

Memorandum



CITY OF DALLAS

DATE October 2, 2020

TO Honorable Members of the Economic Development Committee

SUBJECT **Proposal to Waive Parking Requirements for Temporary Enclosures Over Patios In Response to COVID 19 Occupancy Limits**

City Councilmembers West and Blewett requested that the Economic Development Committee consider a resolution waiving parking requirements triggered by temporarily covering outside seating areas being utilized to provide appropriate social distancing in accordance with occupancy restrictions and social distancing requirements for restaurants and bars.

Currently, the zoning regulations of the Development Code require that any covered floor area, including patio seating areas for bars and restaurants that are covered by an impervious material (solid or membrane), be parked according to the parking regulations for that use. For restaurants and bars that would typically be one parking space for every 100 square feet of covered area (requirements may vary in some Planned Development Districts).

Any vertical structure creating covered space will require a building permit to ensure the safety of patrons. Tents may also be utilized but will require a permit if greater than 400 square feet to ensure the tent meets material standards. Under current rules, if a tent permit is requested on a site within 100 feet of a residential zoning district, it must be accompanied by a petition signed by all property owners within 100 feet of the site.

Bars and restaurants may be subject to restrictions that limit their ability to provide outside seating. Bars typically require a Specific Use Permit (SUP) and restaurants typically require a Residential Adjacency Review (RAR). An RAR is required when the use is adjacent to, directly across a street from, or within 330 feet of a single family or duplex zoning district. The RAR is an administrative review where conditions can be made to ensure the compatibility of the use with adjacent residential uses. Either SUP conditions or RAR conditions may limit or prohibit outside seating to ensure compatibility with single family uses. In recent years, it is not uncommon for outside seating to be prohibited in RAR conditions for a restaurant where outside seating would be immediately adjacent to, without intervening structures, single family uses.

The draft resolution provides that:

- Temporary covered unenclosed outdoor patio areas are allowed without required parking until 14 days after the Governor's occupancy limits for restaurants and bars are removed or until April 30, 2021, whichever is sooner. Temporary covered unenclosed outdoor patio areas may not violate requirements in specific use

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permits, except temporary coverings do not need to be shown on site plans, and may not violate zoning or residential adjacency review regulations.

- Temporary covered unenclosed outdoor patio areas must comply with building codes and fire codes.
- Temporary covered unenclosed outdoor patio areas may not operate between the hours of 12:00 a.m. (midnight) and 8:00 a.m..
- Temporary covered unenclosed outdoor patio areas may not exceed the floor area of the main use.
- Temporary covered unenclosed outdoor patio areas may not be erected on, or encroach into, required parking.
- This resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

In terms of process, staff anticipates that any permit applications for tents can be processed within 5 business days of submittal.

Please contact Kris Sweckard, Director of Sustainable Development and Construction, if you have any questions or concerns.



Dr. Eric A. Johnson
Chief of Economic Development and Neighborhood Services

c: Honorable Mayor and Members of the City Council
T.C. Broadnax, City Manager
Chris Caso, City Attorney
Mark Swann, City Auditor
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Jon Fortune, Assistant City Manager

Majed Al-Ghafry, P.E., Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion
Directors and Assistant Directors

COUNCIL CHAMBER

WHEREAS, by proclamation issued March 12, 2020, pursuant to the Texas Disaster Act of 1975, the Mayor declared a state of local disaster for the City of Dallas resulting from the COVID-19 Pandemic;

WHEREAS, by proclamation issued March 19, 2020, the state of local disaster was extended to April 29, 2020;

WHEREAS, by proclamation issued April 22, 2020, the state of local disaster was extended to May 12, 2020, and continuing concurrently thereafter with the Governor's state of disaster;

WHEREAS, by executive order issued September 17, 2020, Governor Greg Abbott expanded reopening of services as part of the safe, strategic plan to open Texas in response to the COVID-19 disaster;

WHEREAS, by executive order issued March 19, 2020, Governor Greg Abbott, ordered people to avoid eating or drinking in bars and restaurants;

WHEREAS, by executive order issued May 5, 2020, Governor Greg Abbott, allowed dine-in restaurants to reopen at 25 percent occupancy indoors and no occupancy limit outdoors;

WHEREAS, by executive order issued May 18, 2020, Governor Greg Abbott, allowed dine-in restaurants to reopen at 50 percent occupancy indoors and no occupancy limit outdoors and allowed bars to reopen at 25 percent occupancy;

WHEREAS, by executive order issued June 3, 2020, Governor Greg Abbott, allowed dine-in restaurants to reopen at 75 percent occupancy indoors and no occupancy limit outdoors and allowed bars to reopen at 50 percent occupancy but limiting service only to those customers who are seated;

WHEREAS, by executive order issued June 26, 2020, Governor Greg Abbott, allowed restaurants to reopen with a reduced 50 percent occupancy indoors and no occupancy limit outdoors and required bars to close;

WHEREAS, by proclamation issued July 2, 2020, Governor Greg Abbott, amended his executive order and allowed restaurants to reopen with 75 percent occupancy indoors and no occupancy limit outdoors bars, as defined by the TABC, are still required to be closed;

WHEREAS, Governor Greg Abbott will continue to expand the reopening of services as part of the safe, strategic plan to open Texas in response to the COVID-19 disaster;

WHEREAS, Dallas must continue to protect lives while restoring livelihoods, both of which can be achieved with the expert advice of medical professionals and business leaders;

WHEREAS, restaurants provide jobs and support a vibrant economy in the City of Dallas;

WHEREAS, restaurants have struggled to survive with occupancy limitations;

WHEREAS, restaurants operating at decreased occupancy are required to provide parking for underutilized floor area and limited occupancy;

WHEREAS, promoting outdoor seating will allow safe social distancing requirements and minimum standard health protocols to be met while still permitting restaurants and bars to serve customers;

WHEREAS, the Centers for Disease Control and Prevention has stated that indoor spaces, where it might be harder to keep people apart and there's less ventilation, are more risky than outdoor spaces for contracting COVID-19.

WHEREAS, City Council wishes to allow restaurants to be able to sustain their viability during the COVID-19 pandemic by using their outdoor patio areas consistently and under any adverse conditions; and

WHEREAS, City Council wishes to provide for no parking requirements for temporary covered unenclosed outdoor patio areas in response to restrictions resulting from the COVID-19 pandemic;

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That temporary covered unenclosed outdoor patio areas are allowed without required parking until 14 days after the Governor's occupancy limits for restaurants and bars are removed or until April 30, 2021, whichever is sooner.

SECTION 2. That temporary covered unenclosed outdoor patio areas must comply with requirements in specific use permits, except temporary coverings do not need to be shown on site plans, and meet zoning and residential adjacency review regulations.

SECTION 3. That temporary covered unenclosed outdoor patio areas must comply with building codes and fire codes.

SECTION 4. That temporary covered unenclosed outdoor patio areas may not operate between the hours of 12:00 (midnight) and 8:00 a.m..

SECTION 5. That temporary covered unenclosed outdoor patio areas may not exceed the floor area of the main use.

SECTION 6. That temporary covered unenclosed outdoor patio areas may not be erected on, or encroach into, required parking.

SECTION 7. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

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