

January 16, 2018

MEMORANDUM

To: Planning, Land Use and Zoning Committee
From: Lish Whitson, Council Central Staff
Subject: Council Bill 119173: Off-street parking regulations

On January 17 the Planning, Land Use and Zoning Committee (PLUZ) will receive a briefing on parking issues contained in [Council Bill 119173](#) (CB 119173). This bill would amend the City's off-street parking regulations for both cars and bicycles to increase opportunities for shared parking, thus setting new or reinforcing existing parking policies in places where Seattle invests in frequent transit service. No changes to on-street parking management are proposed as part of this legislation.

This memo summarizes portions of the bill related to off-street parking requirements for automobiles, except for the definition of frequent transit service, and identifies issues that the Committee may decide to address in its review of the legislation. At the February 7 PLUZ meeting, we expect to discuss bicycle parking and the frequent transit service definition.

Summary of CB 119173

CB 119173 is a comprehensive review of off-street parking regulations for both motor vehicles and bicycles. The legislation responds to one of the recommendations of the Housing Affordability and Livability Agenda. It covers a wide range of parking-related topics:

- “Unbundling” of parking: requiring that renting or leasing of parking be covered by a separate agreement from rental agreements and leases,
- Calling non-required or public parking "flexible use parking" and broadening the locations where flexible use parking is permitted and how it can be used,
- Allowing more flexibility for park and rides,
- Allowing for more flexibility for the public to use required accessory parking,
- Adopting a new definition of frequent transit service through a Seattle Department of Construction and Inspections (SDCI) Director's Rule,
- Adopting new bicycle parking quantity and design standards,
- Expanding the distance off-site, off-street parking is allowed from a use,
- Adjusting parking requirements for affordable dwelling units,
- Adding design standards to allow for the public use of accessory parking,
- Limiting exceptions to maximum parking requirements, and
- Clarifying SEPA policies

The proposed regulations build on a body of scholarship and practice that finds significant negative impacts to requiring more parking than will be used.¹ Among those negative impacts are additional car trips and resulting congestion, increased development costs and reduced development density resulting in increased rents, and negative urban design character and reduced pedestrian activity. In recognition of these impacts, Seattle has chosen to reduce or remove off-street parking requirements in areas where there is good access to transit, starting with Downtown Seattle in the 1980s, commercial zones in 2006, and multifamily zones in 2009.

In recognition of the impact of development costs on housing costs, the Housing Affordability and Livability Agenda Task Force (HALA) made three recommendations regarding off-street parking requirements:

- Do not re-introduce parking mandates in urban villages;
- Review the definition of frequent transit service; and
- Reduce parking requirements for multifamily housing outside urban villages

CB 119173 is SDCI's response to these proposals. CB 119173 also seeks to address two findings of the Seattle Hearing Examiner related to the definition of frequent transit service.

Key Recommendations

This section summarizes key recommendations of CB 119173, including unbundling of parking requirements, flexible-use parking and park-and-ride regulations, design standards, off-site parking distance requirements, maximum parking requirements, and SEPA policies.

1. Unbundling of parking

The proposed legislation would require that landlords offer separate leases or rental agreements for primary space (residential units or commercial space) and any parking spaces. Residential tenants would not be required to sign a lease for a parking space. This separation of leases is called “unbundling”.

This requirement would apply to:

- Residential buildings with 10 or more dwelling units except subsidized low-income units and units where the parking is integrated into the unit, such as many townhouses;
- Commercial uses in buildings larger than 10,000 square feet.

The intent of unbundling is to make sure that tenants understand the cost of parking when signing a lease. Residential tenants would not be required to pay for parking that will go unused. This is considered more equitable and efficient – tenants who want parking will gravitate to buildings and units where it is available, and other tenants will not have to pay for an undesired parking space.

¹ Much of this scholarship is contained in Donald Shoup, *The High Cost of Free Parking* (Chicago: American Planning Association, Planner's Press, 2011). More recent studies have generally upheld Shoup's thesis.

2. Non-required Parking

The Land Use Code regulates off-street parking in two broad categories:

1. “Accessory parking,” which is parking that the code requires to address the parking needs of a particular use, and
2. “Principal use parking,” which is parking that the code does not require and is generally intended to be used by the general public.

CB 119173 proposes to change the name of “principal-use parking” to “flexible use parking” to recognize the flexibility of that category of parking, i.e. that it can be used to support multiple activities. In addition, the bill proposes to allow flexible use parking in locations where it is not permitted today. The intent is to allow greater use of existing and new off-street parking facilities by removing regulatory barriers to building off-street parking and making parking available to the public.

Generally, principal use parking has been prohibited in multifamily and less intensive commercial zones. Under CB 119173, flexible use parking would be newly permitted in the following locations and circumstances:

Table 1: Newly Permitted Flexible Use Parking

Zone	Parking Garage	Surface Parking Lot
Lowrise 3, Midrise, or Highrise multifamily	Permitted	Permitted on existing surface lots
Residential/Commercial zones	Permitted	Permitted
Station Area Overlay District, except commercial zones	Permitted if square footage of parking is less than square footage of other uses	Prohibited

Existing accessory parking that is above any required parking is permitted to be converted to flexible-use parking under the bill. However, a limit of 145 spaces of flexible-use parking would be added to commercial zones except for Commercial 2 zones. In order to facilitate public access to parking, new structures with garages are required to include a pedestrian walkway or route between the parking garage and adjacent right-of-way.

3. Park and Rides

The Land Use Code currently regulates “Park and Ride” lot and “Park and Pool” lot as two different categories of uses. Both consist of parking owned and operated by a public agency in order to allow commuters to park in a central location and transfer to a different vehicle to complete their commute. The distinction is whether people who park at the lot transfer to bus

or rail, or to a vanpool or carpool. CB 119173 proposes combining these two uses into one category of use: “park and ride facility.”

Park and ride facilities would be newly permitted in the following locations and circumstances:

Table 2: Newly Permitted Park and Ride Facilities

Zone	Parking Garage	Surface Parking Lot
Lowrise 1, Lowrise 2	Prohibited	Conditional use on existing surface lots
Lowrise 3, Midrise, or Highrise multifamily	Permitted	Conditional use on existing surface lots
Residential/Commercial zones	Permitted in LR3 zones	Conditional use on existing surface lots
Neighborhood Commercial 2	Permitted	Conditional use, up to 25,000 square feet
Neighborhood Commercial 3, Commercial 1, Commercial 2	Permitted	Conditional use
Industrial Buffer, Industrial Commercial, and General Industrial, except in the Duwamish Manufacturing/Industrial Center	Permitted, except within 3,000 feet of Downtown	Permitted, except within 3,000 feet of downtown
General Industrial in the Duwamish Manufacturing/Industrial Center	Conditional Use	Conditional Use
Station Area Overlay District	Prohibited	Prohibited

4. Car share

In most zones, the code prohibits parking between buildings and the street. This is due to the negative impacts of surface parking on the pedestrian environment. There are also limits on the number and size of curb cuts and driveways. CB 119073 would allow parking between buildings and sidewalk for up to 3 car share vehicles in commercial, Midrise and Highrise zones. Additional curb cuts and driveways would be permitted to access those spaces. The intent is to provide visible and easily accessible locations for car share vehicles off-street.

5. Minimum parking requirements

The land use code requires different parking requirements by use. These requirements are intended to address the parking needs of a project. CB 119073 proposes to update some requirements, lowering requirements for affordable housing units and increasing the income levels at which the requirements apply as follows:

Table 3: Updated Minimum Parking Requirements

Current Use Category	Current Requirement	Proposed Use Category	Proposed Requirement
Units rented to and occupied by households with incomes at or below 30% of median income	1 space per 3 dwelling units with 2 or fewer bedrooms; 1 space for each dwelling unit with three or more bedrooms	Units rent and income restricted at or below 60% of median income	1 space for each 5 dwelling units
n/a	n/a	Dwelling units rent and income restricted at or below 80% of median income	1 space for each 3 dwelling units
Low-income elderly/ low-income disabled	1 space for each 5 dwelling units	Rent and income restricted for tenants at or below 80% of median income and either with a disability or 55 years old or older	1 space for each 5 dwelling units
Low-income elderly	1 space for each 6 dwelling units	Rent and income restricted at or below 80% of median income with one or more residents 62 years old or older	1 space for each 6 dwelling units

The proposed bill would also add a provision that allows parking requirements to be waived or reduced if a permit applicant is able to produce a study that shows that fewer parking spaces are needed to meet the parking demand for that project than are required under the code.

6. Public Use of Required Parking

In commercial districts, the City has permitted conversion of required accessory parking to parking for the general public when the principal use is discontinued or no longer needed. In commercial zones where principal use parking is already allowed, required accessory parking may be made available as public parking under the theory that there can be efficiencies in the use of that parking and that visitors to a business district may want to park once and visit multiple stores.

CB 119073 proposes a new code section that broadens those rules to more areas. Section 23.54.027 would allow legally established parking that is not required parking to be used as off-site parking for other residential uses. In other words, an apartment building that was constructed with more than the required number of parking spaces could lease its spaces to residents of another building. In addition, this new section would allow all accessory parking, whether accessory to residential or nonresidential buildings and in all zones to be made available as short-term public parking. Short-term parking is parking restricted to four hours or less. This is intended to allow for more flexibility and greater use of existing parking resources.

7. Distance to Off-Site Parking

Required accessory parking may be provided either on-site or off-site. Under current regulations, off-site parking must be located within 800 feet of the primary use. CB 119073 proposes to extend that distance to a quarter mile or 1,320 feet. This would provide more opportunity for sharing of parking, but would be less convenient and may discourage people from using it.

8. Maximum Parking Limits

The City has put in place maximum limits of one parking space per 1,000 square feet of nonresidential use in urban centers like Downtown Seattle, Uptown and South Lake Union. In South Lake Union and Uptown this limit constitutes a hard cap that cannot be exceeded. In Downtown Seattle, there has been a potential to provide parking in excess of that maximum limit based on evidence of parking demand and alternative means of transportation. CB 119073 proposes to remove those provisions.

9. State Environmental Policy Act (SEPA) Amendments

The State Environmental Policy Act (SEPA) considers parking as one of the elements of the environment that must be considered as part of environmental review. The City's SEPA rules generally recognize impacts of increased parking demand from development but defer to the land use code to determine appropriate amounts of required parking. The current policies state that it is the City's policy to minimize or prevent parking impacts associated with development, but limit the authority of the City to mitigate parking impacts on a project-by-project basis in denser neighborhoods and areas with frequent transit service. In Alki, the policies allow the Director of the Seattle Department of Construction and Inspections (Director) to increase the amount of parking required. In other areas where mitigation is allowed, the Director may include transportation management programs, parking management plans, incentives for use of non-single-occupant vehicles, increasing the amount of parking in some areas and reduction in development densities for residential and non-residential development.

Proposed changes to these SEPA policies would provide more policy background regarding the impacts of providing parking on transportation choices, housing costs, and the effect of denser environments and transit availability on reducing parking demand. New language would also

reference land use code provisions related to reduced parking requirements in areas with frequent transit service. Finally, CB 119073 would be amended to remove the authority of the Director to reduce residential density when parking spillover is likely.

Off-Street Parking Issues

Councilmembers and Central Staff have identified a number of changes that the Committee may want to make to the proposed legislation. These potential amendments are described in Attachment 1.

Next Steps

At the February 7 PLUZ Committee meeting, we intend to discuss the recommendations related to bicycle parking and the frequent transit service standard. A public hearing is being scheduled for the PLUZ Committee meeting on February 21. This will allow for consideration of amendments and potential vote in March.

Attachment:

1. Potential issues

cc: Kirstan Arestad, Central Staff Director
Ketil Freeman, Supervising Analyst

Attachment 1: Potential Issues for Council Consideration of CB 119073

Topic	Issue	Options	Discussion
A. Unbundling of parking from leases	1. Commercial thresholds	a. Councilmember Johnson: Require unbundling for all non-residential leases	Unbundling parking from other aspects of leases allows potential tenants to better understand and weigh the costs of parking from other parts of a commercial lease. The bill recommends requiring this for buildings larger than 10,000 square feet. This change would apply the requirement to all non-residential leases in order to allow potential commercial tenants to weigh and balance different options.
		b. Adopt the Executive’s recommendation of requiring unbundling only for leases in structures greater than 10,000 square feet	
B. Flexible-use parking	1. Multifamily zones	a. Councilmember Johnson: Do not allow flexible use parking in multifamily zones	One of the primary objectives of Council Bill 119073 (CB 119073) is to use market mechanisms to better supply parking to meet demand, without requiring the construction of more parking than will be used. One way that the legislation does this is to allow for the construction and use of non-required (i.e. flexible-use) parking in new zones, including in garages in multifamily zones. This would lead to public parking being built in multifamily areas. The Council should consider placing some additional limits on this or continue to prohibit it.
		b. Allow, with a limit of 145 spaces (the proposed limit for commercial zones)	
		c. Adopt the Executive recommendation	
C. Park and Ride facilities	1. In multifamily zones	a. Councilmembers Johnson and O’Brien: Do not allow new park and ride facilities in multifamily zones	CB 119073 proposes to allow park and ride facilities in multifamily zones outside of station area overlay districts. Park and ride facilities provide access to transit for people in less dense areas, but also bring additional traffic and congestion to areas with good access to transit. The Council should consider whether to allow park and ride facilities in multifamily districts.
		b. Adopt the Executive recommendation	

Attachment 1: Potential Issues for Council Consideration of CB 119073

Topic	Issue	Options	Discussion
D. Car share	1. Surface parking	a. Councilmembers Johnson and O’Brien: Do not allow car share vehicles to park between the sidewalk and buildings	CB 119073 would allow for up to three car share vehicles to park in surface parking spaces between buildings and the street. This is intended to provide visible, easily accessible locations where car share vehicles can be made accessible to the surrounding neighborhood. Generally, the City prohibits cars parking between buildings and the sidewalk “in order to maintain an attractive and safe street-level environment, facilitate the movement of pedestrian and vehicular traffic, minimize adverse impacts on nearby areas and structures, and, where appropriate, maintain or create continuous street fronts.” (Seattle 2035, Policy LU 6.7)
		b. Adopt the Mayor’s recommendation	
E. Off-site parking	1. Distance from primary use	a. Councilmember Johnson: Increase the limit for off-site parking to 2,640 feet (one half mile)	One of the goals of CB 119073 is to allow for greater sharing of parking between buildings and uses so that fewer spaces need to be built overall. The code currently allows off-site and shared parking to be located up to 800 feet away from the primary use. The bill proposes to extend the distance between a building and its off-site parking to a quarter mile. This will allow more flexibility, but may make the off-site parking less accessible to occupants of a building.
		b. Maintain the current limit of 800 feet from the primary use	
		c. Adopt the Mayor’s recommendation of 1,320 feet (quarter mile) from the primary use	

Attachment 1: Potential Issues for Council Consideration of CB 119073

Topic	Issue	Options	Discussion
F. Parking requirements	1. Maximum limits	a. Councilmember Johnson: Institute a maximum limit for multifamily uses	<p>Researchers have determined that access to parking can influence the choice to drive to a destination.¹ The City has used maximum limits on nonresidential parking spaces in denser neighborhoods to limit single-occupant vehicle commuting.</p> <p>Data from the Seattle Department of Construction and Inspections shows that between 2015 and 2017, 31 projects or 8% of all projects provided more than one parking space per unit, resulting in 1,076 parking spaces being built.</p>
		b. Do not apply a maximum limit	
	2. Affordable housing	a. Councilmembers O’Brien and Johnson: Remove the parking requirement from permanently affordable housing units	<p>Parking spaces can cost \$35,000 a space to build. For affordable housing projects, the cost to build these spaces is incorporated into the total building cost, and increases the cost of building these projects. The City has lower requirements for affordable units and units dedicated to older residents and people with disabilities because these populations are less likely to own a car compared to the general population. The Committee may want to consider removing these requirements altogether because of the importance of increasing the supply of affordable housing in the city compared to the importance of off-street parking. Doing so may encourage more on-site performance under the Housing Affordability and Livability Agenda.</p>
		b. Maintain parking requirements of between 1 space per 3 units to 1 space per 6 units.	

¹ See for example, Christiansen Petter, Øystein Engebretsen, Nils Feranley, Jan Ustered Hanssen (2017) [Parking facilities and the built environment: Impacts on travel behavior](#). Transportation Research Part A. 95. 198-206