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City of Dallas REVISED AGENDA

Public Notice

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POSTED CITY SECRETARY DALLAS, TX

BOARD OF ADJUSTMENT (PANEL A)

JUNE 17, 2025, BRIEFING AT 9:00 A.M. AND
THE PUBLIC HEARING AT 1:00 P.M.
Dallas City Hall, 6EN COUNCIL CHAMBER and Videoconference

Video Conference Link: https://bit.ly/boa0617 Telephone: (408) 418-9388, Access Code: 325527

The City of Dallas will make Reasonable Accommodations/Modifications to programs and/or other related activities to ensure any and all residents have access to services and resources to ensure an equitable and inclusive meeting. Anyone requiring auxiliary aid, service, and/or translation to fully participate in the meeting should notify the Board of Adjustment by calling (214) 670-4127 three (3) business days prior to the scheduled meeting. A video stream of the meeting will be available twenty-four (24) hours after adjournment by visiting https://dallastx.new.swagit.com/views/113.

Individuals and interested parties wishing to speak must register with the Board of Adjustment at https://bit.ly/BDA-A-Register by 5 p.m. on Monday, June 16, 2025. In Person speakers can register at the hearing.

La Ciudad de **Dallas** llevará cabo Adecuaciones/Modificaciones Razonables los programas y/u otras actividades relacionadas para asegurar que todos y cada uno de los residentes tengan acceso a los servicios y recursos para asegurar una reunión equitativa e inclusiva. Cualquier persona que requiera asistencia adicional, servicio y/o interpretación para poder participar de forma íntegra en la reunión debe notificar a Junta de Ajustes llamando al (214) 670-4127 tres (3) días hábiles antes de la reunión programada. Una transmisión en video de la reunión estará disponible dos días hábiles luego de la finalización de la reunión https://dallastx.new.swagit.com/views/113.

Las personas y las partes interesadas que deseen hacer uso de la palabra deben registrarse en Junta de Ajustes en at https://bit.ly/BDA-A-Register hasta las 5 p.m. el Lunes, 16 de Junio, 2025. Las personas que deseen hablar en persona se pueden registrar en la Audiencia.

AGENDA

I. Call to Order David A. Neumann, Chairman

II. Staff Presentation/Briefing/Closed Session

III. Public Hearing Board of Adjustment

IV. Public Testimony

V. Miscellaneous Items

VI. Case Docket Board of Adjustment

Uncontested Items

Holdover Items

- Individual Items

VII. Adjournment

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

"Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon into any open meeting on this property."

"De conformidad con la Sección 46.03, Código Penal (coloca armas prohibidas), una persona no puede llevar un arma de fuego u otra arma a ninguna reunión abierta en esta propriedad."

EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

- seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which
 the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State
 Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
- 2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
- deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
- 4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
- deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
- 6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
- deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

CLOSED SESSION

 Attorney Briefing (SEC. 551.071 T.O.M.A.) Seeking the advice of the City Attorney regarding - PDT Holdings, Inc. and Phillip Thompson Homes, Inc. dba Phillip Thompson Custom Homes v. City of Dallas and the Board of Adjustment of the City of Dallas

MISCELLANEOUS ITEM(S) Approval of Panel A Minutes – May 20, 2025 BOA-25-000008_FR1 2402 GARDEN DRIVE 1 Application of Anish Thakrar for a fee REQUEST: reimbursement for fees paid for (1) a variance to the front-yard setback regulation. **UNCONTESTED CASE(S)** 1615 ALHAMBRA STREET 2 BDA245-058(CJ) REQUEST: Application of Delia Ledezma for (1) a special exception to the single-family regulations, and for (2) a variance to the floor area for structures accessory to single family use regulations. BOA-25-000003(BT) 7215 CORTLAND AVENUE 3 REQUEST: Application of Maria Perez for (1) a special exception to the single-family use regulations, and for (2) a variance to the floor area for structures accessory to single family use regulations. BOA-25-000005(CJ) 10806 CAMELLIA DRIVE 4 REQUEST: Application of Robert Baldwin for (1) a variance to the front-yard setback regulation, for (2) a special exception to the fence height regulations, for (3) a special exception to the fence opacity regulation, for (4) a special exception to the 20-foot visibility obstruction regulation. BOA-25-000008(CJ) 2402 GARDEN DRIVE 5 REQUEST: Application of Anish Thakrar for (1) a variance to the front-yard setback regulation. **HOLDOVER** BDA245-049(BT) 1201 OAK LAWN AVENUE 6 **REQUEST:** Application of Jonathan Vinson for (1) a special exception to the parking regulations. 7 1500 DRAGON STREET **BDA245-050(BT)** REQUEST: Application of Jonathan Vinson for (1) a special exception to the parking regulations.

Board of Adjustment Agenda Tuesday, June 17, 2025

BDA245-061(CJ) 5514 ROYAL LANE

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REQUEST: Application of Jennifer Hiromoto for (1) a special exception to the required front-yard fence height regulations; and for (2) a special exception to the required side-yard fence height regulations.

INDIVIDUAL CASES

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BOA-25-000001(CJ) 17776 DALLAS PARKWAY

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REQUEST: Application of Tommy Mann to appeal the decision of an administrative official in the revocation of a certificate of occupancy.

BOARD OF ADJUSTMENT



Panel A Minutes

May 20, 2025 **DRAFT**

Council Chambers 6EN 24923176153@dallascityhall.we bex.com

David A. Neumann, Chairman

PRESENT:	[5]
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PRESENT: [5]						
David A. Neumann, Chairman						
Kathleen Davis						
Rachel Hayden						
Jay Narey						
Michael Hopkovitz - Virtual						
ABSENT: [0]						

Chairman David A. Neumann called the briefing to order at 10:00 A.M. with a quorum of the Board of Adjustment present.

Chairman David A. Neumann called the hearing to order at 1:00 P.M. with a quorum of the Board of Adjustment present.

The Chairperson stated that no action of the Board of Adjustment shall set a precedent. Each case must be decided upon its own merits and circumstances, unless otherwise indicated, each use is presumed to be a legal use. Each appeal must necessarily stand upon the facts and testimony presented before the Board of Adjustment at this public hearing, as well as the Board's inspection of the property.

PUBLIC SPEAKERS

The Board of Adjustment provided public testimony opportunities for individuals to comment on manners that were scheduled on the posted meeting agenda.

We had no speakers for public testimony during this hearing.

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel A, April 15, 2025, Meeting Minutes.

Motion was made to approve Panel A, April 15, 2025, Public Hearing Minutes.

Maker:	Kathleen Davis				
Second:	Jay Narey				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey, Michael Hopkovitz (V)
		Against:	-	0	

Approval of the amended Board of Adjustment Rules and Procedures changes.

Maker:	Rachel Hayden				
Second:	Kathleen				
	Davis				
Results:	5-0				Motion to approve
	unanimously				
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel
					Hayden, Jay Narey, Michael Hopkovitz (V)
		Against:	-	0	

UNCONTESTED ITEMS

1. 3111 W. LEDBETTER DRIVE

BDA245-054(BT)

BUILDING OFFICIAL'S REPORT: Application of Camilo Duarte, represented by Kathy Yee, for (1) a special exception to the fence height regulations at **3111 W. LEDBETTER DRIVE**. This property is more fully described as Block A/6041, Lot 6A-R, and is zoned R-10(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot-high fence in a required front yard, which will require **1)** a 2-foot special exception to the fence height regulations.

LOCATION: 3111 W. Ledbetter Drive

APPLICANT: Camilo Duarte

REPRESENTED BY: Kathy Yee

REQUEST:

(1) A request for a special exception to the fence height regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special

exception to the fence regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

<u>Site</u>: R-10(A) <u>North</u>: R-10(A) <u>East</u>: R-10(A)

South: R-10(A) and IR

<u>West</u>: R-10(A)

Land Use:

The subject site along with surroundings properties are developed with single-family homes, vacant lots and to the south Dallas Executive Airport.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Camilo Duarte represented by Kathy Yee for the property located at 3111
 W. Ledbetter Drive focuses on one request relating to the fence height regulations.
- The applicant is proposing to construct and maintain a 6-foot-high fence and gate in a required front-yard, which will require a 2-foot special exception to the fence height regulations.
- As illustrated on the submitted site plan and elevations, the proposed 6-foot-high fence and gate is a combination of brick columns, wrought iron gate, and fencing.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations relating to height will not adversely affect the neighboring properties.
- Granting the special exception to the fence regulations relating to height, with a condition
 that the applicant complies with the submitted site plan and elevations, would require the
 proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: BDA245-054 at 3111 W Ledbetter Dr

Timeline:

March 20, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment"

and related documents which have been included as part of this case report.

April 3, 2025: The Board of Adjustment Secretary assigned this case to Board of

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Adjustment Panel A.

April 18, 2025:

Planning and Development Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that
 will consider the application; the April 23, 2025, deadline to submit
 additional evidence for staff to factor into their analysis; and May 9,
 2025, deadline to submit additional evidence to be incorporated into
 the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

April 24, 2025:

The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **May** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: Kathy Ye, 1618 Lansford, Dallas TX 75224

Against: No Speakers

Motion

I move that the Board of Adjustment **GRANT** the following applications listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence that the applications satisfy all the requirements of the Dallas Development Code and are consistent with the general purpose and intent of the Code, as applicable to wit:

BDA 245-054 – Application of Camilo Duarte for a special exception to the fence height regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with the most recent version of all submitted site plans is required.

Maker:	Jay Narey				
Second:	Rachel Hayden				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey, Michael Hopkovitz (V)
		Against:	-	0	

2. 3025 W. LEDBETTER DRIVE

BDA245-055(BT)

<u>BUILDING OFFICIAL'S REPORT</u>: Application of Camilo Duarte, represented by Kathy Yee for (1) a special exception to the fence height regulations at 3025 W LEDBETTER DRIVE. This property is more fully described as Block A/6041, Lot 6B, and is zoned R-10(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot-high fence in a required front-yard, which will require (1) a 2-foot special exception to the fence height regulations.

LOCATION: 3025 W Ledbetter Drive

APPLICANT: Camilo Duarte

REPRESENTED BY: Kathy Yee

REQUEST:

(2) A request for a special exception to the fence height regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

<u>Site</u>: R-10(A) <u>North</u>: R-10(A) East: R-10(A)

South: R-10(A) and IR

West: R-10(A)

Land Use:

The subject site along with surroundings properties are developed with single-family homes, vacant lots and to the south Dallas Executive Airport.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Camilo Duarte represented by Kathy Yee for the property located at 3025
 W Ledbetter Drive focuses on one request relating to the fence height regulations.
- The applicant is proposing to construct and maintain a 6-foot-high fence and gate in a required front-yard, which will require a 2-foot special exception to the fence height regulations.
- As illustrated on the submitted site plan and elevations, the proposed 6-foot-high fence and gate is a combination of brick columns, wrought iron gate, and fencing.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations relating to height will not adversely affect the neighboring properties.
- Granting the special exception to the fence regulations relating to height, with a condition
 that the applicant complies with the submitted site plan and elevations, would require the
 proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: <u>BDA245-055 at 3025 W Ledbetter Dr</u>

Timeline:

March 20, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment"

and related documents which have been included as part of this case report.

April 3, 2025: The Board of Adjustment Secretary assigned this case to Board of

Adjustment Panel A.

April 18, 2025: Planning and Development Department Senior Planner emailed the

applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the April 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and May 9, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

April 24, 2025:

The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **May** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: Kathy Ye, 1618 Lansford, Dallas TX 75224

Against: No Speakers

Motion

I move that the Board of Adjustment **GRANT** the following applications listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence that the applications satisfy all the requirements of the Dallas Development Code and are consistent with the general purpose and intent of the Code, as applicable to wit:

BDA 245-055 – Application of Camilo Duarte for a special exception to the fence height regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with the most recent version of all submitted site plans are required.

Maker:	Jay Narey				
Second:	Rachel Hayden				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey, Michael Hopkovitz (V)
		Against:	-	0	

3. 7 GLENSHIRE COURT

BDA245-056(CJ)

<u>BUILDING OFFICIAL'S REPORT</u>: Application of Rajat Deb represented by Law Offices of La Susa & Deb, PLLC for (1) a special exception to the handicapped for a 45 percent maximum lot coverage at 7 Glenshire Court. This property is more fully described as Block 10/5454, Lot 21, and is zoned R-7.5(A), which allows a 45% maximum lot coverage. The applicant proposes to construct and/or maintain a single-family residential structure with 3,114 square-feet of lot coverage, which will require a (1) 343 square foot special exception for the handicapped to the maximum allowed lot coverage.

LOCATION: 7 Glenshire Court

APPLICANT: Rajat Deb

REPRESENTATIVE: Law Offices of La Susa & Deb, PLLC

REQUEST:

(1) A request for a handicapped person(s) for a special exception to the maximum allowed lot coverage.

STANDARDS OF REVIEW FOR A SPECIAL EXCEPTIONS FOR THE HANDICAPPED:

Section 51A-1.107(b)(1) of the Development Code states that **(1)** the board of adjustment shall grant a special exception to any regulation in this chapter if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. The term "handicapped person" means a person with a "handicap," as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended.

(2) The board may impose reasonable conditions upon the granting of this special exception consistent with the purpose stated in this section 7

(3) This section does not authorize the board to grant a change in the use of a building or structure.

STAFF RECOMMENDATION:

1. Special Exception (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 7 Glenshire Court within the last 5 years.

Square Footage:

This lot contains 7,448.76 of square feet or .171 acres.

This lot is zoned R-7.5(A) which has a minimum lot size of 7,500 square feet per dwelling unit.

Site: R-7.5(A) Zoning District
North: R-7.5(A) Zoning District
East: R-7.5(A) Zoning District
South: R-7.5(A) Zoning District
West: R-7.5(A) Zoning District

Land Use:

The subject site and areas to the north, south, east, and west are zoned R-7.5(A)

GENERAL FACTS/STAFF ANALYSIS:

- The application of Rajat Deb for the property located at 7 Glenshire Court focuses on one request for the handicapped relating to the maximum allowed lot coverage regulations.
- The applicant proposes to construct and/or maintain a single-family residential structure with 3,114 square-feet of lot coverage, which will require a 343 square foot special exception for the handicapped to the maximum allowed lot coverage.
- The applicant has stated that the additional lot coverage, if granted, will be utilized to construct and maintain an elevator for an individual with a handicap.
 - The subject site sits in a cul-de-sac and has single street frontage along Glenshire Court.
- The subject site along with surrounding properties to the north, south, east, and west are zoned with uses permissible in R-7.5(A) zoning district.
 - The subject site is currently developed with a single-family residential structure and is located within an established neighborhood.
 - If the board were to grant this request and impose conditions that compliance with the
 most recent version of all submitted plans are required, and that the special exceptions
 expire when a handicapped person no longer resides on the property, the additional lot
 coverage of 343 square foot may be maintained for as long as the handicapped person
 resides on the site.
- 200' Radius Video: BDA245-056 at 7 Glenshire Court

Timeline:_

March 21, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment"

and related documents which have been included as part of this case report.

April 3, 2025: The Board of Adjustment Secretary assigned this case to Board of

Adjustment Panel A.

April 18, 2025: The Planning and Development Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the April 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and May 9, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

April 24, 2025:

The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Troy D. Nelson, 6440 N. Central Expwy # 211, Dallas TX

75206

Against: No Speakers

Motion

I move that the Board of Adjustment **GRANT** the following applications listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence that the applications satisfy all the requirements of the Dallas Development Code and are consistent with the general purpose and intent of the Code, as applicable to wit:

BDA 245-056 – Application of Rajat Deb for a special exception for the handicapped to 45% maximum lot coverage regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with the most recent version of all submitted site plans are required.

Maker:	Jay Narey				
Second:	Rachel				
	Hayden				
Results:	5-0				Motion to grant
	Unanimously				
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel

				Hayden, Jay Narey, Michael Hopkovitz (V)
	Against:	-	0	

INDIVIDUAL CASES

4. 5514 ROYAL LANE

BDA245-061(CJ)

This item was moved to Individual Cases

BUILDING OFFICIAL'S REPORT: Application of Jennifer Hiromoto for (1) a special exception to the required front-yard fence height regulations; and for (2) a special exception to the required side-yard fence height regulations at 5514 Royal Lane. This property is more fully described as Block A/5518, Part of Lot 7 and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet and limits the height of a fence in the side-yard to 9-feet. The applicant proposes to construct and/or maintain a 10-foot-high fence in a required front-yard, which will require (1) a 6-foot special exception to the fence height regulations; and to construct and/or maintain a 10-foot 6-inch-high fence in a required side-yard, which will require (2) a 1-foot 6-inch special exception to the fence height regulation

LOCATION: 5514 Royal Lane

APPLICANT: Jennifer Hiromoto

REQUEST:

- (3) A request for a special exception to the fence height regulations (front yard).
- (4) A request for a special exception to the fence height regulations (side yard).

STANDARD OF REVIEW FOR A SPECIAL EXCEPTIONS TO FENCE HEIGHT REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence height regulations when in the opinion of the board, **the special exceptions** will not adversely affect neighboring property.

STAFF RECOMMENDATION:

Special Exception (2):

No staff recommendation is made on these requests.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 5514 Royal Lane in the last 5 years.

Square Footage:

- This lot contains 77,536.8 of square feet or 1.78 acres.
- This lot is zoned R-1ac(A) which has a minimum lot size of 43,560 square feet or 1 acre.

Zoning:

Site: R-1ac(A) (Single Family District)
North: R-1ac(A) (Single Family District)

BOARD OF ADJUSTMENT May 20, 2025

East: R-1ac(A) (Single Family District)
South: R-1ac(A) (Single Family District)
West: R-1ac(A) (Single Family District)

Land Use:

The subject site and surrounding properties to the north, south, east and west are developed with single-family uses.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jennifer Hiromoto for the property located at 5514 Royal Lane focuses on 2 requests relating to fence height.
- The applicant proposes to construct and maintain a 10-foot fence in a required front yard, which will require a 6-foot special exception to the fence height regulations.
- Secondly, the applicant proposes to construct and maintain a 10-foot 6-inch fence in a required side yard, which will require a 1-foot 6-inch special exception to the fence height regulations.
- Per the site plan, the applicant is seeking to add screening fencing along the eastern property line (side yard) and connect the existing fence in the front yard; portions of the fence are proposed within the 100-foot front yard setback.
- The property has a grade change that requires a taller fence in sections of the fence to maintain a uniform height and screening.
- The subject site along with properties to the north, south, east, and west are all developed with single-family homes.
- The subject site is a mid-block lot with single street frontage on Royal Lane.
- Based upon staff's analysis of the surrounding properties, there are several homes within
 the subject sites 200' radius with fences and gates in the required front yard and/or some
 form of vegetation serving as a screening mechanism.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- Per the Dallas Development Code, a person shall not erect or maintain a fence in a required side yard more than nine feet above grade.
- The applicant has the burden of proof in establishing that the special exceptions to the fence regulations relating to height will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence regulations relating to height with a condition
 that the applicant complies with the submitted site plan and elevations, would require the
 proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: BDA245-061 at 5514 Royal Lane

Timeline:

March 25, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment"

and related documents which have been included as part of this case report.

April 3, 2025: The Board of Adjustment Secretary assigned this case to Board of

Adjustment Panel A.

April 18, 2025: The Planning and Development Senior Planner emailed the applicant the following

information:

 an attachment that provided the hearing date and panel that will consider the application; the April 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and May 9, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.

- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

April 24, 2025:

The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

May 20, 2025:

The Board of Adjustment Panel **A**, at its public hearing held on Tuesday, January 21, 2025, moved to HOLD this matter under advisement until February 18, 2025.

May 21, 2025: The Planning and Development Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the May 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and June 6, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 29, 2025:

The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner,

BOARD OF ADJUSTMENT May 20, 2025

Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

Speakers:

For: Jennifer Hiromoto, 10233 E. NW Hwy # 38586, Dallas TX 75238

Against: No Speakers

Motion

I move that the Board of Adjustment in Appeal No. BDA 245-061 hold this matter under advisement until June 17, 2025.

Maker:	Kathleen Davis				
Second:	Rachel				
	Hayden				
Results:	5-0				Motion to hold under advisement
	Unanimously				
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel
					Davis, Jay Narey, Michael Hopkovitz (V)
		Against:	-	0	

5. 9670 LYNBROOK DRIVE

BDA245-063(BT)

This item was moved to Individual Cases

<u>BUILDING OFFICIAL'S REPORT</u>: Application of Rachel Iselin-Litt, represented by Nylolas McKissic for (1) a special exception to the fence height regulations at 9670 LYNBROOK DRIVE. This property is more fully described as Block J/7526, Lot 1, and is zoned R-7.5(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain an 8-foot-high fence in a required front-yard along Walnut Hill Lane, which will require (1) a 4-foot special exception to the fence height regulations.

LOCATION: 9670 Lynbrook Drive

APPLICANT: Rachel Iselin-Litt

REPRESENTED BY: Nylolas McKissic

REQUEST:

(5) A request for a special exception to the fence height regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single Family District)

North: R-7.5(A) (Single Family District) PD 1078 (Lake Highlands Jr High School)

<u>East</u>: R-7.5(A) (Single Family District) <u>South</u>: R-7.5(A) (Single Family District)

West: R-7.5(A) (Single Family District) PD 1078 (Lake Highlands Jr High School)

Land Use:

The subject site along with surroundings properties are developed with single-family homes and to the Northwest DISD Lake Highlands Jr High School.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Rachel Iselin-Litt represented by Nylolas McKissic for the property located at 9670 Lynbrook Drive focuses on one request relating to the fence height regulations.
- The applicant is proposing to construct and maintain an 8-foot-high fence and gate in a required front-yard along Walnut Hill Lane, which will require a 4-foot special exception to the fence height regulations.
- As illustrated on the submitted site plan and elevations, the applicant has proposed an 8foot-high board-on-board gate and fencing.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations relating to height will not adversely affect the neighboring properties.
- Granting the special exception to the fence regulations relating to height, with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: BDA245-063 at 9670 Lynbrook Dr

Timeline:

March 28, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment"

and related documents which have been included as part of this case report.

April 3, 2025: The Board of Adjustment Secretary assigned this case to Board of

Adjustment Panel A.

April 18, 2025: Planning and Development Department Senior Planner emailed the

applicant the following information:

 an attachment that provided the public hearing date and panel that will consider the application; the April 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and **May 9, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.

- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

April 24, 2025:

The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **May** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: Rachel Iselin-Litt, 9670 Lynbrook Drive, Dallas TX

Nykolas McKissic, 9670 Lynbrook Drive, Dallas TX

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-063, on application of Rachel Iselin-Litt, **GRANT** the request of this applicant to construct and/or maintain an 8-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Kathleen Davis					
Second:	Rachel Hayden					
Results:	5-0 Unanimously					Motion to grant
		Ayes:	-		5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey, Michael Hopkovitz (V)
		Against:	-		0	

6. 2706 LENWAY STREET

BDA245-068(BT)

This item was moved to Individual Cases

BUILDING OFFICIAL'S REPORT: Application of Mohamed Khurrum represented by Noel Livingston for (1) a variance to the off-street parking regulations at **2706 LENWAY STREET**. This property is more fully described as Block b/1695, Lot 14, and is zoned PD-595 (R-5(A)), which requires parking spaces to be located behind the front yard setback. The applicant proposes to construct and/or maintain a single-family residential structure with a setback of 20-feet, which will require (1) variance to the off-street parking regulations.

LOCATION: 2706 Lenway Street

APPLICANT: Mohamed Khurrum

REPRESENTED BY: Noel Livingston

REQUEST:

(6) A request for a variance to the off-street parking regulations.

STANDARDS OF REVIEW FOR A VARIANCE:

Section 51A-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single-family uses, height, minimum sidewalks, **off-street parking** or off-street loading, or landscape regulations provided that the variance is:

- (A) **not contrary to the public interest** when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a **restrictive area**, **shape**, **or slope**, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) **not granted to relieve a self-created or personal hardship**, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

ELEMENT II SUBSTITUTE:

Dallas Development Code Section 51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.
- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.

- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Variance to the off-street parking regulations:

Approval

<u>Rationale:</u> Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Contrary to the public interest, staff received letters of opposition.
- B. Lot is restrictive in area, slope and shape, it is a lot with a 5-foot wide, unimproved alley, a front-yard setback that is within ten feet of the average front-yard setback of other structures in the blockface, and parking areas are not permitted in a front yard; therefore, it cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Not self-created nor is it a personal hardship.

BACKGROUND INFORMATION:

Zoning:

Site:PD-595 (R-5(A))North:PD-595 (R-5(A))East:PD-595 (R-5(A))South:PD-595 (R-5(A))West:PD-595 (R-5(A))

Land Use:

The subject site is vacant, all surrounding properties are developed with single family uses.

Lot Square Footage:

The subject lot size is 6,250 square feet. (0.1434 of an acre). R-5(A) zoning minimum lot size 5,000 square feet (0.1147 of an acre).

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Mohamed Khurrum represented by Noel Livingston for the property located at 2706 Lenway Street focuses on one request relating to a variance to the off-street parking regulations.
- The applicant is proposing to construct and maintain a residential structure and provide zero required parking spaces, which will require 1 off-street parking variance.

- It is imperative to note that the subject site is subject to the Predesignation Moratorium procedure in Section 51A-4.501(c)(4), initiated on June 3, 2024.
- Restrictive access from the rear, alley is 5-foot wide and unimproved.
- Proposed restrictions:
 - circular driveways and parking areas are not permitted in a front yard.
 - o carports or garages are permitted in the side and rear yards if they are historic in appearance.
 - o main structure on an interior lot must have a front-yard setback that is within ten feet of the average front yard setback of other structures in the blockface.
- It is imperative to note the applicant has received a certificate of appropriateness from Historic Preservation.
- Per staff's review of the subject site, it has been confirmed that the single-family structure is proposed on a vacant lot.
- The applicant has the burden of proof in establishing the following:
 - 1) That granting the variance to the off-street parking regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 - 2) The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
 - 3) The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

ELEMENT II SUBSTITUTE:

Dallas Development Code Section 51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.
- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or

- (v) the municipality considers the structure to be a nonconforming structure.
- Granting the variance to the off-street parking regulations with a condition that the applicant complies with the submitted site plan would require the proposal to be constructed as shown on the submitted documents.

200' Radius Video: <u>BDA245-068 at 2706 Lenway St</u>

Timeline:

April 2, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment"

and related documents which have been included as part of this case report.

April 3, 2025: The Board of Adjustment Secretary assigned this case to Board of

Adjustment Panel A.

April 18, 2025: Planning and Development Department Senior Planner emailed the

applicant the following information:

an attachment that provided the public hearing date and panel that
will consider the application; the April 23, 2025, deadline to submit
additional evidence for staff to factor into their analysis; and May 9,
2025, deadline to submit additional evidence to be incorporated into
the board's docket materials.

- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

April 24, 2025:

The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **May** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: Noel Livingston, 2706 Lenway St., Dallas TX 75215

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-068, on application of Mohamed Khurrum, **GRANT** the variance to the off-street parking regulations, being a setback of 20 feet, requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the most recent version of all submitted plans are required.

Maker:	Rachel Hayden				
Second:	Jay Narey				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey, Michael Hopkovitz (V)
		Against:	-	0	

^{**}Recess 3:26 pm - 3:37 pm**

HOLDOVER CASES

7. 1626 HI LINE DRIVE

BDA245-047(BT)

<u>BUILDING OFFICIAL'S REPORT</u>: Application of JONATHAN VINSON for (1) a special exception to the parking regulations at 1626 HI LINE DRIVE. This property is more fully described as Block 44/1001, Lots 12 &13 and parts of Lots 11 & 14 and is zoned PD-621 (Subdistrict 1), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, an office use and an Office/Showroom use and provide 17 of the required 32 parking spaces, which will require (1) a 15-space special exception (46.8 percent reduction) to the parking regulation.

LOCATION: 1626 Hi Line Drive

APPLICANT: Jonathan Vinson

REQUEST:

(7) Special Exception to the parking regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

SEC 51P-621.110(b)(2) States that the board may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in SEC 51A-4.311 minus the number of parking spaces currently not provided due to delta credits, as defined in SEC 51A-4.704(b)(4)(A). The board of adjustment may impose conditions on the special exception. SEC 51A-3.111(a) of the Dallas Development Code specifies that the board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site: PD-621 (Subdistrict 1)

North: PD-621 (Subdistrict 1) and PD-621 (Subdistrict 1G)
East: PD-621 (Subdistrict 1) and PD-621 (Subdistrict 1F)

South: PD-621 (Subdistrict 1)
West: PD-621 (Subdistrict 1)

Land Use:

The subject site is developed with an Office Showroom/Warehouse use. The areas to the north, south, east, and west are developed with various uses such as but not limited to Office Showroom/Warehouse, Multi-family, and Resturant without drive-in or drive-through service.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jonathan Vinson for the property located at 1626 Hi Line Drive focuses on one request relating to the parking regulations.
- The proposed request of a 15-space special exception (46.8 percent reduction) is made to construct and/or maintain a nonresidential structure.
- The subject site lot size is 24,800.03 square feet.
- The existing building footprint is 14,064 square feet (56.71 percent lot coverage)
- PD-621 (Subdistrict 1) requires the following parking ration per specified use:
 - 1 parking space per 105 square feet of floor area for restaurant without drive-in or drive-through service (2,500 / 105 = 23.81).
 - o 1 parking space per 1100 square feet of floor area for Warehouse/Showroom up to 20,000 square feet floor area (11,564 / 1100 = 10.51).
- Additionally, a parking agreement is required for calculating adjusted standard parking requirements.
- Granting the proposed 15-space special exception (46.8 percent reduction) to the parking regulations with a condition that the applicant complies with the most recently submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: BDA245-047 at 1626 Hi Line Dr

Timeline:

April 16, 2025: The applicant submitted an "Application/Appeal to the Board of

Adjustment" and related documents which have been included as part of

this case report.

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BOARD OF ADJUSTMENT May 20, 2025

March 5, 2025: The Board of Adjustment Secretary assigned this case to Board of

Adjustment Panel A.

March 14, 2025: Planning and Development Department Senior Planner emailed the

applicant the following information:

 an attachment that provided the public hearing date and panel that will consider the application; the March 21, 2025, deadline to submit additional evidence for staff to factor into their analysis; and April 4, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.

 the criteria/standard that the board will use in their decision to approve or deny the request; and

 the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 25, 2025: The Board of Adjustment staff review team meeting was held regarding

this request and other requests scheduled for the April public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation

Engineer.

March 25, 2025: The applicant provided revised Shared Parking Chart.

April 4, 2025: The applicant provided additional documentary evidence.

April 15, 2025: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday,

April 15, 2025, moved to **HOLD** this matter under advisement until **May**

20, 2025.

April 17, 2025: Planning and Development Department Senior Planner emailed the

applicant the following information:

• 1:00 p.m., May 9, 2025, deadline to submit additional evidence to

be incorporated into the board's docket materials.

May 9, 2025: The applicant provided additional documentary evidence.

Speakers:

For: Jonathan Vinson, 1807 Ross Ave, Suite 440, Dallas TX 75201

Lloyd Denham, 2928 Westminster, Dallas TX 75205

Adam Hammack, 1807 Ross Ave, Suite 440, Dallas TX 75201

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-047, on application of Jonathon Vinson, **DENY** the special exception to the parking regulations requested by this applicant <u>with prejudice</u>, because our evaluation of the property and the testimony shows this special exception will increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand

generated by the use warrants the number of required parking spaces.

Maker:	David Neumann				
Second:	Jay Narey				
Results:	4-1				Motion to deny with prejudice
		Ayes:	ı	4	David A. Neumann, Kathleen Davis, Jay Narey, Michael Hopkovitz (V)
		Against:	-	1	Rachel Hayden

8. 1616 HI LINE DRIVE

BDA245-048(BT)

BUILDING OFFICIAL'S REPORT: Application of JONATHAN VINSON for (1) a special exception to the parking regulations at 1616 HI LINE DRIVE. This property is more fully described as Block 44/1001, Lots 7-10 and parts of Lots 6 & 11, and is zoned PD-621 (Subdistrict 1), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use and an Office/Showroom use and provide 77 of the required 153 parking spaces, which will require (1) a 76-space special exception (49.6 percent reduction) to the parking regulation.

LOCATION: 1616 Hi Line Drive

APPLICANT: Jonathan Vinson

REQUEST:

(8) Special Exception to the parking regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

SEC 51P-621.110(b)(2) States that the board may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in SEC 51A-4.311 minus the number of parking spaces currently not provided due to delta credits, as defined in SEC 51A-4.704(b)(4)(A). The board of adjustment may impose conditions on the special exception. SEC 51A-3.111(a) of the Dallas Development Code specifies that the board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site: PD-621 (Subdistrict 1)

BOARD OF ADJUSTMENT May 20, 2025

North: PD-621 (Subdistrict 1) and PD-621 (Subdistrict 1G) East: PD-621 (Subdistrict 1) and PD-621 (Subdistrict 1F)

South: PD-621 (Subdistrict 1)
West: PD-621 (Subdistrict 1)

Land Use:

The subject site is developed with Office Showroom/Warehouse and Resturant without drive-in or drive-through service uses. The areas to the north, south, east, and west are developed with various uses such as but not limited to Office Showroom/Warehouse, Multi-family, and Resturant without drive-in or drive-through service.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jonathan Vinson for the property located at 1616 Hi Line Drive focuses on one request relating to the parking regulations.
- The proposed request of a 76-space special exception (49.6 percent reduction) is made to construct and/or maintain a nonresidential structure.
- The subject site lot size is 40,002.49 square feet.
- The existing building footprint is 19,988 square feet (49.97 percent lot coverage)
- PD-621 (Subdistrict 1) requires the following parking ratio per specified use:
 - 1 parking space per 105 square feet of floor area for restaurant without drive-in or drive-through service (15,766 / 105 = 150.15).
 - 1 parking space per 1100 square feet of floor area for Warehouse/Showroom up to 20,000 square feet floor area (4,222 / 1100 = 3.84).
- Additionally, a parking agreement is required for calculating adjusted standard parking requirements.
- Granting the proposed 76-space special exception (49.6 percent reduction) to the parking regulations with a condition that the applicant complies with the most recently submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: BDA245-048 at 1616 Hi Line Dr

Timeline:

April 16, 2025: The applicant submitted an "Application/Appeal to the Board of

Adjustment" and related documents which have been included as part of

this case report.

March 5, 2025: The Board of Adjustment Secretary assigned this case to Board of

Adjustment Panel A.

March 14, 2025:

Planning and Development Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 21, 2025, deadline to submit additional evidence for staff to factor into their analysis; and April 4, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 25, 2025:

The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

March 25, 2025: The applicant provided revised Shared Parking Chart.

April 4, 2025: The applicant provided additional documentary evidence.

April 15, 2025: The Board of Adjustment Panel A, at its public hearing held on Tuesday,

April 15, 2025, moved to **HOLD** this matter under advisement until **May**

20, 2025.

April 17, 2025: Planning and Development Department Senior Planner emailed the

applicant the following information:

• 1:00 p.m., May 9, 2025, deadline to submit additional evidence to

be incorporated into the board's docket materials.

May 9, 2025: The applicant provided additional documentary evidence.

Speakers:

For: Jonathan Vinson, 1807 Ross Ave, Suite 440, Dallas TX 75201

Lloyd Denham, 2928 Westminster, Dallas TX 75205

Adam Hammack, 1807 Ross Ave, Suite 440, Dallas TX 75201

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-048, on application of Jonathon Vinson, **GRANT** the request of this applicant to provide 77 off-street parking spaces to the off-street parking regulations contained in the Dallas Development Code, as amended, which requires 153 off-street parking spaces, because our evaluation of the property use and the testimony shows that this special exception will not increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use does not warrant the number of

25

required parking spaces.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- o The special exception of 60 spaces shall automatically and immediately terminate if and when the use is changed or discontinued.
- The valet stand must be located on site at 1616 Hi-Line Drive.
- That the applicant must appear before the board for a reassessment and final issuance of the special exception within 12 months of the issuance of the Certificate of Occupancy.
- o Compliance with the most recent version of all submitted plans are required.

Maker:	Kathleen Davis				
Second:	Rachel				
	Hayden				
Results:	5-0				Motion to grant
	Unanimously				-
		Ayes:	1	5	David A. Neumann, Kathleen Davis, Rachel
					Hayden, Jay Narey, Michael Hopkovitz (V)
		Against:	1	0	

^{**}Board member Kathleen Davis left at 5:10 p.m. **

9. 1201 OAK LAWN AVENUE

BDA245-049(BT)

BUILDING OFFICIAL'S REPORT: Application of JONATHAN VINSON for **(1)** a special exception to the parking regulations at **1201 OAK LAWN AVENUE**. This property is more fully described as Block 27/7889, part of Lot 1, and is zoned PD-621 (Subdistrict 1), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use an Office use, and an Office/Showroom use and provide 73 of the required 135 parking spaces, which will require **(1)** a 62-space special exception (45.9 % reduction) to the parking regulation.

LOCATION: 1201 Oak Lawn Avenue

APPLICANT: Jonathan Vinson

REQUEST:

(9) Special Exception to the parking regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

SEC 51P-621.110(b)(2) States that the board may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in **SEC 51A-4.311** minus the number of parking spaces currently not provided due to delta credits, as defined in **SEC 51A-4.704(b)(4)(A)**. The board of adjustment may impose conditions on the special exception. **SEC 51A-3.111(a)** of the Dallas Development Code specifies that the board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the

board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site: PD-621 (Subdistrict 1)
North: PD-621 (Subdistrict 1)
East: PD-621 (Subdistrict 1)
South: PD-621 (Subdistrict 1)
West: PD-621 (Subdistrict 1)

Land Use:

The subject site is developed with Office Showroom/Warehouse and Resturant without drive-in or drive-through service uses. The areas to the north, south, east, and west are developed with various uses such as but not limited to Motor vehicle fueling station, Personal Service, Office Showroom/Warehouse, and Resturant without drive-in or drive-through service.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jonathan Vinson for the property located at 1201 Oak Lawn Avenue focuses on one request relating to the parking regulations.
- The proposed request of a 62-space special exception (45.9 percent reduction) is made to construct and/or maintain a nonresidential structure.
- The subject site lot size is 78,878.29 square feet.
- The existing building footprint is 39,750 square feet (50.39 percent lot coverage)
- PD-621 (Subdistrict 1) requires the following parking ratio per specified use:
 - 1 parking space per 105 square feet of floor area for restaurant without drive-in or drive-through service (12,600 / 105 = 120).
 - 1 parking space per 1100 square feet of floor area for Office/Showroom Warehouse up to 20,000 square feet floor area (20,000 / 1100 = 18.18).
 - 1 parking space per 4100 square feet of floor area for Office/Showroom Warehouse above 20,000 square feet floor area (7,150 / 4100 = 1.74).

- Additionally, a parking agreement is required for calculating adjusted standard parking requirements.
- Granting the proposed 62-space special exception (45.9 percent reduction) to the parking regulations with a condition that the applicant complies with the most recently submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: <u>BDA245-049 at 1201 Oak Lawn Ave</u>

Timeline:

April 16, 2025: The applicant submitted an "Application/Appeal to the Board of

Adjustment" and related documents which have been included as part of

this case report.

March 5, 2025: The Board of Adjustment Secretary assigned this case to Board of

Adjustment Panel A.

March 14, 2025: Planning and Development Department Senior Planner emailed the

applicant the following information:

 an attachment that provided the public hearing date and panel that will consider the application; the March 21, 2025, deadline to submit additional evidence for staff to factor into their analysis; and April 4, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.

 the criteria/standard that the board will use in their decision to approve or deny the request; and

 the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 25, 2025: The Board of Adjustment staff review team meeting was held regarding

this request and other requests scheduled for the April public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation

Engineer.

March 25, 2025: The applicant provided revised Shared Parking Chart.

April 4, 2025: The applicant provided additional documentary evidence.

April 15, 2025: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday,

April 15, 2025, moved to HOLD this matter under advisement until May

20, 2025.

April 17, 2025: Planning and Development Department Senior Planner emailed the

applicant the following information:

BOARD OF ADJUSTMENT May 20, 2025

• 1:00 p.m., **May 9, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.

May 9, 2025: The applicant provided additional documentary evidence.

May 20, 2025: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday,

May 20, 2025, moved to HOLD this matter under advisement until June

17, 2025.

May 21, 2025: Planning and Development Department Senior Planner emailed the

applicant the following information:

• 1:00 p.m., **June 6, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.

Speakers:

For: Jonathan Vinson, 1807 Ross Ave, Suite 440, Dallas TX 75201

Lloyd Denham, 2928 Westminster, Dallas TX 75205

Adam Hammack, 1807 Ross Ave, Suite 440, Dallas TX 75201

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-049, **hold this matter under advisement** until **June 17, 2025**.

Maker:	Rachel Hayden				
Second:	Jay Narey				
Results:	4-0 Unanimously				Motion to hold under advisement
		Ayes:	-	4	David A. Neumann, Rachel Hayden, Jay Narey, Michael Hopkovitz (V)
		Against:	-	0	

10. 1500 DRAGON STREET

BDA245-050(BT)

BUILDING OFFICIAL'S REPORT: Application of JONATHAN VINSON for (1) a special exception to the parking regulations at 1500 DRAGON STREET. This property is more fully described as Block 6851 and is zoned PD-621 (Subdistrict 1), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use an Office use, an Office/Showroom and a Commercial Amusement (Inside) (event center) use, and provide 177 of the required 300 parking spaces, which will require (1) a 123-space special exception (41 percent reduction) to the parking regulation.

LOCATION: 1500 Dragon

APPLICANT: Jonathan Vinson

REQUEST:

(10) Special Exception to the parking regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

SEC 51P-621.110(b)(2) States that the board may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in SEC 51A-4.311 minus the number of parking spaces currently not provided due to delta credits, as defined in SEC 51A-4.704(b)(4)(A). The board of adjustment may impose conditions on the special exception. SEC 51A-3.111(a) of the Dallas Development Code specifies that the board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site: PD-621 (Subdistrict 1)
North: PD-621 (Subdistrict 1)
Ease: PD-621 (Subdistrict 1)
South: PD-621 (Subdistrict 1)
West: PD-621 (Subdistrict 1)

Land Use:

The subject site is developed with Commercial Amusement (Event Space), and Office Showroom/Warehouse. The areas to the north, south, east, and west are developed with various uses such as but not limited to Office Showroom/Warehouse, Multi-family, and Resturant without drive-in or drive-through service.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jonathan Vinson for the property located at 1500 Dragon St. focuses on one request relating to the parking regulations.
- The proposed request of a 123-space special exception (41 percent reduction) is made to construct and/or maintain a nonresidential structure.
- The subject site lot size is 223,720.73 square feet.
- The existing building footprint is 98,531 square feet (44.04 percent lot coverage).

- PD-621 (Subdistrict 1) requires the following parking ratio per specified use:
 - 1 parking space per 358 square feet of floor area for Office-related (3,000 / 358 = 8.38).
 - 1 parking space per 105 square feet of floor area for Restaurant without drive-in or drive-through service (18,000 / 105 = 171.43).
 - o 1 parking space per 1100 square feet of floor area for Warehouse/Showroom up to 20,000 square feet floor area (20,000 / 1100 = 18.18).
 - o 1 parking space per 4100 square feet of floor area for Warehouse/Showroom above 20,000 square feet floor area (47,531 / 4100 = 11.59).
 - 1 parking space per 100 square feet of floor area for Any other use (10,000 / 100 = 100).
- Additionally, a parking agreement is required for calculating adjusted standard parking requirements.
- Granting the proposed 123-space special exception (41 percent reduction) to the parking regulations with a condition that the applicant complies with the most recently submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: <u>BDA245-050 at 1500 Dragon St</u>

Timeline:

April 16, 2025: The applicant submitted an "Application/Appeal to the Board of

Adjustment" and related documents which have been included as part of

this case report.

March 5, 2025: The Board of Adjustment Secretary assigned this case to Board of

Adjustment Panel A.

March 14, 2025: Planning and Development Department Senior Planner emailed the

applicant the following information:

 an attachment that provided the public hearing date and panel that will consider the application; the March 21, 2025, deadline to submit additional evidence for staff to factor into their analysis; and April 4, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.

 the criteria/standard that the board will use in their decision to approve or deny the request; and

 the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 25, 2025: The Board of Adjustment staff review team meeting was held regarding

this request and other requests scheduled for the April public hearings. Review team members in attendance included: The Board of Adjustment

31

Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

March 25, 2025: The applicant provided revised Shared Parking Chart.

April 4, 2025: The applicant provided additional documentary evidence.

April 15, 2025: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday,

April 15, 2025, moved to HOLD this matter under advisement until May

20, 2025.

April 17, 2025: Planning and Development Department Senior Planner emailed the

applicant the following information:

• 1:00 p.m., May 9, 2025, deadline to submit additional evidence to

be incorporated into the board's docket materials.

May 9, 2025: The applicant provided additional documentary evidence.

May 20, 2025: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday,

May 20, 2025, moved to HOLD this matter under advisement until June

17, 2025.

May 21, 2025: Planning and Development Department Senior Planner emailed the

applicant the following information:

• 1:00 p.m., **June 6, 2025**, deadline to submit additional evidence to

be incorporated into the board's docket materials.

Speakers:

For: Jonathan Vinson, 1807 Ross Ave, Suite 440, Dallas TX 75201

Lloyd Denham, 2928 Westminster, Dallas TX 75205

Adam Hammack, 1807 Ross Ave, Suite 440, Dallas TX 75201

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 245-050, **hold this matter under advisement** until **June 17, 2025**.

Maker:	Rachel Hayden				
Second:	Jay Narey				
Results:	4-0 Unanimously				Motion to hold under advisement
		Ayes:	-	4	David A. Neumann, Rachel Hayden, Jay Narey, Michael Hopkovitz (V)
		Against:	-	0	

David A. Neumann, Chairman

Board of Adjustment

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Chairman Neumann entertained a motion to adjourn at 5:13 p.m.

motion to	adjourn at 5:13 p.m.			
Maker:	Jay Narey			
Second:	Rachel Hayden			
Result:	4-0 Unanimously		1	Motion to adjourn
			•	
Required	Signature:			 Date
Mary Willia	ams, Board Secretary			
Planning 8	& Development Depa	rtment		
Deguired	Ciamatura			Dete
-	Signature:	ed Coordinate	- 10	Date
	a Miller-Hoskins, Boai		or	
Planning &	& Development Depa	rtment		
Required S	Signature:			Date

FILE NUMBER: BOA-25-000008_FR1(CJ)

BUILDING OFFICIAL'S REPORT: Application of Anish Thakrar for a fee reimbursement for **(1)** a variance to the front-yard setback regulation at **2402 Garden Drive**. This property is more fully described as Block A/2246 Lot 14 and is zoned PD-595 (Subdistrict R-5(A)).

LOCATION: 2402 Garden Drive

APPLICANT: Anish Thakrar

REQUEST:

The applicant is requesting a fee reimbursement for fees paid for the application of the 15-foot variance to the front-yard setback regulation at 2402 Garden Drive which will appear before Panel A on June 17, 2025.

STANDARD FOR A FEE WAIVER OR REIMBURSEMENT:

Dallas City Code Section 303.12.1.6. Fee Waiver specifies the board of adjustment may waive the filing fee if the board finds that payment of the fee would result in substantial financial hardship to the applicant. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not apply to the merits of the request for a waiver have been determined by the board. In making this determination, the board may require the production of financial documents.

STAFF RECOMMENDATION:

The staff does not make a recommendation on fee waiver requests since the standard is whether the board finds that payment of the fee would result in substantial financial hardship to the applicant.

FILE NUMBER: BDA245-058 (CJ)

BUILDING OFFICIAL'S REPORT: Application of Delia Ledezma for (1) a special exception to the single-family regulations, and for (2) a variance to the floor area for structures accessory to single family use regulations at 1615 Alhambra Street. This property is more fully described as Block 30/6237, Lot 15, and is zoned R-7.5(A), which states that an accessory structure may not exceed 25 percent of the floor area of the main structure and limits the number of dwelling units to one. The applicant proposes to construct and/or maintain an additional dwelling unit (not for rent), which will require (1) a special exception to the single-family zoning use regulations, and to construct and/or maintain a single family residential accessory structure with 546 square feet of floor area (31% of the 1,664 square foot floor area of the main structure), which will require (2) a 130 square foot variance to the floor area for structures accessory to single family use regulations.

LOCATION: 1615 Alhambra Street

APPLICANT: Delia Ledezma

REQUEST:

(1) A request for a special exception to the single-family use regulations; and

(2) A request for a variance to the floor area for structures accessory to single-family use regulations.

STANDARDS OF REVIEW FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY ZONING USE REGULATIONS:

Section 51A-4.209(b)(6)(E)(i) of the Dallas Development Code states that the board of adjustment may grant a special exception to authorize an additional dwelling unit in any district when, in the opinion of the board, the additional dwelling unit will not:

- (aa) be used as rental accommodations; or
- (bb) adversely affect neighboring properties.

Section 51A-4.209(b)(6)(E)(ii) states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

STANDARDS OF REVIEW FOR A VARIANCE:

Section 51A-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, <u>floor area for structures accessory to single-family uses</u>, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

(A) **not contrary to the public interest** when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.

- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) **not granted to relieve a self-created or personal hardship**, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

ELEMENT II SUBSTITUTE:

Dallas Development Code Section 51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.
- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

1. Special Exceptions (1):

No staff recommendation is made on this request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is when in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

2. Variance (1) to the floor area for structures accessory to single-family use regulations

Denial

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. The subject site is not restrictive via its size (approximately 8232.84 square feet), shape or slope; therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 1615 Alhambra Street within the last 5 years.

Square Footage:

- This lot contains 8232.84 of square feet or .189 acres.
- This lot is zoned R-.7.5(A) which has a minimum lot size of 7,500 square feet per dwelling unit for single-family residential structures.

Site: R-7.5(A) Zoning District

North: R-7.5(A) Zoning District & Clustered Housing (CH)

<u>East</u>: R-7.5(A) Zoning District <u>South</u>: R-7.5(A) Zoning District West: R-7.5(A) Zoning District

Land Use:

The subject site and areas to the south, east, and west are zoned R-7.5(A) and areas to the north are zoned with uses permissible in R-7.5(A) and .

GENERAL FACTS/STAFF ANALYSIS:

- The application of Delia Ledezma located at 1615 Alhambra Street focuses on two requests relating to the single-family zoning use regulations and the floor area for structures accessory to single-family use regulations.
- The applicant proposes to construct and/or maintain an additional dwelling unit (not for rent), which will require a special exception to the single-family zoning use regulations.
- Secondly, the applicant proposes to construct and/or maintain a single family residential
 accessory structure with 546 square feet of floor area (31% of the 1,664 square foot floor area
 of the main structure), which will require a 130 square foot variance to the floor area for
 structures accessory to single family use regulations
- The subject site has single street frontage on Alhambra Street.
- The subject site along with surrounding properties to the north, south, east and west are zoned with uses permissible in the R-7.5(A) zoning district. Areas to the north are zoned as R-7.5(A) and Clustered Housing (CH).
- The subject site is currently developed with a single-family residential structure and is located within an established neighborhood.
- The applicant has the burden of proof in establishing that granting the special exception to the single-family use regulations will not adversely affect neighboring properties and will not be used as rental accommodations.
- Granting the special exception to the single-family use regulations with a condition that the
 applicant complies with the submitted site plan and elevations, would require the proposal to
 be constructed as shown on the submitted documents.
- Granting the special exception to the single-family use regulations would also require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

The applicant has the burden of proof in establishing the following:

- That granting the variance will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of a specific parcel of land that differs
 from other parcels of land by being of such restrictive area, shape, or slope, that it cannot
 be developed in a manner commensurate with the development upon other parcels of land
 with the same zoning; and

• The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider Dallas Development Code Section **51A-3.102(d)(10)(b)**, formerly known as <u>HB 1475</u> as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
- (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (e) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed variance below, with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
 - 130 square foot variance to the floor area regulations.
- 200' Radius Video: BDA245-058 at 1615 Alhambra Street

Timeline:

March 21, 2025: The applicant submitted an "Application/Appeal to the Board of

Adjustment" and related documents which have been included as part of

this case report.

April 3, 2025: The Board of Adjustment Secretary assigned this case to Board of

Adjustment Panel A.

April 18, 2025: The Planning and Development Senior Planner emailed the applicant the

following information:

 an attachment that provided the hearing date and panel that will consider the application; the April 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and May 9, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.

- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

April 24, 2025:

The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief

Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

May 5, 2025:

The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel ${\bf A}$.

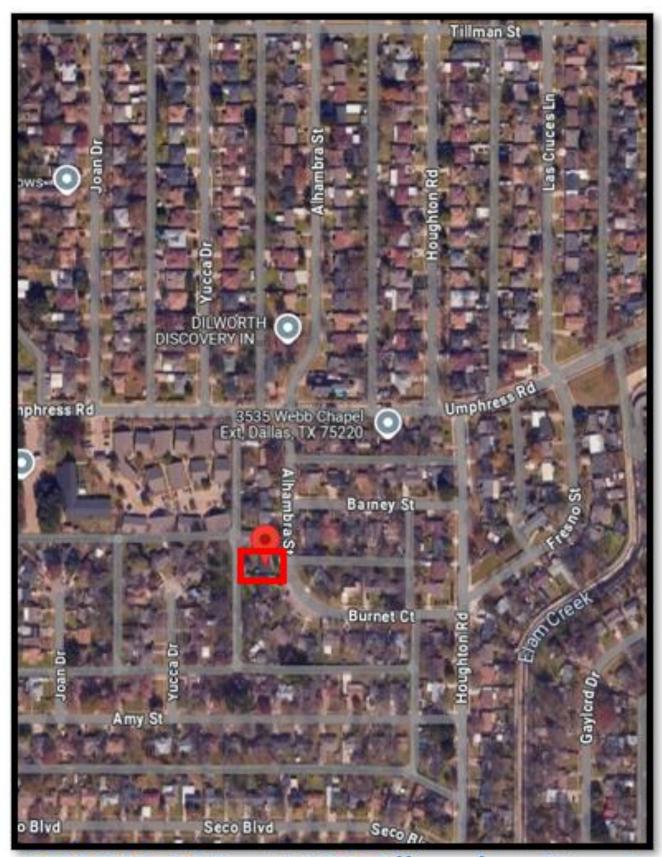
May 16, 2025:

The Planning and Development Senior Planner emailed the applicant the following information:

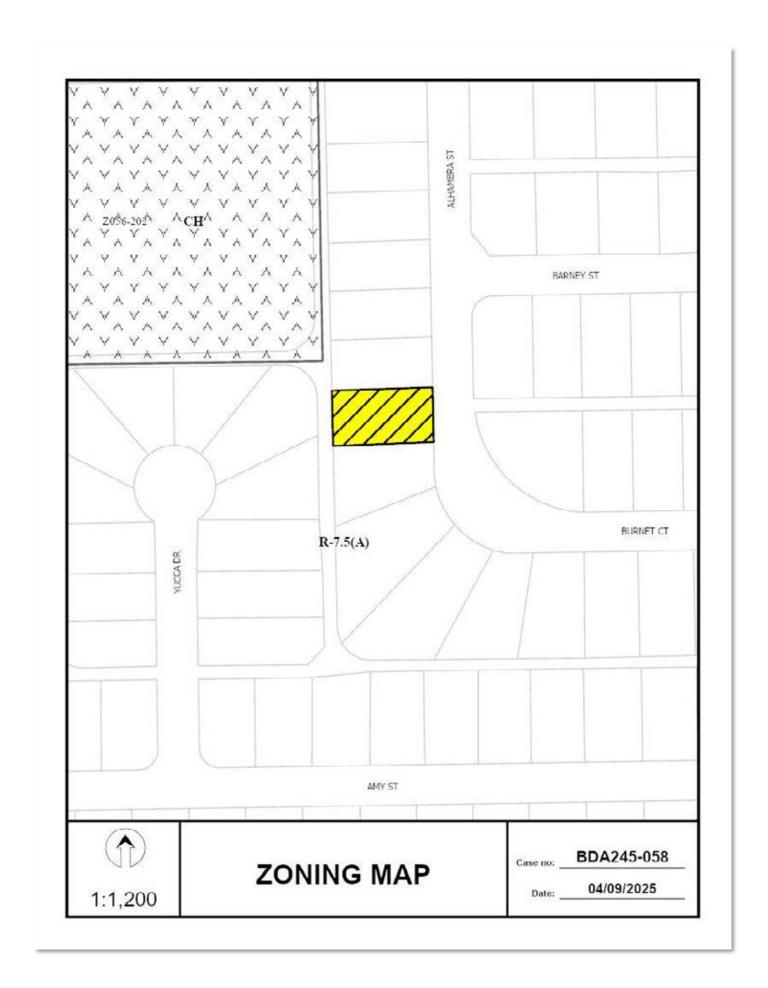
- an attachment that provided the hearing date and panel that will consider the application; the May 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and June 6, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

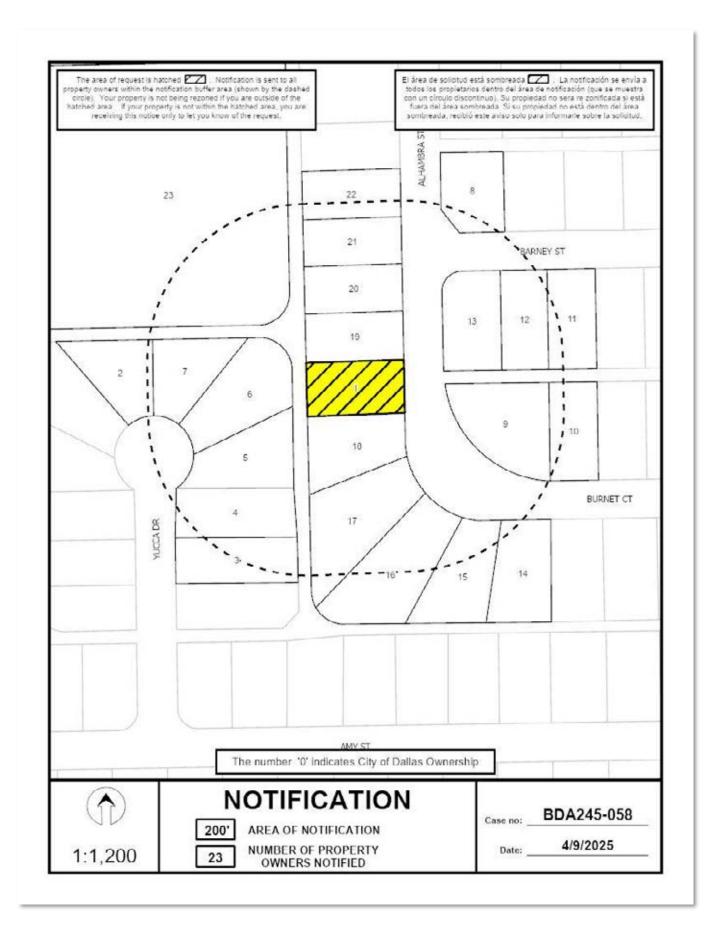
May 29, 2025:

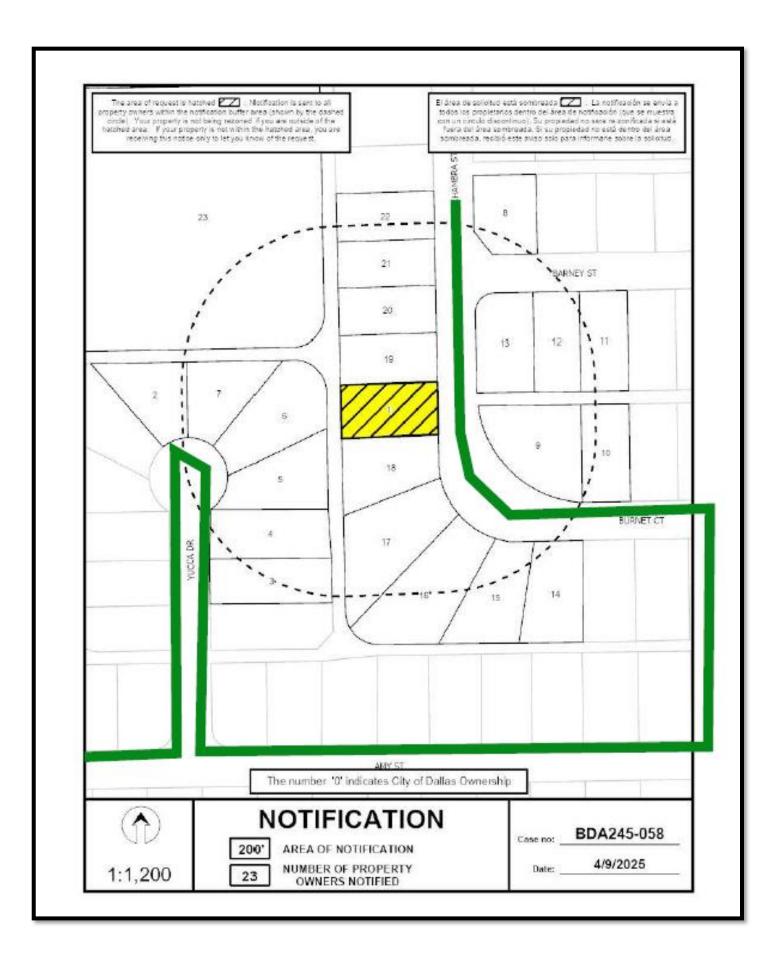
The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.



BDA245-058 at 1615 Alhambra Street







| | 04/09/2025

Notification List of Property Owners BDA245-058

23 Property Owners Notified

Label #	Address		Owner
1	1615	ALHAMBRA ST	LEDEZMA FRANCISCO J
2	1555	YUCCA DR	SERRATO DELIA V
3	1538	YUCCA DR	LUGO ISRAEL &
4	1542	YUCCA DR	ROMAN GABRIELA C &
5	1546	YUCCA DR	RANGEL ALEJANDRO RODRIGUEZ &
6	1550	YUCCA DR	RIVAS NORMA M &
7	1554	YUCCA DR	RUVALCABA RAFAEL PEREZ &
8	7303	BARNEY ST	DOMINGREZ MARCOS
9	7307	BURNETT CT	PEREZ LINDOLFO &
10	7311	BURNETT CT	HERNANDEZ SALVADOR A &
11	7314	BARNEY ST	GOMEZ MATILDE &
12	7308	BARNEY ST	FEMAT MANUEL A & HILDA P
13	7302	BARNEY ST	Taxpayer at
14	7310	BURNETT CT	ALMARAZ JESUS
15	7306	BURNETT CT	RODRIGUEZ JORGE ALBERTO TORRES
16	7302	BURNETT CT	MANCIO VICTOR ARNOLDO SANCHEZ &
17	1603	ALHAMBRA ST	MA LEG PARTNERS 1
18	1607	ALHAMBRA ST	REYES RUBEN
19	1619	ALHAMBRA ST	LEDEZMA FRANCISCO
20	1623	ALHAMBRA ST	WRIGHT KELLY &
21	1627	ALHAMBRA ST	PEREZ EUSTOLIA
22	1631	ALHAMBRA ST	CASTILLO JOSE GUADALUPE
23	7242	UMPHRESS RD	UMPHRESS TERRACE



NOTIFICATION

200'

AREA OF NOTIFICATION NUMBER OF PROPERTY OWNERS NOTIFIED Case no: BDA245-058

Date: 4/9/2025

NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A) will hold a hearing as follows:

DATE: TUESDAY, JUNE 17, 2025

BRIEFING: 9:00 a.m. via Videoconference and in 6EN COUNCIL CHAMBERS at Dallas

City Hall, 1500 Marilla Street

HEARING: 1:00 p.m. Videoconference and in 6EN COUNCIL CHAMBERS at Dallas City

Hall, 1500 Marilla Street

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment:

BDA245-058(CJ) Application of Delia Ledezma for (1) a special exception to the single-family regulations, and for (2) a variance to the floor area for structures accessory to single family use regulations at 1615 ALHAMBRA STREET. This property is more fully described as Block 30/6237, Lot 15, and is zoned R-7.5(A), which states that an accessory structure may not exceed 25 percent of the floor area of the main structure and limits the number of dwelling units to one. The applicant proposes to construct and/or maintain an additional dwelling unit (not for rent), which will require (1) a special exception to the single-family zoning use regulations, and to construct and/or maintain a single family residential accessory structure with 546 square feet of floor area (31% of the 1,664 square foot floor area of the main structure), which will require (2) a 130 square foot variance to the floor area for structures accessory to single family use regulations.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at 6EN Council Chambers. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at https://bit.ly/BDA-A-Register by the 5 p.m. on Monday, June 16, 2025. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall.

Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

https://bit.ly/boa0617

Board of Adjustment Planning and Development Department 1500 Marilla Street 5CN, Dallas TX 75201 PLEASE SEND REPLIES TO: BDAreply@dallas.gov

Letters will be received until 9:00 am the day of the hearing.

PLEASE REGISTER AT: https://bit.ly/BDA-A-Register

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

	Case No.: BDA 2457058 E PAGE 1
Data Relative to Subject Property: Harch 30 2025	
Location address: 161 S Albanbia St dalks tx 750	Zoning District: R-7.5
Lot No.: IS Block No.: 016779 Acreage: 0.189	
Street Frontage (in Feet): 1) 63 2) 3) To the Honorable Board of Adjustment:	5)
Owner of Property (per Warranty Deed): Francisco le	dezma
Applicant: Delia ledeema	
Mailing Address: 1614 Alhambra St dallas tx	
E-mail Address: Jacqueline, leclezna @yahoo.com	
Represented by:	Telephone:
Mailing Address:	Zip Code:
E-mail Address:	
Affirm that an appeal has been made for a Variance or Spare exceeding D.L. and Special exceeding Text	
Application is made to the Board of Adjustment, in accordance Grant the described appeal for the following reason: AVIENCE TO FLOOV AVEA EXCEEDING OF	
for rent	
Note to Applicant: If the appeal requested in this application is be applied for within 180 days of the date of the final action clonger period. Affidav	of the Board, unless the Board specifically grants a
Before me the undersigned on this day personally appeared	Valia ledesma
who on (his/her) oath certifies that the above statements an he/she is the owner/or principal/or authorized representati	
Respectfully submitted Delia Ledezma (Affiant/Applicant's signature)	
Subscribed and sworn to before me this 20 day of Marc	h gors
	CCA E . For Dallas County, Texas

DEVELOPMENT SERVICES • BOARD OF ADJUSTMENT | REV 05.24.2023

Notary ID 133151596

BOARD OF ADJUSTMENT CITY OF DALLAS, TEXAS

FILE NUMBER: BDA245-058

BUILDING OFFICIAL'S REPORT: Application of DELIA LEDEZMA for a special exception to the single-family regulations, and for a variance to the floor area regulations at **1615 ALHAMBRA ST**. This property is more fully described as Block 30/6237, Lot 15, and is zoned R-7.5(A), which an accessory structure may not exceed 25% of the floor area of the main structure and limits the number of dwelling units to one. The applicant proposes to construct and/or maintain additional dwelling unit (not for rent), which will require a special exception to the single-family zoning use regulations, and to construct and/or maintain a single family residential accessory structure with 546 square feet of floor area (31% of the 1,664 square foot floor area of the main structure), which will require a 130 square foot variance to the floor area regulations.

LOCATION: 1615 ALHAMBRA ST.

APPLICANT: DELIA LEDEZMA



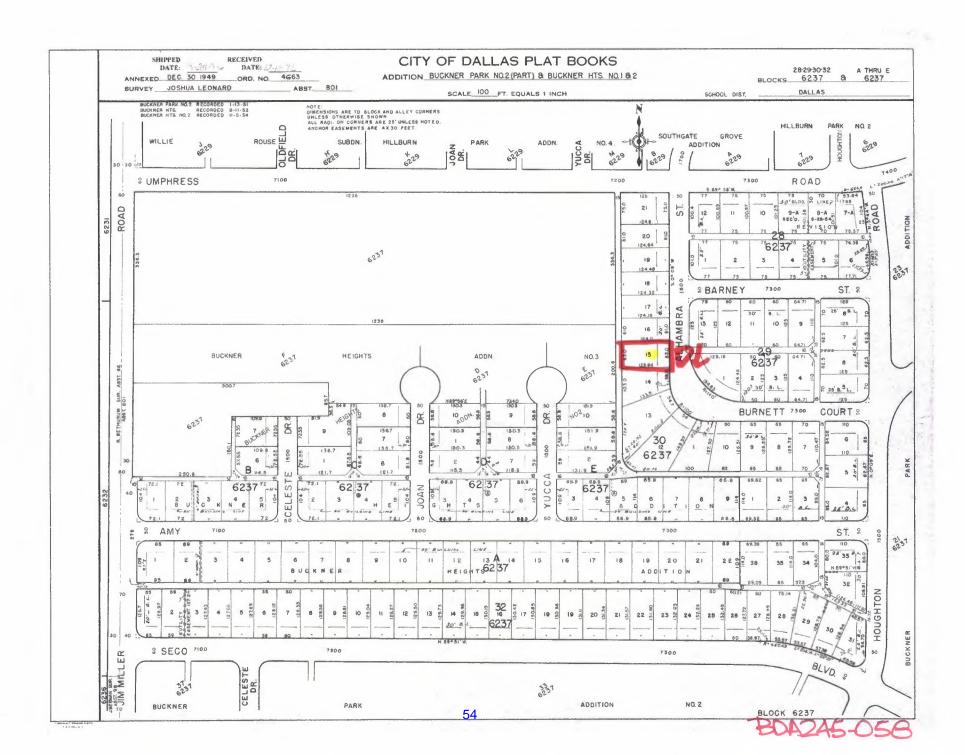
Appeal number: BDA 345 058	
I. Francisco Lederma	, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warrant	ry Deed)
at: 1615 Alhambra st dallas tx 75217	7
(Address of property as stated of	on application)
Authorize: Pelia Ledezma (Applicant's name as stated of	on application)
To pursue an appeal to the City of Dallas Zoning Bo	ard of Adjustment for the following request(s)
25/ Variance (specify below)	
Special Exception (specify below)	
Other Appeal (specify below)	
Specify: varience to floor area exceed	ing as 1. of main and exception to
additional dwelling unit not for rent	
Francisco Ledez ma Print name of property owner or registered agent	Fco Joclema Signature of property owner or registered
agent Date <u>03-20-202S</u>	
Before me, the undersigned, on this day personally a Paia ledezma	ppeared
Who on his/her oath certifies that the above statemen	ats are true and correct to his/her best
knowledge. Subscribed and sworn to before me this_	go day of
March	DODS
	Rebecat.
REBECCA ESTRADA HERNANDEZ Notary Public, State of Texas Comm. Expires 07-11-2025	Notary Public for Dallas County, Texas
Notary ID 133151596	Commission expires on

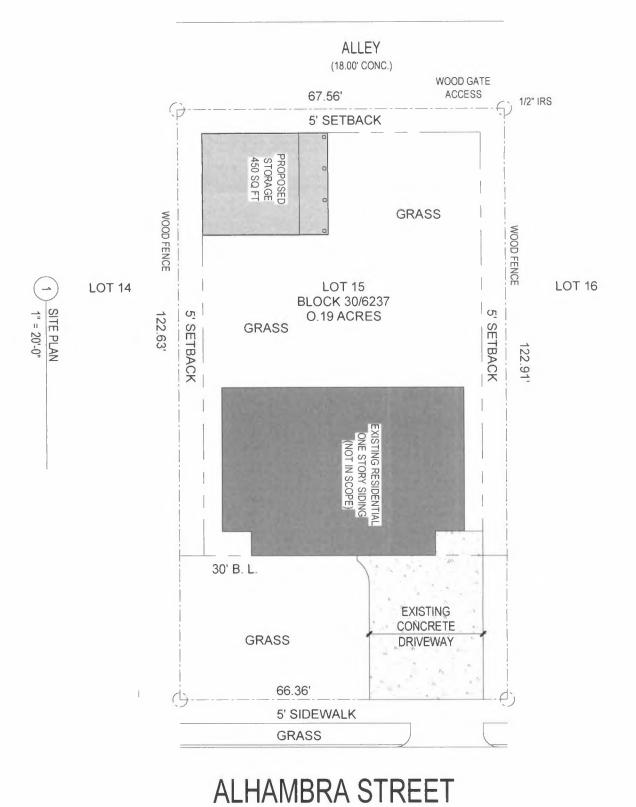
ArcGIS Web Map

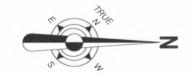


Sources Esri, TomTom, Garmin, FAO NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community









(30.00' R.O.W.)

 Project number
 A-0.1

 Date
 12/8/2023

 Drawn by
 JM

 Checked by
 MDS

 Scale
 1" = 20'-0"

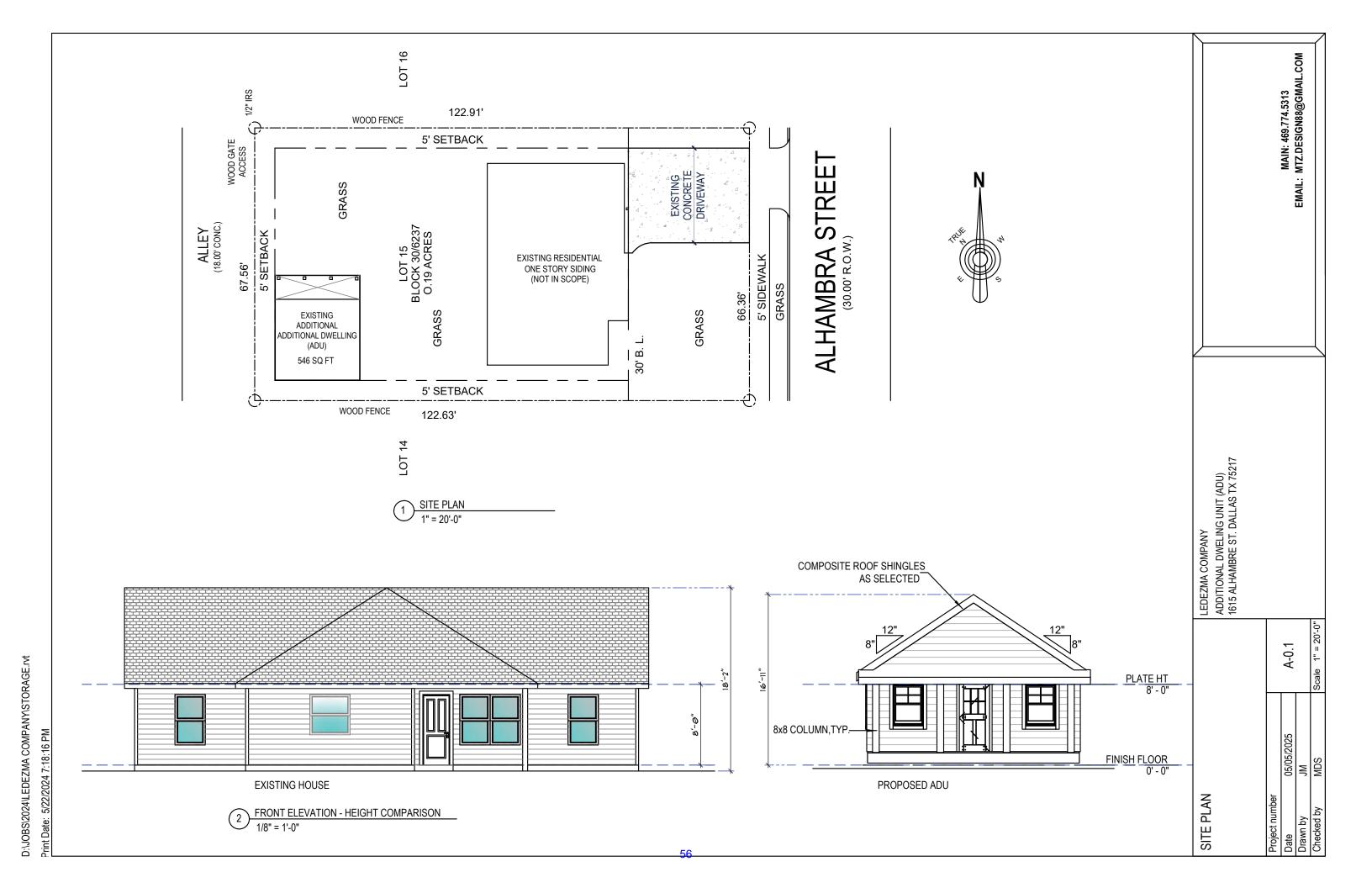
SITE PLAN

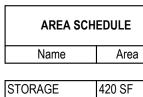
SUNNY PATEL
NEW CONSTRUCTION



MARTINEZ DESIGN SOLUTIONS

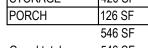
MAIN: 469.774.5313
EMAIL: MTZ.DESIGN88@GMAIL.COM



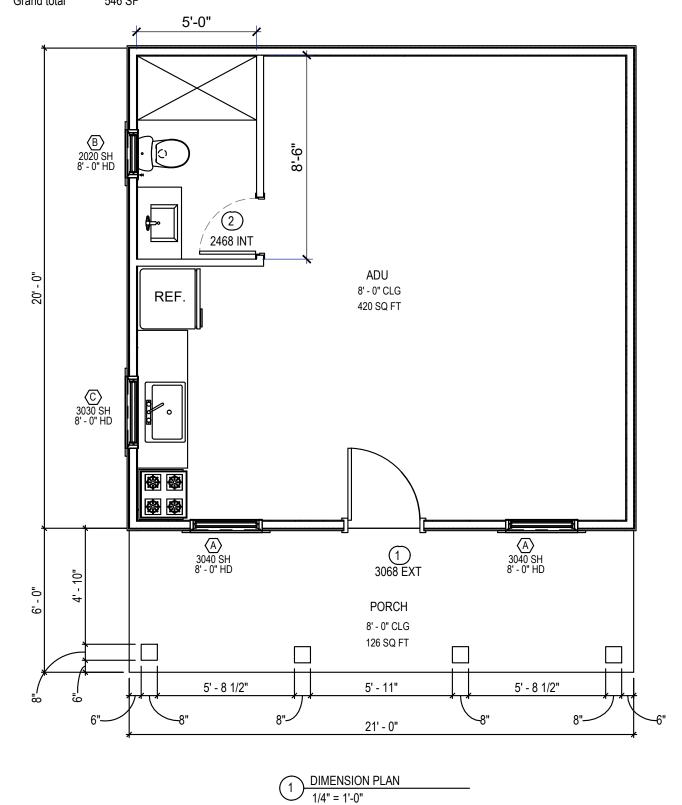


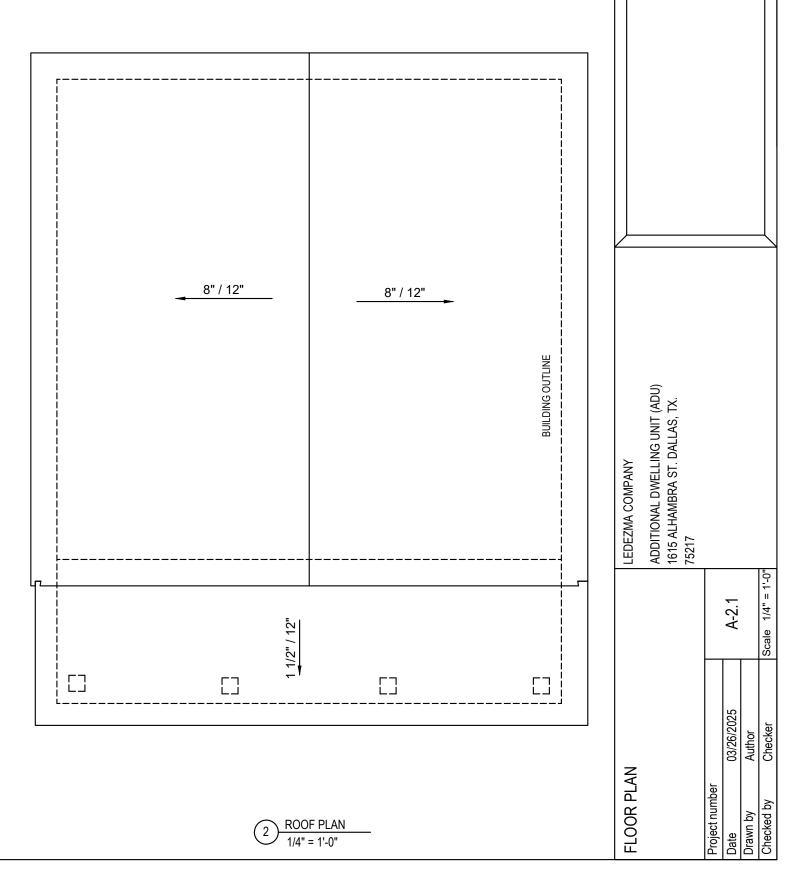
DOOR SCHEDULE				
Count	Type Mark	Туре	Width	Height
1	1	3068 EXT	3' - 0"	6' - 8"
1	2	2468 EXT	2' - 4"	6' - 8"

WINDOW SCHEDULE				
Count	Type Mark	Туре	Width	Height
3	Α	3040 SH	3' - 0"	4' - 0"
1	В	2020 SH	2' - 0"	2' - 0"
1	С	3030 SH	3' - 0"	3' - 0"



546 SF Grand total





FILE NUMBER: BOA-25-000003(BT)

BUILDING OFFICIAL'S REPORT: Application of Maria Perez for (1) a special exception to the single-family use regulation, for (2) a variance to the floor area regulation, and for (3) a variance to the side-yard setback regulation at 7215 CORTLAND AVENUE. This property is more fully described as Block 12/2359, Lot 3, and is zoned R-7.5(A), which limits the number of dwelling units to one, and prohibits an accessory structure from exceeding 25% of the floor area of the main structure. The applicant proposes to construct and/or maintain an additional dwelling unit, not for rent (NFR), which will require (1) a special exception to the single-family zoning use regulations; and the applicant further proposes to construct and/or maintain a single-family residential accessory structure with 493 square feet of floor area (39 percent of the 1,269 square foot floor area of the main structure), which will require (2) a 177 square foot variance to the floor area regulations.

LOCATION: 7215 Cortland Avenue.

APPLICANT: Maria Perez

REQUEST:

- (1) A request for a special exception to the single-family use regulations, and
- (2) A request for a variance to the floor area for structures accessory to single-family use regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE AN ADDITIONAL DWELLING UNIT:

Section 51A-4.209(b)(6)(E)(i) of the Dallas Development Code specifies that the board may grant a special exception to the single-family use regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit **will not**:

- 1) be used as rental accommodations; or
- 2) adversely affect neighboring properties.

Section 51A-4.209(b)(6)(E)(ii) states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

STANDARDS OF REVIEW FOR A VARIANCE:

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, **floor area for structures accessory to single-family uses**, height, minimum sidewalks, offstreet parking or off-street loading, or landscape regulations provided that the variance is:

- (A) **not contrary to the public interest** when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) **not granted to relieve a self-created or personal hardship**, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

ELEMENT II SUBSTITUTE

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code;
- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur;
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is when in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

Variance to the floor area for structures accessory to single family uses:

Denial

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Subject site does not differ from other parcels of land by being of such a restrictive area, shape, or slope. Therefore, it can be developed in a manner commensurate with the development upon other parcels of land in the same zoning.

C. Not self-created nor is it a personal hardship.

BACKGROUND INFORMATION:

Zoning:

Site:R-7.5(A)North:R-7.5(A)East:R-7.5(A)South:R-7.5(A)West:R-7.5(A)

Land Use:

The subject site is developed with single-family use and surrounding properties are developed with single-family uses and various non-residential uses.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Maria Perez for the property located at 7215 Cortland Avenue focuses on 2 requests relating to the additional dwelling unit, and floor area for structures accessory to single-family use regulations.
- The first request is for a special exception to the single-family use regulations. The
 applicant is proposing to construct and maintain an additional dwelling unit (not for rent),
 which will require a special exception to the single-family zoning use regulations.
- Lastly, the applicant is requesting a variance to the floor area for structures accessory to single-family use regulations. The applicant is proposing to construct and maintain an additional dwelling unit, not for rent, on a site developed with a single-family home greater than 25 percent of the main floor area.
 - The proposed additional dwelling unit is approximately 493 square feet (39 percent).
 - o The main floor area is 1,269 square feet (@ 25 percent = 317 square feet).
 - Existing structure and setbacks with proposed interior remodel/conversion.
 - Accessory structures are allowed in the side and rear yard setbacks provided the location is in the rear 30 percent of the lot and does not exceed 15-feet in height.
- The surrounding properties to the south, east and west are R-7.5(A) single-family uses.
- The Dallas Development Code, single-family use regulations, states that only one dwelling unit may be located on a lot and that the Board of Adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: (1) be use as rental accommodations; or (2) adversely affect neighboring properties.

- The Dallas Development Code specifies that the board has the power to grant variances
 from the floor area for structures accessory to single-family uses, provided that the
 variance is, not contrary to the public interest, necessary to permit development of
 a specific parcel of land and not granted to relieve a self-created or personal
 hardship.
- The applicant has the burden of proof in establishing that the special exception to the single-family use regulations will not adversely affect the neighboring properties and will not be used as rental accommodations.
- Granting the special exception to the single-family use regulation, variance to the floor
 area regulations and variance to the side-yard setback regulations with a condition that
 the applicant complies with the submitted site plan and elevations, would require the
 proposal to be constructed as shown on the submitted documents. Granting the special
 exception to the single-family use regulations would also require the applicant to deed
 restrict the subject property to prevent the use of the additional dwelling use as rental
 accommodations.
- 200' Radius Video: BOA-25-000003 at 7215 Cortland Ave

Timeline:

May 12, 2025: The applicant submitted an "Application/Appeal to the Board of

Adjustment" and related documents which have been included as part of

this case report.

May 5, 2025: The Board of Adjustment Administrator assigned this case to Board of

Adjustment Panel A.

May 19, 2025: The Planning and Development Senior Planner emailed the applicant the

following information:

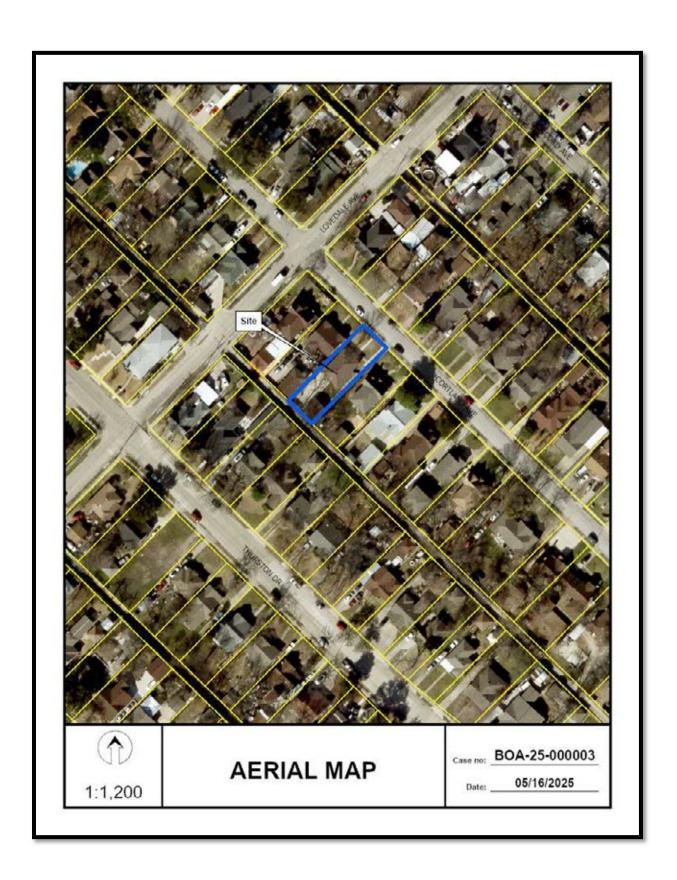
 an attachment that provided the public hearing date and panel that will consider the application; the May 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and May 30, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.

- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

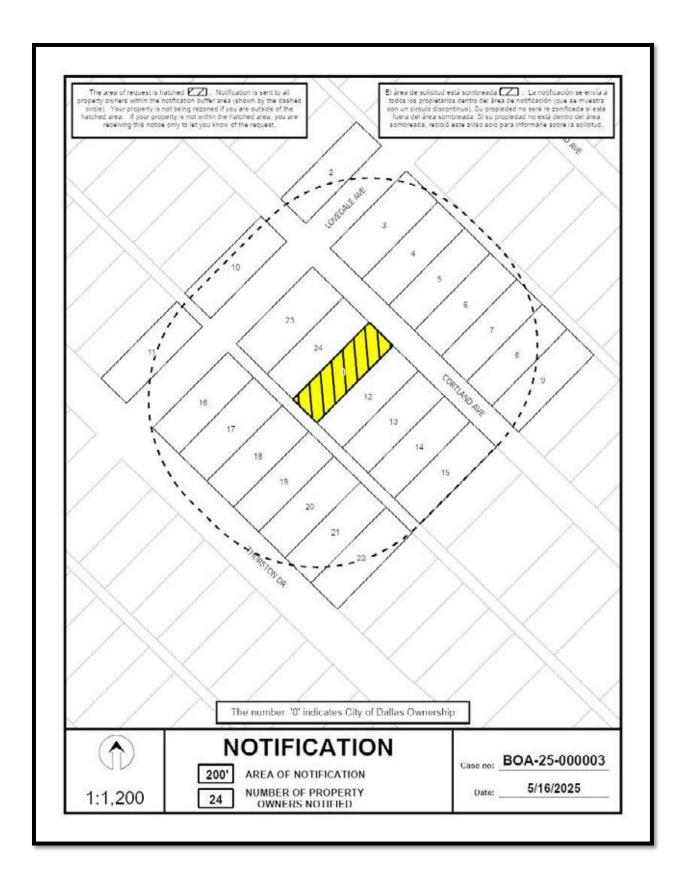
May 29, 2025:

The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **June** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief

Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.







Notification List of Property Owners

BOA-25-000003

24 Property Owners Notified

Label #	Address		Owner
1	7215	CORTLAND AVE	ALVARADO MARIA DELCONSUELO P &
2	7302	CORTLAND AVE	RIZO MARIA ROSARIO
3	7222	CORTLAND AVE	CAMACHO URSULA A &
4	7218	CORTLAND AVE	ALONSO MARIA DE JESUS CANELO &
5	7214	CORTLAND AVE	MARTINEZ JOSE ELEAZAR YADO
6	7210	CORTLAND AVE	TORRES CARLOS
7	7206	CORTLAND AVE	RAMOS DANIEL R
8	7202	CORTLAND AVE	FLORESVALDEZ REULO &
9	7130	CORTLAND AVE	MEDRANO ELISA TARANGO
10	7303	CORTLAND AVE	Taxpayer at
11	7302	THURSTON DR	ARRIAGA MIKE &
12	7211	CORTLAND AVE	LEITCH JONDA LEE &
13	7207	CORTLAND AVE	GUERRA IRREVOCABLE TRUST
14	7203	CORTLAND AVE	GUERRA JOE P
15	7129	CORTLAND AVE	GUERRA JOE P & PAULINE
16	7222	THURSTON DR	RUIZ FRED & MARY
17	7218	THURSTON DR	NGUYEN CAROL &
18	7212	THURSTON DR	OROZCO ROSA
19	7210	THURSTON DR	MORRISON ALAN J
20	7206	THURSTON DR	LOPEZ JULIO R & FREDDIE B LOPEZ
21	7202	THURSTON DR	ESPINOZA CHRISTOPHER
22	7128	THURSTON DR	NAVARRO BALDEMARO &
23	7223	CORTLAND AVE	NUNCIO JOHN &
24	7219	CORTLAND AVE	GOMEZ MARTIN &



1:1,200

NOTIFICATION

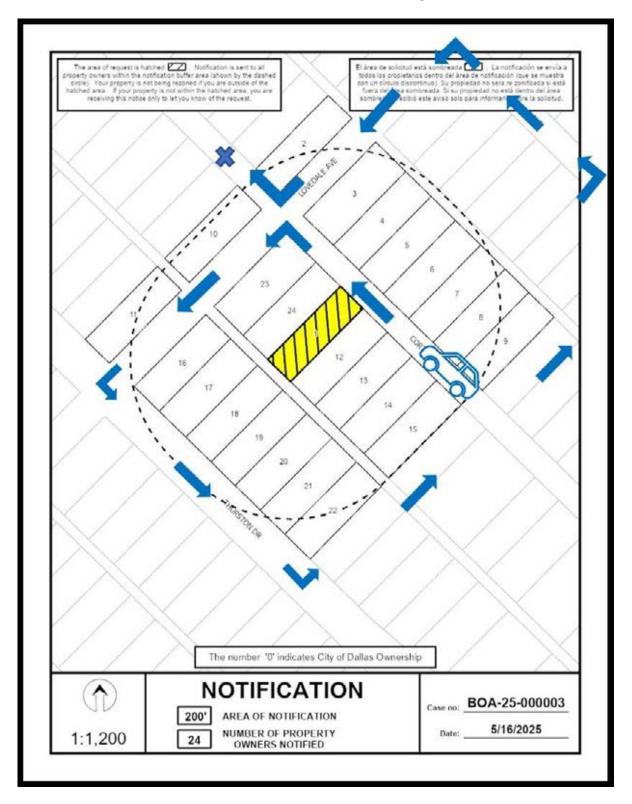
200'

AREA OF NOTIFICATION NUMBER OF PROPERTY OWNERS NOTIFIED Case no: **BOA-25-000003**

Date: 5/16/2025

Route Directions:
Start on Cortland Ave.
Left on Lovedale Ave.
Left on Thurston Dr.
Left on Empire Central Pl.
Left on Concord Ave.
Left on Lovedale Ave.
Right on Cortland Ave.
*Subject Site at 0:37.

200' Radius Route Map



NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A) will hold a hearing as follows:

DATE: TUESDAY, JUNE 17, 2025

BRIEFING: 9:00 a.m. via Videoconference and in 6EN COUNCIL CHAMBERS at Dallas

City Hall, 1500 Marilla Street

HEARING: 1:00 p.m. Videoconference and in 6EN COUNCIL CHAMBERS at Dallas City

Hall, 1500 Marilla Street

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment:

BOA-25-00003(BT) Application of Maria Perez for (1) a special exception to the single-family use regulations, and for (2) a variance to the floor area for structures accessory to single family use regulations at 7215 CORTLAND AVENUE. This property is more fully described as Block 12/2359 Lot 3, and is zoned R-7.5(A), which limits the number of dwelling units to one, and states that an accessory structure may not exceed 25 percent of the floor area of the main structure. The applicant proposes to construct and/or maintain an additional dwelling unit (not for rent), which will require (1) a special exception to the single-family use regulations, and the applicant proposes to construct and/or maintain a single-family residential accessory structure with 317 Square feet of floor area (39% of the 1,269 square foot floor area of the main structure), which will require (2) a 177 square foot variance to the floor area for structures accessory to single family use regulations.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at 6EN Council Chambers. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at https://bit.ly/BDA-A-Register by the 5 p.m. on Monday, June 16, 2025. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall.

Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner (214) 948-4502, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

https://bit.ly/boa0617

Board of Adjustment Planning and Development Department 1500 Marilla Street 5CN, Dallas TX 75201 PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
Letters will be received until 9:00
am the day of the hearing.

PLEASE REGISTER AT: https://bit.ly/BDA-A-Register



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT FOR OFFICE USE DNLY Case No.: BDA FOR OFFICE USE ONLY Data Relative to Subject Property:_ Location address: 7215 Cortland Ave R-7.5 **Moning District:** Census Tract: Street Frontage (in Feet): 1) To the Honorable Board of Adjustment: Maria del Consuelo Perez & Arturo Enriquez Owner of Property (per Warranty Deed): _Telephone: _469-438-4870 Maria Perez Applicant: Zip Code: 75235 Mailing Address: 7215 Cortland Ave E-mail Address: Mp1812275@gmail.com Represented by: Telephone: Mailing Address: Zip Code: E-mail Address: Affirm that an appeal has been made for a Variance & or Special Exception & of 2'5" variance to 54, Sie to ADU, not for rent, vanance to floor area. Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason: I purchased the home with an existing ADU. The ADU will not be for rent. My sister and her autistic son will be living there free of charge. In my opinion, the ADU will not affect neighboring properties. Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period. **Affidavit** Maria Perez Before me the undersigned on this day personally appeared (Affiant/Applicant's name printed) who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property Respectfully submitted: (Affiant/Applicant's signature)

DEVELOPMENT SERVICES - BOARD OF ADJUSTMENT | REV 05.24.2023

NORMA GONZALEZ Notary ID #8835282 My Commission Expires

September 27, 2027

Notary Public in and for Dallas County, Texas

Subscribed and sworn to before me this 31 day of Mar

BOARD OF ADJUSTMENT CITY OF DALLAS, TEXAS

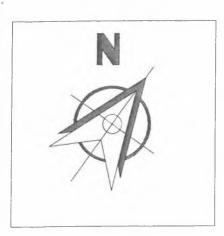
FILE NUMBER: BOA-25-000003

BUILDING OFFICIAL'S REPORT: Application of Maria Perez for a special exception to the single-family use regulations, and for (2) a variance to the floor area regulations at 7215 CORTLAND AVE. This property is more fully described as BLK 12/2359 LT 3, and is zoned R-7.5(A), which limits the number of dwelling units to one, and an accessory structure may not exceed 25% of the floor area of the main structure. The applicant proposes to construct and/or maintain an additional dwelling unit (not for rent), which will require a special exception to the single-family use regulations, and the applicant proposes to construct and/or maintain a single-family residential accessory structure with 317 SF of floor area (39% of the 1,269 square foot floor area of the main structure), which will require (2) a 177 SF variance to the floor area regulations.

LOCATION: 7215 CORTLAND AVE

APPLICANT: Maria Perez

REQUEST: A request for (1) a special exception to the single-family use regulations, and for (2) a variance to the floor area regulations.

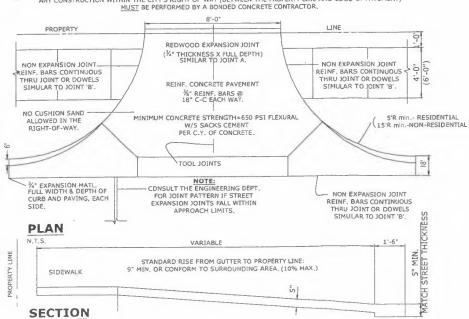


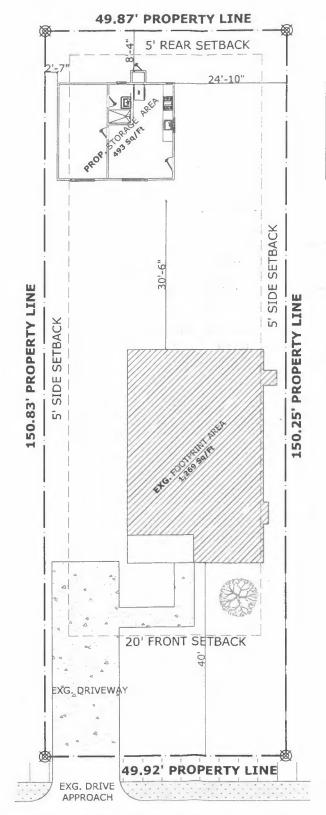
Building codes Dallas:

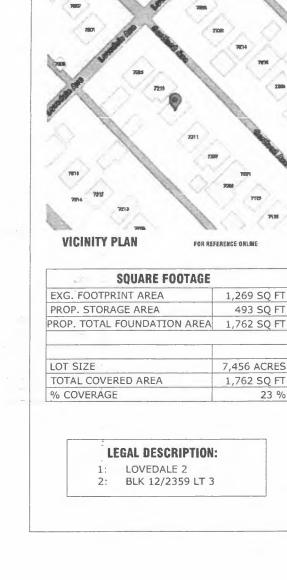
- 2021 International Fire Code, with Dallas amendments
- Administrative Procedures for the Construction Codes of the Dallas City Code
- 2021 International Building Code with Dallas Amendments
- 2021 International Plumbing Code with Dallas Amendments
- 2021 International Mechanical Code with Dallas Amendments
- 2020 National Electrical Code with Dallas Amendments
- 2021 International Residential Code with Dallas
- Amendments
- 2021 International Existing Building Code with Dallas Amendments (effective June 13, 2022)
- 2021 International Energy Conservation Code with Dallas Amendments
- 2021 International Fuel & Gas Code with Dallas
- Amendments
- 2015 International Green Construction Code with Dallas Amendments
- 2021 International Swimming Pool and Spa Code with Dallas Amendments (effective June 13, 2022)

TYPICAL DRIVEWAY

ANY CONSTRUCTION WITHIN THE CITY'S RIGHT OF WAY (BETWEEN THE PROPERTY LINE AND EDGE OF PAVEMENT)
MUST BE PERFORMED BY A BONDED CONCRETE CONTRACTOR.







1,269 SQ FT

7,456 ACRES

1,762 SQ FT

23 %

493 SQ FT

CITY STAMP

ENGINEER STAMP

SCALE: DATE: SQ.FT: DRAWIN

TX 75235

7215 CORTLAND AVE, Dallas,

WORK: NEW CONSTRUCTION

P

· CREATIVO DESIGNS ·

SIMPLA JUAS GALLAS, 1X /5/4/

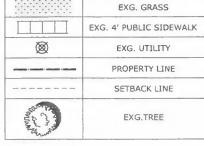
SITE PLAN

90

of

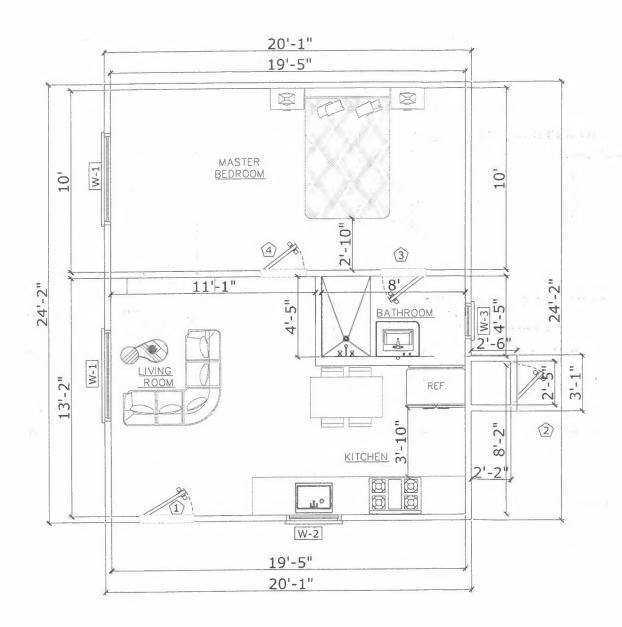
01

LEC	GEND/SYMBOL
	EXG.CONCRETE OR ASPHALT
	EXG. GRASS
	EXG. 4' PUBLIC SIDEWALK
Ø	EXG. UTILITY
	PROPERTY LINE
	SETBACK LINE
Salar Barrer	EXG.TREE



SITE PLAN SCALE: 1 TO 20

7215 CORTLAND AVE



WINDOW SCHEDULE PER UNIT				
TAG	SIZE	DESC.	QTY.	
W-1_	5'-0" x 3'-0"	S.H.	2	
W-2	2'-0" x 4'-0"	S.H.	1	
W-3	2'-0" x 1'-0"	S.H.	1	

S.H.= SINGLE HUNG FX = FIXED SL = SLIDING

DOOR SCHEDULE PER UNIT						
TAG	SIZE	FUNC.	DESC.	CORE	QTY.	
1	3'-0" x 6'-8"	H.D.	SSW	S.C.	1	
2 -	2'-0" x 6'-8"	H.D.	SSW	H.C.	1	
3	2'-6" x 6'-8"	H.D.	SSW	H.C.	1	
4	2'-8" x 6'-8"	H.D.	SSW	H.C.	1	

H.D.= HINGED DOOR SL = SLIDING

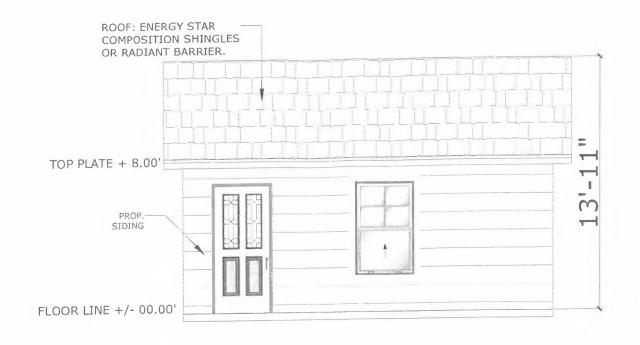
SSW = SINGLE SWING FD = FRENCH DOOR PL = PLYABLE RB = RUSTIC BARN PD = POCKET DOOR BD = BARNDOOR

H.C.= HOLLOW CORE S.C.= SOLID CORE W&G = WOOD AND GLASS V&G = VINYL AND GLASS M.H. = METALLIC HERMETIC M&G = METALLIC AND GLASS ME = METALLIC W = WOOD CITY STAMP

ENGINEER STAMP 08 of SQ.FT: DRAWING No. ADDRESS: 7215 CORTLAND AVE, Dallas, TX 75235 SCOPE OF WORK: NEW CONSTRUCTION
DRAWN: S.H.
PLAN: PROP FI OOR PLAN PROP, FLOOR PLAN



PROP. FLOOR PLAN
SCALE: 3/16" = 1'-0"

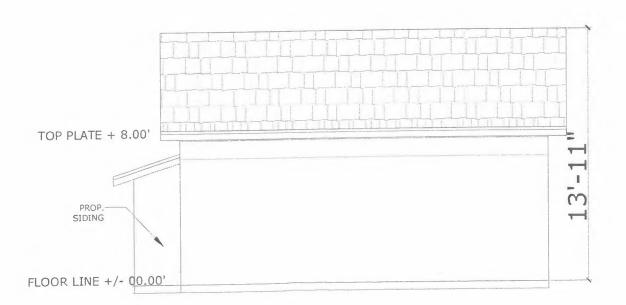


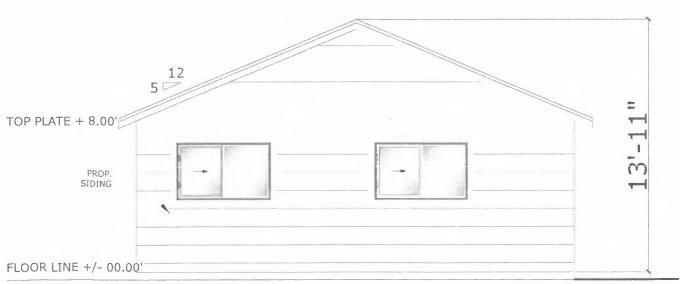


PROP. REAR ELEVATION PLAN

SCALE: 3/16 =1'-0"

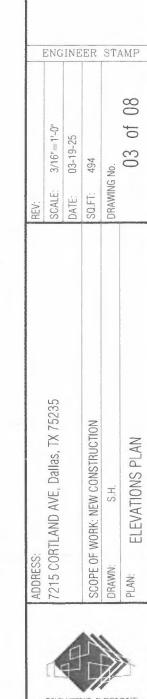
PROP. FRONT ELEVATION PLAN SCALE: 3/16'=1'-0"





PROP. LEFT ELEVATION PLAN

SCALE: 3/16" = 1'-0"



CITY STAMP



PROP. RIGHT ELEVATION

FILE NUMBER: BOA-25-000005(CJ)

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin for (1) a variance to the frontyard setback regulation, for (2) a special exception to the fence height regulations, for (3) a special exception to the fence opacity regulation, and for (4) a special exception to the 20-foot visibility obstruction regulation at 10806 Camellia Drive. This property is more fully described as Block 4/5500,` Lot 3, and is zoned R-16(A), which requires a front-yard setback of 35-feet, and limits the height of a fence in the front-yard to 4-feet, requires a fence panel with a surface area that is less than 50-percent open may not be located less than 5-feet from the front lot line, and requires a 20-foot visibility triangle at the intersection of an alley and an adjacent street curb line. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 20-foot front-yard setback, which will require (1) a 15-foot variance to the front-yard setback regulation, and to construct and/or maintain an 8-foot-high fence in a required front-yard, which will require (2) a 4-foot special exception to the fence height regulation, and to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50- percent open surface area located less than 5-feet from the front lot line, which will require (3) a special exception to the fence opacity regulations, and to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle at an alley and Royal Lane, which will require (4) a special exception to the visibility obstruction regulations at the intersection of an alley and street.

LOCATION: 10806 Camelia Drive

APPLICANT: Robert Baldwin

REQUEST:

- (1) A request for a variance to the front-yard setback regulations; and
- (2) A request for a special exception to the fence height regulations; and
- (3) A special exception to the fence standards regulations regarding opacity; and
- (4) A special exception to the 20-foot visibility obstruction regulations.

STANDARDS OF REVIEW FOR A VARIANCE:

Section 51A-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the **front yard**, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single-family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- (A) **not contrary to the public interest** when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be

- developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) **not granted to relieve a self-created or personal hardship**, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

ELEMENT II SUBSTITUTE:

Dallas Development Code § 51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.
- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT & OPACITY STANDARD REGULATIONS: Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence standard regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO VISUAL OBSTRUCTION REGULATIONS:

Section 51A-4.602(d)(3) of the Dallas Development Code states that the board may grant a special exception to the visual obstruction regulations when in the opinion of the board, the special exception will not constitute a traffic hazard.

STAFF RECOMMENDATION:

STAFF RECOMMENDATION:

1. Variance (1) to the **Front-Yard Setback** regulations

Approval

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. The subject site is not irregularly shaped, sloped and is larger than the minimum lot size required in R-16(A) (.38 ac or 16552.8 sq ft) Zoning District but is still restrictive in buildable

area. The subject site is a corner lot and sits at the intersection of Camelia Drive and Royal Lane. The subject site also has two front yards due to blockface continuity; each front yard requires 35-foot setbacks which decreases the buildable area even more; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.

C. Is not a self-created or personal hardship.

Special Exceptions (3):

No staff recommendation is made on these requests.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 10806 Camelia Drive in the last 5 years.

Square Footage:

- This lot contains 16552.8 of square feet.
- This lot is zoned R-16(A) which has a minimum lot size of 16,000 square feet.

Zoning:

Site: R-16(A) (Single Family District)
North: R-16(A) (Single Family District)
East: R-16(A) (Single Family District)
South: R-16(A) (Single Family District)

West: R-16(A) (Single Family District)/Community Retail (CR)

Land Use:

The subject site is vacant. Surrounding properties to the north, south, east and west are developed with single-family uses. Portions of properties to the west are also developed with uses permissible in the Community Retail (CR) zoning district.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Robert Baldwin for property located at 10806 Camelia Drive focuses on 4 requests relating to front yard setback, fence height, fence opacity and visual obstruction regulations.
- The applicant proposes to construct and/or maintain a single-family residential structure and provide a 20-foot front-yard setback, which will require a 15-foot variance to the front-yard setback regulations; R-16(A) zoning district requires a 35-foot front yard setback.
- Secondly, the applicant proposes to construct and maintain an 8-foot fence in a required front yard, which will require a 4-foot special exception to the fence height regulations.
- For the third deviation, the applicant is requesting a special exception to the fence standards regulations regarding opacity; the applicant is proposing that the fence be constructed as a cedar picket fence at the property line along the required front yard on Royal Lane.

- Lastly, the applicant is proposing to maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require a special exception to the 20-foot visibility obstruction regulations at the intersection of the alley and Royal Lane.
- The subject site along with properties immediately to the north, south, east, and west are all developed with single-family homes.
- It is imperative to note that the subject site is a corner lot with double street frontage on Camelia Drive and Royal Lane.
- The street frontage along Camelia and Royal Lane act as two front yards due to blockface continuity.
- Based upon staff's analysis of the surrounding properties, there are several homes along Camelia Drive and Royal Lane with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- The applicant has stated that the request for special exception has been made for safety and privacy reasons.
- There is an existing fence on the property; this existing fence will be replaced by the proposed fence, if granted.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height and opacity will not adversely affect the neighboring properties.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations regarding visual obstruction will not constitute a traffic hazard.
- Granting the special exceptions to the fence standards relating to height, opacity and visual obstruction regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

The applicant has the burden of proof in establishing the following:

- That granting the variance will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot

- be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider Dallas Development Code § 51A-3.102(d)(10)(b), formerly known as <u>HB 1475</u> as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
- (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (e) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed variance below, with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
 - 15- foot variance to the front yard setback regulations.
- 200' Radius Video: BOA-25-000005 at 10806 Camelia Drive

Timeline:

May 6, 2025: The Board of Adjustment Secretary assigned this case to Board of

Adjustment Panel A.

May 7, 2025: The applicant submitted an "Application/Appeal to the Board of

Adjustment" and related documents which have been included as part of

this case report.

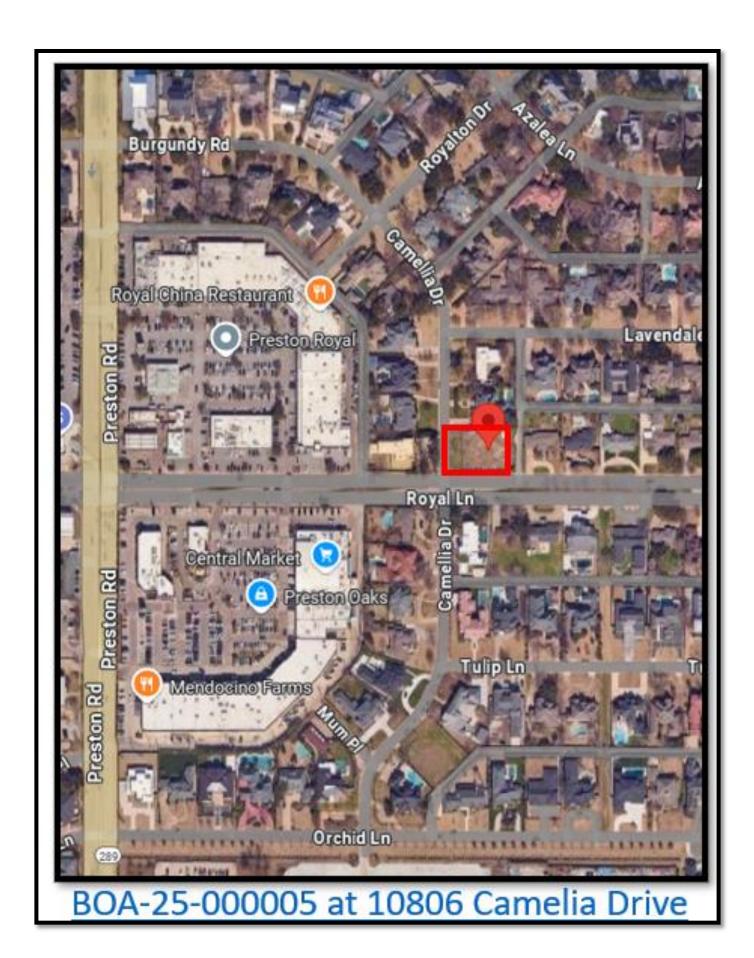
May 16, 2025: The Planning and Development Senior Planner emailed the applicant the

following information:

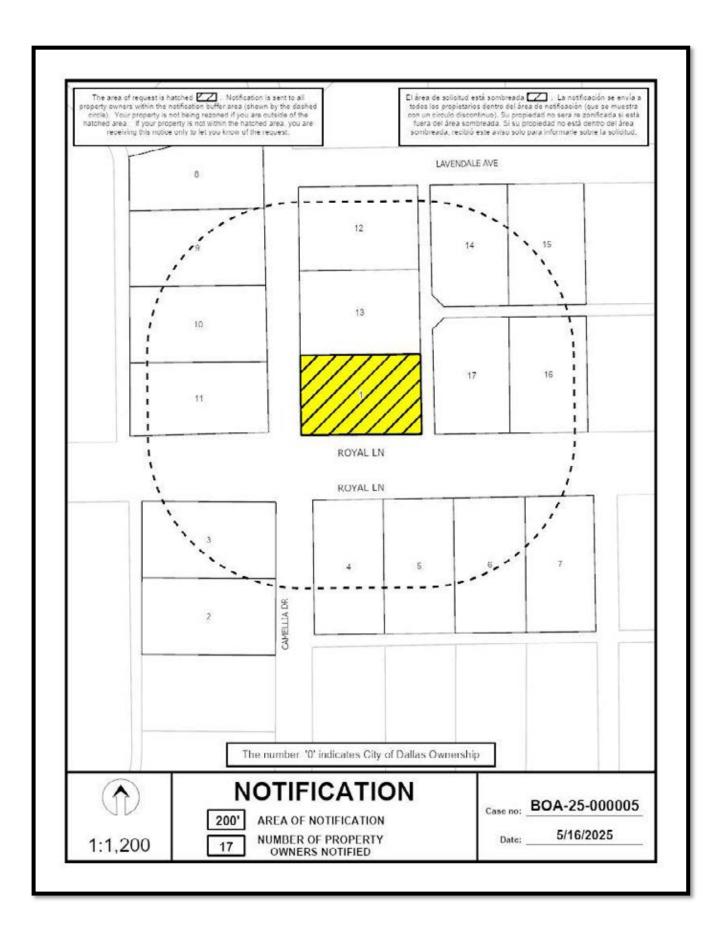
- an attachment that provided the hearing date and panel that will consider the application; the May 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and June 6, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

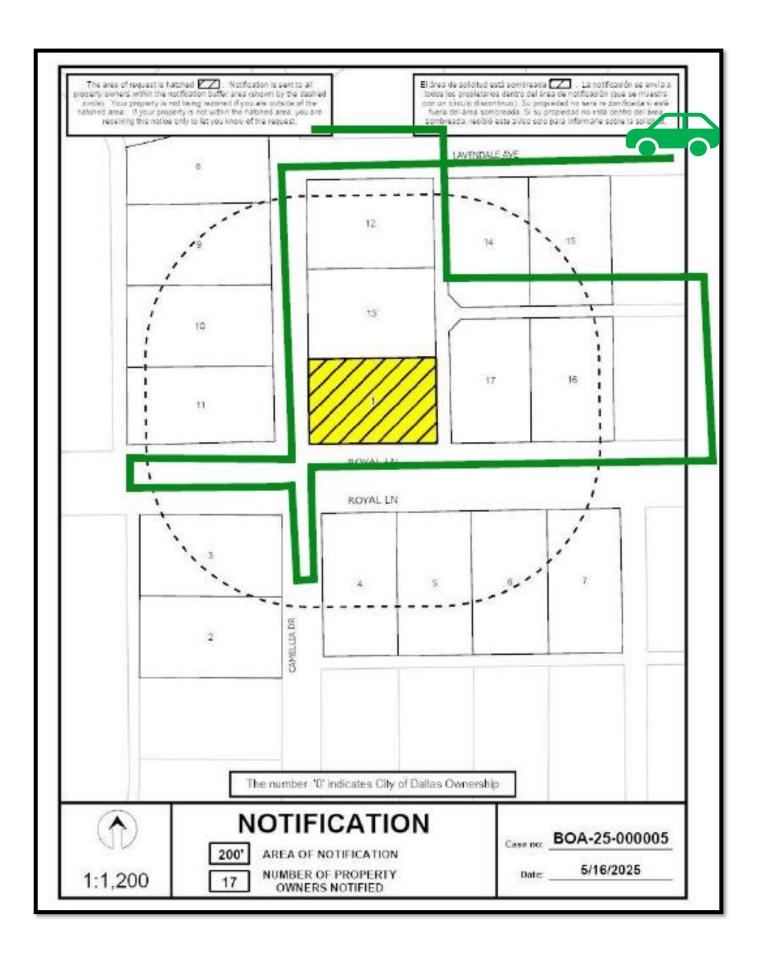
May 29, 2025:

The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.









| 05/16/2025

Notification List of Property Owners BOA-25-000005

17 Property Owners Notified

Label #	Address		Owner
1	10806	CAMELLIA DR	BEECHWOOD CUSTOM HOMES LLC
2	10759	CAMELLIA DR	WANG BIN & MEIJUAN
3	10767	CAMELLIA DR	SWIATKOWSKI RAYMOND L
4	10766	CAMELLIA DR	KAMGANG FRANCIS MBOUTCHOUANG &
5	6114	ROYAL LN	SANKU PROPERTIES LLC
6	6122	ROYAL LN	HUGHES JO ANNE K
7	6130	ROYAL LN	ALI FARID
8	10831	CAMELLIA DR	WYSZYNSKI CHRIS E & MELISSA R
9	10823	CAMELLIA DR	MILO SOTIR
10	10811	CAMELLIA DR	GROVES JENNIFER H &
11	10807	CAMELLIA DR	ORTIZ JAVIER &
12	10824	CAMELLIA DR	GASKILL CLIFFORD R JR &
13	10816	CAMELLIA DR	ANWAR AZAM & SHARI
14	6120	LAVENDALE AVE	HUDDLESTON FAMILY
15	6130	LAVENDALE AVE	ROBERSON EDWARD PAUL &
16	6131	ROYAL LN	ANDAVERDE DEANNA C
17	6121	ROYAL LN	WOJTEK MARLOW DEES &



1:1,200

NOTIFICATION

200'

17

AREA OF NOTIFICATION NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BOA-25-000005**

Date: _

5/16/2025

NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A) will hold a hearing as follows:

DATE: TUESDAY, JUNE 17, 2025

BRIEFING: 9:00 a.m. via Videoconference and in 6EN COUNCIL CHAMBERS at Dallas

City Hall, 1500 Marilla Street

HEARING: 1:00 p.m. Videoconference and in 6EN COUNCIL CHAMBERS at Dallas City

Hall, 1500 Marilla Street

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment:

BOA-25-000005(CJ) Application of Robert Baldwin for (1) a variance to the front-yard setback regulation, for (2) a special exception to the fence height regulations, for (3) a special exception to the fence opacity regulation, and for (4) a special exception to the 20-foot visibility obstruction regulation at 10806 CAMELLIA DRIVE. This property is more fully described as Block 4/5500 Lot 3, and is zoned R-16(A), which requires a front-yard setback of 35-feet, and limits the height of a fence in the front-yard to 4-feet, requires a fence panel with a surface area that is less than 50-percent open may not be located less than 5-feet from the front lot line, and requires a 20-foot visibility triangle at the intersection of an alley and an adjacent street curb line. The applicant proposes to construct and/or maintain a singlefamily residential structure and provide a 20-foot front-yard setback, which will require (1) a 15-foot variance to the front-yard setback regulation, and to construct and/or maintain an 8-foot-high fence in a required front-yard, which will require (2) a 4-foot special exception to the fence height regulation, and to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50percent open surface area located less than 5-feet from the front lot line, which will require (3) a special exception to the fence opacity regulations, and to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle at an alley and Royal Lane, which will require (4) a special exception to the visibility obstruction regulations at the intersection of an alley and street.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.qov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at 6EN Council Chambers. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at https://bit.ly/BDA-A-Register by the 5 p.m. on Monday, June 16, 2025. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall.

Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

https://bit.ly/boa0617

Board of Adjustment Planning and Development Department 1500 Marilla Street 5CN, Dallas TX 75201 PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
Letters will be received until 9:00
am the day of the hearing.

PLEASE REGISTER AT: https://bit.ly/BDA-A-Register

APPLICATION/APPEAL	TO	THE	BOARD	OF ADJUSTMENT

	Case No.: BDA FOR OFFICE USE ONLY
	Data Relative to Subject Property: Date: FOR OFFICE USE ONLY
	Location address: 19806 Camellia Drive Zoning District: R-16(A)
	Lot No.: 3 Block No.: 4/5500 Acreage: 0.38 Census Tract: 48113013300
	Street Frontage (in Feet): 1) 111' 2) 160' 3) 4) 5)
	To the Honorable Board of Adjustment:
	Owner of Property (per Warranty Deed): Beechwood Custom Homes, LLC
	Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949
	Mailing Address: 3904 Elm Street, Suite B - Datlas zip Code: 75226
	E-mail Address: rob@baldwinptanning.com / michele@baldwinptanning.com
	Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949
	Mailing Address: 3904 Elm Street, Suite B - Dallas Zip Code: 75226
	E-mail Address: rob@baldwinplanning.com / michele@baldwinplanning.com
	Affirm that an appeal has been made for a Variance, or Special ExceptionX_, of _of 15' to the side yard setbe
	to allow a 20' setback, special exception of 4' to allow an 8' fence, special exception to allow
	the fence to be solid and special exception to allow encroachment into the alley visibility tria
	Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason: The 20' side yerd setback was initially approved by the city (#2011041087). The owner submitted a revised plan for review and was advised that the pide yerd setback was approved in the processed plans. The processed plans is located next to a busy thoroughtere. The processed lence will provide the homeown
	The owner has already purchased building meterials based on the approved plans. The property is located next to a busy thoroughtiere. The proposed tence will provide the homeown phasey and security from the traffic and will not negatively affect surrounding homes.
	Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.
	<u>Affidavit</u>
	Before me the undersigned on this day personally appeared Rob Baldwin
	(Affiant/Applicant's name printed)
	who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that
	he/she is the owner/or principal/or authorized representative of the subject property
anom)	Respectfully submitted: (Affiant/Applicant's signature)
MILLETH	STO VININI
S. PO BLIC	Subscribed and sworn to before me this 5 day of February 2025
	who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property Respectfully submitted: (Affiant/Applicant's signature) Subscribed and sworn to before me this 5 day of February 2025 Notary Public in and for Dallas County, Texas
W & D	T 5 8 8 1 1 Chell 0 102
W S	Notary Public in and for Dallas County, Texas
100	
	TEVEL COMMENT SERVICES & ROARD OF ADMISTMENT PRV OS 24 2023

DEVELOPMENT SERVICES • BOARD OF ADJUSTMENT [REV 05.24.2023

BOARD OF ADJUSTMENT CITY OF DALLAS, TEXAS

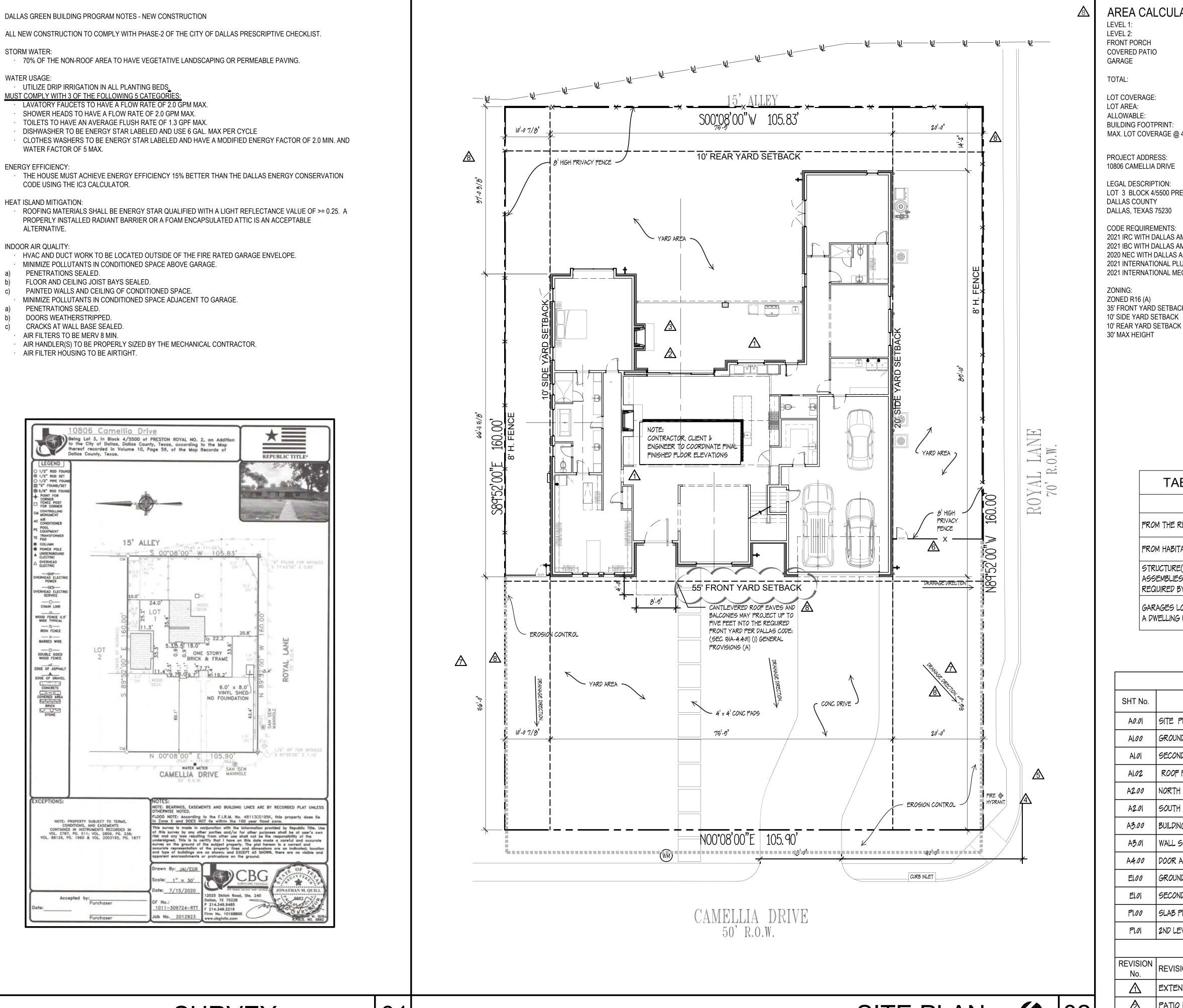
FILE NUMBER: BOA-25-000005

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin for (1) a variance to the front-yard setback regulation, for (2) a special exception to the fence height regulations, for (3) a special exception to the fence opacity regulation, for (4) a special exception to the 20-foot visibility obstruction regulation at 10806 CAMELLIA DR. This property is more fully described as BLK 4/5500 LT 3, and is zoned R-16(A), which requires a front-yard setback of 35-feet, and limits the height of a fence in the front- yard to 4-feet, and requires a fence panel with a surface area that is less than 50-percent open may not be located less than 5-feet from the front lot line, and a person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is in a visibility triangle. The applicant proposed to construct and/or maintain a single-family residential structure and provide a 20-foot front-yard setback, which will require (1) a 15-foot variance to the front-yard setback regulation, and to construct and/or maintain an 8-foot-high fence in a required front-yard, which will require (2) a 4-foot special exception to the fence height regulation, and to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50- percent open surface area located less than 5-feet from the front lot line, which will require (3) a special exception to the fence opacity regulations, and to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require (4) a special exception to the visibility obstruction regulation.

LOCATION: 10806 CAMELLIA DR

APPLICANT: Robert Baldwin

REQUEST: A request for (1) a variance to the front-yard setback regulations, for (2) a special exception to the fence height regulations, for a (3) special exception to the fence opacity regulations, for a (4) special exception to the 20-foot visibility obstruction regulation.



AREA CALCULATIONS: LEVEL 1: 3,818 S.F. CONDITIONED SPACE 2,155 S.F. CONDITIONED SPACE LEVEL 2: FRONT PORCH 96 S.F. NON-CONDITIONED SPACE COVERED PATIO 503 S.F. NON-CONDITIONED SPACE GARAGE 825 S.F. NON-CONDITIONED SPACE 5,973 S.F. CONDITIONED SPACE TOTAL: LOT COVERAGE: 16,932 S.F. LOT AREA: ALLOWABLE: 40% = 6,773 S.F. **BUILDING FOOTPRINT:** 5,242 S.F. MAX. LOT COVERAGE @ 40% = 6,773 S.F. ≥ 5,242 S.F. PROJECT ADDRESS: 10806 CAMELLIA DRIVE LEGAL DESCRIPTION: LOT 3 BLOCK 4/5500 PRESTON ROYAL NO. 2 ADDITION DALLAS COUNTY DALLAS, TEXAS 75230 CODE REQUIREMENTS: 2021 IRC WITH DALLAS AMENDMENTS 2021 IBC WITH DALLAS AMENDMENTS 2020 NEC WITH DALLAS AMENDMENTS 2021 INTERNATIONAL PLUMBING CODE WITH DALLAS AMENDMENTS 2021 INTERNATIONAL MECHANICAL CODE WITH DALLAS AMENDMENTS ZONED R16 (A) 35' FRONT YARD SETBACK

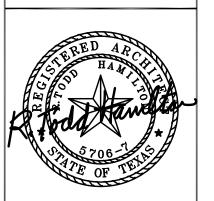
TABLE 302.6 DWELLING GARAGE SEPARATION				
SEPARATION	MATERIAL			
FROM THE RESIDENCE AND ATTICS	NOT LESS THAN I/2" GYPSUM BOARD OR EQUIVALENT APPLIED TO THE GARAGE SIDE			
FROM HABITABLE ROOMS ABOVE THE GARAGE	NOT LESS THAN 5/8" TYPE X GYPSUM BOARD OR EQUIVALENT			
STRUCTURE(S) SUPPORTING FLOOR/ CEILING ASSEMBLIES USED FOR SEPARATION REQUIRED BY THIS SECTION	NOT LEGS THAN I/2" GYPSUM BOARD OR EQUIVALENT			
GARAGES LOCATED LESS THAN 3 FEET FROM A DWELLING UNIT ON THE SAME LOT	NOT LESS THAN I/2" GYPSUM BOARD OR EQUIVALENT APPLIED TO THE INTERIOR SIDE OF EXTERIOR WALLS THAT ARE WITHIN THIS AREA			

	SHE	ET INDE	X
SHT No.	SHEET DESCRIPTION	DWG VERSION	FILE NAME
A0.0	SITE PLAN, SURVEY, SHEET INDEX	VERSION 4	000001_A0.01_INDEX_SITE PLAN.pdf
Al.00	GROUND FLOOR PLAN	VERSION 2	000002_A1.00_GRND FLR l.pdf
Al.01	SECOND FLOOR PLAN	VERSION 3	000003-A_AI.0I_2ND FLR 2.pdf
Al.02	ROOF PLAN	VERSION 2	000004_AI.02_ROOF PLAN.pdf
A2.00	NORTH AND EAST ELEVATIONS	VERSION 3	000005_A2.00_NORTH-EAST ELEVATIONS.pdf
A2.01	SOUTH AND WEST ELEVATIONS	VERSION 3	000006_A2.01_SOUTH-WEST ELEVATIONS.pdf
A3.00	BUILDING SECTIONS	VERSION 3	000007_A3.00_BUILDING SECTIONS.pdf
A3.01	WALL SECTIONS	VERSION 2	000008_A3.01_WALL SECTIONS.pdf
A4.00	DOOR AND WINDOW SCHEDULE	VERSION 2	000000_A4.00_ DOOR WINDOW SCHEDULE.pdf
El.00	GROUND FLOOR POWER PLAN	VERSION 2	000010_E1.00_GRND FLR PWR PLN.pdf
El.01	SECOND FLOOR POWER PLAN	VERSION 2	000011_E1.01_2ND FLR PWR PLN.pdf
Pl.00	SLAB PLUMBING LAYOUT PLAN	VERSION 2	000012_P1.00_SLAB PLUMG PLAN.pdf
Pl.01	2ND LEVEL PLUMBING PLAN	VERSION I	000013_P1.01_2ND LVL PLUMB PLAN.pdf
	REV	ISION LC)G
REVISION No.	REVISION DESCRIPTION		
Δ	EXTEND PATIO ROOF	4	CITY COMMENTS
<u> </u>	PATIO DOOR REVISION	<u>\$</u>	CITY COMMENTS
<u>3</u>	EXTEND PATIO ADD PATIO SCREEN	<u> </u>	CITY COMMENTS

Todd Hamilton Architects

11909 PRESTON RD. SUITE 292 **DALLAS, TX 75230** 214 770 4649

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11/05/2024

SCALE: 3/32" =1'-0"

02/24/21

SURVEY (BY OTHERS) 01

NO FOUNDATION

N 00°08'00" E 105.90'
WATER METER SAN SEW MANHOLE

1011-309724-RTT

DALLAS GREEN BUILDING PROGRAM NOTES - NEW CONSTRUCTION

UTILIZE DRIP IRRIGATION IN ALL PLANTING BEDS. MUST COMPLY WITH 3 OF THE FOLLOWING 5 CATEGORIES:

WATER FACTOR OF 5 MAX.

HEAT ISLAND MITIGATION:

ALTERNATIVE.

PENETRATIONS SEALED.

PENETRATIONS SEALED.

O 1/2" ROD FOUND

Ø 1/2" POP SET

O 1/2" PIPE FOUND

Ø "X" FOUND/SET

Ø 5/8" ROD FOUND

POINT FOR
CORNER

CORNER

CONTROLLING

MONUMENT

AC AIR

CONDITIONER

POOL

EQUIPMENT

TRANSFORMER

TRANSFORMER

COLUMN

■ COLUMN
■ POWER POLE
▲ UNDERGROUND
ELECTRIC

○ OVERHEAD
ELECTRIC

OVERHEAD ELECT POWER OVERHEAD ELECT SERVICE CHAIN LINK DWOOD FENCE O WIDE TYPICAL IRON FENCE CX BARBED WIRE

DOUBLE SIDED WOOD FENCE
EDGE OF GRAVE
CONCRETE
COVERED AREA
STONE

DOORS WEATHERSTRIPPED. CRACKS AT WALL BASE SEALED.

AIR FILTERS TO BE MERV 8 MIN.

AIR FILTER HOUSING TO BE AIRTIGHT.

FLOOR AND CEILING JOIST BAYS SEALED.

INDOOR AIR QUALITY:

CODE USING THE IC3 CALCULATOR.

LAVATORY FAUCETS TO HAVE A FLOW RATE OF 2.0 GPM MAX.

TOILETS TO HAVE AN AVERAGE FLUSH RATE OF 1.3 GPF MAX.

MINIMIZE POLLUTANTS IN CONDITIONED SPACE ABOVE GARAGE.

MINIMIZE POLLUTANTS IN CONDITIONED SPACE ADJACENT TO GARAGE.

10806 Camellia Drive

Being Lot 3, in Block 4/5500 of PRESTON ROYAL NO. 2, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 10, Page 59, of the Map Records of Dallas County, Texas.

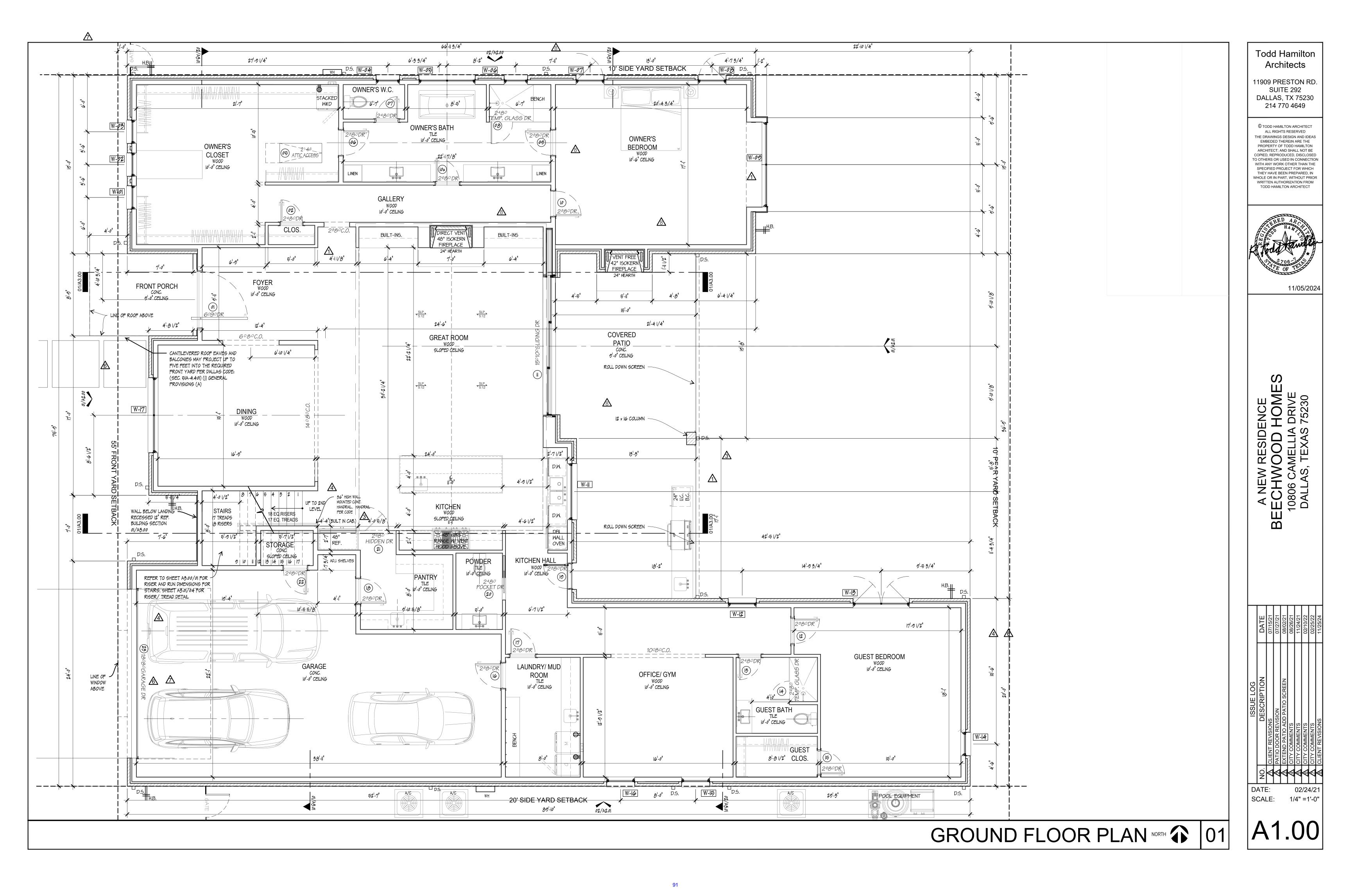
PAINTED WALLS AND CEILING OF CONDITIONED SPACE.

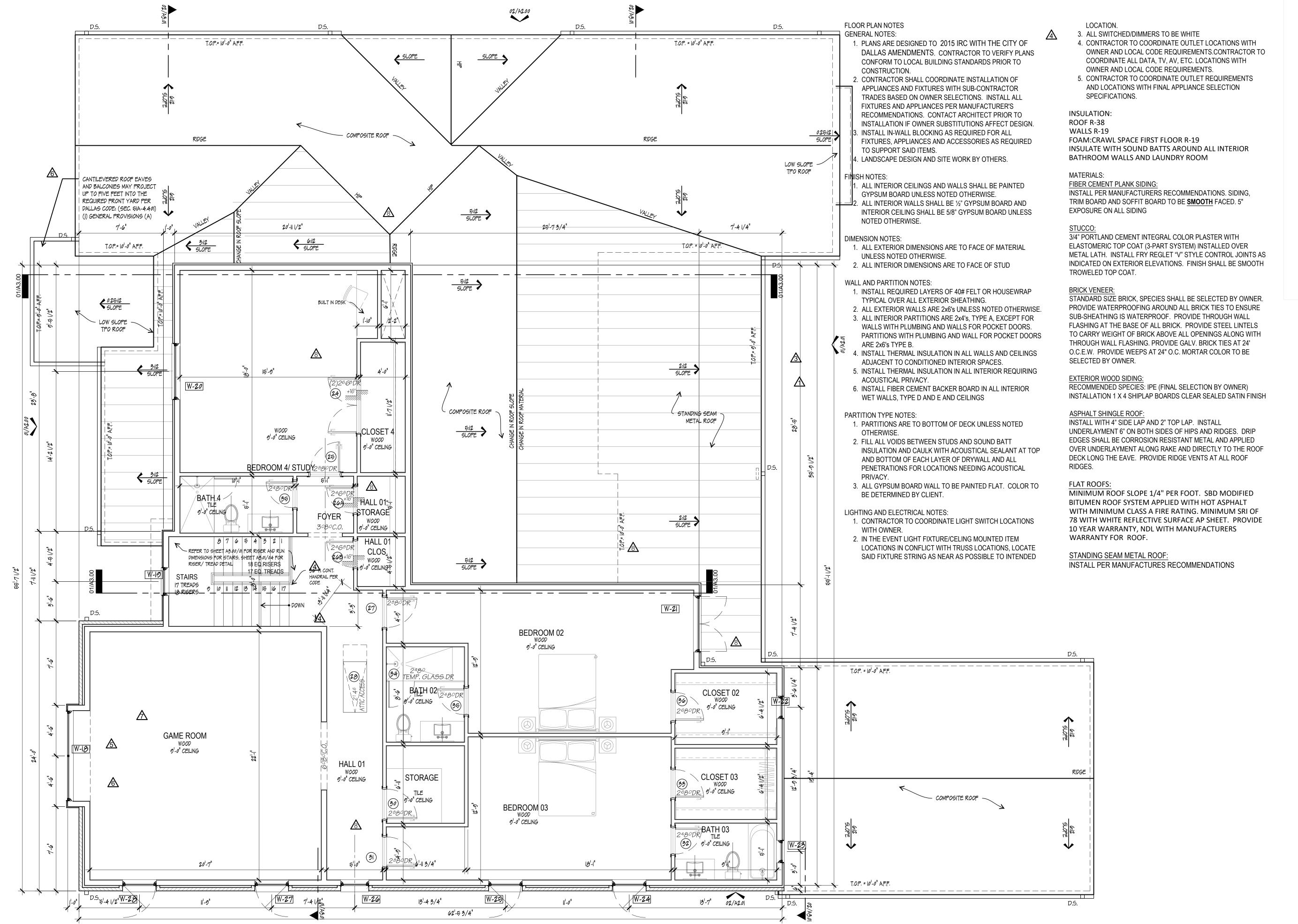
SHOWER HEADS TO HAVE A FLOW RATE OF 2.0 GPM MAX.

STORM WATER:

WATER USAGE:

SITE PLAN NORTH (02



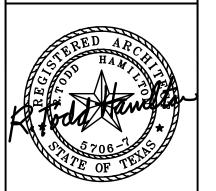


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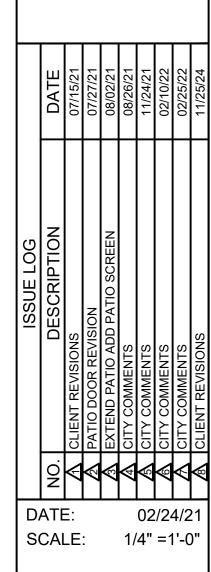


11/05/2024

A NEW RESIDENCE

BEECHWOOD HOMES

10806 CAMELLIA DRIVE
DALLAS, TEXAS 75230



A1.01



May 20, 2025

Mr. Bryant Thompson Senior Planner – Board of Adjustment Department of Development Services City of Dallas 1500 Marilla Street, Room 5BN Dallas, Texas 75201

Re: 10806 Camellia

Dear Mr. Thompson,

This firm represents the owner of the property located at 10806 Camellia Drive in their request for a variance related to the projected front yard setback along Royal Lane, as well as special exceptions to (1) allow a fence taller than eight feet within a projected front yard and (2) permit a slight encroachment into the sight visibility triangle. Approval of these requests is essential to allow the subject property to be developed in a manner commensurate with other homes in the R-16(A) zoning district.

Background and Justification:

The subject property is located at the northeast corner of Camellia Drive and Royal Lane. Historically, the property fronted onto Camellia Drive; however, the adjacent home to the east fronts Royal Lane, thereby projecting a 60-foot front yard setback onto this corner lot. Consequently, the property is encumbered by two 60-foot front yard setbacks, combined with two 10-foot side yard setbacks, which severely restricts the buildable area compared to other lots in the R-16(A) zoning district. Specifically, the projected front yard setback along Royal Lane would reduce the buildable area by approximately 71%.

Previously, a home existed on the site, situated essentially in the same location as the proposed new home, but it was demolished in 2021. Unfortunately, with the demolition, the property lost its legal nonconforming rights. This application seeks to allow a new home to be constructed in a location similar to the previous structure, thus maintaining the historic development pattern.

In addition to the variance request, the owner seeks a special exception to reconstruct an existing eight-foot-tall wooden fence along Royal Lane. The fence, though currently in poor condition, provides necessary privacy and noise mitigation. Once removed, the existing nonconforming

3904 Elm Street Suite B · Dallas, TX 75226 · 214-824-7949

May 20, 2025 Page 2

rights would be extinguished; thus, special exception approval is critical. Notably, similar privacy fences exist along Royal Lane in the immediate vicinity and given that Royal Lane is a six-lane divided thoroughfare, the replacement of this fence would not contribute to any sense of "canyonization" or negatively impact the streetscape.

Finally, the owner requests a special exception for a minor, approximately one-foot, encroachment into the sight visibility triangle at the intersection of Royal Lane and the alley to the east. Due to the presence of a median along Royal Lane, left turns from the alley are not permitted, minimizing any traffic safety concern. The proposed fence would therefore not impede safe visibility or vehicular movement.

Unique Characteristics of the Lot:

Dual Front Yard Setbacks:

The lot is uniquely burdened with two 60-foot front yard setbacks due to its corner location and block continuity requirements, unlike typical R-16(A) lots which generally have one front yard setback.

Inability to Build Commensurately Without Relief:

The combination of the required front and side yard setbacks leaves an unreasonably small building envelope, making it impossible to construct a home comparable in size and placement to others in the district without variance relief.

Hardship Not Self-Created:

The hardship associated with this lot was not self-created. This is a legally platted building site that historically supported a residence. The hardship arises solely from the intersection of block continuity standards and the demolition of the prior structure, not from any action by the current owner.

It is also important to note that the owner initially received a building permit based on submitted plans, but the City later revoked it due to compliance issues with the projected front yard setback along Royal Lane—an issue that further underscores the difficulty posed by this unique site.

Public Interest:

Granting the requested variance and special exceptions will be consistent with the public interest. The proposed home will complement the neighborhood's character and scale, enhancing the streetscape and supporting the integrity of the R-16(A) zoning district. Additionally, the reconstructed fence will match the existing pattern along Royal Lane, providing needed privacy and safety without detracting from the public realm.

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Conclusion:

The subject property is uniquely constrained by its corner location and the imposition of dual front yard setbacks. The requested variance and special exceptions are necessary to permit reasonable development that aligns with the character of the neighborhood and the intent of the zoning ordinance. The owner is not seeking to overbuild the lot but merely to build a home in proportion and harmony with the surrounding properties.

Should you require any additional information or have any questions, please do not hesitate to contact me.

Thank you for your time and attention to this matter.

With kind regards,



FILE NUMBER: BOA-25-000008(CJ)

<u>BUILDING OFFICIAL'S REPORT</u>: Application of Anish Thakrar for (1) a variance to the front-yard setback regulation at 2402 Garden Drive. This property is more fully described as Block A/2246, Lot 14 and is zoned PD-595 (Subdistrict R-5(A)), which requires a 20-foot front-yard setback. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot front-yard setback, which will require (1) a 15-foot variance to the front-yard setback regulation.

LOCATION: 2402 Garden Drive

APPLICANT: Anish Thakrar

REQUEST:

(1) A request for a variance to the front-yard setback regulations.

STANDARDS OF REVIEW FOR A VARIANCE:

Section 51A-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the **front yard**, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single-family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- (A) **not contrary to the public interest** when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) **not granted to relieve a self-created or personal hardship**, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

ELEMENT II SUBSTITUTE:

Dallas Development Code § 51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.
- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.

- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

1. <u>Variance (1)</u> to the <u>Front-Yard Setback</u> regulations

Approval

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. The subject site is not irregularly shaped, sloped and is larger than the minimum lot size required in R-5(A) (.14 ac or 6098.4 sq ft) Zoning District but is still restrictive in buildable area. The subject site is a corner lot and sits at the intersection of Garden Drive and Wanda Street. Its location at an intersection requires the site to maintain a 45x45 foot visibility triangle which further decreases the buildable area of the lot. The subject site also has two front yards due to blockface continuity; each front yard requires 20-foot setbacks which decreases the buildable area even more; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 2402 Garden Drive in the last 5 years.

Square Footage:

• This lot contains 6098.4 of square feet.

Zoning:

Site: Planned Development #595, Subdistrict R-5(A)
North: Planned Development #595, Subdistrict R-5(A)
East: Planned Development #595, Subdistrict R-5(A)
South: Planned Development #595, Subdistrict R-5(A)
West: Planned Development #595, Subdistrict R-5(A)

Land Use:

The subject site and surrounding properties to the north, south, east and west zoned are zoned as Planned Development #595, Subdistrict R-5(A).

GENERAL FACTS/STAFF ANALYSIS:

- The application of Anish Thakrar for the property located at 2402 Garden Drive focuses on one request relating to the front yard setback regulations.
- The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot front-yard setback, which will require a 15-foot variance to the front-yard setback regulations; Planned Development #595 reverts to R-5(A) zoning district regulations which requires a 20-foot front yard setback.
- The subject site is a corner lot and has double street frontage along Garden Drive and Wanda Street; the request for the variance is for the front yard along Wanda Street.
- Per the applicant, they are requesting the 15-foot variance to the front yard setback along Wanda Street due to the restrictive nature of the lot; the lot has two front yards, both requiring 20-feet.
- The subject site is partially developed with a single-family home.

The applicant has the burden of proof in establishing the following:

- That granting the variance will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of a specific parcel of land that differs
 from other parcels of land by being of such restrictive area, shape, or slope, that it
 cannot be developed in a manner commensurate with the development upon other
 parcels of land with the same zoning; and
- The variance would not be granted to relieve a self-created or personal hardship, nor
 for financial reasons only, nor to permit any person a privilege in developing a parcel
 of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider Dallas Development Code § 51A-3.102(d)(10)(b), formerly known as <u>HB 1475</u> as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
- (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (e) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed variance below, with a condition that the applicant complies
 with the submitted site plan, would require the proposal to be constructed as shown
 on the submitted documents.
 - 15- foot variance to the front yard setback regulations.

• 200' Radius Video: <u>BOA-25-000008 at 2402 Garden Drive</u>

Timeline:

May 5, 2025: The Board of Adjustment Secretary assigned this case to Board of

Adjustment Panel A.

May 7, 2025: The applicant submitted an "Application/Appeal to the Board of

Adjustment" and related documents which have been included as part

of this case report.

May 16, 2025: The Planning and Development Senior Planner emailed the applicant the

following information:

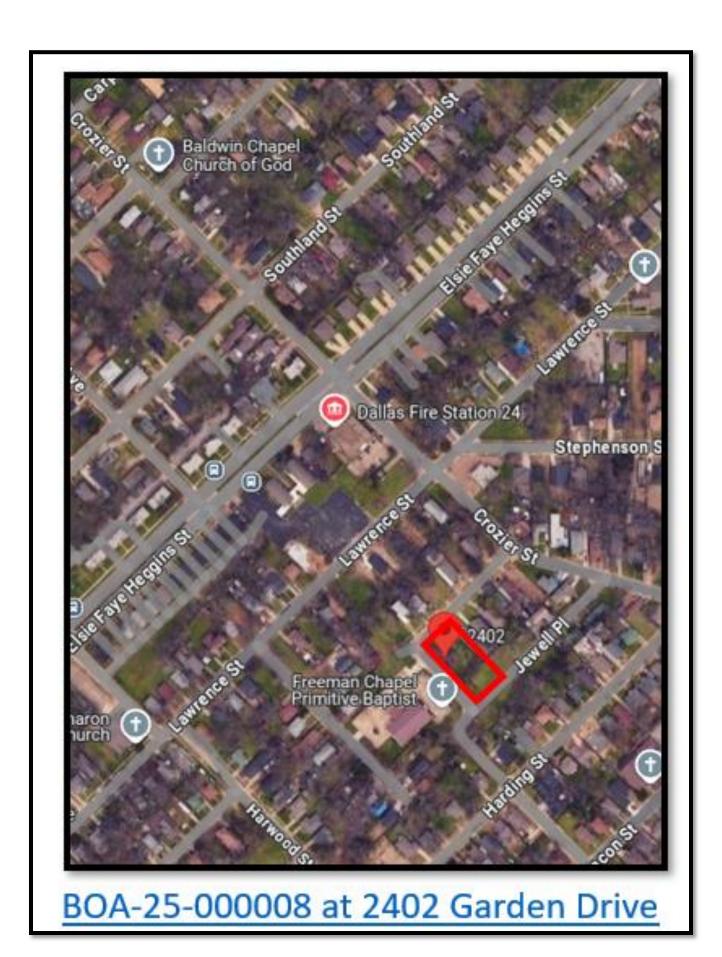
 an attachment that provided the hearing date and panel that will consider the application; the May 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and June 6, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.

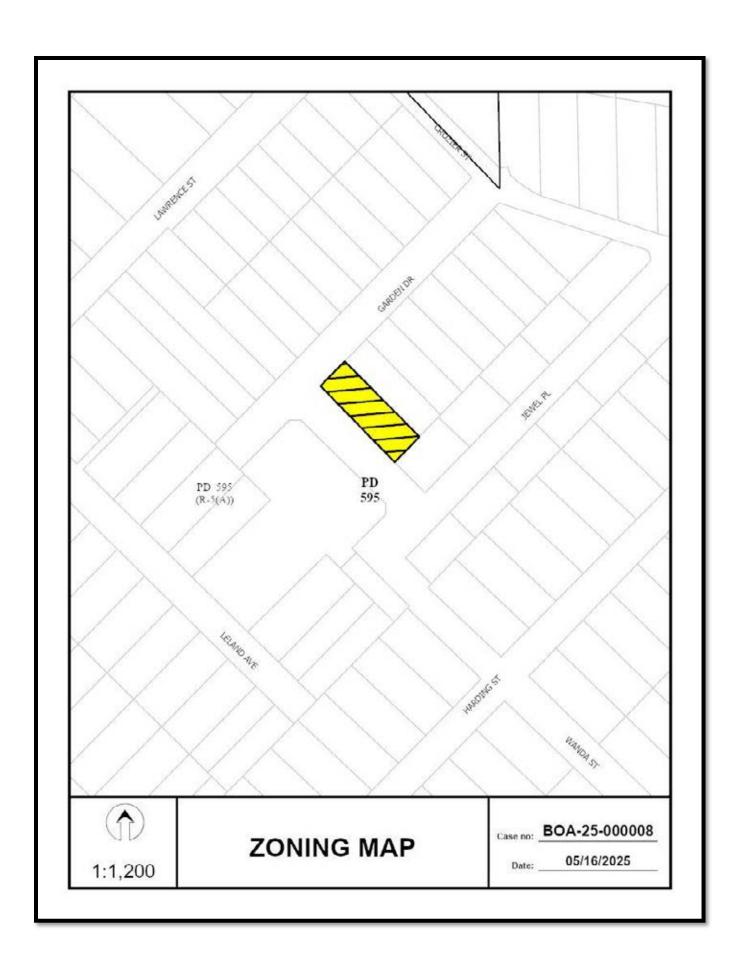
• the criteria/standard that the board will use in their decision to approve or deny the request; and

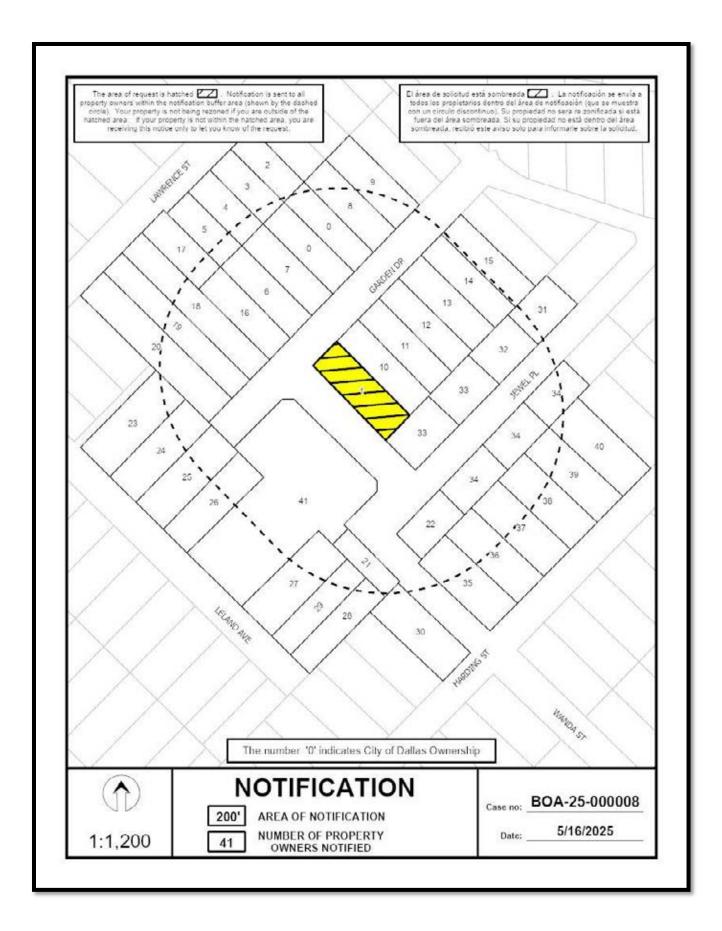
• the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

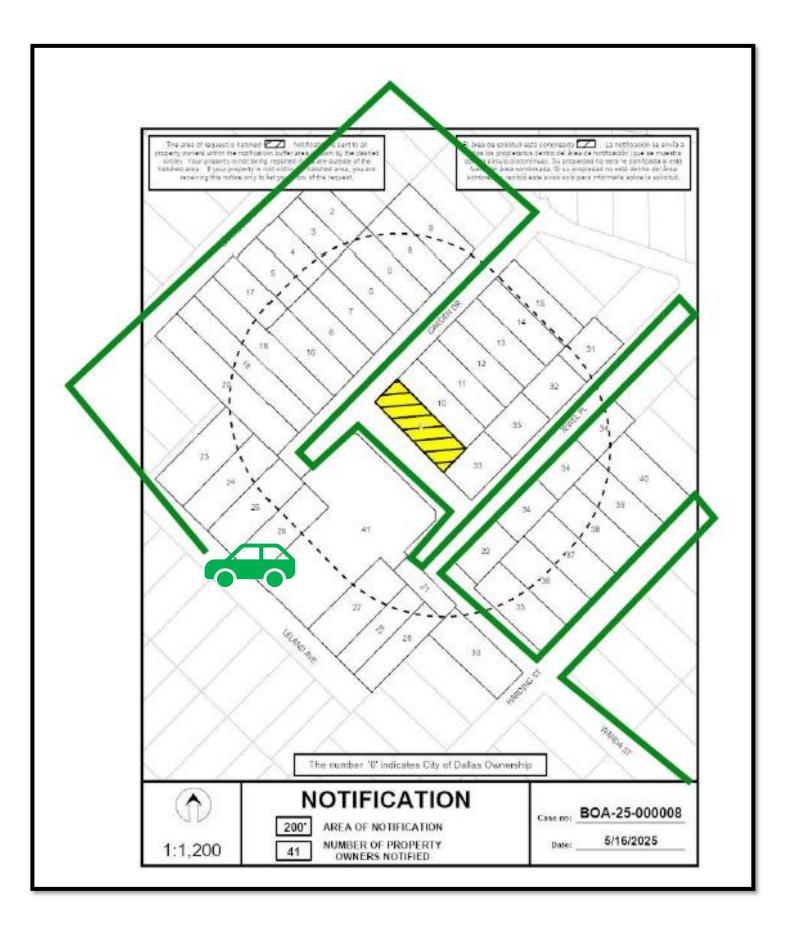
May 29, 2025:

The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.









| 05/16/2025

Notification List of Property Owners BOA-25-000008

41 Property Owners Notified

Label #	Address		Owner
1	2402	GARDEN DR	DALLAS HOUSING ACQUISITION &
2	2438	LAWRENCE ST	WORKS G W & CO
3	2434	LAWRENCE ST	ESTRADA MARIA
4	2430	LAWRENCE ST	VU LINDA
5	2426	LAWRENCE ST	AVENUE LIVING BY CARLAS
6	2403	GARDEN DR	Taxpayer at
7	2405	GARDEN DR	WADE NORMA ADAMS
8	2415	GARDEN DR	LARAROMERO ALBERTO &
9	2419	GARDEN DR	Taxpayer at
10	2404	GARDEN DR	DALLAS HOUSING ACQUISITION & DEV CORP
11	2408	GARDEN DR	ZARAGOZA SOFIA &
12	2410	GARDEN DR	LOPEZ CESAR GUSTAVO MARTINEZ &
13	2414	GARDEN DR	PEAVY ANTHONY PAUL &
14	2418	GARDEN DR	AMIRI MOHAMMADREZA
15	2420	GARDEN DR	PADIERNA JUAN DIEGO GARCIA &
16	2345	GARDEN DR	HUNN STELLA
17	2422	LAWRENCE ST	HENLEY BEN L
18	2418	LAWRENCE ST	HUNN STELLA
19	2416	LAWRENCE ST	TOPLETZ INVESTMENTS
20	2414	LAWRENCE ST	ESCAMILLA JORGELINA
21	4917	WANDA ST	HUNN STELLA R
22	2406	JEWELL PL	TEXAS 3LEE GROUP INC
23	4814	LELAND AVE	WATSON KENNETH WAYNE
24	4818	LELAND AVE	BLACK FLOYD L LIFE ESTATE
25	4900	LELAND AVE	CORTES FRANCISCO &
26	4906	LELAND AVE	FREEMAN CHAPEL PRIMITIVE BAPTIST CHURCH

05/16/2025

Label #	Address		Owner
27	4918	LELAND AVE	RAO DHARMENDRA & BHAVNA D
28	4926	LELAND AVE	GARNER MARVIN E
29	4922	LELAND AVE	Taxpayer at
30	2347	HARDING ST	PINSON DANNELE
31	2429	JEWELL PL	HOOD BESSIE
32	2423	JEWELL PL	HOOD JAMES & BESSIE HOOD
33	2417	JEWELL PL	RAHMAN MAHABUBUR MD
34	2410	JEWELL PL	FREEMAN KENNETH M
35	2403	HARDING ST	FUENTES RONELBY
36	2407	HARDING ST	SOPON ROBERTO FRANCISCO CISNEROS
37	2411	HARDING ST	CRAWFORD SELVIN
38	2415	HARDING ST	HOLLOWAY RUBY
39	2419	HARDING ST	THOMAS JAMILA
40	2423	HARDING ST	TURNER GOLDIE ESTATE OF
41	4911	WANDA ST	FREEMAN CHAPEL PRIMITIVE BAPTIST CHURCH



1:1,200

NOTIFICATION

200'

41

AREA OF NOTIFICATION NUMBER OF PROPERTY OWNERS NOTIFIED Case no: BOA-25-000008

Date: 5/16/2025

105

NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A) will hold a hearing as follows:

DATE: TUESDAY, JUNE 17, 2025

BRIEFING: 9:00 a.m. via Videoconference and in 6EN COUNCIL CHAMBERS at Dallas

City Hall, 1500 Marilla Street

HEARING: 1:00 p.m. Videoconference and in 6EN COUNCIL CHAMBERS at Dallas City

Hall, 1500 Marilla Street

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment:

BOA-25-00008(CJ) Application of Anish Thakrar for (1) a variance to the front-yard setback regulation at 2402 GARDEN DRIVE. This property is more fully described as Block A/2246 Lot 14 and is zoned PD-595 (Subdistrict R-5(A)), which requires a 20-foot front-yard setback. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot front-yard setback, which will require (1) a 15-foot variance to the front-yard setback regulation.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at 6EN Council Chambers. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at https://bit.ly/BDA-A-Register by the 5 p.m. on Monday, June 16, 2025. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall.

Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

https://bit.ly/boa0617

Board of Adjustment Planning and Development Department 1500 Marilla Street 5CN, Dallas TX 75201 PLEASE SEND REPLIES TO:

BDAreply@dallas.gov
Letters will be received until 9:00
am the day of the hearing.

PLEASE REGISTER AT: https://bit.ly/BDA-A-Register



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APPEAL TO TH	HE BOARD <u>of adjustment</u>
	Case No.: BDA
Data Relative to Subject Property:	
Location address: 2402 Garden Dr. Dallas, TX 75215	Zoning District: 7
Lot No.: A/2246 Block No.: 14 Acreage:	Census Tract:00000207817000000
Street Frontage (in Feet): 1) 40 2) 134 3)	4)5)
To the Honorable Board of Adjustment:	
Owner of Property (per Warranty Deed): Invest in South	n Dallas LLC
Applicant: Anish Thakrar	Telephone: 610-462-8488
Mailing Address: 3208 Cole Ave #1301; Dallas, TX	Zip Code:75204
E-mail Address:anisht56@gmail.com	
Represented by: N/A	Telephone:N/A
Mailing Address: N/A	Zip Code: N/A
E-mail Address: N/A	
	Special Exception, of51A-4.402. If the corner lot has two
	overned by this section, and the longer frontage is governed by
side yard regulations in Section 51A-4.402. Notwithstanding street frontage must be maintained. Variance to fapplication is made to the Board of Adjustment, in accordance of the described appeal for the following reason:	this provision, the continuity of the established setback along control setback along nce with the provisions of the Dallas Development Code, to
	is granted by the Board of Adjustment, a permit must
Affid:	avit
Before me the undersigned on this day personally appeare	
who on (his/her) oath certifies that the above statements the/she is the owner/or principal/or authorized representations.	(Affiant/Applicant's name printed) are true and correct to his/her best knowledge and that in the string of the subject property
	TARY PUBLICIES
Respectfully submitted: (Affiant/Applicant's signature)	ative of the subject property 2025 13415345
Subscribed and sworn to before me thisday of	V. 2025 13415345
h	1/1/107-17-202 min
Notary Public in and	d for Dallas County, Texas

DEVELOPMENT SERVICES * BOAPD OF ADJUSTMENT | REV 05.24.2023

BOARD OF ADJUSTMENT CITY OF DALLAS, TEXAS

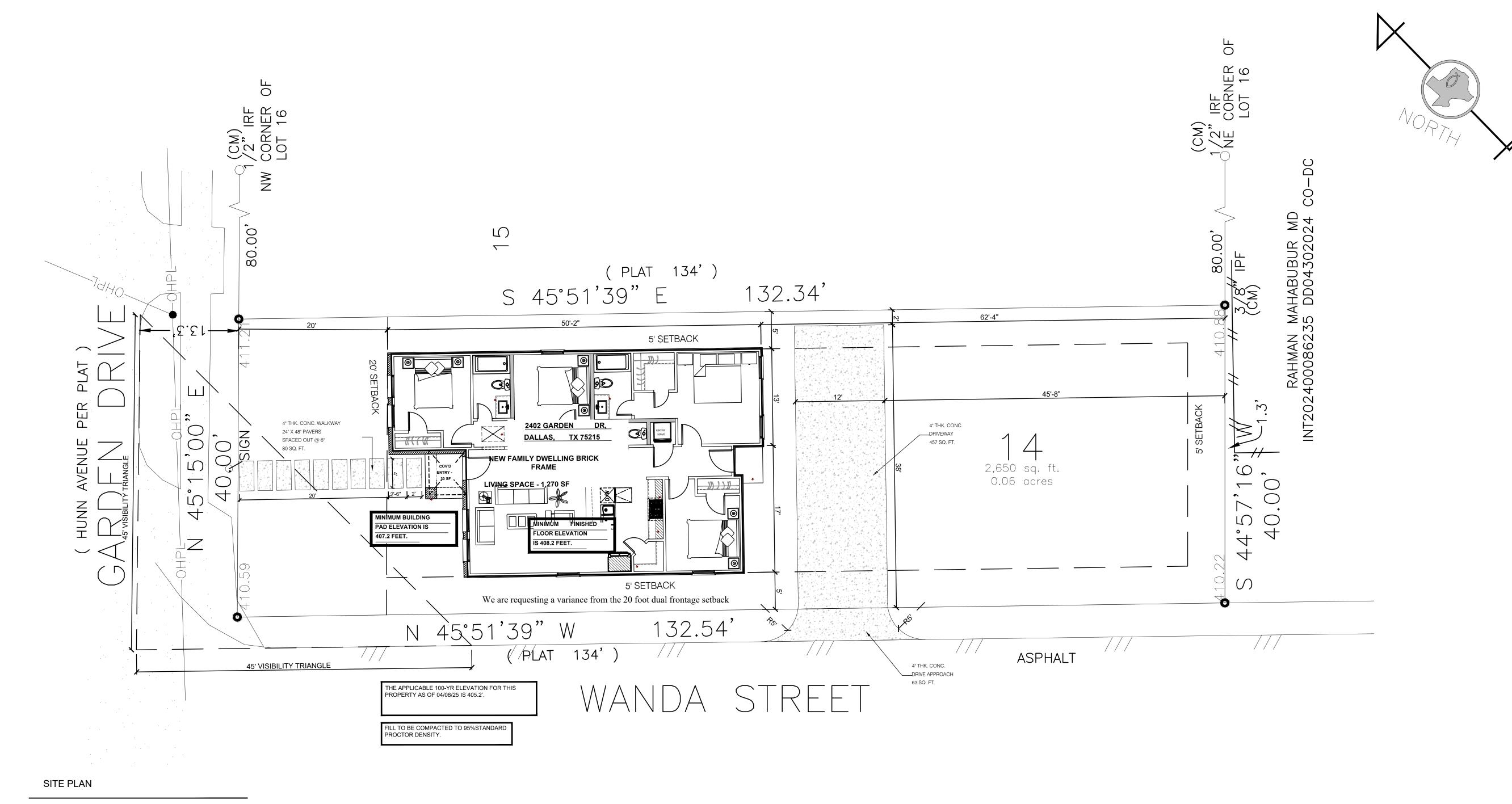
FILE NUMBER: BOA-25-000008

BUILDING OFFICIAL'S REPORT: Application of Anish Thakrar for (1) a variance to the front-yard setback regulation at 2402 GARDEN DRIVE. This property is more fully described as BLK A/2246 LT 14, and is zoned PD-595, which requires a 20-foot front-yard setback. The applicant proposed to construct and/or maintain a single-family residential structure and provide a 5-foot front-yard setback, which will require a 15-foot variance to the front- yard setback regulation.

LOCATION: 2402 GARDEN DR

APPLICANT: Anish Thakrar

REQUEST: A request for (1) a variance to the front-yard setback regulation.



SCALE: 24X36 SHEET: 1" = 10'-0" 11X17 SHEET: 1" = 20'-0"

BUILDING INFORMATION

EXISTING ZONING: PD 595 R-5(A)

EXISTING USE: VACANT/RESIDENTIAL
PROPOSED USE: RESIDENTIAL, SINGLE-FAMILY DWELLING

GENERAL SITE SUMMARY			
TOTAL LOT AREA	6,106.00 SF		
	REQUIRED	PROVIDED	
FRONT YARD	20 FT	20 FT	
SIDE YARD	5 FT	5 FT	
REAR YARD	5 FT	5 FT	
BUILDING HEIGHT	30 FT	FT	
LOT COVERAGE	SLAB AREA	1,320.58 SF	
PERCENT OF LOT COVERED	45% FOR RESIDENTIAL STRUCTURES	21.62%	
PROPOSED PAVING	NONE	≈ 600 SF (9.83%)	

innova Design Group 2402 GARDEN DR, DALLAS, TX 75215 V0 -LEGAL DESCRIPTION: S D LAWRENCE BLK A/2246 LT 14 SCALE: AS NOTED DATE: 04/08/25 SITE PLAN

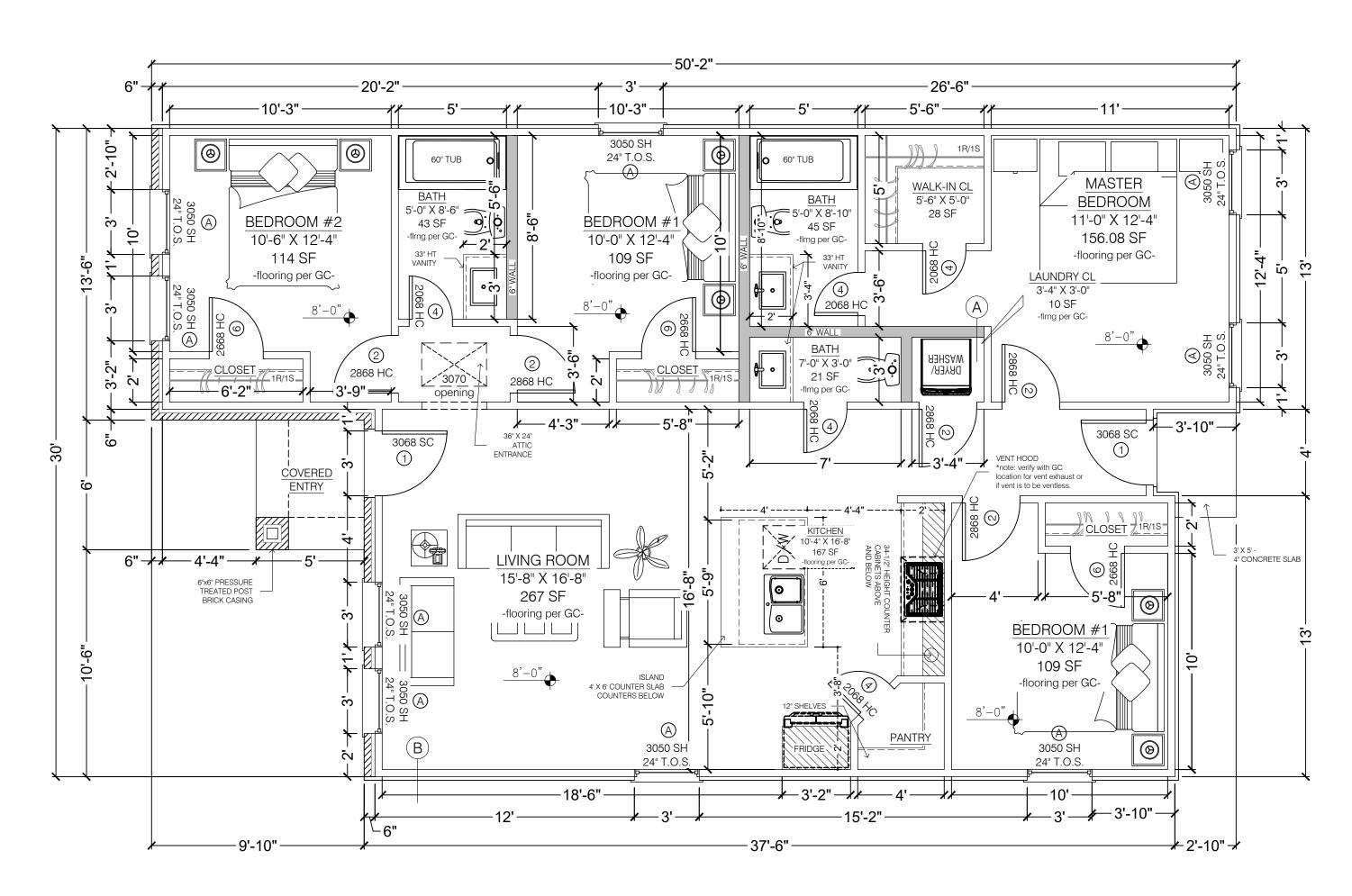
THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED

STRUCTURE. THESE PLANS MUST BE VERIFIED
AND CHECKED BY THE BUILDER, HOMEOWNER,
AND ALL CONTRACTORS OF THIS JOB PRIOR
TO CONSTRUCTION. BUILDER SHOULD OBTAIN
COMPLETE ENGINEERING SERVICES, HVAC,
AND STRUCTURAL BEFORE BEGINNING
CONSTRUCTION OF ANY KIND. NOTE: ALL
FEDERAL, STATE, AND LOCAL CODES AND
RESTRICTIONS TAKE PRECEDENCE OVER ANY
PART OF THESE PLANS.

GREAT CARE AND EFFORT HAVE GONE INTO
THE CREATION OF THESE BLUEPRINTS.
HOWEVER, BECAUSE OF THE VARIANCE IN
GEOGRAPHIC LOCATIONS, THE CREATOR OF
THESE PLANS WILL NOT ASSUME LIABILITY FOR
ANY DAMAGES DUE TO ERRORS, OMISSIONS,
OR DEFICIENCIES ON THESE PLANS.
OWNER/BUILDER MUST COMPLY WITH LOCAL
BUILDING CODES PRIOR TO COMMENCEMENT
OF CONSTRUCTION. THE PURCHASE OF THESE

SCALE: 24X36: 1/4" = 1'-0" ||| 11X17: 1/8" = 1-0"

THIS HOUSE ONLY ONCE. ANY COPYING, TRACING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.



FLOOR PLAN

SCALE:
24X36 SHEET: 1/4" = 1'-0"
11X17 SHEET: 1/8" = 1'-0"

\otimes	WINDOW SCHEDULE			
<u>NUMBER</u>	QUANTITY	SIZE	<u>DESCRIPTION</u>	MULLED
А	9	3'-0" X 5'-0" SINGLE HUNG U=/<.32; SHGC=/<.25		Ν
TOTAL		TAL 9		

\otimes	DOOR SCHEDULE			
NUMBER	QUANTITY	<u>SIZE</u>	<u>DESCRIPTION</u>	
01	2	3'-0" X 6'-8"	SOLID CORE	
02	5	2'-8" X 6'-8"	HOLLOW CORE	
03	0	3'-0" X 6'-8"	HOLLOW CORE	
04	5	2'-0" X 6'-8"	HOLLOW CORE	
05	0	5'-0" X 6'-8"	HOLLOW CORE - BYPASS	
06	3	2'-6" X 6'-8"	HOLLOW CORE	
TOTAL			15	

SQUARE FOOTAGE TABULATION

LIVING SPACE: 1,270 SF

TOTAL LIVING SPACE: 1,270 SF

FRONT PORCH: 30 SF

TOTAL AUR: 1,300 SF

WINDOW AND DOOR SCHEDULE SYMBOL

2068 REPRESENTS A 2'-8" WIDE X 6'-8" HIGH WINDOW AND DOOR

T.O.S. REPRESENTS "TOP OF SILL"

HC REPRESENTS "HOLLOW CORE"

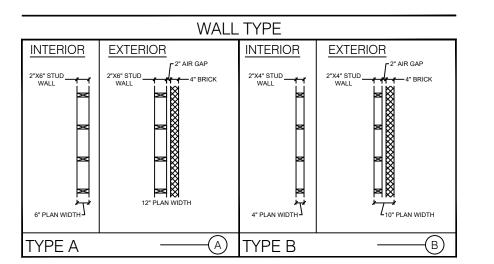
SC REPRESENTS "SOLID CORE"

CS REPRESENTS "CASED OPENING"

BI REPRESENTS "BIFOLD"

FX REPRESENTS "FIXED"

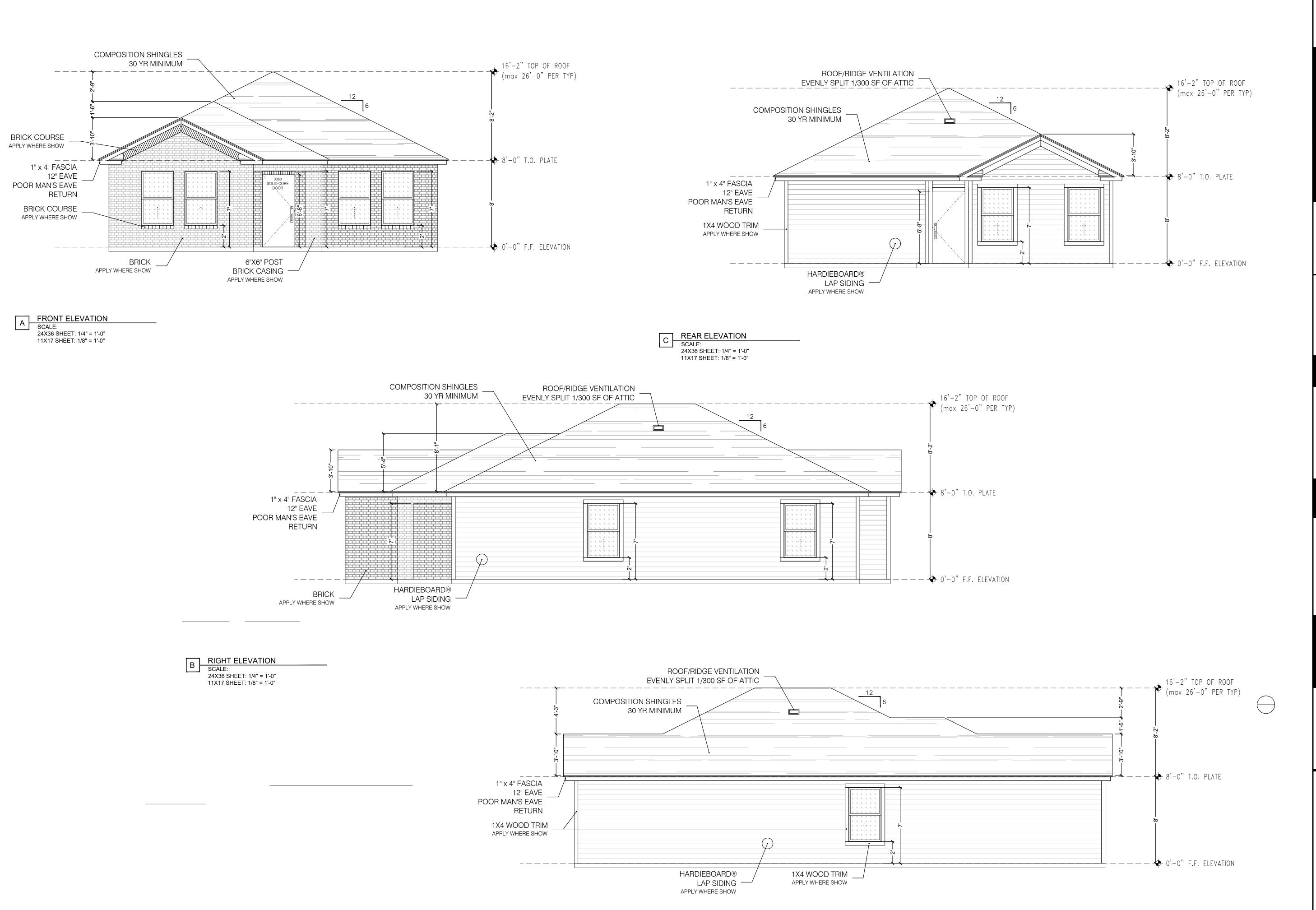
EXG REPRESENTS "EXISTING"



INNOVA DESIGN GROUP O: 1111 W MOCKINGBIRD LN DALLAS, TX 75247 E: LUISPC1959@GMAIL.COM P: (469) 394-8059 2402 GARDEN DR, DALLAS, TX 75215 V0 -LEGAL DESCRIPTION: S D LAWRENCE BLK A/2246 LT 14 SCALE: **AS NOTED** DATE: 02/13/25 **FLOOR** PLAN THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, HOMEOWNER
AND ALL CONTRACTORS OF THIS JOB PRIOF TO CONSTRUCTION. BUILDER SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, HVAC, AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION OF ANY KIND. NOTE: ALL FEDERAL, STATE, AND LOCAL CODES AND
RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS. GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS, THE CREATOR OF

THESE PLANS WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE ONLY ONCE. ANY COPYING, TRACING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

SCALE: 24X36: 1/4" = 1'-0" ||| 11X17: 1/8" = 1-0"



2402 GARDEN DR, DALLAS, TX 75215 V0 -LEGAL DESCRIPTION: S D LAWRENCE BLK A/2246 LT 14 SCALE: **AS NOTED** DATE: 02/13/25 ELEVATIONS THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF THIS JOB PRIOR TO CONSTRUCTION. BUILDER SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, HVAC, AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION OF ANY KIND. NOTE: ALL FEDERAL, STATE, AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS. PART OF THESE PLANS. GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS, THE CREATOR OF THESE PLANS WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS.

OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURCHASE OF THES PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE ONLY ONCE. ANY COPYING,
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TO PROSECUTION UNDER COPYRIGHT LAWS. SCALE: 24X36: 1/4" = 1'-0" ||| 11X17: 1/8" = 1-0"

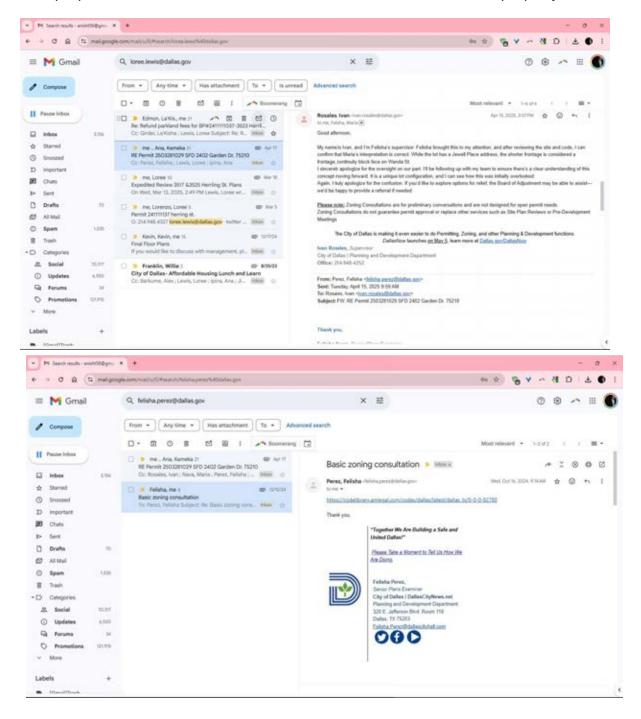
INNOVA DESIGN GROUP

O: 1111 W MOCKINGBIRD LN DALLAS, TX 75247 E: LUISPC1959@GMAIL.COM P: (469) 394-8059

111

D LEFT ELEVATION SCALE:

24X36 SHEET: 1/4" = 1'-0" 11X17 SHEET: 1/8" = 1'-0" During an official zoning consultation with Senior Planner Felisha Perez prior to
purchase of the property in question from the Dallas Land Bank I was assured the
the dual frontage setback would not apply to this lot due to the fact that there ane
no properties addressed on Wanda St. with the lot at the back of the property



- addressed on Jewell. I asked her twice and she assured me that was the case. I case for a specific code number and she sent me a generic link for Dallas code.
- 2. This is a land bank property and as such the elevations and floor plan have been approved by the HHS committee and I can't change them without going back through the HHS committee and possibly City council. I've attached the development agreement.
- This would not be setting a big president as there is only one other lot that abuts
 Wanda and is a smaller lot so would be benefit from this allowance.



DEVELOPMENT AGREEMENT FOR LAND BANK PROGRAM LOTS WITH INVEST IN SOUTH DALLAS

THIS DEVELOPMENT AGREEMENT FOR LAND BANK LOTS WITH INVEST IN SOUTH DALLAS ("Agreement") is made by and between DALLAS HOUSING ACQUISITION AND DEVELOPMENT CORPORATION, a Texas nonprofit corporation created pursuant to the Charter of the City of Dallas and the Texas Non-profit corporation Act, as amended, and f/k/a the Dallas Multifamily Housing Acquisition Corporation ("DHADC") and INVEST IN SOUTH DALLAS ("Developer"), a domestic for-profit corporation. DHADC and Developer are sometimes referred to in this Agreement individually as a "Party" and collectively as the "Parties".

WITNESSETH

WHEREAS, on January 28, 2004, City of Dallas designated DHADC as its land bank program for the purpose of acquiring, holding, and transferring unimproved real property in accordance with Chapter 379C of the Texas Local Government Code ("Chapter 379C"), by Resolution No. 04-0458; and

WHEREAS, on April 24, 2024, City Council approved the FY 2023-2024 Urban Land Bank Demonstration Program Plan (the "Plan") by Resolution No. 24-0635; and

WHEREAS, Developer submitted a Land Bank Application to request to purchase lots from DHADC to construct affordable housing units pursuant to Chapter 379C; and

WHEREAS, on January 25, 2024, DHADC's Board of Directors approved the development plan and the sale of 5 lots from DHADC to Developer for the purpose of constructing affordable housing units in accordance with the FY 2022-2023 Urban Land Bank Demonstration Program Plan and Chapter 379C; and

NOW THEREFORE, in consideration of the mutual covenants and obligations herein, the Parties agree as follows:

ARTICLE I PROPERTY

1.01 <u>Purchase of Property</u>. Developer shall purchase Lot #1: 3830 Colonial Avenue and Lot #2: 3610 Frank Street and Lot #3: 2404 Garden Drive and Lot #4: 2402 Garden Drive and Lot #5 2701 Marburg Street, described in Exhibit A, attached to this Agreement and incorporated

DEVELOPMENT AGREEMENT FOR LAND BANK PROGRAM LOTS

Page 1

herein by reference (the "Property") from DHADC, on or before December 31st, 2024, subject to DHADC's right of reverter and Restrictive Covenants. Ownership shall be transferred via Deed Without Warranty at Closing, in a form acceptable to the DHADC, for the purchase prices listed in **Exhibit B**. Developer shall record the Deed Without Warranty in the Official Real Property Records of Dallas County, Texas, on the Closing Date.

- 1.02 <u>Closing Date</u>. The conveyance of the Property, as described in Section 1.01, and execution of this Agreement, including but not limited to execution of the deed of trust and the Restrictive Covenants, shall close at the Title Company's office or at a location approved by the DHADC on or before December 31, 2024, ("Closing Date"). If either party fails to close by the Closing Date, this Agreement shall terminate automatically. The closing, as described in this section, shall be referred to as the "Closing."
- 1.03 <u>Disclosures</u>. DHADC has not conducted their own inspections nor has any personal knowledge of the condition of the property other than as may be disclosed in the Inspection Report(s), if any. Developer acknowledges that there has been no representation(s) by DHADC, or any other person acting as DHADC's representative and/or Developer's representative regarding the condition of the Property, any of the appliances or structural components that may be contained therein, its fitness for general or specific use, or any other matter affecting the Property. If an inspection report has been obtained by or on behalf of DHADC or DHADC's representative (the "Inspection Report"), such Inspection Report may be provided to Developer for Developer's information only and shall not be deemed a part of this Agreement. If the Inspection Report has been provided to Developer, no representation or warranty is made as to the accuracy and completeness of such report.

Neither DHADC nor any person acting as DHADC's representative has occupied the Property and neither warrants or represents that the Property or any alterations or additions which may have been made to the Property conform to local building codes, zoning requirements or any other applicable laws, rules or regulations.

Developer acknowledges that Developer has the opportunity to inspect, examine and make a complete review of the Property prior to the execution of the Agreement. Developer will rely solely on Developer's inspection and review to evaluate the condition of the Property.

1.04 "AS IS PROPERTY CONDITION". DEVELOPER ACKNOWLEDGES AND AGREES THAT DHADC HAS NOT MADE AND HEREBY SPECIFICALLY DISCLAIMS ANY WARRANTY, GUARANTY, OR REPRESENTATION, ORAL OR WRITTEN, PAST, PRESENT, OR FUTURE, OF, AS TO, OR CONCERNING (I) THE NATURE, SQUARE FOOTAGE, CONDITION, VALUE, OR QUALITY OF THE PROPERTY, INCLUDING BUT NOT BY WAY OF LIMITATION, THE WATER, THE SOIL, AND GEOLOGY, AND THE SUITABILITY THEREOF AND OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH DEVELOPER MAY ELECT TO CONDUCT THEREON, (II) THE MANNER OR QUALITY OF THE CONSTRUCTION

OR MATERIALS, IF ANY, INCORPORATED INTO THE PROPERTY, CONDITION, QUALITY, THE STATE OF REPAIR OR LACK OF REPAIR OF ANY OF THE PROPERTY, (III) EXCEPT FOR ANY WARRANTIES CONTAINED IN THE DEED, THE NATURE AND EXTENT OF ANY RIGHT-OF-WAY, LEASE, POSSESSION, LIEN, ENCUMBRANCE, LICENSE, RESERVATION, CONDITION, OR OTHERWISE, (IV) THE COMPLIANCE OF THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES, OR REGULATIONS OF ANY GOVERNMENT OR OTHER BODY, AND (V) THE INCOME TO BE DERIVED FROM THE PROPERTY. (VI) THE EXISTENCE OF ANY VIEW FROM THE PROPERTY OR THAT ANY EXISTING VIEW WILL NOT BE OBSTRUCTED IN THE FUTURE. (VII) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY. (VIII) THE STRUCTURAL INTEGRITY OF ANY IMPROVEMENTS ON THE PROPERTY. (IX) THE CONFORMITY OF THE IMPROVEMENTS TO ANY PLANS OR SPECIFICATIONS FOR THE PROPERTY THAT MAY BE PROVIDED TO DEVELOPER. (X) THE CONFORMITY OF THE PROPERTY TO APPLICABLE ZONING OR BUILDING CODE REQUIREMENTS. (XI) THE EXISTENCE OF SOIL INSTABILITY, PAST SOIL REPAIRS, SUSCEPTIBILITY TO LANDSLIDES, SUFFICIENCY OF UNDER-SHORING, SUFFICIENCY OF DRAINAGE, OR ANY OTHER MATTER AFFECTING THE STABILITY OR INTEGRITY OF THE LAND OR ANY BUILDINGS OR IMPROVEMENTS SITUATED THEREON. (XII) WHETHER THE PROPERTY IS LOCATED IN A SPECIAL STUDIES ZONE UNDER THE PUBLIC RESOURCES CODE OR A SEISMIC HAZARDS ZONE OR A STATE FIRE RESPONSIBILITY AREA, OR A SPECIAL FLOOD HAZARD ZONE. (XIII) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY. DEVELOPER ACKNOWLEDGES THAT THE PROPERTY MAY NOT BE IN COMPLIANCE WITH APPLICABLE ZONING, BUILDING, HEALTH OR OTHER LAW OR CODES, AND NEITHER DHADC NOR ANY PERSON ACTING AS DHADC'S REPRESENTATIVE OR AGENT HAS OCCUPIED THE PROPERTY AND THAT THE PROPERTY MAY NOT BE IN HABITABLE CONDITION. DEVELOPER HEREBY EXPRESSLY ACKNOWLEDGES AND AGREES THAT DEVELOPER HAS THOROUGHLY INSPECTED AND EXAMINED THE PROPERTY TO THE EXTENT DEEMED NECESSARY BY DEVELOPER IN ORDER TO ENABLE DEVELOPER TO EVALUATE THE PURCHASE OF THE PROPERTY. DEVELOPER HEREBY FURTHER ACKNOWLEDGES AND AGREES THAT DEVELOPER IS RELYING SOLELY UPON THE INSPECTION, EXAMINATION, AND EVALUATION OF THE PROPERTY BY DEVELOPER AND THAT DEVELOPER IS PURCHASING THE PROPERTY ON AN "AS IS, WHERE IS" AND "WITH ALL FAULTS" BASIS AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY DHADC AND DEVELOPER EXPRESSLY ACKNOWLEDGES THAT, IN CONSIDERATION OF THE AGREEMENTS OF DHADC HEREIN, DHADC MAKES NO WARRANTY OF REPRESENTATION EXPRESS OR IMPLIED, OR ARISING BY OPERATION OF LAW, INCLUDING, BUT IN NO WAY LIMITED TO ANY WARRANTY OF CONDITION, HABITABILITY, MERCHANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE EXCEPT AS OTHERWISE SPECIFIED HEREIN. IT IS FURTHER AGREED

THAT DHADC HAS NOT WARRANTED, AND DOES NOT HEREBY WARRANT THAT THE PROPERTY OR ANY IMPROVEMENTS LOCATED THEREON NOW OR IN THE FUTURE WILL MEET OR COMPLY WITH THE REQUIREMENTS OF ANY SAFETY CODE OR REGULATION OF THE STATE OF TEXAS, THE CITY WHERE THE PROPERTY IS LOCATED. THE COUNTY WHERE THE PROPERTY IS LOCATED. OR ANY OTHER AUTHORITY OR JURISDICTION. DEVELOPER FURTHER ACKNOWLEDGES AND AGREES THAT WITHOUT LIMITATION, DHADC HAS NOT MAKE, DOES NOT AND SPECIFICALLY **DISCLAIMS** REPRESENTATIONS REGARDING COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT OR WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION OR LAND USE LAWS, RULES, REGULATIONS, ORDERS OR REQUIREMENTS, AS DEFINED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY REGULATIONS OR THE DISPOSAL OR EXISTENCE, IN OR ON THE PROPERTIES, OF ANY SUBSTANCE, AS DEFINED BY THE **COMPREHENSIVE** ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT OF 1980, AS AMENDED, AND REGULATIONS PROMULGATED THEREUNDER.

DEVELOPER HAS KNOWLEDGE AND EXPERIENCE IN FINANCIAL AND BUSINESS MATTERS THAT ENABLE DEVELOPER TO EVALUATE THE MERIT AND RISKS OF THE TRANSACTION CONTEMPLATED HEREBY. DEVELOPER IS NOT IN A DISPARATE BARGAINING POSITION VIS-A-VIS DHADC, AND DEVELOPER HEREBY WAIVES, TO THE MAXIMUM EXTENT PERMITTED BY LAW, ANY AND ALL RIGHTS, BENEFITS AND REMEDIES UNDER THE DECEPTIVE TRADE PRACTICES - CONSUMER PROTECTION ACT WITH RESPECT TO ANY MATTERS PERTAINING TO THIS AGREEMENT AND THE TRANSACTION CONTEMPLATED HEREBY. I ACKNOWLEDGE THAT THE CITY OF DALLAS EXPECTS EACH PROSPECTIVE DEVELOPER TO CLEARLY UNDERSTAND THE DALLAS DEVELOPMENT CODE AS IT PERTAINS TO EACH RESPECTIVE PROPERTY.

IT IS FURTHER AGREED THAT DHADC DOES NOT MAKE ANY REPRESENTATION OF WARRANTIES REGARDING ENVIRONMENTAL PROTECTION, POLLUTION, OR LAND USE LAWS, REGULATIONS, ORDERS OF REOUIREMENTS, INCLUDING BUT NOT LIMITED TO SOLID WASTE DISPOSAL ACT AND THE REGULATIONS ADOPTED THEREUNDER OR THE U.S. ENVIRONMENTAL PROTECTION AGENCY REGULATIONS AT 40 C.F.R., PART 261, OF THE DISPOSAL OR EXISTENCE IN, ON OR EMANATING FROM THE PROPERTY, OF ANY HAZARDOUS SUBSTANCE, AS THE COMPREHENSIVE REGULATIONS **PROMULGATED** THEREUNDER. DEVELOPER HEREBY ASSUMES ALL RISKS AND LIABILITY AND AGREES THAT DHADC SHALL NOT BE LIABLE FOR ANY SPECIAL, DIRECT, INDIRECT, CONSEQUENTIAL, OR OTHER DAMAGES RESULTING OR ARISING FROM OR RELATING TO THE OWNERSHIP, USE, CONDITION, LOCATION, MAINTENANCE, REPAIR OR OPERATION OF THE PROPERTY. DEVELOPER FURTHER ACKNOWLEDGES AND AGREES THAT DHADC HAS OWNED THE

PROPERTY ONLY SINCE THE DATE OF SUCH TRANSFER AND IS NOT IN A POSITION TO MAKE ANY REPRESENTATIONS OR WARRANTIES, EXPRESSED OR IMPLIED, AS TO THE PROPERTY.

DHADC IS NOT LIABLE OR BOUND IN ANY MANNER BY ANY VERBAL OR WRITTEN STATEMENTS, REPRESENTATIONS OF INFORMATION PERTAINING TO THE PROPERTY, OR THE OPERATION THEREOF, FURNISHED BY ANY REAL ESTATE BROKER, AGENT, EMPLOYEE OR OTHER PERSON. THE PROVISIONS OF THIS SECTION SHALL SURVIVE THE CLOSING.

UPON CLOSE OF ESCROW, DEVELOPER ACKNOWLEDGES AND AGREES THAT DHADC AND ITS AGENTS AND ASSIGNS HAVE NO FURTHER RESPONSIBILITY, OBLIGATION OR LIABILITY TO DEVELOPER. DEVELOPER AGREES THAT DHADC AND ITS AGENT AND ASSIGNS SHALL HAVE NO LIABILITY FOR ANY CLAIM OR LOSSES DEVELOPER OR DEVELOPER'S SUCCESSORS AND ASSIGNS MAY INCUR AS A RESULT OF DEFECTS THAT MAY NOW OR MAY HEREAFTER EXIST WITH RESPECT TO THE PROPERTY, AND DEVELOPER SHALL HOLD HARMLESS, INDEMNIFY AND DEFEND DHADC FROM ANY SUCH CLAIM.

DEVELOPER AND ANYONE CLAIMING BY, THROUGH OR UNDER THE SAME HEREBY FULLY AND IRREVOCABLY RELEASE DHADC AND ITS EMPLOYEES, OFFICERS, DIRECTORS, REPRESENTATIVES, ATTORNEYS, BROKERS AND AGENTS FROM ANY AND ALL CLAIMS THAT HE/SHE/IT OR THEY MAY NOW HAVE OR HEREAFTER ACQUIRE AGAINST DHADC AND ITS EMPLOYEES, OFFICERS, DIRECTORS, REPRESENTATIVES, ATTORNEYS, BROKERS AND AGENTS FOR ANY COST, LOSS, LIABILITY, DAMAGE, EXPENSE, DEMAND, ACTION OR CAUSE OF ACTION ARISING FROM OR RELATING TO ANY CONSTRUCTION DEFECTS, ERRORS, OMISSIONS OR OTHER CONDITIONS, INCLUDING ENVIRONMENTAL MATTERS AFFECTING THE PROPERTY, OR ANY PORTION THEREOF. THIS RELEASE INCLUDES CLAIMS OF WHICH DEVELOPER IS PRESENTLY UNAWARE OR DOES NOT PRESENTLY SUSPECT TO EXIST IN HIS/HER/ITS FAVOR WHICH, IF KNOWN BY DEVELOPER, WOULD MATERIALLY AFFECT DEVELOPER'S RELEASE TO DHADC.

ARTICLE II CONSTRUCTION OBLIGATIONS

2.01 <u>Construction Timeline</u>. Developer must construct an Affordable Housing Unit on the Property in accordance with the development plan set forth in **Exhibit B** within four (4) years from the date the Deed Without Warranty is executed ("Transfer Date"). "Affordable Housing Unit" shall mean a housing unit constructed and sold to a Qualified Homebuyer, as defined below, within the Area Median Income Target set forth in **Exhibit B**.

- 2.02 **DHADC'S Right of Reverter**. To ensure that the Affordable Housing Unit is constructed in a timely manner, the Property shall revert to the DHADC if Developer fails to comply with any of the following requirements:
 - a. Apply for a Construction Permit. Pursuant to Texas Local Government Code Section 379C.009(d), Developer shall apply for a construction permit to build the Affordable Housing Unit on the Property within 60 days from the transfer date of the Property.
 - b. Close on Construction Financing. Pursuant to Texas Local Government Code Section 379C.009(d), Developer must close on any construction financing for said Affordable Housing Unit on the Property within three (3) years from the Transfer Date.
 - c. Complete Construction of Affordable Housing Unit and Sale of Affordable Housing Unit to a Qualified Homebuyer. Developer shall complete construction of the Affordable Housing Unit and must sell the Affordable Housing Unit to a Qualified Homebuyer, as defined below, within four (4) years from the Transfer Date.
 - d. Development Plan. Developer shall complete construction of the Affordable Housing Units in accordance with the development plan in **Exhibit B**. Any changes to the development plan must be approved by the DHADC and the Dallas City Council, prior to instituting any changes.

If Developer fails to apply for a construction permit to build the Affordable Housing Unit and fails to close on any construction financing within three (3) years, fails to construct and sell the Affordable Housing Unit within four (4) years, and/or fails to construct the Affordable Housing Units in accordance with the development plan in **Exhibit B**, the Property shall revert to DHADC and DHADC shall be entitled to immediate possession of the Property and any improvements thereon. If a reversion occurs, Developer shall be responsible for removal of all liens and encumbrances on the Property and improvements. Such removal must occur within thirty (30) days' notice from the DHADC.

If Developer successfully meets the requirements in Section 2.02(a-c), DHADC may provide Developer with a release of reverter. DHADC shall not be responsible for the recording cost associated with the release of reverter.

2.03 <u>Restrictive Covenants</u>. On or before the Closing Date, Developer agrees to execute Restrictive Covenants in a form acceptable to the DHADC and record in the Official Real Property Records of Dallas County, Texas ("Restrictive Covenants") for each Property listed in **Exhibit A**. The Restrictive Covenants shall restrict the occupancy of the Affordable Housing Unit for five (5) years from the date the Affordable Housing Unit is sold to a Qualified Homebuyer ("Affordability

Period"). The Restrictive Covenants will ensure that the Affordable Housing Unit will be occupied by a Qualified Homebuyer for five (5) years, unless resold in compliance with Restrictive Covenants. If the original Qualified Homebuyer subsequently resells the Property or Affordable Housing Unit within the Affordability Period, the Property or Affordable Housing Unit must be sold to another Qualified Homebuyer. Developer and Qualified Homebuyer must inform prospective purchaser of the Affordability Period and Restrictive Covenants. Upon compliance of the Restrictive Covenants, DHADC may provide Qualified Homebuyer or subsequent Qualified Homebuyer with a termination of Restrictive Covenants. DHADC shall not be responsible for the recording cost associated with the termination of Restrictive Covenants.

- 2.04 <u>Sales Price</u>. The sales price of the Affordable Housing Unit shall not exceed the current year United States Department of Housing and Urban Development ("HUD") HOME homeownership sales price for the Dallas, Texas HUD Metro Fair Market Rents ("FMR") Area and the fair market value as determined by an independent appraisal or as determined by an "ascompleted" or "subject to completion" appraisal. The sales price must be affordable based on the Area Median Family Income ("AMFI") as adjusted for household size as specified for the Qualified Homebuyer in **Exhibit B**.
- 2.05 Qualified Homebuyer. A prospective purchaser must meet the requirements in this Section ("Qualified Homebuyer"). Developer shall provide to DHADC written documentation and financial information pertaining to prospective purchaser's income eligibility thirty (30) days prior to sale of the Affordable Housing Unit. The prospective purchaser must contribute a minimum of \$1,000.00 toward down payment and closing costs. Additionally, prospective purchaser should have sufficient cash resources (including savings, checking, money market, or other similar non-retirement accounts) such that after closing prospective purchaser has savings of at least two (2) times their total monthly payment, including principal, interest, taxes, insurance, and any association fees. Prospective purchaser must obtain a mortgage whose monthly payment (i.e. frontend ratio) does not exceed 35% of the household's income and that does not result in a total debt burden (i.e. back-end ratio) more than 45% of the household's income.

Upon request, Developer agrees to provide DHADC with any additional documentation or information that may be needed pertaining to prospective purchaser's income eligibility. Developer is responsible for qualifying and ensuring that the prospective purchaser is within the Area Median Income Target for that Property set forth in **Exhibit B** and that prospective purchaser meets the homebuyer underwriting guidelines and requirements set forth in **Exhibit C**.

2.07 **Property Exchange**. Developer is permitted to exchange the Property purchased from DHADC with any other property owned by the Developer ("Exchanged Property"), if Developer: (1) agrees to construct on the Exchanged Property the Affordable Housing Unit described in this Agreement and to sell the Affordable Housing Unit to a Qualified Homebuyer and (2) the Exchanged Property is located in a planned development incorporating the Property originally purchased from DHADC or another location as approved by DHADC's Board of Directors. Upon approval by DHADC's Board of Directors of the property exchange, Developer agrees to execute

and record the Restrictive Covenants and deed of trust on the Exchanged Property within seven (7) days.

2.08 Property Swap. Developer is permitted to swap the Property with another property ("Swap Property") owned by DHADC, if DHADC determines, in its sole discretion, that: (1) Developer timely made the request, as determined in the sole discretion of the Director, and (2) the cost of development for the affordable housing or commercial use on the Property is prohibitively expensive. In such instances, Developer must submit a proposal for the new property in accordance with the current Urban Land Bank Demonstration Program application process. Upon approval by DHADC and Dallas City Council and if there is a difference in price, DHADC or Developer agrees to refund the difference to the respective party within thirty (30) days from the date of approval by Dallas City Council. Within seven (7) days of Dallas City Council's approval, Developer will execute and record a deed without warranty returning the Property to DHADC. In such an instance, DHADC and Developer shall execute a new agreement for such lots and execute and record Restrictive Covenants and deed of trust for the Swap Property. If a swap occurs, Developer shall be responsible for removal of all liens and encumbrances on the Property and improvements.

ARTICLE III DEFAULT & REMEDIES

3.01. If Developer fails or refuses to comply with Developer's obligations under this Agreement, DHADC may exercise any and all remedies available to it under this Agreement, at law or in equity including, but not limited to, specific performance, termination of this Agreement, immediate reversion and possession of the Property, foreclosure of the Property, and/or enforcement of the Restrictive Covenants of the Property. In addition to the foregoing, DHADC may recover from Developer all costs and expenses, including reasonable attorney's fees and court costs incurred in connection with the enforcement and/or litigation of this Agreement.

ARTICLE IV MISCELLANEOUS

4.01 <u>Independent Contractor</u>. Developer's status shall be that of an independent contractor and not an agent, servant, employee, or representative of DHADC in its performance under this Agreement. Developer shall exercise independent judgment in performing services under this Agreement and is solely responsible for setting working hours, scheduling or prioritizing the workflow and determining how the work is to be performed. No term or provision of this Agreement or act of Developer in the performance of this Agreement shall be construed as making Developer the agent, servant or employee of DHADC, or making Developer or any of its employees eligible for the fringe benefits, such as retirement, insurance and worker's compensation, which DHADC may provide to its employees.

DEVELOPMENT AGREEMENT FOR LAND BANK PROGRAM LOTS

4.02 Compliance with Laws and Regulations.

- a. This Agreement is entered into subject to and controlled by the Charter and ordinances of the City of Dallas, as amended, and all applicable laws, rules, and regulations of the State of Texas and the Government of the United States of America. Developer shall, during the course of performance of this Agreement, comply with all applicable City codes and ordinances, as amended and all applicable State and Federal laws, rules and regulations, as amended.
- b. Developer shall obtain and maintain during the Agreement term all necessary licenses, permits and other approvals required by law, for the provision of services under this Agreement.
- 4.03 <u>INDEMNIFICATION</u>. DEVELOPER SHALL INDEMNIFY AND HOLD DHADC AND CITY OF DALLAS WHOLE AND HARMLESS AGAINST ANY AND ALL CLAIMS FOR DAMAGES, COSTS, INJURIES, AND EXPENSES TO PERSONS OR PROPERTY ARISING OUT OF, OR IN CONNECTION WITH, ANY NEGLIGENT OR STRICTLY LIABLE ACT OF DEVELOPER IN THE PERFORMANCE OF THIS AGREEMENT. DHADC AND CITY OF DALLAS SHALL BE RESPONSIBLE FOR ITS ACT OF NEGLIGENCE. DEVELOPER AND DHADC ACKNOWLEDGE AND AGREE THAT THE PROVISIONS OF THIS SECTION SHALL SURVIVE THE TERMINATION OR EXPIRATION OF THE TERM OF THIS AGREEMENT.

4.04 Conflict of Interest.

a. Developer and its employees, agents or associates are required to make regular, timely, continual and full disclosures to DHADC and City of Dallas of all significant outside interests and responsibilities that may give rise to a direct or indirect conflict of interest, including, but not limited to, any and all significant outside interests and responsibilities that could reasonably be expected to impair independence of judgment in Developer's performance of all of the services under this Agreement. Such disclosures must be made no later than ten (10) days following the event giving rise to the potential or actual conflict of interest for the duration of the Agreement term. A potential or actual conflict of interest exists when commitments and obligations to the City of Dallas or DHADC or widely recognized professional norms are likely to be compromised in Developer's performance of its duties under this Agreement by the existence of Developer's other professional relationships, contracts, obligations, or commitments. Failure to disclose such a conflict of interest may result in the DHADC's immediate termination of this Agreement.

b. The following section of the Charter of the City of Dallas shall be one of the conditions, and a part of, the consideration of this Agreement, to wit:

"CHAPTER XXII. Sec. 11. FINANCIAL INTEREST OF EMPLOYEE OR OFFICER PROHIBITED.

- (a) No city official or employee shall have any financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies or services, except on behalf of the city as a city official or employee. Any violation of this section shall constitute malfeasance in office, and any city official or employee guilty thereof shall thereby forfeit the city official's or employee's office or position with the city. Any violation of this section, with knowledge, express or implied, of the person or corporation contracting with the city shall render the contract involved voidable by the city manager or the city council.
- (b) The alleged violations of this section shall be matters to be determined either by the trial board in the case of employees who have the right to appeal to the trial board, and by the city council in the case of other employees.
- (c) The prohibitions of this section shall not apply to the participation by city employees in federally-funded housing programs, to the extent permitted by applicable federal or state law.
- (d) This section does not apply to an ownership interest in a mutual or common investment fund that holds securities or other assets unless the person owns more than 10 percent of the value of the fund.
- (e) This section does not apply to non-negotiated, form contracts for general city services or benefits if the city services or benefits are made available to the city official or employee on the same terms that they are made available to the general public.
- (f) This section does not apply to a nominee or member of a city board or commission, including a city appointee to the Dallas Area Rapid Transit Board. A nominee or member of a city board or commission, including a city appointee to the Dallas Area Rapid Transit Board, must comply with any applicable conflict of interest or ethics provisions in the state law and the Dallas City Code."
- 4.05 <u>Gift to Public Servant</u>. DHADC may terminate this Agreement immediately if Developer has offered or agreed to confer any benefit upon a City of Dallas or DHADC's employee or official that the City of Dallas or DHADC's employee or official is prohibited by law from accepting. For purposes of this section, "benefit" means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a

direct or substantial interest, but does not include a contribution or expenditure made and reported in accordance with law. Notwithstanding any other legal remedies, City of Dallas or DHADC may require Developer to remove any employee of Developer who has violated the restrictions of this section or any similar state or federal law and obtain reimbursement for any expenditures made as a result of the improper offer, agreement to confer, or conferring of a benefit to a City of Dallas or DHADC's employee or official.

- 4.06 <u>Notice of Contract Claim</u>. This Agreement is subject to the provisions of Section 2-86 of the Dallas City Code, as amended, relating to requirements for filing a notice of a breach of contract claim against City of Dallas or DHADC. Section 2-86 of the Dallas City Code, as amended, is expressly incorporated by reference and made a part of this Agreement as if written word for word in this Agreement. Developer shall comply with the requirements of this ordinance as a precondition of any claim relating to this Agreement, in addition to all other requirements in this Agreement related to claims and notice of claims.
- 4.07 <u>Notices</u>. Except as otherwise provided in Section 4.06, any notice, payment, statement, or demand required or permitted to be given under this Agreement by either party to the other may be effected by personal delivery in writing or by mail, postage prepaid. Mailed notices shall be addressed to the parties at the addresses appearing below, but each party may change its address by written notice in accordance with this Section. Mailed notices shall be deemed communicated as of three (3) days after mailing. The term "days" shall mean business days.

If intended for DHADC, to:

Dallas Housing Acquisition and Development Corporation 1500 Marilla Street, Room 6CN Dallas, Texas 75201

With a copy to:

Hardwick Law Firm, LLC Attn: Herbert Hardwick 2405 Grand Blvd, Suite 800 Kansas City, Missouri 64108

If intended for Developer, to:

Invest in South Dallas, LLC Attn: Anish Thakrar 3208 Cole Avenue. Apt 1301A Dallas, Texas 75204

- 4.08 <u>Assignment</u>. Unless otherwise stated herein, Developer shall not sell, assign, transfer or its interests or rights in this Agreement, or any claim or cause of action related thereto in whole or in part, without written consent of DHADC and Dallas City Council, if applicable. As an express condition of consent to any assignment, Developer shall remain liable for completion of the construction of the Affordable Housing Units in accordance with the development plan in **Exhibit** B in the Event of Default by the successor or assignee.
- 4.09 Right of Review and Audit. DHADC may review any and all of the work performed by Developer and/or documents related to this Agreement. DHADC is granted the right to audit, at DHADC's election, all of Developer's records and billings relating to the performance of this Agreement. Developer agrees to retain such records for a minimum of three (3) years following the expiration of this Agreement. Any payment, settlement, satisfaction, or release made or provided during the course of performance of this Agreement shall be subject to DHADC's rights as may be disclosed by an audit under this Section.
- 4.10 <u>Inspections</u>. During the term of this Agreement and upon written notice to Developer, DHADC, its agents, representatives, and employees shall have a continuing right of access to the Property and/or Affordable Housing Unit during regular business hours in order to ensure compliance with this Agreement and all applicable federal, state and local laws and regulations.
- 4.11 <u>Venue</u>. The obligations of the parties to this Agreement shall be performable in Dallas County, Texas, and if legal action is necessary in connection with or to enforce rights under this Agreement exclusive venue shall lie in Dallas County, Texas.
- 4.12 **Governing Law**. This Agreement shall be governed by and construed in accordance with the laws and court decisions of the State of Texas, without regard to conflict of law or choice of law principles of Texas or of any other state.
- 4.13 <u>Legal Construction</u>. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be considered as if such invalid, illegal, or unenforceable provision had never been contained in this Agreement.
- 4.14 <u>Counterparts</u>. This Agreement may be executed, including electronically, in one or more counterparts, each of which when so executed shall be deemed to be an original and constitute one and the same instrument. If this Agreement is executed in counterparts, then it shall become fully executed only as of the execution of the last such counterpart called for by the terms of this Agreement to be executed.

- 4.15 <u>Captions</u>. The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.
- 4.16 <u>Successors and Assigns</u>. This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and, except as otherwise provided in this Agreement, their assigns.
- 4.17 **No Intended Third-Party Beneficiaries.** This Agreement is entered into solely for the benefit of Developer and DHADC. No third party will be deemed a beneficiary of this Agreement, and no third party will have any right to make any claim or assert any right under this Agreement.
- 4.18 Open Records. Developer understands that DHADC will comply with the Texas Public Information Act (Chapter 552 of the Texas Government Code) as interpreted by judicial rulings and opinions of the Attorney General of the State of Texas. Information, documentation, and other material in connection with this Agreement may be subject to public disclosure pursuant to the Texas Public Information Act. In accordance with Section 379C.012 of the Texas Local Government Code, Developer shall make any information created or exchanged with the DHADC pursuant to this Agreement, and not otherwise excepted from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to the DHADC.
- 4.19 <u>Certification of Execution</u>. The person or persons signing and executing this Agreement on behalf of Developer or representing themselves as signing and executing this Agreement on behalf of Developer, do hereby warrant and certify that he, she or they have been duly authorized by Developer to execute this Agreement on behalf of Developer and to validly and legally bind Developer to all terms, performances and provisions herein set forth.
- 4.20 Entire Agreement; No Oral Modifications. This Agreement (with all referenced Exhibits, attachments, and provisions incorporated by reference) embodies the entire agreement of both parties, superseding all oral or written previous and contemporary agreements between the parties relating to matters set forth in this Agreement. Except as otherwise provided elsewhere in this Agreement, this Agreement cannot be modified without written supplemental agreement executed by both parties.

[SIGNATURES ON NEXT PAGE]

EXECUTED this, the day of <u>Decleville</u>, 2014, by DHADC, signing by and through its President, authorized to execute same by DHADC Resolution No. 2324-001, and by Developer, acting through its authorized officials.

DHADC:

DALLAS HOUSING ACQUISITION AND DEVELOPMENT CORPORATION, a Texas nonprofit corporation created pursuant to the Charter of the City of Dallas and the Texas Non-Profit Corporation Act

Cynthia Rogers-Ellickson

President

DEVELOPER:

Invest in South Dallas, LLC

PRINTED NAME Anish Thakrar

TITLE Managing Vac

EXHIBITS:

Exhibit A: Property Description

Exhibit B: Development Plan/Scope of Work Exhibit C: Homebuyer Underwriting Guidelines

EXHIBIT A Property Description

Lot #1: 3830 Colonial Avenue

3830 Colonial Avenue, Dallas, Dallas County, Texas. ACCT NO.000001442800000000: Lot 1 of Caven's Second Colonial Avenue addition, an addition to the City of Dallas situated in City Block 3/1213 in the City of Dallas, Dallas County, Texas, as shown by deed recorded as instrument number 200600370483 of the deed records of Dallas County, Texas and more commonly addressed as 3830 Colonial Avenue, Dallas, Dallas County, Texas.

Lot #2: 3610 Frank Street

3610 Frank Street, Dallas, Dallas County, Texas. ACCT NO.0000178723000000: Lot 12 and 25 in City Block 1/1828 of F.C. Herrling Addition to the City of Dallas, Dallas County, Texas, as shown by deed recorded in volume 5010 page 248 of the deed records of Dallas County, Texas and more commonly addressed as 3610 Frank Street, Dallas, Dallas County, Texas.

Lot #3: 2404 Garden Drive

2404 Garden Dr., Dallas, Dallas County, Texas. ACCT NO.00000207820000000: Lot 15, Block A/2246 of S.D. Lawrence Subdivision, An Addition in the City of Dallas, Dallas County, Texas, as shown by the special warranty deed w/vendors lien recorded as instrument number 200600242660 of the deed records of Dallas County, Texas and more commonly addressed as 2404 Garden Dr., Dallas, Dallas County, Texas.

Lot #4: 2402 Garden Drive

2402 Garden Dr., Dallas, Dallas County, Texas. ACCT NO.000002078170000000: Lot 14, Block A/2246 of S.D. Lawrence's addition in the City of Dallas, Dallas County, Texas, as shown by warranty deed recorded in volume 2002193 page 13168 of the deed records of Dallas County, Texas and more commonly addressed as 2402 Garden Drive, Dallas, Dallas County, Texas.

Lot #5: 2701 Marburg Street

2701 Marburg St., Dallas, Dallas County, Texas. ACCT NO.000001883800000000: Lot 13, Block A/1955 of Hamilton Addition In The City of Dallas, Dallas County, Texas, as shown by the warranty deed recorded as instrument number 201600354392 of the deed records of Dallas County, Texas and more commonly addressed as 2701 Marburg St., The City of Dallas, Dallas County, Texas.

Lot #	Street #	Street Name	Purchase Price
1	3830	Colonial Avenue	\$ 11,500.00
2	3610	Frank Street	\$ 13,500.00
3	2404	Garden Drive	\$ 13,500.00
4	2402	Garden Drive	\$ 20,500.00
5	2701	Marburg	\$ 20,500.00

EXHIBIT B Scope of Work

Section 1: Project Summary

The Project will be the construction of 5 affordable single-family housing units, all of which will be built on 5 Land Bank Program lots (Project). The single-family housing units will range from approximately 1200 SF to 1270 SF with a minimum of 3 bedrooms and 2 baths each. The sales price range of the proposed 5 units will be a maximum sales price of: \$205,200 for those units serving an AMI of 60% and below, \$256,500 for those units serving an AMI of 61% - 80% and \$290,700 for those units serving an AMI of 81% -115%. Two units will target homebuyers in the 81% - 115% AMI range, two units will target homebuyers in the 61% - 80% AMI range and one unit will target homebuyers in the 60% and below AMI range. The project is expected to be completed 4 years from the date of acquisition of the Land Bank Program lots.

Section 2: Construction Timeline

- Developer must apply for a construction permit and close on any construction financing within 3 years of acquisition of the Land Bank Program lot(s) from the City of Dallas.
- Developer should complete construction and sale of each affordable housing unit to an income eligible homebuyer within 4 years of acquisition of the Land Bank Program lot(s) from the City of Dallas.

EXHIBIT C Homebuyer Underwriting Guidelines

General

DHADC must 1) ensure that participating buyers will be successful homeowners, so the program should target households who are ready for homeownership and 2) ensure that assisted buyers are informed consumers and avoid the use of risky lending products.

These underwriting guidelines are based on the following key principles.

- Buyers should have good credit and qualify for competitive lending products on par with those offered to credit-worthy unassisted buyers in the local market.
- Buyers should make reasonable and meaningful contributions to their home purchase in terms of both up-front investments and monthly payment without being overburdened by their monthly payment or left without cash reserves after closing.

Buyer Expectations

To ensure that buyers are likely to sustain homeownership, assisted buyers must:

- Be purchasing the home for a reasonable price that does not exceed the fair market value as determined by an independent appraisal. In most cases, DHADC will coordinate with the buyer's senior lender to obtain a copy of the lender's appraisal.
- Have incomes between 40% and up to 115% of the Area Median Income (AMI) as adjusted for household size. DHADC is concerned about the housing needs of lower income households, it also recognizes that homeownership requires buyers to have sufficient discretionary income to maintain their homes over time, absorb increases in taxes and insurance, and otherwise address unexpected expenses. As a result, DHADC focuses its homebuyer assistance to buyers with incomes in excess of 40% AMI.
- Contribute a minimum of \$1,000 toward down payment and closing costs. Additionally, buyers should have sufficient cash resources (including savings, checking, money market, or other similar non-retirement accounts) such that after closing they have savings of at least two (2) times their total monthly payment, including principal, interest, taxes, insurance, and any association fees.

Obtain a loan whose monthly payment (i.e. front end ratio) does not exceed 35% of monthly income and that does not result in a total debt burden (i.e. back-end ratio) in excess of 45%.

Obtain a mortgage or senior loan that meets the requirements outlined below.

Primary Loan Expectations

To ensure that buyers receive high quality loans that are sustainable over time, DHADC requires that the senior loan (i.e first mortgage) meeting the following criteria:

- The loan must be a conventional, FHA, VA or portfolio loan from an approved lender. The loan cannot be a High Cost or Sub-Prime Loans, Adjustable-Rate Mortgages (ARM), Interest only loans, Discount Points paid by Borrower, and Cash Back at Closing.
- Interest rates must be competitive and must NOT be a "Higher Priced" loan as defined by CFPB. Higher priced loan are those that exceed the Average Prime Offer Rate by more than 1.5% as of the date of the loan's rate lock. Loans can be checked against the Average Prime Offer Rate by visiting the following website: www.ffiec.gov/ratespread/newcalc.aspx.
- Lending products should be fully amortizing 30-year fixed rate loans. While some buyers may prefer shorter (e.g. 15 year) loans, the DHADC will only consider such loans on an exception basis if it determines that the buyer's payment is sustainable.

BOA-25-000008

Not Contrary to Public Interest: Approval of this exception will not affect the neighborhood in a detrimental manner. The lot is zoned as single-family lot and that is what will be built.

There is only one additional undeveloped lot on the block and that lot abuts the this lot.

That lot is a smaller lot and would benefit from this exception.

Necessary to permit the development of a specific parcel of land: All of the houses on this street are single story structures. The dimensions of this lot preclude it from being developed as a functional single story single story house. The house could only be 15ft in width.

Not granted to relieve a self-created or personal hardship: This hardship created due to the fact that false information was conveyed via a senior planner (Felisha Perez) at the Planning and Development department during an official zoning consultation.

FILE NUMBER: BDA245-049(BT)

<u>BUILDING OFFICIAL'S REPORT</u>: Application of Jonathan Vinson for (1) a special exception to the parking regulations at 1201 OAK LAWN AVENUE. This property is more fully described as Block 27/7889, part of Lot 1, and is zoned PD-621 (Subdistrict 1), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, an office use, and an office/showroom use and provide 73 of the required 135 parking spaces, which will require (1) a 62-space special exception (45.9 % reduction) to the parking regulation.

LOCATION: 1201 Oak Lawn Avenue

APPLICANT: Jonathan Vinson

REQUEST:

(1) Special Exception to the parking regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

Section 51P-621.110(b)(2) states that the board may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Section 51A-4.311 minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). The board of adjustment may impose conditions on the special exception. Section 51A-4.311(a) of the Dallas Development Code specifies that the board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site: PD-621 (Subdistrict 1)
North: PD-621 (Subdistrict 1)
East: PD-621 (Subdistrict 1)
South: PD-621 (Subdistrict 1)
West: PD-621 (Subdistrict 1)

Land Use:

The subject site is developed with office showroom/warehouse and resturant without drive-in or drive-through service uses. The areas to the north, south, east, and west are developed with various uses such as but not limited to motor vehicle fueling station, personal service, office showroom/warehouse, and resturant without drive-in or drive-through service.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jonathan Vinson for the property located at 1201 Oak Lawn Avenue focuses on one request relating to the parking regulations.
- The proposed request of a 62-space special exception (45.9 percent reduction) is made to construct and/or maintain a nonresidential structure.
- The subject site lot size is 78,878.29 square feet.
- The existing building footprint is 39,750 square feet (50.39 percent lot coverage)
- PD-621 (Subdistrict 1) requires the following parking ratio per specified use:
 - 1 parking space per 105 square feet of floor area for restaurant without drive-in or drive-through service (12,600 / 105 = 120).
 - 1 parking space per 1100 square feet of floor area for Office/Showroom Warehouse up to 20,000 square feet floor area (20,000 / 1100 = 18.18).
 - 1 parking space per 4100 square feet of floor area for Office/Showroom Warehouse above 20,000 square feet floor area (7,150 / 4100 = 1.74).
- Additionally, a parking agreement is required for calculating adjusted standard parking requirements.
- Granting the proposed 62-space special exception (45.9 percent reduction) to the
 parking regulations with a condition that the applicant complies with the most recently
 submitted site plan, would require the proposal to be constructed as shown on the
 submitted documents, and the special exception automatically and immediately
 terminates if when the restaurant without drive-in or drive-through service, office, and
 office/showroom uses are changed or discontinued.
- 200' Radius Video: <u>BDA245-049 at 1201 Oak Lawn Ave</u>

Timeline:

April 16, 2025: The applicant submitted an "Application/Appeal to the Board of

Adjustment" and related documents which have been included as part

of this case report.

March 5, 2025: The Board of Adjustment Secretary assigned this case to Board of

Adjustment Panel A.

March 14, 2025:

Planning and Development Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 21, 2025, deadline to submit additional evidence for staff to factor into their analysis; and April 4, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 25, 2025:

The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

March 25, 2025: The applicant provided revised Shared Parking Chart.

April 4, 2025: The applicant provided additional documentary evidence.

April 15, 2025: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday, April 15, 2025, moved to **HOLD** this matter under advisement until **May**

20, 2025.

April 17, 2025: Planning and Development Department Senior Planner emailed the applicant the following information:

• 1:00 p.m., **May 9, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.

May 9, 2025: The applicant provided additional documentary evidence.

May 20, 2025: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday,

May 20, 2025, moved to **HOLD** this matter under advisement until **June**

17, 2025.

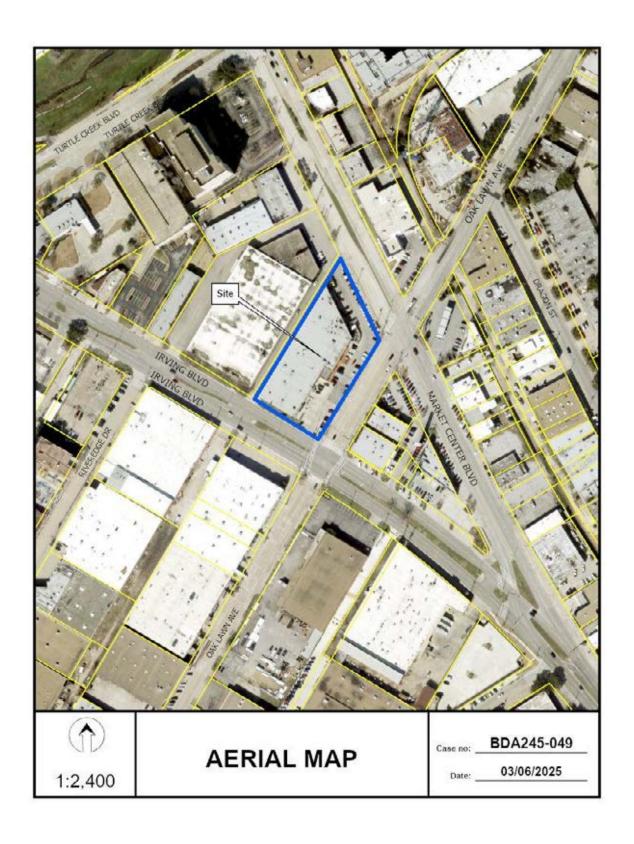
May 21, 2025: Planning and Development Department Senior Planner emailed the

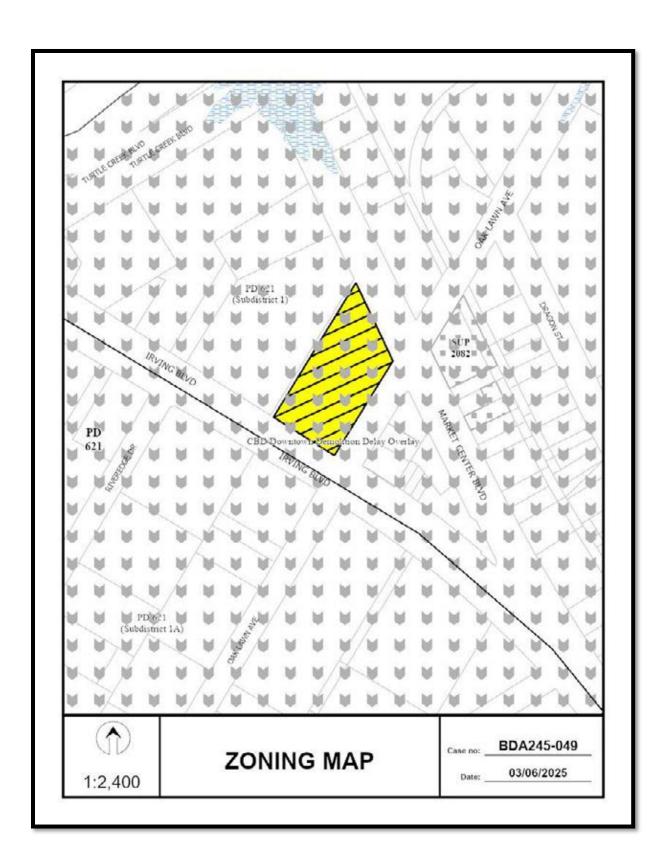
applicant the following information:

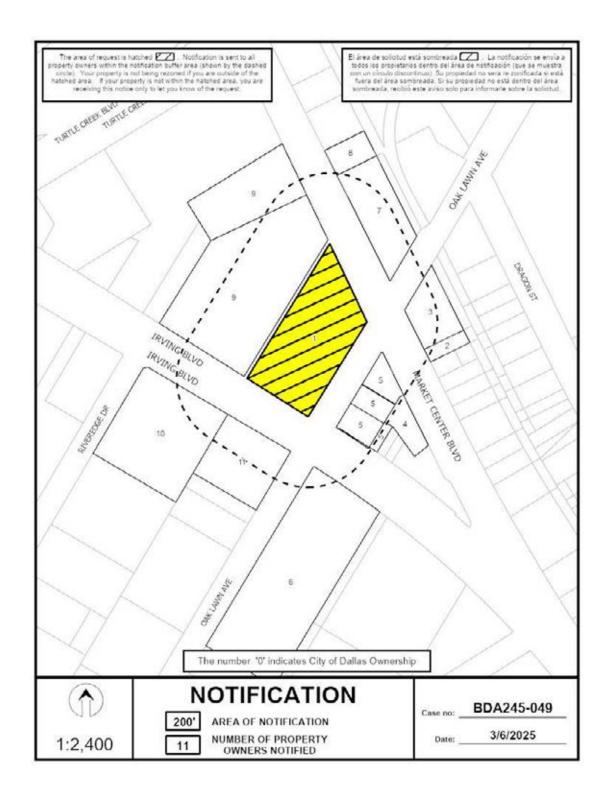
• 1:00 p.m., **June 6, 2025**, deadline to submit additional evidence

to be incorporated into the board's docket materials.

June 5, 2025: The applicant provided additional documentary evidence.





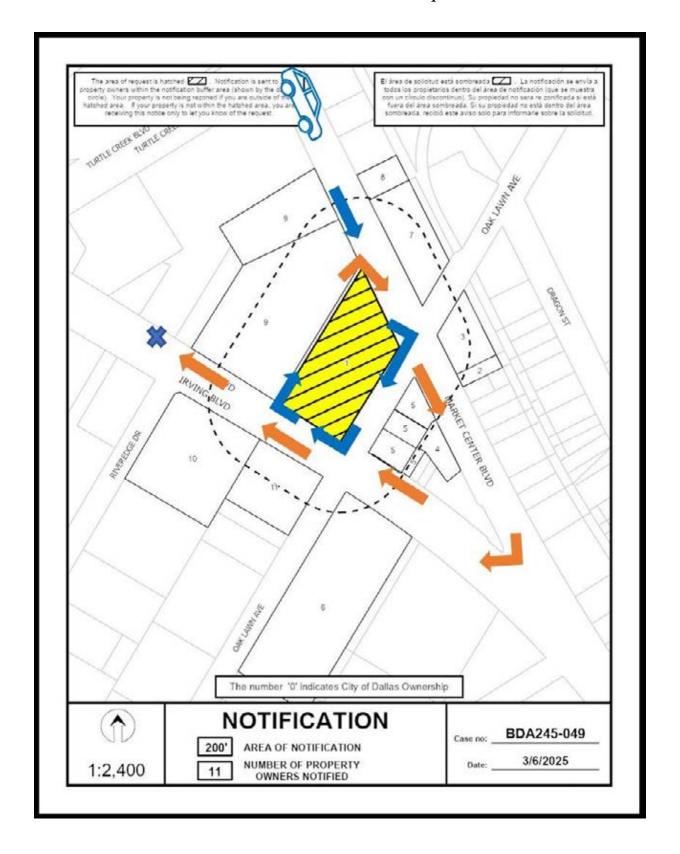


Notification List of Property Owners BDA245-049

11 Property Owners Notified

Label #	Address	0	wner
1	1201	OAK LAWN AVE DI	DD PORTFOLIO HOLDINGS LLC
2	1632	MARKET CENTER BLVD	1632 MARKET CENTER LLC
3	1634	MARKET CENTER BLVD	1634 MARKET CENTER LLC
4	1617	MARKET CENTER BLVD	CONSTANCE TRINITY TRIANGLE LTD
5	1639	MARKET CENTER BLVD	CONSTANCE TRINITY TRIANGLE LTD
6	180	OAK LAWN AVE JL	K LTD
7	1301	OAK LAWN AVE 13	01 OAK LAWN AVE LLC
8	1804	MARKET CENTER BLVD	AD SALUTEM INC
9	1715	MARKET CENTER BLVD	MARKET CENTER BOULEVARD
10	1729	IRVING BLVD W	KP1729 LLC
11	175	OAK LAWN AVE O	& S REALTY LLC

200' Radius Route Map



NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A) will hold a hearing as follows:

DATE: TUESDAY, JUNE 17, 2025

BRIEFING: 9:00 a.m. via Videoconference and in 6EN COUNCIL CHAMBERS at Dallas

City Hall, 1500 Marilla Street

HEARING: 1:00 p.m. Videoconference and in 6EN COUNCIL CHAMBERS at Dallas City

Hall, 1500 Marilla Street

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment: This case was held under advisement on May 20, 2025.

BDA245-049(BT) Application of Jonathan Vinson for (1) a special exception to the parking regulations at 1201 OAK LAWN AVENUE. This property is more fully described as Block 27/7889, part of Lot 1, and is zoned PD-621 Subdistrict 1, which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, an office use, and an office/showroom use and provide 73 of the required 135 parking spaces, which will require (1) a 62-space special exception (45.9% reduction) to the parking regulation.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at 6EN Council Chambers. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at https://bit.lv/BDA-A-Register by the 5 p.m. on Monday, June 16, 2025. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall.

Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner (214) 948-4502, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

https://bit.ly/boa0617

Board of Adjustment
Planning and Development Department
1500 Marilla Street 5CN, Dallas TX 75201

PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
Letters will be received until 9:00
am the day of the hearing.

PLEASE REGISTER AT: https://bit.ly/BDA-A-Register

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT
Case No.: BDA 245-049 E FEB 2 5 2025
Data Relative to Subject Property: Date: FOR OFFIGE USE ONLY
Location address: 1201 Oak Lawn Avenue Zoning District: PD 621 Subdistrict 1
Lot No.: 1 Block No.: 27/7889 Acreage: 1.789 ac Census Tract: 100.03
Street Frontage (in Feet): 1) 205.07 ₂₎ 314.42 ₃₎ 243.88 ₄₎ 5)
To the Honorable Board of Adjustment:
Owner of Property (per Warranty Deed): DDD Portfolio Holdings LLC
Applicant: Jonathan Vinson, Jackson Walker LLP Telephone: 214-953-5941
Mailing Address: 2323 Ross Avenue, Ste. 600 Zip Code: 75201
E-mail Address:jvinson@jw.com
Represented by: Jonathan Vinson, Jackson Walker LLPelephone: 214-953-5941
Mailing Address: 2323 Ross Avenue, Ste. 600 Zip Code: 75201
E-mail Address:jvinson@jw.com
Affirm that an appeal has been made for a Variance, or Special Exception X of parking regulations for
various uses, in accordance with PD 621 Section 51P-621-110(b)(2)(D).
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason: This application requests a Special Exception for a 50% reduction in the off-street parking requirements for various uses on the property; that is to provide 73 parking spaces of the required 145 parking spaces based on office/showroom and restaurant uses. In accordance wit Planned Development District No. 621, Section 51P-621.110(b)(2)(D), and Section 51A-4.311(a)(1) of the Dallas Development Code, the parking demand generated by the various uses does not warrant the number of off-street parking spaces required, and the proposed speces performed in the proposed speces of the space of the proposed speces of the proposed speces of the space of the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.
<u>Affidavit</u>
Before me the undersigned on this day personally appeared Tonathan G. Viuson
(Afriant/Applicant's name printed)
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property Respectfully submitted: (Affiant/Applicant's signature)
Subscribed and sworn to before me this day of February 2025
JOYLYN MARIE ADKINS Notary Public in and for Dallas County, Texas

DEVELOPMENT SERVICES • BOARD OF ADJUSTMENT | REV 01.16.2023

Notary Public, State of Texas Comm. Expires 06-29-2028

Notary ID 1417149

Building Official's Report

I hereby certify that JONATHAN VINSON

did submit a request for (1) a special exception to the parking regulations

at 1201 Oak Lawn Ave.

BDA245-049(BT) Application of Jonathan Vinson for (1) a special exception to the parking regulations at 1201 OAK LAWN AVENUE. This property is more fully described as Block 27/7889, part of lot 10t 1, and is zoned PD-621 Subdistrict 1, which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, an Office use, and an office/Showroom use and provide 73 of the required 135 parking spaces, which will require (1) a 62-space special exception (45.9% reduction) to the parking regulation.

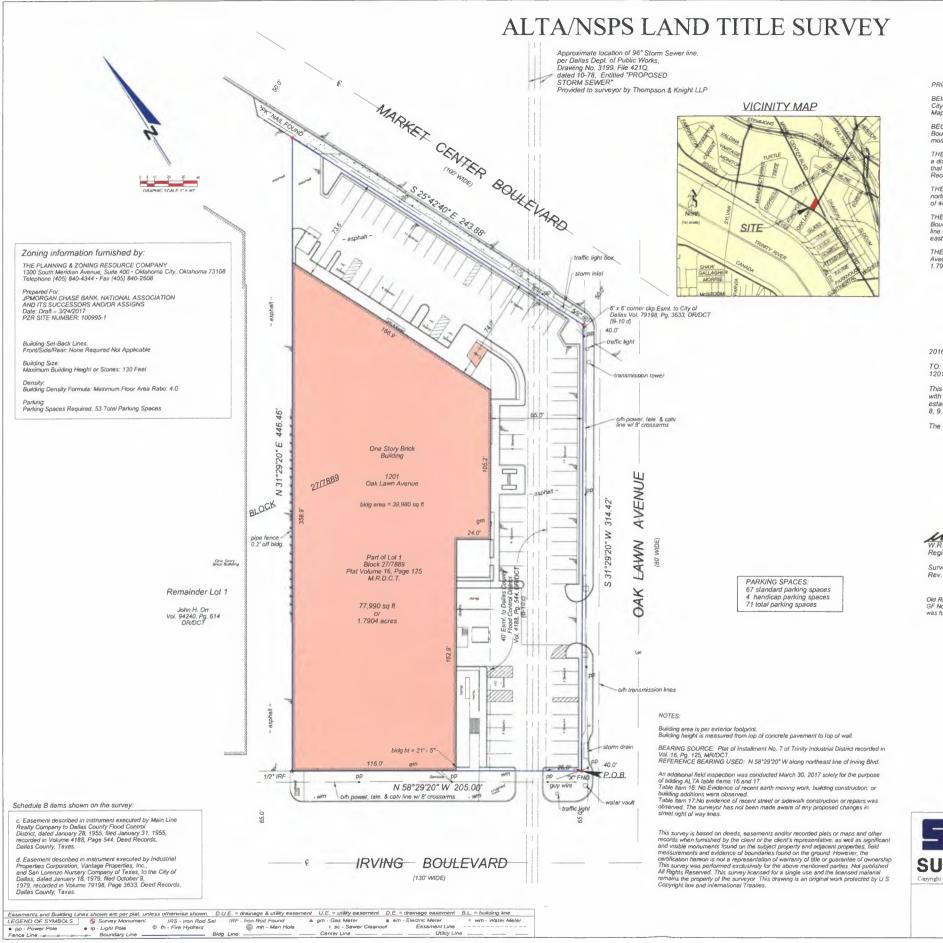
Sincerely,

M. Samuell Eskander, PE

Alleyway OFFICE / SHOWROOM 27,150 sf RESTAURANT 12,600 m 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 SCALE: 1"=50-0"

1201 Oak Lawn Avenue Parking Spaces

Oak Lawn Avenue



PROPERTY DESCRIPTION:

BEING a part of Lot 1 in Block 27/7889 of Installment No. 7 of Trinity Industrial District, an Addition to the City of Dallas, Dallas County, Taxas, according to the Map thereof recorded in Volume 16, Page 125, Map Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an "X" found in concrete walk at the intersection of the northeasterly line of Irving Boulevard (130 feet wide) with the northwesterly line of Oak Lawn Avenue (80 feet wide), same being the most southerly comer of said Lot 1;

THENCE North 58 degrees 29 minutes 20 seconds West along the northeasterly line of Irvang Boulevard, a distance of 205.00 feet to a 1/2 inch iron nod found for corner, same being the most southerly corner of that certain tract of land conveyed to John H. Orr. Jr. by Deed recorded in Volume 94240, Page 614. Deed Records, Dallas County, Texas;

THENCE North 31 degrees 29 minutes 20 seconds East passing through Lot 1 and parallel with the northwesterly line of Oak Lawn Avenue, and along the southeasterly line of said Orr tract, a distance of 446.46 feet to a "PK" nail found in the southwesterly line of Market Center Boulevard (100 feet wide):

THENCE South 25 degrees 42 minutes 40 seconds East along the southwesterly line of Market Center Boulevard, a distance of 243.88 feet to a 5/8 inch iron rod found at the intersection of the southwesterly line of Market Center Boulevard with the northwesterly line of Oak Lawn Avenue, same being the most easterly corner of Lot 1;

THENCE South 31 degrees 29 minutes 20 seconds West along the northwesterly line of Oak Lawn Avenue, a distance of 314.42 feet to the PLACE OF BEGINNING and containing 77,990 square feet or 1.7904 acres of land, more or less.

2016 ALTA CERTIFICATION

TO: Old Republic NationalTitle Insurance Company, Benchmark Title, LLC and Dunhill Partners, Inc., 1201 Oak Lawn Dunhill LLC, JPMorgan Chase Bank, National Association and its successors and assigns.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9,13, 14, 16 and 17 of Table Al thereof.

The field work was completed on February 9, 2017



Registered Professional Land Surveyor No. 203

Survey dated: February 13, 2017 Rev. February 21, 2017, March 28, 2017, March 30, 2017.

Old Republic NationalTitle Insurance Company, Benchmark Title, LLC GF No. PL17-19698 Effective Date: February 12,2017 was furnished to the surveyor



FEMA FLOOD MAP INFORMATION:

By graphical plotting the properly as shown hereon is not located in a designated flood hazard area, Zone AE (area of 100 year flood plain) as shown in Community Panel 48113C0340J of the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM), map effective date August 23, 2001.

This property is located in Zone *X*.

THIS AREA PROTECTED FROM THE 100-YEAR FLOOD BY LEVEE. DIKE OR OTHER STRUCTURE SUBJECT TO FAILURE OR OVERTOPPING DURING LARGER FLOODS





1201 Oak Lawn Avenue City of Dallas, Dallas County, Texas

Drawn by wrl

Job No. X36255



Jackson Walker LLP

Jonathan G. Vinson (214) 953-5941 (Direct Dial) jvinson@jw.com

April 3, 2025

By email to: <u>bryant.thompson@dallas.gov</u> and <u>diana.barkume@dallas.gov</u>

Hon. Chair and Members, Panel A
Zoning Board of Adjustment
c/o Mr. Bryant Thompson, Senior Planner
Department of Planning and Development
City of Dallas
1500 Marilla Street, Room 5CN
Dallas, Texas 75201

Re: BDA 245-049; Parking Special Exception; 1201 Oak Lawn Avenue.

Dear Members of the Board of Adjustment:

I. <u>Introduction; Description of Site.</u> We represent DDD Portfolio Holdings LLC ("DDD"), an affiliate of HN Capital Partners and the owner and manager of the property at 1201 Oak Lawn Avenue in the Dallas Design District. We are providing you with additional information to aid your understanding of the reasons for, and the context of, our parking special exception request to provide a total parking supply of 73 off-street parking spaces, an approximate 45.93 percent reduction from the otherwise-required 135 off-street parking spaces.

The subject site is 1.789 acres in size and is located at the west corner of Oak Lawn Avenue and Market Center Boulevard, and was developed in 1963, according to the Dallas Central Appraisal District. The property currently contains mostly office showroom/warehouse uses and restaurant use, all of which DDD intends to continue in some combination.

Attached for your reference are an aerial photograph of the site (highlighted in light green) and a few site photos. Also attached are a chart showing our mixed-use parking analysis, and our Parking Study and Analysis, as discussed in more detail below.

Our current site plan with current uses, and their respective square footages, is included in the attached Parking Study as Exhibit 1 to the Study. The use that carries by far the highest parking ratio is, of course, the restaurant use, so conceptually that would be the use to which the parking reductions primarily apply.

II. Our Request. Our request, then, in addition to the 45.93 percent reduction itself from 135 required parking spaces to 73 provided parking spaces, is for the overall reduction to apply site-

wide, so long as the specific shown restaurant use square footage is not exceeded on the site, with any and all other current and future uses otherwise allowed to locate anywhere within the site.

We will discuss below mitigation factors such as differing peak times; availability of other DDD-controlled properties for valet and remote parking; and the significant use of ride-sharing services. Moreover, also included is our mixed-use parking calculation, which shows that the above-referenced current parking requirement is based on peak usage, which is mainly driven by the restaurant use. At other times, there is very significant unused parking, as discussed in our Parking Study.

III. Parking Study and Analysis. As part of the application process we have provided a Parking Study and Analysis updated as of March 25, 2025, prepared by Mr. Lloyd Denman, P.E., former longtime Assistant Director of Engineering for the City of Dallas. A copy of that Parking Study and Analysis (the "Analysis") is attached to this letter. but the Introduction says that "HN Capital Partners owns 1201 Oak Lawn along with fifteen other Design District properties. HN Capital intends to revitalize 1201 Oak Lawn by repurposing some of the existing building space to additional restaurant use that will better utilize and balance the existing building and its existing parking. The introduction of some additional restaurant use is intended to be neighborhood-friendly and hospitality-centric for the Design District as a whole".

Other excerpts from the Analysis say the following: PD 621 allows for the accommodation of denser urban living that is less "car-centric" and the consideration of alternative modes of transportation that help reduce the need for parking.... Local observed parking data and recent mobility trends support the request as detailed below. Also, HN Capital will seek out nearby properties to determine if remote valet agreements may be reached to provide overflow parking should it be needed. HN Capital also owns other nearby properties that could provide evening overflow parking should it be needed.

Granting this request would not adversely affect neighboring property since parking is already prohibited along Oak Lawn, Market Center, and Irving Boulevard. There is also potential for "relief valve" parking available should the internal parking be exceeded by utilizing the surface parking lots on nearby properties. The proposed mix of uses for this existing site will be able to successfully accommodate parking demand for the higher percentage restaurant use without adversely impacting neighboring properties or the public streets.

There is adequate parking available to satisfy the City Code during mornings and afternoons for the office and showroom uses. The use of valet and alternative transportation modes can offset the evening restaurant peaks.

The parking reduction request is also supported by a walkability analysis of nearby residential units and current urban trend uses of alternative modes of transportation, like walking, bicycling, and Uber/Alto.

It is recommended that the existing 73 parking spaces for the current 1201 Oak Lawn site will be adequate to serve the proposed mix of Restaurant and Office/Showroom uses.... "Right-sizing" or "right-mixing" the proposed uses of this existing building to more fully utilize the

existing internal parking to its potential will not create a traffic hazard or increased traffic congestion on adjacent or nearby streets. No spillover effect of traffic or parked cars is expected to occur since valet parking will be available.

Mr. Denman's detailed, thorough, and thoughtful analysis from an objective engineering standpoint clearly supports our request.

IV. <u>Applicable Regulations</u>. The applicable regulations for a special exception to release parking in P.D. 621 are found both in P.D. 621 and in Chap. 51A, the Dallas Development Code. First, Sec. 51P-621.110(b)(2)(D) of the P.D. 621 regulations says that "the Board of Adjustment may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Sec. 51A-4.311".

Please bear in mind that the normal Chapter 51A maximum parking reduction for a special exception is 25 percent (or 35 percent for office uses — which, we would observe, demonstrates that even current Code recognizes that special exception parking reductions are frequently very justifiable for the office use, and more so than other uses). We would suggest that City Council saw fit to increase this threshold to 50 percent in P.D. 621 as a means of encouraging not just adaptive reuse, but also trying to avoid overparking, to maintain the fabric and context of this District, and to encourage walkability and a good pedestrian environment by not requiring excessive parking.

Sec. 51P-621.110(b)(2)(D) provides that "the board of adjustment may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Section 51A-4.311. The board of adjustment may impose conditions on the special exception".

Sec. 51A-4.311(a)(1) further provides that the board may grant a special exception to the off-street parking requirements "if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets". We believe that our request, as supported by our Analysis, clearly meets all of the criteria for the granting of our special exception request.

Further, Sec. 51A-4.311(a)(2) lays out the following criteria for the Board's consideration is reviewing such requests, with my comments in parentheses:

- (2) In determining whether to grant a special exception under Paragraph (1), the board shall consider the following factors:
- (A) The extent to which the parking spaces provided will be remote, shared, or packed parking. (HN Capital and its affiliates control numerous properties in the District which can work together to provide remote and/or shared parking).
- (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested. (This is covered in our Analysis, attached).
- (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district. (Not applicable).

- (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan. (The surrounding streets will have sufficient capacity).
- (E) The availability of public transit and the likelihood of its use. (DART bus lines are available in the area).
- (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness. (The sites will be able in most circumstances to utilize valet/remote parking and shared parking).

Please again note and consider that the applicant controls numerous properties in the area as shown on the area map included in our Analysis. The proposed reduction is a reasonable and evidence-based, data-driven reduction in the parking requirement, which will support continued adaptive reuse and quality development and placemaking.

V. <u>Further Discussion: P.D. 621; Current Parking Reform Efforts</u>. When the City first approved P.D. 621 in 2002, it was not completely certain that the P.D. would work for its intended purposes. The City deserves credit for getting the P.D. right for the most part and achieving its purpose of fostering in-context adaptive reuse in the Design District with, of course, some appropriate new development.

Part of the success of P.D. 621, we believe, is due to the P.D. having loosened somewhat the strict requirements for off-street parking found in other parts of the City. This is very appropriate and necessary for the adaptive reuse of existing buildings, and actually helps preserve those buildings and the larger context of the District. This is good place-making and supports the District's overall success.

However, since the adoption of P.D. 621, actual parking demand has changed considerably, especially in mixed-use, retail and restaurant, lodging, and office environments. The reduction in office usage, the advent of ride-sharing, and the greater walkability of the design District have all contributed to this. Continuing to adhere to off-street parking ratios which date back in some cases to 1965, or even before, fails to recognize the change in parking demand in 2024.

In fact, the City itself is far along in processing Development Code amendments to reduce off-street parking requirements to align more with current demand. I have attached the Department of Planning and Development's own summary, dated March 24, 2025, of the City Plan Commission's recommendation to the City Council, with some relevant points highlighted.

For many reasons, the current off-street parking requirements in P.D. 621, and elsewhere in the City, are obsolete and should be reduced. However, as amendments to Chapter 51A, it may be that such amendments, when finally adopted by Council, will not include Planned Development Districts, including P.D. 621.

In particular, given the City's efforts to update and modernize parking requirements (and we would note that, as amendments to the Development Code, these will not take effect in existing Planned Development Districts, even though that is where much of the development activity takes place) to align more with current parking demand, with many of these requirements having been

in place for 50 years or more, the requested reduction is completely reasonable and justifiable, and realistically aligns with project actual parking demand.

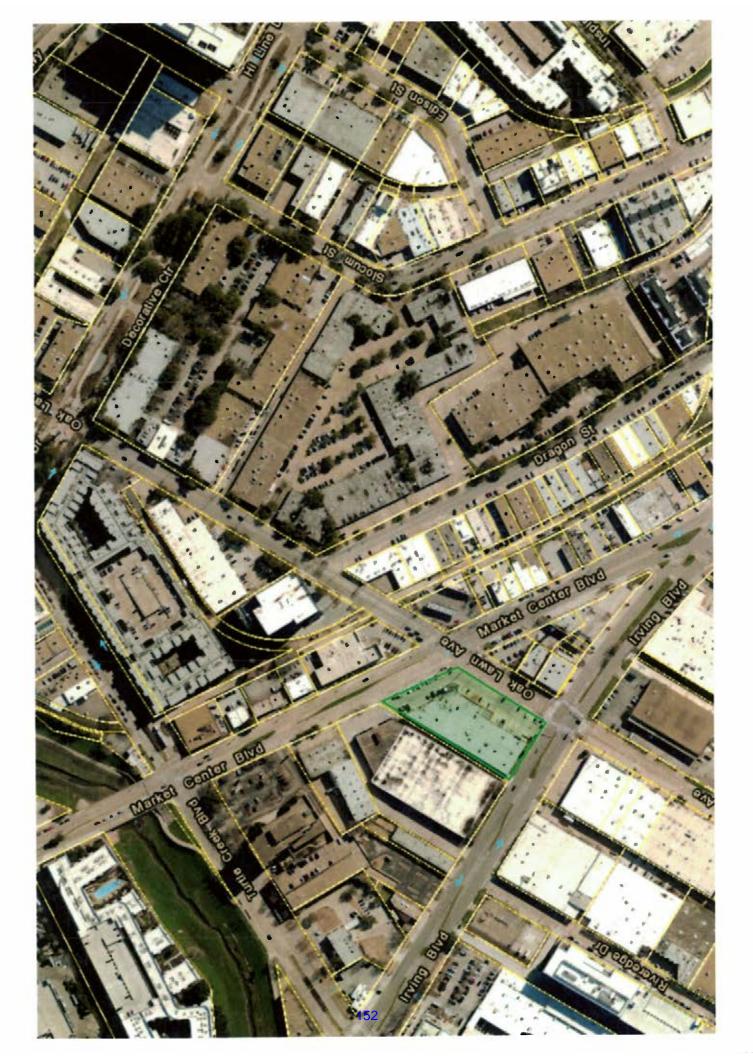
Having to provide excessive parking, which would result in a large number of empty spaces, is not only costly and wasteful in terms of the project itself but is unsustainable and has negative impacts on walkability and other factors.

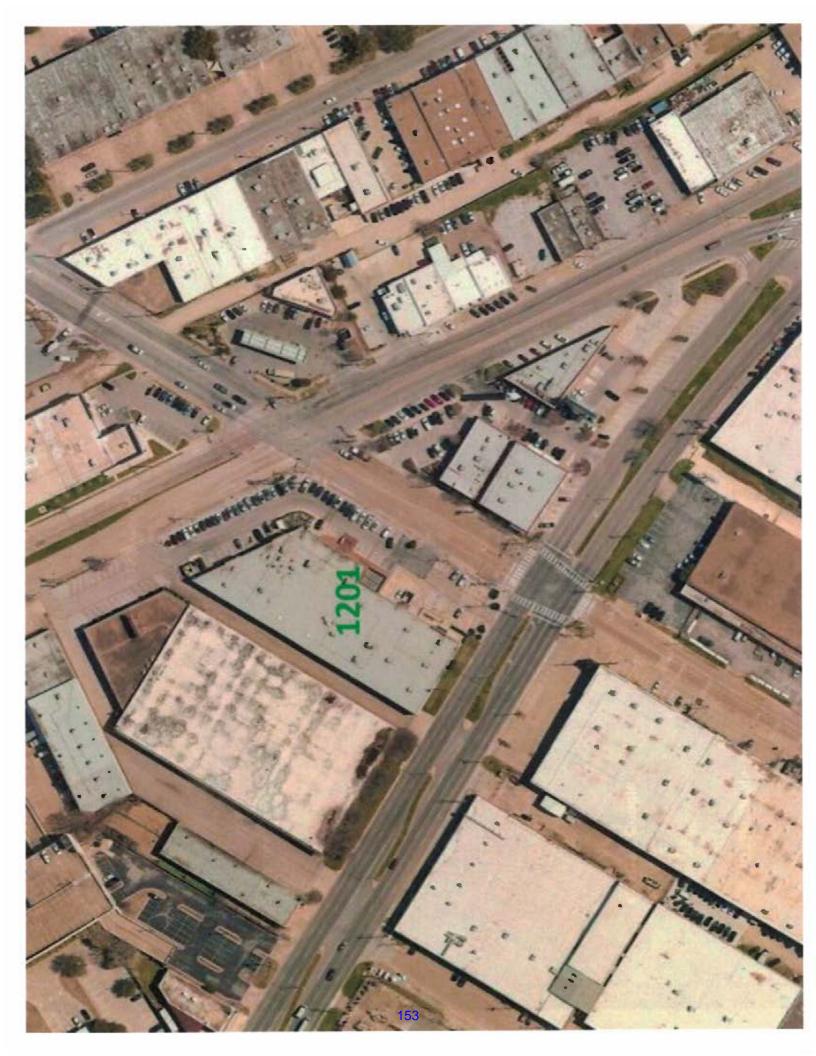
VI. **Conclusion.** The conclusion is clear based on this information that this request *meets the* standard for approval of a parking special exception, in that the parking demand generated by the use does not warrant the number off street parking spaces otherwise required, and the special exception will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

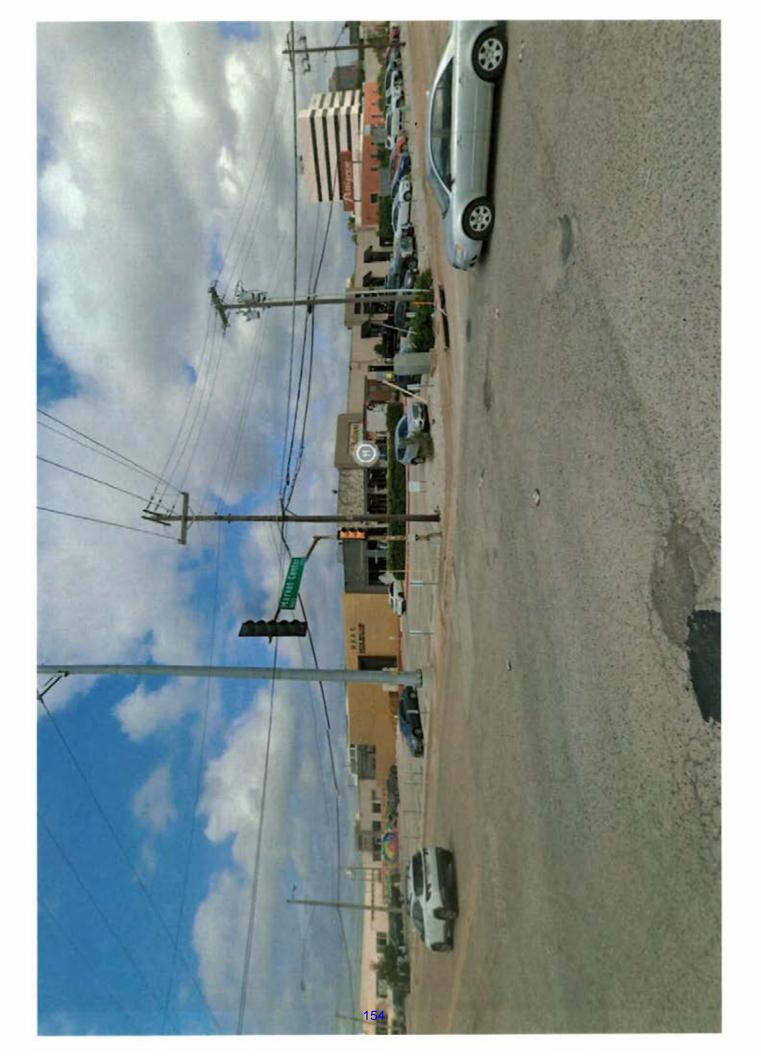
Since this request clearly meets the Development Code and P.D. 621 standards for approval, we will respectfully be asking that you approve our request. We look forward to appearing before you and answering any questions you might have, and we appreciate your time and consideration.

> Jonathan Vinson Very truly yours,

Vipin Nambiar cc: Adam Hammack Charlotte Carr Lloyd Denman, P.E. Suzan Kedron Will Guerin







City of Dallas PD 621 Shared Parking Chart for properties regulated by Dallas Development Code, Chapter 51A (for calculating adjusted standard parking requirement, REQUIRES PARKING AGREEMENT)

Address: 1201 Oak Lawn

	***************************************	Total SF	Parking	Parking Standard Parking			arking	3 Adjustn	Jent B	y Time o	f Day (Parking Adjustment By Time of Day (Weekday)	-	0
Use	Use Categories	(including vacancies)	Ratio	Requirement	Ψ	Morning	Z	Noon	Afte	Afternoon	ate /	ate Afternoon	Ē	Evening
	Multifamily # units	0	1.5	00 0	%08	J-	%09	,	%09		%02	-	100%	
	Office-related	0	358	0.00	100%	-	%08	•	100%	•	85%		35%	'
521	Retail-related	0	275	00.0	%09	-	%52	1	%02		%59	-	%02	'
	General merchandise	0	275	0.00	%09		75%	•	%02	-	92%		%02	
	Furniture store	0	000	00.0	%09		75%	-	%02	-	%59		%02	'
,	Bar & Restaurant (+outside seating)	12,600	105	120.00	20%	24.00	100%	120.00	30%	36.00	30%	36.00	100%	120.00
	Warehouse/Showroom up to 20,000SF floor				100%		75%		100%		65%		35%	
	area	20,000	1100	18.18		18.18		13.64		18.18		11.82		6.36
	Warehouse/Showroom above 20,000SF floor				100%		75%		100%		65%		35%	Ī
	area	7,150	4100	1.74		1.74		1.31		1.74		1.13		0.61
	Any other use	0	100	0	100%	-	100%		100%	-	100%	•	100%	
	Total SF (- residential)	39 750	100	140		44		135	Ĭ	99		49		12

Therefore, 135 is the parking requirement for 1201 Oak Lawn

MEMORANDUM

To: David Nevarez, P.E., PTOE, CFM

Transportation Development Services

City of Dallas

From: Lloyd Denman, P.E., CFM

Consult LD, LLC

Registered Firm F-23598

Date: March 25, 2025

Subject: Parking Study and Analysis for 1201 Oak Lawn

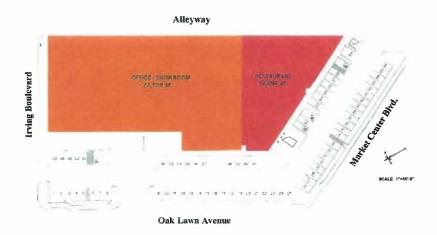
Introduction

1201 Oak Lawn is located on the west side of Oak Lawn between Market Center Blvd. and Irving Blvd. The property is zoned PD 621, Subdistrict 1, and is in the area known as the Dallas Design District. HN Capital Partners owns 1201 Oak Lawn along with fifteen other Design District properties. HN Capital intends to revitalize the 1201 Oak Lawn site by re-purposing some of the existing building space to additional Restaurant use that will better utilize and balance the existing building and its existing parking. The introduction of some additional Restaurant use is intended to be neighborhood friendly and hospitality centric for the Design District as a whole. The existing site consists of one irregular rectangle shaped building with a total of approximately 40,000 square feet of single-story space and 73 available parking spaces. (See **EXHIBIT 1 – Site Plan**) The new owner would like to utilize the allowances provided within PD 621 to reduce the required parking to be more efficient and balanced with best uses for the site and current neighborhood transportation trends. Parking observations made at a similar site adjacent to the east in October of 2024 are presented below along with additional justifications for this parking reduction request as provided by PD 621.

Proposed Uses and City of Dallas Code Requirements for Parking

The City of Dallas Development Code requires minimum parking associated with different land use types. PD 621 specifically allows "shared parking" to be considered as a percentage reduction of the required minimum parking for certain mixed uses. Note that the proposed use mix for this 1201 Oak Lawn site would be the maximum planned space for utilization of Restaurant that may not actually all be transitioned or leased in the proposed manner but is meant to represent what would be the densest future parking use mix. The calculated maximum parking for the proposed mix of uses is 135 spaces per City Code without the "Shared Parking Reduction". (See EXHIBIT 2 – Proposed Use Parking Chart) Note that the existing parking layout of 73 spaces is adequate for the morning and afternoon times of day per Code to accommodate the maximum proposed mix of uses when applying the "Shared Parking Reduction" table within PD 621.

EXHIBIT 1 - Site Plan



1201 Oak Lawn Avenue Parking Spaces Parking Counts
to Hendicap Species
4 Hendicap Species
73 Total Parking Species

This site plan shows the existing 73 parking spaces and the ultimate proposed uses for the existing building. The restaurant use will be valet parked. The existing restaurant use is 3250 square feet and may incrementally expand up to the requested maximum of 12,600 square feet.

EXHIBIT 2 - Proposed Use Parking Chart

Street No.	Street Name	Land Use	SQ FT	Parking Ratio	Shared Noon Required Parking	Total Parking Provided
1201	Oak Lawn	Office/Showroom	27,150	1sp/1100 SF & 4100 SF	15	
1201	Oak Lawn	Restaurant	12,600	1sp/105 SF	120	
			39,750		135	73

Note that the bulk of the parking demand is for the Restaurant use which typically peaks during weekend evenings. The restaurant use will be valet parked. The Office/Showroom use has plenty of daytime parking and is typically closed during the evenings.

PD 621 Allowance for Parking Reductions and the Owner's Request

The creators of PD 621 utilized good foresight for the zoning regulations back in 2002 realizing that the old parking minimums required for certain defined uses are not "one-size fits all". (See APPENDIX Articles on Parking) PD 621 allows for the accommodation of denser urban living that is less "car-centric" and the consideration of alternative modes of transportation that help reduce the need for parking. Specifically, the PD allows for "a special exception of up to 50 percent of the required off-street parking" to help "right-size" parking for dense urban projects. HN Capital would like to follow the PD 621 allowance language and request a reduction of 46% in parking requirements from the calculated requirement of 135 spaces to utilize the currently provided 73 spaces. Local observed parking data and recent mobility trends support the request as detailed below. Also, HN Capital will seek out nearby properties to determine if remote valet agreements may be reached to provide overflow parking should it be needed. HN Capital also owns other nearby properties that could provide evening overflow parking should it be needed.

1212 Oak Lawn and 1617 Market Center Blvd (Pie Tap and Town Hearth) Observed Parking Data (Oak Lawn/Market Center/Irving Blvd Triangle)

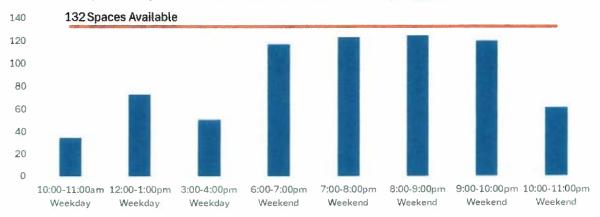
Exhibit 3, on the next page, illustrates observed parking during peak use times in October of 2024 for 1212 Oak Lawn and 1617 Market Center, a triangular shaped property, which has the Pie Tap and Town Hearth restaurants. The exhibit is annotated with comments about the observed parking data and what is proposed.

It is evident from the observed data that the adjacent Oak Lawn Triangle property is able to support two restaurants with its available parking and with the use of valet. It was observed while counting, and confirmed by the restaurant valet manager, that employee parking occupied a significant number of the available interior parking spaces (15% or more). It is recommended to consider more efficiently managing employee parking to provide more patron parking when needed. The Design District encourages a comprehensive neighborhood approach for all the property owners to work and cooperate together for mutual benefit. Note that adjacent properties with different owners have supported one another in parking reduction requests. (See APPENDIX mutual letters of support) This illustrates the synergistic goal of mutual benefit throughout the greater Design District. Granting this request would not adversely affect neighboring property since parking is already prohibited along Oak Lawn, Market Center, and Irving Blvd. There is also potential for "relief valve" parking available should the internal parking be exceeded by utilizing the surface parking lots on nearby properties. The proposed mix of uses for this existing site will be able to successfully accommodate parking demand for the higher percentage restaurant use without adversely impacting neighboring properties or the public streets. Utilizing valet service for the restaurant use helps ensure that parking needs are sufficiently and efficiently met.

EXHIBIT 3 - 1201 Oak Lawn: OBSERVED PARKING NEXT DOOR AND PROPOSED PARKING

Observed Parking Oak Lawn/Market Center/Irving Triangle

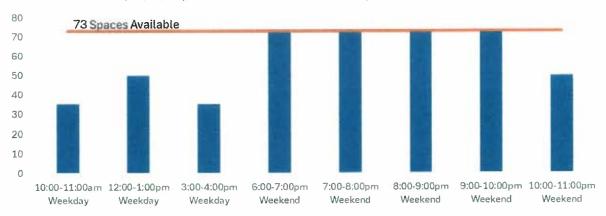
(10,248 sqft Merchandise&Service for 56%; 8,158 sqft restaurant for 44%)



Note that the Oak Lawn Triangle property with two restaurants, Pie Tap and Town Hearth, makes it work with the 132 parking spaces available. The valet manager said if the parking spaces ever happen to temporarily fill up the restaurant has a "relief agreement" with the property to the south which helps keep the valet parking operation smooth and consistent.

Proposed Parking 1201 Oak Lawn

(27,150 sqft showroom for 68%; 12,600 sqft restaurant for 32%)



The proposed mix of uses intends to fill the available parking during the weekend evening peaks for Restaurant use. There is adequate parking available to satisfy the City Code during mornings and afternoons for the Office and Showroom uses. The use of valet and alternative transportation modes can offset the evening restaurant peaks. Note that HN Capital will seek or provide on its own properties "relief valve" parking agreements that could be utilized for any overflow parking should it occur. As the owner of sixteen properties in the Design District, HN Capital is incentivized to balance and "right size" parking so that everyone benefits.

Walkability and Alternative Modes of Transportation

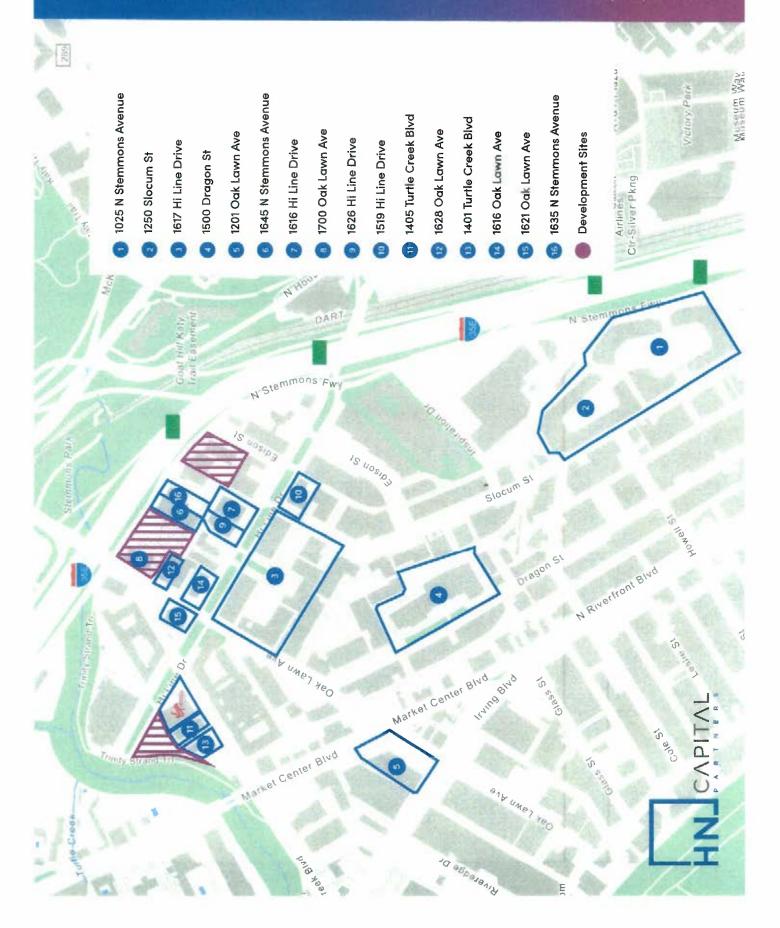
The parking reduction request is also supported by a walkability analysis of nearby residential units and current urban trend uses of alternative modes of transportation like walking, bicycling, and Uber/Alto. (See APPENDIX Walkability Study.) Note that the City of Dallas is currently considering reducing and/or eliminating parking requirements for some areas and uses. Although a reduction or elimination of parking requirements by the City of Dallas would not directly affect 1201 Oak Lawn since the parking already exists and the property is located within PD 621, it is still an indication that the old parking requirement ratios are excessive for dense urban living situations and with the newer alternative modes of transportation readily available.

Conclusion

Based on: (1) the observed parking data for similar uses adjacent to the site, (2) the allowances for parking reductions written into PD 621, (3) the utilization of valet to most efficiently park the site, (4) the potential for "relief valve" parking spaces in nearby surface parking lots for the overall benefit of the Design District, and (5) the current trends of more mobility choices and more dense urban living that together reduce the need for parking; it is recommended that the existing 73 parking spaces for the current 1201 Oak Lawn site will be adequate to serve the proposed mix of Restaurant and Office/Showroom uses. Furthermore, if the parking demand were to consistently exceed the 73 spaces provided and beyond what valet can accommodate, the greater risk would be loss of business to the site rather than any obstruction of the public right-of-way or creation of a traffic hazard since parking is internal to the site and is currently prohibited along Oak Lawn, Market Center, and Irving Blvd. The accommodation of shared parking, Uber/Alto and similar ride shares including the Virgin Hotel shuttle service, availability of pedestrian and bicycle trails, availability of remote parking lots within a ten minute walk, and the presence of newer dense inner-city residential developments that currently include 2000+ units within a ten minute walk of the subject site have all convened at this time to help reduce the need for parking and support the proposed mix of uses for 1201 Oak Lawn. The proposed plan to revitalize and repurpose the existing building of 1201 Oak Lawn and utilize the existing parking within the allowances of PD 621 will provide mutual benefits to the property owner/operator, the neighborhood, and the City of Dallas. "Right-sizing" or "rightmixing" the proposed uses of this existing building to more fully utilize the existing internal parking to its potential will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets. No spillover effect of traffic or parked cars is expected to occur since valet parking will be available.

APPENDIX

- HN Capital Property Ownership Map within the Design District
- Mutual letters of support for Parking Reductions
- Walkability Study within a five to ten-minute walking distance of 1201 Oak Lawn
- Annotated Articles: "The Parking Problem Why Cities Overbuilt Parking Spaces" 9-30-2023
 "Parking Generation... Park +" by Kimley-Horn May 2016



February 5, 2025

Dr. Kameka Miller-Hoskins, Chief Planner Zoning Board of Adjustment City of Dallas 1500 Marilla Room 5CN Dallas, TX 75201

Via email

RE: Pending applications at 1616 and 1626 Hi Line; 1617 Hi Line; and 1201 Oak Lawn Avenue

Dear Dr. Miller-Hoskins,

Please accept this support letter for the parking reduction requests at 1616 and 1626 Hi Line, 1617 Hi Line, and 1201 Oak Lawn Avenue. We understand they are separate requests intended for consideration in April 2025; our support applies to each request. The applicant, HN Capital, and their representatives have shared with us their request and plans for improving their property. As adjacent commercial property owners, we believe that their parking reduction request will benefit this area of the Design District.

We support the parking reductions requested for several reasons. HN Capital has successfully managed their properties in this area to bring valuable tenants and businesses to the Design District. As this area of the Design District has benefitted from the recent city investments in infrastructure, these improvements for sidewalks, streetscapes, and a hike/bike trail that connects to Victory Park/Downtown increase and enhance mobility options for visitors and residents. New developments and remodels have included a mix of land uses that are creating a dynamic neighborhood, as intended by the PD 621 Old Trinity Design District Special Purpose District zoning. We also understand the City of Dallas is considering Development Code revisions to the off-street parking requirements to align with current parking demand trends and promote use of other transportation options.

The proposed parking reductions are supported by a professional engineering analysis of the parking demand for these properties and the ability of HN Capital to manage the parking needs on their properties for the success of their tenants. We believe the requested reductions are reasonable and support the shared goal of continued improvement, adaptive reuse, and quality development of the Design District.

Sincerely,

Shyam Patel – Asana Partners 1444 Oak Lawn, LP

704.423.1660 | 2151 Hawkins Street, Suite 1100 | Charlotte, NC 28203

asanapartners.com



Jonathan G. Vinson (214) 953-5941 (Direct Dial) (214) 661-6809 (Direct Fax) jvinson@jw.com

August 16, 2024

Via Email

Ms. Cambria Jordan, CFM, MBA, PMP, Senior Planner Zoning Board of Adjustment City of Dallas 1500 Marilla Street, Room 5BN Dallas, Texas 75201

Re E

BDA234-091; 1444 Oak Lawn Avenue.

Dear Ms. Jordan:

Our firm represents HN Capital, which is the largest property owner in the Design District. HN Capital is pleased to be part of the ongoing success of the District, and we look forward to even more success for the entire District in the future. This letter is to express our *support* for the off-street parking special exception request being made under BDA234-091 at 1444 Oak Lawn Avenue, for the following reasons.

When the City first approved P.D. 621 in 2002, it was not completely certain that the P.D. would work for its intended purposes. The City deserves credit for getting the P.D. right for the most part and achieving its purpose of fostering in-context adaptive reuse in the Design District with, of course, some appropriate new development.

Part of the success of P.D. 621, we believe, is due to the P.D. having loosened somewhat the strict requirements for off-street parking found in other parts of the City. This is very appropriate and necessary for the adaptive reuse of existing buildings, and actually helps preserve those buildings and the larger context of the District. This is good place-making and supports the District's overall success.

However, since the adoption of P.D. 621, the world has changed even more with regard to parking demand. The reduction in office usage, the advent of ride-sharing, and the greater walkability of the District have all contributed to this. Continuing to adhere to off-street parking ratios which date back in some cases to 1965, or even before, fails to recognize the change in parking demand in 2024.

In fact, the City itself is in the middle of processing Development Code amendments to reduce off-street parking requirements to align more with current demand. For many reasons, the current off-street parking requirements in P.D. 621, and elsewhere in the City, are obsolete and should be reduced.

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We support reasonable and evidence-based, data-driven reductions in parking requirements where appropriate, in particular in P.D. 621, where such reductions will support continued adaptive reuse and quality development and placemaking, and we believe that to be the case with this request. We respectfully ask that you approve the applicant's request in this case. Thank you.

Very truly yours,

Jonathan G. Vinson

cc: Dr. Kameka Miller-Hoskins Jennifer Hiromoto Vipin Nambiar Adam Hammack Suzan Kedron

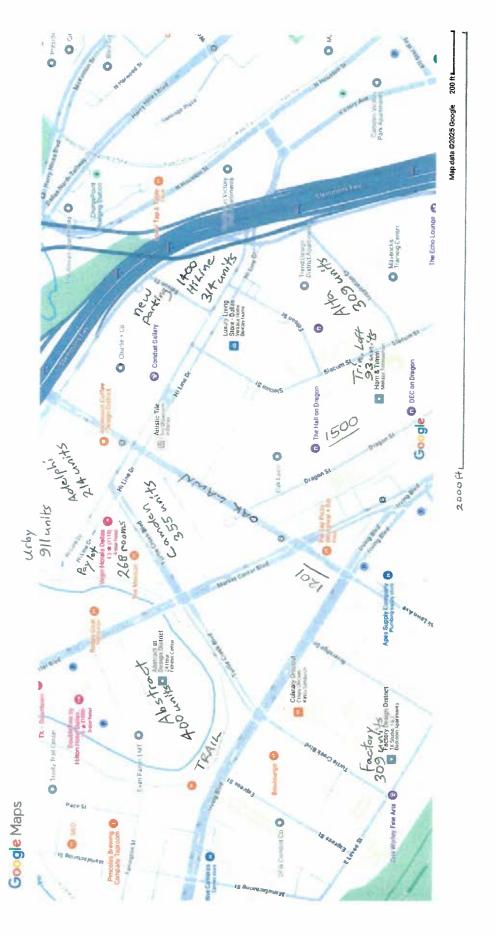
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WALKABILITY STUDY

According to statistics listed on the Dallas Design District Property Brochure, by "DunhillProperties.com", there are approximately 20,000 residents that live within one mile, or a 10 to 20 minute walk, of the Dallas Design District. Even closer to the heart of the Design District and to 1201 Oak Lawn, within a 5 to 10-minute walk or less, are eight large multifamily communities that total nearly 3000 units. Also, the Virgin Hotel with 268 rooms and a 75 space pay parking lot are within a 10-minute walk to 1201 Oak Lawn. (See annotated map attached) According to the Federal Highway Administration, "Most people are willing to walk for five to ten minutes, or approximately ¼ to ½ mile" to reach a destination. (See FHA Pedestrian Safety Guide attached)

The close proximity within a five to ten-minute walk of so many residential units and hotel rooms certainly helps decrease the parking demand for patrons that would frequent 1201 Oak Lawn for Restaurant uses. (Walk times were physically verified by Lloyd Denman, P.E. during the parking observations made in May 2024.) There is also a free hotel shuttle at the Virgin Hotel that ferries guests within a 3-mile radius of the hotel to and from restaurants and other attractions. In May of 2024, the shuttle attendant said the shuttle stays busy and a second vehicle should be added to the service.



Google Maps

2/5/25, 3:12 PM

Proximity Map Oak Lawn Residential 1201

U.S. Department of Transportation

Federal Highway Administration

1200 New Jersey Avenue, SE Washington, DC 20590 202-366-4000

Safety

Pedestrian Safety Guide for Transit Agencies

< Previous Table of Content Next >

Chapter 4: Actions to Increase the Safety of Pedestrians Accessing Transit

Understanding pedestrian characteristics and facilities (e.g., sidewalks, crosswalks, pedestrian signals, etc.) is an important step in providing safe access to transit systems. This section introduces basic pedestrian safety concepts to help readers understand issues, solutions, and resources that are presented in other parts of this guide. Concepts addressed in this chapter include:

- Typical walking distance to transit.
- · Motor vehicle speed and pedestrian safety.
- Pedestrian characteristics and behavior.

A. Typical Walking Distance to Transit

Most people are willing to walk for five to ten minutes, or approximately ½- to ½-mile to a transit stop (see figure below). However, recent research has shown that people may be willing to walk considerably longer distances when accessing heavy rail services. Therefore, in order to encourage transit usage, safe and convenient pedestrian facilities should be provided within ½- to ½-mile of transit stops and stations, and greater distances near heavy rail stations. Note that bicyclists are often willing to ride significantly further than ½-mile to access rail transit stations, so safe facilities should be provided for bicycling within a larger catchment area around transit hubs.

Transit route spacing and location are important considerations for pedestrian access to transit. For example, in a city with a regular street grid pattern of streets, appropriate stop spacing can be achieved when transit routes are spaced between ½- to 1-mile apart. If the stops on these

routes are spaced 1/8- to 1/4- mile apart, then a majority of the people in the neighborhoods served by the transit system will be within 1/4- to 1/2-mile of a transit stop. 70

B. The Effect of Motor Vehicle Speed on Pedestrian Safety

Pedestrians accessing transit stops and stations must often walk along or cross roadways that carry motor vehicle traffic. Pedestrians may feel less comfortable and safe as nearby motor vehicle speeds increase. The faster a driver is traveling, the more difficult it is to stop (see figure below). Larger vehicles, such as buses and trucks require even longer stopping distances.



The Parking Problem: Why Cities Overbuilt Parking Spaces

by Lauren Palmer | Sep 20, 2023 | Land Use, Transportation, Urban Planning | 0 comments

The <u>Institute of Transportation Engineers</u> (ITE) was founded in 1930 with the goal "to improve mobility and safety for all transportation system users and help build smart and livable communities." The idea behind the ITE was to help developers with roadway design, traffic management, and parking requirements. However, the ITE has created more problems, particularly when it comes to parking. For decades, the ITE recommended parking minimum requirements ill-suited for the municipalities implementing them.

The primary issue with parking recommendations from the ITE is that the studies they relied on were based on selective data. For instance, in the 1987, second edition of the ITE's Parking Generation, the ITE created half of their parking generation rates based on just four or fewer studies that were conducted in suburban areas. Researchers conducted these studies during times of peak parking demand and in areas where there was plenty of free parking and little to no use of public transit.

This led urban planners in cities to use suburban rates to set parking requirements that were incompatible with urban environments, resulting in excessive amount of parking in some areas. This created a circular planning process that has only exacerbated issues. It goes something like this:

- 1. The ITE published their findings in Parking Generation using the selective suburban data,
- 2. City urban planners set parking requirements based on those findings,
- 3. Developers implemented those parking plans,
- 4. The resulting ample supply of parking drove the price of parking in specifically designated lots down to zero,
- Because of the massive amount of land used to create these parking specifications, cities saw decreased walkability and density of facilities,
- The sprawl, combined with the plethora of free parking options, led to increased vehicle usage,
- 7. The increased parking demand again validated the ITE's findings.

And the cycle repeats. This process has, unsurprisingly, resulted in an overabundance of parking. In the United States, surface parking lots alone cover more than five percent of all urban land, representing an area greater than the states of Rhode Island and Delaware combined.

To be clear, the ITE is not solely to blame. As mentioned in *Rethinking A Lot*, urban planners and policymakers frequently rely on the recommendations provided by the ITE for parking requirements without ensuring their accuracy for their respective municipalities. The ITE has an inherent authority that makes planners regard its findings as valid, precluding in planners' minds the need for further inquiry. The use of ITE's manuals also allow public officials to avoid responsibility for excessive parking lots.

Due to a lack of planning and engaging the proper parties involved in parking use and development, inaccurate parking demands arise. While <u>urban planners</u> readily observe this problem, they often fail to take the necessary steps to actually address it. Even municipalities directly contribute to the overabundance of parking by offering free spaces, which inevitably fill up quickly, and then opting to add more parking, which creates an overabundance without addressing the root problem.

Municipalities also look to other authorities, such as the <u>Urban Land Institute</u> (ULI) for parking guidance. However, the ULI has many of the same problems as the ITE. ULI reports have recommended an excessive amount of parking, with some ULI reports calculating a "need" for more spaces than ITE reports. Municipalities cannot blindly rely on these institutions to supply perfectly accurate data. Municipalities need to measure parking demands with the "ongoing data analysis, community assessment, and demand analysis" that is most relevant to them.

The ITE, recognizing that municipalities still rely on its findings, is also attempting to fix the situation by adapting and changing the new *Parking Generation* manuals. The most recent, the 2019 *Parking Generation Manual*, features land use descriptions and data plots of a variety of available land uses, time periods, and independent variables in the ITE database. The parking database is now broken up into settings that include "Multi-Use Urban" and "Center City Core," which work to pinpoint the most relevant studies for specific cities' needs. The goal of this manual is to help describe the relationship between parking demand and the characteristics of the individual development site.

Donald Shoup, Professor in the Department of Urban Planning at UCLA, recommends that the ITE follow in the footsteps of the British counterpart to *Trip Generation*, the "Trip Rate Information Computer System." This system gives information about the characteristics of every surveyed site and its surroundings, which would allow municipalities to use comparable sites before making land use decisions.

Despite the empirical evidence surrounding the overabundance of parking, as well as its deleterious environmental effects, few municipalities are changing parking requirements and financers still pass on projects that "don't have enough parking," even with the new ITE recommendations.

One successful technique is shared parking, a parking management tool that communities can employ when setting parking requirements. Different types of land uses attract customers, workers, and visitors during different times of the day, which results in differing peak parking demand hours for the related land uses. Shared parking takes advantage of these varying demand patterns and allows adjacent land uses with complementary peak demands to share a parking lot space. This not only encourages centralized parking rather than scattered lots, but also reduces overall construction costs which could greatly benefit both municipalities and developers.

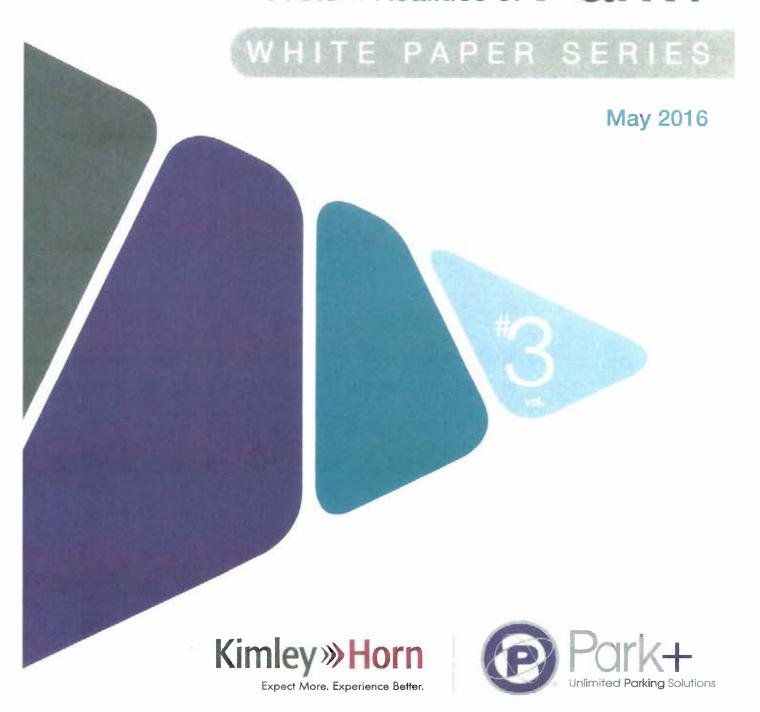
Several municipalities have implemented shared parking, including Ventura, CA which has a zoning ordinance that permits different land uses to have shared parking because of opposite peak parking demand periods. The shared parking is allowed to satisfy one hundred percent of the minimum parking requirements for each land use. Similarly, North Kansas City, MO, by permit, allows a reduction of the number of parking spaces multi-use developments need to have if they have different peak parking demand periods.

Finally, in **West Hartford, CT**, the zoning code provides an alternative method of meeting parking requirements. So long as the applicant seeking to enter into a shared parking agreement can prove the lot would be convenient for all parties and would not cause traffic congestion, it can get approved. The municipality has since consolidated many parking lots down for shared use.

To truly reverse the detrimental impacts of the old ITE reports on the development of cities, urban planners and lawmakers will need to implement a multi-faceted approach. In addition to conducting their own parking studies based on the proposed uses and characteristics of the community, urban planners and lawmakers should focus on enhancing multi-modal transit and implementing shared parking. Parking minimums need to be eliminated and more parking maximums need to be developed. Focusing on the parking demands of individual development sites will help stop the cycle of creating unnecessary parking and meet parking demands in a smarter and more efficient manner.

Parking Generation—

Replacing Flawed Standards with the Custom Realities of Park+



PARKING GENERATION -

Replacing Flawed Standards with the Custom Realities of Park+



Introduction

For the longest time, our industry's approach to defining "How much parking?" has been relegated to the use of national parking requirement standards, either from the Institute of Transportation Engineers (ITE), Urban Land Institute (ULI), or local code requirements. Anyone who has read the workings of Donald Shoup, or more recently Richard Willson, knows the fallacy in using these sources when designing downtown or campus parking systems.

National parking requirement standards are based on outdated and underrepresented data, which tend to skew wildly from the actual parking needs of
a community. In my years as a parking consultant, I've very rarely completed
a single downtown parking study where the peak observed parking demands
consumed the majority of the total parking spaces. A study completed in Dallas a
few years ago yielded some 30,000 empty parking spaces at peak. Similar results
were found in Atlanta, Houston, St. Petersburg, Seattle, and the list goes on.
When communities plan downtowns based on outdated suburban design
standards, we achieve the same inevitable results—empty, restricted parking

areas that deaden the density, walkability, and vitality of urban areas.

The parking quantity question is always a challenging exercise, especially when we try to solve it using inaccurate data. Most times, we rely on outdated data that doesn't truly represent the real context of our downtowns. As more and more people migrate to urban areas, the dynamics of how they get around and their relationships with cars change. As such, we've seen a drastic downshift in the need to provide parking. But our planning tools have not evolved to better align with this shift.

Equally challenging is deciding how the parking characteristics in one community compares to another community. In reality, it's hard to define how one neighborhood acts compared to another. Here in Phoenix, the Roosevelt neighborhood, home to the area's up-and-coming artists and requisite "hipsters," enjoys a higher amount of transit, walking, and cycling than most other parts of the city. In turn, the overall demand for parking is lessened as area residents and patrons find other ways to access the uses within the area. In my neighborhood, you almost can't survive without the use of a car to work, shop, and play. This variability exists in every city and is the reason it's absurd to continue leaning on archaic, cookie-cutter methods to plan for parking.

This question is the central reason we created Park+ — to find a way to localize the analysis of parking demand and challenge the conventional notion that all parking demand is created the same. Within this white paper we summarize the findings of the first five years of Park+ modeling and define the dynamic nature of each community served. In our time developing, testing, and applying this model, we have encountered an incredible diversity of data and outcomes in each community. In the following sections, we'll walk through those results, as well as the more global movement afoot in our industry.

Kimley » Horn

PARKING GENERATION -

Replacing Flawed Standards with the Custom Realities of Park+



Unfortunately, those data points are routinely applied in areas they should not be. I've seen exercises where entire swaths of a downtown are planned with these metrics, resulting in over-built facilities. In some cases, it's a lack of understanding of the context the development is occurring in. In other cases,

it's a requirement of financial institutions that are backing a development. Whatever the cause, a better understanding of the true dynamics of a development and the area it serves produces better results.

In recent years, urban planners have begun to lean more and more on these decisions as a primary reason that downtowns and communities don't work. One of my favorite terms in the industry is the "parking crater," which was coined by the website Streetsblog and its editor Angie Schmitt. In fact, that website holds an annual March Madness tournament, with a full-on bracket to determine the worst parking crater of that year. The parking crater is a portion of a downtown that has been hollowed out by the presence of large surface parking lots. Whether these are highly or poorly utilized, they deaden a downtown, its walkability, and most importantly its viability.

If asked, many people would say the provision of ample parking makes our cities more desirable. But in fact, ample parking promotes single occupancy vehicle trips and impedes the ability for our communities to develop and grow. Pedestrian walkability, dense design, and connectedness are extremely important for the success of a community. Large areas of parking tend to counter these tenets and disrupt the ability for a community to work properly. This is only exacerbated by the over-provision of parking.

Clearly, something must be done...

Right-Sized Parking

Recently in the planning arm of the parking industry, we've seen a very distinct shift toward finding the right amount of parking for a downtown, campus, study area, development, etc. This movement is aptly dubbed the Right-Sized Parking movement. The name speaks for itself, as the intent is to determine the correct amount of parking to serve an area without over- or under-burdening area patrons.

Too much parking tends to be an expensive endeavor. In today's world where more and more parking is found in consolidated structures, the cost to build a single space can range from \$8,000 to \$40,000, or more. This price is astronomical and is a primary contributing reason that rents are increasing and the cost of living in urban areas is skyrocketing. In King County¹, WA, a recent study searched to find the answer to the right-size for multi-family housing parking. The result of that large-scale effort was...it depends.

Kimley »Horn

¹Visit rightsizeparking.org to learn more and to play with their awesome right-size parking calculator

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That result may seem nebulous, but in reality it's the most accurate response that could have emerged from such a study. The data indicated that a number of factors—location, access to transit, employment density, walkability, population demographics—were responsible for the parking demand characteristics of a multi-family development. In short, people tended to adapt to their environment, and their driving (and car ownership patterns) adapted right along with them.

Unfortunately, in a lot of those instances, the provision of parking did not adapt. Instead, developers continued to provide parking as if every location was the same, and the result was a high amount of underutilized parking. The data showed that in the heart of Seattle (the most urbanized area in the county), the parking demand was at or below 0.5 spaces per unit. In the far reaches of the county, the ratio was closer to 1.5 spaces per unit.

This analysis has borne some incredible outcomes. First, many developers in the King County area have begun to lessen their parking capacity as a result of this analysis, basically "right-sizing" their supply. That in and of itself is a win and would deem the effort a success. However, the study also pushed communities in the King County area to reassess their parking requirements, helping to define right-sized parking at the review level. Even more incredibly, King County transit has now begun to pursue empty parking spaces in multi-family housing complexes to serve as park-and-ride spaces for transit riders.

It's very exciting to see the results coming out of King County.

They spent a tremendous amount of time and effort to collect viable data and determine how their community works. The project was well funded by the Federal Highway Administration and led by a brilliant young planner² whose mission is to prove the fallacy of poor parking planning. But how about the communities not funded by FHWA...how do they learn more about the true nature of their parking systems?

Park+ and Right-Sized Parking

Park+—the Kimley-Horn parking scenario planning tool — was created with the intention of right-sizing parking in the communities we serve. The model is built on an algorithm that matches parking demand with land uses to more accurately depict parking behavior. Previous white papers (xxx) have depicted how this relationship works, but in simplistic terms, we match parking demand to its origin using localized data. The result is a much more accurate depiction of parking demand in the environments our models serve.

The primary output of a calibrated Park+ dataset is a unique set of parking generation characteristics that represent the dynamic nature of a community. These results differ from community to community and are a direct reflection of the areas they serve. The following tables and figures provide a representative sample of parking demand characteristics and geographic demand metrics. These are only representative in nature, but show the varied results that come from Park+ modeling exercises.

Kimley »Horn

3 833

111

4 WHITE PAPER #3

² Dan Rowe of King County Metro. If you ever meet him at a conference, engage him about parking...you won't be sorry.

Summary:

City Plan Commission recommendation regarding

DCA190-002 Off-Street Parking & Loading Code Amendment

Background:

On March 20, 2025, the City Plan Commission voted to recommend the Off-Street Parking & Loading Code Amendment proposal to the City Council.

The Zoning Ordinance Advisory Committee ("ZOAC") had previously recommended removing all minimum parking requirements for all land uses citywide. The CPC debated this recommendation at five meetings from November 2024 through March 2025, voting to amend it in several ways.

Summarized proposal:

Notable updates to our current parking minimums include:

- Transit-Oriented Development and Downtown: No minimums for any use within ½ mile around rail stations or downtown
- Office and retail: No minimums for office uses and most retail
- Industrial and Commercial: No minimums for industrial, commercial, and business service uses except when contiguous with single-family uses
- Single-family and duplex: Reduced minimums for single-family and duplex uses to 1 space per dwelling unit
- Multifamily: Reduced minimums for multifamily uses to ½-space per dwelling unit plus guest parking, and added requirement of 1 loading space for larger multifamily
- Bars, restaurants, and commercial amusement: Reduced minimum for seating and sales areas to 1 space per 200 square feet, plus additional reductions
 - Bars and restaurants in buildings under 2,500 square feet: No minimums
- Designated historic buildings: No minimums for buildings designated at the city, state, or national level as historically significant, except when used as a bar, restaurant, or commercial amusement land use.
- Places of worship under 20,000 square feet: No minimums
- Lower Greenville: Parking ratios for selected uses generally will not apply to Lower Greenville areas covered by the Modified Delta Overlay MD-1.

Below is a table describing the changes in more detail.

Topic	Impact	Results (summarized)	Current code (summarized)
TOD & Downtown	Removed	 No parking for any use within ½-mile of light rail and streetcar stations CA (downtown) districts 	No exception for rail proximity 1 space per 2,000 sf, with exceptions for buildings built prior to 1967 and ground-floor retail under 5,000 sf
Office uses	Removed	No minimum parking requirement	1 space per 200 or 330 square feet
Single-family & Duplex	Reduced and standardized	1 space per dwelling unit	1 space per single-family dwelling unit in R7.5(A) and R5(A) 2 spaces per dwelling unit for all other single-family and duplexes
		½-space per dwelling unit	1 space per bedroom
Multifamily (parking)	Reduced	Graduated guest parking requirement	0.25 guest spaces per dwelling unit
Multifamily (loading and short-term)	Added	Show plans to manage loading and short-term drop-off for any development 1 loading space required over 150 dwelling units	No loading required
Hotel (loading and short-term)	Reduced	Show plans to manage loading and short-term drop-off for any development 1 loading space required for hotels over 80 guest rooms	Graduated requirement beginning at 10,000 square feet
Bars and restaurants	Reduced	No minimum for buildings up to 2,500 sf For buildings over 2,500 sf, 1 space per 200 sf for sales and seating area Variety of lighter minimum storage and manufacturing area)	
Commercial amusement Reduced and (bowling alleys, standardized dance halls, etc.)		1 space per 200 square feet	Variety of minimums per type

Industrial uses Commercial service and business uses (truck sales, medical laboratory, furniture repair, etc.)	Geography limited	Reduced minimums apply when contiguous with single-family properties; no minimums elsewhere	Minimums apply anywhere the use is permitted			
Designated historic buildings	Mostly removed	No minimums, except 1 space per 200 square feet for bars, restaurants, and commercial amusement uses within 300 feet of single-family with reduction option through SUP.	No exemptions for historic buildings			
Places of worship	Reduced	No minimums for places of worship less than 20,000 square feet of floor area	All places of worship are subject to parking minimums			
Mixed Income Housing Density Bonus	Parking bonus reduced to zero	Zero minimum parking required when providing mixed income units	½-space per unit required when providing mixed income units			
Geographic exceptions	No change for MD-1 Overlay	Properties subject to the MD-1 Modified Delta Overlay will keep minimums for selected uses.				
	Limiting driveway entrances for 1- through 4-unit residences					
	Requiring pedestrian path through large parking lots					
Design standards	Prohibiting surface water drainage across sidewalk surfaces					
-	Simplified loading standards					
	Allowing parking lot entrances on any alley for any use					
	Increased bicycle parking amount requirements					
Bicycle parking	Clarified design and locational standards					
Shared loading Adding the opportunity for a shared loading agreement						

Jackson Walker LLP

Jonathan Vinson (214) 953-5941 (Direct Dial) jvinson@jw.com

May 9, 2025

By email to: <u>bryant.thompson@dallas.gov</u> and <u>diana.barkume@dallas.gov</u>

Hon. Chair and Members, Panel A Zoning Board of Adjustment c/o Mr. Bryant Thompson, Senior Planner Department of Planning and Development City of Dallas 1500 Marilla Street, Room 5CN Dallas, Texas 75201

Re: BDA 245-049; Parking Special Exception; 1201 Oak Lawn Avenue; and BDA 245-050; Parking Special Exception; 1500 Dragon Street.

Dear Members of the Board of Adjustment:

Introduction. This letter is intended to supplement the information we provided to you, through the City Staff, previously on our two above-referenced requests. While we would refer you back to our previous letters and information packets on these cases, we wanted to provide you, in a concise format, with some additional ideas we have on these cases and which we would respectfully ask that you consider at our upcoming May 20 hearings on these cases.

We listened very carefully to the thorough discussion of these items at the April 15 hearings, and we have discussed them further within our team. While we continue to believe that these requests meet the required standard (as discussed below) and merit approval, we have done more work on these and offer the following ideas for your consideration, bearing in mind that Board applications may be approved with conditions, as provided for in the Development Code.

II. <u>Potential Additional Conditions</u>. For **1201 Oak Lawn**, we would reiterate that we control numerous properties in the Design District (map attached, which you have seen previously). We are also in discussions with the ownership of Apex Supply Company at 180 Oak Lawn (a daytime business open only from 7:00 A.M. to 5:00 P.M.), which is only 150 feet away across the Oak Lawn-Irving Boulevard intersection, for the leasing of a number of parking spaces to be determined (aerial photography shows 30 striped spaces on that site), although we maintain that the number of spaces to be provided on site (73 provided, out of 135 required, a 45.9 percent reduction) is more than sufficient.

With respect to our request at **1500 Dragon** (to provide 177 spaces, out of 300 required, a 41.0 percent reduction), DDD Property Holdings, LLC, a related entity, owns the Dallas Design

Center at 1025 North Stemmons/1250 Slocum, which can easily be utilized for overflow/valet parking to serve 1500 Dragon Street as needed. The uses in the Dallas Design Center (site plan attached) are almost entirely daytime, low-parking demand uses, and we can easily "share" parking there for valet service for evening peak uses (restaurants), potentially up to 50 additional spaces. As stated above, HN Capital-related entities also control numerous other Design District properties which can be used for this purpose.

- III. Reassessment Condition. In addition, in some parking reduction requests at the Board, a condition has been included to require a follow-up assessment at a specific point in time to determine if the parking reduction is working as planned or if further action is needed. We are amenable to such a condition on each of these cases, and we would suggest an 18 month reassessment target date.
- **IV.** The Special Exception Standard and How We Meet It. Sec. 51P-621.110(b)(2)(D) provides that "the board of adjustment may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Section 51A-4.311. The board of adjustment may impose conditions on the special exception".

Sec. 51A-4.311(a)(1) further provides that the board may grant a special exception to the off-street parking requirements "if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets". We believe that our requests, as supported by our Analysis, clearly meet all of the criteria for the granting of our special exception request.

Please again note and consider that the applicant controls numerous properties in the area as shown on the area map included in our Analyses. The proposed reductions are reasonable and evidence-based, data-driven reductions in the parking requirements, which will support continued adaptive reuse and quality development and placemaking.

In particular, given the City's efforts to update and modernize parking requirements (and we would note that, as amendments to the Development Code, these will not take effect in existing Planned Development Districts, even though that is where much of the development activity takes place) to align more with current parking demand, with many of these requirements having been in place for 50 years or more, the requested reduction is completely reasonable and justifiable, and realistically aligns with project actual parking demand. If not for the fact that we are in a P.D., we might not even need to make these requests.

Having to provide excessive parking, which would result in a large number of empty spaces, is not only costly and wasteful in terms of the project itself but is unsustainable and has negative impacts on walkability and other factors. Finally, the Applicant owns and manages these properties for the long term, representing a huge investment in the Design District. We need and want for the parking to work for the benefit of all – vacant or dysfunctional space is first and foremost bad for us.

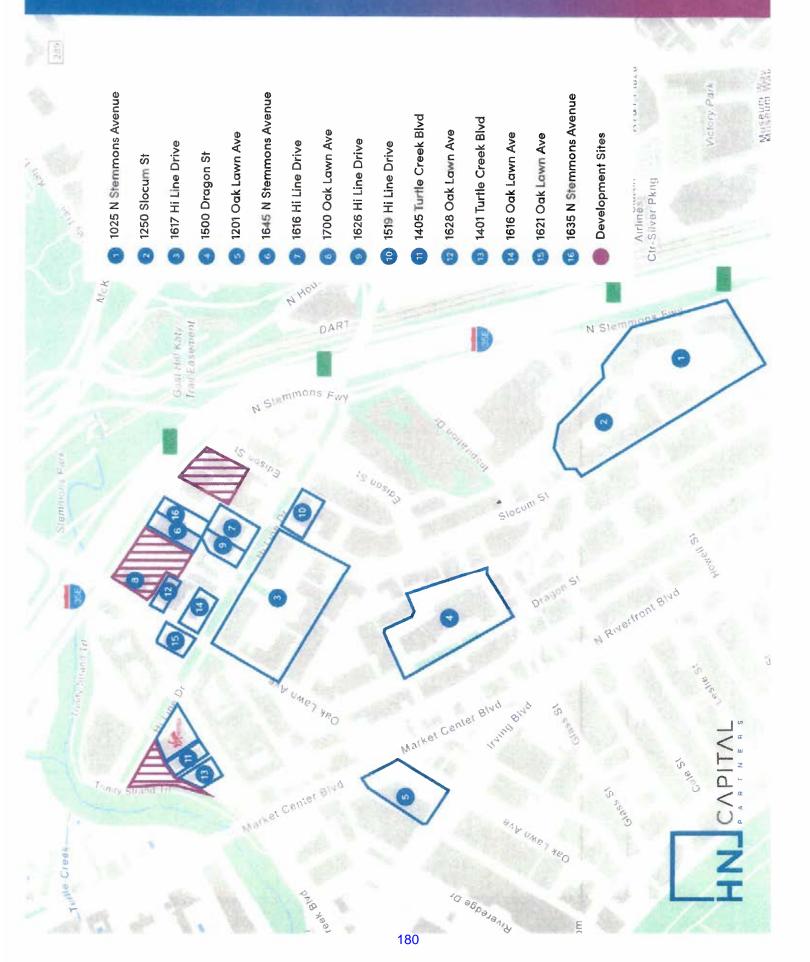
V. <u>Conclusion</u>. The conclusion is clear based on this information that these requests *meet* the standard for approval of parking special exceptions, in that the parking demand generated by the uses do not warrant the number off street parking spaces otherwise required, and the special exceptions will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

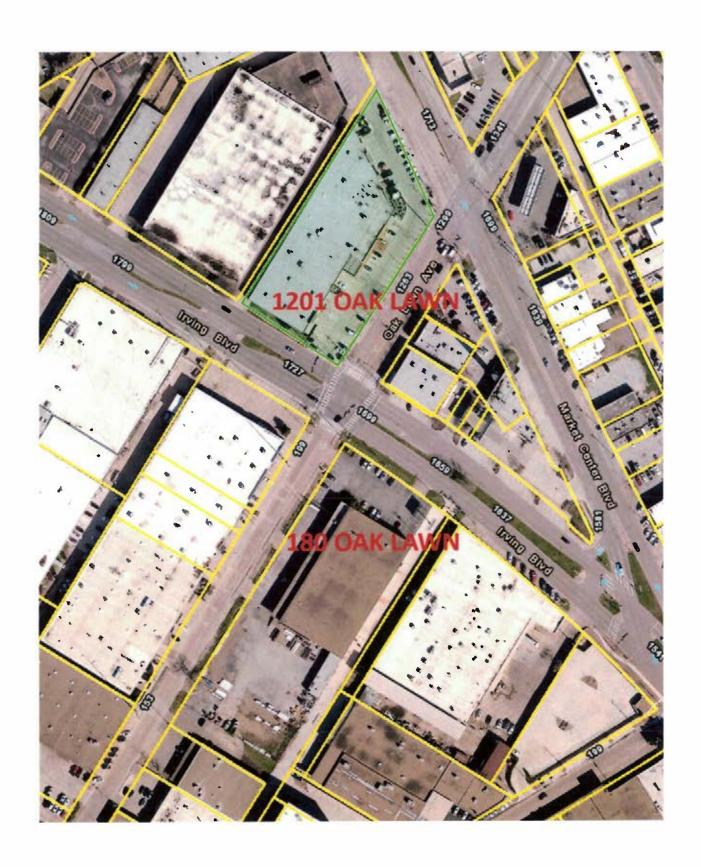
Since these requests clearly meets the Development Code and P.D. 621 standards for approval, we will respectfully be asking that you *approve* our request. We look forward to appearing before you and answering any questions you might have, and we appreciate your time and consideration

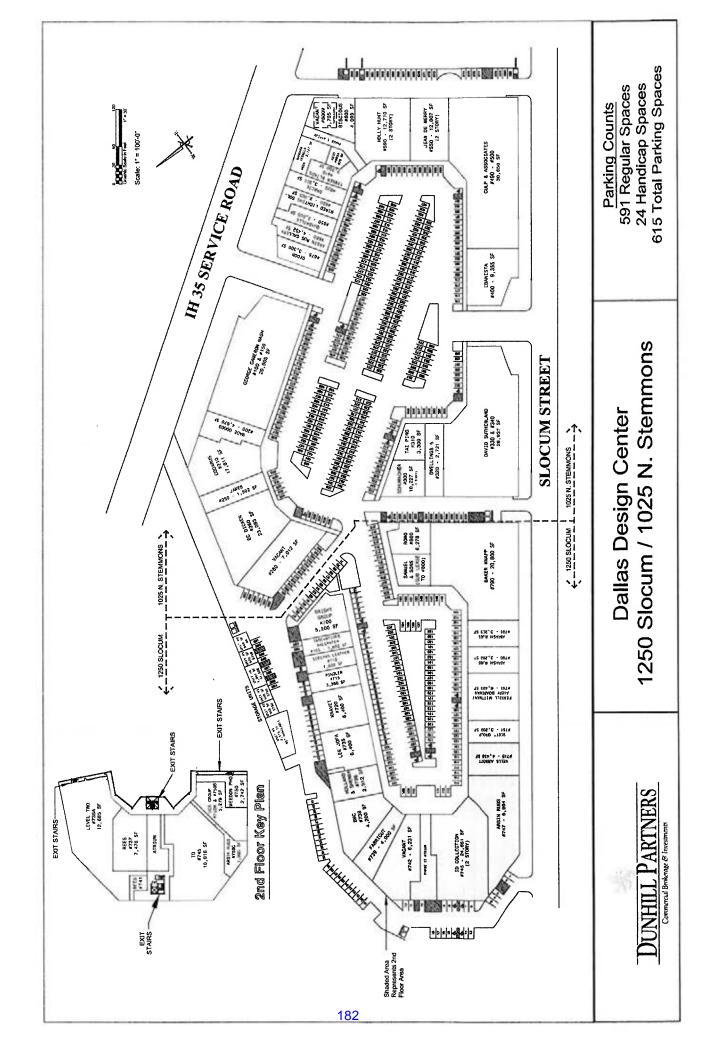
Very truly yours,

Jonathan G. Vinson

cc: Vipin Nambiar
Adam Hammack
Charlotte Carr
Lloyd Denman, P.E.
Suzan Kedron
Will Guerin







Jackson Walker LLP

Jonathan Vinson (214) 953-5941 (Direct Dial) jvinson@jw.com

June 5, 2025

By email to: <u>bryant.thompson@dallas.gov</u> and <u>diana.barkume@dallas.gov</u>

Hon. Chair and Members, Panel A
Zoning Board of Adjustment
c/o Mr. Bryant Thompson, Senior Planner
Department of Planning and Development
City of Dallas
1500 Marilla Street, Room 5CN
Dallas, Texas 75201

Re: BDA 245-049; Parking Special Exception; 1201 Oak Lawn Avenue; and BDA 245-050; Parking Special Exception; 1500 Dragon Street.

Dear Members of the Board of Adjustment:

- I. <u>Introduction</u>. This letter is intended to supplement the information we provided to you, through the City Staff, previously on our two above-referenced requests, which were held over from your May 20 meeting, and we would refer you back to our previous letters and information packets on these cases. We continue to assert that both of these requests meet the required standard (as discussed below) and merit approval, but we also offer the following ideas for your consideration, which we respectfully ask that you consider at our upcoming June 17 hearings on these cases.
- II. Potential Additional Conditions. For 1201 Oak Lawn Avenue, we would reiterate that we control numerous properties in the Design District (map attached, which you have seen previously). We are also in discussions with the ownership of Apex Supply Company at 180 Oak Lawn (a daytime business open only from 7:00 A.M. to 5:00 P.M.), which is only 150 feet away across the Oak Lawn-Irving Boulevard intersection, for the leasing of a number of parking spaces to be determined (aerial photography shows 30 striped spaces on that site), although we maintain that the number of spaces to be provided on site (73 provided, out of 135 required, a 45.9 percent reduction) is more than sufficient.

With respect to our request at **1500 Dragon Street** (to provide 177 spaces, out of 300 required, a 41.0 percent reduction), DDD Property Holdings, LLC, a related entity, owns the Dallas Design Center at 1025 North Stemmons/1250 Slocum, which can easily be utilized for

overflow/valet parking to serve 1500 Dragon Street as needed. The uses in the Dallas Design Center (site plan attached) are almost entirely daytime, low-parking demand uses, and we can easily "share" parking there for valet service for evening peak uses (restaurants), potentially up to 50 additional spaces. As stated above, HN Capital-related entities also control numerous other Design District properties which can be used for this purpose.

On both cases, the Applicant has continued to reach out to area neighbors and stakeholders to explain our requests and solicit their input. Included with this letter is a letter strongly supporting our requests provided by Asana Partners, another significant nearby property owner in the Design District, which explains several reasons why they support our requests, and which concludes by saying that "...the requested reductions are reasonable and support the shared goal of continued improvement, adaptive reuse, and quality development of the Design District".

- III. <u>Reassessment Condition</u>. In addition, in some parking reduction requests at the Board, a condition has been included to require a follow-up assessment at a specific point in time to determine if the parking reduction is working as planned or if further action is needed. We are amenable to such a condition on each of these cases, and we would be agreeable to a 12-month reassessment target date, as the Board added as a condition on a case decided last month.
- IV. The Special Exception Standard and How We Meet It. Although you have previously been provided with the following discussion, we wanted to reiterate it as part of the record specific to this hearing date and to remind you of specifically how we meet the applicable standard.

Sec. 51P-621.110(b)(2)(D) provides that "the board of adjustment may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Section 51A-4.311. The board of adjustment may impose conditions on the special exception".

Sec. 51A-4.311(a)(1) further provides that the board may grant a special exception to the off-street parking requirements "if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets". We believe that our requests, as supported by our Analysis, clearly meet all of the criteria for the granting of our special exception request.

Please again note and consider that the applicant controls numerous properties in the area as shown on the area map included in our Analyses. The proposed reductions are reasonable and evidence-based, data-driven reductions in the parking requirements, which will support continued adaptive reuse and quality development and placemaking.

In particular, given the City's efforts to update and modernize parking requirements passed by Council on May 14 (and as being amendments to the Development Code, these will not take effect in existing Planned Development Districts, even though that is where much of the development activity takes place) to align more with current parking demand, with many of these requirements having been in place for 50 years or more, the requested reduction is completely

reasonable and justifiable, and realistically aligns with projected actual parking demand. If not for the fact that we are in a P.D., we might not even need to make these requests.

Having to provide excessive parking, which would result in a large number of empty spaces, is not only costly and wasteful in terms of the project itself but is unsustainable and has negative impacts on walkability and other factors. Finally, the Applicant owns and manages these properties for the long term, representing a huge investment in the Design District. We need and want for the parking to work for the benefit of all – vacant or dysfunctional space is first and foremost bad for us.

V. <u>Conclusion</u>. The conclusion is clear based on this information that both of these requests meet the standard for approval of parking special exceptions, in that in each case the parking demand generated by the uses do not warrant the number off street parking spaces otherwise required, and the special exceptions will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

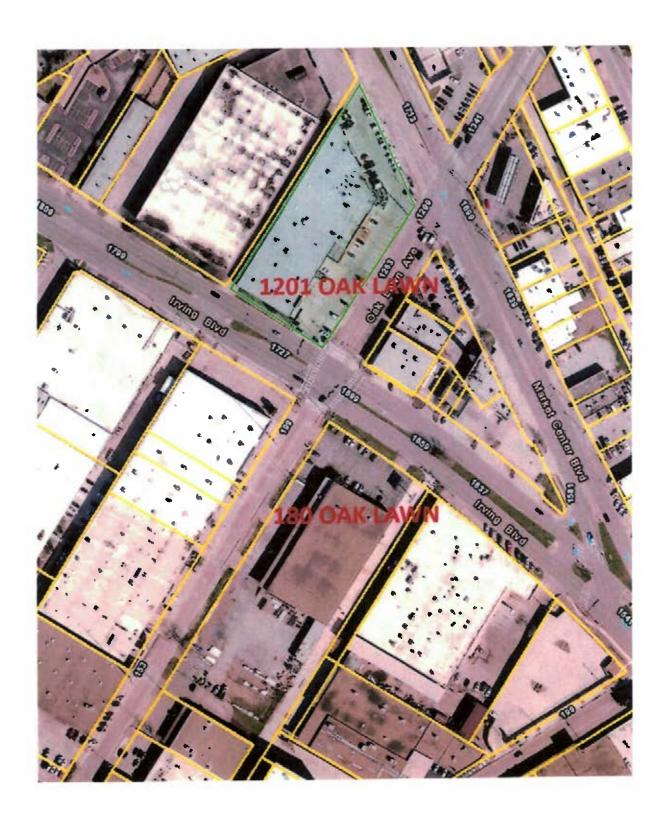
Since both of these requests clearly meet the Development Code and P.D. 621 standards for approval, we will respectfully be asking that you *approve* both of our requests. We look forward to appearing before you and answering any questions you might have, and we appreciate your time and consideration.

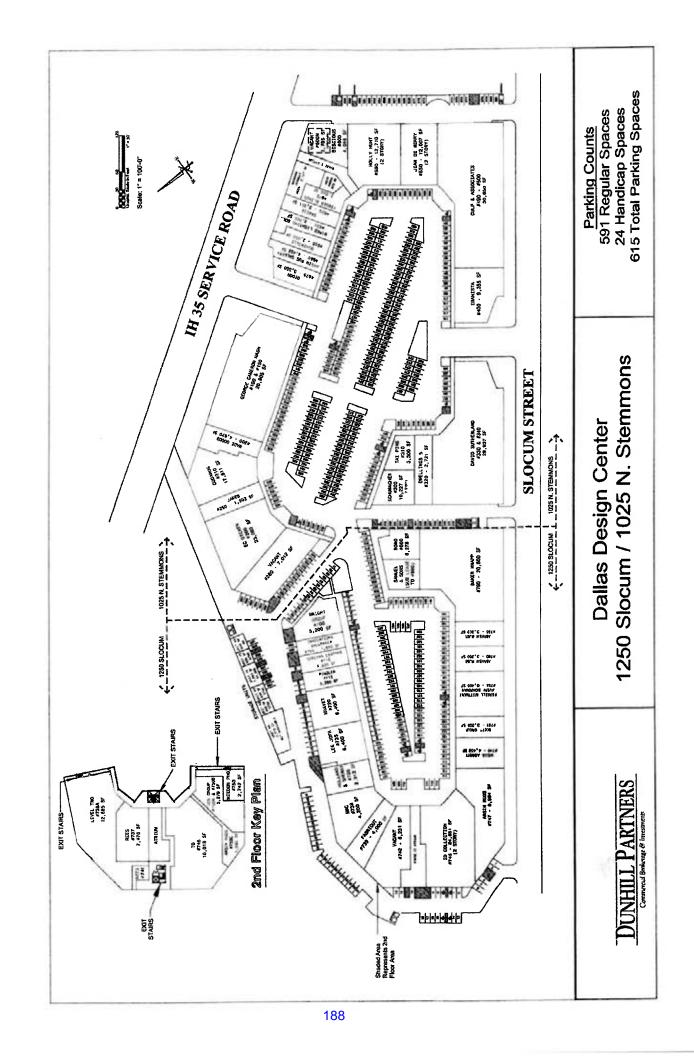
Very truly yours,

Jonathan G. Vinson

cc: Vipin Nambiar
Adam Hammack
Charlotte Carr
Lloyd Denman, P.E.
Suzan Kedron
Will Guerin







February 5, 2025

Dr. Kameka Miller-Hoskins, Chief Planner Zoning Board of Adjustment City of Dallas 1500 Marilla Room 5CN Dallas, TX 75201

Via email

RE: Pending applications at 1616 and 1626 Hi Line; 1617 Hi Line; and 1201 Oak Lawn Avenue, 1500 Dragon

Dear Dr. Miller-Hoskins,

Please accept this support letter for the parking reduction requests at 1616 and 1626 Hi Line, 1617 Hi Line, 1500 Dragon, and, 1201 Oak Lawn Avenue. We understand they are separate requests intended for consideration in April 2025; our support applies to each request. The applicant, HN Capital, and their representatives have shared with us their request and plans for improving their property. As adjacent commercial property owners, we believe that their parking reduction request will benefit this area of the Design District.

We support the parking reductions requested for several reasons. HN Capital has successfully managed their properties in this area to bring valuable tenants and businesses to the Design District. As this area of the Design District has benefitted from the recent city investments in infrastructure, these improvements for sidewalks, streetscapes, and a hike/bike trail that connects to Victory Park/Downtown increase and enhance mobility options for visitors and residents. New developments and remodels have included a mix of land uses that are creating a dynamic neighborhood, as intended by the PD 621 Old Trinity Design District Special Purpose District zoning. We also understand the City of Dallas is considering Development Code revisions to the off-street parking requirements to align with current parking demand trends and promote use of other transportation options.

The proposed parking reductions are supported by a professional engineering analysis of the parking demand for these properties and the ability of HN Capital to manage the parking needs on their properties for the success of their tenants. We believe the requested reductions are reasonable and support the shared goal of continued improvement, adaptive reuse, and quality development of the Design District.

Sincerely,

Shyam Patel – Asana Partners 1444 Oak Lawn, LP

MEMORANDUM

To: David Nevarez, P.E., PTOE, CFM

Transportation Development Services

City of Dallas

From: Lloyd Denman, P.E., CFM

Consult LD, LLC

Registered Firm F-23598

Date: March 25, 2025

Subject: Parking Study and Analysis for 1201 Oak Lawn

1 3-25-25 logg Firm# F-23598

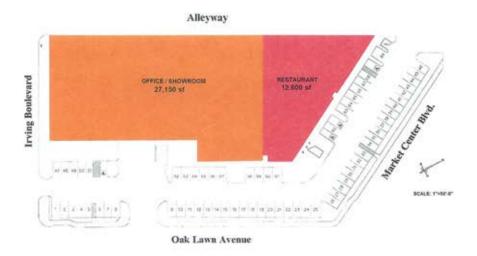
Introduction

1201 Oak Lawn is located on the west side of Oak Lawn between Market Center Blvd. and Irving Blvd. The property is zoned PD 621, Subdistrict 1, and is in the area known as the Dallas Design District. HN Capital Partners owns 1201 Oak Lawn along with fifteen other Design District properties. HN Capital intends to revitalize the 1201 Oak Lawn site by re-purposing some of the existing building space to additional Restaurant use that will better utilize and balance the existing building and its existing parking. The introduction of some additional Restaurant use is intended to be neighborhood friendly and hospitality centric for the Design District as a whole. The existing site consists of one irregular rectangle shaped building with a total of approximately 40,000 square feet of single-story space and 73 available parking spaces. (See **EXHIBIT 1 – Site Plan**) The new owner would like to utilize the allowances provided within PD 621 to reduce the required parking to be more efficient and balanced with best uses for the site and current neighborhood transportation trends. Parking observations made at a similar site adjacent to the east in October of 2024 are presented below along with additional justifications for this parking reduction request as provided by PD 621.

Proposed Uses and City of Dallas Code Requirements for Parking

The City of Dallas Development Code requires minimum parking associated with different land use types. PD 621 specifically allows "shared parking" to be considered as a percentage reduction of the required minimum parking for certain mixed uses. Note that the proposed use mix for this 1201 Oak Lawn site would be the maximum planned space for utilization of Restaurant that may not actually all be transitioned or leased in the proposed manner but is meant to represent what would be the densest future parking use mix. The calculated maximum parking for the proposed mix of uses is 135 spaces per City Code without the "Shared Parking Reduction". (See EXHIBIT 2 – Proposed Use Parking Chart) Note that the existing parking layout of 73 spaces is adequate for the morning and afternoon times of day per Code to accommodate the maximum proposed mix of uses when applying the "Shared Parking Reduction" table within PD 621.

EXHIBIT 1 - Site Plan



1201 Oak Lawn Avenue Parking Spaces Parking Counts 69 Regular Spaces 4 Handicap Spaces 73 Total Parking Spaces

This site plan shows the existing 73 parking spaces and the ultimate proposed uses for the existing building. The restaurant use will be valet parked. The existing restaurant use is 3250 square feet and may incrementally expand up to the requested maximum of 12,600 square feet.

EXHIBIT 2 - Proposed Use Parking Chart

Street No.	Street Name	Land Use	SQ FT	Parking Ratio	Shared Noon Required Parking	Total Parking Provided
1201	Oak Lawn	Office/Showroom	27,150	1sp/1100 SF & 4100 SF	15	
1201	Oak Lawn	Restaurant	12,600	1sp/105 SF	120	
			39,750		135	73

Note that the bulk of the parking demand is for the Restaurant use which typically peaks during weekend evenings. The restaurant use will be valet parked. The Office/Showroom use has plenty of daytime parking and is typically closed during the evenings.

PD 621 Allowance for Parking Reductions and the Owner's Request

The creators of PD 621 utilized good foresight for the zoning regulations back in 2002 realizing that the old parking minimums required for certain defined uses are not "one-size fits all". (See APPENDIX Articles on Parking) PD 621 allows for the accommodation of denser urban living that is less "car-centric" and the consideration of alternative modes of transportation that help reduce the need for parking. Specifically, the PD allows for "a special exception of up to 50 percent of the required off-street parking" to help "right-size" parking for dense urban projects. HN Capital would like to follow the PD 621 allowance language and request a reduction of 46% in parking requirements from the calculated requirement of 135 spaces to utilize the currently provided 73 spaces. Local observed parking data and recent mobility trends support the request as detailed below. Also, HN Capital will seek out nearby properties to determine if remote valet agreements may be reached to provide overflow parking should it be needed. HN Capital also owns other nearby properties that could provide evening overflow parking should it be needed.

1212 Oak Lawn and 1617 Market Center Blvd (Pie Tap and Town Hearth) Observed Parking Data (Oak Lawn/Market Center/Irving Blvd Triangle)

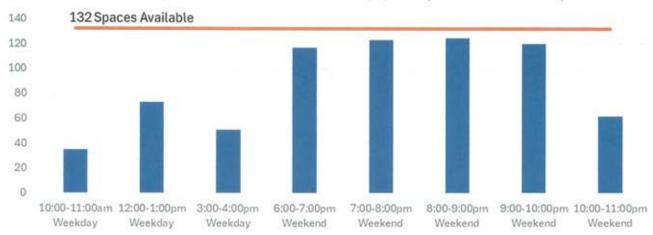
Exhibit 3, on the next page, illustrates observed parking during peak use times in October of 2024 for 1212 Oak Lawn and 1617 Market Center, a triangular shaped property, which has the Pie Tap and Town Hearth restaurants. The exhibit is annotated with comments about the observed parking data and what is proposed.

It is evident from the observed data that the adjacent Oak Lawn Triangle property is able to support two restaurants with its available parking and with the use of valet. It was observed while counting, and confirmed by the restaurant valet manager, that employee parking occupied a significant number of the available interior parking spaces (15% or more). It is recommended to consider more efficiently managing employee parking to provide more patron parking when needed. The Design District encourages a comprehensive neighborhood approach for all the property owners to work and cooperate together for mutual benefit. Note that adjacent properties with different owners have supported one another in parking reduction requests. (See APPENDIX mutual letters of support) This illustrates the synergistic goal of mutual benefit throughout the greater Design District. Granting this request would not adversely affect neighboring property since parking is already prohibited along Oak Lawn, Market Center, and Irving Blvd. There is also potential for "relief valve" parking available should the internal parking be exceeded by utilizing the surface parking lots on nearby properties. The proposed mix of uses for this existing site will be able to successfully accommodate parking demand for the higher percentage restaurant use without adversely impacting neighboring properties or the public streets. Utilizing valet service for the restaurant use helps ensure that parking needs are sufficiently and efficiently met.

EXHIBIT 3 - 1201 Oak Lawn: OBSERVED PARKING NEXT DOOR AND PROPOSED PARKING

Observed Parking Oak Lawn/Market Center/Irving Triangle

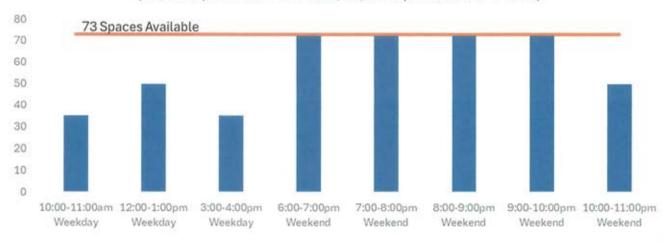
(10,248 sqft Merchandise&Service for 56%; 8,158 sqft restaurant for 44%)



Note that the Oak Lawn Triangle property with two restaurants, Pie Tap and Town Hearth, makes it work with the 132 parking spaces available. The valet manager said if the parking spaces ever happen to temporarily fill up the restaurant has a "relief agreement" with the property to the south which helps keep the valet parking operation smooth and consistent.

Proposed Parking 1201 Oak Lawn

(27, 150 sqft showroom for 68%; 12,600 sqft restaurant for 32%)



The proposed mix of uses intends to fill the available parking during the weekend evening peaks for Restaurant use. There is adequate parking available to satisfy the City Code during mornings and afternoons for the Office and Showroom uses. The use of valet and alternative transportation modes can offset the evening restaurant peaks. Note that HN Capital will seek or provide on its own properties "relief valve" parking agreements that could be utilized for any overflow parking should it occur. As the owner of sixteen properties in the Design District, HN Capital is incentivized to balance and "right size" parking so that everyone benefits.

Walkability and Alternative Modes of Transportation

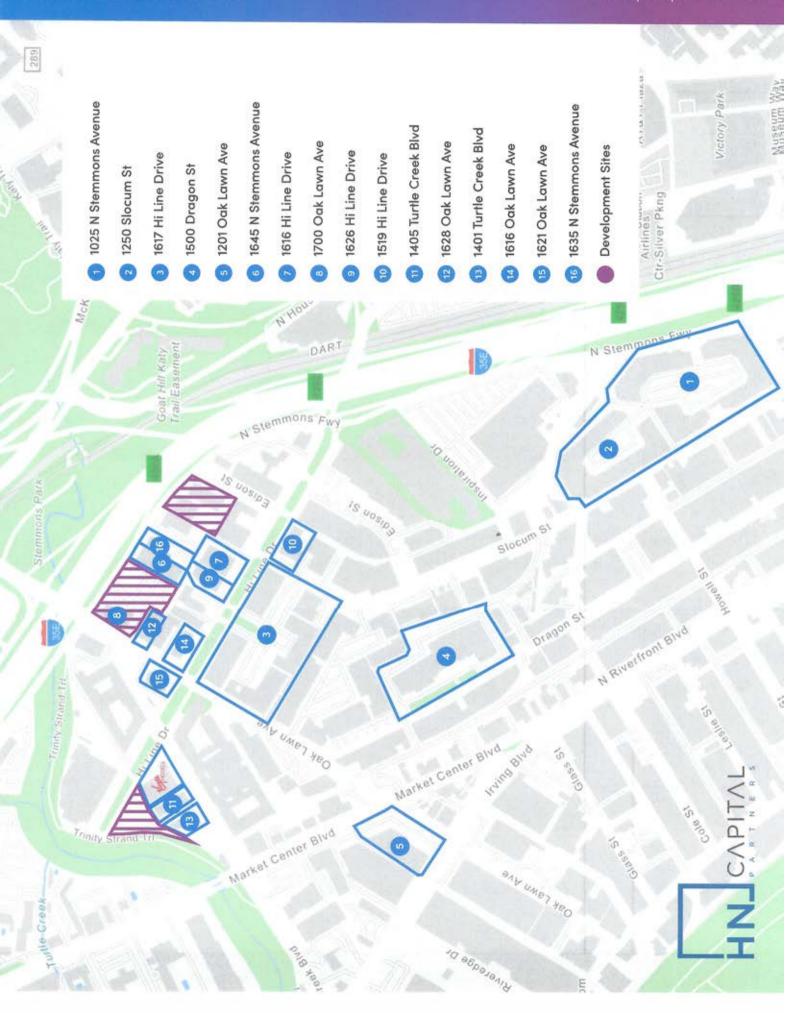
The parking reduction request is also supported by a walkability analysis of nearby residential units and current urban trend uses of alternative modes of transportation like walking, bicycling, and Uber/Alto. (See **APPENDIX** Walkability Study.) Note that the City of Dallas is currently considering reducing and/or eliminating parking requirements for some areas and uses. Although a reduction or elimination of parking requirements by the City of Dallas would not directly affect 1201 Oak Lawn since the parking already exists and the property is located within PD 621, it is still an indication that the old parking requirement ratios are excessive for dense urban living situations and with the newer alternative modes of transportation readily available.

Conclusion

Based on: (1) the observed parking data for similar uses adjacent to the site, (2) the allowances for parking reductions written into PD 621, (3) the utilization of valet to most efficiently park the site, (4) the potential for "relief valve" parking spaces in nearby surface parking lots for the overall benefit of the Design District, and (5) the current trends of more mobility choices and more dense urban living that together reduce the need for parking; it is recommended that the existing 73 parking spaces for the current 1201 Oak Lawn site will be adequate to serve the proposed mix of Restaurant and Office/Showroom uses. Furthermore, if the parking demand were to consistently exceed the 73 spaces provided and beyond what valet can accommodate, the greater risk would be loss of business to the site rather than any obstruction of the public right-of-way or creation of a traffic hazard since parking is internal to the site and is currently prohibited along Oak Lawn, Market Center, and Irving Blvd. The accommodation of shared parking, Uber/Alto and similar ride shares including the Virgin Hotel shuttle service, availability of pedestrian and bicycle trails, availability of remote parking lots within a ten minute walk, and the presence of newer dense inner-city residential developments that currently include 2000+ units within a ten minute walk of the subject site have all convened at this time to help reduce the need for parking and support the proposed mix of uses for 1201 Oak Lawn. The proposed plan to revitalize and repurpose the existing building of 1201 Oak Lawn and utilize the existing parking within the allowances of PD 621 will provide mutual benefits to the property owner/operator, the neighborhood, and the City of Dallas. "Right-sizing" or "rightmixing" the proposed uses of this existing building to more fully utilize the existing internal parking to its potential will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets. No spillover effect of traffic or parked cars is expected to occur since valet parking will be available.

APPENDIX

- HN Capital Property Ownership Map within the Design District
- · Mutual letters of support for Parking Reductions
- Walkability Study within a five to ten-minute walking distance of 1201 Oak Lawn
- Annotated Articles: "The Parking Problem Why Cities Overbuilt Parking Spaces" 9-30-2023
 "Parking Generation... Park +" by Kimley-Horn May 2016



February 5, 2025

Dr. Kameka Miller-Hoskins, Chief Planner Zoning Board of Adjustment City of Dallas 1500 Marilla Room 5CN Dallas, TX 75201

Via email

RE: Pending applications at 1616 and 1626 Hi Line; 1617 Hi Line; and 1201 Oak Lawn Avenue

Dear Dr. Miller-Hoskins,

Please accept this support letter for the parking reduction requests at 1616 and 1626 Hi Line, 1617 Hi Line, and 1201 Oak Lawn Avenue. We understand they are separate requests intended for consideration in April 2025; our support applies to each request. The applicant, HN Capital, and their representatives have shared with us their request and plans for improving their property. As adjacent commercial property owners, we believe that their parking reduction request will benefit this area of the Design District.

We support the parking reductions requested for several reasons. HN Capital has successfully managed their properties in this area to bring valuable tenants and businesses to the Design District. As this area of the Design District has benefitted from the recent city investments in infrastructure, these improvements for sidewalks, streetscapes, and a hike/bike trail that connects to Victory Park/Downtown increase and enhance mobility options for visitors and residents. New developments and remodels have included a mix of land uses that are creating a dynamic neighborhood, as intended by the PD 621 Old Trinity Design District Special Purpose District zoning. We also understand the City of Dallas is considering Development Code revisions to the off-street parking requirements to align with current parking demand trends and promote use of other transportation options.

The proposed parking reductions are supported by a professional engineering analysis of the parking demand for these properties and the ability of HN Capital to manage the parking needs on their properties for the success of their tenants. We believe the requested reductions are reasonable and support the shared goal of continued improvement, adaptive reuse, and quality development of the Design District.

Sincerely,

Shyam Patel – Asana Partners 1444 Oak Lawn, LP

704.423.1660 | 2151 Hawkins Street, Suite 1100 | Charlotte, NC 28203

asanapartners.com



Jonathan G. Vinson (214) 953-5941 (Direct Dial) (214) 661-6809 (Direct Fax) jvinson@jw.com

August 16, 2024

Via Email

Ms. Cambria Jordan, CFM, MBA, PMP, Senior Planner Zoning Board of Adjustment City of Dallas 1500 Marilla Street, Room 5BN Dallas, Texas 75201

Re: BDA234-091; 1444 Oak Lawn Avenue.

Dear Ms. Jordan:

Our firm represents HN Capital, which is the largest property owner in the Design District. HN Capital is pleased to be part of the ongoing success of the District, and we look forward to even more success for the entire District in the future. This letter is to express our *support* for the off-street parking special exception request being made under BDA234-091 at 1444 Oak Lawn Avenue, for the following reasons.

When the City first approved P.D. 621 in 2002, it was not completely certain that the P.D. would work for its intended purposes. The City deserves credit for getting the P.D. right for the most part and achieving its purpose of fostering in-context adaptive reuse in the Design District with, of course, some appropriate new development.

Part of the success of P.D. 621, we believe, is due to the P.D. having loosened somewhat the strict requirements for off-street parking found in other parts of the City. This is very appropriate and necessary for the adaptive reuse of existing buildings, and actually helps preserve those buildings and the larger context of the District. This is good place-making and supports the District's overall success.

However, since the adoption of P.D. 621, the world has changed even more with regard to parking demand. The reduction in office usage, the advent of ride-sharing, and the greater walkability of the District have all contributed to this. Continuing to adhere to off-street parking ratios which date back in some cases to 1965, or even before, fails to recognize the change in parking demand in 2024.

In fact, the City itself is in the middle of processing Development Code amendments to reduce off-street parking requirements to align more with current demand. For many reasons, the current off-street parking requirements in P.D. 621, and elsewhere in the City, are obsolete and should be reduced.

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We support reasonable and evidence-based, data-driven reductions in parking requirements where appropriate, in particular in P.D. 621, where such reductions will support continued adaptive reuse and quality development and placemaking, and we believe that to be the case with this request. We respectfully ask that you approve the applicant's request in this case. Thank you.

Very truly yours,

Jonathan G. Vinson

cc: Dr. Kameka Miller-Hoskins Jennifer Hiromoto Vipin Nambiar Adam Hammack Suzan Kedron

2

WALKABILITY STUDY

According to statistics listed on the Dallas Design District Property Brochure, by "DunhillProperties.com", there are approximately 20,000 residents that live within one mile, or a 10 to 20 minute walk, of the Dallas Design District. Even closer to the heart of the Design District and to 1201 Oak Lawn, within a 5 to 10-minute walk or less, are eight large multifamily communities that total nearly 3000 units. Also, the Virgin Hotel with 268 rooms and a 75 space pay parking lot are within a 10-minute walk to 1201 Oak Lawn. (See annotated map attached) According to the Federal Highway Administration, "Most people are willing to walk for five to ten minutes, or approximately ¼ to ½ mile" to reach a destination. (See FHA Pedestrian Safety Guide attached)

The close proximity within a five to ten-minute walk of so many residential units and hotel rooms certainly helps decrease the parking demand for patrons that would frequent 1201 Oak Lawn for Restaurant uses. (Walk times were physically verified by Lloyd Denman, P.E. during the parking observations made in May 2024.) There is also a free hotel shuttle at the Virgin Hotel that ferries guests within a 3-mile radius of the hotel to and from restaurants and other attractions. In May of 2024, the shuttle attendant said the shuttle stays busy and a second vehicle should be added to the service.

Google Maps

2/5/25, 3:12 PM

Proximity Map 1201 Oak Lawn Residential

2000 AL

U.S. Department of Transportation

Federal Highway Administration

1200 New Jersey Avenue, SE Washington, DC 20590 202-366-4000

Safety

Pedestrian Safety Guide for Transit Agencies

< Previous Table of Content Next >

Chapter 4: Actions to Increase the Safety of Pedestrians Accessing Transit

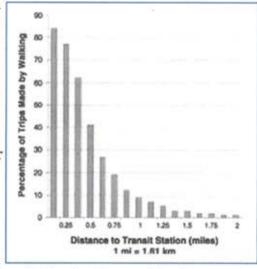
Understanding pedestrian characteristics and facilities (e.g., sidewalks, crosswalks, pedestrian signals, etc.) is an important step in providing safe access to transit systems. This section introduces basic pedestrian safety concepts to help readers understand issues, solutions, and resources that are presented in other parts of this guide. Concepts addressed in this chapter include:

- Typical walking distance to transit.
- Motor vehicle speed and pedestrian safety.
- Pedestrian characteristics and behavior.

A. Typical Walking Distance to Transit

Most people are willing to walk for five to ten minutes, or approximately ½- to ½-mile to a transit stop (see figure below). However, recent research has shown that people may be willing to walk considerably longer distances when accessing heavy rail services. Therefore, in order to encourage transit usage, safe and convenient pedestrian facilities should be provided within ¼- to ½-mile of transit stops and stations, and greater distances near heavy rail stations. Note that bicyclists are often willing to ride significantly further than ½-mile to access rail transit stations, so safe facilities should be provided for bicycling within a larger catchment area around transit hubs.

Transit route spacing and location are important considerations for pedestrian access to transit. For example, in a city with a regular street grid pattern of streets, appropriate stop spacing can be achieved when transit routes are spaced between ½- to 1-mile apart. If the stops on these



routes are spaced 1/8- to ½- mile apart, then a majority of the people in the neighborhoods served by the transit system will be within ½- to ½-mile of a transit stop. 70

B. The Effect of Motor Vehicle Speed on Pedestrian Safety

Pedestrians accessing transit stops and stations must often walk along or cross roadways that carry motor vehicle traffic. Pedestrians may feel less comfortable and safe as nearby motor vehicle speeds increase. The faster a driver is traveling, the more difficult it is to stop (see figure below). Larger vehicles, such as buses and trucks require even longer stopping distances.



The Parking Problem: Why Cities Overbuilt Parking Spaces

by Lauren Palmer | Sep 20, 2023 | Land Use, Transportation, Urban Planning | 0 comments

The Institute of Transportation Engineers (ITE) was founded in 1930 with the goal "to improve mobility and safety for all transportation system users and help build smart and livable communities." The idea behind the ITE was to help developers with roadway design, traffic management, and parking requirements. However, the ITE has created more problems, particularly when it comes to parking. For decades, the ITE recommended parking minimum requirements ill-suited for the municipalities implementing them.

The primary issue with parking recommendations from the ITE is that the studies they relied on were based on <u>selective data</u>. For instance, in the 1987, second edition of the ITE's *Parking Generation*, the <u>ITE created half of their parking generation rates based on just four or fewer studies that were conducted in suburban areas. Researchers conducted these studies during times of peak parking demand and in areas where there was plenty of free parking and little to no use of public transit.</u>

This led urban planners in cities to use suburban rates to set parking requirements that were incompatible with urban environments, resulting in excessive amount of parking in some areas. This created a circular planning process that has only exacerbated issues. It goes something like this:

- 1. The ITE published their findings in Parking Generation using the selective suburban data,
- 2. City urban planners set parking requirements based on those findings.
- 3. Developers implemented those parking plans,
- The resulting ample supply of parking drove the price of parking in specifically designated lots down to zero.
- Because of the massive amount of land used to create these parking specifications, cities saw decreased walkability and density of facilities,
- The sprawl, combined with the plethora of free parking options, led to increased vehicle usage,
- 7. The increased parking demand again validated the ITE's findings.

And the cycle repeats. This process has, unsurprisingly, resulted in an overabundance of parking. In the United States, surface parking lots alone cover more than five percent of all urban land, representing an area greater than the states of Rhode Island and Delaware combined.

To be clear, the ITE is not solely to blame. As mentioned in *Rethinking A Lot*, urban planners and policymakers frequently rely on the recommendations provided by the ITE for parking requirements without ensuring their accuracy for their respective municipalities. The ITE has an inherent authority that makes planners regard its findings as valid, precluding in planners' minds the need for further inquiry. The use of ITE's manuals also allow public officials to avoid responsibility for excessive parking lots.

Due to a lack of planning and engaging the proper parties involved in parking use and development, inaccurate parking demands arise. While <u>urban planners</u> readily observe this problem, they often fail to take the necessary steps to actually address it. Even municipalities directly contribute to the overabundance of parking by offering free spaces, which inevitably fill up quickly, and then opting to add more parking, which creates an overabundance without addressing the root problem.

Municipalities also look to other authorities, such as the <u>Urban Land Institute</u> (ULI) for parking guidance. However, the ULI has many of the same problems as the ITE. ULI reports have recommended an excessive amount of parking, with some ULI reports calculating a "need" for more spaces than ITE reports. Municipalities cannot blindly rely on these institutions to supply perfectly accurate data. Municipalities need to measure parking demands with the "ongoing data analysis, community assessment, and demand analysis" that is most relevant to them.

The ITE, recognizing that municipalities still rely on its findings, is also attempting to fix the situation by adapting and changing the new *Parking Generation* manuals. The most recent, the 2019 *Parking Generation Manual*, features land use descriptions and data plots of a variety of available land uses, time periods, and independent variables in the ITE database. The parking database is now broken up into settings that include "Multi-Use Urban" and "Center City Core," which work to pinpoint the most relevant studies for specific cities' needs. The goal of this manual is to help describe the relationship between parking demand and the characteristics of the individual development site.

Donald Shoup, Professor in the Department of Urban Planning at UCLA, recommends that the ITE follow in the footsteps of the British counterpart to *Trip Generation*, the "Trip Rate Information Computer System." This system gives information about the characteristics of every surveyed site and its surroundings, which would allow municipalities to use comparable sites before making land use decisions.

Despite the empirical evidence surrounding the overabundance of parking, as well as its deleterious environmental effects, few municipalities are changing parking requirements and financers still pass on projects that "don't have enough parking," even with the new ITE recommendations.

One successful technique is shared parking, a parking management tool that communities can employ when setting parking requirements. Different types of land uses attract customers, workers, and visitors during different times of the day, which results in differing peak parking demand hours for the related land uses. Shared parking takes advantage of these varying demand patterns and allows adjacent land uses with complementary peak demands to share a parking lot space. This not only encourages centralized parking rather than scattered lots, but also reduces overall construction costs which could greatly benefit both municipalities and developers.

Several municipalities have implemented shared parking, including Ventura, CA which has a zoning ordinance that permits different land uses to have shared parking because of opposite peak parking demand periods. The shared parking is allowed to satisfy one hundred percent of the minimum parking requirements for each land use. Similarly, North Kansas City, MO, by permit, allows a reduction of the number of parking spaces multi-use developments need to have if they have different peak parking demand periods.

Finally, in **West Hartford**, **CT**, the zoning code provides an alternative method of meeting parking requirements. So long as the applicant seeking to enter into a shared parking agreement can prove the lot would be convenient for all parties and would not cause traffic congestion, it can get approved. The municipality has since consolidated many parking lots down for shared use.

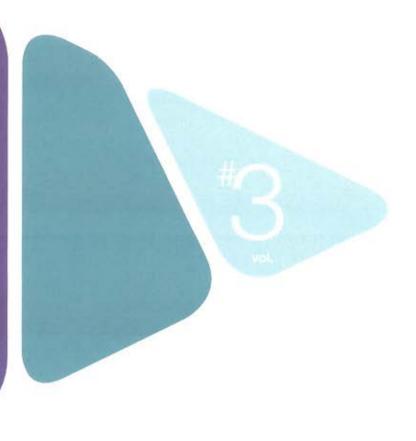
To truly reverse the detrimental impacts of the old ITE reports on the development of cities, urban planners and lawmakers will need to implement a multi-faceted approach. In addition to conducting their own parking studies based on the proposed uses and characteristics of the community, urban planners and lawmakers should focus on enhancing multi-modal transit and implementing shared parking. Parking minimums need to be eliminated and more parking maximums need to be developed. Focusing on the parking demands of individual development sites will help stop the cycle of creating unnecessary parking and meet parking demands in a smarter and more efficient manner.

Parking Generation—

Replacing Flawed Standards With the Custom Realities of Park+

WHITE PAPER SERIES

May 2016







PARKING GENERATION -

Replacing Flawed Standards with the Custom Realities of Park+



Introduction

For the longest time, our industry's approach to defining "How much parking?" has been relegated to the use of national parking requirement standards, either from the Institute of Transportation Engineers (ITE), Urban Land Institute (ULI), or local code requirements. Anyone who has read the workings of Donald Shoup, or more recently Richard Willson, knows the fallacy in using these sources when designing downtown or campus parking systems.

National parking requirement standards are based on outdated and underrepresented data, which tend to skew wildly from the actual parking needs of
a community. In my years as a parking consultant, I've very rarely completed
a single downtown parking study where the peak observed parking demands
consumed the majority of the total parking spaces. A study completed in Dallas a
few years ago yielded some 30,000 empty parking spaces at peak. Similar results
were found in Atlanta, Houston, St. Petersburg, Seattle, and the list goes on.
When communities plan downtowns based on outdated suburban design
standards, we achieve the same inevitable results—empty, restricted parking
areas that deaden the density, walkability, and vitality of urban areas.

The parking quantity question is always a challenging exercise, especially when we try to solve it using inaccurate data. Most times, we rely on outdated data that doesn't truly represent the real context of our downtowns. As more and more people migrate to urban areas, the dynamics of how they get around and their relationships with cars change. As such, we've seen a drastic downshift in the need to provide parking. But our planning tools have not evolved to better align with this shift.

Equally challenging is deciding how the parking characteristics in one community compares to another community. In reality, it's hard to define how one neighborhood acts compared to another. Here in Phoenix, the Roosevelt neighborhood, home to the area's up-and-coming artists and requisite "hipsters," enjoys a higher amount of transit, walking, and cycling than most other parts of the city. In turn, the overall demand for parking is lessened as area residents and patrons find other ways to access the uses within the area. In my neighborhood, you almost can't survive without the use of a car to work, shop, and play. This variability exists in every city and is the reason it's absurd to continue leaning on archaic, cookie-cutter methods to plan for parking.

This question is the central reason we created Park+ — to find a way to localize the analysis of parking demand and challenge the conventional notion that all parking demand is created the same. Within this white paper we summarize the findings of the first five years of Park+ modeling and define the dynamic nature of each community served. In our time developing, testing, and applying this model, we have encountered an incredible diversity of data and outcomes in each community. In the following sections, we'll walk through those results, as well as the more global movement afoot in our industry.

Kimley » Horn

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Replacing Flawed Standards with the Custom Realities of Park+



Unfortunately, those data points are routinely applied in areas they should not be. I've seen exercises where entire swaths of a downtown are planned with these metrics, resulting in over-built facilities. In some cases, it's a lack of understanding of the context the development is occurring in. In other cases.

it's a requirement of financial institutions that are backing a development. Whatever the cause, a better understanding of the true dynamics of a development and the area it serves produces better results.

In recent years, urban planners have begun to lean more and more on these decisions as a primary reason that downtowns and communities don't work. One of my favorite terms in the industry is the "parking crater," which was coined by the website Streetsblog and its editor Angie Schmitt. In fact, that website holds an annual March Madness tournament, with a full-on bracket to determine the worst parking crater of that year. The parking crater is a portion of a downtown that has been hollowed out by the presence of large surface parking lots. Whether these are highly or poorly utilized, they deaden a downtown, its walkability, and most importantly its viability.

If asked, many people would say the provision of ample parking makes our cities more desirable. But in fact, ample parking promotes single occupancy vehicle trips and impedes the ability for our communities to develop and grow. Pedestrian walkability, dense design, and connectedness are extremely important for the success of a community. Large areas of parking tend to counter these tenets and disrupt the ability for a community to work properly. This is only exacerbated by the over-provision of parking.

Clearly, something must be done...

Right-Sized Parking

Recently in the planning arm of the parking industry, we've seen a very distinct shift toward finding the right amount of parking for a downtown, campus, study area, development, etc. This movement is aptly dubbed the Right-Sized Parking movement. The name speaks for itself, as the intent is to determine the correct amount of parking to serve an area without over- or under-burdening area patrons.

Too much parking tends to be an expensive endeavor. In today's world where more and more parking is found in consolidated structures, the cost to build a single space can range from \$8,000 to \$40,000, or more. This price is astronomical and is a primary contributing reason that rents are increasing and the cost of living in urban areas is skyrocketing. In King County¹, WA, a recent study searched to find the answer to the right-size for multi-family housing parking. The result of that large-scale effort was…it depends.



¹Visit rightsizeparking.org to learn more and to play with their awesome right-size parking calculator

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Replacing Flawed Standards with the Custom Realities of Park+



That result may seem nebulous, but in reality it's the most accurate response that could have emerged from such a study. The data indicated that a number of factors—location, access to transit, employment density, walkability, population demographics—were responsible for the parking demand characteristics of a multi-family development. In short, people tended to adapt to their environment, and their driving (and car ownership patterns) adapted right along with them.

Unfortunately, in a lot of those instances, the provision of parking did not adapt. Instead, developers continued to provide parking as if every location was the same, and the result was a high amount of underutilized parking. The data showed that in the heart of Seattle (the most urbanized area in the county), the parking demand was at or below 0.5 spaces per unit. In the far reaches of the county, the ratio was closer to 1.5 spaces per unit.

This analysis has borne some incredible outcomes. First, many developers in the King County area have begun to lessen their parking capacity as a result of this analysis, basically "right-sizing" their supply. That in and of itself is a win and would deem the effort a success. However, the study also pushed communities in the King County area to reassess their parking requirements, helping to define right-sized parking at the review level. Even more incredibly, King County transit has now begun to pursue empty parking spaces in multi-family housing complexes to serve as park-and-ride spaces for transit riders.

It's very exciting to see the results coming out of King County.

They spent a tremendous amount of time and effort to collect viable data and determine how their community works. The project was well funded by the Federal Highway Administration and led by a brilliant young planner² whose mission is to prove the fallacy of poor parking planning. But how about the communities not funded by FHWA...how do they learn more about the true nature of their parking systems?

Park+ and Right-Sized Parking

Park+ —the Kimley-Horn parking scenario planning tool — was created with the intention of right-sizing parking in the communities we serve. The model is built on an algorithm that matches parking demand with land uses to more accurately depict parking behavior. Previous white papers (xxx) have depicted how this relationship works, but in simplistic terms, we match parking demand to its origin using localized data. The result is a much more accurate depiction of parking demand in the environments our models serve.

The primary output of a calibrated Park+ dataset is a unique set of parking generation characteristics that represent the dynamic nature of a community. These results differ from community to community and are a direct reflection of the areas they serve. The following tables and figures provide a representative sample of parking demand characteristics and geographic demand metrics. These are only representative in nature, but show the varied results that come from Park+ modeling exercises.

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² Dan Rowe of King County Metro. If you ever meet him at a conference, engage him about parking...you won't be sorry.

MEMORANDUM

To: David Nevarez, P.E., PTOE, CFM

Transportation Development Services

City of Dallas

From: Lloyd Denman, P.E., CFM

Consult LD, LLC

Registered Firm F-23598

Date: March 25, 2025

Subject: Parking Study and Analysis for 1201 Oak Lawn

LLOYD B. DENMAN 76943 3-25-25 Month Serman FIRM# F-23598

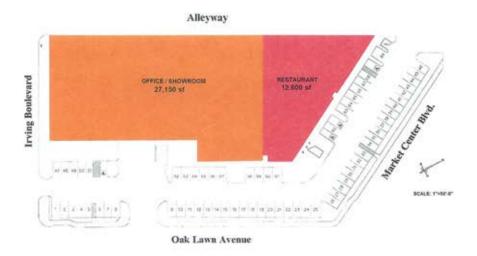
Introduction

1201 Oak Lawn is located on the west side of Oak Lawn between Market Center Blvd. and Irving Blvd. The property is zoned PD 621, Subdistrict 1, and is in the area known as the Dallas Design District. HN Capital Partners owns 1201 Oak Lawn along with fifteen other Design District properties. HN Capital intends to revitalize the 1201 Oak Lawn site by re-purposing some of the existing building space to additional Restaurant use that will better utilize and balance the existing building and its existing parking. The introduction of some additional Restaurant use is intended to be neighborhood friendly and hospitality centric for the Design District as a whole. The existing site consists of one irregular rectangle shaped building with a total of approximately 40,000 square feet of single-story space and 73 available parking spaces. (See **EXHIBIT 1 – Site Plan**) The new owner would like to utilize the allowances provided within PD 621 to reduce the required parking to be more efficient and balanced with best uses for the site and current neighborhood transportation trends. Parking observations made at a similar site adjacent to the east in October of 2024 are presented below along with additional justifications for this parking reduction request as provided by PD 621.

Proposed Uses and City of Dallas Code Requirements for Parking

The City of Dallas Development Code requires minimum parking associated with different land use types. PD 621 specifically allows "shared parking" to be considered as a percentage reduction of the required minimum parking for certain mixed uses. Note that the proposed use mix for this 1201 Oak Lawn site would be the maximum planned space for utilization of Restaurant that may not actually all be transitioned or leased in the proposed manner but is meant to represent what would be the densest future parking use mix. The calculated maximum parking for the proposed mix of uses is 135 spaces per City Code without the "Shared Parking Reduction". (See EXHIBIT 2 – Proposed Use Parking Chart) Note that the existing parking layout of 73 spaces is adequate for the morning and afternoon times of day per Code to accommodate the maximum proposed mix of uses when applying the "Shared Parking Reduction" table within PD 621.

EXHIBIT 1 - Site Plan



1201 Oak Lawn Avenue Parking Spaces Parking Counts 69 Regular Spaces 4 Handicap Spaces 73 Total Parking Spaces

This site plan shows the existing 73 parking spaces and the ultimate proposed uses for the existing building. The restaurant use will be valet parked. The existing restaurant use is 3250 square feet and may incrementally expand up to the requested maximum of 12,600 square feet.

EXHIBIT 2 - Proposed Use Parking Chart

Street No.	Street Name	Land Use	SQ FT	Parking Ratio	Shared Noon Required Parking	Total Parking Provided
1201	Oak Lawn	Office/Showroom	27,150	1sp/1100 SF & 4100 SF	15	
1201	Oak Lawn	Restaurant	12,600	1sp/105 SF	120	
			39,750		135	73

Note that the bulk of the parking demand is for the Restaurant use which typically peaks during weekend evenings. The restaurant use will be valet parked. The Office/Showroom use has plenty of daytime parking and is typically closed during the evenings.

PD 621 Allowance for Parking Reductions and the Owner's Request

The creators of PD 621 utilized good foresight for the zoning regulations back in 2002 realizing that the old parking minimums required for certain defined uses are not "one-size fits all". (See APPENDIX Articles on Parking) PD 621 allows for the accommodation of denser urban living that is less "car-centric" and the consideration of alternative modes of transportation that help reduce the need for parking. Specifically, the PD allows for "a special exception of up to 50 percent of the required off-street parking" to help "right-size" parking for dense urban projects. HN Capital would like to follow the PD 621 allowance language and request a reduction of 46% in parking requirements from the calculated requirement of 135 spaces to utilize the currently provided 73 spaces. Local observed parking data and recent mobility trends support the request as detailed below. Also, HN Capital will seek out nearby properties to determine if remote valet agreements may be reached to provide overflow parking should it be needed. HN Capital also owns other nearby properties that could provide evening overflow parking should it be needed.

1212 Oak Lawn and 1617 Market Center Blvd (Pie Tap and Town Hearth) Observed Parking Data (Oak Lawn/Market Center/Irving Blvd Triangle)

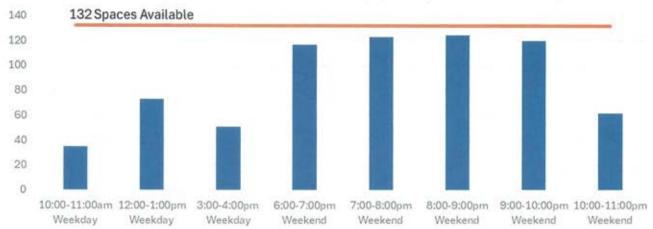
Exhibit 3, on the next page, illustrates observed parking during peak use times in October of 2024 for 1212 Oak Lawn and 1617 Market Center, a triangular shaped property, which has the Pie Tap and Town Hearth restaurants. The exhibit is annotated with comments about the observed parking data and what is proposed.

It is evident from the observed data that the adjacent Oak Lawn Triangle property is able to support two restaurants with its available parking and with the use of valet. It was observed while counting, and confirmed by the restaurant valet manager, that employee parking occupied a significant number of the available interior parking spaces (15% or more). It is recommended to consider more efficiently managing employee parking to provide more patron parking when needed. The Design District encourages a comprehensive neighborhood approach for all the property owners to work and cooperate together for mutual benefit. Note that adjacent properties with different owners have supported one another in parking reduction requests. (See APPENDIX mutual letters of support) This illustrates the synergistic goal of mutual benefit throughout the greater Design District. Granting this request would not adversely affect neighboring property since parking is already prohibited along Oak Lawn, Market Center, and Irving Blvd. There is also potential for "relief valve" parking available should the internal parking be exceeded by utilizing the surface parking lots on nearby properties. The proposed mix of uses for this existing site will be able to successfully accommodate parking demand for the higher percentage restaurant use without adversely impacting neighboring properties or the public streets. Utilizing valet service for the restaurant use helps ensure that parking needs are sufficiently and efficiently met.

EXHIBIT 3 - 1201 Oak Lawn: OBSERVED PARKING NEXT DOOR AND PROPOSED PARKING

Observed Parking Oak Lawn/Market Center/Irving Triangle

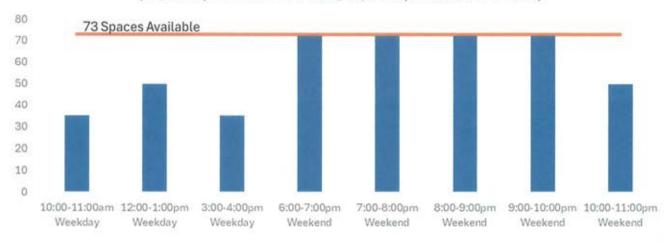
(10,248 sqft Merchandise&Service for 56%; 8,158 sqft restaurant for 44%)



Note that the Oak Lawn Triangle property with two restaurants, Pie Tap and Town Hearth, makes it work with the 132 parking spaces available. The valet manager said if the parking spaces ever happen to temporarily fill up the restaurant has a "relief agreement" with the property to the south which helps keep the valet parking operation smooth and consistent.

Proposed Parking 1201 Oak Lawn

(27, 150 sqft showroom for 68%; 12,600 sqft restaurant for 32%)



The proposed mix of uses intends to fill the available parking during the weekend evening peaks for Restaurant use. There is adequate parking available to satisfy the City Code during mornings and afternoons for the Office and Showroom uses. The use of valet and alternative transportation modes can offset the evening restaurant peaks. Note that HN Capital will seek or provide on its own properties "relief valve" parking agreements that could be utilized for any overflow parking should it occur. As the owner of sixteen properties in the Design District, HN Capital is incentivized to balance and "right size" parking so that everyone benefits.

Walkability and Alternative Modes of Transportation

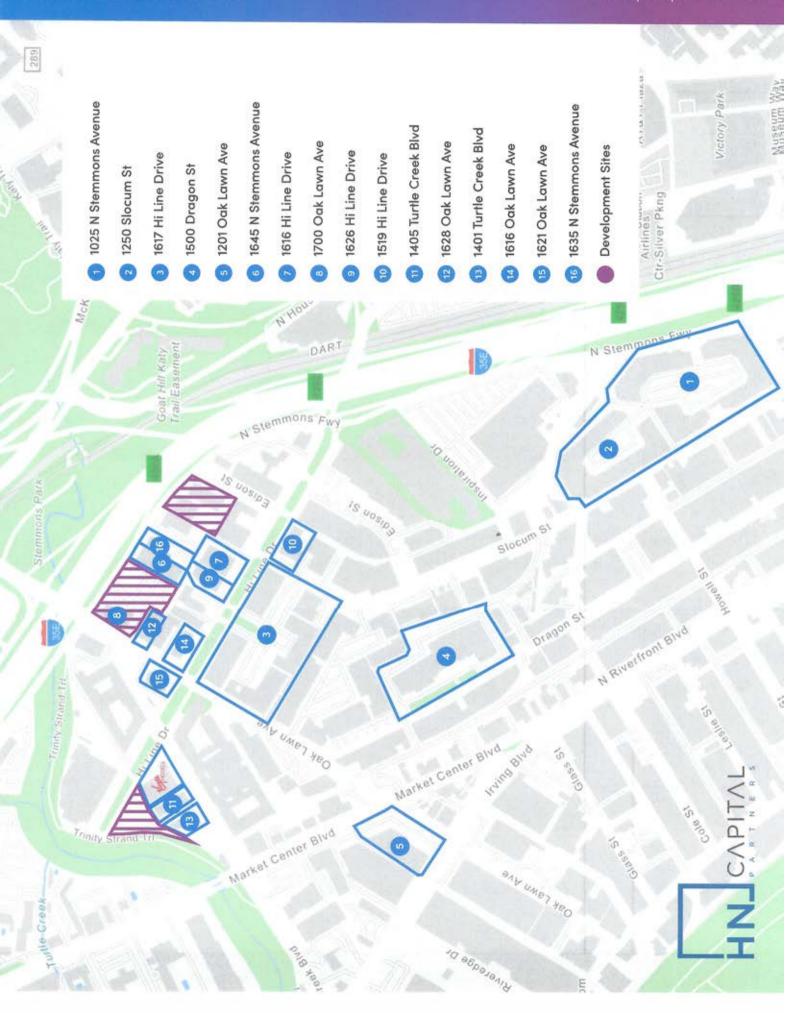
The parking reduction request is also supported by a walkability analysis of nearby residential units and current urban trend uses of alternative modes of transportation like walking, bicycling, and Uber/Alto. (See **APPENDIX** Walkability Study.) Note that the City of Dallas is currently considering reducing and/or eliminating parking requirements for some areas and uses. Although a reduction or elimination of parking requirements by the City of Dallas would not directly affect 1201 Oak Lawn since the parking already exists and the property is located within PD 621, it is still an indication that the old parking requirement ratios are excessive for dense urban living situations and with the newer alternative modes of transportation readily available.

Conclusion

Based on: (1) the observed parking data for similar uses adjacent to the site, (2) the allowances for parking reductions written into PD 621, (3) the utilization of valet to most efficiently park the site, (4) the potential for "relief valve" parking spaces in nearby surface parking lots for the overall benefit of the Design District, and (5) the current trends of more mobility choices and more dense urban living that together reduce the need for parking; it is recommended that the existing 73 parking spaces for the current 1201 Oak Lawn site will be adequate to serve the proposed mix of Restaurant and Office/Showroom uses. Furthermore, if the parking demand were to consistently exceed the 73 spaces provided and beyond what valet can accommodate, the greater risk would be loss of business to the site rather than any obstruction of the public right-of-way or creation of a traffic hazard since parking is internal to the site and is currently prohibited along Oak Lawn, Market Center, and Irving Blvd. The accommodation of shared parking, Uber/Alto and similar ride shares including the Virgin Hotel shuttle service, availability of pedestrian and bicycle trails, availability of remote parking lots within a ten minute walk, and the presence of newer dense inner-city residential developments that currently include 2000+ units within a ten minute walk of the subject site have all convened at this time to help reduce the need for parking and support the proposed mix of uses for 1201 Oak Lawn. The proposed plan to revitalize and repurpose the existing building of 1201 Oak Lawn and utilize the existing parking within the allowances of PD 621 will provide mutual benefits to the property owner/operator, the neighborhood, and the City of Dallas. "Right-sizing" or "rightmixing" the proposed uses of this existing building to more fully utilize the existing internal parking to its potential will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets. No spillover effect of traffic or parked cars is expected to occur since valet parking will be available.

APPENDIX

- HN Capital Property Ownership Map within the Design District
- · Mutual letters of support for Parking Reductions
- Walkability Study within a five to ten-minute walking distance of 1201 Oak Lawn
- Annotated Articles: "The Parking Problem Why Cities Overbuilt Parking Spaces" 9-30-2023
 "Parking Generation... Park +" by Kimley-Horn May 2016



February 5, 2025

Dr. Kameka Miller-Hoskins, Chief Planner Zoning Board of Adjustment City of Dallas 1500 Marilla Room 5CN Dallas, TX 75201

Via email

RE: Pending applications at 1616 and 1626 Hi Line; 1617 Hi Line; and 1201 Oak Lawn Avenue

Dear Dr. Miller-Hoskins,

Please accept this support letter for the parking reduction requests at 1616 and 1626 Hi Line, 1617 Hi Line, and 1201 Oak Lawn Avenue. We understand they are separate requests intended for consideration in April 2025; our support applies to each request. The applicant, HN Capital, and their representatives have shared with us their request and plans for improving their property. As adjacent commercial property owners, we believe that their parking reduction request will benefit this area of the Design District.

We support the parking reductions requested for several reasons. HN Capital has successfully managed their properties in this area to bring valuable tenants and businesses to the Design District. As this area of the Design District has benefitted from the recent city investments in infrastructure, these improvements for sidewalks, streetscapes, and a hike/bike trail that connects to Victory Park/Downtown increase and enhance mobility options for visitors and residents. New developments and remodels have included a mix of land uses that are creating a dynamic neighborhood, as intended by the PD 621 Old Trinity Design District Special Purpose District zoning. We also understand the City of Dallas is considering Development Code revisions to the off-street parking requirements to align with current parking demand trends and promote use of other transportation options.

The proposed parking reductions are supported by a professional engineering analysis of the parking demand for these properties and the ability of HN Capital to manage the parking needs on their properties for the success of their tenants. We believe the requested reductions are reasonable and support the shared goal of continued improvement, adaptive reuse, and quality development of the Design District.

Sincerely,

Shyam Patel – Asana Partners 1444 Oak Lawn, LP

704.423.1660 | 2151 Hawkins Street, Suite 1100 | Charlotte, NC 28203

asanapartners.com



Jonathan G. Vinson (214) 953-5941 (Direct Dial) (214) 661-6809 (Direct Fax) jvinson@jw.com

August 16, 2024

Via Email

Ms. Cambria Jordan, CFM, MBA, PMP, Senior Planner Zoning Board of Adjustment City of Dallas 1500 Marilla Street, Room 5BN Dallas, Texas 75201

Re: BDA234-091; 1444 Oak Lawn Avenue.

Dear Ms. Jordan:

Our firm represents HN Capital, which is the largest property owner in the Design District. HN Capital is pleased to be part of the ongoing success of the District, and we look forward to even more success for the entire District in the future. This letter is to express our *support* for the off-street parking special exception request being made under BDA234-091 at 1444 Oak Lawn Avenue, for the following reasons.

When the City first approved P.D. 621 in 2002, it was not completely certain that the P.D. would work for its intended purposes. The City deserves credit for getting the P.D. right for the most part and achieving its purpose of fostering in-context adaptive reuse in the Design District with, of course, some appropriate new development.

Part of the success of P.D. 621, we believe, is due to the P.D. having loosened somewhat the strict requirements for off-street parking found in other parts of the City. This is very appropriate and necessary for the adaptive reuse of existing buildings, and actually helps preserve those buildings and the larger context of the District. This is good place-making and supports the District's overall success.

However, since the adoption of P.D. 621, the world has changed even more with regard to parking demand. The reduction in office usage, the advent of ride-sharing, and the greater walkability of the District have all contributed to this. Continuing to adhere to off-street parking ratios which date back in some cases to 1965, or even before, fails to recognize the change in parking demand in 2024.

In fact, the City itself is in the middle of processing Development Code amendments to reduce off-street parking requirements to align more with current demand. For many reasons, the current off-street parking requirements in P.D. 621, and elsewhere in the City, are obsolete and should be reduced.

41476708v.1

We support reasonable and evidence-based, data-driven reductions in parking requirements where appropriate, in particular in P.D. 621, where such reductions will support continued adaptive reuse and quality development and placemaking, and we believe that to be the case with this request. We respectfully ask that you approve the applicant's request in this case. Thank you.

Very truly yours,

Jonathan G. Vinson

cc: Dr. Kameka Miller-Hoskins Jennifer Hiromoto Vipin Nambiar Adam Hammack Suzan Kedron

2

WALKABILITY STUDY

According to statistics listed on the Dallas Design District Property Brochure, by "DunhillProperties.com", there are approximately 20,000 residents that live within one mile, or a 10 to 20 minute walk, of the Dallas Design District. Even closer to the heart of the Design District and to 1201 Oak Lawn, within a 5 to 10-minute walk or less, are eight large multifamily communities that total nearly 3000 units. Also, the Virgin Hotel with 268 rooms and a 75 space pay parking lot are within a 10-minute walk to 1201 Oak Lawn. (See annotated map attached) According to the Federal Highway Administration, "Most people are willing to walk for five to ten minutes, or approximately ¼ to ½ mile" to reach a destination. (See FHA Pedestrian Safety Guide attached)

The close proximity within a five to ten-minute walk of so many residential units and hotel rooms certainly helps decrease the parking demand for patrons that would frequent 1201 Oak Lawn for Restaurant uses. (Walk times were physically verified by Lloyd Denman, P.E. during the parking observations made in May 2024.) There is also a free hotel shuttle at the Virgin Hotel that ferries guests within a 3-mile radius of the hotel to and from restaurants and other attractions. In May of 2024, the shuttle attendant said the shuttle stays busy and a second vehicle should be added to the service.

Google Maps

2/5/25, 3:12 PM

Proximity Map 1201 Oak Lawn Residential

2000 AL

U.S. Department of Transportation

Federal Highway Administration

1200 New Jersey Avenue, SE Washington, DC 20590 202-366-4000

Safety

Pedestrian Safety Guide for Transit Agencies

< Previous Table of Content Next >

Chapter 4: Actions to Increase the Safety of Pedestrians Accessing Transit

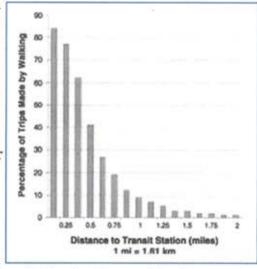
Understanding pedestrian characteristics and facilities (e.g., sidewalks, crosswalks, pedestrian signals, etc.) is an important step in providing safe access to transit systems. This section introduces basic pedestrian safety concepts to help readers understand issues, solutions, and resources that are presented in other parts of this guide. Concepts addressed in this chapter include:

- Typical walking distance to transit.
- Motor vehicle speed and pedestrian safety.
- · Pedestrian characteristics and behavior.

A. Typical Walking Distance to Transit

Most people are willing to walk for five to ten minutes, or approximately ½- to ½-mile to a transit stop (see figure below). However, recent research has shown that people may be willing to walk considerably longer distances when accessing heavy rail services. Therefore, in order to encourage transit usage, safe and convenient pedestrian facilities should be provided within ¼- to ½-mile of transit stops and stations, and greater distances near heavy rail stations. Note that bicyclists are often willing to ride significantly further than ½-mile to access rail transit stations, so safe facilities should be provided for bicycling within a larger catchment area around transit hubs.

Transit route spacing and location are important considerations for pedestrian access to transit. For example, in a city with a regular street grid pattern of streets, appropriate stop spacing can be achieved when transit routes are spaced between ½- to 1-mile apart. If the stops on these routes are spaced 1/8, to ½, mile apart, then a majority of the result in the



routes are spaced 1/8- to ½- mile apart, then a majority of the people in the neighborhoods served by the transit system will be within ½- to ½-mile of a transit stop. 70

B. The Effect of Motor Vehicle Speed on Pedestrian Safety

Pedestrians accessing transit stops and stations must often walk along or cross roadways that carry motor vehicle traffic. Pedestrians may feel less comfortable and safe as nearby motor vehicle speeds increase. The faster a driver is traveling, the more difficult it is to stop (see figure below). Larger vehicles, such as buses and trucks require even longer stopping distances.



The Parking Problem: Why Cities Overbuilt Parking Spaces

by Lauren Palmer | Sep 20, 2023 | Land Use, Transportation, Urban Planning | 0 comments

The Institute of Transportation Engineers (ITE) was founded in 1930 with the goal "to improve mobility and safety for all transportation system users and help build smart and livable communities." The idea behind the ITE was to help developers with roadway design, traffic management, and parking requirements. However, the ITE has created more problems, particularly when it comes to parking. For decades, the ITE recommended parking minimum requirements ill-suited for the municipalities implementing them.

The primary issue with parking recommendations from the ITE is that the studies they relied on were based on <u>selective data</u>. For instance, in the 1987, second edition of the ITE's *Parking Generation*, the <u>ITE created half of their parking generation rates based on just four or fewer studies that were conducted in suburban areas. Researchers conducted these studies during times of peak parking demand and in areas where there was plenty of free parking and little to no use of public transit.</u>

This led urban planners in cities to use suburban rates to set parking requirements that were incompatible with urban environments, resulting in excessive amount of parking in some areas. This created a circular planning process that has only exacerbated issues. It goes something like this:

- 1. The ITE published their findings in Parking Generation using the selective suburban data,
- 2. City urban planners set parking requirements based on those findings.
- 3. Developers implemented those parking plans,
- The resulting ample supply of parking drove the price of parking in specifically designated lots down to zero.
- Because of the massive amount of land used to create these parking specifications, cities saw decreased walkability and density of facilities,
- The sprawl, combined with the plethora of free parking options, led to increased vehicle usage,
- 7. The increased parking demand again validated the ITE's findings.

And the cycle repeats. This process has, unsurprisingly, resulted in an overabundance of parking. In the United States, surface parking lots alone cover more than five percent of all urban land, representing an area greater than the states of Rhode Island and Delaware combined.

To be clear, the ITE is not solely to blame. As mentioned in *Rethinking A Lot*, urban planners and policymakers frequently rely on the recommendations provided by the ITE for parking requirements without ensuring their accuracy for their respective municipalities. The ITE has an inherent authority that makes planners regard its findings as valid, precluding in planners' minds the need for further inquiry. The use of ITE's manuals also allow public officials to avoid responsibility for excessive parking lots.

Due to a lack of planning and engaging the proper parties involved in parking use and development, inaccurate parking demands arise. While <u>urban planners</u> readily observe this problem, they often fail to take the necessary steps to actually address it. Even municipalities directly contribute to the overabundance of parking by offering free spaces, which inevitably fill up quickly, and then opting to add more parking, which creates an overabundance without addressing the root problem.

Municipalities also look to other authorities, such as the <u>Urban Land Institute</u> (ULI) for parking guidance. However, the ULI has many of the same problems as the ITE. ULI reports have recommended an excessive amount of parking, with some ULI reports calculating a "need" for more spaces than ITE reports. Municipalities cannot blindly rely on these institutions to supply perfectly accurate data. Municipalities need to measure parking demands with the "ongoing data analysis, community assessment, and demand analysis" that is most relevant to them.

The ITE, recognizing that municipalities still rely on its findings, is also attempting to fix the situation by adapting and changing the new *Parking Generation* manuals. The most recent, the 2019 *Parking Generation Manual*, features land use descriptions and data plots of a variety of available land uses, time periods, and independent variables in the ITE database. The parking database is now broken up into settings that include "Multi-Use Urban" and "Center City Core," which work to pinpoint the most relevant studies for specific cities' needs. The goal of this manual is to help describe the relationship between parking demand and the characteristics of the individual development site.

Donald Shoup, Professor in the Department of Urban Planning at UCLA, recommends that the ITE follow in the footsteps of the British counterpart to *Trip Generation*, the "Trip Rate Information Computer System." This system gives information about the characteristics of every surveyed site and its surroundings, which would allow municipalities to use comparable sites before making land use decisions.

Despite the empirical evidence surrounding the overabundance of parking, as well as its deleterious environmental effects, few municipalities are changing parking requirements and financers still pass on projects that "don't have enough parking," even with the new ITE recommendations.

One successful technique is shared parking, a parking management tool that communities can employ when setting parking requirements. Different types of land uses attract customers, workers, and visitors during different times of the day, which results in differing peak parking demand hours for the related land uses. Shared parking takes advantage of these varying demand patterns and allows adjacent land uses with complementary peak demands to share a parking lot space. This not only encourages centralized parking rather than scattered lots, but also reduces overall construction costs which could greatly benefit both municipalities and developers.

Several municipalities have implemented shared parking, including Ventura, CA which has a zoning ordinance that permits different land uses to have shared parking because of opposite peak parking demand periods. The shared parking is allowed to satisfy one hundred percent of the minimum parking requirements for each land use. Similarly, North Kansas City, MO, by permit, allows a reduction of the number of parking spaces multi-use developments need to have if they have different peak parking demand periods.

Finally, in **West Hartford**, **CT**, the zoning code provides an alternative method of meeting parking requirements. So long as the applicant seeking to enter into a shared parking agreement can prove the lot would be convenient for all parties and would not cause traffic congestion, it can get approved. The municipality has since consolidated many parking lots down for shared use.

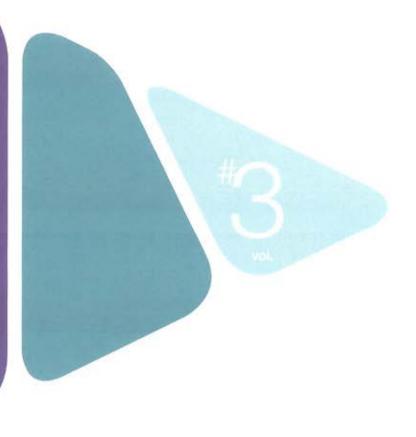
To truly reverse the detrimental impacts of the old ITE reports on the development of cities, urban planners and lawmakers will need to implement a multi-faceted approach. In addition to conducting their own parking studies based on the proposed uses and characteristics of the community, urban planners and lawmakers should focus on enhancing multi-modal transit and implementing shared parking. Parking minimums need to be eliminated and more parking maximums need to be developed. Focusing on the parking demands of individual development sites will help stop the cycle of creating unnecessary parking and meet parking demands in a smarter and more efficient manner.

Parking Generation—

Replacing Flawed Standards Park+

WHITE PAPER SERIES

May 2016







PARKING GENERATION -

Replacing Flawed Standards with the Custom Realities of Park+



Introduction

For the longest time, our industry's approach to defining "How much parking?" has been relegated to the use of national parking requirement standards, either from the Institute of Transportation Engineers (ITE), Urban Land Institute (ULI), or local code requirements. Anyone who has read the workings of Donald Shoup, or more recently Richard Willson, knows the fallacy in using these sources when designing downtown or campus parking systems.

National parking requirement standards are based on outdated and underrepresented data, which tend to skew wildly from the actual parking needs of
a community. In my years as a parking consultant, I've very rarely completed
a single downtown parking study where the peak observed parking demands
consumed the majority of the total parking spaces. A study completed in Dallas a
few years ago yielded some 30,000 empty parking spaces at peak. Similar results
were found in Atlanta, Houston, St. Petersburg, Seattle, and the list goes on.
When communities plan downtowns based on outdated suburban design
standards, we achieve the same inevitable results—empty, restricted parking
areas that deaden the density, walkability, and vitality of urban areas.

The parking quantity question is always a challenging exercise, especially when we try to solve it using inaccurate data. Most times, we rely on outdated data that doesn't truly represent the real context of our downtowns. As more and more people migrate to urban areas, the dynamics of how they get around and their relationships with cars change. As such, we've seen a drastic downshift in the need to provide parking. But our planning tools have not evolved to better align with this shift.

Equally challenging is deciding how the parking characteristics in one community compares to another community. In reality, it's hard to define how one neighborhood acts compared to another. Here in Phoenix, the Roosevelt neighborhood, home to the area's up-and-coming artists and requisite "hipsters," enjoys a higher amount of transit, walking, and cycling than most other parts of the city. In turn, the overall demand for parking is lessened as area residents and patrons find other ways to access the uses within the area. In my neighborhood, you almost can't survive without the use of a car to work, shop, and play. This variability exists in every city and is the reason it's absurd to continue leaning on archaic, cookie-cutter methods to plan for parking.

This question is the central reason we created Park+ — to find a way to localize the analysis of parking demand and challenge the conventional notion that all parking demand is created the same. Within this white paper we summarize the findings of the first five years of Park+ modeling and define the dynamic nature of each community served. In our time developing, testing, and applying this model, we have encountered an incredible diversity of data and outcomes in each community. In the following sections, we'll walk through those results, as well as the more global movement afoot in our industry.

Kimley » Horn

PARKING GENERATION -

Replacing Flawed Standards with the Custom Realities of Park+



Unfortunately, those data points are routinely applied in areas they should not be. I've seen exercises where entire swaths of a downtown are planned with these metrics, resulting in over-built facilities. In some cases, it's a lack of understanding of the context the development is occurring in. In other cases,

it's a requirement of financial institutions that are backing a development. Whatever the cause, a better understanding of the true dynamics of a development and the area it serves produces better results.

In recent years, urban planners have begun to lean more and more on these decisions as a primary reason that downtowns and communities don't work. One of my favorite terms in the industry is the "parking crater," which was coined by the website Streetsblog and its editor Angie Schmitt. In fact, that website holds an annual March Madness tournament, with a full-on bracket to determine the worst parking crater of that year. The parking crater is a portion of a downtown that has been hollowed out by the presence of large surface parking lots. Whether these are highly or poorly utilized, they deaden a downtown, its walkability, and most importantly its viability.

If asked, many people would say the provision of ample parking makes our cities more desirable. But in fact, ample parking promotes single occupancy vehicle trips and impedes the ability for our communities to develop and grow. Pedestrian walkability, dense design, and connectedness are extremely important for the success of a community. Large areas of parking tend to counter these tenets and disrupt the ability for a community to work properly. This is only exacerbated by the over-provision of parking.

Clearly, something must be done...

Right-Sized Parking

Recently in the planning arm of the parking industry, we've seen a very distinct shift toward finding the right amount of parking for a downtown, campus, study area, development, etc. This movement is aptly dubbed the Right-Sized Parking movement. The name speaks for itself, as the intent is to determine the correct amount of parking to serve an area without over- or under-burdening area patrons.

Too much parking tends to be an expensive endeavor. In today's world where more and more parking is found in consolidated structures, the cost to build a single space can range from \$8,000 to \$40,000, or more. This price is astronomical and is a primary contributing reason that rents are increasing and the cost of living in urban areas is skyrocketing. In King County¹, WA, a recent study searched to find the answer to the right-size for multi-family housing parking. The result of that large-scale effort was…it depends.



¹Visit rightsizeparking.org to learn more and to play with their awesome right-size parking calculator

PARKING GENERATION -

Replacing Flawed Standards with the Custom Realities of Park+



That result may seem nebulous, but in reality it's the most accurate response that could have emerged from such a study. The data indicated that a number of factors—location, access to transit, employment density, walkability, population demographics—were responsible for the parking demand characteristics of a multi-family development. In short, people tended to adapt to their environment, and their driving (and car ownership patterns) adapted right along with them.

Unfortunately, in a lot of those instances, the provision of parking did not adapt. Instead, developers continued to provide parking as if every location was the same, and the result was a high amount of underutilized parking. The data showed that in the heart of Seattle (the most urbanized area in the county), the parking demand was at or below 0.5 spaces per unit. In the far reaches of the county, the ratio was closer to 1.5 spaces per unit.

This analysis has borne some incredible outcomes. First, many developers in the King County area have begun to lessen their parking capacity as a result of this analysis, basically "right-sizing" their supply. That in and of itself is a win and would deem the effort a success. However, the study also pushed communities in the King County area to reassess their parking requirements, helping to define right-sized parking at the review level. Even more incredibly, King County transit has now begun to pursue empty parking spaces in multi-family housing complexes to serve as park-and-ride spaces for transit riders.

It's very exciting to see the results coming out of King County.

They spent a tremendous amount of time and effort to collect viable data and determine how their community works. The project was well funded by the Federal Highway Administration and led by a brilliant young planner² whose mission is to prove the fallacy of poor parking planning. But how about the communities not funded by FHWA...how do they learn more about the true nature of their parking systems?

Park+ and Right-Sized Parking

Park+ —the Kimley-Horn parking scenario planning tool — was created with the intention of right-sizing parking in the communities we serve. The model is built on an algorithm that matches parking demand with land uses to more accurately depict parking behavior. Previous white papers (xxx) have depicted how this relationship works, but in simplistic terms, we match parking demand to its origin using localized data. The result is a much more accurate depiction of parking demand in the environments our models serve.

The primary output of a calibrated Park+ dataset is a unique set of parking generation characteristics that represent the dynamic nature of a community. These results differ from community to community and are a direct reflection of the areas they serve. The following tables and figures provide a representative sample of parking demand characteristics and geographic demand metrics. These are only representative in nature, but show the varied results that come from Park+ modeling exercises.

Kimley » Horn

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4 WHITE PAPER #3

² Dan Rowe of King County Metro. If you ever meet him at a conference, engage him about parking...you won't be sorry.

FILE NUMBER: BDA245-050(BT)

<u>BUILDING OFFICIAL'S REPORT</u>: Application of Jonathan Vinson for (1) a special exception to the parking regulations at 1500 DRAGON STREET. This property is more fully described as Block 6851 and is zoned PD-621 (Subdistrict 1), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, an office use, an office/showroom, and a commercial amusement (inside) (event center) use, and provide 177 of the required 300 parking spaces, which will require (1) a 123-space special exception (41 percent reduction) to the parking regulation.

LOCATION: 1500 Dragon

APPLICANT: Jonathan Vinson

REQUEST:

(1) Special exception to the parking regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

Section 51P-621.110(b)(2) states that the board may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Section 51A-4.311 minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). The board of adjustment may impose conditions on the special exception. Section 51A-4.311(a) of the Dallas Development Code specifies that the board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

Zoning:

Site: PD-621 (Subdistrict 1)
North: PD-621 (Subdistrict 1)
Ease: PD-621 (Subdistrict 1)
South: PD-621 (Subdistrict 1)
West: PD-621 (Subdistrict 1)

Land Use:

The subject site is developed with commercial amusement (event space), and office showroom/warehouse. The areas to the north, south, east, and west are developed with various uses such as but not limited to office showroom/warehouse, multi-family, and resturant without drive-in or drive-through service.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jonathan Vinson for the property located at 1500 Dragon Street focuses on one request relating to the parking regulations.
- The proposed request of a 123-space special exception (41 percent reduction) is made to construct and/or maintain a nonresidential structure.
- The subject site lot size is 223,720.73 square feet.
- The existing building footprint is 98,531 square feet (44.04 percent lot coverage).
- PD-621 (Subdistrict 1) requires the following parking ratio per specified use:
 - 1 parking space per 358 square feet of floor area for Office-related (3,000 / 358 = 8.38).
 - 1 parking space per 105 square feet of floor area for Restaurant without drive-in or drive-through service (18,000 / 105 = 171.43).
 - 1 parking space per 1100 square feet of floor area for Warehouse/Showroom up to 20,000 square feet floor area (20,000 / 1100 = 18.18).
 - o 1 parking space per 4100 square feet of floor area for Warehouse/Showroom above 20,000 square feet floor area (47,531 / 4100 = 11.59).
 - 1 parking space per 100 square feet of floor area for Any other use (10,000 / 100 = 100).
- Additionally, a parking agreement is required for calculating adjusted standard parking requirements.
- Granting the proposed 123-space special exception (41 percent reduction) to the parking
 regulations with a condition that the applicant complies with the most recently submitted
 site plan, would require the proposal to be constructed as shown on the submitted
 documents, and the special exception automatically and immediately terminates if when
 the restaurant without drive-in or drive-through service, office, office/showroom, and
 commercial amusement (inside) uses are changed or discontinued.
- 200' Radius Video: BDA245-050 at 1500 Dragon St

Timeline:

April 16, 2025: The applicant submitted an "Application/Appeal to the Board of

Adjustment" and related documents which have been included as part

of this case report.

March 5, 2025: The Board of Adjustment Secretary assigned this case to Board of

Adjustment Panel A.

March 14, 2025: Planning and Development Department Senior Planner emailed the

applicant the following information:

 an attachment that provided the public hearing date and panel that will consider the application; the March 21, 2025, deadline to submit additional evidence for staff to factor into their analysis; and April 4, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.

 the criteria/standard that the board will use in their decision to approve or deny the request; and

• the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 25, 2025: The Board of Adjustment staff review team meeting was held regarding

this request and other requests scheduled for the April public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and

Transportation Engineer.

March 25, 2025: The applicant provided revised Shared Parking Chart.

April 4, 2025: The applicant provided additional documentary evidence.

April 15, 2025: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday,

April 15, 2025, moved to **HOLD** this matter under advisement until **May**

20, 2025.

April 17, 2025: Planning and Development Department Senior Planner emailed the

applicant the following information:

• 1:00 p.m., **May 9, 2025**, deadline to submit additional evidence to

be incorporated into the board's docket materials.

May 9, 2025: The applicant provided additional documentary evidence.

May 20, 2025: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday,

May 20, 2025, moved to **HOLD** this matter under advisement until **June**

17, 2025.

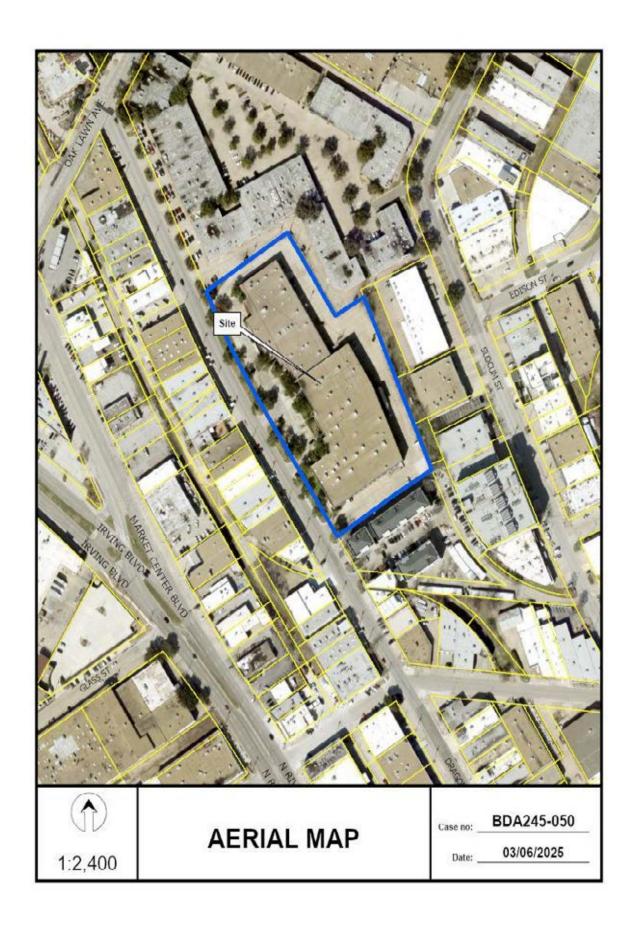
May 21, 2025: Planning and Development Department Senior Planner emailed the

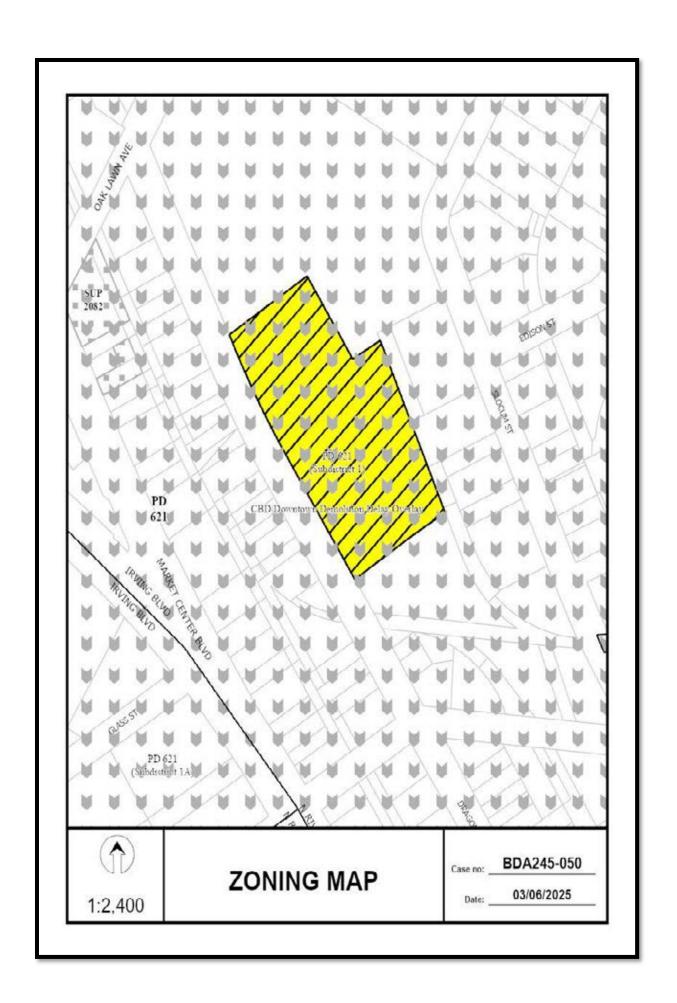
applicant the following information:

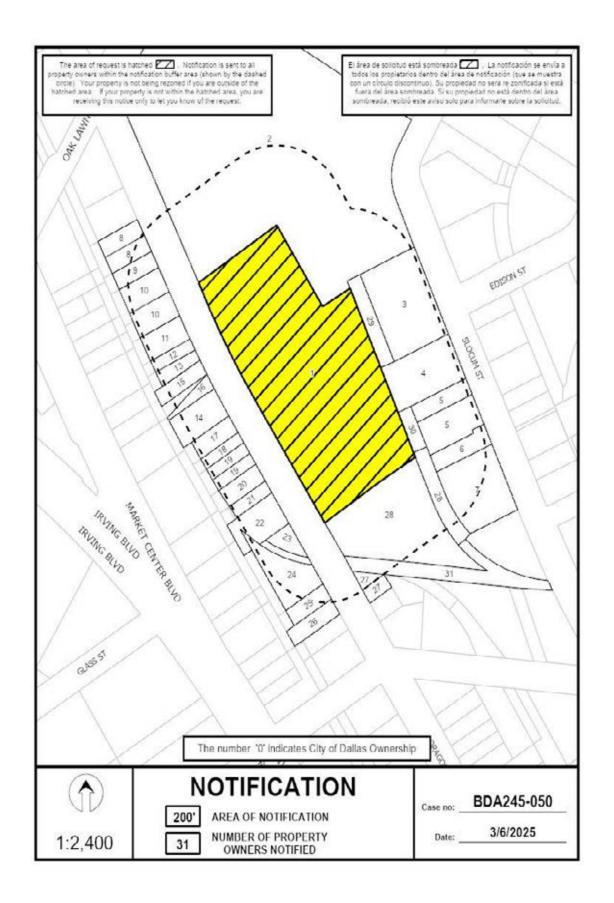
• 1:00 p.m., **June 6, 2025**, deadline to submit additional evidence to be incorporated into the board's docket materials.

June 5, 2025: The applicant provided additional documentary evidence.

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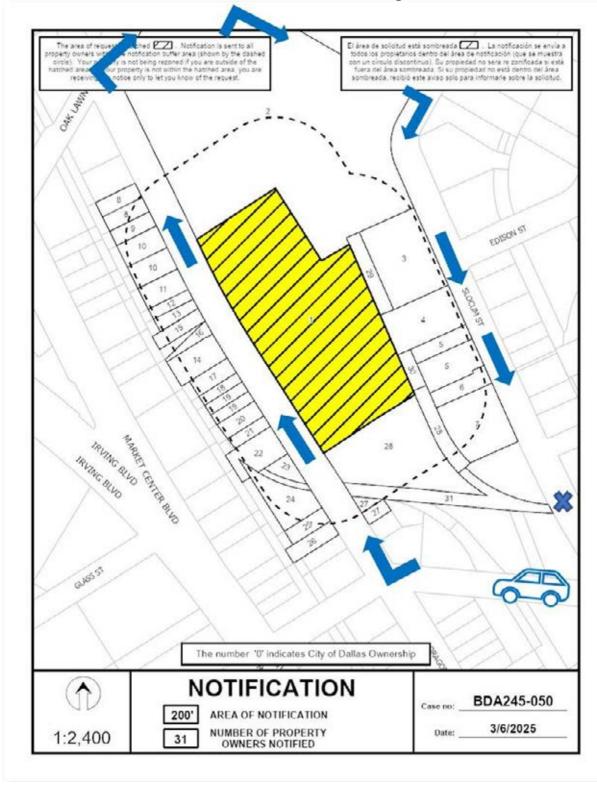
Notification List of Property Owners BDA245-050

31 Property Owners Notified

Label #	Address		Owner
1	1500	DRAGON ST	DDD PORTFOLIO HOLDINGS LLC
2	1444	OAK LAWN AVE	1444 OAK LAWN LP
3	1505	SLOCUM ST	1505 SLOCUM LLC
4	1435	SLOCUM ST	ENGLISH DANNA
5	1423	SLOCUM ST	TOMLIN GERALD &
6	1411	SLOCUM ST	KING SIU FONG
7	1403	SLOCUM ST	DRAGON POPERTY FUND LTD
8	1633	DRAGON ST	NR YANG PROPERTIES LLC
9	1627	DRAGON ST	A 3 PROPERTIES LP
10	1621	DRAGON ST	MUSE FAMILY ENTERPRISES LTD
11	1611	DRAGON ST	ZUEGER SECOND FAMILY LP
12	1607	DRAGON ST	LOJ DRAGON STREET LLC
13	1605	DRAGON ST	1605 DRAGON LLC
14	1531	DRAGON ST	A AND I HOLDINGS LLC
15	1601	DRAGON ST	1601 DRAGON LLC
16	1533	DRAGON ST	DDH WAREHOUSE INVESTORS LLC
17	1525	DRAGON ST	OAK STREAM INVESTORS III LTD
18	1523	DRAGON ST	ZUEGER FIRST FAMILY LP
19	1515	DRAGON ST	ASTON HARRY D & PATSY RAE TOLER ASTON TRUST
20	1511	DRAGON ST	WILLIAMS REVOCABLE TRUST THE
21	1507	DRAGON ST	ROSEDALE APARTMENTS LLC
22	1501	DRAGON ST	LANG DRAGON LLC
23	1435	DRAGON ST	DRAGONFLY ACQUISITIONS LLC
24	1425	DRAGON ST	VICHYASTIT KITTICHAI &
25	1419	DRAGON ST	APG3 HOLDINGS LLC
26	1413	DRAGON ST	ARTERIORS NEXT DOOR LLC

Label #	Address		Owner
27	1414	DRAGON ST	RUTT CAPITAL LLC
28	1430	DRAGON ST	DRAGON PROPERTY FUND LTD
29	1500	SLOCUM ST	1505 SLOCUM LLC
30	1400	SLOCUM ST	TOMLIN GERALD JR
31	1400	DRAGON ST	DRAGON PROPERTY FUND LTD

200' Radius Route Map



NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A) will hold a hearing as follows:

DATE: TUESDAY, JUNE 17, 2025

BRIEFING: 9:00 a.m. via Videoconference and in 6EN COUNCIL CHAMBERS at Dallas

City Hall, 1500 Marilla Street

HEARING: 1:00 p.m. Videoconference and in 6EN COUNCIL CHAMBERS at Dallas City

Hall, 1500 Marilla Street

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment: This case was held under advisement on May 20, 2025.

BDA245-050(BT) Application of Jonathan Vinson for (1) a special exception to the parking regulations at 1500 DRAGON STREET. This property is more fully described as Block 6851, and is zoned PD-621 Subdistrict 1, which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, an office use, an office/showroom use, and a commercial amusement (inside) (event center) use, and provide 177 of the required 300 parking spaces, which will require (1) a 123-space special exception (41% reduction) to the parking regulation.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at 6EN Council Chambers. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at https://bit.lv/BDA-A-Register by the 5 p.m. on Monday, June 16, 2025. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall.

Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner (214) 948-4502, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

https://bit.ly/boa0617

Board of Adjustment Planning and Development Department 1500 Marilla Street 5CN, Dallas TX 75201 PLEASE SEND REPLIES TO:

BDAreply@dallas.gov

Letters will be received until 9:00
am the day of the hearing.

PLEASE REGISTER AT: https://bit.lv/BDA-A-Register

APPLICATION/APPEAL TO THE BOA	RD OF ADJUSTMENT
Case No.	: BDA 245-050 FFB 2 5 202
Data Relative to Subject Property:	Date: FOR OFFICE USE ONLY
Location address: 1500 Dragon Street Zonir	The state of the s
Lot No.:Block No.:6851Acreage:5.1655Cens	
Street Frontage (in Feet): 1) 700.9 2) 3) 4)	5)
To the Honorable Board of Adjustment:	!! С
Owner of Property (per Warranty Deed): DDD Portfolio Holding	
Applicant: Jonathan Vinson, Jackson Walker LLP Tele	phone: 214-953-5941
Mailing Address: 2323 Ross Avenue, Ste. 600	Zip Code: 75201
E-mail Address: jvinson@jw.com	
Represented by: Jonathan Vinson, Jackson Walker LLRele	phone:214-953-5941
Mailing Address: 2323 Ross Avenue, Ste. 600	
E-mail Address:jvinson@jw.com	
Affirm that an appeal has been made for a Variance, or Special Excep	otion X ofparking regulations for
various uses, in accordance with PD 621 Section 51F	P-621-110(b)(2)(D).
Application is made to the Board of Adjustment, in accordance with the Grant the described appeal for the following reason: This application requests a Special Exception for a 48% reduction in the off-stree that is, to provide 177 parking spaces of the required 341 parking spaces based or uses. In accordance with Planned Development District No. 621, Section 51P-62: Development Code, the parking demand generated by the various uses does not and the proposed special exception will not create a traffic hazard or increase training to Applicant: If the appeal requested in this application is granted be applied for within 180 days of the date of the final action of the Boardonger period. Affidavit	t parking requirements for various uses on the property; on office/showroom, office, restaurant, and event space 1.110(b)(2)(D), and Section 51A-4.311(a)(1) of the Dallas warrant the number of off-street parking spaces required ffic congestion on adjacent or nearby streets. By the Board of Adjustment, a permit must d, unless the Board specifically grants a
Before me the undersigned on this day personally appeared	HUAN G. VINSON
who on (his/her) oath certifies that the above statements are true and he/she is the owner/or principal/or authorized representative of the s	(Affiant/Applicant's name printed) correct to his/her best knowledge and that
Respectfully submitted: (Affiant/Applicant's signature)	
Subscribed and sworn to before me this a day of <u>February</u>	
And In Day	

Notary Public, State of Texas Comm. Expires 06-29-2028

JOYLYN MARIE ADKINS

Notary ID 1417149

Notary Public in and for Dallas County, Texas

DEVELOPMENT SERVICES • BOARD OF ADJUSTMENT | REV 01.16.2023

Building Official's Report

I hereby certify that Jonathan Vinson

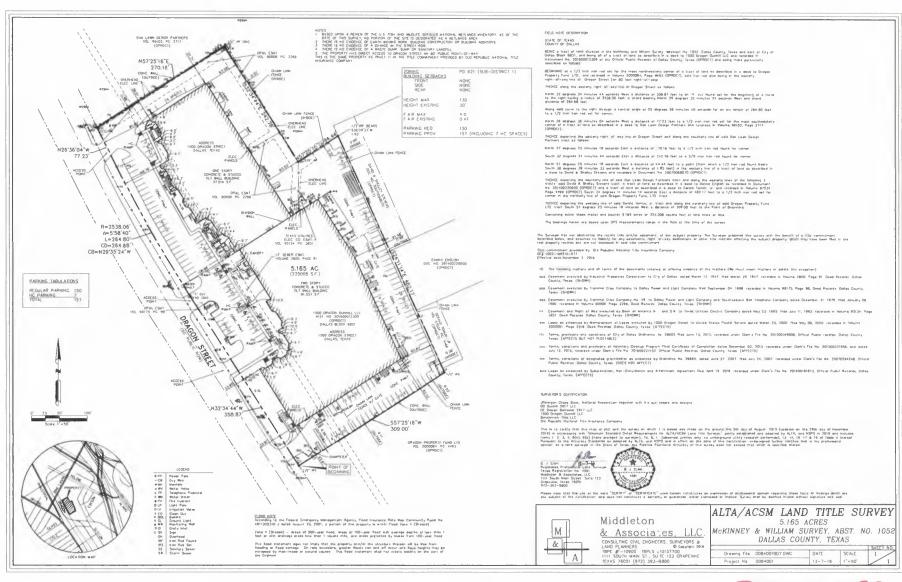
did submit a request for (1) a special exception to the parking regulations

at 1500 Dragon Street

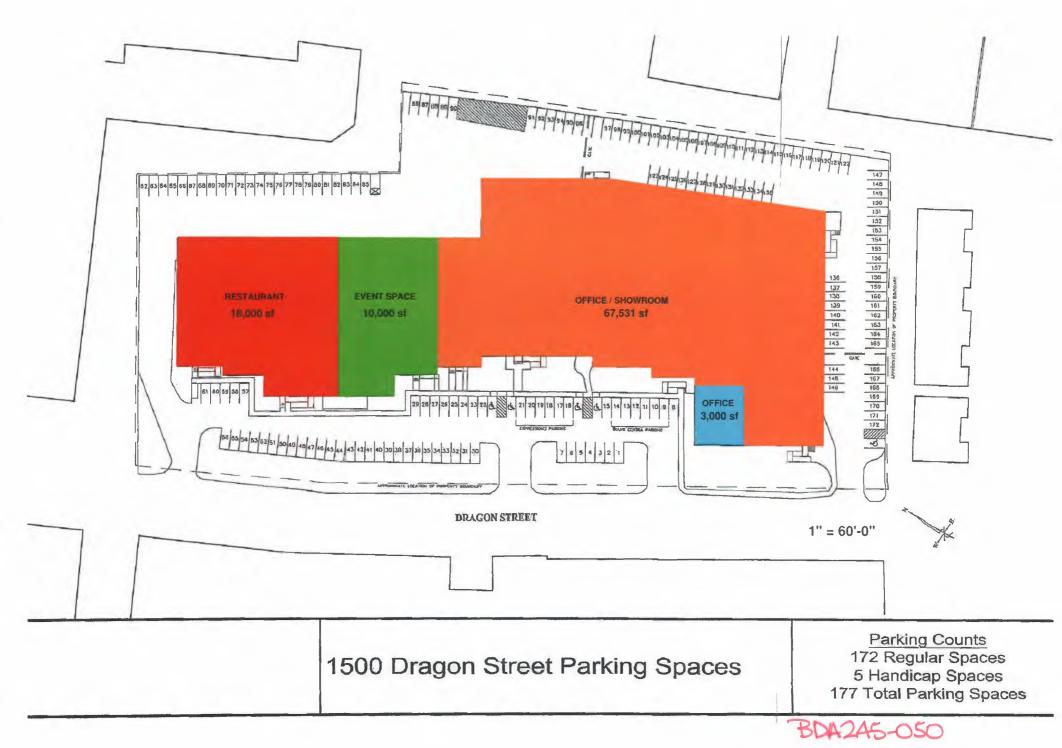
BDA245-050(BT) Application of Jonathan Vinson for (1) a special exception to the parking regulations at 1500 DRAGON STREET. This property is more fully described as Block 6851, and is zoned PD-621 Subdistrict 1, which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, an Office use, an Office/Showroom use, and a Commercial Amusement (Inside) (event center) use, and provide 177 of the required 300 parking spaces, which will require (1) a 123-space special exception (41% reduction) to the parking regulation

Sincerely,

M. Samuell Eskander, PE







Jackson Walker LLP

Jonathan G. Vinson (214) 953-5941 (Direct Dial) jvinson@jw.com

April 3, 2025

By email to: <u>bryant.thompson@dallas.gov</u> and <u>diana.barkume@dallas.gov</u>

Hon. Chair and Members, Panel A
Zoning Board of Adjustment
c/o Mr. Bryant Thompson, Senior Planner
Department of Planning and Development
City of Dallas
1500 Marilla Street, Room 5CN
Dallas, Texas 75201

Re: BDA 245-050; Parking Special Exception; 1500 Dragon Street.

Dear Members of the Board of Adjustment:

I. <u>Introduction; Description of Site.</u> We represent DDD Portfolio Holdings LLC ("DDD"), an affiliate of HN Capital Partners and the owner and manager of the property at 1500 Dragon Street in the Dallas Design District. We are providing you with additional information to aid your understanding of the reasons for, and the context of, our parking special exception request to provide a total parking supply of 177 off-street parking spaces, an approximate 41.00 percent reduction from the otherwise-required 300 off-street parking spaces.

The subject site is 5.1655 acres in size and is located on the northeast side of Dragon Street, between Oak Lawn Avenue and Cole Street, and was developed in 1979, according to the Dallas Central Appraisal District. The property currently contains mostly office, office showroom/warehouse, restaurant, and event center uses, all of which DDD intends to continue in some combination.

Attached for your reference are an aerial photograph of the site (highlighted in light green) and a few site photos. Also attached are a chart showing our mixed-use parking analysis, and our Parking Study and Analysis, as discussed in more detail below.

Our current site plan with current uses, and their respective square footages, is included in the attached Parking Study and Analysis as Exhibit 1 to the Study. The use that carries by far the highest parking ratio is, of course, the restaurant use, so conceptually that would be the use to which the parking reductions primarily apply.

II. <u>Our Request</u>. Our request, then, in addition to the 41.00 percent reduction itself from 300 required parking spaces to 177 provided parking spaces, is for the overall reduction to apply site-

wide, so long as the specific shown restaurant use square footage is not exceeded on the site, with any and all other current and future uses otherwise allowed to locate anywhere within the site.

We will discuss below mitigation factors such as differing peak times; availability of other DDD-controlled properties for valet and remote parking; and the significant use of ride-sharing services. Moreover, also included is our mixed-use parking calculation, which shows that the above-referenced current parking requirement is based on peak usage, which is mainly driven by the restaurant use. At other times, there is very significant unused parking, as discussed in our Parking Study.

III. Parking Study and Analysis. As part of the application process we have provided a Parking Study and Analysis updated as of March 25, 2025, prepared by Mr. Lloyd Denman, P.E., former longtime Assistant Director of Engineering for the City of Dallas. A copy of that Parking Study and Analysis (the "Analysis") is attached to this letter, but the Introduction says that "HN Capital Partners owns 1500 Dragon along with fifteen other Design District properties. HN Capital intends to revitalize the 1500 Dragon site by repurposing some of the existing building space to include restaurant and office use that will better utilize and balance the existing building and its existing parking. The introduction of some restaurant and office use is intended to be neighborhood-friendly and hospitality-centric for the Design District as a whole".

Other excerpts from the Analysis say the following: PD 621 allows for the accommodation of denser urban living that is less "car-centric" and the consideration of alternative modes of transportation that help reduce the need for parking. ...Local observed parking data and recent mobility trends support the request as detailed below. Also, HN Capital may seek out nearby properties to determine if remote valet agreements may be reached to provide overflow parking should it be needed. HN Capital also owns other nearby properties including two large surface parking lots that could provide evening overflow parking should it be needed.

Granting this request would not adversely affect neighboring property since parking is already prohibited along the east side of Dragon Street. There is the potential for "relief valve" parking available should the internal parking be exceeded by utilizing the surface parking lots on nearby properties. The proposed mix of uses for this existing site will be able to successfully accommodate parking demand for the higher percentage restaurant use without adversely impacting neighboring properties or the public streets.

There is adequate parking available to satisfy the City Code during mornings and afternoons for the office and showroom uses. The use of valet and alternative transportation modes can offset the evening restaurant peaks.

The parking reduction request is also supported by a walkability analysis of nearby residential units and current urban trend uses of alternative modes of transportation, like walking, bicycling, and Uber/Alto.

It is recommended that the existing 177 parking spaces for the current 1500 Dragon site will be adequate to serve the proposed mix of restaurant and office/showroom and event space uses. ... "Right-sizing" or "right-mixing" the proposed uses of this existing building to more fully

utilize the existing internal parking to its potential will not create a traffic hazard or increased traffic congestion on adjacent or nearby streets. No spillover effect of traffic or parked cars is expected to occur since valet parking will be available.

Mr. Denman's detailed, thorough, and thoughtful analysis from an objective engineering standpoint clearly supports our request.

IV. <u>Applicable Regulations</u>. The applicable regulations for a special exception to release parking in P.D. 621 are found both in P.D. 621 and in Chap. 51A, the Dallas Development Code. First, Sec. 51P-621.110(b)(2)(D) of the P.D. 621 regulations says that "the Board of Adjustment may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Sec. 51A-4.311".

Please bear in mind that the normal Chapter 51A maximum parking reduction for a special exception is 25 percent (or 35 percent for office uses – which, we would observe, demonstrates that even current Code recognizes that special exception parking reductions are frequently very justifiable for the office use, and more so than other uses). We would suggest that City Council saw fit to increase this threshold to 50 percent in P.D. 621 as a means of encouraging not just adaptive reuse, but also trying to avoid overparking, to maintain the fabric and context of this District, and to encourage walkability and a good pedestrian environment by not requiring excessive parking.

Sec. 51P-621.110(b)(2)(D) provides that "the board of adjustment may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Section 51A-4.311. The board of adjustment may impose conditions on the special exception".

Sec. 51A-4.311(a)(1) further provides that the board may grant a special exception to the off-street parking requirements "if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets". We believe that our request, as supported by our Analysis, clearly meets all of the criteria for the granting of our special exception request.

Further, Sec. 51A-4.311(a)(2) lays out the following criteria for the Board's consideration is reviewing such requests, with my comments in parentheses:

- (2) In determining whether to grant a special exception under Paragraph (1), the board shall consider the following factors:
- (A) The extent to which the parking spaces provided will be remote, shared, or packed parking. (HN Capital and its affiliates control numerous properties in the District which can work together to provide remote and/or shared parking).
- (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested. (This is covered in our Analysis, attached).
- (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district. (Not applicable).

- (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan. (The surrounding streets will have sufficient capacity).
- (E) The availability of public transit and the likelihood of its use. (DART bus lines are available in the area).
- (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness. (The sites will be able in most circumstances to utilize valet/remote parking and shared parking).

Please again note and consider that the applicant controls numerous properties in the area as shown on the area map included in our Analysis. The proposed reduction is a reasonable and evidence-based, data-driven reduction in the parking requirement, which will support continued adaptive reuse and quality development and placemaking.

V. <u>Further Discussion: P.D. 621; Current Parking Reform Efforts</u>. When the City first approved P.D. 621 in 2002, it was not completely certain that the P.D. would work for its intended purposes. The City deserves credit for getting the P.D. right for the most part and achieving its purpose of fostering in-context adaptive reuse in the Design District with, of course, some appropriate new development.

Part of the success of P.D. 621, we believe, is due to the P.D. having loosened somewhat the strict requirements for off-street parking found in other parts of the City. This is very appropriate and necessary for the adaptive reuse of existing buildings, and actually helps preserve those buildings and the larger context of the District. This is good place-making and supports the District's overall success.

However, since the adoption of P.D. 621, actual parking demand has changed considerably, especially in mixed-use, retail and restaurant, lodging, and office environments. The reduction in office usage, the advent of ride-sharing, and the greater walkability of the design District have all contributed to this. Continuing to adhere to off-street parking ratios which date back in some cases to 1965, or even before, fails to recognize the change in parking demand in 2024.

In fact, the City itself is far along in processing Development Code amendments to reduce off-street parking requirements to align more with current demand. I have attached the Department of Planning and Development's own summary, dated March 24, 2025, of the City Plan Commission's recommendation to the City Council, with some relevant points highlighted.

For many reasons, the current off-street parking requirements in P.D. 621, and elsewhere in the City, are obsolete and should be reduced. However, as amendments to Chapter 51A, it may be that such amendments, when finally adopted by Council, will not include Planned Development Districts, including P.D. 621.

In particular, given the City's efforts to update and modernize parking requirements (and we would note that, as amendments to the Development Code, these will not take effect in existing Planned Development Districts, even though that is where much of the development activity takes place) to align more with current parking demand, with many of these requirements having been

in place for 50 years or more, the requested reduction is completely reasonable and justifiable, and realistically aligns with project actual parking demand.

Having to provide excessive parking, which would result in a large number of empty spaces, is not only costly and wasteful in terms of the project itself but is unsustainable and has negative impacts on walkability and other factors.

VI. <u>Conclusion</u>. The conclusion is clear based on this information that this request *meets the standard for approval* of a parking special exception, in that the parking demand generated by the use does not warrant the number off street parking spaces otherwise required, and the special exception will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

Since this request clearly meets the Development Code and P.D. 621 standards for approval, we will respectfully be asking that you *approve* our request. We look forward to appearing before you and answering any questions you might have, and we appreciate your time and consideration.

Very truly yours

Ionathan G. Vinson

cc: Vipin Nambiar
Adam Hammack
Charlotte Carr
Lloyd Denman, P.E.
Suzan Kedron
Will Guerin







City of Dallas PD 621 Shared Parking Chart

for properties regulated by Dallas Development Code, Chapter 51A (for calculating adjusted standard parking requirement, REQUIRES PARKING AGREEMENT)

Address: 1500 Dragon

1		Total SF	Parking	Standard Parking		4	arking	Parking Adjustment By Time of Day (Weekday)	nent B	y Time o	f Day	Weekday	s	
Nse	Use Categories	(including vacancies)	Ratio	Requirement	Mo	Morning	Z	Noon	Afte	Afternoon	Late	Late Afternoon	Ú	Evening
	Multifamily # units	0	1.5	00.0	%08	-	%09	•	%09		%02		100%	
	Office-related	3,000	358	8.38	100%	8.38	%08	6.70	100%	8.38	_	7 12	+	2.93
	Retail-related	0	275	0.00	%09	•	75%	-	%02	-	-		-	
	General merchandise	0	275	0000	%09		75%		%02	•	%59		%02	
	Furniture store	0	1000	00.00	%09	-	75%	•	%02		65%		%02	l.
	Bar & Restaurant (+outside seating)	18,000	105	171.43	20%	34.29	100%	171.43	30%	51.43	-	51.43	-	171.43
	Warehouse/Showroom up to 20,000SF floor				100%		75%		400%		7020		956	
	area	20,000	1100	18.18	3	18.18	2	13.64	3	18.18	8	11.82	800	6.36
	Warehouse/Showroom above 20,000SF floor				100%		75%		100%		%5%		35%	
	area	47,531	4100	11.59		11.59		8.69		11.59	3	7.54	_	4.06
	Any other use		100	100	100%	100.001	100%	100.00	100%	100.00	100%	100.00	100%	100.00
	Total SF (residential)	98,531		310		172		300		190		178		285

Therefore, 300 is the parking requirement for 1500 Dragon

MEMORANDUM

To: David Nevarez, P.E., PTOE, CFM

Transportation Development Services

City of Dallas

From: Lloyd Denman, P.E., CFM

Consult LD, LLC

Registered Firm F-23598

Date: March 25, 2025

Subject: Parking Study and Analysis for 1500 Dragon

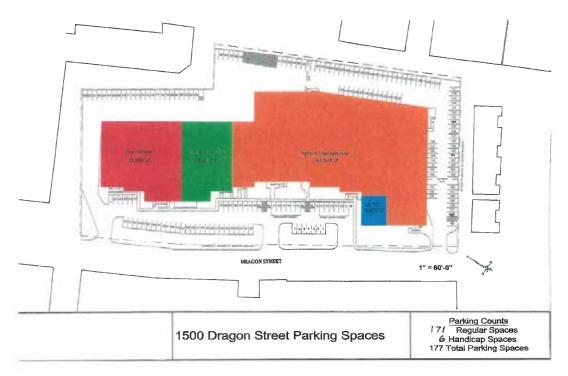
Introduction

1500 Dragon is located on the easterly side of Dragon Street between Oak Lawn Avenue and Cole Street. The property is zoned PD 621, Subdistrict 1, and is in the area known as the Dallas Design District. HN Capital Partners owns 1500 Dragon along with fifteen other Design District properties. HN Capital intends to revitalize the 1500 Dragon site by re-purposing some of the existing building space to include Restaurant and Office use that will better utilize and balance the existing building and its existing parking. The introduction of some Restaurant and Office use is intended to be neighborhood friendly and hospitality centric for the Design District as a whole. The existing site consists of one large mostly rectangle shaped building with a total of approximately 100,000 square feet of single-story space and 177 available parking spaces. (See EXHIBIT 1 – Site Plan) The new owner would like to utilize the allowances provided within PD 621 to reduce the parking that would otherwise be required by Code to be more efficient and balanced with best uses for the site and current neighborhood transportation trends. Parking observations made at a proximate and similar site nearby on Market Center Blvd to the west in October of 2024 are presented below along with additional justifications for this parking reduction request as provided by the PD.

Proposed Uses and City of Dallas Code Requirements for Parking

The City of Dallas Development Code requires minimum parking associated with different land use types. PD 621 specifically allows "shared parking" to be considered as a percentage reduction of the required minimum parking for certain mixed uses. Note that the proposed use mix for this 1500 Dragon site would be the maximum planned space for utilization of Restaurant that may not actually all be transitioned or leased in the proposed manner but is meant to represent what would be the densest future parking use mix. The calculated maximum parking for the proposed mix of uses is 300 spaces per City Code without the "Shared Parking Reduction". (See EXHIBIT 2 – Proposed Use Parking Chart) Note that the existing parking layout of 177 spaces is adequate for the morning and afternoon times of day per Code to accommodate the maximum proposed mix of uses when applying the "Shared Parking Reduction" table within PD 621.

EXHIBIT 1 - Site Plan



This site plan shows the existing 177 parking spaces and the ultimate proposed uses for the existing building. The restaurant use will be primarily evening and valet parked and may incrementally expand up to the requested maximum of 18,000 square feet.

EXHIBIT 2 - Proposed Use Parking Chart

Street No.	Street Name	Land Use	SQ FT	Parking Ratio	Shared Noon Required Parking	Total Parking Provided
1500	Dragon	Office/Showroom	67,531	1sp/1100 SF& 4100 SF	22.33	
1500	Dragon	Office	3,000	1sp/358 SF	6.70	
1500	Dragon	Restaurant	18,000	1sp/105 SF	171.43	
1500	Dragon	Event Space	10,000	1sp/100 SF	100.00	
			98,531		300	177

Note that the bulk of the parking demand is for the Restaurant use which typically peaks during weekend evenings. The Restaurant use will be valet parked. The Office/Showroom use has plenty of daytime parking and is typically closed during the evenings.

PD 621 Allowance for Parking Reductions and the Owner's Request

The creators of PD 621 utilized good foresight for the zoning regulations back in 2002 realizing that the old parking minimums required for certain defined uses are not "one-size fits all". (See APPENDIX Articles on Parking) PD 621 allows for the accommodation of denser urban living that is less "car-centric" and the consideration of alternative modes of transportation that help reduce the need for parking. Specifically, the PD allows for "a special exception of up to 50 percent of the required off-street parking" to help right-size parking for dense urban projects. HN Capital would like to follow the PD 621 allowance language and request a reduction of 41% in parking requirements from the calculated requirement of 300 spaces to utilize the currently provided 177 spaces. Local observed parking data and recent mobility trends support the request as detailed below. Also, HN Capital may seek out nearby properties to determine if remote valet agreements may be reached to provide overflow parking should it be needed. HN Capital also owns other nearby properties including two large surface parking lots that could provide evening overflow parking should it be needed.

1212 Oak Lawn and 1617 Market Center Blvd (Pie Tap and Town Hearth) Observed Parking Data (Oak Lawn/Market Center/Irving Blvd Triangle)

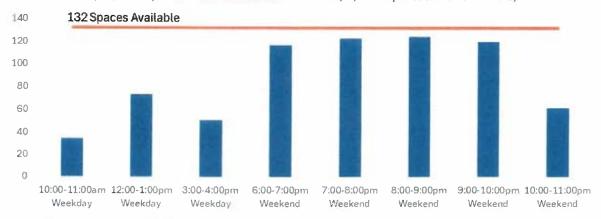
Exhibit 3, on the next page, illustrates observed parking during peak use times in October of 2024 for 1212 Oak Lawn and 1617 Market Center, a triangular shaped property, which has the Pie Tap and Town Hearth restaurants. The exhibit is annotated with comments about the observed parking data and what is proposed. The Oak Lawn Triangle is only 600' to the west from 1500 Dragon Street.

It is evident from the observed data that the adjacent Oak Lawn Triangle property is able to support two restaurants with its available parking and with the use of valet. It was observed while counting, and confirmed by the restaurant valet manager, that employee parking occupied a significant number of the available interior parking spaces (15% or more). It is recommended to consider more efficiently managing employee parking to provide more patron parking when needed. The Design District encourages a comprehensive neighborhood approach for all the property owners to work and cooperate together for mutual benefit. Note that adjacent properties with different owners have supported one another in parking reduction requests. (See APPENDIX mutual letters of support) This illustrates the synergistic goal of mutual benefit throughout the greater Design District. Granting this request would not adversely affect neighboring property since parking is already prohibited along the east side of Dragon St. There is also potential for "relief valve" parking available should the internal parking be exceeded by utilizing the surface parking lots on nearby properties. The proposed mix of uses for this existing site will be able to successfully accommodate parking demand for the higher percentage restaurant use without adversely impacting neighboring properties or the public streets. Utilizing valet service for the restaurant use helps ensure that parking needs are sufficiently and efficiently met.

EXHIBIT 3 - 1500 Dragon: OBSERVED PARKING AT OAK LAWN TRIANGLE AND PROPOSED PARKING

Observed Parking Oak Lawn/Market Center/Irving Triangle

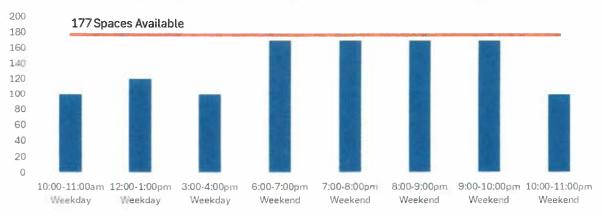
(10,248 sqft Merchandise&Service for 56%; 8,158 sqft restaurant for 44%)



Note that the Oak Lawn Triangle property with two restaurants, Pie Tap and Town Hearth, makes it work with the 132 parking spaces available. The valet manager said if the parking spaces ever happen to temporarily fill up the restaurant has a "relief agreement" with the property to the south which helps keep the valet parking operation smooth and consistent.

Proposed Parking 1500 Dragon St

(73,000 sqft showroom for 70%; 18,000 sqft restaurant for 17%)



The proposed mix of uses intends to fill the available parking during the weekend evening peaks for Restaurant use. There is adequate parking available to satisfy the City Code during mornings and afternoons for the Office and Showroom uses. The use of valet and alternative transportation modes can offset the evening restaurant peaks. Note that HN Capital will seek or provide on its own properties "relief valve" parking agreements that could be utilized for any overflow parking should it occur. As the owner of sixteen properties in the Design District, HN Capital is incentivized to balance and "right size" parking so that everyone benefits.

Walkability and Alternative Modes of Transportation

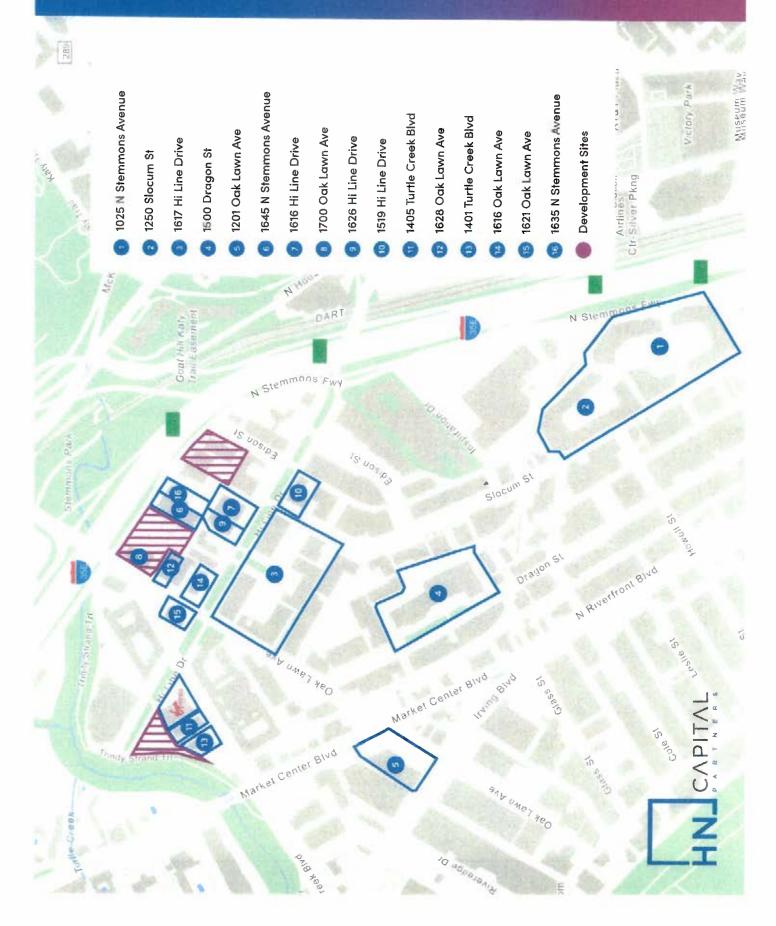
The parking reduction request is also supported by a walkability analysis of nearby residential units and current urban trend uses of alternative modes of transportation like walking, bicycling, and Uber/Alto. (See APPENDIX Walkability Study.) Note that the City of Dallas is currently considering reducing and/or eliminating parking requirements for some areas and uses. Although a reduction or elimination of parking requirements by the City of Dallas would not directly affect 1500 Dragon since the parking already exists and the property is located within PD 621, it is still an indication that the old parking requirement ratios are excessive for dense urban living situations and with the newer alternative modes of transportation readily available.

Conclusion

Based on: (1) the observed parking data for similar uses near to the site, (2) the allowances for parking reductions written into PD 621, (3) the utilization of valet to most efficiently park the site, (4) the potential for "relief valve" parking spaces in nearby surface parking lots for the overall benefit of the Design District, and (5) the current trends of more mobility choices and more dense urban living that together reduce the need for parking; it is recommended that the existing 177 parking spaces for the current 1500 Dragon site will be adequate to serve the proposed mix of Restaurant and Office/Showroom and Event Space uses. Furthermore, if the parking demand were to consistently exceed the 177 spaces provided and beyond what valet can accommodate, the greater risk would be loss of business to the site rather than any obstruction of the public right-of-way or creation of a traffic hazard since parking is internal to the site and is currently prohibited along the east side of Dragon St. The accommodation of shared parking, Uber/Alto and similar ride shares including the Virgin Hotel shuttle service, availability of pedestrian and bicycle trails, availability of remote parking lots within a ten minute walk, and the presence of newer dense inner-city residential developments that currently include 2000+ units within a ten minute walk of the subject site have all convened at this time to help reduce the need for parking and support the proposed mix of uses for 1500 Dragon. The proposed plan to revitalize and repurpose the existing building of 1500 Dragon and utilize the existing parking within the allowances of PD 621 will provide mutual benefits to the property owner/operator, the neighborhood, and the City of Dallas. "Right-sizing" or "right-mixing" the proposed uses of this existing building to more fully utilize the existing internal parking to its potential will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets. No spillover effect of traffic or parked cars is expected to occur since valet parking will be available.

APPENDIX

- HN Capital Property Ownership Map within the Design District
- Mutual letters of support for Parking Reductions
- Walkability Study within a five to ten-minute walking distance of 1500 Dragon
- Annotated Articles: "The Parking Problem Why Cities Overbuilt Parking Spaces" 9-30-2023
 "Parking Generation... Park +" by Kimley-Horn May 2016



February 5, 2025

Dr. Kameka Miller-Hoskins, Chief Planner Zoning Board of Adjustment City of Dallas 1500 Marilla Room 5CN Dallas, TX 75201

Via email

RE: Pending applications at 1616 and 1626 Hi Line; 1617 Hi Line; and 1201 Oak Lawn Avenue

Dear Dr. Miller-Hoskins,

Please accept this support letter for the parking reduction requests at 1616 and 1626 Hi Line, 1617 Hi Line, and 1201 Oak Lawn Avenue. We understand they are separate requests intended for consideration in April 2025; our support applies to each request. The applicant, HN Capital, and their representatives have shared with us their request and plans for improving their property. As adjacent commercial property owners, we believe that their parking reduction request will benefit this area of the Design District.

We support the parking reductions requested for several reasons. HN Capital has successfully managed their properties in this area to bring valuable tenants and businesses to the Design District. As this area of the Design District has benefitted from the recent city investments in infrastructure, these improvements for sidewalks, streetscapes, and a hike/bike trail that connects to Victory Park/Downtown increase and enhance mobility options for visitors and residents. New developments and remodels have included a mix of land uses that are creating a dynamic neighborhood, as intended by the PD 621 Old Trinity Design District Special Purpose District zoning. We also understand the City of Dallas is considering Development Code revisions to the off-street parking requirements to align with current parking demand trends and promote use of other transportation options.

The proposed parking reductions are supported by a professional engineering analysis of the parking demand for these properties and the ability of HN Capital to manage the parking needs on their properties for the success of their tenants. We believe the requested reductions are reasonable and support the shared goal of continued improvement, adaptive reuse, and quality development of the Design District.

Sincerely,

Shyam Patel – Asana Partners 1444 Oak Lawn, LP

704.423.1660 | 2151 Hawkins Street, Suite 1100 | Charlotte, NC 28203



Jonathan G. Vinson (214) 953-5941 (Direct Dial) (214) 661-6809 (Direct Fax) jvinson@jw.com

August 16, 2024

Via Email

Ms. Cambria Jordan, CFM, MBA, PMP, Senior Planner Zoning Board of Adjustment City of Dallas 1500 Marilla Street, Room 5BN Dallas, Texas 75201

Re: BDA234-091; 1444 Oak Lawn Avenue.

Dear Ms. Jordan:

Our firm represents HN Capital, which is the largest property owner in the Design District. HN Capital is pleased to be part of the ongoing success of the District, and we look forward to even more success for the entire District in the future. This letter is to express our *support* for the off-street parking special exception request being made under BDA234-091 at 1444 Oak Lawn Avenue, for the following reasons.

When the City first approved P.D. 621 in 2002, it was not completely certain that the P.D. would work for its intended purposes. The City deserves credit for getting the P.D. right for the most part and achieving its purpose of fostering in-context adaptive reuse in the Design District with, of course, some appropriate new development.

Part of the success of P.D. 621, we believe, is due to the P.D. having loosened somewhat the strict requirements for off-street parking found in other parts of the City. This is very appropriate and necessary for the adaptive reuse of existing buildings, and actually helps preserve those buildings and the larger context of the District. This is good place-making and supports the District's overall success.

However, since the adoption of P.D. 621, the world has changed even more with regard to parking demand. The reduction in office usage, the advent of ride-sharing, and the greater walkability of the District have all contributed to this. Continuing to adhere to off-street parking ratios which date back in some cases to 1965, or even before, fails to recognize the change in parking demand in 2024.

In fact, the City itself is in the middle of processing Development Code amendments to reduce off-street parking requirements to align more with current demand. For many reasons, the current off-street parking requirements in P.D. 621, and elsewhere in the City, are obsolete and should be reduced.

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We support reasonable and evidence-based, data-driven reductions in parking requirements where appropriate, in particular in P.D. 621, where such reductions will support continued adaptive reuse and quality development and placemaking, and we believe that to be the case with this request. We respectfully ask that you approve the applicant's request in this case. Thank you.

Very truly yours,

Jonathan G. Vinson

cc: Dr. Kameka Miller-Hoskins Jennifer Hiromoto Vipin Nambiar Adam Hammack Suzan Kedron

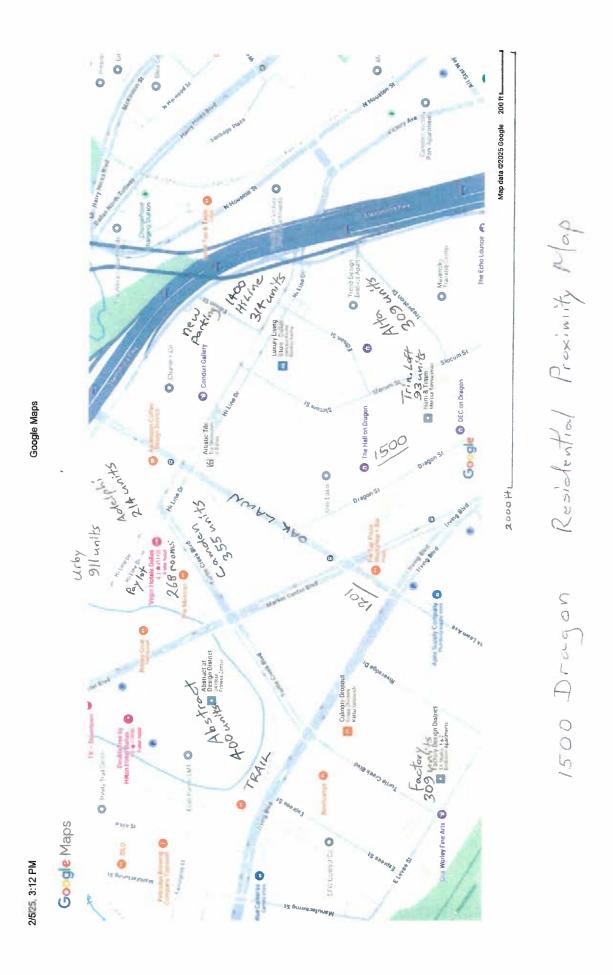
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WALKABILITY STUDY

According to statistics listed on the Dallas Design District Property Brochure, by "DunhillProperties.com", there are approximately 20,000 residents that live within one mile, or a 10 to 20 minute walk, of the Dallas Design District. Even closer to the heart of the Design District and to 1500 Dragon St, within a 5 to 10-minute walk or less, are eight large multifamily communities that total nearly 3000 units. Also, the Virgin Hotel with 268 rooms and a 75 space pay parking lot are within a 10-minute walk to 1500 Dragon. (See annotated map attached) According to the Federal Highway Administration, "Most people are willing to walk for five to ten minutes, or approximately ¼ to ½ mile" to reach a destination. (See FHA Pedestrian Safety Guide attached)

The close proximity within a five to ten-minute walk of so many residential units and hotel rooms certainly helps decrease the parking demand for patrons that would frequent 1500 Dragon for Restaurant uses. (Walk times were physically verified by Lloyd Denman, P.E. during the parking observations made in May 2024.) There is also a free hotel shuttle at the Virgin Hotel that ferries guests within a 3-mile radius of the hotel to and from restaurants and other attractions. In May of 2024, the shuttle attendant said the shuttle stays busy and a second vehicle should be added to the service.



U.S. Department of Transportation

Federal Highway Administration

1200 New Jersey Avenue, SE Washington, DC 20590 202-366-4000

Safety

Pedestrian Safety Guide for Transit Agencies

< Previous Table of Content Next >

Chapter 4: Actions to Increase the Safety of Pedestrians Accessing Transit

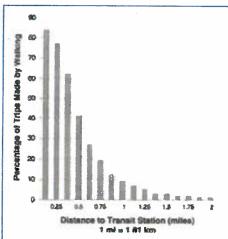
Understanding pedestrian characteristics and facilities (e.g., sidewalks, crosswalks, pedestrian signals, etc.) is an important step in providing safe access to transit systems. This section introduces basic pedestrian safety concepts to help readers understand issues, solutions, and resources that are presented in other parts of this guide. Concepts addressed in this chapter include:

- · Typical walking distance to transit.
- · Motor vehicle speed and pedestrian safety.
- · Pedestrian characteristics and behavior.

A. Typical Walking Distance to Transit

Most people are willing to walk for five to ten minutes, or approximately ¼- to ½-mile to a transit stop (see figure below). However, recent research has shown that people may be willing to walk considerably longer distances when accessing heavy rail services. Therefore, in order to encourage transit usage, safe and convenient pedestrian facilities should be provided within ¼- to ½-mile of transit stops and stations, and greater distances near heavy rail stations. Note that bicyclists are often willing to ride significantly further than ½-mile to access rail transit stations, so safe facilities should be provided for bicycling within a larger catchment area around transit hubs.

Transit route spacing and location are important considerations for pedestrian access to transit. For example, in a city with a regular street grid pattern of streets, appropriate stop spacing can be achieved when transit routes are spaced between ½- to 1-mile apart. If the stops on these routes are spaced 1/8- to ¼- mile apart, then a majority of the people in the



routes are spaced 1/8- to 1/4- mile apart, then a majority of the people in the neighborhoods served by the transit system will be within 1/4- to 1/2-mile of a transit stop. 70

B. The Effect of Motor Vehicle Speed on Pedestrian Safety

Pedestrians accessing transit stops and stations must often walk along or cross roadways that carry motor vehicle traffic. Pedestrians may feel less comfortable and safe as nearby motor vehicle speeds increase. The faster a driver is traveling, the more difficult it is to stop (see figure below). The Larger vehicles, such as buses and trucks require even longer stopping distances.



The Parking Problem: Why Cities Overbuilt Parking Spaces

by Lauren Palmer | Sep 20, 2023 | Land Use, Transportation, Urban Planning | 0 comments

The Institute of Transportation Engineers (ITE) was founded in 1930 with the goal "to improve mobility and safety for all transportation system users and help build smart and livable communities." The idea behind the ITE was to help developers with roadway design, traffic management, and parking requirements. However, the ITE has created more problems, particularly when it comes to parking. For decades, the ITE recommended parking minimum requirements ill-suited for the municipalities implementing them.

The primary issue with parking recommendations from the ITE is that the studies they relied on were based on <u>selective data</u>. For instance, in the 1987, second edition of the ITE's *Parking Generation*, the ITE created half of their parking generation rates based on just four or fewer studies that were conducted in suburban areas. Researchers conducted these studies during times of peak parking demand and in areas where there was plenty of free parking and little to no use of public transit.

This led urban planners in cities to use suburban rates to set parking requirements that were incompatible with urban environments, resulting in excessive amount of parking in some areas. This created a circular planning process that has only exacerbated issues. It goes something like this:

- 1. The ITE published their findings in Parking Generation using the selective suburban data,
- 2. City urban planners set parking requirements based on those findings,
- 3. Developers implemented those parking plans.
- The resulting ample supply of parking drove the price of parking in specifically designated lots down to zero.
- Because of the massive amount of land used to create these parking specifications, cities saw decreased walkability and density of facilities,
- The sprawl, combined with the plethora of free parking options, led to increased vehicle usage.
- 7. The increased parking demand again validated the ITE's findings.

And the cycle repeats. This process has, unsurprisingly, resulted in an overabundance of parking. In the United States, surface parking lots alone cover more than five percent of all urban land, representing an area greater than the states of Rhode Island and Delaware combined.

To be clear, the ITE is not solely to blame. As mentioned in *Rethinking A Lot*, urban planners and policymakers frequently rely on the recommendations provided by the ITE for parking requirements without ensuring their accuracy for their respective municipalities. The ITE has an inherent authority that makes planners regard its findings as valid, precluding in planners' minds the need for further inquiry. The use of ITE's manuals also allow public officials to avoid responsibility for excessive parking lots.

Due to a lack of planning and engaging the proper parties involved in parking use and development, inaccurate parking demands arise. While <u>urban planners</u> readily observe this problem, they often fail to take the necessary steps to actually address it. Even municipalities directly contribute to the overabundance of parking by offering free spaces, which inevitably fill up quickly, and then opting to add more parking, which creates an overabundance without addressing the root problem.

Municipalities also look to other authorities, such as the <u>Urban Land Institute</u> (ULI) for parking guidance. However, the ULI has many of the same problems as the ITE. ULI reports have recommended an excessive amount of parking, with some ULI reports calculating a "need" for more spaces than ITE reports. Municipalities cannot blindly rely on these institutions to supply perfectly accurate data. Municipalities need to measure parking demands with the "ongoing data analysis, community assessment, and demand analysis" that is most relevant to them.

The ITE, recognizing that municipalities still rely on its findings, is also attempting to fix the situation by adapting and changing the new *Parking Generation* manuals. The most recent, the 2019 *Parking Generation Manual*, features land use descriptions and data plots of a variety of available land uses, time periods, and independent variables in the ITE database. The parking database is now broken up into settings that include "Multi-Use Urban" and "Center City Core," which work to pinpoint the most relevant studies for specific cities' needs. The goal of this manual is to help describe the relationship between parking demand and the characteristics of the individual development site.

Donald Shoup, Professor in the Department of Urban Planning at UCLA, recommends that the ITE follow in the footsteps of the British counterpart to *Trip Generation*, the "Trip Rate Information Computer System." This system gives information about the characteristics of every surveyed site and its surroundings, which would allow municipalities to use comparable sites before making land use decisions.

Despite the empirical evidence surrounding the overabundance of parking, as well as its deleterious environmental effects, few municipalities are changing parking requirements and financers still pass on projects that "don't have enough parking," even with the new ITE recommendations.

One successful technique is shared parking, a parking management tool that communities can employ when setting parking requirements. Different types of land uses attract customers, workers, and visitors during different times of the day, which results in differing peak parking demand hours for the related land uses. Shared parking takes advantage of these varying demand patterns and allows adjacent land uses with complementary peak demands to share a parking lot space. This not only encourages centralized parking rather than scattered lots, but also reduces overall construction costs which could greatly benefit both municipalities and developers.

Several municipalities have implemented shared parking, including Ventura, CA which has a zoning ordinance that permits different land uses to have shared parking because of opposite peak parking demand periods. The shared parking is allowed to satisfy one hundred percent of the minimum parking requirements for each land use. Similarly, North Kansas City, MO, by permit, allows a reduction of the number of parking spaces multi-use developments need to have if they have different peak parking demand periods.

Finally, in **West Hartford, CT**, the zoning code provides an alternative method of meeting parking requirements. So long as the applicant seeking to enter into a shared parking agreement can prove the lot would be convenient for all parties and would not cause traffic congestion, it can get approved. The municipality has since consolidated many parking lots down for shared use.

To truly reverse the detrimental impacts of the old ITE reports on the development of cities, urban planners and lawmakers will need to implement a multi-faceted approach. In addition to conducting their own parking studies based on the proposed uses and characteristics of the community, urban planners and lawmakers should focus on enhancing multi-modal transit and implementing shared parking. Parking minimums need to be eliminated and more parking maximums need to be developed. Focusing on the parking demands of individual development sites will help stop the cycle of creating unnecessary parking and meet parking demands in a smarter and more efficient manner.

Parking Generation—

Replacing Flawed Standards Park+
with the Custom Realities of



PARKING GENERATION -

Replacing Flawed Standards with the Custom Realities of Park+



Introduction

For the longest time, our industry's approach to defining "How much parking?" has been relegated to the use of national parking requirement standards, either from the Institute of Transportation Engineers (ITE), Urban Land Institute (ULI), or local code requirements. Anyone who has read the workings of Donald Shoup, or more recently Richard Willson, knows the fallacy in using these sources when designing downtown or campus parking systems.

National parking requirement standards are based on outdated and underrepresented data, which tend to skew wildly from the actual parking needs of
a community. In my years as a parking consultant, I've very rarely completed
a single downtown parking study where the peak observed parking demands
consumed the majority of the total parking spaces. A study completed in Dallas a
few years ago yielded some 30,000 empty parking spaces at peak. Similar results
were found in Atlanta, Houston, St. Petersburg, Seattle, and the list goes on.
When communities plan downtowns based on outdated suburban design
standards, we achieve the same inevitable results—empty, restricted parking
areas that deaden the density, walkability, and vitality of urban areas.

The parking quantity question is always a challenging exercise, especially when we try to solve it using inaccurate data. Most times, we rely on outdated data that doesn't truly represent the real context of our downtowns. As more and more people migrate to urban areas, the dynamics of how they get around and their relationships with cars change. As such, we've seen a drastic downshift in the need to provide parking. But our planning tools have not evolved to better align with this shift.

Equally challenging is deciding how the parking characteristics in one community compares to another community. In reality, it's hard to define how one neighborhood acts compared to another. Here in Phoenix, the Roosevelt neighborhood, home to the area's up-and-coming artists and requisite "hipsters," enjoys a higher amount of transit, walking, and cycling than most other parts of the city. In turn, the overall demand for parking is lessened as area residents and patrons find other ways to access the uses within the area. In my neighborhood, you almost can't survive without the use of a car to work, shop, and play. This variability exists in every city and is the reason it's absurd to continue leaning on archaic, cookie-cutter methods to plan for parking.

This question is the central reason we created Park+ — to find a way to localize the analysis of parking demand and challenge the conventional notion that all parking demand is created the same. Within this white paper we summarize the findings of the first five years of Park+ modeling and define the dynamic nature of each community served. In our time developing, testing, and applying this model, we have encountered an incredible diversity of data and outcomes in each community. In the following sections, we'll walk through those results, as well as the more global movement afoot in our industry.

Kimley » Horn

1 WHITE PAPER #3

PARKING GENERATION -

Replacing Flawed Standards with the Custom Realities of Park+



Unfortunately, those data points are routinely applied in areas they should not be. I've seen exercises where entire swaths of a downtown are planned with these metrics, resulting in over-built facilities. In some cases, it's a lack of understanding of the context the development is occurring in. In other cases,

it's a requirement of financial institutions that are backing a development. Whatever the cause, a better understanding of the true dynamics of a development and the area it serves produces better results.

In recent years, urban planners have begun to lean more and more on these decisions as a primary reason that downtowns and communities don't work. One of my favorite terms in the industry is the "parking crater," which was coined by the website Streetsblog and its editor Angie Schmitt. In fact, that website holds an annual March Madness tournament, with a full-on bracket to determine the worst parking crater of that year. The parking crater is a portion of a downtown that has been hollowed out by the presence of large surface parking lots. Whether these are highly or poorly utilized, they deaden a downtown, its walkability, and most importantly its viability.

If asked, many people would say the provision of ample parking makes our cities more desirable. But in fact, ample parking promotes single occupancy vehicle trips and impedes the ability for our communities to develop and grow. Pedestrian walkability, dense design, and connectedness are extremely important for the success of a community. Large areas of parking tend to counter these tenets and disrupt the ability for a community to work properly. This is only exacerbated by the over-provision of parking.

Clearly, something must be done...

Right-Sized Parking

Recently in the planning arm of the parking industry, we've seen a very distinct shift toward finding the right amount of parking for a downtown, campus, study area, development, etc. This movement is aptly dubbed the Right-Sized Parking movement. The name speaks for itself, as the intent is to determine the correct amount of parking to serve an area without over- or under-burdening area patrons.

Too much parking tends to be an expensive endeavor. In today's world where more and more parking is found in consolidated structures, the cost to build a single space can range from \$8,000 to \$40,000, or more. This price is astronomical and is a primary contributing reason that rents are increasing and the cost of living in urban areas is skyrocketing. In King County¹, WA, a recent study searched to find the answer to the right-size for multi-family housing parking. The result of that large-scale effort was...it depends.





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That result may seem nebulous, but in reality it's the most accurate response that could have emerged from such a study. The data indicated that a number of factors—location, access to transit, employment density, walkability, population demographics—were responsible for the parking demand characteristics of a multi-family development. In short, people tended to adapt to their environment, and their driving (and car ownership patterns) adapted right along with them.

Unfortunately, in a lot of those instances, the provision of parking did not adapt. Instead, developers continued to provide parking as if every location was the same, and the result was a high amount of underutilized parking. The data showed that in the heart of Seattle (the most urbanized area in the county), the parking demand was at or below 0.5 spaces per unit. In the far reaches of the county, the ratio was closer to 1.5 spaces per unit.

This analysis has borne some incredible outcomes. First, many developers in the King County area have begun to lessen their parking capacity as a result of this analysis, basically "right-sizing" their supply. That in and of itself is a win and would deem the effort a success. However, the study also pushed communities in the King County area to reassess their parking requirements, helping to define right-sized parking at the review level. Even more incredibly, King County transit has now begun to pursue empty parking spaces in multi-family housing complexes to serve as park-and-ride spaces for transit riders.

It's very exciting to see the results coming out of King County.

They spent a tremendous amount of time and effort to collect viable data and determine how their community works. The project was well funded by the Federal Highway Administration and led by a brilliant young planner² whose mission is to prove the fallacy of poor parking planning. But how about the communities not funded by FHWA...how do they learn more about the true nature of their parking systems?

Park+ and Right-Sized Parking

Park+ —the Kimley-Horn parking scenario planning tool — was created with the intention of right-sizing parking in the communities we serve. The model is built on an algorithm that matches parking demand with land uses to more accurately depict parking behavior. Previous white papers (xxx) have depicted how this relationship works, but in simplistic terms, we match parking demand to its origin using localized data. The result is a much more accurate depiction of parking demand in the environments our models serve.

The primary output of a calibrated Park+ dataset is a unique set of parking generation characteristics that represent the dynamic nature of a community. These results differ from community to community and are a direct reflection of the areas

they serve. The following tables and figures provide a representative sample of parking demand characteristics and geographic demand metrics. These are only representative in nature, but show the varied results that come from Park+ modeling exercises.

Kimley »Horn 4 WHITE PAPER #3

² Dan Rowe of King County Metro. If you ever meet him at a conference, engage him about parking...you won't be sorry.

Summary:

City Plan Commission recommendation regarding DCA190-002 Off-Street Parking & Loading Code Amendment

Background:

On March 20, 2025, the City Plan Commission voted to recommend the Off-Street Parking & Loading Code Amendment proposal to the City Council.

The Zoning Ordinance Advisory Committee ("ZOAC") had previously recommended removing all minimum parking requirements for all land uses citywide. The CPC debated this recommendation at five meetings from November 2024 through March 2025, voting to amend it in several ways.

Summarized proposal:

Notable updates to our current parking minimums include:

- Transit-Oriented Development and Downtown: No minimums for any use within ½ mile around rail stations or downtown
- Office and retail: No minimums for office uses and most retail
- Industrial and Commercial: No minimums for industrial, commercial, and business service uses except when contiguous with single-family uses
- Single-family and duplex: Reduced minimums for single-family and duplex uses to 1 space per dwelling unit
- Multifamily: Reduced minimums for multifamily uses to ½-space per dwelling unit plus guest parking, and added requirement of 1 loading space for larger multifamily
- Bars, restaurants, and commercial amusement: Reduced minimum for seating and sales areas to 1 space per 200 square feet, plus additional reductions
 - o Bars and restaurants in buildings under 2,500 square feet: No minimums
- Designated historic buildings: No minimums for buildings designated at the city, state, or national level as historically significant, except when used as a bar, restaurant, or commercial amusement land use.
- Places of worship under 20,000 square feet: No minimums
- Lower Greenville: Parking ratios for selected uses generally will not apply to Lower Greenville areas covered by the Modified Delta Overlay MD-1.

Below is a table describing the changes in more detail.

Topic	Impact	Results (summarized)	Current code (summarized)	
TOD & Downtown	Removed	No parking for any use within • ½-mile of light rail and streetcar stations • CA (downtown) districts	No exception for rail proximity 1 space per 2,000 sf, with exceptions for buildings built prior to 1967 and ground-floor retail under 5,000 sf	
Office uses	Removed	No minimum parking requirement	1 space per 200 or 330 square feet	
Single-family & Duplex	Reduced and standardized	1 space per dwelling unit	1 space per single-family dwelling unit in R7.5(A) and R5(A) 2 spaces per dwelling unit for all other single-family and duplexes	
	Reduced	½-space per dwelling unit	1 space per bedroom	
Multifamily (parking)		Graduated guest parking requirement	0.25 guest spaces per dwelling unit	
Multifamily (loading and short-term)	Added	Show plans to manage loading and short-term drop-off for any development 1 loading space required over 150 dwelling units	No loading required	
Hotel (loading and short-term)	Reduced	Show plans to manage loading and short-term drop-off for any development 1 loading space required for hotels over 80 guest rooms	Graduated requirement beginning at 10,000 square feet	
Bars and restaurants	Reduced	No minimum for buildings up to 2,500 sf For buildings over 2,500 sf, 1 space per 200 sf for sales and seating area (plus reductions for some storage and manufacturing area)	1 space per 100 square feet for sales and seating area Variety of lighter minimums for storage and manufacturing	
Commercial amusement (bowling alleys, dance halls, etc.)	Reduced and standardized	1 space per 200 square feet	Variety of minimums per type	

Industrial uses						
Commercial service and business uses (truck sales, medical laboratory, furniture repair, etc.)	Geography limited	Reduced minimums apply when contiguous with single-family properties; no minimums elsewhere	Minimums apply anywhere the use is permitted			
Designated historic buildings	Mostly removed	No minimums, except 1 space per 200 square feet for bars, restaurants, and commercial amusement uses within 300 feet of single-family with reduction option through SUP.	No exemptions for historic buildings			
Places of worship	Reduced	No minimums for places of worship less than 20,000 square feet of floor area	All places of worship are subject to parking minimums			
Mixed Income Housing Density Bonus	Parking bonus reduced to zero	Zero minimum parking required when providing mixed income units	½-space per unit required when providing mixed income units			
Geographic exceptions	No change for MD-1 Overlay	Properties subject to the MD-1 Modified Delta Overlay will keep minimums for selected uses.				
	Limiting driveway entrances for 1- through 4-unit residences					
Design standards	Requiring pedestrian path through large parking lots					
	Prohibiting surface water drainage across sidewalk surfaces					
	Simplified loading standards					
	Allowing parking lot entrances on any alley for any use					
Bicycle parking	Increased bicycle parking amount requirements					
	Clarified design and locational standards					
Shared loading	Adding the opportunity for a shared loading agreement					

Jackson Walker LLP

Jonathan Vinson (214) 953-5941 (Direct Dial) jvinson@jw.com

May 9, 2025

By email to: <u>bryant.thompson@dallas.gov</u> and <u>diana.barkume@dallas.gov</u>

Hon. Chair and Members, Panel A Zoning Board of Adjustment c/o Mr. Bryant Thompson, Senior Planner Department of Planning and Development City of Dallas 1500 Marilla Street, Room 5CN Dallas, Texas 75201

Re: BDA 245-049; Parking Special Exception; 1201 Oak Lawn Avenue; and BDA 245-050; Parking Special Exception; 1500 Dragon Street.

Dear Members of the Board of Adjustment:

Introduction. This letter is intended to supplement the information we provided to you, through the City Staff, previously on our two above-referenced requests. While we would refer you back to our previous letters and information packets on these cases, we wanted to provide you, in a concise format, with some additional ideas we have on these cases and which we would respectfully ask that you consider at our upcoming May 20 hearings on these cases.

We listened very carefully to the thorough discussion of these items at the April 15 hearings, and we have discussed them further within our team. While we continue to believe that these requests meet the required standard (as discussed below) and merit approval, we have done more work on these and offer the following ideas for your consideration, bearing in mind that Board applications may be approved with conditions, as provided for in the Development Code.

II. <u>Potential Additional Conditions</u>. For **1201 Oak Lawn**, we would reiterate that we control numerous properties in the Design District (map attached, which you have seen previously). We are also in discussions with the ownership of Apex Supply Company at 180 Oak Lawn (a daytime business open only from 7:00 A.M. to 5:00 P.M.), which is only 150 feet away across the Oak Lawn-Irving Boulevard intersection, for the leasing of a number of parking spaces to be determined (aerial photography shows 30 striped spaces on that site), although we maintain that the number of spaces to be provided on site (73 provided, out of 135 required, a 45.9 percent reduction) is more than sufficient.

With respect to our request at **1500 Dragon** (to provide 177 spaces, out of 300 required, a 41.0 percent reduction), DDD Property Holdings, LLC, a related entity, owns the Dallas Design

Center at 1025 North Stemmons/1250 Slocum, which can easily be utilized for overflow/valet parking to serve 1500 Dragon Street as needed. The uses in the Dallas Design Center (site plan attached) are almost entirely daytime, low-parking demand uses, and we can easily "share" parking there for valet service for evening peak uses (restaurants), potentially up to 50 additional spaces. As stated above, HN Capital-related entities also control numerous other Design District properties which can be used for this purpose.

- III. <u>Reassessment Condition</u>. In addition, in some parking reduction requests at the Board, a condition has been included to require a follow-up assessment at a specific point in time to determine if the parking reduction is working as planned or if further action is needed. We are amenable to such a condition on each of these cases, and we would suggest an 18 month reassessment target date.
- **IV.** The Special Exception Standard and How We Meet It. Sec. 51P-621.110(b)(2)(D) provides that "the board of adjustment may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Section 51A-4.311. The board of adjustment may impose conditions on the special exception".

Sec. 51A-4.311(a)(1) further provides that the board may grant a special exception to the off-street parking requirements "if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets". We believe that our requests, as supported by our Analysis, clearly meet all of the criteria for the granting of our special exception request.

Please again note and consider that the applicant controls numerous properties in the area as shown on the area map included in our Analyses. The proposed reductions are reasonable and evidence-based, data-driven reductions in the parking requirements, which will support continued adaptive reuse and quality development and placemaking.

In particular, given the City's efforts to update and modernize parking requirements (and we would note that, as amendments to the Development Code, these will not take effect in existing Planned Development Districts, even though that is where much of the development activity takes place) to align more with current parking demand, with many of these requirements having been in place for 50 years or more, the requested reduction is completely reasonable and justifiable, and realistically aligns with project actual parking demand. If not for the fact that we are in a P.D., we might not even need to make these requests.

Having to provide excessive parking, which would result in a large number of empty spaces, is not only costly and wasteful in terms of the project itself but is unsustainable and has negative impacts on walkability and other factors. Finally, the Applicant owns and manages these properties for the long term, representing a huge investment in the Design District. We need and want for the parking to work for the benefit of all – vacant or dysfunctional space is first and foremost bad for us.

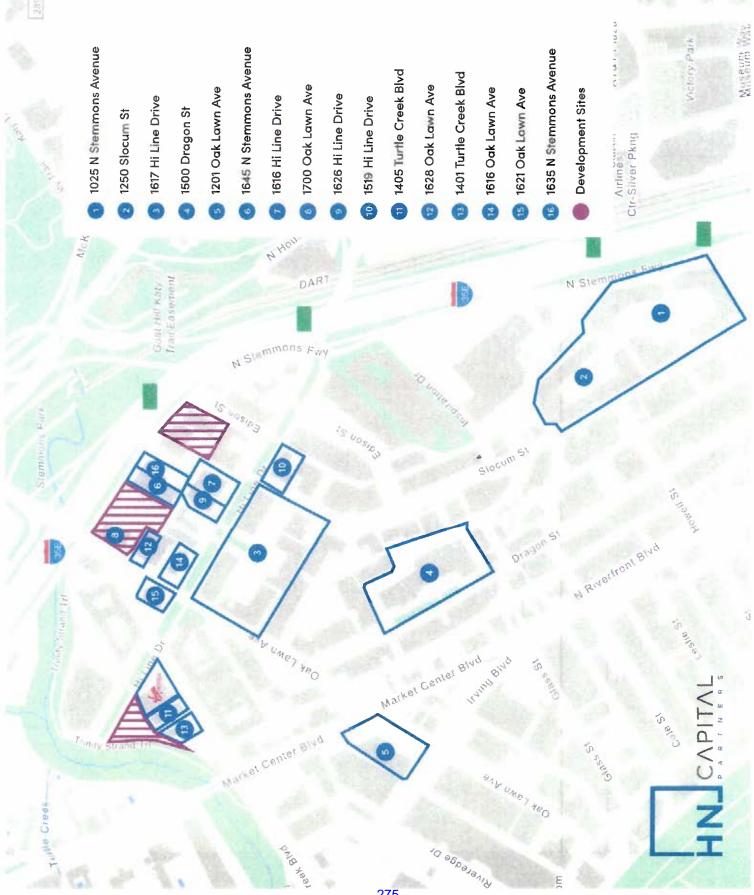
V. <u>Conclusion</u>. The conclusion is clear based on this information that these requests *meet* the standard for approval of parking special exceptions, in that the parking demand generated by the uses do not warrant the number off street parking spaces otherwise required, and the special exceptions will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

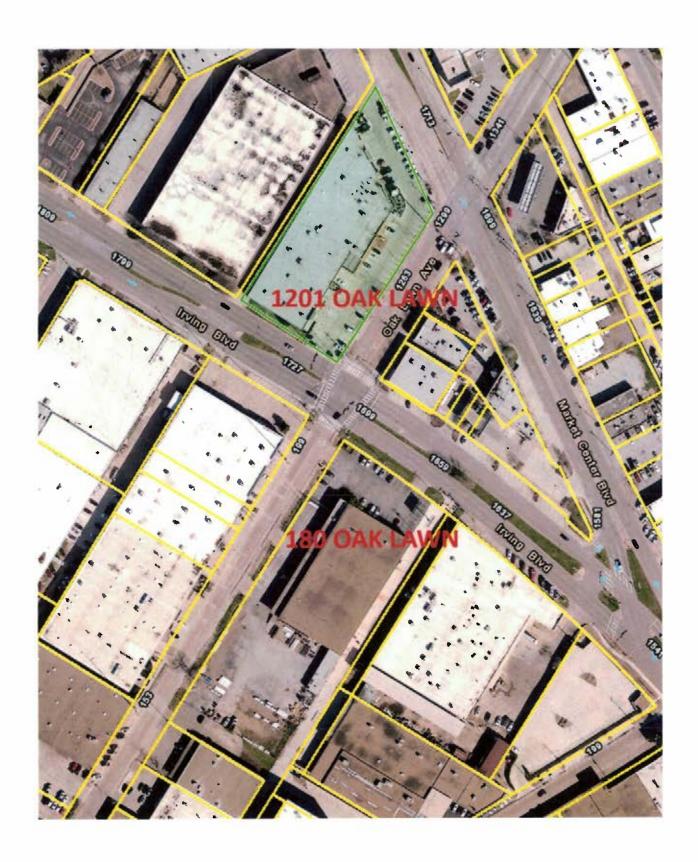
Since these requests clearly meets the Development Code and P.D. 621 standards for approval, we will respectfully be asking that you *approve* our request. We look forward to appearing before you and answering any questions you might have, and we appreciate your time and consideration

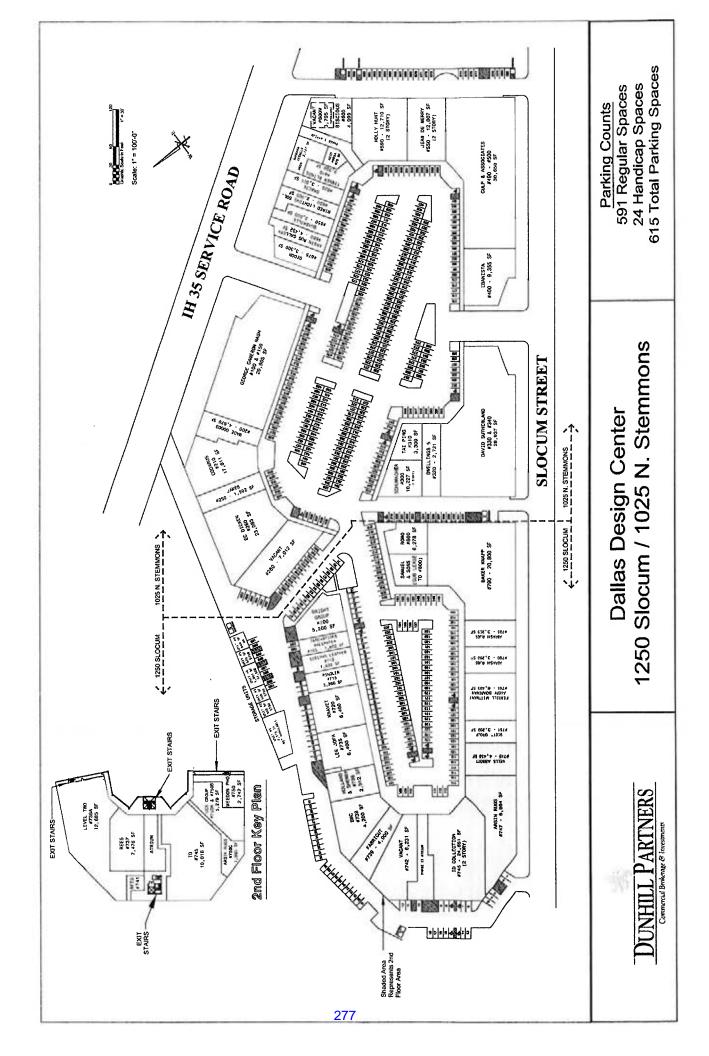
Very truly yours,

Jonathan G. Vinson

cc: Vipin Nambiar
Adam Hammack
Charlotte Carr
Lloyd Denman, P.E.
Suzan Kedron
Will Guerin







MEMORANDUM

To: David Nevarez, P.E., PTOE, CFM

Transportation Development Services

City of Dallas

From: Lloyd Denman, P.E., CFM

Consult LD, LLC

Registered Firm F-23598

Date: March 25, 2025

Subject: Parking Study and Analysis for 1500 Dragon



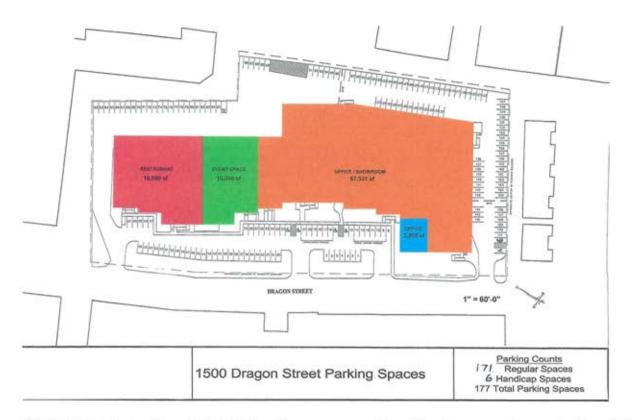
Introduction

1500 Dragon is located on the easterly side of Dragon Street between Oak Lawn Avenue and Cole Street. The property is zoned PD 621, Subdistrict 1, and is in the area known as the Dallas Design District. HN Capital Partners owns 1500 Dragon along with fifteen other Design District properties. HN Capital intends to revitalize the 1500 Dragon site by re-purposing some of the existing building space to include Restaurant and Office use that will better utilize and balance the existing building and its existing parking. The introduction of some Restaurant and Office use is intended to be neighborhood friendly and hospitality centric for the Design District as a whole. The existing site consists of one large mostly rectangle shaped building with a total of approximately 100,000 square feet of single-story space and 177 available parking spaces. (See **EXHIBIT 1 – Site Plan**) The new owner would like to utilize the allowances provided within PD 621 to reduce the parking that would otherwise be required by Code to be more efficient and balanced with best uses for the site and current neighborhood transportation trends. Parking observations made at a proximate and similar site nearby on Market Center Blvd to the west in October of 2024 are presented below along with additional justifications for this parking reduction request as provided by the PD.

Proposed Uses and City of Dallas Code Requirements for Parking

The City of Dallas Development Code requires minimum parking associated with different land use types. PD 621 specifically allows "shared parking" to be considered as a percentage reduction of the required minimum parking for certain mixed uses. Note that the proposed use mix for this 1500 Dragon site would be the maximum planned space for utilization of Restaurant that may not actually all be transitioned or leased in the proposed manner but is meant to represent what would be the densest future parking use mix. The calculated maximum parking for the proposed mix of uses is 300 spaces per City Code without the "Shared Parking Reduction". (See EXHIBIT 2 – Proposed Use Parking Chart) Note that the existing parking layout of 177 spaces is adequate for the morning and afternoon times of day per Code to accommodate the maximum proposed mix of uses when applying the "Shared Parking Reduction" table within PD 621.

EXHIBIT 1 - Site Plan



This site plan shows the existing 177 parking spaces and the ultimate proposed uses for the existing building. The restaurant use will be primarily evening and valet parked and may incrementally expand up to the requested maximum of 18,000 square feet.

EXHIBIT 2 - Proposed Use Parking Chart

Street No.	Street Name	Land Use	SQ FT	Parking Ratio	Shared Noon Required Parking	Total Parking
1500	Dragon	Office/Showroom	67,531	1sp/1100 SF& 4100 SF	22.33	
1500	Dragon	Office	3,000	1sp/358 SF	6.70	
1500	Dragon	Restaurant	18,000	1sp/105 SF	171.43	
1500	Dragon	Event Space	10,000	1sp/100 SF	100.00	
			98,531		300	177

Note that the bulk of the parking demand is for the Restaurant use which typically peaks during weekend evenings. The Restaurant use will be valet parked. The Office/Showroom use has plenty of daytime parking and is typically closed during the evenings.

PD 621 Allowance for Parking Reductions and the Owner's Request

The creators of PD 621 utilized good foresight for the zoning regulations back in 2002 realizing that the old parking minimums required for certain defined uses are not "one-size fits all". (See APPENDIX Articles on Parking) PD 621 allows for the accommodation of denser urban living that is less "car-centric" and the consideration of alternative modes of transportation that help reduce the need for parking. Specifically, the PD allows for "a special exception of up to 50 percent of the required off-street parking" to help right-size parking for dense urban projects. HN Capital would like to follow the PD 621 allowance language and request a reduction of 41% in parking requirements from the calculated requirement of 300 spaces to utilize the currently provided 177 spaces. Local observed parking data and recent mobility trends support the request as detailed below. Also, HN Capital may seek out nearby properties to determine if remote valet agreements may be reached to provide overflow parking should it be needed. HN Capital also owns other nearby properties including two large surface parking lots that could provide evening overflow parking should it be needed.

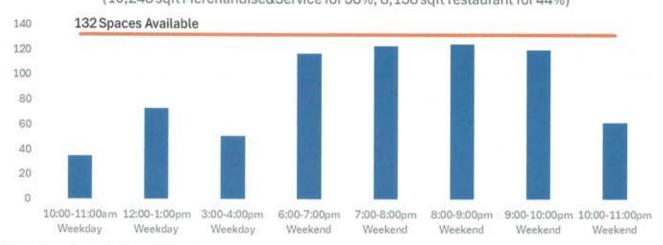
1212 Oak Lawn and 1617 Market Center Blvd (Pie Tap and Town Hearth) Observed Parking Data (Oak Lawn/Market Center/Irving Blvd Triangle)

Exhibit 3, on the next page, illustrates observed parking during peak use times in October of 2024 for 1212 Oak Lawn and 1617 Market Center, a triangular shaped property, which has the Pie Tap and Town Hearth restaurants. The exhibit is annotated with comments about the observed parking data and what is proposed. The Oak Lawn Triangle is only 600' to the west from 1500 Dragon Street.

It is evident from the observed data that the adjacent Oak Lawn Triangle property is able to support two restaurants with its available parking and with the use of valet. It was observed while counting, and confirmed by the restaurant valet manager, that employee parking occupied a significant number of the available interior parking spaces (15% or more). It is recommended to consider more efficiently managing employee parking to provide more patron parking when needed. The Design District encourages a comprehensive neighborhood approach for all the property owners to work and cooperate together for mutual benefit. Note that adjacent properties with different owners have supported one another in parking reduction requests. (See APPENDIX mutual letters of support) This illustrates the synergistic goal of mutual benefit throughout the greater Design District. Granting this request would not adversely affect neighboring property since parking is already prohibited along the east side of Dragon St. There is also potential for "relief valve" parking available should the internal parking be exceeded by utilizing the surface parking lots on nearby properties. The proposed mix of uses for this existing site will be able to successfully accommodate parking demand for the higher percentage restaurant use without adversely impacting neighboring properties or the public streets. Utilizing valet service for the restaurant use helps ensure that parking needs are sufficiently and efficiently met.

EXHIBIT 3 - 1500 Dragon: OBSERVED PARKING AT OAK LAWN TRIANGLE AND PROPOSED PARKING

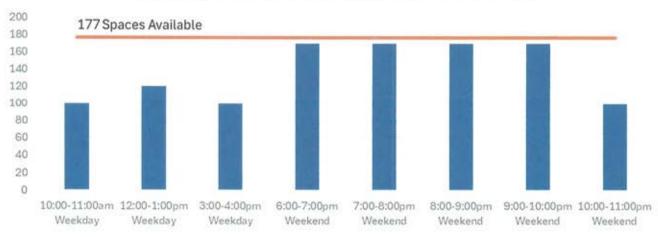
Observed Parking Oak Lawn/Market Center/Irving Triangle (10,248 sqft Merchandise&Service for 56%; 8,158 sqft restaurant for 44%)



Note that the Oak Lawn Triangle property with two restaurants, Pie Tap and Town Hearth, makes it work with the 132 parking spaces available. The valet manager said if the parking spaces ever happen to temporarily fill up the restaurant has a "relief agreement" with the property to the south which helps keep the valet parking operation smooth and consistent.

Proposed Parking 1500 Dragon St

(73,000 sqft showroom for 70%; 18,000 sqft restaurant for 17%)



The proposed mix of uses intends to fill the available parking during the weekend evening peaks for Restaurant use. There is adequate parking available to satisfy the City Code during mornings and afternoons for the Office and Showroom uses. The use of valet and alternative transportation modes can offset the evening restaurant peaks. Note that HN Capital will seek or provide on its own properties "relief valve" parking agreements that could be utilized for any overflow parking should it occur. As the owner of sixteen properties in the Design District, HN Capital is incentivized to balance and "right size" parking so that everyone benefits.

Walkability and Alternative Modes of Transportation

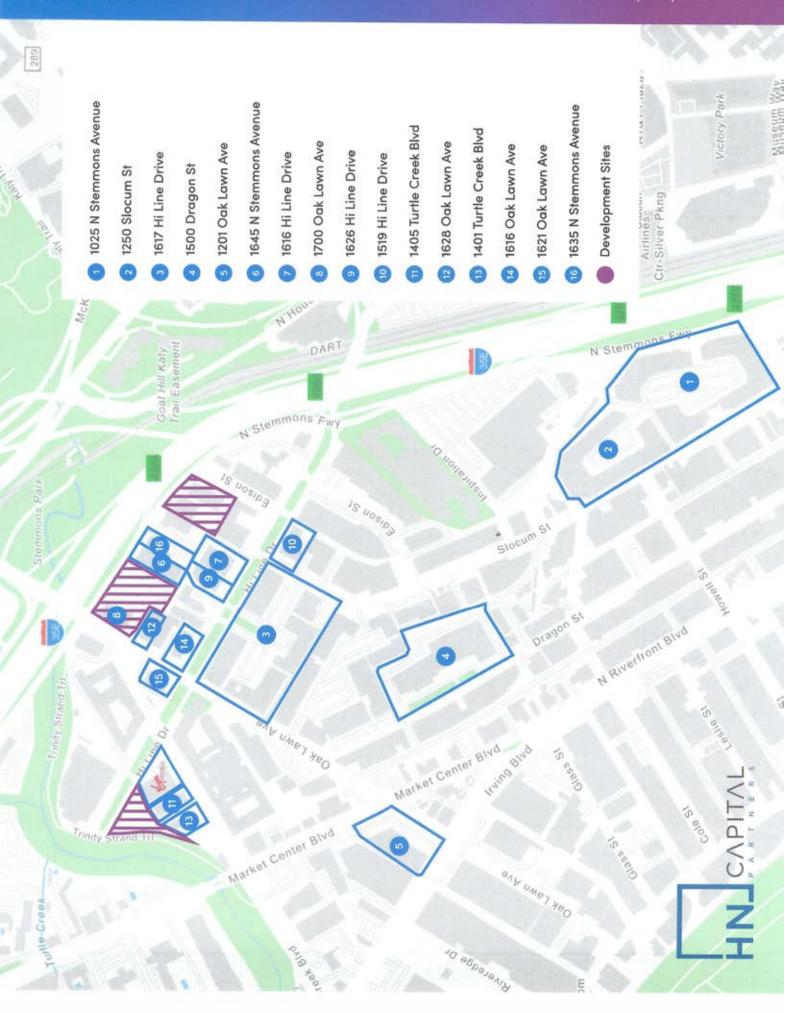
The parking reduction request is also supported by a walkability analysis of nearby residential units and current urban trend uses of alternative modes of transportation like walking, bicycling, and Uber/Alto. (See **APPENDIX** Walkability Study.) Note that the City of Dallas is currently considering reducing and/or eliminating parking requirements for some areas and uses. Although a reduction or elimination of parking requirements by the City of Dallas would not directly affect 1500 Dragon since the parking already exists and the property is located within PD 621, it is still an indication that the old parking requirement ratios are excessive for dense urban living situations and with the newer alternative modes of transportation readily available.

Conclusion

Based on: (1) the observed parking data for similar uses near to the site, (2) the allowances for parking reductions written into PD 621, (3) the utilization of valet to most efficiently park the site, (4) the potential for "relief valve" parking spaces in nearby surface parking lots for the overall benefit of the Design District, and (5) the current trends of more mobility choices and more dense urban living that together reduce the need for parking; it is recommended that the existing 177 parking spaces for the current 1500 Dragon site will be adequate to serve the proposed mix of Restaurant and Office/Showroom and Event Space uses. Furthermore, if the parking demand were to consistently exceed the 177 spaces provided and beyond what valet can accommodate, the greater risk would be loss of business to the site rather than any obstruction of the public right-of-way or creation of a traffic hazard since parking is internal to the site and is currently prohibited along the east side of Dragon St. The accommodation of shared parking, Uber/Alto and similar ride shares including the Virgin Hotel shuttle service, availability of pedestrian and bicycle trails, availability of remote parking lots within a ten minute walk, and the presence of newer dense inner-city residential developments that currently include 2000+ units within a ten minute walk of the subject site have all convened at this time to help reduce the need for parking and support the proposed mix of uses for 1500 Dragon. The proposed plan to revitalize and repurpose the existing building of 1500 Dragon and utilize the existing parking within the allowances of PD 621 will provide mutual benefits to the property owner/operator, the neighborhood, and the City of Dallas. "Right-sizing" or "right-mixing" the proposed uses of this existing building to more fully utilize the existing internal parking to its potential will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets. No spillover effect of traffic or parked cars is expected to occur since valet parking will be available.

APPENDIX

- · HN Capital Property Ownership Map within the Design District
- Mutual letters of support for Parking Reductions
- Walkability Study within a five to ten-minute walking distance of 1500 Dragon
- Annotated Articles: "The Parking Problem Why Cities Overbuilt Parking Spaces" 9-30-2023
 "Parking Generation... Park +" by Kimley-Horn May 2016



February 5, 2025

Dr. Kameka Miller-Hoskins, Chief Planner Zoning Board of Adjustment City of Dallas 1500 Marilla Room 5CN Dallas, TX 75201

Via email

RE: Pending applications at 1616 and 1626 Hi Line; 1617 Hi Line; and 1201 Oak Lawn Avenue

Dear Dr. Miller-Hoskins,

Please accept this support letter for the parking reduction requests at 1616 and 1626 Hi Line, 1617 Hi Line, and 1201 Oak Lawn Avenue. We understand they are separate requests intended for consideration in April 2025; our support applies to each request. The applicant, HN Capital, and their representatives have shared with us their request and plans for improving their property. As adjacent commercial property owners, we believe that their parking reduction request will benefit this area of the Design District.

We support the parking reductions requested for several reasons. HN Capital has successfully managed their properties in this area to bring valuable tenants and businesses to the Design District. As this area of the Design District has benefitted from the recent city investments in infrastructure, these improvements for sidewalks, streetscapes, and a hike/bike trail that connects to Victory Park/Downtown increase and enhance mobility options for visitors and residents. New developments and remodels have included a mix of land uses that are creating a dynamic neighborhood, as intended by the PD 621 Old Trinity Design District Special Purpose District zoning. We also understand the City of Dallas is considering Development Code revisions to the off-street parking requirements to align with current parking demand trends and promote use of other transportation options.

The proposed parking reductions are supported by a professional engineering analysis of the parking demand for these properties and the ability of HN Capital to manage the parking needs on their properties for the success of their tenants. We believe the requested reductions are reasonable and support the shared goal of continued improvement, adaptive reuse, and quality development of the Design District.

Sincerely,

Shyam Patel – Asana Partners 1444 Oak Lawn, LP

704.423.1660 | 2151 Hawkins Street, Suite 1100 | Charlotte, NC 28203

asanapartners.com



Jonathan G. Vinson (214) 953-5941 (Direct Dial) (214) 661-6809 (Direct Fax) jvinson@jw.com

August 16, 2024

Via Email

Ms. Cambria Jordan, CFM, MBA, PMP, Senior Planner Zoning Board of Adjustment City of Dallas 1500 Marilla Street, Room 5BN Dallas, Texas 75201

Re: BDA234-091; 1444 Oak Lawn Avenue.

Dear Ms. Jordan:

Our firm represents HN Capital, which is the largest property owner in the Design District. HN Capital is pleased to be part of the ongoing success of the District, and we look forward to even more success for the entire District in the future. This letter is to express our *support* for the off-street parking special exception request being made under BDA234-091 at 1444 Oak Lawn Avenue, for the following reasons.

When the City first approved P.D. 621 in 2002, it was not completely certain that the P.D. would work for its intended purposes. The City deserves credit for getting the P.D. right for the most part and achieving its purpose of fostering in-context adaptive reuse in the Design District with, of course, some appropriate new development.

Part of the success of P.D. 621, we believe, is due to the P.D. having loosened somewhat the strict requirements for off-street parking found in other parts of the City. This is very appropriate and necessary for the adaptive reuse of existing buildings, and actually helps preserve those buildings and the larger context of the District. This is good place-making and supports the District's overall success.

However, since the adoption of P.D. 621, the world has changed even more with regard to parking demand. The reduction in office usage, the advent of ride-sharing, and the greater walkability of the District have all contributed to this. Continuing to adhere to off-street parking ratios which date back in some cases to 1965, or even before, fails to recognize the change in parking demand in 2024.

In fact, the City itself is in the middle of processing Development Code amendments to reduce off-street parking requirements to align more with current demand. For many reasons, the current off-street parking requirements in P.D. 621, and elsewhere in the City, are obsolete and should be reduced.

41476708v.1

We support reasonable and evidence-based, data-driven reductions in parking requirements where appropriate, in particular in P.D. 621, where such reductions will support continued adaptive reuse and quality development and placemaking, and we believe that to be the case with this request. We respectfully ask that you approve the applicant's request in this case. Thank you.

Very truly yours,

Jonathan G. Vinson

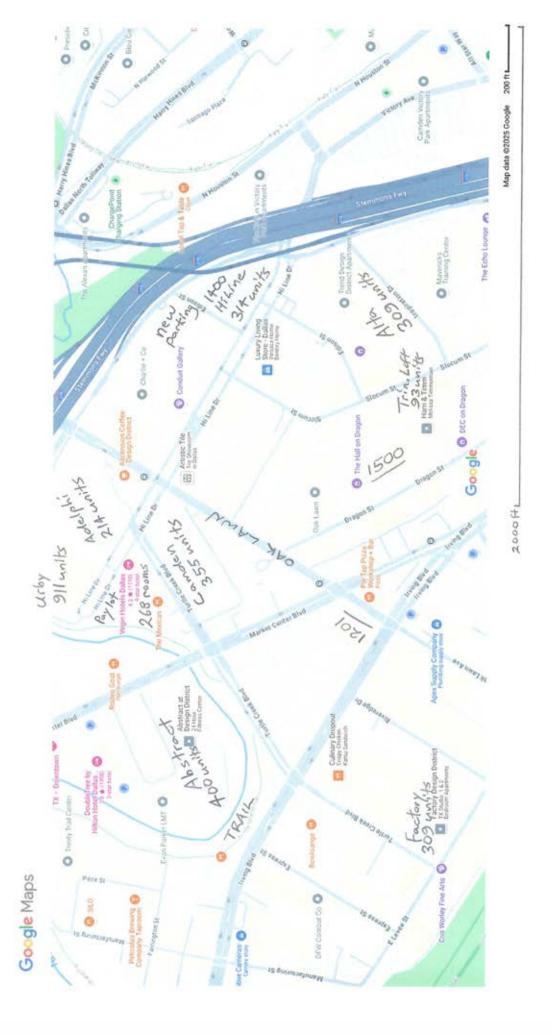
cc: Dr. Kameka Miller-Hoskins Jennifer Hiromoto Vipin Nambiar Adam Hammack Suzan Kedron

2

WALKABILITY STUDY

According to statistics listed on the Dallas Design District Property Brochure, by "DunhillProperties.com", there are approximately 20,000 residents that live within one mile, or a 10 to 20 minute walk, of the Dallas Design District. Even closer to the heart of the Design District and to 1500 Dragon St, within a 5 to 10-minute walk or less, are eight large multifamily communities that total nearly 3000 units. Also, the Virgin Hotel with 268 rooms and a 75 space pay parking lot are within a 10-minute walk to 1500 Dragon. (See annotated map attached) According to the Federal Highway Administration, "Most people are willing to walk for five to ten minutes, or approximately ¼ to ½ mile" to reach a destination. (See FHA Pedestrian Safety Guide attached)

The close proximity within a five to ten-minute walk of so many residential units and hotel rooms certainly helps decrease the parking demand for patrons that would frequent 1500 Dragon for Restaurant uses. (Walk times were physically verified by Lloyd Denman, P.E. during the parking observations made in May 2024.) There is also a free hotel shuttle at the Virgin Hotel that ferries guests within a 3-mile radius of the hotel to and from restaurants and other attractions. In May of 2024, the shuttle attendant said the shuttle stays busy and a second vehicle should be added to the service.



Google Maps

2/5/25, 3:12 PM

Residential Proximity Map 1500 Dragon

U.S. Department of Transportation

Federal Highway Administration

1200 New Jersey Avenue, SE Washington, DC 20590 202-366-4000

Safety

Pedestrian Safety Guide for Transit Agencies

< Previous Table of Content Next >

Chapter 4: Actions to Increase the Safety of Pedestrians Accessing Transit

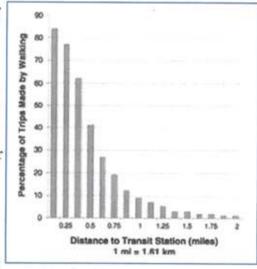
Understanding pedestrian characteristics and facilities (e.g., sidewalks, crosswalks, pedestrian signals, etc.) is an important step in providing safe access to transit systems. This section introduces basic pedestrian safety concepts to help readers understand issues, solutions, and resources that are presented in other parts of this guide. Concepts addressed in this chapter include:

- · Typical walking distance to transit.
- · Motor vehicle speed and pedestrian safety.
- · Pedestrian characteristics and behavior.

A. Typical Walking Distance to Transit

Most people are willing to walk for five to ten minutes, or approximately ½- to ½-mile to a transit stop (see figure below). However, recent research has shown that people may be willing to walk considerably longer distances when accessing heavy rail services. Therefore, in order to encourage transit usage, safe and convenient pedestrian facilities should be provided within ¼- to ½-mile of transit stops and stations, and greater distances near heavy rail stations. Note that bicyclists are often willing to ride significantly further than ½-mile to access rail transit stations, so safe facilities should be provided for bicycling within a larger catchment area around transit hubs.

Transit route spacing and location are important considerations for pedestrian access to transit. For example, in a city with a regular street grid pattern of streets, appropriate stop spacing can be achieved when transit routes are spaced between ½- to 1-mile apart. If the stops on these routes are spaced 1/8- to ½- mile apart, then a majority of the people in the



routes are spaced 1/8- to 1/4- mile apart, then a majority of the people in the neighborhoods served by the transit system will be within 1/4- to 1/2-mile of a transit stop. 70

B. The Effect of Motor Vehicle Speed on Pedestrian Safety

Pedestrians accessing transit stops and stations must often walk along or cross roadways that carry motor vehicle traffic. Pedestrians may feel less comfortable and safe as nearby motor vehicle speeds increase. The faster a driver is traveling, the more difficult it is to stop (see figure below). Larger vehicles, such as buses and trucks require even longer stopping distances.



The Parking Problem: Why Cities Overbuilt Parking Spaces

by Lauren Palmer | Sep 20, 2023 | Land Use, Transportation, Urban Planning | 0 comments

The Institute of Transportation Engineers (ITE) was founded in 1930 with the goal "to improve mobility and safety for all transportation system users and help build smart and livable communities." The idea behind the ITE was to help developers with roadway design, traffic management, and parking requirements. However, the ITE has created more problems, particularly when it comes to parking. For decades, the ITE recommended parking minimum requirements ill-suited for the municipalities implementing them.

The primary issue with parking recommendations from the ITE is that the studies they relied on were based on <u>selective data</u>. For instance, in the 1987, second edition of the ITE's *Parking Generation*, the <u>ITE created half of their parking generation rates based on just four or fewer studies that were conducted in suburban areas. Researchers conducted these studies during times of peak parking demand and in areas where there was plenty of free parking and little to no use of public transit.</u>

This led urban planners in cities to use suburban rates to set parking requirements that were incompatible with urban environments, resulting in excessive amount of parking in some areas. This created a circular planning process that has only exacerbated issues. It goes something like this:

- 1. The ITE published their findings in Parking Generation using the selective suburban data,
- 2. City urban planners set parking requirements based on those findings,
- 3. Developers implemented those parking plans.
- The resulting ample supply of parking drove the price of parking in specifically designated lots down to zero,
- Because of the massive amount of land used to create these parking specifications, cities saw decreased walkability and density of facilities.
- The sprawl, combined with the plethora of free parking options, led to increased vehicle usage,
- 7. The increased parking demand again validated the ITE's findings.

And the cycle repeats. This process has, unsurprisingly, resulted in an overabundance of parking. In the United States, surface parking lots alone cover more than five percent of all urban land, representing an area greater than the states of Rhode Island and Delaware combined.

To be clear, the ITE is not solely to blame. As mentioned in *Rethinking A Lot*, urban planners and policymakers frequently rely on the recommendations provided by the ITE for parking requirements without ensuring their accuracy for their respective municipalities. The ITE has an inherent authority that makes planners regard its findings as valid, precluding in planners' minds the need for further inquiry. The use of ITE's manuals also allow public officials to avoid responsibility for excessive parking lots.

Due to a lack of planning and engaging the proper parties involved in parking use and development, inaccurate parking demands arise. While <u>urban planners</u> readily observe this problem, they often fail to take the necessary steps to actually address it. Even municipalities directly contribute to the overabundance of parking by offering free spaces, which inevitably fill up quickly, and then opting to add more parking, which creates an overabundance without addressing the root problem.

Municipalities also look to other authorities, such as the <u>Urban Land Institute</u> (ULI) for parking guidance. However, the ULI has many of the same problems as the ITE. ULI reports have recommended an excessive amount of parking, with some ULI reports calculating a "need" for more spaces than ITE reports. Municipalities cannot blindly rely on these institutions to supply perfectly accurate data. Municipalities need to measure parking demands with the "ongoing data analysis, community assessment, and demand analysis" that is most relevant to them.

The ITE, recognizing that municipalities still rely on its findings, is also attempting to fix the situation by adapting and changing the new *Parking Generation* manuals. The most recent, the 2019 *Parking Generation Manual*, features land use descriptions and data plots of a variety of available land uses, time periods, and independent variables in the ITE database. The parking database is now broken up into settings that include "Multi-Use Urban" and "Center City Core," which work to pinpoint the most relevant studies for specific cities' needs. The goal of this manual is to help describe the relationship between parking demand and the characteristics of the individual development site.

Donald Shoup, Professor in the Department of Urban Planning at UCLA, recommends that the ITE follow in the footsteps of the British counterpart to *Trip Generation*, the "Trip Rate Information Computer System." This system gives information about the characteristics of every surveyed site and its surroundings, which would allow municipalities to use comparable sites before making land use decisions.

Despite the empirical evidence surrounding the overabundance of parking, as well as its deleterious environmental effects, few municipalities are changing parking requirements and financers still pass on projects that "don't have enough parking," even with the new ITE recommendations.

One successful technique is shared parking, a parking management tool that communities can employ when setting parking requirements. Different types of land uses attract customers, workers, and visitors during different times of the day, which results in differing peak parking demand hours for the related land uses. Shared parking takes advantage of these varying demand patterns and allows adjacent land uses with complementary peak demands to share a parking lot space. This not only encourages centralized parking rather than scattered lots, but also reduces overall construction costs which could greatly benefit both municipalities and developers.

Several municipalities have implemented shared parking, including Ventura, CA which has a zoning ordinance that permits different land uses to have shared parking because of opposite peak parking demand periods. The shared parking is allowed to satisfy one hundred percent of the minimum parking requirements for each land use. Similarly, North Kansas City, MO, by permit, allows a reduction of the number of parking spaces multi-use developments need to have if they have different peak parking demand periods.

Finally, in **West Hartford, CT**, the zoning code provides an alternative method of meeting parking requirements. So long as the applicant seeking to enter into a shared parking agreement can prove the lot would be convenient for all parties and would not cause traffic congestion, it can get approved. The municipality has since consolidated many parking lots down for shared use.

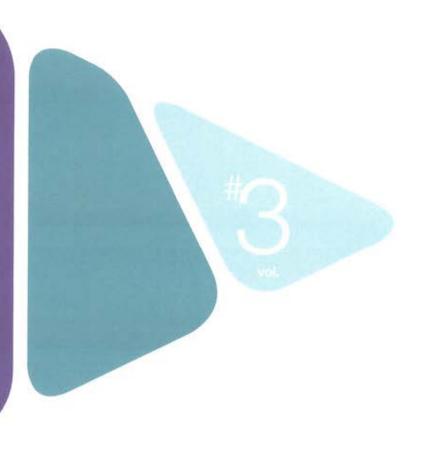
To truly reverse the detrimental impacts of the old ITE reports on the development of cities, urban planners and lawmakers will need to implement a multi-faceted approach. In addition to conducting their own parking studies based on the proposed uses and characteristics of the community, urban planners and lawmakers should focus on enhancing multi-modal transit and implementing shared parking. Parking minimums need to be eliminated and more parking maximums need to be developed. Focusing on the parking demands of individual development sites will help stop the cycle of creating unnecessary parking and meet parking demands in a smarter and more efficient manner.

Parking Generation—

Replacing Flawed Standards with the Custom Realities of Park+

WHITE PAPER SERIES

May 2016







Replacing Flawed Standards with the Custom Realities of Park+



Introduction

For the longest time, our industry's approach to defining "How much parking?" has been relegated to the use of national parking requirement standards, either from the Institute of Transportation Engineers (ITE), Urban Land Institute (ULI), or local code requirements. Anyone who has read the workings of Donald Shoup, or more recently Richard Willson, knows the fallacy in using these sources when designing downtown or campus parking systems.

National parking requirement standards are based on outdated and underrepresented data, which tend to skew wildly from the actual parking needs of
a community. In my years as a parking consultant, I've very rarely completed
a single downtown parking study where the peak observed parking demands
consumed the majority of the total parking spaces. A study completed in Dallas a
few years ago yielded some 30,000 empty parking spaces at peak. Similar results
were found in Atlanta, Houston, St. Petersburg, Seattle, and the list goes on.
When communities plan downtowns based on outdated suburban design
standards, we achieve the same inevitable results—empty, restricted parking
areas that deaden the density, walkability, and vitality of urban areas.

The parking quantity question is always a challenging exercise, especially when we try to solve it using inaccurate data. Most times, we rely on outdated data that doesn't truly represent the real context of our downtowns. As more and more people migrate to urban areas, the dynamics of how they get around and their relationships with cars change. As such, we've seen a drastic downshift in the need to provide parking. But our planning tools have not evolved to better align with this shift.

Equally challenging is deciding how the parking characteristics in one community compares to another community. In reality, it's hard to define how one neighborhood acts compared to another. Here in Phoenix, the Roosevelt neighborhood, home to the area's up-and-coming artists and requisite "hipsters," enjoys a higher amount of transit, walking, and cycling than most other parts of the city. In turn, the overall demand for parking is lessened as area residents and patrons find other ways to access the uses within the area. In my neighborhood, you almost can't survive without the use of a car to work, shop, and play. This variability exists in every city and is the reason it's absurd to continue leaning on archaic, cookie-cutter methods to plan for parking.

This question is the central reason we created Park+ — to find a way to localize the analysis of parking demand and challenge the conventional notion that all parking demand is created the same. Within this white paper we summarize the findings of the first five years of Park+ modeling and define the dynamic nature of each community served. In our time developing, testing, and applying this model, we have encountered an incredible diversity of data and outcomes in each community. In the following sections, we'll walk through those results, as well as the more global movement afoot in our industry.

Kimley » Horn

Replacing Flawed Standards with the Custom Realities of Park+



Unfortunately, those data points are routinely applied in areas they should not be. I've seen exercises where entire swaths of a downtown are planned with these metrics, resulting in over-built facilities. In some cases, it's a lack of understanding of the context the development is occurring in. In other cases.

it's a requirement of financial institutions that are backing a development. Whatever the cause, a better understanding of the true dynamics of a development and the area it serves produces better results.

In recent years, urban planners have begun to lean more and more on these decisions as a primary reason that downtowns and communities don't work. One of my favorite terms in the industry is the "parking crater," which was coined by the website Streetsblog and its editor Angie Schmitt. In fact, that website holds an annual March Madness tournament, with a full-on bracket to determine the worst parking crater of that year. The parking crater is a portion of a downtown that has been hollowed out by the presence of large surface parking lots. Whether these are highly or poorly utilized, they deaden a downtown, its walkability, and most importantly its viability.

If asked, many people would say the provision of ample parking makes our cities more desirable. But in fact, ample parking promotes single occupancy vehicle trips and impedes the ability for our communities to develop and grow. Pedestrian walkability, dense design, and connectedness are extremely important for the success of a community. Large areas of parking tend to counter these tenets and disrupt the ability for a community to work properly. This is only exacerbated by the over-provision of parking.

Clearly, something must be done...

Right-Sized Parking

Recently in the planning arm of the parking industry, we've seen a very distinct shift toward finding the right amount of parking for a downtown, campus, study area, development, etc. This movement is aptly dubbed the Right-Sized Parking movement. The name speaks for itself, as the intent is to determine the correct amount of parking to serve an area without over- or under-burdening area patrons.

Too much parking tends to be an expensive endeavor. In today's world where more and more parking is found in consolidated structures, the cost to build a single space can range from \$8,000 to \$40,000, or more. This price is astronomical and is a primary contributing reason that rents are increasing and the cost of living in urban areas is skyrocketing. In King County¹, WA, a recent study searched to find the answer to the right-size for multi-family housing parking. The result of that large-scale effort was...it depends.



Visit rightsizeparking.org to learn more and to play with their awesome right-size parking calculator

Kimley »Horn

WHITE PAPER #3

Replacing Flawed Standards with the Custom Realities of Park+



That result may seem nebulous, but in reality it's the most accurate response that could have emerged from such a study. The data indicated that a number of factors—location, access to transit, employment density, walkability, population demographics—were responsible for the parking demand characteristics of a multi-family development. In short, people tended to adapt to their environment, and their driving (and car ownership patterns) adapted right along with them.

Unfortunately, in a lot of those instances, the provision of parking did not adapt. Instead, developers continued to provide parking as if every location was the same, and the result was a high amount of underutilized parking. The data showed that in the heart of Seattle (the most urbanized area in the county), the parking demand was at or below 0.5 spaces per unit. In the far reaches of the county, the ratio was closer to 1.5 spaces per unit.

This analysis has borne some incredible outcomes. First, many developers in the King County area have begun to lessen their parking capacity as a result of this analysis, basically "right-sizing" their supply. That in and of itself is a win and would deem the effort a success. However, the study also pushed communities in the King County area to reassess their parking requirements, helping to define right-sized parking at the review level. Even more incredibly, King County transit has now begun to pursue empty parking spaces in multi-family housing complexes to serve as park-and-ride spaces for transit riders.

It's very exciting to see the results coming out of King County.

They spent a tremendous amount of time and effort to collect viable data and determine how their community works. The project was well funded by the Federal Highway Administration and led by a brilliant young planner² whose mission is to prove the fallacy of poor parking planning. But how about the communities not funded by FHWA...how do they learn more about the true nature of their parking systems?

Park+ and Right-Sized Parking

Park+—the Kimley-Horn parking scenario planning tool — was created with the intention of right-sizing parking in the communities we serve. The model is built on an algorithm that matches parking demand with land uses to more accurately depict parking behavior. Previous white papers (xxx) have depicted how this relationship works, but in simplistic terms, we match parking demand to its origin using localized data. The result is a much more accurate depiction of parking demand in the environments our models serve.

The primary output of a calibrated Park+ dataset is a unique set of parking generation characteristics that represent the dynamic nature of a community. These results differ from community to community and are a direct reflection of the areas they serve. The following tables and figures provide a representative sample of parking demand characteristics and geographic demand metrics. These are only representative in nature, but show the varied results that come from Park+ modeling exercises.

Kimley » Horn

3.944

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6,109

4 WHITE PAPER #3

² Dan Rowe of King County Metro. If you ever meet him at a conference, engage him about parking...you won't be sorry.

MEMORANDUM

To: David Nevarez, P.E., PTOE, CFM

Transportation Development Services

City of Dallas

From: Lloyd Denman, P.E., CFM

Consult LD, LLC

Registered Firm F-23598

Date: March 25, 2025

Subject: Parking Study and Analysis for 1500 Dragon



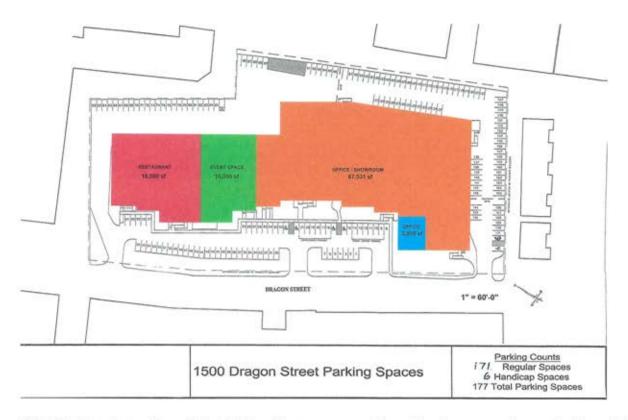
Introduction

1500 Dragon is located on the easterly side of Dragon Street between Oak Lawn Avenue and Cole Street. The property is zoned PD 621, Subdistrict 1, and is in the area known as the Dallas Design District. HN Capital Partners owns 1500 Dragon along with fifteen other Design District properties. HN Capital intends to revitalize the 1500 Dragon site by re-purposing some of the existing building space to include Restaurant and Office use that will better utilize and balance the existing building and its existing parking. The introduction of some Restaurant and Office use is intended to be neighborhood friendly and hospitality centric for the Design District as a whole. The existing site consists of one large mostly rectangle shaped building with a total of approximately 100,000 square feet of single-story space and 177 available parking spaces. (See **EXHIBIT 1 – Site Plan**) The new owner would like to utilize the allowances provided within PD 621 to reduce the parking that would otherwise be required by Code to be more efficient and balanced with best uses for the site and current neighborhood transportation trends. Parking observations made at a proximate and similar site nearby on Market Center Blvd to the west in October of 2024 are presented below along with additional justifications for this parking reduction request as provided by the PD.

Proposed Uses and City of Dallas Code Requirements for Parking

The City of Dallas Development Code requires minimum parking associated with different land use types. PD 621 specifically allows "shared parking" to be considered as a percentage reduction of the required minimum parking for certain mixed uses. Note that the proposed use mix for this 1500 Dragon site would be the maximum planned space for utilization of Restaurant that may not actually all be transitioned or leased in the proposed manner but is meant to represent what would be the densest future parking use mix. The calculated maximum parking for the proposed mix of uses is 300 spaces per City Code without the "Shared Parking Reduction". (See EXHIBIT 2 – Proposed Use Parking Chart) Note that the existing parking layout of 177 spaces is adequate for the morning and afternoon times of day per Code to accommodate the maximum proposed mix of uses when applying the "Shared Parking Reduction" table within PD 621.

EXHIBIT 1 - Site Plan



This site plan shows the existing 177 parking spaces and the ultimate proposed uses for the existing building. The restaurant use will be primarily evening and valet parked and may incrementally expand up to the requested maximum of 18,000 square feet.

EXHIBIT 2 - Proposed Use Parking Chart

Street No.	Street Name	Land Use	SQ FT	Parking Ratio	Shared Noon Required Parking	Total Parking
1500	Dragon	Office/Showroom	67,531	1sp/1100 SF& 4100 SF	22.33	
1500	Dragon	Office	3,000	1sp/358 SF	6.70	
1500	Dragon	Restaurant	18,000	1sp/105 SF	171.43	
1500	Dragon	Event Space	10,000	1sp/100 SF	100.00	
			98,531		300	177

Note that the bulk of the parking demand is for the Restaurant use which typically peaks during weekend evenings. The Restaurant use will be valet parked. The Office/Showroom use has plenty of daytime parking and is typically closed during the evenings.

PD 621 Allowance for Parking Reductions and the Owner's Request

The creators of PD 621 utilized good foresight for the zoning regulations back in 2002 realizing that the old parking minimums required for certain defined uses are not "one-size fits all". (See APPENDIX Articles on Parking) PD 621 allows for the accommodation of denser urban living that is less "car-centric" and the consideration of alternative modes of transportation that help reduce the need for parking. Specifically, the PD allows for "a special exception of up to 50 percent of the required off-street parking" to help right-size parking for dense urban projects. HN Capital would like to follow the PD 621 allowance language and request a reduction of 41% in parking requirements from the calculated requirement of 300 spaces to utilize the currently provided 177 spaces. Local observed parking data and recent mobility trends support the request as detailed below. Also, HN Capital may seek out nearby properties to determine if remote valet agreements may be reached to provide overflow parking should it be needed. HN Capital also owns other nearby properties including two large surface parking lots that could provide evening overflow parking should it be needed.

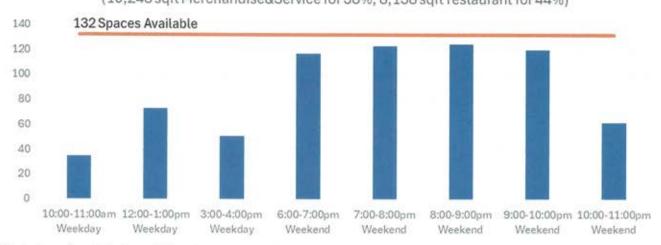
1212 Oak Lawn and 1617 Market Center Blvd (Pie Tap and Town Hearth) Observed Parking Data (Oak Lawn/Market Center/Irving Blvd Triangle)

Exhibit 3, on the next page, illustrates observed parking during peak use times in October of 2024 for 1212 Oak Lawn and 1617 Market Center, a triangular shaped property, which has the Pie Tap and Town Hearth restaurants. The exhibit is annotated with comments about the observed parking data and what is proposed. The Oak Lawn Triangle is only 600' to the west from 1500 Dragon Street.

It is evident from the observed data that the adjacent Oak Lawn Triangle property is able to support two restaurants with its available parking and with the use of valet. It was observed while counting, and confirmed by the restaurant valet manager, that employee parking occupied a significant number of the available interior parking spaces (15% or more). It is recommended to consider more efficiently managing employee parking to provide more patron parking when needed. The Design District encourages a comprehensive neighborhood approach for all the property owners to work and cooperate together for mutual benefit. Note that adjacent properties with different owners have supported one another in parking reduction requests. (See APPENDIX mutual letters of support) This illustrates the synergistic goal of mutual benefit throughout the greater Design District. Granting this request would not adversely affect neighboring property since parking is already prohibited along the east side of Dragon St. There is also potential for "relief valve" parking available should the internal parking be exceeded by utilizing the surface parking lots on nearby properties. The proposed mix of uses for this existing site will be able to successfully accommodate parking demand for the higher percentage restaurant use without adversely impacting neighboring properties or the public streets. Utilizing valet service for the restaurant use helps ensure that parking needs are sufficiently and efficiently met.

EXHIBIT 3 - 1500 Dragon: OBSERVED PARKING AT OAK LAWN TRIANGLE AND PROPOSED PARKING

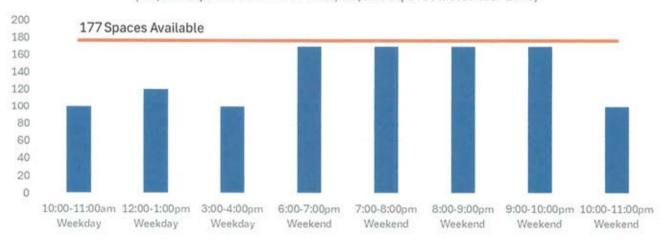
Observed Parking Oak Lawn/Market Center/Irving Triangle (10,248 sqft Merchandise&Service for 56%; 8,158 sqft restaurant for 44%)



Note that the Oak Lawn Triangle property with two restaurants, Pie Tap and Town Hearth, makes it work with the 132 parking spaces available. The valet manager said if the parking spaces ever happen to temporarily fill up the restaurant has a "relief agreement" with the property to the south which helps keep the valet parking operation smooth and consistent.

Proposed Parking 1500 Dragon St

(73,000 sqft showroom for 70%; 18,000 sqft restaurant for 17%)



The proposed mix of uses intends to fill the available parking during the weekend evening peaks for Restaurant use. There is adequate parking available to satisfy the City Code during mornings and afternoons for the Office and Showroom uses. The use of valet and alternative transportation modes can offset the evening restaurant peaks. Note that HN Capital will seek or provide on its own properties "relief valve" parking agreements that could be utilized for any overflow parking should it occur. As the owner of sixteen properties in the Design District, HN Capital is incentivized to balance and "right size" parking so that everyone benefits.

Walkability and Alternative Modes of Transportation

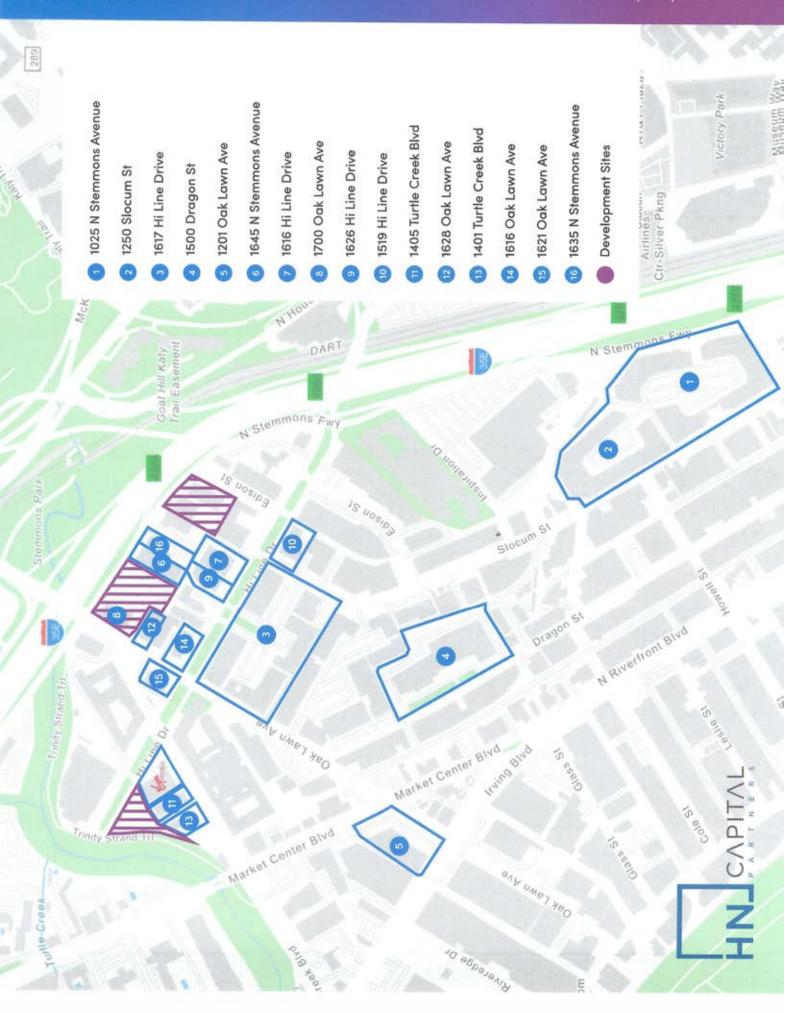
The parking reduction request is also supported by a walkability analysis of nearby residential units and current urban trend uses of alternative modes of transportation like walking, bicycling, and Uber/Alto. (See **APPENDIX** Walkability Study.) Note that the City of Dallas is currently considering reducing and/or eliminating parking requirements for some areas and uses. Although a reduction or elimination of parking requirements by the City of Dallas would not directly affect 1500 Dragon since the parking already exists and the property is located within PD 621, it is still an indication that the old parking requirement ratios are excessive for dense urban living situations and with the newer alternative modes of transportation readily available.

Conclusion

Based on: (1) the observed parking data for similar uses near to the site, (2) the allowances for parking reductions written into PD 621, (3) the utilization of valet to most efficiently park the site, (4) the potential for "relief valve" parking spaces in nearby surface parking lots for the overall benefit of the Design District, and (5) the current trends of more mobility choices and more dense urban living that together reduce the need for parking; it is recommended that the existing 177 parking spaces for the current 1500 Dragon site will be adequate to serve the proposed mix of Restaurant and Office/Showroom and Event Space uses. Furthermore, if the parking demand were to consistently exceed the 177 spaces provided and beyond what valet can accommodate, the greater risk would be loss of business to the site rather than any obstruction of the public right-of-way or creation of a traffic hazard since parking is internal to the site and is currently prohibited along the east side of Dragon St. The accommodation of shared parking, Uber/Alto and similar ride shares including the Virgin Hotel shuttle service, availability of pedestrian and bicycle trails, availability of remote parking lots within a ten minute walk, and the presence of newer dense inner-city residential developments that currently include 2000+ units within a ten minute walk of the subject site have all convened at this time to help reduce the need for parking and support the proposed mix of uses for 1500 Dragon. The proposed plan to revitalize and repurpose the existing building of 1500 Dragon and utilize the existing parking within the allowances of PD 621 will provide mutual benefits to the property owner/operator, the neighborhood, and the City of Dallas. "Right-sizing" or "right-mixing" the proposed uses of this existing building to more fully utilize the existing internal parking to its potential will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets. No spillover effect of traffic or parked cars is expected to occur since valet parking will be available.

APPENDIX

- · HN Capital Property Ownership Map within the Design District
- Mutual letters of support for Parking Reductions
- Walkability Study within a five to ten-minute walking distance of 1500 Dragon
- Annotated Articles: "The Parking Problem Why Cities Overbuilt Parking Spaces" 9-30-2023
 "Parking Generation... Park +" by Kimley-Horn May 2016



February 5, 2025

Dr. Kameka Miller-Hoskins, Chief Planner Zoning Board of Adjustment City of Dallas 1500 Marilla Room 5CN Dallas, TX 75201

Via email

RE: Pending applications at 1616 and 1626 Hi Line; 1617 Hi Line; and 1201 Oak Lawn Avenue

Dear Dr. Miller-Hoskins,

Please accept this support letter for the parking reduction requests at 1616 and 1626 Hi Line, 1617 Hi Line, and 1201 Oak Lawn Avenue. We understand they are separate requests intended for consideration in April 2025; our support applies to each request. The applicant, HN Capital, and their representatives have shared with us their request and plans for improving their property. As adjacent commercial property owners, we believe that their parking reduction request will benefit this area of the Design District.

We support the parking reductions requested for several reasons. HN Capital has successfully managed their properties in this area to bring valuable tenants and businesses to the Design District. As this area of the Design District has benefitted from the recent city investments in infrastructure, these improvements for sidewalks, streetscapes, and a hike/bike trail that connects to Victory Park/Downtown increase and enhance mobility options for visitors and residents. New developments and remodels have included a mix of land uses that are creating a dynamic neighborhood, as intended by the PD 621 Old Trinity Design District Special Purpose District zoning. We also understand the City of Dallas is considering Development Code revisions to the off-street parking requirements to align with current parking demand trends and promote use of other transportation options.

The proposed parking reductions are supported by a professional engineering analysis of the parking demand for these properties and the ability of HN Capital to manage the parking needs on their properties for the success of their tenants. We believe the requested reductions are reasonable and support the shared goal of continued improvement, adaptive reuse, and quality development of the Design District.

Sincerely,

Shyam Patel – Asana Partners 1444 Oak Lawn, LP

704.423.1660 | 2151 Hawkins Street, Suite 1100 | Charlotte, NC 28203

asanapartners.com



Jonathan G. Vinson (214) 953-5941 (Direct Dial) (214) 661-6809 (Direct Fax) jvinson@jw.com

August 16, 2024

Via Email

Ms. Cambria Jordan, CFM, MBA, PMP, Senior Planner Zoning Board of Adjustment City of Dallas 1500 Marilla Street, Room 5BN Dallas, Texas 75201

Re: BDA234-091; 1444 Oak Lawn Avenue.

Dear Ms. Jordan:

Our firm represents HN Capital, which is the largest property owner in the Design District. HN Capital is pleased to be part of the ongoing success of the District, and we look forward to even more success for the entire District in the future. This letter is to express our *support* for the off-street parking special exception request being made under BDA234-091 at 1444 Oak Lawn Avenue, for the following reasons.

When the City first approved P.D. 621 in 2002, it was not completely certain that the P.D. would work for its intended purposes. The City deserves credit for getting the P.D. right for the most part and achieving its purpose of fostering in-context adaptive reuse in the Design District with, of course, some appropriate new development.

Part of the success of P.D. 621, we believe, is due to the P.D. having loosened somewhat the strict requirements for off-street parking found in other parts of the City. This is very appropriate and necessary for the adaptive reuse of existing buildings, and actually helps preserve those buildings and the larger context of the District. This is good place-making and supports the District's overall success.

However, since the adoption of P.D. 621, the world has changed even more with regard to parking demand. The reduction in office usage, the advent of ride-sharing, and the greater walkability of the District have all contributed to this. Continuing to adhere to off-street parking ratios which date back in some cases to 1965, or even before, fails to recognize the change in parking demand in 2024.

In fact, the City itself is in the middle of processing Development Code amendments to reduce off-street parking requirements to align more with current demand. For many reasons, the current off-street parking requirements in P.D. 621, and elsewhere in the City, are obsolete and should be reduced.

41476708v.1

We support reasonable and evidence-based, data-driven reductions in parking requirements where appropriate, in particular in P.D. 621, where such reductions will support continued adaptive reuse and quality development and placemaking, and we believe that to be the case with this request. We respectfully ask that you approve the applicant's request in this case. Thank you.

Very truly yours,

Jonathan G. Vinson

cc: Dr. Kameka Miller-Hoskins Jennifer Hiromoto Vipin Nambiar Adam Hammack Suzan Kedron

2

WALKABILITY STUDY

According to statistics listed on the Dallas Design District Property Brochure, by "DunhillProperties.com", there are approximately 20,000 residents that live within one mile, or a 10 to 20 minute walk, of the Dallas Design District. Even closer to the heart of the Design District and to 1500 Dragon St, within a 5 to 10-minute walk or less, are eight large multifamily communities that total nearly 3000 units. Also, the Virgin Hotel with 268 rooms and a 75 space pay parking lot are within a 10-minute walk to 1500 Dragon. (See annotated map attached) According to the Federal Highway Administration, "Most people are willing to walk for five to ten minutes, or approximately ¼ to ½ mile" to reach a destination. (See FHA Pedestrian Safety Guide attached)

The close proximity within a five to ten-minute walk of so many residential units and hotel rooms certainly helps decrease the parking demand for patrons that would frequent 1500 Dragon for Restaurant uses. (Walk times were physically verified by Lloyd Denman, P.E. during the parking observations made in May 2024.) There is also a free hotel shuttle at the Virgin Hotel that ferries guests within a 3-mile radius of the hotel to and from restaurants and other attractions. In May of 2024, the shuttle attendant said the shuttle stays busy and a second vehicle should be added to the service.

Google Maps

2/5/25, 3:12 PM

Residential Proximity Map 1500 Dragon

U.S. Department of Transportation

Federal Highway Administration

1200 New Jersey Avenue, SE Washington, DC 20590 202-366-4000

Safety

Pedestrian Safety Guide for Transit Agencies

< Previous Table of Content Next >

Chapter 4: Actions to Increase the Safety of Pedestrians Accessing Transit

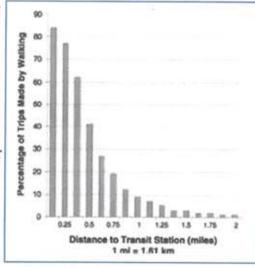
Understanding pedestrian characteristics and facilities (e.g., sidewalks, crosswalks, pedestrian signals, etc.) is an important step in providing safe access to transit systems. This section introduces basic pedestrian safety concepts to help readers understand issues, solutions, and resources that are presented in other parts of this guide. Concepts addressed in this chapter include:

- · Typical walking distance to transit.
- Motor vehicle speed and pedestrian safety.
- · Pedestrian characteristics and behavior.

A. Typical Walking Distance to Transit

Most people are willing to walk for five to ten minutes, or approximately ½- to ½-mile to a transit stop (see figure below). However, recent research has shown that people may be willing to walk considerably longer distances when accessing heavy rail services. Therefore, in order to encourage transit usage, safe and convenient pedestrian facilities should be provided within ¼- to ½-mile of transit stops and stations, and greater distances near heavy rail stations. Note that bicyclists are often willing to ride significantly further than ½-mile to access rail transit stations, so safe facilities should be provided for bicycling within a larger catchment area around transit hubs.

Transit route spacing and location are important considerations for pedestrian access to transit. For example, in a city with a regular street grid pattern of streets, appropriate stop spacing can be achieved when transit routes are spaced between ½- to 1-mile apart. If the stops on these routes are spaced 1/8- to ½- mile apart, then a majority of the people in the



routes are spaced 1/8- to 1/4- mile apart, then a majority of the people in the neighborhoods served by the transit system will be within 1/4- to 1/2-mile of a transit stop. 70

B. The Effect of Motor Vehicle Speed on Pedestrian Safety

Pedestrians accessing transit stops and stations must often walk along or cross roadways that carry motor vehicle traffic. Pedestrians may feel less comfortable and safe as nearby motor vehicle speeds increase. The faster a driver is traveling, the more difficult it is to stop (see figure below). Larger vehicles, such as buses and trucks require even longer stopping distances.



The Parking Problem: Why Cities Overbuilt Parking Spaces

by Lauren Palmer | Sep 20, 2023 | Land Use, Transportation, Urban Planning | 0 comments

The Institute of Transportation Engineers (ITE) was founded in 1930 with the goal "to improve mobility and safety for all transportation system users and help build smart and livable communities." The idea behind the ITE was to help developers with roadway design, traffic management, and parking requirements. However, the ITE has created more problems, particularly when it comes to parking. For decades, the ITE recommended parking minimum requirements ill-suited for the municipalities implementing them.

The primary issue with parking recommendations from the ITE is that the studies they relied on were based on <u>selective data</u>. For instance, in the 1987, second edition of the ITE's *Parking Generation*, the <u>ITE created half of their parking generation rates based on just four or fewer studies</u> that were conducted in suburban areas. Researchers conducted these studies during times of peak parking demand and in areas where there was plenty of free parking and little to no use of public transit.

This led urban planners in cities to use suburban rates to set parking requirements that were incompatible with urban environments, resulting in excessive amount of parking in some areas. This created a circular planning process that has only exacerbated issues. It goes something like this:

- 1. The ITE published their findings in Parking Generation using the selective suburban data,
- 2. City urban planners set parking requirements based on those findings,
- 3. Developers implemented those parking plans,
- The resulting ample supply of parking drove the price of parking in specifically designated lots down to zero,
- Because of the massive amount of land used to create these parking specifications, cities saw decreased walkability and density of facilities.
- The sprawl, combined with the plethora of free parking options, led to increased vehicle usage,
- 7. The increased parking demand again validated the ITE's findings.

And the cycle repeats. This process has, unsurprisingly, resulted in an overabundance of parking. In the United States, surface parking lots alone cover more than five percent of all urban land, representing an area greater than the states of Rhode Island and Delaware combined.

To be clear, the ITE is not solely to blame. As mentioned in *Rethinking A Lot*, urban planners and policymakers frequently rely on the recommendations provided by the ITE for parking requirements without ensuring their accuracy for their respective municipalities. The ITE has an inherent authority that makes planners regard its findings as valid, precluding in planners' minds the need for further inquiry. The use of ITE's manuals also allow public officials to avoid responsibility for excessive parking lots.

Due to a lack of planning and engaging the proper parties involved in parking use and development, inaccurate parking demands arise. While <u>urban planners</u> readily observe this problem, they often fail to take the necessary steps to actually address it. Even municipalities directly contribute to the overabundance of parking by offering free spaces, which inevitably fill up quickly, and then opting to add more parking, which creates an overabundance without addressing the root problem.

Municipalities also look to other authorities, such as the <u>Urban Land Institute</u> (ULI) for parking guidance. However, the ULI has many of the same problems as the ITE. ULI reports have recommended an excessive amount of parking, with some ULI reports calculating a "need" for more spaces than ITE reports. Municipalities cannot blindly rely on these institutions to supply perfectly accurate data. Municipalities need to measure parking demands with the "ongoing data analysis, community assessment, and demand analysis" that is most relevant to them.

The ITE, recognizing that municipalities still rely on its findings, is also attempting to fix the situation by adapting and changing the new *Parking Generation* manuals. The most recent, the 2019 *Parking Generation Manual*, features land use descriptions and data plots of a variety of available land uses, time periods, and independent variables in the ITE database. The parking database is now broken up into settings that include "Multi-Use Urban" and "Center City Core," which work to pinpoint the most relevant studies for specific cities' needs. The goal of this manual is to help describe the relationship between parking demand and the characteristics of the individual development site.

Donald Shoup, Professor in the Department of Urban Planning at UCLA, recommends that the ITE follow in the footsteps of the British counterpart to *Trip Generation*, the "Trip Rate Information Computer System." This system gives information about the characteristics of every surveyed site and its surroundings, which would allow municipalities to use comparable sites before making land use decisions.

Despite the empirical evidence surrounding the overabundance of parking, as well as its deleterious environmental effects, few municipalities are changing parking requirements and financers still pass on projects that "don't have enough parking," even with the new ITE recommendations.

One successful technique is shared parking, a parking management tool that communities can employ when setting parking requirements. Different types of land uses attract customers, workers, and visitors during different times of the day, which results in differing peak parking demand hours for the related land uses. Shared parking takes advantage of these varying demand patterns and allows adjacent land uses with complementary peak demands to share a parking lot space. This not only encourages centralized parking rather than scattered lots, but also reduces overall construction costs which could greatly benefit both municipalities and developers.

Several municipalities have implemented shared parking, including Ventura, CA which has a zoning ordinance that permits different land uses to have shared parking because of opposite peak parking demand periods. The shared parking is allowed to satisfy one hundred percent of the minimum parking requirements for each land use. Similarly, North Kansas City, MO, by permit, allows a reduction of the number of parking spaces multi-use developments need to have if they have different peak parking demand periods.

Finally, in **West Hartford, CT**, the zoning code provides an alternative method of meeting parking requirements. So long as the applicant seeking to enter into a shared parking agreement can prove the lot would be convenient for all parties and would not cause traffic congestion, it can get approved. The municipality has since consolidated many parking lots down for shared use.

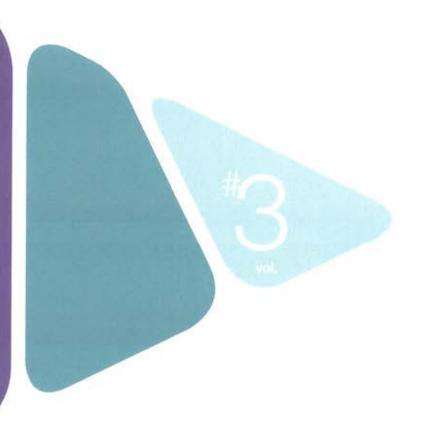
To truly reverse the detrimental impacts of the old ITE reports on the development of cities, urban planners and lawmakers will need to implement a multi-faceted approach. In addition to conducting their own parking studies based on the proposed uses and characteristics of the community, urban planners and lawmakers should focus on enhancing multi-modal transit and implementing shared parking. Parking minimums need to be eliminated and more parking maximums need to be developed. Focusing on the parking demands of individual development sites will help stop the cycle of creating unnecessary parking and meet parking demands in a smarter and more efficient manner.

Parking Generation—

Replacing Flawed Standards Park+

WHITE PAPER SERIES

May 2016







Replacing Flawed Standards with the Custom Realities of Park+



Introduction

For the longest time, our industry's approach to defining "How much parking?" has been relegated to the use of national parking requirement standards, either from the Institute of Transportation Engineers (ITE), Urban Land Institute (ULI), or local code requirements. Anyone who has read the workings of Donald Shoup, or more recently Richard Willson, knows the fallacy in using these sources when designing downtown or campus parking systems.

National parking requirement standards are based on outdated and underrepresented data, which tend to skew wildly from the actual parking needs of
a community. In my years as a parking consultant, I've very rarely completed
a single downtown parking study where the peak observed parking demands
consumed the majority of the total parking spaces. A study completed in Dallas a
few years ago yielded some 30,000 empty parking spaces at peak. Similar results
were found in Atlanta, Houston, St. Petersburg, Seattle, and the list goes on.
When communities plan downtowns based on outdated suburban design
standards, we achieve the same inevitable results—empty, restricted parking
areas that deaden the density, walkability, and vitality of urban areas.

The parking quantity question is always a challenging exercise, especially when we try to solve it using inaccurate data. Most times, we rely on outdated data that doesn't truly represent the real context of our downtowns. As more and more people migrate to urban areas, the dynamics of how they get around and their relationships with cars change. As such, we've seen a drastic downshift in the need to provide parking. But our planning tools have not evolved to better align with this shift.

Equally challenging is deciding how the parking characteristics in one community compares to another community. In reality, it's hard to define how one neighborhood acts compared to another. Here in Phoenix, the Roosevelt neighborhood, home to the area's up-and-coming artists and requisite "hipsters," enjoys a higher amount of transit, walking, and cycling than most other parts of the city. In turn, the overall demand for parking is lessened as area residents and patrons find other ways to access the uses within the area. In my neighborhood, you almost can't survive without the use of a car to work, shop, and play. This variability exists in every city and is the reason it's absurd to continue leaning on archaic, cookie-cutter methods to plan for parking.

This question is the central reason we created Park+ — to find a way to localize the analysis of parking demand and challenge the conventional notion that all parking demand is created the same. Within this white paper we summarize the findings of the first five years of Park+ modeling and define the dynamic nature of each community served. In our time developing, testing, and applying this model, we have encountered an incredible diversity of data and outcomes in each community. In the following sections, we'll walk through those results, as well as the more global movement afoot in our industry.

Kimley » Horn

Replacing Flawed Standards with the Custom Realities of Park+



Unfortunately, those data points are routinely applied in areas they should not be. I've seen exercises where entire swaths of a downtown are planned with these metrics, resulting in over-built facilities. In some cases, it's a lack of understanding of the context the development is occurring in. In other cases.

it's a requirement of financial institutions that are backing a development. Whatever the cause, a better understanding of the true dynamics of a development and the area it serves produces better results.

In recent years, urban planners have begun to lean more and more on these decisions as a primary reason that downtowns and communities don't work. One of my favorite terms in the industry is the "parking crater," which was coined by the website Streetsblog and its editor Angie Schmitt. In fact, that website holds an annual March Madness tournament, with a full-on bracket to determine the worst parking crater of that year. The parking crater is a portion of a downtown that has been hollowed out by the presence of large surface parking lots. Whether these are highly or poorly utilized, they deaden a downtown, its walkability, and most importantly its viability.

If asked, many people would say the provision of ample parking makes our cities more desirable. But in fact, ample parking promotes single occupancy vehicle trips and impedes the ability for our communities to develop and grow. Pedestrian walkability, dense design, and connectedness are extremely important for the success of a community. Large areas of parking tend to counter these tenets and disrupt the ability for a community to work properly. This is only exacerbated by the over-provision of parking.

Clearly, something must be done...

Right-Sized Parking

Recently in the planning arm of the parking industry, we've seen a very distinct shift toward finding the right amount of parking for a downtown, campus, study area, development, etc. This movement is aptly dubbed the Right-Sized Parking movement. The name speaks for itself, as the intent is to determine the correct amount of parking to serve an area without over- or under-burdening area patrons.

Too much parking tends to be an expensive endeavor. In today's world where more and more parking is found in consolidated structures, the cost to build a single space can range from \$8,000 to \$40,000, or more. This price is astronomical and is a primary contributing reason that rents are increasing and the cost of living in urban areas is skyrocketing. In King County¹, WA, a recent study searched to find the answer to the right-size for multi-family housing parking. The result of that large-scale effort was...it depends.



Visit rightsizeparking.org to learn more and to play with their awesome right-size parking calculator

Kimley »Horn

WHITE PAPER #3

Replacing Flawed Standards with the Custom Realities of Park+



That result may seem nebulous, but in reality it's the most accurate response that could have emerged from such a study. The data indicated that a number of factors—location, access to transit, employment density, walkability, population demographics—were responsible for the parking demand characteristics of a multi-family development. In short, people tended to adapt to their environment, and their driving (and car ownership patterns) adapted right along with them.

Unfortunately, in a lot of those instances, the provision of parking did not adapt. Instead, developers continued to provide parking as if every location was the same, and the result was a high amount of underutilized parking. The data showed that in the heart of Seattle (the most urbanized area in the county), the parking demand was at or below 0.5 spaces per unit. In the far reaches of the county, the ratio was closer to 1.5 spaces per unit.

This analysis has borne some incredible outcomes. First, many developers in the King County area have begun to lessen their parking capacity as a result of this analysis, basically "right-sizing" their supply. That in and of itself is a win and would deem the effort a success. However, the study also pushed communities in the King County area to reassess their parking requirements, helping to define right-sized parking at the review level. Even more incredibly, King County transit has now begun to pursue empty parking spaces in multi-family housing complexes to serve as park-and-ride spaces for transit riders.

It's very exciting to see the results coming out of King County.

They spent a tremendous amount of time and effort to collect viable data and determine how their community works. The project was well funded by the Federal Highway Administration and led by a brilliant young planner² whose mission is to prove the fallacy of poor parking planning. But how about the communities not funded by FHWA...how do they learn more about the true nature of their parking systems?

Park+ and Right-Sized Parking

Park+ —the Kimley-Horn parking scenario planning tool — was created with the intention of right-sizing parking in the communities we serve. The model is built on an algorithm that matches parking demand with land uses to more accurately depict parking behavior. Previous white papers (xxx) have depicted how this relationship works, but in simplistic terms, we match parking demand to its origin using localized data. The result is a much more accurate depiction of parking demand in the environments our models serve.

The primary output of a calibrated Park+ dataset is a unique set of parking generation characteristics that represent the dynamic nature of a community. These results differ from community to community and are a direct reflection of the areas they serve. The following tables and figures provide a representative sample of parking demand characteristics and geographic demand metrics. These are only representative in nature, but show the varied results that come from Park+ modeling exercises.

Kimley » Horn

3.944

3 (33)

111

6,109

4 WHITE PAPER #3

² Dan Rowe of King County Metro. If you ever meet him at a conference, engage him about parking...you won't be sorry.

FILE NUMBER: BDA245-061(CJ)

BUILDING OFFICIAL'S REPORT: Application of Jennifer Hiromoto for (1) a special exception to the required front-yard fence height regulations; and for (2) a special exception to the required side-yard fence height regulations at 5514 Royal Lane. This property is more fully described as Block A/5518, Part of Lot 7 and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet and limits the height of a fence in the side-yard to 9-feet. The applicant proposes to construct and/or maintain a 10-foot-high fence in a required front-yard, which will require (1) a 6-foot special exception to the fence height regulations; and to construct and/or maintain a 10-foot 6-inch-high fence in a required side-yard, which will require (2) a 1-foot 6-inch special exception to the fence height regulations.

LOCATION: 5514 Royal Lane

APPLICANT: Jennifer Hiromoto

REQUEST:

- (1) A request for a special exception to the fence height regulations (front yard).
- (2) A request for a special exception to the fence height regulations (side yard).

STANDARD OF REVIEW FOR A SPECIAL EXCEPTIONS TO FENCE HEIGHT REGULATIONS: Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence height regulations when in the opinion of the board, the special exceptions will not adversely affect neighboring property.

STAFF RECOMMENDATION:

Special Exception (2):

No staff recommendation is made on these requests.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 5514 Royal Lane in the last 5 years.

Square Footage:

- This lot contains 77.536.8 of square feet or 1.78 acres.
- This lot is zoned R-1ac(A) which has a minimum lot size of 43,560 square feet or 1 acre.

Zoning:

Site: R-1ac(A) (Single Family District)
North: R-1ac(A) (Single Family District)
East: R-1ac(A) (Single Family District)
South: R-1ac(A) (Single Family District)

West: R-1ac(A) (Single Family District)

Land Use:

The subject site and surrounding properties to the north, south, east and west are developed with single-family uses.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jennifer Hiromoto for the property located at 5514 Royal Lane focuses on 2 requests relating to fence height.
- The applicant proposes to construct and maintain a 10-foot fence in a required front yard, which will require a 6-foot special exception to the fence height regulations.
- Secondly, the applicant proposes to construct and maintain a 10-foot 6-inch fence in a required side yard, which will require a 1-foot 6-inch special exception to the fence height regulations.
- Per the site plan, the applicant is seeking to add screening fencing along the eastern property line (side yard) and connect the existing fence in the front yard; portions of the fence are proposed within the 100-foot front yard setback.
- The property has a grade change that requires a taller fence in sections of the fence to maintain a uniform height and screening.
- The subject site along with properties to the north, south, east, and west are all developed with single-family homes.
- The subject site is a mid-block lot with single street frontage on Royal Lane.
- Based upon staff's analysis of the surrounding properties, there are several homes within the subject sites 200' radius with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- Per the Dallas Development Code, a person shall not erect or maintain a fence in a required side yard more than nine feet above grade.
- The applicant has the burden of proof in establishing that the special exceptions to the fence regulations relating to height will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence regulations relating to height with a condition
 that the applicant complies with the submitted site plan and elevations, would require the
 proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: <u>BDA245-061 at 5514 Royal Lane</u>

Timeline:

March 25, 2025: The applicant submitted an "Application/Appeal to the Board of

Adjustment" and related documents which have been included as part of

this case report.

April 3, 2025: The Board of Adjustment Secretary assigned this case to Board of

Adjustment Panel A.

April 18, 2025: The Planning and Development Senior Planner emailed the applicant the

following information:

 an attachment that provided the hearing date and panel that will consider the application; the April 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and May 9, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.

 the criteria/standard that the board will use in their decision to approve or deny the request; and

 the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

April 24, 2025: The Board of Adjustment staff review team meeting was held regarding

this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation

Engineer.

May 20, 2025: The Board of Adjustment Panel A, at its public hearing held on Tuesday,

January 21, 2025, moved to HOLD this matter under advisement until

February 18, 2025.

May 21, 2025: The Planning and Development Senior Planner emailed the applicant the

following information:

 an attachment that provided the hearing date and panel that will consider the application; the May 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and June 6, 2025, deadline to submit additional evidence to be incorporated

into the board's docket materials.

the criteria/standard that the board will use in their decision to

approve or deny the request; and

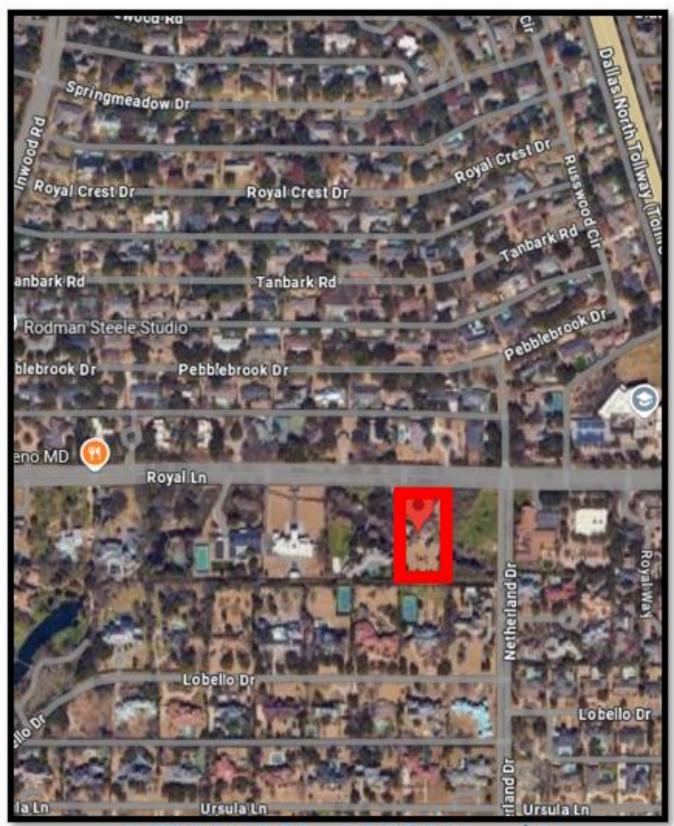
the Board of Adjustment Working Rules of Procedure pertaining

to documentary evidence.

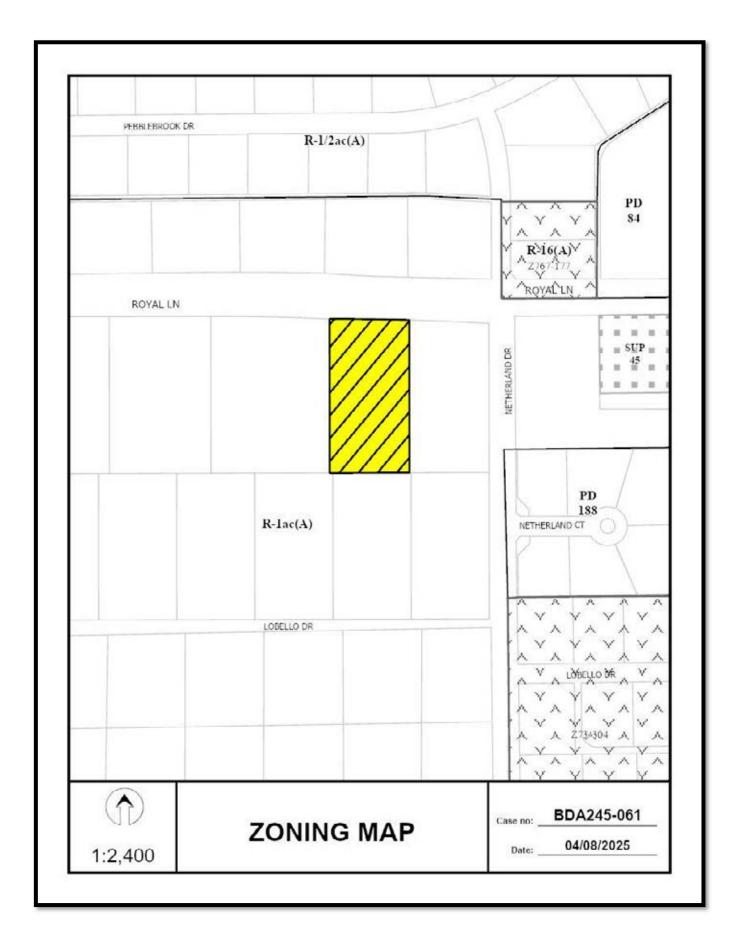
May 29, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings.

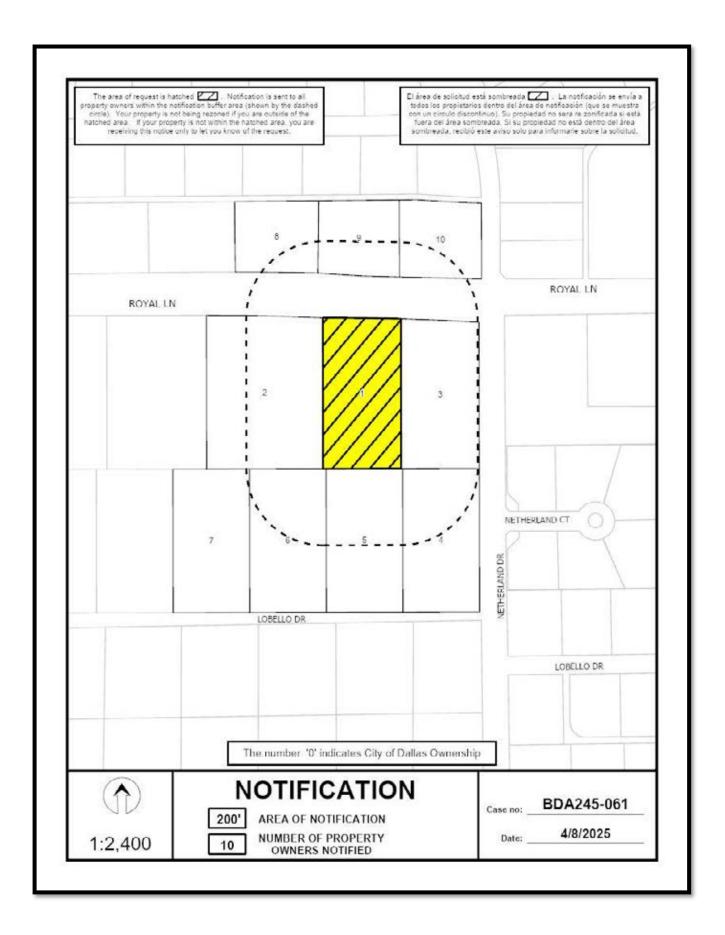
316

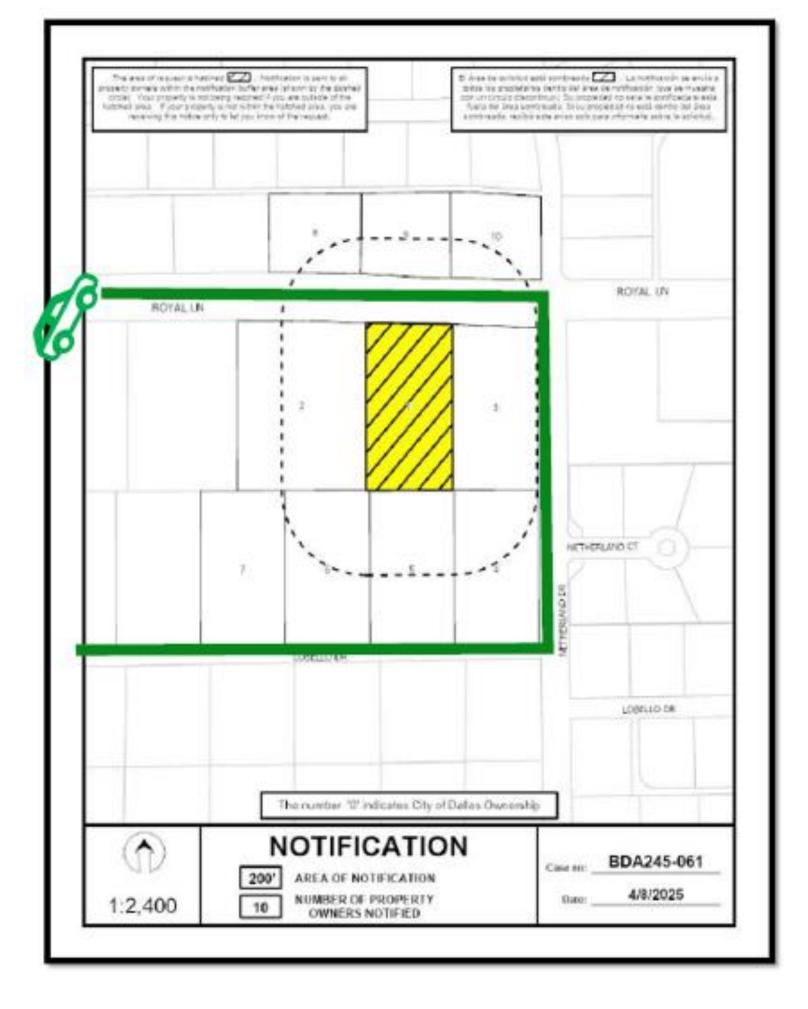
Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.



BDA245-061 at 5514 Royal Ln.







04/08/2025

Notification List of Property Owners BDA245-061

10 Property Owners Notified

Label $\#$	Address		Owner
1	5514	ROYAL LN	HUGHES FAMILY REVOCABLE TRUST
2	5426	ROYAL LN	SHAN DAVID & MAY
3	10775	NETHERLAND DR	YU LI
4	5531	LOBELLO DR	KINCHELOE RICHARD P V &
5	5515	LOBELLO DR	PHILLIPS BRADFORD A
6	5431	LOBELLO DR	TRESTER JAMES M & HOLLY M
7	5415	LOBELLO DR	HOUSEHOLDER NICOLE & BRIAN
8	5425	ROYAL LN	MCCREA VICTOR C III & SHELLY M
9	5511	ROYAL LN	MCNELIS JAMES M
10	5527	ROYAL LN	NOORUDDIN SAHIL



1:2,400

NOTIFICATION

1 1

200' 10 AREA OF NOTIFICATION NUMBER OF PROPERTY OWNERS NOTIFIED Case no:

BDA245-061

Date:

4/8/2025

NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A) will hold a hearing as follows:

DATE: TUESDAY, JUNE 17, 2025

BRIEFING: 9:00 a.m. via Videoconference and in 6EN COUNCIL CHAMBERS at Dallas

City Hall, 1500 Marilla Street

HEARING: 1:00 p.m. Videoconference and in 6EN COUNCIL CHAMBERS at Dallas City

Hall, 1500 Marilla Street

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment: This case was held under advisement on May 20, 2025.

BDA245-061(CJ) Application of Jennifer Hiromoto for (1) a special exception to the required front-yard fence height regulations; and for (2) a special exception to the required side-yard fence height regulations at 5514 ROYAL LANE. This property is more fully described as Block A/5518, Part of Lot 7 and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet and limits the height of a fence in the side-yard to 9-feet. The applicant proposes to construct and/or maintain a 10-foot-high fence in a required front-yard, which will require (1) a 6-foot special exception to the fence height regulations; and to construct and/or maintain a 10-foot 6-inch-high fence in a required side-yard, which will require (2) a 1-foot 6-inch special exception to the fence height regulations.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at 6EN Council Chambers. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at https://bit.lv/BDA-A-Register by the 5 p.m. on Monday, June 16, 2025. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall.

Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

https://bit.ly/boa0617

Board of Adjustment Planning and Development Department 1500 Marilla Street 5CN, Dallas TX 75201 PLEASE SEND REPLIES TO:
BDAreply@dallas.gov

Letters will be received until 9:00 am the day of the hearing.

PLEASE REGISTER AT: https://bit.ly/BDA-A-Register



Development Services

TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APPEAL TO THE	BOARD OF ADJUSTMENT
	Case No.: BDA FOR
Data Relative to Subject Property:	Date: FOR OFFICE USE ONLY
Location address: 5514 Royal Lane	
Lot No.: _7 Block No.: _A/5518 Acreage: _1.78	
Street Frontage (in Feet): 1) 204 2) 3) To the Honorable Board of Adjustment:	
Owner of Property (per Warranty Deed): Hughes Family	Revocable Trust
Applicant: Jennifer Hiromoto	Telephone: 469-275-2414
Mailing Address: PO Box 38586 Dallas, TX	
E-mail Address: jennifer@buzzurbanplanning.com	
Represented by: Jennifer Hiromoto	Telephone: 469-275-2414
	Zip Code: 75238
E-mail Address: jennifer@buzzurbanplanning.com	
Affirm that an appeal has been made for a Variance, or Spec for 4 feet to the front yard fence height regulation yard fence regulation to allow an 11-foot fence	on to allow an 8-foot fence and 2 feet to the side
Application is made to the Board of Adjustment, in accordance of Grant the described appeal for the following reason: The property is seeking to add screening fencing along the eastern property.	
this fence will be within the 100' front yard setback. The property has grauniform in height. The proposed fence will not adversely affect surround Note to Applicant: If the appeal requested in this application is goe applied for within 180 days of the date of the final action of the longer period. Affidavit	ade change that requires a taller fence for a portion so that the fence appearing properties as many other properties already have fences taller than 4'.
Before me the undersigned on this day personally appeared	Jennifer Hiromoto
who on (his/her) oath certifies that the above statements are to he/she is the owner/or principal/or authorized representative	(Affiant/Applicant's name printed) rue and correct to his/her best knowledge and that of the subject property
Respectfully submitted: (Affiant/Applicant's signature)	
Subscribed and sworn to before me this 5 day of March	2075
Notary Public in and for DEVELOPMENT SE	Dallas County, Texas RVICES = BOARD OF ADJ CHERIE' BAYON LEVIER Notary Public STATE OF TEXAS ID# 13433588-0 My Comm. Exp. 08/01/2027

FILE NUMBER: BDA245-061 199159260-001

BUILDING OFFICIAL'S REPORT: BDA245-061(CJ) Application of Jennifer Hiromoto for (1) a special exception to the required front-yard fence height regulations; and for (2) a special exception to the required side-yard fence height regulations at 5514 ROYAL LANE. This property is more fully described as Block A/5518, Part of Lot 7 and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet and limits the height of a fence in the side-yard to 9-feet. The applicant proposes to construct and/or maintain a 10-foot-high fence in a required front-yard, which will require (1) a 6-foot special exception to the fence height regulations; and to construct and/or maintain a 10-foot 6-inch-high fence in a required side-yard, which will require (2) a 1-foot 6-inch special exception to the fence height regulations.

LOCATION: 5514 ROYAL LN

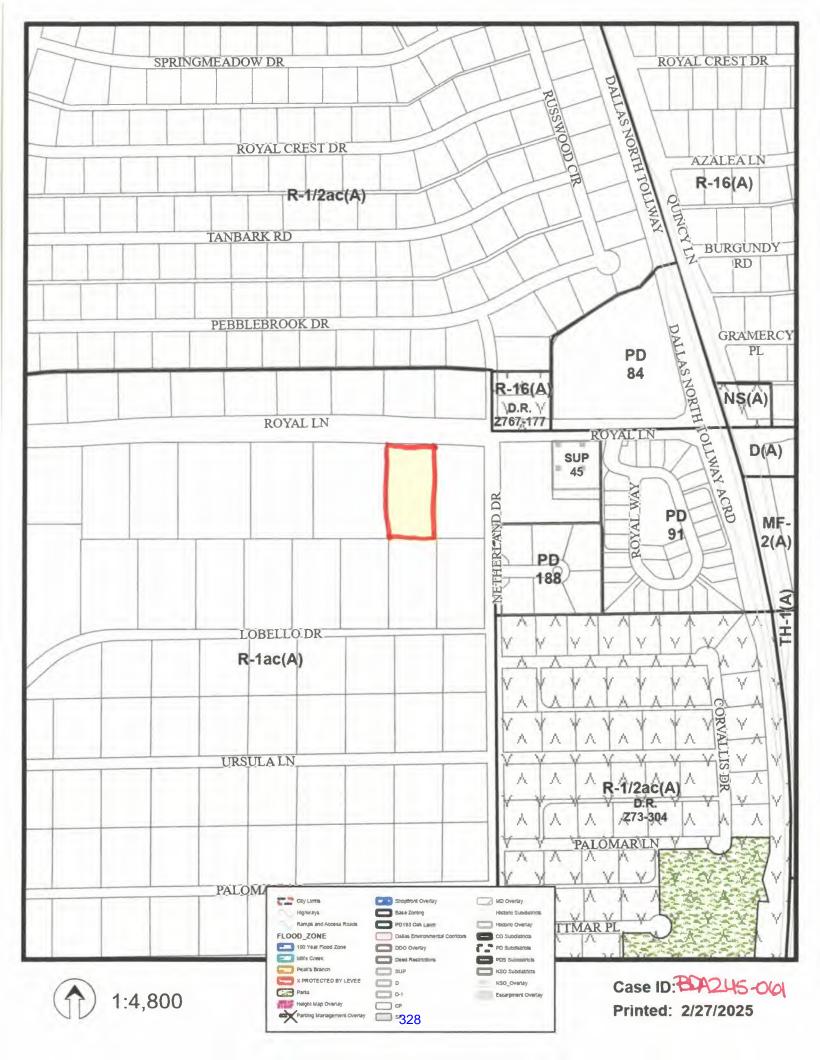
APPLICANT: Jennifer Hiromoto

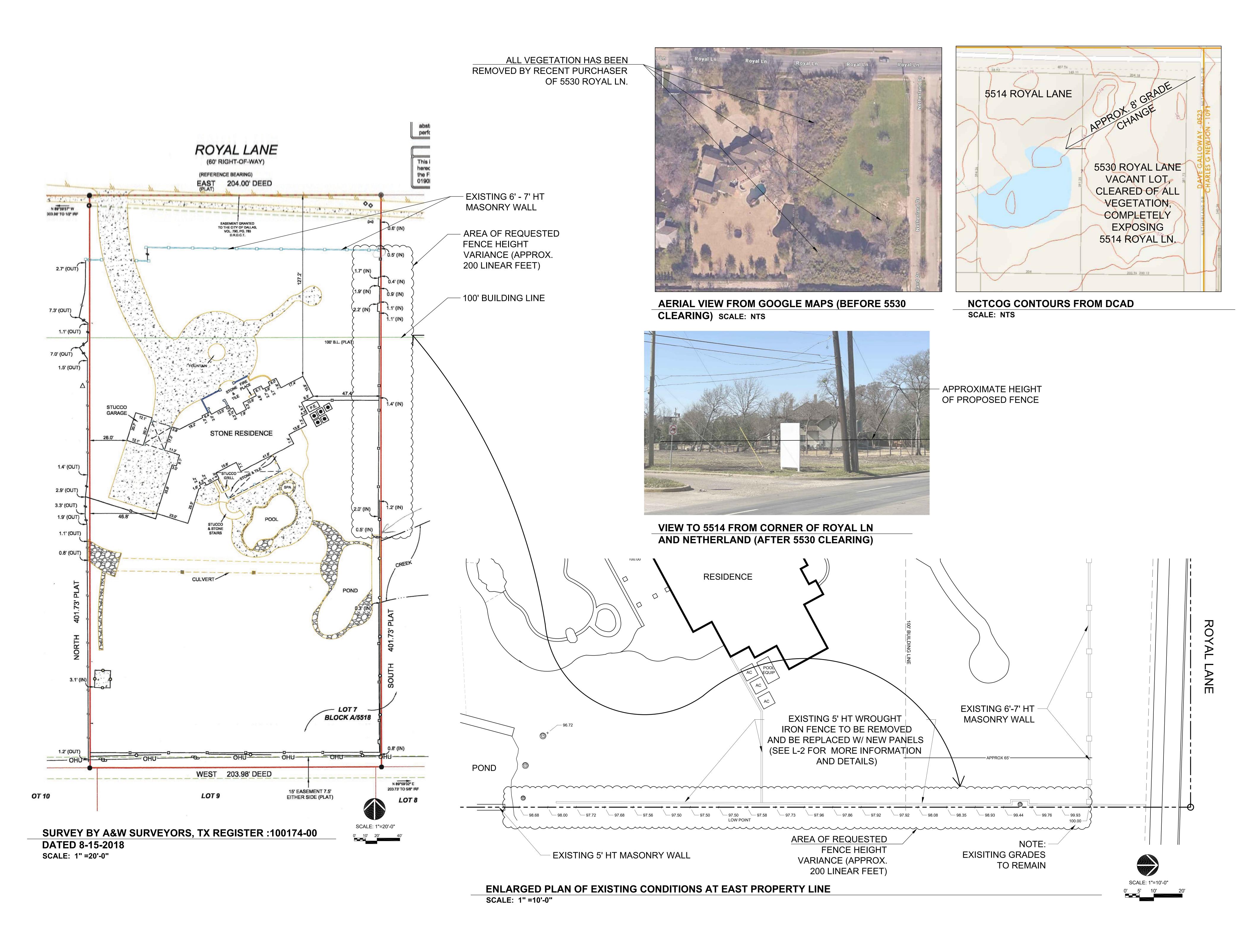
REQUEST: A request for (1) a special exception to the front-yard fence standards regulations, for (2) a special exception to the side-yard fence height regulations



Appeal number: BDA	
L Hughes Family Revocable Trus	Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty	
at: 5514 Royal Lane	
(Address of property as stated on	application)
Authorize: Jennifer Hiromoto	
(Applicant's name as stated on	application)
To pursue an appeal to the City of Dallas Zoning Boa	rd of Adjustment for the following request(s)
Variance (specify below)	
Special Exception (specify below)	
Other Appeal (specify below)	
Specify: fence height	FY Fince (+1)5/29/25
10	6-SY France
MARIE HUGHES	1 VV TAS
JEFF HURHES	1-22/2
Print name of property owner or registered agent	Signature of property owner or registered
	Signature of property owner or registered
Print name of property owner or registered agent	
Print name of property owner or registered agent agent Date 3 · 3 · 25	ppeared
Print name of property owner or registered agent agent Date	ts are true and correct to his/her best
Print name of property owner or registered agent agent Date	ts are true and correct to his/her best

DATE: 3-28-95 DATE: 6-13-96 CITY OF DALLAS PLAT BOOKS A-B-C-D-E ADDITION LOBELLO ESTATES ANNEXED MAY 23, 1945 ORD, NO. 3629 BLOCKS 5518, 5518 SURVEY D. R. S. C. GALLOWAY ABST. 523 BC= 4 =7 74 SCALE 200 FT. EQUALS 1 INCH DALLAS SCHOOL DIST .-RECORDED 3-25-46 REVIGION OF LOTS SA-58 BLK, A/5816 FLEDT-34-8)
FILEDI-4-9-9-8-BLK, C/5816 LT IA/18 LOBELLO ESTATES NO.6
FILEDI-2-7-6-9-BLK, A/5816LT IA/18 LOBELLO ESTATES NO.6
FILEDI-2-7-6-9-BLK, A/5816LT IA/18 LOBELLO ESTATES REV. SROYAL STOOLANE ROAD 5518 2.5 AC SAM LOBELLO 2.8 AC. ACREAGE HEIGHTS 5-8 5519 5506 2.39 0 ACS. LOT I LOT 2 6 EASEMENT 315.EO 5518 0.22.61 12 1.7AC. 11 1.7 AC. 6.7 AG I. TAG. 1.7 AC 1.7 A'C. 4 MIDDLEGATE RD. 02445 LOBELLO 5200 6300 SSOO DRIVE LAKE ROYAL ACRES 2 1.1 A 0. 1.1AG. I.I A C. LIAG. 8 1.1 A C. ill AC. B IS' EASEMENT 372.69 200.05 5518 14 13 12 U 17 18 1.1 AC. LIAG. 8 URSUL'A \$100589958'))"E 5200 5300 5400 5500 LANE 9 10 3 1.1 A C. C S' EASEMEN ACREAGE 5518 6618 18 17 16 15 14 13 12 I.I AG. LOBELLO 5500 LANE 5300 5200 11 1,15 AG. 1.25 A.C. SAM 199.95 199.95 5518 5523 18 17 15 . 13 12 21 20 19 16 14 1, 7 A O. 5523 YOLANDA 5200 5300 5400 5500 LANE Ę 2 ai 10 11 12 5518 1. 2 A C. 1.9 AC. 5525 7.5 EASEMENT 327



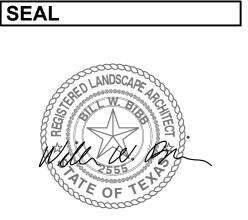


ARCHI VERDE LANDSCAPE ARCHITECTURE 6115 Owens St. #228, Dallas, Texas 75235

PROJECT NAME

ISSUE TITLE

FENCE VARIANCE



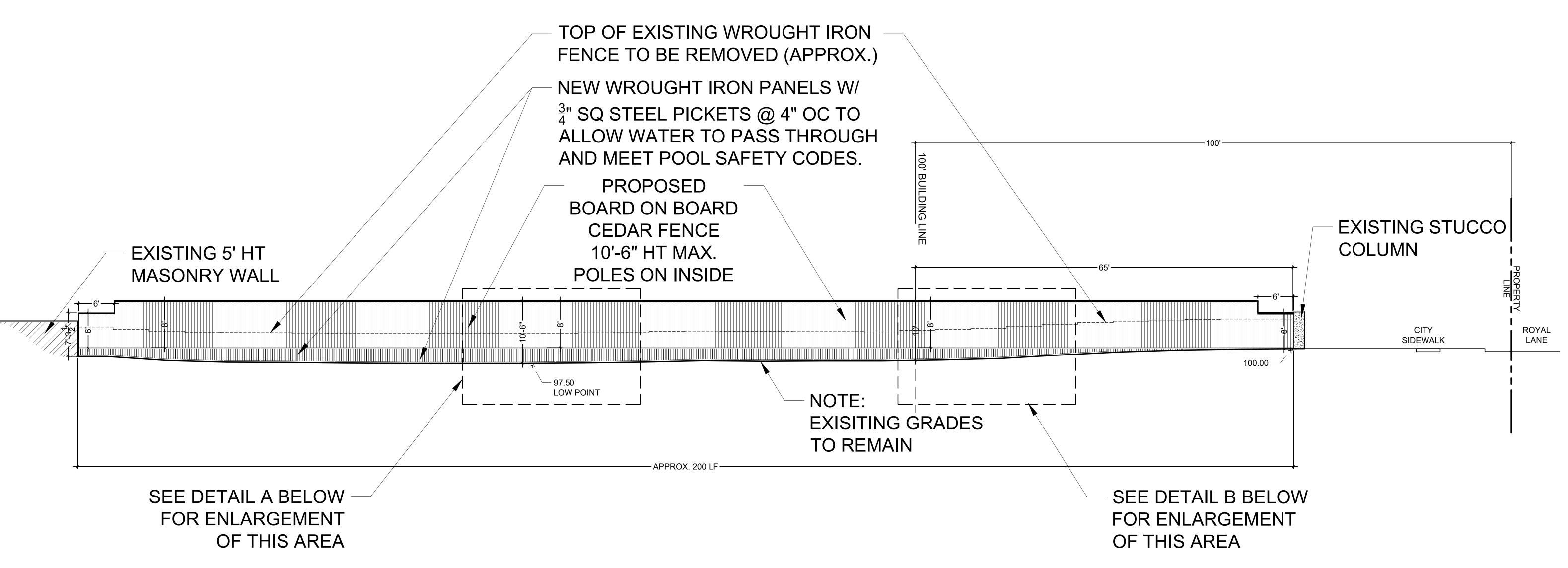
DRAWING TITLE FENCE VARIANCE

PLAN



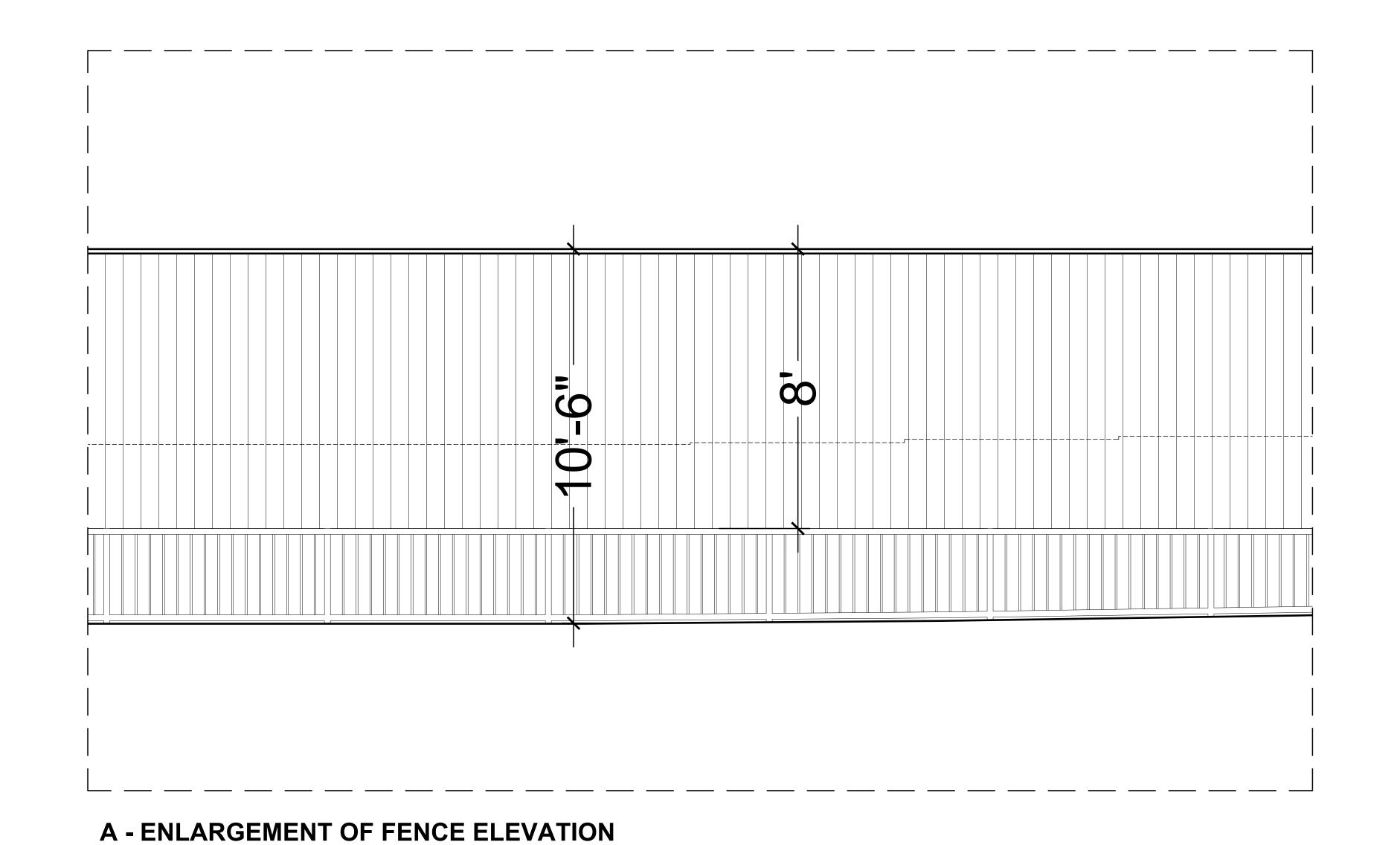
FENCE VARIANCE PLAN

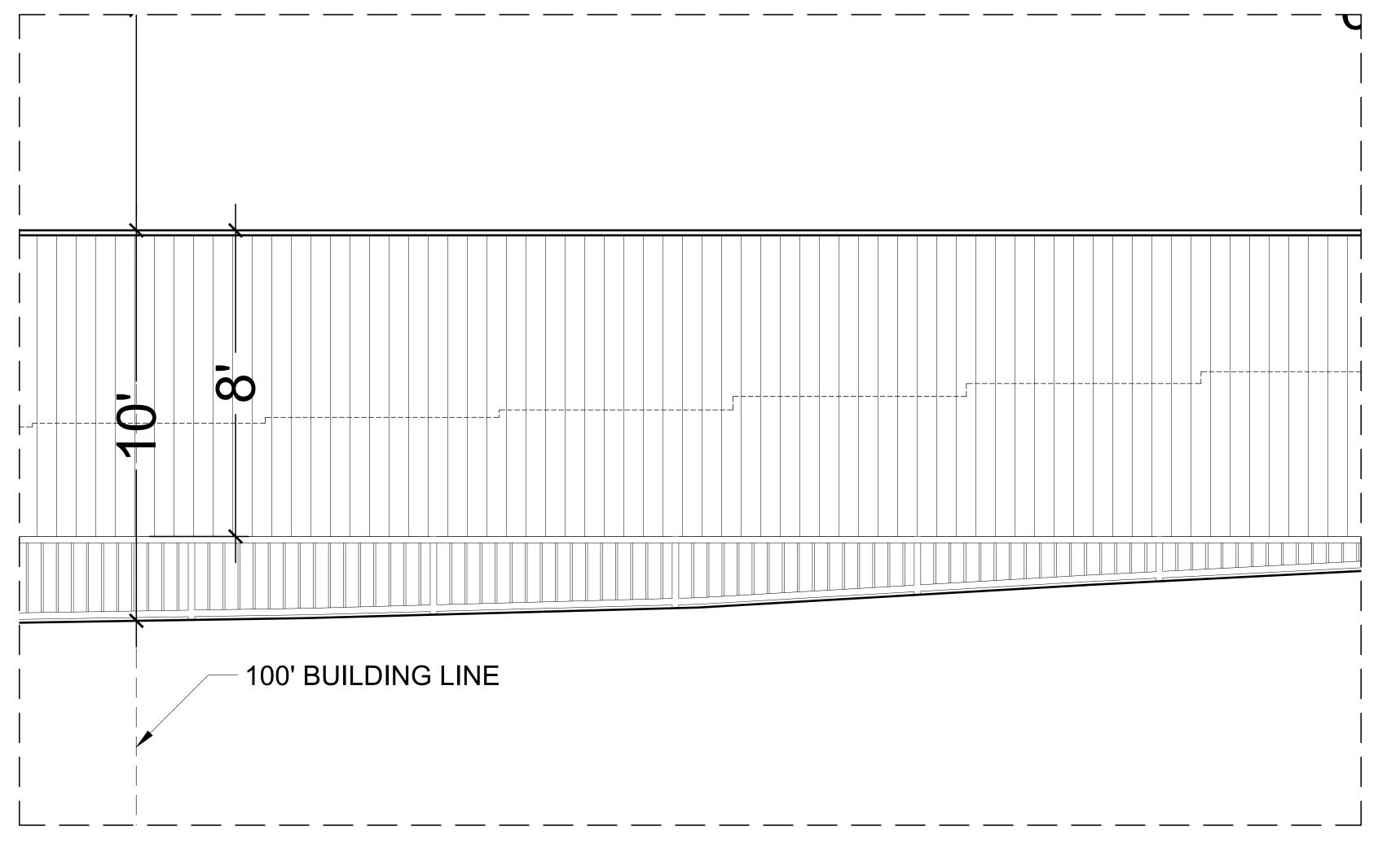
DRAWN BY
DRAWN BY: EC



ELEVATION OF PROPOSED FENCE AT EAST PROPERTY LINE

SCALE: 1/8" =1'-0"





B - ENLARGEMENT OF FENCE ELEVATION

SCALE: 1/2" =1'-0"

Drawing: C:\Users\ErinCourtroul\Archiverde\Archiverde - Documents\CURRENT PROJECTS\Current Projects\2025\Hughes (2-3-25)\CDs\Hughes_const.dwg Saved By: Erin Courtroul Save Time: 5/22/2025 2:59 PM Plotted by: Erin Courtroul Plot Date: 5/29/2025 7:24 AM

SCALE: 1/2" =1'-0"



May 9, 2025

City of Dallas Board of Adjustment

Re: BDA245-061 at 5514 Royal Lane

Special Exception to the Fence Height Regulation

Dear Board of Adjustment Members,

We are requesting a special exception to the fence height regulations for the property located at 5514 Royal Lane. The property is zoned R-1ac(A) and developed with a single-family home. A portion of the proposed fence is within the 100-foot front yard setback; however, the proposed fence will be placed on the eastern property line. This area currently has a five-foot-tall wrought iron fence, which will be removed and replaced with new fencing. No change is proposed to the existing fencing along Royal Lane or elsewhere on the property.

The purpose of this request is to install a new, cedar, board-on-board screening fencing along the eastern property line, connecting to the existing six-foot front yard fence. After an initial six-foot section, the proposed fence height increases to eight feet, and in an area, due to a natural grade change, the overall height will reach up to 10 feet 6 inches. To maintain a uniform appearance from the street, the eight-foot cedar fence will sit atop new wrought iron panels, designed to keep the top of the fence visually consistent despite the slope. This will enhance privacy and provide effective screening from Royal Lane, a six-lane divided thoroughfare at this location.

As detailed on the site plan, the subject property is now more exposed to Royal Lane due to the recent removal of dense landscaping on the adjacent property. That landscaping previously provided substantial screening, and the owners now seek to reestablish privacy for their side and backyard.

On April 1, 2025, we mailed courtesy letters to properties within the notice area to solicit feedback. To date, the only response has come from a representative of the vacant property to the east, 10775 Netherland Drive. In our conversation, the neighbor's representative expressed no concern about the proposed height. Instead, we understood the focus was on the visual impact of support posts and the importance of preserving existing drainage patterns. In response, we have agreed that all support posts will be internal to our property, so the neighbor will see only the finished fence face.

To evaluate the drainage concern, we engaged a civil engineer to review the existing and proposed conditions. Initially, the fence design included horizontal open metal panels at the base for drainage

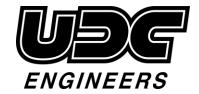
during rain events. On the engineer's recommendation, this design has been updated to use vertical openings that match the four-inch spacing of the current wrought iron fence. This revised design maintains the existing drainage function as the current fence. The updated elevation drawing and a signed and sealed memo from our engineer have been submitted to city staff and included with the case materials.

We will provide the neighbor's representative with a copy of this letter, the updated fence design, and the engineer's memo. We will also offer to meet before the May 20th hearing to address any remaining concerns.

We respectfully request your support for this special exception. The proposed fence will provide a consistent and attractive visual appearance while restoring appropriate privacy for the property. It will also serve as an effective screen for future development on the neighboring lot. We believe the request will not adversely affect surrounding properties or the character of the neighborhood.

Thank you for your consideration,

Jennifer Hiromoto



5514 Royal Lane - Fence Memorandum

Date: May 7, 2025

To:

Mr. & Mrs. Jeff & Mikki Hughes Homeowners 5514 Royal Lane Dallas, TX 75229

Hughes Residence Fence Memorandum

UDC No. 251023

Dear Mr. & Mrs. Jeff & Mikki Hughes

I have reviewed the proposed plans and details, prepared by Archiverde-US, dated 05/07/2025, for the installation of a fence along the east lot line of the property located at 5514 Royal Lane in Dallas, TX. The scope of the review included obtaining record drawings from the City of Dallas Survey Vault for upstream drainage area maps, storm sewer drawings, and a site visit to the property performed on 05/02/2025.

Based on the evaluation, the proposed fence will not adversely impact upstream drainage conditions compared to existing conditions. The design maintains existing overland flow paths and does not obstruct, divert, or otherwise impede the drainage patterns from existing conditions.

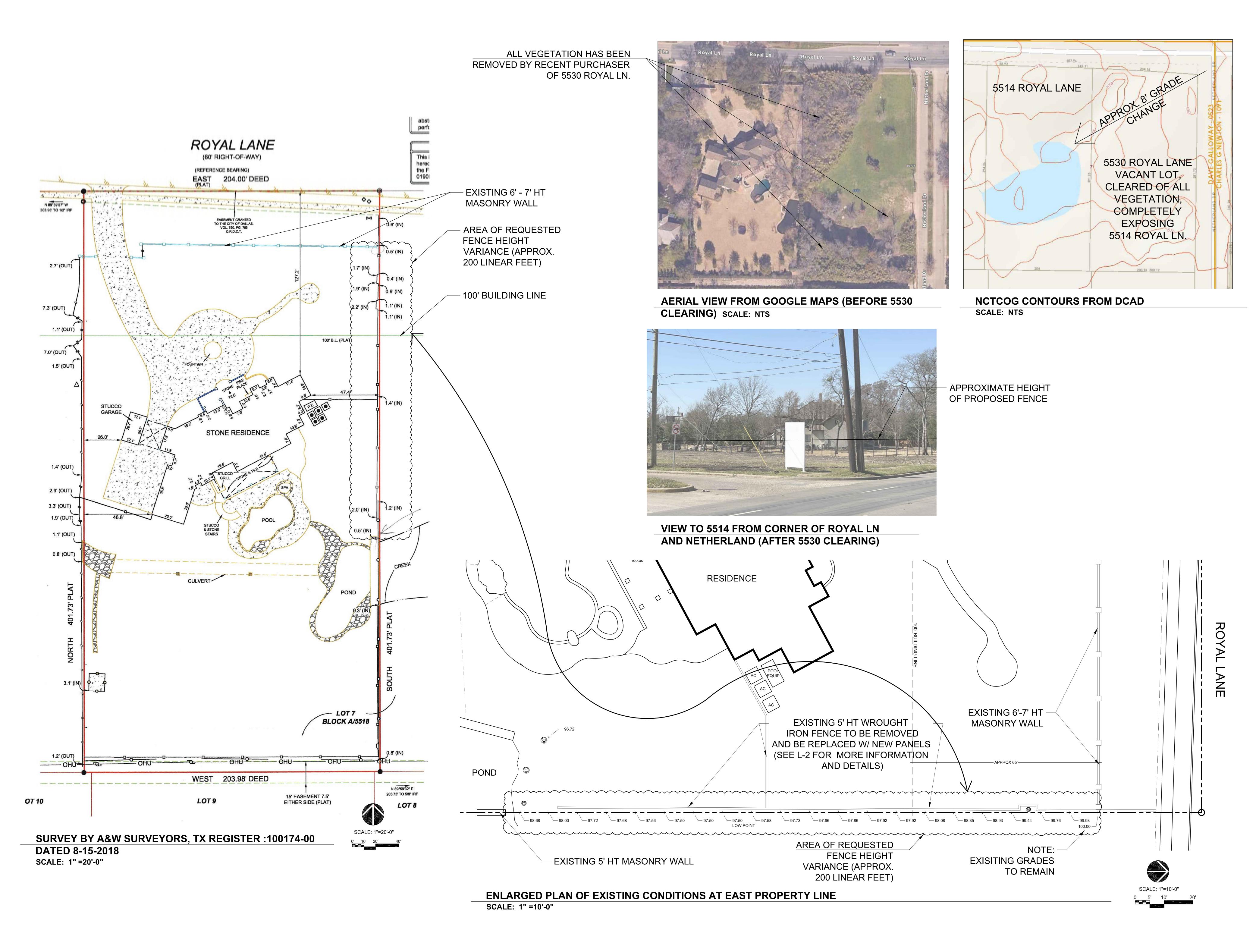
If you require any further information or clarification, please feel free to reach out.

Sincerely,

Abdullah Emad, PE Chief Executive Officer United Design Consulting Engineers aemad@udctx.com 469-387-6907

05/07/2025

Encl: Fence Variance Plan prepared by Archiverde Landscape Architecture, dated 05/07/2025 (2)



ARCHI VERDE LANDSCAPE ARCHITECTURE 6115 Owens St. #228, Dallas, Texas 75235

PROJECT NAME

ISSUE TITLE FENCE VARIANCE

DRAWING TITLE

FENCE VARIANCE PLAN

NOTE:

TO REMAIN

EXISITING GRADES



ELEVATION OF PROPOSED FENCE AT EAST PROPERTY LINE SCALE: 1/8" =1'-0"

SEE DETAIL BELOW

FOR ENLARGEMENT

OF THIS AREA

ENLARGEMENT OF FENCE ELEVATION

SCALE: 1/2" =1'-0"

ARCHIVERDE LANDSCAPE ARCHITECTURE 6115 Owens St. #228, Dallas, Texas 75235 T: 214.920.9950 F: 214.920.9754 www.archiverde-us.com

PROJECT NAME

ISSUE TITLE FENCE VARIANCE



DRAWING TITLE FENCE VARIANCE

снескед ву: ВВ

FILE NUMBER: BOA-25-000001(CJ)

<u>BUILDING OFFICIAL'S REPORT</u>: Application of Tommy Mann to appeal the decision of an administrative official in the revocation of a Certificate of Occupancy at 17776 DALLAS PARKWAY. This property is more fully described as Block 2/8705 Lot 36A, and is zoned MU-1, which requires that the building official shall not issue a certificate of occupancy if the building official determines that the use would be operated in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations. The applicant proposes to appeal the decision of an administrative official in the revocation of Certificate of Occupancy number 2410071172 issued on April 9, 2025.

LOCATION: 17776 Dallas Parkway

APPLICANT: Tommy Mann

REQUEST:

A request is made to appeal the decision of an administrative official in the revocation of Certificate of Occupancy number 2410071172 issued on April 9, 2025

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

Section Dallas Development Code Sections 51A-3.102(d)(1) and 51A-4.703(a)(2) state that any aggrieved person may appeal a decision of an administrative official when that decision concerns issues within the jurisdiction of the Board of Adjustment.

Section 51A –3.102 of the Dallas Development code states the Board of Adjustment has the following powers and duties: "reverse an order, requirement, decision, or determination of an administrative official involving the interpretation or enforcement of the zoning ordinance; to hear and decide, appeals from decisions of administrative officials made in the enforcement of a zoning ordinance of the city. (For this purpose of the section administrative official means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue.); to interpret the zoning district map when uncertainty exists because the actual physical features differ from those indicated on the zoning district map and when the rules set forth in the zoning district boundary regulations do not apply."

Additionally, **Section 51A-4.703** states that "the board shall decide an appeal of a decision of an administrative official at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the appeal date is filed. The board shall have all the powers of the administrative official on the action appealed from. The board may in whole or in part affirm, reverse, or amend the decision of the official. The board may impose reasonable conditions in its order to be complied with by the applicant in order to

further the purpose and intent of this chapter."

The Board of Adjustment may hear and decide an appeal that alleges error in a decision made by an administrative official. Tex. Local Gov't Code Section 211.009(a)(1).

BDA History: BDA History found at 17776 Dallas Parkway in the last 5 years.

 BDA201-101 at 17776 Dallas Parkway (AO Appeal), Denied on October 19, 2021 by Panel A board members.

Zoning:

Site: MU-1 Zoning District
North: LO-1 Zoning District
South: MU-1 Zoning District
East: R-10(A) Zoning District
West: MU-1 Zoning District

Land Use:

The subject site and surrounding properties are developed with mixed uses...

GENERAL FACTS/STAFF ANALYSIS:

- The board shall have all the powers of the administrative official on the action appealed. The board may in whole or in part affirm, reverse, or amend the decision of the official.
- The proposed restaurant and/or commercial amusement (inside) use was determined to be a gambling place, which does not comply with the Dallas Development Code regulations.
- The applicant applied for the Certificate of Occupancy (CO) on October 7, 2024. The
 Certificate of Occupancy was originally approved on January 6, 2025, and then later
 revoked on April 9, 2025, due to non-compliance with Dallas Development Code and
 state law.
- On April 15, 2025, a Letter of Revocation was issued by the Chief Building Official after it was determined that the proposed operations violate Texas Penal Code Section 47.04, 'Keeping a Gambling Place."
- The subject site previously existed as a restaurant.

Timeline:

May 5, 2025: The Board of Adjustment Secretary assigned this case to Board of

Adjustment Panel A.

May 7, 2025: The applicant submitted an "Application/Appeal to the Board of

Adjustment" and related documents which have been included as part of

this case report.

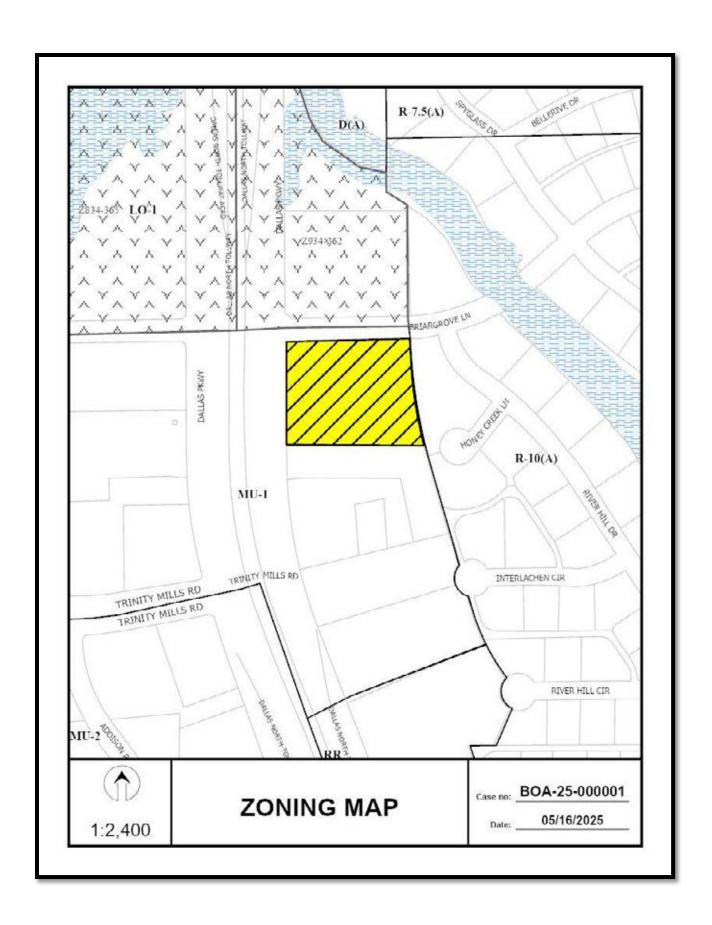
May 16, 2025:

The Planning and Development Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the May 23, 2025, deadline to submit additional evidence for staff to factor into their analysis; and June 6, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 29, 2025:

The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.





05/16/2025

Notification List of Property Owners BOA-25-000001

8 Property Owners Notified

Label#	Address		Owner
1	17776	DALLAS PKWY	CONTENDER DALLAS LLC
2	17511	RIVER HILL DR	Taxpayer at
3	4604	HONEY CREEK LN	JONES SCOTT & MARY LOU REECE
4	17515	RIVER HILL DR	NARAYANAN VENKATAKRISHNAN
5	4703	BRIARGROVE LN	NELSON MARK & MISTI
6	17520	RIVER HILL DR	Taxpayer at
7	17808	DALLAS PKWY	SIERRA JOINT VENTURE
8	17604	DA L LAS PKWY	LFT PARTNERS LTD



1:2,400

NOTIFICATION

200'

AREA OF NOTIFICATION

8

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BOA-25-000001

Date:

5/16/2025

NOTICE OF ADMINISTRATIVE OFFICIAL APPEAL BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A) will hold a hearing as follows:

DATE: TUESDAY, JUNE 17, 2025

BRIEFING: 9:00 A.M. in COUNCIL CHAMBERS 6EN, Dallas City Hall,

1500 Marilla Street https://bit.ly/boa0617

HEARING: 1:00 P.M. in COUNCIL CHAMBERS 6EN, Dallas City Hall,

1500 Marilla Street https://bit.ly/boa0617

The purpose of the hearing is to consider the following appeal now pending before the Board of Adjustment.

BOA-25-000001(CJ) Application of Tommy Mann to appeal the decision of an Administrative Official in the revocation of a Certificate of Occupancy at 17776 DALLAS PARKWAY. This property is more fully described as BLK 2/8705 LT 36A, and is zoned MU-1, which requires that the building official shall not issue a certificate of occupancy if the building official determines that the use would be operated in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations. The applicant proposed to appeal the decision of an Administrative Official in the revocation of Certificate of Occupancy number 2410071172 issued on April 9, 2025.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Administrative Official Appeal during the public hearing of the Board of Adjustment to hear both the applicant's and the administrative official's cases and testimony. Although the Administrative Official Appeal item is not open as a public hearing, you may speak during the public testimony portion of the Board of Adjustment's Public Hearing at 1:00pm. Additionally, you may submit letters expressing your opinion on the subject of the appeal at BDAreply@dallas.gov.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment Office Planning and Development Department 1500 Marilla Street, 5CN, Dallas, TX 75201 PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
Letters will be received until
9:00 am the day of the hearing.

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Ca	ase No.: BDA BOA - 25 - 00000/
Data Relative to Subject Property:	Date: F5/5/25EDNLY
Location address:17776 Dallas Parkway, Dallas, TX 75287	Zoning District: MU-1
Lot No.: 36A Block No.: 2/8705 Acreage: +/- 2.2698 acre	es Census Tract: 317.08
Street Frontage (in Feet): 1) 320.28 feet 2) 288.66 feet 3)	5)
To the Honorable Board of Adjustment:	
Owner of Property (per Warranty Deed):Contender Dallas, L	LC
Applicant: Tommy Mann and Mallory Muse, Winstead PC	Telephone:214-745-5724; 214-745-5689
Mailing Address: 2728 N. Harwood Street, Suite 500	Zip Code: 75201
E-mail Address: tmann@winstead.com; mmuse@winstead.c	com
Represented by:	Telephone: 214-745-5724; 214-745-5689
Mailing Address: 2728 N. Harwood Street, Suite 500	Zip Code: 75201
E-mail Address: tmann@winstead.com; mmuse@winstead.	com
Affirm that an appeal has been made for a Variance, or Special Chief Building Official per letter dated April 15, 2025 regard	
Occupancy No. 2410071172 issued on April 8, 2025 for a r	restaurant and commercial amusement (inside) use.
Application is made to the Board of Adjustment, in accordance w Grant the described appeal for the following reason: The decision of the Building Official as set forth in the above referenced I	
above-referenced uses by right, and a Certificate of Occupancy for both	uses should be re-issued immediately.
Note to Applicant: If the appeal requested in this application is gra be applied for within 180 days of the date of the final action of the onger period. Affidavit	
	MALLORY MUSE
Before me the undersigned on this day personally appeared	
who on (his/her) oath certifies that the above statements are tro	(Affiant/Applicant's name printed) ue and correct to his/her best knowledge and that
ne/she is the owner/or principal/or authorized representative of	of the subject property
Respectfully submitted (Affiant/Applicant's signature)	
Subscribed and sworn to before me this 23 day of April	1
- The A. May	udun
Notary Public in and for D	Dallas County, Texas

LISA R HARDIN
Notary Public, State of Texas
Notary ID 865926-7
My Commission Exp. 10-06-2026

DEVELOPMENT SERVICES • BOARD OF ADJUSTMENT | REV 05.24.2023

BOARD OF ADJUSTMENT CITY OF DALLAS, TEXAS

FILE NUMBER: BOA-25-000001

BUILDING OFFICIAL'S REPORT: Application of TOMMY MANN to appeal the decision of an Administrative Official in the revocation of a Certificate of Occupancy at 17776 DALLAS PKWY. This property is more fully described as BLK 2/8705 LT 36A, and is zoned MU-1, which requires that the building official shall not issue a certificate of occupancy if the building official determines that the use would be operated in violation of the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations. The applicant proposed to appeal the decision of an Administrative Official in the revocation of Certificate of Occupancy number 2410071172 issued on April 9, 2025.

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LOCATION: 17776 DALLAS PKWY

APPLICANT: Tommy Mann

REQUEST:

A request to appeal the decision of an Administrative Official in the revocation of a Certificate of Occupancy



April 15, 2025

Mr. Roy Choi 17480 Dallas Parkway, Ste. 216 Dallas, TX 75287

CERTIFIED MAIL NO. 7013 3020 0001 1419 2217

RE: Revocation of Certificate of Occupancy No. 2410071172 for a restaurant and commercial amusement (inside) dba Contenders at 17776 Dallas Parkway

Dear Mr. Choi:

This letter is to inform you that the above-referenced certificate of occupancy issued on April 9, 2025, is hereby revoked. The building official is required to revoke a certificate of occupancy if he or she determines that it was issued in error.

Upon rereview of the attached land use statement submitted with the certificate of occupancy application, it has been determined that the described operations violate Texas Penal Code Section 47.04, "Keeping a Gambling Place." Therefore, Certificate of Occupancy No. 2410071172 was issued in error.

Any use operating on the Property without a certificate of occupancy is an illegal land use that must immediately cease operating. The restaurant and commercial amusement (inside) uses may not operate until a new certificate of occupancy is issued that complies with all relevant codes. Pursuant to Paragraph (1) of Section 306.5, "Denial," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code, the building official shall deny an application for a certificate of occupancy if the building official determines that the certificate of occupancy requested does not comply with the codes, the Dallas Development Code, other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations.

This decision is final unless appealed to the Board of Adjustment in accordance with Section 51A-4.703 of the Dallas Development Code before the 20th day after written notice of the above action.³ If you have any questions, please contact Megan Wimer at 469-271-0608.

Sincerely,

M. Samuell Eskander, PE, CBO, CFM, LEED AP BD+C

Deputy Director / Chief Building Official

cc: Robin Bently, Assistant City Manager

Tammy Palomino, City Attorney

Emily Liu, FAICP, Director, Planning and Development

Megan Wimer, AICP, CBO, Assistant Director, Planning and Development

Kiesha Kay, Founder/CEO, Mission Ridge Consultants

Major Yancy Nelson, Dallas Police Department

Paragraph (1) of Section 306.13, "Revocation of Certificate of Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

Section 51A-1.104, "Certificate of Occupancy," of Chapter 51A of the Dallas Development Code; Subsection 306.1, "Use or Occupancy," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code.

Section 51A-4.703(a)(2), "Board of Adjustment Hearing Procedures," of Chapter 51A of the Dallas Development Code.

Contender Dallas, LLC 17480 Dallas Parkway, Ste. 216, Dallas, TX 75287

October 7, 2024

Planning & Development Services 320 E Jefferson Blvd Dallas, TX 75203

Re: Land Use Statement for 17776 Dallas Parkway, Dallas, TX 75287

To Whom It May Concern,

I am the Managing Partner of Contender Dallas, LLC, the tenant for Contender Dallas, which is planned to be located at 17776 Dallas Parkway, Dallas, TX 75287. The space is currently unoccupied, and as you might be aware, this was previously the home of III Forks Restaurant and Bar for over two decades.

The total area of this site is 143,685 square feet; however, the building footprint encompasses approximately 15,000 square feet with the remaining square footage reserved for parking and general landscaping.

Contender Dallas will be an exclusive, members-only, high-end restaurant and bar. We have hired the prior General Manager and head Chef from III Forks to ensure a high-quality dining experience similar to what III Forks offered. All of the dining experience will take place on the first floor of the venue (2,075 square feet in the main dining area and 925 square feet in secondary dining area), and some of this dining space may be used for legal poker games. In addition, we will also offer our private members the option to participate in entertainment events or activities on the second floor (3,180 square feet of rentable event/banquet space). These include karaoke competitions, trivia competitions, poker games and tournaments, magic shows, and musical performances.

Based on our review of the Dallas Development Code, we understand our proposed operations fall under the "restaurant without drive-in or drive-through service" and "commercial amusement (inside)" uses. Both of these uses are permitted by right in MU-1 which is the current zoning of the property.

We hope this information provides a better understanding of our operations and allows your department to process and issue a certificate of occupancy in a timely manner. Please do not hesitate to reach out with further questions.

Contender Dallas, LLC

17480 Dallas Parkway, Ste. 216, Dallas, TX 75287

Thank you very much for your review and consideration of this exciting new project.

Sincerely,

Roy Choi

rchoi@knighted.com

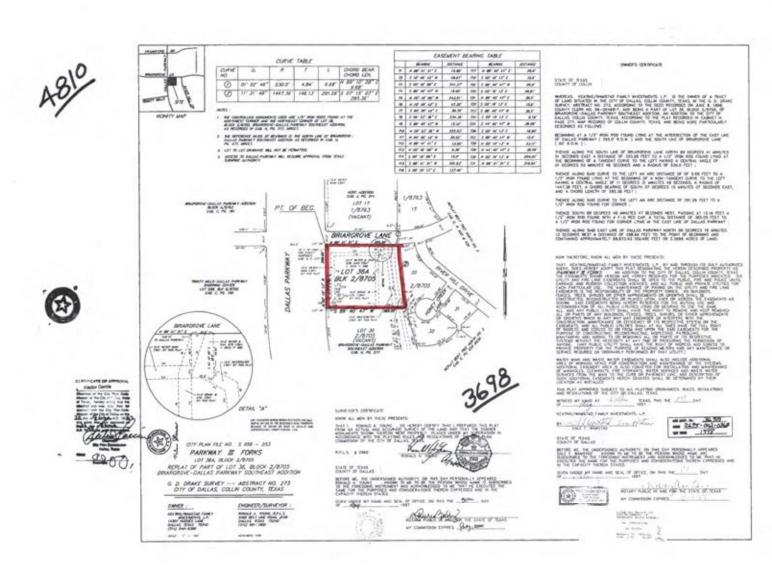
213-448-6641

State of Texas County of Collin

This instrument was acknowledged before me on October 7, 2024, by Roy Choi.

Notary Public's Signature

TONYA CLARK
Notary Public, State of Texas
Comm. Expires 04-24-2027
Notary ID 13432260-5





June 9, 2025

Hon. Chair and Members
Zoning Board of Adjustment, Panel A
c/o Diana Barkume, Project Coordinator – Board of Adjustment
Planning and Development
City of Dallas
1500 Marilla Street, Room 5CN
Dallas, Texas 75201

Office: 214-948-4364

Email: diana.barkume@dallas.gov

RE: Appeal of Decision of Building Official, Revocation of Certificate of Occupancy No. 2410071172 Case Number BOA-25-000001 for property located at 17776 Dallas

Parkway (the "Property")

Dear Diana and Members of Panel A:

Winstead PC represents Contender Dallas, LLC, the owner of the Property. The purpose of this letter is to inform you and the members of Panel A that we and counsel for the Building Official have mutually agreed to request postponement of this matter until the August 19, 2025 hearing date.

We respectfully request that you consider a motion to keep the public hearing open, postpone the hearing date to August 19, 2025, and postpone the deadlines for submittal of documentary evidence by the parties to the dates associated with the August 19, 2025 hearing date.

Tommy Mann

Tommy Mann, Winstead PC

Stacy Rodriguez

Stacy Rodriguez, Head of General Litigation Section, Dallas City Attorney's Office

CC:

Daniel Moore
Assistant City Attorney
City of Dallas
Dallas City Attorney's Office
1500 Marilla St., 7DN
Dallas, TX 75201
O: 214-670-7027
F: 214-670-0622

daniel.moore@dallas.gov

Mary F. Williams Board Coordinator / Board of Adjustment Planning & Development Department 1500 Marilla Street 5CN Dallas, TX 75201

Office: 214-670-4127

Email: mary.williams1@dallas.gov