



MEMORANDUM

TO: Mayor and Council
FROM: Denise Lucas, Director, Development Services Department
Rob Spillar, P.E., Director, Austin Transportation Department
DATE: March 24, 2022
SUBJECT: Shop the Block Program, Sidewalk Cafes, and Private Parking Patios

The purpose of this memo is to provide an final response to [Resolution No. 20210729-116](#) to synchronize the uses allowed in City Code Chapter 14-4 (*Sidewalk Cafés*) with the Shop the Block Program and create a similar program that allows for private parking lots to be used for temporary seating as directed by Mayor and Council.

Background

On June 4, 2020, City Council temporarily modified City Code Chapter 4-20 (*Special Events*) to allow retail stores, restaurants, cocktail lounges, taverns and bars, or a group of any of the above, to extend their outdoor operational space to their full capacity. [Ordinance No. 20200604-47](#) allows Austin's small and local businesses to use private parking lots and public right-of-way for expanded outdoor business operations in response to the COVID-19 pandemic. On December 3, 2020, the Shop the Block program was modified and extended to June 16, 2021, at which time it would be placed on the June 3, 2021, City Council agenda to consider whether to adopt the pilot program as a permanent City program.

On July 29, 2021, Council directed staff to explore how the uses allowed under Shop the Block can be offered in permanent City programs, including the creation of a new program that allows for temporary seating in private parking lots. On February 17, 2022, staff brought Council a draft ordinance that achieved these directives, and it was passed on consent.

Staff Response to Council Directives

- **Directive 1:** Synchronize the uses allowed to participate in the Sidewalk Café program established in City Code Chapter 14-4 (*Sidewalk Cafés*) with the uses allowed to participate in the Shop the Block program (sale of goods, food and beverages on private lots or public right-of-way)
Response: Included in the draft ordinance was an amendment to City Code Chapter 14-4 (*Sidewalk Cafés*) to bring uses into alignment with the Shop the Block program and reduce barriers to entry to applicants.
- **Directive 2:** Create a program, similar to the Sidewalk Café program, that allows private parking lots to be used, temporarily, for uses described in Ordinance No. 20200604-047

Response: Included in the draft ordinance was a new City Code 4-21, Private Parking Patio. The ordinance allows for temporary use permitting of private lots into seating areas with no consideration for parking requirements. Existing City permit options for temporary seating on private lots is often limited by parking minimums.

- **Directive 3:** The city council directs the city manager to explore options, including placemaking design assistance, that will increase participation in the City’s Street patio program; and to provide Council with a memorandum identifying the options considered and recommendations.

Response: The City will create a series of templates for common scenarios and general applicability that can be used by participants in the program. Applicants wishing to pursue their unique creative vision would need to engage their own designer.

- **Directive 4:** The city council encourages the city manager to implement an application system that allows an applicant to apply for one or more of the programs described in this resolution using one application.

Response: The City will have a centralized webpage for “Outdoor Seating Permits” that includes information about each option (Sidewalk Cafes, Street Patios, Private Lot Seating). The AB+C Portal is currently able to process all these application types, including the new private lot program. Applicants will be directed to use the AB+C Portal and will be provided instructions for how to apply for each permit type.

- **Directive 5:** The city council directs the city manager to return to Council with the ordinance and changes to the fee schedule, if necessary, no later than December 9, 2021.

Response: Included in the draft ordinance was an amendment to the fee schedule to establish Private Parking Patio review and inspection fees. These fees include:

- Private Parking Patio Permit (DSD) - \$143.52
- Private Parking Patio Review and Inspection (AFD) - \$255
- Private Parking Patio Temporary Occupancy Load Adjustment (AFD) - \$204
- Private Parking Patio Annual Renewal Fee (AFD) - \$255*

*Only applicable if no changes have been made to the approved patio layout.

For more information about changes to Chapter 14-4 (*Sidewalk Cafés*), please contact Ryan Mooney, Division Manager with the Austin Transportation Department at ryan.mooney@austintexas.gov.

For more information about proposed Chapter 4-21 (*Private Parking Patio*), or interdepartmental coordination to launch the Private Parking Patio program and consolidate Outdoor Seating Permit applications, please contact Brydan Summers, Consumer Services Manager with the Development Services Department at brydan.summers@austintexas.gov

cc: Spencer Cronk, City Manager
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