

Dutton, Greg

AGENDA ITEM # 95

From: Adam Stephens [REDACTED]
Sent: Tuesday, September 24, 2013 4:25 PM
To: Dutton, Greg; Nuria Zaragoza; 'Lin Team'
Subject: C20-201015

Late Backup

Greg,

Please include in packages to council members. Thank you, Adam

To: Mayor and City Council
Regarding: C20-2013-015

The Plan Team for the Central Austin Combined Neighborhoods Plan (CANPAC) urges the Council to limit off-site accessory parking in LO- zoned areas to a conditional use. We can imagine both beneficial and detrimental effects of such uses depending on adjacency to properties with other zoning categories. We therefore recommend that the additional review required for conditional uses be required.

Thank you for your consideration of this recommendation.

Adam Stephens CANPAC Co-Chair
Nuria Zaragoza, CANPAC Co-Chair

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9/3/13

Hon. Dave Anderson, Chair
Hon. Alfonso Hernandez, Parliamentarian
Hon. Jean Stevens, Secretary
Hon. Danette Chimenti, Vice Chair
Hon. Richard Hatfield

Hon. Jeff Jack
Hon. James Nortey
Hon. Stephen Oliver
Hon. Brian Roark
Hon. Myron Smith

Re: C20-2013-015 - Proposed Amendment to Chapter 25 of the City Code to make off-site accessory parking a permitted or conditional use in the LO zoning district.

Dear Planning Commissioners,

I am writing to express my concerns with this proposed ordinance amendment.

First, as you know, when the City changes the available uses within a zoning district, it is re-writing the covenant it made with the community when the original zoning was granted. Therefore, transplanting uses from a more intense zoning district into a less intense district should only be considered for compelling reasons and when it can be certain that the change will be appropriate in all of the districts across the City.

Off-site parking outside of the CBD is a complex issue rife with the potential for misuse and unintended consequences. In determining the site development standards for commercial districts, the Code was drafted in a way that assumed the requirement of on-site parking as a limiting factor on the scope and intensity of the use. On large tracts where structured parking can be utilized, the parking requirement is not a significant limitation. On smaller LO lots, it is an important component of the site development standards. When parking is removed from the site – and the equation – the potential scale and intensity of the land use becomes larger than what was envisioned to be feasible. For commercial uses near residential areas, this creates an unanticipated compatibility problem that would otherwise not exist had adequate onsite parking been required. While occasionally the perfect off-site parking arrangement can be used to ameliorate an existing bad parking situation, more often than not it functions to create future parking problems where they did not exist.

The separation of ownership of the business from ownership of the off-site parking inevitably creates problems. There is no requirement that the business or its patrons actually use the off-site parking and they have no motivation to do so when there are more convenient neighborhood streets available. And, when the off-site parking lease expires or the parking demands on the donor site change, notwithstanding the lease provisions, the City rarely knows and when and if it finds out the City (understandably) does not have the stomach to shut down the successful but now out-of-code business.

The problems inherent with off-site parking outside the CBD are exacerbated by the

misapplication – or more accurately the non-application - of the off-site parking ordinance by well-intentioned but over-worked City staff. Although the provisions of § 25-6-502 provide factors to be considered in determining whether to grant off-site parking and give the director the discretion to deny an application, in practice these provisions have not always been meaningfully applied. This is particularly unfortunate when off-site parking is used to satisfy a large percentage of the required parking rather than to serve simply as available excess parking. Importantly, this is an administrative decision so there is no real opportunity for public input or appeal. Therefore, I urge you to assume in your considerations that if off-site parking is requested and a location within 1,000 feet is designated, the application will be granted without community input or means of redress.

While most of my observations have dealt with off-site parking in general and not with accessory off-site parking in LO districts, in reality the two cannot be separated. The availability of off-site parking in LO zoning districts increases the general availability of off-site parking outside the CBD and does so on sites in or near neighborhoods. There is an abundance of old LO zoning that would have been NO (Neighborhood Office) had that zoning district existed at the time. Permitting accessory off-site parking in LO compounds the problem.

While the complimentary use of existing parking on other lots has surface appeal, as discussed above, it enables development and/or a level of use out of character with the surrounding neighborhood and not envisioned when the zoning was granted. It also has the potential of changing the use of the donor property from a low-traffic compatible daytime use (office) to a high traffic incompatible noisy nighttime use (retail bar patrons). This is not something that can be controlled by making off-site parking a conditional use.

There is still another problem: there is no requirement that the LO zoned property retain its existing building. Once accessory off-site parking is authorized, there is nothing that prevents the owner of the LO property from demolishing the structure on the property and converting the property into a parking lot – a patch of hot asphalt that you would expect to find downtown or in front of a shopping center. Is this what the comprehensive plan imagines for neighborhoods?

The City has recently initiated a Land Development Code revision process to better implement Imagine Austin. The application and implications of off-site parking outside the CBD are very complex and cry out for reform. I respectfully urge you to recommend against this piecemeal amendment of the LDC and to suggest instead that the use of off-site parking outside the CBD, and in particular its appropriateness for the LO district, be addressed comprehensively as part of the Land Development Code revision process. The last thing that neighborhoods, this Commission, or the Council need are contentious fights over a conditional use applications when the issue can be addressed more comprehensively, thoughtfully, creatively and fairly in that process.

Thank you for your service to the community.

Respectfully,

Michael Curry

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