

DALLAS DEVELOPMENT CODE AMENDMENT

FILE NO. DCA 190-002

Parking: BDA Cases

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Consideration of amending off-street parking and loading requirements including, but not limited to, hotel, restaurant, multifamily, alcoholic beverage establishment, and public and private school uses in the Dallas Development Code.

BACKGROUND:

On September 5, 2019, City Plan Commission (CPC) authorized a public hearing to consider amending Chapters 51 and 51A of the Dallas Development Code, with consideration to be given to amending off-street parking and loading requirements including, but not limited to, hotel, restaurant, multifamily, and alcoholic beverage establishment uses, and transit-oriented development.

The intent of this code amendment is to review the current parking regulations and based on research, best practices, and other cities approach to parking requirements, determine the need to amend the City Code and make a recommendation and proposal.

Staff will provide reports on the following general research direction to build on information, culminating with recommendations and a proposal:

- Current Parking Regulations _ provided at the June 18, 2020 ZOAC meeting
- City of Dallas Planned Development Districts _ provided at the July 9, 2020 ZOAC meeting
- Index Cities and Other Cities Research_ provided at the August 6, 2020 ZOAC meeting
- Local and National Parking Studies
- **Board of Adjustment Parking Reductions**
- Citywide Plans – Vision/Goals
- Feedback from Interested parties, Industry, Developers and communities and neighborhoods.

PROJECT WEBPAGE:

<https://dallascityhall.com/departments/sustainabledevelopment/planning/Pages/parking-code-amendment.aspx>

RESEARCH AND STAFF ANALYSIS:

Staff reviewed Board of Adjustment cases within the last four years in which requests for variances and special exceptions for parking reductions were made and heard by the board.

Scope and methodology:

Staff focused the research on the requests for parking reductions within specific uses to better understand how often and under what circumstances applicants were requesting relief from the parking requirements.

Summary:

Staff reviewed Board of Adjustment cases submitted within the last four years in which applicants requested variances or special exceptions for parking reductions for multi-family, restaurant, hotel, alcoholic beverage establishment and school uses.

BDA CASES - PARKING REDUCTIONS

Based on the research, staff further refined the parking reduction case data to specific categories or circumstances in which the parking reductions were sought. The following Board of Adjustment cases are listed under the following categories: **New Construction, Change of Tenant Mix/Shopping Center, Change of Use/Conversion (No Expansion), Change of Use/Conversion (Expansion), Expansion/Addition, and Non-conforming/Remodel (No Expansion).**

New Construction:

The following four (4) cases considered by the Board of Adjustment for parking reduction requests were for proposed new construction:

BDA Case No.	Proposed Use (Sf or Rms or DU)	Zoning District	Location	Purpose	Requested (# of spaces)	Parking Required (# of spaces)	Total Reduction Requested (# of spaces/ %)	Motion
167-067 (OA)	Restaurant (4,400 sf)	IR	1717 W. Mockingbird Ln.	Construct a new McDonald's	33	44	11 (25%)	Approved
178-055 (SL)	Hotel/Food Store/Doggy Daycare (236 rooms; 1,200 sf Food Store/7,300 sf Doggy Daycare)	MU-3 (SAH)	13907 Noel Rd.	Construct a new hotel with a food store and doggy daycare	236	270	34 (13%)	Approved Requires Reassessment of parking study due to staff by June 20, 2021
189-008	Hotel (141 rooms; 1,200 sf meeting space)	MU-2	4860 Harry Hines Blvd.	Construct a new hotel	121	147	26 (18%)	Approved

BDA Case No.	Proposed Use (Sf or Rms or DU)	Zoning District	Location	Purpose	Requested (# of spaces)	Parking Required (# of spaces)	Total Reduction Requested (# of spaces/ %)	Motion
189-004	Multi-Family/ Restaurant/ Retail (838 DU; 5,514 sf Restaurant/5,238 sf Retail	PD 621	1930 Hi Line	Construct a new mixed- use, multi- family development with retail and restaurant	1014	1329	315 (24%)	Approved

Summary of the Required Parking Ratios for the BDA Cases Above

BDA 167-067(OA)

Parking Requirements under Ch. 51A

The Dallas Development Code requires the following off-street parking requirements:

- Restaurant without drive-in or drive through service: As a main use, **1 space per 100 square feet** of floor area. As a limited or accessory use, 1 space per 200 square feet of floor area.

BDA 178-055 (SL)

Parking Requirements under Ch. 51A

Chapter 51A requires the following off-street parking requirement:

- Hotel or motel: **1 space for each unit for units 1 to 250**; $\frac{3}{4}$ space for each unit for units 251 to 500, $\frac{1}{2}$ space for each unit for all units over 500; plus one space per 200 square feet of meeting room.
- General merchandise or food store 3,500 square feet or less: **1 space per 200 square feet** of floor area.
- Animal shelter or clinic: **1 space per 300 square feet** of floor area.

BDA 189-008

Parking Requirements under Ch. 51A

Chapter 51A requires the following off-street parking requirement:

- Hotel or motel: **1 space for each unit for hotel or motel uses with less than 250 units plus 1 space per 200 square feet of meeting room.**

Parking Study (Case details from minutes):

- The applicant has submitted a study, based upon the updated Institute of Transportation Engineers (ITE) Parking Generation Manual estimates peak parking demand is during weekdays and is 0.77 spaces per guest room. The study that represents that the "projected peak parking demand" for the proposed hotel is 109 spaces and the applicant proposes to provide a total 121 spaces.

- On December 31, 2019, the Sustainable Development Department Senior Engineer submitted a review comment sheet marked “Has no objections” and “Engineering staff recommends approval based on latest hotel parking trends and other recent requests of similar hotel developments in the Dallas-Fort Worth metroplex.”

BDA 189-004

Parking Requirements under Ch. 51A

PD No. 621 requires the following off-street parking requirement:

- Multifamily: **1 and ½ spaces per dwelling unit**;
- Restaurant: **1 space per 105 square feet** of floor area. No parking is required for outside seating up to 10 percent of the total floor area of the restaurant. Outside seating may not be converted to interior floor area unless the additional required parking is provided; and
- General merchandise of food store greater than 3,500 square feet: **1 space per 275 square feet** of floor area.

Change of Tenant Mix/Shopping Center:

The following case was considered by the Board of Adjustments for a special exception to reduce the parking for a proposed remodel with no building expansion for the existing Creekside Shopping Center:

BDA Case No.	Proposed Use (Sf or Rms or DU)	Zoning District	Location	Purpose	Requested (# of spaces)	Parking Required (# of spaces)	Total Reduction Requested (# of spaces/ %)	Motion
167-116 (SL)	Restaurant/ Theater/Office Medical Clinic/Dry Cleaners/ Ambulatory Surgical Center (72,000 sf Creekside Shopping Center)	CR	6770 Abrams Rd.	Remodel (interior) existing Creekside Shopping Center	664	781	117 (15%)	Approved

Summary of the Required Parking Ratios for the BDA Case Above:

BDA 167-116 (SL)

Parking Requirements under Ch. 51A

The Dallas Development Code requires the following off-street parking requirements:

- Restaurant without drive-in or drive through service: As a main use, **1 space per 100 square feet** of floor area. As a limited or accessory use, 1 space per 200 square feet of floor area.

- Office use: **1 space per 333 square feet** of floor area.
- Office Medical clinic or ambulatory surgical center use: **1 space per 200 square feet** of floor area.
- Personal service: **1 space per 200 square feet** of floor area.
- Dry cleaner or laundry store: **1 space per 200 square feet** of floor area.
- General merchandise or foot store 3,500 square feet or less: **1 space per 200 square feet** of floor area.
- Theater: **1 space per 28 square feet** of seating area.

Change of Use/Conversion (No Expansion):

The following three (3) special exceptions involved a change of use or conversion of an existing use to another use with no building addition or expansion and were taken to the Board of Adjustment for parking reductions:

BDA Case No.	Proposed Use (Sf or Rms or DU)	Zoning District	Location	Purpose	Requested (# of spaces)	Parking Required (# of spaces)	Total Reduction Requested (# of spaces/ %)	Motion
167-023	Restaurant (3,700 sf)	PD 193	3403 N. Fitzhugh Ave.	Conversion of a vacant office bldg. to a new restaurant	21 (3 off-street (on-site; 18 off-street remote per recognized remote agreement)	37	16 (43%)	Denied Finding: the variance is made in this application only to relieve a self-created hardship
167-051	Restaurant with inside Comm. Amuse. (9,700 sf)	MU-3	660 Fort Worth Ave.	Conversion of a vacant non-residential bldg. to a new restaurant	74	97	23 (24%)	Approved
189-059	Hotel (146-rooms)	MU-3	1949 N. Stemmons Frwy.	Conversion of a vacant office bldg. to a new hotel	132	146	14 (11%)	Approved

Summary of the Required Parking Ratios for the BDA Cases Above:

BDA 167-023

Parking Requirements under PD 193

- PD 193 requires an off-street parking requirement of **1 space per 100 square feet** of “restaurant without drive-in or drive-through service” use.
- PD 193 additionally **provides certain “special parking regulations” with a “general standard” stating: “At least 50 percent of the off-street parking required for any other main use must be located on the same lot as that use or on a lot directly adjacent to or across an alley from that use”.**
- The parking provisions mentioned above allow the City to recognize only 21 (or 56 percent) of the 37 off-street parking spaces required for this sized structure leased with this specific use even though the applicant states he is providing all 37 spaces – 3 off-street parking spaces on the site, and the remaining 34 off-street parking spaces via 3 remote parking agreements with property across Buena Vista Street.
- The applicant states the request is to allow more than 50 percent of the required parking to be provided off the lot but all within 370 feet or less of the entrance to the proposed restaurant.
- The site is somewhat sloped, rectangular in shape, and according to the application, 6,533 square feet in area. The site is zoned PD 193 (GR).
- DCAD records indicate that the “improvements” at 3403 N. Fitzhugh Avenue is an “office building” with 3,050 square feet built in 1963.

BDA 167-051

Parking Requirements under Ch. 51A

The Dallas Development Code requires the following off-street parking requirements:

- Restaurant without drive-in or drive through service: As a main use, **1 space per 100 square feet** of floor area. As a limited or accessory use, 1 space per 200 square feet of floor area.
- Commercial amusement (inside): **1 space per 100 square feet** of floor area for any of these uses other than bingo parlor, bowling alley, children’s amusement center, dance hall, motor track, or skating rink.

BDA 189-059

Parking Requirements under Ch. 51A

Chapter 51A-4.205(1) (C) requires the following off-street parking requirement:

- Hotel: **1 space for each unit for units 1 to 250**; ¾ spaces for each unit 251 to 500; ½ space for all units over 500; plus, one space per 200 square feet of meeting room.

Change of Use/Conversion (Expansion):

The following three (3) special exceptions involved a change of use or conversion of an existing use to another use with a building addition or expansion and were taken to the Board of Adjustment for parking reductions:

BDA Case No.	Proposed Use (Sf or Rms or DU)	Zoning District	Location	Purpose	Requested (# of spaces)	Parking Required (# of spaces)	Total Reduction Requested (# of spaces/ %)	Motion
189-	Hotel/Office	PD 314	5944	Conversion	478	669	191 (29%)	Approved

BDA Case No.	Proposed Use (Sf or Rms or DU)	Zoning District	Location	Purpose	Requested (# of spaces)	Parking Required (# of spaces)	Total Reduction Requested (# of spaces/ %)	Motion
088 (SL)	(229 rooms; 82,000 sf office)	(Tract 2)	Luther Ln.	and expansion of existing office and surface parking lot to hotel and office				
167-128 (SL)	Multi-Family/ Food Store/ Alcoholic Beverage Establishment (1,500 sf addition)	PD 619	1516 Elm St.	Conversion and expansion of existing office/retail (level 6 to this 5-story structure) being transitioned to multifamily use)	0	1	1 (100%)	Approved
167-127 (SL)	Multi-/Family/ Office/Retail (1,700 sf addition)	PD 619	1512 Elm St.	Conversion and expansion of existing office/retail (level 4 to this 3-story structure) being transitioned to multifamily use	0	1	1 (100%)	Approved

Summary of the Required Parking Ratios for the BDA Cases Above:

BDA 189-088 (SL)

Parking Requirements under Ch. 51A

The Dallas Development Code requires the following off-street parking requirement:

- Office use: **1 space per 333 square feet** of floor area.
- Hotel use: **1 space for each unit for units 1 to 250**; 3/4 space for each unit for units 251 to 500; 1/2 space for all units over 500; plus 1 space per 200 square feet of meeting room.

BDA 167-128 (SL)

Parking Requirements under Section 51A for the CA-1(A) Central Area District and excerpts from minutes:

The “Special off-street parking provisions” in CA-1(A) zoning states that “except as provided in this section, **for all uses except single family and duplex, off-street parking is only required for a building built after June 26, 1967, or an addition to an existing building at a ratio of 1 parking space for each 2,000 square feet of floor area**”.

- The applicant has submitted a site plan that represents that the square footage to be added to the existing structure on the subject site that, according to DCAD, was constructed in 1900, is approximately 1,500 square feet, and that the required 1 off-street parking space is not proposed to be provided. (Note that Building Inspection Senior Plans Examiner/Development Code Specialist has stated that **an interpretation has been made that one parking space is required in this case since the proposed 1500 square foot addition is between 0 – 2,000 square feet of floor area, hence one parking spaces is required**).

BDA 167-127 (SL)

Parking Requirements under Section 51A for the CA-1(A) Central Area District and excerpts from minutes:

The subject site is zoned PD 619 which states that the off-street parking regulations contained in Section 51A for the CA-1(A) Central Area District apply in this district.

- The “Special off-street parking provisions” in CA-1(A) zoning states that “except as provided in this section, **for all uses except single family and duplex, off-street parking is only required for a building built after June 26, 1967, or an addition to an existing building at a ratio of one parking space for each 2,000 square feet of floor area**”.
- The applicant has submitted a site plan that represents that the square footage to be added to the existing structure on the subject site that, according to DCAD, was constructed in 1925, is approximately 1,700 square feet, and that the required 1 off-street parking space is not proposed to be provided. (Note that Building Inspection Senior Plans Examiner/Development Code Specialist has stated that **an interpretation has been made that one parking space is required in this case since the proposed 1,700 square foot addition is between 0 – 2,000 square feet of floor area, hence one parking spaces is required**)

Expansion/Addition:

The following two (2) special exceptions involved only an expansion of an existing building to accommodate the same use and were taken to the Board of Adjustment for parking reductions:

BDA Case No.	Proposed Use (Sf or Rms or DU)	Zoning District	Location	Purpose	Requested (# of spaces)	Parking Required (# of spaces)	Total Reduction Requested (# of spaces/ %)	Motion
178-052	Restaurant (Existing 3,200 sf)	MU-1	13040 Coit Rd.	Add 1,600 sf to existing McDonald's	37	48	11 (23%)	Approved

BDA Case No.	Proposed Use (Sf or Rms or DU)	Zoning District	Location	Purpose	Requested (# of spaces)	Parking Required (# of spaces)	Total Reduction Requested (# of spaces/ %)	Motion
189-011	900 sf patio cover (Existing Outdoor Dining)	IR	3040 W. Mockingbird Ln.	Addition for patio cover (Existing Outdoor Dining)	29	38	9 (24%)	Approved

Summary of the Required Parking Ratios for the BDA Cases Above:

BDA 178-052

Parking Requirements under Ch. 51A

The Dallas Development Code requires the following off-street parking requirements:

- Restaurant with drive-in or drive through service: **1 space per 100 square feet** of floor area with a minimum of four spaces.

BDA 189-011

Parking Requirements under Ch. 51A

Chapter 51A-4.210 (25) (C) requires the following off-street parking requirement:

- Restaurant with drive-in or drive through service: **1 space per 100 square feet** of floor area; with a minimum of four spaces.

Non-conforming/Remodel (No Expansion):

The following special exception request for a parking reduction involved a proposed remodel of an existing multi-family building with no expansion to retain a CO (Certificate of Occupancy):

BDA Case No.	Proposed Use (Sf or Rms or DU)	Zoning District	Location	Purpose	Requested (# of spaces)	Parking Required (# of spaces)	Total Reduction Requested (# of spaces/ %)	Motion
167-118 (SL)	Multi-Family (existing circa 1970's multi-family with 212 units - 244 bedrooms)	MF-3(A)	8350 Park Ln.	Maintain CO for remodel (In compliance in 1970; no longer in compliance for parking due to units added over years)	221	244	23 (9%)	Approved

Summary of the Required Parking Ratios for the BDA Case Above:

BDA 167-118 (SL)

Parking Requirements under Ch. 51A and excerpts from minutes

The Dallas Development Code requires the following off-street parking requirement:

- Multifamily use: **1 space per bedroom with a minimum of one space per dwelling unit**. An additional one-quarter space per dwelling unit must be provided if the required parking is restricted to resident parking only. (In this case, the multi-family use with 244 bedrooms would require 244 spaces).

Parking Study (Case excerpts from minutes):

- The applicant states that when the property was developed in the early 1970's, the multifamily development complied with off-street parking requirements, but that a discovery was made during a recent renovation of the complex that over the years, 10/16/17 minutes, 10 additional units had been added and that the use was not in compliance with the off-street parking requirement.
- The submitted parking study states among other things that based on two observations of actual parking demand during the early-morning hours, the peak parking demand did not exceed 203 parked vehicles (equivalent to 215 vehicles at 100 percent capacity). The applicant proposes to provide 221 spaces.
- The Sustainable Development Department Assistant Director of Engineering has submitted a review comment sheet marked "Has no objections" with the following comment: "Evening site visit revealed dozens of open parking spaces" and a photograph taken of the subject site.

CONCLUSION:

The total number of special exception and variance cases that went to the Board of Adjustment for parking reductions that we have on record within the last four (4) years is **36**. Out of the total 36 Board of Adjustment cases for parking reductions, **14** are within our scope of research for multi-family, restaurant, hotel, and alcoholic beverage establishment uses. None of the cases on record within the last four (4) years were for school uses.

The total number of Board of Adjustment cases for the uses of multi-family, restaurant, hotel, and alcoholic beverage establishments that involve **New Construction** or new development is four (4), and out of those four (4) cases: two (**2**) are hotels, one (**1**) is a restaurant, and one (**1**) is multi-family.

There is one (1) case that was triggered by a **Change of Tenant Mix/Shopping Center** and it is a **restaurant with a mix of uses within the shopping center**.

The total number of cases involving **Change of Use/Conversion (No Expansion)** is three (3) and out of those three (3) cases: two (**2**) are restaurants and one (**1**) is a hotel.

The total number of cases involving **Change of Use/Conversion (Expansion)** is three (3) and out of those three (3): two (**2**) are multi-family and one (**1**) is a hotel.

The total number of cases involving **Expansion/Addition** of existing development is two (2) and out of that two (**2**), both are restaurants.

For the last category, **Non-conforming (No Expansion)** there is one (1) case and it is an existing multi-family development.

Out of the 14 total Board of Adjustment cases staff researched within the last four (4) years pertaining to parking reductions for the uses of multi-family, restaurant, hotel, alcoholic beverage and schools: four (4) were for multi-family uses, six (6) were for restaurant uses, and four (4) were for hotel uses. Although, only one (1) of the four (4) multi-family uses, in the category of **Change of Use/Conversion (Expansion)** specifically listed alcoholic beverage with the food store, staff was not able to determine in the research if these cases or other uses, such as the restaurants and hotels also included alcoholic beverage uses.

The average percentage requested for parking reductions for the restaurant uses was 26%; 18% for hotels; and 58% for multi-family uses.

The average percentage approved for parking reductions for the restaurant uses was 18.5%; 18% for hotels; and 58% for multi-family uses.