



Planning Commission

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

This meeting is held in a wheelchair accessible location.

[Click here to view the entire Agenda Packet](#)

Wednesday, March 4, 2020
7:00 PM

South Berkeley Senior Center
2939 Ellis Street

See “*MEETING PROCEDURES*” below.

All written materials identified on this agenda are available on the Planning Commission webpage: <http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=13072>

PRELIMINARY MATTERS

1. **Roll Call:** Wiblin, Brad, appointed by Councilmember Kesarwani, District 1
Martinot, Steve, appointed by Councilmember Davila, District 2
Schildt, Christine, appointed by Councilmember Bartlett, District 3
Lacey, Mary Kay, Vice Chair, appointed by Councilmember Harrison, District 4
Beach, Benjamin, appointed by Councilmember Hahn, District 5
Kapla, Robb, Chair, appointed by Councilmember Wengraf, District 6
Krpata, Shane, appointed by Councilmember Robinson, District 7
Vincent, Jeff, appointed by Councilmember Droste, District 8
Wrenn, Rob, appointed by Mayor Arreguin
2. **Order of Agenda:** The Commission may rearrange the agenda or place items on the Consent Calendar.
3. **Public Comment:** Comments on subjects not included on the agenda. Speakers may comment on agenda items when the Commission hears those items. (See “*Public Testimony Guidelines*” below):
4. **Planning Staff Report:** In addition to the items below, additional matters may be reported at the meeting.
5. **Chairperson’s Report:** Report by Planning Commission Chair.
 - ZORP Subcommittee Meeting: February 24, 2020
 - JSISHL Commission Meeting: February 26, 2020
 - Next Adeline Corridor Subcommittee Meeting: March 18, 2020
 - Recommended Zoning Ordinance Amendments at City Council: March 24, 2020
 - Next Planning Commission Meeting: April 1, 2020
6. **Committee Reports:** Reports by Commission committees or liaisons. In addition to the items below, additional matters may be reported at the meeting.

7. **Approval of Minutes:** [Approval of Draft Minutes from the meeting on February 5, 2020.](#)

8. **Future Agenda Items and Other Planning-Related Events:**

AGENDA ITEMS: All agenda items are for discussion and possible action. Public Hearing items require hearing prior to Commission action.

9. **Action:** **Public Hearing: Parking Reform**
Recommendation: Hold a public hearing and consider Zoning Ordinance amendments recommending parking reform policies.
Written Materials: [Attached](#)
Presentation: *Attached*
10. **Discussion:** **Planning Commission Workplan**
Recommendation: Review and discuss Planning Commission's workplan.
Written Materials: [Attached](#)
Presentation: *N/A*
11. **Discussion:** **May 20, 2020 Special Meeting**
Recommendation: Determine if there will be a quorum for a Planning Commission meeting on May 20, 2020.
Written Materials: *N/A*
Presentation: *N/A*

ADDITIONAL AGENDA ITEMS: In compliance with Brown Act regulations, no action may be taken on these items. However, discussion may occur at this meeting upon Commissioner request.

Information Items:

- Comprehensive Cannabis
 - [City Council Meeting Annotated Agendas – January 28 + February 11, 2020](#)
 - [City Council Staff Report \(without Attachments\) - January 28, 2020](#)

Communications:

- [February 6 – Dumler, Southside EIR](#)
- [February 13 – Gold, Parking Reform](#)
- [February 13 – Trauss, Southside EIR](#)
- [February 21 – Siegel, Parking Reform](#)
- [February 25 – Hyde- Wang, Parking Reform](#)

Late Communications: (Received after the packet deadline):

- March 3 - UCB Democrats - Parking Reform

Late Communications: (Received and distributed at the meeting): *None.*

ADJOURNMENT

Meeting Procedures

Public Testimony Guidelines:

Speakers are customarily allotted up to three minutes each. The Commission Chair may limit the number of speakers and the length of time allowed to each speaker to ensure adequate time for all items on the Agenda. **To speak during Public Comment or during a Public Hearing, please line up behind the microphone.** Customarily, speakers are asked to address agenda items when the items are before the Commission rather than during the general public comment period. Speakers are encouraged to submit comments in writing. See “Procedures for Correspondence to the Commissioners” below.

Consent Calendar Guidelines:

The Consent Calendar allows the Commission to take action with no discussion on projects to which no one objects. The Commission may place items on the Consent Calendar if no one present wishes to testify on an item. Anyone present who wishes to speak on an item should submit a speaker card prior to the start of the meeting, or raise his or her hand and advise the Chairperson, and the item will be pulled from the Consent Calendar for public comment and discussion prior to action.

Procedures for Correspondence to the Commissioners:

To distribute correspondence to Commissioners prior to the meeting date, submit comments by 12:00 p.m. (noon), eight (8) days before the meeting day (Tuesday) (email preferred):

- If correspondence is more than twenty (20) pages, requires printing of color pages, or includes pages larger than 8.5x11 inches, please provide 15 copies.
- Any correspondence received after this deadline will be given to Commissioners on the meeting date just prior to the meeting.
- Staff will not deliver to Commissioners any additional written (or emailed) materials received after 12:00 p.m. (noon) on the day of the meeting.
- Members of the public may submit written comments themselves early in the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Planning Commission Secretary just before, or at the beginning, of the meeting.
- Written comments should be directed to the Planning Commission Secretary, at the Land Use Planning Division (Attn: Planning Commission Secretary).

Communications are Public Records: Communications to Berkeley boards, commissions, or committees are public records and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission, or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service, or in person, to the Secretary of the relevant board, commission, or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the Secretary to the relevant board, commission, or committee for further information.

Written material may be viewed in advance of the meeting at the Department of Planning & Development, Permit Service Center, **1947 Center Street, 3rd Floor**, during regular business hours, or at the Reference Desk, of the Main Branch Library, 2090 Kittredge St., or the West Berkeley Branch Library, 1125 University Ave., during regular library hours.

Note: If you object to a project or to any City action or procedure relating to the project application, any lawsuit which you may later file may be limited to those issues raised by you or someone else in the public hearing on the project, or in written communication delivered at or prior to the public hearing. The time limit within which to commence any lawsuit or legal challenge related to these applications is governed by Section 1094.6, of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than

the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.

Meeting Access: This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist, at 981-6418 (V) or 981-6347 (TDD), at least three (3) business days before the meeting date.

Please refrain from wearing scented products to public meetings.

I hereby certify that the agenda for this regular/special meeting of the Berkeley City Commission on Commissions was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on **February 27, 2020**.

Alene Pearson
Planning Commission Secretary



Planning Commission

1 **DRAFT MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**
2 **February 5, 2020**

3 The meeting was called to order at 7:01 p.m

4 **Location:** South Berkeley Senior Center, Berkeley, CA

5 **1. ROLL CALL:**

6 **Commissioners Present:** Benjamin Beach, Robb Kapla, Shane Krpata, Mary Kay Lacey,
7 Christine Schildt, Jeff Vincent, Brad Wiblin, and Rob Wrenn.

8 **Commissioners Absent:** Steve Martinot.

9 **Staff Present:** Secretary Alene Pearson, Katrina Lapira, and Beth Greene.

10 **2. ORDER OF AGENDA:** Move Item 9 (2020 Planning Commission Elections) to before Item 3
11 (Public Comment Period).

12 **9. 2020 Planning Commission Elections**

13 Motion (Schildt) to elect Commissioner Robb Kapla as Chair of the Planning Commission.
14 Ayes: Beach, Kapla, Krpata, Lacey, Schildt, Vincent, Wiblin, and Wrenn. Noes: None.
15 Abstain: None. Absent: Martinot. (8-0-0-1)
16

17 Motion (Schildt) to elect Commissioner Mary Kay Lacey as Vice Chair of the Planning
18 Commission.
19 Ayes: Beach, Kapla, Lacey, Schildt, and Wrenn. Noes: None. Abstain: Krpata, Vincent, and
20 Wiblin. Absent: Martinot. (5-0-3-1)
21

22 **3. PUBLIC COMMENT PERIOD: 1**

23 **4. PLANNING STAFF REPORT:**

- 24
- 25 • January 21 - City Council adopted Extension of ADU Urgency Ordinance
 - 26 • January 28 - City Council adopted First Reading of Comprehensive Cannabis Ordinance
 - 27 • February 4 - City Council held Work Session on the Adeline Corridor Plan
 - 28 • Planning Commission Meeting on February 19 is canceled

29 **Information Items:** *None.*

30 **Communications:**

- 31 • December 3, 2019 – Sheffield Preschool, 2740-44 Telegraph & 2348 Ward Re-zone
- 32 • January 22 – Planning Staff, APA Annual Planning Commissioner Conference
- 33 • January 24 – City Manager’s Office, Strategic Plan Information
- 34 • January 27 – Southside Neighborhood Consortium, Southside EIR
- 35 • January 28 – Yovino-Young, 2740-44 Telegraph & 2348 Ward Re-zone
- 36 • January 29 – People’s Park Historic District Advocacy Group, Southside EIR
- 37 • January 30 – Bell, Accessory Dwelling Units

38
39 **Late Communications** (Received after the Packet deadline):

- 40 • January 31 - Posselt, Southside EIR
- 41 • January 31 – Lee, Accessory Dwelling Units
- 42 • February 4 – Singh, Southside EIR
- 43 • February 4 – March, Southside EIR

44
45 **Late Communications** (Received and distributed at the meeting):

- 46 • February 5 – Associated Students University of California, Southside EIR
- 47 • February 5 - Griffin, Accessory Dwelling Units
- 48 • February 5 – Staff, Item 10 – Housing Capacity Analysis + Proposed Southside Zoning
- 49 Modifications (Updated February 5, 2020)

50 **5. CHAIR REPORT:** None.

51
52 **6. COMMITTEE REPORT:**

- 53
- 54 • Adeline Corridor Specific Plan Subcommittee: The next subcommittee meeting will be
- 55 on March 18.
- 56
- 57 • Zoning Ordinance Revision Project (ZORP): The next subcommittee meeting will be on
- 58 February 24.
- 59
- 60 • Joint Subcommittee for the Implementation of State Housing Laws: At the next meeting
- 61 on February 26, JSISHL will discuss objective design, shadow, and density standards.
- 62
- 63 • APA Planning Commissioner’s Training: Commissioner Shane Krpata shared some
- 64 insights about training session.

65 **7. APPROVAL OF MINUTES:**

66 Motion/Second/Carried (Wrenn/Schildt) to approve the Planning Commission Meeting Minutes
67 from January 15, 2020 with the discussed corrections to line 81. Ayes: Beach, Kapla, Krpata,
68 Lacey, Schildt, Vincent, Wrenn, and Wiblin. Noes: None. Abstain: None. Absent: Martinot. (8-
69 0-0-1)

71 **FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:** At the next meeting,
72 March 4, 2020 the following items may be presented. (There will be no Planning Commission
73 meeting on February 19.)

- 74 • Public Hearing on Parking Reform

75 **AGENDA ITEMS**

76 **10. Discussion: Public Hearing: Southside EIR Discussion**

77 Staff introduced the Southside Environmental Impact Report (EIR) project, explaining the basis
78 for the project and the role of CEQA analysis as part of the study of potential development
79 standards. Staff shared feedback received from the Southside EIR subcommittee and asked
80 the Commission to provide comment on the proposed Zoning Ordinance and Zoning Map
81 changes. The Commission directed Staff to include in their analysis the study of a scenario
82 where 5-story buildings would be permissible in the R-3 zoning district, density bonus heights,
83 and other alternatives.

84 **Public Comments: 13**

85 **11. Action: Public Hearing: Amendments to the Berkeley Zoning Map and**
86 **General Plan for 2740 & 2744 Telegraph Avenue and 2348 Ward**
87 **Street**

88 Staff provided a reviewed the proposal to redesignate and re-zone portions of parcels
89 addressed 2740 & 2744 Telegraph Avenue and 2348 Ward Street- the existing Rose Garden
90 Inn. The project requests a General Plan redesignation of the three parcels from Low Medium
91 Density Residential to Avenue Commercial and a rezone from Restricted Two-family Residential
92 (R-2) to General Commercial (C-1).

93 **Public Comments: 2**

94 Motion/Second/Carried (Schildt/Wiblin) to close the public hearing.
95 Ayes: Beach, Kapla, Krpata, Lacey, Schildt, Vincent, Wiblin, and Wrenn. Noes: None.
96 Abstain: None. Absent: Martinot. (8-0-0-1)
97

98 Motion/Second/Carried (Vincent/Schildt) to make a recommendation to the City Council that
99 portions of the parcels located at 2740 Telegraph Avenue (Assessor's Parcel Number [APN]
100 054-1716-002-00), 2744 Telegraph Avenue (APN 054-1716-003-00) and 2348 Ward Street
101 (APN 054-1716-031-00) be re-designated from Low Medium Density Residential to Avenue
102 Commercial and be rezoned from Restricted Two-Family Residential District (R-2) to
103 General Commercial District (C-1).
104 Ayes: Beach, Kapla, Krpata, Lacey, Schildt, Vincent, Wiblin, and Wrenn. Noes: None.
105 Abstain: None. Absent: Martinot. (8-0-0-1)

106
107 **12. Discussion: ADU Discussion**

108 Staff presented information on the existing interim ADU ordinance, noting areas in State law
109 where modifications could be adopted in a local ordinance. The Commission directed staff to
110 assess common issues experienced by the public as a result of the new State law and explore
111 ADU development incentives related to accessibility and affordability.

112 **Public Comments: 8**

113 **The meeting was adjourned at 11:12pm**

114 **Commissioners in attendance: 8**

115 **Members in the public in attendance: 33**

116 **Public Speakers: 23 speakers**

117 **Length of the meeting: 4 hours and 11 minutes**

DRAFT



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.

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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:
 - a. Off-street bicycle parking, consistent with the 2017 *Berkeley Bicycle Plan*;
 - b. Real-time transportation information displayed on monitors in project common areas;
 - c. One free monthly transit pass, or equivalent Clipper Card credit, for each unit in the project for a period of ten years; and
 - d. “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.

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.

Use	Number of spaces
Dormitories; Fraternity and Sorority Houses; Rooming and Boarding Houses; and Senior Congregate Housing	None required One per each five residents, plus one for manager
Dwellings, Multiple (fewer than ten) Dwellings, Multiple (Ten or more) Dwellings, One and Two Family	None required One per unit (75% less for seniors, see below) One per 1,000 sq. ft. of gross floor area (75% less for seniors, see below) One per unit
Employees	One per two non-resident employees for a Community Care Facility*
Hospitals	One per each four beds, plus one per each three employees
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Nursing Homes	One per each five residents, plus one 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

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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:

- A. To ~~prevent the worsening of the already serious deficiency of~~ efficiently allocate parking spaces ~~existing in many areas of~~ in the City.
- B. To ~~require~~ regulate the provision of off-street parking spaces for traffic-generating uses of land within the City.
- C. To reduce the amount of on-street parking of vehicles, thus increasing the safety and capacity of the City's street system. (Ord. 6478-NS § 4 (part), 1999)

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.~~

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

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

Number of Parking Spaces Required <u>Provided</u>	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.

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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 be made by the Zoning Officer or the Zoning Adjustments Board (ZAB):

- (i) Trips to the use or uses to be served, and the apparent demand for additional parking, cannot be satisfied by the amount of parking permitted by this Chapter, by transit service which exists or is likely to be provided in the foreseeable future, or by more efficient use of existing on-street and off-street parking available in the area; or
- (ii) The anticipated residents of the proposed project have special needs or require reasonable accommodation that relate to disability, health or safety that require the provision of additional off-street residential parking.

Figure 1. Areas within ¼ Mile of Major Transit Stop



3. 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:

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- 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 Parking ¹ Requirement	Short-Term Parking ¹ Requirement
Dwelling Units (1 to 4 units)	None required	None required
Dwelling Units (5 units or more)	1 space per 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 <i>Berkeley Bicycle Plan</i> , or as subsequently amended by the Transportation Division.		

4. 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.

- a) *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.
- b) *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.
- c) *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*

- d) *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.
- e) *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.

- f) *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.
- g) *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.
- h) *Replace “Required” with “Provided.”* In appropriate places throughout the Zoning Ordinance, “required” parking is replaced with “provided” parking.

5. 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



PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

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://www.cityofberkeley.info/Clerk/Commissions/Commissions_Planning_Commission_Home_page.aspx).

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).

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
Alene Pearson, Secretary
Land Use Planning Division
1947 Center Street, 2nd floor
Berkeley, CA 94704

Phone: (510) 981-7489
E-mail: 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. Past and future agendas are also available on the Internet at: https://www.cityofberkeley.info/Clerk/Commissions/Commissions_Planning_Commission_Homepage.aspx



MEMORANDUM

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

INTRODUCTION AND STUDY PURPOSE

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

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

METHODOLOGY

Property Selection Process

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

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

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

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 City of Berkeley

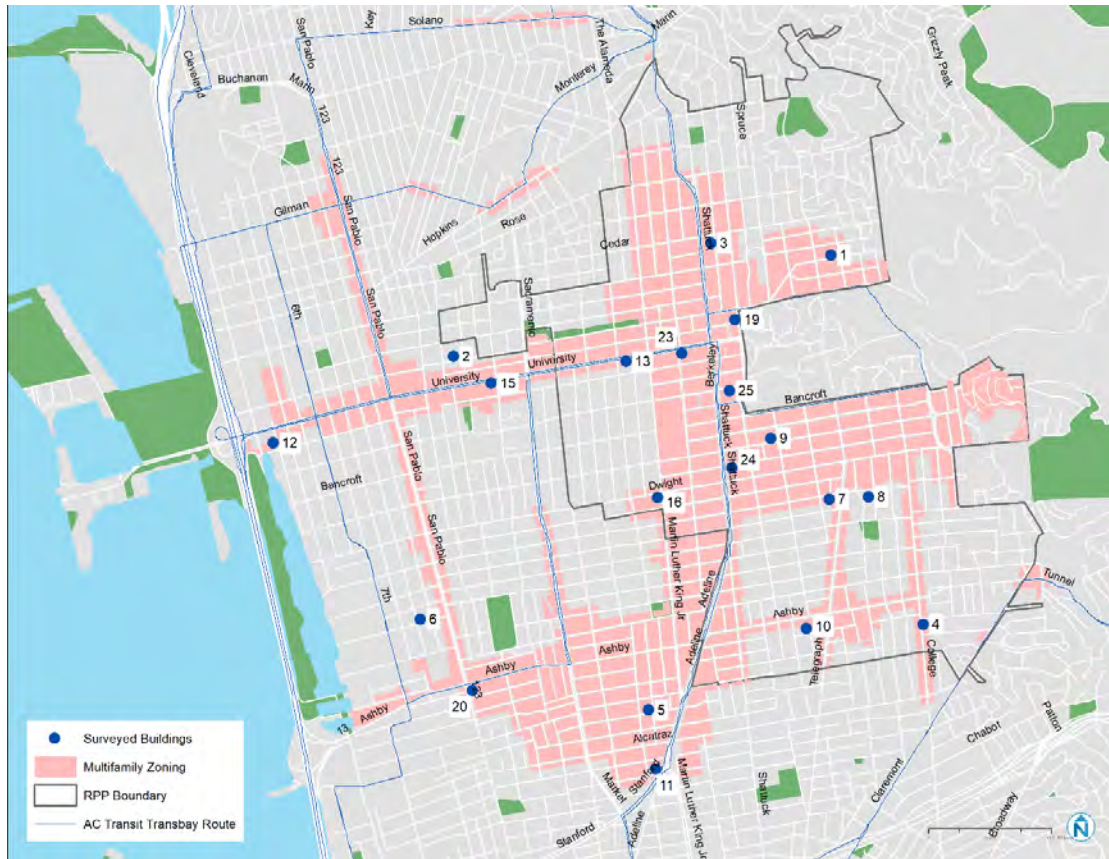
The surveyed properties are listed in Table 1 and displayed on the Figure 1 on the following page.

Table 1 - Surveyed Properties

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

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Figure 1 - Study Area Map



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

Residential Property Manager Survey

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

Parking Data Collection

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

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

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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 or less) of high-frequency transit service (BART or Transbay Bus).
- The average built parking ratio was 0.82 per unit.
- Properties with the fewest vehicle registrations per unit appear to be closer to downtown Berkeley.

Parking Survey

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

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

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- 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, above, provides the number of units in each surveyed building. While there are a few vacant units in these properties, the occupancy rate is relatively high, ranging from 94% to 100%. Additionally, 9 of the 20 buildings studied contained some affordable housing units. The share of affordable housing ranged from 4% of the total units to 97%, with most around 15-20% of all units being affordable.

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

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

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

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

Table 2 - Built Parking Spaces per Unit

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

Similarly,

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

Table 3 - DMV Registrations per Unit

	Median	Mean	Min	Max	20 th percentile	80 th percentile
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Vehicle Registrations	0.38	0.49	0	1.80	0.25	0.71
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A handful of properties have 15 or more registrations while many have very few. Those properties with the least vehicle registrations per unit as illustrated in Figure 2 appear to be closer to downtown Berkeley.

Figure 2 – Vehicle Registrations per Unit

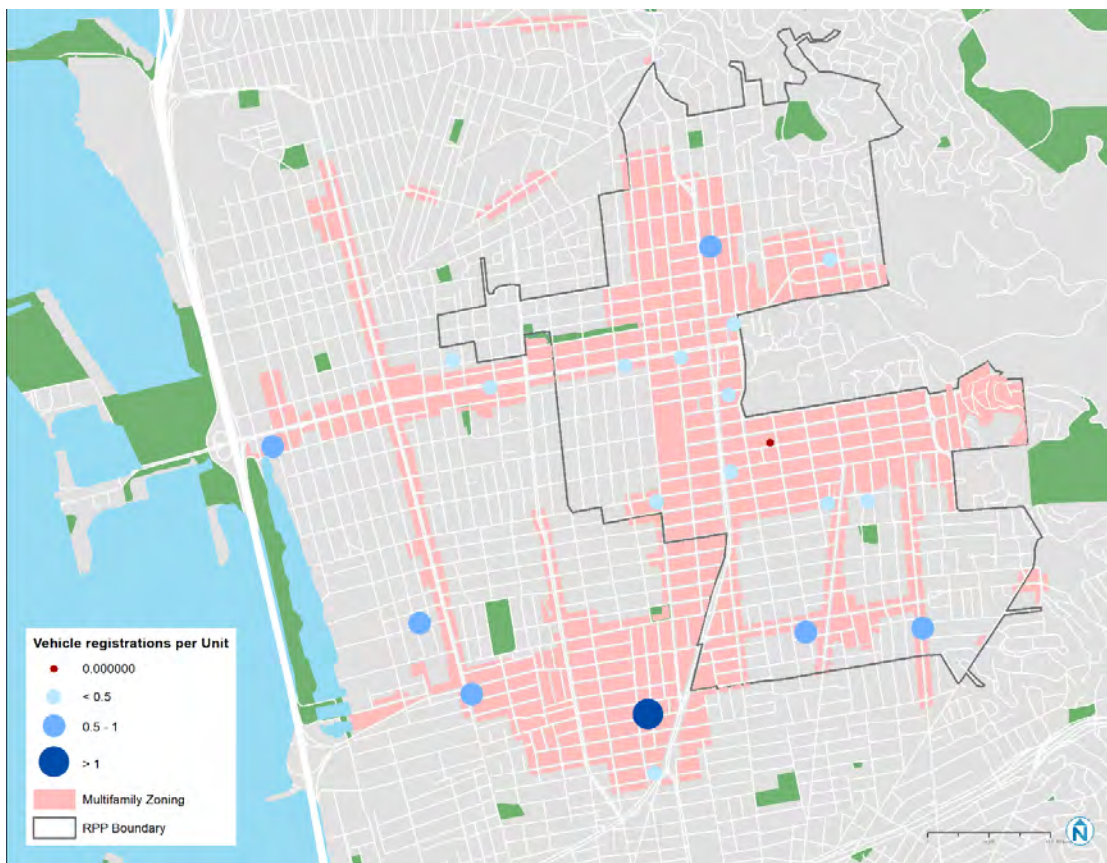
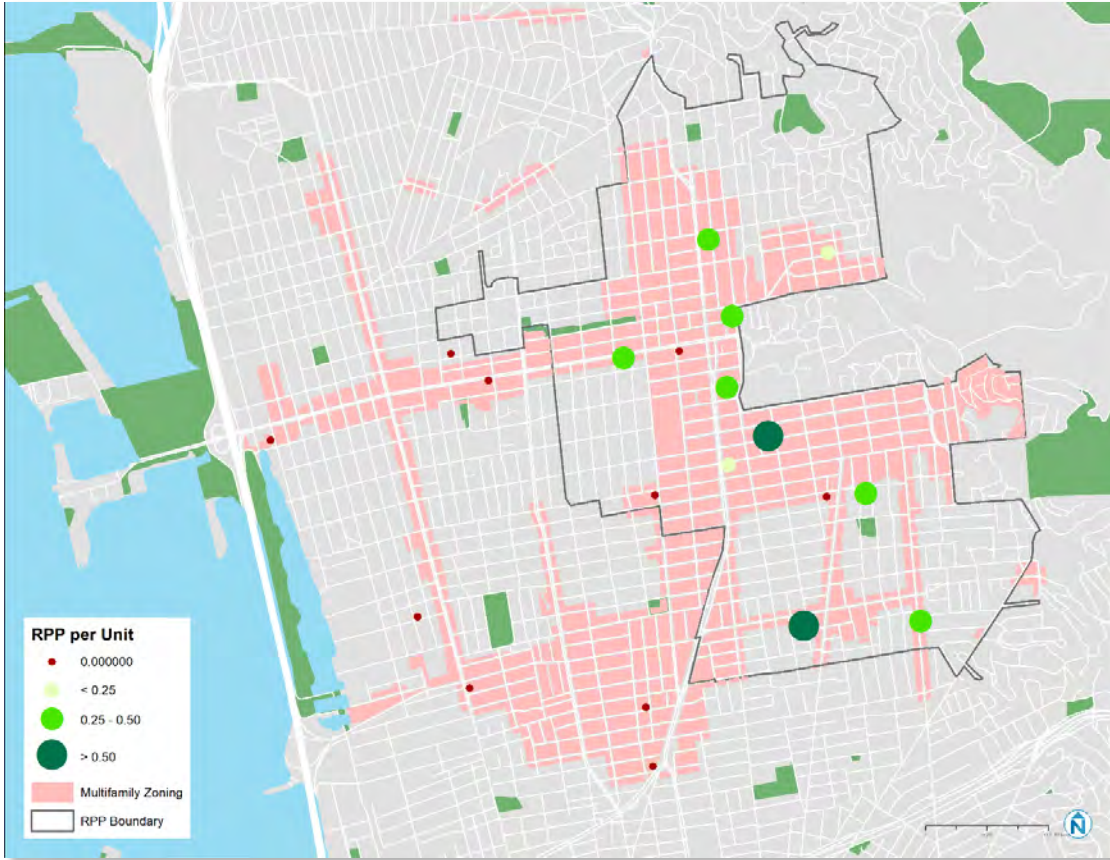


Figure 3 illustrates the distribution of residential preferential permit registrations per unit across the 20 study properties. Red dots indicate a property with no permits, while a large dark green dot indicates a ratio of more than 0.5 permit per unit. As to be expected, only properties within the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

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Figure 3 - RPP per Unit



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PARKING ANALYSIS

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

Occupancy

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

Table 4 – Parking Occupancy Across all Properties

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

Off-Street

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

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

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

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

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

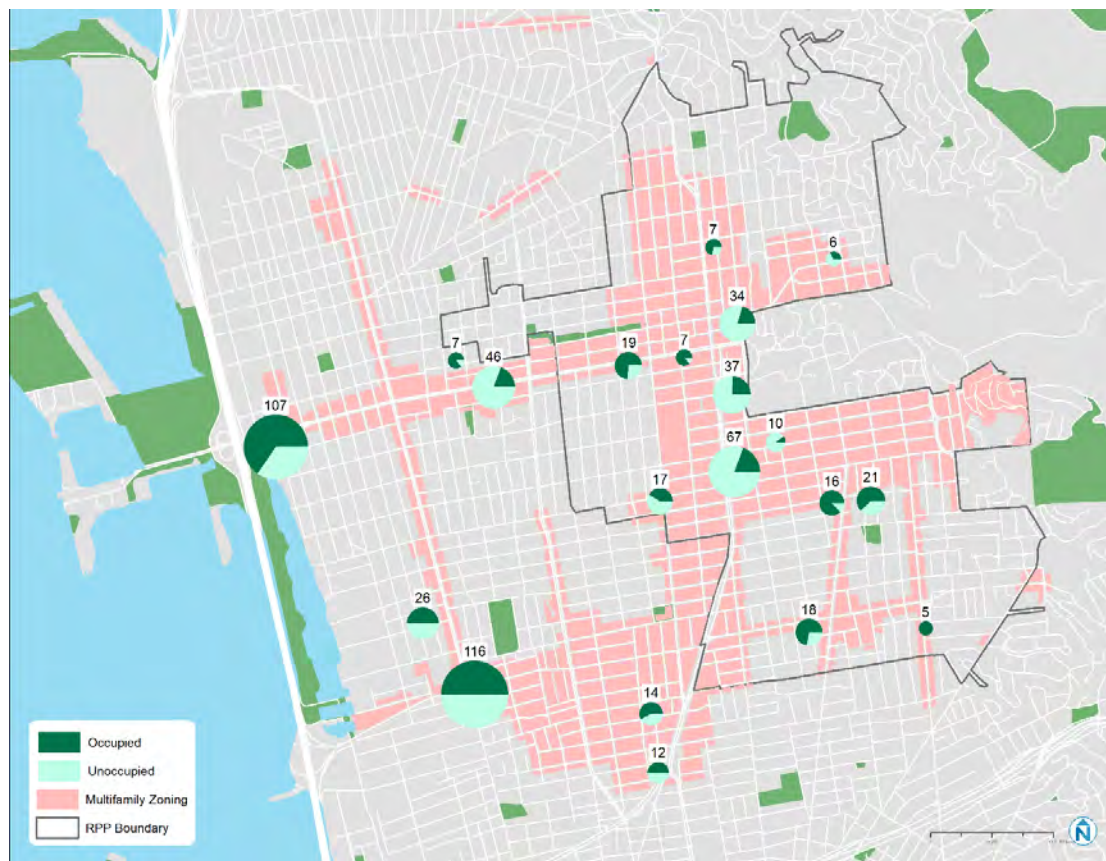
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Table 6 – Off-Street Parking Occupancy and Supply per Unit

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

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

Figure 4 - Off-Street Parking



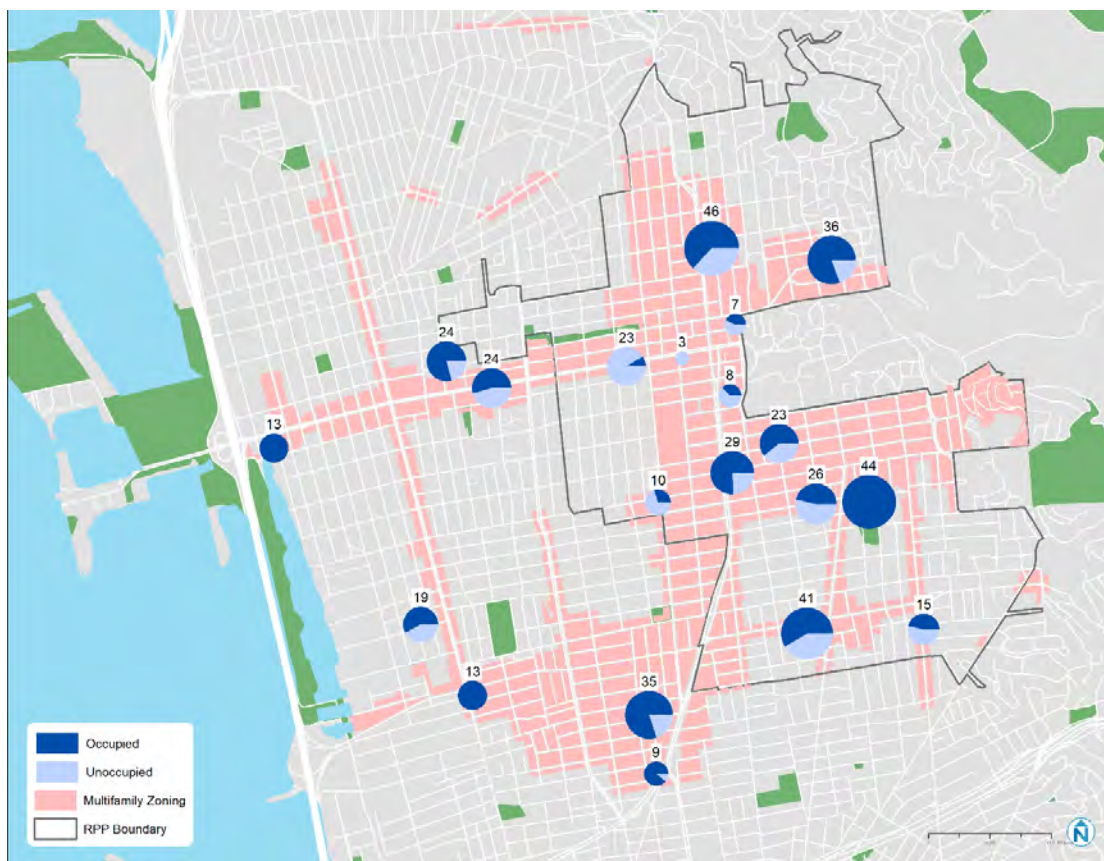
Note: Size of the pie chart and number on top indicate the total parking spaces

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On-Street

Figure 5 shows the distribution of on-street occupancy counts collected at the 20 study properties. On-street parking capacity in the areas around selected buildings was surveyed on the two blockfaces nearest the immediate pedestrian entrance to each property.³ The size of the pie chart indicates the total inventory of on-street parking counted at the site and the dark blue vs. light blue is an indication of how much parking was occupied. Table 6 summarizes the range of occupancies across the properties. The average on-street occupancy for all properties was 61%. There did not appear to be any noticeable on-street occupancy pattern based on neighborhood.

Figure 5 - On-Street Parking



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

³ In some cases where there were multiple entrances, inventory and occupancy at the immediate blockfaces on each entrance were collected.

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

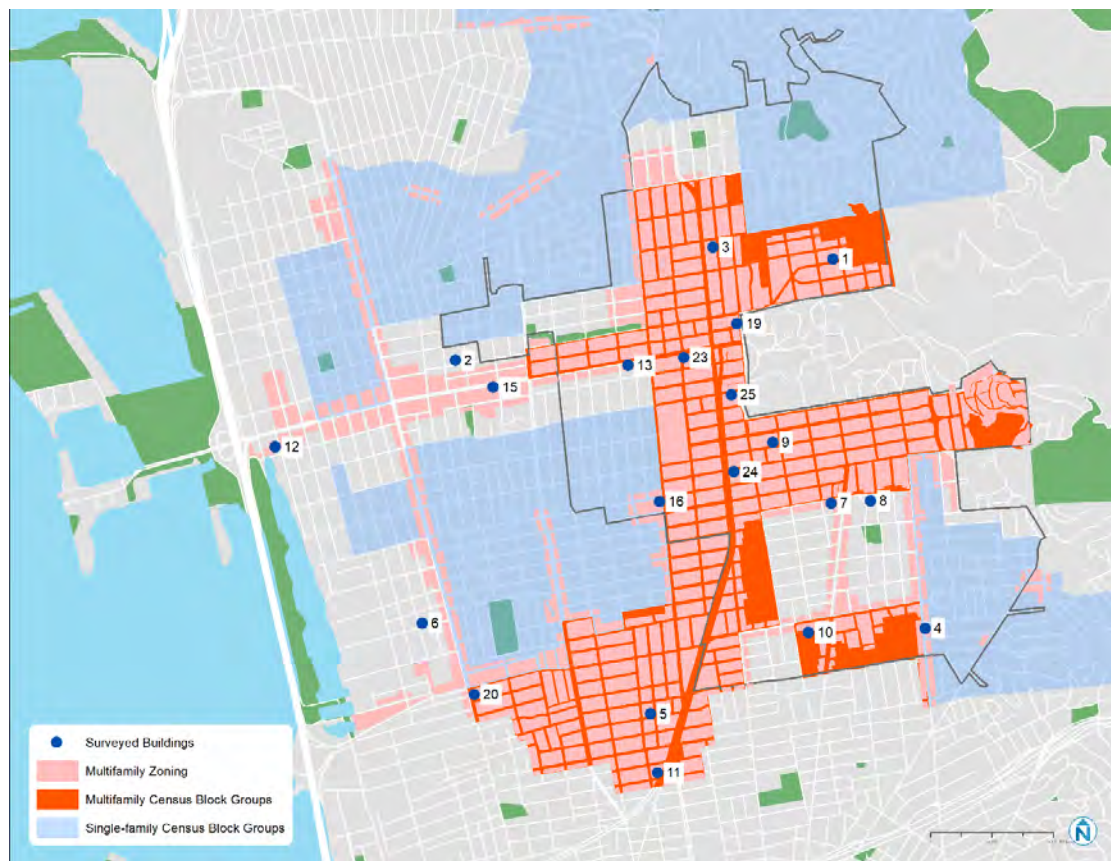
	Median	Mean	Min	Max	20 th percentile	80 th percentile
Supply (#)	23	22	3	46	9.8	35.2
Occupancy (#)	13	14.9	0	44	3	24.8
Occupancy (%)	60%	61%	0%	100%	42%	82%

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SOCIOECONOMIC ASSESSMENT

The project team evaluated characteristics of multifamily and single-family housing in Berkeley. This city-level assessment focused on aspects related to car-ownership that could provide context to the results of the parking capacity survey analysis. The team used 2017 American Community Survey (ACS) 5-year data at a census block group (CBG) level. A qualitative assessment was made to define CBGs as “multifamily housing” or “single-family housing,” based on the City of Berkeley zoning areas. CBGs were defined as either multifamily or single-family if one of the two types of land use covered most of the CBG. CBGs with an ambiguous mix of single-family and multifamily were excluded from the analysis. Figure 6 shows that most of the surveyed buildings (16) are located within multifamily zoning and in CBGs that the project team defined as multifamily. As a result, the socioeconomic assessment of the multifamily CBG (and its differences with single family areas) complement the conclusions from the survey and observation analysis.

Figure 6 – Multifamily Zoning and Census Block Groups



Note: Census block groups along the University corridor were neither defined as single nor multifamily since it was not clear the dominant zoning type in that CBG.

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Figure 7 indicates that more than 40% of workers living in single-family CBGs drive alone to work as opposed to slightly more than 20% in multifamily CBGs. ACS data also shows that the share of workers walking to work in multifamily CBGs is higher (30%) than those living in single-family areas (7%).

Figure 7 - Means of transportation to work, multifamily vs single-family CBG

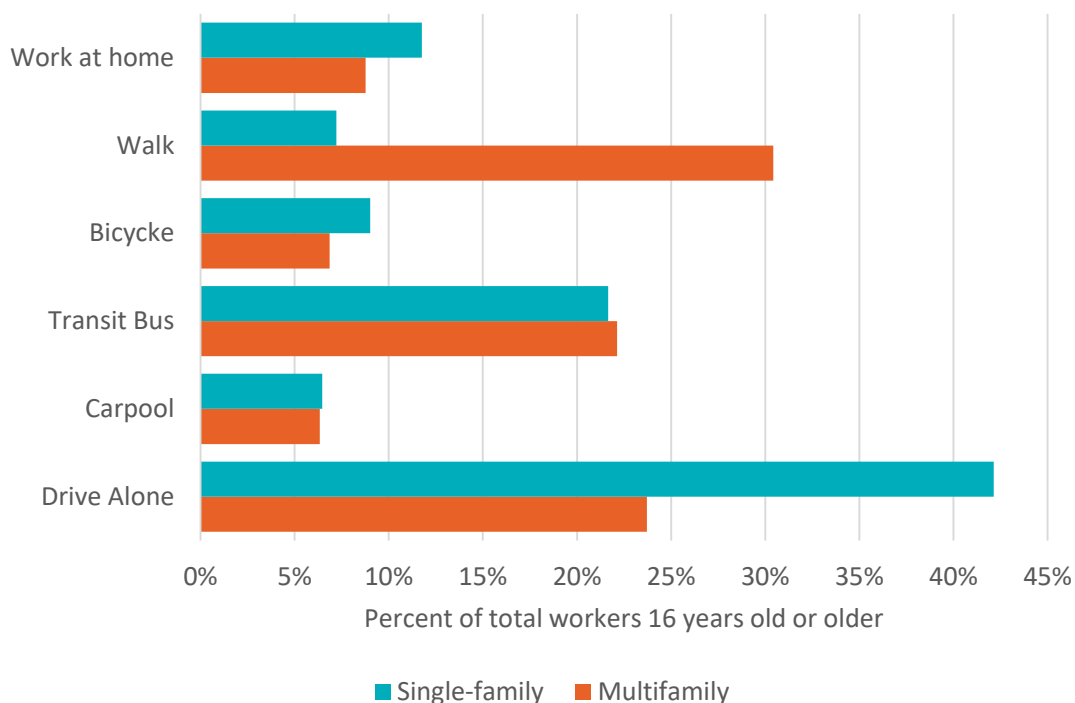


Figure 8 and Figure 9 show car-ownership by tenure in multifamily and single-family areas respectively. Approximately 40% of renters in multifamily areas do not have a car, double that of renters in single-family areas. Interestingly, homeowners show a similar car ownership pattern regardless of housing type. In multifamily housing areas, 89% of owners have at least one car, which is very close to the 95% of owners in single-family areas.

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Figure 8 – Vehicle ownership by tenure, multifamily CBG

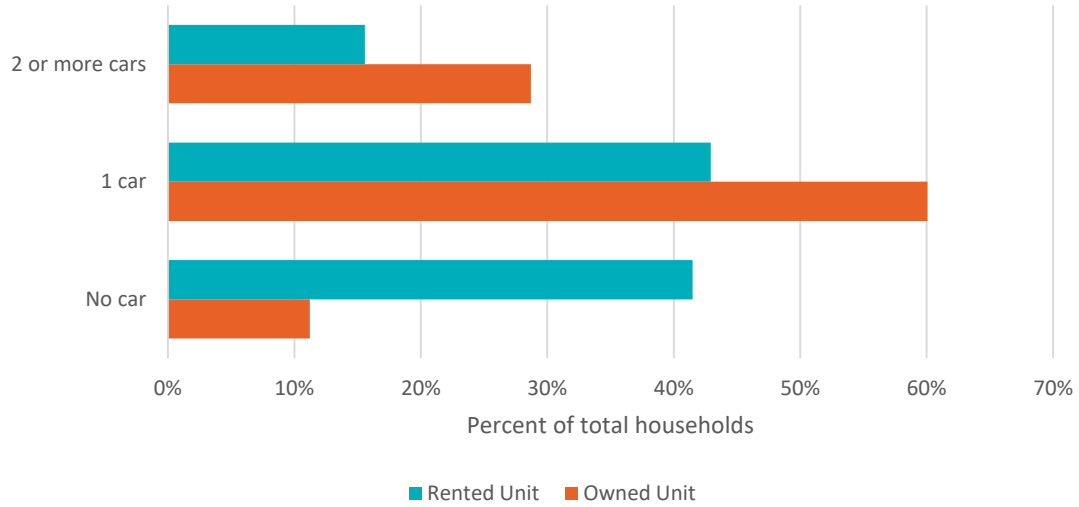
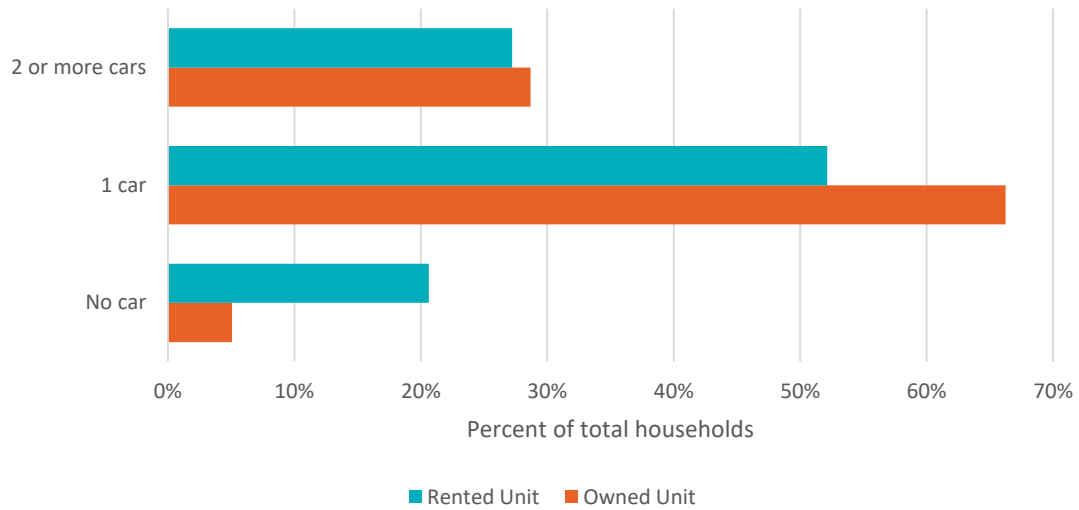


Figure 9 – Vehicle ownership by tenure, single-family CBG



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APPENDICES

- A. Property Survey Instrument
- B. Property Survey Parking Data



Berkeley Parking Utilization Survey

Thank you very much for helping the Berkeley Planning Department by completing this survey. We expect this survey to only take about 5-10 minutes. After you submit the survey, we will contact you to arrange a visit to your building for a one-time parking count. If you have any questions about the survey or need any assistance, please contact Justin Horner, Associate Planner, at 510-981-7476 or jhorner@cityofberkeley.info

* 1. Residential Building Address

* 2. Site Contact Name

* 3. Site Contact Email

* 4. Is there a Property Management Company?



Berkeley Parking Utilization Survey

5. Name of the Management Company

[Redacted area]



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

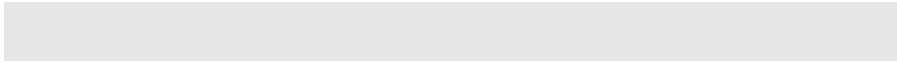
* 12. Total number of parking spaces designated for residential use

* 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?

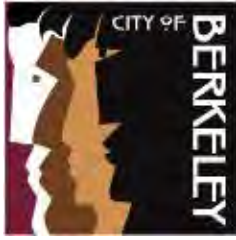
* 20. Is there anything special or particular about residential parking in your building that you believe would be helpful for us to understand your building's situation better?

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 residential units?	Total Number of Affordable Residential Units	Do you know how many residential units are occupied with residents that have vehicles?	Total number of residential units occupied by residents with vehicles	Total number of parking spaces designated for residential use	Are there any parking spaces designated for residential use that are used by non-residents	Total number of spaces designated for residents that are used by non-residents	Do residents pay for on-site vehicle parking under separate agreement?	Is the monthly cost of parking less or more than \$50/month?	Does your building offer any of the following benefits? (select all that apply)
ID	Open-Ended Response	Open-Ended Response	Open-Ended Response	Open-Ended Response	Response	Open-Ended Response	Response	Open-Ended Response	Open-Ended Response	Response	Open-Ended Response	Response	Response	Secure Bike Parking
1	2575 Le Conte Ave.	Premium Properties	11	11	No		Yes	4	8	No		Yes. Parking is rented/d	More Than \$50	
2	1277 Hearst St.	Premium Properties	8	8	No		Yes	5	15	No		Yes. Parking is rented/d	More Than \$50	
3	1612 Walnut St.	Premium Properties	9	9	No		Yes	5	9	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
4	3001 College Ave.	Premium Properties	10	10	No		Yes	6	10	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
5	3140 Ellis St.	Premium Properties	10	10	No		Yes	5	7	No		Yes. Parking is rented/d	More Than \$50	
6	2777 9th St.	Premium Properties	21	21	No		Yes	20	21	No		No. Parking is free or included in rent or cond		Secure Bike Parking
7	2414 Parker St.	Premium Properties	16	16	No		Yes	9	16	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
8	2610 Hillegass Ave.	Premium Properties	23	23	No		Yes	10	22	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
9	2239 Channing Way	Premium Properties	14	14	No		Yes	0	6	Yes	4	Yes. Parking is rented/d	More Than \$50	
10	2321 Webster St.	Premium Properties	18	18	No		Yes	13	18	Yes	1	Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
11	3380 Adeline St.	Premium Properties	14	14	No		Yes	6	12	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
12	651 Addison St, Berkeley, CA 94710	Avalonbay Communities	94	89	Yes	4	Yes	85	101	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
13	1812 University Avenue Berkeley, CA 94703	SG Real Estate	44	44	Yes	4	No		17	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
15	1370 university Ave	Equity Residential	71	67	Yes	69	No		61	Yes	4	Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
16	2500 Martin Luther King Jr., Way		10	10	Yes	2	Yes	9	10	No		No. Parking is free or included in rent or cond		Secure Bike Parking
19	1910 Oxford Street Berkeley CA 94704	The Dinerstein Companies	56	56	Yes	11	No		36	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
20	3015 San Pablo Ave	Gerding Edlen	98	92	Yes	15	No		100	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
23	2004 University Ave. Berkeley CA, 94704	The Dinerstein Companies	35	35	Yes	7	No		6	No	unknown	Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
24	2110 Haste St. Berkeley CA, 94704	The Dinerstein Companies	100	100	Yes	20	No		64	Yes	unknown	Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
25	2116 Allston Way	The Dinerstein Companies	91	91	Yes	18	No		40	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
x	2002 Addison St, Berkeley CA, 94704	The Dinerstein Companies	27	27	Yes	4	No		18	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
x	2020 Bancroft Way - 2025 Durant Avenue	Everest Properties	105	104	No		Yes	51	106	Yes	40	Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
x	1627 University Ave Berkeley CA 94703	The Dinerstein Companies	34	32	Yes	6	No		21	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking
x	1901 Dwight Way Berkeley, CA 94704	SG Real Estate	21	21	Yes	3	Yes	12	14	No		Yes. Parking is rented/d	More Than \$50	
x	2121 Dwight Way	Greystar	99	96	Yes	9	No		41	No		Yes. Parking is rented/d	More Than \$50	Secure Bike Parking

Appendix B - Berkeley Parking Survey Utilization Data

ID	Residential Building Address	Discounted Transit Passes for Residents	On-site Car-spaces	None of the Above	Other (please specify)	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					Open-Ended Response	Open-Ended Response	Open-Ended Response	TOTAL Supply	TOTAL Occupancy	TOTAL Supply	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 have	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.

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 Study*² 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-Voll.pdf>

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 units ¹ OR One per 1,000 GSF of residential space, for projects of more than 10 units ¹
C-W	One per unit
C-DMU	One per three units ²
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.

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:

- 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.

⁵ [https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017_AppendixF_Facility%20Design%20Toolbox\(1\).pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017_AppendixF_Facility%20Design%20Toolbox(1).pdf), p F-125.

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.

⁶ https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/3%20Appendix%20A%20-%20Appendix%20C%20January%202010.pdf. Pp. B-1 – B-50.

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>

⁸ Jennifer Cogley, Deputy Director, Community Relations, Bayer LLC, conversation with City staff, November 14, 2019.

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**
 2 [PROVISIONS APPLICABLE IN ALL NON-RESIDENTIAL DISTRICTS]
 3

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

5 **23E.64.080 Off-Street Parking and Loading Requirements**

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

8 B. The district minimum standard parking requirement for commercial floor area is two spaces per 1,000
 9 square feet of gross floor area. Uses listed in Table 23E.64.080 shall meet the requirements listed, for newly
 10 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 <u>None required</u>
Dwelling Units	One per unit, except as modified by provisions for shared parking in Section 23E.64.080.G; 75% less for Seniors (see below) <u>None required</u>
Hospitals	One per each four beds; plus one per each three employees
Hotels	One per each three guest/sleeping rooms or suites; plus one per each three employees
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Live/Work Units	One per unit, provided, however, that if <u>If</u> 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 <u>23E.20.040.B</u>

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	

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

16 D. The number of parking spaces provided for new commercial floor area shall not exceed four spaces per
 17 1,000 square feet of gross floor area of the commercial use, except that up to five spaces per 1,000 square feet
 18 of gross floor area of food service uses may be provided.

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

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

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

30 ~~GH.~~ Any mixed use building (residential and commercial) shall satisfy the off-street parking standards and
31 requirements of this District, provided, however, that the Board or the Zoning Officer may issue a Permit to
32 ~~modify, reduce or eliminate~~ the off-street parking and usable open space requirements where it finds such
33 modification promotes any of the general purposes set forth in [23E.64.020](#). The Permit required shall be an
34 Administrative Use Permit unless a Use Permit from the Board is required to approve the use or structure, in
35 which case a Use Permit shall be required by the Board.

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

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

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

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

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

56 ~~MIN.~~ Any construction which results in the creation of 10,000 square feet of new or additional commercial
57 gross floor space shall satisfy the loading space requirements of Chapter [23E.32](#). (Ord. 7635-NS § 20, 2019;
58 Ord. 6856-NS § 19 (part), 2005; Ord. 6478-NS § 4 (part), 1999)
59

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

23E.68.080 Parking -- Number of Spaces

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

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

Use	Number of Parking Spaces Required
Dwelling Units, Single and Multi-Family Buildings	One per three dwelling units <u>None required</u>
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 <u>None required.</u>

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

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

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

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

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

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

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

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

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

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

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

Number of Parking Spaces Required <u>Provided</u>	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

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

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

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

113 K. Any construction which results in the creation of more than 10,000 square feet of new or additional
114 commercial gross floor space shall satisfy the loading space requirements of Chapter 23E.32. (Ord. 7475-NS
115 § 2, 2016; Ord. 7229-NS § 1 (part), 2012)

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23.80: MU-LI Mixed Use Residential Provisions

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23E.80.080 Off-Street Parking and Loading Requirements

119

A. For each of the following uses the minimum number of off-street parking spaces shall be provided and in

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accordance with Chapter [23E.28](#) except as set forth in Section [23E.80.080](#).E. Construction of new floor area

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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 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	

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B. Unless otherwise specified in Subsection A, uses designated in this chapter as Other Industrial Uses;

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Automobile and Other Vehicle Oriented Uses; Outdoor Uses; Residential and Related Uses or as

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Miscellaneous Uses shall be required to provide the number of off-street parking spaces determined by the

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Zoning Officer or Board based of the amount of off-street parking demand generated by the particular use and

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comparable with specified standards for other uses.

- 127 C. Bicycle parking spaces shall be provided for new construction at the ratio of one space per 2,000 square
128 feet of gross floor area of non-residential space, in accordance with Section [23E.28.070](#).
- 129 D. Off-street parking required by this section may be satisfied by the provision of leased spaces, provided
130 that the requirements of Section [23E.28.030](#) are met; however, the leased parking spaces may be within 500
131 feet of the property it serves, provided that leased parking at a distance greater than 500 feet may be approved
132 by an Administrative Use Permit.
- 133 E. Subject to the finding in Section [23E.80.090](#).H, an Administrative Use Permit may be issued to designate
134 up to 10% of automobile parking required for a use for bicycle and/or motorcycle parking, unless a Use Permit
135 from the Board is required to approve any part of the application, in which case the Use Permit shall be
136 approved by the Board. Any bicycle parking created by this designation shall be in addition to otherwise
137 required bicycle parking.
- 138 F. Notwithstanding the requirements of Section [23E.28.080](#) (the general regulations concerning screening
139 and landscaping of off-street parking), there shall be no requirement for screening or landscaping of that
140 portion of any parking lot which is adjacent to Third Street (Southern Pacific Railroad).
- 141 G. In buildings with one or more manufacturing, wholesale trade or warehouse use, all uses shall satisfy the
142 loading space requirements of Chapter [23E.32](#). All uses which have one or more loading spaces shall retain at
143 least one such space.
- 144 H. Any construction which results in the creation of 10,000square feet of new or additional commercial or
145 manufacturing gross floor area shall satisfy Chapter [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

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23E.84.080 Off-Street Parking and Loading Requirements

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A. Unless otherwise specified in Subsections B or F, or in Table [23E.84.080](#), the district minimum standard

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parking requirement is two spaces per 1,000 square feet of gross floor area of non-residential space, in

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accordance with the requirements of Chapter [23E.28](#).

Table 23E.84.080	
Parking Required*	
Use	Number of spaces
Art/Craft Studio	One per 1,000 sq. ft. of floor area
Community Care Facilities	One per two non-resident employees
Dwelling Units	One per unit, except as provided in Section 23E.84.080.E; 75% less for Seniors (see Subsection E) None required
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Live/Work Units	One per unit; provided however, that if 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	

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

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

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

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

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

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

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

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

182 IJ. Any construction which results in the creation of 10,000 square feet of new or additional commercial or
183 manufacturing gross floor area shall satisfy Chapter [23E.32](#). (Ord. 6856-NS § 24 (part), 2005; Ord. 6478-NS §
184 4 (part), 1999)

Attachment 5: Sub-Title 23D

[PROVISIONS APPLICABLE IN ALL RESIDENTIAL DISTRICTS]

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

23D.16.080 Parking -- Number of Spaces

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

Table 23D.16.080	
Parking Required	
Use	Number of spaces
Dwellings	One per unit <u>None required</u>
Employees <u>Community care facility</u>	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 <u>None required</u>

*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence

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

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

1. One space for the first 10,000 square feet of gross floor area; and
2. One additional space for each additional 40,000 square feet of gross floor area. (Ord. 7599-NS § 5, 2018; Ord. 7426-NS § 7, 2015; Ord. 6854-NS § 4 (part), 2005; Ord. 6763-NS § 6 (part), 2003; Ord. 6478-NS § 4 (part), 1999)

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

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23D.20.080 Parking -- Number of Spaces

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

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Table 23D.16.080	
Parking Required	
Use	Number of spaces
Dwellings	One per unit <u>None required</u>
Employees <u>Community care facility</u>	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 <u>None required</u>
*This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single family residence	

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

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

1. One space for the first 10,000 square feet of gross floor area; and
2. One additional space for each additional 40,000 square feet of gross floor area. (Ord. 7599-NS § 5, 2018; Ord. 7426-NS § 7, 2015; Ord. 6854-NS § 4 (part), 2005; Ord. 6763-NS § 6 (part), 2003; Ord. 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

A. 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 * <u>None required</u>
Employees <u>Community care facilities</u>	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 <u>None required</u>
<p>*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 not increase in the gross floor area of the building and no more than one additional bedroom is created.</p> <p>**This requirement does not apply to those Community Care Facilities which under state law must be treated in the same manner as a single-family residence.</p>	

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~~B. Any use that was lawfully established prior to the effective date of the ordinance codified in this chapter but does not conform to the requirements of this section may be continued and maintained, provided there is no increase in the area, space, or volume occupied by or devoted to such use. The lawfully established gross floor area of a single family detached structure that does not conform to the parking requirements in subsection A may, however, be increased by a cumulative total of no more than 200 square feet over the floor area that existed on the effective date of the ordinance codified in this chapter if the addition or alteration complies with all other applicable standards and will not be used as a bedroom and if no portion of the building or any other~~

45 ~~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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49 **Chapter 23D.28: R-2 Restricted Two-Family Residential District Provisions**

50 **23D.28.080 Parking -- Number of Spaces**

51 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 <u>None required</u>
Employees <u>Community Care Facility</u>	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 <u>None required</u>
*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.	

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

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

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

59 b. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross
 60 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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63 **Chapter 23D.32: R-2A Restricted Multiple-Family Residential District Provisions**

64 **23D.32.080 Parking -- Number of Spaces**

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

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Table 23D.32.080	
Parking Required	
Use	Number of spaces
Dwellings, Multiple	One per unit (75% less for seniors, see below)
Dwellings, one and two family	One per unit <u>None required</u>
Employees <u>Community Care Facility</u>	One per two non-resident employees for a Community Care <u>Facility*</u>
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
Senior Congregate Housing	One per each five residents plus one for manager <u>None required</u>
*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	

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

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

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

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

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83

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

84

23D.36.080 Parking -- Number of Spaces

85

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	<u>None required</u>
Dwellings, Multiple (fewer than ten) Dwellings, Multiple (Ten or more) Dwellings, One and Two Family	One per each five residents, plus one for manager <u>None required</u> One per unit (75% less for seniors, see below) One per 1,000 sq. ft. of gross floor area (75% less for seniors, see below) One per unit
Employees	One per two non-resident employees for a Community Care Facility*
Hospitals	One per each four beds, plus one per each three employees
Libraries	One per 500 sq. ft. of floor area that is publicly accessible
Nursing Homes	One per each five residents, plus one 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.	

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

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

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

- 95 1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area.
- 96 2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross
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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100 **Chapter 23D.40: R-4 Multi-Family Residential District Provisions**

101 **23D.40.080 Parking -- Number of Spaces**

102 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 <u>Community Care Facility</u>	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.	

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

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

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

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

- 117 1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area.
- 118 2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross
119 floor area of above the 10,000 square feet. (Ord. 7599-NS § 15, 2018; Ord. 7426-NS § 27, 2015; Ord.
120 6763-NS § 27 (part), 2003; Ord. 6478-NS § 4 (part), 1999)

121

122

Chapter 23D.44: R-5 High Density Residential District Provisions

123

23D.44.080 Parking -- Number of Spaces

124

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

Table 23D.44.080	
Parking Required	
Use	Number of spaces
<u>Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Senior Congregate Housing</u>	<u>None required</u>
Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Senior Congregate Housing	One per each five residents, plus one for manager
Dwellings;	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 <u>None required</u>
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 one 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

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

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

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

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

- 140 1. Off-street loading spaces at the ratio of one space for the first 10,000 square feet of gross floor area.
- 141 2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross
142 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)

144

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

146 **23D.48.080 Parking -- Number of Spaces**

147 A. All parking shall be provided in accordance with the requirements of this section and Chapter [23D.12](#),
148 except as set forth in this Section.

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

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

153 ~~The complete block bounded by:~~

154 ~~• Dana, Haste, Ellsworth and Channing.~~

155 ~~The partial blocks bounded by:~~

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

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

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

161 ~~Additional properties as described below:~~

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

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

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

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

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

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

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

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

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

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

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

190 F. All Use Permits under this Chapter shall be subject to a condition of approval requiring payment of a
191 Transportation Services Fee (TSF) if and when adopted. (Ord. 7208-NS § 1 (part), 2011)

192

193

194

Chapter 23D.52: Residential Southside Mixed-Use District Provisions

195

23D.52.080 Parking -- Number of Spaces

196

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

197

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

198

199

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

200

201

202

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

203

204

205

Table 23D.52.080

Parking Required	
Use	Number of spaces
<u>Dwellings</u>	<u>None required</u>
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	<u>One per each three employees. Refer to R-3 Standards, Section <u>23D.36.080</u></u>

206

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

207

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

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

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

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

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

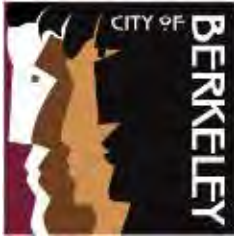
223 C. Any new construction which results in the creation of 10,000 square feet of new or additional non-
224 residential floor space shall satisfy the loading space requirements of Chapter 23E.32 as follows:

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

227 2. Off-street loading spaces at the ratio of one space for each additional 40,000 square feet of gross
228 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

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	1.5/unit	1.5/unit	Maximum applies to buildings with 3 or more units only
Charlotte, NC	1/unit	1.6/unit	
Flagstaff, AZ	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	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	--	1.5 – 2/unit	No minimums and maximums only apply to downtown zoning districts. (elsewhere, 1/unit + no maximum)
Pasadena, CA	1.5/unit	2/unit	Maximum only applies to Sierra Madre Villa Station TOD Area
Pasadena, CA	1.5/unit	1.75/unit	Maximum only applies to TOD Areas and Central District
Pittsburgh, PA	1/unit	2/unit	Maximum only applies to 1,000 acre Uptown Ecolnnovation District
Portland, OR	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	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	--	0.5 - 1.5/unit	Maximum depends on zoning district. Maximum is 1.5/unit in most cases
Seattle, WA	--	--	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	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)

London, United Kingdom	--	0.25 – 1.5 spaces/unit	Maximum based on which Public Transit Accessibility Level (PTAL) areas subject parcel is located
GreenTRIP Certification	--	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*).

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

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**

4 **23C.19.020 Applicability of Regulations**

5 **23C.19.030 Off-street Parking Maximums**

6 **23C.19.040 Excess Off-street Parking**
7

8 **Section 23C.19.010 Purpose**
9

10 The purpose of this chapter is to institute off-street parking maximums for residential
11 development in order to achieve:
12

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

15 B. City Climate Action Plan goals of reducing private vehicle travel and promoting
16 mode shift to more sustainable transportation options
17

18 C. Housing Element goals for developing housing at all affordability levels by limiting
19 the amount of on-site vehicle parking allowed,
20

21 **Section 23C.19.020 Applicability of Regulations**
22

23
24 A. The provisions of this Chapter shall apply to new Duplexes, Multi-family projects and
25 mixed-use projects that include two or more Dwelling Units located on a parcel, any
26 portion of which is located within 0.25 miles of a major transit stop, as defined by
27 Section 21064.3 of the California Public Resources Code or along a transit corridor
28 with service at 15 minute headways during the morning and afternoon peak periods.

29 **Section 23C.19.030 Off-street Parking Maximums**
30

31
32 A. Any project subject to this Chapter shall not include off-street residential parking at a
33 rate higher than 0.5 parking spaces per Dwelling Unit.

34 **Section 23C.19.040 Excess Off-street Parking**
35

36
37 A. Any request for off-street residential parking in excess of 0.5 parking spaces per
38 Dwelling Unit shall require an Administrative Use Permit.
39

**Chapter 23C.19:
OFF-STREET PARKING MAXIMUMS FOR RESIDENTIAL DEVELOPMENT**

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

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

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

49
50

Chapter 23C.18: Transportation Demand Management

1 **Sections:**

2 **23C.18.010 Purpose**

3 **23C.18.020 Applicability of Regulations**

4 **23C.18.030 Transportation Demand Management Program Requirements**

5 **23C.18.040 Monitoring, Reporting and Compliance**

6

7 **Section 23C.18.010 Purpose**

8

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

- 11
- 12 A. City Transportation Element goals of reducing vehicle trips, encouraging public
13 transit use and promoting bicycle and pedestrian safety, and
- 14
- 15 B. City Climate Action Plan goals to reduce private vehicle travel and promote
16 mode shift to more sustainable transportation options.

17

18 **Section 23C.18.020 Applicability of Regulations**

- 19
- 20 A. The following types of projects must comply with the requirements of this
21 Chapter:
- 22
- 23 1. Residential housing projects, including the residential portions of mixed-use
24 projects that include ten or more Dwelling Units.
- 25
- 26 B. The following types of projects shall be exempt from the requirements of this
27 Chapter:
- 28
- 29 1. Residential housing projects, including the residential portions of mixed-use
30 projects, located in the following locations:
- 31
- 32 a) C-DMU Downtown Mixed Use District
- 33 b) Southside Plan Area
- 34
- 35 2. Residential housing projects, including the residential portions of mixed-use
36 projects, with the majority of its units subject to recorded affordability
37 restrictions.

38

39 **Section 23C.18.030 Transportation Demand Management Program**
40 **Requirements**

- 41
- 42 A. Any project subject to this Chapter shall:
- 43

Chapter 23C.18: Transportation Demand Management

- 44 1. Ensure that all parking spaces provided for residents be leased or sold
45 separate from the rental or purchase of dwelling units for the life of the dwelling
46 units, such that potential renters or buyers shall have the option of renting or
47 buying a dwelling unit at a price lower than would be the case if there were a
48 single price for both the dwelling unit and the parking space(s);
49
50
51 2. Provide at least one of the following transit benefits per unit, at no cost to the
52 resident, for a period of ten years after the issuance of a Certificate of
53 Occupancy. A notice describing these transportation benefits shall be posted
54 in a location or locations visible to residents.
55
56 a) A monthly pass for unlimited local bus transit service; or
57 b) A functionally equivalent transit benefit in an amount at least equal to the
58 price of a non-discounted unlimited monthly local bus pass. Any benefit
59 proposed as a functionally equivalent transportation benefit shall be
60 approved by the Zoning Officer in consultation with the Transportation
61 Division Manager; and
62
63 3. Provide publically-available, real-time transportation information in a common
64 area, such as a lobby or elevator bay, on televisions, computer monitors or
65 other displays visible to residents and/or the public. Provided information shall
66 include, but is not limited to, transit arrivals and departures for nearby transit
67 routes.
68
69 B. In addition to any other restrictions on access to Residential Parking Permits,
70 residents of any project subject to this Chapter that is located in a Commercial (C-
71 prefixed) Zoning District shall not be eligible for Residential Parking Permit (RPP)
72 permits under BMC Chapter 14.72.

Section 23C.18.040 Monitoring, Reporting and Compliance

- 74
75
76 A. For projects subject to this Chapter, prior to issuance of a Certificate of Occupancy,
77 the property owner shall facilitate a site inspection by Planning Department staff to
78 confirm that the physical improvements required in 23C.XX.030 (A) (2) and (4) have
79 been installed. The property owner shall also provide documentation that the
80 programmatic measures required in 23C.XX.030 (A) (1) and (2) will be implemented.
81
82 B. The property owner shall submit to the Planning Department TDM Compliance
83 Reports in accordance with Administrative Regulations promulgated by the Zoning
84 Officer that may be modified from time to time to effectively implement this Chapter.
85
86 C. Property owners may be required to pay administrative fees associated with
87 compliance with this ordinance as set forth in the City's Land Use Planning Fees
88 schedule.

Chapter 23D.12: Off-Street Parking Requirements

1 Sections:

- 2 23D.12.010 Purposes
3 23D.12.020 Applicability
4 23D.12.030 Off-site Parking
5 23D.12.040 Residential Off-street Parking Spaces Shall Conform to Traffic Engineering Requirements
6 23D.12.050 Number of Parking Spaces Required
7 23D.12.060 Joint Use of Off-street Parking Spaces
8 23D.12.065 Bicycle Parking
9 23D.12.070 Two or More Uses of a Building
10 23D.12.080 Site Location and Screening of Uncovered Parking Spaces and Driveways
11 23D.12.090 Parking Lot Standards

12 23D.12.010 Purposes

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

- 14 A. To ~~prevent the worsening of the already serious deficiency of~~ efficiently allocate parking spaces ~~existing in~~
15 ~~many areas of~~ in the City.
16 B. To ~~require~~ regulate the provision of off-street parking spaces ~~for traffic generating uses of land~~ within the
17 City.
18 C. To reduce the amount of on-street parking of vehicles, thus increasing the safety and capacity of the City's
19 street system. (Ord. 6478-NS § 4 (part), 1999)

20 23D.12.020 Applicability

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

Chapter 23D.12: Off-Street Parking Requirements

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

32 ~~D. In the event a Zoning Certificate is granted, the subsequent use of such building or structure is conditional~~
33 ~~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)~~

35 23D.12.030 Off-site Parking

36 A. Any provided off-street parking space which is not located on the same lot with the structure or use it is to
37 serve or is not located in a joint use of parking arrangement, must be located on land under the same
38 ownership as the land on which the structure or use is located.

39 B. Any off-street parking space required by this chapter must be located within 300 feet of the structure or
40 use it is intended to serve. This distance shall be measured from the nearest off-street parking space provided
41 to the nearest point of the lot on which the use or structure to be served is located. Measurement shall be along
42 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)

44 23D.12.040 Residential Off-street Parking Spaces Shall Conform to Traffic Engineering 45 Requirements

46 A. In addition to the requirements of this Ordinance, all off-street parking spaces, access driveways,
47 circulation patterns and ingress and egress connections to the public right-of-way must conform to the City's
48 Traffic Engineering requirements.

49 B. The Traffic Engineer shall determine whether the size, arrangement and design of off- street parking
50 spaces, access driveways, circulation patterns and ingress and egress connections to the public right-of-way
51 are adequate to create usable, functional, accessible and safe parking areas and are adequately integrated
52 with the City's overall street pattern and traffic flows.

53 C. Dimensional requirements and standards for off-street parking spaces, driveway and other access
54 improvements and maneuvering aisles shall be incorporated in administrative regulations, subject to the review
55 and approval by the City Manager and the Board. (Ord. 6478-NS § 4 (part), 1999)

Chapter 23D.12: Off-Street Parking Requirements

56 23D.12.050 Number of Parking Spaces Required

57 A. Off-street parking spaces may not be reduced below or, if already less than may not be further reduced
58 below, the requirements of this chapter for similar uses or structures.

59 B. ~~As a condition of any~~A Permit, ~~the Zoning Officer and Board may require~~ may be conditioned to provide
60 more than the minimum required off-street parking spaces for non-residential projects or non-residential
61 portions of mixed-use projects than the minimum required by the applicable residential District, if he/she or it
62 finds that if the expected demand for parking spaces will is found to exceed the minimum requirement.

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

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

69 E. An applicant may count existing off-street parking spaces towards meeting the parking requirements of this
70 Ordinance when both the existing use or portions of the use that is to remain and the proposed use and/or
71 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)

73 23D.12.060 Joint Use of Off-street Parking Spaces

74 A. The Zoning Officer may approve an AUP to allow a Joint Use Parking Agreement to satisfy off-street
75 parking space requirements, if all of the following findings are made:

76 1. The off-street parking spaces designated for joint use are located within 800 feet of the use to be
77 served; and

78 2. The times demanded for these parking spaces will not conflict substantially between the use offering
79 the spaces and the use to be served; and

80 3. The off-street parking spaces designated for joint use are not otherwise committed to satisfying the
81 parking requirements for some other use at similar times.

Chapter 23D.12: Off-Street Parking Requirements

82 B. The Board may approve a Use Permit authorizing ~~the~~ off-street parking requirements for offices in R-4 or
 83 R-5 Districts to be supplied jointly with off-street parking facilities provided for multiple dwellings, if it finds:

84 1. No more than 20 percent of the off-street parking spaces required for the multiple dwelling use will
 85 serve as required off-street parking for offices; and

86 2. The off-street parking spaces to be jointly used are located on the same lot as the offices which they
 87 are to serve, or on property under the same ownership within 300 feet from such offices.

88 C. A statement shall be recorded in the Office of the County Recorder that restricts the use of the property
 89 and designates the off-street parking that is to serve the other property. The deed restrictions shall state that
 90 the property cannot be used so as to prevent the use of the parking that is being provided in compliance with
 91 the requirements of the City, unless the restriction is removed by the City. Upon submission of satisfactory
 92 evidence either that other parking space meeting the requirements of this Ordinance has been provided or that
 93 the building or use has been removed or altered in use so as to no longer require the parking space, the City
 94 shall remove the restriction from the property. (Ord. 6794-NS § 1 (part), 2004: Ord. 6478-NS § 4 (part), 1999)

95 **23D.12.065 Bicycle Parking**

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

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

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.

98 **23D.12.070 Two or More Uses of a Building**

99 In the case of two or more uses in the same building, the total required off-street parking spaces shall be the
100 sum of the requirements for the several uses computed separately. Off-street parking spaces for one use shall
101 not be considered as providing required off-street parking spaces for any other use except to the extent joint
102 use of parking spaces is permitted. (Ord. 6478-NS § 4 (part), 1999)

103 **23D.12.080 Site Location and Screening of Uncovered Parking Spaces and Driveways**

104 A. One new off-street parking space in a side yard where none exists may be allowed by right. Such space
105 must be constructed of a permeable surface unless it is determined to be infeasible by the Public Works
106 Department or Office of Transportation. Vegetative screening shall be provided pursuant to this Section.
107 Location of the space shall minimize impact on usable open space.

108 B. No portion of an off-street parking space may be located in a required front, street-side side yard, or rear
109 yard unless such location is authorized by Section 23C.24.050.G, or an AUP, approved by the Traffic Engineer,
110 and meets all of the requirements in this section.

111 C. No off-street parking space shall be located closer than ten feet in horizontal distance from a door or a
112 window of any building containing three or more dwelling units, which is located on the same or approximately
113 the same level, unless authorized by an AUP. For the purposes of this section, a window whose bottom edge
114 or point is more than six feet in vertical height from the level of the subject off-street parking space shall not be
115 considered on the same or approximately the same level.

116 D. The difference in elevation between an off-street parking space and the finished grade on adjacent areas
117 of the lot shall not exceed five feet at any point. Where such difference in elevation is greater than three feet
118 and the parking space is lower than finished grade, the space shall not be located closer than four feet to any
119 lot line. Where the space is higher than finished grade it shall not be located closer than six feet to any lot line.
120 This section does not apply to parking decks.

121 E. All paved areas for off-street parking spaces, driveways and any other vehicle-related paving, except for
122 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

123 separated from any adjacent rear or interior side lot line by a landscaped strip at least two feet wide, except
124 that driveways spanning a side lot line which are designed to serve two (2) adjacent lots are not subject to the
125 landscape strip requirements along that side lot line.

126 F. Screening must be provided for two or more off-street parking spaces, or any parking space located partly
127 or entirely within a required rear yard, in a manner that effectively screens parked vehicles from view from
128 buildings and uses on adjacent, abutting and confronting lots. Such screening must consist of a continuous
129 view-obscuring wood fence, masonry wall or evergreen hedge, not less than four feet, and not more than six
130 feet in height, which may be broken only for access driveways and walkways.

131 G. In the case of parking areas of four or more off-street spaces, the parking area must be separated from an
132 adjacent rear or interior side lot line by a landscaped strip which averages at least four feet in width along the
133 applicable property line.

134 H. The total area of pavement devoted to off-street parking spaces, driveways and other vehicle-related
135 paving shall not exceed 50% of any required yard area that runs parallel to and abuts a street.

136 I. No driveway may exceed 20 feet in width at any property line abutting a street or one-half of the width of
137 the street frontage of the lot, whichever is less.

138 J. Driveways must be spaced at least 75 feet from one another, as measured along any continuous property
139 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)

141 **23D.12.090 Parking Lot Standards**

142 A. Unless specifically prohibited in an individual R- District, parking lots are permitted in any R- District only if
143 authorized by a Use Permit, and in compliance with the requirements of this section.

144 B. No sign of any kind, other than those designating the parking lot name, entrances, exits, or conditions of
145 use, may be erected or maintained.

146 C. All lighting fixtures must be oriented in a manner to direct the light away from adjacent lots.

147 D. Suitable wheel bumpers must be provided to protect screening and adjacent property.

Chapter 23D.12: Off-Street Parking Requirements

148 E. No commercial repair work or service of any kind may be conducted on the lot.

149 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.

151 G. A durable and dustless surface must be provided and maintained and the lot must be graded to dispose of
152 all surface water.

153 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 Purposes
- 3 23E.28.020 Applicability
- 4 23E.28.030 Off-site Parking Requirements
- 5 23E.28.040 Traffic Engineering Requirements
- 6 23E.28.050 Number of Parking Spaces Required
- 7 23E.28.060 Joint Use of Off-street Parking Spaces
- 8 23E.28.070 Bicycle Parking
- 9 23E.28.080 Location and Screening of Parking Spaces and Driveways
- 10 23E.28.090 In-lieu Parking Fee
- 11 23E.28.100 Transportation Services Fee
- 12 23E.28.110 Payment and Collection
- 13 23E.28.120 Use of TSF Funds
- 14 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 Required Findings for Parking Reductions Under Section 23E.28.130 for C Districts
- 17 23E.28.145 Required Findings for Parking Reductions Under Section 23E.28.130 for M, MM and MU
- 18 Districts

19 **Note:**

20 The following off-street parking and off-street loading space requirements shall apply to uses, buildings and
21 structures located in C- (commercial), MU- (mixed use) and M- (manufacturing) Districts. In addition to the
22 requirements of this Ordinance all off- street parking spaces, off-street loading spaces, access driveways,
23 circulation patterns and ingress and egress connections to the public right-of-way shall conform to the City's
24 Traffic Engineering requirements. (Ord. 6478-NS § 4 (part), 1999)

25 **23E.28.010 Purposes**

26 The purposes of the parking regulations in this chapter are:

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

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

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

31 C. To reduce the amount of on-street parking of vehicles, and thus increase the safety and capacity of the
32 City's street system. (Ord. 6478-NS § 4 (part), 1999)

33 **23E.28.020 Applicability**

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

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

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

45 CD. In the event a Zoning Certificate is granted, the subsequent use of such building or structure is
46 conditional upon the unqualified continuance, availability and proper maintenance of off-street parking in
47 compliance with this chapter. (Ord. 6856-NS § 3 (part), 2005; Ord. 6478-NS § 4 (part), 1999)

48 **23E.28.030 Off-site Parking Requirements [no changes]**

49 **23E.28.040 Traffic Engineering Requirements [no changes]**

50 **23E.28.050 Number of Parking Spaces Required**

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

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

55 B. ~~In the case of an AUP, a Use Permit, or a variance the Zoning Officer and Board A Permit may be~~
56 ~~conditioned to provide require more than the minimum required~~ off-street parking spaces ~~for non-residential~~
57 ~~projects or non-residential portions of mixed-use projects than the minimum required by the applicable District,~~
58 if ~~he/she or it finds that~~ the expected demand for parking spaces ~~will is found to~~ exceed the minimum
59 requirement.

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

63 D. ~~No Off-street parking space requirements may be satisfied by a tandem off-street parking space with the~~
64 ~~issuance of an AUP. under this Ordinance may be satisfied by a tandem off-street parking space, unless~~
65 ~~approved by both the City Traffic Engineer and the Board.~~

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

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

72 G. When the number of off-street parking spaces required is based on the floor area for a specified use, the
73 definition of Floor Area, Gross as set forth in Sub-title [23F](#) shall apply. In addition, unenclosed areas of a lot,
74 including, but not limited to, outdoor dining areas, garden/building supply yards and other customer-serving
75 outdoor areas for retail sales, shall also be counted toward the floor area for those commercial uses with
76 specified off-street parking requirements. (Ord. 6856-NS § 4 (part), 2005: Ord. 6478-NS § 4 (part), 1999)

77 **23E.28.060 Joint Use of Off-street Parking Spaces [no changes]**

78 **23E.28.070 Bicycle Parking**

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

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

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

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

<u>Use</u>	<u>Long Term Parking¹ Requirement</u>	<u>Short-Term Parking¹ Requirement</u>
<u>Dwelling Units (1 to 4 units)</u>	<u>None required</u>	<u>None required</u>
<u>Dwelling Units (five5 units or more)</u>	<u>1 space per three bedrooms</u>	<u>2, or 1 space per 40 bedrooms, whichever is greater</u>
<u>Group Living Accommodations, (Dormitories, Fraternity and Sorority Houses, Rooming and Boarding Houses, Transitional Housing)</u>	<u>2, or one1 space per 2.5 bedrooms, whichever is greater</u>	<u>2, or 1 space per 20 bedrooms, whichever is greater</u>
<u>¹ Long-Term Parking and Short-Term Parking shall meet the design standards included in Appendix F of the 2017 Berkeley Bicycle Plan, or as subsequently amended by the Transportation Division.</u>		

87

88 CD. The Zoning Officer in consultation with the City Traffic Engineer may modify the requirement with an
 89 Administrative Use Permit for Tourist Hotels in the C-DMU District. (Ord. 7475-NS § 3, 2016; Ord. 6478-NS § 4
 90 (part), 1999)

91 **23E.28.080 Location and Screening of Parking Spaces and Driveways [no changes]**

92 **23E.28.090 In-lieu Parking Fee [no changes]**

93 **23E.28.100 Transportation Services Fee [no changes]**

94 **23E.28.110 Payment and Collection [no changes]**

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

95 **23E.28.120 Use of TSF Funds [no changes]**

96 **23E.28.130 Parking Requirements for Change of Use and Expansions of Buildings in C,**
97 **M, MM, MU and R-SMU Districts [no changes]**

98 **23E.28.140 Required Findings for Parking Reductions Under Section [23E.28.130](#) for C**
99 **Districts [no changes]**

100 **23E.28.145 Required Findings for Parking Reductions Under Section [23E.28.130](#) for M,**
101 **MM, and MU Districts [no changes]**

101

102

Chapter 23B.44: Variances

1 **23B.44.010 Variances**

2 The Board may grant Variances to vary or modify the strict application of any of the
3 regulations or provisions of this Ordinance with reference to the use of property,~~;~~ the
4 height of buildings,~~;~~ the yard setbacks of buildings,~~;~~ the percentage of lot coverage,~~;~~
5 the lot area requirements,~~;~~ or the non-residential ~~the off-street~~ parking space
6 requirements of this Ordinance; provided, however, that a use permit, rather than a
7 variance, may be approved to vary or modify the strict application of any of the
8 regulations or provisions of this Ordinance with reference to the yard setbacks of
9 buildings,~~;~~ the percentage of lot coverage,~~;~~ or the non-residential off-street parking
10 space requirements of this Ordinance when development is proposed on property which
11 is located within thirty feet of an open creek and where varying from or modifying
12 existing regulations is necessary to enable the property owner to comply with BMC
13 Chapter 17.08, Preservation and Restoration of Natural Watercourses; provided, also,
14 that a use permit, rather than a variance, may be approved to reduce required off-street
15 parking for residential projects or residential portions of mixed-use projects not in
16 Berkeley Fire Zones 2 or 3. In Berkeley Fire Zones 2 or 3, residential off-street parking
17 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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23



Planning Commission

4

INFORMATION CALENDAR
September 24, 2019

To: Honorable Mayor and Members of the City Council
From: Planning Commission
Submitted by: Chris Schildt, Chairperson, Planning Commission and Jeff Vincent,
Chairperson, Workplan Subcommittee of the Planning commission
Subject: Planning Commission Workplan 2019-2020

INTRODUCTION

The City of Berkeley Planning Commission (PC) hereby submits its work plan for Fiscal Year 2019, pursuant to the Berkeley City Council's request.

CURRENT SITUATION AND ITS EFFECTS

Unlike other city commissions, the PC's workload is almost exclusively dictated by referrals from the City Council. Each year, the Council goes through an extensive referral ranking process, which shapes the prioritization of work for the PC. Thus, by design, the PC has far less latitude than other city commissions in setting its agenda. As of October 2019, the PC has a workload of more than 40 referrals from the City Council.

The PC's workplan organizes the referrals around three strategic areas of PC interest/outcome, as described below. Across these strategic outcome areas, the PC aims to **demonstrate state-wide leadership in promoting social equity, affordability, and climate resilience issues**. In some cases, this requires action to comply with new state laws, and in some cases, this may involve going "beyond" state laws to recommend local land use policy policies that the PC feels will achieve more equitable results than state requirements.

Strategic Outcome Areas:

1. **Increase affordable housing.** This includes retaining and expanding the stock of affordable housing available throughout the city. The commission has identified three mechanisms by which we can advance this strategic outcome:
 1. Modify development standards to create more affordable housing;
 2. Revise administrative procedures and levels of discretion to streamline affordable housing;
 3. Develop community benefits and other value capture mechanisms in order to maximize affordability in new development.

2. **Promote healthy, livable communities.** This includes ensuring Berkeley residents live in safe, healthy, and accessible communities with parks, schools, local businesses, and cultural institutions, and promoting healthy mobility options for all residents.
3. **Support community economic development and commercial vitality.** This includes preserving and enhancing Berkeley's thriving neighborhood commercial areas and ensuring a vibrant downtown.

Resources: Significant staff time is required to conduct the research, write reports, and draft zoning language. In some cases, consultants are brought on board to assist staff.

Activities: For each referral, the PC's action requires staff time for substantive reports on each topic within each referral as well as developing draft zoning language changes. Often the draft zoning language goes through multiple revisions across multiple PC meetings.

Outputs: On nearly all referrals, the PC output consists of recommendations to the City Council.

BACKGROUND

City Council has requested that each commission provide a workplan that explains the mission and goals of each appointed body. The mission of the PC, as outlined in the City Charter, reads:

"The Commission recommends modifications to the City of Berkeley General Plan and related policy documents. All Zoning Ordinance amendments are developed through this Commission and recommended to the City Council. Other purviews include subdivision map consideration and review and comments on substantial projects from surrounding jurisdictions."

Members of the PC have discussed their goals and prioritized three strategic outcomes to guide their 2019-2020 work as described above: 1) Increase affordable housing; 2) Promote healthy, livable communities; and 3) Support community economic development and commercial vitality.

At its meeting of May 1, 2019, the PC voted to adopt this workplan with Commissioner Vincent's edits and send it to City Council. [Vote: 9-0-0-0; Ayes: Beach, Fong, Kapla, Lacey, Martinot, Twu, Vincent, Wrenn, Wiblin. Noes: None. Abstain: None. Absent: None. Motion/Second: Kapla/Vincent]

The attached Planning Commission Workplan Table 2019-2020 (*see Attachment 1*) shows prioritized referrals, referrals awaiting action from other commission(s), referrals ranked by City Council that are slated for PC action to begin after the current work planning period (ending June 2020) based on resources and capacity, and referrals not

ranked by City Council for 2019-2020 work plan but which will be added to PC work schedule in priority order once ranked by Council.

The PC's pace in working through City Council referrals is determinant on staff support. The Long Range Policy Group has just hired three fulltime staff planners that will support the workload of the PC.

ENVIRONMENTAL SUSTAINABILITY

The PC's workplan aids in advancing the city's goals around sustainability and greenhouse gas reduction.

CONTACT PERSON

Alene Pearson, Commission Secretary, Land Use Planning Division, 510-981-7489

Attachments:

1: Planning Commission Workplan Table 2019-2020

REFERRALS to Planning Commission by the City Council	RANKING* - RRV & HAP	STRATEGIC OUTCOME AREAS			Waiting on other Commission or Department
		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	
A. Referrals Prioritized by PC for 2019-2020 Workplan					
Moderate Impact Home Occupations	started			x	
Cannabis Package	started & short-term		x	x	
Density Bonus Package / Objective Standards	started	x			JSISHL
Student Housing Package	started	x			
Adeline Plan (Community Benefits/Land Value Capture/Auto Uses/Opportunity Zone Overlay)	started	x	x		
Streamline Permitting for Affordable Housing	started	x			
Zoning Ordinance Revision Project Phase 1 & 2	started		x		
Parking Reform (GAH & Green Dev Stds)	started	x	x		
Flexible Ground Floor Uses	started	x			
Housing Linkage Fees	started (short-term)	x			
Toxic Remediation Regulations	started		x		
North Berkeley BART Zoning	started	x	x		
Fee Waivers for Housing Trust Fund Projects	started (short term)	x			

B. Referrals Awaiting Action by Other Commission(s)					
Green Stormwater Requirements from CEAC	CEAC started		x		CEAC
Air Pollution Performance Standards from CEAC	CEAC started		x		CEAC
Expand boundaries of Downtown Arts District	OESD started			x	OED

REFERRALS to Planning Commission by the City Council	RANKING* - RRV & HAP	STRATEGIC OUTCOME AREAS			
ADUs in very high fire zones	43		x		Fire
Denial of Permits to Violators	52		x		HAC

C. Referrals ranked by City Council, work to begin after end "started" projects, based on resources and capacity		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	Waiting on other Commission or Department
Gentrification/Displacement Research & Workshop	1	x	x		
Residential Development Standards (Missing Middle Research)	2	x	x		
AHMF modifications to calculations	4	x			
San Pablo Ave Specific Area Plan	6		x		
Junior ADUs	8				
Development Agreements	10			x	
Urban Forestry Ordinance	15		x		
Demolition Ordinance	HAP 16	x			
ADA Improvements in ADUs	18		x		
AHMF modifcaiton: condo conversion existing tenants	24	x			
ADU Mods	30 / HAP 13		x		
Inclusionary Requirement for Live/Work	33	x			
Lower discretion for internal remodeling	42		x		
Beer and wine service in the M-districts	46			x	
ADUs for Homeless	59	x			

REFERRALS to Planning Commission by the City Council	RANKING* - RRV & HAP	STRATEGIC OUTCOME AREAS			Waiting on other Commission or Department
		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	
D. Referrals not ranked by City Council for 2019-2020 work plan; will be added to work schedule once ranked based on ranking.					
Mini Dorms (student housing)	NR	x			
Arcade Uses in Elmwood	NR			x	
Cannabis Use in Live/Work	NR			x	

* "started" is a referral on which substantive work began before last Council RRV, thus not subject to re-ranking. If blank, the referral has not yet been ranked by the City Council

NOTE: Many of these referrals touch on all 3 strategic outcome areas.

Key:

- ADU = Accessory Dwelling Unit
- AHMF = Affordable Housing Mitigation Fee
- GAH = Green Affordable Housing
- HAP = Housing Action Plan
- NR = Not Ranked in 2019

City Council Annotated Agendas
Comprehensive Cannabis

- January 28, 2020
- February 11, 2020

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, January 28, 2020
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 6:15 p.m.

Present: Kesarwani, Harrison, Robinson, Droste, Arreguin

Absent: Davila, Bartlett, Hahn, Wengraf

Councilmember Davila present at 6:17 p.m.

Councilmember Wengraf present at 6:20 p.m.

Councilmember Bartlett present at 6:24 p.m.

Ceremonial Matters:

1. Recognition of the Young Musicians Choral Orchestra
2. Recognition of John McNamara, Local Artist
3. Recognition of Raquel Pinderhughes, Local Activist Scholar
4. Adjourned in memory of John Kelly, City Employee
5. Adjourned in memory of Kobe Bryant and the other victims of the January 26 helicopter accident
6. Adjourned in memory of the victims of the earthquake in Turkey

City Manager Comments:

1. Update on local preparations for coronavirus

Public Comment on Non-Agenda Matters: 7 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 32 speakers.

Consent Calendar

Action: M/S/C (Arreguin/Robinson) to accept revised material from the City Manager on Item 5.

Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Hahn.

Action: M/S/C (Droste/Kesarwani) to adopt the Consent Calendar in one motion except as indicated.

Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Hahn.

Recess 8:25 p.m. – 8:42 p.m.

Consent Calendar

- Contract: Lake Research Partners for 2020 Community Survey**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to approve a contract and any amendments with Lake Research Partners to develop and perform one (1) or two (2) surveys of registered voters, provide the associated analysis and reports, and any required polling services. The contract would be for a one year period, starting January 29, 2020 through January 31, 2021 for a total not to exceed amount of \$75,000.
Financial Implications: General Fund - \$75,000
Contact: Matthai Chakko, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 69,273–N.S.
- Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on January 28, 2020**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: T1-Green Infrastructure Fund- \$462,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

Consent Calendar

- 3. Participation Agreement with Pension Stabilization Trust for an IRS Section 115 Trust Fund**
From: City Manager
Recommendation: Adopt a Resolution repealing and replacing Resolution No. 68,853-N.S. and authorizing the City Manager, as City's Plan Administrator, to enter into a Participation Agreement with Pension Stabilization Trust (PST), an IRS Section 115 Trust Fund; and authorizing the City's Plan Administrator to execute the legal and administrative documents on behalf of the City and to take whatever additional actions are necessary to enter into a Participation Agreement with PST.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Adopted Resolution No. 69,274–N.S.
- 4. Contract No. 3200086 Amendment: Albany Community Access to Resources and Services (Albany CARES)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 3200086 with the Albany Community Access to Resources and Services (Albany CARES) in an amount not to exceed \$50,000 for a total not to exceed contract amount of \$100,000, through June 30, 2020.
Financial Implications: Mental Health Services Act - \$50,000
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,275–N.S.
Vote: Ayes – Kesarwani, Davila, Harrison, Wengraf, Robinson, Droste, Arreguin; Noes – Bartlett; Abstain – None; Absent – Hahn.
- 5. Jointly Apply for Infill Infrastructure Grant Funding for 1601 Oxford**
From: City Manager
Recommendation: Adopt two Resolutions that enable Satellite Affordable Housing Associates to access State of California Infill Infrastructure Grant (IIG) funds for its 1601 Oxford project by:
1. Authorizing the City Manager to prepare and submit a joint application for IIG funds; and
2. Authorizing the City Manager to take actions needed for the City's participation in the IIG program by adopting state-required terms about submitting an application, entering into the State's Standard Agreement and other documents.
Financial Implications: See report
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400
Action: Adopted Resolution No. 69,276–N.S. (Joint Application); and Resolution No. 69,277–N.S. (Participation) as amended in the revised materials submitted by the City Manager at the meeting to use the resolution template required by the state.

Consent Calendar

6. **Disposition of City-Owned, Former Redevelopment Agency Property at 1631 Fifth Street** *(Reviewed by the Land Use, Housing & Economic Development Committee)*

From: City Manager

Recommendation: Adopt a Resolution authorizing the sale of the City-owned, former Redevelopment Agency property at 1631 Fifth Street at market rate and authorizing the City Manager to contract with a real estate broker to manage the sale.

Financial Implications: See report

Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400

Action: Moved to Action Calendar. Item 6 held over to February 11, 2020.

7. **Agreement with the East Bay Municipal Utility District for Pavement Rehabilitation of Portions of Ellsworth Street and Stuart Street**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a cost sharing Agreement with the East Bay Municipal Utility District for the pavement rehabilitation on Ellsworth Street and Stuart Street during construction of the East Bay Municipal Utility District's Wildcat Pipeline Improvement Project in an amount not to exceed \$855,264 which includes a 20% contingency.

Financial Implications: Street Capital Improvement - \$855,264

Contact: Phillip Harrington, Public Works, (510) 981-6300

Action: Adopted Resolution No. 69,278–N.S.

Council Consent Items

8. **2020 City Council Committee and Regional Body Appointments**

From: Mayor Arreguin

Recommendation: Adopt a Resolution approving the appointment of Council representatives to City Council Standing Policy Committees, Partnership Committees, Regional Bodies and Liaisons to City Boards and Commissions for a one-year term ending January 31, 2021 or until new appointments are made.

Financial Implications: None

Contact: Jesse Arreguin, Mayor, (510) 981-7100

Action: Adopted Resolution No. 69,279–N.S.

Council Consent Items

9. **Support the “New Border Vision” to expand public safety, protect human rights, and welcome people to our city**
From: Mayor Arreguin and Councilmembers Harrison, Hahn, and Robinson
Recommendation: Adopt a resolution supporting the “New Border Vision”, a 21st century border policy that begins with the belief that migrants are part of the human family and should be treated with dignity and respect. Send a copy of the Resolution to U.S. Senators Dianne Feinstein and Kamala Harris, Congresswoman Barbara Lee and President Donald Trump.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: Adopted Resolution No. 69,280–N.S. as revised in Supplemental Communications Packet #1.
10. **Dorothy Day House First Annual Fundraiser: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Davila
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$150 from Councilmember Cheryl Davila, to Dorothy Day House for their First Annual Fundraiser on February 7, 2020 with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Davila, the Mayor and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - \$150
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: Adopted Resolution No. 69,281–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$250; Councilmember Harrison - \$150; Councilmember Wengraf - \$150; Councilmember Bartlett - \$250; Councilmember Robinson - \$100.
11. **Letter in Support of a Dedicated Bus Lane on the Bay Bridge**
From: Councilmember Robinson and Mayor Arreguin
Recommendation: Send a letter to the California Department of Transportation (Caltrans), the Metropolitan Transportation Commission (MTC), Assemblymember Buffy Wicks, Assemblymember Rob Bonta, Assemblymember Jim Frazier, State Senator Nancy Skinner, and Senator Jim Beall in support of the reinstatement of a dedicated bus lane on the San Francisco-Oakland Bay Bridge.
Financial Implications: See report
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
Action: Councilmembers Kesarwani and Droste added as co-sponsors. Approved recommendation as revised in Supplemental Communications Packet #2.

Action Calendar – Public Hearings

12. Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, provide direction regarding proposed ordinance language alternatives and take the following action: Adopt the first reading of five ordinances to amend the Berkeley Municipal Code (BMC) Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F which would:

- A. Allow new business types (Delivery-Only Retailers, Consumption Lounges);
- B. Allow Retailers to continue to operate as Microbusinesses;
- C. Clarify cannabis business operational standards and development standards, such as quotas and buffers, for Storefront Retailers;
- D. Allow more opportunities for Commercial Cultivation by expanding location options; and
- E. Protect the health of the general public and youth with additional advertising, signage and sales regulations.

Financial Implications: See report

Contact: Timothy Burroughs, Planning and Development, (510) 981-7400

Action: M/S/C (Arreguin/Kesarwani) to suspend the rules and extend the meeting to 11:30 p.m. and hold over Item 6 and Item 15 to February 11, 2020.

Vote: Ayes – Kesarwani, Bartlett, Harrison, Robinson, Droste, Arreguin; Noes – Davila, Wengraf; Abstain – None; Absent – Hahn.

Public Testimony: The Mayor opened the public hearing. 44 speakers.

Action: M/S/C (Arreguin/Kesarwani) to approve the Staff recommendation to adopt the first reading of five ordinances (1. Ordinance No. 7,686-N.S. amending BMC Title 12 (Health and Safety); 2. Ordinance No. 7,687-N.S. amending BMC Chapter 20.40 (Cannabis Business Signs and Cannabis Product Advertising); 3. Ordinance No. 7,688-N.S. amending BMC Chapter 23C.25 (Cannabis Uses); 4. Ordinance No. 7,689-N.S. amending BMC Sub-Title 23E (Provisions Applicable in All Non-Residential Districts); 5. Ordinance No. 7,690-N.S. amending BMC Sub-Title F (Definitions)) to amend the Berkeley Municipal Code which would:

- A. Allow new business types (Delivery-Only Retailers, Consumption Lounges);
- B. Allow Retailers to continue to operate as Microbusinesses;
- C. Clarify cannabis business operational standards and development standards, such as quotas and buffers, for Storefront Retailers;
- E. Protect the health of the general public and youth with additional advertising, signage and sales regulations.

With the following amendments:

- **Page 17, Section 12.22.035**
Approve Alternative A: Staff Recommendation to omit language

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, February 11, 2020
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 6:22 p.m.

Present: Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: None

Report from Closed Session:

The City Council met in closed session and authorized the City Attorney to settle Clay v. City of Berkeley, Superior Court of California County of Alameda, Case No. RG-18-897070 for \$75,000.

Ceremonial Matters:

1. Recognition of Mansour Id-Deen
2. Recognition of Berkeley Community Media
3. Recognition of Former Berkeley Firefighter, Richard Ellison
4. Recognition of Former Berkeley Firefighter, Gene Lavon-Smith
5. Adjourn in memory of Ove Wittstock, Berkeley Commissioner and Activist
6. Adjourn in memory of Herbert Roberts, Berkeley Resident

City Manager Comments: None

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Action: M/S/C (Arreguin/Robinson) to accept revised material from Mayor Arreguin on Item 2.

Vote: All Ayes.

Public Comment on Consent Calendar and Information Items Only: 30 speakers.

Action: M/S/C (Davila/Robinson) to adopt the Consent Calendar in one motion except as indicated.

Vote: All Ayes.

Consent Calendar

1. **Approving a Partial Assignment and Third Amendment to the Disposition and Development Agreement, Ground Leases, and Certain Related Documents for 2012 Berkeley Way**

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,684-N.S. approving a Partial Assignment and Third Amendment to the Disposition and Development Agreement for 2012 Berkeley Way, the three ground leases outlined in the Disposition and Development Agreement, and two Reciprocal Easement, Maintenance and Joint Use Agreements required for project operations.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400

Action: Adopted second reading of Ordinance No. 7,684-N.S.

Consent Calendar

2. Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F

From: City Manager

Recommendation: Adopt second reading of five ordinances (1. Ordinance No. 7,686-N.S. amending BMC Title 12 (Health and Safety); 2. Ordinance No. 7,687-N.S. amending BMC Chapter 20.40 (Cannabis Business Signs and Cannabis Product Advertising); 3. Ordinance No. 7,688-N.S. amending BMC Chapter 23C.25 (Cannabis Uses); 4. Ordinance No. 7,689-N.S. amending BMC Sub-Title 23E (Provisions Applicable in All Non-Residential Districts); 5. Ordinance No. 7,690-N.S. amending BMC Sub-Title F (Definitions)) to amend the Berkeley Municipal Code which would:

- A. Allow new business types (Delivery-Only Retailers, Consumption Lounges);
- B. Allow Retailers to continue to operate as Microbusinesses;
- C. Clarify cannabis business operational standards and development standards, such as quotas and buffers, for Storefront Retailers;
- D. Allow more opportunities for Commercial Cultivation by expanding location options; and
- E. Protect the health of the general public and youth with additional advertising, signage and sales regulations.

First Reading Vote: Ayes – Kesarwani, Davila, Bartlett, Harrison, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Hahn.

Financial Implications: See report

Contact: Timothy Burroughs, Planning and Development, (510) 981-7400

Action: Adopted first reading of Ordinance No. 7,686-N.S. amended to add the following sentence to the text of the required notice in Section 12.22.040.E.7 “Driving while under the influence of cannabis is illegal.” and add the following language to Section 12.22.040.E.7, “This notice shall be reviewed and updated annually by the Berkeley Public Health Department, who shall review the warning requirements and update them as needed to reflect current science on cannabis risks and science on the most effective means to communicate warnings.” Second reading scheduled for February 25, 2020.

Amended the referral to the City Manager to read: 1) determine if the City can require businesses to post notices on their website, and 2) direct the Berkeley Public Health Department to review the issue of flavored cannabis products for combustion or inhalation, and cannabis products whose names imply that they are flavored, and review any additional ingredients that may be hazardous, whether natural or artificial, including vitamin E acetate in inhalation products, and make recommendations for action.

Adopted second reading of Ordinance No. 7,687-N.S. amending BMC Chapter 20.40 (Cannabis Business Signs and Cannabis Product Advertising); Ordinance No. 7,688-N.S. amending BMC Chapter 23C.25 (Cannabis Uses); Ordinance No. 7,689-N.S. amending BMC Sub-Title 23E (Provisions Applicable in All Non-Residential Districts); Ordinance No. 7,690-N.S. amending BMC Sub-Title F (Definitions).

Vote: Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila; Absent – None.



Office of the City Manager

PUBLIC HEARING
January 28, 2020

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Timothy Burroughs, Director, Planning and Development Department
Subject: Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F

RECOMMENDATION

Conduct a public hearing and upon conclusion, provide direction regarding proposed ordinance language alternatives and take the following action:

Adopt the first reading of five ordinances to amend the Berkeley Municipal Code (BMC) Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F which would:

- A. Allow new business types (Delivery-Only Retailers, Consumption Lounges);
- B. Allow Retailers to continue to operate as Microbusinesses;
- C. Clarify cannabis business operational standards and development standards, such as quotas and buffers, for Storefront Retailers;
- D. Allow more opportunities for Commercial Cultivation by expanding location options; and
- E. Protect the health of the general public and youth with additional advertising, signage and sales regulations.

SUMMARY

The proposed cannabis ordinances would revise definitions and establish operating standards for new and existing cannabis businesses in Berkeley, and include new regulations based on commission recommendations, Council direction, and Resolution 68,326-N.S., which established Berkeley as a sanctuary city for recreational cannabis use. The new ordinances would fully address new uses (Delivery-Only Retailers, Consumption Lounges and Retail Storefront Microbusinesses¹), and modify development standards and signage requirements for existing uses.

The proposed ordinances were reviewed by the Cannabis Commission (CC) and the Community Health Commission (CHC). The Planning Commission (PC) also reviewed

¹ Microbusinesses are businesses that are vertically integrated and comprise at least three of the following four commercial cannabis activities: Cultivation (up to 10,000 square feet); Retailer; Distributor; and Manufacturer (Type 6, non-volatile solvents only).

changes related specifically to the Zoning Ordinance (BMC Title 23). The minutes from those meetings contain the recommendations from the respective commissions and are included as Attachment 7 to this report. Communications from each of the commissions, containing the rationale behind the recommendations, are also included here as Attachment 8. Where commission recommendations differ from staff recommendations, alternative language is provided within each ordinance for Council consideration.

FISCAL IMPACTS OF RECOMMENDATION

The new regulations would have fiscal impacts related to the cost of staff time necessary to monitor new cannabis businesses and activities, and revenue impacts of having additional cannabis businesses paying permit fees and taxes to the City.

Costs

City staff would be responsible for reviewing and issuing business licenses and operating permits and responding to community questions and concerns. Businesses would be subject to at least two inspections per year to determine compliance with local regulations; costs would be covered by permit fees. The department primarily involved in reviewing and issuing operating permits and inspecting businesses would be Health, Housing and Community Services (Environmental Health Division). Indirect costs may be incurred by the Public Health Division if staff develop cannabis-related public health impact assessments and/or public health campaigns.

Revenue

In FY 2019, cannabis businesses generated \$1,809,820 in business license taxes, comprising \$641,019 from medical cannabis receipts and \$1,168,800 from adult-use cannabis receipts. Additional cannabis businesses could result in additional revenue.

CURRENT SITUATION AND ITS EFFECTS

The proposed ordinance would modify regulations and address uses which are not in the current ordinance, including Delivery-Only Retailers and Lounges. Amendments to Title 12 (Health and Safety) of the Berkeley Municipal Code would add definitions for new uses, add new operational standards for Retailers, and specify consumption regulations. Amendments to the Zoning Ordinance would adopt development standards for Delivery-Only Retailers and Lounges, modify development standards for Retailers, and establish buffers and locations for Cultivators, per Council direction.

The following are synopses of each proposed change to Berkeley's cannabis ordinances. The ordinance language reflects staff recommendations developed by a working group which included representatives from Planning, Police, Finance, Public Health, Environmental Health, and Economic Development. The group attempted to balance the issues from each unique perspective to reach recommendations which best serve the interests of the residents of Berkeley. In cases where a commission's recommendation differs from that of staff, alternatives are provided. Refer to

attachments noted in the text below to review specific ordinance language and alternatives. *In cases where a commission's recommendation differs from that of staff, alternatives are provided. Refer to attachments noted in the text below to review specific ordinance language and alternatives.*

A. Amendments to Title 12 (Health & Safety) of the Berkeley Municipal Code to modify general regulations and specific operating standards for cannabis businesses and activities (see Attachment 1)

The proposed ordinance would:

- Modify the existing Chapter 12.21 (Cannabis Businesses: General Regulations) to add definitions to the BMC related to Consumption Lounges (Lounges) and Retail Storefront Microbusinesses.
- Modify the existing BMC Chapter 12.22 (Cannabis Business Operating Standards) to specify where commercial on-site consumption could occur and the signage regulations for Retail Storefront Microbusinesses.

The following subsections include options based on recommendations by one or more Commissions (see Attachments 7 and 8 for more details):

12.22.035 – Prohibition of Products Attractive to Children and Youth

Description: The Community Health Commission recommended additional provisions on the prohibition of the production or sale of products in Berkeley that could appeal to youth (see 12.22.035 in Attachment 1).

- ***Staff Recommendation (Alternative A): Staff did not include additional provisions because State regulations already prohibit packaging and labelling attractive to children, as well as advertising that appeals to children. The State regulations include prohibiting the use of cartoons, images, characters or phrases that are popularly used to advertise to children, and the terms “candy”, “candies” or variants in spelling such as “kandy” or kandeez”.² Cannabis businesses that violate state regulations are subject to fines, suspension and/or revocation of the State license.***
- *Alternative Recommendation (Alternative B):* The CHC recommended alternative language in order to protect youth.

² For more detailed information, see Section 5303(a)(1)(D) in the Bureau of Cannabis Control (BCC) regulations (<https://cannabis.ca.gov/wp-content/uploads/sites/13/2019/01/Order-of-Adoption-Clean-Version-of-Text.pdf>) and Sections 40300(k) and (m) and 40410(b) in the CA Department of Public Health regulations (https://www.cdph.ca.gov/Programs/CEH/DFDCS/MCSB/CDPH%20Document%20Library/DPH17010_FinalClean.pdf).

12.22.040.E – Retailer Signage

Description: The Community Health Commission recommended adding additional requirements for flyers and signage to be displayed in Storefront Retailers and distributed to delivery customers warning of possible health and legal implications of cannabis use for the general public, immigrants, parolees, and persons under the age of 21 (see 12.22.040.E in Attachment 1). Signage is already required to explain: 1) Dangers of operating heavy machinery while using cannabis; 2) Lack of testing for health, safety or efficacy and potential for health risks; 3) Provision of medical cannabis only to Qualified Patients and their Primary Caregivers; 4) Illegality of diversion of medicinal cannabis for non-medical purposes; and 5) Illegality of diversion of cannabis to persons under the age of 21 (see 12.22.040.E in Attachment 1).

- **Staff Recommendation (Alternative A): Staff did not include these restrictions because the City already requires five warning notices designed to address health and safety risks.**
- **Alternative Recommendation (Alternative B): The CHC recommended additional signage to address health issues and legal issues not currently covered.³**

12.22.040.F.2 – Consumption of Cannabis⁴

Description: Allow consumption of cannabis at a Lounge, located within a Storefront Retailer. Smoking and vaping would only be permitted at Lounges equipped with a ventilation system capable of removing all detectable odors, smoke, and by-products of combustion (see 12.22.040.F.2 in Attachment 1).

- **Staff Recommendation (Alternative A): Staff recommended allowing consumption of cannabis at Lounges because cannabis consumption is prohibited in public, in most businesses, and in many apartments. Providing a place to consume cannabis legally is important for patients who have no other options. The Police Department enforces driving under the influence by watching for impaired drivers city-wide (e.g., due to consumption of alcohol, cannabis, prescription drugs, etc.). The City's Public Health staff expressed concern that allowing smoking or vaping in a commercial store will expose workers to second-hand smoke and conflicts with the City's smoke free workplace ordinance (BMC Section 12.70.040).**

³ If required, additional warnings would need to be vetted by the City's Public Health Division to ensure they reflect current scientific understanding.

⁴ The Council should note that the Berkeley Health Code prohibits smoking and vaping in public places, including retail stores, restaurants, bars and recreation areas (BMC Chapter 12.70). Per State law, cannabis smoking and vaping is prohibited where tobacco smoking and vaping is prohibited. If the Council adopts regulations allowing cannabis smoking or vaping in public areas, including cannabis Lounges, the Health Code will need to be amended before that portion of the ordinance can take effect.

- *Alternative Recommendation (Alternative B):* The CHC did not recommend allowing cannabis consumption at a place of business because of the risk of secondary exposure to cannabis smoke and vapor and the risk of impaired driving. The CHC believes that public consumption would undermine City policies that promote smoke-free air and reduce social normalization of smoking.

12.22.040.J – Restrictions on Products at Retailers

Description: The Community Health Commission recommended prohibiting the sale of flavored smoking and vaping products, flavored cannabis-infused beverages, and non-cannabis merchandise branded with cannabis businesses or products (see 12.22.040.J in Attachment 1).

- ***Staff Recommendation (Alternative A): Staff did not recommend expanding State restrictions on products that may be sold by a Retailer because additional restrictions would only apply to Berkeley businesses, requiring special monitoring and putting them at a competitive disadvantage to businesses located in other jurisdictions.***
- *Alternative Recommendation (Alternative B):* The CHC recommended this additional restriction to limit the promotion and normalization of cannabis in the community, which has a direct impact on youth.

B. Amendments to Chapter 20.40 of the BMC to establish cannabis business signs and cannabis product advertising regulations (see Attachment 2)

The proposed ordinance would add regulations for Delivery-Only Retail signage and prohibit logos depicting cannabis or cannabis products on business signage.

The following subsections include options based on recommendations by one or more of the Commissions:

20.40.130.D – Logos on Signage

Description: Prohibit new depictions of cannabis or cannabis products (such as leaves, joints, green crosses) on business signage. Existing businesses whose current logos incorporate cannabis or cannabis products and that was based in Berkeley prior to 2020 will be allowed to use their logo on signage (see 20.40.130.D in Attachment 2).

- ***Staff Recommendation (Alternative A): This prohibition would reduce the visual presence of cannabis advertisements in order to reduce the normalization of cannabis which has a direct effect upon youth.***
- *Alternative Recommendation (Alternative B):* The CC recommended treating cannabis businesses like other businesses and not placing additional restrictions on signage.

C. Amendments to Chapter 23C.25 of the BMC to clarify and modify the cannabis land use ordinance (see Attachment 3)

The ordinance would rescind the current Chapter 23C.25 and readopt it to:

1. Modify Section .010 to add regulations for Retailer locations, add discretion and buffers for Storefront Retailers, and add regulations for Lounges and Storefront Retailers.⁵
2. Add Subsection C to provide development standards for Delivery-Only Retailers. See paragraph below for discussion of limitations on the number of Delivery-Only Retailers.⁶
3. Modify Section .020 to allow Cultivation uses outside the Manufacturing (M) District.⁷
4. Reformat the Chapter to make it easier to understand. These changes reword or re-order regulations, but do not change policy direction.

Limitations on the Number of Delivery-Only Retailers. Subsection C contains two Sections (23C.25.010.C.1 and 23C.25.010.C.4), which relate to quotas and location restrictions for Delivery-Only Retailers. These regulations are designed to limit the number of these businesses, either citywide or in manufacturing districts. In order to ensure regulations in these two sections are not in conflict, advantages and disadvantages of each are presented here in one place. The specific staff and commission recommendations for these issues will be addressed under the specific ordinance section.

The initial decision points are 1) whether a limit on the number of Delivery-Only Retailers is desired, and 2) whether that limit should be applied citywide or only in manufacturing districts. Staff has identified the following advantages and disadvantages to consider.

Advantages of Limitations	Disadvantages of Limitations
<ul style="list-style-type: none"> • Prevents impacts from too many businesses locating in the city or in a particular district. • Limits competition of well-funded cannabis businesses with artists and manufacturers for tenant spaces in manufacturing districts. 	<ul style="list-style-type: none"> • Limits tax revenue by restricting potential businesses. • Often requires a selection process to determine which businesses can operate in the city/district. • Conflicts with current practice of removing quotas on businesses.

^{5, 6, 7} Policy changes shown in **BOLD** in the Ordinance (Attachment 3)

	<ul style="list-style-type: none"> • Limits opportunities for microbusinesses by limiting areas where three cannabis business types can operate. • Further constrains location options for Delivery-Only Retailers, as many property owners do not want to lease to cannabis businesses.
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If the Council decides that a limit is necessary, then a method for achieving that limit needs to be determined. Staff has identified three general methods that could be used to limit businesses within Berkeley: Numeric limits (quotas); Concentration limits (buffers); and Operator limits (ownership restrictions). These methods can be used separately or together, based on the intention of the limit. See the table below for the advantages and disadvantages of each method.

Limiting method	Examples of method	Advantages	Disadvantages
Numeric limit (quota)	<ul style="list-style-type: none"> • Create citywide cap on number of businesses • Create district specific cap on number of business 	<ul style="list-style-type: none"> • Public will know exactly how many businesses are permitted • Easy to describe 	<ul style="list-style-type: none"> • Artificially limits businesses, regardless of demand. • Requires staff time to monitor the number of businesses.
Concentration limits (buffers)	<ul style="list-style-type: none"> • Require businesses to be a certain distance from uses or sites, such as schools, parks, similar businesses, etc. 	<ul style="list-style-type: none"> • Keeps businesses away from sensitive uses • Prevents over-concentration of businesses 	<ul style="list-style-type: none"> • Limits businesses locating in areas that otherwise would be deemed appropriate. • Potentially pushes businesses into less desirable areas (i.e. closer to schools) when more appropriate locations are taken. • Requires staff time to track business locations. • Is more difficult for applicants to find locations. • Significantly limits the ability of microbusinesses to locate in Berkeley.

Limiting method	Examples of method	Advantages	Disadvantages
Operator limits (ownership restrictions)	<ul style="list-style-type: none"> Restrict businesses to those meeting a particular criteria (small business, equity business) 	<ul style="list-style-type: none"> Gives additional business opportunities to owners deemed in need of support. 	<ul style="list-style-type: none"> Potentially exceeds the number of candidates expected. Reasoning for the restriction needs to meet legal standards.

The following subsections include options based on recommendations by one or more of the Commissions:

23C.25.010.A.3 – Cannabis Retailer Location Changes

Description: Require Retailers to be in good standing with State and local laws in order to be considered for a change in location (see 23C.25.010.3 in Attachment 3).

- **Staff Recommendation (Alternative A):** Staff will confirm compliance with safety and operational standards prior to considering locational changes.
- **Alternative Recommendation (Alternative B):** The CC did not recommend staff check compliance prior to considering locational changes.

23C.25.010.B.6 – Cannabis Storefront Retailer Buffers

Description: Require buffers between Storefront Retailers and the following uses:

- Public or private elementary schools (K-5) = 600 feet
- Public or private middle or high schools = 1,000 feet
- City-operated community centers and skate parks = 600 feet
- Other Retailers = 600 feet

See Attachment 6 for maps depicting the staff recommendation and other options.

- **Staff Recommendation (Alternative A):** This provision incorporates input received from the City Council at the October 2018 Work Session. This recommendation is intended to protect youth while providing opportunities for cannabis businesses to locate within the city.
- **Alternative Recommendation (Alternative B):** The CC did not recommend this requirement. The CC believes the current Storefront Retailer buffer from schools, which is that Storefront Retailers may not be located within 600 feet of another

Storefront Retailer or school – paired with the 21 and older age limit -- are adequate to protect youth from entering a Storefront Retailer.

- *Alternative Recommendation (Alternative C):* The CHC recommended a 1,000-foot buffer from all schools, including junior colleges, colleges, and universities, as well as buffers around parks and libraries. Those additional restrictions are intended to limit cannabis availability in places that children, youth and young adults frequent.
- *Alternative Recommendation (Alternative D):* The PC recommended adopting the staff recommendation (Alternative A), but maintaining the current buffer (Alternative B) until after the proposed Equity Candidate (the seventh Cannabis Storefront Retailer) has selected a location, for the sake of equity.

23C.25.010.C.1 – Delivery-Only Retailers Quota

Description: Determine whether a numeric limit (“quota”) should be established for Delivery-Only Retailers, and if so, what the quota should be.

- ***Staff recommends a quota of seven Delivery-Only Retailers, and setting aside all of the permits for Equity Businesses, subject to a selection process. This quota would result in a ratio of one Delivery-Only Retailer per 17,475 residents. This quota is based on the City of Davis’s regulations (4 businesses, or 1 business/17,322 residents), and also matches the averaged business/resident ratios in Oakland and San Francisco (1 business/18,060 residents). The quota could be revisited after three years to determine if the number should be modified or if permits should be made available to non-Equity Businesses.***
- *Alternative Recommendation (Alternative A):* The CC recommended no quota for Delivery-Only Retailers because these businesses should be treated like other businesses and not subject to an arbitrary limit.
- *Alternative Recommendation (Alternative B):* The PC recommended a quota of 10 Delivery-Only Retailers, and setting aside at least half for Equity Businesses.
- *Alternative Recommendation (Alternative C):* The CHC recommended a quota of two Delivery-Only Retailers, both Equity Businesses.

23C.25.010.C.4 – Delivery-Only Retailers in M, MM and MU-LI Districts

Description: Permit Delivery-Only Retailers in Manufacturing (M), Mixed Manufacturing (MM) and Mixed-Use Light Industrial (MU-LI) Districts subject to the standards for Warehouse-Based Non-Store Retailers (WBNSR) (i.e. Wine.com, Amazon fulfillment centers, etc.).

- ***Staff Recommendation (Alternative A): Staff recommends that Delivery-Only Retailers be allowed to locate in M, MM and MU-LI, due to similar operational needs and functions as WBNSR. They would be subject to***

buffers and a recommended citywide quota of seven. This recommendation will also allow opportunities for Microbusinesses to establish in Berkeley. Other cannabis businesses (manufacturers, distributors and testing labs) already locate in these districts without quota restrictions and have not resulted in significant changes to the variety of businesses located in these areas. Delivery-Only Retailers would also be allowed in all commercial districts except the Neighborhood Commercial (C-N), subject to the regulations outlined in Sub-Section 23C.25.010.C.

- **Alternative Recommendation (Alternative B):** The PC recommended allowing Delivery-Only Retailers in all C-prefixed districts except C-N, but limiting them to the M District in order to protect manufacturers and artists in the MM and MU-LI Districts from being displaced by cannabis businesses.

23C.25.010.D – Lounges

Description: Allow public consumption at Lounges. Smoking and vaping could only occur at Lounges equipped with a ventilation system capable of removing all detectable odors, smoke and by-products of consumption (see 23C.25.010.D in Attachment 3).

- **Staff Recommendation (Alternative A): Cannabis consumption is prohibited in public, in most businesses, and in many apartments. Staff recommends this language because providing a place to consume cannabis legally is important for patients who have no other options.**
- **Alternate Recommendation (Alternative B):** The CC agreed with staff and recommended adding language to reference State law.
- **Alternate Recommendation (Alternative C):** The CHC did not recommend language that allows cannabis consumption at Lounges because of the risk of secondhand smoke and vapor exposure, and the risk of impaired driving. The CHC believes that public consumption would undermine City policies that promote smoke-free air and reduce social normalization of smoking.

23C.25.020 – Cultivation Locations

Description: Allow Cultivation businesses to locate in the MM and MU-LI Districts (see 23C.25.020 in Attachment 3).

- **Staff Recommendation (Alternate A): Staff recommends this expansion of cultivation areas. Commercial cannabis cultivation is currently only allowed in the M District, has a citywide cap of 180,000 square feet, and is prohibited outside of a building. According to research conducted by the CC in 2014, the M District has limited rental space, a low vacancy rate, and few property owners willing to rent to cannabis businesses. No cultivation businesses have located in Berkeley since they were approved by Council**

in 2016; expansion to the MM and MU-LI Districts could create an opportunity for these businesses to find viable locations in Berkeley. Cultivation businesses are not considered warehouse or manufacturing uses and will not be able to replace protected uses, such as manufacturers and artists.

- *Alternative Recommendation (Alternative B):* The CC agreed with the staff recommendation, but also recommended allowing outdoor commercial cultivation, as indoor cultivation is very expensive and energy intensive.
- *Alternative Recommendation (Alternative C):* The PC and CHC recommended maintaining the current location restrictions. The PC expressed concerns about manufacturers and artist in the MM and MU-LI Districts competing with cannabis businesses for tenant spaces. The CHC expressed concern about odors from cultivation businesses.

D. Amending BMC Sub-Title 23E (Provisions Applicable in All Non-Residential Districts) (see Attachment 4)

The ordinance would add references to Delivery-Only Retailers to the use tables of commercial and manufacturing chapters. This reflects the provisions in Chapter 23C.25 regarding the location of businesses and the level of discretion required.

There were no differences between the staff and commission recommendations regarding the use tables. The tables will be amended as necessary to reflect the final Council decision on Delivery-Only Retailers identified above.

E. Amending BMC Sub-Title 23F (Definitions) (see Attachment 5)

The ordinance would add or modify definitions for cannabis uses in the Definitions chapter in the Zoning Ordinance to clarify how these businesses relate to other businesses.

The following subsection includes options based on recommendations by one or more of the Commissions:

23E.04.010 Definitions

Description: Treat Delivery-Only Retail like Warehouse Based Non-Store Retail (WBNSR) in the M, MM and MU-LI Districts.

- ***Staff Recommendation (Alternative A): Staff recommended this language because Delivery-Only Retailers often operate like a fulfillment center, similar to Amazon.com or Wine.com.***
- *Alternative Recommendation (Alternative B):* The PC recommended limiting Delivery-only Retailers to the M District due to concerns about the ability of

manufacturing and arts and crafts businesses to compete for space with cannabis businesses.

BACKGROUND

In 2018, the State established the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), a regulatory framework for the medicinal and adult use cannabis industry. Through a combination of ballot measures and ordinances, all of the business types permitted by the State are allowed to operate in Berkeley:

- Cultivators (produce seeds, immature plants (clones) and mature plants which are harvested);
- Manufacturers (take raw product and create other products, including edibles);
- Testing Laboratories (test product for potency, pesticides and impurities);
- Retailers (selling product to the public at commercial storefronts and dispensaries, and including Delivery-Only Retailers which deliver products to people at their homes and are not open to the public);
- Distributors (transport product between businesses and collect State taxes); and
- Microbusinesses (combination of at least three of the other business types except testing labs).

In order to address the State's new regulations, draft regulations were developed with the participation of numerous City departments, including the Planning, Finance, Police, and Fire Departments, the Department of Health, Housing & Community Services, the City Attorney's Office, and the Code Enforcement Unit in the City Manager's Office. The Cannabis, Planning, and Community Health Commissions started policy discussions in early 2018.

Based on direction from the October 9, 2018 City Council Work Session, the draft regulations were divided into two rounds. Round 1 considered most of the draft regulations, including inconsistencies with State regulations, operational standards, policy changes such as advertising regulations, and regulations for Retail Nursery Microbusiness and temporary cannabis events. These ordinance amendments were adopted at the April 2, 2019 Council meeting. The items included in this report were continued to a second round to allow further research and discussion. Multiple Commission meetings were again conducted to review these Round 2 amendments. Minutes of those meetings are provided in Attachment 7 to this report.

ENVIRONMENTAL SUSTAINABILITY

The proposed amendments will continue to allow a complete supply chain for the cannabis industry in Berkeley, allowing the public to purchase products produced locally and allowing Berkeley to benefit from increased business activity in this expanding industry. The amendments will maintain the energy efficiency features and carbon-

offsetting requirements already adopted by the Council for Cultivators. Other cannabis businesses are comparable to non-cannabis businesses in terms of energy consumption, and will be subject to the same standards for building efficiency. The environmental impact of cannabis delivery by existing Berkeley-based storefronts or cannabis businesses established in other jurisdictions has not been analyzed.

RATIONALE FOR RECOMMENDATION

The adoption of these proposed ordinance amendments would ensure that Berkeley's cannabis regulations are consistent with the State's regulations and clarify specific standards for each license type. These regulations will be consistent with the voter direction given with the passage of Measures JJ (2008) and T (2010) and Proposition 64 (2016), and will increase the likelihood of these businesses operating harmoniously within Berkeley neighborhoods.

ALTERNATIVE ACTIONS CONSIDERED

Alternative recommendations are described within the body of this report.

CONTACT PERSON

Elizabeth Greene, Senior Planner, Planning and Development Department, 510-981-7484

Attachments:

1. Ordinance Amending the Berkeley Municipal Code Title 12 (Health and Safety)
2. Ordinance Amending the Berkeley Municipal Code Chapter 20.40 (Cannabis Business Signs and Cannabis Product Advertising)
3. Ordinance Amending the Berkeley Municipal Code Chapter 23C.25 (Cannabis Uses)
4. Ordinance Amending the Berkeley Municipal Code Sub-Title 23.E (Provisions Applicable in All Non-Residential Districts)
5. Ordinance Amending the Berkeley Municipal Code Sub-Title 23.F (Definitions)
6. Maps of Buffer Options for Cannabis Storefront Retailers
7. Minutes from Cannabis, Community Health and Planning Commissions
8. Communications from Cannabis, Community Health and Planning Commissions providing reasoning for recommendations
9. Public Hearing Notice

Lapira, Katrina

From: Kevin Dumler <kwumler@gmail.com>
Sent: Thursday, February 6, 2020 9:40 AM
To: Greene, Elizabeth
Cc: Davila, Cheryl
Subject: Southside EIR: Support

Hi Elizabeth,

I wanted to express my support for the Southside EIR that went before the planning commission last night.

I think increasing housing options for in this area is a real win for students and the city at large. As indicated in the agenda item, the neighborhood is blessed with density and development patterns that facilitate walking and biking. Increasing housing opportunities in neighborhoods like Southside is critical to meeting our housing needs and our climate goals. Other aspects of the plan, like removing parking minimums, offer opportunities for development that better fit this walkable neighborhood.

The prospect of more buildings that are in the 12 story range is an exciting opportunity. Existing buildings in the area like Units 1 and 2 show this is an existing building form that is compatible within the community.

I am not familiar with the original Southside Plan, but if future development activities could be coordinated with planned and proposed changes in streets that support alternative modes, that would be ideal. Most streets in this area allocate far too much space to cars and far too little to bicycling and walking given their abundance (Bancroft and Telegraph in particular).

I am looking forward to reviewing the draft EIR. Thank you for spearheading this project.

Kevin Dumler
District 2

cc: Cheryl Davila

Lapira, Katrina

From: Carl Gold [mailto:carl.gold@zuora.com]

Sent: Wednesday, February 12, 2020 12:41 PM

To: Pearson, Alene <apearson@cityofberkeley.info>

Subject: Public hearing on Proposed Transportation Demand Management Program and Reduction of Parking Requirements

I support the plan to remove parking requirements. Many Californians view it as their god given right to park right at their destination, but really parking is a privilege. And maintaining that privilege comes with a cost to the environment and housing availability. My only concern is does Berkeley have the necessary infrastructure for people to get around town in a world where most people don't have cars of their own? We're not suddenly going to have a new york style subway system. Will new alternatives like scooter rental and ridesharing fill this gap? Or is new public transportation planned? Also, thought should be given to allowing new, small commercial districts to help people meet their usual needs within their own neighborhood and without driving.

Lapira, Katrina

From: Milo Trauss [mailto:milotrauss@gmail.com]
Sent: Thursday, February 13, 2020 9:31 AM
To: Pearson, Alene <apearson@cityofberkeley.info>
Subject: Southside Plan EIR

Dear Planning Commission,

I am writing in support of the zoning changes to allow for decreased parking, increased density, increased lot coverage, increased building heights and streamlined approvals in the Southside Plan as described here:

Table 3 Proposed Zoning Ordinance Modifications

<https://discuss.eastbayforeveryone.org/uploads/default/original/1X/417df5bc7534ce810e6b09619cdab6c2b096ea00.png>

I understand you are facing pressure from some members of the community to reverse these changes and instead maintain the status quo of low housing production and painstakingly long approval processes. We know how the status quo planning and approval mechanisms have failed Berkeley. The city is suffering from homelessness, high housing costs, and unnecessarily high green house gas emissions by drawing employees who are traveling great distances by car from other parts of the bay to participate in our economy. We need these workers and we should be housing them here.

Thank you for your consideration, and your courage. It is difficult to buck the interests of land owners whose highest priority is preserving their wealth and advantage.

Best,
Milo Trauss

Lapira, Katrina

From: Pearson, Alene
Sent: Friday, February 21, 2020 9:08 AM
To: Lapira, Katrina
Cc: Horner, Justin
Subject: FW: Parking Standards, Agenda of May 4, Planning Commission

Katrina:
Here's a communication for the March 4 PC meeting.
Thanks!

From: Charles Siegel [mailto:siegel@preservenet.com]
Sent: Thursday, February 20, 2020 5:43 PM
To: Pearson, Alene <apearson@cityofberkeley.info>
Cc: Horner, Justin <JHorner@cityofberkeley.info>; siegel@preservenet.com
Subject: Parking Standards, Agenda of May 4, Planning Commission

To: Planning Commission
Re: Parking Standards, Agenda of May 4

I support the proposal to eliminate parking requirements for new residential development. Housing will be more affordable if we do not require developers to build such excessive parking that many spaces are empty.

But I think the measure would be better with this addition:

Residents of buildings that do not include on-site parking for residents and that are in Residential Permit Parking areas should not be able to purchase on-street parking stickers. Building owners should be required to inform potential renters or buyers that there is no on-site parking and they will not be able to get permits for on-street parking, so the housing is suitable only for people who do not have cars.

This would create car-free housing, housing for people who do not own cars, which would have clear environmental and political benefits.

Environmental Benefits:

It would create an incentive for people not to own cars by treating them fairly, rather than requiring them to subsidize those who have cars. Currently, the parking requirement raises rents for everyone, including those who do not have cars; even if the parking is unbundled from the rent, owners cannot charge enough to cover the construction of the parking. It is only fair for people who don't own cars to be the ones who benefit from the lower cost of housing without on-site parking. We should not let this housing fill up with people who have cars and park on the street, so fewer units are available to people who don't have cars. Automobiles are the number-one source of greenhouse gas emissions in Berkeley, so we should not penalize people who don't have cars by making them pay higher housing costs to subsidize those who do have cars; instead we should make this lower-cost car-free housing available to people who do not have cars.

Political Benefits:

There will be less opposition to new housing if future residents of proposed housing cannot compete for existing on-street parking. Existing residents often oppose new housing near their homes or demand that it provide on-site parking because they don't want to worsen the scarcity of on-street parking; with this provision,

we could tell them that that they don't have to worry because the residents of the new housing will compete for existing on-street parking. Likewise, I think there may be strong opposition at the council level to this proposal to revise parking standards if people think it will worsen the shortage of on-site housing; we would do well to head off this opposition by restricting RPP permits.

In summary, please do pass the proposal to eliminate parking requirements for new residential development, and please add a provision saying that residents of new buildings with no on-site parking for residents should not be eligible for RPP.

Thanks,
Charles Siegel

Lapira, Katrina

From: Candace Hyde-Wang [mailto:candacehw@gmail.com]

Sent: Tuesday, February 25, 2020 9:22 AM

To: Pearson, Alene <apearson@cityofberkeley.info>; Wengraf, Susan <SWengraf@cityofberkeley.info>; Kate Harrison <kate@kateharrisonconsulting.com>

Subject: Berkeley's New Housing

Hi!

I want to speak out against the City giving permits to housing without parking. This is a handicapped issue because increasing traffic and parking density will make it more difficult for access-challenged people to get around. There are many seniors who depend on cars (also mothers with children, etc.) as well as many areas of our city, like hillside areas, that require them. Realistically, we need to provide for them. I suggest that not to maintain adequate parking close to BART, shopping and other venues, is to deny the needs of people with limited mobility and their equal access to facilities. And parking is not adequate now. How much worse should it get?

Berkeley has for decades been one of the most densely populated cities in California. The realistic, not ideal, analysis of its' citizens needs is important.

Thank you.



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