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ORDINANCE AMENDMENT REVIEW SHEET

AMENDMENT: C20-2012-013

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.

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- 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.

Stakeholder comment on the amendment has been favorable. Comments were also made that even if parking requirements were eliminated, a downtown business may still have to obtain Planning Commission approval in order to provide off-site accessory parking for employees and customers. Staff agrees that this process should be simplified and recommends that off-site accessory parking in the downtown area be a permitted use instead of a conditional use.

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.
- Amend Sec. 25-2-491 to make off-site accessory parking a permitted use instead of a conditional use in the CBD and DMU zoning districts.

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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.
- Making off-site accessory parking a permitted use in CBD and DMU districts will simplify the permitting process.

BOARD AND COMMISSION ACTION: Recommended by the Downtown Commission on October 17, 2012. Recommended by the Urban Transportation Commission on December 11, 2012.

CITY COUNCIL ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

ASSIGNED STAFF: George Zapalac, 974-2725

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DOWNTOWN PARKING AMENDMENTS

DRAFT 1-14-2013

§ 25-2-491 PERMITTED, CONDITIONAL, AND PROHIBITED USES

(C) Table of permitted, conditional, and prohibited uses.

Change Off-Site Accessory Parking to a permitted use in CBD and DMU districts.

§ 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) ~~(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. If off-street parking is provided, the minimum number of accessible parking spaces required is calculated according to the International Building Code. If no off-street parking is provided, the minimum number of accessible parking spaces required is calculated by determining the number of parking spaces that would be required for the development if it were not in the CBD or DMU districts; multiplying the result by 20 percent; and using that result to calculate the number of accessible parking spaces according to the International Building Code.

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~~(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)*.~~

~~(1)~~ (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.

~~(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.

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§ 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.

(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~~ Financial Services, 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) + 1 (10x40) ~~1 (10 x 30)~~ 1 (10x30) + 1 (10x40) + additional spaces as required by Director
~~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~~ ~~0,001 – 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)~~

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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 (10 x30) + 1 (10 x ~~55~~ 40) ~~1 (10 x 30)~~ 1 (10x30) + 1 (10x40) + 1(10x55) 1 (10x30) + 1 (10x40) + 1(10x55) + additional spaces as determined by Director

(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.

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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

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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

Shirley A. Gentry
City Clerk