

**RESOLUTION NO. 20120322-067**

**WHEREAS**, Austin has long sought to create more safe and interesting places for walking and cycling; and

**WHEREAS**, several of Austin's peer cities, such as Vancouver, New York, and San Francisco, have programs in which businesses can transform on-street parking spaces into a variety of uses, including sidewalk cafes; and

**WHEREAS**, the City of Austin currently leases sidewalk space to adjacent businesses so that they can operate sidewalk cafes; and

**WHEREAS**, some downtown businesses have expressed interest in extending their active retail uses beyond the sidewalk and into adjacent parking; and

**WHEREAS**, the owner of the business at 609 Congress Avenue has volunteered to invest resources in a street patio pilot, as a means of helping to create a permanent program; **NOW THEREFORE**,

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

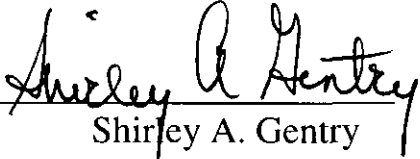
The City Manager is directed to work with stakeholders and research programs in peer cities to develop recommendations for a program allowing businesses to lease adjacent parking spaces for retail uses. The recommendations should include:

1. an application and approval process;
2. a lease agreement specific to this program, including:
  - a. lease length options;

- b. conditions for termination; and
  - c. a maintenance plan;
3. relevant fees, taking into consideration revenue replacement as well as the benefit of improved pedestrian experience to the urban environment;
4. notification requirements for nearby businesses and requirements for leases extending into the frontage of neighboring businesses;
5. parameters for parking spaces that are candidates for the program including:
  - a. utility and kiosk access;
  - b. traffic configuration and safety;
  - c. other ROW uses in the area; and
  - d. maximum number of parking space leases per block;
6. design standards:
  - a. a requirement that plans be submitted by a licensed professional;
  - b. fire safety of design and materials.

Recommendations should be presented to the Downtown Commission and the Design Commission, and should be delivered to Council by December 31, 2012.

ADOPTED: March 22, 2012 ATTEST:

  
Shirley A. Gentry  
City Clerk