

**ZONING ORDINANCE ADVISORY COMMITTEE      TUESDAY, JANUARY 30, 2024**

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**Feedback from ZOAC**

The following selected comments were received by staff during and after the December 5, 2023 ZOAC meeting.

- *Consider alternative threshold characteristics for the proposed Transportation Demand Management Plan (TDMP) submission requirement, such as number of parking spaces.*

Although an over-parked property has been shown to increase single-occupant vehicle (SOV) trips generated by a property, trips of all transportation modes are most fundamentally generated by the land use activity itself; TDM strategies should therefore respond to the scale and context of the development rather than other dependent variables such as provision of parking. Incentivizing reductions in newly constructed parking by exempting a development project from TDMP requirements is expected to make a limited impact on transitioning motorists to multimodal transportation types compared to other strategies. While the square footage of a nonresidential property and unit count of a residential property may appear at first to be less meaningful indicators of SOV trip generation than the number of off-street parking spaces provided, these are industry-recognized indicators of the generation of trips by all transportation modes – bus, pedestrian, bicycle, carpool, and others – that will be shaped by the information, infrastructure, and expectations set by a TDMP requirement. For example, while warehouses may need less parking than other land uses of a similar square footage, their large size still incentivizes vehicular travel by increasing the distance an employee or client must travel to reach the entrance. In this case, TDM strategies such as additional bicycle parking or improved integration with the transit system will provide for commuters who prefer alternative transportation modes.

- *Consider how the design of the pedestrian pathway impacts the escape route of criminals from store exits.*

When researched and discussed with urban design staff and private-sector retail development and design professionals, staff could identify no design goal or best practice suggesting that a direct, or even straight, pedestrian path facilitated the escape of thieves from the exit of a store. The design criteria more closely relating to aiding the escape of thieves, it was suggested, was in fact how quickly a person exiting the store by foot could reach a vehicle and drive through the parking area to a street. Staff could

identify no research or best practices on the subject, and have kept the proposal that convenient walking paths shall be required through parking areas to provide a safe and convenient pedestrian experience.

- *Consider the impact and clarity of the proposed requirement that pedestrian pathways be raised when crossing drive aisles.*

The proposed pedestrian pathway requirement in proposed Section 51A-4.301(a)(4)(C) has been revised for clarity:

- Every parking space must be within 65 feet of a four-foot wide pedestrian pathway. This amounts to roughly every two perpendicular rows of parked vehicles. Sidewalks may count toward this requirement, but if pathways through a parking lot meet the criteria in this section, the sidewalk does not need to be considered as this required pedestrian pathway.
  - All required provided pathways must be protected from parked vehicles by wheel stops or other barriers and must change texture or color when crossing a drive aisle.
  - Of the required pedestrian paths provided, *only the one pathway that leads most directly from the front door to the opposite side of the parking area* must be raised when crossing drive aisles. Other pathways are permitted to be raised but not required. If a sidewalk is serving as the pedestrian path, it must be raised when crossing the driveway to the parking area. (As with all of the proposed design guidelines in 51A-4.301(a)(3) and (4), a waiver can be granted to depart from the required raised crossing if the director determines that it would cause dangerous driving conditions.) The function of raising the pathway when crossing drive aisles is to provide a barrier-free, level, high-visibility crossing for pedestrians traveling from the sidewalk or parking spaces to and from the building, slowing vehicles and enhancing the local pedestrian network.
- *Provide additional discussion of proposed off-street loading amendments.*

The removal of specific off-street loading requirements was intended to provide greater flexibility and clarity to support staff reviewers in their role of ensuring adequate off-street loading space. This proposed amendment has been revised now to more narrowly affect the multifamily land use, reinstating the existing square footage ratios where they currently apply to all other land uses. See the relevant subsection below for a description.

- *Consider incremental decreases to parking minimums. Elaborate on incremental changes accomplished in Austin prior to their elimination of minimums, as well as the status of their bicycle network in relation to transportation mode share goals.*

Staff met with Transportation and Planning staff from Austin, TX. Austin only instituted one parking code amendment lowering or removing parking minimums for their downtown area prior to the 2023 citywide elimination of minimums. Transportation staff report that Austin's bicycle infrastructure is not complete enough to achieve their mode share goal of five percent of commuting miles traveled by bicycle in 2039, nor is it

expected to immediately be a major tool for their reduction in single-occupant vehicle miles traveled from 75% to 50% by the year 2039. Transit is expected to absorb commuters transitioning away from single-occupant automobile travel, while the bicycle infrastructure is seeing vast improvements since the 2014 adoption of the city's bicycle plan.

Dallas has reduced or removed parking minimums around the city incrementally in the form of Planned Development Districts, WR and WMU districts (with different parking regulations than those found in Sec. 51A-4.200), and the granting of parking reduction bonuses according to Sec. 51A-4.1100 Mixed-Income Housing (MIHDB). In the downtown districts and PDs based on them, several extreme reductions in requirements apply, including an exclusion for most buildings built before 1967; a general requirement of one space per 2,000 square feet (compared to requirements elsewhere in the city like one space per 150 square feet or one space per bedroom); an exception from any requirements for most retail and personal service uses; and an exception from any requirements for the first 5,000 square feet of ground floor floor area for a restaurant without drive-in or drive-through service. PDs covering large swaths of Dallas already reduce requirements for parking ratios, exemplified by the following selection:

- PD 193 (Oak Lawn), 714 (West Commerce Street), and 830 (Bishop Avenue), which impose low parking maximums on multifamily; PD 193 also reduces minimums and provides exclusions for certain square footages from required parking;
- PD 225 (State Thomas), which reduces multifamily and nonresidential parking minimums in general;
- PD 269 (Deep Ellum), which reduces minimum parking requirements for new construction and carries no requirements or drastically reduced requirements for land uses in original buildings;
- Options within PD 305, 193, and others to reduce parking by paying into transit or transportation management funds;
- Reductions in many PDs to reduce parking requirements by building mixed-use developments;
- PDs such as 468 (Oak Cliff Gateway), which refer to Article XIII with reduced parking requirements.

Additionally, the Division 51A-4.1100 MIHDB parking reduction bonus has been applied to twenty or more development projects as of October 2023.

Certain references have been made to thought leaders in the field of parking management promoting incremental change to parking minimums. While staff cannot identify any supporting statements made by these thought leaders for incremental reductions to minimums, some discussion has highlighted incremental reduction as useful for exposing the general public to the idea of reduced or removed minimums. This suggestion has been made to engender comfort by skeptical residents, not as practical

or useful to the management of transportation or parking. Reports from cities such as Buffalo, NY, and Seattle, WA, and verbal reports from staff at Austin, TX and Minneapolis and St. Paul, MN, reveal that complete removal of parking minimums begins incremental change in real estate development and, ultimately, the slow achievement of Council-adopted mode share goals, and that change to regulations short of complete elimination show little to no change in real estate development and no progress toward mode share goals.

An additional fault in the postulation that geographically-limited parking reductions might effect meaningful change in parking provision and mode share goals is found in the regional scale of motorists' trips. The increased distances between origin points and destinations that are chosen by drivers extend outside of PD and zoning district lines. Motorists travel a wide web of routes between suburbs, exurbs, and even rural towns as well as city centers and urban village neighborhoods. A citywide scale of change, or even county-wide or metro-wide, is necessary to impact the calculation each person makes regarding transportation mode from origin to destination; citywide change is also necessary to increase density and frequency of mixed use neighborhoods to the point that transit and bicycle infrastructure improvements are initiated, funded, and constructed.

## **Updates to amendment since December 5, 2023 ZOAC meeting**

The following revisions have been made to the proposed amendments since the December 5<sup>th</sup>, 2023 Zoning Ordinance Advisory Committee Meeting. Each of these changes are also reflected in the relevant section of the full report.

### *Clarification of the proposed pedestrian path requirements in Sec. 51A-4.301(a)(4)(C).*

At the December 5, 2023 meeting, ZOAC asked for clarity regarding the pedestrian path requirement, especially the requirement that the portion of any pathway that crosses a drive aisle be raised to the level of the sidewalk. The revised proposal keeps the requirement that pedestrian pathways be provided within 65 feet of every parking space, be protected from vehicular intrusion by permanent barriers, and be of a different texture or color when crossing drive aisles; however, it now specifies that only *one* pathway – the pathway with the shortest distance between the main entrance of the building and the opposite side of the parking lots – connect to the public sidewalk and be raised when crossing the drive aisle closest to the building. This relieves the developer from the cost of multiple raised crosswalks, as well as the stormwater and other engineering concerns, while still providing protected pedestrian connections across the parking lot and a traffic calming device for the vital pedestrian connection across the vehicular activity in front of the main entrance.

*New proposed requirement prohibiting drainage across public sidewalks in Sec. 51A-4.301(a)(4)(D).*

The new proposal is a single sentence: “Water from parking areas shall not drain onto or across the surface of a public sidewalk or connections to pedestrian pathways.” This clarifies in adopted code the general policy of reviewing staff to limit the amount of surface water from rain, car washing, etc. running across the public pedestrian network so those traveling by foot or wheelchairs can stay drier and cleaner during their commute. It also limits the potential for icy sidewalks during freezing temperatures, and keeps leaves, dirt, and other detritus from being washed into the sidewalk right-of-way. Cities such as Austin and Minneapolis have long had this regulation in their codes, to which the engineering and development community have responded by working out standard drainage techniques such as landscaped areas abutting the sides of the driveway that divert stormwater underneath the sidewalk. As reported from Dallas plan reviewing staff, new developments generally avoid this where possible already. Developments in some older parts of the city must interact with aged public stormwater systems that require flexibility in getting stormwater to the street or main lines; as with other proposed design standards in 51A-4.301(a)(3) and (4), a waiver and other reviewing flexibility is provided to accommodate unique circumstances.

*Narrowed focus of off-street loading amendments to multifamily uses in Sec. 51A-4.303 and Sec. 51A-4.200 (land use regulations), and a proposed provision for a remote and shared loading agreement in Sec. 51A-4.320.*

The current off-street loading regulations lay out robust and detailed dimensional and locational requirements in addition to the numerical requirements. Most other municipalities reviewed contain similar requirements, from multiple tables of dimensions per land use to one simple table and one simple size minimum. While the extent of Dallas’ detail may at times appear excessive, the requirements do provide predictability and have not been flagged as true barriers to responsible and productive development. The previous proposal eliminated all off-street loading requirements in favor of a simple requirement that a developer provide adequate off-street loading space per approval by the director. After further discussion and research, staff now propose keeping most of the off-street loading requirements in Section 5A-4.200 (land use regulations). However, multifamily uses, which currently have no required off-street loading, are proposed to be required to provide adequate space for off-street loading per approval by the director, as this is the main land use that reviewing staff have focused their attention on. Additionally, the current special parking section, permitting remote and shared parking space in Sec. 51A-4.320, has been expanded to also permit remote and shared loading space for more flexibility in dense or unique mixes of uses. These changes provide both predictability and flexibility for developers while strengthening regulatory tools for City staff to responsibly guide off-street loading.

Reduction of the minimum 30-foot depth to 20 feet for active uses along the ground story of parking structures in WR Walkable Residential and WMU Walkable Mixed Use districts in Sec. 51A-13.304(a)(3)(D).

Currently, parking structures in districts governed by Article XIII are required to have active uses occupy the first 30 feet in depth of their ground floor. This minimum of 30 feet applies to both residential and nonresidential uses; the intent of the minimum is to keep the active use from simply being a display case or unoccupied hallway instead of a use that generates pedestrian activity and activates the public right-of-way. A recent development proposal highlighted the unintended consequence that residential units, which may be easier for a property owner to fill with tenants than a commercial space, are held to an often-unrealistic size requirement that can inhibit the highest and best use of a parking structure ground floor. Requiring only 20 feet increases flexibility for a greater number and variety of residential units to fulfil this requirement.

Revision to TDMP thresholds in Sec. 51A-4.804 to clarify their application to phased development projects and to specify a major review for public and private schools.

The language of the TDMP requirement in Section 51A-4.804(b) and Table No. 1 previously only discussed construction projects that resulted in new dwelling units or square footage according to the proposed Table No. 1. In the case of a project with multiple phases, ambiguity in the language could be interpreted as holding each phase to its own requirement, regardless of the resulting total dwelling units or square footage. While the thresholds were low enough to be triggered by most individual phases of substantial developments projects, the language has now been revised to state that the TDMP requirements apply to an entire phased development that reaches the thresholds in Table No. 1 upon completion of all phases.

Schools have been identified as a unique land use that sees a variety of use cases and traffic impacts, such as queuing in adjacent streets, that consistently require a close staff review and substantial planning effort by schools. Requiring a major TDMP and review process ensures that a school's full array of transportation needs can be accounted for and integrated thoughtfully into the local context.

Additional item for further consideration: Evaluation of parking requirements in large Planned Development (PD) Districts.

Several large PDs in central Dallas would retain their minimum parking requirements upon adoption of these proposed amendments. Many of the following PDs specify lower parking minimums than those currently in Chapter 51A, and generally the arguments supporting staff's proposal of elimination of parking minimums in Chapter 51A apply in principle to these geographies as well. Evaluation of PDs for amendments to parking minimums is an important follow-up project to effect system-wide progress toward adopted multi-modal transportation goals.

- 145 (Arts District);

- 193 (Oak Lawn Special Purpose District);
- 269 (Deep Ellum/Near East Side);
- 298 (Bryan Area Special Purpose District);
- 317 (Cedars Area Special Purpose District)
- 357 (Farmers Market);
- 468 (Oak Cliff Gateway Special Purpose District);
- 595 (South Dallas/Fair Park Special Purpose District);
- 619 (Downtown Core);
- 621 (Old Trinity and Design District Special Purpose District);
- 830 (Bishop Arts)