

RID (Rule Interpretation Decision)

<u>Type of RID</u>	<u>Requested Response Time</u>	<u>DSD Assigned RID # 120</u>
Internal Staff RID <input type="checkbox"/>	24 hours <input type="checkbox"/>	
Customer RID <input checked="" type="checkbox"/>	10 working days <input type="checkbox"/>	
	As time available <input checked="" type="checkbox"/>	

- 1. Project Name:** Medical Drive Apartments
- 2. Project Number:** n/a
- 3. Project Street Address:** 5240 Medical Drive
- 4. Applicant Name:** Patrick W. Christensen
- 5. Applicant Address:** 1800 W. Commerce, Suite 1, San Antonio, TX 78207
- 6. Applicant Contact #:** 210-320-2540
- 7. Applicant e-mail:** pwc@christensenpc.com
- 8. Rule(s) in Question:** Section 35-310.07 (“MF-18”, “MF-25”, “MF-33”, “MF-40”, “MF-50” and “MF-65” Multi-Family) of the Unified Development Code (UDC).
- 9. Applicant’s Position:** Interpret UDC Section 35-310.07 which states:

“An increase of 10% of the allowable gross units per acre shall be permitted in the “MF-40”, “MF-50” and “MF-65” districts where all on-site visitor and resident parking is provided in a structured parking garage in accordance with Section 35-384(c).”

To allow non-structured parking on site, provided that the UDC minimum required parking spaces are located within a structured parking garage.

10. Staff Finding: The adoption of the UDC in May of 2001 established minimum (1.5 spaces per unit) and maximum (2.0 spaces per unit) parking space requirements in multi-family (MF) zoning districts. These standards remained virtually unchanged until October of 2012 when the UDC was amended, allowing a 10% density bonus provided all on-site parking spaces are located within a parking structure. For example, a property consisting of one acre and zoned “MF-40” may have an additional 4 units if the structured parking provision is met. However, the actual intent of the provision was not to restrict *all* parking to structured parking but instead to ensure the *minimum* required number of spaces are located within a parking structure.

Staff finds the premise of only offering parking spaces in a structured environment to benefit from the density bonus provision is often impractical. Potential residents, visitors, vendors and delivery services, such as the postal service, also require access to

convenient and safe parking areas. Further, since many multi-family developments utilize automated gates to control access to residential units, common areas and parking facilities, ease of access by non-residents to parking spaces is difficult without prior arrangements and on-street parking of this nature is not a desirable alternative. Lastly, structured parking promotes resident convenience and an efficient use of land. The designers and developers of multi-family communities are able to provide the same number of structured parking spaces within a substantially smaller area than traditional non-structured parking areas require. Because of these factors, allowing uncovered parking at an amount not in excess of 20% of the minimum required parking spaces is consistent with the intent of Section 35-310.07 of the *UDC*.

11. Staff Position: The intent of Section 35-310.07 was not to restrict *all* parking to structured parking but to ensure the *minimum* required number of spaces were located within a parking structure and, in return, a 10% density bonus is applicable to the overall development. From a practical perspective, uncovered parking should be provided in multi-family communities for the reasons cited above, and allowing uncovered spaces not in excess of 20% of the minimum required structured parking spaces is appropriate given the potential scale of multi-family developments allowed in MF-40, MF-50 and MF-65 zoning districts. This interpretation does not affect the parking structure design standards required by Section 35-384(c) or the minimum/maximum parking requirements identified in Table 526-3a of the *UDC*.

12. Departmental Policy or Action: The Director concurs with staff's position and directs this interpretation be posted on the Department website immediately for customer consumption, suggesting the following UDC amendment:

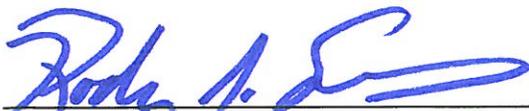
Section 35-310.07. "MF-18", "MF-25", "MF-33", "MF-40", "MF-50" and "MF-65" Multi-Family.

General Provisions. See subsection 35-517(d) relating to additional setback for building height increases. An increase of up to 10% of the allowable gross units per acre shall be permitted in the MF-40, MF-50 and MF-65 districts where ~~at~~ the minimum required on-site visitor and resident parking is provided in a structured parking garage in accordance with section 35-384(c). Non-structured parking spaces are permitted but shall not exceed 20% of the minimum number of parking spaces.

[Example: For a property consisting of one acre and zoned "MF-40", this provision authorizes an additional four (4) dwelling units if the structured parking provision is met. Using this provision, a 44 unit development requires a minimum of 66 structured parking spaces and may therefore have up to 13 non-structured parking spaces. Structured parking is not subject to maximum parking requirements per Section 35-526(b)(5)].

Date of policy/action: April 15, 2013

Effective Date of policy/action: Immediately



Roderick Sanchez, AICP, CBO
Development Services Director

4-15-13
Date