

**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 programs allowing businesses to lease adjacent parking spaces for retail uses or the conversion of spaces for other public 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<sup>nd</sup>, 2012 **ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk