

City of Annapolis

Planning Commission

Department of Planning & Zoning

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January 19, 2023

To: **Annapolis City Council**

From: **Planning Commission**

Re: **Ordinance O-49-22: FOR the purpose of authorizing a parking fee in lieu for certain businesses required to provide parking spaces ZTA2022-006.**

Findings and Recommendations

From the staff report, “The purpose of this ordinance is to establish the fee recommended by Planning staff in their evaluation of O-9-22 which proposed eliminating the required minimum off-site parking for food establishments and would apply citywide. The recommendation was that the legislation include a mechanism for committing new revenue from parking fees to specific improvements to the City’s transit system, and bike and pedestrian infrastructure that could have a measurable improvement on transportation mode share in the city.” The staff report continues to adequately explain the legislation and its’ purpose, and therefore will not be expanded upon here.

The Planning Commission held public hearings on December 15, 2022, and January 5, 2023, upon the legislation. These hearings included staff presentation along with testimony from City Council membership through both written and virtual participation. Testimony received was both for and against.

The Planning Commission’s main issue of contention with this legislation was that it seems to be conflating outdoor dining with parking requirement code. Outdoor dining, in and of itself should not have anything to do with minimum parking requirements. Mixing the two through legislation makes things more complicated. Also, O-9-22 seems to be in contention with this legislation such that it could be construed that you can either have O-9-22 or O-49-22, but not both. With respect

to the fee, the proposed fee seems to be paid by the wrong entity, the restaurant or other business, which then passes the fee on to all its customers. In the case of New Construction, this legislation would also apply to an owner who could then pass the parking requirement onto whomever uses that land, thereby bypassing the protective requirements for parking, which is counterproductive to creating a workable business near residential environment. Parking pressure would be moved to the surrounding properties, especially neighborhoods on adjoining streets.

Regarding the financial benefit of a fee, the transportation fund is where the fee is currently planned to go, and right now the fund does not supply funds to the shuttles that are free or those specifically for patrons to go downtown and free up parking (i.e., Annapolis-go, Circulator, golf carts, etc.) And, if the future will not be the bus system, why do we put this fee into that fund. We need to look at where and why the money would go to an account. The Transportation fund in the future is thought of to pay for some of these, but it needs to be addressed.

There is a major contradiction to go away with parking requirements, which we recommended upon in June in O-49-22, versus putting a fee on property owners who want to repurpose their parking and thereby getting around the Code's protective measures. We recognized in the recent past that outdoor dining can be a great new asset to the city, and we would like to see some parking spaces used for this as we have, but in this case, we are really talking about minimum parking requirements, not outdoor dining. In addition, alleviating a parking space for the entire year by a simple fee before construction would cancel out any possible benefit from having a parking space during the winter. Time of year use needs to be investigated.

From the aforementioned findings, the Planning Commission suggests that the City Council deal with parking requirements in separate forum from the push for outdoor dining legislation, and that a fee system flow to those affected be investigated more thoroughly along with time of year and use. The idea is very much appreciated in the push for solving emergent issues with respect to outdoor dining, but there is much more to be defined and thought out before any such legislation can be put forth.

In conclusion, the Planning Commission voted 6-0 to recommend that O-49-22 **not be** approved. The planning commission further recommends that any future fee legislation or outdoor dining versus parking consider the following:

1. Consider any parking fees assessed on property owners be used to mitigate impacts on surrounding properties through proper funding channels, not just the transportation fund.

2. Handle any parking fees in lieu of parking requirements in the form of parking requirements for property code. Not in specific legislation by itself.
3. Investigate time of year use for existing parking spaces and those in design, and how this can affect new code to make more accommodating use of property.

Adopted this 19th day of January, 2023

Approved and submitted on behalf of the Planning Commission

Alex Pline, Chair

Teresa Rubio-Dorsey, Vice-chair

Robert Waldman, Member

Ben Sale, Member

David Iams, Member

Diane Butler, Member

Thomas Sfaykanudis, Member