

RESOLUTION NO. 20120426-074

WHEREAS, the City of Austin Land Development Code Chapter 25-6-591 imposes minimum parking requirements on new development in the Central Business District (CBD) and Downtown Mixed Use (DMU) zoning district, subject to certain exceptions and reductions; and

WHEREAS, the Downtown Austin Plan envisions the urban core as, “a multi-modal transportation system that is convenient, sustainable, affordable, and a viable alternative to the automobile”; and

WHEREAS, the average occupancy rate of existing off-street parking downtown is 26 percent and peak occupancy is 67 percent; and

WHEREAS, *requiring parking in excess of that demanded by the market imposes significant costs on development that are ultimately passed on to residents and customers; and*

WHEREAS, a growing number of cities nationwide have eliminated or reduced the minimum parking required in their central business district based on concerns over affordability and sustainability; **NOW, THEREFORE,**


BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The Council initiates amendments to Title 25 (*Land Development*) of the City Code and directs the City Manager to: (1) develop an ordinance to reduce or eliminate the minimum parking space requirements in the Central

Business District and Downtown Mixed Use zoning district; and (2) present the ordinance to Council for consideration after completing the required boards and commissions review.

ADOPTED: April 26, 2012

ATTEST:


Shirley A. Gentry
City Clerk

DRAFT 11-21-12

§ 25-6-591 PARKING PROVISIONS FOR DEVELOPMENT IN THE CENTRAL BUSINESS DISTRICT (CBD) AND THE DOWNTOWN MIXED USE (DMU) AND PUBLIC (P) ZONING DISTRICTS.

(A) The requirements of this section apply to the:

- (1) central business district (CBD);
- (2) downtown mixed use (DMU) zoning district; and
- (3) public (P) zoning district within the area bounded by Martin Luther King, Jr., Boulevard; IH-35; Lady Bird Lake; and Lamar Boulevard.

(B) The requirements of this subsection apply within the zoning districts subject to this section.

~~(1) Off-street motor vehicle parking is not required, except as provided in Subsection (B)(2) of this section.~~

~~(a) for a use occupying a designated historic landmark or located in an existing building in a designated historic district; or~~

~~(b) off street parking is not required for a use occupying less than 6,000 square feet of floor space in a structure that existed on April 7, 1997.~~

~~(2) Parking facilities for persons with disabilities must be provided in accordance with Sec. 25-6-474. A new building which provides no motor vehicle parking must provide at least one parking space for persons with disabilities.~~

~~(2)(3) Except as provided in Subsections (B)(3) and (C) of this section, the minimum parking facility requirement is 20 percent of the number of parking spaces required by Appendix A (Tables Of Off-Street Parking And Loading Requirements) and the maximum motor vehicle parking facility requirement is 60 percent of the number of parking spaces required by Appendix A (Tables Of Off-Street Parking And Loading Requirements).~~

~~(3) A parking facility for a residential use must provide at least 60 percent of the number of parking spaces required by Appendix A (Tables Of Off-Street Parking And Loading Requirements).~~

~~(4) Bicycle parking is required in accordance with Appendix A. The minimum number of spaces required is calculated the same as for properties that are not within the CBD and DMU districts.~~

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~~(4)~~(5) Except as provided in Subsections (C) and (D), a parking garage must be separated from an adjacent street by a pedestrian-oriented use described in Section [25-2-691](#) (*Waterfront Overlay (WO) District Uses*) that fronts on the street at the ground level.

~~(5)~~(6) A curb cut for a garage access must have a width of 30 feet or less.

~~(6)~~(7) At the intersection of sidewalk and parking access lane, ten degree cones of vision are required.

(C) The number of parking spaces allowed under Subsection ~~(A)(2)~~ ~~(B)(3)~~ of this section may be increased:

(1) by the director if all parking spaces are contained in a parking structure; or

(2) by the Land Use Commission if the criteria in Section [25-6-501\(D\)](#) (*Off-Site Parking Allowed*) are satisfied.

(D) The Land Use Commission may waive the requirement of Subsection (A)(4) of this section during the site plan review process after determining that:

(1) present and anticipated development in the area is not amenable to access by pedestrians;

(2) the requirement does not allow a reasonable use of the property; or

(3) other circumstances attributable to the property make compliance impractical.

(E) If a waiver is granted under Subsection (D), an area for which the requirement is waived must be screened.

Source: Section 13-5-106 (a) and (b); Ord. 990225-70; Ord. 990603-108; Ord. 010607-8; Ord. 031120-44; Ord. 031211-11; Ord. 20111006-079.

§ 25-6-592 LOADING FACILITY PROVISIONS FOR THE CENTRAL BUSINESS DISTRICT (CBD) AND A DOWNTOWN MIXED USE (DMU) AND PUBLIC (P) ZONING DISTRICT.

(A) This section applies to a site zoned central business district (CBD) or downtown mixed use (DMU), and public (P) zoning district within the area bounded by Martin Luther King, Jr. Boulevard; IH-35; Lady Bird Lake; and Lamar Boulevard. except for:

(1) a building with a gross floor area of not more than 10,000 square feet; or

(2) the renovation of an existing structure, if the director determines that there is not enough space on the site to comply with the requirements of this section.

(B) The following must be located on-site in accordance with this section:

- (1) a trash receptacle location, ~~including space for a vehicle to empty the receptacle~~; and
- (2) an off-street loading facility.

(C) For a site that is adjacent to an alley:

(1) the off-street loading facility and trash receptacle location must be accessible from the alley; and

- (2) a vehicle may not park in the alley ~~may not be used~~ for loading or unloading.

(D) For a site that is not adjacent to an alley:

(1) a curb cut for an off-street loading facility or trash receptacle location may not exceed 30 feet in width;

(2) a vehicle may not use a public right-of-way to back into or out of an off-street loading facility or trash receptacle location; and

(3) the off-street loading facility and trash receptacle location:

- (a) must be accessible from a street other than Congress Avenue or Sixth Street; ~~and~~
- (b) may not be visible from a street, except at a curb cut, and

(c) must be at least 30 feet deep, measured from the front setback line or side setback line, ~~as applicable.~~

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(E) The Land Use Commission may waive a requirement of Subsection (C) or (D) after determining that:

(1) waiving the requirement does not create a hazard to pedestrians or vehicles; and

(2) for a waiver of Subsection (D)(3)(b), the applicant has reduced the visibility of the off-street loading facility and trash location to the greatest extent possible.

(F) The minimum number of loading spaces for development in the CBD or a DMU zoning district is listed on the following schedule. For civic uses, the number of loading spaces required shall be determined by the Director. For all other uses not listed in the table, the requirements of Appendix A, Part 1 apply.

SCHEDULE OF OFF-STREET LOADING REQUIREMENTS FOR CENTRAL AUSTIN

Sizes: (feet) 10 x 30 x 14 10 x 40 x 14 10 x 55 x 15		
Use:	Gross Floor Area Of Structure	Required Loading Space Per Square Foot of Floor Area
Banks <u>Financial Services</u> , business or professional office, meeting, convention or exhibition halls	0 – 10,000 10,001 – 100,000 100,001 – 200,000 each additional 150,000 200,001 or more	0 1 (10 x 30) 1 (10 x 30) + <u>1 (10x40)</u> 1 (10 x 30) <u>1 (10x30) + 1 (10x40) + additional spaces as required by Director</u>
Retail and wholesale stores equipment sales, services and light manufacturing	0 – 5,000 5,001 – 50,000 50,001 – 100,000 each additional 100,000	0 1 (10 x 30) 1 (10 x 30) 1 (10 x 55)
Restaurants, bars	0 – 5,000 5,001 – 10,000 10,001 – 50,000 50,001 – 100,000 each additional 100,000	0 1 (10 x 40) 1 (10 x 30) 1 (10 x 30) 1 (10 x 30)
Hotels-Motel, meeting, convention, or exhibition halls	0 – 10,000 10,001 – 150,000 150,001 – 300,000 each additional 100,000 300,001 – 500,000 500,001 or more	0 1 (10 x 40 30) 1 (<u>10 x 30</u>) + 1 (10 x 55 40) 1 (10 x 30) <u>1 (10x30) + 1 (10x40) + 1(10x55)</u> <u>1 (10x30) + 1 (10x40) + 1(10x55) + additional spaces as determined by Director</u>

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(G) Multiple uses or occupancies located in a single building or on one site may be served by a common loading space if the director determines that the loading space can adequately serve each use.

(H) The Director may modify the number and size of spaces required after reviewing documentation provided by the applicant concerning the demand for loading facilities for similar developments.

Source: Section 13-5-106(c); Ord. 990225-70; Ord. 990603-108; Ord. 010607-8; Ord. 031211-11.

ORDINANCE AMENDMENT REVIEW SHEET

AMENDMENT: C2o-2012-013

DESCRIPTION: Modify minimum parking requirements in the CBD and DMU districts.

BACKGROUND: On April 26, 2012, City Council passed a resolution directing staff to develop an ordinance to reduce or eliminate minimum parking space requirements in the Central Business District and Downtown Mixed Use District.

CURRENT REGULATIONS: Under Sec. 25-6-591, the following regulations are currently in effect for parking in the CBD and DMU districts:

- No parking is required for historic buildings or any existing buildings in a historic district.
- No parking is required for any use of less than 6,000 square feet in a structure that existed on April 7, 1997.
- Residential uses must provide 60 percent of the normal parking requirement.
- All other uses must provide a minimum of 20 percent of the normal requirement.
- There is a maximum parking limit of 60 percent of the normal requirement, unless all parking spaces are contained in a parking structure or the Land Use Commission approves additional spaces through off-site accessory parking.
- Parking for the disabled is required based on the total number of motor vehicle spaces provided.
- Parking for bicycles is required based on the total number of motor vehicles required.
- Off-street loading for certain uses is required at a different rate from uses outside the CBD and DMU districts.

ALTERNATIVES: Several options for addressing Council's directive were examined, including:

- All minimum parking requirements for CBD and DMU could be eliminated, leaving only the maximum parking limit of 60% of the normal requirement for surface parking.
- All minimum parking requirements for CBD could be eliminated, and the minimum parking requirement for DMU could be maintained or reduced.
- Different parking requirements could be established for different geographic areas of downtown, instead of for different zoning districts.
- Minimum parking requirements for certain uses (e.g., residential) could be reduced or eliminated, while minimum requirements for other uses could be retained.
- Adopt a fee in lieu of providing parking spaces, with revenue to be used for constructing public parking facilities or fund an electronic wayfinding system.
- Require that parking be sold or leased separately from floor space.

The first option, eliminating all minimum parking requirements but leaving the maximum parking limit, was considered to be the most responsive to Council's request and the easiest to implement and is recommended by the staff.

ISSUES: Staff research has found that reducing or eliminating minimum parking requirements in the downtown area may have the following consequences:

- Lower development costs and possibly lower tenant costs, especially for housing, since developers can build more leasable floor area and less parking.
- Greater use of transit, bicycling, and pedestrian modes of travel since development can be more compact.

- Development of more pedestrian-friendly land uses.
- Increased cost for the use of existing parking spaces due to reduced growth in supply.
- Possible spillover of on-street parking by downtown visitors or employees into adjacent residential areas.
- Increased traffic congestion in some areas as drivers search for available spaces.
- Increased pressure on the public or private sector to provide parking garages.
- Less parking available for people with disabilities.

However, elimination of parking requirements will not necessarily result in less overall parking downtown, because most lenders will likely require that a minimal amount of parking be provided for new commercial and residential projects as a condition of approving the loan.

Off-street loading was not specifically addressed by the Council resolution but has been an issue for recent developments downtown. Loading requirements for some uses appear to exceed the actual demand and have required some projects to seek variances.

DEPARTMENTAL COMMENTS:

- If motor vehicle parking requirements are reduced or eliminated, requirements for bicycle parking and parking for the disabled should be maintained. A separate ordinance amendment is currently in process to modify bicycle parking requirements and should be coordinated with this amendment.
- Spillover effects of on-street parking into residential neighborhoods can be addressed through residential permit parking. Most single-family neighborhoods near downtown already have residential permit parking programs in place.
- Traffic congestion could be reduced by better wayfinding devices which would direct drivers to available parking. There are plans to implement such a program in downtown Austin in 2013.
- Loading space requirements for larger uses could be addressed by requiring the developer to submit documentation of loading needs for approval by the Director.

STAFF RECOMMENDATION:

- Amend Sec. 25-6-591 to eliminate the requirement for motor vehicle parking in the CBD and DMU districts except for parking for the disabled.
- Require bicycle parking to be provided in CBD and DMU at the same rate as for uses outside CBD and DMU zoning.
- Modify off-street loading regulations in 25-6-592 to clarify existing requirements and to reduce the number of loading spaces required. Allow the Director the discretion to require the developer of a project larger than 200,000 square feet to document the need for additional loading spaces.

BASIS FOR RECOMMENDATION:

- The amendment is consistent with the objectives of encouraging a more walkable downtown, promoting the use of alternative transportation modes, and reducing the cost of housing.

PLANNING COMMISSION ACTION:

CITY COUNCIL ACTION:

ORDINANCE READINGS:

1st

2nd

3rd

ORDINANCE NUMBER:

ASSIGNED STAFF: George Zapalac, 974-2725

DAA Policy Committee Response to Parking Proposals

Though the Downtown Austin Alliance will not take a formal position until City staff presents recommended ordinance changes, this document reflects general discussion and feedback of the DAA Policy Committee in October and November 2012.

OCTOBER 16, 2012 POLICY COMMITTEE MEETING

Attendees: *Charles Heimsath, Chair*; Sinclair Black, Eddie Burns, Nancy Burns, Betty Dunkerley, Cid Galindo, Jude Galligan, Laura Gass, Larry Graham, Carol Polumbo, Pam Power, Fred Schmidt, Joel Sher, Sania Shifferd, Michele Van Hyfte, Daniel Woodroffe. Staff: Molly Alexander, Charlie Betts, Julie Fitch, Julie Weaver. Guests: Lynn Ann Carley, Dustin Louderback, Richard Suttle, George Zapalac.

DOWNTOWN PARKING PROPOSAL—George Zapalac, CoA PDR (see attached document A)

- The City Council passed a resolution directing staff to reduce or eliminate minimum parking space requirements in CBD and DMU zoning districts.
- Current loading requirements may also be excessive.
- They are gathering input at this point—there is no city staff recommendation yet.
- The committee discussed the City's Parking Enterprise, which has been established but not used. The city could take advantage of lower interest rates than the private sector, and a city-owned parking structure would be an ongoing source of revenue.
- Movability Austin's employer survey regarding commuting habits, parking, and transit use might be valuable to the City's deliberations.
- Committee discussion resulted in the following conclusions:
 - General support for the proposal. Eliminating minimums may not result in developers building fewer parking spaces immediately, as lenders and market demands still require adequate parking. But it would put a system in place that can adapt without further Council action as the market transforms and as Austin's transit system matures.
 - Encouragement for the City of Austin to explore use of its Parking Enterprise and other incentives. This should be targeted geographically based on demand.
 - Use of technology to maximize effectiveness. Existing apps like ParkMe and others should be explored, and new apps should be developed.

NOVEMBER 20, 2012 POLICY COMMITTEE MEETING

Attendees: *Charles Heimsath, Chair*; Cid Galindo, Larry Graham, Allen Green, Stan Haas, Brannin Prideaux, Joel Sher, Sania Shifferd, Michele Van Hyfte, Daniel Woodroffe. Staff: Molly Alexander, Charlie Betts, Julie Fitch, Julie Weaver. Guests: Lynn Ann Carley, Jeff Howard, Richard Suttle, Jennifer Wiebrand, Charlie Givens, Charles Givens, Trey Salinas

DOWNTOWN PARKING REQUIREMENTS FOR SMALL BUILDINGS—Jeff Howard

- Jeff Howard expressed some concerns (see attached document B) that small building owners have regarding downtown parking requirements, as outlined in the attached review sheet.
- Even if the Council adopts a policy to eliminate parking minimums for CBD and DMU zoning districts, he recommends that the code also be changed to make off-site parking legal and more feasible (currently it is a Conditional Use, which means it requires Planning Commission and City Council hearings).
- The committee expressed general support for Mr. Howard's ideas. The DAA will not take a formal position until the City of Austin presents a proposal to change the ordinance.

ORDINANCE AMENDMENT REVIEW SHEET

AMENDMENT: C2o-2012-013

DESCRIPTION: Modify minimum parking requirements in the CBD and DMU districts.

BACKGROUND: On April 26, 2012, City Council passed a resolution directing staff to develop an ordinance to reduce or eliminate minimum parking space requirements in the Central Business District and Downtown Mixed Use District.

CURRENT REGULATIONS: Under Sec. 25-6-591, the following regulations are in effect for parking in the CBD and DMU districts:

- No parking is required for historic buildings or any existing buildings in a historic district.
- No parking is required for any use of less than 6,000 square feet in a structure that existed on April 7, 1997.
- Residential uses must provide 60 percent of the normal parking requirement.
- All other uses must provide a minimum of 20 percent of the normal requirement.
- There is a maximum parking limit of 60 percent of the normal requirement, unless all parking spaces are contained in a parking structure or the Land Use Commission approves additional spaces through off-site accessory parking.
- Parking for the disabled is required based on the total number of motor vehicle spaces provided.
- Parking for bicycles is required based on the total number of motor vehicles required.
- Off-street loading for certain uses is required at a different rate from uses outside the CBD and DMU districts.

ALTERNATIVES: There are several options for addressing Council's directive:

- All minimum parking requirements for CBD and DMU could be eliminated, leaving only the maximum parking limit of 60% of the normal requirement for surface parking.
- All minimum parking requirements for CBD could be eliminated, and the minimum parking requirement for DMU could be maintained or reduced.
- Different parking requirements could be established for different geographic areas of downtown, instead of for different zoning districts.
- Minimum parking requirements for certain uses (e.g., residential) could be reduced or eliminated, while minimum requirements for other uses could be retained.
- Adopt a fee in lieu of providing parking spaces, with revenue to be used for constructing public parking facilities or fund an electronic wayfinding system.
- Require that parking be sold or leased separately from floor space.

ISSUES: Staff research has found that reducing or eliminating minimum parking requirements in the downtown area may have the following consequences:

- Lower development costs and possibly lower tenant costs, especially for housing, since developers can build more leasable floor area and less parking.
- Greater use of transit, bicycling, and pedestrian modes of travel since development can be more compact.
- Development of more pedestrian-friendly land uses.
- Increased cost for the use of existing parking spaces due to reduced growth in supply.
- Possible spillover of on-street parking by downtown visitors or employees into adjacent residential areas.

- Increased traffic congestion in some areas as drivers search for available spaces.
- Increased pressure on the public or private sector to provide parking garages.
- Less parking available for people with disabilities.

However, elimination of parking requirements will not necessarily result in less overall parking downtown, because most lenders will likely require that a minimal amount of parking be provided for new commercial and residential projects as a condition of approving the loan.

Off-street loading was not specifically addressed by the Council resolution but has been an issue for recent developments downtown. Loading requirements for some uses appear to exceed the actual demand and have required some projects to seek variances.

DEPARTMENTAL COMMENTS:

- If motor vehicle parking requirements are reduced or eliminated, requirements for bicycle parking and parking for the disabled should be maintained. A separate ordinance amendment is currently in process to modify bicycle parking requirements and should be coordinated with this amendment.
- Parking requirements for a transit-oriented development (TOD) district are also based on CBD parking requirements and would need to be modified accordingly.
- Spillover effects of on-street parking into residential neighborhoods (particularly Judges Hill) could be addressed through residential permit parking, but only single-family areas may take advantage of it.
- Traffic congestion could be reduced by better wayfinding devices which would direct drivers to available parking.
- Loading space requirements for larger uses could be addressed by requiring the developer to submit documentation of loading needs for approval by the Director.

STAFF RECOMMENDATION: Pending

BASIS FOR RECOMMENDATION:

PLANNING COMMISSION ACTION:

CITY COUNCIL ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

ASSIGNED STAFF: George Zapalac, 974-2725

PARKING CODE CHANGES AND THE SMALL DOWNTOWN BUILDING OWNER

**DOWNTOWN AUSTIN ALLIANCE
POLICY COMMITTEE MEETING, November 20, 2012**

Background. The City has initiated an amendment to the Austin City Code to modify minimum parking requirements in the CBD and DMU districts. Specifically, City Case No. C2-o-2012-013 considers whether those minimum parking requirements should be reduced or eliminated. In October of 2012, after a presentation from George Zapalac of the City, the DAA Policy Committee generally supported the elimination of minimum parking requirements. Owners of smaller, older buildings downtown believe that there are additional issues related to downtown parking that the DAA should consider.

Code Amendments to Consider. Small building owners request that the DAA become actively engaged in pursuing the following code amendments:

(1) If the elimination of all minimum parking requirements is not feasible, the Code should be changed to increase and alter the square footage limitation for uses exempt from parking requirements from 6,000 s.f. to 12,000 s.f. for buildings 50 years and older, and to provide that any parking requirements apply only to any square footage in excess of such amount.

(2) The Code should be changed to make off-site parking legal and more feasible. Specifically, the following changes should occur:

(a) the requirement that Off-Site Accessory Parking and Commercial Off-Street Parking uses be allowed only as a “conditional use” in the CDB and DMU should be changed so that they are allowed as “permitted uses”, at the very least in parking garages;

(b) the requirement that site plans and/ or City approvals are required for excess off-site parking (as opposed to required off-site parking) should be eliminated; and

(c) typographical errors in the current Code related to allowing parking maximums be exceeded should be corrected.

Rationale. Smaller, older buildings simply lack the space and facilities to meet parking code requirements. A 6,000 s.f. cap on uses being exempt from those parking requirements is simply too low and discourages continued use and expansion. In addition, currently, if the 6,000 s.f. cap is exceeded by any amount parking is required for the total square footage and not just the excess. As a result, the parking code makes it harder to use, occupy and expand smaller, older buildings, and discourages their continued existence. Smaller, older buildings support the historic and diverse nature of downtown.

Elimination or reduction of parking requirements will only work if off-site parking is facilitated. Currently, in the CDB and DMU districts, off-site parking and commercial off-street parking is *illegal* unless a conditional use permit is obtained. A CUP is discretionary, uncertain, time consuming and costly. Not only is all current, off-site parking that is occurring without a CUP illegal, the CUP requirement makes it very difficult to obtain off-site parking to meet market needs. Finally, if a use seeks off-site parking only to have excess parking (as opposed to required parking), there should be no need for City review. Processing a site plan to obtain parking that is not required is an unnecessary and costly step.