



Office of the City Manager

SUPPLEMENTAL AGENDA MATERIAL

Meeting Date: July 18, 2006

Item Number: 14

Item Description: Off-street Parking in Required Yards on Residential Lots - Revised

Please see the attached report addressing text omissions from the proposed Ordinance.



Office of the City Manager

CONSENT CALENDAR

July 18, 2006

To: Honorable Mayor and
Members of the City Council

From: Phil Kamlarz, City Manager

Submitted by: Dan Marks, AICP, Director of Planning and Development

Subject: Off-street Parking in Required Yards on Residential Lots – REVISED ORDINANCE
- ITEM 14

RECOMMENDATION

Approve a first reading of an Ordinance amending Berkeley Municipal Code (BMC) Title 23 addressing parking in required yards on residential lots incorporating additional text to address omissions in the original Ordinance attached to Item 14.

BACKGROUND

It has been brought to the attention of the Planning Department that there are two text omissions in the proposed Ordinance for Item 14 (Off-street Parking in Required Yards on Residential Lots) on the July 18, 2006 agenda.

1. The word "space" should be added to the end of proposed section 23D.12.080.A, after "open" to complete the sentence "Location of the space shall minimize impact on usable open space."
2. To clarify that parking should not be allowed by-right in the street side yard on a corner lot, the text "street-side side yard" should be added after "front" in the first sentence of proposed section 23D.12.080.B to read: "No portion of an off-street parking space may be located in a required front, street-side side yard, or rear yard unless such location is authorized by an AUP, approved by the Traffic Engineer, and meets all of the requirements in this section."

RATIONALE FOR RECOMMENDATION

The text "street-side side yard" is needed because proposed section 23D.12.080.A allows one new parking space by-right in the side yard (as directed by Council on June 20, 2006), which would include a street-side side yard. However, the Council also adopted the Planning Commission's recommendation with regard to all other yards. The Planning Commission recommendation was that an AUP to be required for parking in any yard that is parallel to and abuts a street. By requiring an AUP for front and rear yards the only such yard omitted in the Ordinance is the street-side side yard. Through adding this text, the Ordinance will be consistent with the policy intentions of both the Planning Commission and City Council by requiring an

Zoning Permit Threshold for
Parking in Required Yards
SUPPLEMENTAL MATERIALS

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AUP for parking in any yard that is parallel to and abuts a street and allowing parking in an interior side yard by-right.

Attachments:

- 1: Revised Ordinance
- 2: Illustration of proposed revisions

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE SECTIONS 23F.04.010 AND 23D.12.080 TO CORRECT INTERNAL CONFLICTS REGARDING OFF-STREET PARKING WITHIN REQUIRED YARDS AND CLARIFY PERMITTING THRESHOLDS, PAVING, LANDSCAPING, AND SCREENING STANDARDS FOR OFF-STREET PARKING SPACES ON RESIDENTIAL LOTS

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

Section 1. That Berkeley Municipal Code Section 23F.04.010 is amended to read as follows:

23F.04.010 Definitions

Yard: A required open area on a lot that is between a property line and a setback line. A yard is unoccupied and unobstructed from the ground upward by any portion of a building or structure, ~~or by the presence of a parking space~~, except as otherwise permitted in ~~Section 23D.04.030~~ this Title. Specified Yard areas are as provided in individual District Sections of this chapter and defined as follows:

Front Yard: A yard extending across the full width of the front of a lot from the front lot line to the front setback line.

Rear Yard: A yard extending across the full width of the lot between the rear lot line and the rear setback line.

Side Yard: A yard between the side lot line and the side setback line, and extending from the front lot line to the rear lot line.

Section 2. That Berkeley Municipal Code Section 23D.12.080 is amended to read as follows:

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

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

B. No portion of an off-street parking space may be located in ~~the~~ required front, street-side side yard, or rear yard ~~abutting a street~~, unless such location is authorized by an AUP, approved by the Traffic Engineer, and meets all of the requirements in this section. However, an off-street parking space that is required for a new Accessory Dwelling Unit that is otherwise allowed by right may be located by right in a required yard that does not run parallel to and abut a street.

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

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

EF. All paved areas for off-street parking spaces, driveways and any other vehicle-related paving, except for pedestrian walkways that are separated from such areas by a landscaped strip at least two feet wide, must be separated from any adjacent rear or interior side lot line by a landscaped strip at least two feet wide, except that driveways spanning a side lot line which are designed to serve two (2) adjacent lots are not subject to the landscape strip requirements along that side lot line.

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

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

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

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

JH. Driveways must be spaced at least 75 feet from one another, as measured along any continuous property line abutting a street for each lot in any residential District.

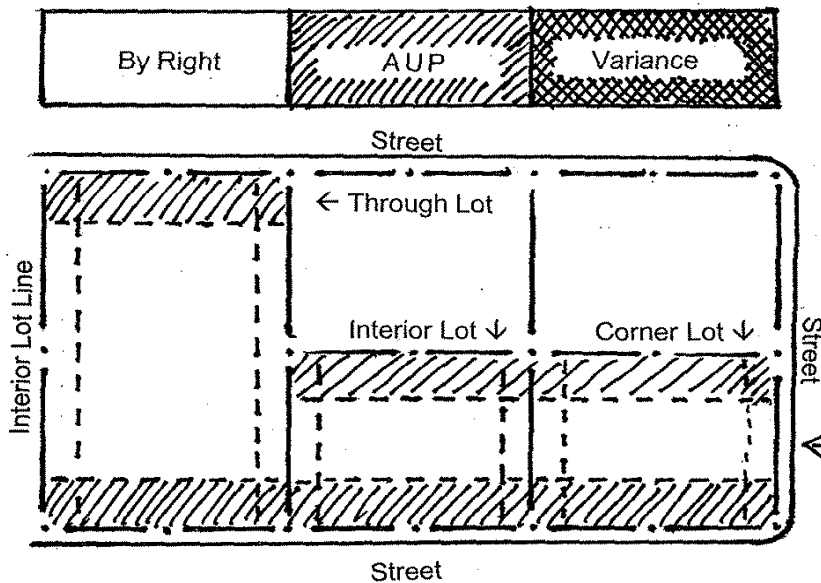
Section 3. The proposed action is exempt from review under the California Environmental Quality Act because it can be seen with certainty that the proposed amendment would not have a significant effect on the environment.

Section 4. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

7-18-04 #14
off-street parking
in Required Yards
on Residential Lots

A

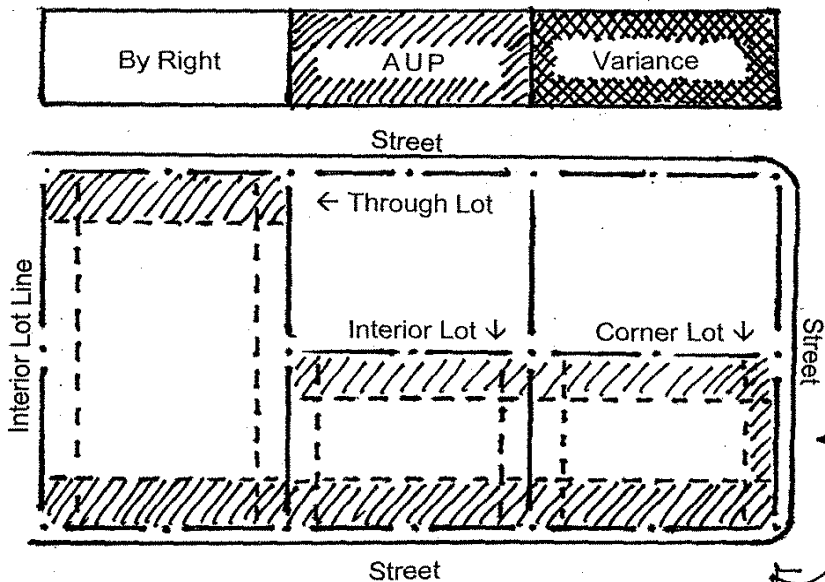
As currently drafted:



By-right in
street-side
side yard on
corner lots.

B

With the addition of "street-side side yard" to 23D.12.080.B



AUP for all yards
that abut a
street.