

DCA201-008

City Plan Commission

March 3, 2022

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City of Dallas

Request

- Consideration of amending the Dallas Development Code Chapter 51A-4.1100 Mixed Income Housing, to support and align with the One Dallas Options Program within the City of Dallas Comprehensive Housing Policy.

Purpose

- Consider amendments to Section 51A 4.1100 Mixed Income Housing to align with proposed amendments to the Comprehensive Housing Policy.
 - Proposed amendments to Chapter 51A are part of a larger initiative supported by the City Manager to create a program called One Dallas Options (ODO).
 - ODO expands the existing Mixed Income Housing Development Bonus (MIHDB) program and includes additional flexibility.
- City Council will review proposed changes to Ch. 51A, Ch. 20A, and the Comprehensive Housing Policy (CHP) at the Housing and Homelessness Solutions Committee on March 28, 2022 and on the Council agenda in May 2022.

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Summary – One Dallas Options

- Three new categories of development:
 - Type 1 – existing by-right bonuses written directly into the MF and MU districts
 - Type 2 – specific base + bonus in PDs
 - Type 3 – specific base + menu of options in new PDs
- Additional pathways for compliance
 - On-site provision of reserved (affordable) housing
 - Fee in lieu of on-site provision (pay into the fund)
 - Land dedication
 - Subject to specific City Council approval and criteria such as environmental and development suitability

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Type 1 – Existing By-Right Bonuses

- Type 1 – existing by-right bonuses written directly into the MF and MU districts in 2019.
- For example:
 - MF-1(A) bonuses are in Sec. 51A-4.116 Multifamily Districts
 - Specifically, these bonuses are in Sec. 51A-4.116(a)(4)(I) *Development bonuses for mixed income housing*
 - MF-1(A) bonuses allow extra height and lot coverage and make other changes to allow more units on the site.

Type 1 – Existing By-Right Bonuses

Quick reference chart:

MF-1(A) and MF-2(A) Districts								
	Base	MVA Category A, B, C			MVA Category D, E, F			MVA Cat. G, H, I
Percentage of units reserved at percentage of median income	no requirement	5% at 51%-60%	5% at 51-60% & 5% at 61-80%	5% at 51-60% & 5% at 61-80% & 5% at 81-100%	5% at 61-80%	10% at 61-80%	10% at 61-80% & 5% at 81-100%	5% at 81-100%
Setbacks	10-15'	Urban form setback of 10' for all portions of the building above 45' in height						
Density	none	no changes						
Floor area ratio	none	no changes						
Height	36'	51'	66'	85'	51'	66'	85'	85'
Max stories	no max	no changes						
Lot coverage	60%	80%	80%	85%	80%	80%	85%	85%
Min lot area/unit	varies	remove requirements						
Res. Prox. Slope	required	no changes						
Parking	1 per bedroom	1.25 spaces per unit. Of the required parking, at least 15 percent must be available for guest parking. No additional parking is required for accessory uses that are limited principally to residents.						
Transit Oriented Development		Max lot coverage of 85 percent. One parking space per unit. Of the required parking, at least 15 percent must be available for guest parking.						

Type 1 Eligibility

- Concern – Sec. 51A-4.1102 Applicability
 - Clarify updated recommendation for Type 1
- Response
 - The original MIHDB bonus was supposed to include PDs that defaulted to MF or MU districts
 - Original language – default to MF/MU and “only alter allowed uses”
 - Updated language – default to MF/MU and “do not alter the yard, lot, space, and parking regulations”
 - Because - under current language, any tiny nuance in the PD (even one irrelevant to the bonus) makes the bonus impossible to use in these PDs.

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Type 2 – Existing PDs

- Type 2 developments are the PDs that have come through CPC and Council since late 2017
 - Cases in 2017 and early 2019 have base, bonus, and affordability requirements written directly into the PD
 - Toll Brothers Aster in Oak Lawn, Alliance's 4444 Cole, Oden Hughes' 2929 Oak Lawn, Provident's 4700 McKinney
 - Cases after March 2019 (when the MIHDB program was approved) have a base and a bonus and refer to Chapter 51A-4.1100.
 - 9353 Garland Road, Ridge at Lancaster, Capitol Flats, Modera Trinity, Fairfield Manderville, 2811 Maple Avenue, etc.

Legacy/Existing Buildings (1 and 3)

- Concern – Sec. 51A-4.1103 & 4.1107
 - The term “legacy building” is typically intended to provide relief for historic buildings, as opposed to encouraging the adaptive reuse of existing properties.
- Response
 - Applies directly to Type 1 developments and as a starting point for negotiation for Type 3 developments
 - Type 1: Staff agrees and recommends the term “existing building,” defined as any building that was constructed before January 1, 2000.
 - Type 3: Specific concerns for existing or legacy buildings in the PD (including definition) can be addressed through that process.

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Legacy/Existing Buildings (1 and 3)

- ZOAC language:
 - “At the discretion of the director, historic properties or buildings may be exempt from portions of the requirements of this section.”
- Staff recommendation:
 - “Except if the existing building is destroyed by the intentional act of the owner or the owner’s agent, a person may use the bonuses provided in this division to renovate, remodel, repair, rebuild, or enlarge an existing building if the work does not cause the existing building to become more nonconforming as to the requirements in Sec. 51A-4.1107 and the applicable zoning district.”

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Legacy/Existing Buildings (1 and 3)

- Purpose – allow existing buildings in the base districts to use the bonus even if they can't meet the strict requirements of the design regulations in Sec. 51A-4.1107.
- Example –
 - An existing building that is too close to the street won't be able to use the bonus because of the requirement for a wide sidewalk.
 - An existing building that does not have ground floor units that open up onto the street would not be able to use the bonus.

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Clarification/Updated Language (1 and 3)

- Sec. 51A-4.1105
 - Application - Additional language adds a requirement to calculate and provide the floor area.
 - Minimum units required – clarifies the method for rounding up
 - Phasing –
 - The original MIHDB program allows for a development to do phases
 - This clarifies where the reserved units must be placed
- Sec. 51A-4.1107
 - Tried to address PDs that don't completely meet Sec. 51A-4.1107 requirements
 - Better handled through the PD conditions and the CPC/Council process

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Minimum Residential Floor Area (3 only)

- Sec. 51A-4.1106(j)
- Applies to Type 3 only
- Staff recommendation is
 - 70% minimum floor area must be residential space
 - 3%, 5%, or 10% reserved units minimum, with a requirement of at least one unit
 - This is updated from ZOAC per updated recommendations from consultant and requests from CPC
 - Parking still under discussion

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Parking Reductions (1 and 3)

- Concern
 - Clarify the difference between ZOAC approval and Staff's Updated Recommendations.
- Response
 - ZOAC approval
 - Type 1 (by-right): No change from current (1.25 spaces / unit)
 - Type 3: Residential and nonresidential parking reduction ranging from 20% to 100%, taken from the minimum parking requirement set by the PD conditions.
 - Staff's Updated Recommendation
 - Type 1 and 3: 0.5 spaces / unit for multifamily, 0.25 spaces / unit for retirement housing
 - Type 3 only: Nonresidential parking reduction ranging from 20% to 100%, taken from the minimum parking requirement set by the PD conditions.

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Parking Reductions (1 and 3)

- ZOAC approved up to 100% reduction for Type 3 buildings
- Unintended consequence, caught after ZOAC:
 - Base districts required to park at 1.25 or per Sec. 51A-4.200, whichever is less.
 - Proposed developments in the by-right districts might decide instead to get a PD for the parking reductions.
 - Goes against the direction of the City Manager to reduce the number of new PDs in the city
 - Costs developers extra because they either have to over park in the base district or spend a year getting a PD.

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Parking Reductions – Additional Information

- Staff recommendation - Section 51A-4.1107 (Type 1 & 3)
 - (2) Multifamily parking. Except as provided in this paragraph division, one-half space per dwelling unit is required, or per the requirements of Division 51A4.200 or a successor ordinance, whichever requires fewer spaces.
 - (A) At least 15 percent of the required parking must be available for guest parking.
 - (B) For developments with transit proximity, one-half space per dwelling unit is required, or per the requirements of Division 51A-4.200 or a successor ordinance, whichever requires fewer spaces. At least 15 percent of the required parking must be available for guest parking.
 - (3) Retirement housing. One-quarter space per dwelling unit is required, or per the requirements of Division 51A-4.200 or a successor ordinance, whichever requires fewer spaces ¹⁶

Parking Reductions – Additional Information

- Staff recommendation - Section 51A-4.1106(j)(5) (Type 3):
 - (5) Parking Reduction. This reduction applies to the total number of parking spaces required for all nonresidential uses except alcoholic beverage establishments, commercial amusement (inside), commercial amusement (outside), restaurant without drive-in or drive through service, and restaurant with drive-in or drive-through service.

Parking Reductions – Additional Information

- Concern

- Reduced parking requirements for mixed income developments may lead to parking problems
- Parking reduction should correspond only to the number of reserved units

- Response

- Under the original MIHDB research, part of the parking reduction was in response to data showing lower car ownership among lower-income households
- Importantly, though, the main reason for the parking reduction was to trade excessive parking requirements for reserved units in mixed income communities
 - The money saved by not building unnecessary parking can go to off-set the cost of providing the reserved units.
 - The land saved by not building empty parking spaces can go to create income- and tax-producing housing units.

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Parking Reductions – Additional Information

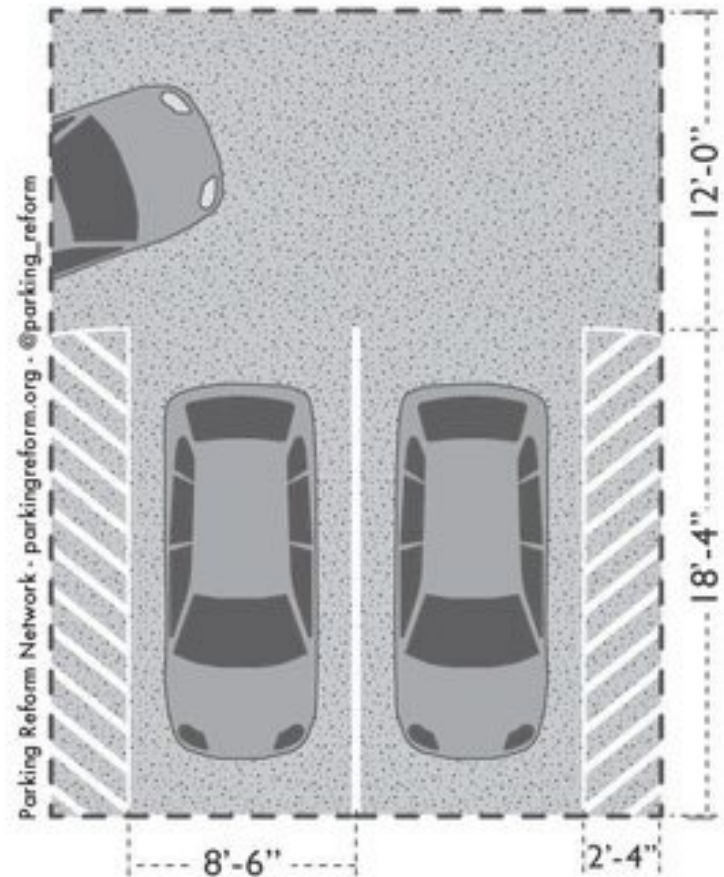
- Concern
 - The parking utilization data presented is old, represents only a small part of the city, or is otherwise irrelevant
- Response
 - To clarify, a *parking utilization study* is technical jargon for someone walking through a parking lot late in the evening/night and counting actual occupied spaces versus all of the spaces provided.
 - Staff presented a range of time frames (from 30 years ago to January/February 2022) and a range of geographies (across North America/Canada, across Texas, and in Dallas)
 - The data was taken from market-rate and affordable multifamily properties.
 - The data consistently show that apartment communities generally only need 0.8-1.1 spaces per unit. The rest are empty, unused parking spaces.

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Transit Proximity

- Concern
 - Clarify updated recommendation for transit proximity
- Response
 - Staff recommends keeping the definition of transit proximity and setting the minimum parking requirements for developments with transit proximity at the same level as other developments: 0.5 spaces per unit.

Living Space Vs. Parking Space



size for 2 bedroom apartment: 675 FT²

size for 2 parking spaces: 650 FT²

Sources: Transportation Cost and Benefit Analysis II - Parking Costs Victoria Transport Policy Institute (www.vtpi.org)

Graphic Adapted from Graphing Parking (<https://graphingparking.com/2013/07/23/parking-across-cascadia/>)

Image compiled by the Parking Reform Network - <https://parkingreform.org/> - @Parking_Reform



Compliance

- Additional pathways for compliance
 - On-site provision of reserved (affordable) housing
 - Fee in lieu of on-site provision (pay into the fund)
 - Land dedication
 - Subject to specific City Council approval and criteria such as environmental and development suitability

Staff Recommendation

- Approval, subject to staff's updated recommendations, as briefed.

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