



**Planning Commission Hearing
Staff Report
Hearing Date: September 11, 2019**

ITEM 5* The Housing Committee of Provo City requests amendments to Section 14.37.050 to allow for reductions in required parking for residential uses subject to Planning Commission approval. City-wide application. Robert Mills (801) 852-6407
PLOTA20190289

Applicant: Housing
Committee of Provo City

Staff Coordinator: Robert Mills

Property Owner: City-wide

*Council Action Required: Yes

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is September 25, 2019.*

3. **Deny** the requested Project Plan. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Relevant History: The Housing Committee, out of a concern to make residential projects more viable, asked Staff to propose an ordinance text amendment that would provide a way for residential projects, proposed in zones that don't allow it, to receive a reduction in the off-street parking requirements, if one is warranted.

Summary of Key Issues:

- Section 14.37.050 of the Provo City Code currently provides a means for commercial, industrial, or public facility uses to receive a reduction in the off-street parking requirements, but specifically prohibits residential projects from receiving any such reduction.
- Currently, if parking reductions are allowed, they are granted via an approved Conditional Use Permit, which is not ideal
- The proposed amendment would allow applicants to request a reduction in the off-street parking requirements for residential projects based on a Traffic Demand Management (TDM) plan.
- Reductions in off-street parking requirements would be granted by the Planning Commission via an approved Project Plan instead of a Conditional Use Permit.

Staff Recommendation: Staff recommends forwarding a positive recommendation of the language proposed in Attachment 1 relating to Section 14.37.050.

This action would be consistent with the recommendations of the Staff Report.

OVERVIEW

The proposed ordinance amendment will amend the text of Section 14.37.050 of the Provo City Code, relating to Reduction in Off-street Parking Requirements to remove the requirement of a Conditional Use Permit and to allow residential developments to apply for a reduction in off-street parking requirements based on a TDM plan approved by the Planning Commission in a Project Plan application.

FINDINGS OF FACT

1. 14.37.050 is an existing code section that allows for off-street parking requirement reductions under certain circumstances.

Analysis

Staff agrees with the Housing Committee that providing a mechanism for residential projects to receive a reduction in off-street parking requirements is appropriate in certain circumstances. Staff believes the proposed language will help the Planning Commission allow parking reductions for those projects that contextually qualify and warrant a reduction while also providing a way to remove additional conditional uses which are difficult to disallow.

RECOMMENDATION

Based on the Findings of Fact and Analysis, staff recommends the Planning Commission recommend the City Council approve the proposed ordinance amendment found in Attachment 1 which amends Section 14.37.050 of the Provo City Code, relating to Reduction in Off-street Parking Requirements.

ATTACHMENTS

1. Proposed Text Amendment

Attachment 1 – Applicant’s Proposed Text Amendment

14.37.050

Reduction in Off-street Parking Requirements.

(1) *Purpose and Intent.* The Provo City General Plan encourages the application of transportation demand management strategies to reduce traffic congestion and to lessen the amount of land that must be devoted to parking for commercial, industrial, or public facility uses. Accordingly, the purpose of this Section is to allow flexibility in off-street parking requirements for commercial, industrial, ~~or~~ public facility, ~~or residential uses.~~

~~(2) *Reduction of Off-street Parking in Central Business District.* The Municipal Council finds that the special character and needs of the Central Business District of the city require special requirements for off-street parking in that district. Within the Central Business District zone, the number of off-street parking spaces otherwise required by this Chapter may be reduced by fifty percent (50%) upon approval by the Planning Commission subject to the standards set forth in this Section. The Central Business District is the area within the following boundaries: Commencing at the intersection of 500 West Street and 100 South Street; thence East to the intersection of University Avenue and 400 South Street; thence North to the intersection of University Avenue and Center Street; thence East to the intersection of Center Street and 100 East Street; thence North to the intersection of 100 East Street and 100 North Street; thence West to the intersection of 100 North Street and University Avenue; thence North to the intersection of 200 North Street and University Avenue; thence West to the intersection of 300 West Street and 200 North Street; thence South to the intersection of 100 North Street and 300 West Street; thence West to the intersection of 100 North Street and 500 West Street; thence South to the point of beginning.~~

~~(3)~~ (2) *Reduction in Off-street Parking Based on Parking Count Justification Study.*

(a) Subject to the requirements of this Subsection and Section [14.02.040](#), Provo City Code, the Planning Commission may ~~issue a conditional use permit to~~ reduce off-street parking required under Section [14.37.060](#), Provo City Code, for any use located on a lot within a commercial, industrial, or public facility zoning district ~~as part of a Project Plan approval.~~

(b) In addition to the application materials required for a ~~conditional use permit~~ [Project Plan](#), an applicant shall submit a parking count justification study prepared by a transportation planner, traffic consultant, licensed engineer, or architect. Such study shall include the following information:

- (i) Calculation of the number of off-street parking spaces required by Chapter [14.37](#), Provo City Code for the use proposed.
- (ii) Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use therein.

- (iii) A reasonable conversion of gross floor area to net available floor area within existing and proposed development that accounts for such factors as wall thickness, corridors, and other portions of the development that do not generate parking demand.
 - (iv) A copy of the lot or business owner's plans to operate a transportation demand management program that provides incentives for employee use of transportation modes other than single occupancy vehicles.
 - (v) Trip generation rates expected for the uses within the existing and proposed development.
 - (vi) If the development is an expansion of an existing use, or if a similar facility exists elsewhere in Utah, historical data indicating parking lot usage experience at the existing development or facility.
 - (vii) The lot or business owner's plan to reasonably provide alternative solutions to off-street parking on the lot. Such alternative solutions may include, but shall not be limited to, off-site park-and-ride lots with shuttle bus or van transportation to the lot.
- (c) Following consideration of a ~~conditional use permit~~ **Project Plan** application, the Planning Commission may approve ~~a conditional use permit~~ reducing the parking otherwise required by this Chapter [14.37](#), Provo City Code, subject to the following:
- ~~(i) Adoption of findings that the conditional use meets the requirements of Section [14.02.040\(2\)](#), Provo City Code.~~
 - ~~(ii)(i)~~ Adoption of findings that the parking justification study reasonably reflects expected parking demand.
 - ~~(iii)(ii)~~ Recordation of a ~~development agreement~~ **Transportation Demand Management (TDM)** agreement between the property owner and Provo City governing the provision of parking on the subject lot. Such agreement shall include provisions for:
 - (A) Monitoring of parking lot adequacy on at least an annual basis, and
 - (B) Construction of additional parking spaces, implementation of parking demand mitigation measures, or compliance with the usual Provo City Code parking standards if trip generation rates for uses within the development change from that set forth in the parking count justification study.
- (d) If the Planning Commission reasonably determines at a future date that parking on a lot is insufficient, or that demand exceeds ninety percent (90%) of parking lot capacity as measured over a given two (2) week period, the property owner shall provide additional parking spaces to

meet the then required parking standard or shall take other mitigating actions as reasonably determined by the Planning Commission to meet the purpose of this Section.

(3) *Reduction in Off-street Parking.* Residential parking may be reduced subject to Planning Commission approval of a TDM program.

(a) Elements of a TDM program may include, but are not limited to, the following:

(i) Design of the development project so landscaped areas can be converted to provide additional parking areas, meeting the requirements of this Subsection, if the City determines the parking originally provided under this reduction is inadequate. "Inadequate" shall mean the number of vehicles parking on the premises exceeds by ten percent (10%) the number of parking spaces provided, as shown on an approved project plan, at any time during a day for four (4) of seven (7) days.;

(ii) Robust bicycle amenities (i.e., lockers and repair facilities) and additional designated bicycle parking areas in excess of what is required for the project;

(iii) Proximity of a proposed project to employment centers, mass transit, commercial services, and public recreation spaces;

(iv) Designated priority parking for carpool and/or van pool vehicles;

(v) Designated pick-up and drop-off zones;

(vi) Priority parking for car-sharing; or

(vii) Electric vehicle charging facilities.

(b) Transportation Demand Management programs approved by the Planning Commission shall be memorialized in a TDM agreement with Provo City, which shall be an enforceable agreement that is recorded and shall run with the land. Such agreement shall include provisions for:

(i) Monitoring of parking lot adequacy on at least an annual basis, and

(ii) Construction of additional parking spaces, implementation of parking demand mitigation measures, or compliance with the usual Provo City Code parking standards if trip generation rates for uses within the development change from that set forth in the transportation demand management program.

(c) For property where a TDM agreement exists, failure by the property owner to abide by the agreement shall be unlawful. In addition to other legal remedies available to the City, a determination by the Planning Commission, after a duly noticed hearing, that the owner has violated the agreement, shall mean that any parking reduction allowed as the result of the TDM

program is no longer allowed for that property and the property must meet the parking requirements otherwise required by Provo City Code.

(d) In no case shall parking for residential uses be less than one (1) space per unit.

(e) TDM agreements for residential projects that are granted a reduction in off-street parking requirements shall include the following provisions, in addition to the TDM program elements:

(i) Any land area which would otherwise be allocated for parking, if this reduction were not invoked, that is not developed with structures shall be improved with landscaping meeting City standards and include reasonable amenities;

(ii) That a financially responsible party be locally available to enforce provisions of the agreement;

(iii) That binding community rules regarding occupancy, parking, other limitations and enforcement procedures be included in the agreement and as a note on any plat documents, and that such rules be posted conspicuously on the premises; and

(iv) After a period of five (5) years, during which the number of parking stalls has never been found to be inadequate, the Community Development Director may determine that retaining landscaped areas in reserve for future parking is no longer necessary.