or even more, parking than is currently required. Such a project could result in less residential square footage, an increase in overall construction costs, and a project that could encourage private vehicle use. By recommending the institution of parking maximums, the Planning Commission would make clear the general policy direction of maximizing residential square footage, discouraging private vehicle use and supporting mode shift to more sustainable travel options.

Staff has two recommendations for Planning Commission to consider:

1. A parking maximum could be 0.5 spaces per unit, which is consistent with the Parking Study’s findings on off-street parking utilization and DMV registrations; or
2. A parking maximum at the Zoning Ordinance’s current minimum parking requirements, as shown in Table 1 above. This would ensure that current parking usage levels are accommodated, while also providing an option for more off-street parking for projects with special circumstances.

Transportation Demand Management Program

At their October 2, 2019 meeting, the Planning Commission discussed four specific TDM frameworks, and directed staff to return to the Commission with a program that provides benefits to residents, reduces private vehicle trips, and supports mode shift to more sustainable transportation choices. The TDM program should be separated from off-street parking regulations, and would include the following:

Proposed Transportation Demand Management Program and Reduction of Parking Requirements Page **5** of **8**

* + A menu of TDM options for project sponsors to choose from;
  + Exemption of 100% affordable projects, projects located in the Southside Car-free Overlay Zone, projects in the C-DMU (which are already subject to TDM requirements), and affordable projects for which a TDM program would result in an unreasonable delay of project approvals or funding;
  + Required unbundled off-street parking;
  + Required off-street bicycle parking;
  + Credit for pedestrian improvements in the vicinity of the project;
  + Limitations on RPP permits; and
  + Allowance of GreenTRIP Certification as an alternative compliance path.

Given the direction above, the Planning Commission is asked to consider the following TDM Program:

Part 1. Required TDM Measures for All Residential Projects of Ten or More Units

The TDM program would consist of two requirements for all residential projects of ten or more units.

* 1. Unbundled Parking: Any parking provided by an eligible project would be required to be unbundled. Parking would be offered so that residents or tenants have the option of renting or buying a parking space at an additional cost, and would, thus, experience a cost savings if they opt not to rent or purchase parking.
  2. Required Bicycle Parking: Projects would be required to provide the minimum number of bicycle parking spaces indicated in Appendix F of the 2017 *Berkeley Bicycle Plan*.5 For projects of ten or more units, that requirement is one (1) long- term parking space for every three (3) bedrooms, and two (2) short-term parking spaces, or one (1) short-term parking space per 40 bedrooms, whichever results in more spaces. Long-term bicycle parking is generally covered and secure and only available to building residents. Short-term bicycle parking spaces are typically bike racks available to the general public. Spaces would be designed per the specifications laid out in the 2017 *Berkeley Bicycle Plan*, or as subsequently updated by City staff.

Part 2. Selection of TDM Measures for Residential Projects of Ten or More Units

At their meeting of October 2, 2019, the Planning Commission directed staff to return with a menu of TDM measures from which a project sponsor could select to meet the goals of the program. The Planning Commission directed staff to remove parking supply from the list of TDM measures, to reconsider the “weight” given to each TDM measure to ensure that point totals resulted in meaningful VMT reductions, and to include physical pedestrian improvements and the provision of real-time transportation information as possible TDM measures.

Proposed Transportation Demand Management Program and Reduction of Parking Requirements Page **6** of **8**

Figure 2 below presents an updated menu of TDM options. A proposed project would be required to obtain six (6) points from the available options.

Figure 2. TDM Measures

|  |  |
| --- | --- |
| **Improve Walking Conditions** | 1 |
|  |  |
| **Real-Time Transportation Information** | 1 |
|  |  |
| **Transit Passes** |  |
| 25% of cost | 2 |
| 50% of cost | 4 |
| 100% of cost | 6 |
|  |  |
| **Carshare** |  |
| Carshare parking space | 1 |
| Carshare membership for each resident | 2 |
|  |  |
| **Bikeshare Membership** |  |
| Free membership with pod 1000ft+ | 1 |
| Free membership with pod within 1000ft | 2 |

*Improved Walking Conditions*: The proposed project would include physical changes to the sidewalks and other public infrastructure adjacent to the project site with the intention of increasing physical space for pedestrians and including design elements that increase pedestrian safety and improve accessibility. To obtain credit under this measure, the proposed project must include improvements; in-kind replacement of existing infrastructure would not count. Examples of improvements that could be eligible are included in Appendix B (Pedestrian Design Guidelines) of the 2010 *Berkeley Pedestrian Master Plan*.6

*Real-Time Transportation Information*: A proposed project would include real-time transportation information on physical displays located in prominent locations (lobbies, entries/exits, elevator bays) that would include, but would not be limited to, transit arrivals and departures for nearby transit routes, walking times to these locations, and the availability of car-share vehicles, shared bicycles and shared scooters.

*Transit Passes*: Monthly, for a period of ten years, adult residents of a proposed project would receive a subsidy to cover the cost of an Adult Local 31-Day AC Transit pass as indicated in Figure 2. By mutual agreement between the building operator and resident, a resident could receive an equivalent cash amount added to a Clipper Card.

Proposed Transportation Demand Management Program and Reduction of Parking Requirements Page **7** of **8**

*Carshare*: To obtain credit for providing a carshare space, a proposed project would include a parking space dedicated to a carshare vehicle and a project sponsor would arrange for a carshare vehicle to occupy that space. To obtain credit for providing carshare memberships, the project sponsor would provide a carshare membership at no cost to each resident who is a licensed driver. The cost of using a carshare vehicle would be assumed by the resident. The project sponsor would have the option of making the vehicle available to users who are not residents.

*Bikeshare Membership*: To obtain credit for providing a bikeshare membership, a bikeshare membership must be provided at no cost to all eligible residents (typically, adults 18 years old or older). An additional point would be awarded for projects in close proximity to bikeshare pods.

Part 3. GreenTRIP as Alternative Compliance Path

Proposed projects could meet the requirements of Part 2 of the TDM program by obtaining certification under TransForm’s GreenTRIP program.7 Projects selecting this option would still be required to meet the requirements of Part 1, above (unbundled parking and bicycle parking).

Other TDM Measures Considered

*Shuttles*: At their meeting of October 2, 2019, the Planning Commission directed staff to consider permitting residential projects to obtain TDM program credit under Part 2 for contributing to the operation of a private shuttle, such as the Emery Go-Round or the Berkeley Gateway Shuttle. The Berkeley Gateway Shuttle is currently the only private shuttle outside of the UC Berkeley campus area that operates in Berkeley. The Berkeley Gateway Shuttle runs a morning service from 5:37am to 9:44am from Ashby BART to West Berkeley and an afternoon service from West Berkeley to Ashby BART between 3:00pm and 7:00pm.

The Gateway Shuttle is operated by Bayer and Wareham development to service its employees and commercial properties. There are no residential developments currently serviced by the Gateway Shuttle and the shuttle operators are currently not pursuing partnerships with other employers or residential developments in operating the Gateway Shuttle.8 As there is no existing private shuttle services for potential projects to opt into, it is not recommended that the Planning Commission establish credit under the TDM program for participating in a shuttle service. If such a service becomes more widely available, the Planning Commission can direct staff to reconsider the recommendation and add a shuttle option to Part 2 of the program.

DISCUSSION AND NEXT STEPS

Planning Commission is asked to provide final policy direction on the following questions and request a public hearing on February 5, 2020 to consider specific Zoning Ordinance amendments.

7 <http://www.transformca.org/landing-page/greentrip>

Proposed Transportation Demand Management Program and Reduction of Parking Requirements Page **8** of **8**

***Question for Planning Commission****: Should minimum parking requirements be eliminated for residential developments of ten units or more?*

***Question for Planning Commission****: Should maximum parking requirements be instituted for residential developments of ten units or more? What should be the maximum number of allowable off-street parking spaces?*

***Question for Planning Commission****: Does the proposed TDM program reflect Planning Commission’s feedback? If no, what changes are needed?*

ATTACHMENTS:

1. Staff Report on Parking Reform: Transportation Demand Management & Modifications to Off-Street Parking Requirements (July 17, 2019)
2. Map of surveyed properties
3. Residential Parking Capacity Study
4. Green Affordable Housing Referral

BMC Chapters Affected by Zoning Ordinance Amendments

*New Chapters*

###### 23C.18 [Transportation Demand Management]

* + 23C.19 [Off-Street Parking Maximums for Residential Development]

*Revisions to Variances Chapter*

###### 23B.44.010 [Variances: Variances]

*Revisions to Provisions Applicable in All Residential Districts Chapter*

* + 23D.12.010 [Off-Street Parking Requirements: Purposes]
  + 23D.12.020 [Off-Street Parking Requirements: Applicability]
  + 23D.12.050 [Off-Street Parking Requirements: Number of Parking Spaces Required]
  + 23D.12.060 [Off-Street Parking Requirements: Joint Use of Off-Street Parking Spaces]
  + 23D.12.065 [Off-Street Parking Requirements: Bicycle Parking]
  + 23D.16.080 [R-1 Single Family Residential District Provisions: Parking – Number of Spaces]
  + 23D.18.080 [R-1A Limited Two-Family Residential District Provisions. Parking – Number of Spaces]
  + 23D.24.080 [ES-R Environmental Safety-Residential District Provisions: Parking-

-Number of Spaces]

* + 23D.28.080 [R-2 Restricted Two-Family Residential District Provisions: Parking-- Number of Spaces]
  + 23D.32.080 [R-2A Restricted Multiple-Family Residential District Provisions: Parking—Number of Spaces]
  + 23D.36.080 [R-3 Multiple Family Residential District Provisions: Parking -- Number of Spaces]
  + 23D.40.080 [R-4 Multiple-Family Residential District Provision: Parking – Number of Spaces]
  + 23D.44.080 [R-5 High Density Residential District Provisions: Parking – Number of Spaces]
  + 23D.48.080 [R-S Residential Southside District Provisions: Parking – Number of Spaces]
  + 23D.52.080 [R-SMU Residential Southside Mixed Use District Provisions: Parking – Number of Spaces]

*Revisions to Provisions Applicable in All Non-Residential Districts Chapter*

* + 23E.28.010 [Off-Street Parking and Transportation Services Fee: Purposes]
  + 23E.28.020 [Off-Street Parking and Transportation Services Fee: Applicability]
  + 23E.28.050 [Off-Street Parking and Transportation Services Fee: Uses Permitted]
  + 23E.28.070 [Off-Street Parking and Transportation Services Fee: Bicycle Parking]
  + 23E.64.080 [C-W West Berkeley Commercial District Provisions: Off-Street Parking and Loading Requirements]
  + 23E.68.080 [C-DMU Downtown Mixed Use District Provisions: Parking – Number of Spaces]
  + 23E.80.080 [MU-LI Mixed Use-Light Industrial District Provisions: Parking – Number of Spaces]
  + 23E.84.080 [MU-R Mixed Use Residential District Provisions: Off-Street Parking and Loading Requirements]

In addition, Planning Commission is asked to consider optional changes to the Variance section (23B.44.010), which may be appropriate if the Planning Commission adopts

Zoning Ordinance amendments that preserve residential parking requirements in certain instances (Attachment 7)

1. **Attachment 7:** Sub-Title 23E

###### [PROVISIONS APPLICABLE IN ALL NON-RESIDENTIAL DISTRICTS]

3

##### Chapter 23E.64: C-W West Berkeley Commercial District Provisions

1. **23E.64.080 Off-Street Parking and Loading Requirements**
2. A. All parking shall be provided in accordance with the requirements of this section and Chapter [23E.28,](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E28/Berkeley23E28.html#23E.28)
3. except as set forth in this section.
4. B. The district minimum standard parking requirement for commercial floor area is two spaces per 1,000
5. square feet of gross floor area. Uses listed in Table [23E.64.080](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E64/Berkeley23E64080.html#23E.64.080) shall meet the requirements listed, for newly
6. constructed floor area, except as otherwise modified in this subsection, and Subsections F through I below.

|  |  |
| --- | --- |
| **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 | ~~One per unit, except as modified by provisions for shared parking in~~ ~~Section 23E.64.080.G; 75% less for Seniors (see below)~~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 | ~~One per unit, provided, however, that if~~  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](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E20/Berkeley23E20040.html#23E.20.040).B |

|  |  |
| --- | --- |
| **Table 23E.64.080** | |
| **Parking Required\*** | |
| Use | Number of spaces |
| 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 J for substitutions of up to 10% with bicycle/motorcycle parking  \*\*Required parking shall be on the same lot as the building it serves | |

1. C. Unless otherwise specified in Subsections F-HI, uses designated in this chapter as Other Industrial Uses;
2. Automobile and Other Vehicle Oriented Uses; Outdoor Uses; Residential and Related Uses or as
3. Miscellaneous Uses shall be required to provide the number of off-street parking spaces determined by the
4. Zoning Officer or Board based of the amount of parking demand generated by the particular use and
5. comparable with specified standards for other uses.
6. D. The number of parking spaces provided for new commercial floor area shall not exceed four spaces per
7. 1,000 square feet of gross floor area of the commercial use, except that up to five spaces per 1,000 square feet
8. of gross floor area of food service uses may be provided.
9. E. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square
10. feet of gross floor area of non-residential space, in accordance with Section [23E.28.070.](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E28/Berkeley23E28070.html#23E.28.070)
11. F. Any automobile parking required by this section may be leased, provided that the requirements of the
12. general regulations concerning leased parking, Section [23E.28.030,](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E28/Berkeley23E28030.html#23E.28.030) are met and provided that the leased
13. parking spaces are within 500 feet of the property where the parking is required; provided that leased parking a
14. greater distance from the property may be approved by Administrative Use Permit and that if the property is
15. located within a designated node, the leased parking spaces are located within the same designated node as
16. the property.
17. ~~G. For multiple dwellings where the occupancy will be exclusively for persons over the age of 62 years, the~~
18. ~~number of required off-street parking spaces may be reduced to 25% of what would otherwise be required for~~
19. ~~multiple family dwelling use, subject to obtaining a Use Permit.~~
20. G~~H~~. Any mixed use building (residential and commercial) shall satisfy the off-street parking standards and
21. requirements of this District, provided, however, that the Board or the Zoning Officer may issue a Permit to
22. ~~modify~~ reduce or eliminate the off-street parking and usable open space requirements where it finds such
23. modification promotes any of the general purposes set forth in [23E.64.020.](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E64/Berkeley23E64020.html#23E.64.020) The Permit required shall be an
24. Administrative Use Permit unless a Use Permit from the Board is required to approve the use or structure, in
25. which case a Use Permit shall be required by the Board.
26. HI. If a public parking facility available for use by all members of the public is within 1,000 feet of a proposed
27. use, the Zoning Officer or Board may approve a Use Permit to allow that use to reduce or eliminate the
28. otherwise required parking.
29. I~~J~~. Subject to the finding in Section [23E.64.090](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E64/Berkeley23E64090.html#23E.64.090).F, an Administrative Use Permit may be issued to designate
30. up to 10% of automobile parking required for a use for bicycle and/or motorcycle parking, unless a Use Permit
31. from the Board is required to approve any part of the application, in which case the Use Permit shall be
32. approved by the Board. Any bicycle parking created by this designation shall be in addition to otherwise
33. required bicycle parking.
34. J~~K~~. Notwithstanding the requirements of Section [23E.28.080](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E28/Berkeley23E28080.html#23E.28.080) (the general regulations concerning screening
35. and landscaping of off-street parking), there shall be no requirement for screening or landscaping of that
36. portion of any parking lot which is adjacent to Third Street (Southern Pacific Railroad).
37. K~~L~~. No off-street automobile parking may be provided between the front property line and a main structure
38. within a designated node. Outside of a designated node, no off-street automobile parking may be provided
39. between the front property line and a main structure unless an Administrative Use Permit is obtained; unless a
40. Use Permit is required to approve the use or structure, in which case the Use Permit shall be approved by the
41. Board. In order to approve this Permit, the Zoning Officer or Board shall make the finding under

52 Section [23E.64.090](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E64/Berkeley23E64090.html#23E.64.090).E.

1. L~~M~~. No building or site shall be altered in such a way as to deprive any leasable space which is used or
2. designated to be used by any manufacturing or wholesale trade use of all loading spaces which meet the
3. general regulations concerning Loading Spaces (Chapter [23E.32](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E32/Berkeley23E32.html#23E.32)).
4. MN. Any construction which results in the creation of 10,000 square feet of new or additional commercial
5. gross floor space shall satisfy the loading space requirements of Chapter 23E.32. (Ord. 7635-NS § 20, 2019; Ord. 6856-NS § 19 (part), 2005: Ord. 6478-NS § 4 (part), 1999)

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##### Chapter 23E.68: C-DMU Downtown Mixed-Use District Provisions

1. **23E.68.080 Parking -- Number of Spaces**
2. A. All parking shall be provided in accordance with the requirements of this Section and Chapter [23E.28,](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E28/Berkeley23E28.html#23E.28)
3. except as set forth in this Section. No change of commercial use within the existing floor area of a building shall
4. be required to meet the off-street parking requirements of this Section or Chapter [23E.28,](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E28/Berkeley23E28.html#23E.28) unless the structure
5. has been expanded to include new floor area.
6. B. The District minimum standard vehicle parking space requirement for all floor area is one and a half
7. 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~~, 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. |

1. 1. Additions up to 1,000 square feet of gross floor area, or up to twenty-five percent (25%) of existing
2. gross floor area, whichever is less, are exempt from the parking requirements for new floor area.
3. 2. Parking spaces shall be provided on site, or off site within 800 feet subject to securing an AUP and
4. in compliance with Section [23E.28.030.](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E28/Berkeley23E28030.html#23E.28.030)
5. C. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square
6. feet of gross floor area of commercial space, and in accordance with the requirements of Section [23E.28.070.](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E28/Berkeley23E28070.html#23E.28.070)
7. D. The vehicle parking space requirements of this Section may be reduced or waived through payment of an
8. in-lieu fee to be used to provide enhanced transit services, subject to securing a Use Permit subject to the
9. finding in section [23E.68.090](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E68/Berkeley23E68090.html#23E.68.090).H or modified with an AUP subject to the findings in [23E.28.140.](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E28/Berkeley23E28140.html#23E.28.140)
10. E. New construction that results in an on-site total of more than 25 publicly available parking spaces shall
11. install dynamic signage to Transportation Division specifications, including, but not limited to, real-time garage
12. occupancy signs at the entries and exits to the parking facility with vehicle detection capabilities and enabled
13. for future connection to the regional 511 Travel Information System or equivalent, as determined by the Zoning
14. Officer in consultation with the Transportation Division Manager.
15. F. Occupants of residential units or GLA units constructed, newly constructed or converted from a non-
16. residential use shall not be eligible for Residential Parking Permit (RPP) permits under Chapter [14.72](https://www.codepublishing.com/CA/Berkeley/html/Berkeley14/Berkeley1472/Berkeley1472.html#14.72) of the
17. BMC.
18. G. For any new building with residential units or structures converted to a residential use, ~~required~~ provided
19. parking spaces shall be leased or sold separate from the rental or purchase of dwelling units for the life of the
20. dwelling unit, unless the Board grants a Use Permit to waive this requirement for projects which include
21. financing for affordable housing subject to the finding in section [23E.68.090](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E68/Berkeley23E68090.html#23E.68.090).I.
22. H. For new structures or additions over 20,000 square feet, the property owner shall provide at least one of
23. the following transportation benefits at no cost to every employee, residential unit, and/or GLA resident. A
24. notice describing these transportation benefits shall be posted in a location or locations visible to employees
25. and residents.
26. 1. A pass for unlimited local bus transit service; or
27. 2. A functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted
28. unlimited monthly local bus pass. Any benefit proposed as a functionally equivalent transportation
29. benefit shall be approved by the Zoning Officer in consultation with the Transportation Division Manager.
30. I. For residential ~~structures constructed or converted from a non-residential use that require~~ projects that
31. provide vehicle parking ~~under Section 23E.68.080.B, required parking spaces shall be designated as~~ vehicle
32. sharing spaces shall be provided in the amounts specified in the following table. ~~If no parking spaces are~~
33. ~~provided pursuant to Section 23E.68.080.D, no vehicle sharing spaces shall be required~~.

|  |  |
| --- | --- |
| **Number of Parking Spaces ~~Required~~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. 1. The required vehicle sharing spaces shall be offered to vehicle sharing service providers at no cost.
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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.

1. 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.

1. 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. (Ord. 7475-NS

§ 2, 2016: Ord. 7229-NS § 1 (part), 2012)

##### 23.80: MU-LI Mixed Use Residential Provisions

1. **23E.80.080 Off-Street Parking and Loading Requirements**
2. A. For each of the following uses the minimum number of off-street parking spaces shall be provided and in
3. accordance with Chapter [23E.28](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E28/Berkeley23E28.html#23E.28) except as set forth in Section [23E.80.080](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E80/Berkeley23E80080.html#23E.80.080).E. Construction of new floor area
4. 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 | ~~One per unit; provided however, that i~~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 | |

1. B. Unless otherwise specified in Subsection A, uses designated in this chapter as Other Industrial Uses;
2. Automobile and Other Vehicle Oriented Uses; Outdoor Uses; Residential and Related Uses or as
3. Miscellaneous Uses shall be required to provide the number of off-street parking spaces determined by the
4. Zoning Officer or Board based of the amount of off-street parking demand generated by the particular use and
5. comparable with specified standards for other uses.
6. C. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square
7. feet of gross floor area of non-residential space, in accordance with Section [23E.28.070.](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E28/Berkeley23E28070.html#23E.28.070)
8. D. Off-street parking required by this section may be satisfied by the provision of leased spaces, provided
9. that the requirements of Section [23E.28.030](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E28/Berkeley23E28030.html#23E.28.030) are met; however, the leased parking spaces may be within 500
10. feet of the property it serves, provided that leased parking at a distance greater than 500 feet may be approved
11. by an Administrative Use Permit.
12. E. Subject to the finding in Section [23E.80.090](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E80/Berkeley23E80090.html#23E.80.090).H, an Administrative Use Permit may be issued to designate
13. up to 10% of automobile parking required for a use for bicycle and/or motorcycle parking, unless a Use Permit
14. from the Board is required to approve any part of the application, in which case the Use Permit shall be
15. approved by the Board. Any bicycle parking created by this designation shall be in addition to otherwise
16. required bicycle parking.
17. F. Notwithstanding the requirements of Section [23E.28.080](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E28/Berkeley23E28080.html#23E.28.080) (the general regulations concerning screening
18. and landscaping of off-street parking), there shall be no requirement for screening or landscaping of that
19. portion of any parking lot which is adjacent to Third Street (Southern Pacific Railroad).
20. G. In buildings with one or more manufacturing, wholesale trade or warehouse use, all uses shall satisfy the
21. loading space requirements of Chapter [23E.32.](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E32/Berkeley23E32.html#23E.32) All uses which have one or more loading spaces shall retain at
22. least one such space.
23. H. Any construction which results in the creation of 10,000square feet of new or additional commercial or
24. manufacturing gross floor area shall satisfy Chapter [23E.32.](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E32/Berkeley23E32.html#23E.32) (Ord. 6856-NS § 23 (part), 2005: Ord. 6478-NS §

146 4 (part), 1999)

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##### 23.84: MU-R Mixed Use Residential Provisions

* 1. **23E.84.080 Off-Street Parking and Loading Requirements**
  2. A. Unless otherwise specified in Subsections B or F, or in Table [23E.84.080,](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E84/Berkeley23E84080.html#23E.84.080) the district minimum standard
  3. parking requirement is two spaces per 1,000 square feet of gross floor area of non-residential space, in
  4. accordance with the requirements of Chapter [23E.28.](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E28/Berkeley23E28.html#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 | ~~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 i~~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 |

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

* 1. B. Unless otherwise specified in Subsection H or in Table [23E.84.080,](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E84/Berkeley23E84080.html#23E.84.080) uses designated in this chapter as
  2. Automobile and Other Vehicle Oriented Uses; Outdoor Uses; or as Miscellaneous Uses shall be required to
  3. provide the number of off-street parking spaces determined by the Zoning Officer or Board based on the
  4. amount of parking demand generated by the particular use and comparable with specified standards for other
  5. uses.
  6. C. Bicycle parking spaces shall be provided at the ratio of one space per 2,000 square feet of gross floor area
  7. of non-residential space, and in accordance with the requirements of Section [23E.28.070.](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E28/Berkeley23E28070.html#23E.28.070)
  8. D. Off-street parking required by this section may be satisfied by the provision of leased spaces, provided
  9. that the requirements of Section [23E.28.030](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E28/Berkeley23E28030.html#23E.28.030) are met; however, the leased parking spaces may be within 500
  10. feet of the property it serves, provided that leased parking at a distance greater than 500 feet may be approved
  11. by an Administrative Use Permit.
  12. ~~E. For multiple dwellings where the occupancy will be exclusively for persons over the age of 62, the number~~
  13. ~~of required off-street parking spaces may be reduced to 25% of what would otherwise be required for multiple~~
  14. ~~family dwelling use, subject to obtaining a Use Permit.~~
  15. E~~F~~. If the Zoning Officer or Board finds that existing evening parking supply is adequate and/or that other
  16. mitigating circumstances exist on the property, the requirement for an additional off-street parking space may
  17. be waived through a Use Permit when an additional residential unit is added to a property with one or more
  18. residential units.
  19. F~~G~~. No off-street parking space which is required by this Ordinance, including Use Permits issued under this
  20. Ordinance, shall be removed; provided, however, any off-street parking spaces which are provided in excess of
  21. the number required at the time of application may be removed.
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  27. 180
  28. 181
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  30. 183
  31. 184

G~~H~~. 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.

HI. In buildings with manufacturing, wholesale trade or warehouse uses, loading spaces shall be maintained so as to meet the requirements of Chapter 23E.32.

IJ. 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. (Ord. 6856-NS § 24 (part), 2005: Ord. 6478-NS § 4 (part), 1999)

* + 1. **Attachment 5:** Sub-Title 23D

###### [PROVISIONS APPLICABLE IN ALL RESIDENTIAL DISTRICTS]

3

##### Chapter 23D.16: R-1 Single Family Residential District Provisions

1. **23D.16.080 Parking -- Number of Spaces**
2. 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~~None required |
| ~~Employees~~Community care facility | 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~~None required |
| \*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. B. Other Uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges, and
2. community centers, shall provide the number of Off-street Parking Spaces determined by the Board, based on
3. the amount of traffic generated by the particular Use and comparable with specified standards for other Uses.
4. C. Schools having a total gross floor area exceeding 10,000 square feet, shall provide off-street loading
5. spaces at the rates of:
6. 1. One space for the first 10,000 square feet of gross floor area; and
7. 2. One additional space for each additional 40,000 square feet of gross floor area. (Ord. 7599-NS § 5,

14 2018; Ord. 7426-NS § 7, 2015; Ord. 6854-NS § 4 (part), 2005: Ord. 6763-NS § 6 (part), 2003: Ord.

15 6478-NS § 4 (part), 1999)

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17 Chapter 23D.20: R-1A Limited Two-Family Residential District Provisions

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1. **23D.20.080 Parking -- Number of Spaces**
2. 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~~None required |
| ~~Employees~~Community care facility | 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~~None required |
| \*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. B. Other Uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges, and
2. community centers, shall provide the number of Off-street Parking Spaces determined by the Board, based on
3. the amount of traffic generated by the particular Use and comparable with specified standards for other Uses.
4. C. Schools having a total gross floor area exceeding 10,000 square feet, shall provide off-street loading
5. spaces at the rates of:
6. 1. One space for the first 10,000 square feet of gross floor area; and
7. 2. One additional space for each additional 40,000 square feet of gross floor area. (Ord. 7599-NS § 5,

28 2018; Ord. 7426-NS § 7, 2015; Ord. 6854-NS § 4 (part), 2005: Ord. 6763-NS § 6 (part), 2003: Ord.

29 6478-NS § 4 (part), 1999)

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##### Chapter 23D.24: ES-R Environmental Safety-Residential District Provisions

**23D.24.080 Parking -- Number of Spaces**

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

**Table 23D.24.080**

|  |  |
| --- | --- |
| **Parking Required** | |
| Use | Number of spaces |
| Dwellings, no room rental | ~~One per 1,000 sq. ft. of gross floor area or one per bedroom, whichever is~~ ~~greater, with a minimum of two spaces to a maximum of four spaces\*~~None  required |
| ~~Employees~~Community care facilities | One per two non-resident employees ~~for a Community Care Facility\*~~\* |
| Rental of Rooms | ~~One per each roomer or boarder in addition to the above requirement for~~ ~~dwellings~~None required |
| ~~\*For purposes of calculating required parking, “bedroom” means any habitable space in a dwelling unit or~~ ~~residential accessory structure other than a kitchen or living room that is intended for or capable of being used~~ ~~for sleeping and that is at least 70 square feet in area. A room identified as a den, library, study, loft, dining~~ ~~room, or other extra room that satisfies this definition will be considered a bedroom for the purposes of~~ ~~computing parking requirements. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar~~ ~~areas are not considered habitable spaces. The division of existing habitable space shall not require the~~ ~~provision of additional parking so long as there is no net increase in the gross floor area of the building and no~~ ~~more than one additional bedroom is created.~~  \*\*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. ~~B. Any use that was lawfully established prior to the effective date of the ordinance codified in this chapter but~~
2. ~~does not conform to the requirements of this section may be continued and maintained, provided there is no~~
3. ~~increase in the area, space, or volume occupied by or devoted to such use. The lawfully established gross floor~~
4. ~~area of a single-family detached structure that does not conform to the parking requirements in subsection A~~
5. ~~may, however, be increased by a cumulative total of no more than 200 square feet over the floor area that~~
6. ~~existed on the effective date of the ordinance codified in this chapter if the addition or alteration complies with~~
7. ~~all other applicable standards and will not be used as a bedroom and if no portion of the building or any other~~
8. structure on the same lot is used for rental rooms. (Ord. 7135-NS § 2 (part), 2010: Ord. 6478-NS § 4 (part),

46 1999)

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##### Chapter 23D.28: R-2 Restricted Two-Family Residential District Provisions

1. **23D.28.080 Parking -- Number of Spaces**
2. A lot shall contain the following minimum number of Off-street Parking Spaces:

|  |  |
| --- | --- |
| **Table 23D.28.080** | |
| **Parking Required** | |
| Use | Number of spaces |
| Dwellings | ~~One per unit~~None required |
| ~~Employees~~Community Care Facility | 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~~None required |
| \*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. 1. Other Uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges, and
2. community centers, shall provide the number of Off-street Parking Spaces as determined by the Board, based
3. on the amount of traffic generated by the particular Use and comparable with specified standards for other
4. uses.
5. 2. Schools, when having a total gross floor area exceeding 10,000 square feet, shall satisfy the following off-
6. street loading requirements:
7. a. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area.
8. b. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross
9. floor area of above the first 10,000 square feet. (Ord. 7599-NS § 9, 2018: Ord. 7426-NS § 15, 2015; Ord.

61 6763-NS § 15 (part), 2003: Ord. 6478-NS § 4 (part), 1999)

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##### Chapter 23D.32: R-2A Restricted Multiple-Family Residential District Provisions

1. **23D.32.080 Parking -- Number of Spaces**
2. A. A lot shall contain, for each of the following uses, the following minimum number of Off-street Parking
3. Spaces:

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|  |  |
| --- | --- |
| **Table 23D.32.080** | |
| **Parking Required** | |
| Use | Number of spaces |
| Dwellings~~, Multiple~~ ~~Dwellings, one and two family~~ | ~~One per unit (75% less for seniors, see below)~~ ~~One per unit~~None required |
| ~~Employees~~Community Care Facility | One per two non-resident employees ~~for a Community Care~~ ~~Facility~~\* |
| 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 |
| Rental of Rooms | ~~One per each two roomers or boarders~~  ~~One per each five residents plus one for manager~~None required |
| Senior Congregate Housing |
| \*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. B. Other uses requiring Use Permits issued by the Board, including, but not limited to, Child Care Centers,
2. Clubs, Lodges and community centers, shall provide the number of Off-street Parking Spaces as determined
3. by the Board based on the amount of traffic generated by the particular Use and comparable with specified
4. standards for other Uses.
5. ~~C. For multiple dwellings where the occupancy will be exclusively for persons over the age of 62, the number~~
6. ~~of required Off-street Parking Spaces may be reduced to 25% of what would otherwise be required for multiple-~~
7. ~~family dwelling use, subject to obtaining a Use Permit.~~
8. ~~D~~C. Senior Congregate Housing, Nursing Homes and Schools, when having a total gross floor area
9. exceeding 10,000 square feet, shall satisfy the following requirements:
10. 1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area;
11. 2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross
12. floor area of above the first 10,000 square feet. (Ord. 7599-NS § 11, 2018; Ord. 7426-NS § 19, 2015;

80 Ord. 6763-NS § 19 (part), 2003: Ord. 6478-NS § 4 (part), 1999)

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##### Chapter 23D.36: R-3 Multiple Family Residential District Provisions

* 1. **23D.36.080 Parking -- Number of Spaces**
  2. A. A lot shall contain the following minimum number of Off-street Parking Spaces:

**Table 23D.36.080**

|  |  |
| --- | --- |
| **Parking Required** | |
| Use | Number of spaces |
| Dormitories; Fraternity and Sorority Houses; Rooming and Boarding Houses; and Senior Congregate Housing | None required |
| Dwellings~~, Multiple (fewer than ten)~~ ~~Dwellings, Multiple (Ten or more)~~ ~~Dwellings, One and Two Family~~ | ~~One per each five residents, plus one for manager~~  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 o~~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. | |

* 1. B. Other uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges, and
  2. 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.

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1. C. For multiple dwellings where the occupancy will be exclusively for persons over the age of 62, the number
2. of required Off-street Parking Spaces may be reduced to 25% of what would otherwise be required for multiple
3. family dwelling use, subject to obtaining a Use Permit.
4. DC. Senior Congregate Housing, Hospitals, Nursing Homes, and Schools, when having a total gross floor
5. area exceeding 10,000 square feet, shall satisfy the requirements of Chapter 23E.32 and the following requirements:

94

95 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

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97 floor area above the first 10,000 square feet. (Ord. 7599-NS § 13, 2018; Ord. 7426-NS § 23, 2015; Ord.

98 7210-NS § 12, 2011: Ord. 6763-NS § 23 (part), 2003: Ord. 6478-NS § 4 (part), 1999)

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##### Chapter 23D.40: R-4 Multi-Family Residential District Provisions

1. **23D.40.080 Parking -- Number of Spaces**
2. A. A lot shall contain the following minimum number of Off-street Parking Spaces:

|  |  |
| --- | --- |
| **Table 23D.40.080** | |
| **Parking Required** | |
| Use | Number of spaces |
| Dormitories; Fraternity and Sorority Houses; Rooming and Boarding Houses;  and Senior Congregate Housing | None required |
| Dwellings~~, Multiple (fewer than ten)~~ ~~Dwellings, Multiple (Ten or more)~~ ~~Dwellings, One and Two Family~~ | ~~One per each five residents, plus one for manager~~  ~~One per unit (75% less for seniors, see Section C below)~~  ~~One per 1,000 sq. ft. of gross floor area (75% less for seniors, see~~ ~~Section C below)~~  ~~One per unit~~None required |
| ~~Employees~~Community Care Facility | 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 o~~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. | |

1. B. Other uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges and
2. community centers, shall provide the number of Off-street Parking Spaces determined by the Board based on
3. the amount of traffic generated by the particular use and comparable with specified standards for other uses.
4. C. For multiple dwellings where the occupancy will be exclusively for persons over the age of 62, the number
5. of required Off-street Parking Spaces may be reduced to 25% of what would otherwise be required for multiple
6. family dwelling use, subject to obtaining a Use Permit.
7. 109
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~~D~~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.

1. ED. Senior Congregate Housing, Hotels, Hospitals, Nursing Homes, Offices (including Medical Offices) and
2. Schools, when having a total gross floor area exceeding 10,000 square feet, shall satisfy the requirements of
3. Chapter 23E.32 and the following requirements:
4. 1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area.
5. 118
6. [Off-street](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23D/Berkeley23D12/Berkeley23D12060.html#23D.12.060) loading spaces at the ratio of one space for each additional 40,000 square feet of gross
7. floor area of above the 10,000 square feet. (Ord. 7599-NS § 15, 2018; Ord. 7426-NS § 27, 2015; Ord.
8. 120
9. 121

6763-NS § 27 (part), 2003: Ord. 6478-NS § 4 (part), 1999)

1. Chapter 23D.44: R-5 High Density Residential District Provisions
2. **23D.44.080 Parking -- Number of Spaces**
3. A. A lot shall contain the following minimum number of Off-street Parking Spaces:

|  |  |
| --- | --- |
| **Table 23D.44.080** | |
| **Parking Required** | |
| Use | Number of spaces |
| Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Senior Congregate Housing | None required |
| ~~Dormitories, Fraternity and Sorority Houses, Rooming and~~ ~~Boarding Houses, Senior Congregate Housing~~ | ~~One per each five residents, plus one for~~ ~~manager~~  ~~One per unit (75% less for seniors, see Section~~ ~~C below)~~  ~~One per 1,200 sq ft of gross floor area (75% less~~ ~~for seniors, see Section C below)~~  ~~One per unit~~  None required |
| Dwellings, |
| Employees | 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 o~~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.44.080** |
| **Parking Required** |
| \*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. B. Other uses requiring Use Permits, including, but not limited to, Child Care Centers, Clubs, Lodges and
2. community centers, shall provide the number of Off-street Parking Spaces as determined by the Board based
3. on the amount of traffic generated by the particular use and comparable with specified standards for other
4. uses.
5. ~~C. For multiple dwellings where the occupancy will be exclusively for persons over the age of 62 years, the~~
6. ~~number of required Off-street Parking Spaces may be reduced to 25% of what would otherwise be required for~~
7. ~~multiple family dwelling use, subject to obtaining a Use Permit.~~
8. ~~D~~C. For offices, other than medical offices, the Board may reduce the parking requirement from one Off-
9. street Parking Space per 400 square feet of gross floor area to a minimum of one parking space per 800
10. square feet of gross floor area, subject to making the required finding under Section [23D.44.090](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23D/Berkeley23D44/Berkeley23D44090.html#23D.44.090).C. In addition
11. any parking supplied jointly with multiple family residential uses shall be subject to the requirements set forth in

136 Section [23D.12.060](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23D/Berkeley23D12/Berkeley23D12060.html#23D.12.060).B.

1. ~~E~~D. Senior Congregate Housing, Hotels, Hospitals, Nursing Homes, Offices (including Medical Offices) and
2. Schools, when having a total gross floor area exceeding 10,000 square feet, shall satisfy the requirements of
3. Chapter [23E.32](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E32/Berkeley23E32.html#23E.32) and the following requirements:
4. 1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area.
5. 2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross
6. floor area of above the first 10,000 square feet. (Ord. 7599-NS § 17, 2018; Ord. 7426-NS § 31, 2015;

143 Ord. 6763-NS § 31 (part), 2003: Ord. 6478-NS § 4 (part), 1999)

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##### Chapter 23D.48: R-S Residential Southside District Provisions

1. **23D.48.080 Parking -- Number of Spaces**
2. A. All parking shall be provided in accordance with the requirements of this section and Chapter [23D.12,](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23D/Berkeley23D12/Berkeley23D12.html#23D.12)
3. except as set forth in this Section.
4. B. The following provisions shall apply to properties within the R-S District:
5. 1. No Off-street Parking Spaces shall be required for new Dwelling Units, Group Living
6. Accommodations rooms, or for Accessory Dwelling Units. ~~located within the Car-Free Housing Overlay.~~
7. ~~The Car-Free Housing Overlay area is as follows:~~
8. ~~The complete block bounded by:~~
9. ~~• Dana, Haste, Ellsworth and Channing.~~
10. ~~The partial blocks bounded by:~~
11. ~~• Bowditch, Haste, Telegraph and Channing, minus the portion of the block within 150 feet of~~
12. ~~Telegraph Avenue;~~
13. ~~• Dana, Channing, Ellsworth and Durant, minus the lot abutting the west side of Dana; and~~
14. ~~• Ellsworth, Channing, Fulton and Durant, minus the north-west corner with 130 feet of frontage along~~
15. ~~Fulton and 100 feet of frontage along Durant.~~
16. ~~Additional properties as described below:~~
17. ~~• The properties abutting the east side of College Avenue between Bancroft Way and Channing Way,~~
18. ~~and including 2709 Channing Way;~~
19. ~~• The properties abutting both sides of Channing between Fulton and Shattuck, except those abutting~~
20. ~~Shattuck, and also excluding the parcel at 2111 - 2113 Channing;~~
21. ~~• The properties abutting the west side of Fulton Street from Channing Way extending north along~~
22. ~~Fulton 127.5 feet and extending south along Fulton 180 feet; and~~
23. ~~• The properties abutting the north side of Haste, beginning 150 feet west of Fulton Street, and~~
24. ~~extending an additional 200 feet west along Haste.~~
25. ~~2. For properties not included in the Car-Free Housing Overlay, and for non-residential uses within the~~
26. ~~Car-Free Housing Overlay, Off-Street parking requirements shall be determined by the parking~~
27. ~~requirements of Section 23D.40.080 (R-4).~~
28. ~~3~~2. Bicycle parking spaces shall be provided at the ratio of one space per 2,000 square feet of gross
29. floor area of commercial space, and in accordance with the requirements of Section [23E.28.070.](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E28/Berkeley23E28070.html#23E.28.070)
30. C. Occupants of Dwelling Units and Group Living Accommodation rooms constructed without parking after
31. the effective date of this Chapter shall not be entitled to receive parking permits under the Residential Permit
32. Parking Program (RPP), under Section 14.72 of the BMC.~~Occupants of residential projects within the Car-Free~~
33. ~~Housing Overlay area that are constructed without parking after the effective date of this Chapter shall not be~~
34. ~~entitled to receive parking permits under the Residential Permit Parking Program (RPP), under~~
35. ~~Chapter 14.72 of the BMC.~~
36. D. Existing parking spaces for Main Buildings may be reduced if approved through a Use Permit with findings
37. that the parking reduction is consistent with the purposes of the District and meets the findings in

183 Section [23E.28.140.](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E28/Berkeley23E28140.html#23E.28.140)

1. E. Any construction which results in the creation of 10,000 square feet of new or additional non-residential
2. gross floor space shall satisfy the loading space requirements of Chapter [23E.32](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E32/Berkeley23E32.html#23E.32) as follows:
3. 1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area
4. of non-residential space; and
5. 2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross
6. floor area of non-residential space above the first 10,000 square feet.
7. F. All Use Permits under this Chapter shall be subject to a condition of approval requiring payment of a
8. Transportation Services Fee (TSF) if and when adopted. (Ord. 7208-NS § 1 (part), 2011)
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##### Chapter 23D.52: Residential Southside Mixed-Use District Provisions

1. **23D.52.080 Parking -- Number of Spaces**
2. A. All parking shall be provided in accordance with the requirements of Chapter [23D.12](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23D/Berkeley23D12/Berkeley23D12.html#23D.12) and this Section.
3. 1. No Off-Street Parking Spaces shall be required for new Dwelling Units or Group Living
4. Accommodation rooms, or for Accessory Dwelling Units.
5. 2. For non-residential uses and for Main Buildings with no Dwelling Units or Group Living
6. Accommodations, Off-Street Parking Spaces shall be provided in accordance with the following
7. requirements:
8. a. The minimum standard parking requirement for commercial floor area is two spaces per 1,000
9. square feet of gross floor area of commercial space. Uses listed in Table [23D.52.080](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23D/Berkeley23D52/Berkeley23D52080.html#23D.52.080) shall meet
10. the requirements listed or the district minimum, whichever is more restrictive, for newly constructed
11. floor area or changes of use.

**Table 23D.52.080**

|  |  |
| --- | --- |
| **Parking Required** | |
| Use | Number of spaces |
| Dwellings | None required |
| 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 23D.36.080~~ |

1. b. Parking requirements for changes in use of existing floor area where the new use has a higher
2. parking standard than the existing use may be modified as set forth in Section [23E.28.130.](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E28/Berkeley23E28130.html#23E.28.130)
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c. 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.

1. 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.
2. 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.
3. 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.
4. 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 Resi[dential Permi](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E28/Berkeley23E28070.html#23E.28.070)t Parking Program (RPP), under Section 14.72 of the BMC.
5. 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:
6. 1. Off-street loading spaces at the ratio of one space for the first 10,000 [square](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E32/Berkeley23E32.html#23E.32) feet of gross floor area
7. of non-residential space; and
8. 2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross
9. floor area of non-residential space above the first 10,000 square feet.

|  |  |
| --- | --- |
| 229 | D. All Use Permits under this Chapter shall be subject to a condition of approval requiring payment of a |
| 230 | Transportation Services Fee (TSF) if and when adopted. (Ord. 7209-NS § 1 (part), 2011) |
| 231 |  |



**Planning and Development Department**

Land Use Planning Division

STAFF REPORT

DATE: January 15, 2020

TO: Members of the Planning Commission FROM: Justin Horner, Associate Planner SUBJECT: Parking Maximums

RECOMMENDATION

Review report and provide feedback on staff’s recommendation to not include parking maximums as part of the public hearing on parking minimums and Transportation Demand Management (TDM) to be held at your meeting of February 5, 2020.

BACKGROUND

In response to the City Council’s Green Affordable Housing Package and the City-wide Green Development Requirements referrals, the Planning Commission discussed potential parking reform at their meetings of July 17, 2019, October 2, 2019 and December 4, 2019.

At their meeting of December 4, 2019, the Planning Commission directed staff to conduct a public hearing at the February 5, 2020 Planning Commission meeting to consider amendments to the Zoning Ordinance to eliminate minimum parking requirements for all residential development in all zones, and to require, with some exceptions, certain TDM measures for all residential projects, or residential portions of mixed-use projects, that include 10 or more units.

The Planning Commission also directed staff to return to the Planning Commission with additional information about implementing parking maximums for residential development in Berkeley. It is requested that the Planning Commission receive this report about parking maximums, and provide comments and feedback on staff’s recommendation to not include parking maximums as part of the Zoning Ordinance amendments to be presented at a public hearing at the February 5, 2020 Planning Commission meeting.

**Review of Existing Parking Maximums**

Staff research revealed that land use regulations instituting parking maximums for residential development are very rare. Staff surveyed 13 jurisdictions that have recently reformed their parking regulations to reduce or eliminate parking minimums, ten of which were the only

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Parking Maximums Page **2** of **5**

jurisdictions staff found that have also instituted parking maximums. As an additional reference point, staff added Transform’s GreenTRIP Certification program. The regulations are summarized in Table 1, below.

##### Table 1. Residential Parking Minimums and Maximums: Summary

|  |  |  |  |
| --- | --- | --- | --- |
| **City** | **Minimum** | **Maximum** | **Notes** |
| [Burlington, MA](https://perma.cc/6HH8-65JM) | 1.5/unit | 1.5/unit | Maximum applies to buildings with 3 or more units only |
| [Charlotte, NC](https://perma.cc/3LP6-FUFM) | 1/unit | 1.6/unit |  |
| [Flagstaff, AZ](https://perma.cc/L4N2-62WB) | 1.25 – 2.5/unit, depending on  bedrooms | No more than 105%  of minimum | Maximum applies to buildings with 25 or more units only. |
| [Knoxville, TN](https://library.municode.com/tn/knoxville/codes/code_of_ordinances?nodeId=APXBZORE_ARTVSUREAPSPSEALDI_S7OREPAACDRLARE) | 1 – 2/unit, depending on bedrooms | 1.25 – 2.5/unit, depending  on bedrooms | Maximum only applies to buildings with 3 or more units.  Guest parking is also required |
| [Minneapolis, MN](https://library.municode.com/mn/minneapolis/codes/code_of_ordinances?nodeId=MICOOR_TIT20ZOCO_CH541OREPALO_ARTIIISPOREPARE_541.170SPOREPARE) | -- | 1.5 – 2/unit | No minimums and maximums only apply to downtown zoning districts. (elsewhere, 1/unit + no maximum) |
| [Pasadena, CA](https://library.municode.com/ca/pasadena/codes/code_of_ordinances?nodeId=TIT17_ZONING_CODE_ART5STSPLAUS_CH17.50STSPLAUS_17.50.340TRIEDETO) | 1.5/unit | 2/unit | Maximum only applies to Sierra Madre Villa Station TOD Area |
| [Pasadena, CA](https://library.municode.com/ca/pasadena/codes/code_of_ordinances?nodeId=TIT17_ZONING_CODE_ART5STSPLAUS_CH17.50STSPLAUS_17.50.340TRIEDETO) | 1.5/unit | 1.75/unit | Maximum only applies to TOD Areas and Central District |
| [Pittsburgh, PA](https://library.municode.com/pa/pittsburgh/codes/code_of_ordinances?nodeId=PIZOCO_TITNINEZOCO_ARTVIDEST_CH914PALOAC_914.02OREPASC) | 1/unit | 2/unit | Maximum only applies to 1,000 acre Uptown EcoInnovation District |
| [Portland, OR](https://www.portlandoregon.gov/bps/article/53320) | 0 – 0.33/unit, depending on project size | -- | Minimums only for sites 1500 ft or less from a transit station or 500 ft or less from a transit street with 20 min headways.  Parking maximums do apply to most non-residential uses. |
| [San Diego, CA](https://docs.sandiego.gov/municode/MuniCodeChapter14/Ch14Art02Division05.pdf) | 0 – 2/unit, depending on bedrooms | -- | No parking minimums only for buildings of 3 or more units in Parking Transit Priority Areas  Parking maximums do apply to most non-residential uses |
| [San Francisco, CA](https://tinyurl.com/ushtwxe) | -- | 0.5 - 1.5/unit | Maximum depends on zoning district. Maximum is 1.5/unit in most  cases |
| [Seattle, WA](https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=TIT23LAUSCO_SUBTITLE_IIILAUSRE_CH23.54QUDESTACOREPASOWAST_23.54.015REPAMAPALI) | -- | -- | No minimums only for residential uses in urban center, certain overlay districts, or in commercial zones.  No required parking for any affordable unit at 80% AMI or below |
| [Vancouver, Canada](https://vancouver.municipal.codes/VMC/20.550.020) | 75% of base zone standard (1/unit, generally) | 125% of base zone standard | Minimums and maximums apply in Transit Overlay District only (urban centers and transit nodes) |

Parking Maximums Page **3** of **5**

|  |  |  |  |
| --- | --- | --- | --- |
| [London, United](https://www.lambeth.gov.uk/sites/default/files/pl_Lambeth_Parking_standards_and_PTAL.pdf) [Kingdom](https://www.lambeth.gov.uk/sites/default/files/pl_Lambeth_Parking_standards_and_PTAL.pdf) | -- | 0.25 – 1.5  spaces/unit | Maximum based on which Public Transit Accessibility Level (PTAL) areas subject parcel is located |
| [GreenTRIP](https://www.transformca.org/sites/default/files/HowToGuide_GreenTRIP_Platinum_Nov16.pdf) [Certification](https://www.transformca.org/sites/default/files/HowToGuide_GreenTRIP_Platinum_Nov16.pdf) | -- | 1/unit |  |

###### Of the ten jurisdictions that have instituted parking maximums, seven apply them only to specific zoning districts or areas with transit access. This trend across cities is consistent with the Planning Commission’s request at their December 4, 2019 meeting to consider parking maximums that may vary depending upon project location.

Staff accompanied this review of existing regulations with a review of the few treatments of parking maximums in the scholarly literature and correspondence with staff at the San Francisco Planning Department and the Pittsburgh Department of City Planning. Through this investigation, staff concluded that there is not a widely accepted quantitative methodology for setting parking maximums for residential development. In most cases, parking maximums are set somewhere between a range of 1.5 to 2 spaces per unit, seemingly most often through political deliberation and a review of recent development trends in each jurisdiction. Again, as shown in Table 1, parking maximums mostly apply only within particular zoning districts characterized by density, distance from an urban center and/or transit accessibility.

**Discussion: Setting a Parking Maximum**

###### The two primary questions the Planning Commission is asked to address if it chooses to institute parking maximums for residential development are 1) where should parking maximums apply; and 2) what should the upper limit of the maximum be?

*Where to Apply Parking Maximums*

In its report for the December 4, 2019 meeting, staff did not recommend parking maximums for certain areas of the city; rather, parking maximums were to apply to projects of a certain size (ten or more units). Given Berkeley’s current zoning, parking maximums would apply only to certain areas of the city (Zoning Districts R-3 and above).

However, given the Planning Commission’s direction at its December 4, 2019 meeting to eliminate parking minimums for all residential projects citywide, the Commission may also be interested in apply parking maximums on a wider geographic scale. In addition to the option of applying parking maximums to certain *types* of projects, there are two recommendations Planning Commission could also consider:

* Citywide Parking Maximums: The Planning Commission could recommend a uniform parking maximum and apply it to all residential projects throughout the city;
* Parking Maximums in Transit-Rich Areas: Consistent with the approach of most jurisdictions that institute parking maximums, the Planning Commission could choose to impose parking maximums in areas close to transit. At their meeting of May 1, 2019, the Planning Commission received a report from staff that included maps that indicate Berkeley’s most transit-proximate areas (*Attachment 1*).

Parking Maximums Page **4** of **5**

*Setting the Parking Maximum*

###### In its report for the December 4, 2019 meeting, staff recommended two potential approaches to setting parking maximums:

* A parking maximum could be set 0.5 spaces per unit, consistent with the October 2019 *Residential Parking Utilization Study’s* finding about the average number of registered vehicles per unit (*Attachment 2*); or

###### A parking maximum could be set at the Zoning Ordinance’s current minimum parking requirements, which ends up at around 1 space per unit. This is slightly more than the

0.82 spaces provided per unit among the twenty multi-family projects observed in the

*Residential Parking Utilization Study*.

###### An additional option could be to set the maximum at or near the typical level of parking provision for recently-entitled projects. At their meeting of May 1, 2019, the Planning Commission received a report from staff that included a summary of residential projects entitled in 2018 and the amount of parking required and provided by each of them (Attachment 3). Of the 21 total projects, 86% provided the required number, or fewer, parking spaces (29% provided fewer than required). While most projects did provide the required amount of parking (around 1 space/unit), across all projects, the average number of parking spaces was 0.4 per unit (410 total parking spaces for 1122 units). The Planning Commission could also consider this 0.4 spaces per unit standard.

Referring again to Table 1, adopting any of these three recommendations would set parking maximums that are noticeably lower than most other cities that have instituted them, and higher than only San Francisco among American cities.

**Planning Staff Recommendation: Do Not Institute Parking Maximums at this Time**

###### Notwithstanding the above, Planning Department staff does not currently recommend setting parking maximums for residential development. Very few jurisdictions have instituted maximum parking requirements, and the few that have, limit them to specific zoning districts or sub-areas within their respective cities. Parking maximums that have been set by other jurisdictions are at per unit levels well above what is already being constructed in Berkeley, even before the City has moved forward to reduce or remove minimum parking requirements. Given the review of recently approved projects noted above, and the findings of the recent *Residential Parking Utilization Study*, it is not apparent to staff that Berkeley faces a problem with development projects providing too much parking; a problem parking maximums are instituted to solve. And while parking maximums can serve as tools to promote mode shift away from private vehicle travel, the lack of tested methodologies for setting parking maximums for residential projects is problematic. Staff would be speculating as to the likely mode share consequences of residents of buildings subject to parking maximums, without a solid understanding of the effect such maximums could have on project feasibility.

For these reasons, staff recommends that the Planning Commission not recommend instituting parking maximums at this time. Staff instead recommends examining projects that seek

Parking Maximums Page **5** of **5**

entitlements after reforms to minimum parking requirements are instituted to see if parking maximums would be appropriate in the future.

#### NEXT STEPS

###### Planning Commission is asked to provide final policy direction on the following questions and request a public hearing on February 5, 2020 to consider specific Zoning Ordinance amendments for parking reform.

***Question for Planning Commission****: Should a maximum parking standard be implemented for residential development?*

***Question for Planning Commission****: If so, should they be implemented based on project size, project location or a combination? What should be the maximum number of allowable off-street parking spaces?*

#### ATTACHMENTS:

1. Maps of transit stations and corridors with ¼ mile and ½ mile buffers.
2. Residential parking utilization study
3. List of 2018 entitled projects with amount of parking provided and required.

**Chapter 23C.19:**

OFF-STREET PARKING MAXIMUMS FOR RESIDENTIAL DEVELOPMENT

1 Sections:

2

3 **23C.19.010 Purpose**

1. **23C.19.020 Applicability of Regulations**
2. **23C.19.030 Off-street Parking Maximums**
3. **23C.19.040 Excess Off-street Parking**

7

8 Section 23C.19.010 Purpose

9

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

12

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

15

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

18

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

21

22 Section 23C.19.020 Applicability of Regulations

23

1. A. The provisions of this Chapter shall apply to new Duplexes, Multi-family projects and
2. mixed-use projects that include two or more Dwelling Units located on a parcel, any
3. portion of which is located within 0.25 miles of a major transit stop, as defined by
4. Section 21064.3 of the *California Public Resources Code* or along a transit corridor
5. with service at 15 minute headways during the morning and afternoon peak periods.

29

30 Section 23C.19.030 Off-street Parking Maximums

31

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

34

35 Section 23C.19.040 Excess Off-street Parking

36

1. A. Any request for off-street residential parking in excess of 0.5 parking spaces per
2. Dwelling Unit shall require an Administrative Use Permit.

**Chapter 23C.19:**

OFF-STREET PARKING MAXIMUMS FOR RESIDENTIAL DEVELOPMENT

1. B. In order to approve any Administrative Use Permit under this Chapter the Zoning
2. Officer or Board shall make one the following Findings:
3. (i) Trips to the use or uses to be served, and the apparent demand for additional
4. parking, cannot be satisfied by the amount of parking permitted by this Chapter, by transit
5. service which exists or is likely to be provided in the foreseeable future, or by more
6. efficient use of existing on-street and off-street parking available in the area; or
7. (ii) The anticipated residents of the proposed project have special needs or
8. require reasonable accommodation that relate to disability, health or safety that require
9. the provision of additional off-street residential parking.

49

50

1 **Sections:**

2 **23C.18.010 Purpose**

1. **23C.18.020 Applicability of Regulations**
2. **23C.18.030 Transportation Demand Management Program Requirements**
3. **23C.18.040 Monitoring, Reporting and Compliance**

6

7 Section 23C.18.010 Purpose

8

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

11

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

14

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

17

18 Section 23C.18.020 Applicability of Regulations

19

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

22

1. 1. Residential housing projects, including the residential portions of mixed-use
2. projects that include ten or more Dwelling Units.

25

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

28

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

31

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

34

1. 2. Residential housing projects, including the residential portions of mixed-use
2. projects, with the majority of its units subject to recorded affordability
3. restrictions.

38

1. Section 23C.18.030 Transportation Demand Management Program
2. **Requirements**

41

42 A. Any project subject to this Chapter shall:

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

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1. 2. Provide at least one of the following transit benefits per unit, at no cost to the
2. resident, for a period of ten years after the issuance of a Certificate of
3. Occupancy. A notice describing these transportation benefits shall be posted
4. in a location or locations visible to residents.

55

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

62

1. 3. Provide publically-available, real-time transportation information in a common
2. area, such as a lobby or elevator bay, on televisions, computer monitors or
3. other displays visible to residents and/or the public. Provided information shall
4. include, but is not limited to, transit arrivals and departures for nearby transit
5. routes.

68

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

73

74 Section 23C.18.040 Monitoring, Reporting and Compliance

75

1. A. For projects subject to this Chapter, prior to issuance of a Certificate of Occupancy,
2. the property owner shall facilitate a site inspection by Planning Department staff to
3. confirm that the physical improvements required in 23C.XX.030 (A) (2) and (4) have
4. been installed. The property owner shall also provide documentation that the
5. programmatic measures required in 23C.XX.030 (A) (1) and (2) will be implemented.

81

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

85

1. C. Property owners may be required to pay administrative fees associated with
2. compliance with this ordinance as set forth in the City’s Land Use Planning Fees
3. schedule.
4. Sections:
5. 23D.12.010 Purposes
6. [23D.12.020](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23D/Berkeley23D12/Berkeley23D12.html&23D.12.020) Applicability
7. [23D.12.030](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23D/Berkeley23D12/Berkeley23D12.html&23D.12.030) Off-site Parking
8. [23D.12.040](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23D/Berkeley23D12/Berkeley23D12.html&23D.12.040) Residential Off-street Parking Spaces Shall Conform to Traffic Engineering Requirements
9. [23D.12.050](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23D/Berkeley23D12/Berkeley23D12.html&23D.12.050) Number of Parking Spaces Required
10. [23D.12.060](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23D/Berkeley23D12/Berkeley23D12.html&23D.12.060) Joint Use of Off-street Parking Spaces
11. 23D.12.065 Bicycle Parking
12. [23D.12.070](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23D/Berkeley23D12/Berkeley23D12.html&23D.12.070) Two or More Uses of a Building
13. [23D.12.080](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23D/Berkeley23D12/Berkeley23D12.html&23D.12.080) Site Location and Screening of Uncovered Parking Spaces and Driveways
14. [23D.12.090](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23D/Berkeley23D12/Berkeley23D12.html&23D.12.090) Parking Lot Standards
15. **23D.12.010 Purposes**
16. The purposes of the parking regulations contained in this Chapter are:
17. A. To ~~prevent the worsening of the already serious deficiency of~~efficiently allocate parking spaces ~~existing in~~
18. ~~many areas of~~in the City.
19. B. To ~~require~~ regulate the provision of off-street parking spaces ~~for traffic-generating uses of land~~ within the
20. City.
21. C. To reduce the amount of on-street parking of vehicles, thus increasing the safety and capacity of the City’s
22. street system. (Ord. 6478-NS § 4 (part), 1999)
23. **23D.12.020 Applicability**
24. A. The requirements of this Chapter apply to all uses commenced hereafter, to all buildings and structures
25. hereafter constructed or moved onto a lot in an R- District and to any modifications to existing uses and
26. structures which enlarge or increase capacity, including, but not limited to, adding or creating dwelling units,
27. guest rooms, floor area, seats or employees, except to the extent that provisions in the individual R- District
28. provide otherwise.
29. B. In addition, no building, structure, alteration, fence, landscaping or other site feature may be constructed,
30. erected, planted or allowed to be established that would impede the access of a vehicle to any off-street
31. parking space required under this Chapter.
32. C. No Zoning Certificate or Use Permit may be granted, and no permit other than a Variance from the
33. requirements of this Chapter may be issued or approved, for any use, building or structure, unless all
34. requirements of this Chapter are met.
35. ~~D. In the event a Zoning Certificate is granted, the subsequent use of such building or structure is conditional~~
36. ~~upon the unqualified continuance, availability and proper maintenance of off-street parking in compliance with~~

34 ~~this Chapter. (Ord. 7210-NS § 5, 2011: Ord. 6478-NS § 4 (part), 1999)~~

1. **23D.12.030 Off-site Parking**
2. A. Any provided off-street parking space which is not located on the same lot with the structure or use it is to
3. serve or is not located in a joint use of parking arrangement, must be located on land under the same
4. ownership as the land on which the structure or use is located.
5. B. Any off-street parking space required by this chapter must be located within 300 feet of the structure or
6. use it is intended to serve. This distance shall be measured from the nearest off-street parking space provided
7. to the nearest point of the lot on which the use or structure to be served is located. Measurement shall be along
8. public or private rights-of-way available for pedestrian access from the structure or use to the parking space.

43 (Ord. 6478-NS § 4 (part), 1999)

1. **23D.12.040 Residential Off-street Parking Spaces Shall Conform to Traffic Engineering**
2. **Requirements**
3. A. In addition to the requirements of this Ordinance, all off-street parking spaces, access driveways,
4. circulation patterns and ingress and egress connections to the public right-of-way must conform to the City’s
5. Traffic Engineering requirements.
6. B. The Traffic Engineer shall determine whether the size, arrangement and design of off- street parking
7. spaces, access driveways, circulation patterns and ingress and egress connections to the public right-of-way
8. are adequate to create usable, functional, accessible and safe parking areas and are adequately integrated
9. with the City’s overall street pattern and traffic flows.
10. C. Dimensional requirements and standards for off-street parking spaces, driveway and other access
11. improvements and maneuvering aisles shall be incorporated in administrative regulations, subject to the review
12. and approval by the City Manager and the Board. (Ord. 6478-NS § 4 (part), 1999)
13. **23D.12.050 Number of Parking Spaces Required**
14. A. Off-street parking spaces may not be reduced below or, if already less than may not be further reduced
15. below, the requirements of this chapter for similar uses or structures.
16. B. ~~As a condition of any~~A Permit~~, the Zoning Officer and Board may require~~ may be conditioned to provide
17. more than the minimum required off-street parking spaces for non-residential projects or non-residential
18. portions of mixed-use projects ~~than the minimum required by the applicable residential District, if he/she or it~~
19. ~~finds that~~ if the expected demand for parking spaces ~~will~~ is found to exceed the minimum requirement.
20. C. When the formula for determining the number of required off-street parking spaces results in a
21. requirement of a fractional space, any fraction below one-half shall be disregarded and fractions including and
22. over one-half shall be counted as requiring one parking space.
23. D. ~~No~~ O~~o~~ff-street parking space requirements ~~under this Code~~ may be satisfied by a tandem off-street
24. parking space~~, unless~~ with the issuance of an~~approved by both the City Traffic Engineer and the Board~~AUP.,
25. ~~except that a tandem space may be allowed to meet the parking requirement for an Accessory Dwelling Unit.~~
26. E. An applicant may count existing off-street parking spaces towards meeting the parking requirements of this
27. Ordinance when both the existing use or portions of the use that is to remain and the proposed use and/or
28. structure are used in computing the required number of off-street parking spaces. (Ord. 7426-NS § 3, 2015;

72 Ord. 6763-NS § 3 (part), 2003: Ord. 6478-NS § 4 (part), 1999)

1. **23D.12.060 Joint Use of Off-street Parking Spaces**
2. A. The Zoning Officer may approve an AUP to allow a Joint Use Parking Agreement to satisfy off-street
3. parking space requirements, if all of the following findings are made:
4. 1. The off-street parking spaces designated for joint use are located within 800 feet of the use to be
5. served; and
6. 2. The times demanded for these parking spaces will not conflict substantially between the use offering
7. the spaces and the use to be served; and
8. 3. The off-street parking spaces designated for joint use are not otherwise committed to satisfying the
9. parking requirements for some other use at similar times.

##### Chapter 23D.12: Off-Street Parking Requirements

1. B. The Board may approve a Use Permit authorizing ~~the~~ off-street parking requirements for offices in R-4 or
2. R-5 Districts to be supplied jointly with off-street parking facilities provided for multiple dwellings, if it finds:
3. 1. No more than 20 percent of the off-street parking spaces required for the multiple dwelling use will
4. serve as required off-street parking for offices; and
5. 2. The off-street parking spaces to be jointly used are located on the same lot as the offices which they
6. are to serve, or on property under the same ownership within 300 feet from such offices.
7. C. A statement shall be recorded in the Office of the County Recorder that restricts the use of the property
8. and designates the off-street parking that is to serve the other property. The deed restrictions shall state that
9. the property cannot be used so as to prevent the use of the parking that is being provided in compliance with
10. the requirements of the City, unless the restriction is removed by the City. Upon submission of satisfactory
11. evidence either that other parking space meeting the requirements of this Ordinance has been provided or that
12. the building or use has been removed or altered in use so as to no longer require the parking space, the City
13. shall remove the restriction from the property. (Ord. 6794-NS § 1 (part), 2004: Ord. 6478-NS § 4 (part), 1999)
14. **23D.12.065 Bicycle Parking**
15. A. For residential projects, including the residential portion of mixed-use projects, of five or more units, in all
16. districts, bicycle parking shall be provided as follows:

|  |  |  |
| --- | --- | --- |
| Use | Long Term Parking1 Requirement | Short-Term Parking1 Requirement |
| Dwelling Units (1 to 4 units) | None required | None required |
| Dwelling Units (5 units or more) | 1 space per three 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 |

##### Chapter 23D.12: Off-Street Parking Requirements

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.

1. **23D.12.070 Two or More Uses of a Building**
2. In the case of two or more uses in the same building, the total required off-street parking spaces shall be the
3. sum of the requirements for the several uses computed separately. Off-street parking spaces for one use shall
4. not be considered as providing required off-street parking spaces for any other use except to the extent joint
5. use of parking spaces is permitted. (Ord. 6478-NS § 4 (part), 1999)
6. **23D.12.080 Site Location and Screening of Uncovered Parking Spaces and Driveways**
7. A. One new off-street parking space in a side yard where none exists may be allowed by right. Such space
8. must be constructed of a permeable surface unless it is determined to be infeasible by the Public Works
9. Department or Office of Transportation. Vegetative screening shall be provided pursuant to this Section.
10. Location of the space shall minimize impact on usable open space.
11. B. No portion of an off-street parking space may be located in a required front, street-side side yard, or rear
12. yard unless such location is authorized by Section [23C.24.050](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23C/Berkeley23C24/Berkeley23C24050.html#23C.24.050).G, or an AUP, approved by the Traffic Engineer,
13. and meets all of the requirements in this section.
14. C. No off-street parking space shall be located closer than ten feet in horizontal distance from a door or a
15. window of any building containing three or more dwelling units, which is located on the same or approximately
16. the same level, unless authorized by an AUP. For the purposes of this section, a window whose bottom edge
17. or point is more than six feet in vertical height from the level of the subject off-street parking space shall not be
18. considered on the same or approximately the same level.
19. D. The difference in elevation between an off-street parking space and the finished grade on adjacent areas
20. of the lot shall not exceed five feet at any point. Where such difference in elevation is greater than three feet
21. and the parking space is lower than finished grade, the space shall not be located closer than four feet to any
22. lot line. Where the space is higher than finished grade it shall not be located closer than six feet to any lot line.
23. This section does not apply to parking decks.
24. E. All paved areas for off-street parking spaces, driveways and any other vehicle-related paving, except for
25. pedestrian walkways that are separated from such areas by a landscaped strip at least two feet wide, must be

##### Chapter 23D.12: Off-Street Parking Requirements

1. separated from any adjacent rear or interior side lot line by a landscaped strip at least two feet wide, except
2. that driveways spanning a side lot line which are designed to serve two (2) adjacent lots are not subject to the
3. landscape strip requirements along that side lot line.
4. F. Screening must be provided for two or more off-street parking spaces, or any parking space located partly
5. or entirely within a required rear yard, in a manner that effectively screens parked vehicles from view from
6. buildings and uses on adjacent, abutting and confronting lots. Such screening must consist of a continuous
7. view-obscuring wood fence, masonry wall or evergreen hedge, not less than four feet, and not more than six
8. feet in height, which may be broken only for access driveways and walkways.
9. G. In the case of parking areas of four or more off-street spaces, the parking area must be separated from an
10. adjacent rear or interior side lot line by a landscaped strip which averages at least four feet in width along the
11. applicable property line.
12. H. The total area of pavement devoted to off-street parking spaces, driveways and other vehicle-related
13. paving shall not exceed 50% of any required yard area that runs parallel to and abuts a street.
14. I. No driveway may exceed 20 feet in width at any property line abutting a street or one-half of the width of
15. the street frontage of the lot, whichever is less.
16. J. Driveways must be spaced at least 75 feet from one another, as measured along any continuous property
17. line abutting a street for each lot in any residential District. (Ord. 7426-NS § 4, 2015; Ord. 6942-NS § 2 (part),

140 2006: Ord. 6848-NS § 5 (part), 2005: Ord. 6478-NS § 4 (part), 1999)

1. **23D.12.090 Parking Lot Standards**
2. A. Unless specifically prohibited in an individual R- District, parking lots are permitted in any R- District only if
3. authorized by a Use Permit, and in compliance with the requirements of this section.
4. B. No sign of any kind, other than those designating the parking lot name, entrances, exits, or conditions of
5. use, may be erected or maintained.
6. C. All lighting fixtures must be oriented in a manner to direct the light away from adjacent lots.
7. D. Suitable wheel bumpers must be provided to protect screening and adjacent property.

##### Chapter 23D.12: Off-Street Parking Requirements

1. E. No commercial repair work or service of any kind may be conducted on the lot.
2. F. The screening and landscaping of the lot must be in accordance with the provisions set forth in Section

150 23D.12.080.F-G.

1. G. A durable and dustless surface must be provided and maintained and the lot must be graded to dispose of
2. all surface water.
3. H. The Board may waive any or all of the above conditions in the case of a temporary parking lot. (Ord. 7210-

154 NS § 6, 2011: Ord. 6478-NS § 4 (part), 1999)

155

##### Chapter 23E.28: Off-Street Parking and Transportation Services Fee

|  |  |  |
| --- | --- | --- |
| 1 | Sections: |  |
| 2 | [23E.28.010](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23E/Berkeley23E28/Berkeley23E28.html&23E.28.010) | Purposes |
| 3 | [23E.28.020](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23E/Berkeley23E28/Berkeley23E28.html&23E.28.020) | Applicability |
| 4 | [23E.28.030](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23E/Berkeley23E28/Berkeley23E28.html&23E.28.030) | Off-site Parking Requirements |
| 5 | [23E.28.040](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23E/Berkeley23E28/Berkeley23E28.html&23E.28.040) | Traffic Engineering Requirements |
| 6 | [23E.28.050](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23E/Berkeley23E28/Berkeley23E28.html&23E.28.050) | Number of Parking Spaces Required |
| 7 | [23E.28.060](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23E/Berkeley23E28/Berkeley23E28.html&23E.28.060) | Joint Use of Off-street Parking Spaces |
| 8 | [23E.28.070](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23E/Berkeley23E28/Berkeley23E28.html&23E.28.070) | Bicycle Parking |
| 9 | [23E.28.080](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23E/Berkeley23E28/Berkeley23E28.html&23E.28.080) | Location and Screening of Parking Spaces and Driveways |
| 10 | [23E.28.090](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23E/Berkeley23E28/Berkeley23E28.html&23E.28.090) | In-lieu Parking Fee |
| 11 | [23E.28.100](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23E/Berkeley23E28/Berkeley23E28.html&23E.28.100) | Transportation Services Fee |
| 12 | [23E.28.110](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23E/Berkeley23E28/Berkeley23E28.html&23E.28.110) | Payment and Collection |
| 13 | [23E.28.120](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23E/Berkeley23E28/Berkeley23E28.html&23E.28.120) | Use of TSF Funds |
| 14 | [23E.28.130](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23E/Berkeley23E28/Berkeley23E28.html&23E.28.130) | Parking Requirements for Change of Use and Expansions of Buildings in C, M, MM, MU and |
| 15 |  | R-SMU Districts |
| 16 | [23E.28.140](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23E/Berkeley23E28/Berkeley23E28.html&23E.28.140) | Required Findings for Parking Reductions Under Section [23E.28.130](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E28/Berkeley23E28130.html#23E.28.130) for C Districts |
| 17 | [23E.28.145](https://www.codepublishing.com/CA/Berkeley/cgi/NewSmartCompile.pl?path=Berkeley23E/Berkeley23E28/Berkeley23E28.html&23E.28.145) | Required Findings for Parking Reductions Under Section [23E.28.130](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23E/Berkeley23E28/Berkeley23E28130.html#23E.28.130) for M, MM and MU |

* 1. Districts
  2. **Note:**
  3. The following off-street parking and off-street loading space requirements shall apply to uses, buildings and
  4. structures located in C- (commercial), MU- (mixed use) and M- (manufacturing) Districts. In addition to the
  5. requirements of this Ordinance all off- street parking spaces, off-street loading spaces, access driveways,
  6. circulation patterns and ingress and egress connections to the public right-of-way shall conform to the City’s
  7. Traffic Engineering requirements. (Ord. 6478-NS § 4 (part), 1999)
  8. **23E.28.010 Purposes**
  9. The purposes of the parking regulations in this chapter are:
  10. A. To ~~prevent the worsening of the already serious deficiency of~~efficiently allocate parking spaces ~~existing in~~
  11. ~~many areas of~~in the City.

##### Chapter 23E.28: Off-Street Parking and Transportation Services Fee

* 1. B. To ~~require~~ regulate the provision of off-street parking spaces for traffic-generating uses of land within the
  2. City.
  3. C. To reduce the amount of on-street parking of vehicles, and thus increase the safety and capacity of the
  4. City’s street system. (Ord. 6478-NS § 4 (part), 1999)
  5. **23E.28.020 Applicability**
  6. A. The requirements of this chapter apply to all uses commenced hereafter, to all buildings and structures
  7. hereafter constructed or moved onto a lot in a C-, M- or MU- District and to any modifications to existing uses
  8. and structures which enlarge or increase capacity, including, but not limited to, adding or creating dwelling
  9. units, guest rooms, floor area, seats or employees, except to the extent that provisions in the individual C-, M-
  10. or MU- District provide otherwise.
  11. B. ~~In addition, no~~No building, structure, alteration, fence, landscaping or other site feature may be
  12. constructed, erected, planted or allowed to be established that would impede ~~the~~ access ~~of a vehicle~~ to any off-
  13. required street parking space ~~required under this Ordinance~~.
  14. ~~C. No Zoning Certificate or Use Permit may be granted and no permit other than a Variance from the~~
  15. ~~requirements of this chapter, may be issued or approved, for any use, building or structure, unless all~~
  16. ~~requirements of this chapter are met.~~
  17. C~~D~~. In the event a Zoning Certificate is granted, the subsequent use of such building or structure is
  18. conditional upon the unqualified continuance, availability and proper maintenance of off-street parking in
  19. compliance with this chapter. (Ord. 6856-NS § 3 (part), 2005: Ord. 6478-NS § 4 (part), 1999)
  20. **23E.28.030 Off-site Parking Requirements [no changes]**
  21. **23E.28.040 Traffic Engineering Requirements [no changes]**
  22. **23E.28.050 Number of Parking Spaces Required**
  23. A. Off-street parking spaces provided in conjunction with a use or structure existing on October 1, 1959, on
  24. the same property or on property under the same ownership, may not be reduced below, or if already less than,
  25. may not be further reduced below, the requirements of this chapter for similar use or structure. However,
  26. required parking spaces may be removed to meet ADA compliance or traffic engineering standards.

##### Chapter 23E.28: Off-Street Parking and Transportation Services Fee

* 1. B. ~~In the case of an AUP, a Use Permit, or a variance the Zoning Officer and Board~~ A Permit may be
  2. conditioned to provide ~~require~~ more than the minimum required off-street parking spaces for non-residential
  3. projects or non-residential portions of mixed-use projects t~~han the minimum required by the applicable District,~~
  4. if ~~he/she or it finds that~~ the expected demand for parking spaces ~~will~~ is found to exceed the minimum
  5. requirement.
  6. C. When the formula for determining the number of required off-street parking spaces results in a
  7. requirement of a fractional space, any fraction below one-half shall be disregarded, and fractions including and
  8. over one-half shall be counted as requiring one parking space.
  9. D. ~~No~~ O~~o~~ff-street parking space requirements may be satisfied by a tandem off-street parking space with the
  10. issuance of an AUP. ~~under this Ordinance may be satisfied by a tandem off-street parking space, unless~~
  11. ~~approved by both the City Traffic Engineer and the Board.~~
  12. E. An applicant may count existing off-street parking spaces towards meeting the parking requirements of this
  13. Ordinance when both the existing use, or portions of the use that is to remain, and the proposed use and/or
  14. structure are used in computing the required number of off-street parking spaces.
  15. F. When the number of off-street parking spaces required for a structure or use is based on the number of
  16. employees, it shall be based upon the shift or employment period during which the greatest number of
  17. employees are present at the structure or use.
  18. G. When the number of off-street parking spaces required is based on the floor area for a specified use, the
  19. definition of Floor Area, Gross as set forth in Sub-title [23F](https://www.codepublishing.com/CA/Berkeley/html/Berkeley23F/Berkeley23F.html#23F) shall apply. In addition, unenclosed areas of a lot,
  20. including, but not limited to, outdoor dining areas, garden/building supply yards and other customer-serving
  21. outdoor areas for retail sales, shall also be counted toward the floor area for those commercial uses with
  22. specified off-street parking requirements. (Ord. 6856-NS § 4 (part), 2005: Ord. 6478-NS § 4 (part), 1999)
  23. **23E.28.060 Joint Use of Off-street Parking Spaces [no changes]**
  24. **23E.28.070 Bicycle Parking**
  25. A. Bicycle parking spaces required by each District’s bicycle parking requirements shall be located in either a
  26. locker, or in a rack suitable for secure locks, and shall require location approval by the City Traffic Engineer and
  27. Zoning Officer. Bicycle parking shall be located in accordance to the design review guidelines.

##### Chapter 23E.28: Off-Street Parking and Transportation Services Fee

* 1. B. Except in C-E and C-T Districts, Bicycle Parking shall be provided for new floor area or for expansions of
  2. existing industrial, commercial, and other non-residential buildings at a ratio of one space per 2,000 square feet
  3. of gross floor area.
  4. C. For residential projects, including the residential portion of mixed-use projects, of five or more units, in all
  5. districts, bicycle parking shall be provided as follows:

|  |  |  |
| --- | --- | --- |
| Use | Long Term Parking1 Requirement | Short-Term Parking1 Requirement |
| Dwelling U~~u~~nits (1 to 4 units) | None required | None required |
| Dwelling U~~u~~nits (~~five~~5 units or more) | 1 space per three 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 ~~one~~1 space per 2.5 bedrooms, whichever is greater | 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. | | |

87

1. ~~C~~D. The Zoning Officer in consultation with the City Traffic Engineer may modify the requirement with an
2. Administrative Use Permit for Tourist Hotels in the C-DMU District. (Ord. 7475-NS § 3, 2016: Ord. 6478-NS § 4

90 (part), 1999)

1. **23E.28.080 Location and Screening of Parking Spaces and Driveways [no changes]**
2. **23E.28.090 In-lieu Parking Fee [no changes]**
3. **23E.28.100 Transportation Services Fee [no changes]**
4. **23E.28.110 Payment and Collection [no changes]**

##### Chapter 23E.28: Off-Street Parking and Transportation Services Fee

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**23E.28.120 Use of TSF Funds [no changes]**

**23E.28.130 Parking Requirements for Change of Use and Expansions of Buildings in C, M, MM, MU and R-SMU Districts [no changes]**

**23E.28.140 Required Findings for Parking Reductions Under Section 23E.28.130 for C Districts [no changes]**

**23E.28.145 Required Findings for Parking Reductions Under Section 23E.28.130 for M, MM, and MU Districts [no changes]**

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##### 23B.44.010 Variances

1. The Board may grant Variances to vary or modify the strict application of any of the
2. regulations or provisions of this Ordinance with reference to the use of property~~,~~ ; the
3. height of buildings~~,~~ ; the yard setbacks of buildings~~,~~ ; the percentage of lot coverage~~,~~ ;
4. the lot area requirements~~,~~ ; or the non-residential ~~the~~ off-street parking ~~space~~
5. requirements of this Ordinance; provided, however, that a use permit, rather than a
6. variance, may be approved to vary or modify the strict application of any of the
7. regulations or provisions of this Ordinance with reference to the yard setbacks of
8. buildings~~,~~ ; the percentage of lot coverage~~,~~ ; or the non-residential off-street parking
9. space requirements of this Ordinance when development is proposed on property which
10. is located within thirty feet of an open creek and where varying from or modifying
11. existing regulations is necessary to enable the property owner to comply with BMC
12. Chapter [17.08](https://www.codepublishing.com/CA/Berkeley/html/Berkeley17/Berkeley1708/Berkeley1708.html#17.08), Preservation and Restoration of Natural Watercourses; provided, also,
13. that a use permit, rather than a variance, may be approved to reduce required off-street
14. parking for residential projects or residential portions of mixed-use projects not in
15. 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),

18 2006: Ord. 6478-NS § 4 (part), 1999)

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