

**JANUARY 25, 2017 CITY COUNCIL AGENDA  
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated January 25, 2017. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

  
\_\_\_\_\_  
A.C. Gonzalez  
City Manager

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Elizabeth Reich  
Chief Financial Officer

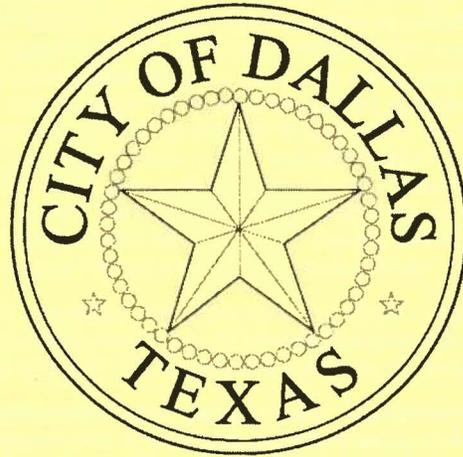
  
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CITY SECRETARY  
DALLAS, TEXAS



# COUNCIL AGENDA

January 25, 2017

Date

(For General Information and Rules of Courtesy, Please See Opposite Side.)  
(La Información General Y Reglas De Cortesía Que Deben Observarse  
Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)

## General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 by 5:00 p.m. of the last regular business day preceding the meeting. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

If you need interpretation in Spanish language, please contact the City Secretary's Office at 214-670-3738 with a 48 hour advance notice.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-3738 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act.

**The Council agenda is available in alternative formats upon request.**

If you have any questions about this agenda or comments or complaints about city services, call 311.

## Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

## Información General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Si necesita interpretación en idioma español, por favor comuníquese con la oficina de la Secretaría del Ayuntamiento al 214-670-3738 con notificación de 48 horas antes.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-3738 (aparato auditivo V/TDD). La Ciudad de Dallas está comprometida a cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

## Reglas de Cortesía

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

## Handgun Prohibition Notice for Meetings of Government 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."*



**AGENDA  
CITY COUNCIL MEETING  
WEDNESDAY, JANUARY 25, 2017  
ORDER OF BUSINESS**

Agenda items for which individuals have registered to speak will be considered no earlier than the time indicated below:

9:00 a.m.      **INVOCATION AND PLEDGE OF ALLEGIANCE**

**OPEN MICROPHONE**

**MINUTES**

Item 1

**CONSENT AGENDA**

Items 2 - 42

**ITEMS FOR INDIVIDUAL CONSIDERATION**

No earlier  
than 9:15 a.m.

Items 43 - 45

**PUBLIC HEARINGS AND RELATED ACTIONS**

1:00 p.m.

Items 46 - 71

NOTE: A revised order of business may be posted prior to the date of the council meeting if necessary.



**AGENDA**  
**CITY COUNCIL MEETING**  
**JANUARY 25, 2017**  
**CITY OF DALLAS**  
**1500 MARILLA**  
**COUNCIL CHAMBERS, CITY HALL**  
**DALLAS, TEXAS 75201**  
**9:00 A. M.**

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the January 11, 2017 City Council Meeting

CONSENT AGENDA

**Business Development & Procurement Services**

2. Authorize the first of two, one-year renewal options, to the Interlocal Agreement with the Texas Municipal League Intergovernmental Risk Pool for excess workers' compensation insurance through, and subject to, approval by the executive board of Texas Municipal League Intergovernmental Risk Pool effective February 1, 2017 through January 31, 2018 - Not to exceed \$722,500 - Financing: Current Funds (subject to appropriations)
3. Authorize the first of three, two-year renewal options, to the professional services contract with MuniServices, LLC for franchise fee compliance and recovery services - Estimated Total Net Revenue: \$2,067,389
4. Authorize a three-year contract for program management services to assist with the implementation of a work order and asset management system - Brio Services, LLC dba Brio Consulting, LLC, most advantageous proposer of five - Not to exceed \$4,367,999 - Financing: Current Funds (\$463,611) and Water Utilities Capital Construction Funds (\$3,904,388)

CONSENT AGENDA (Continued)**Business Development & Procurement Services** (Continued)

5. Authorize a three-year service contract for bi-annual preventive maintenance services and evaluation for teardown and repair services for variable frequency drives and soft starters - Shermco Industries, Inc. in the amount of \$3,024,658 and Evans Enterprises, Inc. in the amount of \$105,955, most advantageous proposers of two - Total not to exceed \$3,130,613 - Financing: Water Utilities Current Funds (subject to annual appropriations)
6. Authorize **(1)** an acquisition contract for the purchase and implementation of a fire inspection system in the amount of \$210,490; and **(2)** a five-year service contract for hosting, maintenance, and support for a fire inspection system in the amount of \$1,017,405 - Xerox Government Systems LLC, most advantageous proposer of three - Total not to exceed \$1,227,895 - Financing: Current Funds (subject to annual appropriations)
7. Authorize **(1)** a five-year acquisition contract to purchase and host a reader advisory online service for the existing Integrated Library System - EBSCO Industries, Inc. in the amount of \$193,923; and **(2)** a five-year acquisition contract to purchase and host a calendar/meeting room reservations system for the existing Integrated Library System - Library Solutions, LLC dba Library Market in the amount of \$75,000, most advantageous proposers of two - Total not to exceed \$268,923 - Financing: Current Funds (subject to annual appropriations)
8. Authorize a two-year subscription and maintenance contract for Adobe enterprise licenses - Adobe distributed by Carahsoft Technology Corp. and sold through SHI Government Solutions, Inc., through the Department of Information Resources - Not to exceed \$671,096 - Financing: Current Funds (subject to annual appropriations)
9. Authorize a one-year master agreement for the purchase of **(1)** 85 pieces of fleet equipment - Chastang Ford in the amount of \$5,747,210, Holt Texas, Ltd. in the amount of \$3,004,194, BTE Body Co., Inc. in the amount of \$1,623,647, Austin Truck and Equipment dba Freightliner of Austin in the amount of \$1,173,754, Southwest International Trucks, Inc. in the amount of \$705,197, RDO Equipment Co. in the amount of \$385,605, Sam Pack's Five Star Ford in the amount of \$99,064, and Landmark Equipment in the amount of \$17,436 through the Texas Association of School Boards (BuyBoard); **(2)** 157 fleet vehicles and equipment - Sam Pack's Five Star Ford in the amount of \$4,868,401 through the Texas Smart Buy; **(3)** 107 fleet vehicles - Freedom Chevrolet in the amount of \$3,289,989 through the Dallas County Interlocal Agreement; and **(4)** 2 pieces of fleet equipment - Wausau Equipment Company, Inc. in the amount of \$371,411 through the National Joint Powers Alliance - Total not to exceed \$21,285,908 - Financing: Current Funds (\$3,507,856), Municipal Lease Agreement Funds (\$11,697,076), Sanitation Current Funds (\$3,661,167) Water Utilities Current Funds (\$1,801,896), Aviation Current Funds (\$562,998), and Building Inspection Current Funds (\$54,915)

CONSENT AGENDA (Continued)**Business Development & Procurement Services (Continued)**

10. Authorize a two-year master agreement for sodium hypochlorite (bleach) - DPC Industries, Inc. in the amount of \$260,505 and FSTI, Inc. in the amount of \$157,396, lowest responsible bidders of four - Total not to exceed \$417,901 - Financing: Current Funds (\$157,396) and Water Utilities Current Funds (\$260,505)
11. Authorize a three-year master agreement for construction project signs to be utilized citywide - Dallas Lite & Barricade, lowest responsible bidder of four - Not to exceed \$109,423 - Financing: Current Funds (\$33,802) and Water Utilities Current Funds (\$75,621)
12. Authorize a three-year master agreement for aggregate materials to be utilized citywide - Q. Roberts Trucking, Inc. in the amount of \$9,471,207, Liberty Sand & Gravel, Inc. in the amount of \$859,334 and Earth Haulers, Inc. in the amount of \$791,557, lowest responsible bidders of four - Total not to exceed \$11,122,098 - Financing: Current Funds (\$4,324,080), Water Utilities Current Funds (\$3,978,600), Sanitation Current Funds (\$2,218,318), Stormwater Drainage Management Current Funds (\$570,211) and Aviation Current Funds (\$30,889)
13. Authorize Supplemental Agreement No. 1 to increase the service contract with AAA Data Communications, Inc. for voice and data cable installation services to connect computers and phones at City facilities - Not to exceed \$613,379, from \$2,453,512 to \$3,066,891 - Financing: Aviation Current Funds (subject to annual appropriations)

**Equipment & Building Services**

14. Authorize a professional services contract with Alliance Geotechnical Group to perform Material Testing on four construction projects in the Airside Capital Improvement Program at Dallas Love Field - Not to exceed \$534,194 - Financing: Aviation Capital Construction Funds
15. Ratify an emergency service contract with The Brandt Companies, LLC for boiler replacement at the Texas Discovery Garden located at 3601 Martin Luther King Jr. Boulevard - Not to exceed \$118,513 - Financing: Current Funds
16. Authorize the establishment of appropriations in the State of Texas Energy Conservation Office Loan Star fund in the amount of \$931,108 - Financing: This action has no cost consideration to the City
17. Authorize an increase to the construction services contract with DENCO CS Corporation, Inc., for additional work required to complete the East Kitchen Improvement Project at the Kay Bailey Hutchison Convention Center Dallas, located at 650 South Griffin Street - Not to exceed \$138,238, from \$1,876,422 to \$2,014,659 - Financing: Convention and Event Services Capital Construction Funds

CONSENT AGENDA (Continued)**Equipment & Building Services** (Continued)

18. Authorize an increase in the construction contract with EAS Contracting L.P. for the final change order, reconciling deletions and additions of work on the Hold Sign Relocation Project at Dallas Love Field for a net deductive increase to the contract - Not to exceed \$11,740, from \$1,306,252 to \$1,317,992 - Financing: Aviation Capital Construction Funds

**Intergovernmental Services**

19. A resolution authorizing a full and final settlement of DFW International Airport Board, City of Fort Worth and City of Dallas, Plaintiffs v. Chesapeake Explorations LLC and TOTAL E&P USA, Defendants, Cause No. 236-286059-16, in the 236th Judicial District of Tarrant County, Texas - Financing: No cost consideration to the City

**Library**

20. Authorize **(1)** acceptance of a grant from the Association for Library Service to Children (ALSC), a division of the American Library Association and funded by the Dollar General Literacy Foundation called the Strengthening Communities Through Libraries Grant in the amount of \$5,000 for the period January 1, 2017 through May 31, 2017; **(2)** establishment of appropriations in an amount not to exceed \$5,000 in the Strengthening Communities Through Libraries Grant-ALSC fund; and **(3)** execution of the grant agreement - Total not to exceed \$5,000 - Financing: Association for Library Service to Children Grant Funds
21. Authorize **(1)** the acceptance of a grant from the Texas State Library and Archives Commission (FAIN No. LS-00-15-0044-15, CFDA No. 45.310) in the amount of \$57,458, for partial reimbursement of interlibrary loan services' direct costs for the period September 1, 2015 through August 31, 2016; and **(2)** execution of the grant agreement - Not to exceed \$57,458 - Financing: Texas State Library and Archives Commission Grant Funds

**Mobility and Street Services**

22. Authorize approval of the recommended plan for the proposed alignment of Amonette Street from Akron Street to Commerce Street, new construction - Financing: No cost consideration to the City
23. Authorize approval of the recommended plan for the proposed alignment of Bataan Street from Singleton Boulevard to the Union Pacific Railroad (UPRR) right-of-way, from its current alignment to the proposed alignment of Bataan Street, and Bataan Street from the UPRR right-of-way to Commerce Street, new construction - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)**Mobility and Street Services (Continued)**

24. Authorize approval of the recommended plan for the proposed alignment of Herbert Street from Akron Street to Commerce Street, new construction - Financing: No cost consideration to the City

**Jefferson Boulevard from Zang Boulevard to Adams Avenue**

**Note:** Item Nos. 25 and 26 must be considered collectively.

25. \* Ratification of the rejection of all bids for the construction of street paving, storm drainage, streetscape, street lighting, landscape, and water adjustment improvements for Jefferson Boulevard from Zang Boulevard to Adams Avenue; and, ratification of the re-advertisement of new bids - Financing: No cost consideration to the City
26. \* Authorize a contract with Texas Standard Construction, Ltd., lowest responsible bidder of three, for the construction of street paving, storm drainage, streetscape, street lighting, landscape, and water adjustment improvements for Jefferson Boulevard from Zang Boulevard to Adams Avenue - Not to exceed \$2,030,569 - Financing: 2012 Bond Funds
27. Authorize **(1)** a substantial amendment to the Texas Department of Transportation Local Transportation Project Advance Funding Agreement (LPAFA Agreement No. CSJ 0918-45-820), a previously approved Interlocal Agreement, to terminate the existing agreement as a result of an adjustment in the regional Transportation Improvement Program (TIP); **(2)** a new and updated LPAFA Interlocal Agreement with the Texas Department of Transportation (Agreement No. CSJ 0918-45-820/CFDA No. 20.205) to replace the existing agreement for a Congestion Mitigation/Air Quality Program Project and Surface Transportation Program-Metropolitan Mobility Program Project Off-System to provide safety improvement projects at various Dallas intersections through engineering and construction services; **(3)** the receipt and deposit of additional funds from the Federal Highway Administration passed through the Texas Department of Transportation through the new LPAFA for engineering and construction services in the amount of \$163,000; **(4)** an increase in the local match in the amount of \$14,157 from \$303,800 to \$317,957; **(5)** an increase in appropriations in the Traffic Safety Program Fund in an amount not to exceed \$163,000; **(6)** termination of the existing agreement; and **(7)** execution of the new agreement - Not to exceed \$177,157 - Financing: Texas Department of Transportation Grant Funds (\$163,000) and 2006 Bond Funds (\$14,157)

**Park & Recreation**

28. Authorize the approval of a Memorandum of Understanding (MOU) between the Dallas Parks Foundation ("DPF") and the City of Dallas, through its Dallas Park and Recreation Department ("City") for the purpose of implementing a junior angler program pursuant to a grant agreement between the DPF and the National Recreation and Parks Association ("NRPA") - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)**Sanitation Services**

29. Authorize ordinances granting five franchises for solid waste collection and hauling, pursuant to Chapter XIV, of the City Charter, and Chapter 18, Article IV, of the Dallas City Code (list attached) - Estimated Annual Revenue: \$7,200

**Sustainable Development and Construction**

30. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceedings styled City of Dallas v. Linda Sue Reid, et al., Cause No. CC-16-03154-C, pending in Dallas County Court at Law No. 2, to acquire approximately 59,276 square feet of land located near the intersection of Seagoville Road and Interstate Highway 20 for the Southwest 120/96-inch Water Transmission Pipeline Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$220,634 (\$216,145 being the amount of the award, plus closing costs and title expenses not to exceed \$4,489); an increase of \$8,679 from the amount Council originally authorized for this acquisition - Financing: Water Utilities Capital Construction Funds
31. Authorize settlement in lieu of proceeding further with condemnation in City of Dallas v. Nueva Vida/New Life Assembly Inc., Cause No. CC-16-03158-E, pending in Dallas County Court at Law No. 2, to acquire a tract of land containing approximately 17,755 square feet located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$32,510, increased from \$100,490 (\$96,990, plus closing costs and title expenses not to exceed \$3,500) to \$133,000 (\$129,585, plus closing costs and title expenses not to exceed \$3,415) - Financing: Water Utilities Capital Construction Funds
32. Authorize settlement in lieu of proceeding further with condemnation in City of Dallas v. Vicente Delgado and Antonio Delgado, et al., Cause No. CC-16-03163-A, pending in Dallas County Court at Law No. 2, to acquire a tract of land containing approximately 1,931 square feet located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$2,345, increased from \$11,655 (\$9,655, plus closing costs and title expenses not to exceed \$2,000) to \$14,000 (\$11,586, plus closing costs and title expenses not to exceed \$2,414) - Financing: Water Utilities Capital Construction Funds
33. Authorize acquisition from Brian Leigh Bader and Lisa Bader, of approximately 120,582 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$123,500 (\$120,350, plus closing costs and title expenses not to exceed \$3,150) - Financing: Water Utilities Capital Construction Funds

CONSENT AGENDA (Continued)**Sustainable Development and Construction** (Continued)

34. Authorize an amendment for a five-year lease extension with E Avenue F, LLC, for approximately 9,747 square feet of office, showroom, and warehouse space located at 3131 Irving Boulevard, Suite 605 to be used by the Sales and Auction Division of Business Development and Procurement Services Department for the period February 1, 2017 through January 31, 2022 - Not to exceed \$419,063 - Financing: Current Funds (subject to annual appropriations)
35. A resolution accepting a landscape plan as required by Section 51P-921.112(e)(1) of Chapter 51P of the Dallas Development Code on property on the east line of Coit Road, north of Campbell Road - D167-012 - Financing: No cost consideration to the City
36. A resolution authorizing a Purchase and Sale Agreement to be prepared for the auctioned surplus property upon receiving the highest qualified bid sold absolute on approximately 161,848 square feet of unwanted and unneeded unimproved City-owned land located near the intersection of Forney Road and Olson Drive - Estimated Revenue: \$242,772
37. An ordinance abandoning a portion of a sanitary sewer easement to CADG Forest Lane 18, LLC, the abutting owner, containing approximately 658 square feet of land, located near the intersection of Forest Lane and Creekway Drive - Revenue: \$5,400, plus the \$20 ordinance publication fee
38. An ordinance abandoning a portion of a sanitary sewer easement to COG Dallas Homes, LLC, the abutting owner, containing approximately 8,510 square feet of land, located near the intersection of Moser Avenue and Fuqua Street - Revenue: \$5,400, plus the \$20 ordinance publication fee
39. An ordinance abandoning a portion of a utility easement to C.C. Young Memorial Home, the abutting owner, containing approximately 2,957 square feet of land, located near the intersection of Lawther Drive and Mockingbird Lane - Revenue: \$5,400, plus the \$20 ordinance publication fee
40. An ordinance amending Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code; an ordinance amending Chapter 53 "Dallas Building Code," of the Dallas City Code; an ordinance amending Chapter 54 "Dallas Plumbing Code," of the Dallas City Code; an ordinance amending Chapter 55 "Dallas Mechanical Code," of the Dallas City Code; an ordinance amending Chapter 57 "Dallas One-and Two-Family Dwelling Code," of the Dallas City Code; an ordinance amending Chapter 59 "Dallas Energy Conservation Code," of the Dallas City Code; an ordinance amending Chapter 60 "Dallas Fuel and Gas Code," of the Dallas City Code; an ordinance amending Chapter 61 "Dallas Green Construction Code," of the Dallas City Code; to adopt the 2015 International Codes with regional and local amendments regulating construction work in the City; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)

**Trinity Watershed Management**

41. Authorize acquisition from R.K.C.J., L.L.C., of an improved tract of land containing approximately 25,727 square feet, four slope easements containing a total of approximately 23,330 square feet, and a drainage easement containing approximately 5,257 square feet, located on East Wheatland Road near its intersection with Lancaster Road for the Wheatland Road Improvement Project - Not to exceed \$136,944 (\$130,944, plus closing costs and title expenses not to exceed \$6,000) - Financing: General Obligation Commercial Paper Funds

**Water Utilities**

42. Authorize a contract for the installation of wastewater mains at five locations (list attached) - S. J. Louis Construction of Texas, Ltd., lowest responsible bidder of five - Not to exceed \$10,073,842 - Financing: Water Utilities Capital Improvement Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

**City Secretary's Office**

43. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

**Sustainable Development and Construction**

44. Authorize the second step of acquisition for condemnation by eminent domain to acquire a tract of land containing approximately 432,376 square feet located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project, from Morris Dale Martin - Not to exceed \$55,000 (\$51,615, plus closing costs and title expenses not to exceed \$3,385) - Financing: Water Utilities Capital Improvement Funds

**DESIGNATED PUBLIC SUBSIDY MATTERS**

**Economic Development**

45. Authorize a development agreement with GPIWE Limited Partnership, to assist the redevelopment of the Factory Six03 Project located at 603 Munger Avenue and to secure public access to the new plaza in the West End District in the City Center TIF District - Not to exceed \$4,657,174 - Financing: City Center TIF District Funds (subject to future appropriations from future tax increments)

PUBLIC HEARINGS AND RELATED ACTIONS**Sustainable Development and Construction**ZONING CASES - CONSENT

46. A public hearing to receive comments regarding an application for and an ordinance granting an R-7.5(A) Single Family District on property zoned a CR Community Retail District on the southeast side of Brunner Avenue, east of Balboa Drive  
Recommendation of Staff and CPC: Approval  
Z145-359(SM)
47. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the southeast corner of Military Parkway and North St. Augustine Road  
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, elevations, and conditions  
Z156-270(JM)
48. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1559 for an open-enrollment charter school on property zoned a D(A) Duplex District and an R-7.5(A) Single Family District, on the northwest corner of Scyene Road and Glover Pass  
Recommendation of Staff and CPC: Approval for a three-year period with eligibility for automatic renewals for additional three-year periods, subject to a traffic management plan and conditions  
Z156-274(LE)
49. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a motor vehicle fueling station on property zoned an NS(A) Neighborhood Service District on the east side of South Hampton Road and north of Mountain Lake Road  
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions  
Z156-316(WE)
50. A public hearing to receive comments regarding an application for and an ordinance granting a CS-D-1 Commercial Service District and a resolution accepting deed restrictions volunteered by the applicant with a Dry Liquor Control Overlay on property zoned an LI-D-1 Light Industrial District with a Dry Liquor Control Overlay on the north side of Eastpoint Drive at the terminus of Olson Drive  
Recommendation of Staff: Approval  
Recommendation of CPC: Approval, subject to deed restrictions volunteered by the applicant  
Z156-336(WE)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)**Sustainable Development and Construction (Continued)**ZONING CASES - CONSENT (Continued)

51. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 623 for R-10(A) Single Family District uses to allow for a private school by right on property on the southeast corner of Webb Chapel Road and Royal Lane  
Recommendation of Staff and CPC: Approval, subject to a revised development plan, a traffic management plan, and conditions  
Z156-338(OTH)
52. A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the northeast line of Irving Boulevard, west of Wycliff Avenue  
Recommendation of Staff and CPC: Approval  
Z156-340(WE)
53. A public hearing to receive comments regarding a Landmark Commission Authorized Hearing to consider an Historic Overlay for the Underwood Residence (5310 Park Lane) on property zoned an R-1ac(A) Single Family District on the southeast corner of Park Lane and Meadowbrook Drive and an ordinance granting the Historic Overlay  
Recommendation of Staff: Approval, subject to preservation criteria  
Recommendation of CPC: Approval, subject to amended preservation criteria  
Recommendation of Landmark Commission: Approval, subject to preservation criteria  
Z156-343(MD)
54. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and expansion of Specific Use Permit No. 88 for an electric substation, on property zoned an R-7.5(A) Single Family District on the southeast corner of North Jim Miller Road and Scyene Road  
Recommendation of Staff and CPC: Approval, subject to a revised site plan, revised landscape plan and conditions  
Z156-346(OTH)
55. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1953 for a restaurant with drive-in or drive-through service on property zoned Cedars West Subdistrict 1, Urban Village Form District within Planned Development District No. 784, the Trinity River Corridor Special Purpose District, on the south corner of East R.L. Thornton Freeway (Interstate 35E) and South Riverfront Boulevard  
Recommendation of Staff and CPC: Approval for a five-year period, subject to conditions  
Z156-367(OTH)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)**Sustainable Development and Construction (Continued)**ZONING CASES - CONSENT (Continued)

56. A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the southwest line of Farrington Street, northwest of Crampton Street  
Recommendation of Staff and CPC: Approval  
Z156-370(JM)
57. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an inside commercial amusement use for a live music venue on property within Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Planned Development District, on the north line of Exposition Avenue, south of Commerce Street  
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions  
Z167-105(JM)
58. A public hearing to receive comments regarding an application for and an ordinance granting an LI Light Industrial District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an MU-3 Mixed Use District, on the east side of King George Drive, south of Regal Row  
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant  
Z167-107(SH)
59. A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an R-7.5(A) Single Family District, on the south side of Crown Road, east of Newberry Street  
Recommendation of Staff and CPC: Approval  
Z167-111(AR)

ZONING CASES - INDIVIDUAL

60. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an RR-D-1 Regional Retail District with D-1 Liquor Control Overlay on the northeast corner of Murdock Road and Elkton Circle, southwest of C.F. Hawn Freeway  
Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions  
Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions  
Z156-309(OTH)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)**Sustainable Development and Construction (Continued)**ZONING CASES - INDIVIDUAL (Continued)

61. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 1501 for a private recreation center, club, or area and private elementary school use to include a middle school and a high school and to revise the existing site plan on property zoned an R-7.5(A) Single Family District on the south line of Samuell Boulevard, east of South Buckner Boulevard  
Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, traffic management plan, and conditions  
Recommendation of CPC: Approval for a ten-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, traffic management plan, and conditions  
Z167-102(OTH)
62. A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned a D(A) Duplex District, on the northeast corner of Bruton Road and McKim Drive  
Recommendation of Staff: Approval of a NS(A) Neighborhood Services District in lieu of Community Retail District  
Recommendation of CPC: Approval of a CR Community Retail District with deed restrictions volunteered by the applicant  
Z167-109(LE)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

63. A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southwest corner of Forney Road and North Prairie Creek Road  
Recommendation of Staff and CPC: Approval  
Z156-234(JM)  
Note: This item was considered by the City Council at public hearings on September 28, 2016, October 26, 2016, and January 11, 2017, and was deferred until January 25, 2017, with the public hearing open
64. A public hearing to receive comments regarding an application for and an ordinance granting an MF-1(A) Multifamily District on property zoned an NS(A) Neighborhood Service District, on the south corner of Sam Houston Road and Masters Drive  
Recommendation of Staff and CPC: Approval  
Z156-345(PD)  
Note: This item was considered by the City Council at a public hearing on January 11, 2017, and was deferred until January 25, 2017, with the public hearing open

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)**Sustainable Development and Construction (Continued)**DESIGNATED ZONING CASES - INDIVIDUAL

65. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for LC Light Commercial Subdistrict uses on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the southeast corner of McKinney Avenue and Boll Street  
Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan and conditions  
Z156-254(WE)
66. A public hearing to receive comments regarding an application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CC Community Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District on the northwest line of Pennsylvania Avenue, southwest of J.B. Jackson Jr. Boulevard  
Recommendation of Staff: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and conditions  
Recommendation of CPC: Denial without prejudice  
Z156-335(WE)
67. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for a mixed use development and an ordinance granting the termination of Specific Use Permit No. 1373 for a college, child-care facility, and public or private school on property zoned an R-7.5(A) Single Family District with Specific Use Permit No. 1373 on a portion and a CR Community Retail District generally on the northeast corner of Simpson Stuart Drive and Highland Hills Drive  
Recommendation of Staff and CPC: Approval, subject to a conceptual plan, Subarea A development plan, traffic management plan, and conditions; and approval of the termination of Specific Use Permit No. 1373  
Z156-342(SH)
68. A public hearing to receive comments regarding an application for and an ordinance granting a new Planned Development District for residential uses and a private recreation center, club or area on property zoned Planned Development District No. 41 on the northwest corner of Forest Lane and Inwood Road  
Recommendation of Staff and CPC: Approval, subject to a development plan, buffer landscape plan, and conditions  
Z156-365(WE)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

**Sustainable Development and Construction (Continued)**

DESIGNATED ZONING CASES - INDIVIDUAL (Continued)

69. A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new subdistrict on property zoned Subdistricts 1 and 1C within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District at the southwest intersection of Inspiration Drive and North Stemmons Freeway  
Recommendation of Staff and CPC: Approval, subject to conditions Z156-369(JM)

MISCELLANEOUS HEARINGS

**Planning and Urban Design**

70. A public hearing to receive comments regarding consideration of a resolution adopting the Northwest Highway and Preston Road Area Plan; this area plan, if adopted, will be used as a planning and implementation guide for future development in the area generally bounded by Meadowbrook Drive on the west, Walnut Hill Lane on the north, Hillcrest Road on the east, and Greenbrier Drive on the south - Financing: No cost consideration to the City

**Sustainable Development and Construction**

71. A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from a public school, W. H. Adamson High School, as required by Section 6-4 of the Dallas City Code to allow a mixed beverages permit (Chapter 28) for a restaurant without drive-in or drive-through service with a food and beverage certificate [Los Sapos, Inc. dba Las Ranitas] on the west corner of East Jefferson Boulevard and South Crawford Street - AV167-001 - Financing: No cost consideration to the City

**Franchises for Solid Waste Collection and Hauling**  
Agenda Item # 29

<b><u>Franchise Haulers</u></b>	<b><u>Estimated Annual Franchise Revenue</u></b>
Gold Star Disposal and Recycling, Inc.	\$ 960.00
Panther City Rental, LLC dba Panther City Disposal	\$1,200.00
Waste Warriors, Inc.	\$2,400.00
Junk King, LLC	\$2,160.00
E W Wells Group, LLC	\$ 480.00
 Total	 \$7,200.00

**Installation of Wastewater Mains**  
Agenda Item # 42

**District 11**

\*Easement east of Inwood Road from south of Harvest Hill Road to Interstate Highway 635 (LBJ Freeway)

**District 13**

\*(Easement east of Inwood Road from south of Harvest Hill Road to Interstate Highway 635 (LBJ Freeway) (See District 11)  
Easement west of Dallas North Tollway from Willow Lane north  
Inwood Road from Willow Lane to Northaven Road  
Northaven Road from Inwood Road west  
Willow Lane from Inwood Road west

\*Project limits in more than one Council District

## 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:

1. 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]
3. 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]
5. 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]



**AGENDA DATE**      January 25, 2017

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			All	V	NA	NA	NA	NA	Approval of Minutes of the January 11, 2017 City Council Meeting
2			All	C	PBD, ORM	\$722,500.00	NA	NA	Authorize the first of two, one-year renewal options, to the Interlocal Agreement with the Texas Municipal League Intergovernmental Risk Pool for excess workers' compensation insurance through, and subject to, approval by the executive board of Texas Municipal League Intergovernmental Risk Pool effective February 1, 2017 through January 31, 2018 - Not to exceed \$722,500 - Financing: Current Funds (subject to appropriations)
3			All	C	PBD, OFS, AUD	\$2,067,388.50	NA	NA	Authorize the first of three, two-year renewal options, to the professional services contract with MuniServices, LLC for franchise fee compliance and recovery services - Estimated Total Net Revenue: \$2,067,389
4			All	C	PBD, CIS, EBS, TWM, WTR	\$4,367,999.00	0.00%	100.00%	Authorize a three-year contract for program management services to assist with the implementation of a work order and asset management system - Brio Services, LLC dba Brio Consulting, LLC, most advantageous proposer of five - Not to exceed \$4,367,999 - Financing: Current Funds (\$463,611) and Water Utilities Capital Construction Funds (\$3,904,388)
5			All	C	PBD, WTR	\$3,130,613.00	96.62%	0.00%	Authorize a three-year service contract for bi-annual preventive maintenance services and evaluation for teardown and repair services for variable frequency drives and soft starters - Shermco Industries, Inc. in the amount of \$3,024,658 and Evans Enterprises, Inc. in the amount of \$105,955, most advantageous proposers of two - Total not to exceed \$3,130,613 - Financing: Water Utilities Current Funds (subject to annual appropriations)
6			All	C	PBD, CIS, FIR	\$1,227,895.00	0.00%	0.00%	Authorize (1) an acquisition contract for the purchase and implementation of a fire inspection system in the amount of \$210,490; and (2) a five-year service contract for hosting, maintenance, and support for a fire inspection system in the amount of \$1,017,405 - Xerox Government Systems LLC, most advantageous proposer of three - Total not to exceed \$1,227,895 - Financing: Current Funds (subject to annual appropriations)
7			All	C	PBD, LIB	\$268,922.03	0.00%	0.00%	Authorize (1) a five-year acquisition contract to purchase and host a reader advisory online service for the existing Integrated Library System - EBSCO Industries, Inc. in the amount of \$193,923; and (2) a five-year acquisition contract to purchase and host a calendar/meeting room reservations system for the existing Integrated Library System - Library Solutions, LLC dba Library Market in the amount of \$75,000, most advantageous proposers of two - Total not to exceed \$268,923 - Financing: Current Funds (subject to annual appropriations)
8			All	C	PBD, CIS	\$671,096.00	NA	NA	Authorize a two-year subscription and maintenance contract for Adobe enterprise licenses - Adobe distributed by Carahsoft Technology Corp. and sold through SHI Government Solutions, Inc., through the Department of Information Resources - Not to exceed \$671,096 - Financing: Current Funds (subject to annual appropriations)
9			All	C	PBD, EBS, AVI, SAN, WTR	\$21,285,907.94	NA	NA	Authorize a one-year master agreement for the purchase of (1) 85 pieces of fleet equipment - Chastang Ford in the amount of \$5,747,210, Holt Texas, Ltd. in the amount of \$3,004,194, BTE Body Co., Inc. in the amount of \$1,623,647, Austin Truck and Equipment dba Freightliner of Austin in the amount of \$1,173,754, Southwest International Trucks, Inc. in the amount of \$705,197, RDO Equipment Co. in the amount of \$385,605, Sam Pack's Five Star Ford in the amount of \$99,064, and Landmark Equipment in the amount of \$17,436 through the Texas Association of School Boards (BuyBoard); (2) 157 fleet vehicles and equipment - Sam Pack's Five Star Ford in the amount of \$4,868,401 through the Texas Smart Buy; (3) 107 fleet vehicles - Freedom Chevrolet in the amount of \$3,289,989 through the Dallas County Interlocal Agreement; and (4) 2 pieces of fleet equipment - Wausau Equipment Company, Inc. in the amount of \$371,411 through the National Joint Powers Alliance - Total not to exceed \$21,285,908 - Financing: Current Funds (\$3,507,856), Municipal Lease Agreement Funds (\$11,697,076), Sanitation Current Funds (\$3,661,167) Water Utilities Current Funds (\$1,801,896), Aviation Current Funds (\$562,998), and Building Inspection Current Funds (\$54,915)
10			All	C	PBD, PKR, WTR	\$417,901.00	0.00%	0.00%	Authorize a two-year master agreement for sodium hypochlorite (bleach) - DPC Industries, Inc. in the amount of \$260,505 and FSTI, Inc. in the amount of \$157,396, lowest responsible bidders of four - Total not to exceed \$417,901 - Financing: Current Funds (\$157,396) and Water Utilities Current Funds (\$260,505)
11			All	C	PBD, EBS, PKR, WTR	\$109,422.74	100.00%	18.00%	Authorize a three-year master agreement for construction project signs to be utilized citywide - Dallas Lite & Barricade, lowest responsible bidder of four - Not to exceed \$109,423 - Financing: Current Funds (\$33,802) and Water Utilities Current Funds (\$75,621)

**AGENDA DATE**      January 25, 2017

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
12			All	C	PBD, AVI, STS, PKR, POL, SAN, TWM, WTR	\$11,122,097.45	86.10%	100.00%	Authorize a three-year master agreement for aggregate materials to be utilized citywide - Q. Roberts Trucking, Inc. in the amount of \$9,471,207, Liberty Sand & Gravel, Inc. in the amount of \$859,334 and Earth Haulers, Inc. in the amount of \$791,557, lowest responsible bidders of four - Total not to exceed \$11,122,098 - Financing: Current Funds (\$4,324,080), Water Utilities Current Funds (\$3,978,600), Sanitation Current Funds (\$2,218,318), Stormwater Drainage Management Current Funds (\$570,211) and Aviation Current Funds (\$30,889)
13			All	C	PBD, CIS, AVI	\$613,378.12	100.00%	100.00%	Authorize Supplemental Agreement No. 1 to increase the service contract with AAA Data Communications, Inc. for voice and data cable installation services to connect computers and phones at City facilities - Not to exceed \$613,379, from \$2,453,512 to \$3,066,891 - Financing: Aviation Current Funds (subject to annual appropriations)
14			2	C	EBS, AVI	\$534,194.00	75.64%	100.00%	Authorize a professional services contract with Alliance Geotechnical Group to perform Material Testing on four construction projects in the Airside Capital Improvement Program at Dallas Love Field - Not to exceed \$534,194 - Financing: Aviation Capital Construction Funds
15			7	C	EBS	\$118,513.00	NA	NA	Ratify an emergency service contract with The Brandt Companies, LLC for boiler replacement at the Texas Discovery Garden located at 3601 Martin Luther King Jr. Boulevard - Not to exceed \$118,513 - Financing: Current Funds
16			All	C	EBS	NC	NA	NA	Authorize the establishment of appropriations in the State of Texas Energy Conservation Office Loan Star fund in the amount of \$931,108 - Financing: This action has no cost consideration to the City
17			2	C	EBS, CES	\$138,237.07	74.50%	35.00%	Authorize an increase to the construction services contract with DENCO CS Corporation, Inc., for additional work required to complete the East Kitchen Improvement Project at the Kay Bailey Hutchison Convention Center Dallas, located at 650 South Griffin Street - Not to exceed \$138,238, from \$1,876,422 to \$2,014,659 - Financing: Convention and Event Services Capital Construction Funds
18			2	C	EBS, AVI	\$11,740.37	0.00%	24.73%	Authorize an increase in the construction contract with EAS Contracting L.P. for the final change order, reconciling deletions and additions of work on the Hold Sign Relocation Project at Dallas Love Field for a net deductive increase to the contract - Not to exceed \$11,740, from \$1,306,252 to \$1,317,992 - Financing: Aviation Capital Construction Funds
19			N/A	C	IGS, ATT	NC	NA	NA	A resolution authorizing a full and final settlement of DFW International Airport Board, City of Fort Worth and City of Dallas, Plaintiffs v. Chesapeake Explorations LLC and TOTAL E&P USA, Defendants, Cause No. 236-286059-16, in the 236th Judicial District of Tarrant County, Texas - Financing: No cost consideration to the City
20			All	C	LIB	GT	NA	NA	Authorize (1) acceptance of a grant from the Association for Library Service to Children (ALSC), a division of the American Library Association and funded by the Dollar General Literacy Foundation called the Strengthening Communities Through Libraries Grant in the amount of \$5,000 for the period January 1, 2017 through May 31, 2017; (2) establishment of appropriations in an amount not to exceed \$5,000 in the Strengthening Communities Through Libraries Grant-ALSC fund; and (3) execution of the grant agreement - Total not to exceed \$5,000 - Financing: Association for Library Service to Children Grant Funds
21			All	C	LIB	GT	NA	NA	Authorize (1) the acceptance of a grant from the Texas State Library and Archives Commission (FAIN No. LS-00-15-0044 15, CFDA No. 45.310) in the amount of \$57,458, for partial reimbursement of interlibrary loan services' direct costs for the period September 1, 2015 through August 31, 2016; and (2) execution of the grant agreement - Not to exceed \$57,458 - Financing: Texas State Library and Archives Commission Grant Funds
22			6	C	STS	NC	NA	NA	Authorize approval of the recommended plan for the proposed alignment of Amonette Street from Akron Street to Commerce Street, new construction - Financing: No cost consideration to the City
23			6	C	STS	NC	NA	NA	Authorize approval of the recommended plan for the proposed alignment of Bataan Street from Singleton Boulevard to the Union Pacific Railroad (UPRR) right-of-way, from its current alignment to the proposed alignment of Bataan Street, and Bataan Street from the UPRR right-of-way to Commerce Street, new construction - Financing: No cost consideration to the City
24			6	C	STS	NC	NA	NA	Authorize approval of the recommended plan for the proposed alignment of Herbert Street from Akron Street to Commerce Street, new construction - Financing: No cost consideration to the City
25			1	C	STS	NC	NA	NA	Jefferson Boulevard from Zang Boulevard to Adams Avenue: Ratification of the rejection of all bids for the construction of street paving, storm drainage, streetscape, street lighting, landscape, and water adjustment improvements for Jefferson Boulevard from Zang Boulevard to Adams Avenue; and, ratification of the re-advertisement of new bids - Financing: No cost consideration to the City

**AGENDA DATE**      January 25, 2017

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
26			1	C	STS	\$2,030,568.45	100.00%	28.16%	Jefferson Boulevard from Zang Boulevard to Adams Avenue: Authorize a contract with Texas Standard Construction, Ltd., lowest responsible bidder of three, for the construction of street paving, storm drainage, streetscape, street lighting, landscape, and water adjustment improvements for Jefferson Boulevard from Zang Boulevard to Adams Avenue - Not to exceed \$2,030,569 - Financing: 2012 Bond Funds
27			All	C	STS	\$14,157.00	NA	NA	Authorize (1) a substantial amendment to the Texas Department of Transportation Local Transportation Project Advance Funding Agreement (LPAFA Agreement No. CSJ 0918-45-820), a previously approved Interlocal Agreement, to terminate the existing agreement as a result of an adjustment in the regional Transportation Improvement Program (TIP); (2) a new and updated LPAFA Interlocal Agreement with the Texas Department of Transportation (Agreement No. CSJ 0918-45-820/CFDA No. 20.205) to replace the existing agreement for a Congestion Mitigation/Air Quality Program Project and Surface Transportation Program-Metropolitan Mobility Program Project Off-System to provide safety improvement projects at various Dallas intersections through engineering and construction services; (3) the receipt and deposit of additional funds from the Federal Highway Administration passed through the Texas Department of Transportation through the new LPAFA for engineering and construction services in the amount of \$163,000; (4) an increase in the local match in the amount of \$14,157 from \$303,800 to \$317,957; (5) an increase in appropriations in the Traffic Safety Program Fund in an amount not to exceed \$163,000; (6) termination of the existing agreement; and (7) execution of the new agreement - Not to exceed \$177,157 - Financing: Texas Department of Transportation Grant Funds (\$163,000) and 2006 Bond Funds (\$14,157)
28			All	C	PKR	NC	NA	NA	Authorize the approval of a Memorandum of Understanding (MOU) between the Dallas Parks Foundation ("DPF") and the City of Dallas, through its Dallas Park and Recreation Department ("City") for the purpose of implementing a junior angler program pursuant to a grant agreement between the DPF and the National Recreation and Parks Association ("NRPA") - Financing: No cost consideration to the City
29			N/A	C	SAN	REV \$7,200	NA	NA	Authorize ordinances granting five franchises for solid waste collection and hauling, pursuant to Chapter XIV, of the City Charter, and Chapter 18, Article IV, of the Dallas City Code - Estimated Annual Revenue: \$7,200
30			8	C	DEV, ATT, WTR	\$220,634.00	NA	NA	Authorize the (1) deposit of the amount awarded by the Special Commissioners in the condemnation proceedings styled City of Dallas v. Linda Sue Reid, et al., Cause No. CC-16-03154-C, pending in Dallas County Court at Law No. 2, to acquire approximately 59,276 square feet of land located near the intersection of Seagoville Road and Interstate Highway 20 for the Southwest 120/96-inch Water Transmission Pipeline Project; and (2) settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$220,634 (\$216,145 being the amount of the award, plus closing costs and title expenses not to exceed \$4,489); an increase of \$8,679 from the amount Council originally authorized for this acquisition - Financing: Water Utilities Capital Construction Funds
31			Outside	C	DEV, WTR	\$32,510.00	NA	NA	Authorize settlement in lieu of proceeding further with condemnation in City of Dallas v. Nueva Vida/New Life Assembly Inc., Cause No. CC-16-03158-E, pending in Dallas County Court at Law No. 2, to acquire a tract of land containing approximately 17,755 square feet located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$32,510, increased from \$100,490 (\$96,990, plus closing costs and title expenses not to exceed \$3,500) to \$133,000 (\$129,585, plus closing costs and title expenses not to exceed \$3,415) - Financing: Water Utilities Capital Construction Funds
32			Outside	C	DEV, WTR	\$2,345.00	NA	NA	Authorize settlement in lieu of proceeding further with condemnation in City of Dallas v. Vicente Delgado and Antonio Delgado, et al., Cause No. CC-16-03163-A, pending in Dallas County Court at Law No. 2, to acquire a tract of land containing approximately 1,931 square feet located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$2,345, increased from \$11,655 (\$9,655, plus closing costs and title expenses not to exceed \$2,000) to \$14,000 (\$11,586, plus closing costs and title expenses not to exceed \$2,414) - Financing: Water Utilities Capital Construction Funds
33			Outside	C	DEV, WTR	\$123,500.00	NA	NA	Authorize acquisition from Brian Leigh Bader and Lisa Bader, of approximately 120,582 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$123,500 (\$120,350, plus closing costs and title expenses not to exceed \$3,150) - Financing: Water Utilities Capital Construction Funds

**AGENDA DATE**      January 25, 2017

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
34			6	C	DEV, PBD	\$419,062.92	NA	NA	Authorize an amendment for a five-year lease extension with E Avenue F, LLC, for approximately 9,747 square feet of office, showroom, and warehouse space located at 3131 Irving Boulevard, Suite 605 to be used by the Sales and Auction Division of Business Development and Procurement Services Department for the period February 1, 2017 through January 31, 2022 - Not to exceed \$419,063 - Financing: Current Funds (subject to annual appropriations)
35			12	C	DEV	NC	NA	NA	A resolution accepting a landscape plan as required by Section 51P-921.112(e)(1) of Chapter 51P of the Dallas Development Code on property on the east line of Coit Road, north of Campbell Road - D167-012 - Financing: No cost consideration to the City
36			7	C	DEV	REV \$242,772	NA	NA	A resolution authorizing a Purchase and Sale Agreement to be prepared for the auctioned surplus property upon receiving the highest qualified bid sold absolute on approximately 161,848 square feet of unwanted and unneeded unimproved City-owned land located near the intersection of Forney Road and Olson Drive - Estimated Revenue: \$242,772
37			11	C	DEV	REV \$5,400	NA	NA	An ordinance abandoning a portion of a sanitary sewer easement to CADG Forest Lane 18, LLC, the abutting owner, containing approximately 658 square feet of land, located near the intersection of Forest Lane and Creekway Drive - Revenue: \$5,400, plus the \$20 ordinance publication fee
38			2	C	DEV	REV \$5,400	NA	NA	An ordinance abandoning a portion of a sanitary sewer easement to COG Dallas Homes, LLC, the abutting owner, containing approximately 8,510 square feet of land, located near the intersection of Moser Avenue and Fuqua Street - Revenue: \$5,400, plus the \$20 ordinance publication fee
39			9	C	DEV	REV \$5,400	NA	NA	An ordinance abandoning a portion of a utility easement to C.C. Young Memorial Home, the abutting owner, containing approximately 2,957 square feet of land, located near the intersection of Lawther Drive and Mockingbird Lane - Revenue: \$5,400, plus the \$20 ordinance publication fee
40			All	C	DEV	NC	NA	NA	An ordinance amending Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code; an ordinance amending Chapter 53 "Dallas Building Code," of the Dallas City Code; an ordinance amending Chapter 54 "Dallas Plumbing Code," of the Dallas City Code; an ordinance amending Chapter 55 "Dallas Mechanical Code," of the Dallas City Code; an ordinance amending Chapter 57 "Dallas One-and Two-Family Dwelling Code," of the Dallas City Code; an ordinance amending Chapter 59 "Dallas Energy Conservation Code," of the Dallas City Code; an ordinance amending Chapter 60 "Dallas Fuel and Gas Code," of the Dallas City Code; an ordinance amending Chapter 61 "Dallas Green Construction Code," of the Dallas City Code; to adopt the 2015 International Codes with regional and local amendments regulating construction work in the City; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date - Financing: No cost consideration to the City
41			8	C	TWM	\$136,944.00	NA	NA	Authorize acquisition from R.K.C.J., L.L.C., of an improved tract of land containing approximately 25,727 square feet, four slope easements containing a total of approximately 23,330 square feet, and a drainage easement containing approximately 5,257 square feet, located on East Wheatland Road near its intersection with Lancaster Road for the Wheatland Road Improvement Project - Not to exceed \$136,944 (\$130,944, plus closing costs and title expenses not to exceed \$6,000) - Financing: General Obligation Commercial Paper Funds
42			11, 13	C	WTR	\$10,073,842.00	79.80%	25.00%	Authorize a contract for the installation of wastewater mains at five locations - S. J. Louis Construction of Texas, Ltd., lowest responsible bidder of five - Not to exceed \$10,073,842 - Financing: Water Utilities Capital Improvement Funds
43			N/A	I	SEC	NC	N/A	N/A	Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)
44			Outside	I	DEV, WTR	\$55,000.00	NA	NA	Authorize the second step of acquisition for condemnation by eminent domain to acquire a tract of land containing approximately 432,376 square feet located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project, from Morris Dale Martin - Not to exceed \$55,000 (\$51,615, plus closing costs and title expenses not to exceed \$3,385) - Financing: Water Utilities Capital Improvement Funds
45			14	I	ECO	\$4,657,174.00	NA	NA	Authorize a development agreement with GPIWE Limited Partnership, to assist the redevelopment of the Factory Six03 Project located at 603 Munger Avenue and to secure public access to the new plaza in the West End District in the City Center TIF District - Not to exceed \$4,657,174 - Financing: City Center TIF District Funds (subject to future appropriations from future tax increments)

**AGENDA DATE**      January 25, 2017

ITEM		IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
#	OK	DEF								
46				1	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an R-7.5(A) Single Family District on property zoned a CR Community Retail District on the southeast side of Brunner Avenue, east of Balboa Drive
47				7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the southeast corner of Military Parkway and North St. Augustine Road
48				5	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1559 for an open-enrollment charter school on property zoned a D(A) Duplex District and an R-7.5(A) Single Family District, on the northwest corner of Scyene Road and Glover Pass
49				1	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a motor vehicle fueling station on property zoned an NS(A) Neighborhood Service District on the east side of South Hampton Road and north of Mountain Lake Road
50				7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a CS-D-1 Commercial Service District and a resolution accepting deed restrictions volunteered by the applicant with a Dry Liquor Control Overlay on property zoned an LI-D-1 Light Industrial District with a Dry Liquor Control Overlay on the north side of Eastpoint Drive at the terminus of Olson Drive
51				13	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 623 for R-10(A) Single Family District uses to allow for a private school by right on property on the southeast corner of Webb Chapel Road and Royal Lane
52				6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the northeast line of Irving Boulevard, west of Wycliff Avenue
53				13	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding a Landmark Commission Authorized Hearing to consider an Historic Overlay for the Underwood Residence (5310 Park Lane) on property zoned an R-1ac(A) Single Family District on the southeast corner of Park Lane and Meadowbrook Drive and an ordinance granting the Historic Overlay
54				5	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and expansion of Specific Use Permit No. 88 for an electric substation, on property zoned an R-7.5(A) Single Family District on the southeast corner of North Jim Miller Road and Scyene Road
55				2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1953 for a restaurant with drive-in or drive-through service on property zoned Cedars West Subdistrict 1, Urban Village Form District within Planned Development District No. 784, the Trinity River Corridor Special Purpose District, on the south corner of East R.L. Thornton Freeway (Interstate 35E) and South Riverfront Boulevard
56				6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the southwest line of Farrington Street, northwest of Crampton Street
57				2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an inside commercial amusement use for a live music venue on property within Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Planned Development District, on the north line of Exposition Avenue, south of Commerce Street
58				2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an LI Light Industrial District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an MU-3 Mixed Use District, on the east side of King George Drive, south of Regal Row
59				6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an R-7.5(A) Single Family District, on the south side of Crown Road, east of Newberry Street

**AGENDA DATE**      January 25, 2017

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
60			8	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an RR-D-1 Regional Retail District with D-1 Liquor Control Overlay on the northeast corner of Murdock Road and Elkton Circle, southwest of C.F. Hawn Freeway
61			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 1501 for a private recreation center, club, or area and private elementary school use to include a middle school and a high school and to revise the existing site plan on property zoned an R-7.5(A) Single Family District on the south line of Samuell Boulevard, east of South Buckner Boulevard
62			5	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned a D(A) Duplex District, on the northeast corner of Bruton Road and McKim Drive
63			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southwest corner of Forney Road and North Prairie Creek Road
64			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an MF-1(A) Multifamily District on property zoned an NS(A) Neighborhood Service District, on the south corner of Sam Houston Road and Masters Drive
65			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for LC Light Commercial Subdistrict uses on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the southeast corner of McKinney Avenue and Boll Street
66			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CC Community Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District on the northwest line of Pennsylvania Avenue, southwest of J.B. Jackson Jr. Boulevard
67			8	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for a mixed use development and an ordinance granting the termination of Specific Use Permit No. 1373 for a college, child-care facility, and public or private school on property zoned an R-7.5(A) Single Family District with Specific Use Permit No. 1373 on a portion and a CR Community Retail District generally on the northeast corner of Simpson Stuart Drive and Highland Hills Drive
68			13	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a new Planned Development District for residential uses and a private recreation center, club or area on property zoned Planned Development District No. 41 on the northwest corner of Forest Lane and Inwood Road
69			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new subdistrict on property zoned Subdistricts 1 and 1C within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District at the southwest intersection of Inspiration Drive and North Stemmons Freeway
70			13	PH	PNV	NC	NA	NA	A public hearing to receive comments regarding consideration of a resolution adopting the Northwest Highway and Preston Road Area Plan; this area plan, if adopted, will be used as a planning and implementation guide for future development in the area generally bounded by Meadowbrook Drive on the west, Walnut Hill Lane on the north, Hillcrest Road on the east, and Greenbrier Drive on the south - Financing: No cost consideration to the City
71			1	PH	DEV	NC	NA	NA	A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from a public school, W. H. Adamson High School, as required by Section 6-4 of the Dallas City Code to allow a mixed beverages permit (Chapter 28) for a restaurant without drive-in or drive-through service with a food and beverage certificate [Los Sapos, Inc. dba Las Ranitas] on the west corner of East Jefferson Boulevard and South Crawford Street - AV167-001 - Financing: No cost consideration to the City

**TOTAL            \$62,506,154.09**





## AGENDA ITEM # 2

<b>KEY FOCUS AREA:</b>	E-Gov
<b>AGENDA DATE:</b>	January 25, 2017
<b>COUNCIL DISTRICT(S):</b>	All
<b>DEPARTMENT:</b>	Business Development & Procurement Services Office of Risk Management
<b>CMO:</b>	Elizabeth Reich, 670-7804 Jeanne Chipperfield, 670-5631
<b>MAPSCO:</b>	N/A

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### SUBJECT

Authorize the first of two, one-year renewal options, to the Interlocal Agreement with the Texas Municipal League Intergovernmental Risk Pool for excess workers' compensation insurance through, and subject to, approval by the executive board of Texas Municipal League Intergovernmental Risk Pool effective February 1, 2017 through January 31, 2018 - Not to exceed \$722,500 - Financing: Current Funds (subject to appropriations)

### BACKGROUND

This renewal option will continue to provide excess workers' compensation insurance which will limit the City's financial exposure on employee injury claims. The City purchases excess workers' compensation insurance for compensable claims that exceed an established threshold. The policy will provide benefits such as disability, death, medical, etc. to employees that have suffered an injury or illness during the course and scope of their job.

This renewal option will result in a 37.6 percent increase in the contribution to the pool compared to the contribution awarded on February 10, 2016. The contribution increase has been attributed to the catastrophic occurrence on July 7, 2016 which generated eight workers' compensation claims. The City will pay the first \$1.5 million for each occurrence retention and an additional \$1 million corridor retention.

Texas Municipal League Intergovernmental Risk Pool (TMLIRP) is an interlocal government agency offering excess workers compensation coverage to political subdivisions in accordance with the Texas Workers' Compensation Act. TMLIRP maintains an "A" Stable rating from Standard and Poor's and provides coverage to other political subdivisions such as cities, municipal utility districts, transit authorities, and public utility boards.

## **BACKGROUND (Continued)**

TMLIRP conforms to the requirements of Texas Statutes that are applicable for competitive bids and proposals in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code.

## **PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)**

On January 23, 2013, City Council authorized an Interlocal Agreement with the Texas Municipal League Intergovernmental Risk Pool; and a one-year agreement, with two one-year renewal options, for Excess Workers' Compensation Insurance through, and subject to, approval by the executive board of Texas Municipal League Intergovernmental Risk Pool by Resolution No. 13-0240.

On March 4, 2013, the Budget, Finance, and Audit Committee briefing agenda included an informational memo.

On January 21, 2014, this item was included as a briefing memo to the Budget, Finance, and Audit Committee.

On January 22, 2014, City Council authorized the first of two one-year renewal options with the Texas Municipal League Intergovernmental Risk Pool for Excess Workers' Compensation Insurance effective February 1, 2014 through January 31, 2015, by Resolution No. 14-0246.

On January 5, 2015, the Budget, Finance, and Audit Committee was briefed on the excess workers' compensation coverage and recommended approval of this item at the January 28, 2015 Council meeting.

On January 28, 2015, City Council authorized the second of two one-year renewal options with the Texas Municipal League Intergovernmental Risk Pool for Excess Workers' Compensation Insurance effective February 1, 2015 through January 31, 2016, by Resolution No. 15-0161.

On February 10, 2016, City Council authorized an Interlocal Agreement with the Texas Municipal League Intergovernmental Risk Pool, and a one-year agreement, with two one-year renewal options, for excess workers' compensation insurance through, and subject to, approval by the executive board of Texas Municipal League Intergovernmental Risk Pool by Resolution No. 16-0264.

The Business Development and Procurement Services Department will provide information about this item to Council by memorandum.

**FISCAL INFORMATION**

\$722,500 - Current Funds (subject to appropriations)

**OWNER**

**Texas Municipal League Intergovernmental Risk Pool**

Bennett Sandlin, Executive Director



January 25, 2017

**WHEREAS**, on January 23, 2013, City Council authorized an Interlocal Agreement with the Texas Municipal League Intergovernmental Risk Pool; and a one-year agreement, with two one-year renewal options, for Excess Workers' Compensation Insurance through, and subject to, approval by the executive board of Texas Municipal League Intergovernmental Risk Pool by Resolution No. 13-0240; and,

**WHEREAS**, on January 22, 2014, City Council authorized the first of two one-year renewal options with the Texas Municipal League Intergovernmental Risk Pool for Excess Workers' Compensation Insurance effective February 1, 2014 through January 31, 2015, by Resolution No. 14-0246; and,

**WHEREAS**, on January 28, 2015, City Council authorized the second of two one-year renewal options with the Texas Municipal League Intergovernmental Risk Pool for Excess Workers' Compensation Insurance effective February 1, 2015 through January 31, 2016, by Resolution No. 15-0161; and,

**WHEREAS**, on February 10, 2016, City Council authorized an Interlocal Agreement with the Texas Municipal League Intergovernmental Risk Pool; and a one-year agreement, with two one-year renewal options, for excess workers' compensation insurance through, and subject to, approval by the executive board of Texas Municipal League Intergovernmental Risk Pool by Resolution No. 16-0264;

**NOW, THEREFORE,**

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

**Section 1.** That the City Manager is authorized to execute the first of two, one-year renewal options, to the Interlocal Agreement with the Texas Municipal League Intergovernmental Risk Pool (VS0000075750) for excess workers' compensation insurance through, and subject to, approval by the executive board of Texas Municipal League Intergovernmental Risk Pool effective February 1, 2017 through January 31, 2018, in an amount not to exceed \$722,500.00, upon approval as to form by the City Attorney.

**Section 2.** That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriation in accordance with the agreement between the City of Dallas and Texas Municipal League Intergovernmental Risk Pool in an amount not to exceed \$722,500.00 (subject to appropriations):

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJECT</u>	<u>ENCUMBRANCE</u>
0189	ORM	3801	3310	ORM3801WCFY17

January 25, 2017

**Section 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**KEY FOCUS AREA:** E-Gov

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Business Development & Procurement Services  
Office of Financial Services  
City Auditor

**CMO:** Elizabeth Reich, 670-7804  
Craig Kinton, 939-2520

**MAPSCO:** N/A

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**SUBJECT**

Authorize the first of three, two-year renewal options, to the professional services contract with MuniServices, LLC for franchise fee compliance and recovery services - Estimated Total Net Revenue: \$2,067,389

**BACKGROUND**

This professional services contract will continue to provide the City with franchise fees compliance review and recovery services for electric, natural gas, cable/video service, and/or certificated telephone providers. This contract will also continue to allow the contractor to conduct review and recovery services to assist the City with the detection, documentation, and correction of errors and omissions related to franchise fees for electric, natural gas, cable/video service, and/or certificated telephone providers.

The City will pay the contractor a 25 percent contingency fee based on the revenue received from the correction of detected and documented franchisee reporting errors; contingency fees are a result of the contractor's work and apply to all franchise fees, penalties, and interest actually collected from the maximum examination period allowable from the franchisee.

The contingency fee also applies, for a period of 24 months, to revenues received after the contract period for deficiencies identified by the contractor during the contract period. The City will not pay any fee to the contractor until monies recovered for the City have been received from the franchisees.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On February 26, 2014, the City Council authorized a three-year professional services contract, with three two-year renewal options, for franchise fee compliance and recovery services by Resolution No. 14-0365.

The Business Development and Procurement Services Department will provide information about this item to Council by memorandum.

**FISCAL INFORMATION**

\$2,067,388.50 - Estimated Total Net Revenue

**ETHNIC COMPOSITION**

MuniServices, LLC

White Male	4	White Female	7
Black Male	0	Black Female	3
Hispanic Male	0	Hispanic Female	4
Other Male	0	Other Female	0

**OWNER**

**MuniServices, LLC**

Steve Roberts, President  
Lisa Broussard, Vice President

January 25, 2017

**WHEREAS**, on February 26, 2014, the City Council authorized a three-year professional services contract, with three two-year renewal options, for franchise fee compliance and recovery services by Resolution No. 14-0365;

**NOW, THEREFORE,**

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

**Section 1.** The City Manager is hereby authorized to execute the first of three, two-year renewal options, to the professional services contract with MuniServices, LLC (VS0000054917) for franchise fee compliance and recovery services, for an estimated total net revenue of \$2,067,388.50, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to MuniServices, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by MuniServices, LLC under the contract.

**Section 2.** That the Chief Financial Officer is hereby authorized to receive and deposit all revenues received from the franchisees as follows:

<u>Fund</u>	<u>Dept.</u>	<u>Unit</u>	<u>Revenue Source</u>
0001	BMS	1246	8203
0001	BMS	1246	8205
0001	BMS	1246	8207
0001	BMS	1246	8220
0001	BMS	1246	8222
0001	BMS	1246	8223
0560	BMS	6395	8476
0001	BMS	1246	8204
0001	BMS	1246	8208
0001	BMS	1246	8214

**Section 3.** That the City will pay the contractor a 25% contingency fee based on the franchise fee revenue received from the correction of detected and documented franchisee reporting errors. That the Chief Financial Officer is hereby authorized to disburse fees from the following appropriation:

<u>Fund</u>	<u>Dept.</u>	<u>Unit</u>	<u>Object code</u>
0001	BMS	1991	3099

**Section 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



**AGENDA ITEM # 4**

**KEY FOCUS AREA:** E-Gov

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Business Development & Procurement Services  
Communication and Information Services  
Equipment & Building Services  
Trinity Watershed Management  
Water Utilities

**CMO:** Elizabeth Reich, 670-7804  
Mark McDaniel, 670-3256  
Jill A. Jordan, P.E., 670-5299

**MAPSCO:** N/A

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**SUBJECT**

Authorize a three-year contract for program management services to assist with the implementation of a work order and asset management system - Brio Services, LLC dba Brio Consulting, LLC, most advantageous proposer of five - Not to exceed \$4,367,999 - Financing: Current Funds (\$463,611) and Water Utilities Capital Construction Funds (\$3,904,388)

**BACKGROUND**

This contract will provide program management services to assist with a phased implementation of the City's work order and asset management system. The system includes the City's standardized work order and asset management platform with interfaces to the City's multiple information systems for use by Water Utilities (DWU), Equipment and Building Services (EBS), Trinity Watershed Management (TWM), and other City departments.

It is anticipated that a future technology item will be proposed for City Council consideration that includes enterprise licensing and hosting for the buildout of the Citywide standard work order and asset management system for DWU, EBS, TWM and other City departments.

## **BACKGROUND (Continued)**

The consultant's services will:

- Assist the City with the implementation of a Program Management Center model to ensure sustainability and continuous improvement of the asset and work order management system. The objective of the Program Management Center will be to reduce redundancy by leveraging skills and solutions across departmental groups, contain support costs by limiting variations across departments, and provide consistency via standards, methods and processes.
- Assist the City in analyzing existing work order processes and configure the software platform with a standard set of work order business rules so each department can execute work consistently, track the cost of service levels, and improve the ability to measure work efficiency.
- Assist the City in analyzing existing asset information to develop and configure the new software platform with a standard organization and classification of asset data for systematic analysis of work, costs, and assets. This standardization will allow the City to enhance asset management strategies including the prioritization of maintenance, rehabilitation, and replacement decisions.
- Assist the City in analyzing existing materials management processes and configure the software platform with a standard set of materials management business rules. This will improve supply chain processes to ensure the availability of equipment and parts at the time of planned service to minimize downtime.
- Assist the City in developing technical configuration of the software platform with interfaces to multiple City information systems to reduce the burden and long-term costs associated with duplication of data and efforts related to maintaining accurate data in multiple locations.

A seven member committee from the following departments reviewed and evaluated the proposals:

- Equipment and Building Services (1)
- Water Utilities (1)
- Communication and Information Services (1)
- Trinity Watershed Management (1)
- Park and Recreation (1)
- Business Development and Procurement Services (2)\*

\*Business Development and Procurement Services only evaluated the Business Inclusion and Development Plan and cost.

**BACKGROUND (Continued)**

The committee selected the successful respondent on the basis of demonstrated competence and qualifications under the following criteria:

- Cost 30%
- Capability and expertise 30%
- Technical match 25%
- Business Inclusion and Development Plan 15%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,281 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

The recommended vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Council will be briefed by memorandum regarding this item.

**FISCAL INFORMATION**

\$ 463,611.00 - Current Funds  
\$3,904,388.00 - Water Utilities Capital Construction Funds

**M/WBE INFORMATION**

237 - Vendors contacted  
237 - No response  
0 - Response (Bid)  
0 - Response (No bid)  
0 - Successful

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

## **ETHNIC COMPOSITION**

### **Brio Services, LLC dba Brio Consulting, LLC**

White Male	1	White Female	1
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

## **PROPOSAL INFORMATION**

Business Development and Procurement Services received the following proposals from solicitation number BUZ1612. We opened them on February 26, 2016. We recommend the City Council award this consultant contract in its entirety to the most advantageous proposer.

\*Denotes successful proposer

<b><u>Proposers</u></b>	<b><u>Address</u></b>	<b><u>Score</u></b>	<b><u>Amount</u></b>
*Brio Services, LLC dba Brio Consulting, LLC	2816 Legacy Point Dr. Arlington, TX 77006	75%	\$ 4,367,999.00
Jacobs Engineering Group, Inc.	1999 Bryan St. Suite 1200 Dallas, TX 75201	73%	\$ 2,049,900.00
Ernst & Young LLP	2323 Victory Ave. Suite 2000 Dallas, TX 75219	68%	\$ 3,937,000.00
Aquitas Solutions, Inc.	300 Colonial Center Suite 100 Roswell, GA 30076	48%	\$ 3,233,020.00
Alvarez & Marsal Business Consulting, LLC	2100 Ross Ave. 21 <sup>st</sup> Floor Dallas, TX 75201	43%	\$11,000,000.00

**OWNER**

**Brio Services, LLC dba Brio Consulting, LLC**

Nancy B. Lerner, Chief Executive Officer

Mark G. Wehmeyer, President

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize a three-year contract for program management services to assist with the implementation of a work order and asset management system - Brio Services, LLC dba Brio Consulting, LLC, most advantageous proposer of five - Not to exceed \$4,367,999 - Financing: Current Funds (\$463,611) and Water Utilities Capital Construction Funds (\$3,904,388)

Brio Services, LLC dba Brio Consulting, LLC is a non-local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

**PROJECT CATEGORY:** Other Services

### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$4,367,999.00	100.00%
<b>TOTAL CONTRACT</b>	<b>\$4,367,999.00</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

None

#### Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Brio Consulting Services	WFWB0084N0618	\$3,327,134.00	76.17%
IHCS, Inc dba Maven Asset Management, Inc	WFWBC259680417	\$975,177.00	22.33%
Kaleido Venture, Inc	WFWBC287550417	\$65,688.00	1.50%
<b>Total Minority - Non-local</b>		<b>\$4,367,999.00</b>	<b>100.00%</b>

### TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$4,367,999.00	100.00%
<b>Total</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$4,367,999.00</b>	<b>100.00%</b>

January 25, 2017

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

**Section 1.** That the City Manager is authorized to execute a contract with Brio Services, LLC dba Brio Consulting, LLC (VS0000079707) for program management services to assist with the implementation of a work order and asset management system for a term of three years in an amount not to exceed \$4,367,999.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Brio Services, LLC dba Brio Consulting, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Brio Services, LLC dba Brio Consulting, LLC under the contract.

**Section 2.** That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriations in an amount not to exceed \$4,367,999.00:

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Object</u>	<u>Encumbrance</u>	<u>Amount</u>
0198	DSV	1665	3070	CTDSV17EWAMSPS	\$ 463,611.00
0102	DWU	CW60	4114	CTDWU7A1334EN	\$1,952,194.00
0103	DWU	CS60	4114	CTDWU7A1335EN	\$1,952,194.00

**Section 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



**KEY FOCUS AREA:** E-Gov

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Business Development & Procurement Services  
Water Utilities

**CMO:** Elizabeth Reich, 670-7804  
Mark McDaniel, 670-3256

**MAPSCO:** N/A

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**SUBJECT**

Authorize a three-year service contract for bi-annual preventive maintenance services and evaluation for teardown and repair services for variable frequency drives and soft starters - Shermco Industries, Inc. in the amount of \$3,024,658 and Evans Enterprises, Inc. in the amount of \$105,955, most advantageous proposers of two - Total not to exceed \$3,130,613 - Financing: Water Utilities Current Funds (subject to annual appropriations)

**BACKGROUND**

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis.

This service contract will provide bi-annual preventive maintenance services and evaluation for teardown and repair services for variable frequency drives, and soft starters operating within the City's water and wastewater treatment systems. Maintenance and repair is required to ensure the drives and starters perform at peak levels when needed. This contract will service variable frequency drives of various types ranging in size from 25HP to 1,000HP, and soft starters, from 100HP to 2,000HP, for their perspective motor that operates various devices or pumps.

A six member committee from the following departments reviewed and evaluated the proposals:

- Water Utilities (2)
- Trinity Watershed Management (1)
- Equipment and Building Services (1)
- Business Development and Procurement Services (2)\*

\*Business Development and Procurement Services only evaluated the Business Inclusion and Development Plan and cost.

**BACKGROUND (Continued)**

The committee selected the successful respondent on the basis of demonstrated competence and qualifications under the following criteria:

- Cost 30 points
- Experience 25 points
- Business Inclusion and Development Plan 15 points
- Approach 15 points
- Functional Match 15 points

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,005 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

The recommended vendors meet the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

The Business Development and Procurement Services Department will provide information about this item to Council by memorandum.

**FISCAL INFORMATION**

\$3,130,613.00 - Water Utilities Currents Funds (subject to annual appropriations)

**M/WBE INFORMATION**

- 154 - Vendors contacted
- 154 - No response
  - 0 - Response (Bid)
  - 0 - Response (No bid)
  - 0 - Successful

The recommended awardees have fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

## **ETHNIC COMPOSITION**

### **Shermco Industries, Inc.**

White Male	385	White Female	44
Black Male	20	Black Female	5
Hispanic Male	46	Hispanic Female	5
Other Male	15	Other Female	0

### **Evans Enterprises, Inc.**

White Male	35	White Female	4
Black Male	2	Black Female	0
Hispanic Male	13	Hispanic Female	2
Other Male	0	Other Female	0

## **PROPOSAL INFORMATION**

Business Development and Procurement Services received the following proposals from solicitation number BMZ1619. We opened them on August 19, 2016. We recommend the City Council award this service contract by group to the most advantageous proposers. Information related to this solicitation is available upon request.

\*Denotes successful proposers

<b><u>Proposers</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Shermco Industries, Inc.	2425 E. Pioneer Dr. Irving, TX 75061	Multiple Groups
*Evans Enterprises, Inc.	201 S. Industrial Dr. Waco, TX 76710	Multiple Groups

## **OWNERS**

### **Shermco Industries, Inc.**

Pat Biesert, President  
Steve Camber, Vice President  
Thad Brown, Secretary  
Paul Idziak, Treasurer

**OWNERS (Continued)**

**Evans Enterprises, Inc.**

Rusty Thrash, President  
Evan Thrash, Vice President  
David Woodman, Secretary

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize a three-year service contract for bi-annual preventive maintenance services and evaluation for teardown and repair services for variable frequency drives and soft starters - Shermco Industries, Inc. in the amount of \$3,024,658 and Evans Enterprises, Inc. in the amount of \$105,955, most advantageous proposers of two - Total not to exceed \$3,130,613 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Shermco Industries, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. Evans Enterprises, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

**PROJECT CATEGORY:** Other Services

### **LOCAL/NON-LOCAL CONTRACT SUMMARY**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$3,024,658.00	96.62%
Total non-local contracts	\$105,955.00	3.38%
<b>TOTAL CONTRACT</b>	<b>\$3,130,613.00</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL M/WBE PARTICIPATION**

#### **Local Contractors / Sub-Contractors**

None

#### **Non-Local Contractors / Sub-Contractors**

None

### **TOTAL M/WBE CONTRACT PARTICIPATION**

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

January 25, 2017

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

**Section 1.** That the City Manager is authorized to execute a service contract with Shermco Industries, Inc. (VS0000057130) in the amount of \$3,024,658.00 and Evans Enterprises, Inc. (517530) in the amount of \$105,955.00 for bi-annual preventive maintenance services and evaluation for teardown and repair services for variable frequency drives and soft starters for a term of three years in an amount not to exceed \$3,130,613.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Shermco Industries, Inc. and Evans Enterprises, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Shermco Industries, Inc. and Evans Enterprises, Inc., under the contract.

**Section 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$3,130,613.00 (subject to annual appropriations) from Service Contract number BMZ1619.

**Section 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**KEY FOCUS AREA:** E-Gov

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Business Development & Procurement Services  
Communication and Information Services  
Fire

**CMO:** Elizabeth Reich, 670-7804  
Mark McDaniel, 670-3256  
Eric Campbell, 670-3255

**MAPSCO:** N/A

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**SUBJECT**

Authorize **(1)** an acquisition contract for the purchase and implementation of a fire inspection system in the amount of \$210,490; and **(2)** a five-year service contract for hosting, maintenance, and support for a fire inspection system in the amount of \$1,017,405 - Xerox Government Systems LLC, most advantageous proposer of three - Total not to exceed \$1,227,895 - Financing: Current Funds (subject to annual appropriations)

**BACKGROUND**

These contracts will allow for the purchase, implementation, hosting, maintenance, and support of a fire inspection system for Fire-Rescue (DFR). This system will provide statistical reporting and give instant access to tactical information related to an occupancy or location, when responding to incidents. The system will provide information, including: hazardous materials storage list, hydrant proximity, and permit information. Current, accurate, and easily accessible information is vital to field personnel when dispatched to an incident.

The DFR Fire Inspection Team has historically had to navigate through multiple systems during day-to-day activities to enter information while conducting fire inspections. Currently, DFR utilizes five City applications to monitor, update, and perform daily fire inspection tasks. These applications include:

- POSSE
- Firebase
- SAP Pay1
- AMS Advantage System
- Citizen Request Management System

**BACKGROUND (Continued)**

With the implementation of the new fire inspection system, DFR will be able to input, maintain, and track all information utilizing a single system. This single-system will provide efficient interface with necessary City applications, which will eliminate the duplication of data entry into multiple systems. Additionally, the new system offers inspection scheduling, occupancy management, personnel training, and DFR personnel certification tracking.

A seven member committee from the following departments reviewed and evaluated the proposals:

- Communication and Information Services (2)
- Fire-Rescue (2)
- Office of Emergency Management (1)
- Business Development and Procurement Services (2)\*

\*Business Development and Procurement Services only evaluated the Business Inclusion and Development Plan and cost.

The committee selected the successful respondent on the basis of demonstrated competence and qualifications under the following criteria:

- Cost 35%
- Functional match 20%
- Technical match 15%
- Business Inclusion and Development Plan 15%
- Capability and expertise 15%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 2,185 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

The recommended vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Public Safety Committee on January 23, 2017.

**FISCAL INFORMATION**

\$1,227,895.00 - Current Funds (subject to annual appropriations)

**M/WBE INFORMATION**

- 451 - Vendors contacted
- 451 - No response
  - 0 - Response (Bid)
  - 0 - Response (No bid)
  - 0 - Successful

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826, as amended.

**ETHNIC COMPOSITION**

Xerox Government Systems LLC

White Male	77	White Female	47
Black Male	1	Black Female	3
Hispanic Male	6	Hispanic Female	4
Other Male	7	Other Female	4

**PROPOSAL INFORMATION**

Business Development and Procurement Services received the following proposals from solicitation number BUZ1615. We opened them on June 24, 2016. We recommend the City Council award these contracts in its entirety to the most advantageous proposer.

\*Denotes successful proposer

<b><u>Proposers</u></b>	<b><u>Address</u></b>	<b><u>Score</u></b>	<b><u>Amount</u></b>
*Xerox Government Systems LLC	2900 100 <sup>th</sup> St. # 309 Urbandale, IA 50322	77%	\$1,227,895.00

**PROPOSAL INFORMATION (Continued)**

<b><u>Proposers</u></b>	<b><u>Address</u></b>	<b><u>Score</u></b>	<b><u>Amount</u></b>
WestNet Information System dba One Step Systems USA	5-531 Stanford Ave. Parksville, BC V9P 2H2	57%	\$ 831,148.00
Groeware Enterprise Technologies, Inc.	90 Eglinton Ave. Suite 411 Toronto, ON M4P 2Y3	49%	\$1,547,580.00

**OWNER**

**Xerox Government Systems LLC**

Lou Schiavone, Vice President

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize **(1)** an acquisition contract for the purchase and implementation of a fire inspection system in the amount of \$210,490; and **(2)** a five-year service contract for hosting, maintenance, and support for a fire inspection system in the amount of \$1,017,405 - Xerox Government Systems LLC, most advantageous proposer of three - Total not to exceed \$1,227,895 - Financing: Current Funds (subject to annual appropriations)

Xerox Government Systems LLC is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

**PROJECT CATEGORY:** Other Services

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### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$1,227,895.00	100.00%
<b>TOTAL CONTRACT</b>	<b>\$1,227,895.00</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

None

#### Non-Local Contractors / Sub-Contractors

None

### TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$0.00</u>	<u>0.00%</u>	<u>\$0.00</u>	<u>0.00%</u>

January 25, 2017

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

**Section 1.** That the City Manager is authorized to execute (1) an acquisition contract for the purchase and implementation of a fire inspection system in the amount of \$210,490.00; and (2) a five-year service contract for hosting, maintenance, and support for a fire inspection system in the amount of \$1,017,405.00, with Xerox Government Systems LLC (VS93333) in a total amount not to exceed \$1,227,895.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Xerox Government Systems LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Xerox Government Systems LLC under the contract.

**Section 2.** That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriations in an amount not to exceed \$210,490.00:

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Object</u>	<u>Encumbrance</u>	<u>Amount</u>
0897	DSV	3719	2735	MASCDSV21FIREINS	\$136,570.00
0897	DSV	3719	3070	MASCDSV21FIREINS	\$ 73,920.00

**Section 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,017,405.00 (subject to annual appropriations) from Service Contract number MASCDSV21FIREINS.

**Section 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

## AGENDA ITEM # 7

**KEY FOCUS AREA:** E-Gov

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Business Development & Procurement Services  
Library

**CMO:** Elizabeth Reich, 670-7804  
Joey Zapata, 670-1204

**MAPSCO:** N/A

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### SUBJECT

Authorize **(1)** a five-year acquisition contract to purchase and host a reader advisory online service for the existing Integrated Library System - EBSCO Industries, Inc. in the amount of \$193,923; and **(2)** a five-year acquisition contract to purchase and host a calendar/meeting room reservations system for the existing Integrated Library System - Library Solutions, LLC dba Library Market in the amount of \$75,000, most advantageous proposers of two - Total not to exceed \$268,923 - Financing: Current Funds (subject to annual appropriations)

### BACKGROUND

These acquisition contracts will provide the City with enhanced services to the existing Integrated Library System (ILS) which will enable the City to receive reader advisory online services and a calendar/meeting room reservation system through seamless integration with the library system. The reader advisory services will enhance the customer's catalog experience by providing book reviews and helping find their next favorite book through online read-alike recommendations.

The calendar service provides customers with up-to-date information about upcoming events with the ability to print or send themselves a reminder. If customers or staff need to reserve a meeting room at the library, the meeting room service streamlines the process by allowing staff to virtually manage library spaces avoiding manual entries or double-bookings.

**BACKGROUND (Continued)**

The Dallas Public Library has 29 service points, including the Central Library, 27 branches, and Bookmarks@NorthPark Center. The Library has approximately 600,000 registered users that checked out over 10.5 million books and other library materials in FY 2015-2016.

A seven member committee from the following departments reviewed and evaluated the proposals:

- Library (2)
- Mobility and Street Services (1)
- Communication and Information Services (1)
- Office of Cultural Affairs (1)
- Business Development and Procurement Services (2)\*

\*Business Development and Procurement Services only evaluated the Business Inclusion and Development Plan and cost.

The committee selected the successful respondent on the basis of demonstrated competence and qualifications under the following criteria:

- Cost 30%
- Capability and expertise 20%
- Technical match 20%
- Functional match 15%
- Business Inclusion and Development Plan 15%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,480 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

The recommended vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On January 25, 2012, City Council authorized a five-year service contract with Gaylord Information Systems, Inc. dba Polaris Library Systems for maintenance and support of the Polaris Integrated Library Systems by Resolution No. 12-0340.

On April 25, 2012, City Council authorized a five-year service contract for enhanced service to the existing Integrated Library System with Gaylord Information Systems, Inc. dba Polaris Library Systems and a five-year contract to purchase and host a calendar/meeting room reservations/summer reading program manager software system for the existing Integrated Library System with Evanced Solutions, LLC by Resolution No. 12-1175.

Council will be briefed by memorandum regarding this item.

**FISCAL INFORMATION**

\$268,922.03 - Current Funds (subject to annual appropriations)

**M/WBE INFORMATION**

- 185 - Vendors contacted
- 185 - No response
  - 0 - Response (Bid)
  - 0 - Response (No bid)
  - 0 - Successful

The recommended awardees have fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

**ETHNIC COMPOSITION**

**EBSCO Industries, Inc.**

White Male	878	White Female	1,069
Black Male	19	Black Female	68
Hispanic Male	21	Hispanic Female	23
Other Male	94	Other Female	64

**ETHNIC COMPOSITION (Continued)**

**Library Solutions, LLC dba Library Market**

White Male	6	White Female	6
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

**PROPOSAL INFORMATION**

Business Development and Procurement Services received the following proposals from solicitation number BUZ1616. We opened them on August 5, 2016. We recommend the City Council award these acquisition contracts to the most advantageous proposers by group.

\*Denotes successful proposers

<b><u>Proposers</u></b>	<b><u>Address</u></b>	<b><u>Score</u></b>	<b><u>Amount</u></b>
*EBSCO Industries, Inc.	10 Estes St. Ipswich, MA 01938	Group 1 - 85% Group 2	\$193,922.03 No Bid
*Library Solutions, LLC dba Library Market	218 Union St. Jonesboro, AR 72401	Group 1 Group 2 - 78%	No Bid \$ 75,000.00

**OWNERS**

**EBSCO Industries, Inc.**

Tim Collins, President  
David J. Walker, Vice President

**Library Solutions, LLC dba Library Market**

Benjamen A. Bizzle, President  
Steven Trotter, Vice President

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize (1) a five-year acquisition contract to purchase and host a reader advisory online service for the existing Integrated Library System - EBSCO Industries, Inc. in the amount of \$193,923; and (2) a five-year acquisition contract to purchase and host a calendar/meeting room reservations system for the existing Integrated Library System - Library Solutions, LLC dba Library Market in the amount of \$75,000, most advantageous proposers of two - Total not to exceed \$268,923 - Financing: Current Funds (subject to annual appropriations)

EBSCO Industries, Inc. and Library Solutions, LLC dba Library Market are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces.

**PROJECT CATEGORY:** Other Services

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### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$268,922.03	100.00%
<b>TOTAL CONTRACT</b>	<u>\$268,922.03</u>	<u>100.00%</u>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

None

#### Non-Local Contractors / Sub-Contractors

None

### TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$0.00</u>	<u>0.00%</u>	<u>\$0.00</u>	<u>0.00%</u>

January 25, 2017

**WHEREAS**, on January 25, 2012, City Council authorized a five-year service contract with Gaylord Information Systems, Inc. dba Polaris Library Systems for maintenance and support of the Polaris Integrated Library Systems by Resolution No. 12-0340; and,

**WHEREAS**, on April 25, 2012, City Council authorized a five-year service contract for enhanced service to the existing Integrated Library System with Gaylord Information Systems, Inc. dba Polaris Library Systems and a five-year contract to purchase and host a calendar/meeting room reservations/summer reading program manager software system for the existing Integrated Library System with Evanced Solutions, LLC by Resolution No. 12-1175;

**NOW, THEREFORE,**

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

**Section 1.** That the City Manager is authorized to execute (1) a five-year acquisition contract with EBSCO Industries, Inc. (077473) to purchase and host a reader advisory online service for the existing Integrated Library Systems in the amount of \$193,922.03; and (2) a five-year acquisition contract with Library Solutions, LLC dba Library Market (VC16333) to purchase and host a calendar/meeting room reservations system for the existing Integrated Library System in the amount of \$75,000.00, in a total amount not to exceed \$268,922.03, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to EBSCO Industries, Inc. and Library Solutions, LLC dba Library Market shall be based only on the amount of the services directed to be performed by the City and properly performed by EBSCO Industries, Inc. and Library Solutions, LLC dba Library Market under the contract.

**Section 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$268,922.03 (subject to annual appropriations) from Service Contract number MASC-LIB17/21-EBS+LIBSOL.

**Section 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**KEY FOCUS AREA:** E-Gov

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Business Development & Procurement Services  
Communication and Information Services

**CMO:** Elizabeth Reich, 670-7804  
Mark McDaniel, 670-3256

**MAPSCO:** N/A

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**SUBJECT**

Authorize a two-year subscription and maintenance contract for Adobe enterprise licenses - Adobe distributed by Carahsoft Technology Corp. and sold through SHI Government Solutions, Inc., through the Department of Information Resources - Not to exceed \$671,096 - Financing: Current Funds (subject to annual appropriations)

**BACKGROUND**

This contract will provide subscription and maintenance for the Adobe products utilized by the City. The agreement will ensure departments are able to utilize Adobe products to conduct daily work duties. Additionally, this agreement will allow for 24x7 technical support when experiencing issues with Adobe products. Adobe is a critical software tool used by departments to view, create, manipulate, print, and manage files in Portable Document Format (PDF).

The Adobe products are essential to performing daily duties throughout the cities departments such as:

- Create City news releases
- Develop and design City websites
- Redaction of sensitive information from documents

The Department of Information Resources conforms to the requirements of Texas Statutes that are applicable for competitive bids and proposals, in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code. In addition, the Department of Information Resources receives bids from manufacturers and dealers throughout the United States.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Council will be briefed by memorandum regarding this item.

**FISCAL INFORMATION**

\$671,096.00 - Current Funds (subject to annual appropriations)

**ETHNIC COMPOSITION**

SHI Government Solutions, Inc.

White Male	22	White Female	2
Black Male	1	Black Female	0
Hispanic Male	10	Hispanic Female	0
Other Male	1	Other Female	1

**OWNER**

**SHI Government Solutions, Inc.**

Thai Lee, President  
KoGuan Leo, Vice President

January 25, 2017

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

**Section 1.** That the City Manager is authorized to execute a subscription and maintenance contract with Adobe distributed by Carahsoft Technology Corp. and sold through SHI Government Solutions, Inc. (502145) through the Department of Information Resources for Adobe enterprise licenses for a term of two years in an amount not to exceed \$671,096.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to SHI Government Solutions, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by SHI Government Solutions, Inc. under the contract.

**Section 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$671,096.00 (subject to annual appropriations) from Service Contract number MASCDV18ADOBETLA.

**Section 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



**AGENDA ITEM # 9**

**KEY FOCUS AREA:** E-Gov

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Business Development & Procurement Services  
Equipment & Building Services  
Aviation  
Sanitation Services  
Water Utilities

**CMO:** Elizabeth Reich, 670-7804  
Jill A. Jordan, P.E., 670-5299  
Mark McDaniel, 670-3256  
Joey Zapata, 670-3009

**MAPSCO:** N/A

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**SUBJECT**

Authorize a one-year master agreement for the purchase of **(1)** 85 pieces of fleet equipment - Chastang Ford in the amount of \$5,747,210, Holt Texas, Ltd. in the amount of \$3,004,194, BTE Body Co., Inc. in the amount of \$1,623,647, Austin Truck and Equipment dba Freightliner of Austin in the amount of \$1,173,754, Southwest International Trucks, Inc. in the amount of \$705,197, RDO Equipment Co. in the amount of \$385,605, Sam Pack's Five Star Ford in the amount of \$99,064, and Landmark Equipment in the amount of \$17,436 through the Texas Association of School Boards (BuyBoard); **(2)** 157 fleet vehicles and equipment - Sam Pack's Five Star Ford in the amount of \$4,868,401 through the Texas Smart Buy; **(3)** 107 fleet vehicles - Freedom Chevrolet in the amount of \$3,289,989 through the Dallas County Interlocal Agreement; and **(4)** 2 pieces of fleet equipment - Wausau Equipment Company, Inc. in the amount of \$371,411 through the National Joint Powers Alliance - Total not to exceed \$21,285,908 - Financing: Current Funds (\$3,507,856), Municipal Lease Agreement Funds (\$11,697,076), Sanitation Current Funds (\$3,661,167) Water Utilities Current Funds (\$1,801,896), Aviation Current Funds (\$562,998), and Building Inspection Current Funds (\$54,915)

**BACKGROUND**

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis.

## **BACKGROUND (Continued)**

This master agreement will allow for the purchase of a total of 351 fleet vehicles and equipment. Twenty-seven of these vehicles are SmartWay compliant vehicles. SmartWay is the Environmental Protection Agency Program for improving fuel efficiency and reducing greenhouse gases and air pollution. Various City departments will use vehicles and equipment for service delivery. Below is a list of the units:

- 1 sack mixer – 3 (DWU – 2, STS – 1)
- 20 cubic yard automated refuse trucks – 10 (SAN)
- 20 cubic yard rear loader refuse trucks – 4 (SAN)
- 30 cubic yard automated refuse trucks – 10 (SAN)
- 3-4 cubic yard dump truck – 1 (STS)
- Bulldozer – 1 (SAN)
- Cat 836k compactor – 2 (SAN)
- Dead animal truck – 2 (SAN)
- Sport utility vehicles – 2 (DFD – 1, DWU – 1)
- Pickups – 81 (AVI 3, CCS 28, CCT 1, DEV 2, DWU 14, EBS 2, MGT 3, PBW 4, PKR 5, SAN 9, STS 10)
- Utility trucks – 15 (DWU 9, PKR 2, STS 4)
- Sedans – 42 (AVI 1, CCS 6, DPD 34, POM 1)
- Front loader – 1 (SAN)
- Marked squad cars – 104 (DPD)
- Tactical sport utility vehicle – 3 (DPD)
- Trailers – 37 (DWU 16, SAN 13, STS 8)
- Vans – 13 (AVI 2, DWU 2, EBS 3, LIB 1, STS 5)
- Medium/heavy trucks – 18 (DWU 3, PKR 1, SAN 10, STS 4)
- Deicing equipment – 2 (AVI)

Through this master agreement the City will be replacing 297 vehicles. The City conducts an evaluation on vehicles and equipment using established criteria before replacement occurs. This evaluation includes life-to-date maintenance cost, recommended replacement mileage, and recommended replacement life. Additionally, the City will be adding 54 fleet vehicles, through this master agreement.

A master agreement process gives the City the flexibility to acquire equipment as funding becomes available or as needs arise. Procuring vehicles through a master agreement process also affords the City the opportunity to lock in favorable pricing throughout the end of the model year thus becoming the preferred method of vehicle acquisition.

## **BACKGROUND (Continued)**

The Texas Association of School Boards (BuyBoard), Texas SmartBuy, Dallas County Interlocal Agreement, and National Joint Powers Alliance (NJPA) conform to the requirements of Texas Statutes that are applicable for competitive bids and proposals, in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code. In addition, BuyBoard, Texas SmartBuy, Dallas County Interlocal Agreement, and NJPA receive bids from manufacturers and dealers throughout the United States.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On September 12, 2012, City Council authorized a one-year master agreement for the purchase of squad cars for Police by Resolution No. 12-2229.

On June 12, 2013, City Council authorized a one-year master agreement for the purchase of two hundred seventy-two pieces of fleet and equipment; a one-year master agreement for the purchase of eight pieces of fleet equipment; and a one-year master agreement for the purchase of four pieces of fleet equipment by Resolution No. 13-0936.

On December 11, 2013, City Council authorized a one-year master agreement for the purchase of two-hundred ten fleet vehicles and equipment; thirty-eight fleet vehicles and equipment; and eighty-eight fleet vehicles and equipment by Resolution No. 13-2055.

On October 22, 2014, City Council authorized the purchase of 137 squad cars for Police by Resolution No. 14-1781.

On March 25, 2015, City Council authorized a one-year master agreement for the purchase of eighty seven fleet vehicles and equipment; twenty fleet vehicles and equipment; and one-hundred nine fleet vehicles and equipment by Resolution No. 15-0478.

On June 17, 2015, City Council authorized the purchase of 105 squad cars for Police by Resolution No. 15-1231.

On December 9, 2015, City Council authorized a one-year master agreement for the purchase of one hundred fleet vehicles and equipment; one hundred eighty-one fleet vehicles; eighty-three Police fleet and equipment; and twenty-one fleet vehicles by Resolution No. 15-2199.

On May 11, 2016, City Council authorized the purchase of eleven pieces of fleet vehicles and equipment; four pieces of fleet vehicles; two pieces of fleet equipment; and two fleet vehicles by Resolution No. 16-0717.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)**

On June 22, 2016, City Council authorized the purchase of twenty three pieces of fleet vehicles and equipment; one piece of fleet equipment; and one piece of equipment by Resolution No. 16-1053.

On September 28, 2016, City Council authorized the purchase of four fleet vehicles for Fire-Rescue by Resolution No. 16-1551.

The Business Development and Procurement Department will provide information about this item to Council by memorandum.

**FISCAL INFORMATION**

- \$ 3,507,856.00 - Current Funds
- \$11,697,076.34 - Municipal Lease Agreement Funds
- \$ 1,801,896.16 - Water Utilities Current Funds
- \$ 3,661,166.86 - Sanitation Current Funds
- \$ 562,997.58 - Aviation Current Funds
- \$ 54,915.00 - Building Inspection Current Funds

**ETHNIC COMPOSITION**

Chastang Ford

White Male	30	White Female	7
Black Male	7	Black Female	0
Hispanic Male	21	Hispanic Female	5
Other Male	0	Other Female	0

Holt Texas, Ltd.

White Male	189	White Female	24
Black Male	31	Black Female	3
Hispanic Male	53	Hispanic Female	9
Other Male	15	Other Female	2

BTE Body Co., Inc.

White Male	12	White Female	1
Black Male	2	Black Female	0
Hispanic Male	10	Hispanic Female	2
Other Male	0	Other Female	0

**ETHNIC COMPOSITION (Continued)**

Austin Truck and Equipment dba Freightliner of Austin

White Male	39	White Female	5
Black Male	2	Black Female	0
Hispanic Male	10	Hispanic Female	2
Other Male	0	Other Female	0

Southwest International Trucks, Inc.

White Male	228	White Female	34
Black Male	20	Black Female	1
Hispanic Male	81	Hispanic Female	10
Other Male	4	Other Female	0

RDO Equipment Co.

White Male	38	White Female	4
Black Male	3	Black Female	0
Hispanic Male	8	Hispanic Female	0
Other Male	0	Other Female	0

Sam Pack's Five Star Ford

White Male	99	White Female	18
Black Male	22	Black Female	1
Hispanic Male	85	Hispanic Female	7
Other Male	3	Other Female	1

Landmark Equipment

White Male	42	White Female	8
Black Male	4	Black Female	1
Hispanic Male	7	Hispanic Female	0
Other Male	0	Other Female	0

Freedom Chevrolet

White Male	10	White Female	5
Black Male	1	Black Female	3
Hispanic Male	4	Hispanic Female	2
Other Male	0	Other Female	0

**ETHNIC COMPOSITION (Continued)**

Wausau Equipment Company, Inc.

White Male	74	White Female	9
Black Male	5	Black Female	0
Hispanic Male	7	Hispanic Female	0
Other Male	1	Other Female	0

**OWNERS**

**Chastang Ford**

Joseph Chastang, President  
Patrick Chastang, Vice President  
Steve Bobo, Secretary

**Holt Texas, Ltd.**

Allyn L. Archer, President  
Peter M. Holt, Chief Executive Officer  
Michael Puryear, General Council  
Paul C. Hensley, Vice President Finance

**BTE Body Co., Inc.**

Brian Bruckner, President  
Chris Bruckner, Vice President  
Wesley Lawhorn, Secretary

**Austin Truck and Equipment dba Freightliner of Austin**

Jay Hendrix, President  
Carlton Hempel, Vice President

**Southwest International Trucks, Inc.**

Russ Trimble, President  
Sid Stewart, Vice President  
Jane Roth, Secretary

## **OWNERS (Continued)**

### **RDO Equipment Co.**

Ronald D. Offutt, President  
Christi Offutt, Vice President  
Allan Knoll, Secretary  
Tom Espel, Treasurer

### **Sam Pack's Five Star Ford**

Sam Pack, President

### **Landmark Equipment**

Michael Lyle, President  
Gary Lyle, Vice President  
Marla Lyle, Secretary  
Kimberly Chambers, Treasurer

### **Freedom Chevrolet**

Frank Stinson, President  
Matt Stinson, Vice President  
Alissa Hillhouse, Secretary  
John Rowe, Treasurer

### **Wausau Equipment Company, Inc.**

Shannon Herbst, Vice President  
Thomas Getsy, Secretary

January 25, 2017

**WHEREAS**, on September 12, 2012, City Council authorized a one-year master agreement for the purchase of squad cars for Police by Resolution No. 12-2229; and,

**WHEREAS**, on June 12, 2013, City Council authorized a one-year master agreement for the purchase of two hundred seventy-two pieces of fleet and equipment; a one-year master agreement for the purchase of eight pieces of fleet equipment; and a one-year master agreement for the purchase of four pieces of fleet equipment by Resolution No. 13-0936; and,

**WHEREAS**, on December 11, 2013, City Council authorized a one-year master agreement for the purchase of two-hundred ten fleet vehicles and equipment; thirty-eight fleet vehicles and equipment; and eighty-eight fleet vehicles and equipment by Resolution No. 13-2055; and,

**WHEREAS**, on October 22, 2014, City Council authorized the purchase of 137 squad cars for Police by Resolution No. 14-1781; and,

**WHEREAS**, on March 25, 2015, City Council authorized a one-year master agreement for the purchase of eighty seven fleet vehicles and equipment; twenty fleet vehicles and equipment; and one-hundred nine fleet vehicles and equipment by Resolution No. 15-0478; and,

**WHEREAS**, on June 17, 2015, City Council authorized the purchase of 105 squad cars for Police by Resolution No. 15-1231; and,

**WHEREAS**, on December 9, 2015, City Council authorized a one-year master agreement for the purchase of one hundred fleet vehicles and equipment; one hundred eighty-one fleet vehicles; eighty-three Police fleet and equipment; and twenty-one fleet vehicles by Resolution No. 15-2199; and,

**WHEREAS**, on May 11, 2016, City Council authorized the purchase of eleven pieces of fleet vehicles and equipment; four pieces of fleet vehicles; two pieces of fleet equipment; and two fleet vehicles by Resolution No. 16-0717; and,

**WHEREAS**, on June 22, 2016, City Council authorized the purchase of twenty three pieces of fleet vehicles and equipment; one piece of fleet equipment; and one piece of equipment by Resolution No. 16-1053; and

**WHEREAS**, on September 28, 2016, City Council Authorized the purchase of four fleet vehicles for Fire-Rescue by Resolution No. 16-1551;

January 25, 2017**NOW, THEREFORE,****BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1.** That a master agreement for the purchase of (1) 85 pieces of fleet equipment is authorized with Chastang Ford (VS0000011688) in the amount of \$5,747,210.00, Holt Texas, Ltd. (506724) in the amount of \$3,004,194.00, BTE Body Co., Inc. (VS0000069486) in the amount of \$1,623,647.00, Austin Truck and Equipment dba Freightliner of Austin (VC14977) in the amount of \$1,173,754.00, Southwest International Trucks, Inc. (003940) in the amount of \$705,196.40, RDO Equipment Co. (VS91627) in the amount of \$385,605.00, Sam Pack's Five Star Ford (113696) in the amount of \$99,064.00, and Landmark Equipment (025326) in the amount of \$17,436.00 through the Texas Association of School Boards (BuyBoard); (2) 157 fleet vehicles and equipment is authorized with Sam Pack's Five Star Ford (113696) in the amount of \$4,868,401.54 through the Texas Smart Buy; (3) 107 fleet vehicles is authorized with Freedom Chevrolet (VS0000077188) in the amount of \$3,289,989.00 through the Dallas County Interlocal Agreement; and (4) 2 pieces of fleet equipment is authorized with Wausau Equipment Company, Inc. (VS0000067104) in the amount of \$371,411.00 through the National Joint Powers Alliance for a term of one year in a total amount not to exceed \$21,285,907.94.

**Section 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for 351 fleet vehicles and equipment. If a written contract is required or requested for any or all purchases of 351 fleet vehicles and equipment under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

**Section 3.** That in order to reimburse and finance the lease/purchase acquisition of the equipment described herein over a period not to exceed the estimated useful life (10 years) thereof, any Authorized Officer of the City designated in the Master Equipment Lease/Purchase Agreement (the "Master Lease") between Banc of America Public Capital Corp and the City is hereby authorized and directed to execute, acknowledge and deliver a Schedule A (as defined in the Master Lease) pertaining to such equipment including all attachments, financing statements and schedules thereto, in substantially the form attached to the Master Lease, with such changes as the signing officer shall determine to be advisable. Each Authorized Officer of the City is also authorized to execute, acknowledge and deliver any other agreement, instrument, certificate, representation and document, and to take any other action as may be advisable, convenient or necessary to enter into such Schedule A. The financing terms for such equipment, to be determined pursuant to the provisions of the Master Lease and reflected in such Schedule A, and the granting of a security interest in the financed equipment pursuant to the Master Lease, are hereby approved.

January 25, 2017

**Section 4.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$21,285,907.94 from Master Agreement number BN1704.

**Section 5.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**KEY FOCUS AREA:** E-Gov

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Business Development & Procurement Services  
Park & Recreation  
Water Utilities

**CMO:** Elizabeth Reich, 670-7804  
Willis Winters, 670-4071  
Mark McDaniel, 670-3256

**MAPSCO:** N/A

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**SUBJECT**

Authorize a two-year master agreement for sodium hypochlorite (bleach) - DPC Industries, Inc. in the amount of \$260,505 and FSTI, Inc. in the amount of \$157,396, lowest responsible bidders of four - Total not to exceed \$417,901 - Financing: Current Funds (\$157,396) and Water Utilities Current Funds (\$260,505)

**BACKGROUND**

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis.

This master agreement will provide sodium hypochlorite (bleach) to be used in water treatment processes throughout the City. Bleach is used to boost chlorine and maintain disinfection levels in accordance with State of Texas regulatory standards. These applications require high quality, commercial grade 12.5 percent sodium hypochlorite in solution form. The sodium hypochlorite is delivered in 4,500 gallon tank trucks and transferred to storage tanks where it is dosed directly into the water lines throughout the City. In addition, sodium hypochlorite will be used at Bahama Beach Water Park facilities, City Hall Fountain, Spray Grounds, and various City swimming pools.

In this solicitation, Business Development and Procurement Services required bidders to submit a response using unit pricing. This bid resulted in a 7.11 percent increase over comparable unit prices for the bid awarded in 2014.

## **BACKGROUND (Continued)**

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 361 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On January 25, 2012, City Council authorized a two-year master agreement for sodium hypochlorite by Resolution No. 12-0269.

On February 13, 2013, City Council authorized a two-year master agreement for sodium hypochlorite by Resolution No. 13-0294.

On October 22, 2014, City Council authorized a two-year master agreement for sodium hypochlorite (bleach) by Resolution No. 14-1783.

The Business Development and Procurement Services Department will provide information about this item to Council by memorandum.

## **FISCAL INFORMATION**

\$157,396.00 - Current Funds

\$260,505.00 - Water Utilities Current Funds

## **M/WBE INFORMATION**

30 - Vendors contacted

30 - No response

0 - Response (Bid)

0 - Response (No Bid)

0 - Successful

The recommended awardees have fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826, as amended.

## **ETHNIC COMPOSITION**

### **DPC Industries, Inc.**

White Male	29	White Female	3
Black Male	1	Black Female	0
Hispanic Male	3	Hispanic Female	0
Other Male	1	Other Female	0

### **FSTI, Inc.**

White Male	66	White Female	12
Black Male	14	Black Female	0
Hispanic Male	24	Hispanic Female	2
Other Male	4	Other Female	3

## **BID INFORMATION**

Business Development and Procurement Services received the following bids from solicitation number BW1701. We opened them on December 2, 2016. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by group.

\*Denotes successful bidders

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount of Bid</u></b>
*DPC Industries, Inc.	601 Industrial Blvd. Cleburne, TX 76033	Group 1 - \$260,505.00 Group 2 - No Bid
*FSTI, Inc.	6300 Bridge Point Pkwy. Ste. 1-200 Austin, TX 78730	Group 1 - \$265,875.00 Group 2 - \$157,396.00
Commercial Chemical Products, Inc. dba Poolsure	1707 Townhurst Dr. Houston, TX 77043	Group 1 - No Bid Group 2 - \$201,128.57
Petra Chemical Company	2929 Storey Ln. Dallas, TX 75220	Group 1 - \$281,550.00 Group 2 - \$165,624.00

## **OWNERS**

### **DPC Industries, Inc.**

Rickey C. Karm, President  
William L. Hixon, Vice President

### **FSTI, Inc.**

Staci Barton, President  
Stoney Barton, Vice President

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize a two-year master agreement for sodium hypochlorite (bleach) - DPC Industries, Inc. in the amount of \$260,505 and FSTI, Inc. in the amount of \$157,396, lowest responsible bidders of four - Total not to exceed \$417,901 - Financing: Current Funds (\$157,396) and Water Utilities Current Funds (\$260,505)

DPC Industries, Inc. and FSTI, Inc. are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces.

**PROJECT CATEGORY:** Goods

### **LOCAL/NON-LOCAL CONTRACT SUMMARY**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$417,901.00	100.00%
<b>TOTAL CONTRACT</b>	<b>\$417,901.00</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL M/WBE PARTICIPATION**

#### **Local Contractors / Sub-Contractors**

None

#### **Non-Local Contractors / Sub-Contractors**

None

### **TOTAL M/WBE CONTRACT PARTICIPATION**

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$0.00</u>	<u>0.00%</u>	<u>\$0.00</u>	<u>0.00%</u>

January 25, 2017

**WHEREAS**, on January 25, 2012, City Council authorized a two-year master agreement for sodium hypochlorite by Resolution No. 12-0269; and,

**WHEREAS**, on February 13, 2013, City Council authorized a two-year master agreement for sodium hypochlorite by Resolution No. 13-0294; and,

**WHEREAS**, on October 22, 2014, City Council authorized a two-year master agreement for sodium hypochlorite (bleach) by Resolution No. 14-1783;

**NOW, THEREFORE,**

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

**Section 1.** That a master agreement for the purchase of sodium hypochlorite (bleach) is authorized with DPC Industries, Inc. (267202) in the amount of \$260,505.00 and FSTI, Inc. (VS0000023020) in the amount of \$157,396.00 for a term of two years in a total amount not to exceed \$417,901.00.

**Section 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for sodium hypochlorite (bleach). If a written contract is required or requested for any or all purchases of sodium hypochlorite (bleach) under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

**Section 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$417,901.00 from Master Agreement number BW1701.

**Section 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**KEY FOCUS AREA:** E-Gov

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Business Development & Procurement Services  
Equipment & Building Services  
Park & Recreation  
Water Utilities

**CMO:** Elizabeth Reich, 670-7804  
Jill A. Jordan, P.E., 670-5299  
Willis Winters, 670-4071  
Mark McDaniel, 670-3256

**MAPSCO:** N/A

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**SUBJECT**

Authorize a three-year master agreement for construction project signs to be utilized citywide - Dallas Lite & Barricade, lowest responsible bidder of four - Not to exceed \$109,423 - Financing: Current Funds (\$33,802) and Water Utilities Current Funds (\$75,621)

**BACKGROUND**

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis.

This master agreement will allow City departments such as Water Utilities, Park and Recreation, and Equipment and Building Services to purchase Capital Improvement Program (CIP) construction project signs. The City uses these signs to inform the community, in respective districts, of construction and/or capital improvement projects underway in their area. These signs provide general information, improve City accountability, and generate community awareness of specific projects. Signs provided under this agreement are made of wood with painted or vinyl lettering and are built according to specifications developed by the City's CIP Sign Redesign Committee.

In this solicitation, Business Development and Procurement Services required bidders to submit a response using unit pricing. This bid resulted in a 30.57 percent decrease over comparable unit prices for the bid awarded in 2012.

**BACKGROUND (Continued)**

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 310 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On April 11, 2012, City Council authorized a two-year master agreement for construction project signs to be utilized citywide by Resolution No. 12-1023.

The Business Development and Procurement Services Department will provide information about this item to Council by memorandum.

**FISCAL INFORMATION**

\$33,801.74 - Current Funds  
\$75,621.00 - Water Utilities Current Funds

**M/WBE INFORMATION**

45 - Vendors contacted  
44 - No response  
1 - Response (Bid)  
0 - Response (No bid)  
0 - Successful

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826, as amended.

**ETHNIC COMPOSITION**

Dallas Lite & Barricade

White Male	36	White Female	8
Black Male	20	Black Female	0
Hispanic Male	13	Hispanic Female	6
Other Male	0	Other Female	0

## **BID INFORMATION**

Business Development and Procurement Services received the following bids from solicitation number BQ1701. We opened them on November 11, 2016. We recommend the City Council award this master agreement in its entirety to the lowest responsive and responsible bidder.

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount of Bid</u></b>
*Dallas Lite & Barricade	1607 Ft. Worth Ave. Dallas, TX 75208	\$109,422.74
Janus Signs dba FastSigns Northeast Dallas	9742 Skillman St. Dallas, TX 75044	\$182,790.00
Theag North Dallas, LLC	5920 Beltline Rd. Suite 300 Dallas, TX 75254	\$205,385.58
Adco Decal & Sign Co., Inc.	10909 Sanden Dr. Suite 400 Dallas, TX 75238	\$320,900.00

## **OWNER**

### **Dallas Lite & Barricade**

Shane D. Howell, President  
Barry Rolfing, Vice President  
Sheryl Howell, Secretary

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize a three-year master agreement for construction project signs to be utilized citywide - Dallas Lite & Barricade, lowest responsible bidder of four - Not to exceed \$109,423 - Financing: Current Funds (\$33,802) and Water Utilities Current Funds (\$75,621)

Dallas Lite & Barricade is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

**PROJECT CATEGORY:** Goods

### **LOCAL/NON-LOCAL CONTRACT SUMMARY**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$109,422.74	100.00%
Total non-local contracts	\$0.00	0.00%
<b>TOTAL CONTRACT</b>	<b>\$109,422.74</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL M/WBE PARTICIPATION**

#### **Local Contractors / Sub-Contractors**

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Minority Supply & Contracting, LLC dba Metro Construction	HMDB24856Y0117	\$19,696.09	18.00%
<b>Total Minority - Local</b>		<b>\$19,696.09</b>	<b>18.00%</b>

#### **Non-Local Contractors / Sub-Contractors**

None

### **TOTAL M/WBE CONTRACT PARTICIPATION**

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$19,696.09	18.00%	\$19,696.09	18.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
<b>Total</b>	<b>\$19,696.09</b>	<b>18.00%</b>	<b>\$19,696.09</b>	<b>18.00%</b>

January 25, 2017

**WHEREAS**, on April 11, 2012, City Council authorized a two-year master agreement for construction project signs to be utilized citywide by Resolution No. 12-1023; and,

**WHEREAS**, on January 6, 2014, Administrative Action No. 14-5224 authorized extension of the master agreement for one year from April 10, 2014 to April 10, 2015; and,

**WHEREAS**, on December 2, 2014, Administrative Action No. 14-7225 authorized extension of the master agreement for one year from April 10, 2015 to April 10, 2016; and,

**WHEREAS**, on January 4, 2016, Administrative Action No. 16-5148 authorized extension of the master agreement for one year from April 10, 2016 to April 10, 2017;

**NOW, THEREFORE,**

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

**Section 1.** That a master agreement for the purchase of construction project signs to be utilized citywide is authorized with Dallas Lite & Barricade (053684) for a term of three years in an amount not to exceed \$109,422.74.

**Section 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for construction project signs to be utilized citywide. If a written contract is required or requested for any or all purchases of construction project signs to be utilized citywide under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

**Section 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$109,422.74 from Master Agreement number BQ1701.

**Section 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



**KEY FOCUS AREA:** E-Gov

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Business Development & Procurement Services  
Aviation  
Mobility and Street Services  
Park & Recreation  
Police  
Sanitation Services  
Trinity Watershed Management  
Water Utilities

**CMO:** Elizabeth Reich, 670-7804  
Mark McDaniel, 670-3256  
Jill A. Jordan, P.E., 670-5299  
Willis Winters, 670-4071  
Eric Campbell, 670-3255  
Joey Zapata, 670-3009

**MAPSCO:** N/A

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**SUBJECT**

Authorize a three-year master agreement for aggregate materials to be utilized citywide - Q. Roberts Trucking, Inc. in the amount of \$9,471,207, Liberty Sand & Gravel, Inc. in the amount of \$859,334 and Earth Haulers, Inc. in the amount of \$791,557, lowest responsible bidders of four - Total not to exceed \$11,122,098 - Financing: Current Funds (\$4,324,080), Water Utilities Current Funds (\$3,978,600), Sanitation Current Funds (\$2,218,318), Stormwater Drainage Management Current Funds (\$570,211) and Aviation Current Funds (\$30,889)

**BACKGROUND**

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis.

This master agreement allows for the purchase of aggregate materials. This master agreement provides various types of aggregate products that will be used by various City departments for construction projects, levees, earthen channels, parks, and athletic fields.

## **BACKGROUND (Continued)**

Examples of materials available through this master agreement include:

- Sandy loam
- Sand
- Cushion sand
- Pea gravel
- Crushed rock
- Mixed aggregates
- Red ball diamond clay
- Crushed limestone

The aggregate materials available through this agreement are used for ongoing construction and repair projects such as streets, alleys, and non-paved roadways. Aggregate material is also used to obtain proper compaction around new pipe installations and back-fill in the construction of new water and wastewater mains. Water Utilities maintains approximately 9,000 miles of water and wastewater mains. Trinity Watershed Management uses the aggregate material to maintain approximately 30 miles of levee, 150 miles of creeks and channels, and 10,000 acres of floodways. Street Services currently performs over 600 lane miles of street maintenance related repairs and improvements. Park and Recreation will utilize the aggregate materials to improve the quality of parks turf conditions on athletic fields, thereby providing a safe and playable surface. Sandy loam is used to eliminate cracks and depressions in the ground around the Park and Recreation's 122 baseball and softball diamonds and 101 soccer, cricket, and rugby fields. Gravel is used around undeveloped parking lots, in construction drainage improvements, and areas in most parks throughout the City.

In this solicitation, Business Development and Procurement Services required bidders to submit a response using group pricing. This bid resulted in a 2 percent increase over comparable prices for the bids awarded in 2015.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 835 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On April 11, 2012, City Council authorized a three-year master agreement for aggregate materials to be utilized citywide by Resolution No. 12-1024.

On May 13, 2015, City Council authorized a three-year master agreement for aggregate materials to be utilized citywide by Resolution No. 15-0838.

The Business Development and Procurement Services Department will provide information about this item to Council by memorandum.

**FISCAL INFORMATION**

- \$4,324,079.75 - Current Funds
- \$3,978,600.45 - Water Utilities Current Funds
- \$2,218,317.50 - Sanitation Current Funds
- \$570,211.25 - Stormwater Drainage Management Current Funds
- \$30,888.50 - Aviation Current Funds

**M/WBE INFORMATION**

- 244 - Vendors contacted
- 241 - No response
- 3 - Response (Bid)
- 0 - Response (No bid)
- 3 - Successful

The recommended awardees have fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826, as amended.

**ETHNIC COMPOSITION**

Q. Roberts Trucking, Inc.

White Male	3	White Female	1
Black Male	6	Black Female	3
Hispanic Male	8	Hispanic Female	1
Other Male	0	Other Female	0

Liberty Sand & Gravel, Inc.

White Male	11	White Female	6
Black Male	0	Black Female	0
Hispanic Male	1	Hispanic Female	0
Other Male	0	Other Female	0

**ETHNIC COMPOSITION (Continued)**

Earth Haulers, Inc.

White Male	2	White Female	0
Black Male	10	Black Female	4
Hispanic Male	1	Hispanic Female	0
Other Male	0	Other Female	0

**BID INFORMATION**

Business Development and Procurement Services received the following bids from solicitation number BQ1702. We opened them on November 18, 2016. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

\*Denotes successful bidders

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount of Bid</u></b>
*Q. Roberts Trucking, Inc.	2508 Club Terrace Dr. Dallas, TX 75237	Multiple Lines
*Liberty Sand & Gravel, Inc.	500 Highview Ln. Anna, TX 75409	Multiple Lines
*Earth Haulers, Inc.	11500 Mosier Valley Rd. Fort Worth, TX 76040	Multiple Lines
Hanson Aggregates, LLC	300 E. John Carpenter Frwy. Suite 1200 Irving, TX 75062	Non-Responsive**

\*\*Hanson Aggregates, LLC was deemed non-responsive due to not meetings specifications.

**OWNERS**

**Q. Roberts Trucking, Inc.**

Quincy Robert, President

**OWNERS (Continued)**

**Liberty Sand & Gravel, Inc.**

Amanda Kirby Meador, President  
Allan Douglas Meador, Vice President

**Earth Haulers, Inc.**

Allen M. Tucker, President  
Benny A. Tucker, Vice President

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize a three-year master agreement for aggregate materials to be utilized citywide - Q. Roberts Trucking, Inc. in the amount of \$9,471,207, Liberty Sand & Gravel, Inc. in the amount of \$859,334 and Earth Haulers, Inc. in the amount of \$791,557, lowest responsible bidders of four - Total not to exceed \$11,122,098 - Financing: Current Funds (\$4,324,080), Water Utilities Current Funds (\$3,978,600), Sanitation Current Funds (\$2,218,318), Stormwater Drainage Management Current Funds (\$570,211) and Aviation Current Funds (\$30,889)

Q. Roberts Trucking, Inc., is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. Liberty Sand & Gravel, Inc., is a non-local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. Earth Haulers, Inc. is a non-local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

**PROJECT CATEGORY:** Goods

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### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$9,576,661.25	86.10%
Total non-local contracts	\$1,545,436.20	13.90%
<b>TOTAL CONTRACT</b>	<b>\$11,122,097.45</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Clemons Trucking	BFDB4596Y1017	\$105,455.00	1.10%
Q. Roberts Trucking, Inc.	BMDB92175Y0317	\$9,471,206.25	98.90%
<b>Total Minority - Local</b>		<b>\$9,576,661.25</b>	<b>100.00%</b>

#### Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Earth Haulers, Inc.	BMDB06980Y0917	\$580,647.20	37.57%
D.E.E.R. Trucking	BMDB92175Y0317	\$105,455.00	6.82%
Liberty Sand & Gravel, Inc.	WFWB64119N0217	\$859,334.00	55.60%
<b>Total Minority - Non-local</b>		<b>\$1,545,436.20</b>	<b>100.00%</b>

**TOTAL M/WBE CONTRACT PARTICIPATION**

	<b><u>Local</u></b>	<b><u>Percent</u></b>	<b><u>Local &amp; Non-Local</u></b>	<b><u>Percent</u></b>
African American	\$9,576,661.25	100.00%	\$10,262,763.45	92.27%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$859,334.00	7.73%
Total	<u>\$9,576,661.25</u>	<u>100.00%</u>	<u>\$11,122,097.45</u>	<u>100.00%</u>

January 25, 2017

**WHEREAS**, on April 11, 2012, City Council authorized a three-year master agreement for aggregate materials to be utilized citywide by Resolution No. 12-1024; and,

**WHEREAS**, on May 13, 2015, City Council authorized a three-year master agreement for aggregate materials to be utilized citywide by Resolution No. 15-0838;

**NOW, THEREFORE,**

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

**Section 1.** That a master agreement for the purchase of aggregate materials to be utilized citywide is authorized with Q. Roberts Trucking, Inc. (VC14247) in the amount of \$9,471,206.25, Liberty Sand & Gravel, Inc. (VS0000037668) in the amount of \$859,334.00, and Earth Haulers, Inc. (013071) in the amount of \$791,557.20 for a term of three years in a total amount not to exceed \$11,122,097.45.

**Section 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for aggregate materials to be utilized citywide. If a written contract is required or requested for any or all purchases of aggregate materials to be utilized citywide under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

**Section 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$11,122,097.45 from Master Agreement number BQ1702.

**Section 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**KEY FOCUS AREA:** E-Gov

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Business Development & Procurement Services  
Communication and Information Services  
Aviation

**CMO:** Elizabeth Reich, 670-7804  
Mark McDaniel, 670-3256

**MAPSCO:** N/A

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**SUBJECT**

Authorize Supplemental Agreement No. 1 to increase the service contract with AAA Data Communications, Inc. for voice and data cable installation services to connect computers and phones at City facilities - Not to exceed \$613,379, from \$2,453,512 to \$3,066,891 - Financing: Aviation Current Funds (subject to annual appropriations)

**BACKGROUND**

This Supplemental Agreement No. 1 to increase the service contract will allow for unanticipated, additional voice, and data cable installation services. The Aviation personnel office is being relocated from the terminal building to a newly renovated office building at Love Field. Due to this relocation voice and data cabling is needed to carry data for access control, flight information displays, wireless access points, security control, phones, computers, and shared drives in order to perform day-to-day tasks. The space vacated at the terminal will be leased to tenants at Love Field.

The recommended vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On August 26, 2015, City Council authorized a five-year service contract, with two one-year renewal options, for voice and data cable installation services to connect computers and phones at City facilities by Resolution No. 15-1519.

Council will be briefed by memorandum regarding this item.

**FISCAL INFORMATION**

\$613,378.12 - Aviation Current Funds (subject to annual appropriations)

**ETHNIC COMPOSITION**

**AAA Data Communications, Inc.**

White Male	4	White Female	0
Black Male	8	Black Female	1
Hispanic Male	6	Hispanic Female	1
Other Male	0	Other Female	0

**OWNER**

**AAA Data Communications, Inc.**

Jacob Johnson, President  
Joe De Leon, Vice President

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize Supplemental Agreement No.1 to increase the service contract with AAA Data Communications, Inc. for voice and data cable installation services to connect computers and phones at City facilities - Not to exceed \$613,379, from \$2,453,512 to \$3,066,891 - Financing: Aviation Current Funds (subject to annual appropriations)

AAA Data Communications, Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

**PROJECT CATEGORY:** Other Services

### **LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY**

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$613,378.12	100.00%
Non-local contracts	\$0.00	0.00%
<b>TOTAL THIS ACTION</b>	<b>\$613,378.12</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION**

#### **Local Contractors / Sub-Contractors**

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
AAA Data Communications, Inc.	BMDB82343Y0817	\$613,378.12	100.00%
<b>Total Minority - Local</b>		<b>\$613,378.12</b>	<b>100.00%</b>

#### **Non-Local Contractors / Sub-Contractors**

None

### **TOTAL M/WBE PARTICIPATION**

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$613,378.12	100.00%	\$2,482,954.72	80.96%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$583,935.90	19.04%
<b>Total</b>	<b>\$613,378.12</b>	<b>100.00%</b>	<b>\$3,066,890.62</b>	<b>100.00%</b>

January 25, 2017

**WHEREAS**, on August 26, 2015, City Council authorized a five-year service contract, with two one-year renewal options, for voice and data cable installation services to connect computers and phones at City facilities by Resolution No. 15-1519;

**NOW, THEREFORE,**

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

**Section 1.** That following approval as to form by the City Attorney, the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to increase the service contract with AAA Data Communications, Inc. (500286) for voice and data cable installation services to connect computers and phones at City facilities in an amount not to exceed \$613,378.12, increasing the service contract from \$2,453,512.50 to \$3,066,890.62.

**Section 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$613,378.12 (subject to annual appropriations) from Service Contract number BHZ1513.

**Section 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**KEY FOCUS AREA:** Public Safety

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Equipment & Building Services  
Aviation

**CMO:** Jill A. Jordan, P.E., 670-5299  
Mark McDaniel, 670-3256

**MAPSCO:** 33H; 34E; 34F

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**SUBJECT**

Authorize a professional services contract with Alliance Geotechnical Group to perform Material Testing on four construction projects in the Airside Capital Improvement Program at Dallas Love Field - Not to exceed \$534,194 - Financing: Aviation Capital Construction Funds

**BACKGROUND**

The Dallas Love Field Airside Capital Improvement Program was developed based on the results of the Love Field Pavement Evaluation Study performed in 2015. A five year plan that is reviewed, refined and submitted for approval to the Federal Aviation Administration annually, the projects within the program are executed such that design is performed the first year and construction in the second year for budgetary efficiencies.

The construction contracts for the Taxiway Echo Intersection Rehabilitation, Taxiway Bravo Rehabilitation, Runway 18-36 Conversion, and the Runway Incursion Mitigation projects have been awarded. Material testing is now required as a quality control measure to ensure compliance with the project specifications. It is anticipated that this material testing contract will be supplemented in the future as the remaining construction projects are authorized for the program over the next five years.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Construction                      January 2017  
Complete Construction                December 2022

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

### **CONSTRUCTION**

#### **Taxiway Echo and Taxiway Bravo Projects**

The Transportation & Trinity River Project Committee was briefed by memorandum regarding the construction contract with Munilla Construction Management, LLC for the Taxiway Echo (Runway 18-36) Intersection Rehabilitation Project on September 26, 2016.

The Transportation & Trinity River Project Committee was briefed by memorandum regarding the construction contract with Munilla Construction Management, LLC for the Taxiway Bravo Rehabilitation Project on September 26, 2016.

Authorized a construction contract Munilla Construction Management, LLC, for construction of the Taxiway Echo (Runway 18-36) Intersection Rehabilitation Project at Dallas Love Field on September 28, 2016, by Resolution No. 16-1579.

Authorized a construction contract Munilla Construction Management, LLC, for construction of the Taxiway Bravo Rehabilitation Project at Dallas Love Field on September 28, 2016, by Resolution No. 16-1580.

#### **Runway 18-36 Conversion and Runway Incursion Mitigation Projects**

The Transportation & Trinity River Project Committee was scheduled to be briefed by memorandum regarding the construction contract with EAS Contracting, L.P., for the Runway 18-36 Conversion Project at Dallas Love Field on October 10, 2016; meeting cancelled.

The Transportation & Trinity River Project Committee was scheduled to be briefed by memorandum regarding the construction contract with EAS Contracting, L.P., for the Runway Incursion Mitigation Project at Dallas Love Field on October 10, 2016; meeting cancelled.

Authorized a construction contract with EAS Contracting, L.P., to provide construction services required for the physical improvements necessary for the Runway 18-36 Conversion Project at Dallas Love Field on October 11, 2016 by Resolution No. 16-1649.

Authorized a construction contract with EAS Contracting, L.P., to provide construction services required for the physical improvements necessary for the Runway Incursion Mitigation Project at Dallas Love Field October 11, 2016 by Resolution No. 16-1650.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)**

**CONSTRUCTION ADMINISTRATION / CONSTRUCTION MANAGEMENT**

**Taxiway Echo and Taxiway Bravo Projects**

The Transportation & Trinity River Project Committee was briefed by memorandum regarding Supplemental Agreement No. 3 to the professional services contract with Garver, LLC on September 26, 2016.

Authorized Supplemental Agreement No. 3 for the professional services contract with Garver, LLC to provide full time on-site construction administration and management services for the Airfield Pavement Repairs Project at Dallas Love Field on September 28, 2016, by Resolution No. 16-1581.

**Runway 18-36 Conversion and Runway Incursion Mitigation Projects**

The Transportation & Trinity River Project Committee was scheduled to be briefed by memorandum regarding Supplemental Agreement No. 3 to the professional services contract with HNTB Corporation on October 10, 2016; meeting cancelled.

Authorized Supplemental Agreement No. 3 to the professional services contract with HNTB Corporation to provide full time on-site construction administration and management services for the Runway 18-36 Conversion Project and the Runway Incursion Mitigation (RIM) Project at Dallas Love Field on October 11, 2016, by Resolution No. 16-1651.

Information about this item will be provided to the Economic Development Committee on January 17, 2017.

**FISCAL INFORMATION**

Aviation Capital Construction Funds - \$534,194.00

**Taxiway Echo (Runway 18-36) Intersection Rehabilitation Project**

Design	\$471,330.00
Construction	\$3,167,483.29
Construction Management	\$561,820.00
Materials Testing (this action)	<u>\$103,783.00</u>
Project Total	\$ 4,304,416.29

**Taxiway Bravo Rehabilitation Project**

Design	\$852,560.00
Construction	\$11,463,204.40
Construction Management	\$1,207,520.00
Materials Testing (this action)	<u>\$285,724.00</u>
Project Total	\$ 13,809,008.40

**FISCAL INFORMATION (Continued)**

**Runway 18-36 Conversion Project**

Evaluation / Study	\$236,929.00
Design	\$525,492.00
Construction	\$5,769,596.00
Construction Management	\$794,248.00
Materials Testing (this action)	<u>\$131,412.00</u>
Project Total	\$ 7,457,677.00

**Runway Incursion Mitigation Project**

Design	\$287,434.00
Construction	\$2,545,798.00
Construction Management	\$397,747.00
Materials Testing (this action)	<u>\$13,275.00</u>
Project Total	\$ 3,244,254.00

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

Alliance Geotechnical Group

Hispanic Female	3	Hispanic Male	22
African-American Female	0	African-American Male	21
Other Female	0	Other Male	8
White Female	10	White Male	56

**PROPOSAL INFORMATION**

The Request for Qualifications for engineering services for the Airfield Materials / System Testing and Inspection Services At Dallas Love Field (CIZ1615) was advertised in July 2016. Seven firms submitted Statements of Qualifications on July 29, 2016. The selection committee shortlisted the four highest ranked firms and interviews were held on October 17, 2016. The proposers were ranked as follows:

<b><u>Proposer</u></b>	<b><u>Rank</u></b>
*Alliance Geotechnical Group, Inc.	1
Professional Services Industries, Inc.	2
Amec Foster Wheeler Environmental & Infrastructure, Inc.	3
STL Engineer	4

\*Denotes successful proposer.

## **PROPOSAL INFORMATION (Continued)**

The proposals were evaluated according to the criteria published in the Request for Qualifications and the Request for Proposals. These criteria, with respective weights, were as follows:

Criteria 1 - Qualifications to undertake this project	25 points
Criteria 2 - Key Personnel	30 points
Criteria 3 - Understanding and Approach	15 points
Criteria 4 - Schedules and Budgets	15 points
Criteria 5 - Past performance and history complying with DBE goals	15 points

## **OWNER(S)**

### **Alliance Geotechnical Group**

Robert Nance, P.E., President/Owner

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize a professional services contract with Alliance Geotechnical Group to perform Material Testing on four construction projects in the Airside Capital Improvement Program at Dallas Love Field - Not to exceed \$534,194 - Financing: Aviation Capital Construction Funds

Alliance Geotechnical Group is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

**PROJECT CATEGORY:** Professional Services

### **LOCAL/NON-LOCAL CONTRACT SUMMARY**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$404,064.35	75.64%
Total non-local contracts	\$130,129.65	24.36%
<b>TOTAL CONTRACT</b>	<b>\$534,194.00</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL M/WBE PARTICIPATION**

#### **Local Contractors / Sub-Contractors**

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Alliance Geotechnical Groop	BMDB94986Y0117	\$404,064.35	100.00%
<b>Total Minority - Local</b>		<b>\$404,064.35</b>	<b>100.00%</b>

#### **Non-Local Contractors / Sub-Contractors**

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Terradyne Engineering DFW, Inc.	IMDB50816Y0817	\$130,129.65	100.00%
<b>Total Minority - Non-local</b>		<b>\$130,129.65</b>	<b>100.00%</b>

### **TOTAL M/WBE CONTRACT PARTICIPATION**

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$404,064.35	100.00%	\$404,064.35	75.64%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$130,129.65	24.36%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
<b>Total</b>	<b>\$404,064.35</b>	<b>100.00%</b>	<b>\$534,194.00</b>	<b>100.00%</b>

January 25, 2017

**WHEREAS**, Dallas Love Field has developed a Five-Year Airside Capital Improvement Program based on the results of the Love Field Pavement Evaluation Study performed in 2015; and,

**WHEREAS**, on March 25, 2015, Resolution No. 15-0491 authorized a professional services contract for engineering design and construction documents for the Taxiway Echo Intersection Rehabilitation project; and,

**WHEREAS**, on March 25, 2015, Resolution No. 15-0491 authorized a professional services contract for engineering design and construction documents for the Taxiway Bravo Intersection Rehabilitation; and,

**WHEREAS**, on October 14, 2015, Resolution No. 15-1880 authorized a professional services contract for engineering design and construction documents for the Runway 18-36 Conversion project; and,

**WHEREAS**, on January 27, 2016, Resolution No. 16-0181 authorized a professional services contract for engineering design and construction documents for the Runway Incursion Mitigation project; and,

**WHEREAS**, on September 28, 2016, Resolution No. 16-1579 authorized a construction services contract for the Taxiway Echo Intersection Rehabilitation project; and,

**WHEREAS**, on September 28, 2016, Resolution No. 16-1580 authorized a construction services contract for the Taxiway Bravo Intersection Rehabilitation project; and,

**WHEREAS**, on October 11, 2016, Resolution No. 16-1649 authorized a construction services contract for the Runway 18-36 Conversion project; and,

**WHEREAS**, on October 11, 2016, Resolution No. 16-1650 authorized a construction services contract for the Runway Incursion Mitigation project; and,

**WHEREAS**, on September 28, 2016, Resolution No. 16-1581 authorized the engineer of record construction administration and observation services for the Taxiway Echo Intersection Rehabilitation project; and,

**WHEREAS**, on September 28, 2016, Resolution No. 16-1681 authorized the engineer of record construction administration and observation services for the Taxiway Bravo Intersection Rehabilitation project; and,

**WHEREAS**, on October 11, 2016, Resolution No. 16-1651 authorized the engineer of record construction administration and observation services for the Runway 18-36 Conversion project; and,

January 25, 2017

**WHEREAS**, on October 11, 2016, Resolution No. 16-1651 authorized the engineer of record construction administration and observation services for the Runway Incursion Mitigation project; and,

**WHEREAS**, Material testing during construction is a quality control measure to ensure compliance with the project specifications and required to be performed under the direction of the owner, City of Dallas; and

**WHEREAS**, an Airfield Materials, System Testing and Inspection Services solicitation was developed and publically advertised for the projects currently listed and any projects added to this list comprising the Five-Year Love Field Airside Capital Improvement Program; and,

**WHEREAS**, seven firms submitted Statements of Qualifications and the selection committee evaluated the statements, ranked the firms based upon the published criteria, and shortlisted the four highest ranked firms; a proposal request was issued to the shortlisted firms; all four firms submitted proposals, were interviewed and the selection committee evaluated the proposals, ranked the firms based upon the published criteria, and;

**WHEREAS**, Alliance Geotechnical Group was selected after completing the qualifications based selection process in accordance with City of Dallas and Federal Aviation Administration procurement guidelines; and,

**WHEREAS**, a scope and fee was developed with Alliance Geotechnical Group, the most qualified proposer of four, for the four recently awarded construction projects; and,

**WHEREAS**, it is anticipated that this Material Testing Contract will be supplemented in the future as the remaining construction projects are authorized for the Love Field Airside Capital Improvement Program; and,

**WHEREAS**, it is now desirable to authorize a professional services contract with Alliance Geotechnical Group, to perform Material Testing on four construction projects in the Airside Capital Improvement Program at Dallas Love Field in the amount of \$534,194.00.

**Now, Therefore,**

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

January 25, 2017

**Section 1.** That the City Manager is hereby authorized to execute a professional services contract with Alliance Geotechnical Group, to perform Material Testing on four construction projects in the Airside Capital Improvement Program at Dallas Love Field in the amount of \$534,194.00, after it has been approved as to form by the City Attorney.

**Section 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$534,194.00 in accordance with the terms and conditions of the contract from:

**Taxiway B from B1 to B4 and Connector's B3 and B4**

Aviation Capital Construction Fund  
Fund 0131, Department AVI, Unit W003, Activity AAIP,  
Object 4113, Program # AVIW003, Comm 92500, CT AVIAGGW003FY17  
Vendor # 338366, in an amount not to exceed \$285,724.00

**Taxiway Echo (RW 18/36) Intersection Improvements**

Aviation Capital Construction Fund  
Fund 0131, Department AVI, Unit P941, Activity AAIP  
Object 4113, Program # AVP941, Comm 92500, CT AVIAGGP941FY17  
Vendor # 338366, in an amount not to exceed \$103,783.00

**Runway Incursion Mitigation Project**

Aviation Capital Construction Fund  
Fund 0131, Department AVI, Unit W047, Activity AAIP  
Object 4113, Program # AVIW047, Comm 92500, CT AVIAGGW047FY17  
Vendor # 338366, in an amount not to exceed \$13,275.00

**Runway 18/36 Conversion Project**

Aviation Capital Construction Fund  
Fund 0131, Department AVI, Unit W004, Activity AAIP  
Object 4113, Program # AVIW004, Comm 92500, CT AVIAGGW004FY17  
Vendor # 338366, in an amount not to exceed \$131,412.00

Project Total \$534,194.00

**Section 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



**AGENDA ITEM # 15**

**KEY FOCUS AREA:** Culture, Arts and Recreation and Educational Enhancements  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Equipment & Building Services  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 46Q

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**SUBJECT**

Ratify an emergency service contract with The Brandt Companies, LLC for boiler replacement at the Texas Discovery Garden located at 3601 Martin Luther King Jr. Boulevard - Not to exceed \$118,513 - Financing: Current Funds

**BACKGROUND**

This action will authorize an emergency service contract with The Brandt Companies, LLC for boiler replacement at the Texas Discovery Garden located at 3601 Martin Luther King Jr. Boulevard.

The Texas Discovery Gardens is a 7.5-acre organic botanic garden featuring a 6,130 square feet Grand Hall available for company rentals, school events and private weddings.

On December 9, 2016, the boilers serving the Grand Hall experienced catastrophic failures resulting in a complete loss of heating.

Brandt Companies, LLC has recently replaced boilers in other City facilities. Given their demonstrated ability on those projects, they were contacted to assist with the emergency repair.

The emergency repair services included labor and materials for the removal of the failed boilers to include hydronic piping as well as the procurement and installation of new boilers and associated hydronic piping. Heating was restored to the Grand Hall on December 15, 2016, the day before a scheduled wedding.

**ESTIMATED SCHEDULE OF PROJECT**

Began Emergency Repairs	December 2016
Complete Emergency Repairs	January 2017

**PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Quality of Life & Environment Committee on January 23, 2017.

**FISCAL INFORMATION**

Current Funds - \$118,513.00

**ETHNIC COMPOSITION**

The Brandt Companies, LLC

White Male	908	White Female	58
Black Male	83	Black Female	2
Hispanic Male	468	Hispanic Female	21
Other Male	22	Other Female	1

**OWNER**

**The Brandt Companies, LLC**

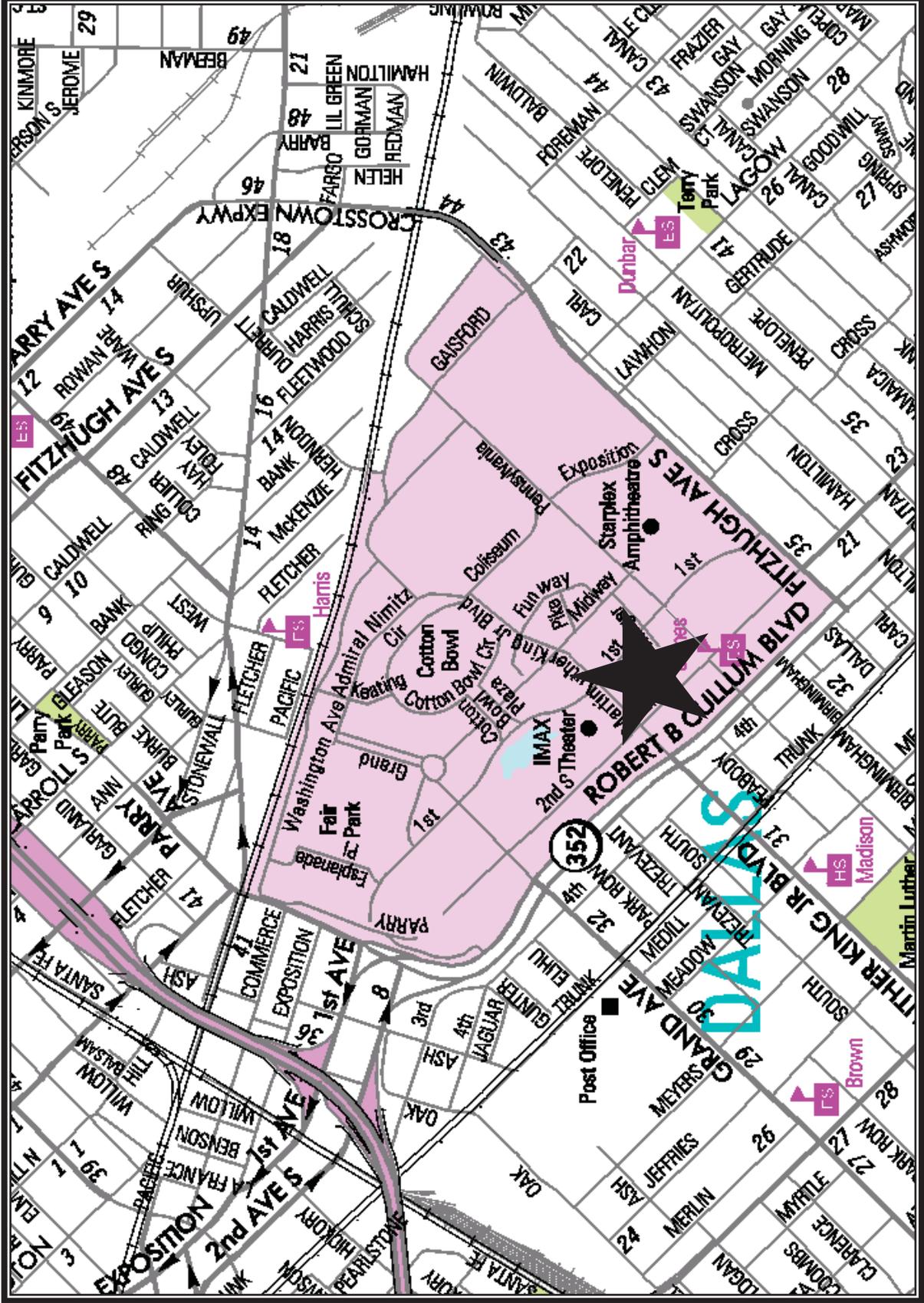
Barry Moore, President

**MAP**

Attached.

# Texas Discovery Gardens Fair Park

Council District 7



3601 Martin Luther King Jr. Blvd.

Mapsc0 # 46Q

January 25, 2017

**WHEREAS**, the need to perform emergency boiler replacement at the Texas Discovery Garden was identified; and,

**WHEREAS**, The Brandt Companies, LLC submitted a proposal for boiler replacement at the Texas Discovery Garden; and,

**WHEREAS**, it is necessary to ratify an emergency service contract with The Brandt Companies, LLC for boiler replacement at the Texas Discovery Garden located at 3601 Martin Luther King Jr. Boulevard in an amount not to exceed \$118,513.00.

**Now, Therefore,**

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

**Section 1.** That an emergency service contract with The Brandt Companies, LLC for boiler replacement at the Texas Discovery Garden located at 3601 Martin Luther King Jr. Boulevard in an amount not to exceed \$118,513.00 is hereby ratified as an emergency expenditure.

**Section 2.** That the Chief Financial Officer is authorized to disburse funds in accordance with the terms and conditions of the contract from Fund 0001, Dept. PKR, Unit 5206, Object 3070, Encumbrance EBS17P717CT06, to The Brandt Companies, LLC (Vendor VS0000070771), in an amount not to exceed \$118,513.00.

**Section 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Equipment & Building Services  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** N/A

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**SUBJECT**

Authorize the establishment of appropriations in the State of Texas Energy Conservation Office Loan Star fund in the amount of \$931,108 - Financing: This action has no cost consideration to the City

**BACKGROUND**

In May 28, 2013, the City of Dallas authorized a Comprehensive Energy Savings and Photovoltaic (PV) Performance Contract with Pepco Energy Services, Inc. to perform an energy audit and to develop proposals to complete energy conservation-related projects on City-owned buildings. The audit resulted in proposals for City Hall, Dallas Museum of Art, the Oak Cliff Municipal Center, the Courts Building, the Libraries, and several other facilities throughout the City of Dallas. The scope of work for Pepco Energy Service, Inc. was subsequently amended by Supplemental Agreement No. 1, removing the minimum requirement to furnish and install the required PV solar panels.

As part of an energy conservation initiative the City applied for a \$5 million loan from the State Energy Conservation Office's (SECO) LoanSTAR Revolving Loan Program. The program is designed to finance energy-related cost-reduction retrofits for public entities by providing low interest rate loans that finance energy-related cost-reduction efforts. Applicants repay the loans through energy cost savings realized from the projects.

In June 2013, after review of the proposals, the City of Dallas applied for \$5,000,000 in SECO LoanSTAR Revolving Loan Program funds to complete the projects. On December 13, 2013, Resolution No. 13-2155 authorized the execution of a ten-year loan agreement with the SECO LoanSTAR Revolving Loan Program in an amount of \$4,706,995 with 2.5% annualized interest.

**BACKGROUND (Continued)**

The resolution also authorized the execution of Supplemental Agreement No. 2 to the Pepco Energy Services, Inc. contract for the construction of energy related projects at 28 City facilities and for measurement and verification services in an amount not to exceed \$593,137, payable over a ten-year period.

The terms of the SECO contract stipulate, per the Texas Local Government Code Chapter 302, that the project financing from SECO must be repaid using realized annual energy savings, as identified and guaranteed by Pepco Energy Services, Inc.

Resolution No. 13-2155 also authorized the disbursement of funds to Pepco Energy Services, Inc. and to SECO through SECO Loan Repayment Fund, but omitted the establishment of appropriations needed to make the loan payment and Pepco Energy Services, Inc. measurement and verification payment.

The Loan Payment Schedule disbursed by SECO outlines a modified six-year loan term that coincides with the SECO fiscal year calendar, with a first payment due date of November 30, 2016 and continued payments through August 31, 2022.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Repayment	November 2016 (SECO Loan Payment)
Complete Repayment	August 2022 (SECO Loan Payment)
Begin Repayment	November 2016 (Pepco Measurement and Verification Payment)
Complete Repayment	August 2026 (Pepco Measurement and Verification Payment)

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On June 12, 2013, Resolution No. 13-1021 authorized a Memorandum of Understanding with the State Energy Conservation Office (SECO) for energy projects at City Hall and various facilities.

On December 11, 2013, Resolution No. 13-2155 authorized the execution of a ten-year term loan agreement with the SECO LoanSTAR Program in an amount of \$4,706,995 plus interest. The resolution also authorized the execution of Supplemental Agreement No. 2 to the Pepco Energy Services, Inc. contract for the construction of energy related projects at 28 City facilities, and for payment for measurement and verification services in an amount not to exceed \$593,137 payable over a ten-year period.

Information about this item will be provided to the Quality of Life & Environment Committee on January 23, 2017.

**FISCAL INFORMATION**

This action has no cost consideration to the City.



January 25, 2017

**WHEREAS**, Chapter 302 of the Texas Local Government Code, as amended, allowed for the procurement of energy performance contracts for the purpose of making energy conservation improvements to public buildings; and,

**WHEREAS**, December 11, 2013, Resolution No. 13-2155 authorized (1) the acceptance of a loan from the State Energy Conservation Office LoanSTAR Revolving Loan Program in the amount of \$4,706,995 to be repaid, plus interest, from electricity and natural gas energy savings; (2) establishment of appropriations in an amount not to exceed \$4,706,995 in the SECO LoanSTAR Fund; (3) Supplemental Agreement No. 2 to the original contract with Pepco Energy Services, Inc. for construction of energy conservation related projects at 28 City facilities in an amount not to exceed \$4,706,995, and for measurement and verification for a period not to exceed ten years, in an amount not to exceed \$593,137, to be paid from electric and natural gas savings; (4) accepted, deposited, and established appropriations for rebates from Oncor Electric Delivery in the Oncor Rebate Fund, and (5) authorized the City Manager to repay the SECO loan over a ten year period, plus interest through the SECO Loan Repayment Fund, using savings in the City's annual electricity and natural gas budgets – Total not to exceed \$5,300,132; and,

**WHEREAS**, Pepco Energy Services, Inc. has completed all contracted energy related conservation projects on the 28 City-owned buildings and the Measurement & Verification period has begun and we are in the loan repayment phase; and,

**WHEREAS**, the independent third party review has determined the work to be completed satisfactorily, and State Energy Conservation Office has provided a loan repayment schedule and approved the loan repayment phase; and

**WHEREAS**, Texas Local Government Code Chapter 302 requires that the project financing must be repaid from realized annual energy savings, as identified and guaranteed in the contract; and,

**WHEREAS**, it is now hereby authorized to establish appropriations in an amount not to exceed \$931,107.32.

**Now, Therefore,**

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

January 25, 2017

**Section 1.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$931,107.32, in Fund: 0575, Dept.: EBS, Unit: DG47, Object: 3535/3536.

**Section 2.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Equipment & Building Services  
Convention and Event Services

**CMO:** Jill A. Jordan, P.E., 670-5299  
Mark McDaniel, 670-3256

**MAPSCO:** 45P

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**SUBJECT**

Authorize an increase to the construction services contract with Denco CS Corporation, Inc., for additional work required to complete the East Kitchen Improvement Project at the Kay Bailey Hutchison Convention Center Dallas, located at 650 South Griffin Street - Not to exceed \$138,238, from \$1,876,422 to \$2,014,659 - Financing: Convention and Event Services Capital Construction Funds

**BACKGROUND**

This action will authorize Change Order No. 2 to increase the construction contract with Denco CS Corporation, Inc. for additional work necessary to complete improvements to the East Kitchen at the Kay Bailey Hutchison Convention Center Dallas, located at 650 South Griffin Street, in an amount not to exceed \$138,237.07, from \$1,876,421.53 to \$2,014,658.60.

During construction unanticipated conditions were uncovered that required changes to the construction scope. The size and location of existing structural members located above the kitchen ceiling resulted in the re-design and relocation of ductwork, the kitchen vent hoods, and the existing sprinkler main. Additionally, the structural engineer requested that an embedded concrete column in the block wall be repaired. Changes to the existing member required re-routing of plumbing lines and penetrations for drains.

As construction continued, unexpected repairs to the boiler servicing the kitchen required the design and installation of a hot water heating solution. Removal of the lower level conference room ceiling also revealed hidden damage that required replacement of the existing light fixtures. Additional requirements by building inspection resulted in the installation of water flow and tamper modules, doorway thresholds outside the project area, and modifications to drain hubs.

## **ESTIMATED SCHEDULE OF PROJECT**

Began Construction                      June 2016  
Complete Construction                  February 2017

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On October 14, 2015, Resolution No. 15-879 authorized an engineering services contract with Campos Engineering, Inc.

On May 25, 2016, Resolution No. 16-0809 authorized a construction services contract with DENCO CS Corporation, Inc.

On September 28, 2016, Resolution No. 16-1622 authorized Change Order No. 1 to the construction contract with DENCO CS Corporation, Inc.

Information about this item will be provided to the Economic Development Committee on January 17, 2017.

## **FISCAL INFORMATION**

Convention and Event Services Capital Construction Funds - \$138,237.07

Construction Contract	\$1,673,292.00
Change Order No. 1	\$ 203,129.53
Change Order No. 2 (this action)	<u>\$ 138,237.07</u>
Total	\$2,014,658.60

## **M/WBE INFORMATION**

See attached.

## **ETHNIC COMPOSITION**

DENCO CS Corporation, Inc.

Hispanic Female	1	Hispanic Male	25
African-American Female	0	African-American Male	2
Other Female	0	Other Male	0
White Female	1	White Male	19

**OWNER**

**DENCO CS Corporation, Inc.**

Steve Smith, Director of Construction

**MAP**

Attached

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize an increase to the construction services contract with DENCO CS Corporation, Inc., for additional work required to complete the East Kitchen Improvement Project at the Kay Bailey Hutchison Convention Center Dallas, located at 650 South Griffin Street - Not to exceed \$138,238, from \$1,876,422 to \$2,014,659 - Financing: Convention and Event Services Capital Construction Funds

Denco CS Corporation, Inc is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

**PROJECT CATEGORY:** Construction

### **LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY**

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$102,985.71	74.50%
Non-local contracts	\$35,251.36	25.50%
<b>TOTAL THIS ACTION</b>	<b>\$138,237.07</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION**

#### **Local Contractors / Sub-Contractors**

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
OAC Construction	HMMB64794N0417	\$26,350.36	25.59%
<b>Total Minority - Local</b>		<b>\$26,350.36</b>	<b>25.59%</b>

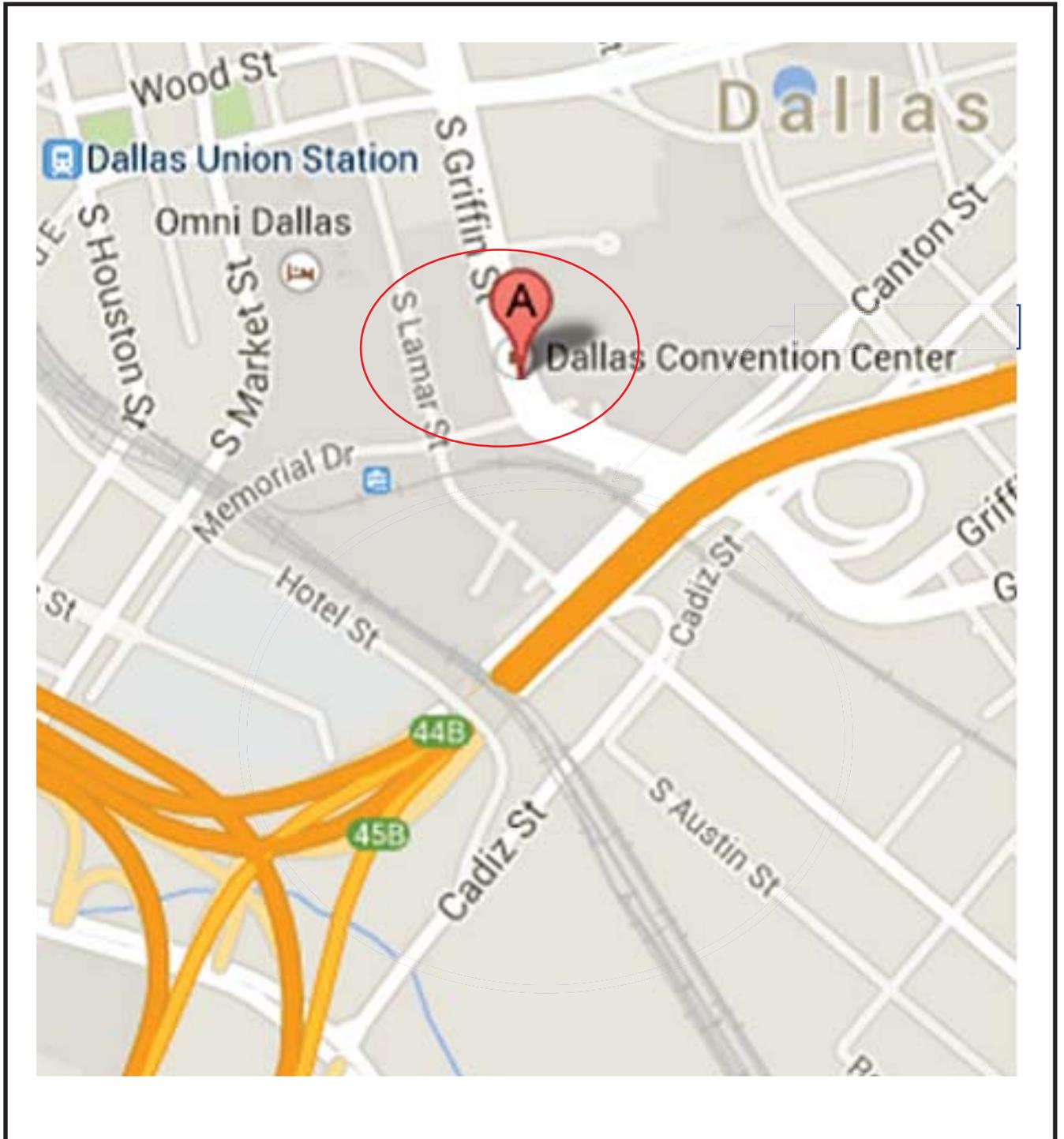
#### **Non-Local Contractors / Sub-Contractors**

None

### **TOTAL M/WBE PARTICIPATION**

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$26,350.36	19.06%	\$705,162.36	35.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
<b>Total</b>	<b>\$26,350.36</b>	<b>19.06%</b>	<b>\$705,162.36</b>	<b>35.00%</b>

# Kay Bailey Hutchison Convention Center - Dallas



Mapsco 45P



January 25, 2017

**WHEREAS**, on October 6, 2014, Administrative Action No. 14-6841 authorized an engineering services contract with Campos Engineering, Inc. to provide engineering services for the replacement of the East Kitchen exhaust system; and,

**WHEREAS**, on October 14, 2015, Resolution No. 15-1879 authorized Supplemental Agreement No. 1 to the engineering services contract with Campos Engineering, Inc. to provide design, construction documents, and construction administration services for improvements to the East Kitchen; and,

**WHEREAS**, on February 16, 2016, Administrative Action No. 16-5660 authorized Supplemental Agreement No. 2 to the engineering services contract with Campos Engineering, Inc. to provide additional engineering services to complete the renovation of the East Kitchen; and,

**WHEREAS**, on May 25, 2016, Resolution No. 16-0809 authorized a contract with DENCO CS Corporation, Inc. for construction of renovation and improvements to the East Kitchen of the Kay Bailey Hutchison Convention Center Dallas; and,

**WHEREAS**, on September 28, 2016, Resolution No. 16-1622 authorized Change Order No. 1 to the contract with DENCO CS Corporation, Inc. for required construction changes to the East Kitchen of the Kay Bailey Hutchison; and,

**WHEREAS**, it is now desirable to authorize Change Order No. 2 to the construction services contract with DENCO CS Corporation, Inc., for additional work required to complete the East Kitchen Improvement Project at the Kay Bailey Hutchison Convention Center Dallas, located at 650 South Griffin Street in the amount of \$138,237.07, from \$1,876,421.53 to \$2,014,658.60.

**Now, Therefore**

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

**Section 1.** That the City Manager is hereby authorized to execute Change Order No. 2 to the Construction Services contract with DENCO CS Corporation, Inc. for additional work necessary to complete renovation and improvements to the East Kitchen of the Kay Bailey Hutchison Convention Center Dallas, located at 650 South Griffin Street in the amount of \$138,237.07, increasing the contract from \$1,876,421.53 to \$2,014,658.60.

**Section 2.** That the City Manager is hereby authorized to execute the contract after it has been approved as to form by the City Attorney.

January 25, 2017

**Section 3.** That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Convention Center Capital Construction Funds  
Fund 0082, Dept. CCT, Unit W073, Act. CCIM  
Obj. 4310, Program PBC00038, CT PBWC00038H1  
Vendor No. VS0000062071, in an amount not to exceed \$138,237.07

**Section 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Equipment & Building Services  
Aviation  
**CMO:** Jill A. Jordan, P.E., 670-5299  
Mark McDaniel, 670-3256  
**MAPSCO:** 33D; 33H; 34A; 34E; 34F; 34J; 34K

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**SUBJECT**

Authorize an increase in the construction contract with EAS Contracting L.P. for the final change order, reconciling deletions and additions of work on the Hold Sign Relocation Project at Dallas Love Field for a net deductive increase to the contract - Not to exceed \$11,740, from \$1,306,252 to \$1,317,992 - Financing: Aviation Capital Construction Funds

**BACKGROUND**

This project consists of relocating existing runway holding position signs on Runway 13L/31R and Runway 13R/31L to meet current Federal Aviation Administration Standards. This change order includes additions and deductions to the contract. The additions to the contract amount to \$168,320.47 and the deductions total \$156,710.10, for a net increase to the contract of \$11,740.37.

The additional work, amounting to \$168,320.47, includes LED light fixtures, trenching, cables, conduit, pavement markings, and sign panels. The deleted work, totaling \$156,710.10, includes reduction of thermoplastic quantities, airfield 3-module sign, centerline fixtures, paint removal, job site equipment, labor, and FAA conduit.

**ESTIMATED SCHEDULE OF PROJECT**

Began Design	September 2014
Completed Design	March 2015
Begin Construction	November 2015
Complete Construction	February 2017

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized a professional services contract with Atkins North America, Inc. on September 24, 2014, for the design and preparation of construction documents for the Runway Signage and Marking Holding Position Relocation at Dallas Love Field, by Resolution No. 14-1604.

Authorized a contract with EAS Contracting L.P. on October 28, 2015, to provide construction services for the Love Field Hold Sign Relocation Project at Dallas Love Field, by Resolution No. 15-1968.

Authorized Supplemental Agreement No. 1 to the professional services contract with Atkins North America, Inc. on October 28, 2015, to provide construction administration and construction management services for the Love Field Hold Sign Project at Dallas Love Field, by Resolution No. 15-1969.

Information about this item will be provided to the Economic Development Committee on January 17, 2017.

**FISCAL INFORMATION**

Aviation Capital Construction Funds - \$11,740.37

Design	\$ 274,722.00
Construction Administration Supplemental Agreement No. 1	\$ 415,700.00
Construction Administration Supplemental Agreement No. 2	\$ 18,490.00
Construction	\$1,306,252.00
Change Order No. 1 (this action)	<u>\$ 11,740.37</u>
Total	\$2,026,904.37

**DBE INFORMATION**

The original schedule of contract items and quantities included an anticipated \$366,545.00 in scheduled DBE sub-contracted scope of work. The scheduled items not required to be performed to complete the project were deleted and totaled \$156,710.10, of which DBE \$40,627.56 was intended for subcontracting. The added items required to be performed to complete the project construction did not include any sub-contracting opportunities, and the resultant net change order shows a negative participation amount and percentage. The DBE participation goal for this project is 20.75%. The actual total DBE participation for the project is 24.73%.

**ETHNIC COMPOSITION**

**EAS Contracting, L.P.**

Hispanic Female	116	Hispanic Male	201
African-American Female	67	African-American Male	74
Other Female	74	Other Male	124
White Female	648	White Male	1,300

**OWNER(S)**

**EAS Contracting, L.P.**

Carroll Edwards, President  
Jerry Mills, Partner  
Ray Naizer, Partner

**MAP**

Attached

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize an increase in the construction contract with EAS Contracting L.P. for the final change order, reconciling deletions and additions of work on the Hold Sign Relocation Project at Dallas Love Field for a net deductive increase to the contract - Not to exceed \$11,740, from \$1,306,252 to \$1,317,992 - Financing: Aviation Capital Construction Funds

EAS is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

**PROJECT CATEGORY:** Construction

### **LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY**

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$0.00	0.00%
Non-local contracts	\$11,740.37	100.00%
<b>TOTAL THIS ACTION</b>	<b>\$11,740.37</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL DBE PARTICIPATION THIS ACTION**

#### **Local Contractors / Sub-Contractors**

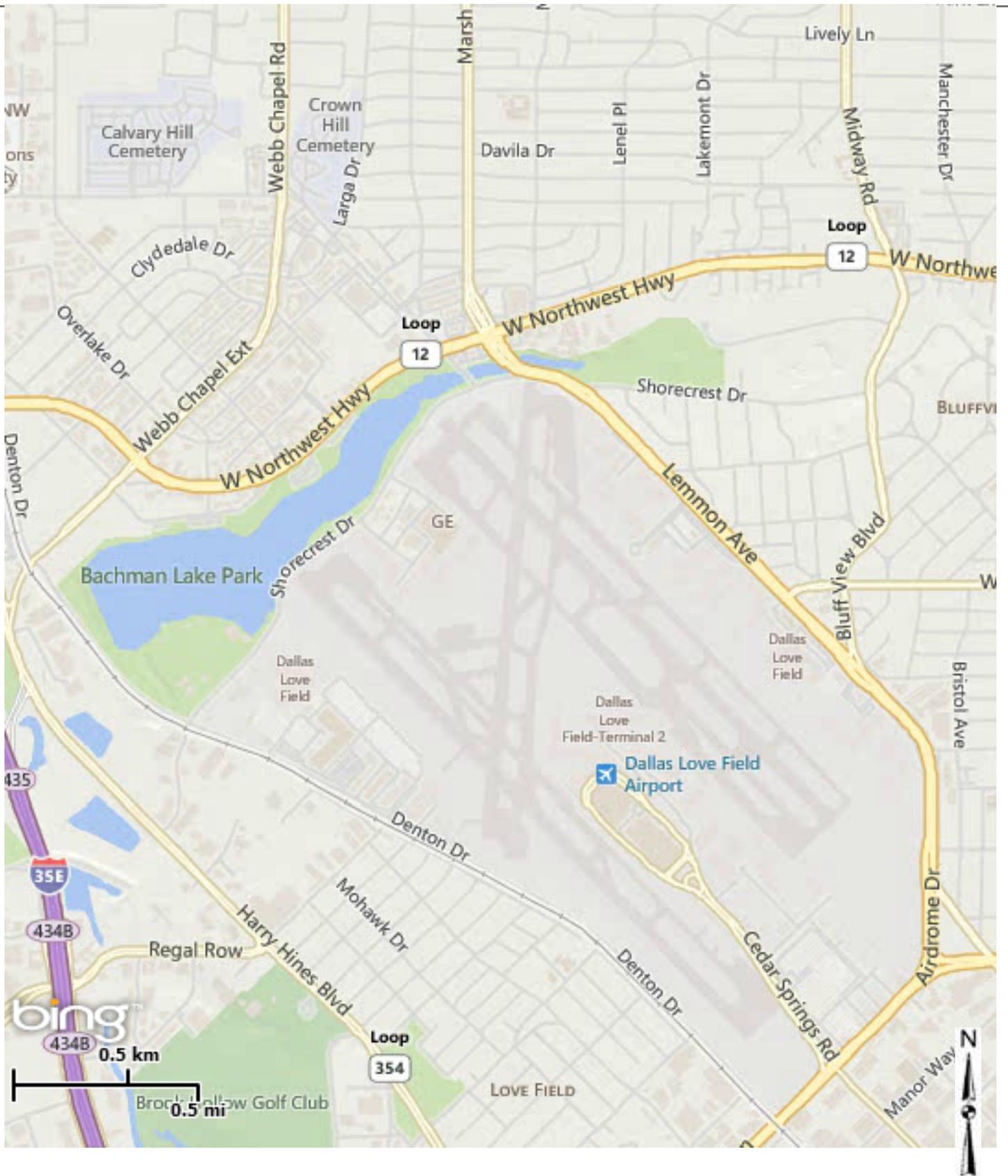
None

#### **Non-Local Contractors / Sub-Contractors**

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Chambers Engineering	BMMB49099N0518	(\$40,627.56)	-346.05%
<b>Total Minority - Non-local</b>		<b>(\$40,627.56)</b>	<b>(346.05%)</b>

### **TOTAL DBE CONTRACT PARTICIPATION**

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	(\$40,627.56)	(346.05%)	\$325,917.44	24.73%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
<b>Total</b>	<b>(\$40,627.56)</b>	<b>(346.05%)</b>	<b>\$325,917.44</b>	<b>24.73%</b>



## Dallas Love Field

Mapsco

33D; 33H; 34A; 34E 34F; 34J; 34K



January 25, 2017

**WHEREAS**, in 1981 the Federal Aviation Administration (FAA) granted Dallas Love Field a waiver to allow the runway holding position signs and pavement markings to remain in their existing conditions due to the use of mid-field take offs allowed at that time; and,

**WHEREAS**, the current runway hold position markings and signage do not meet current Federal Aviation Administration standards for Runway Safety Areas at Dallas Love Field; and,

**WHEREAS**, in September 2012, the Federal Aviation Administration rescinded a waiver for Dallas Love Field allowing the runway hold position signage and pavement markings to remain in their existing locations; and,

**WHEREAS**, it became necessary to relocate the runway signage and pavement marking hold positions to meet current Federal Aviation Administration standards for the runway safety areas at Dallas Love Field; and,

**WHEREAS**, on September 24, 2014, Resolution No. 14-1604 authorized a professional services contract with Atkins North America, INC, for the design and preparation of construction documents for the Hold Sign Relocation Project at Dallas Love field in the amount of \$274,722.00; and,

**WHEREAS**, bid specifications were developed and publicly advertised for competitive bids for the Love Field Hold Sign Relocation Project; and,

**WHEREAS**, one bid was received and opened on June 17, 2015 for the Love Field Hold Sign Relocation Project at Dallas Love Field as follows:

<b><u>BIDDER</u></b>	<b><u>BID AMOUNT</u></b>
EAS Contracting, L.P.	\$1,306,252.00

**WHEREAS**, on October 28, 2015 Resolution No. 15-1968 authorized a construction contract with EAS Contracting, L.P. for construction of the Love Field Hold Sign Relocation Project at Dallas Love Field in the amount of \$1,306,252.00.

**WHEREAS**, on October 28, 2015 Resolution No. 15-1969 authorized a professional services contract with Atkins North America for construction administration and construction management services for the Love Field Hold Sign Relocation Project at Dallas Love Field in the amount of \$415,700.00.

January 25, 2017

**WHEREAS**, on October 12, 2016, Administrative Action No. 16-0934 authorized a supplemental agreement No. 1 to the contract with Atkins North America for construction administration and construction management services for the Love Field Hold Sign Relocation Project at Dallas Love Field in the amount of \$18,490.00.

**WHEREAS**, it is now necessary to authorize Change Order No. 1 to the construction contract with EAS Contracting L.P. for the final change order, reconciling deletions and additions of work on the Hold Sign Relocation Project at Dallas Love Field for a net deductive increase to the contract in the amount of \$11,740.37, increasing the contract from \$1,306,252.00 to \$1,317,992.37.

**Now, Therefore,**

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

**Section 1.** That the City Manager is hereby authorized to execute Change Order No. 1 to the construction contract with EAS Contracting L.P. for the final change order, reconciling deletions and additions of work on the Hold Sign Relocation Project at Dallas Love Field for a net deductive increase to the contract in the amount of \$11,740.37, increasing the contract , from \$1,306,252.00 to \$1,317,992.37, after it has been approved as to form by the City Attorney.

**Section 2.** That the City will apply for Passenger Facility Charge (PFC) funding at a later date for the eligible construction cost \$11,740.37 of the Love Field Hold Sign Relocation Project; and upon approval of the PFC for these projects, the Chief Financial Officer is hereby authorized to transfer from the PFC Fund 0477, Dept. AVI, cash account 0001 to the Aviation Capital Construction Fund 0131, Dept. AVI, cash account 0001.

**Section 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$11,740.37 to be paid to EAS Contracting, L.P. in accordance with the terms and conditions of the contract from:

Love Field Hold Sign Relocation Project  
Aviation Capital Construction Fund  
Fund 0131, Department AVI, Unit P919,  
Account AAIP, Object 4599, Program  
AVIP919 CTAVIHSEASFY15

Vendor #518115, in an amount not to exceed

\$11,740.37

**Section 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**KEY FOCUS AREA:** E-Gov

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** Intergovernmental Services  
City Attorney's Office

**CMO:** A. C. Gonzalez, 670-3297  
Larry Casto, 670-3491

**MAPSCO:** N/A

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**SUBJECT**

A resolution authorizing a full and final settlement of DFW International Airport Board, City of Fort Worth and City of Dallas, Plaintiffs v. Chesapeake Explorations LLC and TOTAL E&P USA, Defendants, Cause No. 236-286059-16, in the 236th Judicial District of Tarrant County, Texas - Financing: No cost consideration to the City

**BACKGROUND**

In 2009, the Cities of Dallas and Fort Worth, as the lessors under the Chesapeake (CHK) lease at DFW, sued CHK on behalf of DFW, regarding the calculation of royalties and the extent of retained acreage (earned by production).

In 2012, settlements were reached on both disputes. The retained acreage settlement created a line of demarcation bisecting the airport from southwest to northeast. It was agreed that CHK was not required to drill southeast of the line unless gas prices exceeded a certain threshold, which they never did. CHK would retain the acreage northwest of the line, provided it would drill in that area a minimum of 14 new wells by the end of 2014. With City Council approval, that deadline was later postponed until the end of 2015.

It became apparent in late 2015 that CHK would neither meet the drilling obligation nor pay the value of the production lost. CHK asserted that it could drill vertical wells to satisfy its drilling obligation, which would be much cheaper for CHK and utterly unproductive for both parties. The Cities of Dallas and Fort Worth then filed suit again on behalf of DFW and the proposed settlement has been reached.

The proposed settlement will resolve all outstanding disputes between the parties, in the referenced litigation.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On September 10, 2014, the Dallas City Council authorized an amendment to the mineral lease between the City of Dallas, City of Fort Worth, The Dallas/Fort Worth International Airport Board, and Chesapeake Exploration, LLC for a one year extension to Chesapeake's northern sector drilling requirement by Resolution No. 14-1464.

Information about this item will be provided to the Dallas City Council in Executive Session on January 18, 2017.

Information about this item will be provided to the Transportation and Trinity River Project Committee on January 23, 2017.

**FISCAL INFORMATION**

No cost consideration to the City

January 25, 2017

**WHEREAS**, the Dallas/Fort Worth International Airport (“the Airport”) serves the aviation needs of the owner cities of Dallas and Fort Worth; and

**NOW, THEREFORE,**

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

**SECTION 1.** That the City of Dallas executes a full and final settlement with Chesapeake Explorations LLC and Total E&P USA in the 236th Judicial District of Tarrant County, Texas.

**SECTION 2.** That the approvals and authorization contained in this resolution are further conditioned upon similar approvals by the City Council of the City of Fort Worth.

**SECTION 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



**AGENDA ITEM # 20**

**KEY FOCUS AREA:** Culture, Arts and Recreation and Educational Enhancements

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Library

**CMO:** Joey Zapata, 670-1204

**MAPSCO:** N/A

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**SUBJECT**

Authorize **(1)** acceptance of a grant from the Association for Library Service to Children (ALSC), a division of the American Library Association and funded by the Dollar General Literacy Foundation called the Strengthening Communities Through Libraries Grant in the amount of \$5,000 for the period January 1, 2017 through May 31, 2017; **(2)** establishment of appropriations in an amount not to exceed \$5,000 in the Strengthening Communities Through Libraries Grant-ALSC fund; and **(3)** execution of the grant agreement - Total not to exceed \$5,000 - Financing: Association for Library Service to Children Grant Funds

**BACKGROUND**

The Association for Library Service to Children (ALSC) awards competitive grants to libraries and regional library systems across the country for children’s programming that strengthens community opportunities for S.T.E.A.M. (Science, Technology, Engineering, Art, and Math) learning. The Dallas Public Library received one of these annual grants.

The Strengthening Communities Through Libraries Grant in the amount of \$5,000 will provide S.T.E.A.M. based afterschool programs at five Dallas Public Library branches: Audelia Road Branch, Hampton-Illinois Branch, Highland Hills Branch, Prairie Creek Branch, and Timberglen Branch. The collaborative project between the Dallas Public Library and Equal Heart’s AmeriCorps afterschool snack program will provide services to approximately 300 children from January 1, 2017 through May 31, 2017. This grant will support the acquisition of toys and learning tools to enhance the planned programs with hands-on exploration in the areas of science, technology, engineering, art, and math.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Council will be briefed by memorandum regarding this item.

**FISCAL INFORMATION**

\$5,000 - Association for Library Service to Children Grant Funds

January 25, 2017

**WHEREAS**, the Association for Library Service to Children (ALSC) has awarded the City of Dallas grant funds to enhance the Dallas Public Library's children's S.T.E.A.M literacy learning efforts; and

**WHEREAS**, funds have been awarded to the City of Dallas for the Dallas Public Library to support the acquisition of learning toys and tools to enhance the learning experience for all children from all backgrounds; and

**WHEREAS**, it is recommended that the City Manager is authorized to accept the grant funds in an amount not to exceed \$5,000 for the period January 1, 2017 through May 31, 2017.

**NOW, THEREFORE,**

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

**Section 1.** That the City Manager is hereby authorized to accept the Strengthening Communities Through Libraries Grant from the Association for Library Service to Children (ALSC), a division of the American Library Association and funded by the Dollar General Literacy Foundation in an amount not to exceed \$5,000.00 for the period January 1, 2017 through May 31, 2017; and execute the grant agreement.

**Section 2.** That the Chief Financial Officer is hereby authorized to receive and deposit grant funds into Fund P120, Department LIB, Unit 2746, Revenue Source 8411, in an amount not to exceed \$5,000.00.

**Section 3.** That the City Manager is hereby authorized to establish appropriations in Fund P120, Department LIB, Unit 2746, various object codes in an amount not to exceed \$5,000.00 per the attached Schedule.

**Section 4.** That the Chief Financial Officer is hereby authorized to disburse funds from Fund P120, Department LIB, Unit 2746, various object codes in an amount not to exceed \$5,000.00 per the attached Schedule.

**Section 5.** That the City Manager is hereby authorized to reimburse the granting agency any expenditures identified as ineligible and notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

**Section 6.** That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

January 25, 2017

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

**Association for Library Service to Children  
Strengthening Communities Through Libraries Grant  
Fund P120, Dept. LIB, Unit 2746**

<b>Object Code</b>	<b>Description</b>	<b>Budget</b>
2110	Office Supplies	\$ 500
2280	Other Supplies	4,000
3030	Printing	500
	<b>Total</b>	<b><u>\$ 5,000</u></b>



**AGENDA ITEM # 21**

**KEY FOCUS AREA:** Culture, Arts and Recreation and Educational Enhancements

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Library

**CMO:** Joey Zapata, 670-1204

**MAPSCO:** N/A

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**SUBJECT**

Authorize **(1)** the acceptance of a grant from the Texas State Library and Archives Commission (FAIN No. LS-00-15-0044-15, CFDA No. 45.310) in the amount of \$57,458, for partial reimbursement of interlibrary loan services' direct costs for the period September 1, 2015 through August 31, 2016; and **(2)** execution of the grant agreement - Not to exceed \$57,458 - Financing: Texas State Library and Archives Commission Grant Funds

**BACKGROUND**

Interlibrary Loan (ILL) is a service that allows customers to request materials owned by another library system. Prior to August 31, 2012, when the Texas State Legislature eliminated funding for interlibrary loan services, the Dallas Public Library served as a TexNet Center and received funding for the interlibrary loan service. Since then, the Dallas Public Library has absorbed the cost and continued to provide the service.

The Texas State Library Commission is providing reimbursement payments to Texas public libraries who made interlibrary loan lends in State Fiscal Year 2015. The Dallas Public Library completed 8,127 lends using the Navigator ILL system in State Fiscal Year 2016, and will receive a total payment of \$57,457.89.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On January 28, 2015, the City Council accepted grant funds from the Texas State Library and Archives Commission for partial reimbursement of Interlibrary Loan Service's direct costs (FAIN No. LS-00-13-0044-13, CFDA No. 45.310) in the amount of \$21,902.50 that occurred during the period September 1, 2013 to August 31, 2014, by Resolution No. 15-0170.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)** (Continued)

On January 13, 2016, the City Council accepted grant funds from the Texas State Library and Archives Commission for partial reimbursement of Interlibrary Loan Service's direct costs (FAIN No. LS-00-14-0044-14, CFDA No. 45.310) in the amount of \$38,823.03 that occurred during the period September 1, 2014 to August 31, 2015, by Resolution No. 16-0080.

Council will be briefed by memorandum regarding this item.

**FISCAL INFORMATION**

\$57,457.89 - Texas State Library and Archives Commission Grant Funds

January 25, 2017

**WHEREAS**, the Dallas Public Library provides Interlibrary Loan (ILL) service to its customers, allowing them to request materials owned by another library system; and

**WHEREAS**, the Dallas Public Library completed 8,127 lends using the Navigator ILL system in State Fiscal Year 2016; and

**WHEREAS**, the Texas State Library Commission is providing reimbursement payments to Texas public libraries who made interlibrary loan lends in State Fiscal Year 2016; and

**WHEREAS**, it is recommended that the City Manager be authorized to accept the grant award in an amount not to exceed \$57,457.89 for the period September 1, 2015 through August 31, 2016.

**NOW, THEREFORE,**

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

**Section 1.** That the City Manager is hereby authorized to accept a grant from the Texas State Library and Archives Commission for partial reimbursement of Interlibrary Loan Service's direct costs (FAIN No. LS-00-15-0044-15, CFDA No. 45.310) in the amount of \$57,457.89 for the period September 1, 2015 to August 31, 2016; and execute the grant agreement.

**Section 2.** That the Chief Financial Officer is hereby authorized to deposit grant funds into Fund F516, Department LIB, Unit 2105, Revenue Source 6506 in an amount not to exceed \$57,457.89.

**Section 3.** That the City Manager is hereby authorized to establish appropriations in accordance with the grant agreement in Interlibrary Loan FY16 Fund F516, Department LIB, Unit 2105, various object codes in an amount not to exceed \$57,457.89 per attached Schedule.

**Section 4.** That the Chief Financial Officer is hereby authorized to disburse funds from Fund F516, Department LIB, Unit 2105, various object codes in accordance with the grant agreement in an amount not to exceed \$57,457.89 per attached Schedule.

**Section 5.** That the City Manager is hereby authorized to reimburse to the granting agency any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

January 25, 2017

**Section 6.** That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

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

**Interlibrary Loan 2016 Reimbursement**  
**Fund F516 , Unit 2105**

<b>Object Code</b>	<b>Description</b>	<b>Budget</b>
3090	City Forces	\$ 57,457.89
	<b>Total</b>	<b>\$ 57,457.89</b>



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Mobility and Street Services  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 44 Q

---

**SUBJECT**

Authorize approval of the recommended plan for the proposed alignment of Amonette Street from Akron Street to Commerce Street, new construction - Financing: No cost consideration to the City

**BACKGROUND**

The West Dallas Gateway project was funded in the 2012 Bond Program. The project entails constructing new street crossings under the Union Pacific Railroad (UPRR) tracks in west Dallas that will allow for planned street connections on Amonette Street, Herbert Street and Bataan Street between Singleton Boulevard and Commerce Street. On June 19, 2013, these three street segments were added to the City of Dallas Thoroughfare Plan by Resolution No. 13-1041. The design of the West Dallas Gateway project is being administered in two phases. Phase I entails conceptual/preliminary design, including the development of roadway alignments, for Amonette Street, Herbert Street and Bataan Street between Singleton Boulevard and Commerce Street. Phase II entails detailed final design for the planned underpasses at the UPRR tracks and paving, drainage and streetscape design. On January 8, 2014, Resolution No. 14-0117 authorized a professional services contract for engineering services for the West Dallas Gateway, Phase I project.

This action will establish the alignment and right-of-way configuration/needs for Amonette Street between Akron Street and Commerce Street. The proposed alignment for this action will accommodate a two-lane undivided roadway with on-street parking within 54 feet of right-of-way as called for in Planned Development District No. 891 and the City of Dallas Thoroughfare Plan. The alignment for Amonette Street from Singleton Boulevard to Akron Street was previously approved on August 12, 2015, by Resolution No. 15-1386.

**BACKGROUND** (Continued)

Public meetings were conducted on October 28, 2014, and again on June 29, 2016 where the preliminary Amonette Street from Akron Street to Commerce Street staff recommended alignment was presented. The staff recommended alignment will impact and require right-of-way acquisition from nine properties; however, there are no anticipated residential or business displacements. The proposed street alignment also crosses Union Pacific Railroad (UPRR) tracks/right-of-way, so the new roadway will require a permit/agreement with UPRR. There is no known opposition to the proposed staff recommended alignment for Amonette Street between Akron Street and Commerce Street.

**ESTIMATED SCHEDULE OF PROJECT**

Phase I

Began Investigation/Study	February 2014
Complete Investigation Study	January 2017

Phase II

Begin Design	March 2017
Complete Design	May 2018
Begin Construction	August 2018
Complete Construction	December 2020

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized an amendment to the City of Dallas Thoroughfare Plan to add Amonette Street, Herbert Street and Bataan Street between Singleton Boulevard and Commerce Street on June 19, 2013, by Resolution No. 13-1041.

Authorized a professional services contract with URS Corporation for engineering design services for West Dallas Gateway project, Phase I on January 8, 2014, by Resolution No. 14-0117.

Authorized approval of the alignment and right-of-way configuration/needs for Amonette Street from Singleton Boulevard to Akron Street on August 12, 2015, by Resolution No. 15-1386.

Information about this item will be provided to the Transportation and Trinity River Project Committee on January 23, 2017.

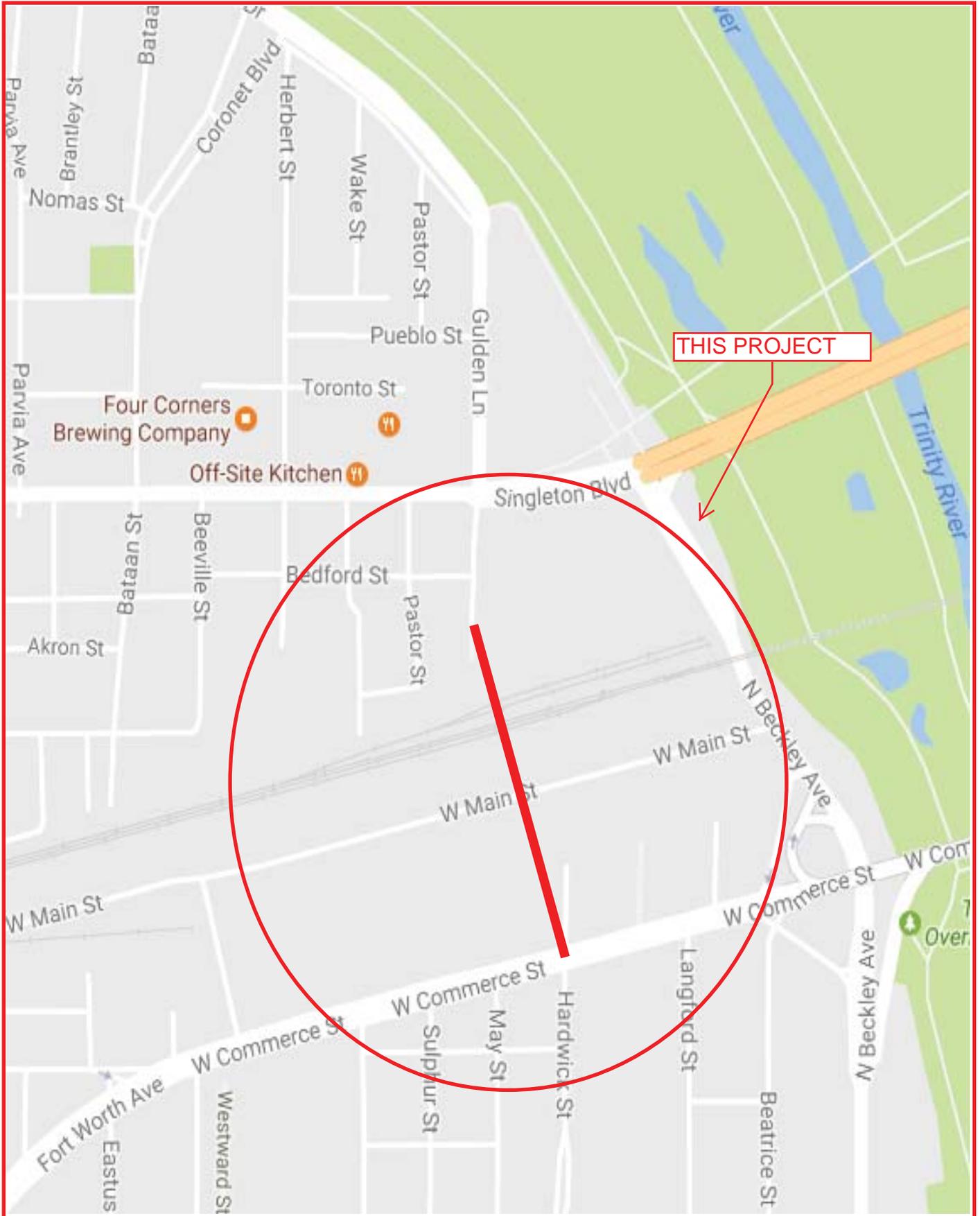
**FISCAL INFORMATION**

No cost consideration to the City.

**MAP**

Attached.

# AMONETTE STREET FROM AKRON STREET TO COMMERCE STREET



January 25, 2017

**WHEREAS**, on June 19, 2013, Resolution No. 13-1041 authorized an amendment to the City of Dallas Thoroughfare Plan to add Amonette Street, Herbert Street and Bataan Street between Singleton Boulevard and Commerce Street; and,

**WHEREAS**, on January 8, 2014, Resolution No. 14-0117 authorized a professional services contract with URS Corporation for engineering design services for West Dallas Gateway project, Phase I, in the amount of \$546,645; and,

**WHEREAS**, on June 26, 2014, Administrative Action No. 14-6387 authorized Supplemental Agreement No. 1 for engineering design services with URS Corporation for traffic engineering and cultural resources investigation of Phase I, of the West Dallas Gateway project, in the amount of \$33,058; and,

**WHEREAS**, on August 12, 2015, Resolution No. 15-1386 approved the proposed alignment that will accommodate a two-lane undivided roadway with on-street parking within 54 feet of right-of-way for Amonette Street from Singleton Boulevard to Akron Street from its current alignment; and,

**WHEREAS**, on October 20, 2015, Administrative Action No. 15-7072 authorized Supplemental Agreement No. 2 for engineering design services with URS Corporation to address changes to the rail structure concept, additional drainage analysis and data collection for the traffic study needed for Phase I, of the West Dallas Gateway project, in the amount of \$16,931; and,

**WHEREAS**, on November 28, 2016, Administrative Action No. 16-6977 authorized Supplemental Agreement No. 3 for engineering design services with URS Corporation to provide additional survey services for Phase I, of the West Dallas Gateway project, in the amount of \$27,189; and,

**WHEREAS**, it is now desirable to establish and approve the proposed alignment that will accommodate a two-lane undivided roadway with on-street parking within 54 feet of right-of-way for Amonette Street from Akron Street to Commerce Street, from its current alignment.

**Now, Therefore,**

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

**Section 1.** That the proposed alignment of Amonette Street from Akron Street to Commerce Street as shown and depicted on the attached drawing numbered 221D-34, recorded in the City of Dallas, Mobility and Street Services Survey Records Vault, is hereby approved.

January 25, 2017

**Section 2.** That the Director of Mobility and Street Services is authorized to make minor changes in the street alignment as necessary for the engineering design of this project.

**Section 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



**FUTURE MUNCIE STREET  
(221D-33)  
45' PROPOSED R.O.W.**

**46.54' Lt. Sta.  
45 + 28.74**

**27.00' Lt. Sta.  
45 + 13.76**

**27.00' Lt. Sta.  
44 + 59.60**

**27.00' Lt. Sta.  
42 + 51.73**

**27.00' Rt. Sta.  
44 + 59.60**

**26.31' Rt. Sta.  
45 + 23.92**

**27.00' Rt. Sta.  
42 + 39.70**

**PARCEL A9  
14,944 Sq. Ft.  
(0.343 Ac.)  
Right-of-Way  
TO BE ACQUIRED**

**CURVE DATA  
L = 86.23'  
R = 320.00'  
Δ = 15°26'22"**

- LEGEND**
- ROW ACQUISITION OR DEDICATION
  - ROW ABANDONMENT
  - PROPOSED PAVEMENT
- NOTES**
- COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.

**MATCH LINE STA 41+50  
SEE SHEET 2 OF 3**

**SHEET 1 OF 3**

**DRAWING NO.  
221D-34**

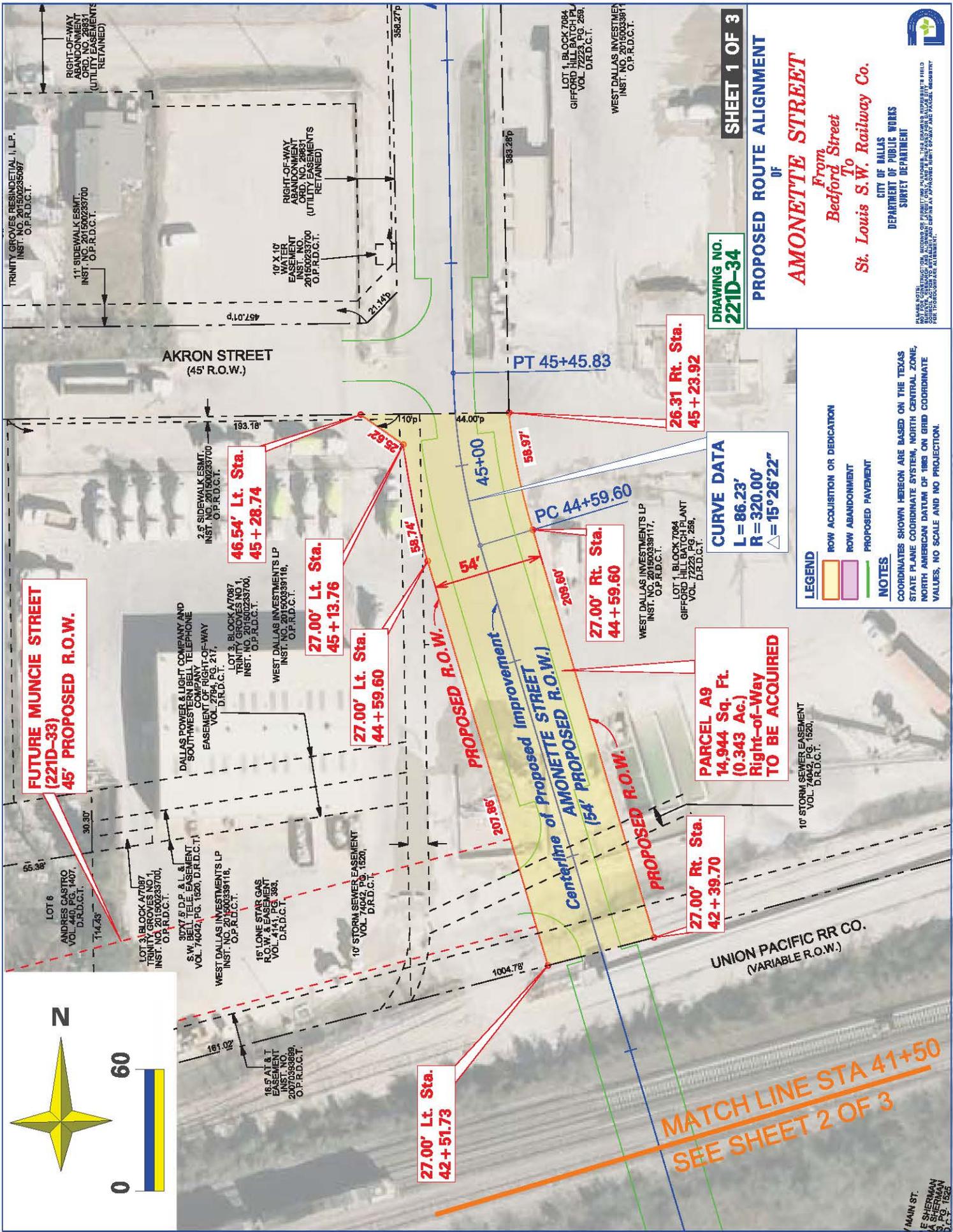
**PROPOSED ROUTE ALIGNMENT  
OF  
AMONETTE STREET**

*From*  
**Bedford Street**  
*To*  
**St. Louis S.W. Railway Co.**

CITY OF DALLAS  
DEPARTMENT OF PUBLIC WORKS  
SURVEY DEPARTMENT



PLANS FOR CONSTRUCTION, MODIFICATION OR REVISION OF EXISTING UTILITIES, THE DRAWINGS REPRESENT A FIELD SURVEY AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR. THE SURVEYOR'S RESPONSIBILITY IS LIMITED TO THE INFORMATION PROVIDED BY THE CLIENT AND THE FIELD SURVEY. THE SURVEYOR DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.



TRINITY GROVES RESIDENTIAL, L.P.  
INST. NO. 201500233700  
O.P.R.D.C.T.

11' SIDEWALK ESMT.  
INST. NO. 201500233700  
O.P.R.D.C.T.

10' X 10' ESMT.  
INST. NO. 201500233700  
O.P.R.D.C.T.

LOT 1, BLOCK 7084  
GIFFORD HILL BATCH PLANT  
VOL. 7923, PG. 288,  
D.R.D.C.T.

WEST DALLAS INVESTMENT  
INST. NO. 201500339111  
O.P.R.D.C.T.

2.5' SIDEWALK ESMT.  
INST. NO. 201500233700  
O.P.R.D.C.T.

DALLAS POWER & LIGHT COMPANY AND  
SOUTHWESTERN BELL TELEPHONE  
COMPANY  
EASEMENT OF RIGHT-OF-WAY  
VOL. 74042, PG. 1520, D.R.D.C.T.

LOT 3, BLOCK A7087  
TRINITY GROVES NO. 1,  
INST. NO. 201500233700,  
O.P.R.D.C.T.

WEST DALLAS INVESTMENTS LP  
INST. NO. 201500339111,  
O.P.R.D.C.T.

WEST DALLAS INVESTMENTS LP  
INST. NO. 201500339111,  
O.P.R.D.C.T.

LOT 1, BLOCK 7084  
GIFFORD HILL BATCH PLANT  
VOL. 7923, PG. 288,  
D.R.D.C.T.

10' STORM SEWER EASEMENT  
VOL. 74042, PG. 1520,  
D.R.D.C.T.

LOT 3, BLOCK A7087  
TRINITY GROVES NO. 1,  
INST. NO. 201500233700,  
O.P.R.D.C.T.

30' X 7.5' D.P. & L.S.  
S.W. BELL TELE. EASEMENT  
VOL. 74042, PG. 1520, D.R.D.C.T.

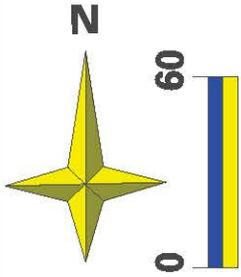
WEST DALLAS INVESTMENTS LP  
INST. NO. 201500339111,  
O.P.R.D.C.T.

15' LONE STAR GAS  
R.O.W. & EASEMENT  
VOL. 14712, PG. 385,  
D.R.D.C.T.

10' STORM SEWER EASEMENT  
VOL. 74042, PG. 1520,  
D.R.D.C.T.

16.5' AT & T  
EASEMENT  
VOL. 20070583689,  
O.P.R.D.C.T.

7 MAIN ST.  
E. SHERMAN  
A. SHERMAN  
D.C. 75201-1556



MATCH LINE STA 41+50  
SEE SHEET 1 OF 3

UNION PACIFIC RR CO.  
(VARIABLE R.O.W.)

SHEET 2 OF 3

DRAWING NO.  
221D-34

PROPOSED ROUTE ALIGNMENT  
OF

**AMONETTE STREET**

From  
St. Louis S.W. Railway Co.  
To  
Amonette Street Station 37+00

CITY OF DALLAS  
DEPARTMENT OF PUBLIC WORKS  
SURVEY DEPARTMENT



PLANS FOR CONSTRUCTION, MODIFICATION OR PERMITTING PURPOSES. THE DRAWING REPRESENTS FIELD SURVEY DATA AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN AUTHORITY OF THE SURVEY DEPARTMENT.

**PARCEL A5**  
4400 Sq. Ft.  
(0.101 Ac.)  
Right-of-Way  
TO BE ACQUIRED

**27.00' Lt. Sta.**  
40 + 51.63

**27.00' Rt. Sta.**  
40 + 49.90

**PARCEL A8**  
2333 Sq. Ft.  
(0.053 Ac.)  
Right-of-Way  
TO BE ACQUIRED

**27.00' Rt. Sta.**  
39 + 43.63

**42.00' Rt. Sta.**  
39 + 28.11

**27.00' Lt. Sta.**  
39 + 45.48

**42.00' Lt. Sta.**  
39 + 30.98

**27.00' Rt. Sta.**  
38 + 73.59

**42.00' Rt. Sta.**  
38 + 88.09

**41.36' Lt. Sta.**  
38 + 90.45

**27.00' Lt. Sta.**  
38 + 75.44

**27.00' Rt. Sta.**  
37 + 53.43

**PARCEL A4**  
1221 Sq. Ft.  
(0.028 Ac.)  
Right-of-Way  
TO BE ACQUIRED

**27.00' Lt. Sta.**  
37 + 56.14

**PARCEL A7**  
12,232 Sq. Ft.  
(0.258 Ac.)  
Right-of-Way  
TO BE ACQUIRED

MATCH LINE STA 37+00  
SEE SHEET 3 OF 3

S. OAKS HOLDINGS GROUP  
INST. NO. 20070304216  
O.P.R.D.C.T.

S. OAKS HOLDINGS GROUP  
INST. NO. 20070304216  
O.P.R.D.C.T.

I.I.M. INVESTMENTS, LTD

**LEGEND**

- ROW ACQUISITION OR DEDICATION
- ROW ABANDONMENT
- PROPOSED PAVEMENT

**NOTES**

COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.





**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Mobility and Street Services

**CMO:** Jill A. Jordan, P.E., 670-5299

**MAPSCO:** 44Q

---

**SUBJECT**

Authorize approval of the recommended plan for the proposed alignment of Bataan Street from Singleton Boulevard to the Union Pacific Railroad (UPRR) right-of-way, from its current alignment to the proposed alignment of Bataan Street, and Bataan Street from the UPRR right-of-way to Commerce Street, new construction - Financing: No cost consideration to the City

**BACKGROUND**

The West Dallas Gateway project was funded in the 2012 Bond Program. The project entails constructing new street crossings under the Union Pacific Railroad (UPRR) tracks in west Dallas that will allow for planned street connections on Amonette Street, Herbert Street and Bataan Street between Singleton Boulevard and Commerce Street. On June 19, 2013, these three street segments were added to the City of Dallas Thoroughfare Plan by Resolution No. 13-1041. The design of the West Dallas Gateway project is being administered in two phases. Phase I entails conceptual/preliminary design, including the development of roadway alignments, for Amonette Street, Herbert Street and Bataan Street between Singleton Boulevard and Commerce Street. Phase II entails detailed final design for the planned underpasses at the UPRR tracks and paving, drainage and streetscape design. On January 8, 2014, Resolution No. 14-0117 authorized a professional services contract for engineering services for the West Dallas Gateway, Phase I project.

This action will establish the alignment and right-of-way configuration/needs for Bataan Street between Singleton Boulevard and Commerce Street. The proposed alignment for this action will accommodate a two-lane undivided roadway with on-street parking within 54 feet of right-of-way as called for in Planned Development District No. 891 and the City of Dallas Thoroughfare Plan.

**BACKGROUND** (Continued)

Public meetings were conducted on October 28, 2014, and again on June 29, 2016 where the preliminary Bataan Street from Singleton Boulevard to Commerce Street staff recommended alignment was presented. The staff recommended alignment will impact and require right-of-way acquisition from twenty properties, with one anticipated commercial property displacement. The proposed street alignment also crosses the Union Pacific Railroad (UPRR) tracks/right-of-way, so the new roadway will require a permit/agreement with UPRR. The commercial property anticipated to be impacted is located at 601 Fort Worth Avenue. The owner of this property contacted staff and requested the proposed roundabout where the new Bataan Street will intersect with Commerce Street/Fort Worth Avenue be moved to the east so as to not impact his property. Staff studied the feasibility of shifting the proposed roundabout, but determined it was not feasible to shift the roundabout far enough to avoid the property at 601 Fort Worth Avenue as it would degrade traffic operations at the intersection and create safety concerns.

**ESTIMATED SCHEDULE OF PROJECT**

Phase I

Began Investigation/Study                      February 2014  
Complete Investigation Study                January 2017

Phase II

Begin Design                                        March 2017  
Complete Design                                  May 2018  
Begin Construction                                August 2018  
Complete Construction                          December 2020

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized an amendment to the City of Dallas Thoroughfare Plan to add Amonette Street, Herbert Street and Bataan Street between Singleton Boulevard and Commerce Street on June 19, 2013, by Resolution No. 13-1041.

Authorized a professional services contract with URS Corporation for engineering design services for West Dallas Gateway project, Phase I on January 8, 2014, by Resolution No. 14-0117.

Information about this item will be provided to the Transportation and Trinity River Project Committee on January 23, 2017.

**FISCAL INFORMATION**

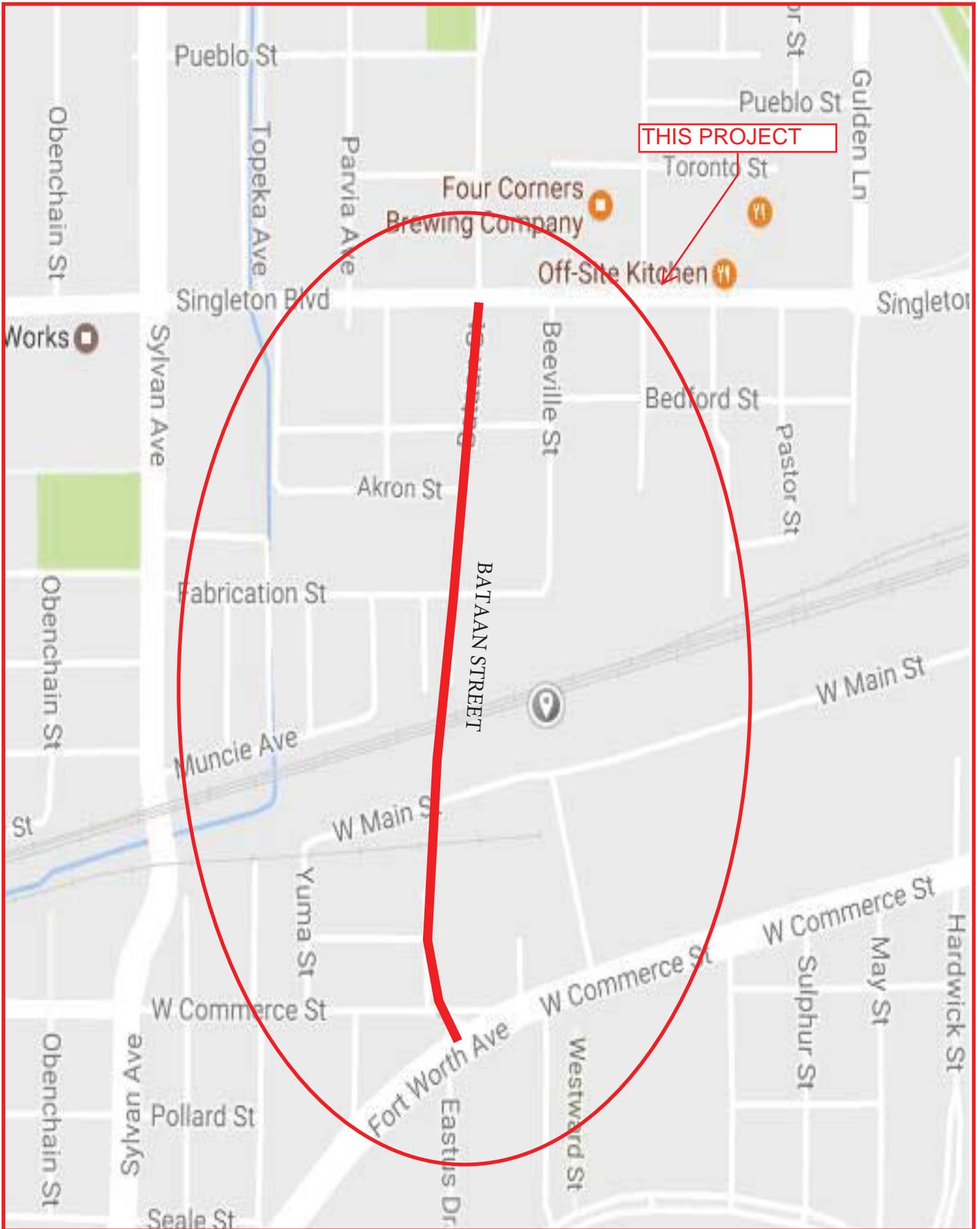
No cost consideration to the City.

**MAP**

Attached.

# BATAAN STREET

FROM SINGLETON BOULEVARD TO COMMERCE STREET



January 25, 2017

**WHEREAS**, on June 19, 2013, Resolution No. 13-1041 authorized an amendment to the City of Dallas Thoroughfare Plan to add Amonette Street, Herbert Street and Bataan Street between Singleton Boulevard and Commerce Street; and,

**WHEREAS**, on January 8, 2014, Resolution No. 14-0117 authorized a professional services contract with URS Corporation for engineering design services for West Dallas Gateway project, Phase I, in the amount of \$546,645; and,

**WHEREAS**, on June 26, 2014, Administrative Action No. 14-6387 authorized Supplemental Agreement No. 1 for engineering design services with URS Corporation for traffic engineering and cultural resources investigation of Phase I, of the West Dallas Gateway project, in the amount of \$33,058; and,

**WHEREAS**, on October 20, 2015, Administrative Action No. 15-7072 authorized Supplemental Agreement No. 2 for engineering design services with URS Corporation to address changes to the rail structure concept, additional drainage analysis and data collection for the traffic study needed for Phase I, of the West Dallas Gateway project, in the amount of \$16,931; and,

**WHEREAS**, on November 28, 2016, Administrative Action No. 16-6977 authorized Supplemental Agreement No. 3 for engineering design services with URS Corporation to provide additional survey services for Phase I, of the West Dallas Gateway project, in the amount of \$27,189; and,

**WHEREAS**, it is now desirable to establish and approve the proposed alignment that will accommodate a two-lane undivided roadway with on-street parking within 54 feet of right-of-way for Bataan Street from Singleton Boulevard to Commerce Street, from its current alignment.

**Now, Therefore,**

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

**Section 1.** That the proposed alignment of Bataan Street from Singleton Boulevard to Commerce Street as shown and depicted on the attached drawing numbered 221D-32, recorded in the City of Dallas, Mobility and Street Services Survey Records Vault, is hereby approved.

January 25, 2017

**Section 2.** That the Director of Mobility and Street Services is authorized to make minor changes in the street alignment as necessary for the engineering design of this project.

**Section 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



**DRAWING NO. 221D-32**

**PROPOSED ROUTE ALIGNMENT**

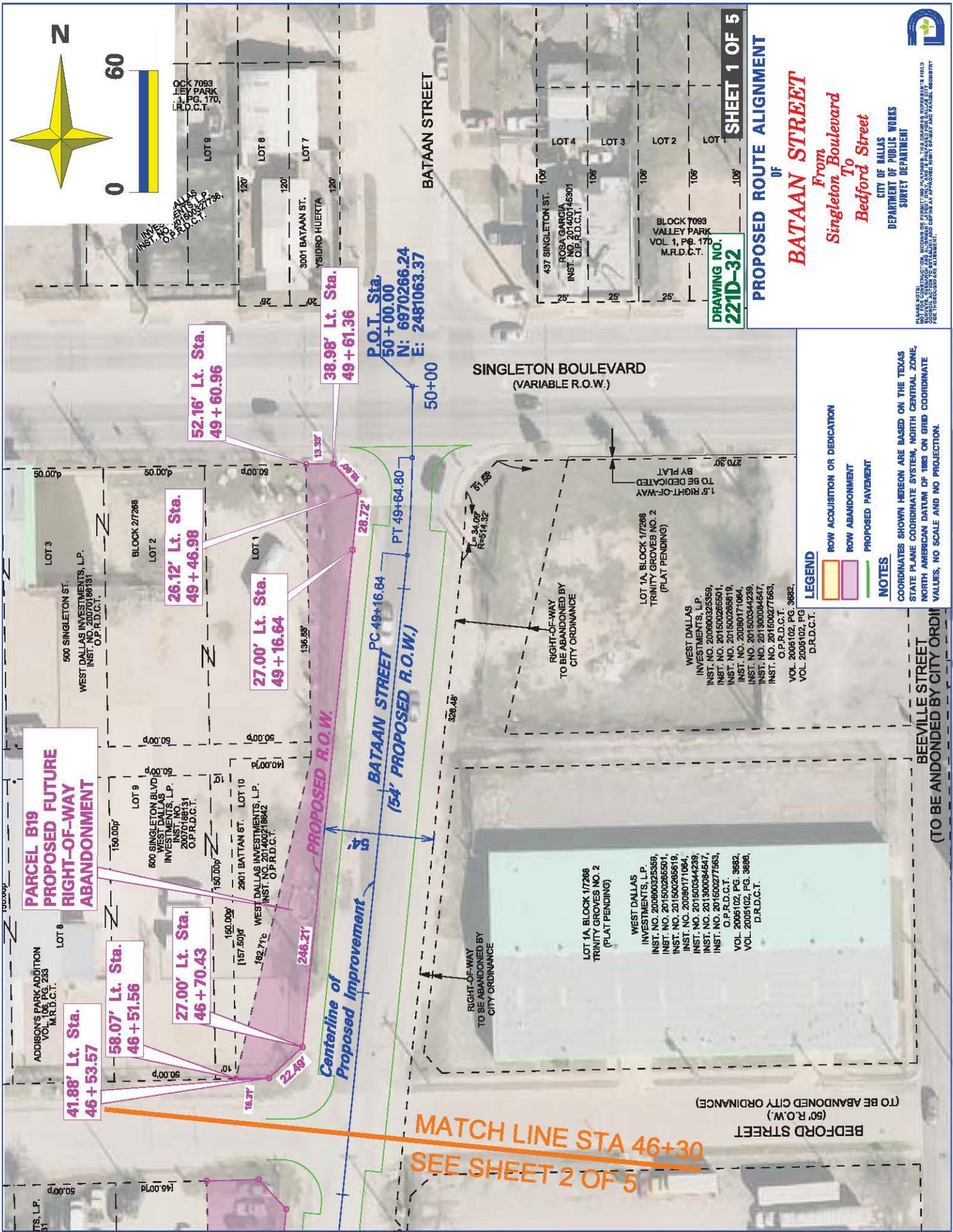
**BATAAN STREET**

*From Singleton Boulevard To Bedford Street*

CITY OF DALLAS  
DEPARTMENT OF PUBLIC WORKS  
SURVEY DEPARTMENT



PLANS FOR CONSTRUCTION, RECORDS OR PERMITTING PURPOSES. THE DRAWINGS REPRESENT A FIELD SURVEY AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE WITHOUT THE SURVEY DEPARTMENT'S APPROVATION.



**LEGEND**

- ROW ACQUISITION OR DEDICATION
- ROW ABANDONMENT
- PROPOSED PAVEMENT

**NOTES**

COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.

**PARCEL B19  
PROPOSED FUTURE  
RIGHT-OF-WAY  
ABANDONMENT**

**41.88' Lt. Sta.  
46 + 53.57**

**58.07' Lt. Sta.  
46 + 51.56**

**27.00' Lt. Sta.  
46 + 70.43**

**26.12' Lt. Sta.  
49 + 46.98**

**27.00' Lt. Sta.  
49 + 16.64**

**52.16' Lt. Sta.  
49 + 60.96**

**38.98' Lt. Sta.  
49 + 61.36**

**P.O.T. Sta.  
50 + 00.00  
N: 6970266.24  
E: 2481063.37**

**MATCH LINE STA 46+30  
SEE SHEET-2 OF 5**

**BEDEVIL STREET  
(60' R.O.W.)  
(TO BE ABANDONED CITY ORDINANCE)**

**BEEVILLE STREET  
(TO BE ANDONED BY CITY ORDINANCE)**

WEST DALLAS INVESTMENTS, L.P.  
INST. NO. 200900325359,  
INST. NO. 201500285501,  
INST. NO. 201500285619,  
INST. NO. 201500285819,  
INST. NO. 201500344239,  
INST. NO. 201500344239,  
INST. NO. 201500344239,  
INST. NO. 201500277563,  
O.P.R.D.C.T.  
VOL. 2005102, PG. 3682,  
VOL. 2005102, PG. 3682,  
D.R.D.C.T.

LOT 1A, BLOCK 17268  
TRINITY GROVES NO. 2  
(PLAT PENDING)

WEST DALLAS INVESTMENTS, L.P.  
INST. NO. 200900325359,  
INST. NO. 201500285501,  
INST. NO. 201500285619,  
INST. NO. 201500285819,  
INST. NO. 201500344239,  
INST. NO. 201500344239,  
INST. NO. 201500277563,  
O.P.R.D.C.T.  
VOL. 2005102, PG. 3682,  
VOL. 2005102, PG. 3682,  
D.R.D.C.T.

LOT 1A, BLOCK 17268  
TRINITY GROVES NO. 2  
(PLAT PENDING)

RIGHT-OF-WAY  
TO BE ABANDONED BY  
CITY ORDINANCE

RIGHT-OF-WAY  
TO BE ABANDONED BY  
CITY ORDINANCE

RIGHT-OF-WAY  
TO BE DEDICATED  
BY PLAT

**SINGLETON BOULEVARD  
(VARIABLE R.O.W.)**

**BATAAN STREET  
PC 49+16.64  
(54' PROPOSED R.O.W.)**

**50+00**

500 SINGLETON ST.  
WEST DALLAS INVESTMENTS, L.P.  
INST. NO. 20070196131  
O.P.R.D.C.T.

BLOCK 217268  
LOT 2

LOT 1

LOT 3

LOT 8

LOT 7

LOT 6

3001 BATAAN ST.  
YSIDRO HUERTA

BATAAN STREET

437 SINGLETON ST.  
ROSA GARGA  
INST. NO. 201400146601  
O.P.R.D.C.T.

LOT 4

LOT 3

LOT 2

LOT 1

BLOCK 7093  
VALLEY PARK  
VOL. 1, PG. 170  
M.R.D.C.T.

O.C.K. 7093  
LEY PARK  
VOL. 1, PG. 170  
M.R.D.C.T.

ALTA SURVEYING & ENGINEERING, P.C.  
11000 W. HIRSHMAN BLVD., SUITE 100  
DALLAS, TEXAS 75243-7778  
O.P.R.D.C.T.



**PARCEL B16**  
2262 Sq. Ft. (0.052 Ac.)  
Right-of-Way  
TO BE ACQUIRED

27.00' Lt. Sta.  
41 + 61.01

27.00' Lt. Sta.  
43 + 09.87

27.00' Lt. Sta.  
44 + 33.19

27.00' Lt. Sta.  
44 + 53.75

27.00' Lt. Sta.  
45 + 90.04

27.00' Lt. Sta.  
42 + 33.60

27.00' Lt. Sta.  
44 + 34.37

27.00' Lt. Sta.  
44 + 53.75

27.00' Lt. Sta.  
45 + 90.04

27.00' Lt. Sta.  
46 + 30.00

36.73' Lt. Sta.  
44 + 33.19

36.73' Lt. Sta.  
44 + 33.19

36.73' Lt. Sta.  
44 + 53.75

36.73' Lt. Sta.  
45 + 90.04

36.73' Lt. Sta.  
46 + 30.00

41.88' Lt. Sta.  
46 + 03.19

47.87' Rt. Sta.  
44 + 63.21

42.00' Rt. Sta.  
41 + 65.90

27.00' Rt. Sta.  
42 + 33.08

27.00' Rt. Sta.  
41 + 77.32

27.00' Rt. Sta.  
44 + 59.43

27.00' Rt. Sta.  
44 + 63.21

27.00' Rt. Sta.  
44 + 59.43

MATCH LINE STA 46+30  
SEE SHEET 1 OF 5

MATCH LINE STA 41+50  
SEE SHEET 3 OF 5

DRAWING NO.  
221D-32

SHEET 2 OF 5

**PROPOSED ROUTE ALIGNMENT**  
OF  
**BATAAN STREET**  
From  
*Bedford Street*  
To  
*Fabrication Street*  
CITY OF DALLAS  
DEPARTMENT OF PUBLIC WORKS  
SURVEY DEPARTMENT

**LEGEND**

- ROW ACQUISITION OR DEDICATION
- ROW ABANDONMENT
- PROPOSED PAVEMENT

**NOTES**

COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.

PLANS FOR CONSTRUCTION, RECORDS OR PERMITTING PURPOSES. THE DRAWING REPRESENTS A FIELD SURVEY AND SHOULD BE USED AS A GUIDE ONLY. ANY DISCREPANCY BETWEEN THIS DRAWING AND THE FIELD SURVEY SHALL BE RESOLVED BY THE SURVEY DEPARTMENT.



MATCH LINE STA 41+50  
SEE SHEET 2 OF 5

MATCH LINE STA 37+00  
SEE SHEET 4 OF 5

**PARCEL B15**  
7260 Sq. Ft. (0.166 Ac.)  
Right-of-Way  
TO BE ACQUIRED

**PARCEL B10**  
PROPOSED FUTURE  
RIGHT-OF-WAY ABANDONMENT

**PARCEL B9**  
5497 Sq. Ft. (0.126 Ac.)  
Right-of-Way  
TO BE ACQUIRED

**PARCEL B14**  
PROPOSED FUTURE  
RIGHT-OF-WAY ABANDONMENT

27.00' Lt. Sta.  
40+99.13

42.00' Lt. Sta.  
41+11.97

41.32' Lt. Sta.  
41+42.18

27.00' Lt. Sta.  
40+44.69

33.51' Lt. Sta.  
38+91.57

27.00' Lt. Sta.  
39+04.23

27.00' Lt. Sta.  
38+23.27

27.00' Rt. Sta.  
38+37.47

26.97' Rt. Sta.  
38+43.33

41.40' Rt. Sta.  
38+62.91

51.68' Rt. Sta.  
38+65.99

33.65' Rt. Sta.  
39+17.96

27.00' Rt. Sta.  
39+23.41

33.03' Rt. Sta.  
41+09.00

27.00' Rt. Sta.  
41+14.06

41.46' Rt. Sta.  
41+65.90

CURVE DATA  
L=947.17  
R=1200'  
 $\Delta=18^{\circ}24'45''$

DRAWING NO.  
221D-32

SHEET 3 OF 5

PROPOSED ROUTE ALIGNMENT  
OF

**BATAAN STREET**

From  
Fabrication Street  
To  
St. Louis S.W. Rail Co.

CITY OF DALLAS  
DEPARTMENT OF PUBLIC WORKS  
SURVEY DEPARTMENT



PLANS FOR CONSTRUCTION, RECORDS OR PERMITS. THESE DRAWINGS REPRESENT A FIELD SURVEY AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE NECESSARY PROFESSIONAL ATTENDANCE.

**LEGEND**

- ROW ACQUISITION OR DEDICATION
- ROW ABANDONMENT
- PROPOSED PAVEMENT

**NOTES**

COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.



FOR THE CITY OF DALLAS, TEXAS, THE TEXAS HIGHWAY DEPARTMENT HAS BEEN RETAINED BY THE CITY OF DALLAS, TEXAS, TO CONDUCT SURVEYING AND ENGINEERING SERVICES FOR THE PROPOSED BATAAN STREET IMPROVEMENT PROJECT. THE CITY OF DALLAS, TEXAS, IS THE CLIENT FOR THESE SERVICES. THE CITY OF DALLAS, TEXAS, IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

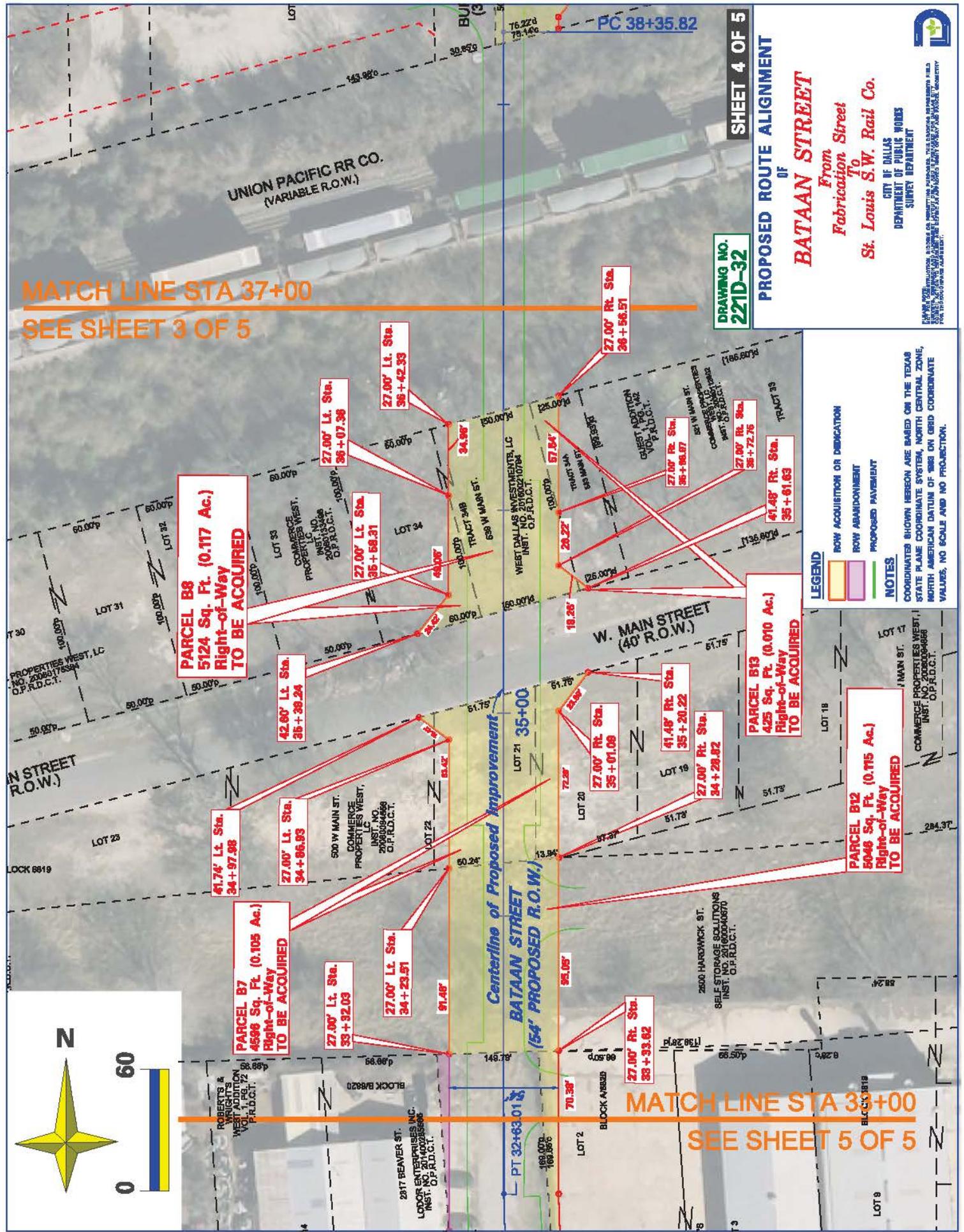
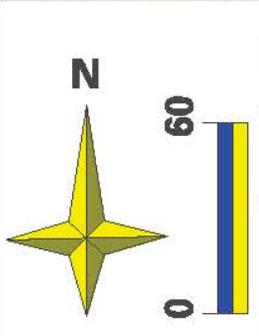
**SHEET 4 OF 5**

**PROPOSED ROUTE ALIGNMENT**  
**OF**  
**BATAAN STREET**  
*From*  
**Fabrication Street**  
*To*  
**St. Louis S.W. Rail Co.**  
 CITY OF DALLAS  
 DEPARTMENT OF PUBLIC WORKS  
 SURVEY DEPARTMENT

**DRAWING NO.**  
**221D-32**

**MATCH LINE STA 37+00**  
**SEE SHEET 3 OF 5**

**MATCH LINE STA 33+00**  
**SEE SHEET 5 OF 5**



MATCH LINE STA 33+00

SEE SHEET 8 OF 5

SHEET 5 OF 5

PROPOSED ROUTE ALIGNMENT OF BATAAN STREET

**BATAAN STREET**

From Bataan Street Station 33+00 To W. Commerce Street

CITY OF DALLAS  
DEPARTMENT OF PUBLIC WORKS  
SURVEY DEPARTMENT



PLANS FOR CONSTRUCTION, RECORDS OR PERMITTING PURPOSES. THE DRAWINGS REPRESENT A FIELD SURVEY AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE SURVEY DEPARTMENT'S APPROVATION.

DRAWING NO. 221D-32

**LEGEND**  
 ROW ACQUISITION OR DEDICATION  
 ROW ABANDONMENT  
 PROPOSED PAVEMENT

**NOTES**  
COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.

**CURVE DATA**  
L=14.41'  
R=190.00'  
Δ=4°20'51"

**CURVE DATA**  
L=30.99'  
R=135.54'  
Δ=13°06'15"

**PARCEL B6**  
PROPOSED FUTURE  
RIGHT-OF-WAY ABANDONMENT

**CURVE DATA**  
L=93.06'  
R=260'  
Δ=20°30'38"

**PARCEL B5**  
172 Sq. Ft. (0.002 Ac.)  
Right-of-Way  
TO BE ACQUIRED

**CURVE DATA**  
L=22.05'  
R=320'  
Δ=3°56'55"

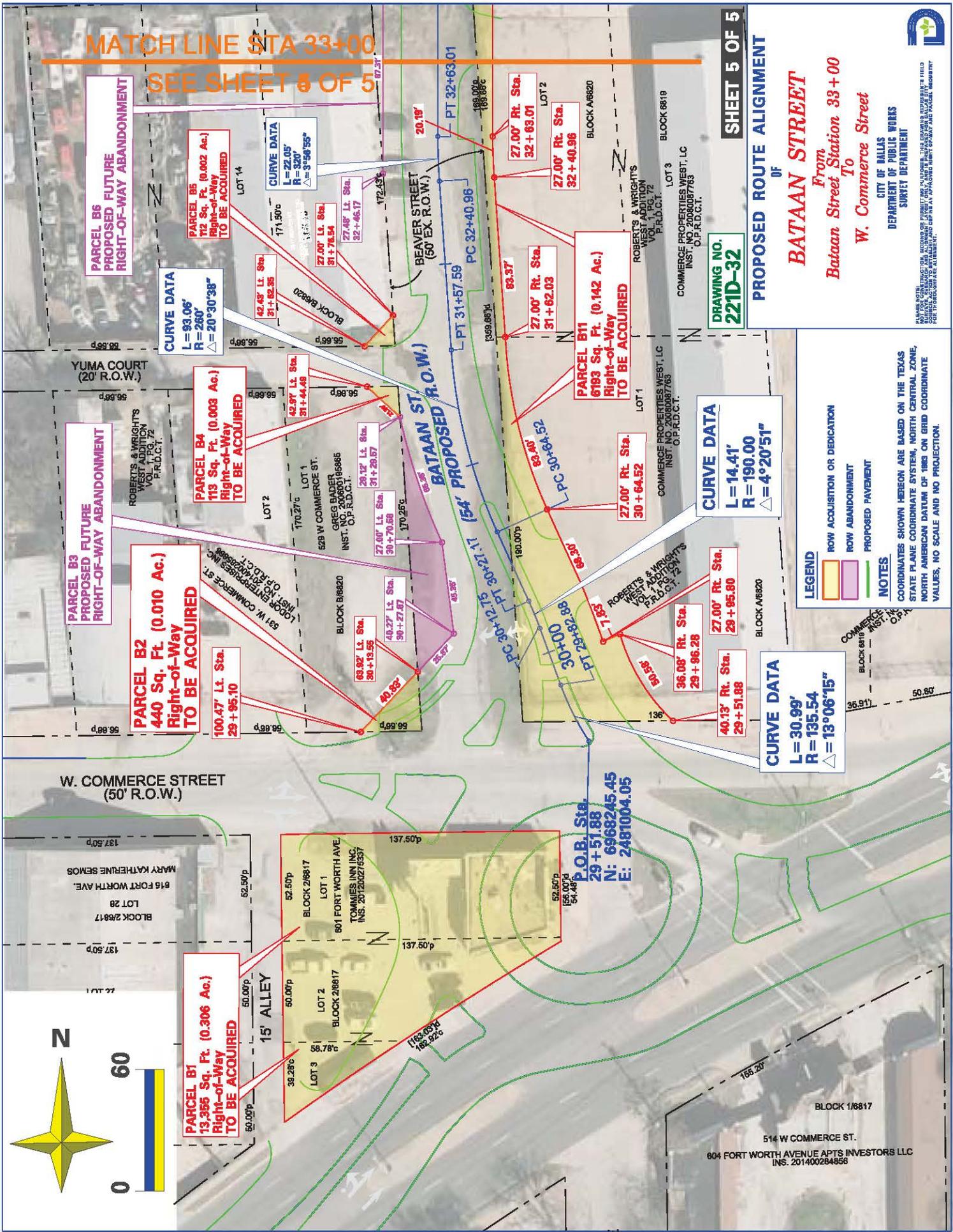
**PARCEL B4**  
113 Sq. Ft. (0.003 Ac.)  
Right-of-Way  
TO BE ACQUIRED

**PARCEL B11**  
6193 Sq. Ft. (0.142 Ac.)  
Right-of-Way  
TO BE ACQUIRED

**PARCEL B3**  
PROPOSED FUTURE  
RIGHT-OF-WAY ABANDONMENT

**PARCEL B2**  
440 Sq. Ft. (0.010 Ac.)  
Right-of-Way  
TO BE ACQUIRED

**PARCEL B1**  
13,355 Sq. Ft. (0.306 Ac.)  
Right-of-Way  
TO BE ACQUIRED



YUMA COURT  
(20' R.O.W.)

W. COMMERCE STREET  
(50' R.O.W.)

BATAAN ST. (50' EX. R.O.W.)  
BATAAN ST. PROPOSED R.O.W. (54')

MARY KATHERINE SEMOS  
616 FORT WORTH AVE.  
LOT 28  
BLOCK 2/6817

601 FORT WORTH AVE.  
TOMMIES INN INC.  
INS. 20120275337

P.O.B. Sta.  
29+51.88  
N: 6968245.45  
E: 2481004.05

604 FORT WORTH AVENUE APTS INVESTORS LLC  
INS. 201400284856

BLOCK 1/6817

COMMERCE PROPERTIES WEST, LC  
INST. NO. 2008087765  
O.P.R.D.C.T.



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Mobility and Street Services  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 44Q

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**SUBJECT**

Authorize approval of the recommended plan for the proposed alignment of Herbert Street from Akron Street to Commerce Street, new construction - Financing: No cost consideration to the City

**BACKGROUND**

The West Dallas Gateway project was funded in the 2012 Bond Program. The project entails constructing new street crossings under the Union Pacific Railroad (UPRR) tracks in west Dallas that will allow for planned street connections on Amonette Street, Herbert Street and Bataan Street between Singleton Boulevard and Commerce Street. On June 19, 2013, these three street segments were added to the City of Dallas Thoroughfare Plan by Resolution No. 13-1041. The design of the West Dallas Gateway project is being administered in two phases. Phase I entails conceptual/preliminary design, including the development of roadway alignments, for Amonette Street, Herbert Street and Bataan Street between Singleton Boulevard and Commerce Street. Phase II entails detailed final design for the planned underpasses at the UPRR tracks and paving, drainage and streetscape design. On January 8, 2014, Resolution No. 14-0117 authorized a professional services contract for engineering services for the West Dallas Gateway, Phase I project.

This action will establish the alignment and right-of-way configuration/needs for Herbert Street between Akron Street and Commerce Street. The proposed alignment for this action will accommodate a two-lane undivided roadway with on-street parking within 56 feet of right-of-way as called for in the Planned Development District No. 891 and the City of Dallas Thoroughfare Plan. The alignment for Herbert Street from Singleton Boulevard to Akron Street was previously approved on August 12, 2015, by Resolution No. 15-1387.

**BACKGROUND** (Continued)

Public meetings were conducted on October 28, 2014, and again on June 29, 2016 where the preliminary Herbert Street from Akron Street to Commerce Street staff recommended alignment was presented. The staff recommended alignment will impact and require right-of-way acquisition from ten properties; however, there are no anticipated residential or business displacements. The proposed street alignment also crosses the Union Pacific Railroad (UPRR) tracks/right-of-way, so the new roadway will require a permit/agreement with UPRR. Staff received one letter in opposition to the planned new roadway and staff recommended alignment stating it would devalue their property and make it undevelopable. Staff worked closely with representatives for this property owner and were able to slightly shift the alignment so as to lessen the impact to the property and better accommodate the proposed development at this location.

**ESTIMATED SCHEDULE OF PROJECT**

Phase I

Began Investigation/Study	February 2014
Complete Investigation Study	January 2017

Phase II

Begin Design	March 2017
Complete Design	May 2018
Begin Construction	August 2018
Complete Construction	December 2020

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized an amendment to the City of Dallas Thoroughfare Plan to add Amonette Street, Herbert Street and Bataan Street between Singleton Boulevard and Commerce Street on June 19, 2013, by Resolution No. 13-1041.

Authorized a professional services contract with URS Corporation for engineering design services for West Dallas Gateway project, Phase I on January 8, 2014, by Resolution No. 14-0117.

Authorized approval of the alignment and right-of-way configuration/needs for Herbert Street from Singleton Boulevard to Akron Street on August 12, 2015, by Resolution No. 15-1387.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)** (Continued)

Information about this item will be provided to the Transportation and Trinity River Project Committee on January 23, 2017.

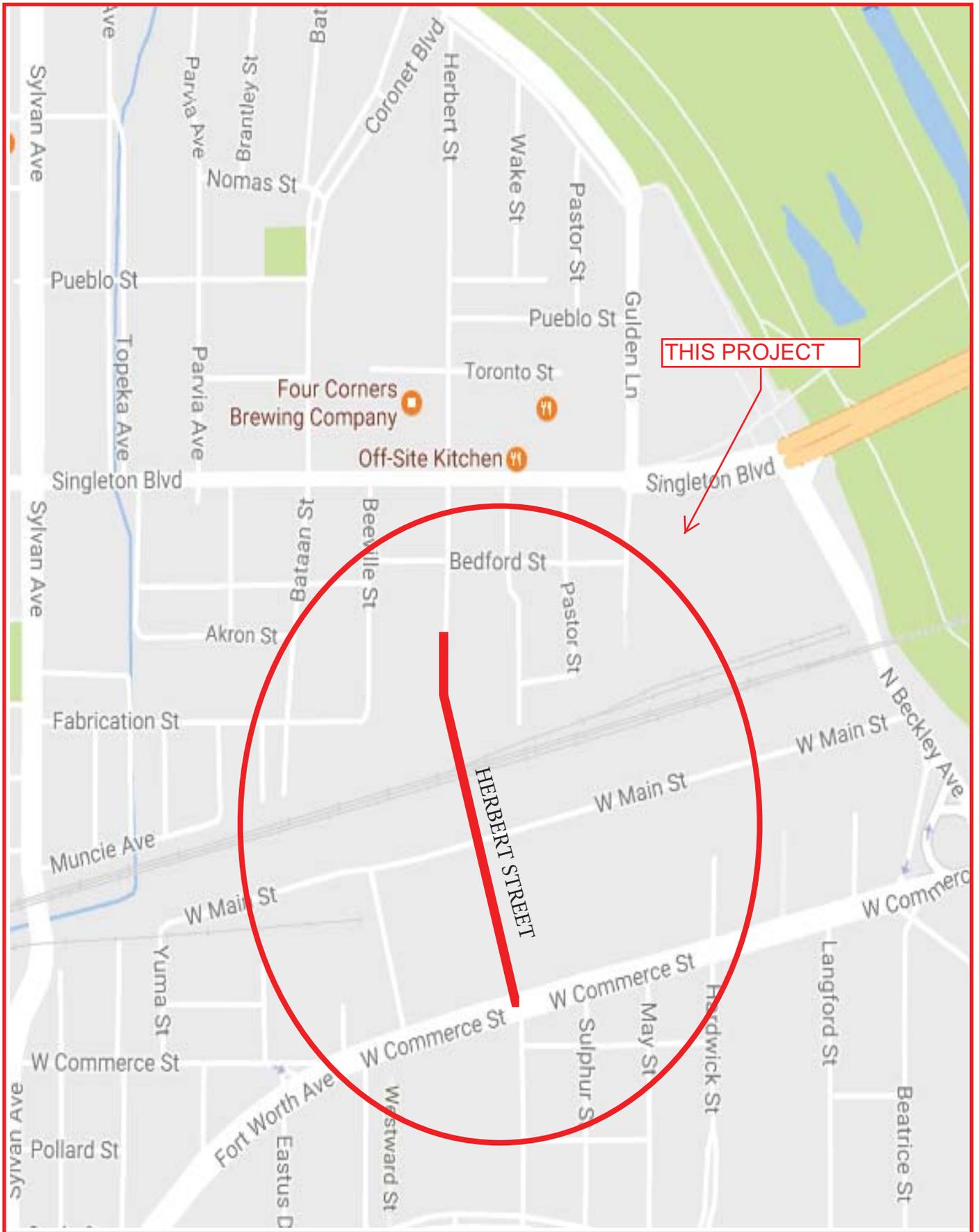
**FISCAL INFORMATION**

No cost consideration to the City

**MAP**

Attached.

# HERBERT STREET FROM AKRON STREET TO COMMERCE STREET



MAPSCO 44Q

January 25, 2017

**WHEREAS**, on June 19, 2013, Resolution No. 13-1041 authorized an amendment to the City of Dallas Thoroughfare Plan to add Amonette Street, Herbert Street and Bataan Street between Singleton Boulevard and Commerce Street; and,

**WHEREAS**, on January 8, 2014, Resolution No. 14-0117 authorized a professional services contract with URS Corporation for engineering design services for West Dallas Gateway project, Phase I, in the amount of \$546,645; and,

**WHEREAS**, on June 26, 2014, Administrative Action No. 14-6387 authorized Supplemental Agreement No. 1 for engineering design services with URS Corporation for traffic engineering and cultural resources investigation of Phase I, of the West Dallas Gateway project, in the amount of \$33,058; and,

**WHEREAS**, on August 12, 2015, Resolution No. 15-1387 approved the proposed alignment that will accommodate a two-lane undivided roadway with on-street parking within 56 feet of right-of-way for Herbert Street from Singleton Boulevard to Akron Street from its current alignment; and,

**WHEREAS**, on October 20, 2015, Administrative Action No. 15-7072 authorized Supplemental Agreement No. 2 for engineering design services with URS Corporation to address changes to the rail structure concept, additional drainage analysis and data collection for the traffic study needed for Phase I, of the West Dallas Gateway project, in the amount of \$16,931; and,

**WHEREAS**, on November 28, 2016, Administrative Action No. 16-6977 authorized Supplemental Agreement No. 3 for engineering design services with URS Corporation to provide additional survey services for Phase I, of the West Dallas Gateway project, in the amount of \$27,189; and,

**WHEREAS**, it is now desirable to establish and approve the proposed alignment that will accommodate a two-lane undivided roadway with on-street parking within 56 feet of right-of-way for Herbert Street from Akron Street to Commerce Street, from its current alignment.

**Now, Therefore,**

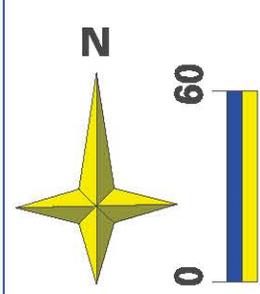
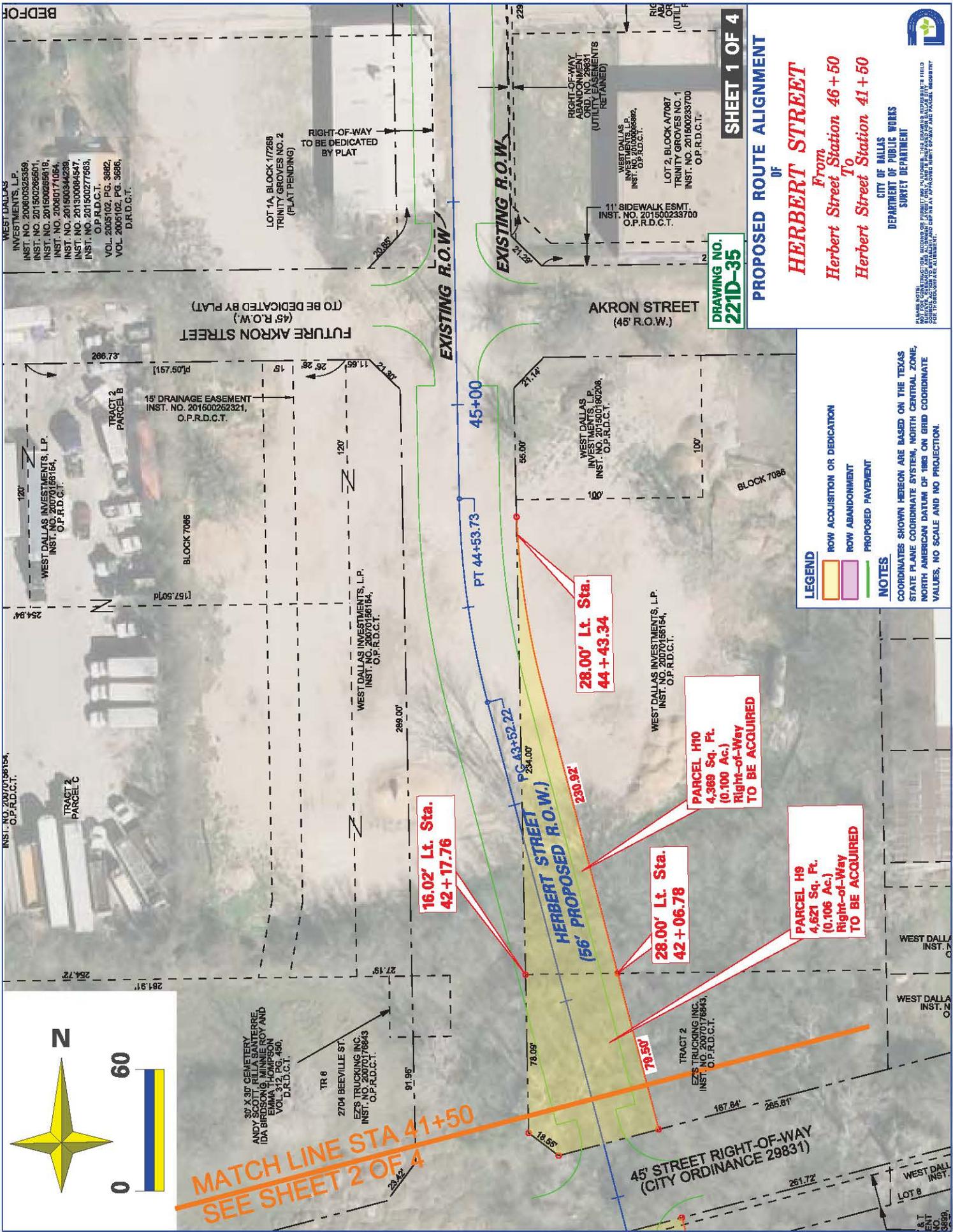
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1.** That the proposed alignment of Herbert Street from Akron Street to Commerce Street as shown and depicted on the attached drawing numbered 221D-35, recorded in the City of Dallas, Mobility and Street Services Survey Records Vault, is hereby approved.

January 25, 2017

**Section 2.** That the Director of Mobility and Street Services is authorized to make minor changes in the street alignment as necessary for the engineering design of this project.

**Section 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



**MATCH LINE STA 41+50  
SEE SHEET 2 OF 4**

**DRAWING NO. 221D-35**

**SHEET 1 OF 4**

**PROPOSED ROUTE ALIGNMENT  
OF  
HERBERT STREET**

*From*  
**Herbert Street Station 46+50**  
*To*  
**Herbert Street Station 41+50**

CITY OF DALLAS  
DEPARTMENT OF PUBLIC WORKS  
SURVEY DEPARTMENT



PLEASE CONSULT THE ENGINEER OR PERMITTING OFFICER. THIS DRAWING REPRESENTS A FIELD SURVEY. APPROVED FOR THE CITY OF DALLAS, TEXAS, BY THE CITY ENGINEER AND PUBLIC WORKS DEPARTMENT ATTORNEY.

- LEGEND**
- ROW ACQUISITION OR DEDICATION
  - ROW ABANDONMENT
  - PROPOSED PAVEMENT
- NOTES**
- COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.

**16.02' Lt. Sta.  
42 + 17.76**

**28.00' Lt. Sta.  
44 + 43.34**

**28.00' Lt. Sta.  
42 + 06.78**

**PARCEL H10  
4,389 Sq. Ft.  
(0.100 Ac.)  
Right-of-Way  
TO BE ACQUIRED**

**PARCEL H9  
4,621 Sq. Ft.  
(0.106 Ac.)  
Right-of-Way  
TO BE ACQUIRED**

**FUTURE AKRON STREET  
(45' R.O.W.)  
(TO BE DEDICATED BY PLAT)**

**EXISTING R.O.W.**

**EXISTING R.O.W.**

**AKRON STREET  
(45' R.O.W.)**

WEST DALLAS INVESTMENTS, L.P.  
INST. NO. 200600526359,  
INST. NO. 201500265501,  
INST. NO. 201500265516,  
INST. NO. 20090171054,  
INST. NO. 201500344298,  
INST. NO. 201300084547,  
O.P.R.D.C.T.  
VOL. 2005102, PG. 3682,  
VOL. 2005102, PG. 3696,  
D.R.D.C.T.

LOT 1A, BLOCK 117268  
TRINITY GROVES NO. 2  
(PLAT PENDING)

RIGHT-OF-WAY  
ORD. NO. 26831  
(UTILITY EASEMENTS  
RETAINED)

WEST DALLAS INVESTMENTS, L.P.  
INST. NO. 20100006682,  
O.P.R.D.C.T.

LOT 2, BLOCK A7087  
TRINITY GROVES NO. 1  
INST. NO. 201500233700  
O.P.R.D.C.T.

11' SIDEWALK ESMT.  
INST. NO. 201500233700  
O.P.R.D.C.T.

INST. NO. 20070186154,  
O.P.R.D.C.T.

TRACT 2  
PARCEL C

TRACT 2  
PARCEL E

15' DRAINAGE EASEMENT  
INST. NO. 201500252321,  
O.P.R.D.C.T.

BLOCK 7086

WEST DALLAS INVESTMENTS, L.P.  
INST. NO. 20070186154,  
O.P.R.D.C.T.

WEST DALLAS INVESTMENTS, L.P.  
INST. NO. 201500233700,  
O.P.R.D.C.T.

BLOCK 7086

WEST DALLAS INVESTMENTS, L.P.  
INST. NO. 20070186154,  
O.P.R.D.C.T.

WEST DALLAS INVESTMENTS, L.P.

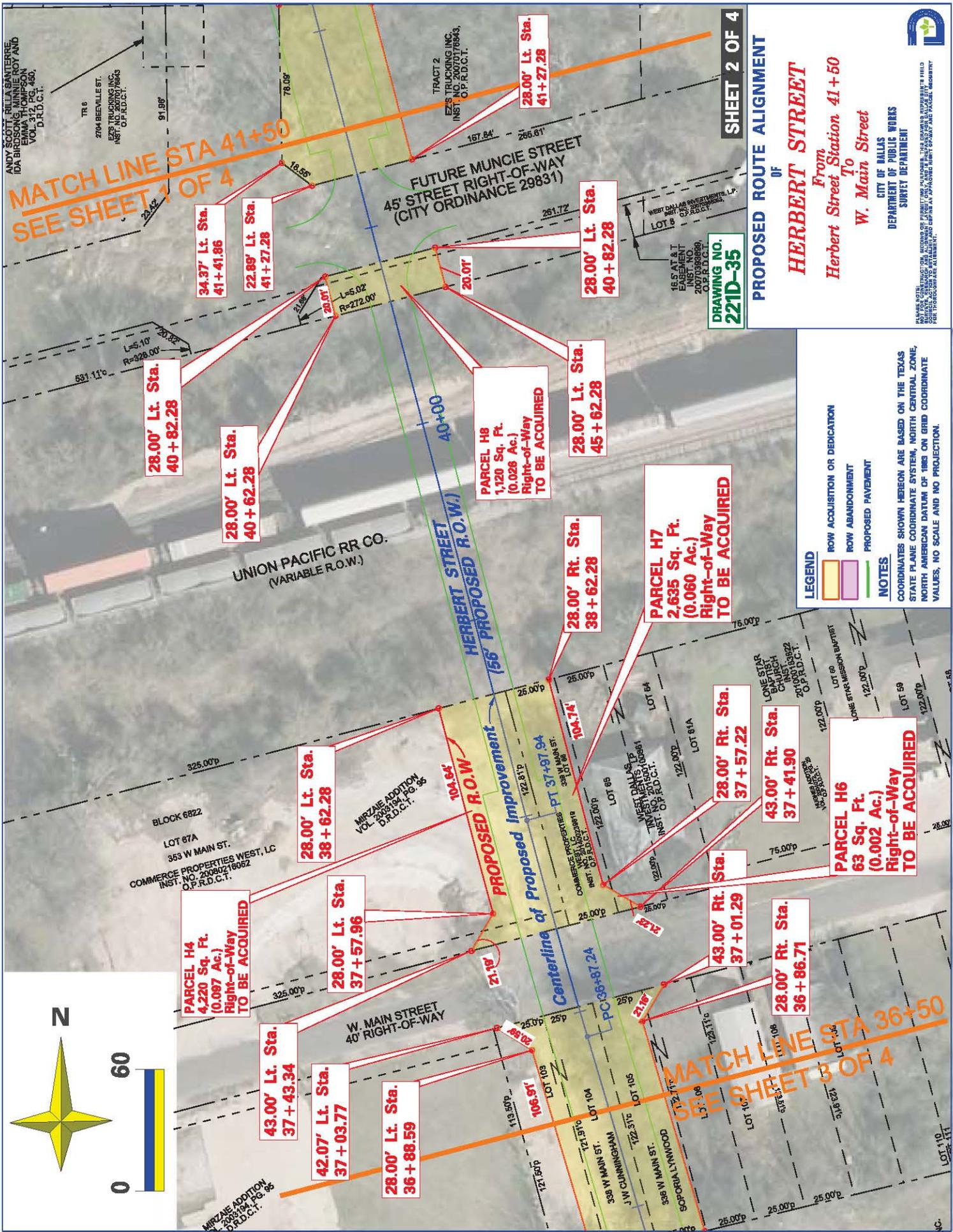
WEST DALLAS INVESTMENTS, L.P.

TRACT 2  
EZ'S TRUCKING INC.  
INST. NO. 20070176843,  
O.P.R.D.C.T.

45' STREET RIGHT-OF-WAY  
(CITY ORDINANCE 29831)

WEST DALLAS INVESTMENTS, L.P.

WEST DALLAS INVESTMENTS, L.P.



ANDY SCOTT, RILLA SANTERRE,  
IDA BIRSONG, MINNIE ROY AND  
EMMA THOMPSON  
VOL. 372, PG. 480,  
D.R.D.C.T.

TR 6  
2704 BEEVILLE ST.  
EZS TRUCKING INC.  
INST. NO. 2007078843  
O.P.R.D.C.T.

TRACT 2  
EZS TRUCKING INC.  
INST. NO. 2007078843  
O.P.R.D.C.T.

WEST DALLAS INVESTMENTS, L.P.  
INST. NO. 20070382888  
O.P.R.D.C.T.

16.5' AT & T  
EASEMENT  
O.P.R.D.C.T.  
20070382888  
O.P.R.D.C.T.

**DRAWING NO.**  
**221D-35**

**SHEET 2 OF 4**

**PROPOSED ROUTE ALIGNMENT**  
**OF**  
**HERBERT STREET**  
*From*  
**Herbert Street Station 41+50**  
*To*  
**W. Main Street**  
CITY OF DALLAS  
DEPARTMENT OF PUBLIC WORKS  
SURVEY DEPARTMENT



PLANS FOR CONSTRUCTION, MODIFICATION OR PERMITTING PURPOSES. THE DRAWING REPRESENTS A FIELD SURVEY. ALL DIMENSIONS AND LOCATIONS SHOWN ARE BASED ON THE SURVEY DATA PROVIDED BY THE SURVEYOR. THE SURVEYOR'S RESPONSIBILITY IS TO OBTAIN ALL NECESSARY INFORMATION FROM THE FIELD AND TO PROVIDE AN ACCURATE REPRESENTATION OF THE SAME. THE SURVEYOR DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL FEES RECEIVED.

**LEGEND**

- ROW ACQUISITION OR DEDICATION
- ROW ABANDONMENT
- PROPOSED PAVEMENT

**NOTES**

COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.



**MATCH LINE STA 41+50**  
**SEE SHEET 1 OF 4**

**MATCH LINE STA 36+50**  
**SEE SHEET 3 OF 4**

**PARCEL H4**  
**4,220 Sq. Ft.**  
**(0.087 Ac.)**  
**Right-of-Way**  
**TO BE ACQUIRED**

**43.00' Lt. Sta.**  
**37 + 43.34**

**28.00' Lt. Sta.**  
**37 + 03.77**

**28.00' Lt. Sta.**  
**36 + 88.59**

**28.00' Lt. Sta.**  
**38 + 62.28**

**28.00' Lt. Sta.**  
**37 + 57.96**

**28.00' Rt. Sta.**  
**38 + 62.28**

**PARCEL H7**  
**2,635 Sq. Ft.**  
**(0.060 Ac.)**  
**Right-of-Way**  
**TO BE ACQUIRED**

**28.00' Rt. Sta.**  
**37 + 57.22**

**43.00' Rt. Sta.**  
**37 + 41.90**

**PARCEL H6**  
**63 Sq. Ft.**  
**(0.002 Ac.)**  
**Right-of-Way**  
**TO BE ACQUIRED**

**43.00' Rt. Sta.**  
**37 + 01.29**

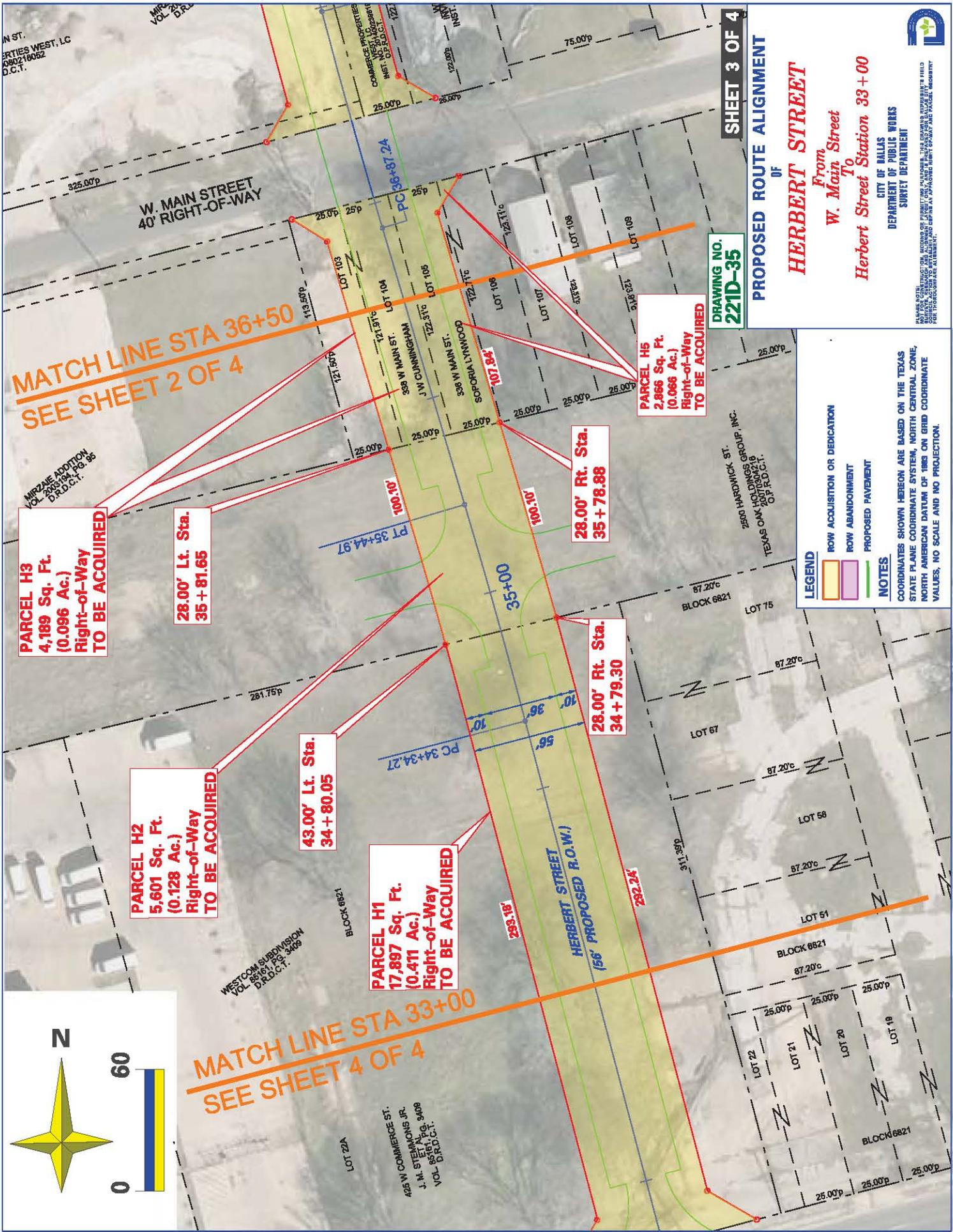
**28.00' Rt. Sta.**  
**36 + 86.71**

**PARCEL H8**  
**1,120 Sq. Ft.**  
**(0.026 Ac.)**  
**Right-of-Way**  
**TO BE ACQUIRED**

**28.00' Lt. Sta.**  
**45 + 62.28**

**28.00' Lt. Sta.**  
**40 + 82.28**

**28.00' Lt. Sta.**  
**41 + 27.28**



SHEET 3 OF 4

DRAWING NO. 221D-35

**PROPOSED ROUTE ALIGNMENT**  
 OF  
**HERBERT STREET**  
*From* W. Main Street  
*To* Herbert Street Station 33+00

CITY OF DALLAS  
 DEPARTMENT OF PUBLIC WORKS  
 SURVEY DEPARTMENT



PLANS FOR CONSTRUCTION, RECORDS OR PERMITTING PURPOSES. THE DRAWINGS REPRESENT A FIELD SURVEY. ALL DIMENSIONS AND LOCATIONS SHOWN ARE BASED ON THE SURVEY DATA PROVIDED BY THE SURVEYOR. THE SURVEYOR'S RESPONSIBILITY IS LIMITED TO THE DATA PROVIDED AND DOES NOT INCLUDE THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER SOURCES.

**PARCEL H3**  
 4,189 Sq. Ft.  
 (0.096 Ac.)  
 Right-of-Way  
 TO BE ACQUIRED

**28.00' Lt. Sta.**  
 35 + 81.65

**PARCEL H2**  
 5,601 Sq. Ft.  
 (0.128 Ac.)  
 Right-of-Way  
 TO BE ACQUIRED

**43.00' Lt. Sta.**  
 34 + 80.05

**PARCEL H1**  
 17,897 Sq. Ft.  
 (0.411 Ac.)  
 Right-of-Way  
 TO BE ACQUIRED

**28.00' Rt. Sta.**  
 35 + 78.88

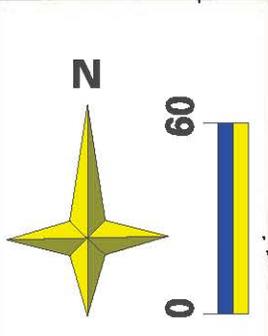
**PARCEL H5**  
 2,866 Sq. Ft.  
 (0.066 Ac.)  
 Right-of-Way  
 TO BE ACQUIRED

**LEGEND**

- ROW ACQUISITION OR DEDICATION
- ROW ABANDONMENT
- PROPOSED PAVEMENT

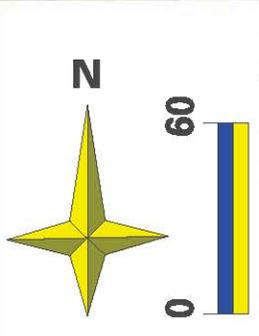
**NOTES**

COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.



**MATCH LINE STA 33+00**  
**SEE SHEET 4 OF 4**

**MATCH LINE STA 36+50**  
**SEE SHEET 2 OF 4**



**MATCH LINE STA 33+00**  
**SEE SHEET 3 OF 4**

**PARCEL H1**  
**17,897 Sq. Ft.**  
**(0.411 Ac.)**  
**Right-of-Way**  
**TO BE ACQUIRED**

**48.00' Lt. Sta.**  
**31+67.39**

**28.00' Lt. Sta.**  
**31+87.59**

**48.00' Rt. Sta.**  
**31+67.67**

**28.00' Rt. Sta.**  
**31+87.43**

**DRAWING NO.**  
**221D-35**

**SHEET 4 OF 4**

**PROPOSED ROUTE ALIGNMENT**  
**OF**

**HERBERT STREET**

*From*  
**Herbert Street Station 33+00**  
*To*  
**W. Commerce Street**

**CITY OF DALLAS**  
**DEPARTMENT OF PUBLIC WORKS**  
**SURVEY DEPARTMENT**



PLEASE REFER TO THE PLAN, SPECIFICATIONS, NOTES AND PERMITS FOR ALL INFORMATION. THE DRAWING REPRESENTS A FIELD SURVEY. THE SURVEYOR'S NAME AND LICENSE NUMBER ARE LISTED ON THE TITLE SHEET. THE SURVEYOR'S NAME AND LICENSE NUMBER ARE LISTED ON THE TITLE SHEET. THE SURVEYOR'S NAME AND LICENSE NUMBER ARE LISTED ON THE TITLE SHEET.

- LEGEND**
- ROW ACQUISITION OR DEDICATION
  - ROW ABANDONMENT
  - PROPOSED PAVEMENT
- NOTES**
- COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.

**W. COMMERCE STREET**

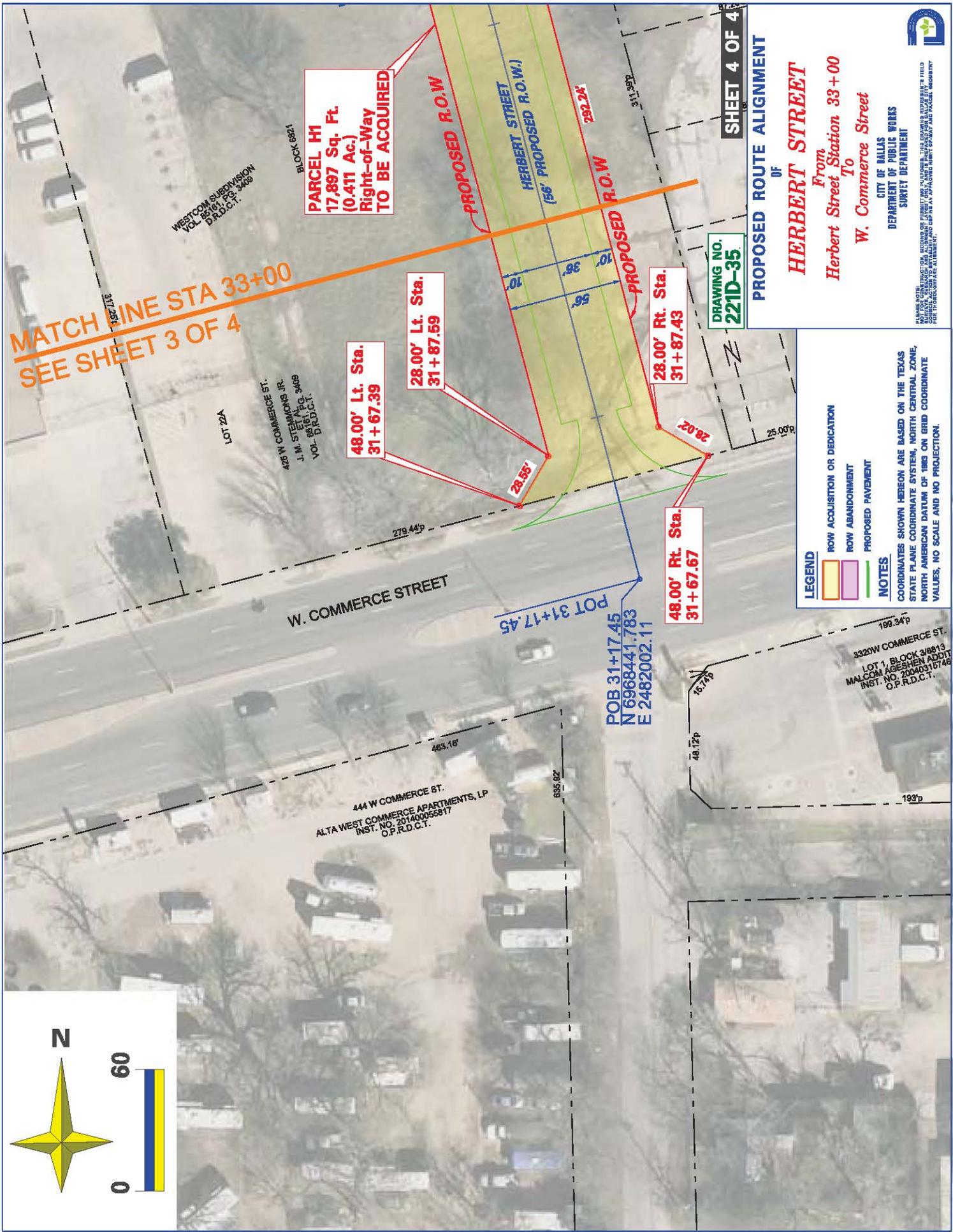
**POT 31+17.45**  
**POB 31+17.45**  
**N 6968441.783**  
**E 2482002.11**

**WESTCOM SUBDIVISION**  
**VOL. 85-61, PG. 2-658**  
**D.R.D.C.T.**

**LOT 2A**  
**425 W COMMERCE ST.**  
**J. M. STEMMONS, JR.**  
**ET AL, B.G. 3409**  
**VOL. 85-13, D.R.D.C.T.**

**444 W COMMERCE ST.**  
**ALTA WEST COMMERCE APARTMENTS, LP**  
**INST. NO. 201400055817**  
**O.P.R.D.C.T.**

**3320W COMMERCE ST.**  
**LOT 1, BLOCK 3/6813**  
**MALCOM AGESHEN ADDIT**  
**INST. NO. 20040316746**  
**O.P.R.D.C.T.**



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 1  
**DEPARTMENT:** Mobility and Street Services  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 54G

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**SUBJECT**

**Jefferson Boulevard from Zang Boulevard to Adams Avenue**

- \* Ratification of the rejection of all bids for the construction of street paving, storm drainage, streetscape, street lighting, landscape, and water adjustment improvements for Jefferson Boulevard from Zang Boulevard to Adams Avenue; and, ratification of the re-advertisement of new bids - Financing: No cost consideration to the City
- \* Authorize a contract with Texas Standard Construction, Ltd., lowest responsible bidder of three, for the construction of street paving, storm drainage, streetscape, street lighting, landscape, and water adjustment improvements for Jefferson Boulevard from Zang Boulevard to Adams Avenue - Not to exceed \$2,030,569 - Financing: 2012 Bond Funds

**BACKGROUND**

A professional services contract with Salcedo Group, Inc. was authorized on June 25, 2014, by Resolution No. 14-1013 for the engineering design of streetscape improvements for West Davis Street from Zang Boulevard to Montclair Avenue. On November 12, 2014, Resolution No. 14-1919 authorized Supplemental Agreement No. 1 to the contract with Salcedo Group, Inc. for additional engineering services along Jefferson Boulevard from Zang Boulevard to Adams Avenue. The project scope entails streetscape, landscaping, sidewalk improvements, new LED street and pedestrian lighting and a new asphalt overlay on Jefferson Boulevard from Zang Boulevard to Adams Avenue.

**BACKGROUND** (Continued)

The project was originally advertised for construction on August 10, 2016, and the bid opening took place on August 26, 2016. Two bids were received for the project; however, the low bid was approximately 60% higher than the engineer's estimate for the project. Due to funding constraints, staff proceeded to modify the project scope in order to bring the project within budget, and subsequently re-advertised the project in November 2016. This action will ratify the rejection of all original bids and ratify the re-advertisement of new bids. This action will also authorize a contract with Texas Standard Construction, Ltd. for the construction of street paving, storm drainage, streetscape, street lighting, landscape, and water adjustment improvements for Jefferson Boulevard from Zang Boulevard to Adams Avenue.

The following chart shows Texas Standard Construction, Ltd.'s completed contractual activities for the past three years:

	<u>STS</u>	<u>WTR</u>	<u>PKR</u>
Projects Completed	12	0	4
Change Orders	1	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

**ESTIMATED SCHEDULE OF PROJECT**

Began Design	December 2014
Completed Design	August 2016
Begin Construction	March 2017
Complete Construction	October 2017

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized a professional services contract with Salcedo Group, Inc. for engineering services on June 25, 2014, by Resolution No. 14-1013.

Authorized Supplemental Agreement No. 1 to the professional services contract with Salcedo Group, Inc. for engineering services on November 12, 2014, by Resolution No. 14-1919.

Information about this item will be provided to the Transportation and Trinity River Project Committee on January 23, 2017.

**FISCAL INFORMATION**

2012 Bond Funds - \$2,030,568.45

Design	\$ 299,881.00
Supplemental Agreement No. 1	\$ 207,920.00
Supplemental Agreement No. 2	\$ 7,500.00

Construction (this action)	
Paving & Drainage - STS	<u>\$2,030,568.45</u>

Total	\$2,545,869.45
-------	----------------

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

Texas Standard Construction, Ltd.

Hispanic Female	3	Hispanic Male	87
African-American Female	0	African-American Male	3
Other Female	0	Other Male	0
White Female	4	White Male	8

**BID INFORMATION**

The following bids with quotes were received and opened on December 2, 2016:

\*Denotes successful bidder(s)

<b><u>BIDDERS</u></b>	<b><u>BID AMOUNT</u></b>
*Texas Standard Construction, Ltd. P. O. Box 210768 Dallas, Texas 75211	\$2,030,568.45
Gibson & Associates, Inc.	\$2,265,087.33
Ark Contracting Services	\$2,719,835.00
Engineer's Estimate: STS	\$1,615,825.00

**OWNER**

**Texas Standard Construction, Ltd.**

Ronald H. Dalton, President

**MAP**

Attached.

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize a contract with Texas Standard Construction, Ltd., lowest responsible bidder of three, for the construction of street paving, storm drainage, streetscape, street lighting, landscape, and water adjustment improvements for Jefferson Boulevard from Zang Boulevard to Adams Avenue - Not to exceed \$2,030,569 - Financing: 2012 Bond Funds

Texas Standard Construction, Ltd. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

**PROJECT CATEGORY:** Construction

### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$2,030,568.45	100.00%
Total non-local contracts	\$0.00	0.00%
<b>TOTAL CONTRACT</b>	<b>\$2,030,568.45</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Kenyatta Sand and Gravel	BMDB62563Y0517	\$571,813.00	28.16%
<b>Total Minority - Local</b>		<b>\$571,813.00</b>	<b>28.16%</b>

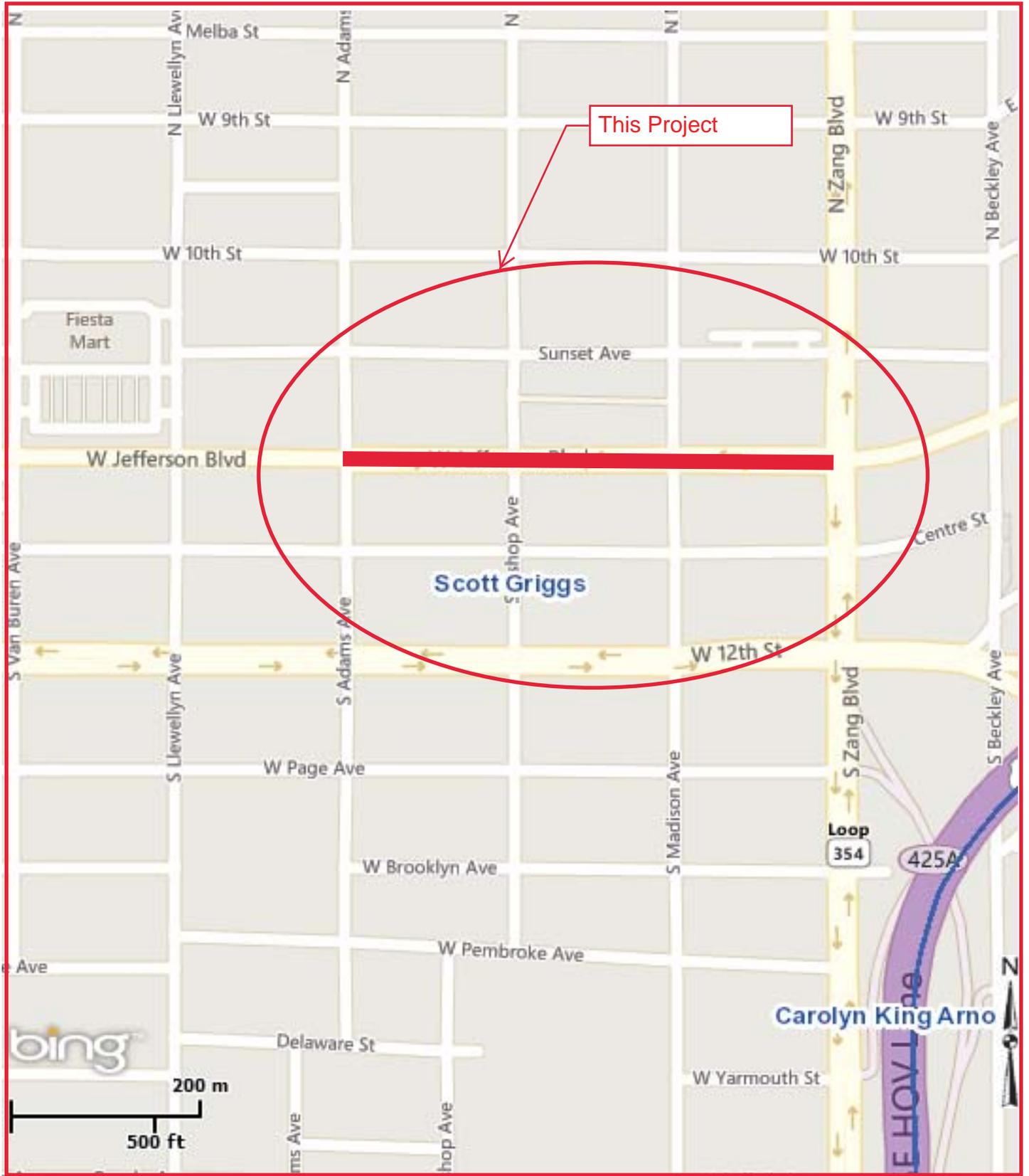
#### Non-Local Contractors / Sub-Contractors

None

### TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$571,813.00	28.16%	\$571,813.00	28.16%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
<b>Total</b>	<b>\$571,813.00</b>	<b>28.16%</b>	<b>\$571,813.00</b>	<b>28.16%</b>

# JEFFERSON BOULEVARD FROM ZANG BOULEVARD TO ADAMS AVENUE



MAPSCO 54G

January 25, 2017

**WHEREAS**, on June 25, 2014, Resolution No. 14-1013 authorized a professional services contract with Salcedo Group, Inc. for the engineering services for Jefferson Boulevard from Zang Boulevard to Adams Avenue, in the amount of \$299,881.00; and,

**WHEREAS**, on November 12, 2014, Resolution No. 14-1919 authorized Supplemental Agreement No. 1 to the contract with Salcedo Group, Inc. for additional engineering services along Jefferson Boulevard from Zang Boulevard to Adams Avenue for streetscape improvements, in the amount of \$207,920.00, increasing the contract from \$299,881.00 to \$507,801.00; and,

**WHEREAS**, on October 13, 2015, Administrative Action No. 15-7135 authorized Supplemental Agreement No. 2 to the contract with Salcedo Group, Inc. for additional engineering services to provide a lighting analysis for Jefferson Boulevard from Zang Boulevard to Adams Avenue, in the amount of \$7,500.00, increasing the contract from \$507,801.00 to \$515,301.00; and,

**WHEREAS**, bids were received on August 26, 2016, for the construction of Jefferson Boulevard improvements from Zang Boulevard to Adams Avenue; and,

**WHEREAS**, at the bid opening on August 26, 2016, two bids were received for the project; however, the low bid was approximately 60% higher than the engineer's estimate for the project; and,

**WHEREAS**, due to funding constraints, City staff proceeded to modify the project scope in order to bring the project within budget, and subsequently re-advertised the project in November 2016; and,

**WHEREAS**, it is now necessary for the City Council to ratify City staff's rejection of all bids opened on August 26, 2016 for Jefferson Boulevard improvements from Zang Boulevard to Adams Avenue; and, to ratify the re-advertisement of new bids.

**Now, Therefore,**

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

**Section 1.** That the City Council hereby ratifies City staff's rejection of all bids for the construction of street paving, storm drainage, streetscape, street lighting, landscape, and water adjustment improvements for Jefferson Boulevard from Zang Boulevard to Adams Avenue; and, ratify the re-advertisement of new bids.

**Section 2.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

January 25, 2017

**WHEREAS**, on June 25, 2014, Resolution No. 14-1013 authorized a professional services contract with Salcedo Group, Inc. for the engineering services for Jefferson Boulevard from Zang Boulevard to Adams Avenue, in the amount of \$299,881.00; and,

**WHEREAS**, on November 12, 2014, Resolution No. 14-1919 authorized Supplemental Agreement No. 1 to the contract with Salcedo Group, Inc. for additional engineering services along Jefferson Boulevard from Zang Boulevard to Adams Avenue for streetscape improvements, in the amount of \$207,920.00, increasing the contract from \$299,881.00 to \$507,801.00; and,

**WHEREAS**, on October 13, 2015, Administrative Action No. 15-7135 authorized Supplemental Agreement No. 2 to the contract with Salcedo Group, Inc. for additional engineering services to provide a lighting analysis for Jefferson Boulevard from Zang Boulevard to Adams Avenue, in the amount of \$7,500.00, increasing the contract from \$507,801.00 to \$515,301.00; and,

**WHEREAS**, bids were received on August 26, 2016, for the construction of Jefferson Boulevard improvements from Zang Boulevard to Adams Avenue; and,

**WHEREAS**, at the original bid opening on August 26, 2016, two bids were received for the project; however, the low bid was approximately 60% higher than the engineer's estimate for the project; and,

**WHEREAS**, due to funding constraints, City staff proceeded to modify the project scope in order to bring the project within budget, and subsequently re-advertised the project in November 2016; and,

**WHEREAS**, bids were received again on December 2, 2016, for the construction of street paving, storm drainage, streetscape, street lighting, landscape, and water adjustment improvements for Jefferson Boulevard from Zang Boulevard to Adams Avenue as follows:

<b><u>BIDDERS</u></b>	<b><u>BID AMOUNT</u></b>
Texas Standard Construction, Ltd.	\$2,030,568.45
Gibson & Associates, Inc.	\$2,265,087.33
Ark Contracting Services	\$2,719,835.00

**Now, Therefore,**

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

January 25, 2017

**Section 1.** That the City Manager is hereby authorized to execute a contract with Texas Standard Construction, Ltd. for the construction of street paving, storm drainage, streetscape, street lighting, landscape, and water adjustment improvements for Jefferson Boulevard from Zang Boulevard to Adams Avenue in an amount not to exceed \$2,030,568.45, this being the lowest responsive bid received as indicated by the tabulation of bids, after it has been approved as to form by the City Attorney.

**Section 2.** That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Street and Transportation Improvements Fund	
Fund 3U22, Department STS, Unit S395, Act. THRF	
Obj. 4510, Program #PB12S395, CT STS12S395D1	
Vendor #508379, in an amount not to exceed	\$2,030,568.45

**Section 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Mobility and Street Services  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** N/A

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**SUBJECT**

Authorize **(1)** a substantial amendment to the Texas Department of Transportation Local Transportation Project Advance Funding Agreement (LPAFA Agreement No. CSJ 0918-45-820), a previously approved Interlocal Agreement, to terminate the existing agreement as a result of an adjustment in the regional Transportation Improvement Program (TIP); **(2)** a new and updated LPAFA Interlocal Agreement with the Texas Department of Transportation (Agreement No. CSJ 0918-45-820/CFDA No. 20.205) to replace the existing agreement for a Congestion Mitigation/Air Quality Program Project and Surface Transportation Program-Metropolitan Mobility Program Project Off-System to provide safety improvement projects at various Dallas intersections through engineering and construction services; **(3)** the receipt and deposit of additional funds from the Federal Highway Administration passed through the Texas Department of Transportation through the new LPAFA for engineering and construction services in the amount of \$163,000; **(4)** an increase in the local match in the amount of \$14,157 from \$303,800 to \$317,957; **(5)** an increase in appropriations in the Traffic Safety Program Fund in an amount not to exceed \$163,000; **(6)** termination of the existing agreement; and **(7)** execution of the new agreement - Not to exceed \$177,157 - Financing: Texas Department of Transportation Grant Funds (\$163,000) and 2006 Bond Funds (\$14,157)

**BACKGROUND**

This action includes terminating the current agreement and executing a new agreement to provide for engineering and construction services to improve traffic safety improvement projects at various intersections throughout the City of Dallas.

**BACKGROUND** (Continued)

The new agreement will increase appropriations by \$177,157, from \$703,800 to \$880,957. The total amended project cost is \$927,070 that includes the federal reimbursement of \$563,000, the local match of \$317,957, and the \$46,113 in State indirect costs. The City's corresponding match for the project will increase by \$14,157 from \$303,800 to \$317,957. This agreement modification is a result of an adjustment in the regional Transportation Improvement Program (TIP).

The previous overall project had a budget of up to \$703,800 (TxDOT Funds - \$400,000; 2003 Bond Funds - \$214,475; 2006 Bond Funds - \$89,325) for engineering and construction improvements. The new overall project will total \$927,070 (TxDOT Funds - \$563,000; State Indirect Costs - \$46,113; 2003 Bond Funds - \$214,475; and 2006 Bond Funds - \$103,482.00).

This agreement will provide for small-scale, low-cost improvements at the selected intersections (less than \$20,000 per location). The increase of approximately eight intersections are anticipated with this new funding. The total number of locations funded could be higher if improvement costs are less than \$20,000 per location. Additional intersections will be determined as locations are identified.

Some of the projects were completed between 2008 and 2011.

TxDOT required a warrant check calculated at \$5,957. This check was previously paid and will not be reissued.

**ESTIMATED SCHEDULE OF PROJECT**

Began Project	January 2007
Complete Project	January 2020

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

The City Council authorized an Interlocal agreement with the Texas Department of Transportation on December 12, 2007, by Council Resolution No. 07-3728.

Information about this item will be provided to the Transportation and Trinity River Project Committee on January 23, 2017.

**FISCAL INFORMATION**

Texas Department of Transportation Grant Funds	\$163,000.00
2006 Bond Funds	\$ 14,157.00
Total Project Cost:	
Texas Department of Transportation Grant Funds (this action)	\$ 163,000.00
Texas Department of Transportation Grant Funds (prior action)	\$ 400,000.00
State Indirect Costs	\$ 46,113.00
2003 Bond Funds	\$ 214,475.00
2006 Bond Funds (includes \$14,157 local match per this action)	<u>\$ 103,482.00</u>
Total	\$ 927,070.00

January 25, 2017

**WHEREAS**, on December 12, 2007, Resolution No. 07-3728 authorized an Interlocal Agreement with the Texas Department of Transportation to provide safety improvement projects at various Dallas intersections; and,

**WHEREAS**, the Regional Transportation Council has authorized additional monies to fund a Dallas Traffic Safety Program to reduce motor-vehicle accidents and implement countermeasures to improve safety; and,

**WHEREAS**, the Texas Department of Transportation (TxDOT) has been authorized to administer the funding for this program; and,

**WHEREAS**, due to the funding changes in the Transportation Improvement Program for the Dallas-Fort Worth Metropolitan Area, the funding reorganization must be reflected in the project; and,

**WHEREAS**, it is in the best interest of the City of Dallas and TxDOT to execute an amendment to terminate the previous interlocal agreement and execute a new, updated interlocal agreement; and,

**WHEREAS**, the City desires to enter into an Interlocal Agreement with TxDOT to receive funding to enhance software to analyze accident reports, identify priority locations with accident trends, and implement countermeasures to eliminate those trends; and,

**WHEREAS**, the City identifies a previously written warrant check for \$5,957 as required match for this project; and,

**WHEREAS**, the full project will provide up to \$875,000 to fund traffic signal engineering and construction improvements; and,

**WHEREAS**, TxDOT will provide up to \$46,113 to fund indirect costs and fees; and,

**WHEREAS**, the 2003 / 2006 Bond Programs authorized funding for the Traffic Safety Program and current funds (subject to annual appropriations) will be used to provide local match requirement.

January 25, 2017

**Now, Therefore,**

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

**Section 1.** That the City Manager is authorized to rescind the Local Transportation Project Advance Funding Agreement (LPAFA) with the Texas Department of Transportation (Interlocal Agreement No. CSJ #0918-45-820), previously approved on December 12, 2007, by Resolution No. 07-3728 in the amount of \$703,800, as a result of an adjustment in the regional Transportation Improvement Program (TIP), upon approval as to form by the City Attorney.

**Section 2.** That the City Manager is authorized to **(1)** execute a new and updated LPAFA Interlocal Agreement with the Texas Department of Transportation (Agreement No. CSJ #0918-45-820/CFDA No. 20.205) to replace the existing agreement, for a Congestion Mitigation/Air Quality Program Project and Surface Transportation Program-Metropolitan Mobility Program Project Off-System to provide safety improvement projects at various Dallas intersections through software enhancement, engineering services, and construction in a revised amount not to exceed \$927,070, upon approval as to form by the City Attorney; and **(2)** accept additional funds from the Federal Highway Administration passed through the Texas Department of Transportation through the new LPAFA for software enhancement, engineering services, and construction in an amount not to exceed \$163,000. The agreement remains effective as long as the project is incomplete or unless otherwise terminated or modified.

**Section 3.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$163,000, from \$400,000 to \$563,000, in Fund 08EM, Dept. PBW, Unit 88EM, Obj. 4820.

**Section 4.** That the Chief Financial Officer is hereby authorized to disburse additional grant funds in an amount not to exceed \$163,000, from \$400,000 to \$563,000 in Fund 08EM, Dept. PBW, Unit 88EM, Obj. 4820.

**Section 5.** That the Chief Financial Officer is hereby authorized to provide additional local match in an amount not to exceed \$14,157 from \$303,800 to \$317,957 in Fund 6T22, Dept. PBW, Unit U232, Obj. 4820.

**Section 6.** That the Chief Financial Officer is hereby authorized to deposit all reimbursement funds from TxDOT pertaining to this project in an amount not to exceed \$163,000 from \$400,000 to \$563,000 in Fund 08EM, Dept. PBW, Unit 88EM, Revenue Source 6506.

January 25, 2017

**Section 7.** That the Chief Financial Officer is hereby authorized to reimburse Fund 08EM, Dept. PBW, Unit 88EM, Obj. 5011 with additional required local match funds in an amount not to exceed \$14,157 from 2006 Bond Funds Fund 6T22, Dept. PBW, Unit U232, Obj. 4820, Act. INGV, Program P806U232, GAE PBWTXDOTA04.

**Section 8.** That the City Manager is hereby authorized to reimburse the granting agency any expenditures identified as ineligible and notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

**Section 9.** That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

**Section 10.** That this resolution shall take effect immediately on and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**AGENDA ITEM # 28**

**KEY FOCUS AREA:** Culture, Arts and Recreation and Educational Enhancements

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Park & Recreation

**CMO:** Willis Winters, 670-4071

**MAPSCO:** N/A

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**SUBJECT**

Authorize the approval of a Memorandum of Understanding (MOU) between the Dallas Parks Foundation (“DPF”) and the City of Dallas, through its Dallas Park and Recreation Department (“City”) for the purpose of implementing a junior angler program pursuant to a grant agreement between the DPF and the National Recreation and Parks Association (“NRPA”) – Financing: No cost consideration to the City

**BACKGROUND**

The National Recreation and Parks Association (NRPA) has awarded the Dallas Parks Foundation (DPF) a grant, on behalf of the City, in the amount of \$50,499.00 for the purpose of providing junior angler outdoor education, programming, equipment and special events to the youth of Dallas.

The Memorandum of Understanding (MOU) will be subject to the following terms:

1. The grant award letter was provided on July 9, 2016 and the program will be completed by July 8, 2017.
2. Authorize DPF to receive the grant from NRPA on behalf of the City and make program related purchases to include: rods, reels, tackle boxes, lures, hooks, lines, and sinkers, as directed by the City.
3. The City will provide staff and implement the community outreach outdoor program.
4. The City will be responsible for completing reports as requested by NRPA.
5. The City will not receive any money from this grant.

## **ESTIMATED SCHEDULE OF PROJECT**

Grant awarded	July 9, 2016
Began Outreach Program	July 9, 2016
Complete Outreach Program	July 8, 2017

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On December 15, 2016, the Park and Recreation Board authorized a Memorandum of Understanding.

Information about this item will be provided to the Quality of Life & Environment Committee on January 23, 2017.

## **FISCAL INFORMATION**

No cost consideration to the City.

January 25, 2017

**WHEREAS**, the City Charter provides for the Park and Recreation Board to approve agreements or contracts within the department for the acceptance of grants as it shall deem proper; and

**WHEREAS**, the City of Dallas Park and Recreation Department (City) and the Dallas Parks Foundation (DPF), desire to enter into a Memorandum of Understanding (MOU) for the purpose of implementing a junior angler program pursuant to the terms of the MOU; and

**WHEREAS**, DPF will receive the grant funds in the amount of \$50,499 on behalf of the City and will purchase all materials, equipment, and supplies for the program to include: rods, reels, tackle boxes, lures, hooks, lines, and sinkers, as directed by the City.

**WHEREAS**, City will provide the staffing to support and implement the program.

**Now, Therefore,**

**BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the City Manager is hereby authorized to enter into a Memorandum of Understanding with the Dallas Parks Foundation to confirm approval of the terms governing the acceptance and use of Fifty Thousand Four Hundred and Ninety Nine Dollars and No Cents (\$50,499.00) made available to the Dallas Parks Foundation on behalf of the City for the implementation of a Junior Angler program for the youth of Dallas.

**SECTION 2.** That the President of the Park and Recreation Board and City Manager are hereby authorized to execute a Memorandum of Understanding with the Dallas Parks Foundation, after approval as to form by the City Attorney.

**SECTION 3.** That program implementation will be performed by City staff.

**SECTION 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



**KEY FOCUS AREA:** E-Gov  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** N/A  
**DEPARTMENT:** Sanitation Services  
**CMO:** Joey Zapata, 670-3009  
**MAPSCO:** N/A

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**SUBJECT**

Authorize ordinances granting five franchises for solid waste collection and hauling, pursuant to Chapter XIV, of the City Charter, and Chapter 18, Article IV, of the Dallas City Code (list attached) - Estimated Annual Revenue: \$7,200

**BACKGROUND**

Each solid waste hauler operating in Dallas must apply for and receive a franchise to operate a solid waste collection service in the city. For a company to be submitted to City Council for franchise consideration, Sanitation Services requires the company to meet certain preliminary minimum provisions before a franchise application will be considered. Preliminary provisions include providing proof of meeting minimum insurance requirements, confirmation that the company is registered to do business in the State of Texas, the company's intent to pick up and haul solid waste in the City of Dallas, a list of vehicles that are Code compliant, payment of all city taxes (if applicable) and no past history by principals of the company operating a franchised hauling business as a principal that went out of business owing the City franchise fees or disposal fees. These businesses have met all of the preliminary requirements to be considered for a franchise ordinance.

These franchise ordinances, like the franchisees adopted on April 13, 2016, require the City to approve transfer of ownership or sale of assets in accordance with the City Charter, has tightened reporting and payment provisions for franchisees, requires strict compliance with annual certificate of insurance renewal submissions, is for a franchise term of 5 years, and allows the Council to amend the franchise if needed, more easily and has a clearer acceptance process.

There are currently 206 approved franchise ordinances in Dallas. As part of the franchise agreement, franchisees shall pay a fee of not less than four percent of the gross receipts resulting from the operation of the solid waste collection service within the City.

### **PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)**

On September 27, 2006, Council authorized an amendment to the Dallas City Code to include a franchise fee method for regulating solid waste haulers, by Ordinance No. 26478.

On, October 12, 2015, the Quality of Life & Environment Committee was provided information regarding changes to ordinances related to new solid waste collection and hauling franchise agreements.

Information about this item will be provided to the Quality of Life & Environment Committee on January 23, 2017.

### **FISCAL INFORMATION**

\$7,200.00 - Estimated Annual Revenue

**Franchises for Solid Waste Collection and Hauling**

**Franchise Haulers**

**Estimated Annual Franchise Revenue**

Gold Star Disposal and Recycling, Inc.	\$ 960.00
Panther City Rental, LLC dba Panther City Disposal	\$1,200.00
Waste Warriors, Inc.	\$2,400.00
Junk King, LLC	\$2,160.00
E W Wells Group, LLC	\$ 480.00
Total	\$7,200.00



ORDINANCE NO. \_\_\_\_\_

An ordinance granting a franchise to Gold Star Disposal and Recycling, Inc., a Texas corporation, with its principal address at 3606 Marsh Lane Place, Dallas, Texas 75220, pursuant to Chapter XIV of the Dallas City Charter and Chapter 18 of Article IV of the Dallas City Code, to own, operate and maintain a solid waste collection service within the City of Dallas; providing for its terms and conditions; providing for liquidated damages for failure to adhere to the terms and conditions in the franchise ordinance; providing for payment of a franchise fee; providing for the payment of the publication fee; providing for the filing of an acceptance by Franchisee; and providing an effective date.

WHEREAS, safe and responsible solid waste collection, transport, and processing is necessary for the protection of the public health and a compelling governmental interest;

WHEREAS, solid waste haulers often use heavy equipment that contributes substantially to damage and wear and tear of the public ways, necessitating expenditures of City of Dallas resources for the maintenance and repair of those public ways, for which the City of Dallas is entitled to reasonable compensation and reimbursement;

WHEREAS, the franchise and regulation of solid waste collection, transport, and processing is necessary and furthers a compelling public interest;

WHEREAS, the City of Dallas is authorized to grant one or more non-exclusive franchises for the provision of solid waste collection service to premises within the City of Dallas; and

WHEREAS, the city council of the City of Dallas is of the opinion that the granting of the franchise on the terms and conditions set forth in this ordinance is in the public interest and in the interest of the City of Dallas and its residents. Now, Therefore,

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

SECTION 1. Preamble. That the declarations contained in the preamble to this ordinance are material and are hereby repeated and incorporated herein as a part of this ordinance as though they were fully set forth in this Section 1.

SECTION 2. Definitions. That for the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given in this ordinance. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number; words in the singular number include the plural number; and the use of any gender shall be applicable to all genders whenever the tense requires. The word "shall" is mandatory and not merely directory. The word "may" is not mandatory and is merely permissive. Words defined elsewhere in this ordinance shall be accorded that meaning throughout this ordinance. Words not defined shall be given their common and ordinary meaning.

(a) AFFILIATE and AFFILIATED means any entity controlling, controlled by, or under common control with the franchisee.

(b) AUTHORIZED AREA means the entire area from time to time within the corporate limits of the City of Dallas.

(c) CITY means the City of Dallas, a municipal corporation, a political subdivision of the State of Texas.

(d) CITY CHARTER means the city's organic law, equivalent to a constitution, which defines the city's existence and prescribes the powers, duties, and organization of the city's governmental structure.

(e) CITY CODE means the ordinances of the city codified into the Dallas City Code, The Revised Code of Civil and Criminal Ordinances of the City of Dallas, Texas (1960 Edition, 1997 Printing), as amended from time to time.

(f) CITY MANAGER means the city manager or the city manager's designated assistant or representative.

(g) CONTROL (and its variants) means actual working control, by whatever means exercised. Without limiting the generality of the foregoing, for the purposes hereof, a change in control shall be deemed to have occurred at any point in time when there is: (i) a change in working or effective voting control, in whatever manner effectuated, of franchisee; (ii) an agreement of the holders of voting stock or rights of franchisee which effectively vests or assigns policy decision-making in any person or entity other than franchisee; or (iii) a sale, assignment or transfer of any shares or interest in franchisee which results in a change in the control of franchisee.

(h) COUNCIL means the governing body of city. This section does not authorize delegation of any decision or function that is required by the city charter or state law to be made by the council. In any case in which a hearing is held pursuant to this ordinance, the council may conduct the hearing or, in its sole discretion, may by resolution appoint a committee or subcommittee of the council or a hearing officer to conduct the hearing and submit a proposal for decision to it, pursuant to procedures established by resolution.

Unless otherwise stated in this ordinance or prohibited by the city charter or state law, the council may delegate to the city manager or the director the exercise of any and all of the powers conferred upon city by its charter or by general law relating to the administration and enforcement of this ordinance and to franchisee's exercise of the rights and privileges conferred in this ordinance.

(i) DIRECTOR means the director of the department of sanitation services, or the director's designated representative.

(j) FRANCHISE means the grant of the non-exclusive permission and privilege to use public ways under this ordinance, and all of the incidental rights and obligations as described by this ordinance.

(k) FRANCHISEE means Gold Star Disposal and Recycling, Inc., a Texas corporation, the grantee of rights under this ordinance; or the successor, transferee, or assignee of this ordinance.

(l) PUBLIC WAYS means all dedicated rights-of-way, streets, highways, and alleys for use by the general public and easements dedicated for the benefit of all utilities. Public ways does not include property of city which is not a dedicated public way, street, highway, or alley or available for use by the general public or easements not dedicated for the benefit of all utilities.

(M) SOLID WASTE COLLECTION SERVICE means the term as defined in Section 18-29(5) of the Dallas City Code.

(n) THIS ORDINANCE means this document.

SECTION 3. Granting of franchise. That subject to all the terms and conditions contained in this ordinance, the Texas Constitution, the city charter, the city code, other city ordinances as from time to time may be in effect, and applicable federal law, city hereby grants

franchisee non-exclusive permission and privilege solely for the purpose of operating and maintaining a solid waste collection service in, over, along and across the public ways in the authorized area. This grant is subject to the following additional conditions:

(a) Franchisee purpose. Franchisee accepts the grant set forth above and agrees to operate and maintain the solid waste collection service in the authorized area in accordance with the terms and provisions of this ordinance.

(b) Other services. By granting this ordinance, city is not authorizing any non-solid waste collection service to be provided and does not waive and specifically retains any right to regulate and receive compensation as allowed by law for services offered by franchisee which are not solid waste collection services. Franchisee shall immediately notify city if it provides any non-solid waste collection services within the authorized area.

(c) No priority. This ordinance does not establish any priority for the use of the public ways by franchisee or by any present or future recipients of franchise agreements, franchisees, permit holders, or other users of the public ways. In the event of any dispute as to the priority of use of the public ways, the first priority shall be to the public generally, the second priority to city, the third priority to the State of Texas and its political subdivisions in the performance of their various functions, and thereafter, as between recipients of franchise agreements, franchisees and other state or local permit holders, as determined by the city manager in the exercise of the city's powers, including the police power and other powers reserved to and conferred on it by the State of Texas.

(d) City's use of public ways. Franchisee acknowledges that by this ordinance it obtains no rights to use or further use of the public ways other than those expressly granted in this ordinance. Franchisee acknowledges and accepts at its own risk, provided that city has the

legal authority for the use or uses in question, that city may make use in the future of the public ways in which the solid waste collection service is located in a manner inconsistent with franchisee's use of such public ways for the solid waste collection service, and in that event franchisee shall not be entitled to compensation from city unless compensation is available to all users of the public ways which are affected in a similar manner and are similarly situated in relevant respects with the franchisee.

(e) Emergencies. City may temporarily suspend the operation of the solid waste collection service of franchisee in the event of a public emergency or calamity as determined by city. In such event, neither city nor any agent, contractor, or employee of city shall be liable to franchisee or its customers or third parties for any damages caused them or the solid waste collection system. Where reasonably possible, prior notice shall be given to franchisee. In any event, notice of such action shall be given to franchisee after such action is taken.

(g) Compliance with law and standards of operation. Franchisee shall be subject to and comply with all applicable local, state, and federal laws, including the rules and regulations of any and all agencies thereof, whether presently in force or whether enacted or adopted at any time in the future.

(h) Other approvals and authorizations. This ordinance does not relieve and franchisee shall comply with any obligation to obtain permits, licenses and other approvals from city or other units of government, which are required for the operation and maintenance of the solid waste collection service.

(i) City's right of eminent domain reserved. Nothing in this ordinance shall limit any right city may have to acquire by eminent domain any property of franchisee.

(j) Taxes, fees and other assessments. Nothing in this ordinance shall be construed to limit the authority of city to impose a tax, fee, or other assessment of any kind on any person. Franchisee shall pay all fees necessary to obtain and maintain all applicable federal, state, and local licenses, permits, and authorizations required for the construction, installation, upgrading, maintenance, or operation of its solid waste collection service.

(k) Disputes among public ways users. Franchisee shall respect the rights and property of city and other authorized users of the public ways. Disputes between franchisee and other similar franchisees over use of public ways shall be submitted to the director for resolution; provided, however, that franchisee reserves its rights to submit such disputes directly to a court of competent jurisdiction.

#### SECTION 4. Service requirements.

(a) It is expressly understood and agreed that franchisee has the non-exclusive right, to the extent permitted by this ordinance, to collect and transport solid waste within the authorized area where the individuals or companies contract with franchisee for those services, excluding residential service (other than apartment complexes and motels). Notwithstanding the exclusion for residential service, city reserves the right during the term of this franchise ordinance to collect and transport solid waste and other materials from any source whatsoever, including but not limited to apartment complexes, motels, and any commercial venue without any amendment or modification of this franchise ordinance. Franchisee shall, at its own expense, furnish personnel and equipment to collect and transport, solid waste and shall establish and maintain the contracted solid waste collection service in an efficient and businesslike manner.

(b) All vehicles used by franchisee for the collection and transportation of solid waste shall display a decal issued by the director in or upon a conspicuous place on the vehicle, in accordance with the applicable requirements of the city code. All vehicles shall be covered at all times while loaded and in transit to prevent the spillage of solid waste onto the public ways or properties adjacent to the public ways. Any spillage will be promptly recovered by franchisee. All vehicles and containers owned by franchisee shall be clearly marked with franchisee's name in letters not less than four inches in height. All vehicles shall be cleaned and maintained by franchisee so as to be in good repair, of good appearance and, when idle, free of solid waste residue as may cause odor, provide a breeding place for vectors, or otherwise create a nuisance. In addition, franchisee shall comply with the requirements for solid waste collection vehicles and containers contained in Sections 18-45 and 18-50 (b) of the Dallas City Code.

(c) Franchisee expressly agrees to assume liability and responsibility for all costs of repair to the public ways and other facilities that are damaged as a result of the negligence of franchisee, its officers, agents, or employees, during franchisee's operations pursuant to this ordinance.

(d) Franchisee will comply with all rules, regulations, laws and ordinances pertaining to the disposal of solid waste as directed by the city or by other responsible governmental agencies having jurisdiction. must be made at an approved solid waste disposal, collection, or processing facility, transfer station or landfill, pursuant to Chapter 18 of the city code, as amended. Disposal of all solid waste collected by franchisee from premises within the authorized area must be made at an approved solid waste disposal, collection, or processing facility, transfer station or landfill in accordance with the Dallas City Code.

SECTION 5. Indemnity and insurance.

(a) **INDEMNIFICATION OF CITY.** FRANCHISEE SHALL, AT ITS SOLE COST AND EXPENSE, DEFEND, INDEMNIFY, AND HOLD HARMLESS CITY AND ITS OFFICERS, BOARDS, COMMISSIONS, EMPLOYEES, AGENTS, ATTORNEYS, AND CONTRACTORS (HEREINAFTER REFERRED TO AS “INDEMNITEES”), FROM AND AGAINST:

(1) ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, COSTS, AND EXPENSES FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE, OR OTHER HARM FOR WHICH RECOVERY OF DAMAGES IS SOUGHT, SUFFERED BY ANY PERSON OR PERSONS, THAT MAY ARISE OUT OF OR BE OCCASIONED BY FRANCHISEE'S BREACH OF ANY OF THE TERMS OR PROVISIONS OF THIS FRANCHISE, OR BY ANY NEGLIGENT OR STRICTLY LIABLE ACT OR OMISSION OF FRANCHISEE, ITS OFFICERS, AGENTS, EMPLOYEES, CONTRACTORS, OR SUBCONTRACTORS, IN THE OPERATION OR MAINTENANCE OF THE SOLID WASTE COLLECTION SERVICE, OR IN THE DISPOSAL, HANDLING, OR TRANSFER OF ANY SOLID WASTE COLLECTED THROUGH THE SOLID WASTE COLLECTION SERVICE; FRANCHISEE'S OBLIGATION TO DEFEND AND INDEMNIFY INDEMNITEES UNDER THIS SUBPARAGRAPH SHALL EXTEND TO CLAIMS, LOSSES, AND OTHER MATTERS COVERED UNDER THIS SUBPARAGRAPH THAT ARE CONTRIBUTED TO BY THE NEGLIGENCE OF ONE OR MORE INDEMNITEES, PROVIDED, HOWEVER, THAT INDEMNITY WILL BE REDUCED BY THE PROPORTIONATE AMOUNT THROUGH WHICH THE INDEMNITEE CONTRIBUTED TO THE LIABILITY, AS

**PROVIDED UNDER TEXAS LAW, WITHOUT WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO CITY UNDER TEXAS LAW AND WITHOUT WAIVING ANY DEFENSES OF EITHER FRANCHISEE OR CITY UNDER TEXAS LAW; THE ABOVE INDEMNIFICATION SHALL NOT, HOWEVER, APPLY TO ANY JUDGMENT OF LIABILITY RESULTING FROM THE SOLE NEGLIGENCE OR WILLFUL MISCONDUCT OF CITY; AND**

**(2) ANY AND ALL LIABILITY, OBLIGATION, DAMAGES, FINES, PENALTIES, CLAIMS, SUITS, JUDGMENTS, ACTIONS, LIENS, AND LOSSES, WHICH MAY BE IMPOSED UPON OR ASSERTED AGAINST THE INDEMNITEES BECAUSE OF ANY VIOLATION OF ANY STATE OR FEDERAL LAW OR REGULATION GOVERNING THE SOLID WASTE COLLECTION SERVICE OR RELATED TO THE COLLECTION, DISPOSAL, TRANSFER, OR HANDLING BY FRANCHISEE, ITS OFFICERS, EMPLOYEES, AGENTS, OR SUBCONTRACTORS, OF SOLID WASTE COLLECTED THROUGH THE SOLID WASTE COLLECTION SERVICE REGARDLESS OF WHETHER OR NOT THE NEGLIGENCE, FAULT, OR OTHER WRONGFUL CONDUCT OF THE INDEMNITEES CONTRIBUTED TO ANY VIOLATION; AND FRANCHISEE SHALL PAY ALL JUDGMENTS, WITH COSTS, ATTORNEY'S FEES, AND EXPENSES AWARDED IN SUCH JUDGMENT WHICH MAY BE OBTAINED AGAINST CITY RELATED TO ANY SUCH CLAIM. UPON THE WRITTEN REQUEST OF CITY, FRANCHISEE SHALL IMMEDIATELY, AT ITS SOLE COST AND EXPENSE, CAUSE ANY LIEN COVERING CITY'S PROPERTY AS DESCRIBED IN THIS SUBPARAGRAPH TO BE DISCHARGED OR BONDED.**

**(3) THIS SUBSECTION SHALL NOT BE CONSTRUED TO WAIVE ANY GOVERNMENTAL IMMUNITY FROM SUIT OR LIABILITY AVAILABLE TO CITY UNDER TEXAS OR FEDERAL LAW. THE PROVISIONS OF THIS SUBSECTION ARE SOLELY FOR THE BENEFIT OF CITY AND FRANCHISEE AND ARE NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY.**

(b) Franchisee's assumption of risk. Franchisee undertakes and assumes for its officers, employees, agents, contractors, and subcontractors (collectively "Franchisee" for the purpose of this subsection), all risk of dangerous conditions, if any, on or about any city-owned or controlled property, including the public ways, **AND FRANCHISEE HEREBY AGREES TO INDEMNIFY AND HOLD HARMLESS THE INDEMNITEES AGAINST AND FROM ANY CLAIM ASSERTED OR LIABILITY IMPOSED UPON THE INDEMNITEES FOR PERSONAL INJURY OR PROPERTY DAMAGE TO ANY PERSON (OTHER THAN FROM AN INDEMNITEE'S NEGLIGENCE OR WILLFUL MISCONDUCT) ARISING OUT OF FRANCHISEE'S OPERATION, MAINTENANCE, OR CONDITION OF THE SOLID WASTE COLLECTION SERVICE OR FRANCHISEE'S FAILURE TO COMPLY WITH ANY FEDERAL, STATE OR LOCAL STATUTE, ORDINANCE OR REGULATION.**

(c) Defense of city. In the event any action or proceeding shall be brought against the indemnitees by reason of any matter for which the indemnitees are indemnified hereunder, franchisee shall, upon notice from any of the indemnitees, at franchisee's sole cost and expense, (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses, and consultants, and the associated costs of document production), resist and defend the same with

legal counsel selected by franchisee and consented to by city, such consent not to be unreasonably withheld; provided, however, that franchisee shall not admit liability in any such matter on behalf of the indemnitees without city's written consent and provided further that the indemnitees shall not admit liability for, nor enter into any compromise or settlement of, any claim for which they are indemnified hereunder, without the prior written consent of franchisee and execution of any settlement agreement on behalf of the city by the city attorney, and further provided that for the search, review, and production of documents, the city attorney may elect to handle some or all of the process in-house at the expense of the franchisee.

(d) Expenses. The indemnitees shall give franchisee prompt notice of the making of any claim or the commencement of any action, suit or other proceeding covered by the provisions of this Section 5. Nothing herein shall be deemed to prevent the indemnitees from participating in the defense of any litigation by their own counsel at their own expense. Franchisee shall pay all expenses incurred by the indemnitees in participating in the defense, provided that the participation has been requested or required by franchisee in conducting the defense. These expenses may include out-of-pocket expenses reasonably and necessarily incurred, such as attorney fees and the reasonable value of any services rendered by city's counsel and the actual expenses of the indemnitees' agents, employees or expert witnesses, and disbursements and liabilities assumed by the indemnitees in connection with such suits, actions or proceedings but shall not include attorney's fees for services that are unnecessarily duplicative of services provided the Indemnitees by franchisee.

(e) Insurance required. Not later than the effective date of this ordinance, franchisee shall procure, pay for, and maintain insurance coverage in at least the minimum amounts and coverages described in Exhibit A, attached to and made a part of this ordinance. The insurance

shall be written by companies approved by the State of Texas and acceptable to city. The insurance shall be evidenced by the delivery to city of policies of insurance, including all endorsements executed by the insurer or its authorized agent stating coverages, limits, exclusions, deductibles, and expiration dates, which demonstrate compliance with all applicable provisions of the insurance laws and rules in the State of Texas. **THIS ORDINANCE SHALL NOT TAKE EFFECT UNTIL THE INSURANCE POLICY HAS BEEN DELIVERED TO CITY AND NO OFFICER OR EMPLOYEE SHALL HAVE AUTHORITY TO WAIVE THIS REQUIREMENT.** If satisfactory evidence of the required insurance is not submitted within 30 days after the date the council approves this ordinance, then this ordinance shall be considered null and void and shall have no force or effect.

(f) Changes in insurance coverage. Franchisee shall provide the city with true and complete copies of all changes to insurance policies, including any cancellation, coverage change, or termination notice, or any replacement insurance, before these changes become effective. Certificates of insurance reflecting the annual renewal, replacement insurance or coverage changes must be submitted when such policies become effective to provide evidence of continuing insurance coverage. Although certificates are routinely accepted as substitutes for copies of insurance policies, the city shall have the right to access and copy any such policy of insurance. The director may prevent franchisee from operating a solid waste collection service under this franchise until satisfactory evidence of insurance coverage required under this section is presented to the director.

(g) Adjustments to insurance requirements. City reserves the right to review the insurance requirements stated in Exhibit A during the effective period of this ordinance and to recommend to the council reasonable adjustments in the insurance requirements contained in the

city code prior to the anniversary renewal of the insurance when deemed necessary and prudent by city's Office of Risk Management. Any adjustments shall be mutually agreeable to city and franchisee, and based upon changes in statutory law, court decisions, or the claims history of the industry as well as franchisee. When any insurance coverage limit changes are agreed, franchisee shall pay any resulting increase in cost due to the changes.

(g) Liability of franchisee. Approval, disapproval, or failure to act by city regarding any insurance supplied or not supplied by franchisee shall not relieve franchisee of full responsibility or liability for damages and accidents as set forth in this ordinance. The bankruptcy, insolvency, or denial of liability by any insurer of franchisee shall not exonerate franchisee from the liability obligations of franchisee provided for under this ordinance.

SECTION 6. Fees, payments and compensation.

(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to four percent of franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "franchise fee").

(b) Payment procedures. Franchisee shall pay the franchise fee to city each month during the term of this ordinance. The monthly payment required by this ordinance shall be due and payable by certified check, electronic funds transfer, or other means that provide immediately available funds on the day the payment is due not later than 3:00 p.m. of the thirtieth (30th) calendar day following the end of each calendar month. If the thirtieth (30th)

calendar day following the end of a calendar month falls on a Saturday, Sunday, or official city holiday, then the payment is due on the business day prior to the due date, and in the month of February, the payment is due on February 28th. Subject to applicable law, the compensation set forth in this Section 6 shall be exclusive of and in addition to all special assessments and taxes of whatever nature, including, but not limited to, ad valorem taxes. In the event any monthly payment or partial payment is received by the city later than 10 days after the due date, franchisee shall pay interest on the past due amount at the rate prescribed in Section 2-1.1 of the Dallas City Code. Payment shall be accompanied by a monthly report certified by an officer of franchisee showing the total gross receipts of the preceding calendar month. The monthly report shall also include a detailed breakdown of gross receipts and the computation of the payment amount.

(c) Annual report. Franchisee shall file with city by February 1 of each calendar year an annual report showing the total gross receipts of the preceding calendar year along with the information required under Section 18-41 of the Dallas City Code. Such annual report shall include a detailed breakdown of gross receipts and the computation of the payment amount.

(d) City audit. City may audit franchisee (or any affiliate of franchisee who has information directly pertaining to gross receipts) as often as is reasonably necessary to verify the accuracy of the franchise fees paid to city. All books, records, accounts, or other documents in paper or electronic form, necessary for the audit shall be made available by franchisee at a single location in the Dallas-Fort Worth metropolitan area. Any net undisputed amount due to city, plus interest at the rate prescribed in Section 2-1.1 of the Dallas City Code, c, calculated from the date each portion of the underpayment was originally due until the date franchisee remits the underpayment to the city, shall be paid by franchisee within 45 days after city's submitting an

invoice for the underpayment to franchisee with reasonable detail supporting the amount claimed. If the amount of the underpayment exceeds five percent of the total franchise fee owed for the audit period, franchisee shall pay city's audit costs as well. City's right to audit and franchisee's obligation to retain records related to the franchise fee shall be limited to the previous two calendar years preceding the date that written notice of intent to audit is served.

SECTION 7. Term; performance evaluation.

(a) Term and extensions. The term of this ordinance shall be five (5) years from the effective date of this ordinance.

(b) Franchisee rights upon termination. Subject to applicable law, this ordinance and all rights, permissions, and privileges of franchisee under this ordinance shall automatically terminate on the expiration of the term of this ordinance, unless extended by mutual agreement, court order, or applicable law.

(c) Performance evaluation. In order to: (i) assure that franchisee is complying with the terms of this ordinance, as it may be from time to time amended, and (ii) promote a sharing of information between city and franchisee, city may schedule a performance evaluation no more often than every five years during the term of this ordinance, subject to Subsection (d) of this section, in accordance with the following process:

(1) At least 90 days prior to each performance evaluation, city shall notify franchisee of the date, time and location of the evaluation. Such notice shall include specification of any additional information to be provided by franchisee pursuant to Subsection (c)(2)(D) below. Unless specifically waived by the council, attendance of franchisee's duly authorized representative at these meetings is mandatory.

(2) Within 60 days from receipt of notification, franchisee shall file a report with city that is sworn to by a representative of franchisee knowledgeable of the operations of franchisee within the authorized area, in reasonable detail, specifically addressing, at a minimum, the following areas:

(A) compliance of franchisee's vehicles with solid waste and air quality requirements;

(B) customer service, including but not limited to a listing of customer complaints and their resolution;

(C) history in regard to prompt and accurate payment of franchise fees;

(D) any other topic deemed material or relevant by city for its enforcement of this ordinance.

(3) All reports to be prepared under this subsection and submitted by franchisee shall be based upon information for at least the most recent five-year period, inclusive of the most current quarter available. No report under this subsection shall be based upon data that ends more than six months before the time of the performance evaluation.

(4) Following receipt of the report, but not less than 30 days prior to the performance evaluation, city may request additional information, clarification or detailed documentation concerning those topics identified for inclusion in the performance evaluation. Franchisee shall make reasonable effort to provide such additional information to city prior to the meeting. In the event that the information cannot be made available prior to the performance evaluation, franchisee shall notify city in writing explaining the reasons for any delay. The city may authorize a delay of the performance evaluation for a reasonable time to allow franchisee to submit the additional documentation.

(5) The council shall hear any interested persons during such performance evaluation. Franchisee shall be entitled to all the rights of due process consistent with city proceedings, including but not limited to, the right to be heard, the right to present evidence, and the right to ask questions of witnesses.

(6) Upon request of city, franchisee shall assist city in notifying customers of the evaluation session. The actual costs associated with the notification, in an amount not to exceed \$1,000.00, shall be borne by franchisee.

(d) Additional performance evaluations. Notwithstanding Subsection (c), the council may initiate and conduct such additional performance evaluations regarding franchisee's performance under this ordinance as the council, in its sole discretion, may deem justified or necessary under the circumstances. Franchisee shall be given reasonable notice of the date, time, and location of any such additional performance evaluations.

#### SECTION 8. Transfers of ownership and control.

(a) Franchisee ownership, management and operation.

(1) Only franchisee and its affiliates, if any, shall operate, manage, and maintain the solid waste collection service. As provided in Chapter XIV, Section 2(5) of the Dallas City Charter, no franchise, nor the assets held by the franchise holder, may be sold, assigned, transferred, or conveyed to any other person, firm, corporation, or other business entity without the consent of the city first had and obtained by ordinance or resolution, unless otherwise specifically provided in this franchise ordinance. If the purchaser is the holder of a like franchise, the franchise purchased shall be canceled and merged into the franchise held by the purchaser upon terms and conditions as may be set out by the city council when permission for merger is granted. Franchisee shall not directly or indirectly transfer or assign, in whole or in part, the

operation, management, ownership, or maintenance of the solid waste collection service without the prior written consent of the council as provided in Subsections 8(b) and 8(c) below.

(2) This section shall not apply to franchisee's employment contracts and other personnel decisions, nor shall it prohibit franchisee from contracting for or subcontracting, in whole or in part, any operational, management or maintenance functions in connection with the solid waste collection service, so long as franchisee does not relinquish its decision making authority over, or its responsibilities under, this ordinance for any particular function; nor shall it prohibit franchisee from complying with this ordinance or other requirements of federal, state, or local laws and regulations.

(3) Franchisee shall provide the director written notice, within five calendar days after its occurrence, of any change in the corporate or business structure, change in the chief executive or the top executive structure, change in the board of directors, or other change in the corporate or business method of governance of franchisee, regardless of whether or not it results in a transfer or assignment of the franchise or a transfer of control or ownership of franchisee.

(b) Transfer and assignment procedures. This ordinance or the solid waste collection service shall not be transferred or assigned, by operation of law or otherwise, nor shall title to franchisee's rights and obligations under this ordinance or to the solid waste collection service pass to or vest in any person, other than for mortgaging or financing of solid waste collection operations or to an affiliate of franchisee under the conditions described below, without the prior written consent of the council. This ordinance shall not be leased or subleased without the prior written consent of the council. The procedures related to transfer or assignment are as follows:

(1) The council's written consent shall not be required for a transfer solely for security purposes (such as the grant of a mortgage or security interest), but shall be required for

any realization on the security by the recipient, such as a foreclosure on a mortgage or security interest. The director shall be advised in writing of a transfer solely for security purposes at least 60 days before such transfer occurs.

(2) Franchisee may, without additional approval by the council, transfer or assign this ordinance to an affiliate provided that the affiliate: (i) assumes all of franchisee's obligations and liabilities under this ordinance occurring both before and after the transfer or assignment; (ii) agrees to comply with all provisions of this ordinance; and (iii) has the legal, technical and financial ability to properly perform and discharge such obligations and liabilities, which abilities are each at least as great as those of franchisee. The director shall be advised in writing of such transfer and of the affiliate's qualifications at least 60 days before such transfer occurs. The city shall be reimbursed any reasonable, documented costs it incurs in connection with such transfer, including the expenses of any investigation or litigation respecting a proposed or consummated transfer, up to a maximum of \$10,000.00.

(c) Transfer of control. There shall be no transfer of or acquisition of control of franchisee without the prior written consent of the council.

(d) Schedule of ownership. Franchisee represents and warrants that its current ownership is as set forth on Exhibit C, attached to and made a part of this ordinance, and that it has full legal and equitable title to the solid waste collection service as of the effective date of this ordinance.

(e) Applications for consent/procedure/restrictions. If franchisee seeks to obtain the consent of the council to any transactions or matters described in this section, franchisee shall submit an application for such consent to the city and shall submit or cause to be submitted to the city such additional documents and information as the director may request that are reasonably

related to the transaction, including the purchase price of the solid waste collection service, and the legal, financial, and technical qualifications of the proposed transferee or new controlling entity.

(1) The council shall have 120 days from the date of submission of a complete and accurate application to act upon the application for consent. If the council fails to act upon such application for consent within 120 days, such application shall be deemed as consented to unless city and franchisee otherwise agree to an extension of time.

(2) The council shall not unreasonably withhold its consent to any proposed transaction. The council may: (i) grant its consent outright, (ii) grant such consent with conditions, which conditions it finds are necessary to ensure performance of franchisee or its successor under this Ordinance, or (iii) deny consent.

(3) Nothing in any approval by the city under this section shall be construed to waive or release any rights of city in and to the public ways, public places of city or property owned by city.

(4) Nothing in any approval by city under this section shall be construed as a waiver or release of any of city's police powers, or as an exercise of eminent domain.

(5) City's granting of consent in any one instance shall not require it to grant consent in other instances.

(6) Franchisee shall reimburse city for the incidental costs incurred by city in considering any request of franchisee under this section. Such reimbursement shall not exceed \$10,000.00, shall be supported by invoices, and shall not include any costs or expenses incurred by city in defending any denial of the request; provided, however, that city does not waive its

right to request that its attorney's fees and other costs be reimbursed by court order in any litigation related to denial of a request under this section.

(f) City approval requirements. Before any transfer, assignment, sale, foreclosure, or other change of control described under this section becomes effective and before the council shall consider giving its consent, the proposed transferee, assignee, purchaser, buyer, foreclosing party, or other person or entity seeking to obtain the rights and obligations under this ordinance through a change of control shall provide the director: (i) an agreement and acceptance in writing to comply with all terms of this ordinance, as amended; (ii) all evidence of insurance required under this ordinance, as amended; (iii) the legal name and address of the transferee, and all persons sharing control of the transferee, with a full description of their experience in the solid waste disposal industry, as well as the name and address of the person to be contacted for notices; (iv) payment of outstanding franchise fees and any other fees, taxes, and payments, including fees, interest, and penalties, due from franchisee to the city; and (iv) evidence satisfactory to the director that transferee has the legal, technical, and financial ability to properly perform and discharge all obligations and liabilities of this ordinance.

(g) Transfer of control requirements. In the event of a transfer of control, before such transfer becomes effective and before the council shall consider giving its consent, the proposed transferee shall agree in writing to not take any action that will keep franchisee from complying with this ordinance.

#### SECTION 9. Defaults.

(a) Events of default. The occurrence of any one or more of the following events at any time during the term of this ordinance shall constitute an event of default by franchisee under this ordinance:

(1) The failure or refusal by franchisee to pay the franchise fee when due as prescribed by this ordinance, or any failure to perform on any agreed or court-mandated extension or modification of such payment obligation.

(2) Franchisee's material violation of or failure to comply with any provision or condition of Article IV of Chapter 18 of the Dallas City Code relating to solid waste collection service franchisees or any other applicable provision or condition of the city code.

(3) Franchisee's material violation of or failure to comply with any of the other terms, covenants, representations, or warranties contained in this ordinance, or franchisee's failure or refusal to perform any obligation contained in this ordinance.

(4) Franchisee's failure or refusal to pay or cause to be paid any of city's governmentally-imposed taxes of any kind whatsoever, including but not limited to real estate taxes, sales taxes, and personal property taxes on or before the due date for same; provided, however, franchisee shall not be in default under this subsection with respect to the non-payment of taxes which are being disputed in good faith in accordance with applicable law.

(5) The entry of any judgment against franchisee in which another party becomes entitled to possession of substantially all of franchisee's assets of the solid waste collection service, for which change in possession the consent of the council has not been obtained, and such judgment is not stayed pending rehearing or appeal for 45 or more days following entry of the judgment.

(6) The dissolution or termination, as a matter of law, of franchisee without the prior consent or approval of city, which approval, if formally requested, shall not unreasonably be withheld.

(7) Franchisee's filing of a voluntary petition in bankruptcy; being adjudicated insolvent; obtaining an order for relief under Section 301 of the Bankruptcy Code (11 U.S.C. §301); filing any petition or failing to contest any petition filed against it seeking any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief for itself under any laws relating to bankruptcy, insolvency or other relief for debtors; seeking or consenting to or acquiescing in the appointment of any bankruptcy trustee, receiver, master, custodian or liquidator of franchisee, or any of franchisee's property or this ordinance or of any and all of the revenues, issues, earnings, profits or income thereof; making an assignment for the benefit of creditors (except secured creditors); or failing to pay franchisee's debts as they become due such that franchisee is unable to meet its obligations under this ordinance.

(8) Franchisee attempts to dispose of any of the facilities or property of its solid waste collection service with the intent of preventing city from purchasing it as provided for in this ordinance.

(9) Franchisee engages in any fraudulent or deceitful conduct with city or its customers.

(10) Franchisee knowingly or intentionally makes a false statement or a misrepresentation as to a material matter in the application for or in the negotiation of this ordinance, or in connection with any report of gross income as required by this ordinance.

(11) Any director, officer, employee, or agent of franchisee is convicted of the offense of bribery or fraud connected with or resulting from the granting, term extension, or renewal of this ordinance.

(12) Franchisee's failure or refusal to comply with or a violation of any applicable local, state, or federal law or regulation.

(b) Default procedures. Upon the occurrence of an event of default which can be cured by the immediate payment of money to city or a third party, franchisee shall have 30 days from written notice of the occurrence of the event of default from the director to cure the default before city may exercise any of the default remedies provided for in Section 10. Upon the occurrence of an event of default by franchisee which cannot be cured by the immediate payment of money to city or a third party, franchisee shall have 60 days from the date of written notice from city to franchisee of the occurrence of the event of default to cure the event of default before city may exercise any of its rights or remedies provided for in Section 10, unless the director, the city manager, or the council authorizes a longer cure period upon a showing of good cause to extend the cure period. If an event of default is not cured within the time period allowed for curing the event of default, as provided above, the event of default becomes, without additional notice, an uncured event of default, which shall entitle city to exercise the remedies provided for in Section 10.

SECTION 10. Remedies.

(a) Default remedies. Upon the occurrence of any uncured event of default as described in Section 9, the director shall report the occurrence of same to the city manager and the council. The council shall be entitled in its sole discretion and upon recommendation of the director and the city manager to exercise any or all of the following cumulative remedies:

- (1) Exercise its rights to impose liquidated damages as described in Subsection (e).
- (2) Authorize the city attorney to commence an action against franchisee at law or in equity, or both, including an action for monetary damages and specific performance.
- (3) Suspend the franchise granted under this ordinance.
- (4) Revoke the franchise granted under this ordinance.

(b) Suspension procedure. Upon the occurrence of an uncured event of default, the director may suspend the operation of the solid waste collection service doing business under this ordinance. If the director determines that suspension of the franchise is necessary to cure an event of default, the director shall comply with the procedures established in Section 18-37 of the Dallas City Code.

(c) Revocation procedure. Upon the occurrence of an uncured event of default, the council shall have the right to revoke this ordinance. Upon revocation, the rights, permissions, and privileges comprising the franchise granted under this ordinance shall be automatically deemed null and void and shall have no further force or effect and the provisions that are contractual in nature which are also included as a part of this ordinance are hereby automatically terminated, except that franchisee shall retain the obligation to report gross income and make franchisee fee payments covering the period prior to the effective date of the revocation. Upon revocation, city shall retain any portion of the franchise fee and other fees or payments paid to it, or which are due and payable to it, to the date of the revocation. Notwithstanding the above, prior to any council hearing to formally consider revocation of the franchise granted under this ordinance, the director shall notify franchisee in writing at least 10 days in advance of the council hearing at which the issue of revocation shall be considered and decided. Franchisee shall have the right to appear before the council in person or by legal counsel and raise any objections or defenses franchisee may have that are relevant to the proposed revocation. In addition, the following procedures shall apply in regard to the revocation hearing:

(1) The council shall hear and consider the issue of revocation, shall hear any person interested in the issue, and shall determine, in its sole discretion, whether or not any violation by franchisee has occurred justifying a revocation of the franchise.

(2) At such hearing, franchisee shall be provided due process, including the right to be heard, to ask questions of witnesses, and to present evidence.

(3) Upon completion of the hearing described above, the council shall render a decision. Within a reasonable time, the director shall transmit a copy of the decision to franchisee. Franchisee shall be bound by the council's decision, unless it appeals the decision to a court of competent jurisdiction within 15 days after the date of the decision. Franchisee reserves the right to challenge both the decision itself and the fairness of the process followed by the city in the proceeding.

(4) The council reserves the right, in its sole discretion, to impose liquidated damages or to pursue other remedies as provided in this Section 10 in lieu of a revocation.

(d) Letter of credit. As security for the faithful performance by franchisee of the provisions of this ordinance and compliance with all orders, permits, and directions of city and the payment of all claims, liens, fees, liquidated damages, and taxes to city, franchisee shall deposit with city, no later than the effective date of this ordinance, an unconditional and irrevocable letter of credit in a penal amount equal to one month's franchise fee payment. The initial value of the letter of credit shall be established on the basis of the monthly franchise fee that would have been paid on the previous calendar year's monthly average gross receipts on a cash basis from any source derived at any location regardless of whether those receipts were earned entirely within the authorized area. The letter of credit shall be updated annually in January of each calendar year during the term of this ordinance. The value of the annually updated letter of credit will be equal to the average monthly franchise fee payment submitted by franchisee as required in this ordinance during the previous calendar year. The letter of credit must be issued by a federally-chartered or state-chartered financial institution with a principal

office or branch located in Dallas County and otherwise acceptable to the council, on terms acceptable to the council and approved by the city attorney. The letter of credit shall expressly provide that partial draws are permitted and that a draft thereon to the order of the city will be honored upon presentation to the issuing financial institution at a principal office or branch located within Dallas County of a letter of demand from city delivered in person or by courier delivery. The letter of demand must be signed by a person purporting to be the city's chief financial officer, city manager, or director. No supporting documents will be required and no other language, other than a demand to pay and a recitation of title, will be required as conditions for permitting the draw. Failure to timely deposit the letter of credit, or the failure to maintain the letter(s) of credit in the full amount required under this subsection and in effect during the entire term of this ordinance, or any renewal or extension of this ordinance, shall constitute a material breach of the terms of this ordinance.

(1) If franchisee fails to make timely payment to city or its designee of any amount due as a result of this ordinance or fails to make timely payment to city of any taxes due; or fails to repay city for damages and costs, including attorney's fees; or fails to comply with any provision of this ordinance which city reasonably determines can be remedied by an expenditure of monies, city may draw upon the letter of credit an amount sufficient to repay city with interest as set forth in this ordinance, if not otherwise specified by law..

(2) Within three days after a drawing upon the letter of credit, city shall send written notification of the amount, date, and purpose of the drawing to franchisee by certified mail, return receipt requested.

(3) If, at the time of a draw by city, the aggregate amount realized from the letter of credit is insufficient to provide the total payment toward which the draw is directed, the

balance of such payment, plus accrued interest, shall constitute an obligation of franchisee to city until paid. If the interest rate is not set forth in this ordinance or set by laws, then interest shall be the prime rate as established in the Wall Street Journal on the day before city sends notice to franchisee of its intent to draw the letter of credit.

(4) No later than 30 days after mailing of notification to franchisee of a draw pursuant to Subsection (d)(2) above, franchisee shall cause the letter of credit to be restored to the full amount required under this ordinance. Failure to timely restore the letter of credit shall constitute a material breach of the terms of this ordinance.

(5) The rights reserved to city with respect to this letter of credit are in addition to all other rights and remedies of city, whether reserved by this ordinance or authorized by law, and no action, proceeding or exercise of a right with respect to such letter of credit shall affect any other rights city may have.

(e) Liquidated damages. The parties agree that: (1) the harm or damage caused by any material breach of this franchise, other than the failure to pay franchise fees, is of a kind that is difficult or incapable of estimation; and (2) the amount of liquidated damages stipulated in the ordinance is a reasonable forecast of just compensation. Therefore, in addition to the other remedies provided for in this Section 10, liquidated damages in the amounts set forth below may be assessed by the council upon franchisee, following the notice and opportunity to cure procedures in Subsection (f) below, for failure or refusal to comply with any material term or condition of this ordinance or for any other uncured event of default. In the event the council determines that franchisee has committed, continued, or permitted a material failure or refusal of compliance or other uncured event of default that has not been cured as provided in this ordinance, franchisee shall pay \$2,000 per day for each day or part of a day that the material

failure or refusal or other uncured event of default is committed, continued, or permitted, unless the council at the time of imposition of the civil penalty determines that good cause justifies a lesser penalty, based upon the surrounding circumstances, frequency, number, and seriousness of the material violations or uncured events of default in question and the public interest served by imposing a lesser civil penalty.

(f) Liquidated damages procedure. Liquidated damages may be assessed by the council in accordance with the following procedure:

(1) Following notice from the director, which notice, at the director's election, may be combined with the notice described in Section (9)(b), franchisee shall meet with the director to attempt to resolve any disagreements on whether liquidated damages should be assessed or what liquidated damages should be recommended to the council. If there is no resolution of the issue within 15 days after the mailing of the notice, then the director shall present the director's recommendation regarding liquidated damages to the city manager for review and concurrence. If the city manager concurs in the director's recommendation that liquidated damages should be assessed, the matter shall be presented to the council. The director shall notify franchisee of the recommendation of the city manager to the council, the time and date of the proposed hearing concerning the issue of liquidated damages, and a statement that franchisee has a right to appear and be heard before the council on the matter. In order to appear before and be heard by the council, franchisee must comply with applicable council procedures which can be obtained from the city secretary.

(2) Upon presentation of the recommendations of the director and the city manager, the council may decide on one or more of the following courses of action:

(A) to authorize the city attorney to proceed against franchisee under Section 10(a)(2);

(B) to assess liquidated damages in the amount provided above for the applicable material violation or uncured event of default. Council may provide for a lesser amount and may suspend all or part of said assessment upon reasonable conditions for any reasonable period, up to the end of the franchise;

(C) to determine that liquidated damages are not justified under the circumstances and assess no damages; or

(D) to remand the matter to the city manager or the director for further investigation, consideration, and recommendation to the council.

(3) Assessment of liquidated damages by the council shall be a monetary obligation of franchisee to city in the amount determined by the council and shall be paid in full by franchisee within 15 business days after the date of assessment by the council.

(4) The procedures stated in this Subsection (f) do not apply to the council's determination to require the payment of money, in lieu of other available remedies, in a revocation proceeding under Subsection (b)(4).

(g) Remedies cumulative. Subject to applicable law, the rights and remedies of city set forth in this Section 10 shall be in addition to and not in limitation of, any other rights and remedies provided by law or in equity. If the council determines that a violation by franchisee was franchisee's fault and within its control, the council may pursue any or all of the remedies provided in Section 10. The remedies of city created under this ordinance shall be cumulative to the maximum extent permitted by law. The exercise by city of any one or more remedies under this ordinance shall not preclude the exercise by city, at the same or different times, of any other

remedies for the same material uncured event of default. Notwithstanding any provision of this ordinance, however, city shall not recover both liquidated damages and actual damages for the same violation, breach, non-compliance, or material uncured event of default.

(h) Curable violations. Franchisee shall not be found in violation of this ordinance or any other applicable law or regulation, and shall suffer no penalties or damages as a result, if the violation occurs without fault of franchisee or occurs as a result of circumstances beyond its control, and, if curable, is promptly cured. Franchisee shall not be excused by mere economic hardship nor by the negligence or malfeasance of its directors, officers or employees.

(i) City right to purchase. In the event city revokes the franchise granted under this ordinance for cause, terminates the franchise as provided in Subsection (j) below, or denies renewal of the franchise granted under this ordinance, city shall have the right (but not the obligation) subject to the applicable provisions of city charter, directly or as an intermediary, to purchase the assets of the solid waste collection system through its authority under, and procedures applicable to, eminent domain.

(j) Termination in the public interest. Nothing in this section shall be construed as affecting the right of the council under the city charter to terminate this ordinance without cause in the public interest when it is deemed inconsistent with the public use of city's public ways or is deemed to cause or constitute a nuisance.

#### SECTION 11. Providing Information.

(a) Complete and accurate books required. Franchisee shall keep complete and accurate books of account and records of its solid waste collection service business and operations under and in connection with this ordinance in accordance with generally accepted accounting principles and generally accepted government auditing standards.

(b) City review of documentation. City may fully review such of franchisee's books, accounts, documents, and other records of franchisee or franchisee's affiliates during normal business hours on a non-disruptive basis and with such advance notice as is reasonably necessary to monitor compliance with the terms of this ordinance. All books, accounts, documents, and other records shall be made available at a single location in the Dallas-Fort Worth metropolitan area. Books, accounts, documents, and other records that are kept on an electronic basis shall also be made available on the same basis as the paper books, accounts, documents, and other records; where possible, such items shall be made available in a CD-ROM disk or other similar platform in a format that is readable by city's computers. The reviewable items shall include, but shall not be limited to, records required to be kept by franchisee pursuant to law and the financial information underlying the written report accompanying the franchise fee. To the extent permitted by law, city agrees to treat any information disclosed by franchisee under this section as confidential, if and only to the extent that franchisee provides prior written notice that specific information is confidential as trade secrets or proprietary competitive information. Blanket or overly broad claims of confidentiality will be of no effect.

(c) Additional reports. Franchisee shall, when required by the council, the city manager, or the director, report to city any reasonably requested information relating to franchisee or the affiliates or necessary for the administration of this ordinance. The director shall have the right to establish formats for these additional reports, determine the time for these reports and the frequency with which these reports, if any, are to be made, and require that any reports be made under oath.

SECTION 12. General.

(a) Entire agreement. This ordinance (with all referenced exhibits, attachments, and provisions incorporated by reference) embodies the entire agreement and the rights, privileges, and permissions between city and franchisee, superseding all oral or written previous negotiations or agreements between city and franchisee relating to matters set forth in this ordinance. This ordinance can be amended by an ordinance enacted by the council. Such action by council does not require the hearing procedures for revocation set forth in Subsection 10(4)(b) of this ordinance, but only the posting of an agenda item and the opportunity for speakers to be heard on the item.

(b) Notices. Except as otherwise provided in Subsection 12(c) of this ordinance, any notice, payment, statement, or demand required or permitted to be given under this ordinance by either party to the other may be effected by any of the means described in Subsection 12(d) of this ordinance. 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 days after mailing.

If to City:

City Manager  
City of Dallas  
Dallas City Hall  
1500 Marilla – Room 4/F/North  
Dallas, Texas 75201

With a copy to:

Director  
Department of Sanitation Services  
3112 Canton Street  
Dallas, Texas 75226

If to Franchisee:

Abel Munoz  
Owner & Operator  
Gold Star Disposal and Recycling, Inc.  
3606 Marsh Lane Place  
Dallas, Texas 75220

Either city or franchisee may change its address or personnel for the receipt of notices at any time by giving notice of the change to the other party as provided in this Subsection 12(b) Any notice given by either city or franchisee must be signed by an authorized representative.

(c) Notice of claim. This ordinance is subject to the provisions of Section 2-86 of the Dallas City Code, relating to requirements for filing a notice of a breach of contract claim against city. Section 2-86 of the Dallas City Code is expressly incorporated by reference and made a part of this ordinance as if written word for word in this ordinance. Contractor shall comply with the requirements of Section 2-86 as a precondition of any claim against city relating to or arising out of this ordinance.

(d) Delivery of notices. Notices required to be given under this ordinance may be transmitted in any of the following four ways:

(1) By personal delivery, in which case they are deemed given when delivered.

(2) By delivery to Federal Express, United Parcel Service, or other nationally recognized overnight courier service, in which case they shall be deemed given when received for such service.

(3) By being deposited in the U.S. Mail, by registered or certified mail, return receipt requested, postage prepaid, in which case notice shall be deemed given three calendar days after having been deposited in the U.S. Mail.

(4) By facsimile or electronic mail transmission where the sender's transmittal log shows successful transmission to all the recipients (with any replacement transmission as a recipient shall request) and with a hard copy on the same date or the next day mailed to all by first class mail, postage prepaid, in which case notice shall be deemed given on the date of facsimile or electronic mail transmission.

(e) City/franchisee meetings. Franchisee shall meet with the director, the city manager or the council at reasonable times to discuss any aspect of this ordinance or the services or facilities of franchisee. At all meetings, franchisee shall make available personnel qualified for the issues to be discussed and such meetings shall be at city's offices unless otherwise agreed.

(f) Legal construction. This ordinance 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. Exclusive venue for any litigation that may be filed in connection with this ordinance shall be in Dallas County, Texas. This ordinance is not a contract for goods or services within the meaning of Texas Local Government Code §§271.151 *et seq.*

(g) No inducement. Franchisee, by accepting this ordinance, acknowledges that it has not been induced to accept this ordinance by any promise, oral or written, by or on behalf of city or by any third person regarding any term or condition not expressed in this ordinance. Franchisee further pledges that no promise or inducement, oral or written, has been made to any city employee or official regarding the grant, receipt or award of this ordinance.

(h) Franchisee acknowledgement. Franchisee further acknowledges by acceptance of this ordinance that it has carefully read the terms and conditions of this ordinance and accepts the obligations imposed by the terms and conditions herein.

(i) No waiver by city. No failure by city to insist upon the strict performance of any covenant, provision, term or condition of this ordinance, or to exercise any right, term or remedy upon a breach thereof shall constitute a waiver of any such breach of such covenant, agreement, term, or condition. No waiver of any breach shall affect or alter this ordinance, but each and every covenant, provision, term or condition of this ordinance shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

(j) Governmental licenses. Franchisee shall, at its expense, obtain and maintain all additional governmental regulatory licenses necessary to operate the solid waste collection service in accordance with this ordinance.

(k) Severability. If any section, paragraph, or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this ordinance.

(l) City retained powers. In addition to all rights provided in this ordinance, city reserves all rights and powers conferred by federal law, the Texas Constitution, Texas statutes and decisions, the City Charter, city code, and city ordinances which city is allowed to exercise.

(m) Material misinformation. The provision of information by franchisee or any of its affiliates to city in connection with any matters under this ordinance which contains an untrue statement of a material fact or omits a material fact necessary to make the information not misleading shall constitute a violation of this ordinance and shall be subject to the remedies provided in Section 10. Each day that franchisee or an affiliate fails to correct an untrue statement of a material fact or the omission of a material fact necessary to make the information not misleading shall constitute a separate violation of this ordinance.

(n) Hearing procedures. The following additional procedures shall apply to any hearing held in connection with any action taken by the council in connection with this ordinance:

(1) The council may conduct the hearing or, in its sole discretion, may by resolution appoint a committee or subcommittee of the council or a hearing officer to conduct the hearing and submit a proposal for decision to it, pursuant to procedures established by resolution.

(2) The hearing shall afford franchisee rudimentary due process. The council may by resolution establish other procedural matters in connection with the hearing.

(o) Acceptance. Upon adoption of this ordinance, franchisee agrees to be bound by all the terms and conditions contained herein, as evidenced by filing the original with the city secretary and a copy with the director, in writing, within 30 days after the date the council approves this ordinance, an unconditional acceptance of the ordinance and promise to comply with and abide by all its provisions, terms, and conditions. The form of unconditional acceptance and promise, attached to and made a part of this ordinance as Exhibit B, shall be sworn to, by, or on behalf of franchisee before a notary public. If within 30 days after the date the council approves the ordinance, franchisee fails to (1) submit and file the properly executed acceptance, (2) pay all taxes due, and (3) submit the letter of credit and required certificate of insurance, then this ordinance and the rights, permissions, and privileges granted under this ordinance shall be null and void and shall have no force or effect, unless franchisee evidences such failure was due to clerical error by someone other than franchisee or its affiliates and then acts promptly to remedy the third party's clerical error. The director may prevent franchisee from operating a solid waste collection service under this franchise or reapplying for a new franchise until the acceptance required by this subsection is filed as provided herein.

(p) Time is of the essence. Whenever this ordinance shall set forth any time for an act to be performed by or on behalf of franchisee, such time shall be deemed of the essence and any failure of franchisee to perform within time allotted shall always be sufficient grounds for city to invoke an appropriate remedy, including possible revocation of the ordinance.

(q) Force majeure. The time within which franchisee shall be required to perform any act under this ordinance shall be extended by a period of time equal to the number of days due to a force majeure. The term “force majeure” shall mean delays due to acts of God, inability to obtain governmental approvals, governmental restrictions, war, act of terrorism, civil disturbances, fire, unavoidable casualty, or other similar causes beyond the control of franchisee. Notwithstanding anything contained anywhere else in this ordinance, franchisee shall not be excused from performance of any of its obligations under this ordinance by the negligence or malfeasance of its directors, officers, or employees or by mere economic hardship.

(r) Recognition of rights. Franchisee agrees that by adopting this ordinance, neither city nor franchisee have waived any rights, claims, or defenses they may have with respect to city's rights to impose the requirements contained in this ordinance in whole or in part upon franchisee.

(s) Police powers.

(1) In accepting this ordinance, franchisee acknowledges that its rights under this ordinance are subject to the police power of city to adopt and enforce general ordinances necessary to the health, safety, and welfare of the public. Franchisee shall comply with all applicable general laws and ordinances enacted by city pursuant to such powers. Any conflict between the provisions of this ordinance and any other present or future lawful exercise of city's police powers shall be resolved in favor of the latter.

(2) Franchisee recognizes the right of city to make reasonable amendments to this ordinance; except that city shall not make amendments materially adversely affecting franchisee except under a proper exercise of city's police powers, with notice to franchisee and an opportunity to be heard in a regular public meeting of the council considering the ordinance or amendment. Franchisee acknowledges that this is the extent of its rights to a hearing respecting franchise ordinance amendments under the charter

(3) Franchisee also recognizes city's right to impose such other regulations of general applicability as shall be determined by city to be conducive to the safety, welfare, and accommodation of the public.

(t) No presumption of renewal. This ordinance and the grant contained herein do not imply, grant, or infer any renewal rights in favor of franchisee or its affiliates.

(u) Recognition of city charter. Franchisee recognizes, accepts and agrees that the terms, conditions and provisions of this ordinance are subject to the applicable provisions of Chapter XIV of the Dallas City Charter. Any request by franchisee for an amendment to this ordinance shall be subject to review by the city attorney for compliance with the applicable provisions of the city charter.

SECTION 13. Outstanding license fees. This ordinance shall not take effect until all fees still owed to city from the existing license previously issued to franchisee for solid waste collection, hauling, and disposal service under provisions of the city code applicable to solid waste collection, hauling, and disposal licenses are paid in full. If the previous license fees owed to city are not paid by franchisee within 30 days after the date the council approves this ordinance, then this ordinance shall be considered null and void and shall have no force or effect.

The director may prevent franchisee from operating a solid waste collection service under this franchise or reapplying for a new franchise until the previous license fees have been paid in full.

SECTION 14. Ordinance effective date. Subject to the provisions of Subsection 5(e), Subsection 12(o), and Section 13, this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas (the “effective date”), and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

BY \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

## **Exhibit A**

### **INSURANCE COVERAGE REQUIRED**

SECTION C. Subject to FRANCHISEE'S right to maintain reasonable deductibles, FRANCHISEE shall obtain and maintain in full force and effect for the duration of this contract and any extension hereof, at FRANCHISEE'S sole expense, insurance coverage in the following type(s) and amounts:

Business Automobile Liability Insurance covering owned, hired, and non-owned vehicles, with a minimum combined bodily injury (including death) and property damage limit of \$500,000 per occurrence.

#### **REQUIRED PROVISIONS**

FRANCHISEE agrees that with respect to the above required insurance, all insurance contracts and certificate(s) of insurance will contain and state, in writing, the following required provisions:

- a. Name the City of Dallas and its officers, employees and elected representatives as additional insureds to all applicable coverages.
- b. State that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to:
  - (i) Sanitation Services, Attention: Assistant Director, 3112 Canton, Suite 200, Dallas, Texas 75226 and
  - (ii) Director, Office of Risk Management, 1500 Marilla, 6A-South, Dallas, Texas 75201.
- c. Waive subrogation against the City of Dallas, its officers and employees, for bodily injury (including death), property damage or any other loss.
- d. Provide that the FRANCHISEE'S insurance is primary insurance as respects the CITY, its officers, employees and elected representatives.
- e. Provide that all provisions of this franchise concerning liability, duty and standard of care, together with the indemnification provision, shall be underwritten by contractual liability coverage sufficient to include such obligations within applicable policies.

#### **CITY NOT LIABLE**

Approval, disapproval or failure to act by the CITY regarding any insurance supplied by the FRANCHISEE or its subcontractors shall not relieve the FRANCHISEE of full responsibility or liability for damages and accidents as set forth in the franchise documents. Neither shall the bankruptcy, insolvency nor denial of liability by the insurance company exonerate the FRANCHISEE from liability.

**Exhibit B**

**Acceptance**

Gold Star Disposal and Recycling, Inc., a Texas corporation, unconditionally accepts and agrees to be bound by all the terms, covenants, and conditions contained in the Solid Waste Collection Service franchise ordinance, Ordinance No. \_\_\_\_\_, passed on January 25, 2017.

Dated: \_\_\_\_ day of \_\_\_\_\_, 2017.

FRANCHISEE:

GOLD STAR DISPOSAL AND RECYCLING, INC.  
a Texas corporation

By: \_\_\_\_\_  
Abel Munoz, Owner & Operator

State of Texas  
County of Dallas

This instrument was acknowledged before me on \_\_\_\_\_, 2017 by Abel Munoz, Owner & Operator of Gold Star Disposal and Recycling, Inc., a Texas corporation, on behalf of said corporation.

( Seal)

\_\_\_\_\_  
Notary Public's Signature

**Exhibit C**  
**Affidavit of Ownership or Control**

ORDINANCE NO. \_\_\_\_\_

An ordinance granting a franchise to Panther City Rental, LLC dba Panther City Disposal, a Texas limited liability company, with its principal address at 4900 Arbol Court, Fort Worth, Texas 76126, pursuant to Chapter XIV of the Dallas City Charter and Chapter 18 of Article IV of the Dallas City Code, to own, operate and maintain a solid waste collection service within the City of Dallas; providing for its terms and conditions; providing for liquidated damages for failure to adhere to the terms and conditions in the franchise ordinance; providing for payment of a franchise fee; providing for the payment of the publication fee; providing for the filing of an acceptance by Franchisee; and providing an effective date.

WHEREAS, safe and responsible solid waste collection, transport, and processing is necessary for the protection of the public health and a compelling governmental interest;

WHEREAS, solid waste haulers often use heavy equipment that contributes substantially to damage and wear and tear of the public ways, necessitating expenditures of City of Dallas resources for the maintenance and repair of those public ways, for which the City of Dallas is entitled to reasonable compensation and reimbursement;

WHEREAS, the franchise and regulation of solid waste collection, transport, and processing is necessary and furthers a compelling public interest;

WHEREAS, the City of Dallas is authorized to grant one or more non-exclusive franchises for the provision of solid waste collection service to premises within the City of Dallas; and

WHEREAS, the city council of the City of Dallas is of the opinion that the granting of the franchise on the terms and conditions set forth in this ordinance is in the public interest and in the interest of the City of Dallas and its residents. Now, Therefore,

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

SECTION 1. Preamble. That the declarations contained in the preamble to this ordinance are material and are hereby repeated and incorporated herein as a part of this ordinance as though they were fully set forth in this Section 1.

SECTION 2. Definitions. That for the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given in this ordinance. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number; words in the singular number include the plural number; and the use of any gender shall be applicable to all genders whenever the tense requires. The word "shall" is mandatory and not merely directory. The word "may" is not mandatory and is merely permissive. Words defined elsewhere in this ordinance shall be accorded that meaning throughout this ordinance. Words not defined shall be given their common and ordinary meaning.

(a) AFFILIATE and AFFILIATED means any entity controlling, controlled by, or under common control with the franchisee.

(b) AUTHORIZED AREA means the entire area from time to time within the corporate limits of the City of Dallas.

(c) CITY means the City of Dallas, a municipal corporation, a political subdivision of the State of Texas.

(d) CITY CHARTER means the city's organic law, equivalent to a constitution, which defines the city's existence and prescribes the powers, duties, and organization of the city's governmental structure.

(e) CITY CODE means the ordinances of the city codified into the Dallas City Code, The Revised Code of Civil and Criminal Ordinances of the City of Dallas, Texas (1960 Edition, 1997 Printing), as amended from time to time.

(f) CITY MANAGER means the city manager or the city manager's designated assistant or representative.

(g) CONTROL (and its variants) means actual working control, by whatever means exercised. Without limiting the generality of the foregoing, for the purposes hereof, a change in control shall be deemed to have occurred at any point in time when there is: (i) a change in working or effective voting control, in whatever manner effectuated, of franchisee; (ii) an agreement of the holders of voting stock or rights of franchisee which effectively vests or assigns policy decision-making in any person or entity other than franchisee; or (iii) a sale, assignment or transfer of any shares or interest in franchisee which results in a change in the control of franchisee.

(h) COUNCIL means the governing body of city. This section does not authorize delegation of any decision or function that is required by the city charter or state law to be made by the council. In any case in which a hearing is held pursuant to this ordinance, the council may conduct the hearing or, in its sole discretion, may by resolution appoint a committee or subcommittee of the council or a hearing officer to conduct the hearing and submit a proposal for decision to it, pursuant to procedures established by resolution.

Unless otherwise stated in this ordinance or prohibited by the city charter or state law, the council may delegate to the city manager or the director the exercise of any and all of the powers conferred upon city by its charter or by general law relating to the administration and enforcement of this ordinance and to franchisee's exercise of the rights and privileges conferred in this ordinance.

(i) DIRECTOR means the director of the department of sanitation services, or the director's designated representative.

(j) FRANCHISE means the grant of the non-exclusive permission and privilege to use public ways under this ordinance, and all of the incidental rights and obligations as described by this ordinance.

(k) FRANCHISEE means Panther City Rental, LLC dba Panther City Disposal, a Texas limited liability company, the grantee of rights under this ordinance; or the successor, transferee, or assignee of this ordinance.

(l) PUBLIC WAYS means all dedicated rights-of-way, streets, highways, and alleys for use by the general public and easements dedicated for the benefit of all utilities. Public ways does not include property of city which is not a dedicated public way, street, highway, or alley or available for use by the general public or easements not dedicated for the benefit of all utilities.

(M) SOLID WASTE COLLECTION SERVICE means the term as defined in Section 18-29(5) of the Dallas City Code.

(n) THIS ORDINANCE means this document.

SECTION 3. Granting of franchise. That subject to all the terms and conditions contained in this ordinance, the Texas Constitution, the city charter, the city code, other city ordinances as from time to time may be in effect, and applicable federal law, city hereby grants

franchisee non-exclusive permission and privilege solely for the purpose of operating and maintaining a solid waste collection service in, over, along and across the public ways in the authorized area. This grant is subject to the following additional conditions:

(a) Franchisee purpose. Franchisee accepts the grant set forth above and agrees to operate and maintain the solid waste collection service in the authorized area in accordance with the terms and provisions of this ordinance.

(b) Other services. By granting this ordinance, city is not authorizing any non-solid waste collection service to be provided and does not waive and specifically retains any right to regulate and receive compensation as allowed by law for services offered by franchisee which are not solid waste collection services. Franchisee shall immediately notify city if it provides any non-solid waste collection services within the authorized area.

(c) No priority. This ordinance does not establish any priority for the use of the public ways by franchisee or by any present or future recipients of franchise agreements, franchisees, permit holders, or other users of the public ways. In the event of any dispute as to the priority of use of the public ways, the first priority shall be to the public generally, the second priority to city, the third priority to the State of Texas and its political subdivisions in the performance of their various functions, and thereafter, as between recipients of franchise agreements, franchisees and other state or local permit holders, as determined by the city manager in the exercise of the city's powers, including the police power and other powers reserved to and conferred on it by the State of Texas.

(d) City's use of public ways. Franchisee acknowledges that by this ordinance it obtains no rights to use or further use of the public ways other than those expressly granted in this ordinance. Franchisee acknowledges and accepts at its own risk, provided that city has the

legal authority for the use or uses in question, that city may make use in the future of the public ways in which the solid waste collection service is located in a manner inconsistent with franchisee's use of such public ways for the solid waste collection service, and in that event franchisee shall not be entitled to compensation from city unless compensation is available to all users of the public ways which are affected in a similar manner and are similarly situated in relevant respects with the franchisee.

(e) Emergencies. City may temporarily suspend the operation of the solid waste collection service of franchisee in the event of a public emergency or calamity as determined by city. In such event, neither city nor any agent, contractor, or employee of city shall be liable to franchisee or its customers or third parties for any damages caused them or the solid waste collection system. Where reasonably possible, prior notice shall be given to franchisee. In any event, notice of such action shall be given to franchisee after such action is taken.

(g) Compliance with law and standards of operation. Franchisee shall be subject to and comply with all applicable local, state, and federal laws, including the rules and regulations of any and all agencies thereof, whether presently in force or whether enacted or adopted at any time in the future.

(h) Other approvals and authorizations. This ordinance does not relieve and franchisee shall comply with any obligation to obtain permits, licenses and other approvals from city or other units of government, which are required for the operation and maintenance of the solid waste collection service.

(i) City's right of eminent domain reserved. Nothing in this ordinance shall limit any right city may have to acquire by eminent domain any property of franchisee.

(j) Taxes, fees and other assessments. Nothing in this ordinance shall be construed to limit the authority of city to impose a tax, fee, or other assessment of any kind on any person. Franchisee shall pay all fees necessary to obtain and maintain all applicable federal, state, and local licenses, permits, and authorizations required for the construction, installation, upgrading, maintenance, or operation of its solid waste collection service.

(k) Disputes among public ways users. Franchisee shall respect the rights and property of city and other authorized users of the public ways. Disputes between franchisee and other similar franchisees over use of public ways shall be submitted to the director for resolution; provided, however, that franchisee reserves its rights to submit such disputes directly to a court of competent jurisdiction.

#### SECTION 4. Service requirements.

(a) It is expressly understood and agreed that franchisee has the non-exclusive right, to the extent permitted by this ordinance, to collect and transport solid waste within the authorized area where the individuals or companies contract with franchisee for those services, excluding residential service (other than apartment complexes and motels). Notwithstanding the exclusion for residential service, city reserves the right during the term of this franchise ordinance to collect and transport solid waste and other materials from any source whatsoever, including but not limited to apartment complexes, motels, and any commercial venue without any amendment or modification of this franchise ordinance. Franchisee shall, at its own expense, furnish personnel and equipment to collect and transport, solid waste and shall establish and maintain the contracted solid waste collection service in an efficient and businesslike manner.

(b) All vehicles used by franchisee for the collection and transportation of solid waste shall display a decal issued by the director in or upon a conspicuous place on the vehicle, in accordance with the applicable requirements of the city code. All vehicles shall be covered at all times while loaded and in transit to prevent the spillage of solid waste onto the public ways or properties adjacent to the public ways. Any spillage will be promptly recovered by franchisee. All vehicles and containers owned by franchisee shall be clearly marked with franchisee's name in letters not less than four inches in height. All vehicles shall be cleaned and maintained by franchisee so as to be in good repair, of good appearance and, when idle, free of solid waste residue as may cause odor, provide a breeding place for vectors, or otherwise create a nuisance. In addition, franchisee shall comply with the requirements for solid waste collection vehicles and containers contained in Sections 18-45 and 18-50 (b) of the Dallas City Code.

(c) Franchisee expressly agrees to assume liability and responsibility for all costs of repair to the public ways and other facilities that are damaged as a result of the negligence of franchisee, its officers, agents, or employees, during franchisee's operations pursuant to this ordinance.

(d) Franchisee will comply with all rules, regulations, laws and ordinances pertaining to the disposal of solid waste as directed by the city or by other responsible governmental agencies having jurisdiction. Disposal must be made at an approved solid waste disposal, collection, or processing facility, transfer station or landfill, pursuant to Chapter 18 of the city code, as amended. Disposal of all solid waste collected by franchisee from premises within the authorized area must be made at an approved solid waste disposal, collection, or processing facility, transfer station or landfill in accordance with the Dallas City Code.

SECTION 5. Indemnity and insurance.

(a) **INDEMNIFICATION OF CITY.** FRANCHISEE SHALL, AT ITS SOLE COST AND EXPENSE, DEFEND, INDEMNIFY, AND HOLD HARMLESS CITY AND ITS OFFICERS, BOARDS, COMMISSIONS, EMPLOYEES, AGENTS, ATTORNEYS, AND CONTRACTORS (HEREINAFTER REFERRED TO AS “INDEMNITEES”), FROM AND AGAINST:

(1) ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, COSTS, AND EXPENSES FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE, OR OTHER HARM FOR WHICH RECOVERY OF DAMAGES IS SOUGHT, SUFFERED BY ANY PERSON OR PERSONS, THAT MAY ARISE OUT OF OR BE OCCASIONED BY FRANCHISEE'S BREACH OF ANY OF THE TERMS OR PROVISIONS OF THIS FRANCHISE, OR BY ANY NEGLIGENT OR STRICTLY LIABLE ACT OR OMISSION OF FRANCHISEE, ITS OFFICERS, AGENTS, EMPLOYEES, CONTRACTORS, OR SUBCONTRACTORS, IN THE OPERATION OR MAINTENANCE OF THE SOLID WASTE COLLECTION SERVICE, OR IN THE DISPOSAL, HANDLING, OR TRANSFER OF ANY SOLID WASTE COLLECTED THROUGH THE SOLID WASTE COLLECTION SERVICE; FRANCHISEE'S OBLIGATION TO DEFEND AND INDEMNIFY INDEMNITEES UNDER THIS SUBPARAGRAPH SHALL EXTEND TO CLAIMS, LOSSES, AND OTHER MATTERS COVERED UNDER THIS SUBPARAGRAPH THAT ARE CONTRIBUTED TO BY THE NEGLIGENCE OF ONE OR MORE INDEMNITEES, PROVIDED, HOWEVER, THAT INDEMNITY WILL BE REDUCED BY THE PROPORTIONATE AMOUNT THROUGH WHICH THE INDEMNITEE CONTRIBUTED TO THE LIABILITY, AS

**PROVIDED UNDER TEXAS LAW, WITHOUT WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO CITY UNDER TEXAS LAW AND WITHOUT WAIVING ANY DEFENSES OF EITHER FRANCHISEE OR CITY UNDER TEXAS LAW; THE ABOVE INDEMNIFICATION SHALL NOT, HOWEVER, APPLY TO ANY JUDGMENT OF LIABILITY RESULTING FROM THE SOLE NEGLIGENCE OR WILLFUL MISCONDUCT OF CITY; AND**

**(2) ANY AND ALL LIABILITY, OBLIGATION, DAMAGES, FINES, PENALTIES, CLAIMS, SUITS, JUDGMENTS, ACTIONS, LIENS, AND LOSSES, WHICH MAY BE IMPOSED UPON OR ASSERTED AGAINST THE INDEMNITEES BECAUSE OF ANY VIOLATION OF ANY STATE OR FEDERAL LAW OR REGULATION GOVERNING THE SOLID WASTE COLLECTION SERVICE OR RELATED TO THE COLLECTION, DISPOSAL, TRANSFER, OR HANDLING BY FRANCHISEE, ITS OFFICERS, EMPLOYEES, AGENTS, OR SUBCONTRACTORS, OF SOLID WASTE COLLECTED THROUGH THE SOLID WASTE COLLECTION SERVICE REGARDLESS OF WHETHER OR NOT THE NEGLIGENCE, FAULT, OR OTHER WRONGFUL CONDUCT OF THE INDEMNITEES CONTRIBUTED TO ANY VIOLATION; AND FRANCHISEE SHALL PAY ALL JUDGMENTS, WITH COSTS, ATTORNEY'S FEES, AND EXPENSES AWARDED IN SUCH JUDGMENT WHICH MAY BE OBTAINED AGAINST CITY RELATED TO ANY SUCH CLAIM. UPON THE WRITTEN REQUEST OF CITY, FRANCHISEE SHALL IMMEDIATELY, AT ITS SOLE COST AND EXPENSE, CAUSE ANY LIEN COVERING CITY'S PROPERTY AS DESCRIBED IN THIS SUBPARAGRAPH TO BE DISCHARGED OR BONDED.**

**(3) THIS SUBSECTION SHALL NOT BE CONSTRUED TO WAIVE ANY GOVERNMENTAL IMMUNITY FROM SUIT OR LIABILITY AVAILABLE TO CITY UNDER TEXAS OR FEDERAL LAW. THE PROVISIONS OF THIS SUBSECTION ARE SOLELY FOR THE BENEFIT OF CITY AND FRANCHISEE AND ARE NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY.**

(b) Franchisee's assumption of risk. Franchisee undertakes and assumes for its officers, employees, agents, contractors, and subcontractors (collectively "Franchisee" for the purpose of this subsection), all risk of dangerous conditions, if any, on or about any city-owned or controlled property, including the public ways, **AND FRANCHISEE HEREBY AGREES TO INDEMNIFY AND HOLD HARMLESS THE INDEMNITEES AGAINST AND FROM ANY CLAIM ASSERTED OR LIABILITY IMPOSED UPON THE INDEMNITEES FOR PERSONAL INJURY OR PROPERTY DAMAGE TO ANY PERSON (OTHER THAN FROM AN INDEMNITEE'S NEGLIGENCE OR WILLFUL MISCONDUCT) ARISING OUT OF FRANCHISEE'S OPERATION, MAINTENANCE, OR CONDITION OF THE SOLID WASTE COLLECTION SERVICE OR FRANCHISEE'S FAILURE TO COMPLY WITH ANY FEDERAL, STATE OR LOCAL STATUTE, ORDINANCE OR REGULATION.**

(c) Defense of city. In the event any action or proceeding shall be brought against the indemnitees by reason of any matter for which the indemnitees are indemnified hereunder, franchisee shall, upon notice from any of the indemnitees, at franchisee's sole cost and expense, (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses, and consultants, and the associated costs of document production), resist and defend the same with

legal counsel selected by franchisee and consented to by city, such consent not to be unreasonably withheld; provided, however, that franchisee shall not admit liability in any such matter on behalf of the indemnitees without city's written consent and provided further that the indemnitees shall not admit liability for, nor enter into any compromise or settlement of, any claim for which they are indemnified hereunder, without the prior written consent of franchisee and execution of any settlement agreement on behalf of the city by the city attorney, and further provided that for the search, review, and production of documents, the city attorney may elect to handle some or all of the process in-house at the expense of the franchisee.

(d) Expenses. The indemnitees shall give franchisee prompt notice of the making of any claim or the commencement of any action, suit or other proceeding covered by the provisions of this Section 5. Nothing herein shall be deemed to prevent the indemnitees from participating in the defense of any litigation by their own counsel at their own expense. Franchisee shall pay all expenses incurred by the indemnitees in participating in the defense, provided that the participation has been requested or required by franchisee in conducting the defense. These expenses may include out-of-pocket expenses reasonably and necessarily incurred, such as attorney fees and the reasonable value of any services rendered by city's counsel and the actual expenses of the indemnitees' agents, employees or expert witnesses, and disbursements and liabilities assumed by the indemnitees in connection with such suits, actions or proceedings but shall not include attorney's fees for services that are unnecessarily duplicative of services provided the Indemnitees by franchisee.

(e) Insurance required. Not later than the effective date of this ordinance, franchisee shall procure, pay for, and maintain insurance coverage in at least the minimum amounts and coverages described in Exhibit A, attached to and made a part of this ordinance. The insurance

shall be written by companies approved by the State of Texas and acceptable to city. The insurance shall be evidenced by the delivery to city of policies of insurance, including all endorsements executed by the insurer or its authorized agent stating coverages, limits, exclusions, deductibles, and expiration dates, which demonstrate compliance with all applicable provisions of the insurance laws and rules in the State of Texas. **THIS ORDINANCE SHALL NOT TAKE EFFECT UNTIL THE INSURANCE POLICY HAS BEEN DELIVERED TO CITY AND NO OFFICER OR EMPLOYEE SHALL HAVE AUTHORITY TO WAIVE THIS REQUIREMENT.** If satisfactory evidence of the required insurance is not submitted within 30 days after the date the council approves this ordinance, then this ordinance shall be considered null and void and shall have no force or effect.

(f) Changes in insurance coverage. Franchisee shall provide the city with true and complete copies of all changes to insurance policies, including any cancellation, coverage change, or termination notice, or any replacement insurance, before these changes become effective. Certificates of insurance reflecting the annual renewal, replacement insurance or coverage changes must be submitted when such policies become effective to provide evidence of continuing insurance coverage. Although certificates are routinely accepted as substitutes for copies of insurance policies, the city shall have the right to access and copy any such policy of insurance. The director may prevent franchisee from operating a solid waste collection service under this franchise until satisfactory evidence of insurance coverage required under this section is presented to the director.

(g) Adjustments to insurance requirements. City reserves the right to review the insurance requirements stated in Exhibit A during the effective period of this ordinance and to recommend to the council reasonable adjustments in the insurance requirements contained in the

city code prior to the anniversary renewal of the insurance when deemed necessary and prudent by city's Office of Risk Management. Any adjustments shall be mutually agreeable to city and franchisee, and based upon changes in statutory law, court decisions, or the claims history of the industry as well as franchisee. When any insurance coverage limit changes are agreed, franchisee shall pay any resulting increase in cost due to the changes.

(g) Liability of franchisee. Approval, disapproval, or failure to act by city regarding any insurance supplied or not supplied by franchisee shall not relieve franchisee of full responsibility or liability for damages and accidents as set forth in this ordinance. The bankruptcy, insolvency, or denial of liability by any insurer of franchisee shall not exonerate franchisee from the liability obligations of franchisee provided for under this ordinance.

SECTION 6. Fees, payments and compensation.

(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to four percent of franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "franchise fee").

(b) Payment procedures. Franchisee shall pay the franchise fee to city each month during the term of this ordinance. The monthly payment required by this ordinance shall be due and payable by certified check, electronic funds transfer, or other means that provide immediately available funds on the day the payment is due not later than 3:00 p.m. of the thirtieth (30th) calendar day following the end of each calendar month. If the thirtieth (30th)

calendar day following the end of a calendar month falls on a Saturday, Sunday, or official city holiday, then the payment is due on the business day prior to the due date, and in the month of February, the payment is due on February 28th. Subject to applicable law, the compensation set forth in this Section 6 shall be exclusive of and in addition to all special assessments and taxes of whatever nature, including, but not limited to, ad valorem taxes. In the event any monthly payment or partial payment is received by the city later than 10 days after the due date, franchisee shall pay interest on the past due amount at the rate prescribed in Section 2-1.1 of the Dallas City Code. Payment shall be accompanied by a monthly report certified by an officer of franchisee showing the total gross receipts of the preceding calendar month. The monthly report shall also include a detailed breakdown of gross receipts and the computation of the payment amount.

(c) Annual report. Franchisee shall file with city by February 1 of each calendar year an annual report showing the total gross receipts of the preceding calendar year along with the information required under Section 18-41 of the Dallas City Code. Such annual report shall include a detailed breakdown of gross receipts and the computation of the payment amount.

(d) City audit. City may audit franchisee (or any affiliate of franchisee who has information directly pertaining to gross receipts) as often as is reasonably necessary to verify the accuracy of the franchise fees paid to city. All books, records, accounts, or other documents in paper or electronic form, necessary for the audit shall be made available by franchisee at a single location in the Dallas-Fort Worth metropolitan area. Any net undisputed amount due to city, plus interest at the rate prescribed in Section 2-1.1 of the Dallas City Code, c, calculated from the date each portion of the underpayment was originally due until the date franchisee remits the underpayment to the city, shall be paid by franchisee within 45 days after city's submitting an

invoice for the underpayment to franchisee with reasonable detail supporting the amount claimed. If the amount of the underpayment exceeds five percent of the total franchise fee owed for the audit period, franchisee shall pay city's audit costs as well. City's right to audit and franchisee's obligation to retain records related to the franchise fee shall be limited to the previous two calendar years preceding the date that written notice of intent to audit is served.

SECTION 7. Term; performance evaluation.

(a) Term and extensions. The term of this ordinance shall be five (5) years from the effective date of this ordinance.

(b) Franchisee rights upon termination. Subject to applicable law, this ordinance and all rights, permissions, and privileges of franchisee under this ordinance shall automatically terminate on the expiration of the term of this ordinance, unless extended by mutual agreement, court order, or applicable law.

(c) Performance evaluation. In order to: (i) assure that franchisee is complying with the terms of this ordinance, as it may be from time to time amended, and (ii) promote a sharing of information between city and franchisee, city may schedule a performance evaluation no more often than every five years during the term of this ordinance, subject to Subsection (d) of this section, in accordance with the following process:

(1) At least 90 days prior to each performance evaluation, city shall notify franchisee of the date, time and location of the evaluation. Such notice shall include specification of any additional information to be provided by franchisee pursuant to Subsection (c)(2)(D) below. Unless specifically waived by the council, attendance of franchisee's duly authorized representative at these meetings is mandatory.

(2) Within 60 days from receipt of notification, franchisee shall file a report with city that is sworn to by a representative of franchisee knowledgeable of the operations of franchisee within the authorized area, in reasonable detail, specifically addressing, at a minimum, the following areas:

(A) compliance of franchisee's vehicles with solid waste and air quality requirements;

(B) customer service, including but not limited to a listing of customer complaints and their resolution;

(C) history in regard to prompt and accurate payment of franchise fees;

(D) any other topic deemed material or relevant by city for its enforcement of this ordinance.

(3) All reports to be prepared under this subsection and submitted by franchisee shall be based upon information for at least the most recent five-year period, inclusive of the most current quarter available. No report under this subsection shall be based upon data that ends more than six months before the time of the performance evaluation.

(4) Following receipt of the report, but not less than 30 days prior to the performance evaluation, city may request additional information, clarification or detailed documentation concerning those topics identified for inclusion in the performance evaluation. Franchisee shall make reasonable effort to provide such additional information to city prior to the meeting. In the event that the information cannot be made available prior to the performance evaluation, franchisee shall notify city in writing explaining the reasons for any delay. The city may authorize a delay of the performance evaluation for a reasonable time to allow franchisee to submit the additional documentation.

(5) The council shall hear any interested persons during such performance evaluation. Franchisee shall be entitled to all the rights of due process consistent with city proceedings, including but not limited to, the right to be heard, the right to present evidence, and the right to ask questions of witnesses.

(6) Upon request of city, franchisee shall assist city in notifying customers of the evaluation session. The actual costs associated with the notification, in an amount not to exceed \$1,000.00, shall be borne by franchisee.

(d) Additional performance evaluations. Notwithstanding Subsection (c), the council may initiate and conduct such additional performance evaluations regarding franchisee's performance under this ordinance as the council, in its sole discretion, may deem justified or necessary under the circumstances. Franchisee shall be given reasonable notice of the date, time, and location of any such additional performance evaluations.

#### SECTION 8. Transfers of ownership and control.

(a) Franchisee ownership, management and operation.

(1) Only franchisee and its affiliates, if any, shall operate, manage, and maintain the solid waste collection service. As provided in Chapter XIV, Section 2(5) of the Dallas City Charter, no franchise, nor the assets held by the franchise holder, may be sold, assigned, transferred, or conveyed to any other person, firm, corporation, or other business entity without the consent of the city first had and obtained by ordinance or resolution, unless otherwise specifically provided in this franchise ordinance. If the purchaser is the holder of a like franchise, the franchise purchased shall be canceled and merged into the franchise held by the purchaser upon terms and conditions as may be set out by the city council when permission for merger is granted. Franchisee shall not directly or indirectly transfer or assign, in whole or in part, the

operation, management, ownership, or maintenance of the solid waste collection service without the prior written consent of the council as provided in Subsections 8(b) and 8(c) below.

(2) This section shall not apply to franchisee's employment contracts and other personnel decisions, nor shall it prohibit franchisee from contracting for or subcontracting, in whole or in part, any operational, management or maintenance functions in connection with the solid waste collection service, so long as franchisee does not relinquish its decision making authority over, or its responsibilities under, this ordinance for any particular function; nor shall it prohibit franchisee from complying with this ordinance or other requirements of federal, state, or local laws and regulations.

(3) Franchisee shall provide the director written notice, within five calendar days after its occurrence, of any change in the corporate or business structure, change in the chief executive or the top executive structure, change in the board of directors, or other change in the corporate or business method of governance of franchisee, regardless of whether or not it results in a transfer or assignment of the franchise or a transfer of control or ownership of franchisee.

(b) Transfer and assignment procedures. This ordinance or the solid waste collection service shall not be transferred or assigned, by operation of law or otherwise, nor shall title to franchisee's rights and obligations under this ordinance or to the solid waste collection service pass to or vest in any person, other than for mortgaging or financing of solid waste collection operations or to an affiliate of franchisee under the conditions described below, without the prior written consent of the council. This ordinance shall not be leased or subleased without the prior written consent of the council. The procedures related to transfer or assignment are as follows:

(1) The council's written consent shall not be required for a transfer solely for security purposes (such as the grant of a mortgage or security interest), but shall be required for

any realization on the security by the recipient, such as a foreclosure on a mortgage or security interest. The director shall be advised in writing of a transfer solely for security purposes at least 60 days before such transfer occurs.

(2) Franchisee may, without additional approval by the council, transfer or assign this ordinance to an affiliate provided that the affiliate: (i) assumes all of franchisee's obligations and liabilities under this ordinance occurring both before and after the transfer or assignment; (ii) agrees to comply with all provisions of this ordinance; and (iii) has the legal, technical and financial ability to properly perform and discharge such obligations and liabilities, which abilities are each at least as great as those of franchisee. The director shall be advised in writing of such transfer and of the affiliate's qualifications at least 60 days before such transfer occurs. The city shall be reimbursed any reasonable, documented costs it incurs in connection with such transfer, including the expenses of any investigation or litigation respecting a proposed or consummated transfer, up to a maximum of \$10,000.00.

(c) Transfer of control. There shall be no transfer of or acquisition of control of franchisee without the prior written consent of the council.

(d) Schedule of ownership. Franchisee represents and warrants that its current ownership is as set forth on Exhibit C, attached to and made a part of this ordinance, and that it has full legal and equitable title to the solid waste collection service as of the effective date of this ordinance.

(e) Applications for consent/procedure/restrictions. If franchisee seeks to obtain the consent of the council to any transactions or matters described in this section, franchisee shall submit an application for such consent to the city and shall submit or cause to be submitted to the city such additional documents and information as the director may request that are reasonably

related to the transaction, including the purchase price of the solid waste collection service, and the legal, financial, and technical qualifications of the proposed transferee or new controlling entity.

(1) The council shall have 120 days from the date of submission of a complete and accurate application to act upon the application for consent. If the council fails to act upon such application for consent within 120 days, such application shall be deemed as consented to unless city and franchisee otherwise agree to an extension of time.

(2) The council shall not unreasonably withhold its consent to any proposed transaction. The council may: (i) grant its consent outright, (ii) grant such consent with conditions, which conditions it finds are necessary to ensure performance of franchisee or its successor under this Ordinance, or (iii) deny consent.

(3) Nothing in any approval by the city under this section shall be construed to waive or release any rights of city in and to the public ways, public places of city or property owned by city.

(4) Nothing in any approval by city under this section shall be construed as a waiver or release of any of city's police powers, or as an exercise of eminent domain.

(5) City's granting of consent in any one instance shall not require it to grant consent in other instances.

(6) Franchisee shall reimburse city for the incidental costs incurred by city in considering any request of franchisee under this section. Such reimbursement shall not exceed \$10,000.00, shall be supported by invoices, and shall not include any costs or expenses incurred by city in defending any denial of the request; provided, however, that city does not waive its

right to request that its attorney's fees and other costs be reimbursed by court order in any litigation related to denial of a request under this section.

(f) City approval requirements. Before any transfer, assignment, sale, foreclosure, or other change of control described under this section becomes effective and before the council shall consider giving its consent, the proposed transferee, assignee, purchaser, buyer, foreclosing party, or other person or entity seeking to obtain the rights and obligations under this ordinance through a change of control shall provide the director: (i) an agreement and acceptance in writing to comply with all terms of this ordinance, as amended; (ii) all evidence of insurance required under this ordinance, as amended; (iii) the legal name and address of the transferee, and all persons sharing control of the transferee, with a full description of their experience in the solid waste disposal industry, as well as the name and address of the person to be contacted for notices; (iv) payment of outstanding franchise fees and any other fees, taxes, and payments, including fees, interest, and penalties, due from franchisee to the city; and (iv) evidence satisfactory to the director that transferee has the legal, technical, and financial ability to properly perform and discharge all obligations and liabilities of this ordinance.

(g) Transfer of control requirements. In the event of a transfer of control, before such transfer becomes effective and before the council shall consider giving its consent, the proposed transferee shall agree in writing to not take any action that will keep franchisee from complying with this ordinance.

#### SECTION 9. Defaults.

(a) Events of default. The occurrence of any one or more of the following events at any time during the term of this ordinance shall constitute an event of default by franchisee under this ordinance:

(1) The failure or refusal by franchisee to pay the franchise fee when due as prescribed by this ordinance, or any failure to perform on any agreed or court-mandated extension or modification of such payment obligation.

(2) Franchisee's material violation of or failure to comply with any provision or condition of Article IV of Chapter 18 of the Dallas City Code relating to solid waste collection service franchisees or any other applicable provision or condition of the city code.

(3) Franchisee's material violation of or failure to comply with any of the other terms, covenants, representations, or warranties contained in this ordinance, or franchisee's failure or refusal to perform any obligation contained in this ordinance.

(4) Franchisee's failure or refusal to pay or cause to be paid any of city's governmentally-imposed taxes of any kind whatsoever, including but not limited to real estate taxes, sales taxes, and personal property taxes on or before the due date for same; provided, however, franchisee shall not be in default under this subsection with respect to the non-payment of taxes which are being disputed in good faith in accordance with applicable law.

(5) The entry of any judgment against franchisee in which another party becomes entitled to possession of substantially all of franchisee's assets of the solid waste collection service, for which change in possession the consent of the council has not been obtained, and such judgment is not stayed pending rehearing or appeal for 45 or more days following entry of the judgment.

(6) The dissolution or termination, as a matter of law, of franchisee without the prior consent or approval of city, which approval, if formally requested, shall not unreasonably be withheld.

(7) Franchisee's filing of a voluntary petition in bankruptcy; being adjudicated insolvent; obtaining an order for relief under Section 301 of the Bankruptcy Code (11 U.S.C. §301); filing any petition or failing to contest any petition filed against it seeking any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief for itself under any laws relating to bankruptcy, insolvency or other relief for debtors; seeking or consenting to or acquiescing in the appointment of any bankruptcy trustee, receiver, master, custodian or liquidator of franchisee, or any of franchisee's property or this ordinance or of any and all of the revenues, issues, earnings, profits or income thereof; making an assignment for the benefit of creditors (except secured creditors); or failing to pay franchisee's debts as they become due such that franchisee is unable to meet its obligations under this ordinance.

(8) Franchisee attempts to dispose of any of the facilities or property of its solid waste collection service with the intent of preventing city from purchasing it as provided for in this ordinance.

(9) Franchisee engages in any fraudulent or deceitful conduct with city or its customers.

(10) Franchisee knowingly or intentionally makes a false statement or a misrepresentation as to a material matter in the application for or in the negotiation of this ordinance, or in connection with any report of gross income as required by this ordinance.

(11) Any director, officer, employee, or agent of franchisee is convicted of the offense of bribery or fraud connected with or resulting from the granting, term extension, or renewal of this ordinance.

(12) Franchisee's failure or refusal to comply with or a violation of any applicable local, state, or federal law or regulation.

(b) Default procedures. Upon the occurrence of an event of default which can be cured by the immediate payment of money to city or a third party, franchisee shall have 30 days from written notice of the occurrence of the event of default from the director to cure the default before city may exercise any of the default remedies provided for in Section 10. Upon the occurrence of an event of default by franchisee which cannot be cured by the immediate payment of money to city or a third party, franchisee shall have 60 days from the date of written notice from city to franchisee of the occurrence of the event of default to cure the event of default before city may exercise any of its rights or remedies provided for in Section 10, unless the director, the city manager, or the council authorizes a longer cure period upon a showing of good cause to extend the cure period. If an event of default is not cured within the time period allowed for curing the event of default, as provided above, the event of default becomes, without additional notice, an uncured event of default, which shall entitle city to exercise the remedies provided for in Section 10.

SECTION 10. Remedies.

(a) Default remedies. Upon the occurrence of any uncured event of default as described in Section 9, the director shall report the occurrence of same to the city manager and the council. The council shall be entitled in its sole discretion and upon recommendation of the director and the city manager to exercise any or all of the following cumulative remedies:

- (1) Exercise its rights to impose liquidated damages as described in Subsection (e).
- (2) Authorize the city attorney to commence an action against franchisee at law or in equity, or both, including an action for monetary damages and specific performance.
- (3) Suspend the franchise granted under this ordinance.
- (4) Revoke the franchise granted under this ordinance.

(b) Suspension procedure. Upon the occurrence of an uncured event of default, the director may suspend the operation of the solid waste collection service doing business under this ordinance. If the director determines that suspension of the franchise is necessary to cure an event of default, the director shall comply with the procedures established in Section 18-37 of the Dallas City Code.

(c) Revocation procedure. Upon the occurrence of an uncured event of default, the council shall have the right to revoke this ordinance. Upon revocation, the rights, permissions, and privileges comprising the franchise granted under this ordinance shall be automatically deemed null and void and shall have no further force or effect and the provisions that are contractual in nature which are also included as a part of this ordinance are hereby automatically terminated, except that franchisee shall retain the obligation to report gross income and make franchisee fee payments covering the period prior to the effective date of the revocation. Upon revocation, city shall retain any portion of the franchise fee and other fees or payments paid to it, or which are due and payable to it, to the date of the revocation. Notwithstanding the above, prior to any council hearing to formally consider revocation of the franchise granted under this ordinance, the director shall notify franchisee in writing at least 10 days in advance of the council hearing at which the issue of revocation shall be considered and decided. Franchisee shall have the right to appear before the council in person or by legal counsel and raise any objections or defenses franchisee may have that are relevant to the proposed revocation. In addition, the following procedures shall apply in regard to the revocation hearing:

(1) The council shall hear and consider the issue of revocation, shall hear any person interested in the issue, and shall determine, in its sole discretion, whether or not any violation by franchisee has occurred justifying a revocation of the franchise.

(2) At such hearing, franchisee shall be provided due process, including the right to be heard, to ask questions of witnesses, and to present evidence.

(3) Upon completion of the hearing described above, the council shall render a decision. Within a reasonable time, the director shall transmit a copy of the decision to franchisee. Franchisee shall be bound by the council's decision, unless it appeals the decision to a court of competent jurisdiction within 15 days after the date of the decision. Franchisee reserves the right to challenge both the decision itself and the fairness of the process followed by the city in the proceeding.

(4) The council reserves the right, in its sole discretion, to impose liquidated damages or to pursue other remedies as provided in this Section 10 in lieu of a revocation.

(d) Letter of credit. As security for the faithful performance by franchisee of the provisions of this ordinance and compliance with all orders, permits, and directions of city and the payment of all claims, liens, fees, liquidated damages, and taxes to city, franchisee shall deposit with city, no later than the effective date of this ordinance, an unconditional and irrevocable letter of credit in a penal amount equal to one month's franchise fee payment. The initial value of the letter of credit shall be established on the basis of the monthly franchise fee that would have been paid on the previous calendar year's monthly average gross receipts on a cash basis from any source derived at any location regardless of whether those receipts were earned entirely within the authorized area. The letter of credit shall be updated annually in January of each calendar year during the term of this ordinance. The value of the annually updated letter of credit will be equal to the average monthly franchise fee payment submitted by franchisee as required in this ordinance during the previous calendar year. The letter of credit must be issued by a federally-chartered or state-chartered financial institution with a principal

office or branch located in Dallas County and otherwise acceptable to the council, on terms acceptable to the council and approved by the city attorney. The letter of credit shall expressly provide that partial draws are permitted and that a draft thereon to the order of the city will be honored upon presentation to the issuing financial institution at a principal office or branch located within Dallas County of a letter of demand from city delivered in person or by courier delivery. The letter of demand must be signed by a person purporting to be the city's chief financial officer, city manager, or director. No supporting documents will be required and no other language, other than a demand to pay and a recitation of title, will be required as conditions for permitting the draw. Failure to timely deposit the letter of credit, or the failure to maintain the letter(s) of credit in the full amount required under this subsection and in effect during the entire term of this ordinance, or any renewal or extension of this ordinance, shall constitute a material breach of the terms of this ordinance.

(1) If franchisee fails to make timely payment to city or its designee of any amount due as a result of this ordinance or fails to make timely payment to city of any taxes due; or fails to repay city for damages and costs, including attorney's fees; or fails to comply with any provision of this ordinance which city reasonably determines can be remedied by an expenditure of monies, city may draw upon the letter of credit an amount sufficient to repay city with interest as set forth in this ordinance, if not otherwise specified by law..

(2) Within three days after a drawing upon the letter of credit, city shall send written notification of the amount, date, and purpose of the drawing to franchisee by certified mail, return receipt requested.

(3) If, at the time of a draw by city, the aggregate amount realized from the letter of credit is insufficient to provide the total payment toward which the draw is directed, the

balance of such payment, plus accrued interest, shall constitute an obligation of franchisee to city until paid. If the interest rate is not set forth in this ordinance or set by laws, then interest shall be the prime rate as established in the Wall Street Journal on the day before city sends notice to franchisee of its intent to draw the letter of credit.

(4) No later than 30 days after mailing of notification to franchisee of a draw pursuant to Subsection (d)(2) above, franchisee shall cause the letter of credit to be restored to the full amount required under this ordinance. Failure to timely restore the letter of credit shall constitute a material breach of the terms of this ordinance.

(5) The rights reserved to city with respect to this letter of credit are in addition to all other rights and remedies of city, whether reserved by this ordinance or authorized by law, and no action, proceeding or exercise of a right with respect to such letter of credit shall affect any other rights city may have.

(e) Liquidated damages. The parties agree that: (1) the harm or damage caused by any material breach of this franchise, other than the failure to pay franchise fees, is of a kind that is difficult or incapable of estimation; and (2) the amount of liquidated damages stipulated in the ordinance is a reasonable forecast of just compensation. Therefore, in addition to the other remedies provided for in this Section 10, liquidated damages in the amounts set forth below may be assessed by the council upon franchisee, following the notice and opportunity to cure procedures in Subsection (f) below, for failure or refusal to comply with any material term or condition of this ordinance or for any other uncured event of default. In the event the council determines that franchisee has committed, continued, or permitted a material failure or refusal of compliance or other uncured event of default that has not been cured as provided in this ordinance, franchisee shall pay \$2,000 per day for each day or part of a day that the material

failure or refusal or other uncured event of default is committed, continued, or permitted, unless the council at the time of imposition of the civil penalty determines that good cause justifies a lesser penalty, based upon the surrounding circumstances, frequency, number, and seriousness of the material violations or uncured events of default in question and the public interest served by imposing a lesser civil penalty.

(f) Liquidated damages procedure. Liquidated damages may be assessed by the council in accordance with the following procedure:

(1) Following notice from the director, which notice, at the director's election, may be combined with the notice described in Section (9)(b), franchisee shall meet with the director to attempt to resolve any disagreements on whether liquidated damages should be assessed or what liquidated damages should be recommended to the council. If there is no resolution of the issue within 15 days after the mailing of the notice, then the director shall present the director's recommendation regarding liquidated damages to the city manager for review and concurrence. If the city manager concurs in the director's recommendation that liquidated damages should be assessed, the matter shall be presented to the council. The director shall notify franchisee of the recommendation of the city manager to the council, the time and date of the proposed hearing concerning the issue of liquidated damages, and a statement that franchisee has a right to appear and be heard before the council on the matter. In order to appear before and be heard by the council, franchisee must comply with applicable council procedures which can be obtained from the city secretary.

(2) Upon presentation of the recommendations of the director and the city manager, the council may decide on one or more of the following courses of action:

(A) to authorize the city attorney to proceed against franchisee under Section 10(a)(2);

(B) to assess liquidated damages in the amount provided above for the applicable material violation or uncured event of default. Council may provide for a lesser amount and may suspend all or part of said assessment upon reasonable conditions for any reasonable period, up to the end of the franchise;

(C) to determine that liquidated damages are not justified under the circumstances and assess no damages; or

(D) to remand the matter to the city manager or the director for further investigation, consideration, and recommendation to the council.

(3) Assessment of liquidated damages by the council shall be a monetary obligation of franchisee to city in the amount determined by the council and shall be paid in full by franchisee within 15 business days after the date of assessment by the council.

(4) The procedures stated in this Subsection (f) do not apply to the council's determination to require the payment of money, in lieu of other available remedies, in a revocation proceeding under Subsection (b)(4).

(g) Remedies cumulative. Subject to applicable law, the rights and remedies of city set forth in this Section 10 shall be in addition to and not in limitation of, any other rights and remedies provided by law or in equity. If the council determines that a violation by franchisee was franchisee's fault and within its control, the council may pursue any or all of the remedies provided in Section 10. The remedies of city created under this ordinance shall be cumulative to the maximum extent permitted by law. The exercise by city of any one or more remedies under this ordinance shall not preclude the exercise by city, at the same or different times, of any other

remedies for the same material uncured event of default. Notwithstanding any provision of this ordinance, however, city shall not recover both liquidated damages and actual damages for the same violation, breach, non-compliance, or material uncured event of default.

(h) Curable violations. Franchisee shall not be found in violation of this ordinance or any other applicable law or regulation, and shall suffer no penalties or damages as a result, if the violation occurs without fault of franchisee or occurs as a result of circumstances beyond its control, and, if curable, is promptly cured. Franchisee shall not be excused by mere economic hardship nor by the negligence or malfeasance of its directors, officers or employees.

(i) City right to purchase. In the event city revokes the franchise granted under this ordinance for cause, terminates the franchise as provided in Subsection (j) below, or denies renewal of the franchise granted under this ordinance, city shall have the right (but not the obligation) subject to the applicable provisions of city charter, directly or as an intermediary, to purchase the assets of the solid waste collection system through its authority under, and procedures applicable to, eminent domain.

(j) Termination in the public interest. Nothing in this section shall be construed as affecting the right of the council under the city charter to terminate this ordinance without cause in the public interest when it is deemed inconsistent with the public use of city's public ways or is deemed to cause or constitute a nuisance.

#### SECTION 11. Providing Information.

(a) Complete and accurate books required. Franchisee shall keep complete and accurate books of account and records of its solid waste collection service business and operations under and in connection with this ordinance in accordance with generally accepted accounting principles and generally accepted government auditing standards.

(b) City review of documentation. City may fully review such of franchisee's books, accounts, documents, and other records of franchisee or franchisee's affiliates during normal business hours on a non-disruptive basis and with such advance notice as is reasonably necessary to monitor compliance with the terms of this ordinance. All books, accounts, documents, and other records shall be made available at a single location in the Dallas-Fort Worth metropolitan area. Books, accounts, documents, and other records that are kept on an electronic basis shall also be made available on the same basis as the paper books, accounts, documents, and other records; where possible, such items shall be made available in a CD-ROM disk or other similar platform in a format that is readable by city's computers. The reviewable items shall include, but shall not be limited to, records required to be kept by franchisee pursuant to law and the financial information underlying the written report accompanying the franchise fee. To the extent permitted by law, city agrees to treat any information disclosed by franchisee under this section as confidential, if and only to the extent that franchisee provides prior written notice that specific information is confidential as trade secrets or proprietary competitive information. Blanket or overly broad claims of confidentiality will be of no effect.

(c) Additional reports. Franchisee shall, when required by the council, the city manager, or the director, report to city any reasonably requested information relating to franchisee or the affiliates or necessary for the administration of this ordinance. The director shall have the right to establish formats for these additional reports, determine the time for these reports and the frequency with which these reports, if any, are to be made, and require that any reports be made under oath.

SECTION 12. General.

(a) Entire agreement. This ordinance (with all referenced exhibits, attachments, and provisions incorporated by reference) embodies the entire agreement and the rights, privileges, and permissions between city and franchisee, superseding all oral or written previous negotiations or agreements between city and franchisee relating to matters set forth in this ordinance. This ordinance can be amended by an ordinance enacted by the council. Such action by council does not require the hearing procedures for revocation set forth in Subsection 10(4)(b) of this ordinance, but only the posting of an agenda item and the opportunity for speakers to be heard on the item.

(b) Notices. Except as otherwise provided in Subsection 12(c) of this ordinance, any notice, payment, statement, or demand required or permitted to be given under this ordinance by either party to the other may be effected by any of the means described in Subsection 12(d) of this ordinance. 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 days after mailing.

If to City:

City Manager  
City of Dallas  
Dallas City Hall  
1500 Marilla – Room 4/F/North  
Dallas, Texas 75201

With a copy to:

Director  
Department of Sanitation Services  
3112 Canton Street  
Dallas, Texas 75226

If to Franchisee:

Clark Thompson, Owner  
Panther City Rental, LLC  
4900 Arbol Court  
Fort Worth, Texas 76126

Either city or franchisee may change its address or personnel for the receipt of notices at any time by giving notice of the change to the other party as provided in this Subsection 12(b) Any notice given by either city or franchisee must be signed by an authorized representative.

(c) Notice of claim. This ordinance is subject to the provisions of Section 2-86 of the Dallas City Code, relating to requirements for filing a notice of a breach of contract claim against city. Section 2-86 of the Dallas City Code is expressly incorporated by reference and made a part of this ordinance as if written word for word in this ordinance. Contractor shall comply with the requirements of Section 2-86 as a precondition of any claim against city relating to or arising out of this ordinance.

(d) Delivery of notices. Notices required to be given under this ordinance may be transmitted in any of the following four ways:

(1) By personal delivery, in which case they are deemed given when delivered.

(2) By delivery to Federal Express, United Parcel Service, or other nationally recognized overnight courier service, in which case they shall be deemed given when received for such service.

(3) By being deposited in the U.S. Mail, by registered or certified mail, return receipt requested, postage prepaid, in which case notice shall be deemed given three calendar days after having been deposited in the U.S. Mail.

(4) By facsimile or electronic mail transmission where the sender's transmittal log shows successful transmission to all the recipients (with any replacement transmission as a recipient shall request) and with a hard copy on the same date or the next day mailed to all by first class mail, postage prepaid, in which case notice shall be deemed given on the date of facsimile or electronic mail transmission.

(e) City/franchisee meetings. Franchisee shall meet with the director, the city manager or the council at reasonable times to discuss any aspect of this ordinance or the services or facilities of franchisee. At all meetings, franchisee shall make available personnel qualified for the issues to be discussed and such meetings shall be at city's offices unless otherwise agreed.

(f) Legal construction. This ordinance 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. Exclusive venue for any litigation that may be filed in connection with this ordinance shall be in Dallas County, Texas. This ordinance is not a contract for goods or services within the meaning of Texas Local Government Code §§271.151 *et seq.*

(g) No inducement. Franchisee, by accepting this ordinance, acknowledges that it has not been induced to accept this ordinance by any promise, oral or written, by or on behalf of city or by any third person regarding any term or condition not expressed in this ordinance. Franchisee further pledges that no promise or inducement, oral or written, has been made to any city employee or official regarding the grant, receipt or award of this ordinance.

(h) Franchisee acknowledgement. Franchisee further acknowledges by acceptance of this ordinance that it has carefully read the terms and conditions of this ordinance and accepts the obligations imposed by the terms and conditions herein.

(i) No waiver by city. No failure by city to insist upon the strict performance of any covenant, provision, term or condition of this ordinance, or to exercise any right, term or remedy upon a breach thereof shall constitute a waiver of any such breach of such covenant, agreement, term, or condition. No waiver of any breach shall affect or alter this ordinance, but each and every covenant, provision, term or condition of this ordinance shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

(j) Governmental licenses. Franchisee shall, at its expense, obtain and maintain all additional governmental regulatory licenses necessary to operate the solid waste collection service in accordance with this ordinance.

(k) Severability. If any section, paragraph, or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this ordinance.

(l) City retained powers. In addition to all rights provided in this ordinance, city reserves all rights and powers conferred by federal law, the Texas Constitution, Texas statutes and decisions, the City Charter, city code, and city ordinances which city is allowed to exercise.

(m) Material misinformation. The provision of information by franchisee or any of its affiliates to city in connection with any matters under this ordinance which contains an untrue statement of a material fact or omits a material fact necessary to make the information not misleading shall constitute a violation of this ordinance and shall be subject to the remedies provided in Section 10. Each day that franchisee or an affiliate fails to correct an untrue statement of a material fact or the omission of a material fact necessary to make the information not misleading shall constitute a separate violation of this ordinance.

(n) Hearing procedures. The following additional procedures shall apply to any hearing held in connection with any action taken by the council in connection with this ordinance:

(1) The council may conduct the hearing or, in its sole discretion, may by resolution appoint a committee or subcommittee of the council or a hearing officer to conduct the hearing and submit a proposal for decision to it, pursuant to procedures established by resolution.

(2) The hearing shall afford franchisee rudimentary due process. The council may by resolution establish other procedural matters in connection with the hearing.

(o) Acceptance. Upon adoption of this ordinance, franchisee agrees to be bound by all the terms and conditions contained herein, as evidenced by filing the original with the city secretary and a copy with the director, in writing, within 30 days after the date the council approves this ordinance, an unconditional acceptance of the ordinance and promise to comply with and abide by all its provisions, terms, and conditions. The form of unconditional acceptance and promise, attached to and made a part of this ordinance as Exhibit B, shall be sworn to, by, or on behalf of franchisee before a notary public. If within 30 days after the date the council approves the ordinance, franchisee fails to (1) submit and file the properly executed acceptance, (2) pay all taxes due, and (3) submit the letter of credit and required certificate of insurance, then this ordinance and the rights, permissions, and privileges granted under this ordinance shall be null and void and shall have no force or effect, unless franchisee evidences such failure was due to clerical error by someone other than franchisee or its affiliates and then acts promptly to remedy the third party's clerical error. The director may prevent franchisee from operating a solid waste collection service under this franchise or reapplying for a new franchise until the acceptance required by this subsection is filed as provided herein.

(p) Time is of the essence. Whenever this ordinance shall set forth any time for an act to be performed by or on behalf of franchisee, such time shall be deemed of the essence and any failure of franchisee to perform within time allotted shall always be sufficient grounds for city to invoke an appropriate remedy, including possible revocation of the ordinance.

(q) Force majeure. The time within which franchisee shall be required to perform any act under this ordinance shall be extended by a period of time equal to the number of days due to a force majeure. The term “force majeure” shall mean delays due to acts of God, inability to obtain governmental approvals, governmental restrictions, war, act of terrorism, civil disturbances, fire, unavoidable casualty, or other similar causes beyond the control of franchisee. Notwithstanding anything contained anywhere else in this ordinance, franchisee shall not be excused from performance of any of its obligations under this ordinance by the negligence or malfeasance of its directors, officers, or employees or by mere economic hardship.

(r) Recognition of rights. Franchisee agrees that by adopting this ordinance, neither city nor franchisee have waived any rights, claims, or defenses they may have with respect to city's rights to impose the requirements contained in this ordinance in whole or in part upon franchisee.

(s) Police powers.

(1) In accepting this ordinance, franchisee acknowledges that its rights under this ordinance are subject to the police power of city to adopt and enforce general ordinances necessary to the health, safety, and welfare of the public. Franchisee shall comply with all applicable general laws and ordinances enacted by city pursuant to such powers. Any conflict between the provisions of this ordinance and any other present or future lawful exercise of city's police powers shall be resolved in favor of the latter.

(2) Franchisee recognizes the right of city to make reasonable amendments to this ordinance; except that city shall not make amendments materially adversely affecting franchisee except under a proper exercise of city's police powers, with notice to franchisee and an opportunity to be heard in a regular public meeting of the council considering the ordinance or amendment. Franchisee acknowledges that this is the extent of its rights to a hearing respecting franchise ordinance amendments under the charter

(3) Franchisee also recognizes city's right to impose such other regulations of general applicability as shall be determined by city to be conducive to the safety, welfare, and accommodation of the public.

(t) No presumption of renewal. This ordinance and the grant contained herein do not imply, grant, or infer any renewal rights in favor of franchisee or its affiliates.

(u) Recognition of city charter. Franchisee recognizes, accepts and agrees that the terms, conditions and provisions of this ordinance are subject to the applicable provisions of Chapter XIV of the Dallas City Charter. Any request by franchisee for an amendment to this ordinance shall be subject to review by the city attorney for compliance with the applicable provisions of the city charter.

SECTION 13. Outstanding license fees. This ordinance shall not take effect until all fees still owed to city from the existing license previously issued to franchisee for solid waste collection, hauling, and disposal service under provisions of the city code applicable to solid waste collection, hauling, and disposal licenses are paid in full. If the previous license fees owed to city are not paid by franchisee within 30 days after the date the council approves this ordinance, then this ordinance shall be considered null and void and shall have no force or effect.

The director may prevent franchisee from operating a solid waste collection service under this franchise or reapplying for a new franchise until the previous license fees have been paid in full.

SECTION 14. Ordinance effective date. Subject to the provisions of Subsection 5(e), Subsection 12(o), and Section 13, this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas (the “effective date”), and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

BY \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

## **Exhibit A**

### **INSURANCE COVERAGE REQUIRED**

SECTION C. Subject to FRANCHISEE'S right to maintain reasonable deductibles, FRANCHISEE shall obtain and maintain in full force and effect for the duration of this contract and any extension hereof, at FRANCHISEE'S sole expense, insurance coverage in the following type(s) and amounts:

Business Automobile Liability Insurance covering owned, hired, and non-owned vehicles, with a minimum combined bodily injury (including death) and property damage limit of \$500,000 per occurrence.

#### **REQUIRED PROVISIONS**

FRANCHISEE agrees that with respect to the above required insurance, all insurance contracts and certificate(s) of insurance will contain and state, in writing, the following required provisions:

- a. Name the City of Dallas and its officers, employees and elected representatives as additional insureds to all applicable coverages.
- b. State that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to:
  - (i) Sanitation Services, Attention: Assistant Director, 3112 Canton, Suite 200, Dallas, Texas 75226 and
  - (ii) Director, Office of Risk Management, 1500 Marilla, 6A-South, Dallas, Texas 75201.
- c. Waive subrogation against the City of Dallas, its officers and employees, for bodily injury (including death), property damage or any other loss.
- d. Provide that the FRANCHISEE'S insurance is primary insurance as respects the CITY, its officers, employees and elected representatives.
- e. Provide that all provisions of this franchise concerning liability, duty and standard of care, together with the indemnification provision, shall be underwritten by contractual liability coverage sufficient to include such obligations within applicable policies.

#### **CITY NOT LIABLE**

Approval, disapproval or failure to act by the CITY regarding any insurance supplied by the FRANCHISEE or its subcontractors shall not relieve the FRANCHISEE of full responsibility or liability for damages and accidents as set forth in the franchise documents. Neither shall the bankruptcy, insolvency nor denial of liability by the insurance company exonerate the FRANCHISEE from liability.

**Exhibit B**

**Acceptance**

Panther City Rental, LLC dba Panther City Disposal, a Texas limited liability company, unconditionally accepts and agrees to be bound by all the terms, covenants, and conditions contained in the Solid Waste Collection Service franchise ordinance, Ordinance No. \_\_\_\_\_, passed on January 25, 2017.

Dated: \_\_\_\_ day of \_\_\_\_\_, 2017.

FRANCHISEE:

PANTHER CITY RENTAL, LLC  
dba PANTHER CITY DISPOSAL  
a Texas limited liability company

By: \_\_\_\_\_  
Clark Thompson, Owner

State of Texas  
County of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_, 2017 by Clark Thompson, Owner of Panther City Rental, LLC dba Panther City Disposal, a Texas limited liability company, on behalf of said company.

( Seal)

\_\_\_\_\_  
Notary Public's Signature

**Exhibit C**  
**Affidavit of Ownership or Control**

ORDINANCE NO. \_\_\_\_\_

An ordinance granting a franchise to Waste Warriors, Inc., a Texas corporation, with its principal address at 3921 Lost Creek Drive, Dallas, Texas 75224, pursuant to Chapter XIV of the Dallas City Charter and Chapter 18 of Article IV of the Dallas City Code, to own, operate and maintain a solid waste collection service within the City of Dallas; providing for its terms and conditions; providing for liquidated damages for failure to adhere to the terms and conditions in the franchise ordinance; providing for payment of a franchise fee; providing for the payment of the publication fee; providing for the filing of an acceptance by Franchisee; and providing an effective date.

WHEREAS, safe and responsible solid waste collection, transport, and processing is necessary for the protection of the public health and a compelling governmental interest;

WHEREAS, solid waste haulers often use heavy equipment that contributes substantially to damage and wear and tear of the public ways, necessitating expenditures of City of Dallas resources for the maintenance and repair of those public ways, for which the City of Dallas is entitled to reasonable compensation and reimbursement;

WHEREAS, the franchise and regulation of solid waste collection, transport, and processing is necessary and furthers a compelling public interest;

WHEREAS, the City of Dallas is authorized to grant one or more non-exclusive franchises for the provision of solid waste collection service to premises within the City of Dallas; and

WHEREAS, the city council of the City of Dallas is of the opinion that the granting of the franchise on the terms and conditions set forth in this ordinance is in the public interest and in the interest of the City of Dallas and its residents. Now, Therefore,

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

SECTION 1. Preamble. That the declarations contained in the preamble to this ordinance are material and are hereby repeated and incorporated herein as a part of this ordinance as though they were fully set forth in this Section 1.

SECTION 2. Definitions. That for the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given in this ordinance. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number; words in the singular number include the plural number; and the use of any gender shall be applicable to all genders whenever the tense requires. The word "shall" is mandatory and not merely directory. The word "may" is not mandatory and is merely permissive. Words defined elsewhere in this ordinance shall be accorded that meaning throughout this ordinance. Words not defined shall be given their common and ordinary meaning.

(a) AFFILIATE and AFFILIATED means any entity controlling, controlled by, or under common control with the franchisee.

(b) AUTHORIZED AREA means the entire area from time to time within the corporate limits of the City of Dallas.

(c) CITY means the City of Dallas, a municipal corporation, a political subdivision of the State of Texas.

(d) CITY CHARTER means the city's organic law, equivalent to a constitution, which defines the city's existence and prescribes the powers, duties, and organization of the city's governmental structure.

(e) CITY CODE means the ordinances of the city codified into the Dallas City Code, The Revised Code of Civil and Criminal Ordinances of the City of Dallas, Texas (1960 Edition, 1997 Printing), as amended from time to time.

(f) CITY MANAGER means the city manager or the city manager's designated assistant or representative.

(g) CONTROL (and its variants) means actual working control, by whatever means exercised. Without limiting the generality of the foregoing, for the purposes hereof, a change in control shall be deemed to have occurred at any point in time when there is: (i) a change in working or effective voting control, in whatever manner effectuated, of franchisee; (ii) an agreement of the holders of voting stock or rights of franchisee which effectively vests or assigns policy decision-making in any person or entity other than franchisee; or (iii) a sale, assignment or transfer of any shares or interest in franchisee which results in a change in the control of franchisee.

(h) COUNCIL means the governing body of city. This section does not authorize delegation of any decision or function that is required by the city charter or state law to be made by the council. In any case in which a hearing is held pursuant to this ordinance, the council may conduct the hearing or, in its sole discretion, may by resolution appoint a committee or subcommittee of the council or a hearing officer to conduct the hearing and submit a proposal for decision to it, pursuant to procedures established by resolution.

Unless otherwise stated in this ordinance or prohibited by the city charter or state law, the council may delegate to the city manager or the director the exercise of any and all of the powers conferred upon city by its charter or by general law relating to the administration and enforcement of this ordinance and to franchisee's exercise of the rights and privileges conferred in this ordinance.

(i) DIRECTOR means the director of the department of sanitation services, or the director's designated representative.

(j) FRANCHISE means the grant of the non-exclusive permission and privilege to use public ways under this ordinance, and all of the incidental rights and obligations as described by this ordinance.

(k) FRANCHISEE means Waste Warriors, Inc., a Texas corporation, the grantee of rights under this ordinance; or the successor, transferee, or assignee of this ordinance.

(l) PUBLIC WAYS means all dedicated rights-of-way, streets, highways, and alleys for use by the general public and easements dedicated for the benefit of all utilities. Public ways does not include property of city which is not a dedicated public way, street, highway, or alley or available for use by the general public or easements not dedicated for the benefit of all utilities.

(M) SOLID WASTE COLLECTION SERVICE means the term as defined in Section 18-29(5) of the Dallas City Code.

(n) THIS ORDINANCE means this document.

SECTION 3. Granting of franchise. That subject to all the terms and conditions contained in this ordinance, the Texas Constitution, the city charter, the city code, other city ordinances as from time to time may be in effect, and applicable federal law, city hereby grants franchisee non-exclusive permission and privilege solely for the purpose of operating and

maintaining a solid waste collection service in, over, along and across the public ways in the authorized area. This grant is subject to the following additional conditions:

(a) Franchisee purpose. Franchisee accepts the grant set forth above and agrees to operate and maintain the solid waste collection service in the authorized area in accordance with the terms and provisions of this ordinance.

(b) Other services. By granting this ordinance, city is not authorizing any non-solid waste collection service to be provided and does not waive and specifically retains any right to regulate and receive compensation as allowed by law for services offered by franchisee which are not solid waste collection services. Franchisee shall immediately notify city if it provides any non-solid waste collection services within the authorized area.

(c) No priority. This ordinance does not establish any priority for the use of the public ways by franchisee or by any present or future recipients of franchise agreements, franchisees, permit holders, or other users of the public ways. In the event of any dispute as to the priority of use of the public ways, the first priority shall be to the public generally, the second priority to city, the third priority to the State of Texas and its political subdivisions in the performance of their various functions, and thereafter, as between recipients of franchise agreements, franchisees and other state or local permit holders, as determined by the city manager in the exercise of the city's powers, including the police power and other powers reserved to and conferred on it by the State of Texas.

(d) City's use of public ways. Franchisee acknowledges that by this ordinance it obtains no rights to use or further use of the public ways other than those expressly granted in this ordinance. Franchisee acknowledges and accepts at its own risk, provided that city has the legal authority for the use or uses in question, that city may make use in the future of the public

ways in which the solid waste collection service is located in a manner inconsistent with franchisee's use of such public ways for the solid waste collection service, and in that event franchisee shall not be entitled to compensation from city unless compensation is available to all users of the public ways which are affected in a similar manner and are similarly situated in relevant respects with the franchisee.

(e) Emergencies. City may temporarily suspend the operation of the solid waste collection service of franchisee in the event of a public emergency or calamity as determined by city. In such event, neither city nor any agent, contractor, or employee of city shall be liable to franchisee or its customers or third parties for any damages caused them or the solid waste collection system. Where reasonably possible, prior notice shall be given to franchisee. In any event, notice of such action shall be given to franchisee after such action is taken.

(g) Compliance with law and standards of operation. Franchisee shall be subject to and comply with all applicable local, state, and federal laws, including the rules and regulations of any and all agencies thereof, whether presently in force or whether enacted or adopted at any time in the future.

(h) Other approvals and authorizations. This ordinance does not relieve and franchisee shall comply with any obligation to obtain permits, licenses and other approvals from city or other units of government, which are required for the operation and maintenance of the solid waste collection service.

(i) City's right of eminent domain reserved. Nothing in this ordinance shall limit any right city may have to acquire by eminent domain any property of franchisee.

(j) Taxes, fees and other assessments. Nothing in this ordinance shall be construed to limit the authority of city to impose a tax, fee, or other assessment of any kind on any person.

Franchisee shall pay all fees necessary to obtain and maintain all applicable federal, state, and local licenses, permits, and authorizations required for the construction, installation, upgrading, maintenance, or operation of its solid waste collection service.

(k) Disputes among public ways users. Franchisee shall respect the rights and property of city and other authorized users of the public ways. Disputes between franchisee and other similar franchisees over use of public ways shall be submitted to the director for resolution; provided, however, that franchisee reserves its rights to submit such disputes directly to a court of competent jurisdiction.

SECTION 4. Service requirements.

(a) It is expressly understood and agreed that franchisee has the non-exclusive right, to the extent permitted by this ordinance, to collect and transport solid waste within the authorized area where the individuals or companies contract with franchisee for those services, excluding residential service (other than apartment complexes and motels). Notwithstanding the exclusion for residential service, city reserves the right during the term of this franchise ordinance to collect and transport solid waste and other materials from any source whatsoever, including but not limited to apartment complexes, motels, and any commercial venue without any amendment or modification of this franchise ordinance. Franchisee shall, at its own expense, furnish personnel and equipment to collect and transport, solid waste and shall establish and maintain the contracted solid waste collection service in an efficient and businesslike manner.

(b) All vehicles used by franchisee for the collection and transportation of solid waste shall display a decal issued by the director in or upon a conspicuous place on the vehicle, in accordance with the applicable requirements of the city code. All vehicles shall be covered at all

times while loaded and in transit to prevent the spillage of solid waste onto the public ways or properties adjacent to the public ways. Any spillage will be promptly recovered by franchisee. All vehicles and containers owned by franchisee shall be clearly marked with franchisee's name in letters not less than four inches in height. All vehicles shall be cleaned and maintained by franchisee so as to be in good repair, of good appearance and, when idle, free of solid waste residue as may cause odor, provide a breeding place for vectors, or otherwise create a nuisance. In addition, franchisee shall comply with the requirements for solid waste collection vehicles and containers contained in Sections 18-45 and 18-50 (b) of the Dallas City Code.

(c) Franchisee expressly agrees to assume liability and responsibility for all costs of repair to the public ways and other facilities that are damaged as a result of the negligence of franchisee, its officers, agents, or employees, during franchisee's operations pursuant to this ordinance.

(d) Franchisee will comply with all rules, regulations, laws and ordinances pertaining to the disposal of solid waste as directed by the city or by other responsible governmental agencies having jurisdiction. must be made at an approved solid waste disposal, collection, or processing facility, transfer station or landfill, pursuant to Chapter 18 of the city code, as amended. Disposal of all solid waste collected by franchisee from premises within the authorized area must be made at an approved solid waste disposal, collection, or processing facility, transfer station or landfill in accordance with the Dallas City Code.

SECTION 5. Indemnity and insurance.

(a) **INDEMNIFICATION OF CITY. FRANCHISEE SHALL, AT ITS SOLE COST AND EXPENSE, DEFEND, INDEMNIFY, AND HOLD HARMLESS CITY AND ITS OFFICERS, BOARDS, COMMISSIONS, EMPLOYEES, AGENTS, ATTORNEYS,**

**AND CONTRACTORS (HEREINAFTER REFERRED TO AS “INDEMNITEES”),  
FROM AND AGAINST:**

**(1) ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, COSTS,  
AND EXPENSES FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY  
DAMAGE, OR OTHER HARM FOR WHICH RECOVERY OF DAMAGES IS  
SOUGHT, SUFFERED BY ANY PERSON OR PERSONS, THAT MAY ARISE OUT OF  
OR BE OCCASIONED BY FRANCHISEE'S BREACH OF ANY OF THE TERMS OR  
PROVISIONS OF THIS FRANCHISE, OR BY ANY NEGLIGENT OR STRICTLY  
LIABLE ACT OR OMISSION OF FRANCHISEE, ITS OFFICERS, AGENTS,  
EMPLOYEES, CONTRACTORS, OR SUBCONTRACTORS, IN THE OPERATION OR  
MAINTENANCE OF THE SOLID WASTE COLLECTION SERVICE, OR IN THE  
DISPOSAL, HANDLING, OR TRANSFER OF ANY SOLID WASTE COLLECTED  
THROUGH THE SOLID WASTE COLLECTION SERVICE; FRANCHISEE'S  
OBLIGATION TO DEFEND AND INDEMNIFY INDEMNITEES UNDER THIS  
SUBPARAGRAPH SHALL EXTEND TO CLAIMS, LOSSES, AND OTHER MATTERS  
COVERED UNDER THIS SUBPARAGRAPH THAT ARE CONTRIBUTED TO BY THE  
NEGLIGENCE OF ONE OR MORE INDEMNITEES, PROVIDED, HOWEVER, THAT  
INDEMNITY WILL BE REDUCED BY THE PROPORTIONATE AMOUNT  
THROUGH WHICH THE INDEMNITEE CONTRIBUTED TO THE LIABILITY, AS  
PROVIDED UNDER TEXAS LAW, WITHOUT WAIVING ANY GOVERNMENTAL  
IMMUNITY AVAILABLE TO CITY UNDER TEXAS LAW AND WITHOUT WAIVING  
ANY DEFENSES OF EITHER FRANCHISEE OR CITY UNDER TEXAS LAW; THE  
ABOVE INDEMNIFICATION SHALL NOT, HOWEVER, APPLY TO ANY**

**JUDGMENT OF LIABILITY RESULTING FROM THE SOLE NEGLIGENCE OR WILLFUL MISCONDUCT OF CITY; AND**

**(2) ANY AND ALL LIABILITY, OBLIGATION, DAMAGES, FINES, PENALTIES, CLAIMS, SUITS, JUDGMENTS, ACTIONS, LIENS, AND LOSSES, WHICH MAY BE IMPOSED UPON OR ASSERTED AGAINST THE INDEMNITEES BECAUSE OF ANY VIOLATION OF ANY STATE OR FEDERAL LAW OR REGULATION GOVERNING THE SOLID WASTE COLLECTION SERVICE OR RELATED TO THE COLLECTION, DISPOSAL, TRANSFER, OR HANDLING BY FRANCHISEE, ITS OFFICERS, EMPLOYEES, AGENTS, OR SUBCONTRACTORS, OF SOLID WASTE COLLECTED THROUGH THE SOLID WASTE COLLECTION SERVICE REGARDLESS OF WHETHER OR NOT THE NEGLIGENCE, FAULT, OR OTHER WRONGFUL CONDUCT OF THE INDEMNITEES CONTRIBUTED TO ANY VIOLATION; AND FRANCHISEE SHALL PAY ALL JUDGMENTS, WITH COSTS, ATTORNEY'S FEES, AND EXPENSES AWARDED IN SUCH JUDGMENT WHICH MAY BE OBTAINED AGAINST CITY RELATED TO ANY SUCH CLAIM. UPON THE WRITTEN REQUEST OF CITY, FRANCHISEE SHALL IMMEDIATELY, AT ITS SOLE COST AND EXPENSE, CAUSE ANY LIEN COVERING CITY'S PROPERTY AS DESCRIBED IN THIS SUBPARAGRAPH TO BE DISCHARGED OR BONDED.**

**(3) THIS SUBSECTION SHALL NOT BE CONSTRUED TO WAIVE ANY GOVERNMENTAL IMMUNITY FROM SUIT OR LIABILITY AVAILABLE TO CITY UNDER TEXAS OR FEDERAL LAW. THE PROVISIONS OF THIS SUBSECTION ARE SOLELY FOR THE BENEFIT OF CITY AND FRANCHISEE AND**

**ARE NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY.**

(b) Franchisee's assumption of risk. Franchisee undertakes and assumes for its officers, employees, agents, contractors, and subcontractors (collectively "Franchisee" for the purpose of this subsection), all risk of dangerous conditions, if any, on or about any city-owned or controlled property, including the public ways, **AND FRANCHISEE HEREBY AGREES TO INDEMNIFY AND HOLD HARMLESS THE INDEMNITEES AGAINST AND FROM ANY CLAIM ASSERTED OR LIABILITY IMPOSED UPON THE INDEMNITEES FOR PERSONAL INJURY OR PROPERTY DAMAGE TO ANY PERSON (OTHER THAN FROM AN INDEMNITEE'S NEGLIGENCE OR WILLFUL MISCONDUCT) ARISING OUT OF FRANCHISEE'S OPERATION, MAINTENANCE, OR CONDITION OF THE SOLID WASTE COLLECTION SERVICE OR FRANCHISEE'S FAILURE TO COMPLY WITH ANY FEDERAL, STATE OR LOCAL STATUTE, ORDINANCE OR REGULATION.**

(c) Defense of city. In the event any action or proceeding shall be brought against the indemnitees by reason of any matter for which the indemnitees are indemnified hereunder, franchisee shall, upon notice from any of the indemnitees, at franchisee's sole cost and expense, (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses, and consultants, and the associated costs of document production), resist and defend the same with legal counsel selected by franchisee and consented to by city, such consent not to be unreasonably withheld; provided, however, that franchisee shall not admit liability in any such matter on behalf of the indemnitees without city's written consent and provided further that the indemnitees shall not admit liability for, nor enter into any compromise or settlement of, any

claim for which they are indemnified hereunder, without the prior written consent of franchisee and execution of any settlement agreement on behalf of the city by the city attorney, and further provided that for the search, review, and production of documents, the city attorney may elect to handle some or all of the process in-house at the expense of the franchisee.

(d) Expenses. The indemnitees shall give franchisee prompt notice of the making of any claim or the commencement of any action, suit or other proceeding covered by the provisions of this Section 5. Nothing herein shall be deemed to prevent the indemnitees from participating in the defense of any litigation by their own counsel at their own expense. Franchisee shall pay all expenses incurred by the indemnitees in participating in the defense, provided that the participation has been requested or required by franchisee in conducting the defense. These expenses may include out-of-pocket expenses reasonably and necessarily incurred, such as attorney fees and the reasonable value of any services rendered by city's counsel and the actual expenses of the indemnitees' agents, employees or expert witnesses, and disbursements and liabilities assumed by the indemnitees in connection with such suits, actions or proceedings but shall not include attorneys fees for services that are unnecessarily duplicative of services provided the Indemnitees by franchisee.

(e) Insurance required. Not later than the effective date of this ordinance, franchisee shall procure, pay for, and maintain insurance coverage in at least the minimum amounts and coverages described in Exhibit A, attached to and made a part of this ordinance. The insurance shall be written by companies approved by the State of Texas and acceptable to city. The insurance shall be evidenced by the delivery to city of policies of insurance, including all endorsements executed by the insurer or its authorized agent stating coverages, limits, exclusions, deductibles, and expiration dates, which demonstrate compliance with all applicable

provisions of the insurance laws and rules in the State of Texas. **THIS ORDINANCE SHALL NOT TAKE EFFECT UNTIL THE INSURANCE POLICY HAS BEEN DELIVERED TO CITY AND NO OFFICER OR EMPLOYEE SHALL HAVE AUTHORITY TO WAIVE THIS REQUIREMENT.** If satisfactory evidence of the required insurance is not submitted within 30 days after the date the council approves this ordinance, then this ordinance shall be considered null and void and shall have no force or effect.

(f) Changes in insurance coverage. Franchisee shall provide the city with true and complete copies of all changes to insurance policies, including any cancellation, coverage change, or termination notice, or any replacement insurance, before these changes become effective. Certificates of insurance reflecting the annual renewal, replacement insurance or coverage changes must be submitted when such policies become effective to provide evidence of continuing insurance coverage. Although certificates are routinely accepted as substitutes for copies of insurance policies, the city shall have the right to access and copy any such policy of insurance. The director may prevent franchisee from operating a solid waste collection service under this franchise until satisfactory evidence of insurance coverage required under this section is presented to the director.

(g) Adjustments to insurance requirements. City reserves the right to review the insurance requirements stated in Exhibit A during the effective period of this ordinance and to recommend to the council reasonable adjustments in the insurance requirements contained in the city code prior to the anniversary renewal of the insurance when deemed necessary and prudent by city's Office of Risk Management. Any adjustments shall be mutually agreeable to city and franchisee, and based upon changes in statutory law, court decisions, or the claims history of the

industry as well as franchisee. When any insurance coverage limit changes are agreed, franchisee shall pay any resulting increase in cost due to the changes.

(g) Liability of franchisee. Approval, disapproval, or failure to act by city regarding any insurance supplied or not supplied by franchisee shall not relieve franchisee of full responsibility or liability for damages and accidents as set forth in this ordinance. The bankruptcy, insolvency, or denial of liability by any insurer of franchisee shall not exonerate franchisee from the liability obligations of franchisee provided for under this ordinance.

SECTION 6. Fees, payments and compensation.

(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to four percent of franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "franchise fee").

(b) Payment procedures. Franchisee shall pay the franchise fee to city each month during the term of this ordinance. The monthly payment required by this ordinance shall be due and payable by certified check, electronic funds transfer, or other means that provide immediately available funds on the day the payment is due not later than 3:00 p.m. of the thirtieth (30th) calendar day following the end of each calendar month. If the thirtieth (30th) calendar day following the end of a calendar month falls on a Saturday, Sunday, or official city holiday, then the payment is due on the business day prior to the due date, and in the month of February, the payment is due on February 28th. Subject to applicable law, the compensation set

forth in this Section 6 shall be exclusive of and in addition to all special assessments and taxes of whatever nature, including, but not limited to, ad valorem taxes. In the event any monthly payment or partial payment is received by the city later than 10 days after the due date, franchisee shall pay interest on the past due amount at the rate prescribed in Section 2-1.1 of the Dallas City Code. Payment shall be accompanied by a monthly report certified by an officer of franchisee showing the total gross receipts of the preceding calendar month. The monthly report shall also include a detailed breakdown of gross receipts and the computation of the payment amount.

(c) Annual report. Franchisee shall file with city by February 1 of each calendar year an annual report showing the total gross receipts of the preceding calendar year along with the information required under Section 18-41 of the Dallas City Code. Such annual report shall include a detailed breakdown of gross receipts and the computation of the payment amount.

(d) City audit. City may audit franchisee (or any affiliate of franchisee who has information directly pertaining to gross receipts) as often as is reasonably necessary to verify the accuracy of the franchise fees paid to city. All books, records, accounts, or other documents in paper or electronic form, necessary for the audit shall be made available by franchisee at a single location in the Dallas-Fort Worth metropolitan area. Any net undisputed amount due to city, plus interest at the rate prescribed in Section 2-1.1 of the Dallas City Code, c, calculated from the date each portion of the underpayment was originally due until the date franchisee remits the underpayment to the city, shall be paid by franchisee within 45 days after city's submitting an invoice for the underpayment to franchisee with reasonable detail supporting the amount claimed. If the amount of the underpayment exceeds five percent of the total franchise fee owed for the audit period, franchisee shall pay city's audit costs as well. City's right to audit and

franchisee's obligation to retain records related to the franchise fee shall be limited to the previous two calendar years preceding the date that written notice of intent to audit is served.

SECTION 7. Term; performance evaluation.

(a) Term and extensions. The term of this ordinance shall be five (5) years from the effective date of this ordinance.

(b) Franchisee rights upon termination. Subject to applicable law, this ordinance and all rights, permissions, and privileges of franchisee under this ordinance shall automatically terminate on the expiration of the term of this ordinance, unless extended by mutual agreement, court order, or applicable law.

(c) Performance evaluation. In order to: (i) assure that franchisee is complying with the terms of this ordinance, as it may be from time to time amended, and (ii) promote a sharing of information between city and franchisee, city may schedule a performance evaluation no more often than every five years during the term of this ordinance, subject to Subsection (d) of this section, in accordance with the following process:

(1) At least 90 days prior to each performance evaluation, city shall notify franchisee of the date, time and location of the evaluation. Such notice shall include specification of any additional information to be provided by franchisee pursuant to Subsection (c)(2)(D) below. Unless specifically waived by the council, attendance of franchisee's duly authorized representative at these meetings is mandatory.

(2) Within 60 days from receipt of notification, franchisee shall file a report with city that is sworn to by a representative of franchisee knowledgeable of the operations of franchisee within the authorized area, in reasonable detail, specifically addressing, at a minimum, the following areas:

(A) compliance of franchisee's vehicles with solid waste and air quality requirements;

(B) customer service, including but not limited to a listing of customer complaints and their resolution;

(C) history in regard to prompt and accurate payment of franchise fees;

(D) any other topic deemed material or relevant by city for its enforcement of this ordinance.

(3) All reports to be prepared under this subsection and submitted by franchisee shall be based upon information for at least the most recent five-year period, inclusive of the most current quarter available. No report under this subsection shall be based upon data that ends more than six months before the time of the performance evaluation.

(4) Following receipt of the report, but not less than 30 days prior to the performance evaluation, city may request additional information, clarification or detailed documentation concerning those topics identified for inclusion in the performance evaluation. Franchisee shall make reasonable effort to provide such additional information to city prior to the meeting. In the event that the information cannot be made available prior to the performance evaluation, franchisee shall notify city in writing explaining the reasons for any delay. The city may authorize a delay of the performance evaluation for a reasonable time to allow franchisee to submit the additional documentation.

(5) The council shall hear any interested persons during such performance evaluation. Franchisee shall be entitled to all the rights of due process consistent with city proceedings, including but not limited to, the right to be heard, the right to present evidence, and the right to ask questions of witnesses.

(6) Upon request of city, franchisee shall assist city in notifying customers of the evaluation session. The actual costs associated with the notification, in an amount not to exceed \$1,000.00, shall be borne by franchisee.

(d) Additional performance evaluations. Notwithstanding Subsection (c), the council may initiate and conduct such additional performance evaluations regarding franchisee's performance under this ordinance as the council, in its sole discretion, may deem justified or necessary under the circumstances. Franchisee shall be given reasonable notice of the date, time, and location of any such additional performance evaluations.

#### SECTION 8. Transfers of ownership and control.

(a) Franchisee ownership, management and operation.

(1) Only franchisee and its affiliates, if any, shall operate, manage, and maintain the solid waste collection service. As provided in Chapter XIV, Section 2(5) of the Dallas City Charter, no franchise, nor the assets held by the franchise holder, may be sold, assigned, transferred, or conveyed to any other person, firm, corporation, or other business entity without the consent of the city first had and obtained by ordinance or resolution, unless otherwise specifically provided in this franchise ordinance. If the purchaser is the holder of a like franchise, the franchise purchased shall be canceled and merged into the franchise held by the purchaser upon terms and conditions as may be set out by the city council when permission for merger is granted. Franchisee shall not directly or indirectly transfer or assign, in whole or in part, the operation, management, ownership, or maintenance of the solid waste collection service without the prior written consent of the council as provided in Subsections 8(b) and 8(c) below.

(2) This section shall not apply to franchisee's employment contracts and other personnel decisions, nor shall it prohibit franchisee from contracting for or subcontracting,

in whole or in part, any operational, management or maintenance functions in connection with the solid waste collection service, so long as franchisee does not relinquish its decision making authority over, or its responsibilities under, this ordinance for any particular function; nor shall it prohibit franchisee from complying with this ordinance or other requirements of federal, state, or local laws and regulations.

(3) Franchisee shall provide the director written notice, within five calendar days after its occurrence, of any change in the corporate or business structure, change in the chief executive or the top executive structure, change in the board of directors, or other change in the corporate or business method of governance of franchisee, regardless of whether or not it results in a transfer or assignment of the franchise or a transfer of control or ownership of franchisee.

(b) Transfer and assignment procedures. This ordinance or the solid waste collection service shall not be transferred or assigned, by operation of law or otherwise, nor shall title to franchisee's rights and obligations under this ordinance or to the solid waste collection service pass to or vest in any person, other than for mortgaging or financing of solid waste collection operations or to an affiliate of franchisee under the conditions described below, without the prior written consent of the council. This ordinance shall not be leased or subleased without the prior written consent of the council. The procedures related to transfer or assignment are as follows:

(1) The council's written consent shall not be required for a transfer solely for security purposes (such as the grant of a mortgage or security interest), but shall be required for any realization on the security by the recipient, such as a foreclosure on a mortgage or security interest. The director shall be advised in writing of a transfer solely for security purposes at least 60 days before such transfer occurs.

(2) Franchisee may, without additional approval by the council, transfer or assign this ordinance to an affiliate provided that the affiliate: (i) assumes all of franchisee's obligations and liabilities under this ordinance occurring both before and after the transfer or assignment; (ii) agrees to comply with all provisions of this ordinance; and (iii) has the legal, technical and financial ability to properly perform and discharge such obligations and liabilities, which abilities are each at least as great as those of franchisee. The director shall be advised in writing of such transfer and of the affiliate's qualifications at least 60 days before such transfer occurs. The city shall be reimbursed any reasonable, documented costs it incurs in connection with such transfer, including the expenses of any investigation or litigation respecting a proposed or consummated transfer, up to a maximum of \$10,000.00.

(c) Transfer of control. There shall be no transfer of or acquisition of control of franchisee without the prior written consent of the council.

(d) Schedule of ownership. Franchisee represents and warrants that its current ownership is as set forth on Exhibit C, attached to and made a part of this ordinance, and that it has full legal and equitable title to the solid waste collection service as of the effective date of this ordinance.

(e) Applications for consent/procedure/restrictions. If franchisee seeks to obtain the consent of the council to any transactions or matters described in this section, franchisee shall submit an application for such consent to the city and shall submit or cause to be submitted to the city such additional documents and information as the director may request that are reasonably related to the transaction, including the purchase price of the solid waste collection service, and the legal, financial, and technical qualifications of the proposed transferee or new controlling entity.

(1) The council shall have 120 days from the date of submission of a complete and accurate application to act upon the application for consent. If the council fails to act upon such application for consent within 120 days, such application shall be deemed as consented to unless city and franchisee otherwise agree to an extension of time.

(2) The council shall not unreasonably withhold its consent to any proposed transaction. The council may: (i) grant its consent outright, (ii) grant such consent with conditions, which conditions it finds are necessary to ensure performance of franchisee or its successor under this Ordinance, or (iii) deny consent.

(3) Nothing in any approval by the city under this section shall be construed to waive or release any rights of city in and to the public ways, public places of city or property owned by city.

(4) Nothing in any approval by city under this section shall be construed as a waiver or release of any of city's police powers, or as an exercise of eminent domain.

(5) City's granting of consent in any one instance shall not require it to grant consent in other instances.

(6) Franchisee shall reimburse city for the incidental costs incurred by city in considering any request of franchisee under this section. Such reimbursement shall not exceed \$10,000.00, shall be supported by invoices, and shall not include any costs or expenses incurred by city in defending any denial of the request; provided, however, that city does not waive its right to request that its attorney's fees and other costs be reimbursed by court order in any litigation related to denial of a request under this section.

(f) City approval requirements. Before any transfer, assignment, sale, foreclosure, or other change of control described under this section becomes effective and before the council

shall consider giving its consent, the proposed transferee, assignee, purchaser, buyer, foreclosing party, or other person or entity seeking to obtain the rights and obligations under this ordinance through a change of control shall provide the director: (i) an agreement and acceptance in writing to comply with all terms of this ordinance, as amended; (ii) all evidence of insurance required under this ordinance, as amended; (iii) the legal name and address of the transferee, and all persons sharing control of the transferee, with a full description of their experience in the solid waste disposal industry, as well as the name and address of the person to be contacted for notices; (iv) payment of outstanding franchise fees and any other fees, taxes, and payments, including fees, interest, and penalties, due from franchisee to the city; and (iv) evidence satisfactory to the director that transferee has the legal, technical, and financial ability to properly perform and discharge all obligations and liabilities of this ordinance.

(g) Transfer of control requirements. In the event of a transfer of control, before such transfer becomes effective and before the council shall consider giving its consent, the proposed transferee shall agree in writing to not take any action that will keep franchisee from complying with this ordinance.

#### SECTION 9. Defaults.

(a) Events of default. The occurrence of any one or more of the following events at any time during the term of this ordinance shall constitute an event of default by franchisee under this ordinance:

(1) The failure or refusal by franchisee to pay the franchise fee when due as prescribed by this ordinance, or any failure to perform on any agreed or court-mandated extension or modification of such payment obligation.

(2) Franchisee's material violation of or failure to comply with any provision or condition of Article IV of Chapter 18 of the Dallas City Code relating to solid waste collection service franchisees or any other applicable provision or condition of the city code.

(3) Franchisee's material violation of or failure to comply with any of the other terms, covenants, representations, or warranties contained in this ordinance, or franchisee's failure or refusal to perform any obligation contained in this ordinance.

(4) Franchisee's failure or refusal to pay or cause to be paid any of city's governmentally-imposed taxes of any kind whatsoever, including but not limited to real estate taxes, sales taxes, and personal property taxes on or before the due date for same; provided, however, franchisee shall not be in default under this subsection with respect to the non-payment of taxes which are being disputed in good faith in accordance with applicable law.

(5) The entry of any judgment against franchisee in which another party becomes entitled to possession of substantially all of franchisee's assets of the solid waste collection service, for which change in possession the consent of the council has not been obtained, and such judgment is not stayed pending rehearing or appeal for 45 or more days following entry of the judgment.

(6) The dissolution or termination, as a matter of law, of franchisee without the prior consent or approval of city, which approval, if formally requested, shall not unreasonably be withheld.

(7) Franchisee's filing of a voluntary petition in bankruptcy; being adjudicated insolvent; obtaining an order for relief under Section 301 of the Bankruptcy Code (11 U.S.C. §301); filing any petition or failing to contest any petition filed against it seeking any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief

for itself under any laws relating to bankruptcy, insolvency or other relief for debtors; seeking or consenting to or acquiescing in the appointment of any bankruptcy trustee, receiver, master, custodian or liquidator of franchisee, or any of franchisee's property or this ordinance or of any and all of the revenues, issues, earnings, profits or income thereof; making an assignment for the benefit of creditors (except secured creditors); or failing to pay franchisee's debts as they become due such that franchisee is unable to meet its obligations under this ordinance.

(8) Franchisee attempts to dispose of any of the facilities or property of its solid waste collection service with the intent of preventing city from purchasing it as provided for in this ordinance.

(9) Franchisee engages in any fraudulent or deceitful conduct with city or its customers.

(10) Franchisee knowingly or intentionally makes a false statement or a misrepresentation as to a material matter in the application for or in the negotiation of this ordinance, or in connection with any report of gross income as required by this ordinance.

(11) Any director, officer, employee, or agent of franchisee is convicted of the offense of bribery or fraud connected with or resulting from the granting, term extension, or renewal of this ordinance.

(12) Franchisee's failure or refusal to comply with or a violation of any applicable local, state, or federal law or regulation.

(b) Default procedures. Upon the occurrence of an event of default which can be cured by the immediate payment of money to city or a third party, franchisee shall have 30 days from written notice of the occurrence of the event of default from the director to cure the default before city may exercise any of the default remedies provided for in Section 10. Upon the

occurrence of an event of default by franchisee which cannot be cured by the immediate payment of money to city or a third party, franchisee shall have 60 days from the date of written notice from city to franchisee of the occurrence of the event of default to cure the event of default before city may exercise any of its rights or remedies provided for in Section 10, unless the director, the city manager, or the council authorizes a longer cure period upon a showing of good cause to extend the cure period. If an event of default is not cured within the time period allowed for curing the event of default, as provided above, the event of default becomes, without additional notice, an uncured event of default, which shall entitle city to exercise the remedies provided for in Section 10.

SECTION 10. Remedies.

(a) Default remedies. Upon the occurrence of any uncured event of default as described in Section 9, the director shall report the occurrence of same to the city manager and the council. The council shall be entitled in its sole discretion and upon recommendation of the director and the city manager to exercise any or all of the following cumulative remedies:

- (1) Exercise its rights to impose liquidated damages as described in Subsection (e).
- (2) Authorize the city attorney to commence an action against franchisee at law or in equity, or both, including an action for monetary damages and specific performance.
- (3) Suspend the franchise granted under this ordinance.
- (4) Revoke the franchise granted under this ordinance.

(b) Suspension procedure. Upon the occurrence of an uncured event of default, the director may suspend the operation of the solid waste collection service doing business under this ordinance. If the director determines that suspension of the franchise is necessary to cure an

event of default, the director shall comply with the procedures established in Section 18-37 of the Dallas City Code.

(c) Revocation procedure. Upon the occurrence of an uncured event of default, the council shall have the right to revoke this ordinance. Upon revocation, the rights, permissions, and privileges comprising the franchise granted under this ordinance shall be automatically deemed null and void and shall have no further force or effect and the provisions that are contractual in nature which are also included as a part of this ordinance are hereby automatically terminated, except that franchisee shall retain the obligation to report gross income and make franchisee fee payments covering the period prior to the effective date of the revocation. Upon revocation, city shall retain any portion of the franchise fee and other fees or payments paid to it, or which are due and payable to it, to the date of the revocation. Notwithstanding the above, prior to any council hearing to formally consider revocation of the franchise granted under this ordinance, the director shall notify franchisee in writing at least 10 days in advance of the council hearing at which the issue of revocation shall be considered and decided. Franchisee shall have the right to appear before the council in person or by legal counsel and raise any objections or defenses franchisee may have that are relevant to the proposed revocation. In addition, the following procedures shall apply in regard to the revocation hearing:

(1) The council shall hear and consider the issue of revocation, shall hear any person interested in the issue, and shall determine, in its sole discretion, whether or not any violation by franchisee has occurred justifying a revocation of the franchise.

(2) At such hearing, franchisee shall be provided due process, including the right to be heard, to ask questions of witnesses, and to present evidence.

(3) Upon completion of the hearing described above, the council shall render a decision. Within a reasonable time, the director shall transmit a copy of the decision to franchisee. Franchisee shall be bound by the council's decision, unless it appeals the decision to a court of competent jurisdiction within 15 days after the date of the decision. Franchisee reserves the right to challenge both the decision itself and the fairness of the process followed by the city in the proceeding.

(4) The council reserves the right, in its sole discretion, to impose liquidated damages or to pursue other remedies as provided in this Section 10 in lieu of a revocation.

(d) Letter of credit. As security for the faithful performance by franchisee of the provisions of this ordinance and compliance with all orders, permits, and directions of city and the payment of all claims, liens, fees, liquidated damages, and taxes to city, franchisee shall deposit with city, no later than the effective date of this ordinance, an unconditional and irrevocable letter of credit in a penal amount equal to one month's franchise fee payment. The initial value of the letter of credit shall be established on the basis of the monthly franchise fee that would have been paid on the previous calendar year's monthly average gross receipts on a cash basis from any source derived at any location regardless of whether those receipts were earned entirely within the authorized area. The letter of credit shall be updated annually in January of each calendar year during the term of this ordinance. The value of the annually updated letter of credit will be equal to the average monthly franchise fee payment submitted by franchisee as required in this ordinance during the previous calendar year. The letter of credit must be issued by a federally-chartered or state-chartered financial institution with a principal office or branch located in Dallas County and otherwise acceptable to the council, on terms acceptable to the council and approved by the city attorney. The letter of credit shall expressly

provide that partial draws are permitted and that a draft thereon to the order of the city will be honored upon presentation to the issuing financial institution at a principal office or branch located within Dallas County of a letter of demand from city delivered in person or by courier delivery. The letter of demand must be signed by a person purporting to be the city's chief financial officer, city manager, or director. No supporting documents will be required and no other language, other than a demand to pay and a recitation of title, will be required as conditions for permitting the draw. Failure to timely deposit the letter of credit, or the failure to maintain the letter(s) of credit in the full amount required under this subsection and in effect during the entire term of this ordinance, or any renewal or extension of this ordinance, shall constitute a material breach of the terms of this ordinance.

(1) If franchisee fails to make timely payment to city or its designee of any amount due as a result of this ordinance or fails to make timely payment to city of any taxes due; or fails to repay city for damages and costs, including attorney's fees; or fails to comply with any provision of this ordinance which city reasonably determines can be remedied by an expenditure of monies, city may draw upon the letter of credit an amount sufficient to repay city with interest as set forth in this ordinance, if not otherwise specified by law..

(2) Within three days after a drawing upon the letter of credit, city shall send written notification of the amount, date, and purpose of the drawing to franchisee by certified mail, return receipt requested.

(3) If, at the time of a draw by city, the aggregate amount realized from the letter of credit is insufficient to provide the total payment toward which the draw is directed, the balance of such payment, plus accrued interest, shall constitute an obligation of franchisee to city until paid. If the interest rate is not set forth in this ordinance or set by laws, then interest shall be

the prime rate as established in the Wall Street Journal on the day before city sends notice to franchisee of its intent to draw the letter of credit.

(4) No later than 30 days after mailing of notification to franchisee of a draw pursuant to Subsection (d)(2) above, franchisee shall cause the letter of credit to be restored to the full amount required under this ordinance. Failure to timely restore the letter of credit shall constitute a material breach of the terms of this ordinance.

(5) The rights reserved to city with respect to this letter of credit are in addition to all other rights and remedies of city, whether reserved by this ordinance or authorized by law, and no action, proceeding or exercise of a right with respect to such letter of credit shall affect any other rights city may have.

(e) Liquidated damages. The parties agree that: (1) the harm or damage caused by any material breach of this franchise, other than the failure to pay franchise fees, is of a kind that is difficult or incapable of estimation; and (2) the amount of liquidated damages stipulated in the ordinance is a reasonable forecast of just compensation. Therefore, in addition to the other remedies provided for in this Section 10, liquidated damages in the amounts set forth below may be assessed by the council upon franchisee, following the notice and opportunity to cure procedures in Subsection (f) below, for failure or refusal to comply with any material term or condition of this ordinance or for any other uncured event of default. In the event the council determines that franchisee has committed, continued, or permitted a material failure or refusal of compliance or other uncured event of default that has not been cured as provided in this ordinance, franchisee shall pay \$2,000 per day for each day or part of a day that the material failure or refusal or other uncured event of default is committed, continued, or permitted, unless the council at the time of imposition of the civil penalty determines that good cause justifies a

lesser penalty, based upon the surrounding circumstances, frequency, number, and seriousness of the material violations or uncured events of default in question and the public interest served by imposing a lesser civil penalty.

(f) Liquidated damages procedure. Liquidated damages may be assessed by the council in accordance with the following procedure:

(1) Following notice from the director, which notice, at the director's election, may be combined with the notice described in Section (9)(b), franchisee shall meet with the director to attempt to resolve any disagreements on whether liquidated damages should be assessed or what liquidated damages should be recommended to the council. If there is no resolution of the issue within 15 days after the mailing of the notice, then the director shall present the director's recommendation regarding liquidated damages to the city manager for review and concurrence. If the city manager concurs in the director's recommendation that liquidated damages should be assessed, the matter shall be presented to the council. The director shall notify franchisee of the recommendation of the city manager to the council, the time and date of the proposed hearing concerning the issue of liquidated damages, and a statement that franchisee has a right to appear and be heard before the council on the matter. In order to appear before and be heard by the council, franchisee must comply with applicable council procedures which can be obtained from the city secretary.

(2) Upon presentation of the recommendations of the director and the city manager, the council may decide on one or more of the following courses of action:

(A) to authorize the city attorney to proceed against franchisee under Section 10(a)(2);

(B) to assess liquidated damages in the amount provided above for the applicable material violation or uncured event of default. Council may provide for a lesser amount and may suspend all or part of said assessment upon reasonable conditions for any reasonable period, up to the end of the franchise;

(C) to determine that liquidated damages are not justified under the circumstances and assess no damages; or

(D) to remand the matter to the city manager or the director for further investigation, consideration, and recommendation to the council.

(3) Assessment of liquidated damages by the council shall be a monetary obligation of franchisee to city in the amount determined by the council and shall be paid in full by franchisee within 15 business days after the date of assessment by the council.

(4) The procedures stated in this Subsection (f) do not apply to the council's determination to require the payment of money, in lieu of other available remedies, in a revocation proceeding under Subsection (b)(4).

(g) Remedies cumulative. Subject to applicable law, the rights and remedies of city set forth in this Section 10 shall be in addition to and not in limitation of, any other rights and remedies provided by law or in equity. If the council determines that a violation by franchisee was franchisee's fault and within its control, the council may pursue any or all of the remedies provided in Section 10. The remedies of city created under this ordinance shall be cumulative to the maximum extent permitted by law. The exercise by city of any one or more remedies under this ordinance shall not preclude the exercise by city, at the same or different times, of any other remedies for the same material uncured event of default. Notwithstanding any provision of this

ordinance, however, city shall not recover both liquidated damages and actual damages for the same violation, breach, non-compliance, or material uncured event of default.

(h) Curable violations. Franchisee shall not be found in violation of this ordinance or any other applicable law or regulation, and shall suffer no penalties or damages as a result, if the violation occurs without fault of franchisee or occurs as a result of circumstances beyond its control, and, if curable, is promptly cured. Franchisee shall not be excused by mere economic hardship nor by the negligence or malfeasance of its directors, officers or employees.

(i) City right to purchase. In the event city revokes the franchise granted under this ordinance for cause, terminates the franchise as provided in Subsection (j) below, or denies renewal of the franchise granted under this ordinance, city shall have the right (but not the obligation) subject to the applicable provisions of city charter, directly or as an intermediary, to purchase the assets of the solid waste collection system through its authority under, and procedures applicable to, eminent domain.

(j) Termination in the public interest. Nothing in this section shall be construed as affecting the right of the council under the city charter to terminate this ordinance without cause in the public interest when it is deemed inconsistent with the public use of city's public ways or is deemed to cause or constitute a nuisance.

#### SECTION 11. Providing Information.

(a) Complete and accurate books required. Franchisee shall keep complete and accurate books of account and records of its solid waste collection service business and operations under and in connection with this ordinance in accordance with generally accepted accounting principles and generally accepted government auditing standards.

(b) City review of documentation. City may fully review such of franchisee's books, accounts, documents, and other records of franchisee or franchisee's affiliates during normal business hours on a non-disruptive basis and with such advance notice as is reasonably necessary to monitor compliance with the terms of this ordinance. All books, accounts, documents, and other records shall be made available at a single location in the Dallas-Fort Worth metropolitan area. Books, accounts, documents, and other records that are kept on an electronic basis shall also be made available on the same basis as the paper books, accounts, documents, and other records; where possible, such items shall be made available in a CD-ROM disk or other similar platform in a format that is readable by city's computers. The reviewable items shall include, but shall not be limited to, records required to be kept by franchisee pursuant to law and the financial information underlying the written report accompanying the franchise fee. To the extent permitted by law, city agrees to treat any information disclosed by franchisee under this section as confidential, if and only to the extent that franchisee provides prior written notice that specific information is confidential as trade secrets or proprietary competitive information. Blanket or overly broad claims of confidentiality will be of no effect.

(c) Additional reports. Franchisee shall, when required by the council, the city manager, or the director, report to city any reasonably requested information relating to franchisee or the affiliates or necessary for the administration of this ordinance. The director shall have the right to establish formats for these additional reports, determine the time for these reports and the frequency with which these reports, if any, are to be made, and require that any reports be made under oath.

SECTION 12. General.

(a) Entire agreement. This ordinance (with all referenced exhibits, attachments, and provisions incorporated by reference) embodies the entire agreement and the rights, privileges, and permissions between city and franchisee, superseding all oral or written previous negotiations or agreements between city and franchisee relating to matters set forth in this ordinance. This ordinance can be amended by an ordinance enacted by the council. Such action by council does not require the hearing procedures for revocation set forth in Subsection 10(4)(b) of this ordinance, but only the posting of an agenda item and the opportunity for speakers to be heard on the item.

(b) Notices. Except as otherwise provided in Subsection 12(c) of this ordinance, any notice, payment, statement, or demand required or permitted to be given under this ordinance by either party to the other may be effected by any of the means described in Subsection 12(d) of this ordinance. 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 days after mailing.

If to City:

City Manager  
City of Dallas  
Dallas City Hall  
1500 Marilla – Room 4/F/North  
Dallas, Texas 75201

With a copy to:

Director  
Department of Sanitation Services  
3112 Canton Street  
Dallas, Texas 75226

If to Franchisee:

Jose Maldonado  
President  
Waste Warriors, Inc.  
3921 Lost Creek Drive  
Dallas, Texas 75224

Either city or franchisee may change its address or personnel for the receipt of notices at any time by giving notice of the change to the other party as provided in this Subsection 12(b) Any notice given by either city or franchisee must be signed by an authorized representative.

(c) Notice of claim. This ordinance is subject to the provisions of Section 2-86 of the Dallas City Code, relating to requirements for filing a notice of a breach of contract claim against city. Section 2-86 of the Dallas City Code is expressly incorporated by reference and made a part of this ordinance as if written word for word in this ordinance. Contractor shall comply with the requirements of Section 2-86 as a precondition of any claim against city relating to or arising out of this ordinance.

(d) Delivery of notices. Notices required to be given under this ordinance may be transmitted in any of the following four ways:

(1) By personal delivery, in which case they are deemed given when delivered.

(2) By delivery to Federal Express, United Parcel Service, or other nationally recognized overnight courier service, in which case they shall be deemed given when received for such service.

(3) By being deposited in the U.S. Mail, by registered or certified mail, return receipt requested, postage prepaid, in which case notice shall be deemed given three calendar days after having been deposited in the U.S. Mail.

(4) By facsimile or electronic mail transmission where the sender's transmittal log shows successful transmission to all the recipients (with any replacement transmission as a recipient shall request) and with a hard copy on the same date or the next day mailed to all by first class mail, postage prepaid, in which case notice shall be deemed given on the date of facsimile or electronic mail transmission.

(e) City/franchisee meetings. Franchisee shall meet with the director, the city manager or the council at reasonable times to discuss any aspect of this ordinance or the services or facilities of franchisee. At all meetings, franchisee shall make available personnel qualified for the issues to be discussed and such meetings shall be at city's offices unless otherwise agreed.

(f) Legal construction. This ordinance 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. Exclusive venue for any litigation that may be filed in connection with this ordinance shall be in Dallas County, Texas. This ordinance is not a contract for goods or services within the meaning of Texas Local Government Code §§271.151 *et seq.*

(g) No inducement. Franchisee, by accepting this ordinance, acknowledges that it has not been induced to accept this ordinance by any promise, oral or written, by or on behalf of city or by any third person regarding any term or condition not expressed in this ordinance. Franchisee further pledges that no promise or inducement, oral or written, has been made to any city employee or official regarding the grant, receipt or award of this ordinance.

(h) Franchisee acknowledgement. Franchisee further acknowledges by acceptance of this ordinance that it has carefully read the terms and conditions of this ordinance and accepts the obligations imposed by the terms and conditions herein.

(i) No waiver by city. No failure by city to insist upon the strict performance of any covenant, provision, term or condition of this ordinance, or to exercise any right, term or remedy upon a breach thereof shall constitute a waiver of any such breach of such covenant, agreement, term, or condition. No waiver of any breach shall affect or alter this ordinance, but each and every covenant, provision, term or condition of this ordinance shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

(j) Governmental licenses. Franchisee shall, at its expense, obtain and maintain all additional governmental regulatory licenses necessary to operate the solid waste collection service in accordance with this ordinance.

(k) Severability. If any section, paragraph, or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this ordinance.

(l) City retained powers. In addition to all rights provided in this ordinance, city reserves all rights and powers conferred by federal law, the Texas Constitution, Texas statutes and decisions, the City Charter, city code, and city ordinances which city is allowed to exercise.

(m) Material misinformation. The provision of information by franchisee or any of its affiliates to city in connection with any matters under this ordinance which contains an untrue statement of a material fact or omits a material fact necessary to make the information not misleading shall constitute a violation of this ordinance and shall be subject to the remedies provided in Section 10. Each day that franchisee or an affiliate fails to correct an untrue statement of a material fact or the omission of a material fact necessary to make the information not misleading shall constitute a separate violation of this ordinance.

(n) Hearing procedures. The following additional procedures shall apply to any hearing held in connection with any action taken by the council in connection with this ordinance:

(1) The council may conduct the hearing or, in its sole discretion, may by resolution appoint a committee or subcommittee of the council or a hearing officer to conduct the hearing and submit a proposal for decision to it, pursuant to procedures established by resolution.

(2) The hearing shall afford franchisee rudimentary due process. The council may by resolution establish other procedural matters in connection with the hearing.

(o) Acceptance. Upon adoption of this ordinance, franchisee agrees to be bound by all the terms and conditions contained herein, as evidenced by filing the original with the city secretary and a copy with the director, in writing, within 30 days after the date the council approves this ordinance, an unconditional acceptance of the ordinance and promise to comply with and abide by all its provisions, terms, and conditions. The form of unconditional acceptance and promise, attached to and made a part of this ordinance as Exhibit B, shall be sworn to, by, or on behalf of franchisee before a notary public. If within 30 days after the date the council approves the ordinance, franchisee fails to (1) submit and file the properly executed acceptance, (2) pay all taxes due , and (3) submit the letter of credit and required certificate of insurance, then this ordinance and the rights, permissions, and privileges granted under this ordinance shall be null and void and shall have no force or effect, unless franchisee evidences such failure was due to clerical error by someone other than franchisee or its affiliates and then acts promptly to remedy the third party's clerical error. The director may prevent franchisee from operating a solid waste collection service under this franchise or reapplying for a new franchise until the acceptance required by this subsection is filed as provided herein.

(p) Time is of the essence. Whenever this ordinance shall set forth any time for an act to be performed by or on behalf of franchisee, such time shall be deemed of the essence and any failure of franchisee to perform within time allotted shall always be sufficient grounds for city to invoke an appropriate remedy, including possible revocation of the ordinance.

(q) Force majeure. The time within which franchisee shall be required to perform any act under this ordinance shall be extended by a period of time equal to the number of days due to a force majeure. The term “force majeure” shall mean delays due to acts of God, inability to obtain governmental approvals, governmental restrictions, war, act of terrorism, civil disturbances, fire, unavoidable casualty, or other similar causes beyond the control of franchisee. Notwithstanding anything contained anywhere else in this ordinance, franchisee shall not be excused from performance of any of its obligations under this ordinance by the negligence or malfeasance of its directors, officers, or employees or by mere economic hardship.

(r) Recognition of rights. Franchisee agrees that by adopting this ordinance, neither city nor franchisee have waived any rights, claims, or defenses they may have with respect to city's rights to impose the requirements contained in this ordinance in whole or in part upon franchisee.

(s) Police powers.

(1) In accepting this ordinance, franchisee acknowledges that its rights under this ordinance are subject to the police power of city to adopt and enforce general ordinances necessary to the health, safety, and welfare of the public. Franchisee shall comply with all applicable general laws and ordinances enacted by city pursuant to such powers. Any conflict between the provisions of this ordinance and any other present or future lawful exercise of city's police powers shall be resolved in favor of the latter.

(2) Franchisee recognizes the right of city to make reasonable amendments to this ordinance; except that city shall not make amendments materially adversely affecting franchisee except under a proper exercise of city's police powers, with notice to franchisee and an opportunity to be heard in a regular public meeting of the council considering the ordinance or amendment. Franchisee acknowledges that this is the extent of its rights to a hearing respecting franchise ordinance amendments under the charter

(3) Franchisee also recognizes city's right to impose such other regulations of general applicability as shall be determined by city to be conducive to the safety, welfare, and accommodation of the public.

(t) No presumption of renewal. This ordinance and the grant contained herein do not imply, grant, or infer any renewal rights in favor of franchisee or its affiliates.

(u) Recognition of city charter. Franchisee recognizes, accepts and agrees that the terms, conditions and provisions of this ordinance are subject to the applicable provisions of Chapter XIV of the Dallas City Charter. Any request by franchisee for an amendment to this ordinance shall be subject to review by the city attorney for compliance with the applicable provisions of the city charter.

SECTION 13. Outstanding license fees. This ordinance shall not take effect until all fees still owed to city from the existing license previously issued to franchisee for solid waste collection, hauling, and disposal service under provisions of the city code applicable to solid waste collection, hauling, and disposal licenses are paid in full. If the previous license fees owed to city are not paid by franchisee within 30 days after the date the council approves this ordinance, then this ordinance shall be considered null and void and shall have no force or effect.

The director may prevent franchisee from operating a solid waste collection service under this franchise or reapplying for a new franchise until the previous license fees have been paid in full.

SECTION 14. Ordinance effective date. Subject to the provisions of Subsection 5(e), Subsection 12(o), and Section 13, this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas (the “effective date”), and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

BY \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

## **Exhibit A**

### **INSURANCE COVERAGE REQUIRED**

SECTION C. Subject to FRANCHISEE'S right to maintain reasonable deductibles, FRANCHISEE shall obtain and maintain in full force and effect for the duration of this contract and any extension hereof, at FRANCHISEE'S sole expense, insurance coverage in the following type(s) and amounts:

Business Automobile Liability Insurance covering owned, hired, and non-owned vehicles, with a minimum combined bodily injury (including death) and property damage limit of \$500,000 per occurrence.

### **REQUIRED PROVISIONS**

FRANCHISEE agrees that with respect to the above required insurance, all insurance contracts and certificate(s) of insurance will contain and state, in writing, the following required provisions:

- a. Name the City of Dallas and its officers, employees and elected representatives as additional insureds to all applicable coverages.
- b. State that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to:
  - (i) Sanitation Services, Attention: Assistant Director, 3112 Canton, Suite 200, Dallas, Texas 75226 and
  - (ii) Director, Office of Risk Management, 1500 Marilla, 6A-South, Dallas, Texas 75201.
- c. Waive subrogation against the City of Dallas, its officers and employees, for bodily injury (including death), property damage or any other loss.
- d. Provide that the FRANCHISEE'S insurance is primary insurance as respects the CITY, its officers, employees and elected representatives.
- e. Provide that all provisions of this franchise concerning liability, duty and standard of care, together with the indemnification provision, shall be underwritten by contractual liability coverage sufficient to include such obligations within applicable policies.

### **CITY NOT LIABLE**

Approval, disapproval or failure to act by the CITY regarding any insurance supplied by the FRANCHISEE or its subcontractors shall not relieve the FRANCHISEE of full responsibility or liability for damages and accidents as set forth in the franchise documents. Neither shall the bankruptcy, insolvency nor denial of liability by the insurance company exonerate the FRANCHISEE from liability.

**Exhibit B**

**Acceptance**

Waste Warriors, Inc., a Texas corporation, unconditionally accepts and agrees to be bound by all the terms, covenants, and conditions contained in the Solid Waste Collection Service franchise ordinance, Ordinance No. \_\_\_\_\_, passed on January 25, 2017.

Dated: \_\_\_\_ day of \_\_\_\_\_, 2017.

FRANCHISEE:

WASTE WARRIORS, INC.,  
a Texas corporation

By: \_\_\_\_\_  
Jose Maldonado, President

State of Texas  
County of Dallas

This instrument was acknowledged before me on \_\_\_\_\_, 2017 by Josse Maldonado, President of Waste Warriors, Inc., a Texas corporation, on behalf of said corporation.

( Seal)

\_\_\_\_\_  
Notary Public's Signature

**Exhibit C**  
**Affidavit of Ownership or Control**

ORDINANCE NO. \_\_\_\_\_

An ordinance granting a franchise to Junk King, LLC, a Texas limited liability company, with its principal address at 13659 Jupiter Road, Suite 208, Dallas, Texas 75238, pursuant to Chapter XIV of the Dallas City Charter and Chapter 18 of Article IV of the Dallas City Code, to own, operate and maintain a solid waste collection service within the City of Dallas; providing for its terms and conditions; providing for liquidated damages for failure to adhere to the terms and conditions in the franchise ordinance; providing for payment of a franchise fee; providing for the payment of the publication fee; providing for the filing of an acceptance by Franchisee; and providing an effective date.

WHEREAS, safe and responsible solid waste collection, transport, and processing is necessary for the protection of the public health and a compelling governmental interest;

WHEREAS, solid waste haulers often use heavy equipment that contributes substantially to damage and wear and tear of the public ways, necessitating expenditures of City of Dallas resources for the maintenance and repair of those public ways, for which the City of Dallas is entitled to reasonable compensation and reimbursement;

WHEREAS, the franchise and regulation of solid waste collection, transport, and processing is necessary and furthers a compelling public interest;

WHEREAS, the City of Dallas is authorized to grant one or more non-exclusive franchises for the provision of solid waste collection service to premises within the City of Dallas; and

WHEREAS, the city council of the City of Dallas is of the opinion that the granting of the franchise on the terms and conditions set forth in this ordinance is in the public interest and in the interest of the City of Dallas and its residents. Now, Therefore,

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

SECTION 1. Preamble. That the declarations contained in the preamble to this ordinance are material and are hereby repeated and incorporated herein as a part of this ordinance as though they were fully set forth in this Section 1.

SECTION 2. Definitions. That for the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given in this ordinance. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number; words in the singular number include the plural number; and the use of any gender shall be applicable to all genders whenever the tense requires. The word "shall" is mandatory and not merely directory. The word "may" is not mandatory and is merely permissive. Words defined elsewhere in this ordinance shall be accorded that meaning throughout this ordinance. Words not defined shall be given their common and ordinary meaning.

(a) AFFILIATE and AFFILIATED means any entity controlling, controlled by, or under common control with the franchisee.

(b) AUTHORIZED AREA means the entire area from time to time within the corporate limits of the City of Dallas.

(c) CITY means the City of Dallas, a municipal corporation, a political subdivision of the State of Texas.

(d) CITY CHARTER means the city's organic law, equivalent to a constitution, which defines the city's existence and prescribes the powers, duties, and organization of the city's governmental structure.

(e) CITY CODE means the ordinances of the city codified into the Dallas City Code, The Revised Code of Civil and Criminal Ordinances of the City of Dallas, Texas (1960 Edition, 1997 Printing), as amended from time to time.

(f) CITY MANAGER means the city manager or the city manager's designated assistant or representative.

(g) CONTROL (and its variants) means actual working control, by whatever means exercised. Without limiting the generality of the foregoing, for the purposes hereof, a change in control shall be deemed to have occurred at any point in time when there is: (i) a change in working or effective voting control, in whatever manner effectuated, of franchisee; (ii) an agreement of the holders of voting stock or rights of franchisee which effectively vests or assigns policy decision-making in any person or entity other than franchisee; or (iii) a sale, assignment or transfer of any shares or interest in franchisee which results in a change in the control of franchisee.

(h) COUNCIL means the governing body of city. This section does not authorize delegation of any decision or function that is required by the city charter or state law to be made by the council. In any case in which a hearing is held pursuant to this ordinance, the council may conduct the hearing or, in its sole discretion, may by resolution appoint a committee or subcommittee of the council or a hearing officer to conduct the hearing and submit a proposal for decision to it, pursuant to procedures established by resolution.

Unless otherwise stated in this ordinance or prohibited by the city charter or state law, the council may delegate to the city manager or the director the exercise of any and all of the powers conferred upon city by its charter or by general law relating to the administration and enforcement of this ordinance and to franchisee's exercise of the rights and privileges conferred in this ordinance.

(i) DIRECTOR means the director of the department of sanitation services, or the director's designated representative.

(j) FRANCHISE means the grant of the non-exclusive permission and privilege to use public ways under this ordinance, and all of the incidental rights and obligations as described by this ordinance.

(k) FRANCHISEE means Junk King, LLC, a Texas limited liability company, the grantee of rights under this ordinance; or the successor, transferee, or assignee of this ordinance.

(l) PUBLIC WAYS means all dedicated rights-of-way, streets, highways, and alleys for use by the general public and easements dedicated for the benefit of all utilities. Public ways does not include property of city which is not a dedicated public way, street, highway, or alley or available for use by the general public or easements not dedicated for the benefit of all utilities.

(M) SOLID WASTE COLLECTION SERVICE means the term as defined in Section 18-29(5) of the Dallas City Code.

(n) THIS ORDINANCE means this document.

SECTION 3. Granting of franchise. That subject to all the terms and conditions contained in this ordinance, the Texas Constitution, the city charter, the city code, other city ordinances as from time to time may be in effect, and applicable federal law, city hereby grants franchisee non-exclusive permission and privilege solely for the purpose of operating and

maintaining a solid waste collection service in, over, along and across the public ways in the authorized area. This grant is subject to the following additional conditions:

(a) Franchisee purpose. Franchisee accepts the grant set forth above and agrees to operate and maintain the solid waste collection service in the authorized area in accordance with the terms and provisions of this ordinance.

(b) Other services. By granting this ordinance, city is not authorizing any non-solid waste collection service to be provided and does not waive and specifically retains any right to regulate and receive compensation as allowed by law for services offered by franchisee which are not solid waste collection services. Franchisee shall immediately notify city if it provides any non-solid waste collection services within the authorized area.

(c) No priority. This ordinance does not establish any priority for the use of the public ways by franchisee or by any present or future recipients of franchise agreements, franchisees, permit holders, or other users of the public ways. In the event of any dispute as to the priority of use of the public ways, the first priority shall be to the public generally, the second priority to city, the third priority to the State of Texas and its political subdivisions in the performance of their various functions, and thereafter, as between recipients of franchise agreements, franchisees and other state or local permit holders, as determined by the city manager in the exercise of the city's powers, including the police power and other powers reserved to and conferred on it by the State of Texas.

(d) City's use of public ways. Franchisee acknowledges that by this ordinance it obtains no rights to use or further use of the public ways other than those expressly granted in this ordinance. Franchisee acknowledges and accepts at its own risk, provided that city has the legal authority for the use or uses in question, that city may make use in the future of the public

ways in which the solid waste collection service is located in a manner inconsistent with franchisee's use of such public ways for the solid waste collection service, and in that event franchisee shall not be entitled to compensation from city unless compensation is available to all users of the public ways which are affected in a similar manner and are similarly situated in relevant respects with the franchisee.

(e) Emergencies. City may temporarily suspend the operation of the solid waste collection service of franchisee in the event of a public emergency or calamity as determined by city. In such event, neither city nor any agent, contractor, or employee of city shall be liable to franchisee or its customers or third parties for any damages caused them or the solid waste collection system. Where reasonably possible, prior notice shall be given to franchisee. In any event, notice of such action shall be given to franchisee after such action is taken.

(g) Compliance with law and standards of operation. Franchisee shall be subject to and comply with all applicable local, state, and federal laws, including the rules and regulations of any and all agencies thereof, whether presently in force or whether enacted or adopted at any time in the future.

(h) Other approvals and authorizations. This ordinance does not relieve and franchisee shall comply with any obligation to obtain permits, licenses and other approvals from city or other units of government, which are required for the operation and maintenance of the solid waste collection service.

(i) City's right of eminent domain reserved. Nothing in this ordinance shall limit any right city may have to acquire by eminent domain any property of franchisee.

(j) Taxes, fees and other assessments. Nothing in this ordinance shall be construed to limit the authority of city to impose a tax, fee, or other assessment of any kind on any person.

Franchisee shall pay all fees necessary to obtain and maintain all applicable federal, state, and local licenses, permits, and authorizations required for the construction, installation, upgrading, maintenance, or operation of its solid waste collection service.

(k) Disputes among public ways users. Franchisee shall respect the rights and property of city and other authorized users of the public ways. Disputes between franchisee and other similar franchisees over use of public ways shall be submitted to the director for resolution; provided, however, that franchisee reserves its rights to submit such disputes directly to a court of competent jurisdiction.

SECTION 4. Service requirements.

(a) It is expressly understood and agreed that franchisee has the non-exclusive right, to the extent permitted by this ordinance, to collect and transport solid waste within the authorized area where the individuals or companies contract with franchisee for those services, excluding residential service (other than apartment complexes and motels). Notwithstanding the exclusion for residential service, city reserves the right during the term of this franchise ordinance to collect and transport solid waste and other materials from any source whatsoever, including but not limited to apartment complexes, motels, and any commercial venue without any amendment or modification of this franchise ordinance. Franchisee shall, at its own expense, furnish personnel and equipment to collect and transport, solid waste and shall establish and maintain the contracted solid waste collection service in an efficient and businesslike manner.

(b) All vehicles used by franchisee for the collection and transportation of solid waste shall display a decal issued by the director in or upon a conspicuous place on the vehicle, in accordance with the applicable requirements of the city code. All vehicles shall be covered at all

times while loaded and in transit to prevent the spillage of solid waste onto the public ways or properties adjacent to the public ways. Any spillage will be promptly recovered by franchisee. All vehicles and containers owned by franchisee shall be clearly marked with franchisee's name in letters not less than four inches in height. All vehicles shall be cleaned and maintained by franchisee so as to be in good repair, of good appearance and, when idle, free of solid waste residue as may cause odor, provide a breeding place for vectors, or otherwise create a nuisance. In addition, franchisee shall comply with the requirements for solid waste collection vehicles and containers contained in Sections 18-45 and 18-50 (b) of the Dallas City Code.

(c) Franchisee expressly agrees to assume liability and responsibility for all costs of repair to the public ways and other facilities that are damaged as a result of the negligence of franchisee, its officers, agents, or employees, during franchisee's operations pursuant to this ordinance.

(d) Franchisee will comply with all rules, regulations, laws and ordinances pertaining to the disposal of solid waste as directed by the city or by other responsible governmental agencies having jurisdiction. must be made at an approved solid waste disposal, collection, or processing facility, transfer station or landfill, pursuant to Chapter 18 of the city code, as amended. Disposal of all solid waste collected by franchisee from premises within the authorized area must be made at an approved solid waste disposal, collection, or processing facility, transfer station or landfill in accordance with the Dallas City Code.

SECTION 5. Indemnity and insurance.

(a) **INDEMNIFICATION OF CITY.** FRANCHISEE SHALL, AT ITS SOLE COST AND EXPENSE, DEFEND, INDEMNIFY, AND HOLD HARMLESS CITY AND ITS OFFICERS, BOARDS, COMMISSIONS, EMPLOYEES, AGENTS, ATTORNEYS, AND CONTRACTORS (HEREINAFTER REFERRED TO AS “INDEMNITEES”), FROM AND AGAINST:

(1) ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, COSTS, AND EXPENSES FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE, OR OTHER HARM FOR WHICH RECOVERY OF DAMAGES IS SOUGHT, SUFFERED BY ANY PERSON OR PERSONS, THAT MAY ARISE OUT OF OR BE OCCASIONED BY FRANCHISEE'S BREACH OF ANY OF THE TERMS OR PROVISIONS OF THIS FRANCHISE, OR BY ANY NEGLIGENT OR STRICTLY LIABLE ACT OR OMISSION OF FRANCHISEE, ITS OFFICERS, AGENTS, EMPLOYEES, CONTRACTORS, OR SUBCONTRACTORS, IN THE OPERATION OR MAINTENANCE OF THE SOLID WASTE COLLECTION SERVICE, OR IN THE DISPOSAL, HANDLING, OR TRANSFER OF ANY SOLID WASTE COLLECTED THROUGH THE SOLID WASTE COLLECTION SERVICE; FRANCHISEE'S OBLIGATION TO DEFEND AND INDEMNIFY INDEMNITEES UNDER THIS SUBPARAGRAPH SHALL EXTEND TO CLAIMS, LOSSES, AND OTHER MATTERS COVERED UNDER THIS SUBPARAGRAPH THAT ARE CONTRIBUTED TO BY THE NEGLIGENCE OF ONE OR MORE INDEMNITEES, PROVIDED, HOWEVER, THAT INDEMNITY WILL BE REDUCED BY THE PROPORTIONATE AMOUNT THROUGH WHICH THE INDEMNITEE CONTRIBUTED TO THE LIABILITY, AS

**PROVIDED UNDER TEXAS LAW, WITHOUT WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO CITY UNDER TEXAS LAW AND WITHOUT WAIVING ANY DEFENSES OF EITHER FRANCHISEE OR CITY UNDER TEXAS LAW; THE ABOVE INDEMNIFICATION SHALL NOT, HOWEVER, APPLY TO ANY JUDGMENT OF LIABILITY RESULTING FROM THE SOLE NEGLIGENCE OR WILLFUL MISCONDUCT OF CITY; AND**

**(2) ANY AND ALL LIABILITY, OBLIGATION, DAMAGES, FINES, PENALTIES, CLAIMS, SUITS, JUDGMENTS, ACTIONS, LIENS, AND LOSSES, WHICH MAY BE IMPOSED UPON OR ASSERTED AGAINST THE INDEMNITEES BECAUSE OF ANY VIOLATION OF ANY STATE OR FEDERAL LAW OR REGULATION GOVERNING THE SOLID WASTE COLLECTION SERVICE OR RELATED TO THE COLLECTION, DISPOSAL, TRANSFER, OR HANDLING BY FRANCHISEE, ITS OFFICERS, EMPLOYEES, AGENTS, OR SUBCONTRACTORS, OF SOLID WASTE COLLECTED THROUGH THE SOLID WASTE COLLECTION SERVICE REGARDLESS OF WHETHER OR NOT THE NEGLIGENCE, FAULT, OR OTHER WRONGFUL CONDUCT OF THE INDEMNITEES CONTRIBUTED TO ANY VIOLATION; AND FRANCHISEE SHALL PAY ALL JUDGMENTS, WITH COSTS, ATTORNEY'S FEES, AND EXPENSES AWARDED IN SUCH JUDGMENT WHICH MAY BE OBTAINED AGAINST CITY RELATED TO ANY SUCH CLAIM. UPON THE WRITTEN REQUEST OF CITY, FRANCHISEE SHALL IMMEDIATELY, AT ITS SOLE COST AND EXPENSE, CAUSE ANY LIEN COVERING CITY'S PROPERTY AS DESCRIBED IN THIS SUBPARAGRAPH TO BE DISCHARGED OR BONDED.**

**(3) THIS SUBSECTION SHALL NOT BE CONSTRUED TO WAIVE ANY GOVERNMENTAL IMMUNITY FROM SUIT OR LIABILITY AVAILABLE TO CITY UNDER TEXAS OR FEDERAL LAW. THE PROVISIONS OF THIS SUBSECTION ARE SOLELY FOR THE BENEFIT OF CITY AND FRANCHISEE AND ARE NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY.**

(b) Franchisee's assumption of risk. Franchisee undertakes and assumes for its officers, employees, agents, contractors, and subcontractors (collectively "Franchisee" for the purpose of this subsection), all risk of dangerous conditions, if any, on or about any city-owned or controlled property, including the public ways, **AND FRANCHISEE HEREBY AGREES TO INDEMNIFY AND HOLD HARMLESS THE INDEMNITEES AGAINST AND FROM ANY CLAIM ASSERTED OR LIABILITY IMPOSED UPON THE INDEMNITEES FOR PERSONAL INJURY OR PROPERTY DAMAGE TO ANY PERSON (OTHER THAN FROM AN INDEMNITEE'S NEGLIGENCE OR WILLFUL MISCONDUCT) ARISING OUT OF FRANCHISEE'S OPERATION, MAINTENANCE, OR CONDITION OF THE SOLID WASTE COLLECTION SERVICE OR FRANCHISEE'S FAILURE TO COMPLY WITH ANY FEDERAL, STATE OR LOCAL STATUTE, ORDINANCE OR REGULATION.**

(c) Defense of city. In the event any action or proceeding shall be brought against the indemnitees by reason of any matter for which the indemnitees are indemnified hereunder, franchisee shall, upon notice from any of the indemnitees, at franchisee's sole cost and expense, (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses, and consultants, and the associated costs of document production), resist and defend the same with

legal counsel selected by franchisee and consented to by city, such consent not to be unreasonably withheld; provided, however, that franchisee shall not admit liability in any such matter on behalf of the indemnitees without city's written consent and provided further that the indemnitees shall not admit liability for, nor enter into any compromise or settlement of, any claim for which they are indemnified hereunder, without the prior written consent of franchisee and execution of any settlement agreement on behalf of the city by the city attorney, and further provided that for the search, review, and production of documents, the city attorney may elect to handle some or all of the process in-house at the expense of the franchisee.

(d) Expenses. The indemnitees shall give franchisee prompt notice of the making of any claim or the commencement of any action, suit or other proceeding covered by the provisions of this Section 5. Nothing herein shall be deemed to prevent the indemnitees from participating in the defense of any litigation by their own counsel at their own expense. Franchisee shall pay all expenses incurred by the indemnitees in participating in the defense, provided that the participation has been requested or required by franchisee in conducting the defense. These expenses may include out-of-pocket expenses reasonably and necessarily incurred, such as attorney fees and the reasonable value of any services rendered by city's counsel and the actual expenses of the indemnitees' agents, employees or expert witnesses, and disbursements and liabilities assumed by the indemnitees in connection with such suits, actions or proceedings but shall not include attorney's fees for services that are unnecessarily duplicative of services provided the Indemnitees by franchisee.

(e) Insurance required. Not later than the effective date of this ordinance, franchisee shall procure, pay for, and maintain insurance coverage in at least the minimum amounts and coverages described in Exhibit A, attached to and made a part of this ordinance. The insurance

shall be written by companies approved by the State of Texas and acceptable to city. The insurance shall be evidenced by the delivery to city of policies of insurance, including all endorsements executed by the insurer or its authorized agent stating coverages, limits, exclusions, deductibles, and expiration dates, which demonstrate compliance with all applicable provisions of the insurance laws and rules in the State of Texas. **THIS ORDINANCE SHALL NOT TAKE EFFECT UNTIL THE INSURANCE POLICY HAS BEEN DELIVERED TO CITY AND NO OFFICER OR EMPLOYEE SHALL HAVE AUTHORITY TO WAIVE THIS REQUIREMENT.** If satisfactory evidence of the required insurance is not submitted within 30 days after the date the council approves this ordinance, then this ordinance shall be considered null and void and shall have no force or effect.

(f) Changes in insurance coverage. Franchisee shall provide the city with true and complete copies of all changes to insurance policies, including any cancellation, coverage change, or termination notice, or any replacement insurance, before these changes become effective. Certificates of insurance reflecting the annual renewal, replacement insurance or coverage changes must be submitted when such policies become effective to provide evidence of continuing insurance coverage. Although certificates are routinely accepted as substitutes for copies of insurance policies, the city shall have the right to access and copy any such policy of insurance. The director may prevent franchisee from operating a solid waste collection service under this franchise until satisfactory evidence of insurance coverage required under this section is presented to the director.

(g) Adjustments to insurance requirements. City reserves the right to review the insurance requirements stated in Exhibit A during the effective period of this ordinance and to recommend to the council reasonable adjustments in the insurance requirements contained in the

city code prior to the anniversary renewal of the insurance when deemed necessary and prudent by city's Office of Risk Management. Any adjustments shall be mutually agreeable to city and franchisee, and based upon changes in statutory law, court decisions, or the claims history of the industry as well as franchisee. When any insurance coverage limit changes are agreed, franchisee shall pay any resulting increase in cost due to the changes.

(g) Liability of franchisee. Approval, disapproval, or failure to act by city regarding any insurance supplied or not supplied by franchisee shall not relieve franchisee of full responsibility or liability for damages and accidents as set forth in this ordinance. The bankruptcy, insolvency, or denial of liability by any insurer of franchisee shall not exonerate franchisee from the liability obligations of franchisee provided for under this ordinance.

#### SECTION 6. Fees, payments and compensation.

(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to four percent of franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "franchise fee").

(b) Payment procedures. Franchisee shall pay the franchise fee to city each month during the term of this ordinance. The monthly payment required by this ordinance shall be due and payable by certified check, electronic funds transfer, or other means that provide immediately available funds on the day the payment is due not later than 3:00 p.m. of the thirtieth (30th) calendar day following the end of each calendar month. If the thirtieth (30th)

calendar day following the end of a calendar month falls on a Saturday, Sunday, or official city holiday, then the payment is due on the business day prior to the due date, and in the month of February, the payment is due on February 28th. Subject to applicable law, the compensation set forth in this Section 6 shall be exclusive of and in addition to all special assessments and taxes of whatever nature, including, but not limited to, ad valorem taxes. In the event any monthly payment or partial payment is received by the city later than 10 days after the due date, franchisee shall pay interest on the past due amount at the rate prescribed in Section 2-1.1 of the Dallas City Code. Payment shall be accompanied by a monthly report certified by an officer of franchisee showing the total gross receipts of the preceding calendar month. The monthly report shall also include a detailed breakdown of gross receipts and the computation of the payment amount.

(c) Annual report. Franchisee shall file with city by February 1 of each calendar year an annual report showing the total gross receipts of the preceding calendar year along with the information required under Section 18-41 of the Dallas City Code. Such annual report shall include a detailed breakdown of gross receipts and the computation of the payment amount.

(d) City audit. City may audit franchisee (or any affiliate of franchisee who has information directly pertaining to gross receipts) as often as is reasonably necessary to verify the accuracy of the franchise fees paid to city. All books, records, accounts, or other documents in paper or electronic form, necessary for the audit shall be made available by franchisee at a single location in the Dallas-Fort Worth metropolitan area. Any net undisputed amount due to city, plus interest at the rate prescribed in Section 2-1.1 of the Dallas City Code, c, calculated from the date each portion of the underpayment was originally due until the date franchisee remits the underpayment to the city, shall be paid by franchisee within 45 days after city's submitting an

invoice for the underpayment to franchisee with reasonable detail supporting the amount claimed. If the amount of the underpayment exceeds five percent of the total franchise fee owed for the audit period, franchisee shall pay city's audit costs as well. City's right to audit and franchisee's obligation to retain records related to the franchise fee shall be limited to the previous two calendar years preceding the date that written notice of intent to audit is served.

SECTION 7. Term; performance evaluation.

(a) Term and extensions. The term of this ordinance shall be five (5) years from the effective date of this ordinance.

(b) Franchisee rights upon termination. Subject to applicable law, this ordinance and all rights, permissions, and privileges of franchisee under this ordinance shall automatically terminate on the expiration of the term of this ordinance, unless extended by mutual agreement, court order, or applicable law.

(c) Performance evaluation. In order to: (i) assure that franchisee is complying with the terms of this ordinance, as it may be from time to time amended, and (ii) promote a sharing of information between city and franchisee, city may schedule a performance evaluation no more often than every five years during the term of this ordinance, subject to Subsection (d) of this section, in accordance with the following process:

(1) At least 90 days prior to each performance evaluation, city shall notify franchisee of the date, time and location of the evaluation. Such notice shall include specification of any additional information to be provided by franchisee pursuant to Subsection (c)(2)(D) below. Unless specifically waived by the council, attendance of franchisee's duly authorized representative at these meetings is mandatory.

(2) Within 60 days from receipt of notification, franchisee shall file a report with city that is sworn to by a representative of franchisee knowledgeable of the operations of franchisee within the authorized area, in reasonable detail, specifically addressing, at a minimum, the following areas:

(A) compliance of franchisee's vehicles with solid waste and air quality requirements;

(B) customer service, including but not limited to a listing of customer complaints and their resolution;

(C) history in regard to prompt and accurate payment of franchise fees;

(D) any other topic deemed material or relevant by city for its enforcement of this ordinance.

(3) All reports to be prepared under this subsection and submitted by franchisee shall be based upon information for at least the most recent five-year period, inclusive of the most current quarter available. No report under this subsection shall be based upon data that ends more than six months before the time of the performance evaluation.

(4) Following receipt of the report, but not less than 30 days prior to the performance evaluation, city may request additional information, clarification or detailed documentation concerning those topics identified for inclusion in the performance evaluation. Franchisee shall make reasonable effort to provide such additional information to city prior to the meeting. In the event that the information cannot be made available prior to the performance evaluation, franchisee shall notify city in writing explaining the reasons for any delay. The city may authorize a delay of the performance evaluation for a reasonable time to allow franchisee to submit the additional documentation.

(5) The council shall hear any interested persons during such performance evaluation. Franchisee shall be entitled to all the rights of due process consistent with city proceedings, including but not limited to, the right to be heard, the right to present evidence, and the right to ask questions of witnesses.

(6) Upon request of city, franchisee shall assist city in notifying customers of the evaluation session. The actual costs associated with the notification, in an amount not to exceed \$1,000.00, shall be borne by franchisee.

(d) Additional performance evaluations. Notwithstanding Subsection (c), the council may initiate and conduct such additional performance evaluations regarding franchisee's performance under this ordinance as the council, in its sole discretion, may deem justified or necessary under the circumstances. Franchisee shall be given reasonable notice of the date, time, and location of any such additional performance evaluations.

#### SECTION 8. Transfers of ownership and control.

(a) Franchisee ownership, management and operation.

(1) Only franchisee and its affiliates, if any, shall operate, manage, and maintain the solid waste collection service. As provided in Chapter XIV, Section 2(5) of the Dallas City Charter, no franchise, nor the assets held by the franchise holder, may be sold, assigned, transferred, or conveyed to any other person, firm, corporation, or other business entity without the consent of the city first had and obtained by ordinance or resolution, unless otherwise specifically provided in this franchise ordinance. If the purchaser is the holder of a like franchise, the franchise purchased shall be canceled and merged into the franchise held by the purchaser upon terms and conditions as may be set out by the city council when permission for merger is granted. Franchisee shall not directly or indirectly transfer or assign, in whole or in part, the

operation, management, ownership, or maintenance of the solid waste collection service without the prior written consent of the council as provided in Subsections 8(b) and 8(c) below.

(2) This section shall not apply to franchisee's employment contracts and other personnel decisions, nor shall it prohibit franchisee from contracting for or subcontracting, in whole or in part, any operational, management or maintenance functions in connection with the solid waste collection service, so long as franchisee does not relinquish its decision making authority over, or its responsibilities under, this ordinance for any particular function; nor shall it prohibit franchisee from complying with this ordinance or other requirements of federal, state, or local laws and regulations.

(3) Franchisee shall provide the director written notice, within five calendar days after its occurrence, of any change in the corporate or business structure, change in the chief executive or the top executive structure, change in the board of directors, or other change in the corporate or business method of governance of franchisee, regardless of whether or not it results in a transfer or assignment of the franchise or a transfer of control or ownership of franchisee.

(b) Transfer and assignment procedures. This ordinance or the solid waste collection service shall not be transferred or assigned, by operation of law or otherwise, nor shall title to franchisee's rights and obligations under this ordinance or to the solid waste collection service pass to or vest in any person, other than for mortgaging or financing of solid waste collection operations or to an affiliate of franchisee under the conditions described below, without the prior written consent of the council. This ordinance shall not be leased or subleased without the prior written consent of the council. The procedures related to transfer or assignment are as follows:

(1) The council's written consent shall not be required for a transfer solely for security purposes (such as the grant of a mortgage or security interest), but shall be required for

any realization on the security by the recipient, such as a foreclosure on a mortgage or security interest. The director shall be advised in writing of a transfer solely for security purposes at least 60 days before such transfer occurs.

(2) Franchisee may, without additional approval by the council, transfer or assign this ordinance to an affiliate provided that the affiliate: (i) assumes all of franchisee's obligations and liabilities under this ordinance occurring both before and after the transfer or assignment; (ii) agrees to comply with all provisions of this ordinance; and (iii) has the legal, technical and financial ability to properly perform and discharge such obligations and liabilities, which abilities are each at least as great as those of franchisee. The director shall be advised in writing of such transfer and of the affiliate's qualifications at least 60 days before such transfer occurs. The city shall be reimbursed any reasonable, documented costs it incurs in connection with such transfer, including the expenses of any investigation or litigation respecting a proposed or consummated transfer, up to a maximum of \$10,000.00.

(c) Transfer of control. There shall be no transfer of or acquisition of control of franchisee without the prior written consent of the council.

(d) Schedule of ownership. Franchisee represents and warrants that its current ownership is as set forth on Exhibit C, attached to and made a part of this ordinance, and that it has full legal and equitable title to the solid waste collection service as of the effective date of this ordinance.

(e) Applications for consent/procedure/restrictions. If franchisee seeks to obtain the consent of the council to any transactions or matters described in this section, franchisee shall submit an application for such consent to the city and shall submit or cause to be submitted to the city such additional documents and information as the director may request that are reasonably

related to the transaction, including the purchase price of the solid waste collection service, and the legal, financial, and technical qualifications of the proposed transferee or new controlling entity.

(1) The council shall have 120 days from the date of submission of a complete and accurate application to act upon the application for consent. If the council fails to act upon such application for consent within 120 days, such application shall be deemed as consented to unless city and franchisee otherwise agree to an extension of time.

(2) The council shall not unreasonably withhold its consent to any proposed transaction. The council may: (i) grant its consent outright, (ii) grant such consent with conditions, which conditions it finds are necessary to ensure performance of franchisee or its successor under this Ordinance, or (iii) deny consent.

(3) Nothing in any approval by the city under this section shall be construed to waive or release any rights of city in and to the public ways, public places of city or property owned by city.

(4) Nothing in any approval by city under this section shall be construed as a waiver or release of any of city's police powers, or as an exercise of eminent domain.

(5) City's granting of consent in any one instance shall not require it to grant consent in other instances.

(6) Franchisee shall reimburse city for the incidental costs incurred by city in considering any request of franchisee under this section. Such reimbursement shall not exceed \$10,000.00, shall be supported by invoices, and shall not include any costs or expenses incurred by city in defending any denial of the request; provided, however, that city does not waive its

right to request that its attorney's fees and other costs be reimbursed by court order in any litigation related to denial of a request under this section.

(f) City approval requirements. Before any transfer, assignment, sale, foreclosure, or other change of control described under this section becomes effective and before the council shall consider giving its consent, the proposed transferee, assignee, purchaser, buyer, foreclosing party, or other person or entity seeking to obtain the rights and obligations under this ordinance through a change of control shall provide the director: (i) an agreement and acceptance in writing to comply with all terms of this ordinance, as amended; (ii) all evidence of insurance required under this ordinance, as amended; (iii) the legal name and address of the transferee, and all persons sharing control of the transferee, with a full description of their experience in the solid waste disposal industry, as well as the name and address of the person to be contacted for notices; (iv) payment of outstanding franchise fees and any other fees, taxes, and payments, including fees, interest, and penalties, due from franchisee to the city; and (iv) evidence satisfactory to the director that transferee has the legal, technical, and financial ability to properly perform and discharge all obligations and liabilities of this ordinance.

(g) Transfer of control requirements. In the event of a transfer of control, before such transfer becomes effective and before the council shall consider giving its consent, the proposed transferee shall agree in writing to not take any action that will keep franchisee from complying with this ordinance.

#### SECTION 9. Defaults.

(a) Events of default. The occurrence of any one or more of the following events at any time during the term of this ordinance shall constitute an event of default by franchisee under this ordinance:

(1) The failure or refusal by franchisee to pay the franchise fee when due as prescribed by this ordinance, or any failure to perform on any agreed or court-mandated extension or modification of such payment obligation.

(2) Franchisee's material violation of or failure to comply with any provision or condition of Article IV of Chapter 18 of the Dallas City Code relating to solid waste collection service franchisees or any other applicable provision or condition of the city code.

(3) Franchisee's material violation of or failure to comply with any of the other terms, covenants, representations, or warranties contained in this ordinance, or franchisee's failure or refusal to perform any obligation contained in this ordinance.

(4) Franchisee's failure or refusal to pay or cause to be paid any of city's governmentally-imposed taxes of any kind whatsoever, including but not limited to real estate taxes, sales taxes, and personal property taxes on or before the due date for same; provided, however, franchisee shall not be in default under this subsection with respect to the non-payment of taxes which are being disputed in good faith in accordance with applicable law.

(5) The entry of any judgment against franchisee in which another party becomes entitled to possession of substantially all of franchisee's assets of the solid waste collection service, for which change in possession the consent of the council has not been obtained, and such judgment is not stayed pending rehearing or appeal for 45 or more days following entry of the judgment.

(6) The dissolution or termination, as a matter of law, of franchisee without the prior consent or approval of city, which approval, if formally requested, shall not unreasonably be withheld.

(7) Franchisee's filing of a voluntary petition in bankruptcy; being adjudicated insolvent; obtaining an order for relief under Section 301 of the Bankruptcy Code (11 U.S.C. §301); filing any petition or failing to contest any petition filed against it seeking any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief for itself under any laws relating to bankruptcy, insolvency or other relief for debtors; seeking or consenting to or acquiescing in the appointment of any bankruptcy trustee, receiver, master, custodian or liquidator of franchisee, or any of franchisee's property or this ordinance or of any and all of the revenues, issues, earnings, profits or income thereof; making an assignment for the benefit of creditors (except secured creditors); or failing to pay franchisee's debts as they become due such that franchisee is unable to meet its obligations under this ordinance.

(8) Franchisee attempts to dispose of any of the facilities or property of its solid waste collection service with the intent of preventing city from purchasing it as provided for in this ordinance.

(9) Franchisee engages in any fraudulent or deceitful conduct with city or its customers.

(10) Franchisee knowingly or intentionally makes a false statement or a misrepresentation as to a material matter in the application for or in the negotiation of this ordinance, or in connection with any report of gross income as required by this ordinance.

(11) Any director, officer, employee, or agent of franchisee is convicted of the offense of bribery or fraud connected with or resulting from the granting, term extension, or renewal of this ordinance.

(12) Franchisee's failure or refusal to comply with or a violation of any applicable local, state, or federal law or regulation.

(b) Default procedures. Upon the occurrence of an event of default which can be cured by the immediate payment of money to city or a third party, franchisee shall have 30 days from written notice of the occurrence of the event of default from the director to cure the default before city may exercise any of the default remedies provided for in Section 10. Upon the occurrence of an event of default by franchisee which cannot be cured by the immediate payment of money to city or a third party, franchisee shall have 60 days from the date of written notice from city to franchisee of the occurrence of the event of default to cure the event of default before city may exercise any of its rights or remedies provided for in Section 10, unless the director, the city manager, or the council authorizes a longer cure period upon a showing of good cause to extend the cure period. If an event of default is not cured within the time period allowed for curing the event of default, as provided above, the event of default becomes, without additional notice, an uncured event of default, which shall entitle city to exercise the remedies provided for in Section 10.

SECTION 10. Remedies.

(a) Default remedies. Upon the occurrence of any uncured event of default as described in Section 9, the director shall report the occurrence of same to the city manager and the council. The council shall be entitled in its sole discretion and upon recommendation of the director and the city manager to exercise any or all of the following cumulative remedies:

- (1) Exercise its rights to impose liquidated damages as described in Subsection (e).
- (2) Authorize the city attorney to commence an action against franchisee at law or in equity, or both, including an action for monetary damages and specific performance.
- (3) Suspend the franchise granted under this ordinance.
- (4) Revoke the franchise granted under this ordinance.

(b) Suspension procedure. Upon the occurrence of an uncured event of default, the director may suspend the operation of the solid waste collection service doing business under this ordinance. If the director determines that suspension of the franchise is necessary to cure an event of default, the director shall comply with the procedures established in Section 18-37 of the Dallas City Code.

(c) Revocation procedure. Upon the occurrence of an uncured event of default, the council shall have the right to revoke this ordinance. Upon revocation, the rights, permissions, and privileges comprising the franchise granted under this ordinance shall be automatically deemed null and void and shall have no further force or effect and the provisions that are contractual in nature which are also included as a part of this ordinance are hereby automatically terminated, except that franchisee shall retain the obligation to report gross income and make franchisee fee payments covering the period prior to the effective date of the revocation. Upon revocation, city shall retain any portion of the franchise fee and other fees or payments paid to it, or which are due and payable to it, to the date of the revocation. Notwithstanding the above, prior to any council hearing to formally consider revocation of the franchise granted under this ordinance, the director shall notify franchisee in writing at least 10 days in advance of the council hearing at which the issue of revocation shall be considered and decided. Franchisee shall have the right to appear before the council in person or by legal counsel and raise any objections or defenses franchisee may have that are relevant to the proposed revocation. In addition, the following procedures shall apply in regard to the revocation hearing:

(1) The council shall hear and consider the issue of revocation, shall hear any person interested in the issue, and shall determine, in its sole discretion, whether or not any violation by franchisee has occurred justifying a revocation of the franchise.

(2) At such hearing, franchisee shall be provided due process, including the right to be heard, to ask questions of witnesses, and to present evidence.

(3) Upon completion of the hearing described above, the council shall render a decision. Within a reasonable time, the director shall transmit a copy of the decision to franchisee. Franchisee shall be bound by the council's decision, unless it appeals the decision to a court of competent jurisdiction within 15 days after the date of the decision. Franchisee reserves the right to challenge both the decision itself and the fairness of the process followed by the city in the proceeding.

(4) The council reserves the right, in its sole discretion, to impose liquidated damages or to pursue other remedies as provided in this Section 10 in lieu of a revocation.

(d) Letter of credit. As security for the faithful performance by franchisee of the provisions of this ordinance and compliance with all orders, permits, and directions of city and the payment of all claims, liens, fees, liquidated damages, and taxes to city, franchisee shall deposit with city, no later than the effective date of this ordinance, an unconditional and irrevocable letter of credit in a penal amount equal to one month's franchise fee payment. The initial value of the letter of credit shall be established on the basis of the monthly franchise fee that would have been paid on the previous calendar year's monthly average gross receipts on a cash basis from any source derived at any location regardless of whether those receipts were earned entirely within the authorized area. The letter of credit shall be updated annually in January of each calendar year during the term of this ordinance. The value of the annually updated letter of credit will be equal to the average monthly franchise fee payment submitted by franchisee as required in this ordinance during the previous calendar year. The letter of credit must be issued by a federally-chartered or state-chartered financial institution with a principal

office or branch located in Dallas County and otherwise acceptable to the council, on terms acceptable to the council and approved by the city attorney. The letter of credit shall expressly provide that partial draws are permitted and that a draft thereon to the order of the city will be honored upon presentation to the issuing financial institution at a principal office or branch located within Dallas County of a letter of demand from city delivered in person or by courier delivery. The letter of demand must be signed by a person purporting to be the city's chief financial officer, city manager, or director. No supporting documents will be required and no other language, other than a demand to pay and a recitation of title, will be required as conditions for permitting the draw. Failure to timely deposit the letter of credit, or the failure to maintain the letter(s) of credit in the full amount required under this subsection and in effect during the entire term of this ordinance, or any renewal or extension of this ordinance, shall constitute a material breach of the terms of this ordinance.

(1) If franchisee fails to make timely payment to city or its designee of any amount due as a result of this ordinance or fails to make timely payment to city of any taxes due; or fails to repay city for damages and costs, including attorney's fees; or fails to comply with any provision of this ordinance which city reasonably determines can be remedied by an expenditure of monies, city may draw upon the letter of credit an amount sufficient to repay city with interest as set forth in this ordinance, if not otherwise specified by law..

(2) Within three days after a drawing upon the letter of credit, city shall send written notification of the amount, date, and purpose of the drawing to franchisee by certified mail, return receipt requested.

(3) If, at the time of a draw by city, the aggregate amount realized from the letter of credit is insufficient to provide the total payment toward which the draw is directed, the

balance of such payment, plus accrued interest, shall constitute an obligation of franchisee to city until paid. If the interest rate is not set forth in this ordinance or set by laws, then interest shall be the prime rate as established in the Wall Street Journal on the day before city sends notice to franchisee of its intent to draw the letter of credit.

(4) No later than 30 days after mailing of notification to franchisee of a draw pursuant to Subsection (d)(2) above, franchisee shall cause the letter of credit to be restored to the full amount required under this ordinance. Failure to timely restore the letter of credit shall constitute a material breach of the terms of this ordinance.

(5) The rights reserved to city with respect to this letter of credit are in addition to all other rights and remedies of city, whether reserved by this ordinance or authorized by law, and no action, proceeding or exercise of a right with respect to such letter of credit shall affect any other rights city may have.

(e) Liquidated damages. The parties agree that: (1) the harm or damage caused by any material breach of this franchise, other than the failure to pay franchise fees, is of a kind that is difficult or incapable of estimation; and (2) the amount of liquidated damages stipulated in the ordinance is a reasonable forecast of just compensation. Therefore, in addition to the other remedies provided for in this Section 10, liquidated damages in the amounts set forth below may be assessed by the council upon franchisee, following the notice and opportunity to cure procedures in Subsection (f) below, for failure or refusal to comply with any material term or condition of this ordinance or for any other uncured event of default. In the event the council determines that franchisee has committed, continued, or permitted a material failure or refusal of compliance or other uncured event of default that has not been cured as provided in this ordinance, franchisee shall pay \$2,000 per day for each day or part of a day that the material

failure or refusal or other uncured event of default is committed, continued, or permitted, unless the council at the time of imposition of the civil penalty determines that good cause justifies a lesser penalty, based upon the surrounding circumstances, frequency, number, and seriousness of the material violations or uncured events of default in question and the public interest served by imposing a lesser civil penalty.

(f) Liquidated damages procedure. Liquidated damages may be assessed by the council in accordance with the following procedure:

(1) Following notice from the director, which notice, at the director's election, may be combined with the notice described in Section (9)(b), franchisee shall meet with the director to attempt to resolve any disagreements on whether liquidated damages should be assessed or what liquidated damages should be recommended to the council. If there is no resolution of the issue within 15 days after the mailing of the notice, then the director shall present the director's recommendation regarding liquidated damages to the city manager for review and concurrence. If the city manager concurs in the director's recommendation that liquidated damages should be assessed, the matter shall be presented to the council. The director shall notify franchisee of the recommendation of the city manager to the council, the time and date of the proposed hearing concerning the issue of liquidated damages, and a statement that franchisee has a right to appear and be heard before the council on the matter. In order to appear before and be heard by the council, franchisee must comply with applicable council procedures which can be obtained from the city secretary.

(2) Upon presentation of the recommendations of the director and the city manager, the council may decide on one or more of the following courses of action:

(A) to authorize the city attorney to proceed against franchisee under Section 10(a)(2);

(B) to assess liquidated damages in the amount provided above for the applicable material violation or uncured event of default. Council may provide for a lesser amount and may suspend all or part of said assessment upon reasonable conditions for any reasonable period, up to the end of the franchise;

(C) to determine that liquidated damages are not justified under the circumstances and assess no damages; or

(D) to remand the matter to the city manager or the director for further investigation, consideration, and recommendation to the council.

(3) Assessment of liquidated damages by the council shall be a monetary obligation of franchisee to city in the amount determined by the council and shall be paid in full by franchisee within 15 business days after the date of assessment by the council.

(4) The procedures stated in this Subsection (f) do not apply to the council's determination to require the payment of money, in lieu of other available remedies, in a revocation proceeding under Subsection (b)(4).

(g) Remedies cumulative. Subject to applicable law, the rights and remedies of city set forth in this Section 10 shall be in addition to and not in limitation of, any other rights and remedies provided by law or in equity. If the council determines that a violation by franchisee was franchisee's fault and within its control, the council may pursue any or all of the remedies provided in Section 10. The remedies of city created under this ordinance shall be cumulative to the maximum extent permitted by law. The exercise by city of any one or more remedies under this ordinance shall not preclude the exercise by city, at the same or different times, of any other

remedies for the same material uncured event of default. Notwithstanding any provision of this ordinance, however, city shall not recover both liquidated damages and actual damages for the same violation, breach, non-compliance, or material uncured event of default.

(h) Curable violations. Franchisee shall not be found in violation of this ordinance or any other applicable law or regulation, and shall suffer no penalties or damages as a result, if the violation occurs without fault of franchisee or occurs as a result of circumstances beyond its control, and, if curable, is promptly cured. Franchisee shall not be excused by mere economic hardship nor by the negligence or malfeasance of its directors, officers or employees.

(i) City right to purchase. In the event city revokes the franchise granted under this ordinance for cause, terminates the franchise as provided in Subsection (j) below, or denies renewal of the franchise granted under this ordinance, city shall have the right (but not the obligation) subject to the applicable provisions of city charter, directly or as an intermediary, to purchase the assets of the solid waste collection system through its authority under, and procedures applicable to, eminent domain.

(j) Termination in the public interest. Nothing in this section shall be construed as affecting the right of the council under the city charter to terminate this ordinance without cause in the public interest when it is deemed inconsistent with the public use of city's public ways or is deemed to cause or constitute a nuisance.

#### SECTION 11. Providing Information.

(a) Complete and accurate books required. Franchisee shall keep complete and accurate books of account and records of its solid waste collection service business and operations under and in connection with this ordinance in accordance with generally accepted accounting principles and generally accepted government auditing standards.

(b) City review of documentation. City may fully review such of franchisee's books, accounts, documents, and other records of franchisee or franchisee's affiliates during normal business hours on a non-disruptive basis and with such advance notice as is reasonably necessary to monitor compliance with the terms of this ordinance. All books, accounts, documents, and other records shall be made available at a single location in the Dallas-Fort Worth metropolitan area. Books, accounts, documents, and other records that are kept on an electronic basis shall also be made available on the same basis as the paper books, accounts, documents, and other records; where possible, such items shall be made available in a CD-ROM disk or other similar platform in a format that is readable by city's computers. The reviewable items shall include, but shall not be limited to, records required to be kept by franchisee pursuant to law and the financial information underlying the written report accompanying the franchise fee. To the extent permitted by law, city agrees to treat any information disclosed by franchisee under this section as confidential, if and only to the extent that franchisee provides prior written notice that specific information is confidential as trade secrets or proprietary competitive information. Blanket or overly broad claims of confidentiality will be of no effect.

(c) Additional reports. Franchisee shall, when required by the council, the city manager, or the director, report to city any reasonably requested information relating to franchisee or the affiliates or necessary for the administration of this ordinance. The director shall have the right to establish formats for these additional reports, determine the time for these reports and the frequency with which these reports, if any, are to be made, and require that any reports be made under oath.

SECTION 12. General.

(a) Entire agreement. This ordinance (with all referenced exhibits, attachments, and provisions incorporated by reference) embodies the entire agreement and the rights, privileges, and permissions between city and franchisee, superseding all oral or written previous negotiations or agreements between city and franchisee relating to matters set forth in this ordinance. This ordinance can be amended by an ordinance enacted by the council. Such action by council does not require the hearing procedures for revocation set forth in Subsection 10(4)(b) of this ordinance, but only the posting of an agenda item and the opportunity for speakers to be heard on the item.

(b) Notices. Except as otherwise provided in Subsection 12(c) of this ordinance, any notice, payment, statement, or demand required or permitted to be given under this ordinance by either party to the other may be effected by any of the means described in Subsection 12(d) of this ordinance. 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 days after mailing.

If to City:

City Manager  
City of Dallas  
Dallas City Hall  
1500 Marilla – Room 4/F/North  
Dallas, Texas 75201

With a copy to:

Director  
Department of Sanitation Services  
3112 Canton Street  
Dallas, Texas 75226

If to Franchisee:

Brent Gardner  
Vice President  
Junk King, LLC  
13659 Jupiter Road, Suite 208  
Dallas, Texas 75238

Either city or franchisee may change its address or personnel for the receipt of notices at any time by giving notice of the change to the other party as provided in this Subsection 12(b) Any notice given by either city or franchisee must be signed by an authorized representative.

(c) Notice of claim. This ordinance is subject to the provisions of Section 2-86 of the Dallas City Code, relating to requirements for filing a notice of a breach of contract claim against city. Section 2-86 of the Dallas City Code is expressly incorporated by reference and made a part of this ordinance as if written word for word in this ordinance. Contractor shall comply with the requirements of Section 2-86 as a precondition of any claim against city relating to or arising out of this ordinance.

(d) Delivery of notices. Notices required to be given under this ordinance may be transmitted in any of the following four ways:

(1) By personal delivery, in which case they are deemed given when delivered.

(2) By delivery to Federal Express, United Parcel Service, or other nationally recognized overnight courier service, in which case they shall be deemed given when received for such service.

(3) By being deposited in the U.S. Mail, by registered or certified mail, return receipt requested, postage prepaid, in which case notice shall be deemed given three calendar days after having been deposited in the U.S. Mail.

(4) By facsimile or electronic mail transmission where the sender's transmittal log shows successful transmission to all the recipients (with any replacement transmission as a recipient shall request) and with a hard copy on the same date or the next day mailed to all by first class mail, postage prepaid, in which case notice shall be deemed given on the date of facsimile or electronic mail transmission.

(e) City/franchisee meetings. Franchisee shall meet with the director, the city manager or the council at reasonable times to discuss any aspect of this ordinance or the services or facilities of franchisee. At all meetings, franchisee shall make available personnel qualified for the issues to be discussed and such meetings shall be at city's offices unless otherwise agreed.

(f) Legal construction. This ordinance 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. Exclusive venue for any litigation that may be filed in connection with this ordinance shall be in Dallas County, Texas. This ordinance is not a contract for goods or services within the meaning of Texas Local Government Code §§271.151 *et seq.*

(g) No inducement. Franchisee, by accepting this ordinance, acknowledges that it has not been induced to accept this ordinance by any promise, oral or written, by or on behalf of city or by any third person regarding any term or condition not expressed in this ordinance. Franchisee further pledges that no promise or inducement, oral or written, has been made to any city employee or official regarding the grant, receipt or award of this ordinance.

(h) Franchisee acknowledgement. Franchisee further acknowledges by acceptance of this ordinance that it has carefully read the terms and conditions of this ordinance and accepts the obligations imposed by the terms and conditions herein.

(i) No waiver by city. No failure by city to insist upon the strict performance of any covenant, provision, term or condition of this ordinance, or to exercise any right, term or remedy upon a breach thereof shall constitute a waiver of any such breach of such covenant, agreement, term, or condition. No waiver of any breach shall affect or alter this ordinance, but each and every covenant, provision, term or condition of this ordinance shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

(j) Governmental licenses. Franchisee shall, at its expense, obtain and maintain all additional governmental regulatory licenses necessary to operate the solid waste collection service in accordance with this ordinance.

(k) Severability. If any section, paragraph, or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this ordinance.

(l) City retained powers. In addition to all rights provided in this ordinance, city reserves all rights and powers conferred by federal law, the Texas Constitution, Texas statutes and decisions, the City Charter, city code, and city ordinances which city is allowed to exercise.

(m) Material misinformation. The provision of information by franchisee or any of its affiliates to city in connection with any matters under this ordinance which contains an untrue statement of a material fact or omits a material fact necessary to make the information not misleading shall constitute a violation of this ordinance and shall be subject to the remedies provided in Section 10. Each day that franchisee or an affiliate fails to correct an untrue statement of a material fact or the omission of a material fact necessary to make the information not misleading shall constitute a separate violation of this ordinance.

(n) Hearing procedures. The following additional procedures shall apply to any hearing held in connection with any action taken by the council in connection with this ordinance:

(1) The council may conduct the hearing or, in its sole discretion, may by resolution appoint a committee or subcommittee of the council or a hearing officer to conduct the hearing and submit a proposal for decision to it, pursuant to procedures established by resolution.

(2) The hearing shall afford franchisee rudimentary due process. The council may by resolution establish other procedural matters in connection with the hearing.

(o) Acceptance. Upon adoption of this ordinance, franchisee agrees to be bound by all the terms and conditions contained herein, as evidenced by filing the original with the city secretary and a copy with the director, in writing, within 30 days after the date the council approves this ordinance, an unconditional acceptance of the ordinance and promise to comply with and abide by all its provisions, terms, and conditions. The form of unconditional acceptance and promise, attached to and made a part of this ordinance as Exhibit B, shall be sworn to, by, or on behalf of franchisee before a notary public. If within 30 days after the date the council approves the ordinance, franchisee fails to (1) submit and file the properly executed acceptance, (2) pay all taxes due, and (3) submit the letter of credit and required certificate of insurance, then this ordinance and the rights, permissions, and privileges granted under this ordinance shall be null and void and shall have no force or effect, unless franchisee evidences such failure was due to clerical error by someone other than franchisee or its affiliates and then acts promptly to remedy the third party's clerical error. The director may prevent franchisee from operating a solid waste collection service under this franchise or reapplying for a new franchise until the acceptance required by this subsection is filed as provided herein.

(p) Time is of the essence. Whenever this ordinance shall set forth any time for an act to be performed by or on behalf of franchisee, such time shall be deemed of the essence and any failure of franchisee to perform within time allotted shall always be sufficient grounds for city to invoke an appropriate remedy, including possible revocation of the ordinance.

(q) Force majeure. The time within which franchisee shall be required to perform any act under this ordinance shall be extended by a period of time equal to the number of days due to a force majeure. The term “force majeure” shall mean delays due to acts of God, inability to obtain governmental approvals, governmental restrictions, war, act of terrorism, civil disturbances, fire, unavoidable casualty, or other similar causes beyond the control of franchisee. Notwithstanding anything contained anywhere else in this ordinance, franchisee shall not be excused from performance of any of its obligations under this ordinance by the negligence or malfeasance of its directors, officers, or employees or by mere economic hardship.

(r) Recognition of rights. Franchisee agrees that by adopting this ordinance, neither city nor franchisee have waived any rights, claims, or defenses they may have with respect to city's rights to impose the requirements contained in this ordinance in whole or in part upon franchisee.

(s) Police powers.

(1) In accepting this ordinance, franchisee acknowledges that its rights under this ordinance are subject to the police power of city to adopt and enforce general ordinances necessary to the health, safety, and welfare of the public. Franchisee shall comply with all applicable general laws and ordinances enacted by city pursuant to such powers. Any conflict between the provisions of this ordinance and any other present or future lawful exercise of city's police powers shall be resolved in favor of the latter.

(2) Franchisee recognizes the right of city to make reasonable amendments to this ordinance; except that city shall not make amendments materially adversely affecting franchisee except under a proper exercise of city's police powers, with notice to franchisee and an opportunity to be heard in a regular public meeting of the council considering the ordinance or amendment. Franchisee acknowledges that this is the extent of its rights to a hearing respecting franchise ordinance amendments under the charter

(3) Franchisee also recognizes city's right to impose such other regulations of general applicability as shall be determined by city to be conducive to the safety, welfare, and accommodation of the public.

(t) No presumption of renewal. This ordinance and the grant contained herein do not imply, grant, or infer any renewal rights in favor of franchisee or its affiliates.

(u) Recognition of city charter. Franchisee recognizes, accepts and agrees that the terms, conditions and provisions of this ordinance are subject to the applicable provisions of Chapter XIV of the Dallas City Charter. Any request by franchisee for an amendment to this ordinance shall be subject to review by the city attorney for compliance with the applicable provisions of the city charter.

SECTION 13. Outstanding license fees. This ordinance shall not take effect until all fees still owed to city from the existing license previously issued to franchisee for solid waste collection, hauling, and disposal service under provisions of the city code applicable to solid waste collection, hauling, and disposal licenses are paid in full. If the previous license fees owed to city are not paid by franchisee within 30 days after the date the council approves this ordinance, then this ordinance shall be considered null and void and shall have no force or effect.

The director may prevent franchisee from operating a solid waste collection service under this franchise or reapplying for a new franchise until the previous license fees have been paid in full.

SECTION 14. Ordinance effective date. Subject to the provisions of Subsection 5(e), Subsection 12(o), and Section 13, this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas (the “effective date”), and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

BY \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

## **Exhibit A**

### **INSURANCE COVERAGE REQUIRED**

SECTION C. Subject to FRANCHISEE'S right to maintain reasonable deductibles, FRANCHISEE shall obtain and maintain in full force and effect for the duration of this contract and any extension hereof, at FRANCHISEE'S sole expense, insurance coverage in the following type(s) and amounts:

Business Automobile Liability Insurance covering owned, hired, and non-owned vehicles, with a minimum combined bodily injury (including death) and property damage limit of \$500,000 per occurrence.

#### **REQUIRED PROVISIONS**

FRANCHISEE agrees that with respect to the above required insurance, all insurance contracts and certificate(s) of insurance will contain and state, in writing, the following required provisions:

- a. Name the City of Dallas and its officers, employees and elected representatives as additional insureds to all applicable coverages.
- b. State that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to:
  - (i) Sanitation Services, Attention: Assistant Director, 3112 Canton, Suite 200, Dallas, Texas 75226 and
  - (ii) Director, Office of Risk Management, 1500 Marilla, 6A-South, Dallas, Texas 75201.
- c. Waive subrogation against the City of Dallas, its officers and employees, for bodily injury (including death), property damage or any other loss.
- d. Provide that the FRANCHISEE'S insurance is primary insurance as respects the CITY, its officers, employees and elected representatives.
- e. Provide that all provisions of this franchise concerning liability, duty and standard of care, together with the indemnification provision, shall be underwritten by contractual liability coverage sufficient to include such obligations within applicable policies.

#### **CITY NOT LIABLE**

Approval, disapproval or failure to act by the CITY regarding any insurance supplied by the FRANCHISEE or its subcontractors shall not relieve the FRANCHISEE of full responsibility or liability for damages and accidents as set forth in the franchise documents. Neither shall the bankruptcy, insolvency nor denial of liability by the insurance company exonerate the FRANCHISEE from liability.

**Exhibit B**

**Acceptance**

Junk King, LLC, a Texas limited liability company, unconditionally accepts and agrees to be bound by all the terms, covenants, and conditions contained in the Solid Waste Collection Service franchise ordinance, Ordinance No. \_\_\_\_\_, passed on January 25, 2017.

Dated: \_\_\_\_ day of \_\_\_\_\_, 2017.

FRANCHISEE:

JUNK KING, LLC  
a Texas limited liability company

By: \_\_\_\_\_  
Brent Ray Gardner, Vice President

State of Texas  
County of Dallas

This instrument was acknowledged before me on \_\_\_\_\_, 2017 by Brent Ray Gardner, Vice President of Junk King, LLC a Texas limited liability company, on behalf of said company.

( Seal)

\_\_\_\_\_  
Notary Public's Signature

**Exhibit C**  
**Affidavit of Ownership or Control**

ORDINANCE NO. \_\_\_\_\_

An ordinance granting a franchise to E W Wells Group, LLC, a Texas limited liability company, with its principal address at 1221 S. Lamar Street, Dallas, Texas 75215, pursuant to Chapter XIV of the Dallas City Charter and Chapter 18 of Article IV of the Dallas City Code, to own, operate and maintain a solid waste collection service within the City of Dallas; providing for its terms and conditions; providing for liquidated damages for failure to adhere to the terms and conditions in the franchise ordinance; providing for payment of a franchise fee; providing for the payment of the publication fee; providing for the filing of an acceptance by Franchisee; and providing an effective date.

WHEREAS, safe and responsible solid waste collection, transport, and processing is necessary for the protection of the public health and a compelling governmental interest;

WHEREAS, solid waste haulers often use heavy equipment that contributes substantially to damage and wear and tear of the public ways, necessitating expenditures of City of Dallas resources for the maintenance and repair of those public ways, for which the City of Dallas is entitled to reasonable compensation and reimbursement;

WHEREAS, the franchise and regulation of solid waste collection, transport, and processing is necessary and furthers a compelling public interest;

WHEREAS, the City of Dallas is authorized to grant one or more non-exclusive franchises for the provision of solid waste collection service to premises within the City of Dallas; and

WHEREAS, the city council of the City of Dallas is of the opinion that the granting of the franchise on the terms and conditions set forth in this ordinance is in the public interest and in the interest of the City of Dallas and its residents. Now, Therefore,

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

SECTION 1. Preamble. That the declarations contained in the preamble to this ordinance are material and are hereby repeated and incorporated herein as a part of this ordinance as though they were fully set forth in this Section 1.

SECTION 2. Definitions. That for the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given in this ordinance. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number; words in the singular number include the plural number; and the use of any gender shall be applicable to all genders whenever the tense requires. The word "shall" is mandatory and not merely directory. The word "may" is not mandatory and is merely permissive. Words defined elsewhere in this ordinance shall be accorded that meaning throughout this ordinance. Words not defined shall be given their common and ordinary meaning.

(a) AFFILIATE and AFFILIATED means any entity controlling, controlled by, or under common control with the franchisee.

(b) AUTHORIZED AREA means the entire area from time to time within the corporate limits of the City of Dallas.

(c) CITY means the City of Dallas, a municipal corporation, a political subdivision of the State of Texas.

(d) CITY CHARTER means the city's organic law, equivalent to a constitution, which defines the city's existence and prescribes the powers, duties, and organization of the city's governmental structure.

(e) CITY CODE means the ordinances of the city codified into the Dallas City Code, The Revised Code of Civil and Criminal Ordinances of the City of Dallas, Texas (1960 Edition, 1997 Printing), as amended from time to time.

(f) CITY MANAGER means the city manager or the city manager's designated assistant or representative.

(g) CONTROL (and its variants) means actual working control, by whatever means exercised. Without limiting the generality of the foregoing, for the purposes hereof, a change in control shall be deemed to have occurred at any point in time when there is: (i) a change in working or effective voting control, in whatever manner effectuated, of franchisee; (ii) an agreement of the holders of voting stock or rights of franchisee which effectively vests or assigns policy decision-making in any person or entity other than franchisee; or (iii) a sale, assignment or transfer of any shares or interest in franchisee which results in a change in the control of franchisee.

(h) COUNCIL means the governing body of city. This section does not authorize delegation of any decision or function that is required by the city charter or state law to be made by the council. In any case in which a hearing is held pursuant to this ordinance, the council may conduct the hearing or, in its sole discretion, may by resolution appoint a committee or subcommittee of the council or a hearing officer to conduct the hearing and submit a proposal for decision to it, pursuant to procedures established by resolution.

Unless otherwise stated in this ordinance or prohibited by the city charter or state law, the council may delegate to the city manager or the director the exercise of any and all of the powers conferred upon city by its charter or by general law relating to the administration and enforcement of this ordinance and to franchisee's exercise of the rights and privileges conferred in this ordinance.

(i) DIRECTOR means the director of the department of sanitation services, or the director's designated representative.

(j) FRANCHISE means the grant of the non-exclusive permission and privilege to use public ways under this ordinance, and all of the incidental rights and obligations as described by this ordinance.

(k) FRANCHISEE means E W Wells Group, LLC, a Texas limited liability company, the grantee of rights under this ordinance; or the successor, transferee, or assignee of this ordinance.

(l) PUBLIC WAYS means all dedicated rights-of-way, streets, highways, and alleys for use by the general public and easements dedicated for the benefit of all utilities. Public ways does not include property of city which is not a dedicated public way, street, highway, or alley or available for use by the general public or easements not dedicated for the benefit of all utilities.

(M) SOLID WASTE COLLECTION SERVICE means the term as defined in Section 18-29(5) of the Dallas City Code.

(n) THIS ORDINANCE means this document.

SECTION 3. Granting of franchise. That subject to all the terms and conditions contained in this ordinance, the Texas Constitution, the city charter, the city code, other city ordinances as from time to time may be in effect, and applicable federal law, city hereby grants

franchisee non-exclusive permission and privilege solely for the purpose of operating and maintaining a solid waste collection service in, over, along and across the public ways in the authorized area. This grant is subject to the following additional conditions:

(a) Franchisee purpose. Franchisee accepts the grant set forth above and agrees to operate and maintain the solid waste collection service in the authorized area in accordance with the terms and provisions of this ordinance.

(b) Other services. By granting this ordinance, city is not authorizing any non-solid waste collection service to be provided and does not waive and specifically retains any right to regulate and receive compensation as allowed by law for services offered by franchisee which are not solid waste collection services. Franchisee shall immediately notify city if it provides any non-solid waste collection services within the authorized area.

(c) No priority. This ordinance does not establish any priority for the use of the public ways by franchisee or by any present or future recipients of franchise agreements, franchisees, permit holders, or other users of the public ways. In the event of any dispute as to the priority of use of the public ways, the first priority shall be to the public generally, the second priority to city, the third priority to the State of Texas and its political subdivisions in the performance of their various functions, and thereafter, as between recipients of franchise agreements, franchisees and other state or local permit holders, as determined by the city manager in the exercise of the city's powers, including the police power and other powers reserved to and conferred on it by the State of Texas.

(d) City's use of public ways. Franchisee acknowledges that by this ordinance it obtains no rights to use or further use of the public ways other than those expressly granted in this ordinance. Franchisee acknowledges and accepts at its own risk, provided that city has the

legal authority for the use or uses in question, that city may make use in the future of the public ways in which the solid waste collection service is located in a manner inconsistent with franchisee's use of such public ways for the solid waste collection service, and in that event franchisee shall not be entitled to compensation from city unless compensation is available to all users of the public ways which are affected in a similar manner and are similarly situated in relevant respects with the franchisee.

(e) Emergencies. City may temporarily suspend the operation of the solid waste collection service of franchisee in the event of a public emergency or calamity as determined by city. In such event, neither city nor any agent, contractor, or employee of city shall be liable to franchisee or its customers or third parties for any damages caused them or the solid waste collection system. Where reasonably possible, prior notice shall be given to franchisee. In any event, notice of such action shall be given to franchisee after such action is taken.

(g) Compliance with law and standards of operation. Franchisee shall be subject to and comply with all applicable local, state, and federal laws, including the rules and regulations of any and all agencies thereof, whether presently in force or whether enacted or adopted at any time in the future.

(h) Other approvals and authorizations. This ordinance does not relieve and franchisee shall comply with any obligation to obtain permits, licenses and other approvals from city or other units of government, which are required for the operation and maintenance of the solid waste collection service.

(i) City's right of eminent domain reserved. Nothing in this ordinance shall limit any right city may have to acquire by eminent domain any property of franchisee.

(j) Taxes, fees and other assessments. Nothing in this ordinance shall be construed to limit the authority of city to impose a tax, fee, or other assessment of any kind on any person. Franchisee shall pay all fees necessary to obtain and maintain all applicable federal, state, and local licenses, permits, and authorizations required for the construction, installation, upgrading, maintenance, or operation of its solid waste collection service.

(k) Disputes among public ways users. Franchisee shall respect the rights and property of city and other authorized users of the public ways. Disputes between franchisee and other similar franchisees over use of public ways shall be submitted to the director for resolution; provided, however, that franchisee reserves its rights to submit such disputes directly to a court of competent jurisdiction.

#### SECTION 4. Service requirements.

(a) It is expressly understood and agreed that franchisee has the non-exclusive right, to the extent permitted by this ordinance, to collect and transport solid waste within the authorized area where the individuals or companies contract with franchisee for those services, excluding residential service (other than apartment complexes and motels). Notwithstanding the exclusion for residential service, city reserves the right during the term of this franchise ordinance to collect and transport solid waste and other materials from any source whatsoever, including but not limited to apartment complexes, motels, and any commercial venue without any amendment or modification of this franchise ordinance. Franchisee shall, at its own expense, furnish personnel and equipment to collect and transport, solid waste and shall establish and maintain the contracted solid waste collection service in an efficient and businesslike manner.

(b) All vehicles used by franchisee for the collection and transportation of solid waste shall display a decal issued by the director in or upon a conspicuous place on the vehicle, in accordance with the applicable requirements of the city code. All vehicles shall be covered at all times while loaded and in transit to prevent the spillage of solid waste onto the public ways or properties adjacent to the public ways. Any spillage will be promptly recovered by franchisee. All vehicles and containers owned by franchisee shall be clearly marked with franchisee's name in letters not less than four inches in height. All vehicles shall be cleaned and maintained by franchisee so as to be in good repair, of good appearance and, when idle, free of solid waste residue as may cause odor, provide a breeding place for vectors, or otherwise create a nuisance. In addition, franchisee shall comply with the requirements for solid waste collection vehicles and containers contained in Sections 18-45 and 18-50 (b) of the Dallas City Code.

(c) Franchisee expressly agrees to assume liability and responsibility for all costs of repair to the public ways and other facilities that are damaged as a result of the negligence of franchisee, its officers, agents, or employees, during franchisee's operations pursuant to this ordinance.

(d) Franchisee will comply with all rules, regulations, laws and ordinances pertaining to the disposal of solid waste as directed by the city or by other responsible governmental agencies having jurisdiction. Disposal must be made at an approved solid waste disposal, collection, or processing facility, transfer station or landfill, pursuant to Chapter 18 of the city code, as amended. Disposal of all solid waste collected by franchisee from premises within the authorized area must be made at an approved solid waste disposal, collection, or processing facility, transfer station or landfill in accordance with the Dallas City Code.

SECTION 5. Indemnity and insurance.

(a) **INDEMNIFICATION OF CITY.** FRANCHISEE SHALL, AT ITS SOLE COST AND EXPENSE, DEFEND, INDEMNIFY, AND HOLD HARMLESS CITY AND ITS OFFICERS, BOARDS, COMMISSIONS, EMPLOYEES, AGENTS, ATTORNEYS, AND CONTRACTORS (HEREINAFTER REFERRED TO AS “INDEMNITEES”), FROM AND AGAINST:

(1) ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, COSTS, AND EXPENSES FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE, OR OTHER HARM FOR WHICH RECOVERY OF DAMAGES IS SOUGHT, SUFFERED BY ANY PERSON OR PERSONS, THAT MAY ARISE OUT OF OR BE OCCASIONED BY FRANCHISEE'S BREACH OF ANY OF THE TERMS OR PROVISIONS OF THIS FRANCHISE, OR BY ANY NEGLIGENT OR STRICTLY LIABLE ACT OR OMISSION OF FRANCHISEE, ITS OFFICERS, AGENTS, EMPLOYEES, CONTRACTORS, OR SUBCONTRACTORS, IN THE OPERATION OR MAINTENANCE OF THE SOLID WASTE COLLECTION SERVICE, OR IN THE DISPOSAL, HANDLING, OR TRANSFER OF ANY SOLID WASTE COLLECTED THROUGH THE SOLID WASTE COLLECTION SERVICE; FRANCHISEE'S OBLIGATION TO DEFEND AND INDEMNIFY INDEMNITEES UNDER THIS SUBPARAGRAPH SHALL EXTEND TO CLAIMS, LOSSES, AND OTHER MATTERS COVERED UNDER THIS SUBPARAGRAPH THAT ARE CONTRIBUTED TO BY THE NEGLIGENCE OF ONE OR MORE INDEMNITEES, PROVIDED, HOWEVER, THAT INDEMNITY WILL BE REDUCED BY THE PROPORTIONATE AMOUNT THROUGH WHICH THE INDEMNITEE CONTRIBUTED TO THE LIABILITY, AS

**PROVIDED UNDER TEXAS LAW, WITHOUT WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO CITY UNDER TEXAS LAW AND WITHOUT WAIVING ANY DEFENSES OF EITHER FRANCHISEE OR CITY UNDER TEXAS LAW; THE ABOVE INDEMNIFICATION SHALL NOT, HOWEVER, APPLY TO ANY JUDGMENT OF LIABILITY RESULTING FROM THE SOLE NEGLIGENCE OR WILLFUL MISCONDUCT OF CITY; AND**

**(2) ANY AND ALL LIABILITY, OBLIGATION, DAMAGES, FINES, PENALTIES, CLAIMS, SUITS, JUDGMENTS, ACTIONS, LIENS, AND LOSSES, WHICH MAY BE IMPOSED UPON OR ASSERTED AGAINST THE INDEMNITEES BECAUSE OF ANY VIOLATION OF ANY STATE OR FEDERAL LAW OR REGULATION GOVERNING THE SOLID WASTE COLLECTION SERVICE OR RELATED TO THE COLLECTION, DISPOSAL, TRANSFER, OR HANDLING BY FRANCHISEE, ITS OFFICERS, EMPLOYEES, AGENTS, OR SUBCONTRACTORS, OF SOLID WASTE COLLECTED THROUGH THE SOLID WASTE COLLECTION SERVICE REGARDLESS OF WHETHER OR NOT THE NEGLIGENCE, FAULT, OR OTHER WRONGFUL CONDUCT OF THE INDEMNITEES CONTRIBUTED TO ANY VIOLATION; AND FRANCHISEE SHALL PAY ALL JUDGMENTS, WITH COSTS, ATTORNEY'S FEES, AND EXPENSES AWARDED IN SUCH JUDGMENT WHICH MAY BE OBTAINED AGAINST CITY RELATED TO ANY SUCH CLAIM. UPON THE WRITTEN REQUEST OF CITY, FRANCHISEE SHALL IMMEDIATELY, AT ITS SOLE COST AND EXPENSE, CAUSE ANY LIEN COVERING CITY'S PROPERTY AS DESCRIBED IN THIS SUBPARAGRAPH TO BE DISCHARGED OR BONDED.**

**(3) THIS SUBSECTION SHALL NOT BE CONSTRUED TO WAIVE ANY GOVERNMENTAL IMMUNITY FROM SUIT OR LIABILITY AVAILABLE TO CITY UNDER TEXAS OR FEDERAL LAW. THE PROVISIONS OF THIS SUBSECTION ARE SOLELY FOR THE BENEFIT OF CITY AND FRANCHISEE AND ARE NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY.**

(b) Franchisee's assumption of risk. Franchisee undertakes and assumes for its officers, employees, agents, contractors, and subcontractors (collectively "Franchisee" for the purpose of this subsection), all risk of dangerous conditions, if any, on or about any city-owned or controlled property, including the public ways, **AND FRANCHISEE HEREBY AGREES TO INDEMNIFY AND HOLD HARMLESS THE INDEMNITEES AGAINST AND FROM ANY CLAIM ASSERTED OR LIABILITY IMPOSED UPON THE INDEMNITEES FOR PERSONAL INJURY OR PROPERTY DAMAGE TO ANY PERSON (OTHER THAN FROM AN INDEMNITEE'S NEGLIGENCE OR WILLFUL MISCONDUCT) ARISING OUT OF FRANCHISEE'S OPERATION, MAINTENANCE, OR CONDITION OF THE SOLID WASTE COLLECTION SERVICE OR FRANCHISEE'S FAILURE TO COMPLY WITH ANY FEDERAL, STATE OR LOCAL STATUTE, ORDINANCE OR REGULATION.**

(c) Defense of city. In the event any action or proceeding shall be brought against the indemnitees by reason of any matter for which the indemnitees are indemnified hereunder, franchisee shall, upon notice from any of the indemnitees, at franchisee's sole cost and expense, (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses, and consultants, and the associated costs of document production), resist and defend the same with

legal counsel selected by franchisee and consented to by city, such consent not to be unreasonably withheld; provided, however, that franchisee shall not admit liability in any such matter on behalf of the indemnitees without city's written consent and provided further that the indemnitees shall not admit liability for, nor enter into any compromise or settlement of, any claim for which they are indemnified hereunder, without the prior written consent of franchisee and execution of any settlement agreement on behalf of the city by the city attorney, and further provided that for the search, review, and production of documents, the city attorney may elect to handle some or all of the process in-house at the expense of the franchisee.

(d) Expenses. The indemnitees shall give franchisee prompt notice of the making of any claim or the commencement of any action, suit or other proceeding covered by the provisions of this Section 5. Nothing herein shall be deemed to prevent the indemnitees from participating in the defense of any litigation by their own counsel at their own expense. Franchisee shall pay all expenses incurred by the indemnitees in participating in the defense, provided that the participation has been requested or required by franchisee in conducting the defense. These expenses may include out-of-pocket expenses reasonably and necessarily incurred, such as attorney fees and the reasonable value of any services rendered by city's counsel and the actual expenses of the indemnitees' agents, employees or expert witnesses, and disbursements and liabilities assumed by the indemnitees in connection with such suits, actions or proceedings but shall not include attorney's fees for services that are unnecessarily duplicative of services provided the Indemnitees by franchisee.

(e) Insurance required. Not later than the effective date of this ordinance, franchisee shall procure, pay for, and maintain insurance coverage in at least the minimum amounts and coverages described in Exhibit A, attached to and made a part of this ordinance. The insurance

shall be written by companies approved by the State of Texas and acceptable to city. The insurance shall be evidenced by the delivery to city of policies of insurance, including all endorsements executed by the insurer or its authorized agent stating coverages, limits, exclusions, deductibles, and expiration dates, which demonstrate compliance with all applicable provisions of the insurance laws and rules in the State of Texas. **THIS ORDINANCE SHALL NOT TAKE EFFECT UNTIL THE INSURANCE POLICY HAS BEEN DELIVERED TO CITY AND NO OFFICER OR EMPLOYEE SHALL HAVE AUTHORITY TO WAIVE THIS REQUIREMENT.** If satisfactory evidence of the required insurance is not submitted within 30 days after the date the council approves this ordinance, then this ordinance shall be considered null and void and shall have no force or effect.

(f) Changes in insurance coverage. Franchisee shall provide the city with true and complete copies of all changes to insurance policies, including any cancellation, coverage change, or termination notice, or any replacement insurance, before these changes become effective. Certificates of insurance reflecting the annual renewal, replacement insurance or coverage changes must be submitted when such policies become effective to provide evidence of continuing insurance coverage. Although certificates are routinely accepted as substitutes for copies of insurance policies, the city shall have the right to access and copy any such policy of insurance. The director may prevent franchisee from operating a solid waste collection service under this franchise until satisfactory evidence of insurance coverage required under this section is presented to the director.

(g) Adjustments to insurance requirements. City reserves the right to review the insurance requirements stated in Exhibit A during the effective period of this ordinance and to recommend to the council reasonable adjustments in the insurance requirements contained in the

city code prior to the anniversary renewal of the insurance when deemed necessary and prudent by city's Office of Risk Management. Any adjustments shall be mutually agreeable to city and franchisee, and based upon changes in statutory law, court decisions, or the claims history of the industry as well as franchisee. When any insurance coverage limit changes are agreed, franchisee shall pay any resulting increase in cost due to the changes.

(g) Liability of franchisee. Approval, disapproval, or failure to act by city regarding any insurance supplied or not supplied by franchisee shall not relieve franchisee of full responsibility or liability for damages and accidents as set forth in this ordinance. The bankruptcy, insolvency, or denial of liability by any insurer of franchisee shall not exonerate franchisee from the liability obligations of franchisee provided for under this ordinance.

#### SECTION 6. Fees, payments and compensation.

(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to four percent of franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "franchise fee").

(b) Payment procedures. Franchisee shall pay the franchise fee to city each month during the term of this ordinance. The monthly payment required by this ordinance shall be due and payable by certified check, electronic funds transfer, or other means that provide immediately available funds on the day the payment is due not later than 3:00 p.m. of the thirtieth (30th) calendar day following the end of each calendar month. If the thirtieth (30th)

calendar day following the end of a calendar month falls on a Saturday, Sunday, or official city holiday, then the payment is due on the business day prior to the due date, and in the month of February, the payment is due on February 28th. Subject to applicable law, the compensation set forth in this Section 6 shall be exclusive of and in addition to all special assessments and taxes of whatever nature, including, but not limited to, ad valorem taxes. In the event any monthly payment or partial payment is received by the city later than 10 days after the due date, franchisee shall pay interest on the past due amount at the rate prescribed in Section 2-1.1 of the Dallas City Code. Payment shall be accompanied by a monthly report certified by an officer of franchisee showing the total gross receipts of the preceding calendar month. The monthly report shall also include a detailed breakdown of gross receipts and the computation of the payment amount.

(c) Annual report. Franchisee shall file with city by February 1 of each calendar year an annual report showing the total gross receipts of the preceding calendar year along with the information required under Section 18-41 of the Dallas City Code. Such annual report shall include a detailed breakdown of gross receipts and the computation of the payment amount.

(d) City audit. City may audit franchisee (or any affiliate of franchisee who has information directly pertaining to gross receipts) as often as is reasonably necessary to verify the accuracy of the franchise fees paid to city. All books, records, accounts, or other documents in paper or electronic form, necessary for the audit shall be made available by franchisee at a single location in the Dallas-Fort Worth metropolitan area. Any net undisputed amount due to city, plus interest at the rate prescribed in Section 2-1.1 of the Dallas City Code, c, calculated from the date each portion of the underpayment was originally due until the date franchisee remits the underpayment to the city, shall be paid by franchisee within 45 days after city's submitting an

invoice for the underpayment to franchisee with reasonable detail supporting the amount claimed. If the amount of the underpayment exceeds five percent of the total franchise fee owed for the audit period, franchisee shall pay city's audit costs as well. City's right to audit and franchisee's obligation to retain records related to the franchise fee shall be limited to the previous two calendar years preceding the date that written notice of intent to audit is served.

SECTION 7. Term; performance evaluation.

(a) Term and extensions. The term of this ordinance shall be five (5) years from the effective date of this ordinance.

(b) Franchisee rights upon termination. Subject to applicable law, this ordinance and all rights, permissions, and privileges of franchisee under this ordinance shall automatically terminate on the expiration of the term of this ordinance, unless extended by mutual agreement, court order, or applicable law.

(c) Performance evaluation. In order to: (i) assure that franchisee is complying with the terms of this ordinance, as it may be from time to time amended, and (ii) promote a sharing of information between city and franchisee, city may schedule a performance evaluation no more often than every five years during the term of this ordinance, subject to Subsection (d) of this section, in accordance with the following process:

(1) At least 90 days prior to each performance evaluation, city shall notify franchisee of the date, time and location of the evaluation. Such notice shall include specification of any additional information to be provided by franchisee pursuant to Subsection (c)(2)(D) below. Unless specifically waived by the council, attendance of franchisee's duly authorized representative at these meetings is mandatory.

(2) Within 60 days from receipt of notification, franchisee shall file a report with city that is sworn to by a representative of franchisee knowledgeable of the operations of franchisee within the authorized area, in reasonable detail, specifically addressing, at a minimum, the following areas:

(A) compliance of franchisee's vehicles with solid waste and air quality requirements;

(B) customer service, including but not limited to a listing of customer complaints and their resolution;

(C) history in regard to prompt and accurate payment of franchise fees;

(D) any other topic deemed material or relevant by city for its enforcement of this ordinance.

(3) All reports to be prepared under this subsection and submitted by franchisee shall be based upon information for at least the most recent five-year period, inclusive of the most current quarter available. No report under this subsection shall be based upon data that ends more than six months before the time of the performance evaluation.

(4) Following receipt of the report, but not less than 30 days prior to the performance evaluation, city may request additional information, clarification or detailed documentation concerning those topics identified for inclusion in the performance evaluation. Franchisee shall make reasonable effort to provide such additional information to city prior to the meeting. In the event that the information cannot be made available prior to the performance evaluation, franchisee shall notify city in writing explaining the reasons for any delay. The city may authorize a delay of the performance evaluation for a reasonable time to allow franchisee to submit the additional documentation.

(5) The council shall hear any interested persons during such performance evaluation. Franchisee shall be entitled to all the rights of due process consistent with city proceedings, including but not limited to, the right to be heard, the right to present evidence, and the right to ask questions of witnesses.

(6) Upon request of city, franchisee shall assist city in notifying customers of the evaluation session. The actual costs associated with the notification, in an amount not to exceed \$1,000.00, shall be borne by franchisee.

(d) Additional performance evaluations. Notwithstanding Subsection (c), the council may initiate and conduct such additional performance evaluations regarding franchisee's performance under this ordinance as the council, in its sole discretion, may deem justified or necessary under the circumstances. Franchisee shall be given reasonable notice of the date, time, and location of any such additional performance evaluations.

#### SECTION 8. Transfers of ownership and control.

(a) Franchisee ownership, management and operation.

(1) Only franchisee and its affiliates, if any, shall operate, manage, and maintain the solid waste collection service. As provided in Chapter XIV, Section 2(5) of the Dallas City Charter, no franchise, nor the assets held by the franchise holder, may be sold, assigned, transferred, or conveyed to any other person, firm, corporation, or other business entity without the consent of the city first had and obtained by ordinance or resolution, unless otherwise specifically provided in this franchise ordinance. If the purchaser is the holder of a like franchise, the franchise purchased shall be canceled and merged into the franchise held by the purchaser upon terms and conditions as may be set out by the city council when permission for merger is granted. Franchisee shall not directly or indirectly transfer or assign, in whole or in part, the

operation, management, ownership, or maintenance of the solid waste collection service without the prior written consent of the council as provided in Subsections 8(b) and 8(c) below.

(2) This section shall not apply to franchisee's employment contracts and other personnel decisions, nor shall it prohibit franchisee from contracting for or subcontracting, in whole or in part, any operational, management or maintenance functions in connection with the solid waste collection service, so long as franchisee does not relinquish its decision making authority over, or its responsibilities under, this ordinance for any particular function; nor shall it prohibit franchisee from complying with this ordinance or other requirements of federal, state, or local laws and regulations.

(3) Franchisee shall provide the director written notice, within five calendar days after its occurrence, of any change in the corporate or business structure, change in the chief executive or the top executive structure, change in the board of directors, or other change in the corporate or business method of governance of franchisee, regardless of whether or not it results in a transfer or assignment of the franchise or a transfer of control or ownership of franchisee.

(b) Transfer and assignment procedures. This ordinance or the solid waste collection service shall not be transferred or assigned, by operation of law or otherwise, nor shall title to franchisee's rights and obligations under this ordinance or to the solid waste collection service pass to or vest in any person, other than for mortgaging or financing of solid waste collection operations or to an affiliate of franchisee under the conditions described below, without the prior written consent of the council. This ordinance shall not be leased or subleased without the prior written consent of the council. The procedures related to transfer or assignment are as follows:

(1) The council's written consent shall not be required for a transfer solely for security purposes (such as the grant of a mortgage or security interest), but shall be required for

any realization on the security by the recipient, such as a foreclosure on a mortgage or security interest. The director shall be advised in writing of a transfer solely for security purposes at least 60 days before such transfer occurs.

(2) Franchisee may, without additional approval by the council, transfer or assign this ordinance to an affiliate provided that the affiliate: (i) assumes all of franchisee's obligations and liabilities under this ordinance occurring both before and after the transfer or assignment; (ii) agrees to comply with all provisions of this ordinance; and (iii) has the legal, technical and financial ability to properly perform and discharge such obligations and liabilities, which abilities are each at least as great as those of franchisee. The director shall be advised in writing of such transfer and of the affiliate's qualifications at least 60 days before such transfer occurs. The city shall be reimbursed any reasonable, documented costs it incurs in connection with such transfer, including the expenses of any investigation or litigation respecting a proposed or consummated transfer, up to a maximum of \$10,000.00.

(c) Transfer of control. There shall be no transfer of or acquisition of control of franchisee without the prior written consent of the council.

(d) Schedule of ownership. Franchisee represents and warrants that its current ownership is as set forth on Exhibit C, attached to and made a part of this ordinance, and that it has full legal and equitable title to the solid waste collection service as of the effective date of this ordinance.

(e) Applications for consent/procedure/restrictions. If franchisee seeks to obtain the consent of the council to any transactions or matters described in this section, franchisee shall submit an application for such consent to the city and shall submit or cause to be submitted to the city such additional documents and information as the director may request that are reasonably

related to the transaction, including the purchase price of the solid waste collection service, and the legal, financial, and technical qualifications of the proposed transferee or new controlling entity.

(1) The council shall have 120 days from the date of submission of a complete and accurate application to act upon the application for consent. If the council fails to act upon such application for consent within 120 days, such application shall be deemed as consented to unless city and franchisee otherwise agree to an extension of time.

(2) The council shall not unreasonably withhold its consent to any proposed transaction. The council may: (i) grant its consent outright, (ii) grant such consent with conditions, which conditions it finds are necessary to ensure performance of franchisee or its successor under this Ordinance, or (iii) deny consent.

(3) Nothing in any approval by the city under this section shall be construed to waive or release any rights of city in and to the public ways, public places of city or property owned by city.

(4) Nothing in any approval by city under this section shall be construed as a waiver or release of any of city's police powers, or as an exercise of eminent domain.

(5) City's granting of consent in any one instance shall not require it to grant consent in other instances.

(6) Franchisee shall reimburse city for the incidental costs incurred by city in considering any request of franchisee under this section. Such reimbursement shall not exceed \$10,000.00, shall be supported by invoices, and shall not include any costs or expenses incurred by city in defending any denial of the request; provided, however, that city does not waive its

right to request that its attorney's fees and other costs be reimbursed by court order in any litigation related to denial of a request under this section.

(f) City approval requirements. Before any transfer, assignment, sale, foreclosure, or other change of control described under this section becomes effective and before the council shall consider giving its consent, the proposed transferee, assignee, purchaser, buyer, foreclosing party, or other person or entity seeking to obtain the rights and obligations under this ordinance through a change of control shall provide the director: (i) an agreement and acceptance in writing to comply with all terms of this ordinance, as amended; (ii) all evidence of insurance required under this ordinance, as amended; (iii) the legal name and address of the transferee, and all persons sharing control of the transferee, with a full description of their experience in the solid waste disposal industry, as well as the name and address of the person to be contacted for notices; (iv) payment of outstanding franchise fees and any other fees, taxes, and payments, including fees, interest, and penalties, due from franchisee to the city; and (iv) evidence satisfactory to the director that transferee has the legal, technical, and financial ability to properly perform and discharge all obligations and liabilities of this ordinance.

(g) Transfer of control requirements. In the event of a transfer of control, before such transfer becomes effective and before the council shall consider giving its consent, the proposed transferee shall agree in writing to not take any action that will keep franchisee from complying with this ordinance.

#### SECTION 9. Defaults.

(a) Events of default. The occurrence of any one or more of the following events at any time during the term of this ordinance shall constitute an event of default by franchisee under this ordinance:

(1) The failure or refusal by franchisee to pay the franchise fee when due as prescribed by this ordinance, or any failure to perform on any agreed or court-mandated extension or modification of such payment obligation.

(2) Franchisee's material violation of or failure to comply with any provision or condition of Article IV of Chapter 18 of the Dallas City Code relating to solid waste collection service franchisees or any other applicable provision or condition of the city code.

(3) Franchisee's material violation of or failure to comply with any of the other terms, covenants, representations, or warranties contained in this ordinance, or franchisee's failure or refusal to perform any obligation contained in this ordinance.

(4) Franchisee's failure or refusal to pay or cause to be paid any of city's governmentally-imposed taxes of any kind whatsoever, including but not limited to real estate taxes, sales taxes, and personal property taxes on or before the due date for same; provided, however, franchisee shall not be in default under this subsection with respect to the non-payment of taxes which are being disputed in good faith in accordance with applicable law.

(5) The entry of any judgment against franchisee in which another party becomes entitled to possession of substantially all of franchisee's assets of the solid waste collection service, for which change in possession the consent of the council has not been obtained, and such judgment is not stayed pending rehearing or appeal for 45 or more days following entry of the judgment.

(6) The dissolution or termination, as a matter of law, of franchisee without the prior consent or approval of city, which approval, if formally requested, shall not unreasonably be withheld.

(7) Franchisee's filing of a voluntary petition in bankruptcy; being adjudicated insolvent; obtaining an order for relief under Section 301 of the Bankruptcy Code (11 U.S.C. §301); filing any petition or failing to contest any petition filed against it seeking any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief for itself under any laws relating to bankruptcy, insolvency or other relief for debtors; seeking or consenting to or acquiescing in the appointment of any bankruptcy trustee, receiver, master, custodian or liquidator of franchisee, or any of franchisee's property or this ordinance or of any and all of the revenues, issues, earnings, profits or income thereof; making an assignment for the benefit of creditors (except secured creditors); or failing to pay franchisee's debts as they become due such that franchisee is unable to meet its obligations under this ordinance.

(8) Franchisee attempts to dispose of any of the facilities or property of its solid waste collection service with the intent of preventing city from purchasing it as provided for in this ordinance.

(9) Franchisee engages in any fraudulent or deceitful conduct with city or its customers.

(10) Franchisee knowingly or intentionally makes a false statement or a misrepresentation as to a material matter in the application for or in the negotiation of this ordinance, or in connection with any report of gross income as required by this ordinance.

(11) Any director, officer, employee, or agent of franchisee is convicted of the offense of bribery or fraud connected with or resulting from the granting, term extension, or renewal of this ordinance.

(12) Franchisee's failure or refusal to comply with or a violation of any applicable local, state, or federal law or regulation.

(b) Default procedures. Upon the occurrence of an event of default which can be cured by the immediate payment of money to city or a third party, franchisee shall have 30 days from written notice of the occurrence of the event of default from the director to cure the default before city may exercise any of the default remedies provided for in Section 10. Upon the occurrence of an event of default by franchisee which cannot be cured by the immediate payment of money to city or a third party, franchisee shall have 60 days from the date of written notice from city to franchisee of the occurrence of the event of default to cure the event of default before city may exercise any of its rights or remedies provided for in Section 10, unless the director, the city manager, or the council authorizes a longer cure period upon a showing of good cause to extend the cure period. If an event of default is not cured within the time period allowed for curing the event of default, as provided above, the event of default becomes, without additional notice, an uncured event of default, which shall entitle city to exercise the remedies provided for in Section 10.

SECTION 10. Remedies.

(a) Default remedies. Upon the occurrence of any uncured event of default as described in Section 9, the director shall report the occurrence of same to the city manager and the council. The council shall be entitled in its sole discretion and upon recommendation of the director and the city manager to exercise any or all of the following cumulative remedies:

- (1) Exercise its rights to impose liquidated damages as described in Subsection (e).
- (2) Authorize the city attorney to commence an action against franchisee at law or in equity, or both, including an action for monetary damages and specific performance.
- (3) Suspend the franchise granted under this ordinance.
- (4) Revoke the franchise granted under this ordinance.

(b) Suspension procedure. Upon the occurrence of an uncured event of default, the director may suspend the operation of the solid waste collection service doing business under this ordinance. If the director determines that suspension of the franchise is necessary to cure an event of default, the director shall comply with the procedures established in Section 18-37 of the Dallas City Code.

(c) Revocation procedure. Upon the occurrence of an uncured event of default, the council shall have the right to revoke this ordinance. Upon revocation, the rights, permissions, and privileges comprising the franchise granted under this ordinance shall be automatically deemed null and void and shall have no further force or effect and the provisions that are contractual in nature which are also included as a part of this ordinance are hereby automatically terminated, except that franchisee shall retain the obligation to report gross income and make franchisee fee payments covering the period prior to the effective date of the revocation. Upon revocation, city shall retain any portion of the franchise fee and other fees or payments paid to it, or which are due and payable to it, to the date of the revocation. Notwithstanding the above, prior to any council hearing to formally consider revocation of the franchise granted under this ordinance, the director shall notify franchisee in writing at least 10 days in advance of the council hearing at which the issue of revocation shall be considered and decided. Franchisee shall have the right to appear before the council in person or by legal counsel and raise any objections or defenses franchisee may have that are relevant to the proposed revocation. In addition, the following procedures shall apply in regard to the revocation hearing:

(1) The council shall hear and consider the issue of revocation, shall hear any person interested in the issue, and shall determine, in its sole discretion, whether or not any violation by franchisee has occurred justifying a revocation of the franchise.

(2) At such hearing, franchisee shall be provided due process, including the right to be heard, to ask questions of witnesses, and to present evidence.

(3) Upon completion of the hearing described above, the council shall render a decision. Within a reasonable time, the director shall transmit a copy of the decision to franchisee. Franchisee shall be bound by the council's decision, unless it appeals the decision to a court of competent jurisdiction within 15 days after the date of the decision. Franchisee reserves the right to challenge both the decision itself and the fairness of the process followed by the city in the proceeding.

(4) The council reserves the right, in its sole discretion, to impose liquidated damages or to pursue other remedies as provided in this Section 10 in lieu of a revocation.

(d) Letter of credit. As security for the faithful performance by franchisee of the provisions of this ordinance and compliance with all orders, permits, and directions of city and the payment of all claims, liens, fees, liquidated damages, and taxes to city, franchisee shall deposit with city, no later than the effective date of this ordinance, an unconditional and irrevocable letter of credit in a penal amount equal to one month's franchise fee payment. The initial value of the letter of credit shall be established on the basis of the monthly franchise fee that would have been paid on the previous calendar year's monthly average gross receipts on a cash basis from any source derived at any location regardless of whether those receipts were earned entirely within the authorized area. The letter of credit shall be updated annually in January of each calendar year during the term of this ordinance. The value of the annually updated letter of credit will be equal to the average monthly franchise fee payment submitted by franchisee as required in this ordinance during the previous calendar year. The letter of credit must be issued by a federally-chartered or state-chartered financial institution with a principal

office or branch located in Dallas County and otherwise acceptable to the council, on terms acceptable to the council and approved by the city attorney. The letter of credit shall expressly provide that partial draws are permitted and that a draft thereon to the order of the city will be honored upon presentation to the issuing financial institution at a principal office or branch located within Dallas County of a letter of demand from city delivered in person or by courier delivery. The letter of demand must be signed by a person purporting to be the city's chief financial officer, city manager, or director. No supporting documents will be required and no other language, other than a demand to pay and a recitation of title, will be required as conditions for permitting the draw. Failure to timely deposit the letter of credit, or the failure to maintain the letter(s) of credit in the full amount required under this subsection and in effect during the entire term of this ordinance, or any renewal or extension of this ordinance, shall constitute a material breach of the terms of this ordinance.

(1) If franchisee fails to make timely payment to city or its designee of any amount due as a result of this ordinance or fails to make timely payment to city of any taxes due; or fails to repay city for damages and costs, including attorney's fees; or fails to comply with any provision of this ordinance which city reasonably determines can be remedied by an expenditure of monies, city may draw upon the letter of credit an amount sufficient to repay city with interest as set forth in this ordinance, if not otherwise specified by law..

(2) Within three days after a drawing upon the letter of credit, city shall send written notification of the amount, date, and purpose of the drawing to franchisee by certified mail, return receipt requested.

(3) If, at the time of a draw by city, the aggregate amount realized from the letter of credit is insufficient to provide the total payment toward which the draw is directed, the

balance of such payment, plus accrued interest, shall constitute an obligation of franchisee to city until paid. If the interest rate is not set forth in this ordinance or set by laws, then interest shall be the prime rate as established in the Wall Street Journal on the day before city sends notice to franchisee of its intent to draw the letter of credit.

(4) No later than 30 days after mailing of notification to franchisee of a draw pursuant to Subsection (d)(2) above, franchisee shall cause the letter of credit to be restored to the full amount required under this ordinance. Failure to timely restore the letter of credit shall constitute a material breach of the terms of this ordinance.

(5) The rights reserved to city with respect to this letter of credit are in addition to all other rights and remedies of city, whether reserved by this ordinance or authorized by law, and no action, proceeding or exercise of a right with respect to such letter of credit shall affect any other rights city may have.

(e) Liquidated damages. The parties agree that: (1) the harm or damage caused by any material breach of this franchise, other than the failure to pay franchise fees, is of a kind that is difficult or incapable of estimation; and (2) the amount of liquidated damages stipulated in the ordinance is a reasonable forecast of just compensation. Therefore, in addition to the other remedies provided for in this Section 10, liquidated damages in the amounts set forth below may be assessed by the council upon franchisee, following the notice and opportunity to cure procedures in Subsection (f) below, for failure or refusal to comply with any material term or condition of this ordinance or for any other uncured event of default. In the event the council determines that franchisee has committed, continued, or permitted a material failure or refusal of compliance or other uncured event of default that has not been cured as provided in this ordinance, franchisee shall pay \$2,000 per day for each day or part of a day that the material

failure or refusal or other uncured event of default is committed, continued, or permitted, unless the council at the time of imposition of the civil penalty determines that good cause justifies a lesser penalty, based upon the surrounding circumstances, frequency, number, and seriousness of the material violations or uncured events of default in question and the public interest served by imposing a lesser civil penalty.

(f) Liquidated damages procedure. Liquidated damages may be assessed by the council in accordance with the following procedure:

(1) Following notice from the director, which notice, at the director's election, may be combined with the notice described in Section (9)(b), franchisee shall meet with the director to attempt to resolve any disagreements on whether liquidated damages should be assessed or what liquidated damages should be recommended to the council. If there is no resolution of the issue within 15 days after the mailing of the notice, then the director shall present the director's recommendation regarding liquidated damages to the city manager for review and concurrence. If the city manager concurs in the director's recommendation that liquidated damages should be assessed, the matter shall be presented to the council. The director shall notify franchisee of the recommendation of the city manager to the council, the time and date of the proposed hearing concerning the issue of liquidated damages, and a statement that franchisee has a right to appear and be heard before the council on the matter. In order to appear before and be heard by the council, franchisee must comply with applicable council procedures which can be obtained from the city secretary.

(2) Upon presentation of the recommendations of the director and the city manager, the council may decide on one or more of the following courses of action:

(A) to authorize the city attorney to proceed against franchisee under Section 10(a)(2);

(B) to assess liquidated damages in the amount provided above for the applicable material violation or uncured event of default. Council may provide for a lesser amount and may suspend all or part of said assessment upon reasonable conditions for any reasonable period, up to the end of the franchise;

(C) to determine that liquidated damages are not justified under the circumstances and assess no damages; or

(D) to remand the matter to the city manager or the director for further investigation, consideration, and recommendation to the council.

(3) Assessment of liquidated damages by the council shall be a monetary obligation of franchisee to city in the amount determined by the council and shall be paid in full by franchisee within 15 business days after the date of assessment by the council.

(4) The procedures stated in this Subsection (f) do not apply to the council's determination to require the payment of money, in lieu of other available remedies, in a revocation proceeding under Subsection (b)(4).

(g) Remedies cumulative. Subject to applicable law, the rights and remedies of city set forth in this Section 10 shall be in addition to and not in limitation of, any other rights and remedies provided by law or in equity. If the council determines that a violation by franchisee was franchisee's fault and within its control, the council may pursue any or all of the remedies provided in Section 10. The remedies of city created under this ordinance shall be cumulative to the maximum extent permitted by law. The exercise by city of any one or more remedies under this ordinance shall not preclude the exercise by city, at the same or different times, of any other

remedies for the same material uncured event of default. Notwithstanding any provision of this ordinance, however, city shall not recover both liquidated damages and actual damages for the same violation, breach, non-compliance, or material uncured event of default.

(h) Curable violations. Franchisee shall not be found in violation of this ordinance or any other applicable law or regulation, and shall suffer no penalties or damages as a result, if the violation occurs without fault of franchisee or occurs as a result of circumstances beyond its control, and, if curable, is promptly cured. Franchisee shall not be excused by mere economic hardship nor by the negligence or malfeasance of its directors, officers or employees.

(i) City right to purchase. In the event city revokes the franchise granted under this ordinance for cause, terminates the franchise as provided in Subsection (j) below, or denies renewal of the franchise granted under this ordinance, city shall have the right (but not the obligation) subject to the applicable provisions of city charter, directly or as an intermediary, to purchase the assets of the solid waste collection system through its authority under, and procedures applicable to, eminent domain.

(j) Termination in the public interest. Nothing in this section shall be construed as affecting the right of the council under the city charter to terminate this ordinance without cause in the public interest when it is deemed inconsistent with the public use of city's public ways or is deemed to cause or constitute a nuisance.

#### SECTION 11. Providing Information.

(a) Complete and accurate books required. Franchisee shall keep complete and accurate books of account and records of its solid waste collection service business and operations under and in connection with this ordinance in accordance with generally accepted accounting principles and generally accepted government auditing standards.

(b) City review of documentation. City may fully review such of franchisee's books, accounts, documents, and other records of franchisee or franchisee's affiliates during normal business hours on a non-disruptive basis and with such advance notice as is reasonably necessary to monitor compliance with the terms of this ordinance. All books, accounts, documents, and other records shall be made available at a single location in the Dallas-Fort Worth metropolitan area. Books, accounts, documents, and other records that are kept on an electronic basis shall also be made available on the same basis as the paper books, accounts, documents, and other records; where possible, such items shall be made available in a CD-ROM disk or other similar platform in a format that is readable by city's computers. The reviewable items shall include, but shall not be limited to, records required to be kept by franchisee pursuant to law and the financial information underlying the written report accompanying the franchise fee. To the extent permitted by law, city agrees to treat any information disclosed by franchisee under this section as confidential, if and only to the extent that franchisee provides prior written notice that specific information is confidential as trade secrets or proprietary competitive information. Blanket or overly broad claims of confidentiality will be of no effect.

(c) Additional reports. Franchisee shall, when required by the council, the city manager, or the director, report to city any reasonably requested information relating to franchisee or the affiliates or necessary for the administration of this ordinance. The director shall have the right to establish formats for these additional reports, determine the time for these reports and the frequency with which these reports, if any, are to be made, and require that any reports be made under oath.

SECTION 12. General.

(a) Entire agreement. This ordinance (with all referenced exhibits, attachments, and provisions incorporated by reference) embodies the entire agreement and the rights, privileges, and permissions between city and franchisee, superseding all oral or written previous negotiations or agreements between city and franchisee relating to matters set forth in this ordinance. This ordinance can be amended by an ordinance enacted by the council. Such action by council does not require the hearing procedures for revocation set forth in Subsection 10(4)(b) of this ordinance, but only the posting of an agenda item and the opportunity for speakers to be heard on the item.

(b) Notices. Except as otherwise provided in Subsection 12(c) of this ordinance, any notice, payment, statement, or demand required or permitted to be given under this ordinance by either party to the other may be effected by any of the means described in Subsection 12(d) of this ordinance. 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 days after mailing.

If to City:

City Manager  
City of Dallas  
Dallas City Hall  
1500 Marilla – Room 4/F/North  
Dallas, Texas 75201

With a copy to:

Director  
Department of Sanitation Services  
3112 Canton Street  
Dallas, Texas 75226

If to Franchisee:

Ernie Wells, President  
E W Wells Group, LLC  
1221 S. Lamar Street  
Dallas, Texas 75215

Either city or franchisee may change its address or personnel for the receipt of notices at any time by giving notice of the change to the other party as provided in this Subsection 12(b) Any notice given by either city or franchisee must be signed by an authorized representative.

(c) Notice of claim. This ordinance is subject to the provisions of Section 2-86 of the Dallas City Code, relating to requirements for filing a notice of a breach of contract claim against city. Section 2-86 of the Dallas City Code is expressly incorporated by reference and made a part of this ordinance as if written word for word in this ordinance. Contractor shall comply with the requirements of Section 2-86 as a precondition of any claim against city relating to or arising out of this ordinance.

(d) Delivery of notices. Notices required to be given under this ordinance may be transmitted in any of the following four ways:

(1) By personal delivery, in which case they are deemed given when delivered.

(2) By delivery to Federal Express, United Parcel Service, or other nationally recognized overnight courier service, in which case they shall be deemed given when received for such service.

(3) By being deposited in the U.S. Mail, by registered or certified mail, return receipt requested, postage prepaid, in which case notice shall be deemed given three calendar days after having been deposited in the U.S. Mail.

(4) By facsimile or electronic mail transmission where the sender's transmittal log shows successful transmission to all the recipients (with any replacement transmission as a recipient shall request) and with a hard copy on the same date or the next day mailed to all by first class mail, postage prepaid, in which case notice shall be deemed given on the date of facsimile or electronic mail transmission.

(e) City/franchisee meetings. Franchisee shall meet with the director, the city manager or the council at reasonable times to discuss any aspect of this ordinance or the services or facilities of franchisee. At all meetings, franchisee shall make available personnel qualified for the issues to be discussed and such meetings shall be at city's offices unless otherwise agreed.

(f) Legal construction. This ordinance 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. Exclusive venue for any litigation that may be filed in connection with this ordinance shall be in Dallas County, Texas. This ordinance is not a contract for goods or services within the meaning of Texas Local Government Code §§271.151 *et seq.*

(g) No inducement. Franchisee, by accepting this ordinance, acknowledges that it has not been induced to accept this ordinance by any promise, oral or written, by or on behalf of city or by any third person regarding any term or condition not expressed in this ordinance. Franchisee further pledges that no promise or inducement, oral or written, has been made to any city employee or official regarding the grant, receipt or award of this ordinance.

(h) Franchisee acknowledgement. Franchisee further acknowledges by acceptance of this ordinance that it has carefully read the terms and conditions of this ordinance and accepts the obligations imposed by the terms and conditions herein.

(i) No waiver by city. No failure by city to insist upon the strict performance of any covenant, provision, term or condition of this ordinance, or to exercise any right, term or remedy upon a breach thereof shall constitute a waiver of any such breach of such covenant, agreement, term, or condition. No waiver of any breach shall affect or alter this ordinance, but each and every covenant, provision, term or condition of this ordinance shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

(j) Governmental licenses. Franchisee shall, at its expense, obtain and maintain all additional governmental regulatory licenses necessary to operate the solid waste collection service in accordance with this ordinance.

(k) Severability. If any section, paragraph, or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this ordinance.

(l) City retained powers. In addition to all rights provided in this ordinance, city reserves all rights and powers conferred by federal law, the Texas Constitution, Texas statutes and decisions, the City Charter, city code, and city ordinances which city is allowed to exercise.

(m) Material misinformation. The provision of information by franchisee or any of its affiliates to city in connection with any matters under this ordinance which contains an untrue statement of a material fact or omits a material fact necessary to make the information not misleading shall constitute a violation of this ordinance and shall be subject to the remedies provided in Section 10. Each day that franchisee or an affiliate fails to correct an untrue statement of a material fact or the omission of a material fact necessary to make the information not misleading shall constitute a separate violation of this ordinance.

(n) Hearing procedures. The following additional procedures shall apply to any hearing held in connection with any action taken by the council in connection with this ordinance:

(1) The council may conduct the hearing or, in its sole discretion, may by resolution appoint a committee or subcommittee of the council or a hearing officer to conduct the hearing and submit a proposal for decision to it, pursuant to procedures established by resolution.

(2) The hearing shall afford franchisee rudimentary due process. The council may by resolution establish other procedural matters in connection with the hearing.

(o) Acceptance. Upon adoption of this ordinance, franchisee agrees to be bound by all the terms and conditions contained herein, as evidenced by filing the original with the city secretary and a copy with the director, in writing, within 30 days after the date the council approves this ordinance, an unconditional acceptance of the ordinance and promise to comply with and abide by all its provisions, terms, and conditions. The form of unconditional acceptance and promise, attached to and made a part of this ordinance as Exhibit B, shall be sworn to, by, or on behalf of franchisee before a notary public. If within 30 days after the date the council approves the ordinance, franchisee fails to (1) submit and file the properly executed acceptance, (2) pay all taxes due, and (3) submit the letter of credit and required certificate of insurance, then this ordinance and the rights, permissions, and privileges granted under this ordinance shall be null and void and shall have no force or effect, unless franchisee evidences such failure was due to clerical error by someone other than franchisee or its affiliates and then acts promptly to remedy the third party's clerical error. The director may prevent franchisee from operating a solid waste collection service under this franchise or reapplying for a new franchise until the acceptance required by this subsection is filed as provided herein.

(p) Time is of the essence. Whenever this ordinance shall set forth any time for an act to be performed by or on behalf of franchisee, such time shall be deemed of the essence and any failure of franchisee to perform within time allotted shall always be sufficient grounds for city to invoke an appropriate remedy, including possible revocation of the ordinance.

(q) Force majeure. The time within which franchisee shall be required to perform any act under this ordinance shall be extended by a period of time equal to the number of days due to a force majeure. The term “force majeure” shall mean delays due to acts of God, inability to obtain governmental approvals, governmental restrictions, war, act of terrorism, civil disturbances, fire, unavoidable casualty, or other similar causes beyond the control of franchisee. Notwithstanding anything contained anywhere else in this ordinance, franchisee shall not be excused from performance of any of its obligations under this ordinance by the negligence or malfeasance of its directors, officers, or employees or by mere economic hardship.

(r) Recognition of rights. Franchisee agrees that by adopting this ordinance, neither city nor franchisee have waived any rights, claims, or defenses they may have with respect to city's rights to impose the requirements contained in this ordinance in whole or in part upon franchisee.

(s) Police powers.

(1) In accepting this ordinance, franchisee acknowledges that its rights under this ordinance are subject to the police power of city to adopt and enforce general ordinances necessary to the health, safety, and welfare of the public. Franchisee shall comply with all applicable general laws and ordinances enacted by city pursuant to such powers. Any conflict between the provisions of this ordinance and any other present or future lawful exercise of city's police powers shall be resolved in favor of the latter.

(2) Franchisee recognizes the right of city to make reasonable amendments to this ordinance; except that city shall not make amendments materially adversely affecting franchisee except under a proper exercise of city's police powers, with notice to franchisee and an opportunity to be heard in a regular public meeting of the council considering the ordinance or amendment. Franchisee acknowledges that this is the extent of its rights to a hearing respecting franchise ordinance amendments under the charter

(3) Franchisee also recognizes city's right to impose such other regulations of general applicability as shall be determined by city to be conducive to the safety, welfare, and accommodation of the public.

(t) No presumption of renewal. This ordinance and the grant contained herein do not imply, grant, or infer any renewal rights in favor of franchisee or its affiliates.

(u) Recognition of city charter. Franchisee recognizes, accepts and agrees that the terms, conditions and provisions of this ordinance are subject to the applicable provisions of Chapter XIV of the Dallas City Charter. Any request by franchisee for an amendment to this ordinance shall be subject to review by the city attorney for compliance with the applicable provisions of the city charter.

SECTION 13. Outstanding license fees. This ordinance shall not take effect until all fees still owed to city from the existing license previously issued to franchisee for solid waste collection, hauling, and disposal service under provisions of the city code applicable to solid waste collection, hauling, and disposal licenses are paid in full. If the previous license fees owed to city are not paid by franchisee within 30 days after the date the council approves this ordinance, then this ordinance shall be considered null and void and shall have no force or effect.

The director may prevent franchisee from operating a solid waste collection service under this franchise or reapplying for a new franchise until the previous license fees have been paid in full.

SECTION 14. Ordinance effective date. Subject to the provisions of Subsection 5(e), Subsection 12(o), and Section 13, this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas (the “effective date”), and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

BY \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

## **Exhibit A**

### **INSURANCE COVERAGE REQUIRED**

SECTION C. Subject to FRANCHISEE'S right to maintain reasonable deductibles, FRANCHISEE shall obtain and maintain in full force and effect for the duration of this contract and any extension hereof, at FRANCHISEE'S sole expense, insurance coverage in the following type(s) and amounts:

Business Automobile Liability Insurance covering owned, hired, and non-owned vehicles, with a minimum combined bodily injury (including death) and property damage limit of \$500,000 per occurrence.

#### **REQUIRED PROVISIONS**

FRANCHISEE agrees that with respect to the above required insurance, all insurance contracts and certificate(s) of insurance will contain and state, in writing, the following required provisions:

- a. Name the City of Dallas and its officers, employees and elected representatives as additional insureds to all applicable coverages.
- b. State that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to:
  - (i) Sanitation Services, Attention: Assistant Director, 3112 Canton, Suite 200, Dallas, Texas 75226 and
  - (ii) Director, Office of Risk Management, 1500 Marilla, 6A-South, Dallas, Texas 75201.
- c. Waive subrogation against the City of Dallas, its officers and employees, for bodily injury (including death), property damage or any other loss.
- d. Provide that the FRANCHISEE'S insurance is primary insurance as respects the CITY, its officers, employees and elected representatives.
- e. Provide that all provisions of this franchise concerning liability, duty and standard of care, together with the indemnification provision, shall be underwritten by contractual liability coverage sufficient to include such obligations within applicable policies.

#### **CITY NOT LIABLE**

Approval, disapproval or failure to act by the CITY regarding any insurance supplied by the FRANCHISEE or its subcontractors shall not relieve the FRANCHISEE of full responsibility or liability for damages and accidents as set forth in the franchise documents. Neither shall the bankruptcy, insolvency nor denial of liability by the insurance company exonerate the FRANCHISEE from liability.

**Exhibit B**

**Acceptance**

E W Wells Group, LLC, a Texas limited liability company, unconditionally accepts and agrees to be bound by all the terms, covenants, and conditions contained in the Solid Waste Collection Service franchise ordinance, Ordinance No. \_\_\_\_\_, passed on January 25, 2017.

Dated: \_\_\_\_ day of \_\_\_\_\_, 2017.

FRANCHISEE:

E W WELLS GROUP, LLC  
a Texas limited liability company

By: \_\_\_\_\_  
Ernie Wells, President

State of Texas  
County of Dallas

This instrument was acknowledged before me on \_\_\_\_\_, 2017 by Ernie Wells, President of E W Wells Group, LLC, a Texas limited liability company, on behalf of said company.

( Seal)

\_\_\_\_\_  
Notary Public's Signature

**Exhibit C**  
**Affidavit of Ownership or Control**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Sustainable Development and Construction  
City Attorney's Office  
Water Utilities

**CMO:** Mark McDaniel, 670-3256  
Larry Casto, 670-3491

**MAPSCO:** 69AD

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**SUBJECT**

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceedings styled City of Dallas v. Linda Sue Reid, et al., Cause No. CC-16-03154-C, pending in Dallas County Court at Law No. 2, to acquire approximately 59,276 square feet of land located near the intersection of Seagoville Road and Interstate Highway 20 for the Southwest 120/96-inch Water Transmission Pipeline Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$220,634 (\$216,145 being the amount of the award, plus closing costs and title expenses not to exceed \$4,489); an increase of \$8,679 from the amount Council originally authorized for this acquisition - Financing: Water Utilities Capital Construction Funds

**BACKGROUND**

On April 22, 2015, City Council authorized the acquisition of this property by Resolution No. 15-0763. The property owner was offered \$207,466 which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer and the City filed an eminent domain proceeding to acquire the property. After a hearing on October 13, 2016, the Special Commissioners awarded the property owner \$216,145.

This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$8,679 more than the City Council originally authorized for this acquisition.

The City has no control over the Special Commissioners appointed by the judge or any award that is subsequently rendered by the Special Commissioners. The City, in order to acquire possession of the property and proceed with its improvements, must deposit the amount awarded by the Special Commissioners in the registry of the Court.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized acquisition on April 22, 2015, by Resolution No. 15-0763.

Information about this item will be provided to the Economic Development Committee on January 17, 2017.

**FISCAL INFORMATION**

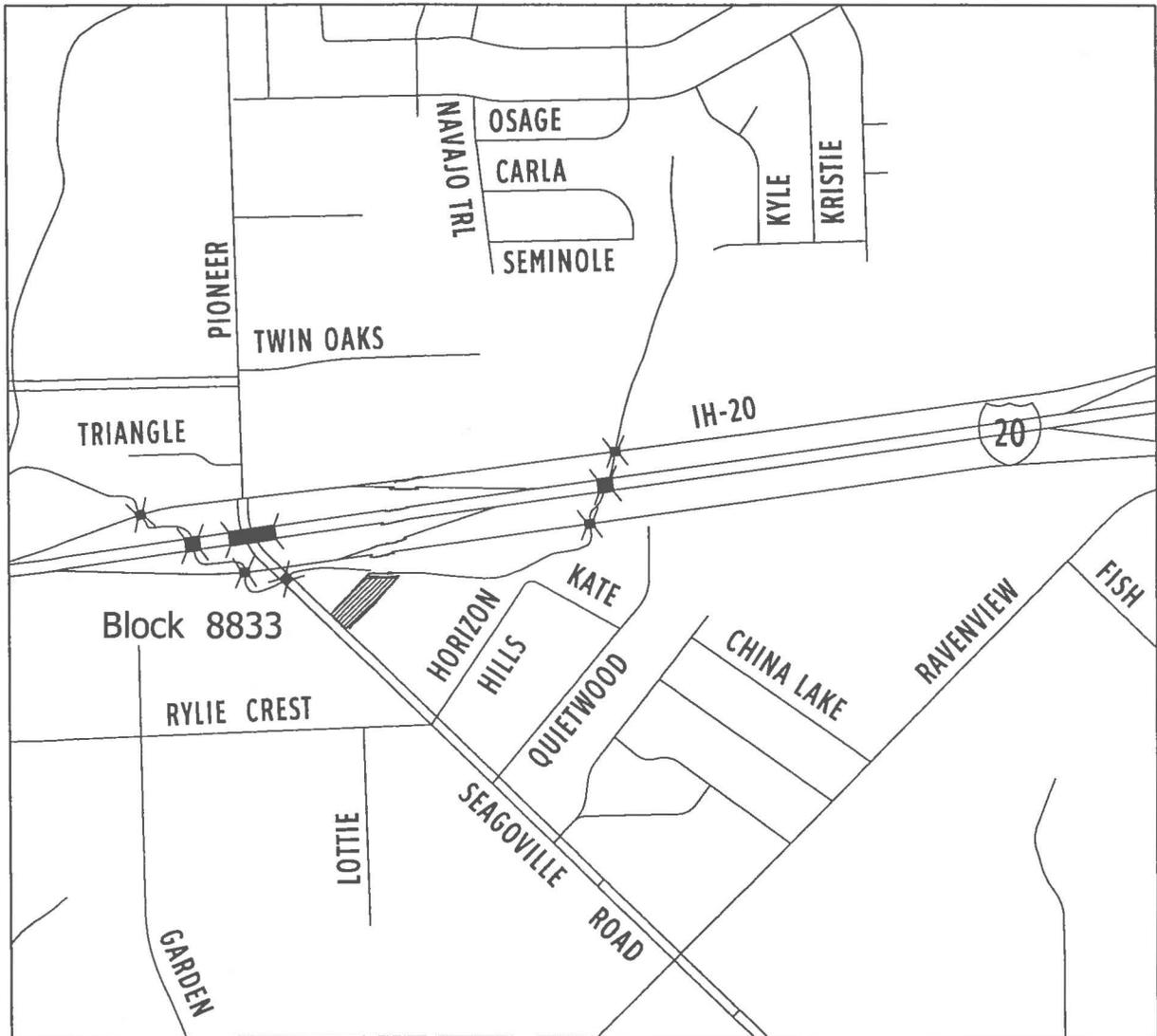
Water Utilities Capital Construction Funds - \$220,634 (\$216,145, plus closing costs and title expenses not to exceed \$4,489)

**OWNER**

Linda Sue Reid

**MAP**

Attached



SUBJECT:





January 25, 2017

**A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS AWARD, AND SETTLEMENT OF THE CONDEMNATION PROCEEDING AND IF OBJECTIONS ARE FILED, THE LAWSUIT ARISING FROM THE CONDEMNATION PROCEEDING FOR THE AWARD.**

**IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:**

"CONDEMNATION PROCEEDING": Cause No. CC-16-03154-C, in Dallas County Court at Law No. 2, and styled City of Dallas v. Linda Sue Reid, et al., filed pursuant to City Council Resolution No. 15-0763.

"PROPERTY": Approximately 59,276 square feet of land located in Dallas County, as described in the Condemnation Suit.

"PROJECT": Southwest 120/96-inch Water Transmission Pipeline Project

"OFFICIAL OFFER": \$207,466

"AWARD": \$216,145

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed: \$4,489

"AUTHORIZED AMOUNT": Not to exceed: \$220,634

"DESIGNATED FUNDS":

\$211,955 from Water Utilities Capital Construction Funds, Fund No. 0102, Department DWU, Unit CW40, Activity MPSA, Program No. 706623, Object 4210, Encumbrance No. CT-DWU706623CPDS

\$8,679 from Water Utilities Capital Construction Funds, Fund No. 0102, Department DWU, Unit CW40, Activity MPSA, Program No. 706623, Object 4210, Encumbrance No. CT-DWU706623CPDS

**WHEREAS**, the OFFICIAL OFFER having been made and refused, the City Attorney filed the CONDEMNATION PROCEEDING for the acquisition of the PROPERTY for the PROJECT; and,

**WHEREAS**, the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING made an Award which the City Council wishes to deposit with the County Clerk of Dallas County, Texas, so that the City may take possession of the PROPERTY; and,

January 25, 2017

**WHEREAS**, the owner of the PROPERTY objected to the AWARD, which converted the CONDEMNATION PROCEEDING into a lawsuit; and,

**WHEREAS**, the City Council desires to authorize the City Attorney to settle the CONDEMNATION PROCEEDING and, if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING for an amount not to exceed the AWARD; **Now, Therefore,**

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

**SECTION 1.** That the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in the amount of the AWARD payable to the District Clerk of Kaufman County, Texas, to be deposited by the City Attorney with the Clerk and in the amount of the CLOSING COSTS and TITLE EXPENSES payable to the title company closing the transaction described herein. The AWARD, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 2.** That the City Attorney is authorized to settle the CONDEMNATION PROCEEDING, and if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING, for an amount not to exceed the AWARD.

**SECTION 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED AS TO FORM:**  
**LARRY E. CASTO**  
City Attorney

BY   
Assistant City Attorney

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** Outside City Limits

**DEPARTMENT:** Sustainable Development and Construction  
Water Utilities

**CMO:** Mark McDaniel, 670-3256

**MAPSCO:** 73V

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**SUBJECT**

Authorize settlement in lieu of proceeding further with condemnation in City of Dallas v. Nueva Vida/New Life Assembly Inc., Cause No. CC-16-03158-E, pending in Dallas County Court at Law No. 2, to acquire a tract of land containing approximately 17,755 square feet located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$32,510, increased from \$100,490 (\$96,990, plus closing costs and title expenses not to exceed \$3,500) to \$133,000 (\$129,585, plus closing costs and title expenses not to exceed \$3,415) - Financing: Water Utilities Capital Construction Funds

**BACKGROUND**

This item authorizes a settlement for the acquisition of a tract of land containing approximately 17,755 square feet located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project. This settlement will allow acquisition of the property without further condemnation proceedings.

The first resolution approved on August 12, 2015, authorized the purchase and/or condemnation in the total amount of \$100,490. The settlement will avoid increased costs associated with construction delays, commissioners' costs, updated appraisal reports, court filing fees and uncertainty associated with possibility of commissioners' award being higher than the negotiated amount of \$133,000.

**PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)**

Authorized acquisition on August 12, 2015, by Resolution No. 15-1424.

Information about this item will be provided to the Economic Development Committee on January 17, 2017.

**FISCAL INFORMATION**

Water Utilities Capital Construction Funds - \$32,510

Resolution No. 15-1424	\$100,490
Additional Amount (this action)	<u>\$ 32,510</u>

Total Authorized Amount	\$133,000
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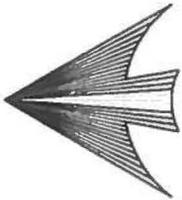
**OWNER**

**Nueva Vida/New Life Assembly, Inc.**

Vicente Delgado, President

**MAP**

Attached



**NORTH**  
NOT TO SCALE

WOODLAND HILLS

WINTERGREEN

SHENANDOAH

SIERRA

MARBLE CANYON

THUNDERBROOK

OLD HICKORY TRAIL

MARLENE

ADAM

WINDING  
BROOK

BRADYBROOK

SHADYBROOK

BROOK

MEADOWBROOK

EZELL

EXECUTIVE



**PARCEL W-56**  
**VARIABLE WIDTH RIGHT-OF-WAY**  
**ACQUISITION FOR WATER**  
**17,755 SQ. FT. PARCEL**

HAMPTON

DAVID

GILBERT

WILLIAMS

DEBORAH

WINTERGREEN

KESTREL

FALCON

SEAHAWK

OSPREY



January 25, 2017

**A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR A NEGOTIATED PRICE HIGHER THAN THE AUTHORIZED PURCHASE AMOUNT.**

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or eminent domain, of the PROPERTY INTERESTS in the PROPERTY held by OWNER for the PROJECT; and

**WHEREAS**, OWNER refused the FIRST RESOLUTION PURCHASE AMOUNT, but has agreed to the SETTLEMENT AMOUNT stated herein; and

**WHEREAS**, the City Council desires to authorize the City Manager to acquire the PROPERTY INTERESTS in the PROPERTY for the negotiated PURCHASE AMOUNT stated herein; **Now, Therefore**,

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

**SECTION 1.** That the following definitions shall apply to this resolution:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 15-1424 approved by the Dallas City Council on August 12, 2015 authorized the acquisition by purchase and/or eminent domain of a tract of land containing approximately 17,755 square feet for a purchase amount of \$100,490 (\$96,990, plus closing costs and title expenses not to exceed \$3,500).

“PROJECT”: Southwest 120/96-inch Water Transmission Pipeline Project

“USE”: The construction, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary, provided, however to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

“OWNER”: Nueva Vida/New Life Assembly Inc., provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

“PROPERTY INTEREST”: Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the conveyance instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

January 25, 2017

"PROPERTY": Approximately 17,755 square feet of land located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining hereto.

"FIRST RESOLUTION PURCHASE AMOUNT": \$100,490

"SETTLEMENT AMOUNT": \$129,585

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,415

"REVISED AUTHORIZED AMOUNT": \$133,000

**SECTION 2.** That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to the CITY of the PROPERTY INTERESTS in and to the PROPERTY pursuant to the conveyance instrument approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating the transaction.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to draw checks for the SETTLEMENT AMOUNT, closing costs and title expenses, payable out of Water Utilities Capital Construction Fund, Fund 0102, Dept. DWU, Unit CW40, Activity MPSA, Object 4210, Program 706035, CT-DWU706035CPBR, and said payment shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney. The SETTLEMENT AMOUNT - \$129,585 and the CLOSING COSTS AND TITLE EXPENSES - \$3,415 together shall not exceed the REVISED AUTHORIZED AMOUNT - \$133,000.

**SECTION 4.** That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

**SECTION 5.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED AS TO FORM:  
LARRY E. CASTO, CITY ATTORNEY**

BY:   
Assistant City Attorney

**PARCEL W-56**  
**VARIABLE WIDTH RIGHT-OF-WAY ACQUISITION FOR WATER**  
**17,755 SQ. FT. PARCEL**  
**JONAS BUSKIRK SURVEY, ABSTRACT NO. 110**  
**CITY OF DESOTO, DALLAS COUNTY, TEXAS**

DESCRIPTION

BEING a 17,755 square foot tract of land situated in the Jonas Buskirk Survey, Abstract No. 110, being in the City of Desoto, Dallas County, Texas, and being a portion of a tract of land described in that certain General Warranty Deed to Nueva Vida/New Life Assembly (Nueva Vida), as recorded in Instrument No. 200900359863 of the Official Public Records of Dallas County, Texas, said tract of land being part of Lots 1,2,3 and 4 of Hampton Road Acres, an addition to Dallas County, Texas, according to the plat thereof recorded in Volume 8, Page 355 of the Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1.5" (o.d.) iron pipe found (leaning) for the southeast corner of the aforementioned Nueva Vida tract, said southeast corner being in the north right-of-way line of Wintergreen Road (variable width right-of-way);

THENCE S 89°21'44" W (deed-N 89°43'03" W), with the south line of said Nueva Vida tract and said north right-of-way line of Wintergreen Road, 881.74 feet (deed-881.49 feet) to a 3/8" iron rod found for the southwest corner of said Nueva Vida tract, said southwest corner also being the southeast corner of Lot 27 of said Hampton Road Acres;

THENCE N 00°59'25" W (deed-N 00°08'27" W), departing said north right-of-way line of Wintergreen Road and with the common west line of said Nueva Vida tract and east line of said Lot 27, 19.40 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 89°15'57" E, departing the common west line of said Nueva Vida tract and east line of said Lot 27, 881.78 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the east line of said Nueva Vida tract, said corner being the southwest corner of Lot 1-D of a Replat of Lot 1-C, a Replat of a Part of Lots 1 and 2 of Hampton Road Acres and a Part of Lots 3 and 4 of Hampton Road Acres, an addition to the City of Desoto, Texas, according to the plat thereof recorded in Volume 90223, Page 1652 of the Deed Records of Dallas County, Texas and being at a jog in the north right-of-way line of said Wintergreen Road;

REVIEWED BY *Doc 2/10/11*

Dallas Water Utilities  
Southwest 120/96-inch Water  
Transmission Pipeline Project

**NDM**  
NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00

**AECOM**

AECOM USA GROUP, INC.  
17300 DALLAS PARKWAY, SUITE 1010  
DALLAS, TEXAS 75248-1157  
WWW.AECOM.COM  
TBPE REG. NO. F-3082

Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 739-4741

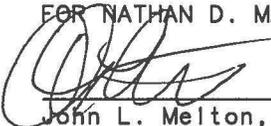
DECEMBER 16, 2010

7059-EX56.dwg

**PARCEL W-56**  
**VARIABLE WIDTH RIGHT-OF-WAY ACQUISITION FOR WATER**  
17,755 SQ. FT. PARCEL  
JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
CITY OF DESOTO, DALLAS COUNTY, TEXAS

THENCE S 00°51'19" E (deed-S 00°16'31" W), with the east line of said Nueva Vida tract and said right-of-way line of Wintergreen Road, 20.88 feet to the POINT OF BEGINNING and containing 0.4076 acres or 17,755 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, R.P.L.S. No. 4268  
Registered Professional Land Surveyor



NOTES:

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network (www.txrtk.com) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

The easement and right-of-way to Texas Power & Light Company as recorded in Volume 68083, Page 168 of the Deed Records of Dallas County, Texas, does not affect the subject tract.

REVIEWED BY *Dk* 2/6/11

Dallas Water Utilities  
Southwest 120/96-inch Water  
Transmission Pipeline Project

**NDM**  
NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00



AECOM USA GROUP, INC.  
17300 DALLAS PARKWAY, SUITE 1010  
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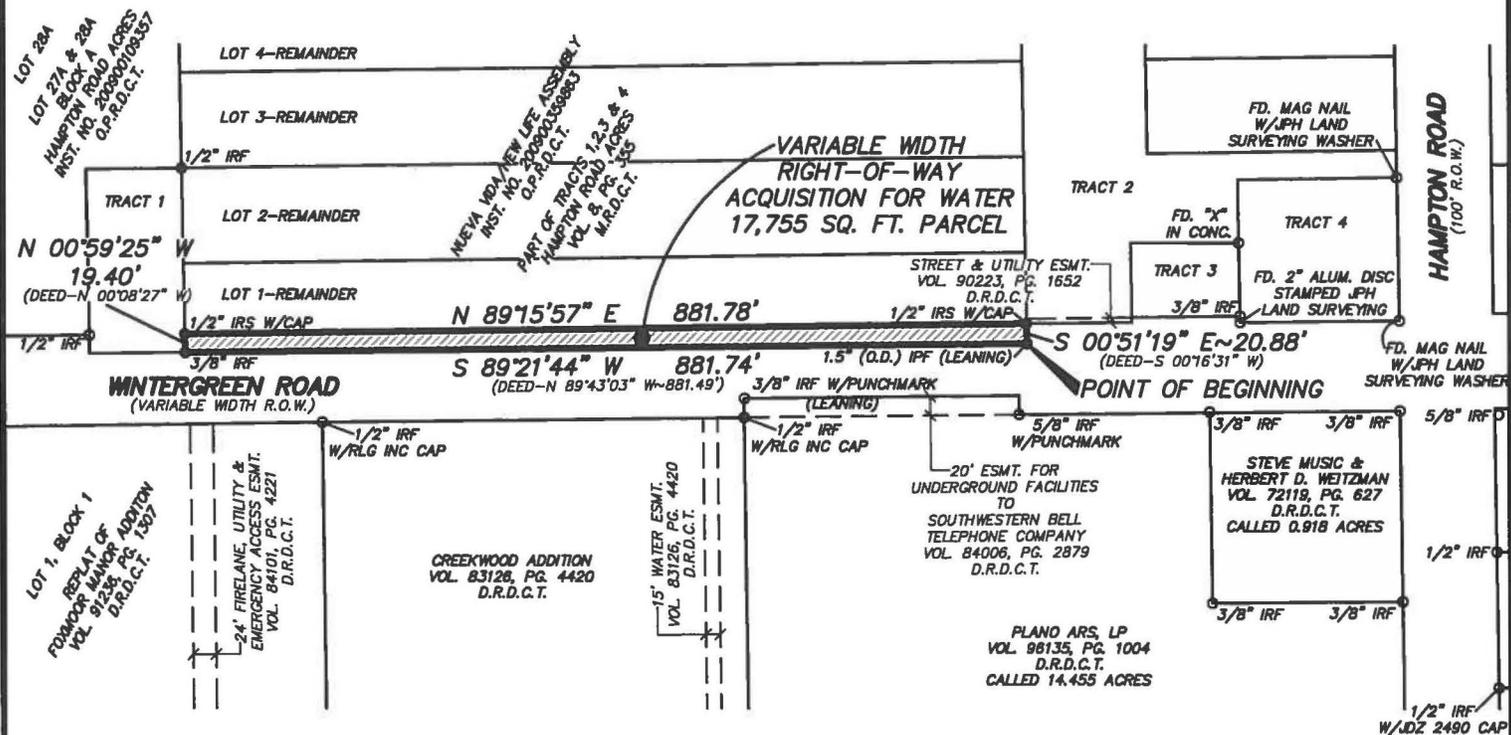
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Dallas, Texas 75231 / (214) 739-4741

DECEMBER 16, 2010

7059-EX56.dwg

**PARCEL W-56**  
**VARIABLE WIDTH RIGHT-OF-WAY ACQUISITION FOR WATER**

17,755 SQ. FT. PARCEL  
JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
CITY OF DESOTO, DALLAS COUNTY, TEXAS



**LEGEND**

O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
SQ. FT.	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
ESMT.	EASEMENT
C.L.	CENTERLINE
C.M.	CONTROLLING MONUMENT
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"



**TRACT INFORMATION**

TRACT 1-VICENTE DELGADO AND ANTONIO DELGADO INST. NO. 20100022269, O.P.R.D.C.T. EAST 100' OF LOT 27, HAMPTON ROAD ACRES VOL. 8, PG. 355, M.R.D.C.T.
TRACT 2-LOT 1-D, REPLAT OF LOT 1-C, A REPLAT OF PART OF LOTS 1 AND 2, HAMPTON ROAD ACRES AND A PART OF LOTS 3 AND 4 OF HAMPTON ROAD ACRES VOL. 90223, PG. 1652, D.R.D.C.T.
TRACT 3-REMAINDER OF LOT 1-B, LOT 1-B, A REPLAT OF PART OF LOTS 1 AND 2, HAMPTON ROAD ACRES VOL. 88087, PAGE 6883, D.R.D.C.T.
TRACT 4-LOT 1-A, REPLAT OF PART OF LOTS 1 & 2 OF HAMPTON ROAD ACRES VOL. 88047, PG. 2598, D.R.D.C.T.

Dallas Water Utilities  
Southwest 120/96-inch Water  
Transmission Pipeline Project



AECOM USA GROUP, INC.  
17300 DALLAS PARKWAY, SUITE 1010  
DALLAS, TEXAS 75248-1157  
WWW.AECOM.COM  
TBPE REG. NO. F-3082

**NDM** NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 739-4741

DECEMBER 16, 2010

7059-EX56.dwg

REVIEWED BY: [Signature]

# EXHIBIT B

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

## WARRANTY DEED

THE STATE OF TEXAS   §  
                                  §       KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF DALLAS   §

That Nueva Vida/New Life Assembly, also known as Nueva Vida/New Life Assembly, Inc., a Texas non-profit corporation (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of ONE HUNDRED TWENTY-NINE THOUSAND FIVE HUNDRED EIGHTY-FIVE AND NO/100 DOLLARS (\$129,585.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

**SPECIAL PROVISIONS:** This conveyance and the warranty of title is herein provided and made subject to the exceptions described in Exhibit "B" attached hereto and incorporated herein for all purposes.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Nueva Vida/New Life Assembly, also known as Nueva Vida/New Life Assembly, Inc.,  
a Texas non-profit corporation

By: \_\_\_\_\_  
Name: Vicente Delgado  
Title: President

\* \* \* \* \*

STATE OF TEXAS            '  
COUNTY OF DALLAS        '

This instrument was acknowledged before me on \_\_\_\_\_  
by Vicente Delgado, President of Nueva Vida/New Life Assembly, Inc., a Texas non-  
profit corporation, on behalf of said non-profit corporation.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

After recording return to:  
City of Dallas  
Department of Sustainable Development and Construction  
Real Estate Division  
320 East Jefferson Boulevard, Room 203  
Dallas, Texas 75203  
attn: Mark Proctor, Real Estate Manager

Warranty Deed Log No. 36554

**PARCEL W-56**  
**VARIABLE WIDTH RIGHT-OF-WAY ACQUISITION FOR WATER**  
17,755 SQ. FT. PARCEL  
JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
CITY OF DESOTO, DALLAS COUNTY, TEXAS

DESCRIPTION

BEING a 17,755 square foot tract of land situated in the Jonas Buskirk Survey, Abstract No. 110, being in the City of Desoto, Dallas County, Texas, and being a portion of a tract of land described in that certain General Warranty Deed to Nueva Vida/New Life Assembly (Nueva Vida), as recorded in Instrument No. 200900359863 of the Official Public Records of Dallas County, Texas, said tract of land being part of Lots 1,2,3 and 4 of Hampton Road Acres, an addition to Dallas County, Texas, according to the plat thereof recorded in Volume 8, Page 355 of the Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1.5" (o.d.) iron pipe found (leaning) for the southeast corner of the aforementioned Nueva Vida tract, said southeast corner being in the north right-of-way line of Wintergreen Road (variable width right-of-way);

THENCE S 89°21'44" W (deed-N 89°43'03" W), with the south line of said Nueva Vida tract and said north right-of-way line of Wintergreen Road, 881.74 feet (deed-881.49 feet) to a 3/8" iron rod found for the southwest corner of said Nueva Vida tract, said southwest corner also being the southeast corner of Lot 27 of said Hampton Road Acres;

THENCE N 00°59'25" W (deed-N 00°08'27" W), departing said north right-of-way line of Wintergreen Road and with the common west line of said Nueva Vida tract and east line of said Lot 27, 19.40 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 89°15'57" E, departing the common west line of said Nueva Vida tract and east line of said Lot 27, 881.78 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the east line of said Nueva Vida tract, said corner being the southwest corner of Lot 1-D of a Replat of Lot 1-C, a Replat of a Part of Lots 1 and 2 of Hampton Road Acres and a Part of Lots 3 and 4 of Hampton Road Acres, an addition to the City of Desoto, Texas, according to the plat thereof recorded in Volume 90223, Page 1652 of the Deed Records of Dallas County, Texas and being at a jog in the north right-of-way line of said Wintergreen Road;

REVIEWED BY Doc 2/10/11

Dallas Water Utilities  
Southwest 120/96-inch Water  
Transmission Pipeline Project

**NDM**  
NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00

**AECOM**

AECOM USA GROUP, INC.  
17300 DALLAS PARKWAY, SUITE 1010  
DALLAS, TEXAS 75248-1157  
WWW.AECOM.COM  
TBPE REG. NO. F-3082

Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 739-4741

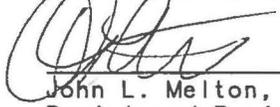
DECEMBER 16, 2010

7059-EX56.dwg

**PARCEL W-56**  
**VARIABLE WIDTH RIGHT-OF-WAY ACQUISITION FOR WATER**  
17,755 SQ. FT. PARCEL  
JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
CITY OF DESOTO, DALLAS COUNTY, TEXAS

THENCE S 00°51'19" E (deed-S 00°16'31" W), with the east line of said Nueva Vida tract and said right-of-way line of Wintergreen Road, 20.88 feet to the POINT OF BEGINNING and containing 0.4076 acres or 17,755 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, R.P.L.S. No. 4268  
Registered Professional Land Surveyor



NOTES:

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network ([www.txrtk.com](http://www.txrtk.com)) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

The easement and right-of-way to Texas Power & Light Company as recorded in Volume 68083, Page 168 of the Deed Records of Dallas County, Texas, does not affect the subject tract.

REVIEWED BY *Dde z/10/11*

Dallas Water Utilities  
Southwest 120/96-inch Water  
Transmission Pipeline Project

**NDM**  
NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00



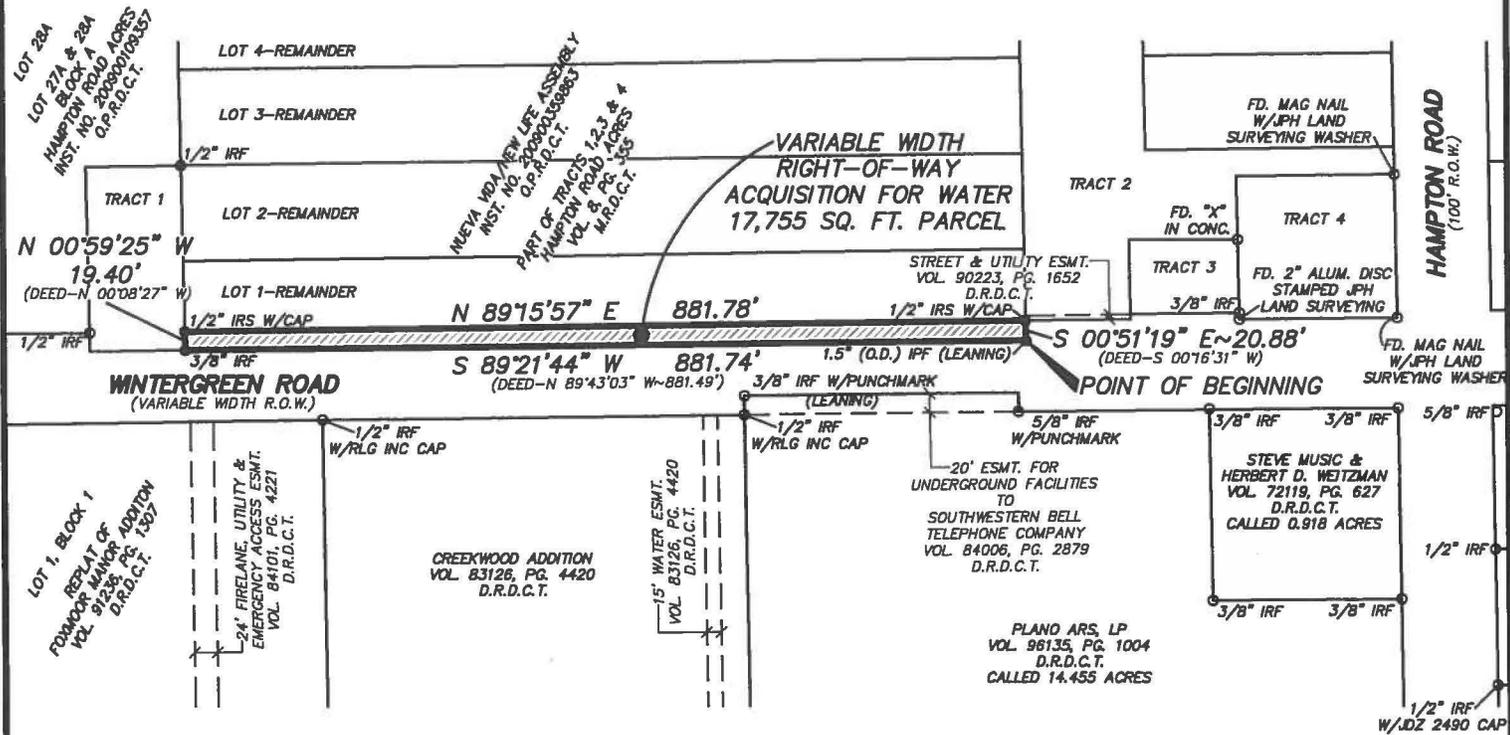
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DECEMBER 16, 2010

7059-EX56.dwg

**PARCEL W-56**  
**VARIABLE WIDTH RIGHT-OF-WAY ACQUISITION FOR WATER**  
17,755 SQ. FT. PARCEL  
JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
CITY OF DESOTO, DALLAS COUNTY, TEXAS



TRACT INFORMATION	
TRACT 1-	VICENTE DELGADO AND ANTONIO DELGADO INST. NO. 20100022269, O.P.R.D.C.T. EAST 100' OF LOT 27, HAMPTON ROAD ACRES VOL. 8, PG. 355, M.R.D.C.T.
TRACT 2-	LOT 1-D, REPLAT OF LOT 1-C, A REPLAT OF PART OF LOTS 1 AND 2, HAMPTON ROAD ACRES AND A PART OF LOTS 3 AND 4 OF HAMPTON ROAD ACRES VOL. 90223, PG. 1652, D.R.D.C.T.
TRACT 3-	REMAINDER OF LOT 1-B, LOT 1-B, A REPLAT OF PART OF LOTS 1 AND 2, HAMPTON ROAD ACRES VOL. 88087, PAGE 6883, D.R.D.C.T.
TRACT 4-	LOT 1-A, REPLAT OF PART OF LOTS 1 & 2 OF HAMPTON ROAD ACRES VOL. 86047, PG. 2598, D.R.D.C.T.

LEGEND	
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
SQ. FT.	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
ESMT.	EASEMENT
C.L.	CENTERLINE
C.M.	CONTROLLING MONUMENT
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"



Dallas Water Utilities  
Southwest 120/96-inch Water  
Transmission Pipeline Project

**NDM** NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00

**AECOM** AECOM USA GROUP, INC.  
17300 DALLAS PARKWAY, SUITE 1010  
DALLAS, TEXAS 75248-1157  
WWW.AECOM.COM  
TBPE REG. NO. F-3082

REVIEWED BY: [Signature]

# EXHIBIT "B"

## EASEMENT – ACCESS [Specific Location]

Grantor, for Grantor and Grantor's heirs, successors and assigns ("the holder of the easement") does hereby reserve an easement over, on and across the property described in Attachments 1a, 1b, 1c, and 1d, attached hereto and made a part hereof by reference for all purposes, (the "Easement Area") to provide free and uninterrupted pedestrian, vehicular and utility access to and from Grantor's adjoining or abutting property, being more fully described in Attachments 2a, 2b, 2c and 2d, attached hereto and made a part hereof by reference for all purposes, (the "Dominant Estate Property") and portions thereof, in a manner as not to endanger or interfere with the safe, efficient and/or convenient use of and activity on the property described in Exhibit "A" by City.

The easement is appurtenant to and runs with the Dominant Estate Property and all portions of it, whether or not the easement is referenced in any conveyance of the Dominant Estate Property or any portion of it. The easement binds and inures to the benefit of Grantor and City and their respective heirs, successors, and assigns.

The easement is perpetual.

This easement is nonexclusive, and City reserves for City and City's successors and assigns the right to convey the same or similar easement or other rights or easements to others. Notwithstanding any provision of this easement reservation to the contrary, City and City's successors and assigns shall in all respects and at all times have the superior and paramount right of use, access and control of the Easement Property, without any liability for damages, destruction or injury to any improvements located in the easement, from time to time.

Professionally engineered plans and specifications bearing the seal of a professional engineer currently registered in the State of Texas showing any and all improvements desired by the holder of the easement, including without limitation, fill or removal of soil within the easement, paving, support, protection of City's uses, utility lines, structures and facilities, must be submitted to and approved in writing by the City of Dallas Water Department ("DWU") in advance of any construction by the holder of the easement. No vehicle, equipment or machinery exceeding a total weight of 15,000 lbs may come on the easement or any use be allowed to exist that would exceed said weight limit at any time during normal use unless confined to the designated access points on improvements the plans and specifications for which are structurally designed and constructed with supporting appurtenances that meet or exceed H20 highway design capacity and that protect the City's facilities from all imposed loading. The parties acknowledge and agree that the paramount consideration in the evaluation of any proposed improvements is to fully and completely accommodate City's uses (current, anticipated, and/or potential) of the property described in Exhibit "A" and any facilities it may install. Consequently, City's determinations in this regard are conclusive and final. All such improvements and maintenance of the Easement Property will be at the sole expense of the

holder of the easement and must be constructed in a good and workmanlike manner in conformity with the approved plans and specifications. The holder of the easement will maintain the Easement Property in a neat, clean and safe condition at all times.

The holder of the easement agrees to indemnify, defend and hold City and City's successors in interest harmless from any loss, attorney's fees, court and other costs, expenses or claims attributable to any breach or default of any provision of this easement by the holder and/or any negligent act or omission by the holder with regard to this easement. In the event the holder of the easement shall place any unpermitted structure, improvement, use or material within the Easement Property and fails to remove same immediately upon receipt of notice from City, City shall have the right, but not the obligation, to remove such structure, improvement, use and/or material, and the holder of the easement shall reimburse City for any and all costs connected with such action immediately upon demand.

PAGE 1 OF 3  
**PARCEL W-56**  
**ACCESS EASEMENT NO. 1**  
311 SQ. FT. PARCEL  
JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
CITY OF DESOTO, DALLAS COUNTY, TEXAS

DESCRIPTION

BEING a 311 square foot tract of land situated in the Jonas Buskirk Survey, Abstract No. 110, being in the City of Desoto, Dallas County, Texas, and being a portion of a tract of land described in that certain General Warranty Deed to Nueva Vida/New Life Assembly (Nueva Vida), as recorded in Instrument No. 200900359863 of the Official Public Records of Dallas County, Texas, said tract of land being part of Lots 1, 2, 3 and 4 of Hampton Road Acres, an addition to Dallas County, Texas, according to the plat thereof recorded in Volume 8, Page 355 of the Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the south line of the aforementioned Nueva Vida tract, said south line being the north right-of-way line of Wintergreen Road (variable width right-of-way), from whence a 1.5" (o.d.) iron pipe found (leaning) for the southeast corner of said Nueva Vida tract bears N 89°21'44" E (deed-N 89°43'03" W), 834.89 feet;

THENCE S 89°21'44" W (deed-N 89°43'03" W), with the south line of said Nueva Vida tract and said north right-of-way line of Wintergreen Road, 16.00 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner, from whence a 3/8" iron rod found for the southwest corner of said Nueva Vida tract bears S 89°21'44" W (deed-N 89°43'03" W), 30.85 feet;

THENCE N 00°38'16" W, departing the south line of said Nueva Vida tract and said north right-of-way line of Wintergreen Road, 19.45 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 89°15'57" E, 16.00 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 00°38'16" E, 19.48 feet to the POINT OF BEGINNING and containing 0.0071 acres or 311 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

John L. Melton, R.P.L.S. No. 4268  
Registered Professional Land Surveyor



REVIEWED BY *Oct 3/16/11*

Dallas Water Utilities  
Southwest 120/96-inch Water  
Transmission Pipeline Project

**NDM**  
NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00  
Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 739-4741

**AECOM**  
MARCH 10, 2011

AECOM USA GROUP, INC.  
17300 DALLAS PARKWAY, SUITE 101C  
DALLAS, TEXAS 75248-1157  
WWW.AECOM.COM  
TBPE REG. NO. F-3082  
7059-AE56-1.dwg

PAGE 2 OF 3  
**PARCEL W-56**  
**ACCESS EASEMENT NO. 1**  
311 SQ. FT. PARCEL  
JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
CITY OF DESOTO, DALLAS COUNTY, TEXAS

NOTES:

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network ([www.txrtk.com](http://www.txrtk.com)) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

The easement and right-of-way to Texas Power & Light Company as recorded in Volume 68083, Page 168 of the Deed Records of Dallas County, Texas, does not affect the subject tract.

REVIEWED BY *Att* 3/16/11

**NDM**  
NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600  
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Dallas Water Utilities  
Southwest 120/96-inch Water  
Transmission Pipeline Project

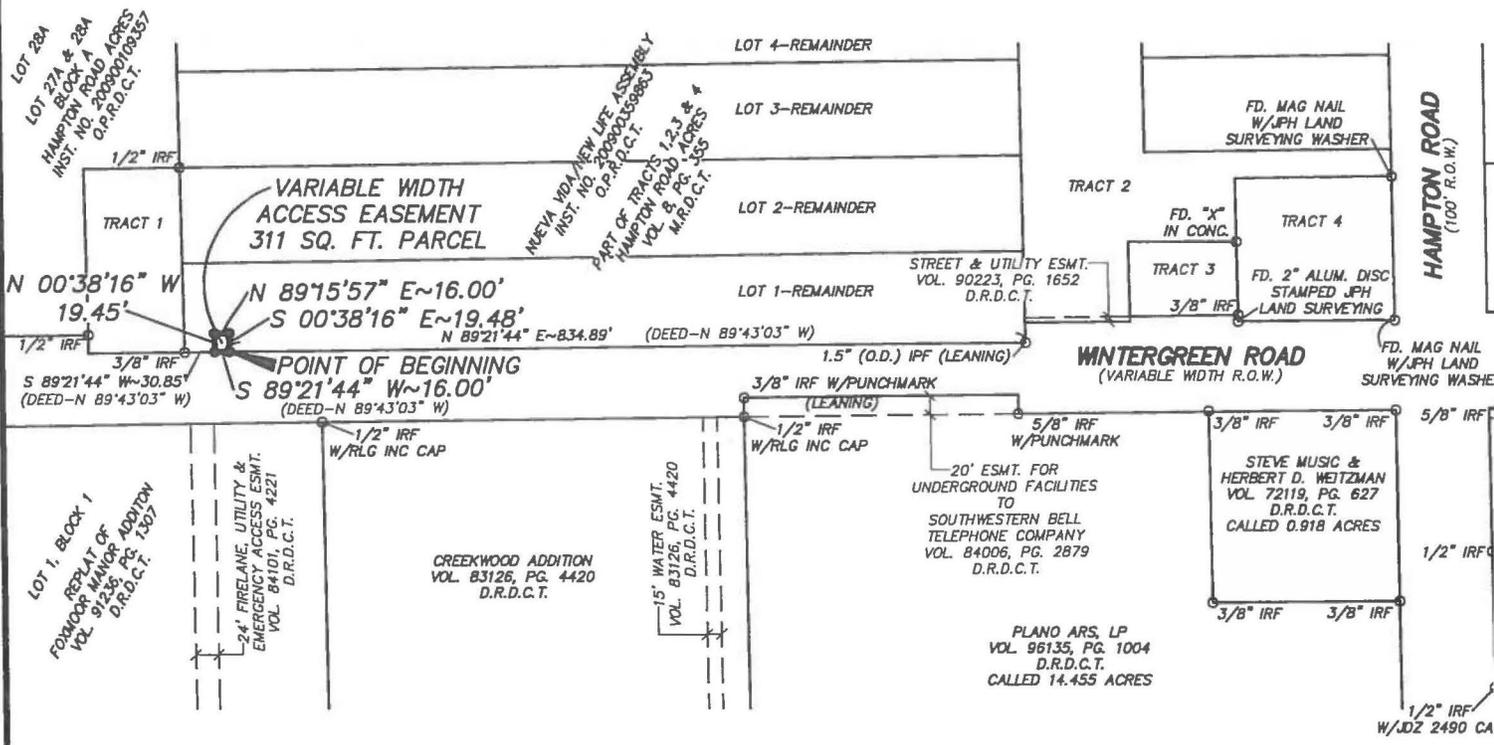
**AECOM**

AECOM USA GROUP, INC.  
17300 DALLAS PARKWAY, SUITE 101  
DALLAS, TEXAS 75248-1157  
[WWW.AECOM.COM](http://WWW.AECOM.COM)  
TBPE REG. NO. F-3082

MARCH 10, 2011

7059-AE56-1.dwg

PAGE 3 OF 3  
**PARCEL W-56**  
**ACCESS EASEMENT NO. 1**  
 311 SQ. FT. PARCEL  
 JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
 CITY OF DESOTO, DALLAS COUNTY, TEXAS



**NOTE:**  
 UNLESS NOTED OTHERWISE, 1/2" IRON ROD  
 WITH PLASTIC CAP STAMPED "TX REG NO  
 100189-00" SET AT CORNERS.

TRACT INFORMATION	
TRACT 1-	VICENTE DELGADO AND ANTONIO DELGADO INST. NO. 20100022269, O.P.R.D.C.T. EAST 100' OF LOT 27, HAMPTON ROAD ACRES VOL. 8, PG. 355, M.R.D.C.T.
TRACT 2-	LOT 1-D, REPLAT OF LOT 1-C, A REPLAT OF PART OF LOTS 1 AND 2, HAMPTON ROAD ACRES AND A PART OF LOTS 3 AND 4 OF HAMPTON ROAD ACRES VOL. 90223, PG. 1652, D.R.D.C.T.
TRACT 3-	REMAINDER OF LOT 1-B, LOT 1-B, A REPLAT OF PART OF LOTS 1 AND 2, HAMPTON ROAD ACRES VOL. 88087, PAGE 6883, D.R.D.C.T.
TRACT 4-	LOT 1-A, REPLAT OF PART OF LOTS 1 & 2 OF HAMPTON ROAD ACRES VOL. 86047, PG. 2598, D.R.D.C.T.

LEGEND	
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
SQ. FT.	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
ESMT.	EASEMENT
C.L.	CENTERLINE
C.M.	CONTROLLING MONUMENT
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"



**NDM** NATHAN D. MAIER  
 CONSULTING ENGINEERS, INC.  
 TBPE FIRM REG. NO. F-356  
 TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600  
 Dallas, Texas 75231 / (214) 739-4741

Dallas Water Utilities  
 Southwest 120/96-inch Water  
 Transmission Pipeline Project

**AECOM**

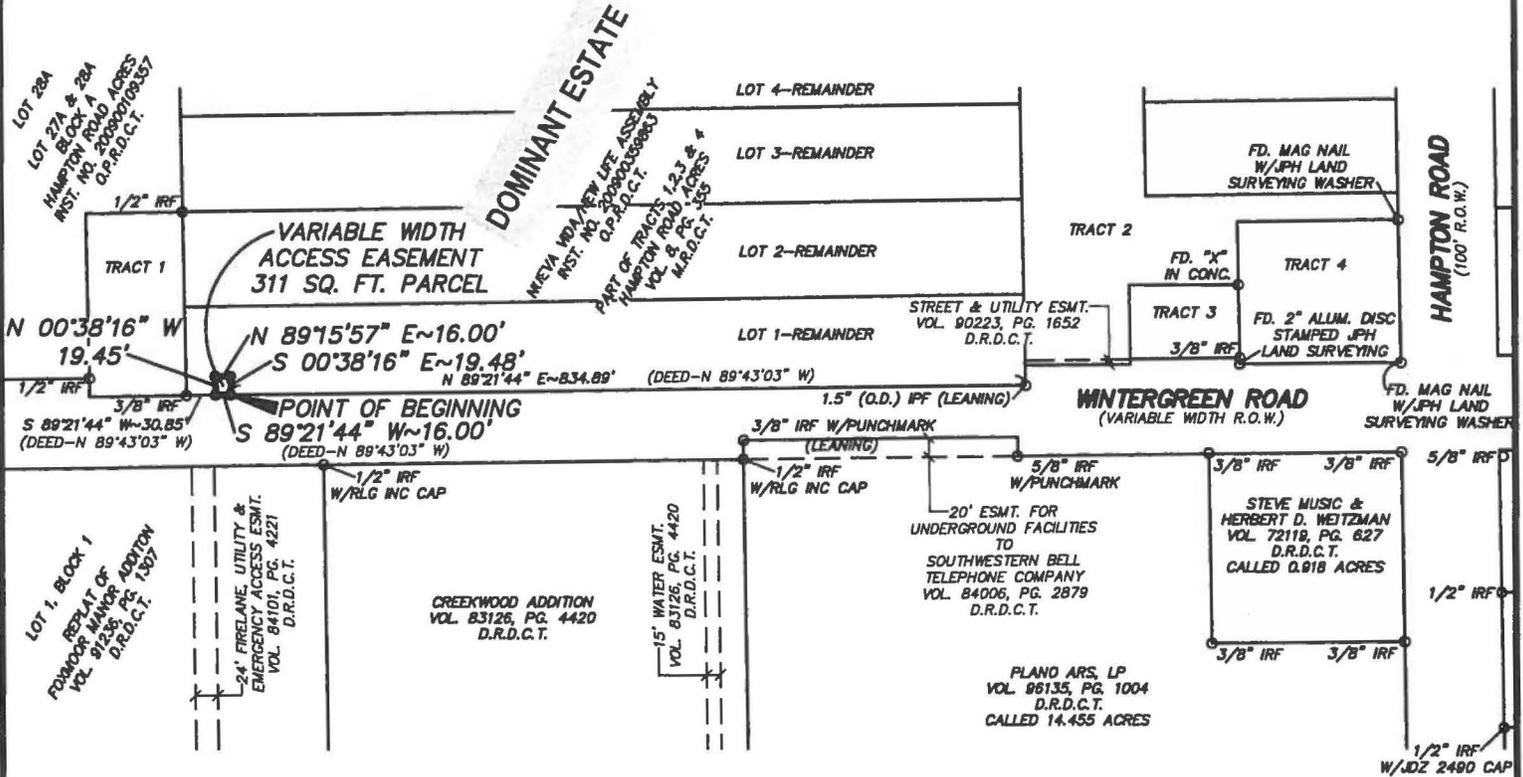
AECOM USA GROUP, INC.  
 17300 DALLAS PARKWAY, SUITE 10  
 DALLAS, TEXAS 75248-1157  
 WWW.AECOM.COM  
 TBPE REG. NO. F-3082

MARCH 10, 2011      7059-AE56-1.dwg

REVIEWED BY: [Signature]

## PARCEL W-56

311 SQ. FT. PARCEL  
 JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
 CITY OF DESOTO, DALLAS COUNTY, TEXAS



NOTE:  
 UNLESS NOTED OTHERWISE, 1/2" IRON ROD  
 WITH PLASTIC CAP STAMPED "TX REG NO  
 100189-00" SET AT CORNERS.

**TRACT INFORMATION**

TRACT 1-VICENTE DELGADO AND ANTONIO DELGADO  
 INST. NO. 201000022268, O.P.R.D.C.T.  
 EAST 100' OF LOT 27, HAMPTON ROAD ACRES  
 VOL. 8, PG. 355, M.R.D.C.T.

TRACT 2-LOT 1-D, REPLAT OF LOT 1-C, A REPLAT OF PART  
 OF LOTS 1 AND 2, HAMPTON ROAD ACRES AND A  
 PART OF LOTS 3 AND 4 OF HAMPTON ROAD ACRES  
 VOL. 90223, PG. 1652, D.R.D.C.T.

TRACT 3-REMAINDER OF LOT 1-B, LOT 1-B, A REPLAT OF  
 PART OF LOTS 1 AND 2, HAMPTON ROAD ACRES  
 VOL. 88087, PAGE 6883, D.R.D.C.T.

TRACT 4-LOT 1-A, REPLAT OF PART OF LOTS 1 & 2 OF  
 HAMPTON ROAD ACRES  
 VOL. 86047, PG. 2598, D.R.D.C.T.

**LEGEND**

O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS

D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS

M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS

INST. NO. INSTRUMENT NUMBER

VOL., PG. VOLUME, PAGE

SQ. FT. SQUARE FEET

R.O.W. RIGHT-OF-WAY

ESMT. EASEMENT

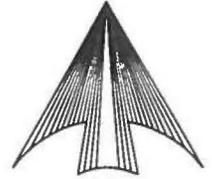
C.L. CENTERLINE

C.M. CONTROLLING MONUMENT

IRF IRON ROD FOUND

IPF IRON PIPE FOUND

IRS W/CAP IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"



**NORTH**  
 SCALE: 1"=200'

**NDM** NATHAN D. MAIER  
 CONSULTING ENGINEERS, INC.  
 TBPE FIRM REG. NO. F-356  
 TBPLS FIRM REG. NO. 100189-00

Dallas Water Utilities  
 Southwest 120/96-inch Water  
 Transmission Pipeline Project



AECOM USA GROUP, INC.  
 17300 DALLAS PARKWAY, SUITE 1010  
 DALLAS, TEXAS 75248-1157  
 WWW.AECOM.COM  
 TBPE REG. NO. F-3082

REVIEWED BY [Signature] 3/16/11

**PAGE 1 OF 3  
 PARCEL W-56  
 ACCESS EASEMENT NO. 2  
 432 SQ. FT. PARCEL  
 JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
 CITY OF DESOTO, DALLAS COUNTY, TEXAS**

**DESCRIPTION**

BEING a 432 square foot tract of land situated in the Jonas Buskirk Survey, Abstract No. 110, being in the City of Desoto, Dallas County, Texas, and being a portion of a tract of land described in that certain General Warranty Deed to Nueva Vida/New Life Assembly (Nueva Vida), as recorded in Instrument No. 200900359863 of the Official Public Records of Dallas County, Texas, said tract of land being part of Lots 1,2,3 and 4 of Hampton Road Acres, an addition to Dallas County, Texas, according to the plat thereof recorded in Volume 8, Page 355 of the Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the south line of the aforementioned Nueva Vida tract, said south line being the north right-of-way line of Wintergreen Road (variable width right-of-way), from whence a 1.5" (o.d.) iron pipe found (leaning) for the southeast corner of said Nueva Vida tract bears N 89°21'44" E (deed-N 89°43'03" W), 468.20 feet;

THENCE S 89°21'44" W (deed-N 89°43'03" W), with the south line of said Nueva Vida tract and said north right-of-way line of Wintergreen Road, 21.50 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner, from whence a 3/8" iron rod found for the southwest corner of said Nueva Vida tract bears S 89°21'44" W (deed-N 89°43'03" W), 392.04 feet;

THENCE N 00°38'16" W, departing the south line of said Nueva Vida tract and said north right-of-way line of Wintergreen Road, 20.05 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 89°15'57" E, 21.50 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 00°38'16" E, 20.09 feet to the POINT OF BEGINNING and containing 0.0099 acres or 432 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

*(Signature)*  
 John L. Melton, R.P.L.S. No. 4268  
 Registered Professional Land Surveyor



REVIEWED BY *(Signature)*

Dallas Water Utilities  
 Southwest 120/96-inch Water  
 Transmission Pipeline Project

**NDM**  
 NATHAN D. MAIER  
 CONSULTING ENGINEERS, INC.  
 TBPE FIRM REG. NO. F-356  
 TBPLS FIRM REG. NO. 100189-00  
 Two Northpark / 8080 Park Lane / Suite 600  
 Dallas, Texas 75231 / (214) 739-4741

**AECOM**  
 DECEMBER 17, 2010

AECOM USA GROUP, INC.  
 17300 DALLAS PARKWAY, SUITE 101  
 DALLAS, TEXAS 75248-1157  
 WWW.AECOM.COM  
 TBPE REG. NO. F-3082  
 7059-AE56-2.dwg

PAGE 2 OF 3  
**PARCEL W-56**  
**ACCESS EASEMENT NO. 2**  
432 SQ. FT. PARCEL  
JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
CITY OF DESOTO, DALLAS COUNTY, TEXAS

NOTES:

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network ([www.txrtk.com](http://www.txrtk.com)) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

The easement and right-of-way to Texas Power & Light Company as recorded in Volume 68083, Page 168 of the Deed Records of Dallas County, Texas, does not affect the subject tract.

REVIEWED BY Dkt. 2/10/10

**NDM**  
NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00

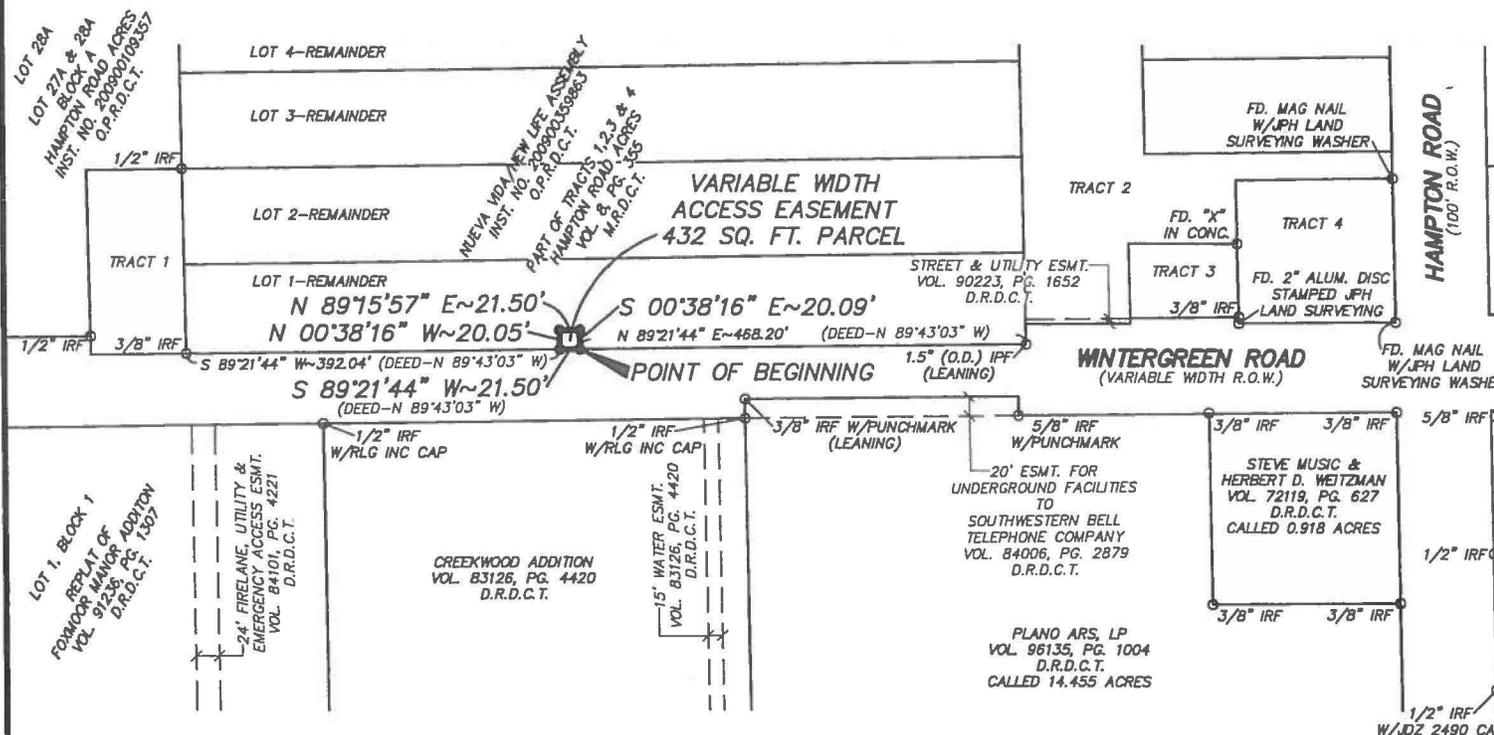
Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 739-4741

Dallas Water Utilities  
Southwest 120/96-inch Water  
Transmission Pipeline Project

**AECOM**  
AECOM USA GROUP, INC.  
17300 DALLAS PARKWAY, SUITE 101  
DALLAS, TEXAS 75248-1157  
[WWW.AECOM.COM](http://WWW.AECOM.COM)  
TBPE REG. NO. F-3082

DECEMBER 17, 2010 | 7059-AE56-2.dwg

PAGE 3 OF 3  
**PARCEL W-56**  
**ACCESS EASEMENT NO. 2**  
 432 SQ. FT. PARCEL  
 JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
 CITY OF DESOTO, DALLAS COUNTY, TEXAS



**NOTE:**  
 UNLESS NOTED OTHERWISE, 1/2" IRON ROD WITH PLASTIC CAP STAMPED "TX REG NO 100189-00" SET AT CORNERS.

TRACT INFORMATION	
TRACT 1-	VICENTE DELGADO AND ANTONIO DELGADO INST. NO. 20100022269, O.P.R.D.C.T. EAST 100' OF LOT 27, HAMPTON ROAD ACRES VOL. 8, PG. 355, M.R.D.C.T.
TRACT 2-	LOT 1-D, REPLAT OF LOT 1-C, A REPLAT OF PART OF LOTS 1 AND 2, HAMPTON ROAD ACRES AND A PART OF LOTS 3 AND 4 OF HAMPTON ROAD ACRES VOL. 90223, PG. 1652, D.R.D.C.T.
TRACT 3-	REMAINDER OF LOT 1-B, LOT 1-B, A REPLAT OF PART OF LOTS 1 AND 2, HAMPTON ROAD ACRES VOL. 88087, PAGE 6883, D.R.D.C.T.
TRACT 4-	LOT 1-A, REPLAT OF PART OF LOTS 1 & 2 OF HAMPTON ROAD ACRES VOL. 86047, PG. 2598, D.R.D.C.T.

LEGEND	
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
SQ. FT.	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
ESMT.	EASEMENT
C.L.	CENTERLINE
C.M.	CONTROLLING MONUMENT
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"



**NDM** NATHAN D. MAIER  
 CONSULTING ENGINEERS, INC.  
 TBPE FIRM REG. NO. F-356  
 TBPLS FIRM REG. NO. 100189-00

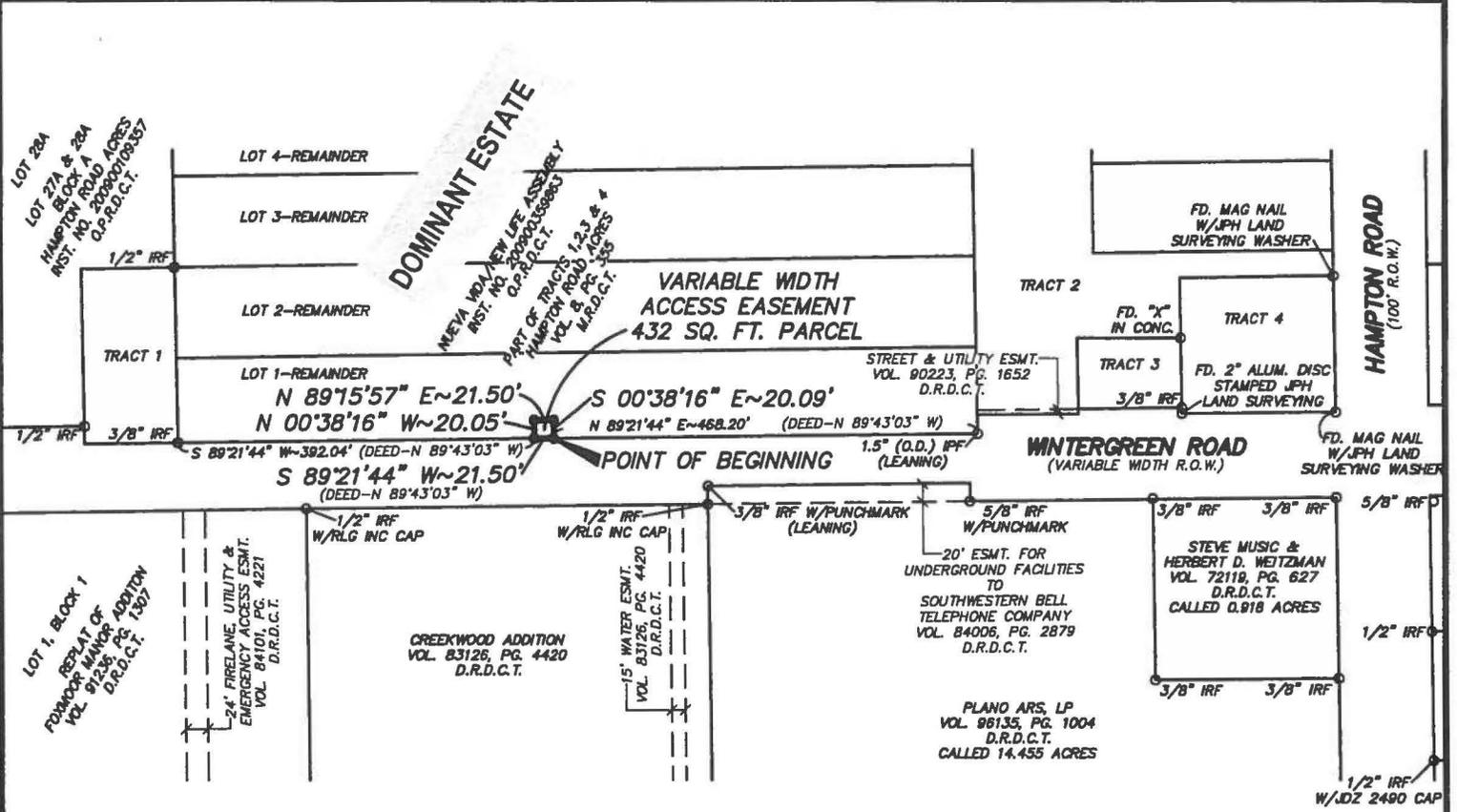
Dallas Water Utilities  
 Southwest 120/96-inch Water  
 Transmission Pipeline Project

**AECOM** AECOM USA GROUP, INC.  
 17300 DALLAS PARKWAY, SUITE 101C  
 DALLAS, TEXAS 75248-1157  
 WWW.AECOM.COM  
 TBPE REG. NO. F-3082

REVIEWED BY: Daz 2/10/11

PARCEL W-56

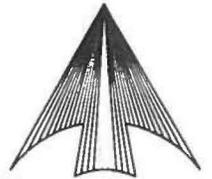
432 SQ. FT. PARCEL  
 JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
 CITY OF DESOTO, DALLAS COUNTY, TEXAS



NOTE:  
 UNLESS NOTED OTHERWISE, 1/2" IRON ROD  
 WITH PLASTIC CAP STAMPED "TX REG NO  
 100189-00" SET AT CORNERS.

TRACT INFORMATION	
TRACT 1-	VICENTE DELGADO AND ANTONIO DELGADO INST. NO. 20100022269, O.P.R.D.C.T. EAST 100' OF LOT 27, HAMPTON ROAD ACRES VOL. 8, PG. 355, M.R.D.C.T.
TRACT 2-	LOT 1-D, REPLAT OF LOT 1-C, A REPLAT OF PART OF LOTS 1 AND 2, HAMPTON ROAD ACRES AND A PART OF LOTS 3 AND 4 OF HAMPTON ROAD ACRES VOL. 90223, PG. 1652, D.R.D.C.T.
TRACT 3-	REMAINDER OF LOT 1-B, LOT 1-B, A REPLAT OF PART OF LOTS 1 AND 2, HAMPTON ROAD ACRES VOL. 88087, PAGE 6883, D.R.D.C.T.
TRACT 4-	LOT 1-A, REPLAT OF PART OF LOTS 1 & 2 OF HAMPTON ROAD ACRES VOL. 86047, PG. 2598, D.R.D.C.T.

LEGEND	
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
SQ. FT.	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
ESMT.	EASEMENT
C.L.	CENTERLINE
C.M.	CONTROLLING MONUMENT
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"



**NORTH**  
 SCALE: 1"=200'

**NDM** NATHAN D. MAIER  
 CONSULTING ENGINEERS, INC.  
 TBPE FIRM REG. NO. F-356  
 TBPLS FIRM REG. NO. 100189-00

Dallas Water Utilities  
 Southwest 120/96-inch Water  
 Transmission Pipeline Project



AECOM USA GROUP, INC.  
 17300 DALLAS PARKWAY, SUITE 1010  
 DALLAS, TEXAS 75248-1157  
 WWW.AECOM.COM  
 TBPE REG. NO. F-3082

12/17/10  
 RECORDED  
 12/17/10

PAGE 1 OF 3  
**PARCEL W-56**  
**ACCESS EASEMENT NO. 3**  
3,963 SQ. FT. PARCEL  
JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
CITY OF DESOTO, DALLAS COUNTY, TEXAS

DESCRIPTION

BEING a 3,963 square foot tract of land situated in the Jonas Buskirk Survey, Abstract No. 110, being in the City of Desoto, Dallas County, Texas, and being a portion of a tract of land described in that certain General Warranty Deed to Nueva Vida/New Life Assembly (Nueva Vida), as recorded in Instrument No. 200900359863 of the Official Public Records of Dallas County, Texas, said tract of land being part of Lots 1,2,3 and 4 of Hampton Road Acres, an addition to Dallas County, Texas, according to the plat thereof recorded in Volume 8, Page 355 of the Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the south line of the aforementioned Nueva Vida tract, said south line being the north right-of-way line of Wintergreen Road (variable width right-of-way), from whence a 1.5" (o.d.) iron pipe found (leaning) for the southeast corner of said Nueva Vida tract bears N 89°21'44" E (deed-N 89°43'03" W), 272.52 feet;

THENCE S 89°21'44" W (deed-N 89°43'03" W), with the south line of said Nueva Vida tract and said north right-of-way line of Wintergreen Road, 195.68 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner, from whence a 3/8" iron rod found for the southwest corner of said Nueva Vida tract bears S 89°21'44" W (deed-N 89°43'03" W), 413.54 feet;

THENCE N 00°38'16" W, departing the south line of said Nueva Vida tract and said north right-of-way line of Wintergreen Road, 20.09 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 89°15'57" E, 195.68 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 00°38'16" E, 20.42 feet to the POINT OF BEGINNING and containing 0.0910 acres or 3,963 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

John L. Melton, R.P.L.S. No. 4268  
Registered Professional Land Surveyor



REVIEWED BY *AKC* 6-13-11

Dallas Water Utilities  
Southwest 120/96-inch Water  
Transmission Pipeline Project

<b>NDM</b>	NATHAN D. MAIER CONSULTING ENGINEERS, INC. TBPE FIRM REG. NO. F-356 TBPLS FIRM REG. NO. 100189-00
	Two Northpark / 8080 Park Lane / Suite 600 Dallas, Texas 75231 / (214) 739-4741



AECOM USA GROUP, INC.  
17300 DALLAS PARKWAY, SUITE 1011  
DALLAS, TEXAS 75248-1157  
WWW.AECOM.COM  
TBPE REG. NO. F-3082

MAY 26, 2011

7059-AE56-3.dwg

PAGE 2 OF 3  
**PARCEL W-56**  
**ACCESS EASEMENT NO. 3**  
3,963 SQ. FT. PARCEL  
JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
CITY OF DESOTO, DALLAS COUNTY, TEXAS

NOTES:

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network ([www.txrtk.com](http://www.txrtk.com)) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

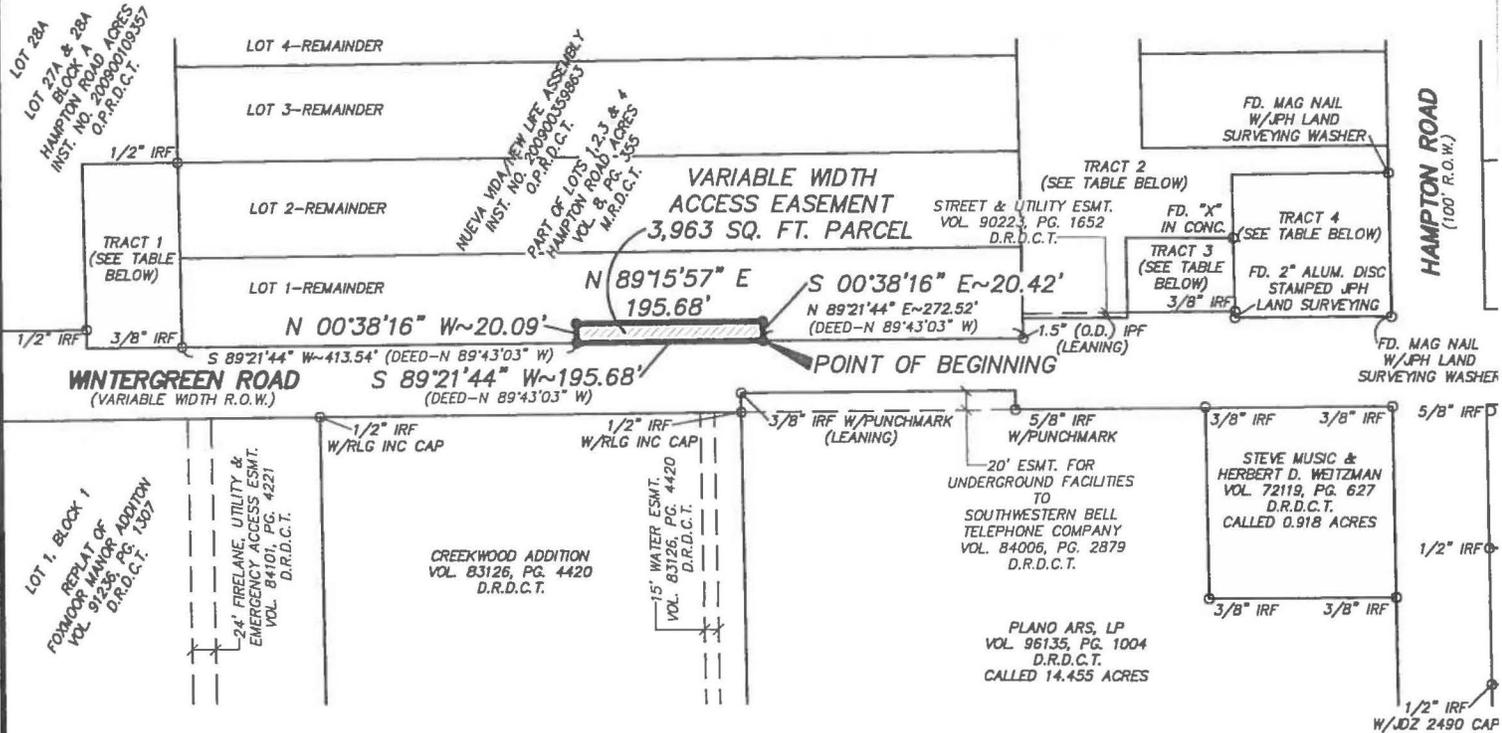
The easement and right-of-way to Texas Power & Light Company as recorded in Volume 68083, Page 168 of the Deed Records of Dallas County, Texas, does not affect the subject tract.

REVIEWED BY *Abi G-13-11*

	NATHAN D. MAIER CONSULTING ENGINEERS, INC. TBPE FIRM REG. NO. F-356 TBPLS FIRM REG. NO. 100189-00
	Two Northpark / 8080 Park Lane / Suite 600 Dallas, Texas 75231 / (214) 739-4741

Dallas Water Utilities Southwest 120/96-inch Water Transmission Pipeline Project	
	AECOM USA GROUP, INC. 17300 DALLAS PARKWAY, SUITE 101C DALLAS, TEXAS 75248-1157 <a href="http://WWW.AECOM.COM">WWW.AECOM.COM</a> TBPE REG. NO. F-3082
MAY 26, 2011	7059-AE56-3.dwg

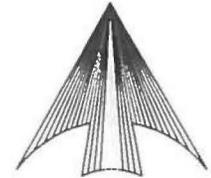
PAGE 3 OF 3  
**PARCEL W-56**  
**ACCESS EASEMENT NO. 3**  
 3,963 SQ. FT. PARCEL  
 JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
 CITY OF DESOTO, DALLAS COUNTY, TEXAS



**NOTE:**  
 UNLESS NOTED OTHERWISE, 1/2" IRON ROD WITH PLASTIC CAP STAMPED "TX REG NO 100189-00" SET AT CORNERS.

TRACT INFORMATION	
TRACT 1-	VICENTE DELGADO AND ANTONIO DELGADO INST. NO. 20100022269, O.P.R.D.C.T. EAST 100' OF LOT 27, HAMPTON ROAD ACRES VOL. 8, PG. 355, M.R.D.C.T.
TRACT 2-	LOT 1-D, REPLAT OF LOT 1-C, A REPLAT OF PART OF LOTS 1 AND 2, HAMPTON ROAD ACRES AND A PART OF LOTS 3 AND 4 OF HAMPTON ROAD ACRES VOL. 90223, PG. 1652, D.R.D.C.T.
TRACT 3-	REMAINDER OF LOT 1-B, LOT 1-B, A REPLAT OF PART OF LOTS 1 AND 2, HAMPTON ROAD ACRES VOL. 88087, PAGE 6883, D.R.D.C.T.
TRACT 4-	LOT 1-A, REPLAT OF PART OF LOTS 1 & 2 OF HAMPTON ROAD ACRES VOL. 86047, PG. 2598, D.R.D.C.T.

LEGEND	
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
SQ. FT.	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
ESMT.	EASEMENT
C.L.	CENTERLINE
C.M.	CONTROLLING MONUMENT
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"



**NORTH**  
 SCALE: 1"=200'

**NDM** NATHAN D. MAIER  
 CONSULTING ENGINEERS, INC.  
 TBPE FIRM REG. NO. F-356  
 TBPLS FIRM REG. NO. 100189-00

Dallas Water Utilities  
 Southwest 120/96-inch Water  
 Transmission Pipeline Project

**AECOM** AECOM USA GROUP, INC.  
 17300 DALLAS PARKWAY, SUITE 1010  
 DALLAS, TEXAS 75248-1157  
 WWW.AECOM.COM  
 TBPE REG. NO. F-3082

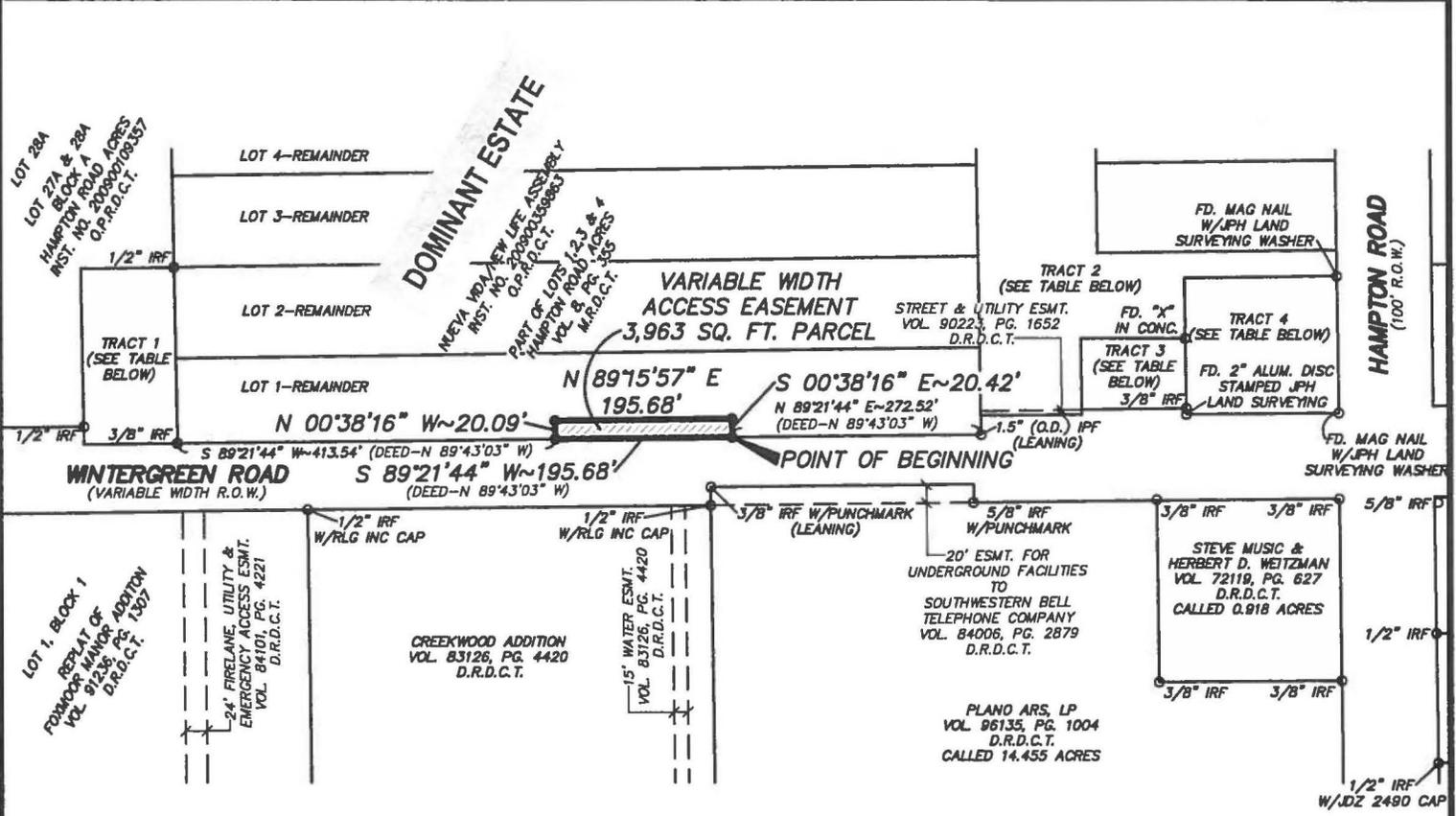
MAY 26, 2011 7059-AE56-3.dwg

Two Northpark / 8080 Park Lane / Suite 600  
 Dallas, Texas 75231 / (214) 739-4741

REVISED 6-13-11

PARCEL W-56

3,963 SQ. FT. PARCEL  
 JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
 CITY OF DESOTO, DALLAS COUNTY, TEXAS



NOTE:  
 UNLESS NOTED OTHERWISE, 1/2" IRON ROD  
 WITH PLASTIC CAP STAMPED "TX REG NO  
 100189-00" SET AT CORNERS.

TRACT INFORMATION	
TRACT 1-	VICENTE DELGADO AND ANTONIO DELGADO INST. NO. 20100022269, O.P.R.D.C.T. EAST 100' OF LOT 27, HAMPTON ROAD ACRES VOL. 8, PG. 355, M.R.D.C.T.
TRACT 2-	LOT 1-D, REPLAT OF LOT 1-C, A REPLAT OF PART OF LOTS 1 AND 2, HAMPTON ROAD ACRES AND A PART OF LOTS 3 AND 4 OF HAMPTON ROAD ACRES VOL. 90223, PG. 1652, D.R.D.C.T.
TRACT 3-	REMAINDER OF LOT 1-B, LOT 1-B, A REPLAT OF PART OF LOTS 1 AND 2, HAMPTON ROAD ACRES VOL. 88087, PAGE 6883, D.R.D.C.T.
TRACT 4-	LOT 1-A, REPLAT OF PART OF LOTS 1 & 2 OF HAMPTON ROAD ACRES VOL. 86047, PG. 2598, D.R.D.C.T.

LEGEND	
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
SQ. FT.	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
ESMT.	EASEMENT
C.L.	CENTERLINE
C.M.	CONTROLLING MONUMENT
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"



NORTH  
 SCALE: 1"=200'

**NDM** NATHAN D. MAIER  
 CONSULTING ENGINEERS, INC.  
 TBPE FIRM REG. NO. F-356  
 TBPLS FIRM REG. NO. 100189-00

Dallas Water Utilities  
 Southwest 120/96-inch Water  
 Transmission Pipeline Project



AECOM USA GROUP, INC.  
 17300 DALLAS PARKWAY, SUITE 1010  
 DALLAS, TEXAS 75248-1157  
 WWW.AECOM.COM  
 TBPE REG. NO. F-3082

Two Northpark / 8080 Park Lane / Suite 600  
 Dallas, Texas 75231 / (214) 739-4741

MAY 26, 2011

7059-AE56-3.dwg

REVEALED  
 6-13-11

PAGE 1 OF 3  
**PARCEL W-56**  
**ACCESS EASEMENT NO. 4**  
3,057 SQ. FT. PARCEL  
JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
CITY OF DESOTO, DALLAS COUNTY, TEXAS

DESCRIPTION

BEING a 3,057 square foot tract of land situated in the Jonas Buskirk Survey, Abstract No. 110, being in the City of Desoto, Dallas County, Texas, and being a portion of a tract of land described in that certain General Warranty Deed to Nueva Vida/New Life Assembly (Nueva Vida), as recorded in Instrument No. 200900359863 of the Official Public Records of Dallas County, Texas, said tract of land being part of Lots 1,2,3 and 4 of Hampton Road Acres, an addition to Dallas County, Texas, according to the plat thereof recorded in Volume 8, Page 355 of the Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1.5" (o.d.) iron pipe found (leaning) for the southeast corner of the aforementioned Nueva Vida tract, said southeast corner being in the north right-of-way line of Wintergreen Road (variable width right-of-way);

THENCE S 89°21'44" W (deed-N 89°43'03" W), with the south line of said Nueva Vida tract and said north right-of-way line of Wintergreen Road, 147.37 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner, from whence a 3/8" iron rod found for the southwest corner of said Nueva Vida tract bears S 89°21'44" W (deed-N 89°43'03" W), 734.37 feet;

THENCE N 00°38'16" W, departing the south line of said Nueva Vida tract and said north right-of-way line of Wintergreen Road, 20.63 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 89°15'57" E, 147.29 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the east line of said Nueva Vida tract, said corner being the southwest corner of Lot 1-D of A Replat of Lot 1-C, a Replat of a Part of Lots 1 and 2 of Hampton Road Acres and a Part of Lots 3 and 4 of Hampton Road Acres, an addition to the City of Desoto, Texas, according to the plat thereof recorded in Volume 90223, Page 1652 of the Deed Records of Dallas County, Texas and being at a jog in the north right-of-way line of said Wintergreen Road;

THENCE S 00°51'19" E (deed-S 00°16'31" W), with the east line of said Nueva Vida tract and said right-of-way line of Wintergreen Road, 20.88 feet to the POINT OF BEGINNING and containing 0.0702 acres or 3,057 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

John L. Melton, R.P.L.S. No. 4268  
Registered Professional Land Surveyor



REVIEWED BY *Mc* 6/15/11

Dallas Water Utilities  
Southwest 120/96-inch Water  
Transmission Pipeline Project

**NDM**  
NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00  
Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 739-4741



AECOM USA GROUP, INC.  
17300 DALLAS PARKWAY, SUITE 101  
DALLAS, TEXAS 75248-1157  
WWW.AECOM.COM  
TBPE REG. NO. F-3082

MAY 26, 2011

7059-AE56-4.dwg

PAGE 2 OF 3  
**PARCEL W-56**  
**ACCESS EASEMENT NO. 4**  
3,057 SQ. FT. PARCEL  
JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
CITY OF DESOTO, DALLAS COUNTY, TEXAS

NOTES:

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network ([www.txrtk.com](http://www.txrtk.com)) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

The easement and right-of-way to Texas Power & Light Company as recorded in Volume 68083, Page 168 of the Deed Records of Dallas County, Texas, does not affect the subject tract.

REVIEWED BY *AKC* 6-13-11

**NDM**  
NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 739-4741

Dallas Water Utilities  
Southwest 120/96-inch Water  
Transmission Pipeline Project

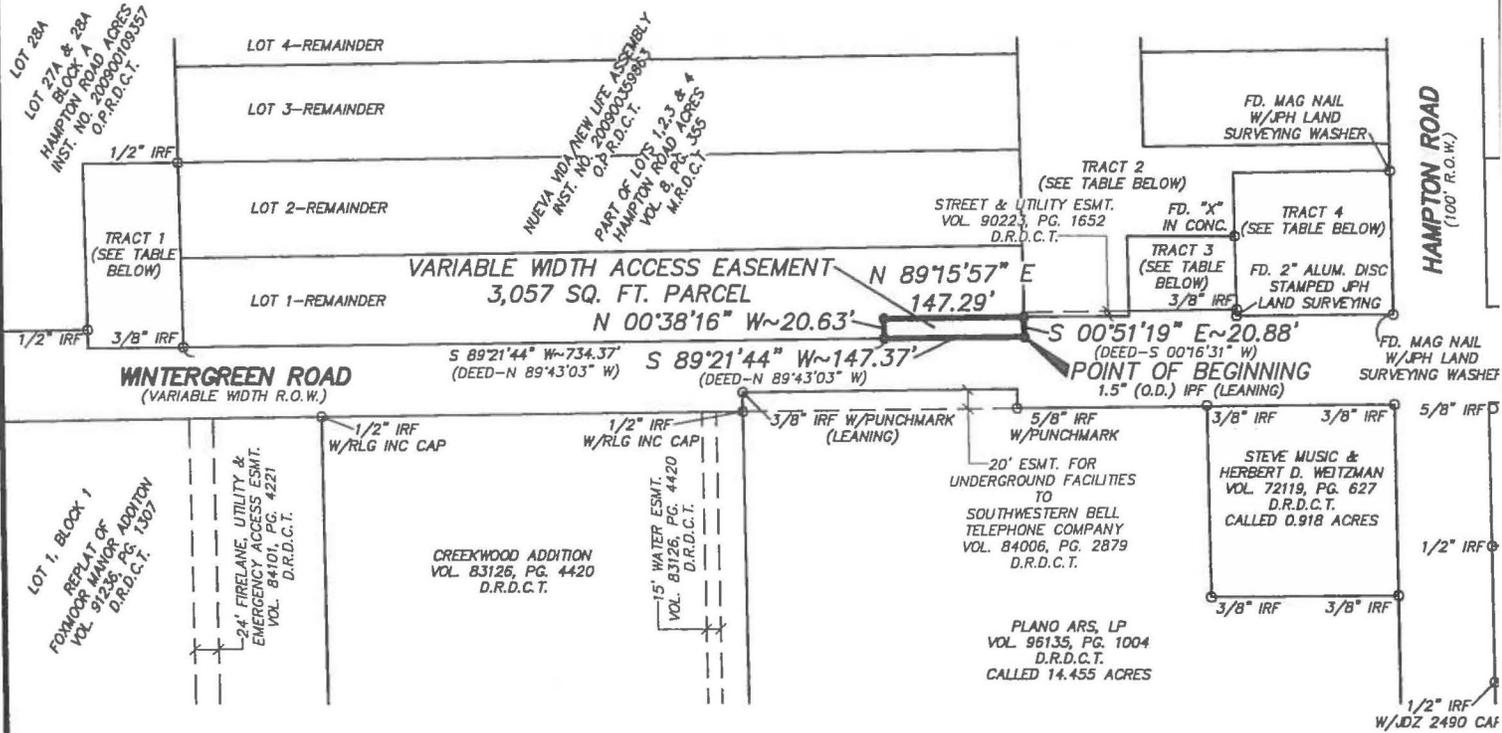
**AECOM**

AECOM USA GROUP, INC.  
17300 DALLAS PARKWAY, SUITE 1010  
DALLAS, TEXAS 75248-1157  
[WWW.AECOM.COM](http://WWW.AECOM.COM)  
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MAY 26, 2011

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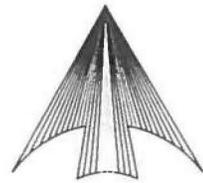
PAGE 3 OF 3  
**PARCEL W-56**  
**ACCESS EASEMENT NO. 4**  
 3,057 SQ. FT. PARCEL  
 JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
 CITY OF DESOTO, DALLAS COUNTY, TEXAS



NOTE:  
 UNLESS NOTED OTHERWISE, 1/2" IRON ROD  
 WITH PLASTIC CAP STAMPED "TX REG NO  
 100189-00" SET AT CORNERS.

TRACT INFORMATION	
TRACT 1-	VICENTE DELGADO AND ANTONIO DELGADO INST. NO. 20100022269, O.P.R.D.C.T. EAST 100' OF LOT 27, HAMPTON ROAD ACRES VOL. 8, PG. 355, M.R.D.C.T.
TRACT 2-	LOT 1-D, REPLAT OF LOT 1-C, A REPLAT OF PART OF LOTS 1 AND 2, HAMPTON ROAD ACRES AND A PART OF LOTS 3 AND 4 OF HAMPTON ROAD ACRES VOL. 88087, PAGE 6883, D.R.D.C.T.
TRACT 3-	REMAINDER OF LOT 1-B, LOT 1-B, A REPLAT OF PART OF LOTS 1 AND 2, HAMPTON ROAD ACRES VOL. 88087, PAGE 6883, D.R.D.C.T.
TRACT 4-	LOT 1-A, A REPLAT OF PART OF LOTS 1 & 2 OF HAMPTON ROAD ACRES VOL. 86047, PG. 2598, D.R.D.C.T.

LEGEND	
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
SQ. FT.	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
ESMT.	EASEMENT
C.L.	CENTERLINE
C.M.	CONTROLLING MONUMENT
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"



**NORTH**  
 SCALE: 1"=200'

**NDM** NATHAN D. MAIER  
 CONSULTING ENGINEERS, INC.  
 TBPE FIRM REG. NO. F-356  
 TBPLS FIRM REG. NO. 100189-00

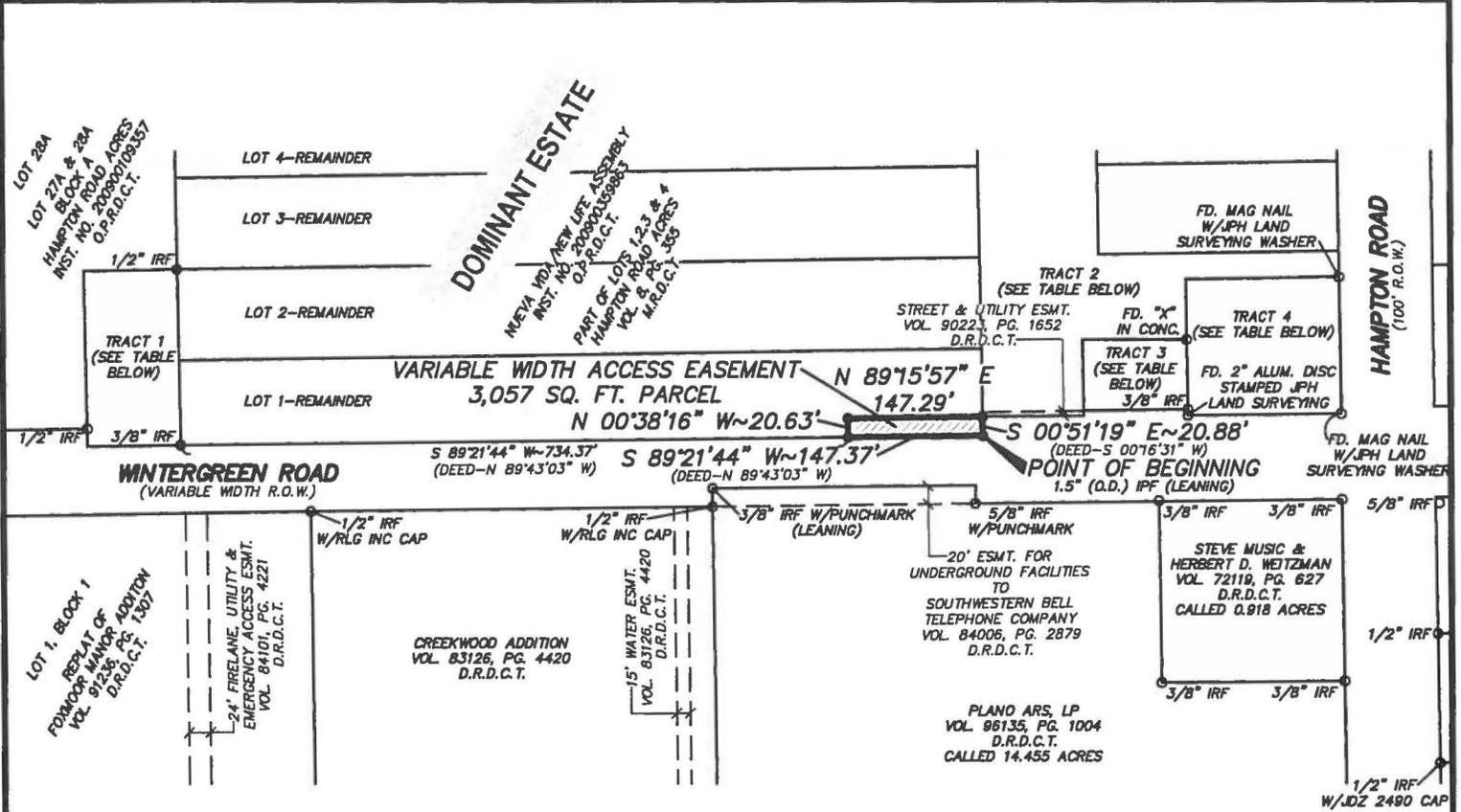
Dallas Water Utilities  
 Southwest 120/96-inch Water  
 Transmission Pipeline Project

**AECOM** AECOM USA GROUP, INC.  
 17300 DALLAS PARKWAY, SUITE 101  
 DALLAS, TEXAS 75248-1157  
 WWW.AECOM.COM  
 TBPE REG. NO. F-3082

REVIEWED  
 LKH 6-13-11

PARCEL W-56

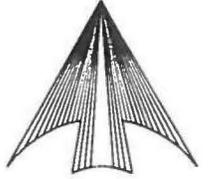
3,057 SQ. FT. PARCEL  
 JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
 CITY OF DESOTO, DALLAS COUNTY, TEXAS



NOTE:  
 UNLESS NOTED OTHERWISE, 1/2" IRON ROD  
 WITH PLASTIC CAP STAMPED "TX REG NO  
 100189-00" SET AT CORNERS.

TRACT INFORMATION	
TRACT 1-	VICENTE DELGADO AND ANTONIO DELGADO INST. NO. 201000022269, O.P.R.D.C.T. EAST 100' OF LOT 27, HAMPTON ROAD ACRES VOL. 8, PG. 355, M.R.D.C.T.
TRACT 2-	LOT 1-D, REPLAT OF LOT 1-C, A REPLAT OF PART OF LOTS 1 AND 2, HAMPTON ROAD ACRES AND A PART OF LOTS 3 AND 4 OF HAMPTON ROAD ACRES VOL. 90223, PG. 1652, D.R.D.C.T.
TRACT 3-	REMAINDER OF LOT 1-B, LOT 1-B, A REPLAT OF PART OF LOTS 1 AND 2, HAMPTON ROAD ACRES VOL. 88087, PAGE 6883, D.R.D.C.T.
TRACT 4-	LOT 1-A, A REPLAT OF PART OF LOTS 1 & 2 OF HAMPTON ROAD ACRES VOL. 86047, PG. 2598, D.R.D.C.T.

LEGEND	
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
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IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"



NORTH  
 SCALE: 1"=200'

**NDM** NATHAN D. MAIER  
 CONSULTING ENGINEERS, INC.  
 TBPE FIRM REG. NO. F-356  
 TBPLS FIRM REG. NO. 100189-00

Dallas Water Utilities  
 Southwest 120/96-inch Water  
 Transmission Pipeline Project



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Two Northpark / 8080 Park Lane / Suite 600  
 Dallas, Texas 75231 / (214) 739-4741

MAY 26, 2011

7059-AE56-4.dwg

REVIEWED 6-13-11

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** Outside City Limits

**DEPARTMENT:** Sustainable Development and Construction  
Water Utilities

**CMO:** Mark McDaniel, 670-3256

**MAPSCO:** 73V

---

**SUBJECT**

Authorize settlement in lieu of proceeding further with condemnation in City of Dallas v. Vicente Delgado and Antonio Delgado, et al., Cause No. CC-16-03163-A, pending in Dallas County Court at Law No. 2, to acquire a tract of land containing approximately 1,931 square feet located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$2,345, increased from \$11,655 (\$9,655, plus closing costs and title expenses not to exceed \$2,000) to \$14,000 (\$11,586, plus closing costs and title expenses not to exceed \$2,414) - Financing: Water Utilities Capital Construction Funds

**BACKGROUND**

This item authorizes a settlement for the acquisition of a tract of land containing approximately 1,931 square feet located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project. This settlement will allow acquisition of the property without further condemnation proceedings.

The first resolution approved on August 12, 2015, authorized the purchase and/or condemnation in the total amount of \$11,655. The settlement will avoid increased costs associated with construction delays, commissioners' costs, updated appraisal reports, court filing fees and uncertainty associated with possibility of commissioners' award being higher than the negotiated amount of \$14,000. The consideration is based on an independent appraisal.

**PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)**

Authorized acquisition on August 12, 2015, by Resolution No. 15-1428.

Information about this item will be provided to the Economic Development Committee on January 17, 2017.

**FISCAL INFORMATION**

Water Utilities Capital Construction Funds - \$2,345

Resolution No. 15-1428	\$11,655
Additional Amount (this action)	<u>\$ 2,345</u>

Total Authorized Amount	\$14,000
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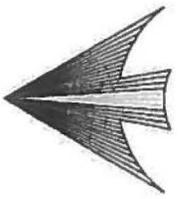
**OWNERS**

Vicente Delgado

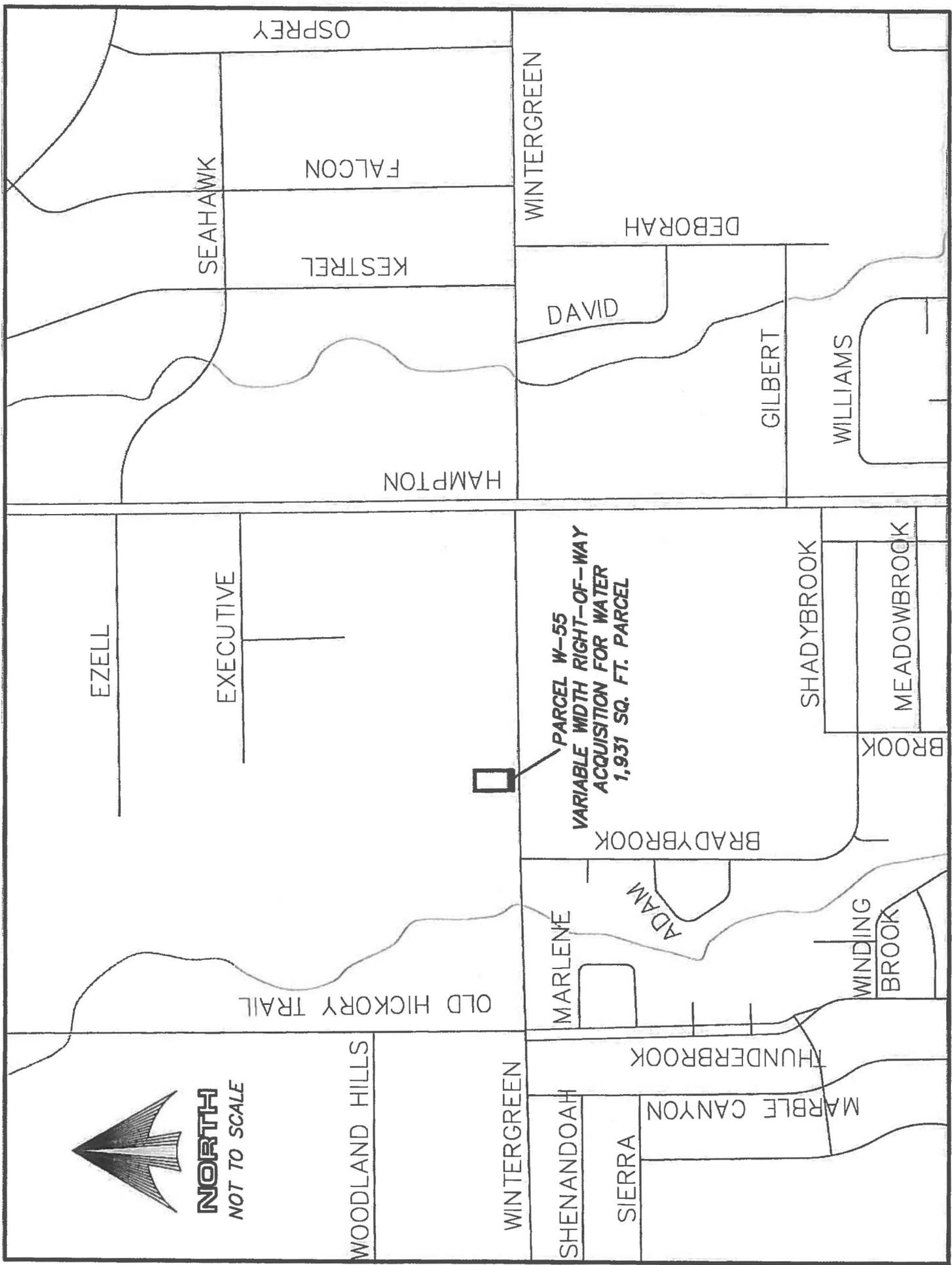
Antonio Delgado

**MAP**

Attached



**NORTH**  
NOT TO SCALE



**PARCEL W-55**  
**VARIABLE WIDTH RIGHT-OF-WAY**  
**ACQUISITION FOR WATER**  
**1,931 SQ. FT. PARCEL**

WOODLAND HILLS

WINTERGREEN

SHENANDOAH

SIERRA

MARBLE CANYON

THUNDERBROOK

MARLENE

ADAM

WINDING  
BROOK

BRADYBROOK

SHADYBROOK

MEADOWBROOK

BROOK

EZELL

EXECUTIVE

SEAHAWK

FALCON

KESTREL

HAMPTON

WINTERGREEN

DAVID

DEBORAH

GILBERT

WILLIAMS

OSPREY



January 25, 2017

**A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR A NEGOTIATED PRICE HIGHER THAN THE AUTHORIZED PURCHASE AMOUNT.**

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or eminent domain, of the PROPERTY INTERESTS in the PROPERTY held by OWNER for the PROJECT (all said capitalized terms being defined below); and

**WHEREAS**, OWNER refused the FIRST RESOLUTION PURCHASE AMOUNT, but has agreed to the SETTLEMENT AMOUNT stated herein; and

**WHEREAS**, the City Council desires to authorize the City Manager to acquire the PROPERTY INTERESTS in the PROPERTY for the negotiated PURCHASE AMOUNT stated herein; **Now, Therefore,**

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

**SECTION 1.** That the following definitions shall apply to this resolution:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 15-1428 approved by the Dallas City Council on August 12, 2015 authorized the acquisition by purchase and/or eminent domain of a tract of land containing approximately 1,931 square feet for a purchase amount of \$11,655 (\$9,655, plus closing costs and title expenses not to exceed \$2,000)

“PROJECT”: Southwest 120/96-inch Water Transmission Pipeline Project

“USE”: The construction, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary, provided, however to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

“OWNER”: Vicente Delgado and Antonio Delgado, provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

January 25, 2017

“PROPERTY INTEREST”: Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the conveyance instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

“PROPERTY”: Approximately 1,931 square feet of land located in Dallas County, Texas, and being the same property more particularly described in “Exhibit A”, attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining hereto.

“FIRST RESOLUTION PURCHASE AMOUNT”: \$9,655

“SETTLEMENT AMOUNT”: \$11,586

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$2,414

“REVISED AUTHORIZED AMOUNT”: \$14,000

**SECTION 2.** That the City Manager, and/or the City Manager’s designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to the CITY of the PROPERTY INTERESTS in and to the PROPERTY pursuant to the conveyance instrument approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating the transaction.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to draw checks for the SETTLEMENT AMOUNT, closing costs and title expenses, payable out of Water Utilities Capital Construction Fund, Fund 0102, Dept. DWU, Unit CW40, Activity MPSA, Object 4210, Program 706035, CT-DWU706035CPBQ, and said payment shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney. The SETTLEMENT AMOUNT - \$11,586 and the CLOSING COSTS AND TITLE EXPENSES - \$2,414 together shall not exceed the REVISED AUTHORIZED AMOUNT - \$14,000.

**SECTION 4.** That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

January 25, 2017

**SECTION 5.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED AS TO FORM:  
LARRY E. CASTO, CITY ATTORNEY**

BY:   
**Assistant City Attorney**

**EXHIBIT "A"**  
**PAGE 1 OF 3**  
**PARCEL W-55**  
**VARIABLE WIDTH RIGHT-OF-WAY ACQUISITION FOR WATER**  
**1,931 SQ. FT. PARCEL**  
**JONAS BUSKIRK SURVEY, ABSTRACT NO. 110**  
**CITY OF DESOTO, DALLAS COUNTY, TEXAS**

**EXHIBIT A**

**DESCRIPTION**

BEING a 1,931 square foot tract of land situated in the Jonas Buskirk Survey, Abstract No. 110, being in the City of Desoto, Dallas County, Texas, and being a portion of a tract of land described in that certain General Warranty Deed to Vicente Delgado and Antonio Delgado, as recorded in Instrument No. 201000022269 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), said tract of land being the east 100 feet of Lot 27 of Hampton Road Acres, an addition to Dallas County, Texas, according to the plat thereof recorded in Volume 8, Page 355 of the Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8" iron rod found for the southeast corner of the aforementioned Lot 27, said southeast corner also being the southwest corner of Lot 1 of said Hampton Road Acres and being in the north right-of-way line of Wintergreen Road (variable width right-of-way);

THENCE S 89°21'44" W (plat-S 89°45' E), with the south line of said Lot 27 and said north right-of-way line of Wintergreen Road, 99.96 feet (deed-100 feet) to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the southwest corner of the aforementioned Delgado tract at a jog in said north right-of-way line of Wintergreen Road;

THENCE N 00°59'25" W, with the west line of said Delgado tract and said right-of-way line of Wintergreen Road, 19.23 feet to a 1/2" iron rod found for the most southerly southeast corner of Lot 28A of Lot 27A & 28A, Block A, Hampton Road Acres, an addition to the City of Desoto, Texas, according to the plat thereof recorded in Instrument No. 200900109357, O.P.R.D.C.T.;

THENCE N 89°15'57" E, departing the west line of said Delgado tract and said right-of-way line of Wintergreen Road, 99.96 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the common east line of said Lot 27 and west line of said Lot 1, from whence a 1/2" iron rod found for the northeast corner of said Lot 27 bears N 00°59'25" W, 173.56 feet;

REVIEWED BY *DKC* 2/10/11

**Dallas Water Utilities**  
**Southwest 120/96-inch Water**  
**Transmission Pipeline Project**

**NDM** NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00

**AECOM**

AECOM USA GROUP, INC.  
17300 DALLAS PARKWAY, SUITE 1010  
DALLAS, TEXAS 75248-1157  
WWW.AECOM.COM  
TBPE REG. NO. F-3082

Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 739-4741

DECEMBER 14, 2010

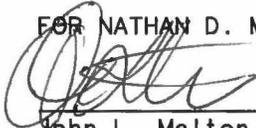
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**EXHIBIT "A"**  
**PAGE 2 OF 3**  
**PARCEL W-55**  
**VARIABLE WIDTH RIGHT-OF-WAY ACQUISITION FOR WATER**  
**1,931 SQ. FT. PARCEL**  
**JONAS BUSKIRK SURVEY, ABSTRACT NO. 110**  
**CITY OF DESOTO, DALLAS COUNTY, TEXAS**

**EXHIBIT A**

THENCE S 00°59'25" E, with said common east line of said Lot 27 and west line of said Lot 1, 19.40 feet to the POINT OF BEGINNING and containing 0.0443 acres or 1,931 square feet of land; more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, R.P.L.S. No. 4268  
Registered Professional Land Surveyor



**NOTES:**

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network ([www.txrtk.com](http://www.txrtk.com)) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

The easement of right-of-way to Texas Power & Light Company as recorded in Volume 1625, Page 206 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), does not affect the subject tract.

The easement and right-of-way to Texas Power & Light Company as recorded in Volume 5929, Page 37, D.R.D.C.T., does not affect the subject tract.

The herein described tract may be subject to the restrictive covenants recited in the instrument recorded in Volume 2553, Page 314, D.R.D.C.T. Consultation with an attorney is recommended to determine if this document is still in effect.

**REVIEWED BY** *Dee z/ro/11*

**Dallas Water Utilities**  
**Southwest 120/96-inch Water**  
**Transmission Pipeline Project**

**NDM** NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
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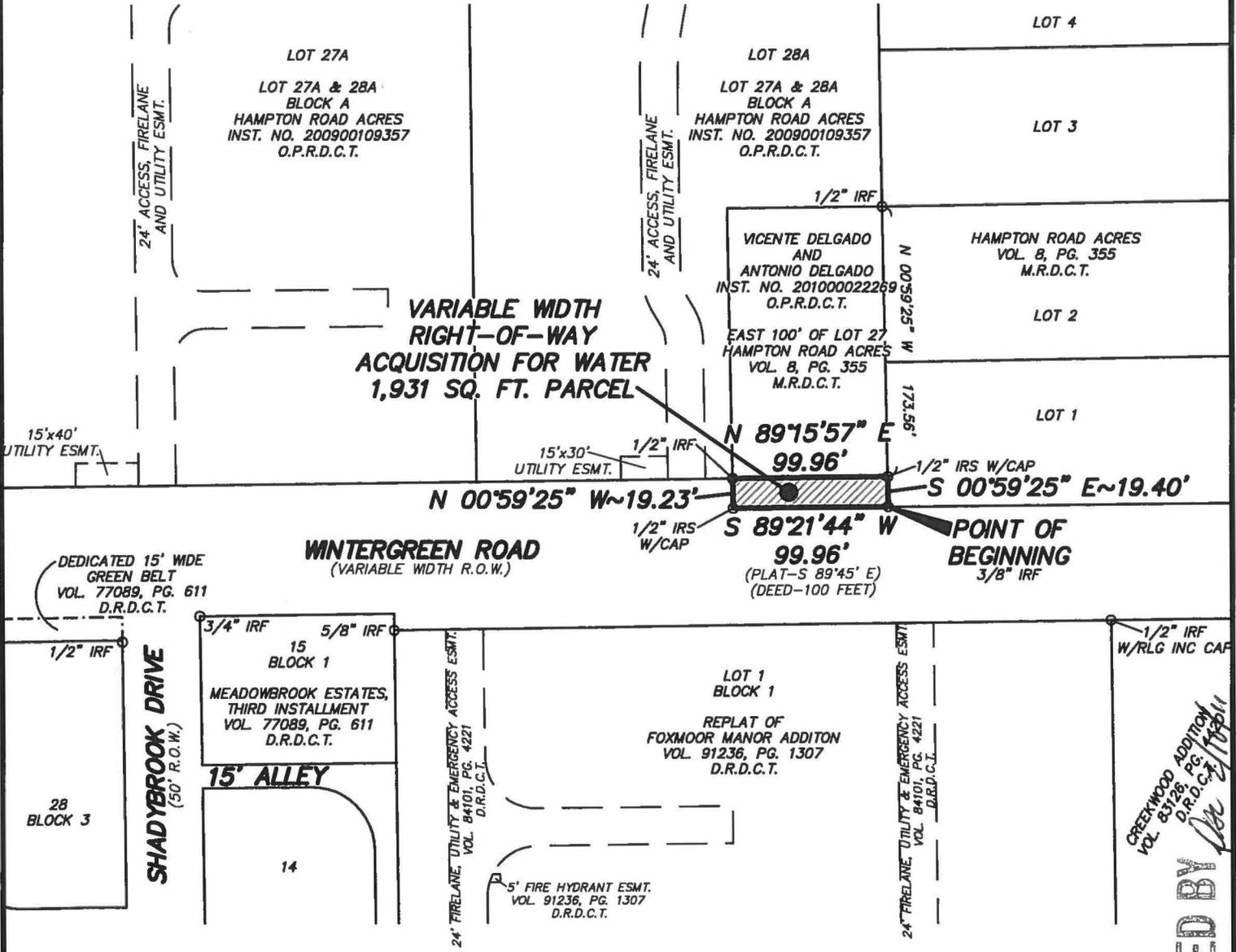
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DECEMBER 14, 2010

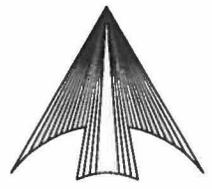
7059-EX55.dwg

**EXHIBIT "A"**  
**PAGE 3 OF 3**  
**PARCEL W-55**  
**VARIABLE WIDTH RIGHT-OF-WAY ACQUISITION FOR WATER**  
**1,931 SQ. FT. PARCEL**  
**JONAS BUSKIRK SURVEY, ABSTRACT NO. 110**  
**CITY OF DESOTO, DALLAS COUNTY, TEXAS**

**EXHIBIT A**



<b>LEGEND</b>	
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
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SQ. FT.	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
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IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"



**NORTH**  
**SCALE: 1"=100'**

**NDM** NATHAN D. MAIER  
 CONSULTING ENGINEERS, INC.  
 TBPE FIRM REG. NO. F-356  
 TBPLS FIRM REG. NO. 100189-00

Dallas Water Utilities  
 Southwest 120/96-inch Water  
 Transmission Pipeline Project



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Two Northpark / 8080 Park Lane / Suite 600  
 Dallas, Texas 75231 / (214) 739-4741

DECEMBER 14, 2010

7059-EX55.dwg

**REVIEWED BY**  
 CREEKWOOD ADDITION  
 VOL. 83128, PG. 1100/11  
 D.R.D.C.T.

# EXHIBIT B

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

## WARRANTY DEED

THE STATE OF TEXAS    §  
  §        KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF DALLAS    §

That Vicente Delgado, a married man not joined herein by his wife because the property is not part of his business or residential homestead and Antonio Delgado, a married man not joined herein by his wife because the property is not part of his business or residential homestead (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of ELEVEN THOUSAND FIVE HUNDRED EIGHTY-SIX AND NO/100 DOLLARS (\$11,586.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: This conveyance and the warranty of title is herein provided and made subject to the exceptions described in Exhibit "B" attached hereto and incorporated herein for all purposes.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Vicente Delgado

\_\_\_\_\_  
Antonio Delgado

EXHIBIT B

\* \* \* \* \*

STATE OF TEXAS       '  
COUNTY OF DALLAS   '

This instrument was acknowledged before me on \_\_\_\_\_  
by Vicente Delgado.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

STATE OF TEXAS       '  
COUNTY OF DALLAS   '

This instrument was acknowledged before me on \_\_\_\_\_  
by Antonio Delgado.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

After recording return to:  
City of Dallas  
Department of Sustainable Development and Construction  
Real Estate Division  
320 East Jefferson Boulevard, Room 203  
Dallas, Texas 75203  
attn: Mark Proctor

Warranty Deed Log No. 36555

**EXHIBIT "A"**  
**PAGE 1 OF 3**  
**PARCEL W-55**  
**VARIABLE WIDTH RIGHT-OF-WAY ACQUISITION FOR WATER**  
**1,931 SQ. FT. PARCEL**  
**JONAS BUSKIRK SURVEY, ABSTRACT NO. 110**  
**CITY OF DESOTO, DALLAS COUNTY, TEXAS**

**Exhibit A**

**DESCRIPTION**

BEING a 1,931 square foot tract of land situated in the Jonas Buskirk Survey, Abstract No. 110, being in the City of Desoto, Dallas County, Texas, and being a portion of a tract of land described in that certain General Warranty Deed to Vicente Delgado and Antonio Delgado, as recorded in Instrument No. 201000022269 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), said tract of land being the east 100 feet of Lot 27 of Hampton Road Acres, an addition to Dallas County, Texas, according to the plat thereof recorded in Volume 8, Page 355 of the Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8" iron rod found for the southeast corner of the aforementioned Lot 27, said southeast corner also being the southwest corner of Lot 1 of said Hampton Road Acres and being in the north right-of-way line of Wintergreen Road (variable width right-of-way);

THENCE S 89°21'44" W (plat-S 89°45' E), with the south line of said Lot 27 and said north right-of-way line of Wintergreen Road, 99.96 feet (deed-100 feet) to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the southwest corner of the aforementioned Delgado tract at a jog in said north right-of-way line of Wintergreen Road;

THENCE N 00°59'25" W, with the west line of said Delgado tract and said right-of-way line of Wintergreen Road, 19.23 feet to a 1/2" iron rod found for the most southerly southeast corner of Lot 28A of Lot 27A & 28A, Block A, Hampton Road Acres, an addition to the City of Desoto, Texas, according to the plat thereof recorded in Instrument No. 200900109357, O.P.R.D.C.T.;

THENCE N 89°15'57" E, departing the west line of said Delgado tract and said right-of-way line of Wintergreen Road, 99.96 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the common east line of said Lot 27 and west line of said Lot 1, from whence a 1/2" iron rod found for the northeast corner of said Lot 27 bears N 00°59'25" W, 173.56 feet;

REVIEWED BY *DBK* 4/10/11


**NATHAN D. MAIER**  
 CONSULTING ENGINEERS, INC.  
 TBPE FIRM REG. NO. F-358  
 TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 739-4741

**Dallas Water Utilities**  
**Southwest 120/96-Inch Water**  
**Transmission Pipeline Project**

**AECOM**

AECOM USA GROUP, INC.  
 17300 DALLAS PARKWAY, SUITE 1010  
 DALLAS, TEXAS 75248-1157  
 WWW.AECOM.COM  
 TBPE REG. NO. F-3082

DECEMBER 14, 2010

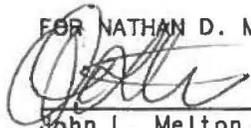
7059-EX55.dwg

**EXHIBIT "A"**  
**PAGE 2 OF 3**  
**PARCEL W-55**  
**VARIABLE WIDTH RIGHT-OF-WAY ACQUISITION FOR WATER**  
**1,931 SQ. FT. PARCEL**  
**JONAS BUSKIRK SURVEY, ABSTRACT NO. 110**  
**CITY OF DESOTO, DALLAS COUNTY, TEXAS**

**Exhibit A**

THENCE S 00°59'25" E, with said common east line of said Lot 27 and west line of said Lot 1, 19.40 feet to the POINT OF BEGINNING and containing 0.0443 acres or 1,931 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, R.P.L.S. No. 4268  
Registered Professional Land Surveyor



**NOTES:**

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network ([www.txrtk.com](http://www.txrtk.com)) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

The easement of right-of-way to Texas Power & Light Company as recorded in Volume 1625, Page 206 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), does not affect the subject tract.

The easement and right-of-way to Texas Power & Light Company as recorded in Volume 5929, Page 37, D.R.D.C.T., does not affect the subject tract.

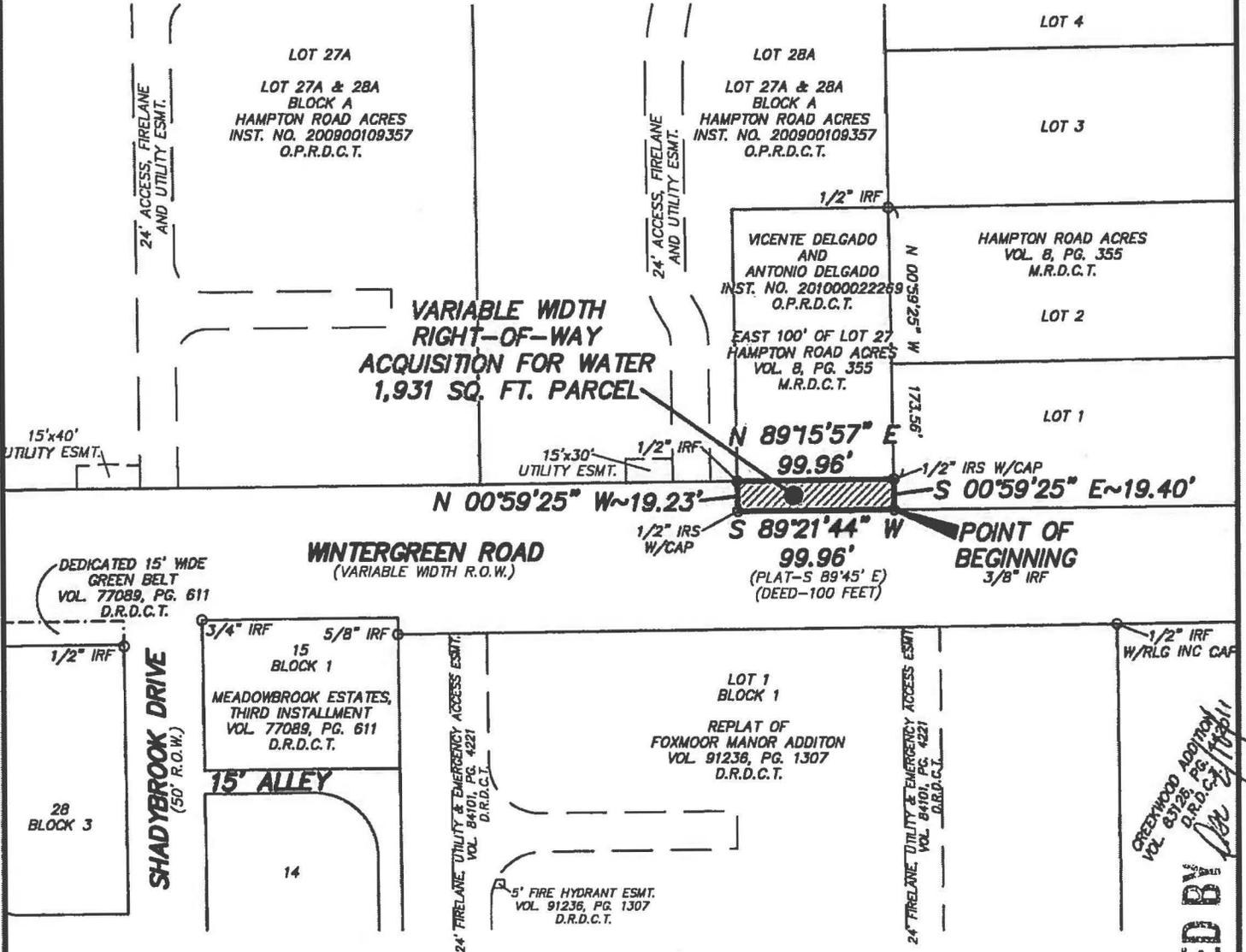
The herein described tract may be subject to the restrictive covenants recited in the instrument recorded in Volume 2553, Page 314, D.R.D.C.T. Consultation with an attorney is recommended to determine if this document is still in effect.

REVIEWED BY *Dee z/ro/11*

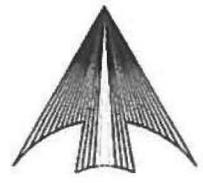
 <b>NATHAN D. MAIER</b> CONSULTING ENGINEERS, INC. TBPE FIRM REG. NO. F-356 TBPLS FIRM REG. NO. 100189-00	<b>Dallas Water Utilities</b> <b>Southwest 120/96-inch Water</b> <b>Transmission Pipeline Project</b>	 <small>AECOM USA GROUP, INC.          17300 DALLAS PARKWAY, SUITE 1010          DALLAS, TEXAS 75248-1157          WWW.AECOM.COM          TBPE REG. NO. F-3082</small>
Two Northpark / 8080 Park Lane / Suite 600 Dallas, Texas 75231 / (214) 739-4741	<b>DECEMBER 14, 2010</b>	<b>7059-EX55.dwg</b>

**EXHIBIT "A"**  
**PAGE 3 OF 3**  
**PARCEL W-55**  
**VARIABLE WIDTH RIGHT-OF-WAY ACQUISITION FOR WATER**  
**1,931 SQ. FT. PARCEL**  
**JONAS BUSKIRK SURVEY, ABSTRACT NO. 110**  
**CITY OF DESOTO, DALLAS COUNTY, TEXAS**

**Exhibit A**



LEGEND	
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
SQ. FT.	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
ESMT.	EASEMENT
C.L.	CENTERLINE
C.M.	CONTROLLING MONUMENT
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"



**NORTH**  
 SCALE: 1"=100'

**NDM** NATHAN D. MAIER  
 CONSULTING ENGINEERS, INC.  
 TBPE FIRM REG. NO. F-358  
 TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600  
 Dallas, Texas 75291 / (214) 799-4741

Dallas Water Utilities Southwest 120/96-inch Water Transmission Pipeline Project	
<b>AECOM</b>	AECOM USA GROUP, INC. 17300 DALLAS PARKWAY, SUITE 1010 DALLAS, TEXAS 75248-1157 WWW.AECOM.COM TBPE REG. NO. F-3082
DECEMBER 14, 2010	7059-EX55.dwg

REVIEWED BY: *[Signature]*  
 GREENWOOD ADDITION  
 VOL. 8-5126, PG. 11  
 D.R.D.C.T.

# **EXHIBIT “B”**

## **EASEMENT – ACCESS [Specific Location]**

Grantor, for Grantor and Grantor’s heirs, successors and assigns (“the holder of the easement”) does hereby reserve an easement over, on and across the property described in Attachment “1”, attached hereto and made a part hereof by reference for all purposes, (the “Easement Area”) to provide free and uninterrupted pedestrian, vehicular and utility access to and from Grantor’s adjoining or abutting property, being more fully described in Attachment “2”, attached hereto and made a part hereof by reference for all purposes, (the “Dominant Estate Property”) and portions thereof, in a manner as not to endanger or interfere with the safe, efficient and/or convenient use of and activity on the property described in Exhibit “A” by City.

The easement is appurtenant to and runs with the Dominant Estate Property and all portions of it, whether or not the easement is referenced in any conveyance of the Dominant Estate Property or any portion of it. The easement binds and inures to the benefit of Grantor and City and their respective heirs, successors, and assigns.

The easement is perpetual.

This easement is nonexclusive, and City reserves for City and City’s successors and assigns the right to convey the same or similar easement or other rights or easements to others. Notwithstanding any provision of this easement reservation to the contrary, City and City’s successors and assigns shall in all respects and at all times have the superior and paramount right of use, access and control of the Easement Property, without any liability for damages, destruction or injury to any improvements located in the easement, from time to time.

Professionally engineered plans and specifications bearing the seal of a professional engineer currently registered in the State of Texas showing any and all improvements desired by the holder of the easement, including without limitation, fill or removal of soil within the easement, paving, support, protection of City’s uses, utility lines, structures and facilities, must be submitted to and approved in writing by the City of Dallas Water Department (“DWU”) in advance of any construction by the holder of the easement. No vehicle, equipment or machinery exceeding a total weight of 15,000 lbs may come on the easement or any use be allowed to exist that would exceed said weight limit at any time during normal use unless confined to the designated access points on improvements the plans and specifications for which are structurally designed and constructed with supporting appurtenances that meet or exceed H20 highway design capacity and that protect the City’s facilities from all imposed loading. The parties acknowledge and agree that the paramount consideration in the evaluation of any proposed improvements is to fully and completely accommodate City’s uses (current, anticipated, and/or potential) of the property described in Exhibit “A” and any facilities it may install. Consequently, City’s determinations in this regard are conclusive and final. All such improvements and maintenance of the Easement Property will be at the sole expense of the holder of the easement and must be constructed in a good and workmanlike manner in

conformity with the approved plans and specifications. The holder of the easement will maintain the Easement Property in a neat, clean and safe condition at all times.

The holder of the easement agrees to indemnify, defend and hold City and City's successors in interest harmless from any loss, attorney's fees, court and other costs, expenses or claims attributable to any breach or default of any provision of this easement by the holder and/or any negligent act or omission by the holder with regard to this easement. In the event the holder of the easement shall place any unpermitted structure, improvement, use or material within the Easement Property and fails to remove same immediately upon receipt of notice from City, City shall have the right, but not the obligation, to remove such structure, improvement, use and/or material, and the holder of the easement shall reimburse City for any and all costs connected with such action immediately upon demand.

**EXHIBIT "A"**  
**PAGE 1 OF 3**  
**PARCEL W-55**  
**VARIABLE WIDTH RIGHT-OF-WAY ACQUISITION FOR WATER**  
**1,931 SQ. FT. PARCEL**  
**JONAS BUSKIRK SURVEY, ABSTRACT NO. 110**  
**CITY OF DESOTO, DALLAS COUNTY, TEXAS**

**EXHIBIT A**

**DESCRIPTION**

BEING a 1,931 square foot tract of land situated in the Jonas Buskirk Survey, Abstract No. 110, being in the City of Desoto, Dallas County, Texas, and being a portion of a tract of land described in that certain General Warranty Deed to Vicente Delgado and Antonio Delgado, as recorded in Instrument No. 201000022269 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), said tract of land being the east 100 feet of Lot 27 of Hampton Road Acres, an addition to Dallas County, Texas, according to the plat thereof recorded in Volume 8, Page 355 of the Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8" iron rod found for the southeast corner of the aforementioned Lot 27, said southeast corner also being the southwest corner of Lot 1 of said Hampton Road Acres and being in the north right-of-way line of Wintergreen Road (variable width right-of-way);

THENCE S 89°21'44" W (plat-S 89°45' E), with the south line of said Lot 27 and said north right-of-way line of Wintergreen Road, 99.96 feet (deed-100 feet) to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the southwest corner of the aforementioned Delgado tract at a jog in said north right-of-way line of Wintergreen Road;

THENCE N 00°59'25" W, with the west line of said Delgado tract and said right-of-way line of Wintergreen Road, 19.23 feet to a 1/2" iron rod found for the most southerly southeast corner of Lot 28A of Lot 27A & 28A, Block A, Hampton Road Acres, an addition to the City of Desoto, Texas, according to the plat thereof recorded in Instrument No. 200900109357, O.P.R.D.C.T.;

THENCE N 89°15'57" E, departing the west line of said Delgado tract and said right-of-way line of Wintergreen Road, 99.96 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the common east line of said Lot 27 and west line of said Lot 1, from whence a 1/2" iron rod found for the northeast corner of said Lot 27 bears N 00°59'25" W, 173.56 feet;

**REVIEWED BY** *DKC 2/10/11*

<b>Dallas Water Utilities</b> <b>Southwest 120/96-Inch Water</b> <b>Transmission Pipeline Project</b>	
<b>AECOM</b>	AECOM USA GROUP, INC. 17300 DALLAS PARKWAY, SUITE 1010 DALLAS, TEXAS 75248-1157 WWW.AECOM.COM TBPE REG. NO. F-3082
DECEMBER 14, 2010	7059-EX55.dwg

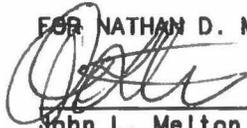
<b>NDM</b>	<b>NATHAN D. MAIER</b> CONSULTING ENGINEERS, INC. TBPE FIRM REG. NO. F-356 TBPLS FIRM REG. NO. 100189-00
Two Northgate / 6060 Park Lane / Suite 600 Dallas, Texas 75231 / (214) 739-4741	

**EXHIBIT "A"**  
**PAGE 2 OF 3**  
**PARCEL W-55**  
**VARIABLE WIDTH RIGHT-OF-WAY ACQUISITION FOR WATER**  
**1,931 SQ. FT. PARCEL**  
**JONAS BUSKIRK SURVEY, ABSTRACT NO. 110**  
**CITY OF DESOTO, DALLAS COUNTY, TEXAS**

**EXHIBIT A**

THENCE S 00°59'25" E, with said common east line of said Lot 27 and west line of said Lot 1, 19.40 feet to the POINT OF BEGINNING and containing 0.0443 acres or 1,931 square feet of land; more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, R.P.L.S. No. 4268  
Registered Professional Land Surveyor



**NOTES:**

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network ([www.txrtk.com](http://www.txrtk.com)) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

The easement of right-of-way to Texas Power & Light Company as recorded in Volume 1625, Page 206 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), does not affect the subject tract.

The easement and right-of-way to Texas Power & Light Company as recorded in Volume 5929, Page 37, D.R.D.C.T., does not affect the subject tract.

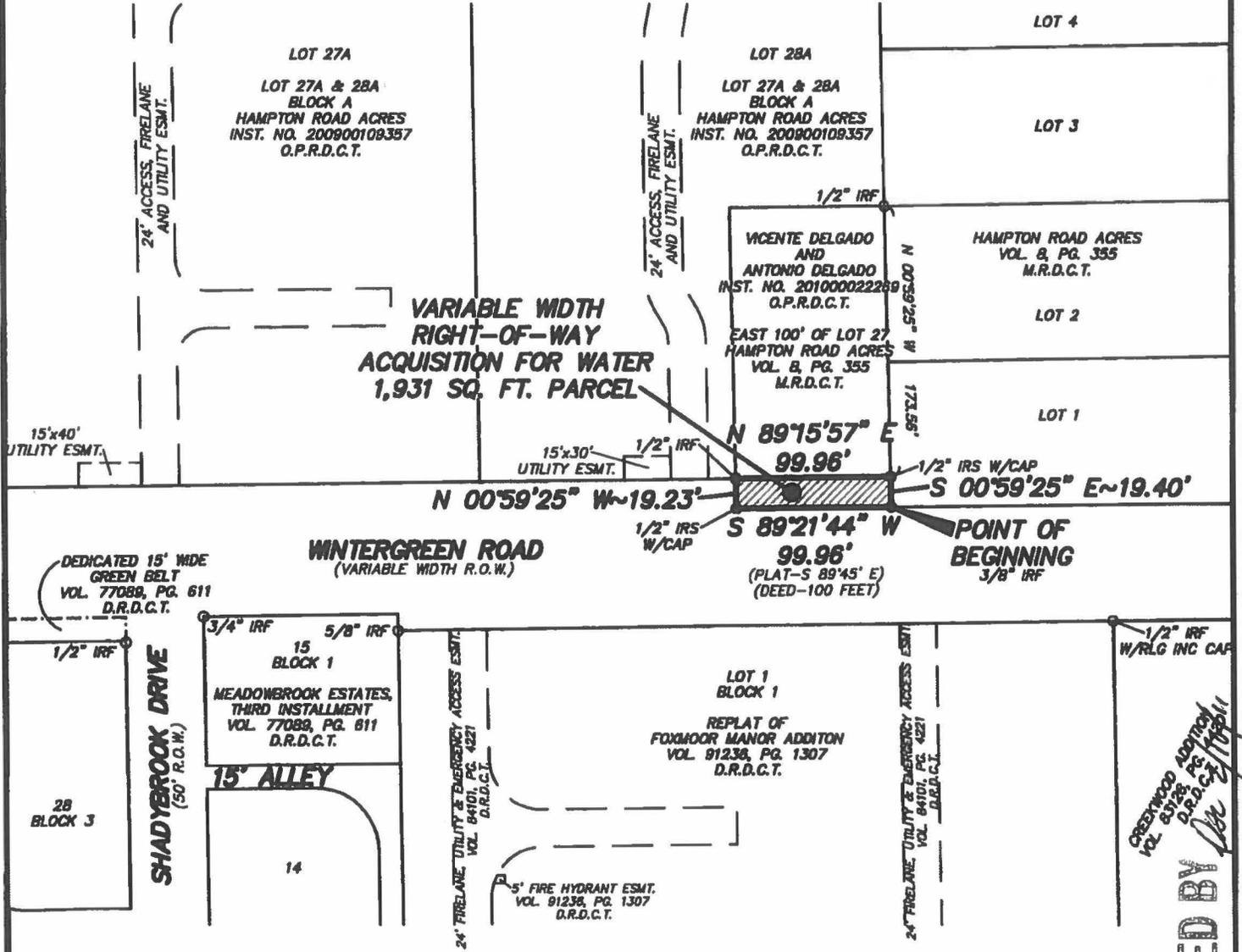
The herein described tract may be subject to the restrictive covenants recited in the instrument recorded in Volume 2553, Page 314, D.R.D.C.T. Consultation with an attorney is recommended to determine if this document is still in effect.

**REVIEWED BY De 2/10/11**

<b>Dallas Water Utilities</b> <b>Southwest 120/96-Inch Water</b> <b>Transmission Pipeline Project</b>	
 <p><b>NATHAN D. MAIER</b>  CONSULTING ENGINEERS, INC.  TBPE FIRM REG. NO. F-356  TBPLS FIRM REG. NO. 100189-00</p> <p style="font-size: small;">Two Northgate / 8000 Park Lane / Suite 600  Dallas, Texas 75231 / (214) 739-4741</p>	 <p>AECOM USA GROUP, INC.  17300 DALLAS PARKWAY, SUITE 1010  DALLAS, TEXAS 75248-1157  WWW.AECOM.COM  TBPE REG. NO. F-3082</p>
<b>DECEMBER 14, 2010</b>	<b>7059-EX55.dwg</b>

**EXHIBIT "A"**  
**PAGE 3 OF 3**  
**PARCEL W-55**  
**VARIABLE WIDTH RIGHT-OF-WAY ACQUISITION FOR WATER**  
**1,931 SQ. FT. PARCEL**  
**JONAS BUSKIRK SURVEY, ABSTRACT NO. 110**  
**CITY OF DESOTO, DALLAS COUNTY, TEXAS**

**EXHIBIT A**



LEGEND	
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
SQ. FT.	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
ESMT.	EASEMENT
C.L.	CENTERLINE
C.M.	CENTROLLING MONUMENT
IRF	IRON ROD FOUND
IRF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100188-00"



**NORTH**  
**SCALE: 1"=100'**

**NDM**  
**NATHAN D. MAIER**  
 CONSULTING ENGINEERS, INC.  
 TBPE FIRM REG. NO. F-358  
 TBPLS FIRM REG. NO. 100188-00

Two Northgate / 8080 Park Lane / Suite 600  
 Dallas, Texas 75231 / (214) 799-4743

Dallas Water Utilities Southwest 120/98-Inch Water Transmission Pipeline Project	
	AECOM USA GROUP, INC. 17300 DALLAS PARKWAY, SUITE 1010 DALLAS, TEXAS 75248-1157 WWW.AECOM.COM TBPE REG. NO. F-3082
	DECEMBER 14, 2010      7059-EX55.dwg

**REVIEWED BY**  
 [Signature]  
 CREEKWOOD ADDITION  
 VOL. 85128, PG. 110  
 D.R.D.C.T.

PAGE 1 OF 3  
**PARCEL W-55**  
**VARIABLE WIDTH ACCESS EASEMENT**  
337 SQ. FT. PARCEL  
JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
CITY OF DESOTO, DALLAS COUNTY, TEXAS

DESCRIPTION

BEING a 337 square foot tract of land situated in the Jonas Buskirk Survey, Abstract No. 110, being in the City of Desoto, Dallas County, Texas, and being a portion of a tract of land described in that certain General Warranty Deed to Vicente Delgado and Antonio Delgado, as recorded in Instrument No. 201000022269 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), said tract of land being the east 100 feet of Lot 27 of Hampton Road Acres, an addition to Dallas County, Texas, according to the plat thereof recorded in Volume 8, Page 355 of the Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 3/8" iron rod found for the southeast corner of the aforementioned Lot 27 in the north right-of-way line of Wintergreen Road (variable width right-of-way), from whence a 1/2" iron rod found for the northeast corner of said Lot 27 bears N 00°59'25" W, 192.95 feet (plat-193 feet);

THENCE S 89°21'44" W (plat-S 89°45' E), with the south line of said Lot 27 and said north right-of-way line of Wintergreen Road, 62.01 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner at the POINT OF BEGINNING;

THENCE S 89°21'44" W (plat-S 89°45' E), continuing with the south line of said Lot 27 and said north right-of-way line of Wintergreen Road, 17.50 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

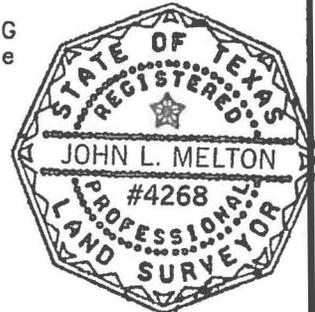
THENCE N 00°38'16" W, departing the south line of said Lot 27 and said north right-of-way line of Wintergreen Road, 19.26 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 89°15'57" E, 17.50 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 00°38'16" E, 19.29 feet to the POINT OF BEGINNING and containing 0.0077 acres or 337 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

John L. Melton, R.P.L.S. No. 4268  
Registered Professional Land Surveyor



REVIEWED BY *Dth 2/10/14*

Dallas Water Utilities  
Southwest 120/96-inch Water  
Transmission Pipeline Project

**NDM**  
NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00



AECOM USA GROUP, INC.  
17300 DALLAS PARKWAY, SUITE 1010  
DALLAS, TEXAS 75248-1157  
WWW.AECOM.COM  
TBPE REG. NO. F-3082

Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 739-4741

DECEMBER 17, 2010

7059-AE55.dwg

PAGE 2 OF 3  
**PARCEL W-55**  
**VARIABLE WIDTH ACCESS EASEMENT**  
337 SQ. FT. PARCEL  
JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
CITY OF DESOTO, DALLAS COUNTY, TEXAS

NOTES:

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network ([www.txrtk.com](http://www.txrtk.com)) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

The easement of right-of-way to Texas Power & Light Company as recorded in Volume 1625, Page 206 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), does not affect the subject tract.

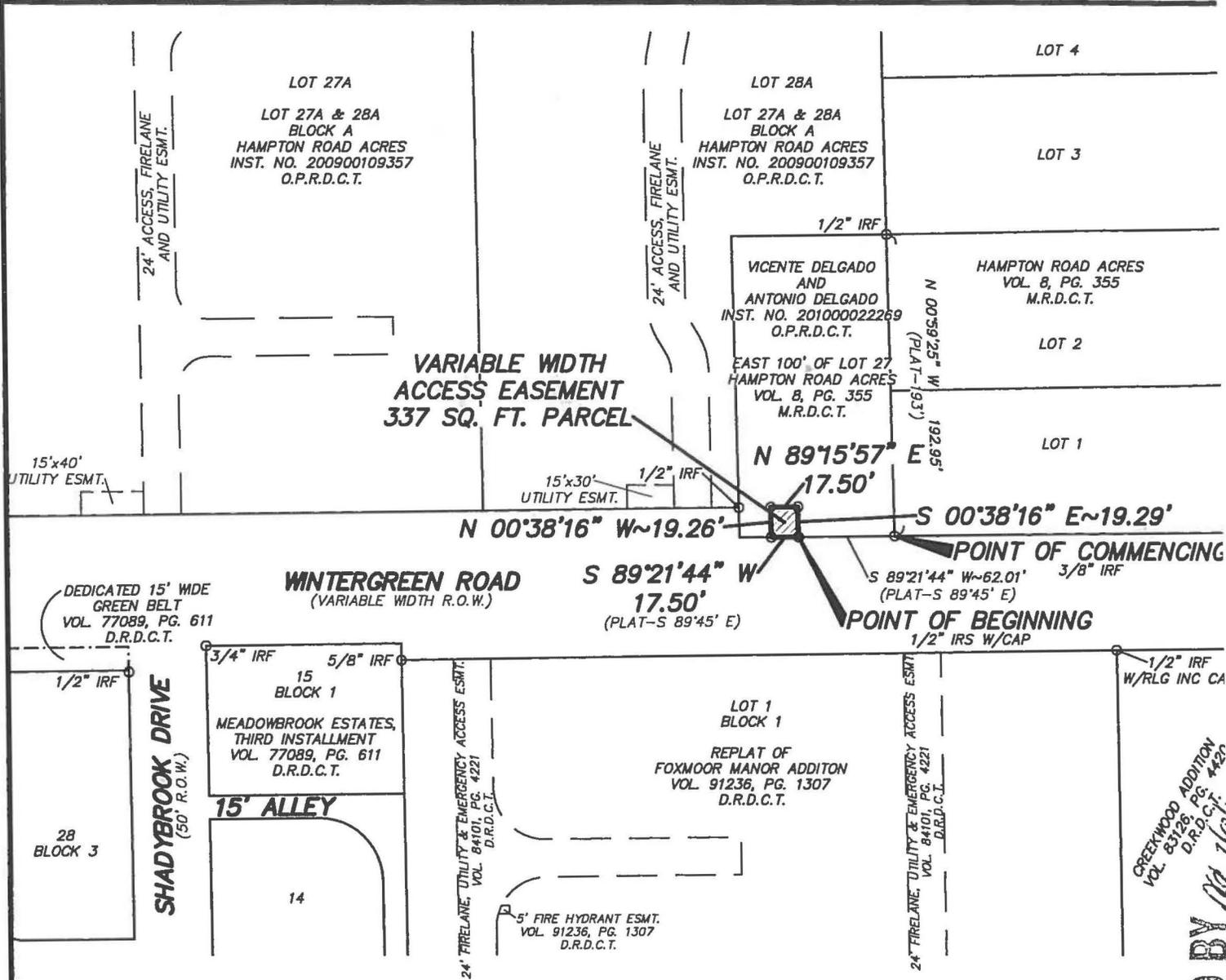
The easement and right-of-way to Texas Power & Light Company as recorded in Volume 5929, Page 37, D.R.D.C.T., does not affect the subject tract.

The herein described tract may be subject to the restrictive covenants recited in the instrument recorded in Volume 2553, Page 314, D.R.D.C.T. Consultation with an attorney is recommended to determine if this document is still in effect.

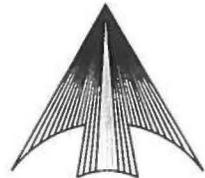
REVIEWED BY *DK 2/10/11*

<b>Dallas Water Utilities</b> <b>Southwest 120/96-inch Water</b> <b>Transmission Pipeline Project</b>	
 <b>NATHAN D. MAIER</b> CONSULTING ENGINEERS, INC. TBPE FIRM REG. NO. F-356 TBPLS FIRM REG. NO. 100189-00	 AECOM USA GROUP, INC. 17300 DALLAS PARKWAY, SUITE 1010 DALLAS, TEXAS 75248-1157 <a href="http://WWW.AECOM.COM">WWW.AECOM.COM</a> TBPE REG. NO. F-3082
<small>Two Northpark / 8080 Park Lane / Suite 600 Dallas, Texas 75231 / (214) 739-4741</small>	<b>DECEMBER 17, 2010</b> <b>7059-AE55.dwg</b>

PAGE 3 OF 3  
**PARCEL W-55**  
**VARIABLE WIDTH ACCESS EASEMENT**  
 337 SQ. FT. PARCEL  
 JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
 CITY OF DESOTO, DALLAS COUNTY, TEXAS



LEGEND	
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
SQ. FT.	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
ESMT.	EASEMENT
C.L.	CENTERLINE
C.M.	CONTROLLING MONUMENT
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"



**NORTH**  
 SCALE: 1"=100'

NOTE:  
 UNLESS NOTED OTHERWISE, 1/2" IRON ROD WITH PLASTIC CAP STAMPED "TX REG NO 100189-00" SET AT CORNERS.

REVIEWED BY [Signature]

Dallas Water Utilities  
 Southwest 120/96-inch Water  
 Transmission Pipeline Project

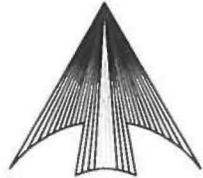
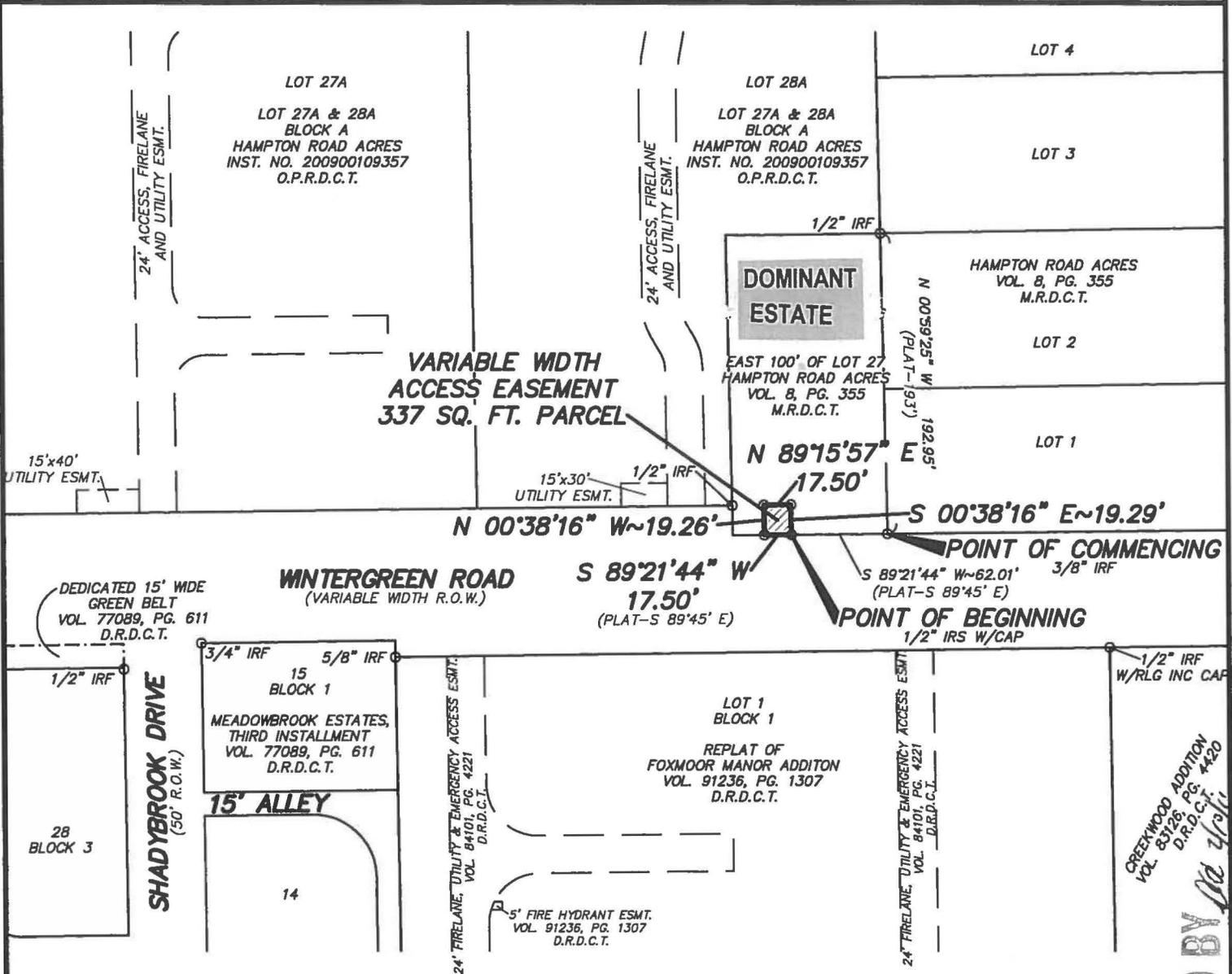
**NDM** NATHAN D. MAIER  
 CONSULTING ENGINEERS, INC.  
 TBPE FIRM REG. NO. F-356  
 TBPLS FIRM REG. NO. 100189-00

**AECOM**

AECOM USA GROUP, INC.  
 17300 DALLAS PARKWAY, SUITE 1010  
 DALLAS, TEXAS 75248-1157  
 WWW.AECOM.COM  
 TBPE REG. NO. F-3082

**PARCEL W-55**

**337 SQ. FT. PARCEL  
JONAS BUSKIRK SURVEY, ABSTRACT NO. 110  
CITY OF DESOTO, DALLAS COUNTY, TEXAS**



**NORTH**  
SCALE: 1"=100'

**LEGEND**

O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS

D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS

M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS

INST. NO. INSTRUMENT NUMBER

VOL., PG. VOLUME, PAGE

SQ. FT. SQUARE FEET

R.O.W. RIGHT-OF-WAY

ESMT. EASEMENT

C.L. CENTERLINE

C.M. CONTROLLING MONUMENT

IRF IRON ROD FOUND

IPF IRON PIPE FOUND

IRS W/CAP IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"

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Dallas Water Utilities  
Southwest 120/96-inch Water  
Transmission Pipeline Project

**NDM** NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
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TBPE REG. NO. F-3082

Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 739-4741

DECEMBER 17, 2010

7059-AE55.dwg

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** Outside City Limits  
**DEPARTMENT:** Sustainable Development and Construction  
Water Utilities  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** N/A

---

**SUBJECT**

Authorize acquisition from Brian Leigh Bader and Lisa Bader, of approximately 120,582 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$123,500 (\$120,350, plus closing costs and title expenses not to exceed \$3,150) - Financing: Water Utilities Capital Construction Funds

**BACKGROUND**

This item authorizes the acquisition of approximately 120,582 square feet of land with a single family dwelling located in Kaufman County. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni 144-inch Transmission Pipeline Project. The consideration is based on an independent appraisal.

This acquisition is part of the right-of-way required to construct approximately 32 miles of pipeline from Lake Tawakoni to the Interim Balancing Reservoir located in Terrell, TX and then to the Eastside Water Treatment Plant located in Sunnyvale, TX. The new raw water pipeline will augment the existing 72-inch and 84-inch pipelines. The construction of this pipeline will give Dallas Water Utilities the ability to utilize the full capacity of both the Lake Tawakoni and the Lake Fork raw water supply to meet the current city needs and future water demands.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Economic Development Committee on January 17, 2017.

**FISCAL INFORMATION**

Water Utilities Capital Construction Funds - \$123,500 (\$120,350, plus closing costs and title expenses not to exceed \$3,150)

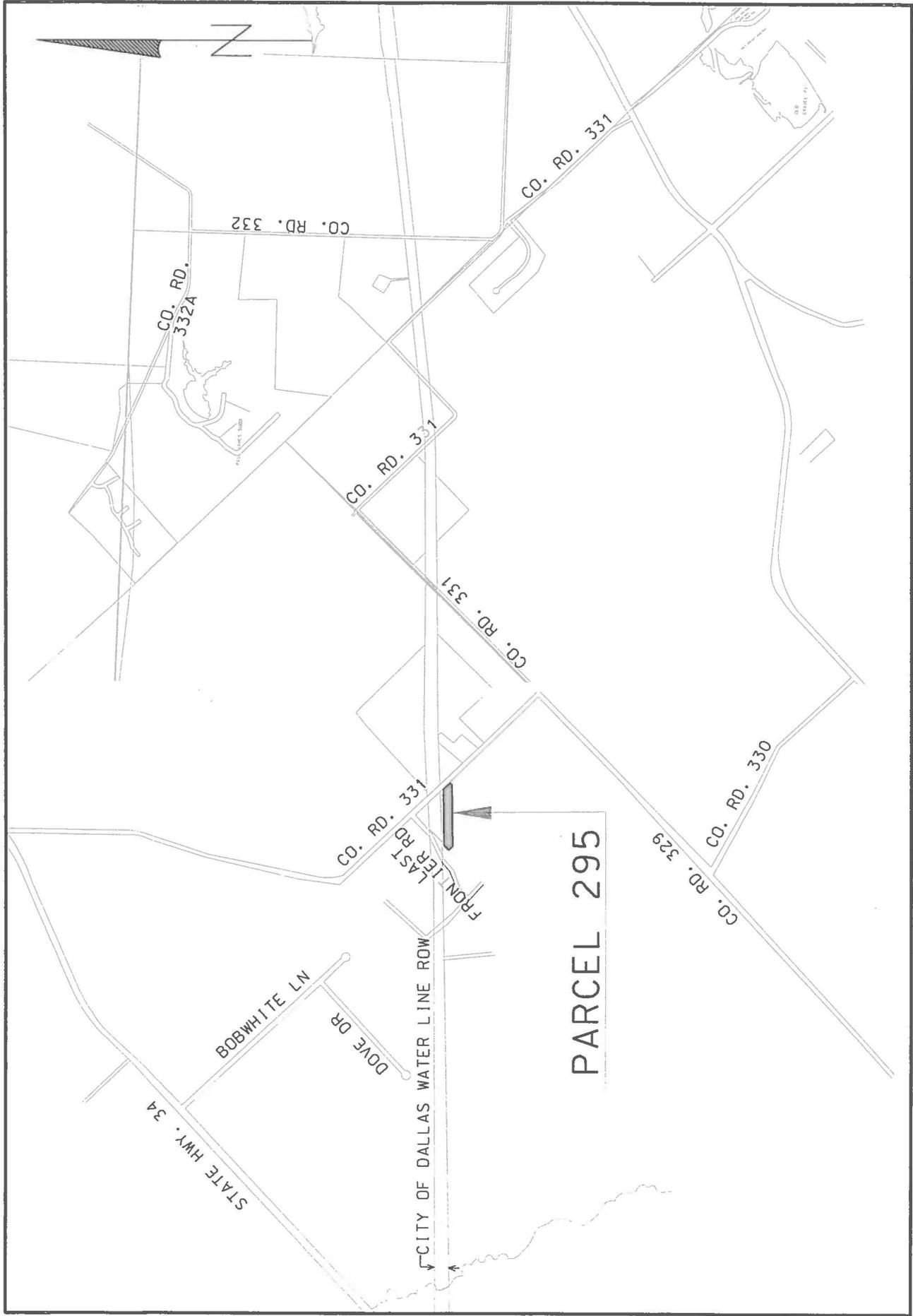
**OWNERS**

Brian Leigh Bader

Lisa Bader

**MAP**

Attached



VICINITY MAP  
APPROXIMATE SCALE 1" = 2000'



January 25, 2017

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.**

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 120,582 square feet of land located in Kaufman County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Lake Tawakoni 144-inch Transmission Pipeline

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE here provided.

"PROPERTY INTEREST": Fee Simple Title, subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Brian Leigh Bader and Lisa Bader, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": \$120,350

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,150

"AUTHORIZED AMOUNT": Not to exceed \$123,500

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

**SECTION 1.** That the USE of the PROPERTY for the PROJECT is a public use.

**SECTION 2.** That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

January 25, 2017

**SECTION 3.** That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

**SECTION 4.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

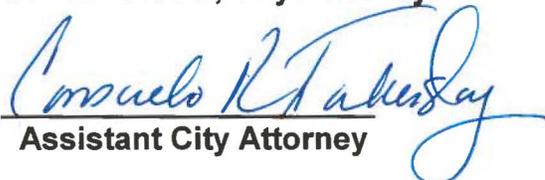
**SECTION 5.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

**SECTION 6.** That in the event this acquisition closes, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Utilities Capital Construction Funds, Fund No. 0102, Department DWU, Unit CW20, Activity RWPT, Program No. 704041, Object 4210, Encumbrance No. CT-DWU704041KE. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 7.** That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

**SECTION 8.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED AS TO FORM:**  
**LARRY E. CASTO, City Attorney**

BY   
**Assistant City Attorney**

**FIELD NOTES**  
**DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION**  
**OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER**  
**TRANSMISSION MAIN**  
**KAUFMAN COUNTY, TEXAS**  
**Parcel: 295**

BEING a 2.768 acre tract of land in the A. Maxamilia Survey, Abstract No. 311, in Kaufman County, Texas, and being part of Tract 2 and Tract 3 of the Kara Ranch Subdivision, as recorded in Cabinet 1, Envelope 764, Plat Records of Kaufman County, Texas, said tracts being part of a called 9.345 acre tract of land described as Tract 2 in Warranty Deed with Vendor's Lien to Brian Leigh Bader and wife, Lisa Bader, dated November 17, 1993, as recorded in Volume 1107, Page 932, Deed Records of Kaufman County, Texas, (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set at the north corner of said Bader tract, being the northwest line of a tract of land described in Quitclaim Deed to With Life Estate Reserved to Grantors, Alvin Morton and Lennie M. Morton, as Trustees of the Alvin Morton and Lennie M. Morton Revocable Living Trust, dated January 17, 1995, as recorded in Volume 1156, Page 741, D.R.K.C.T., and being the southeast corner of a City of Dallas Water Line Right-of-Way (variable width Right-of-Way) as recorded in Volume 442, Page 510, D.R.K.C.T., being in the approximate center of Kaufman County Road No. 331 and in the northeast line said A. Maxamilia Survey;

THENCE South 45 degrees 32 minutes 00 seconds East, departing the southeast line of said City of Dallas Water Line Right-of-Way and with the common northeast line of said Bader tract and said A. Maxamilia Survey a distance of 132.66 feet to a 1/2-inch iron rod with cap set at the east corner of said Tract 2 being the north corner of Tract 4 of said Kara Ranch Subdivision;

THENCE South 43 degrees 51 minutes 34 seconds West, departing said common northeast line and with the southeast line of said Tract 3 and the northwest line of said Tract 4, a distance of 45.73 feet to a 1/2-inch iron rod with cap set;

THENCE South 85 degrees 59 minutes 31 seconds West, departing the southeast line of said Tract 3 and the northwest line of said Tract 4, a distance of 909.04 feet to a 1/2-inch iron rod with cap set in the southwest line of said Tract 2 and the northeast line of a called 129.64 acre tract of land described as "Tract No. 2" in Warranty Deed to Kay Capels and Ray Martin, as recorded in Volume 730, Page 376, D.R.K.C.T.

THENCE North 46 degrees 08 minutes 26 seconds West, with the southwest line of said Tract 2 and the northeast line of said "Tract No. 2", a distance of 82.41 feet to a 1/2-inch iron rod with cap set at the west corner of said Tract 2 and the north corner of said "Tract No. 2", being in the southeast line of a called 1.89 acre tract of land described in Warranty Deed with Vendor's Lien to Doug Trammel, as recorded in Volume 2236, Page 225, D.R.K.C.T.;;

THENCE North 43 degrees 44 minutes 38 seconds East, with the northwest line of said Bader tract and the southeast line of said Trammel tract, a distance of 89.55 feet to a 1/2-inch iron rod with cap set at the east corner of said Trammel tract, being the south corner of a City of Dallas Water Line Right-of-Way, as recorded in Volume 441, Page 301, D.R.K.C.T.;

FIELD NOTES APPROVED:

APR 7/16/14



FIELD NOTES  
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION  
OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER  
TRANSMISSION MAIN  
KAUFMAN COUNTY, TEXAS  
Parcel: 295

THENCE North 43 degrees 26 minutes 24 seconds East, with the northwest line of a said Tract 2 and the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 12.84 feet to a 1/2-inch iron rod with cap set at the northwest corner of said Tract 2 and the southwest corner of said City of Dallas Water Line Right-of-Way (variable width Right-of-Way) as recorded in Volume 442, Page 510, D.R.K.C.T.;

THENCE North 85 degrees 59 minutes 31 seconds East, with the northwest line of said Tract 2 and the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 834.54 feet to the POINT OF BEGINNING and containing 120,582 square feet or 2.7682 acres of land.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

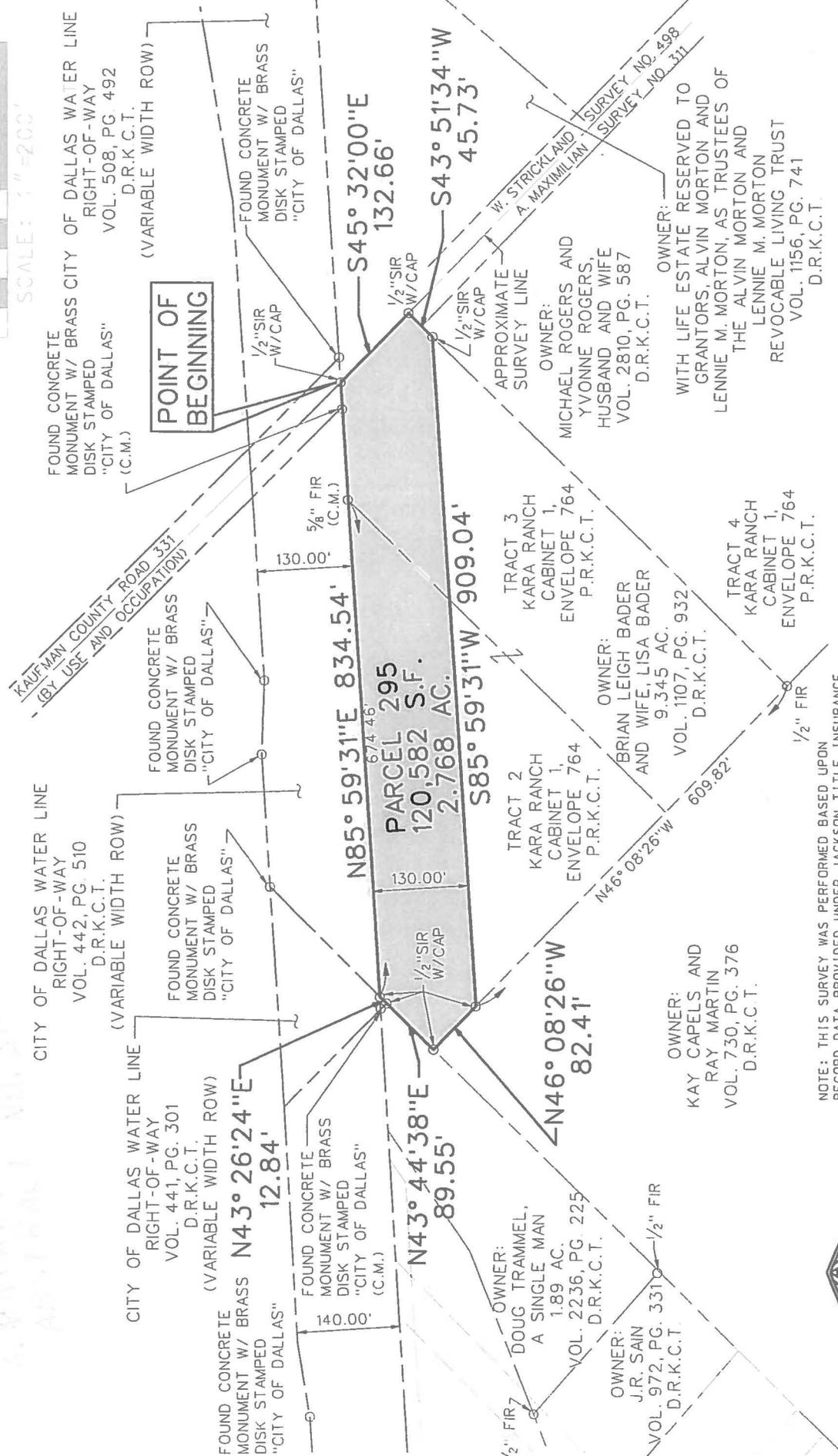
A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.  
TBPLS Firm No. 10123500

By: *[Signature]* Date: 6.24.14

Surveyor's Name: Patrick J. Baldasaro  
Registered Professional Land Surveyor  
Texas No. 5504





**EXHIBIT**  
OF A  
**RIGHT-OF-WAY ACQUISITION**  
SITUATED IN THE  
A. MAXAMILIA SURVEY, ABSTRACT NO. 311  
KAUFMAN COUNTY, TEXAS  
FOR THE  
**CITY OF DALLAS**  
BY  
DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY, SUITE 110  
DALLAS, TEXAS 75287, TEL. (972)250-2727 FAX (972)250-1774

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN COUNTY ARP, DALLAS COUNTY ARP, KAUFMAN COUNTY ARP, TARRANT COUNTY ARP, AND PARIS COUNTY ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

NOTE: THIS SURVEY WAS PERFORMED BASED UPON RECORD DATA PROVIDED UNDER JACKSON TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 20076976, WITH AN EFFECTIVE DATE OF MAY 15, 2008

**LEGEND:**

- S.F. SQUARE FEET
- C.M. CONTROL MONUMENT
- O FIR FOUND IRON ROD
- O FIP FOUND IRON PIPE
- O 1/2" SIR 1/2" SET IRON ROD WITH A RED PLASTIC CAP, STAMPED "DAL-TECH" OR "DTE"
- O SX SET "X" CUT IN CONCRETE
- O FPK FOUND PK. NAIL
- O SPK SET PK. NAIL



CITY OF DALLAS WATER LINE  
RIGHT-OF-WAY  
VOL. 442, PG. 510  
D.R.K.C.T.  
(VARIABLE WIDTH ROW)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

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FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

# EXHIBIT B

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

## WARRANTY DEED

THE STATE OF TEXAS    §  
  §     KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF  
KAUFMAN                    §

That we, Brian Leigh Bader, and spouse, Lisa Bader (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Kaufman, State of Texas, for and in consideration of the sum of ONE HUNDRED TWENTY THOUSAND THREE HUNDRED FIFTY AND 00/100 DOLLARS (\$120,350.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

**SPECIAL PROVISIONS:** This conveyance is made and accepted subject to the reservations provided in Exhibit B and Exhibit C which is attached hereto and incorporated herein for all purposes.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Brian Leigh Bader

\_\_\_\_\_  
Lisa Bader

\* \* \* \* \*

STATE OF TEXAS       '  
COUNTY OF KAUFMAN   '

This instrument was acknowledged before me on \_\_\_\_\_  
by Brian Leigh Bader.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

STATE OF TEXAS       '  
COUNTY OF KAUFMAN   '

This instrument was acknowledged before me on \_\_\_\_\_  
by Lisa Bader.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

After recording return to:  
City of Dallas  
Department of Sustainable Development and Construction  
Real Estate Division  
320 East Jefferson Boulevard, Room 203  
Dallas, Texas 75203  
attn: Christian Roman

Warranty Deed Log No. 40845

**FIELD NOTES**  
**DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION**  
**OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER**  
**TRANSMISSION MAIN**  
**KAUFMAN COUNTY, TEXAS**  
**Parcel: 295**

BEING a 2.768 acre tract of land in the A. Maxamilia Survey, Abstract No. 311, in Kaufman County, Texas, and being part of Tract 2 and Tract 3 of the Kara Ranch Subdivision, as recorded in Cabinet 1, Envelope 764, Plat Records of Kaufman County, Texas, said tracts being part of a called 9.345 acre tract of land described as Tract 2 in Warranty Deed with Vendor's Lien to Brian Leigh Bader and wife, Lisa Bader, dated November 17, 1993, as recorded in Volume 1107, Page 932, Deed Records of Kaufman County, Texas, (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set at the north corner of said Bader tract, being the northwest line of a tract of land described in Quitclaim Deed to With Life Estate Reserved to Grantors, Alvin Morton and Lennie M. Morton, as Trustees of the Alvin Morton and Lennie M. Morton Revocable Living Trust, dated January 17, 1995, as recorded in Volume 1156, Page 741, D.R.K.C.T., and being the southeast corner of a City of Dallas Water Line Right-of-Way (variable width Right-of-Way) as recorded in Volume 442, Page 510, D.R.K.C.T., being in the approximate center of Kaufman County Road No. 331 and in the northeast line said A. Maxamilia Survey;

THENCE South 45 degrees 32 minutes 00 seconds East, departing the southeast line of said City of Dallas Water Line Right-of-Way and with the common northeast line of said Bader tract and said A. Maxamilia Survey a distance of 132.66 feet to a 1/2-inch iron rod with cap set at the east corner of said Tract 2 being the north corner of Tract 4 of said Kara Ranch Subdivision;

THENCE South 43 degrees 51 minutes 34 seconds West, departing said common northeast line and with the southeast line of said Tract 3 and the northwest line of said Tract 4, a distance of 45.73 feet to a 1/2-inch iron rod with cap set;

THENCE South 85 degrees 59 minutes 31 seconds West, departing the southeast line of said Tract 3 and the northwest line of said Tract 4, a distance of 909.04 feet to a 1/2-inch iron rod with cap set in the southwest line of said Tract 2 and the northeast line of a called 129.64 acre tract of land described as "Tract No. 2" in Warranty Deed to Kay Capels and Ray Martin, as recorded in Volume 730, Page 376, D.R.K.C.T.

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THENCE North 43 degrees 44 minutes 38 seconds East, with the northwest line of said Bader tract and the southeast line of said Trammel tract, a distance of 89.55 feet to a 1/2-inch iron rod with cap set at the east corner of said Trammel tract, being the south corner of a City of Dallas Water Line Right-of-Way, as recorded in Volume 441, Page 301, D.R.K.C.T.;

FIELD NOTES APPROVED:



FIELD NOTES  
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION  
OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER  
TRANSMISSION MAIN  
KAUFMAN COUNTY, TEXAS  
Parcel: 295

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All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

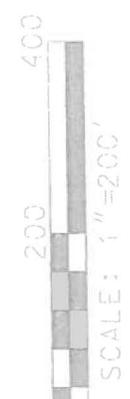
A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.  
TBPLS Firm No. 10123500

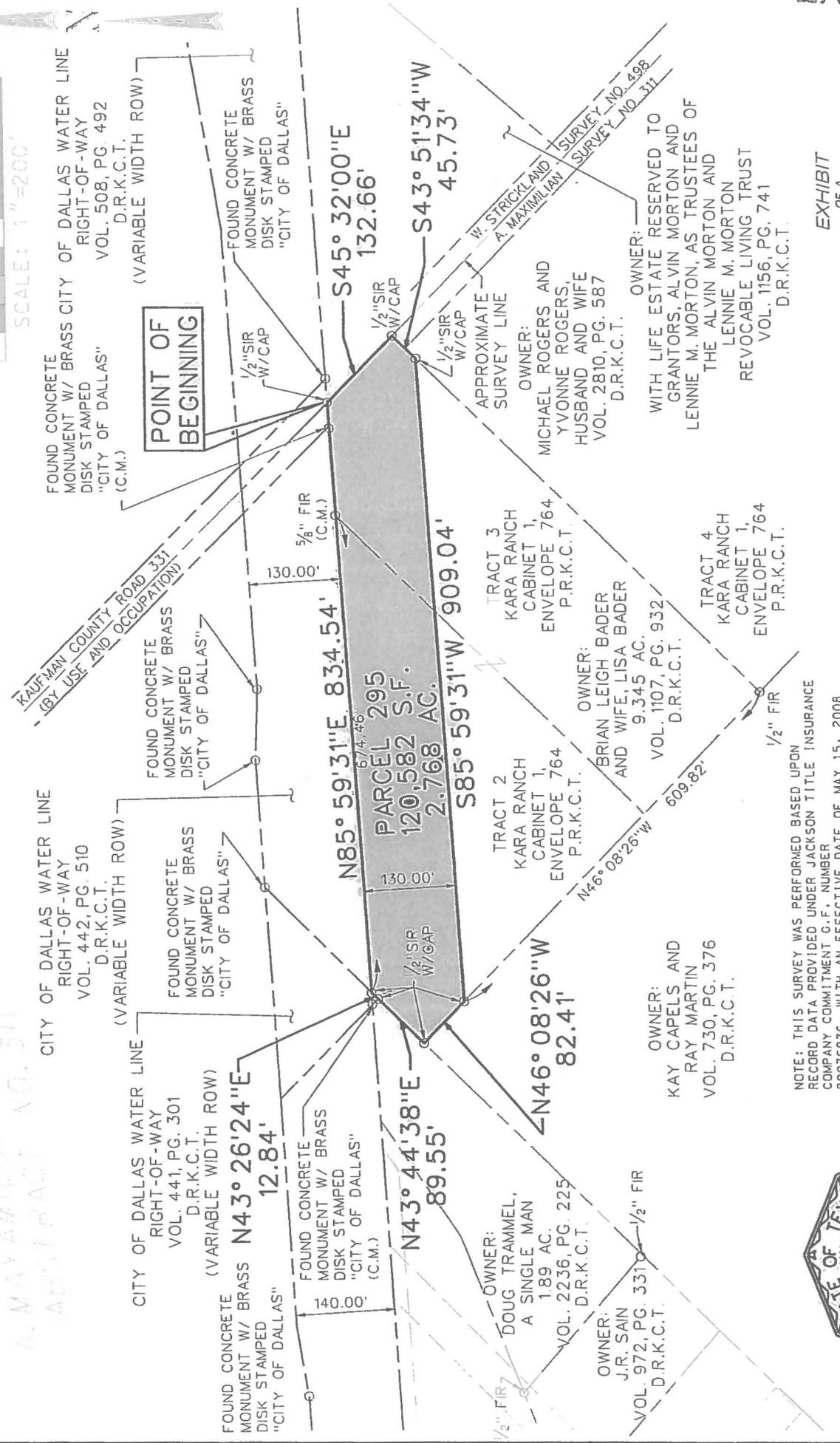
By: *Patrick J. Baldasaro* Date: 6-24-14

Surveyor's Name: Patrick J. Baldasaro  
Registered Professional Land Surveyor  
Texas No. 5504





A. MAXAMILLA SURVEY  
NO. 311  
ABSTRACT



**EXHIBIT**  
OF A  
**RIGHT-OF-WAY ACQUISITION**  
SITUATED IN THE  
A. MAXAMILLA SURVEY, ABSTRACT NO. 311  
KAUFMAN COUNTY, TEXAS  
FOR THE  
**CITY OF DALLAS**  
BY  
DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110  
DALLAS, TEXAS 75244

NOTE: THIS SURVEY WAS PERFORMED BASED UPON RECORD DATA PROVIDED UNDER JACKSON TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 20076976, WITH AN EFFECTIVE DATE OF MAY 15, 2008

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202. ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN COUNTY AR, DALLAS COUNTY AR, KAUFMAN COUNTY AR, TARRANT COUNTY AR, AND PARIS COUNTY AR. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

LEGEND:

- S.F. SQUARE FEET
- C.M. CONTROL MONUMENT
- FOUND IRON ROD
- FOUND IRON PIPE
- 1/2" SIR 1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
- W/CAP
- SX SET "X" CUT IN CONCRETE
- FPK FOUND PK. NAIL
- SPK SET PK. NAIL



OWNER:  
KAY CAPELS AND  
RAY MARTIN  
VOL. 730, PG. 376  
D.R.K.C.T.

OWNER:  
DOUG TRAMMEL,  
A SINGLE MAN  
1.89 AC.  
VOL. 2236, PG. 225  
D.R.K.C.T.

OWNER:  
J.R. SAIN  
VOL. 972, PG. 331  
D.R.K.C.T.

TRACT 2  
KARA RANCH  
CABINET 1,  
ENVELOPE 764  
P.R.K.C.T.  
OWNER:  
BRIAN LEIGH BADER  
AND WIFE, LISA BADER  
9.345 AC.  
VOL. 1107, PG. 932  
D.R.K.C.T.

TRACT 3  
KARA RANCH  
CABINET 1,  
ENVELOPE 764  
P.R.K.C.T.  
OWNER:  
MICHAEL ROGERS AND  
YVONNE ROGERS,  
HUSBAND AND WIFE  
VOL. 2810, PG. 587  
D.R.K.C.T.

OWNER:  
WITH LIFE ESTATE RESERVED TO  
GRANTORS, ALVIN MORTON AND  
LENNIE M. MORTON, AS TRUSTEES OF  
THE ALVIN MORTON AND  
LENNIE M. MORTON  
REVOCABLE LIVING TRUST  
VOL. 1156, PG. 741  
D.R.K.C.T.

FOUND CONCRETE  
MONUMENT W/ BRASS  
DISK STAMPED  
"CITY OF DALLAS"  
(C.M.)  
CITY OF DALLAS WATER LINE  
RIGHT-OF-WAY  
VOL. 508, PG. 492  
D.R.K.C.T.  
(VARIABLE WIDTH ROW)

POINT OF BEGINNING

FOUND CONCRETE  
MONUMENT W/ BRASS  
DISK STAMPED  
"CITY OF DALLAS"  
(C.M.)  
CITY OF DALLAS WATER LINE  
RIGHT-OF-WAY  
VOL. 442, PG. 510  
D.R.K.C.T.  
(VARIABLE WIDTH ROW)

FOUND CONCRETE  
MONUMENT W/ BRASS  
DISK STAMPED  
"CITY OF DALLAS"  
(C.M.)  
CITY OF DALLAS WATER LINE  
RIGHT-OF-WAY  
VOL. 441, PG. 301  
D.R.K.C.T.  
(VARIABLE WIDTH ROW)

FOUND CONCRETE  
MONUMENT W/ BRASS  
DISK STAMPED  
"CITY OF DALLAS"  
(C.M.)  
CITY OF DALLAS WATER LINE  
RIGHT-OF-WAY  
VOL. 441, PG. 301  
D.R.K.C.T.  
(VARIABLE WIDTH ROW)

FOUND CONCRETE  
MONUMENT W/ BRASS  
DISK STAMPED  
"CITY OF DALLAS"  
(C.M.)  
CITY OF DALLAS WATER LINE  
RIGHT-OF-WAY  
VOL. 441, PG. 301  
D.R.K.C.T.  
(VARIABLE WIDTH ROW)

FOUND CONCRETE  
MONUMENT W/ BRASS  
DISK STAMPED  
"CITY OF DALLAS"  
(C.M.)  
CITY OF DALLAS WATER LINE  
RIGHT-OF-WAY  
VOL. 441, PG. 301  
D.R.K.C.T.  
(VARIABLE WIDTH ROW)

FOUND CONCRETE  
MONUMENT W/ BRASS  
DISK STAMPED  
"CITY OF DALLAS"  
(C.M.)  
CITY OF DALLAS WATER LINE  
RIGHT-OF-WAY  
VOL. 441, PG. 301  
D.R.K.C.T.  
(VARIABLE WIDTH ROW)

FOUND CONCRETE  
MONUMENT W/ BRASS  
DISK STAMPED  
"CITY OF DALLAS"  
(C.M.)  
CITY OF DALLAS WATER LINE  
RIGHT-OF-WAY  
VOL. 441, PG. 301  
D.R.K.C.T.  
(VARIABLE WIDTH ROW)

FOUND CONCRETE  
MONUMENT W/ BRASS  
DISK STAMPED  
"CITY OF DALLAS"  
(C.M.)  
CITY OF DALLAS WATER LINE  
RIGHT-OF-WAY  
VOL. 441, PG. 301  
D.R.K.C.T.  
(VARIABLE WIDTH ROW)

FOUND CONCRETE  
MONUMENT W/ BRASS  
DISK STAMPED  
"CITY OF DALLAS"  
(C.M.)  
CITY OF DALLAS WATER LINE  
RIGHT-OF-WAY  
VOL. 441, PG. 301  
D.R.K.C.T.  
(VARIABLE WIDTH ROW)

## **EXHIBIT B**

### **EASEMENT – ACCESS [Specific Location]**

Grantor, for Grantor and Grantor's heirs, successors and assigns ("the holder of the easement") does hereby reserve an easement over, on and across the property described in Attachment "1", attached hereto and made a part hereof by reference for all purposes, (the "Easement Area") to provide free and uninterrupted pedestrian, vehicular and utility access to and from Grantor's adjoining or abutting property, being more fully described in Attachment "2", attached hereto and made a part hereof by reference for all purposes, (the "Dominant Estate Property") and portions thereof, in a manner as not to endanger or interfere with the safe, efficient and/or convenient use of and activity on the property described in Exhibit "A" by City.

The easement is appurtenant to and runs with the Dominant Estate Property and all portions of it, whether or not the easement is referenced in any conveyance of the Dominant Estate Property or any portion of it. The easement binds and inures to the benefit of Grantor and City and their respective heirs, successors, and assigns.

The easement is perpetual.

This easement is nonexclusive, and City reserves for City and City's successors and assigns the right to convey the same or similar easement or other rights or easements to others. Notwithstanding any provision of this easement reservation to the contrary, City and City's successors and assigns shall in all respects and at all times have the superior and paramount right of use, access and control of the Easement Property, without any liability for damages, destruction or injury to any improvements located in the easement, from time to time.

Professionally engineered plans and specifications bearing the seal of a professional engineer currently registered in the State of Texas showing any and all improvements desired by the holder of the easement, including without limitation, fill or removal of soil within the easement, paving, support, protection of City's uses, utility lines, structures and facilities, must be submitted to and approved in writing by the City of Dallas Water Department ("DWU") in advance of any construction by the holder of the easement. No vehicle, equipment or machinery exceeding a total weight of 15,000 lbs may come on the easement or any use be allowed to exist that would exceed said weight limit at any time during normal use unless confined to the designated access points on improvements the plans and specifications for which are structurally designed and constructed with supporting appurtenances that meet or exceed H20 highway design capacity and that protect the City's facilities from all imposed loading. The parties acknowledge and agree that the paramount consideration in the evaluation of any proposed improvements is to fully and completely accommodate City's uses (current, anticipated, and/or potential) of the property described in Exhibit "A" and any facilities it may install. Consequently, City's determinations in this regard are conclusive and final. All such improvements and maintenance of the Easement Property will be at the sole expense of the holder of the easement and must be constructed in a good and workmanlike manner in

conformity with the approved plans and specifications. The holder of the easement will maintain the Easement Property in a neat, clean and safe condition at all times.

The holder of the easement agrees to indemnify, defend and hold City and City's successors in interest harmless from any loss, attorney's fees, court and other costs, expenses or claims attributable to any breach or default of any provision of this easement by the holder and/or any negligent act or omission by the holder with regard to this easement. In the event the holder of the easement shall place any unpermitted structure, improvement, use or material within the Easement Property and fails to remove same immediately upon receipt of notice from City, City shall have the right, but not the obligation, to remove such structure, improvement, use and/or material, and the holder of the easement shall reimburse City for any and all costs connected with such action immediately upon demand.

**FIELD NOTES  
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION  
OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER  
TRANSMISSION MAIN  
KAUFMAN COUNTY, TEXAS  
Parcel: 295 ACE**

BEING a 0.0430 acre tract of land in the A. Maxamilia Survey, Abstract No. 311, in Kaufman County, Texas, and being part of Tract 3 of the Kara Ranch Subdivision, as recorded in Cabinet 1, Envelope 764, Plat Records of Kaufman County, Texas, said tracts being part of a called 9.345 acre tract of land described as Tract 3 in Warranty Deed with Vendor's Lien to Brian Leigh Bader and wife, Lisa Bader, dated November 17, 1993, as recorded in Volume 1107, Page 932, Deed Records of Kaufman County, Texas, (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set at the northeast corner of said Tract 3, and being north of Tract 4 of the Kara Ranch Subdivision, as recorded in Cabinet 1, Envelope 764, Plat Records of Kaufman County, Texas, said Tract 4 being described as Lot 4 in General Warranty Deed with Vendor's Lien to Michael Rogers and Yvonne Rogers, husband and wife, dated November 29, 2005, as recorded in Volume 2810, Page 587, Deed Records of Kaufman County, Texas, (D.R.K.C.T.), and being on the southwest line of a tract of land described in Quitclaim Deed to With Life Estate Reserved to Grantors, Alvin Morton and Lennie M. Morton, as Trustees of the Alvin Morton and Lennie M. Morton Revocable Living Trust, dated January 17, 1995, as recorded in Volume 1156, Page 741, D.R.K.C.T., being in the approximate center of Kaufman County Road No. 331, and in the northeast line of said A. Maxamilia Survey;

THENCE South 43 degrees 51 minutes 34 seconds West, departing the southwest line of said Morton Tract, the approximate center of said County Road, and the northeast line of A. Maxamilia Survey and with the southeast line of said Tract 3 and the northwest line of said Tract 4, a distance of 45.73 feet to a 1/2-inch iron rod with cap set;

THENCE South 85 degrees 59 minutes 31 seconds West, departing the southeast line of said Tract 3 and the northwest line of said Tract 4, a distance of 44.72 feet to a 1/2-inch iron rod with cap set;

THENCE North 43 degrees 51 minutes 34 seconds East, a distance of 79.21 feet to a 1/2-inch iron rod with cap set at the northeast line of said Tract 3, the southwest line of said Morton tract, the southwest line of A. Maxamilia survey, and the approximate center of said County Road;

THENCE South 45 degrees 32 minutes 00 seconds East, with the northeast line of said Tract 3 and southwest of said Morton Tract, a distance of 30.00 feet to the POINT OF BEGINNING and containing 1,874 square feet or 0.0430 acres of land.

FIELD NOTES APPROVED:

*10/21/16*

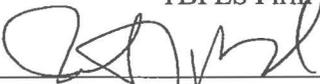


**FIELD NOTES**  
**DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION**  
**OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER**  
**TRANSMISSION MAIN**  
**KAUFMAN COUNTY, TEXAS**  
**Parcel: 295 ACE**

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.  
TBPLS Firm No. 10123500

By:  Date: 10/18/16

Surveyor's Name: Patrick J. Baldasaro  
Registered Professional Land Surveyor  
Texas No. 5504





CITY OF DALLAS WATER LINE  
RIGHT-OF-WAY  
VOL. 508, PG. 492  
D.R.K.C.T.  
(VARIABLE WIDTH ROW)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

**PARCEL 295 ACCESS ESMT. 1,874 S.F. 0.0430 AC.**

**POINT OF BEGINNING**

**S45° 32'00"E 30.00'**

**S43° 51'34"W 45.73'**

**N43° 51'34"E 79.21'**

**S85° 59'31"W 44.72'**

**S85° 59'31"W 909.04'**

**NB5° 59'31"E 834.54'**

**N46° 08'26"W 609.82'**

**N43° 51'34"E 674.74'**

**W. STRICKLAND SURVEY NO. 498**

**A. MAXAMILLA SURVEY NO. 311**

**W. STRICKLAND SURVEY NO. 498**

**A. MAXAMILLA SURVEY NO. 311 ABSTRACT**

CITY OF DALLAS WATER LINE  
RIGHT-OF-WAY  
VOL. 442, PG. 510  
D.R.K.C.T.  
(VARIABLE WIDTH ROW)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

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FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

CITY OF DALLAS WATER LINE  
RIGHT-OF-WAY  
VOL. 441, PG. 301  
D.R.K.C.T.  
(VARIABLE WIDTH ROW)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

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FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

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FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

CITY OF DALLAS WATER LINE  
RIGHT-OF-WAY  
VOL. 442, PG. 510  
D.R.K.C.T.  
(VARIABLE WIDTH ROW)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

FOUND CONCRETE MONUMENT W/ BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)



NOTE: THIS SURVEY WAS PERFORMED BASED UPON RECORD DATA PROVIDED UNDER JACKSON TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 200769176, WITH AN EFFECTIVE DATE OF MAY 15, 2008

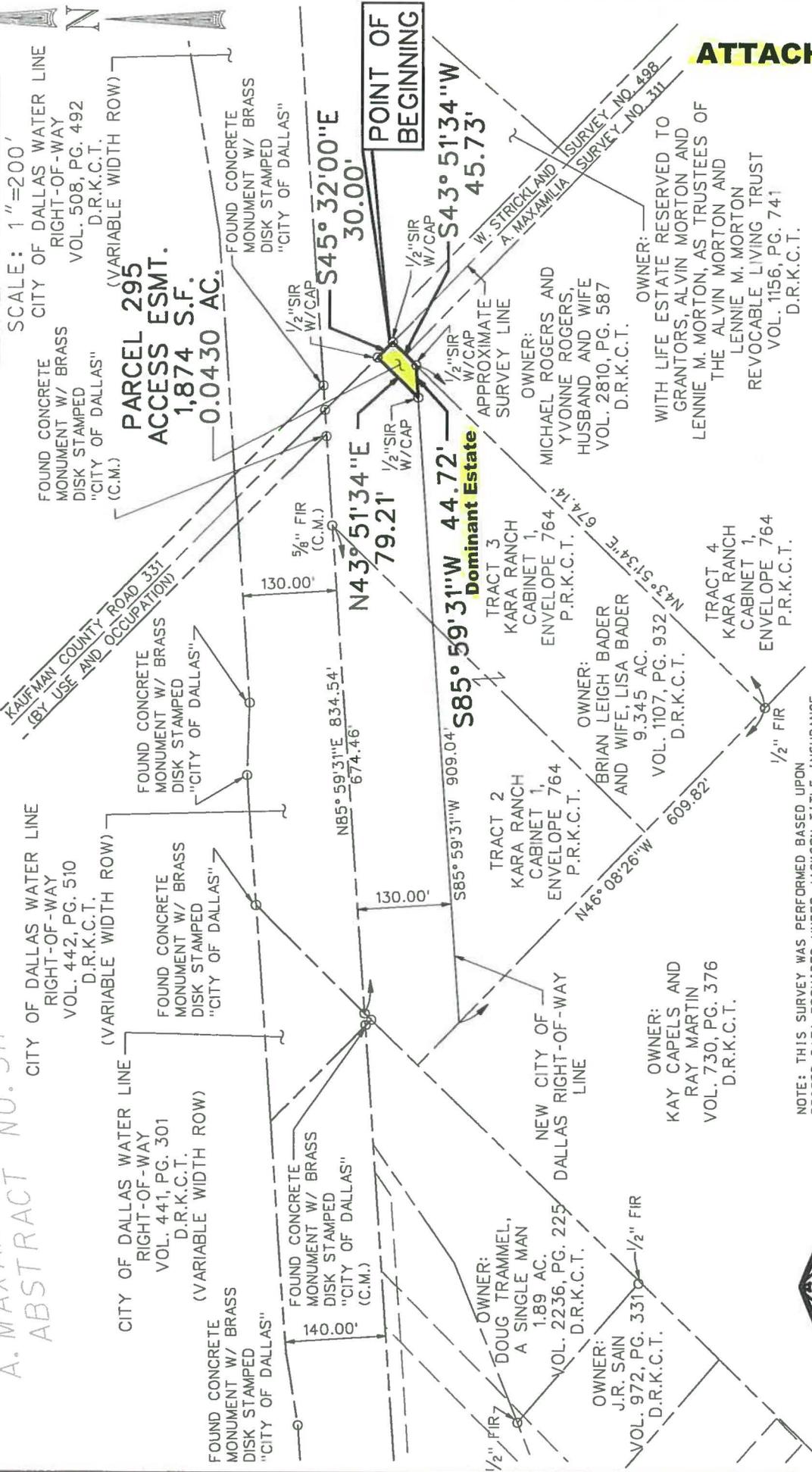
LEGEND:

S.F.	SQUARE FEET
C.M.	CONTROL MONUMENT
○ FIR	FOUND IRON ROD
○ FIP	FOUND IRON PIPE
○ 1/2" SIR	1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
○ W/CAP	W/ CAP CUT IN CONCRETE FOUND PK. NAIL
○ SX	SET "X" CUT IN CONCRETE FOUND PK. NAIL
○ FPK	FOUND PK. NAIL
○ SPK	SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORP. ARP., DALLAS CORP. ARP., KAUFMAN CORP. ARP., TYLER CORP. ARP., AND PARIS CORP. ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.00014077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

**EXHIBIT OF A ACCESS EASEMENT**  
SITUATED IN THE  
A. MAXAMILLA SURVEY, ABSTRACT NO. 311  
KAUFMAN COUNTY, TEXAS  
FOR THE  
**CITY OF DALLAS**  
BY  
DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWAY, SUITE 110  
DALLAS, TEXAS 75287 TEL (972)250-2727, FAX (972)250-4774  
TBPLS FIRM, INC. 10123500  
SCALE: 1"=200'

**A. MAXAMILIA SURVEY  
NO. 311  
ABSTRACT**



**ATTACHMENT 2**

**EXHIBIT**  
OF A  
**ACCESS EASEMENT**  
SITUATED IN THE  
A. MAXAMILIA SURVEY, ABSTRACT NO. 311  
KAUFMAN COUNTY, TEXAS  
FOR THE  
**CITY OF DALLAS**  
BY

WITH LIFE ESTATE RESERVED TO GRANTORS, ALVIN MORTON AND LENNIE M. MORTON, AS TRUSTEES OF THE ALVIN MORTON AND LENNIE M. MORTON REVOCABLE LIVING TRUST VOL. 1156, PG. 741 D.R.K.C.T.

OWNER:  
MICHAEL ROGERS AND YVONNE ROGERS, HUSBAND AND WIFE VOL. 2810, PG. 587 D.R.K.C.T.

OWNER:  
BRIAN LEIGH BADER AND WIFE, LISA BADER 9.345 AC. VOL. 1107, PG. 932 D.R.K.C.T.

OWNER:  
KAY CAPELS AND RAY MARTIN VOL. 730, PG. 376 D.R.K.C.T.

NOTE: THIS SURVEY WAS PERFORMED BASED UPON RECORD DATA PROVIDED UNDER JACKSON TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 20076976, WITH AN EFFECTIVE DATE OF MAY 15, 2008

- LEGEND:
- S.F. SQUARE FEET
  - C.M. CONTROL MONUMENT
  - FIR FOUND IRON ROD
  - FIP FOUND IRON PIPE
  - 1/2" SIR 1/2" SET IRON ROD WITH A W/CAP RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
  - SX SET "X" CUT IN CONCRETE
  - FPK FOUND PK. NAIL
  - SPK SET PK. NAIL



## EXHIBIT C

### EASEMENT -- GRAZING AND AGRICULTURAL USE

Grantor, for Grantor and Grantor's heirs, successors and assigns ("the holder of the easement") does hereby reserve an easement over, on and across the property described in Exhibit "A" for agricultural and/or grazing purposes in connection with Grantor's use of Grantor's adjoining or abutting property and in a manner as not to endanger or interfere with the safe, efficient and/or convenient use of and activity on the property described in Exhibit "A" by City.

In no event may the holder of the easement construct or install, or cause to be constructed or installed, in the easement any permanent improvements, roads, pavement, utilities, structures, buildings, cattle tanks and/or stock ponds. Any activity by the holder of the easement involving excavation, contouring, and/or grading beyond normal agricultural tillage and installation of fence posts is strictly prohibited. Any activity by the holder of the easement causing or likely to cause excessive erosion, as determined by City, is strictly prohibited. In no event and under no circumstances may the holder of the easement operate within the easement any vehicles, equipment or machinery exceeding 15,000 lbs in weight. The holder of the easement shall not grow any trees, shrubs, vines or other excessive undergrowth that would prevent or unreasonably impair aerial inspection of the property by City.

The holder of this easement may fence the boundaries of the easement (but no cross fencing) to control livestock and wildlife; provided, however, adequate gates, cattle guards and other means of access are provided and maintained by the holder of the easement to facilitate City's full and unlimited access to, from and across the easement at all times for any and all purposes.

This easement is nonexclusive, and City reserves for City and City's successors and assigns the right to convey to others easements that do not unreasonably impair or obstruct this easement. Notwithstanding any provision of this easement reservation to the contrary, City and City's successors and assigns shall in all respects and at all times have the superior and paramount right of use, access and control of the property described in Exhibit "A" and covered by this easement, without any liability for damages to planted, growing or mature crops and/or to the turf that may be growing thereon. City and City's successors and assigns will repair any boundary fences it may cut or damage by its activities and will endeavor to exercise due care to avoid damage to or the escape of livestock that may be pastured in the easement.

The holder of the easement agrees to indemnify, defend and hold City and City's successors in interest harmless from any loss, attorney's fees, court and other costs, expenses or claims attributable to any breach or default of any provision of this easement by the holder and/or any negligent act or omission by the holder with regard to this easement. In the event the holder of the easement shall place any unpermitted structure, improvement, use or material within the easement and fails to remove same immediately upon receipt of notice from City, City shall have the right, but not the obligation, to remove such structure, improvement, use and/or material, and the holder of the easement shall reimburse City for any and all costs connected with such action immediately upon demand.

This easement shall terminate if and when the holder of the easement no longer owns or uses adjoining or abutting property for agricultural and/or grazing purposes.

**FIELD NOTES**  
**DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION**  
**OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER**  
**TRANSMISSION MAIN**  
**KAUFMAN COUNTY, TEXAS**  
**Parcel: 295**

BEING a 2.768 acre tract of land in the A. Maxamilia Survey, Abstract No. 311, in Kaufman County, Texas, and being part of Tract 2 and Tract 3 of the Kara Ranch Subdivision, as recorded in Cabinet 1, Envelope 764, Plat Records of Kaufman County, Texas, said tracts being part of a called 9.345 acre tract of land described as Tract 2 in Warranty Deed with Vendor's Lien to Brian Leigh Bader and wife, Lisa Bader, dated November 17, 1993, as recorded in Volume 1107, Page 932, Deed Records of Kaufman County, Texas, (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set at the north corner of said Bader tract, being the northwest line of a tract of land described in Quitclaim Deed to With Life Estate Reserved to Grantors, Alvin Morton and Lennie M. Morton, as Trustees of the Alvin Morton and Lennie M. Morton Revocable Living Trust, dated January 17, 1995, as recorded in Volume 1156, Page 741, D.R.K.C.T., and being the southeast corner of a City of Dallas Water Line Right-of-Way (variable width Right-of-Way) as recorded in Volume 442, Page 510, D.R.K.C.T., being in the approximate center of Kaufman County Road No. 331 and in the northeast line said A. Maxamilia Survey;

THENCE South 45 degrees 32 minutes 00 seconds East, departing the southeast line of said City of Dallas Water Line Right-of-Way and with the common northeast line of said Bader tract and said A. Maxamilia Survey a distance of 132.66 feet to a 1/2-inch iron rod with cap set at the east corner of said Tract 2 being the north corner of Tract 4 of said Kara Ranch Subdivision;

THENCE South 43 degrees 51 minutes 34 seconds West, departing said common northeast line and with the southeast line of said Tract 3 and the northwest line of said Tract 4, a distance of 45.73 feet to a 1/2-inch iron rod with cap set;

THENCE South 85 degrees 59 minutes 31 seconds West, departing the southeast line of said Tract 3 and the northwest line of said Tract 4, a distance of 909.04 feet to a 1/2-inch iron rod with cap set in the southwest line of said Tract 2 and the northeast line of a called 129.64 acre tract of land described as "Tract No. 2" in Warranty Deed to Kay Capels and Ray Martin, as recorded in Volume 730, Page 376, D.R.K.C.T.

THENCE North 46 degrees 08 minutes 26 seconds West, with the southwest line of said Tract 2 and the northeast line of said "Tract No. 2", a distance of 82.41 feet to a 1/2-inch iron rod with cap set at the west corner of said Tract 2 and the north corner of said "Tract No. 2", being in the southeast line of a called 1.89 acre tract of land described in Warranty Deed with Vendor's Lien to Doug Trammel, as recorded in Volume 2236, Page 225, D.R.K.C.T.;

THENCE North 43 degrees 44 minutes 38 seconds East, with the northwest line of said Bader tract and the southeast line of said Trammel tract, a distance of 89.55 feet to a 1/2-inch iron rod with cap set at the east corner of said Trammel tract, being the south corner of a City of Dallas Water Line Right-of-Way, as recorded in Volume 441, Page 301, D.R.K.C.T.;

FIELD NOTES APPROVED:  
*ABC 7/16/14*



FIELD NOTES  
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION  
OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER  
TRANSMISSION MAIN  
KAUFMAN COUNTY, TEXAS  
Parcel: 295

THENCE North 43 degrees 26 minutes 24 seconds East, with the northwest line of a said Tract 2 and the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 12.84 feet to a 1/2-inch iron rod with cap set at the northwest corner of said Tract 2 and the southwest corner of said City of Dallas Water Line Right-of-Way (variable width Right-of-Way) as recorded in Volume 442, Page 510, D.R.K.C.T.;

THENCE North 85 degrees 59 minutes 31 seconds East, with the northwest line of said Tract 2 and the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 834.54 feet to the POINT OF BEGINNING and containing 120,582 square feet or 2.7682 acres of land.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.  
TBPLS Firm No. 10123500

By: *Patrick J. Baldasaro* Date: 6.24.14

Surveyor's Name: Patrick J. Baldasaro  
Registered Professional Land Surveyor  
Texas No. 5504





**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Sustainable Development and Construction  
Business Development & Procurement Services

**CMO:** Mark McDaniel, 670-3256  
Elizabeth Reich, 670-7804

**MAPSCO:** 33Y

---

**SUBJECT**

Authorize an amendment for a five-year lease extension with E Avenue F, LLC, for approximately 9,747 square feet of office, showroom, and warehouse space located at 3131 Irving Boulevard, Suite 605 to be used by the Sales and Auction Division of Business Development and Procurement Services Department for the period February 1, 2017 through January 31, 2022 - Not to exceed \$419,063 - Financing: Current Funds (subject to annual appropriations)

**BACKGROUND**

This item authorizes an amendment to an existing five-year, three-month lease agreement with E Avenue F, LLC to extend the lease agreement for an additional five-year period for approximately 9,747 square feet of office, showroom, and warehouse space located at 3131 Irving Boulevard, Suite 605. The five-year extension will provide for the continued use of the City Store and Auction Sales.

The City Store and Auction Sales is a division of Business Development and Procurement Services and responsible for disposition of surplus, police confiscated and unclaimed property, Auto Pound unclaimed vehicles, and retired fleet.

Additionally, the City Store sells unusable City surplus and police unclaimed property through various methods of vending which ultimately result in the most value to the City. City Store personnel evaluate each price of property and determine the best method of sell (disposal), personnel uses storefront, internet, live or electronic based auctions to maximize revenue for each item. The adoption of this process fosters departmental collaboration to achieve efficiency, cost saving, revenue, and reduction of waste transported to the landfill.

## **BACKGROUND (Continued)**

The use of store front, public auction, sealed bid process, recycle or property transfer, as cost avoidance, provided staff with the versatility to obtain the best value for the City. The existence of the City Store provides departments with central point for surplus property transfer; property can be delivered or a request for property pick up can be issued.

The estimated revenue generated from the sale of surplus property, unclaimed vehicles, and retired City fleet is included in the City Manager's annual revenue each fiscal year. The ultimate benefit of the City Store is that it fits into the City's green policy as a contributor to the City's recycling initiative. By allowing the general public to purchase reusable items and by strategically identifying recyclable property, the City Store is helping reduce the waste generated by the City which can end-up being deposited into City transfer stations and landfills. The property deemed not to fit for sell to the general public is sold through the City's recycling contract contributing positively to the manufacturing of new products from recycled material as well as generating revenue. The City Store adds value to the City as it generates revenue and contributes to the reduction of waste.

The amendment will begin on February 1, 2017 through January 31, 2022.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized a lease agreement on October 25, 2006, by Resolution No. 06-3001.

Authorized an amendment to the lease agreement on October 26, 2011, by Resolution No. 11-2818.

Information about this about this item will be provided to the Economic Development Committee on January 17, 2017.

## **FISCAL INFORMATION**

\$419,062.92 - Current Funds (subject to annual appropriations)

## **OWNER**

**E Avenue F, LLC**

George Chang, Manager

**MAP**

Attached



Stemmons Freeway

Pegasus Park Drive

Commonwealth Drive (State Highway 356)

Iron Ridge Street

Lakwana Street

2/6368

Irving Boulevard



Lease Premises  
Approximtely 9,747 sq. ft.  
3131 Irving Boulevard, Suite 605

January 25, 2017

**WHEREAS**, on October 25, 2006, the Dallas City Council approved Resolution No. 06-3001, authorizing the City Manager to execute a lease agreement dated October 31, 2006, (the "Lease") with Cadle's Commonwealth Center, L.L.C., its successors and assigns, whom conveyed the property to Commonwealth Industrial, LLC by deed dated May 14, 2010, as landlord and City of Dallas ("City") as tenant for approximately 9,747 square feet of office, showroom, and warehouse space located at 3131 Irving Blvd., Suite 605, Dallas, Dallas County, Texas for the Business Development and Procurement Services Department; and

**WHEREAS**, on October 26, 2011, the City Council authorized the supplementation, modification and amendment of the Lease to require landlord to make certain improvements and repairs to the Premises as specified in the Amendment to Lease Agreement by Resolution No. 11-2818; and

**WHEREAS**, the Lease was amended by the Amendment to Lease Agreement dated November 1, 2011, extending the term of the Lease for a five-year, three-month period; and

**WHEREAS**, Commonwealth Industrial, LLC conveyed the property to E Avenue F, LLC ("Landlord") by deed dated August 29, 2013; and

**WHEREAS**, the Lease expires by its own terms on January 31, 2017; and

**WHEREAS**, the parties desire to renew, extend, modify and/or amend the Lease to (i) provide for an additional five-year term; and (ii) provide Landlord to make certain additional leasehold improvements, repairs, and refurbishments.

**NOW, THEREFORE,**

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

**SECTION 1.** That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to execute a Second Amendment to Lease Agreement between E Avenue F, LLC, a Texas limited liability company and the City of Dallas.

**SECTION 2.** That the special terms and conditions of the Second Amendment to Lease Agreement are:

- a) The term of the Lease is extended for an additional five (5) years, effective February 1, 2017 and ending January 31, 2022, provided however, that the City retains the right to terminate the Lease as provided elsewhere therein.

January 25, 2017

b) Monthly rental payments shall be as follows (subject to annual appropriations):

February 1, 2017 – January 31, 2019:	\$4,467.38 per month
February 1, 2019 – January 31, 2020:	\$4,670.44 per month
February 1, 2020 – January 31, 2021:	\$4,873.50 per month
February 1, 2021 – January 31, 2022:	\$5,076.56 per month

c) City shall pay CAM as defined as taxes, insurance and common area maintenance to the Landlord as “Additional Rental”. Additional monthly rental payments shall be as follows (subject to annual appropriations):

February 1, 2017 – January 31, 2022:	\$2,273.33 per month
--------------------------------------	----------------------

**SECTION 3.** That the Chief Financial Officer is hereby authorized to draw warrants payable to E Avenue F, LLC or its successors and assigns on the first day of each month in advance during the lease term beginning February 1, 2017 in the amount specified below:

February 1, 2017 – January 31, 2019 (subject to annual appropriations)	\$4,467.38 per month
February 1, 2019 – January 31, 2020 (subject to annual appropriations)	\$4,670.44 per month
February 1, 2020 – January 31, 2021 (subject to annual appropriations)	\$4,873.50 per month
February 1, 2021 – January 31, 2022 (subject to annual appropriations)	\$5,076.56 per month

**SECTION 4.** That the payments will be charged as follows:

February 1, 2017 – September 30, 2017: Fund 0199, Dept. POM, Unit 1232, Object Code 3330, Encumbrance No. MASCPOMLEASE2017, Commodity Code 97145, Vendor No. VS0000081837.

October 1, 2017 – January 31, 2022: Fund TBD, Dept. POM, Unit TBD, Object Code 3330, Encumbrance No. TBD, Commodity Code 97145, Vendor No. VS0000081837.

**SECTION 5.** That the Chief Financial Officer is hereby authorized to draw warrants payable to E Avenue F, LLC or its successors and assigns on the first day of each month in advance during the lease term beginning February 1, 2017 in the amount specified below:

February 1, 2017 – January 31, 2022 (subject to annual appropriations)	\$2,273.33 per month
---	----------------------

January 25, 2017

**SECTION 6.** That the payments will be charged as follows:

February 1, 2017 – September 30, 2017: Fund 0199, Dept. POM, Unit 1232, Object Code 3330, Encumbrance No. MASCPOMLEASE2017, Commodity Code 97145, Vendor No. VS0000081837.

October 1, 2017 – January 31, 2022: Fund TBD, Dept. POM, Unit TBD, Object Code 3330, Encumbrance No. TBD, Commodity Code 97145, Vendor No. VS0000081837.

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

**APPROVED AS TO FORM**  
**LARRY E. CASTO, City Attorney**

BY:   
Assistant City Attorney



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 12  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 6 K

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**SUBJECT**

A resolution accepting a landscape plan as required by Section 51P-921.112(e)(1) of Chapter 51P of the Dallas Development Code on property on the east line of Coit Road, north of Campbell Road - D167-012 - Financing: No cost consideration to the City

**BACKGROUND**

Section 51P-921.112(e)(1) of Chapter 51P of the Dallas Development Code requires a “landscape plan that includes the detention areas, access points, or buffer zones must be approved by council before the issuance of a building permit to authorize work for a single family home” within Planned Development District No. 921.

The attached application for the landscape plan was submitted on December 29, 2016, by Scarborough Lane Development for the owners of the property. The owners are CADG Dallas 163, LLC; CADG University Place AW 30, LLC; and CW-TAMU, LLC.

Planned Development District No. 921 for single family uses was created in August 2014. The proposed single family development will wrap a portion of the Texas A&M University Research area. On June 17, 2015, Council approved an amendment to Planned Development District No. 921 to allow for the development of a school in the Planned Development District as well as amend lot coverage, landscaping, and access points for the school. During this amendment the landscaping shown on the previously approved development plan was removed and the requirement for a City Council approved landscape plan was added.

The plans before Council for review include the entrances, detention areas, and buffer zones. The individual lots will meet the requirements within the planned development district and do not require a landscape plan approved by City Council. Staff has reviewed the landscape plans and recommends approval.

**PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On August 27, 2014, the City Council created Planned Development District No. 921 by Ordinance No. 29430.

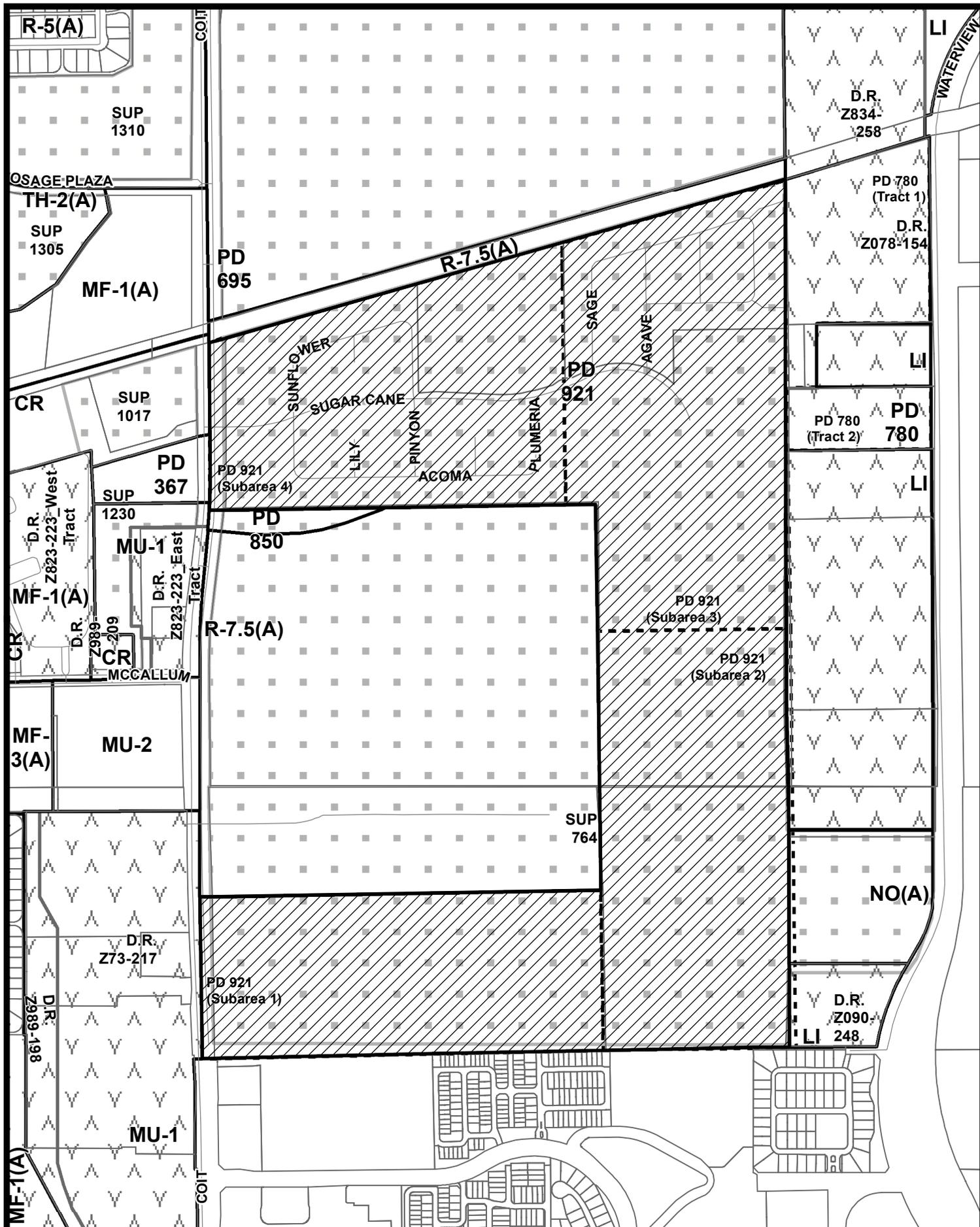
On June 17, 2015, the City Council approved an amendment to Planned Development District No. 921 by Ordinance No. 29787.

**FISCAL INFORMATION**

No cost consideration to the City.

**MAP**

Attached.



1:7,200

D167-012  
Location map



# Department of Development Services

1500 Marilla Street Room 5B North Dallas, TX 75201 Phone 214.670.4209 Fax 214.670.4210

## Development Plan / Minor Amendment Application

September 2007

Provide the following information. (Please print).

Applicant		Representative		Owner	
Owner Tenant <input checked="" type="checkbox"/>	Prospective Buyer <input type="checkbox"/>	<i>Scarborough Lane Development</i>		Individual Partnership <input type="checkbox"/>	Corporation Trust <input checked="" type="checkbox"/>
Name:	<i>Mehrdad Mowjidi</i>	Name:	<i>Tate Finch</i>	Name:	<i>CADG Dallas LLC</i>
Address:	<i>1500 Vally View, # 300</i>	Address:	<i>16380 Addison Rd.</i>	Address:	<i>1500 Vally View, # 300</i>
City/SU/Zip:	<i>Farmers Branch, TX 75234</i>	City/SU/Zip:	<i>Addison, TX 75001</i>	City/SU/Zip:	<i>Farmers Branch, TX 75234</i>
Telephone:	<i>(469) 892-7200</i>	Telephone:	<i>(214) 802-4660</i>	Telephone:	<i>(469) 892-7200</i>
Fax:	<i>(817) 586-3626</i>	Fax:	<i>(972) 380-5960</i>	Fax:	<i>(817) 586-3626</i>
E-mail:	<i>lavm@centurian.com</i>	E-mail:	<i>jfinch@landmarkinterests.com</i>	E-mail:	<i>lavm@centurian.com</i>
 Signature of Applicant		 Signature of Representative		 Signature of Owner	

PDD no.	<i>921</i>	Location & cross street:	<i>E. side of Coit, N. of Cullum St.</i>
PDD, Tract or subdistrict no.	<i>1, 2, 3, 4</i>	Request:	<i>Landscape plan for PD # 921 required City Council action.</i>
SUP no.			
Mapsco no.			
Zoning map no.			
Council district			Size of request:
Census tract no.			Date of the last City Council action:
			Zoning file number associated with that action:

### Fee Schedule

Development Plan Review \$600.00	Minor Amendment \$825.00
-------------------------------------	-----------------------------

The following is to be completed by staff during application intake.

Development Plan Review	Minor Amendment
Statement of Request <input checked="" type="checkbox"/>	Detailed summary of changes <input type="checkbox"/>
Zoning map (1) (8 1/2"x11") <input checked="" type="checkbox"/>	Zoning map (1) (8 1/2"x11") <input type="checkbox"/>
Proper signatures <input checked="" type="checkbox"/>	Proper signatures <input type="checkbox"/>
Letter of authorization <input checked="" type="checkbox"/>	Letter of authorization <input type="checkbox"/>
List of partners/principles/officers <input checked="" type="checkbox"/>	List of partners/principles/officers <input type="checkbox"/>
6 Development/Landscape plans* (folded) <input checked="" type="checkbox"/>	3 Development/Landscape/Site plans* (folded) <input type="checkbox"/>
1 8.5x11 copy of plan(s) <input checked="" type="checkbox"/>	1 8.5x11 copy of plan(s) <input type="checkbox"/>

\* 6 correct and complete full-sized plans and 1 8.5x11 plan(s) will be required prior to the public hearing

\* 3 copies of full-sized plans are required with the application  
\* 7 correct and complete full-sized plans and 1 8.5x11 plan(s) will be required prior to notification of the public hearing

Filing fee: \$ <i>600.00</i>	Receipt No. <i>7000</i>	Accepted by: <i>AR 12-29-16</i>
File No.: <i>D167-012</i>	Planner:	

**CADG Dallas 163, LLC**

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1800 Valley View Lane, Suite 300  
Farmers Branch, TX 75234

December 20, 2016

City of Dallas  
Department of Development Services  
1500 Marilla St. #5BN  
Dallas, Texas 75201

Re: Statement of Request, PD No. 921 Landscaping Plan Submittal

Based on the approved Planned Development District No. 921, Sec. 51P-921.112 Landscaping, (e) (2), CADG Dallas 163, LLC submits the included Landscaping plan for University Place. Per the Ordinance, this Landscape plan must be approved by City Council.

Please let me know if you have any questions regarding this matter.

Sincerely,



Mehrdad Moayedi  
Manager  
CADG Dallas 163, LLC



**CADG Dallas 163, LLC**

---

1800 Valley View Lane, Suite 300  
Farmers Branch, TX 75234

December 20, 2016

City of Dallas  
Department of Development Services  
1500 Marilla St. #5BN  
Dallas, Texas 75201

Re: Letter of Authorization, PD No. 921 Landscaping Plan Submittal

CADG Dallas 163, LLC ("Owner") has authorized Scarborough Lane Development to act on the Owner's behalf regarding the submittal of Landscape plans to the Dallas City Council. This action is based on the approved Planned Development District No. 921, Sec. 51P-921.112 Landscaping, (e) (2).

Please let me know if you have any questions regarding this matter.

Sincerely,



Mehrdad Moayedi  
Manager  
CADG Dallas 163, LLC

**CADG University Place AW 30, LLC**

---

1800 Valley View Lane, Suite 300  
Farmers Branch, TX 75234

December 28, 2016

City of Dallas  
Department of Development Services  
1500 Marilla St. #5BN  
Dallas, Texas 75201

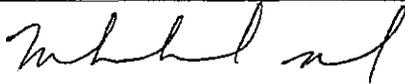
Re: Letter of Authorization, PD No. 921 Landscaping Plan Submittal

CADG University Place AW 30, LLC ("Owner") has authorized Scarborough Lane Development to act on the Owner's behalf regarding the submittal of Landscape plans to the Dallas City Council. This action is based on the approved Planned Development District No. 921, Sec. 51P-921.112 Landscaping, (e) (2).

Please let me know if you have any questions regarding this matter.

Sincerely,

---



Mehrdad Moayedi  
Manager  
CADG University Place AW 30, LLC

**CW-TAMU, LLC**

8655 S. Priest Dr  
Tempe, AZ 85284

December 28, 2016

City of Dallas  
Department of Development Services  
1500 Marilla St. #5BN  
Dallas, Texas 75201

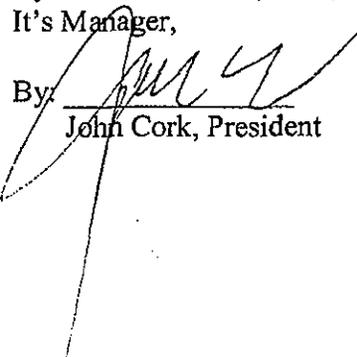
Re: Letter of Authorization, PD No. 921 Landscaping Plan Submittal

CW-TAMU, LLC ("Owner") has authorized Scarborough Lane Development to act on the Owner's behalf regarding the submittal of Landscape plans to the Dallas City Council. This action is based on the approved Planned Development District No. 921, Sec. 51P-921.112 Landscaping, (e) (2).

Please let me know if you have any questions regarding this matter.

Sincerely,

CW - TAMU, LLC, a Texas limited liability company,  
By: Coronado West, LLC, a Delaware limited liability company,  
It's Manager,

By:   
John Cork, President

**CADG Dallas 163, LLC**

---

1800 Valley View Lane, Suite 300  
Farmers Branch, TX 75234

December 22, 2016

City of Dallas  
Department of Development Services  
1500 Marilla St. #5BN  
Dallas, Texas 75201

Re: List of Partners/Principals/Officers, PD No. 921 Landscaping Plan Submittal

I, Mehrdad Moayed, am the sole member of the CADG Dallas 163, LLC.

Please let me know if you have any questions regarding this matter.

Sincerely,



Mehrdad Moayed  
Manager  
CADG Dallas 163, LLC

**CADG University Place AW 30, LLC**

---

1800 Valley View Lane, Suite 300  
Farmers Branch, TX 75234

December 22, 2016

City of Dallas  
Department of Development Services  
1500 Marilla St. #5BN  
Dallas, Texas 75201

Re: List of Partners/Principals/Officers, PD No. 921 Landscaping Plan Submittal

I, Mehrdad Moayedi, am the sole member of the CADG University Place AW 30, LLC.

Please let me know if you have any questions regarding this matter.

Sincerely,



Mehrdad Moayedi  
Manager  
CADG University Place AW 30, LLC

**CW-TAMU, LLC**

8655 S. Priest Dr  
Tempe, AZ 85284

December 22, 2016

City of Dallas  
Department of Development Services  
1500 Marilla St. #5BN  
Dallas, Texas 75201

Re: List of Partners/Principals/Officers, PD No. 921 Landscaping Plan Submittal

The following is a list of the members of CW-TAMU, LLC

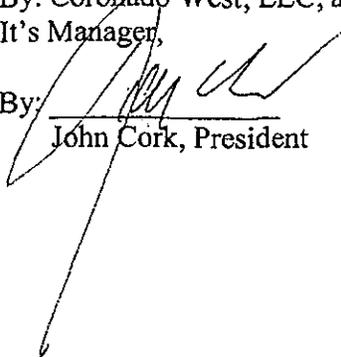
**50% Membership interest:**

**THE REGALO DEL MAR IRREVOCABLE TRUST,  
DATED JUNE 28, 2013**

**50% Membership Interest:**

**THE EL MOMENTO ES AHORA IRREVOCABLE TRUST,  
DATED JUNE 28, 2013**

CW - TAMU, LLC, a Texas limited liability company,  
By: Coronado West, LLC, a Delaware limited liability company,  
It's Manager,

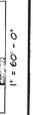
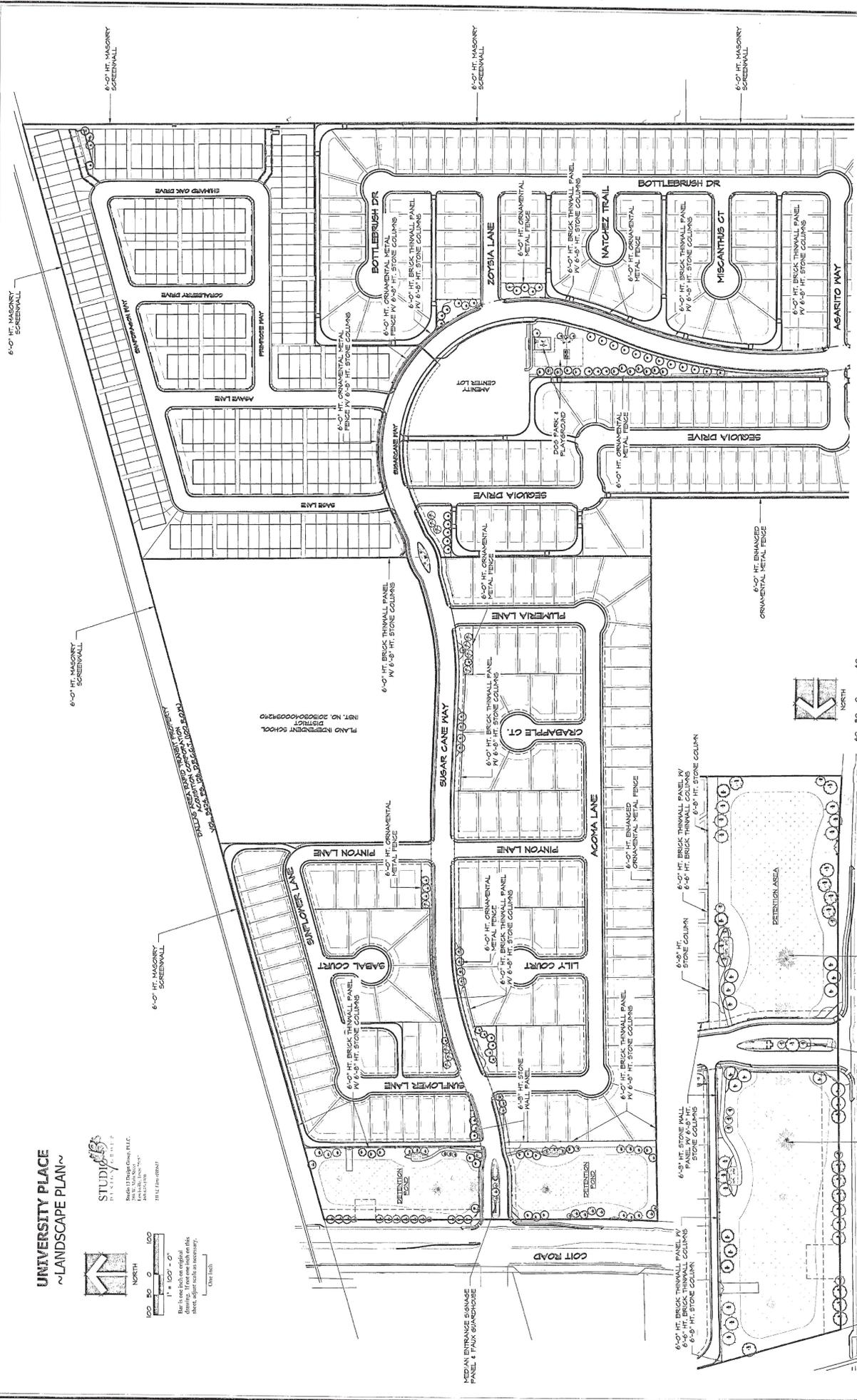
By:   
John Cork, President

**UNIVERSITY PLACE**  
~LANDSCAPE PLAN~

**STUDIO 18**  
LANDSCAPE ARCHITECTURE  
11111 111th Street, Suite 100  
Seattle, WA 98148  
PH: 206.461.1111  
WWW.STUDIO18.COM



Bar is one inch on original drawing. All dimensions are in feet unless otherwise noted. All dimensions are to centerline unless otherwise noted.



0 50 100  
Feet  
1" = 60'-0"

**1**  
**PRIMARY ENTRANCE ENLARGEMENT**  
**PLAN**

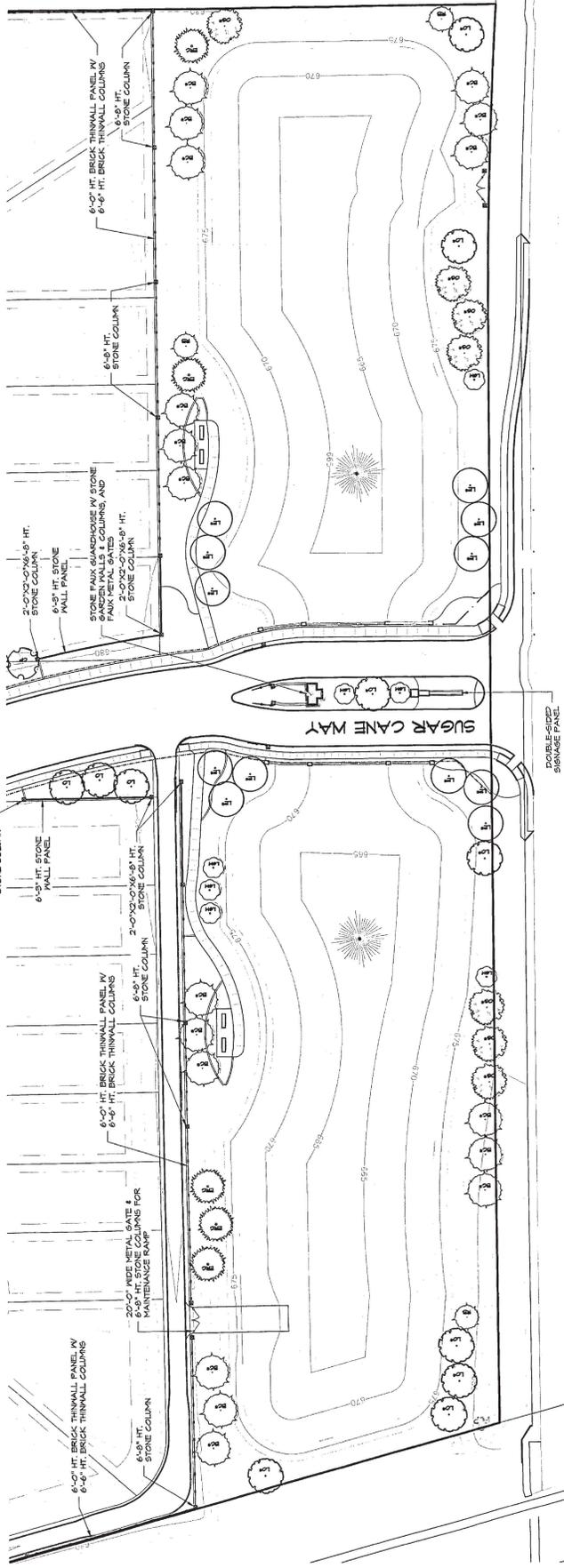
NOTE:  
ALL IMPROVEMENTS SHOWN ON  
THIS PLAN ARE CONCEPTUAL IN  
NATURE & SUBJECT TO CHANGE.



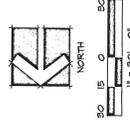
Studio 101 Planning & Design, P.L.L.C.  
10101 University Blvd, Suite 200  
Arlington, VA 22204  
703.261.1010

Refer to one inch scale on original  
drawing. If one scale on this  
drawing is not suitable, please  
contact the architect.

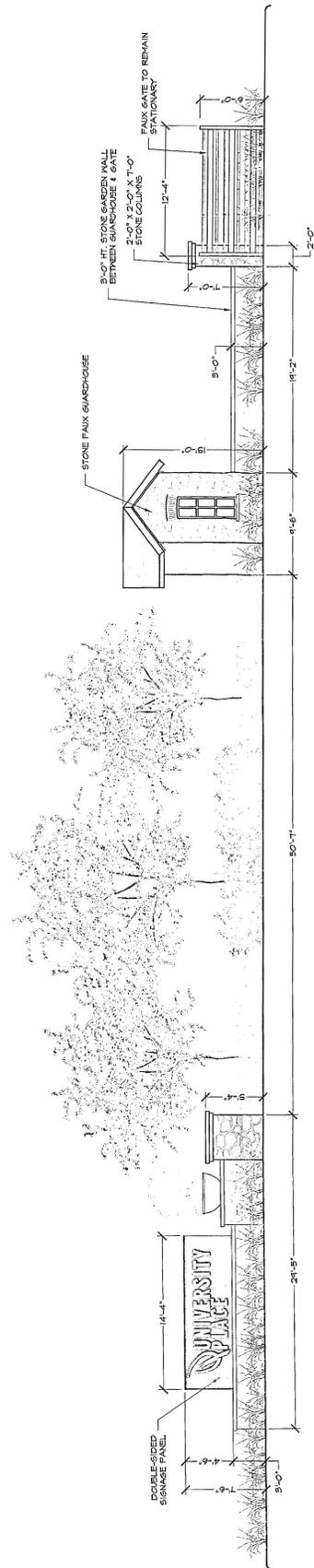
One Inch



COIT ROAD



1 PRIMARY ENTRANCE ENLARGEMENT  
PLAN



2 PRIMARY ENTRANCE - MEDIAN ELEVATION  
ELEVATION





January 25, 2017

**WHEREAS**, Section 51P-921.112(e)(1) of the Dallas Development Code requires a landscape plan that includes the detention areas, access points, or buffer zones be approved by City Council before the issuance of a building permit to authorize work for a single family home within Planned Development District No. 921; and

**WHEREAS**, Scarborough Lane Development has submitted a landscape plan for detention areas, access points, and buffer zones within Planned Development District No. 921 located on the east line of Coit Road, north of Campbell Road; and

**WHEREAS**, the City Council, has examined the landscape elements shown on the landscape plan; and

**WHEREAS**, the City Council desires to approve the landscape plan; **Now, Therefore,**

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

**Section 1.** That the landscape plan for the detention areas, access points, or buffer zones within Planned Development District No. 921 is approved.

**Section 2.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 48R

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**SUBJECT**

A resolution authorizing a Purchase and Sale Agreement to be prepared for the auctioned surplus property upon receiving the highest qualified bid sold absolute on approximately 161,848 square feet of unwanted and unneeded unimproved City-owned land located near the intersection of Forney Road and Olson Drive - Estimated Revenue: \$242,772

**BACKGROUND**

On January 14, 2009, by Resolution No. 09-0163, the City Council declared approximately 177,990 square feet of land unwanted and unneeded near the intersection of Forney Road and Olson Drive, and authorized its sale by public auction subject to a minimum reserve amount.

The property was for sale by sealed bid on March 24, 2009, July 7, 2009 and January 12, 2010, and no bids were received.

On April 28, 2010, by Resolution No. 10-1081, the City Council declared the property will be advertised for sale with no minimum bid specified.

On February 25, 2015, by Resolution No. 15-0405, approximately 16,169 square feet of City-owned land was sold to Union Pacific Railroad leaving a remainder of approximately 161,848 square feet.

This item authorizes the property to be sold by public auction with no minimum reserve amount.

Texas Local Government Code Section 253.008 authorizes municipalities to sell real property owned by the municipality at an advertised public auction. Section 272.001 states fair market value may be determined by the highest bid price obtained by a municipality at an advertised auction.

## **BACKGROUND** (Continued)

The property will be advertised for sale by public auction with a reservation of all oil, gas and other minerals in and under the property and a restriction prohibiting the placement of industrialized housing.

Upon receipt of the highest qualified bid sold absolute, a Purchase and Sale Agreement, approved as to form by the City Attorney, will be prepared for the highest bidder. Staff will ensure the highest bidder is qualified to bid and be awarded the property. The property will be sold by Deed without Warranty, approved as to form by the City Attorney.

The property will return to the tax rolls upon conveyance.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On January 14, 2009, City Council declared this property unwanted and unneeded and for sale by sealed bid by Resolution No. 09-0163.

On April 28, 2010, City Council authorized the property to be sold by public auction with no minimum bid requirements by Resolution No. 10-1081.

On February 25, 2015, City Council authorized approximately 16,169 square feet of land sold to Union Pacific Railroad Company by Resolution No. 15-0405.

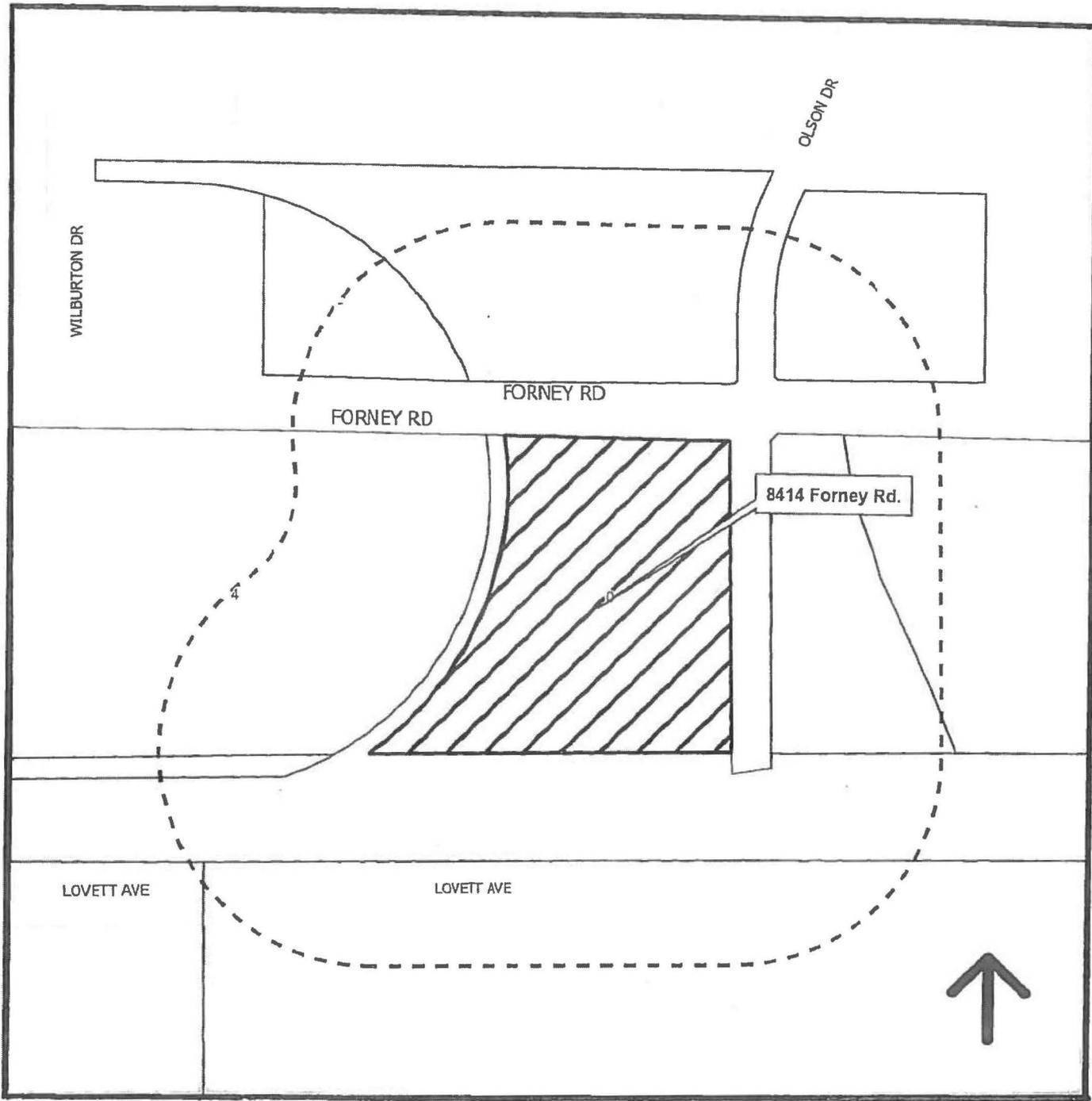
Information about this item will be provided to the Economic Development Committee on January 17, 2017.

## **FISCAL INFORMATION**

Estimated Revenue: \$242,772

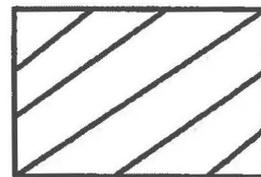
## **MAP**

Attached



Block: 6212

Surplus Property: 8414 Forney Rd





January 25, 2017

**WHEREAS**, the City of Dallas (“City”) is the owner of a tract of land located in City of Dallas, Dallas County, Texas as described on Exhibit “A”, attached herein and incorporated by reference, and which tract of land was declared surplus and authorized for sale by public auction, by Resolution No. 09-0163 on January 14, 2009; and

**WHEREAS**, the property in accordance with the provisions of Section 2-24.1 of the Dallas City Code was to be sold subject to minimum reserve amount of \$400,000; and

**WHEREAS**, no bids were received at the bid openings held on March 24, 2009, July 7, 2009 and January 12, 2010; and

**WHEREAS**, on February 25, 2015, by Resolution No. 15-0405 approximately 16,169 square feet of City-owned land was sold to Union Pacific Railroad leaving a remaining 161,848 square feet, as described in Exhibit “A”, attached; and

**WHEREAS**, pursuant to Section 2-24.1(e) of the Dallas City Code, the procedures required by Section 2-24.1 of the Dallas City Code that are not required by state law, may be waived; and

**WHEREAS**, the minimum reserve amount provided for in Section 2-24.1(b) of the Dallas City Code is not required for the sale of the properties by public auction to proceed pursuant to Section 253.008 and Section 272.001 of the Texas Local Government Code which instead provide that the City may sell its property by public auction where the highest bid received reflects the fair market value of the property; and

**WHEREAS**, pursuant to Section 2-24.1(e) of the Dallas City Code, in accordance with certain procedures, the City recommends the minimum reserve amount requirement of Section 2-24.1(b) of the Dallas City Code be waived and the sale of said City property be authorized to instead proceed by public auction without a minimum reserve pursuant to Section 2-24.1 of the Dallas City Code, and Section 253.008 and Section 272.001 of the Texas Local Government Code, where the highest bid received reflects the fair market value of the property; and

**WHEREAS**, on June 22, 2011, the City Council approved Resolution No. 11-1651 authorizing a three year contract with Hudson & Marshall, LLC, a real estate auction firm; this contract was amended by Administrative Action No. 15-7374 to extend an additional 18 months; and

**Now, Therefore,**

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

January 25, 2017

**SECTION 1.** That the minimum reserve amount requirement of Section 2-24.1(b) of the Dallas City Code is hereby waived for the sale of the City-owned surplus property listed on Exhibit "A", attached herein and incorporated by reference, and the property is to be advertised for sale and sold by public auction pursuant to State law and applicable provisions of Section 2-24.1, subject to no minimum reserve amount.

**SECTION 2.** That the Director of Sustainable Development and Construction is authorized to advertise the property listed on Exhibit "A" for sale by public auction and upon conclusion of the advertising period conduct the public auction as authorized herein.

**SECTION 3.** That the advertisement of the properties shall state:

- a) that the sale shall be by Deed Without Warranty in a form approved by the City Attorney;
- b) that the sale shall be subject to the terms, covenants, conditions, reservations, restrictions and exceptions of this authorizing resolution, including without limitation the following:
  - i) a restriction prohibiting the placement of industrialized housing on the property;
  - ii) reservation by the City of Dallas of all oil, gas and other minerals in and under the property with a waiver of surface access rights relating to said minerals;
  - iii) any and all visible and apparent easements and encroachments, whether of record or not;
  - iv) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases, or other instruments of record and applicable to the property or any part thereof; and
  - v) standby fees, taxes and assessments, if any, by any taxing authority for the year of closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes, and assessments being assumed by **GRANTEE**.
- c) that, to the maximum extent allowed by law, the sale shall be strictly on an "AS IS, WHERE IS, WITH ALL FAULTS" basis;

January 25, 2017

- d) that as a material part of the consideration for the sale, the grantee and the City shall acknowledge and agree and provided in any relevant instrument that, to the maximum extent allowed by law, (a) **GRANTEE** is taking the property "AS IS, WHERE IS, WITH ALL FAULTS", (b) the City disclaims responsibility as to the accuracy or completeness of any information relating to the property, (c) grantee assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders, and (d) the City expressly disclaims and grantee expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the property. Without limiting the foregoing, the City makes no representations of any nature regarding the property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the property, including without limitation, the water, soil and geology, and the suitability thereof and the property for any and all activities and uses which grantee may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. Section 9601 et. seq., as amended, (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code, Section 26.261, et. seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubrication oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and

January 25, 2017

regulations, and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated.

- e) such other terms and requirements of the sale and/or disclaimers as the City deems necessary, convenient or appropriate.

**SECTION 4.** That, upon the conclusion of the public auction that has been advertised and conducted pursuant to Section 2-24.1 and state law, as applicable, the highest qualified bid received at such auction for a surplus property shall be deemed the sales price and shall be conclusive of the fair market value of such property and shall be accepted by the City.

**SECTION 5.** That the City Manager or designee is authorized to execute a Purchase and Sales Agreement, approved as to form by the City Attorney, to be entered into with respect to each such surplus property between the City and the highest qualified bidder for such property at such advertised public auction.

**SECTION 6.** That, upon receipt of the consideration from the highest bidder, the City Manager or designee is authorized to execute a Deed Without Warranty to be attested by the City Secretary, and other miscellaneous closing documents upon approval as to form by the City Attorney.

**SECTION 7.** That the sale proceeds shall be deposited into the General Fund 0001, Dept. DEV, Bal Sheet 0519 and Department of Sustainable Development and Construction, Real Estate Division shall be reimbursed for the cost of obtaining legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Dept. DEV, Unit 1183, Object 5011.

**SECTION 8.** That if a title policy is desired by **GRANTEE**, same shall be at the expense of the **GRANTEE**.

**SECTION 9.** That the sale shall be subject to standby fees, taxes and assessments, if any by any taxing authority for the year of the closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes and assessments being assumed by **GRANTEE**.

January 25, 2017

**SECTION 10.** That this resolution shall take effect immediately from and after its passage in accordance with the provision of the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney**

BY *Boris N. Lyubchik*  
**Assistant City Attorney**

# EXHIBIT A

## FIELD NOTES DESCRIBING A 161,848 SQUARE FOOT (3.716 ACRE) TRACT OF SURPLUS LAND TO BE CONVEYED

**BEING** an approximately 161,848 square foot (3.716 acres) tract of land lying in the Archibald D. Brown Survey, Abstract No. 154, Dallas County, Texas, and being in Block B/6212, official City of Dallas numbers, and being part of the land conveyed to the City of Dallas, by deed, recorded in Volume 75096, Page 1284, Deed Records of Dallas County, Texas (DRDCT), and also shown as *FORNEY ROAD ANIMAL SHELTER ADDITION*, an addition to the City of Dallas as recorded in Volume 75152, Page 2200, DRDCT and being more particularly described as follows:

**COMMENCING** at a ½" Iron Rod found at the southeast corner of a tract of land described in a Right-of-Way Deed to the County of Dallas dated April 10, 1989 and recorded in Volume 89136, Page 2574, DRDCT for the widening of Forney Rd. (80' Width), said iron rod also being the current northeast corner of a tract of land described in a Warranty Deed to Windham Manufacturing Company dated July 16, 1981 and recorded in Volume 81140, Page 1133, DRDCT;

**THENCE** South 89°43'14" West, along the current south line of said Forney Rd. and north line of said Windham Manufacturing tract, passing at a distance of 662.30 feet, a 5/8" iron rod with cap stamped "RPLS 5693" found at the easterly end of a corner cut off and continuing for a total distance of 746.30 feet to a 5/8" Iron Rod with red plastic cap stamped "CITY OF DALLAS" (hereinafter referred to as "with cap), set at the westerly end of a corner cut off described as a street easement (Visibility Corner) to the County of Dallas dated December 14, 1988 and recorded in Volume 89020, Page 2106, said capped iron rod also being in the south line of Forney Rd. as dedicated by the *FORNEY ROAD ANIMAL SHELTER ADDITION* recorded in Volume 75152, Page 2200, DRDCT and also being the **POINT OF BEGINNING** of the herein described tract;

**THENCE** South 45°43'01" East, departing the south line of said Forney Rd. and along the southwesterly line of said Visibility Corner, a distance of 14.25 feet to a 5/8" iron rod with cap set at the south corner of said Visibility Corner, said iron rod also being in the west line of a street reservation for the extension of Olson Dr. (64' Width);

**THENCE** South 1°09'16" East, along the west line of said Olson Dr., a distance of 432.99 feet to a 5/8" iron rod with cap set at the southeast corner of the herein described tract, said corner also being the northeast corner of a tract of land described in an Agreed Final Judgement in Cause No. cc-14-01387-d styled *Union Pacific Railroad Co. v. The City of Dallas, Texas Power & Light, & Oncor Electric Delivery Co.* dated April 22, 2015 and recorded in Inst. No. 201500112306, Official Public Records, Dallas County, Texas (OPRDCT);

**THENCE** South 88°24'14" West, with the northerly line of said Union Pacific Railroad tract, a distance of 513.22 feet to 5/8" iron rod with cap set in the southeasterly line of a 26 foot railroad spur described in an easement to Texas and Pacific Railway Co. (predecessor in title to the Union Pacific Railroad Co.) dated July 21, 1975 and recorded in Volume 75183, Page 1687, DRDCT, said iron rod also being in a non-tangent curve to the left having a radius of 456.81 feet and a chord which bears North 22°14'29" East, a distance of 492.27 feet, said iron rod also being the southwest corner of the herein described tract;

# EXHIBIT A

## FIELD NOTES DESCRIBING A 161,848 SQUARE FOOT (3.716 ACRE) TRACT OF SURPLUS LAND TO BE CONVEYED

**THENCE** along the southeasterly line of said railroad spur, also being the westerly line of said City of Dallas tract and said *FORNEY ROAD ANIMAL SHELTER ADDITION*, with said curve to the left through a central angle of  $65^{\circ}12'20''$ , an arc distance of 519.87 feet to a 5/8" iron rod with cap set at the intersection of the westerly line of said City of Dallas tract and the southerly line of said Forney Rd. as widened by said *FORNEY ROAD ANIMAL SHELTER ADDITION*, said iron rod also being the northwest corner of the herein described tract;

**THENCE** North  $89^{\circ}43'14''$  East, along the south line of said Forney Rd., a distance of 307.77 feet to the **POINT OF BEGINNING** and containing 161,848 square feet or 3.716 acres of land.

**BASIS OF BEARINGS:** Bearings are based on the Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983.

SRH/dhc  
AnimalShelterFNs



REVISION PART OF BLOCK C/6213  
 BUCKNER PARK INDUSTRIAL  
 DISTRICT THIRD SECTION  
 Vol. 72118, Pg. 698  
**2-A**

MULIX FORNEY ADDITION  
 Ins'l. No. 201500335198  
**BLOCK 3**  
 3-A  
 3B  
 4  
 DALLAS COUNTY  
 Street (Visibility) Easement  
 Vol. 89080, Pg. 1447  
 DALLAS COUNTY  
 10'X10' Street Ded  
 Vol. 91097, Pg. 2222

(60' R.O.W. - V. 70219, P. 1377)  
**BLOCK B/6213**  
 GIDEON PEMBERTON SURVEY  
 Abstract #1154  
 8  
 BUCKNER PARK INDUSTRIAL  
 DISTRICT FIFTH SECTION  
 Vol. 73063, Pg. 1661

40' - V. 70219, P. 1377

11.5'X20' Drainage Easement  
 Vol. 91219, Pg. 5426

FORNEY ROAD (60' Right-of-Way)  
 40' - V. 70219, P. 1377

30' By Use and Occupation  
 Dallas County  
 Street Easement  
 Vol. 88240, Pg. 199

Dallas County  
 5'X7.5' Slope Easement  
 Vol. 89020, Pg. 2097

South 89°43'14" West - 746.30'  
 662.30'

5/8" IR FND  
 W/ Yellow cap  
 1365.68'

5/8" IR FND  
 Dallas County/  
 Drainage Easement  
 Vol. 88242, Pg. 489

North 89°43'14" East - 307.77'  
 S45°43'01"E  
 14.25'

5/8" IR FND  
 W/ RED CAP  
 RPLS 5693-  
 Dallas County  
 10'X10' Corner Clip  
 Street (Visibility) Easement  
 Vol. 89020, Pg. 2066

P.O.C.  
 1/2" IR FND  
 W/ red cap  
 C.M.

SELAGON REAL ESTATE  
 HOLDINGS GROUP, LTD.  
 Vol. 2004096, Pg. 4311

Dallas County/  
 Drainage Easement  
 Vol. 89020, Pg. 2102

CITY OF DALLAS  
 Vol. 75096, Pg. 1284

BEN E. KETHH COMPANY  
 ADDITION  
 ANIMAL SHELTER  
 Vol. 75152, Pg. 2200  
 161,848 Sq. Ft.  
 (3.716 Ac.)



JOHN LEEPER SURVEY  
 Abstract #794

Union Pacific RR  
 26" Spur Easement  
 Vol. 75183, Pg. 1687

5/8" IR SET  
 W/ RED CAP  
 CITY OF DALLAS

5/8" IR SET  
 W/ RED CAP  
 CITY OF DALLAS

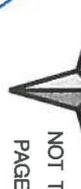
Union Pacific RR - Inst. No. 20150012306  
 South 88°24'14" West - 629.44'

UNION PACIFIC R.R.  
 (10' Right-of-Way - V. S. P. 398-400)

LEGEND  
 ● IRON ROD W/ CAP FND  
 (SIZE NOTED)  
 ▲ 5/8" IRON ROD W/ RED CAP SET  
 CITY OF DALLAS

LOVETT AVENUE  
 (60' Right-of-Way - V. 12, P. 369)

NOT TO SCALE  
 PAGE 3 OF 3



FORNEY RD. ANIMAL SHELTER  
 DEPT. OF PUBLIC WORKS & TRANSPORTATION  
 SURVEY DIVISION CITY OF DALLAS, TEXAS

SURPLUS PROPERTY  
 Forney Rd. and Olson Dr.

OPEN NAME	DESIGN FILE NAME	SCALE	DATE
D. Copeland	W:\ENGR\SURVEY\COPELAND\FORNEY\F16aug16.dgn	As Noted	8/31/16
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
D. Copeland	D. Copeland	Blocks B&212	

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 11  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 15Y

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**SUBJECT**

An ordinance abandoning a portion of a sanitary sewer easement to CADG Forest Lane 18, LLC, the abutting owner, containing approximately 658 square feet of land, located near the intersection of Forest Lane and Creekway Drive - Revenue: \$5,400, plus the \$20 ordinance publication fee

**BACKGROUND**

This item authorizes the abandonment of a portion of a sanitary sewer easement to CADG Forest Lane 18, LLC, the abutting owner. The area will be included with the property of the abutting owner for the development of a residential shared access development. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Economic Development Committee on January 17, 2017.

**FISCAL INFORMATION**

Revenue: \$5,400, plus the \$20 ordinance publication fee

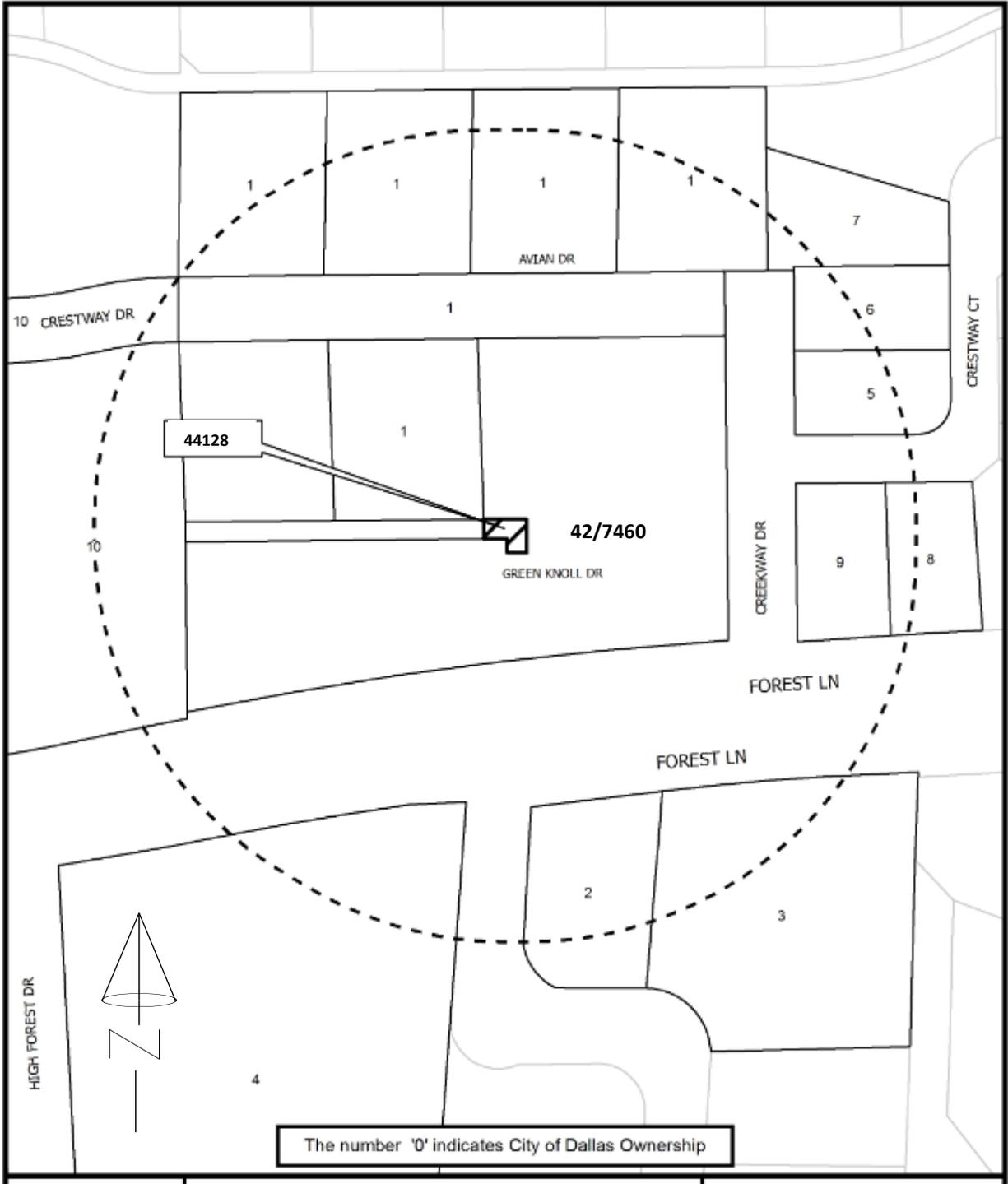
**OWNER**

**CADG Forest Lane 18, LLC**

Mehrdad Moayedi

**MAP**

Attached



Abandonment Area:



The number '0' indicates City of Dallas Ownership

**ORDINANCE NO. \_\_\_\_\_**

An ordinance providing for the abandonment and relinquishment of a portion of a sanitary sewer easement, located in City Block 42/7460 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to CADG Forest Lane 18, LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

**ooo0ooo**

**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of CADG Forest Lane 18, LLC, a Texas limited liability company; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

**WHEREAS**, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth; **Now, Therefore,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions hereinafter more fully set out.

**SECTION 2.** That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

**SECTION 3.** That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

**SECTION 4.** That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

**SECTION 5.** That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

**SECTION 6.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 7.** That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

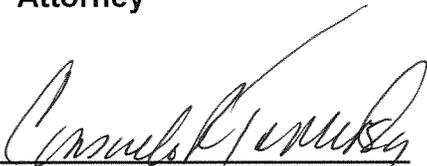
**SECTION 8.** That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder. Construction of the City of Dallas before a certified copy of this ordinance shall be delivered to **GRANTEE**.

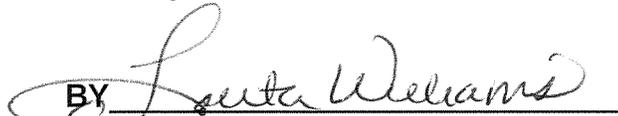
**SECTION 9.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 10.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

**APPROVED AS TO FORM:**  
**LARRY E. CASTO**  
City Attorney

**DAVID COSSUM**  
Director of Department of Sustainable  
Development and Construction

BY   
Assistant City Attorney

BY   
Assistant Director

Passed \_\_\_\_\_.

EXHIBIT D

SANITARY SEWER EASEMENT ABANDONMENT  
BEING PART OF THE SANITARY SEWER EASEMENT  
CREATED IN LOT 3, BLOCK 42-A/7460 UNITY CHURCH ADDITION NO. 1  
NOW LOCATED IN LOT 5P, BLOCK 42/7460, CRESTWAY FOREST ESTATES NO. 2  
THOMAS DYKES SURVEY, ABSTRACT NO. 405  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 658 square foot tract or 0.015 acre of land located in the THOMAS DYKES SURVEY, Abstract No. 405, City of Dallas, Dallas County, Texas, and being a part of a 15' sanitary sewer easement formerly located in Lot 3, Block 42-A/7460, created by plat UNITY CHURCH ADDITION NO. 1, an Addition to the City of Dallas, Texas, recorded in Volume 77109, Page 51, of the Deed Records of Dallas County, Texas, now located in Lot 5P, Block 42A/7460, CRESTWAY FOREST ESTATES NO. 2, an Addition to the City of Dallas, Texas, recorded in Instrument No. 201600069635, Official Public Records of Dallas County, Texas, and being described in Tract 2, of a Warranty Deed with Vendor's Lien to CADG Forest Lane 18, L.L.C., recorded in Instrument No. 201400147113, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

Commencing at a Mag nail with a 2" metal washer stamped "FOREST CRESTWAY ESTATES NO. 2 5310" found for corner at the intersection of the West line of Creekway Drive, a 50' right-of-way, created by plat recorded in Volume 791, Page 70, Map Records, Dallas County, Texas, and plat recorded in Volume 80074, Page 7, Deed Records, Dallas County, Texas, with the Northwest line of Forest Lane, a variable width right-of-way, created by deed recorded in Volume 1717, Page 70, Deed Records, Dallas County, Texas, and by deed recorded in Volume 72200, Page 370, Deed Records, Dallas County, Texas, and by said plat recorded in Volume 77109, Page 51, Deed Records, Dallas County, Texas, said point being at the Southeast corner of Lot 5L;

Thence South 86°46'00" West, along said Northwest line of Forest Lane, same being the Southeast line of said Lot 5L, a distance of 14.18' to a 1/2" iron rod with a 3 1/4" aluminum disk stamped "FOREST CRESTWAY ADDITION NO.2 5310" found for corner at the beginning of a tangent curve to the left, having a central angle of 02°40'46", a radius of 3085.42', and a chord bearing and distance of South 85°25'37" West, 144.28';

Thence Southwesterly, continuing along said Northwest line of Forest Lane, and said Southeast line of Lot 5L, and said curve to the left, an arc distance of 144.29' to a point at the intersection of the said Northwest line, with the East line of said 15' sanitary sewer easement;

Thence North 00°01'52" West, along said East line of the 15' sanitary sewer easement, passing at a distance of 66.56' the common boundary line of said Lots 5L and 5P, continuing a total distance of 81.56' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner at the PLACE OF BEGINNING of the tract described herein;

Thence South 89°58'08" West, passing through said Lot 5P, a distance of 15.00' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner in the Southerly West line of said 15' sanitary sewer easement;

Thence North 00°01'52" West, passing again through said Lot 5P, along said Southerly West line of the 15' sanitary sewer easement, a distance of 10.84' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set at an interior 'ell' corner of said 15' sanitary sewer easement;

Thence South 89°58'08" West, along the Westerly South line of said 15' sanitary sewer easement, a distance of 18.00' to the most Northern Southwest corner of said 15' sanitary sewer easement, same being the Southeast corner of a former 15' alley right-of-way created in AUDUBON ESTATES ADDITION, SECOND SECTION, an Addition to the City of Dallas, Texas, recorded in Volume 791, Page 70, of the Deed Records of Dallas County, Texas, as abandoned under Ordinance No. 29793, recorded in Instrument No. 201600008250, Official Public Records, Dallas County, Texas;

Thence North 00°01'52" West, along the West line of said sanitary sewer easement, a distance 15.00' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set at the Northwest corner of said 15' sanitary sewer easement;

Thence North 89°58'08" East, a distance of 33.00' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set at the Northeast corner of said 15' sanitary sewer easement;

Thence South 00°01'52" East, along said East line of the 15' sanitary sewer easement, passing through said Lot 5P, a distance of 25.84' to the PLACE OF BEGINNING and containing 658 square feet or 0.015 of an acre of land.

LINE TABLE					
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	14.18'	S86°46'00"W	L5	33.00'	N89°58'08"E
L2	10.84'	N00°01'52"W	L6	25.84'	S00°01'52"E
L3	18.00'	S89°58'08"W	L7	15.00'	S89°58'08"W
L4	15.00'	N00°01'52"W	L8	81.56'	N00°01'52"W

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CH. BEAR.	CHORD
C1	2°40'46"	3085.42'	144.29'	S85°25'37"W	144.28'

**NOTE**

BASIS OF BEARING IS THE NORTHWEST LINE OF FOREST LANE, BEING SOUTH 86°46'00" WEST, AS RECORDED IN VOL. 77109, PG. 51, DEED RECORDS, DALLAS COUNTY, TEXAS.

(FOR SPRG USE ONLY)

REVIEWED BY: A. Rodriguez

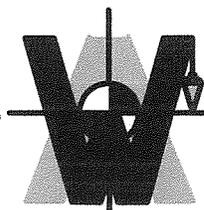
DATE: 11/15/16

SPRG NO: 3928

CITY PLAN FILE NO. S134-091

*John S. Turner*

John S. Turner, R.P.L.S. #5310



Job Number: 16-0035

**A&W SURVEYORS, INC.**

Professional Land Surveyors

TEXAS REGISTRATION NO. 100174-00

P.O. BOX 870029, MESQUITE, TX. 75187

PHONE: (972) 681-4975 FAX: (972) 681-4954

WWW.AWSURVEY.COM

Date: 02/04/2016

Drafter: 024

**EXHIBIT A**

BLOCK 43A/7460, FINE ESTATES  
NO. 2 ADDITION,  
VOL. 72012, PG. 946,  
D.R.D.C.T.

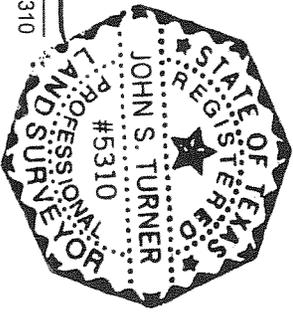
TRACT 1  
UNITY CHURCH OF DALLAS,  
VOL. 72015, PG. 898,  
D.R.D.C.T.

SET DISK

(FOR SPRG USE ONLY)  
REVIEWED BY: A. Rodriguez  
DATE: 11/15/16  
SPRG NO.: 3928

SEE PAGE 1 FOR  
LINE TABLE  
AND CURVE TABLE

John S. Turner, R.P.L.S. #5310



5H  
3" WALL MAINTENANCE EASEMENT  
INST. NO. 201600069635, O.P.R.D.C.T.

5J  
35' SHARED ACCESS EASEMENT  
INST. NO. 201600059515, O.P.R.D.C.T.  
15' SANITARY SEWER,  
EASEMENT VOL. 72012,  
PG. 946, D.R.D.C.T.

5' UTILITY EASEMENT  
INST. NO. 201600069635,  
O.P.R.D.C.T.  
5K  
ABANDONED BY  
ORDINANCE NO. 29793  
INST. NO. 201600008250,  
O.P.R.D.C.T.  
AFFECTED BY AFFIDAVIT  
INST. NO. 201600280712,  
O.P.R.D.C.T.

(NO ACCESS TO FOREST LANE FROM  
LOT 3) VOL. 77109, PG. 51, D.R.D.C.T.

CRESTWAY FOREST  
ESTATES NO. 2,  
INST. NO. 201600069635, O.P.R.D.C.T.

SANITARY SEWER ABANDONMENT  
BEING PART OF THE SANITARY SEWER EASEMENT  
CREATED IN LOT 3, BLOCK 42-A/7460 UNITY CHURCH ADDITION NO. 1  
NOW LOCATED IN LOT 5P, BLOCK 42/7460, CRESTWAY FOREST ESTATES NO. 2  
THOMAS DYKES SURVEY, ABSTRACT NO. 405  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

5Q THOMAS DYKES SURVEY  
ABSTRACT NO. 405  
5P  
10' X 10' UTILITY  
5' EITHER SIDE  
EASEMENT  
INST. NO. 201600069635,  
O.P.R.D.C.T.  
658 sq. ft.  
or 0.015 acre

SANITARY SEWER  
EASEMENT ABANDONMENT

TRACT 2  
CADG FOREST LANE 18, LLC,  
INST. NO. 201400147113, O.P.R.D.C.T.

5' UTILITY EASEMENT  
INST. NO. 201600069635,  
O.P.R.D.C.T.

**LEGEND**

D.R.D.C.T.	Deed Records, Dallas County, Texas
O.P.R.D.C.T.	Official Public Records, Dallas County, Texas
C.M.	Controlling Monument
VOL.	Volume
PG.	Page
INST. NO.	Instrument Number
IRF	iron rod found
FOUND DISK	1/2" iron rods capped with a 3-1/4" aluminum disk marked, "CRESTWAY FOREST ESTATES NO. 2 5310"
FOUND MAG	Magnets with a 2" metal washer capped with a 3-1/4" aluminum disk marked, "CRESTWAY FOREST ESTATES NO. 2 5310"
1/2" IRS	Set 1/2" iron rods with yellow plastic cap stamped "RPLS 5310"

PLACE OF BEGINNING

PLACE OF COMMENCING



5M  
12' WATER AND WASTEWATER EASEMENT 6' EITHER SIDE INST. NO. 201600069635, O.P.R.D.C.T.

3' STREET RIGHT-OF-WAY DEDICATION  
INST. NO. 201600069635,  
O.P.R.D.C.T.

35' SHARED ACCESS EASEMENT  
INST. NO. 201600059515, O.P.R.D.C.T.

15' SANITARY SEWER,  
VOL. 77109, PG. 51,  
D.R.D.C.T.

BLOCK 42/7460

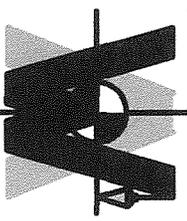
CREEKWAY DRIVE

RIGHT-OF-WAY, VOL. 80074,  
PG. 7, D.R.D.C.T.

5' RIGHT-OF-WAY DEDICATION  
VOL. 77109, PG. 51, D.R.D.C.T.  
VARIABLE WIDTH RIGHT-OF-WAY  
FOREST LANE CENTERLINE

**NOTE**  
BASIS OF BEARING IS THE NORTHWEST  
LINE OF FOREST LANE, BEING SOUTH  
86°46'00" WEST, AS RECORDED IN VOL.  
77109, PG. 51, DEED RECORDS, DALLAS  
COUNTY, TEXAS.

SHEET 2 OF 2  
CITY PLAN FILE NO. S134-091  
**A&W SURVEYORS, INC.**  
Professional Land Surveyors



P.O. BOX 870029, MESQUITE, TX. 75187  
PHONE: (972) 681-4975 FAX: (972) 681-4954  
WWW.AWSURVEY.COM  
Job Number: 16-0035 Date: 06/30/2016 Drafter: 024  
"A professional company operating in your best interest"

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 36W

---

**SUBJECT**

An ordinance abandoning a portion of a sanitary sewer easement to COG Dallas Homes, LLC, the abutting owner, containing approximately 8,510 square feet of land, located near the intersection of Moser Avenue and Fuqua Street - Revenue: \$5,400, plus the \$20 ordinance publication fee

**BACKGROUND**

This item authorizes the abandonment of a portion of a sanitary sewer easement to COG Dallas Homes, LLC, the abutting owner. The area will be included with the property of the abutting owner for the development of a shared access development of five attached single family units. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Economic Development Committee on January 17, 2017.

**FISCAL INFORMATION**

Revenue: \$5,400, plus the \$20 ordinance publication fee

**OWNER**

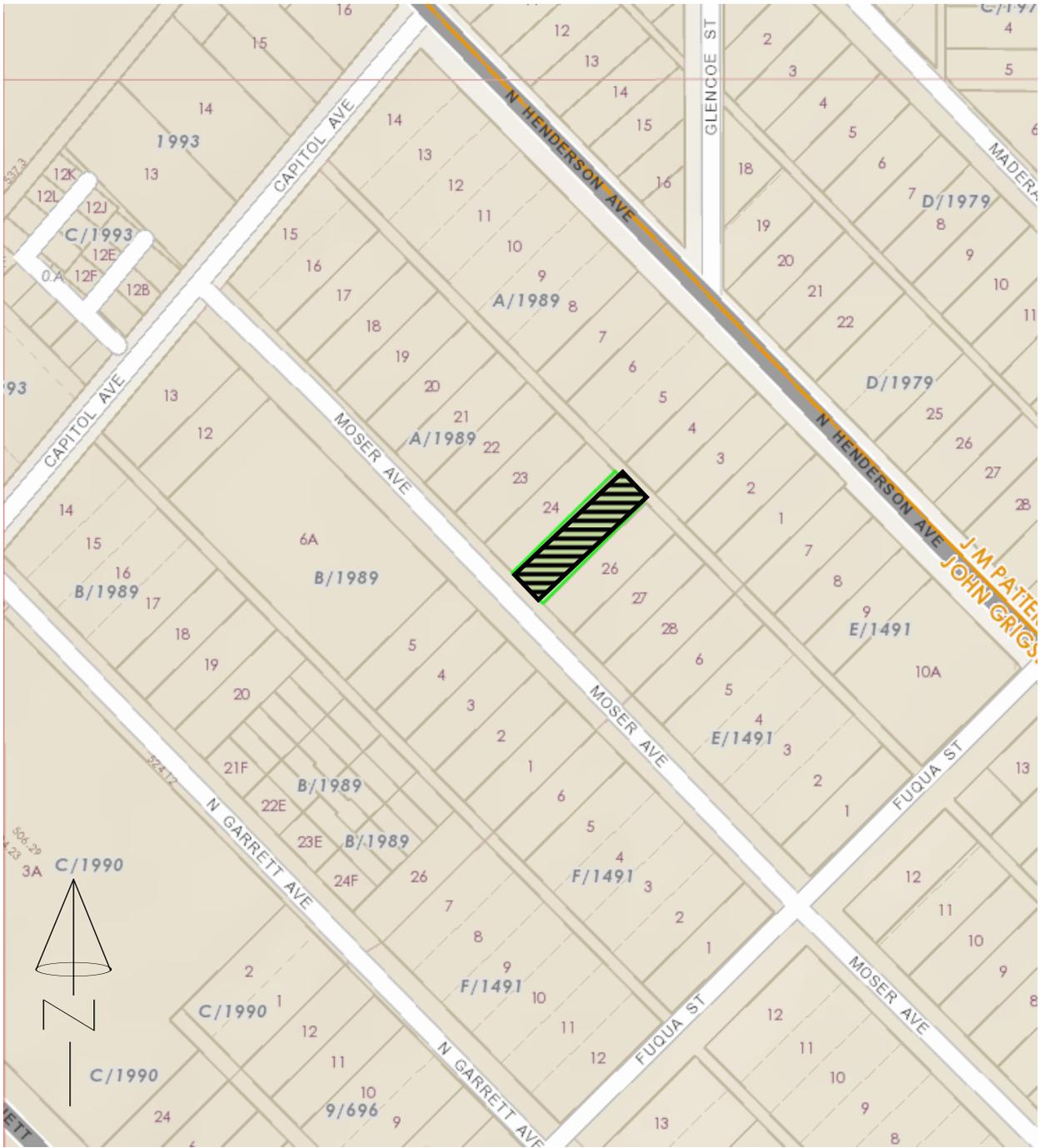
**COG Dallas Homes, LLC**

**TRJ Services, LLC**

Don Carroll, Managing Member

**MAP**

Attached



Abandonment area = 



**ORDINANCE NO. \_\_\_\_\_**

An ordinance providing for the abandonment and relinquishment of a portion of a sanitary sewer easement, located in City Block A/1989 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to COG Dallas Homes, LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

**ooo0ooo**

**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of COG Dallas Homes, LLC, a Texas limited liability company; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of sanitary sewer easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

**WHEREAS**, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth; **Now, Therefore,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions hereinafter more fully set out.

**SECTION 2.** That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

**SECTION 3.** That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

**SECTION 4.** That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

**SECTION 5.** That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

**SECTION 6.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 7.** That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

**SECTION 8.** That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and

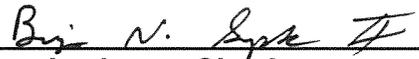
(f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

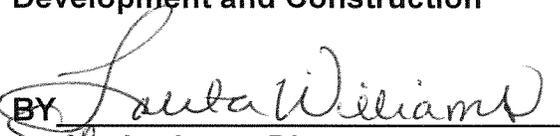
**SECTION 9.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 10.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

**APPROVED AS TO FORM:**  
**LARRY E. CASTO**  
City Attorney

**DAVID COSSUM**  
Director of Department of Sustainable  
Development and Construction

BY   
Assistant City Attorney

BY   
Assistant Director

Passed \_\_\_\_\_.

# EXHIBIT A

SANITARY SEWER  
RIGHT-OF-WAY ABANDONMENT  
V.S. BOWLES ADDITION  
LOT 25, BLOCK A/1989  
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 8,510 square feet, 0.195 acre tract of land situated in the JOHN GRIGSBY SURVEY, ABSTRACT NO. 495, City of Dallas, Dallas County, Texas being all of the Sanitary Sewer Right-of-Way granted to the City of Dallas, by Minnie Bowles in deed recorded in Volume 1605, Page 637, Deed Records, Dallas County, Texas, (D.R.D.C.T.), said City of Dallas Right-of-Way covering a 6-inch sanitary sewer line running through the northeast portion of Lot 25, Block A/1989, of V.S. Bowles Addition, an addition to the City of Dallas, according to the Plat thereof recorded in Volume 2, Page 247, Map Records, Dallas County, Texas (M.R.D.C.T.) as shown on Dallas Department of Public Works Sanitary Sewer Plan File No. 411Q-133 Sheet 1 of 1, dated May 1929, and being that tract of land conveyed by General Warranty Deed to COG Dallas Homes, LLC, as recorded in Instrument No. 201600047578, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.) and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found for the most southern corner of said Lot 25, Block A/1989, said corner being the most western corner of Lot 26, Block A/1989, by General Warranty Deed to Four Mad Ox, LLC, as recorded in Instrument No. 201100332139, (O.P.R.D.C.T.) of said V.S. Bowles Addition, said corner being the western corner of a tract of land conveyed by COG Dallas Homes, LLC, same being in the northeast line of Moser Avenue (a 60 foot right-of-way created in Volume 2, Page 247, M.R.D.C.T.);

THENCE North 45 degrees 07 minutes 20 seconds West, along the northeast line of said Moser Avenue, and along the southwest line of said Lot 25, Block A/1989, a distance of 50.11 feet to a 1/2-inch iron pipe found for a corner, said corner being the most western corner of said Lot 25, Block A/1989, same being the most southern corner of Lot 24, Block A/1989 of said V.S. Bowles Addition, said corner being the southwest corner of a tract of land conveyed by General Warranty Deed to Dimension D + B, LLC, tract as recorded in Instrument Number 201500335199, (O.P.R.D.C.T.);

THENCE North 44 degrees 22 minutes 12 seconds East, departing the northeast line of said Moser Avenue, along the common line between said Lot 24, Block A/1989 and said Lot 25, Block A/1989, a distance of 170.00 feet to a 5/8-inch iron rod with a 3-1/4-inch aluminum disk set in concrete stamped, "Crestfield Place, Blue Star R.P.L.S. 5596", said corner being the most northern corner of said Lot 25, Block A/1989, same being the most eastern corner of said Lot 24, Block A/1989, and said Dimension tract, said corner also being in the southwest line of (a 15 foot Alley created in Volume 2, Page 247, M.R.D.C.T.);

THENCE South 45 degrees 11 minutes 32 seconds East, along the common line between said 15 foot Alley and said Lot 25, Block A/1989, a distance of 50.00 feet to a 1/2-inch iron rod found for a corner, said corner being the most eastern corner of said Lot 25, Block A/1989, same being the most northern corner of said Lot 26, Block A/1989, said Four Mad Ox tract;

THENCE South 44 degrees 20 minutes 04 seconds West, departing the southwest line of said 15 foot Alley, along the common line between said Lot 25, Block A/1989 and said Lot 26, Block A/1989, a distance of 170.06 feet to the POINT OF BEGINNING, containing 8,510 square feet or 0.195 acres of land, more or less.

Reference Bearing:  
The basis of bearings for this survey is the Texas State Plane Coordinate System Grid, North Central Zone (4202), North American Datum 1983(2011)



(FOR S.P.R.G use only)  
REVIEWED BY: A. Rodriguez  
DATE: 11/7/16  
S.P.R.G. NO.: 3873

CITY PLAN FILE NO. S156-121

**BLUE STAR LAND SURVEYING**  
FIRM NUMBER 10147300  
1013 CEDAR BREAK CT. 817-659-9206  
CLEBURNE, TEXAS 76033  
bluestarsurveying@att.net

Two small line drawings of surveying equipment: a level on the left and a tripod-mounted instrument on the right.

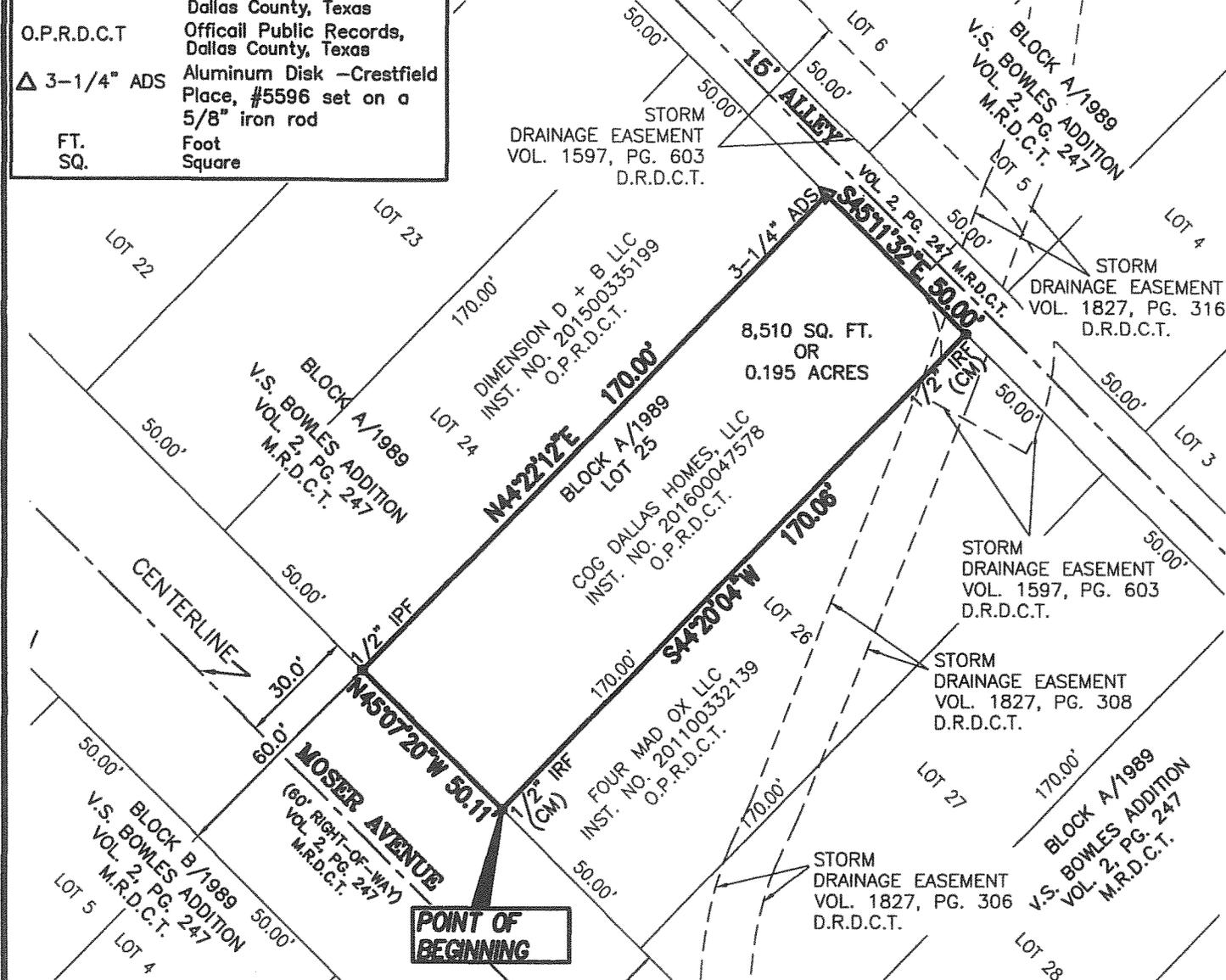
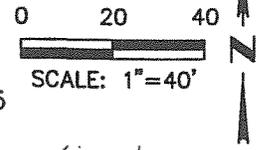
  
Roy Rodriguez, R.P.L.S. No. 5596

# EXHIBIT A

## LEGEND

(CM)	Controlling Monument
IPF	Iron Pipe Found
IRF	Iron Rod Found
M.R.D.C.T	Map Records, Dallas County, Texas
D.R.D.C.T	Deed Records, Dallas County, Texas
O.P.R.D.C.T	Official Public Records, Dallas County, Texas
△ 3-1/4" ADS	Aluminum Disk -Crestfield Place, #5596 set on a 5/8" iron rod
FT. SQ.	Foot Square

SANITARY SEWER  
RIGHT-OF-WAY ABANDONMENT  
V.S. BOWLES ADDITION  
LOT 25, BLOCK A/1989  
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS



**Basis of Bearing:**

The basis of bearings for this survey is the Texas State Plane Coordinate System Grid, North Central Zone (4202), North American Datum 1983(2011)

(FOR S.P.R.G use only)

REVIEWED BY: A. Rodriguez

DATE: 11/17/16

S.P.R.G. NO.: 3873



*Roy Rodriguez*  
Roy Rodriguez, R.P.L.S. No. 5596

CITY PLAN FILE NO. S156-121

**BLUE STAR LAND SURVEYING**

FIRM NUMBER 10147300

1013 CEDAR BREAK CT.  
CLEBURNE, TEXAS 76033

817-659-9206

bluestarsurveying@att.net



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 9  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 37B

---

**SUBJECT**

An ordinance abandoning a portion of a utility easement to C.C. Young Memorial Home, the abutting owner, containing approximately 2,957 square feet of land, located near the intersection of Lawther Drive and Mockingbird Lane - Revenue: \$5,400, plus the \$20 ordinance publication fee

**BACKGROUND**

This item authorizes the abandonment of a portion of a utility easement to C.C. Young Memorial Home, the abutting owner. The area will be included with the property of the abutting owner for expansion of the current facility. The owner has dedicated a water and wastewater easement containing approximately 10,037 square feet. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Economic Development Committee on January 17, 2017.

**FISCAL INFORMATION**

Revenue: \$5,400, plus the \$20 ordinance publication fee

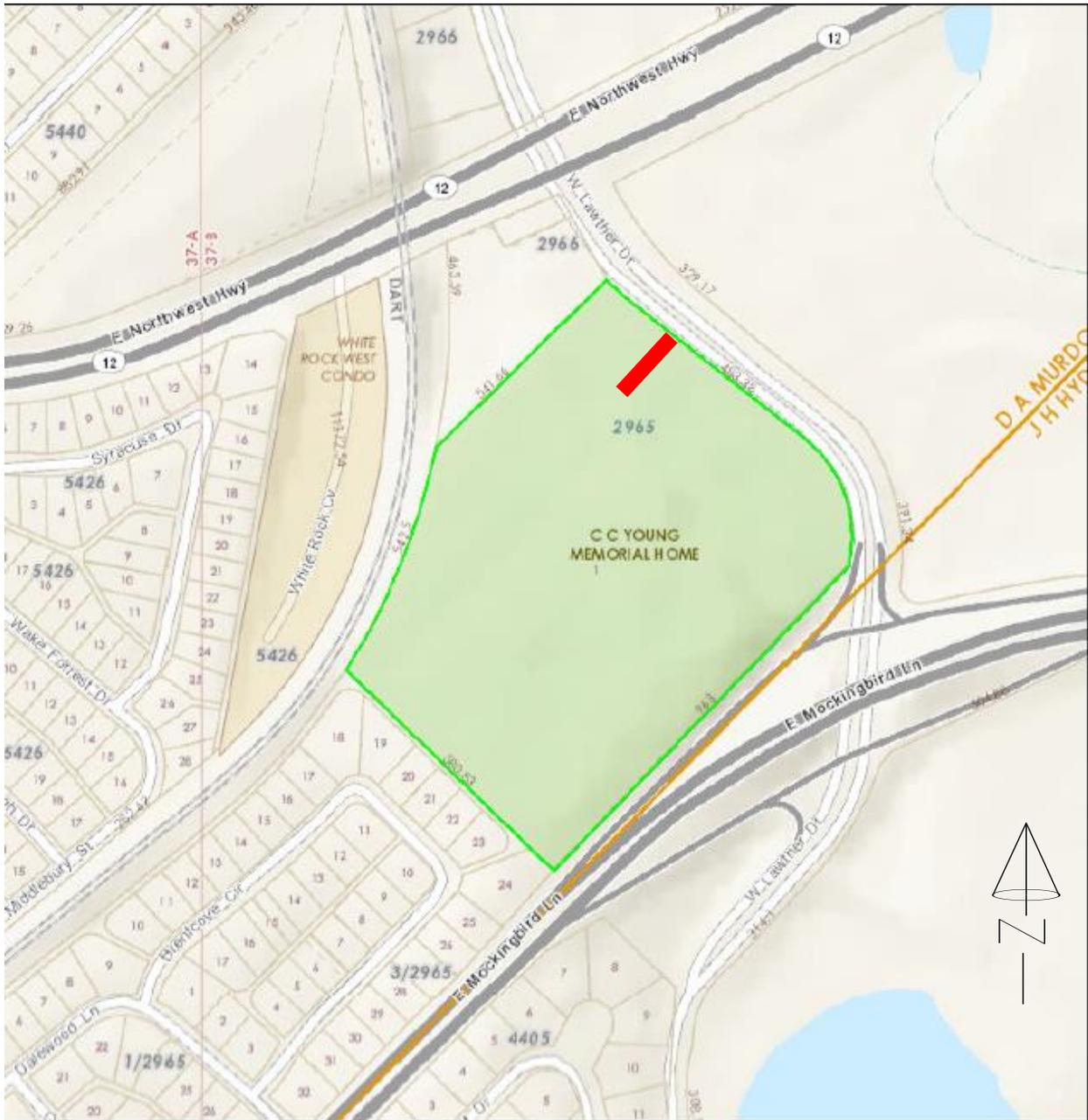
**OWNER**

**C.C. Young Memorial Home**

Kent L. Shields, President

**MAP**

Attached



Abandonment Area: 



**ORDINANCE NO. \_\_\_\_\_**

An ordinance providing for the abandonment and relinquishment of a portion of a utility easement, located in City Block 2965 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to C.C. Young Memorial Home; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement, if needed, to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

**ooo0ooo**

**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of C.C. Young Memorial Home, a Texas non-profit corporation; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

**WHEREAS**, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth; **Now, Therefore**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions and future effective date hereinafter more fully set out.

**SECTION 2.** That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8 and 9, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

**SECTION 3.** That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

**SECTION 4.** That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

**SECTION 5.** That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

**SECTION 6.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 7.** That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

**SECTION 8.** That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended.

References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

**SECTION 9.** That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said portion of utility easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easement, if needed, to be provided by **GRANTEE** and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

**SECTION 10.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 11.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

**APPROVED AS TO FORM:**  
**LARRY E. CASTO**  
City Attorney

**DAVID COSSUM**  
Director of Department of Sustainable  
Development and Construction

BY *Benjamin N. Sipes II*  
Assistant City Attorney

BY *Suzanne Williams*  
Assistant Director

Passed \_\_\_\_\_.

# EXHIBIT A

UTILITY EASEMENT ABANDONMENT  
LOT 1, BLOCK 2965  
C.C. YOUNG MEMORIAL HOME ADDITION  
D.A. MURDOCK SURVEY, ABSTRACT NO. 997  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 2,957 square foot tract or parcel of land situated in the D.A. Murdock Survey, Abstract No. 997, City of Dallas, Dallas County, Texas, being a part of Lot 1, Block 2965, C.C. Young Memorial Home Addition, an addition to the City of Dallas according to the plat recorded in Volume 99048, Page 143, Deed Records, Dallas County, Texas, and being part of a 10' Utility Easement created by Volume 5676, Page 132, Deed Records, Dallas County, Texas, and being a part of a tract of land conveyed to C.C. Young Memorial Home by Warranty Deed recorded in Volume 5471, Page 572, Deed Records, Dallas County, Texas, and being more particularly described as follows:

**COMMENCING** at a 1/2" iron rod found for corner at the intersection of the northwesterly right-of-way line of East Mockingbird Lane (a variable width right-of-way) and the southwesterly right-of-way line of West Lawther Drive (a 90 foot right-of-way), said rod being the beginning of a curve to the left;

**THENCE** in a northeasterly direction along the southwesterly right-of-way line of said West Lawther Drive and said curve to the left whose chord bears North 06° 36' 21" East a distance of 60.67 feet, having a radius of 318.10 feet, a central angle of 10° 56' 42" and an arc length of 60.77 feet to a 1/2" iron rod found for corner at the end of said curve to the left and the beginning of a compound curve to the left;

**THENCE** in a northwesterly direction along the southwesterly right-of-way line of said West Lawther Drive and said compound curve to the left whose chord bears North 25° 12' 40" West a distance of 247.01 feet, having a radius of 278.31 feet, a central angle of 52° 41' 20" and an arc length of 255.93 feet to a 1/2" iron rod found for corner at the end of said compound curve to the left;

**THENCE** North 51° 33' 20" West continuing along the southwesterly right-of-way line of said West Lawther Drive a distance of 305.56 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner and the **POINT OF BEGINNING**;

**THENCE** South 46° 08' 00" West, departing the southwesterly right-of-way line of said West Lawther Drive, a distance of 296.35 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner;

**THENCE** North 43° 52' 00" West a distance of 10.00 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner;

**THENCE** North 46° 08' 00" East a distance of 295.02 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner on the southwesterly right-of-way line of said West Lawther Drive;

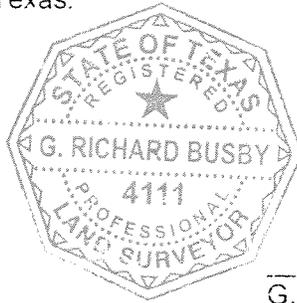
(For SPRG use only)	
Reviewed By:	_____ JL _____
Date:	_____ 3-17-16 _____
SPRG NO.:	_____ 3637 _____

# EXHIBIT A

UTILITY EASEMENT ABANDONMENT  
LOT 1, BLOCK 2965  
C.C. YOUNG MEMORIAL HOME ADDITION  
D.A. MURDOCK SURVEY, ABSTRACT NO. 997  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE South 51° 25' 00" East along the southwesterly right-of-way line of said West Lawther Drive, a distance of 10.09 feet to the **POINT OF BEGINNING** and containing 2,957 square feet or 0.068 acres, more or less.

Basis of Bearings: The southwesterly right-of-way line of West Lawther Drive (S51°33'20"E) according to the plat recorded in Volume 99048, Page 143, Deed Records, Dallas County, Texas.



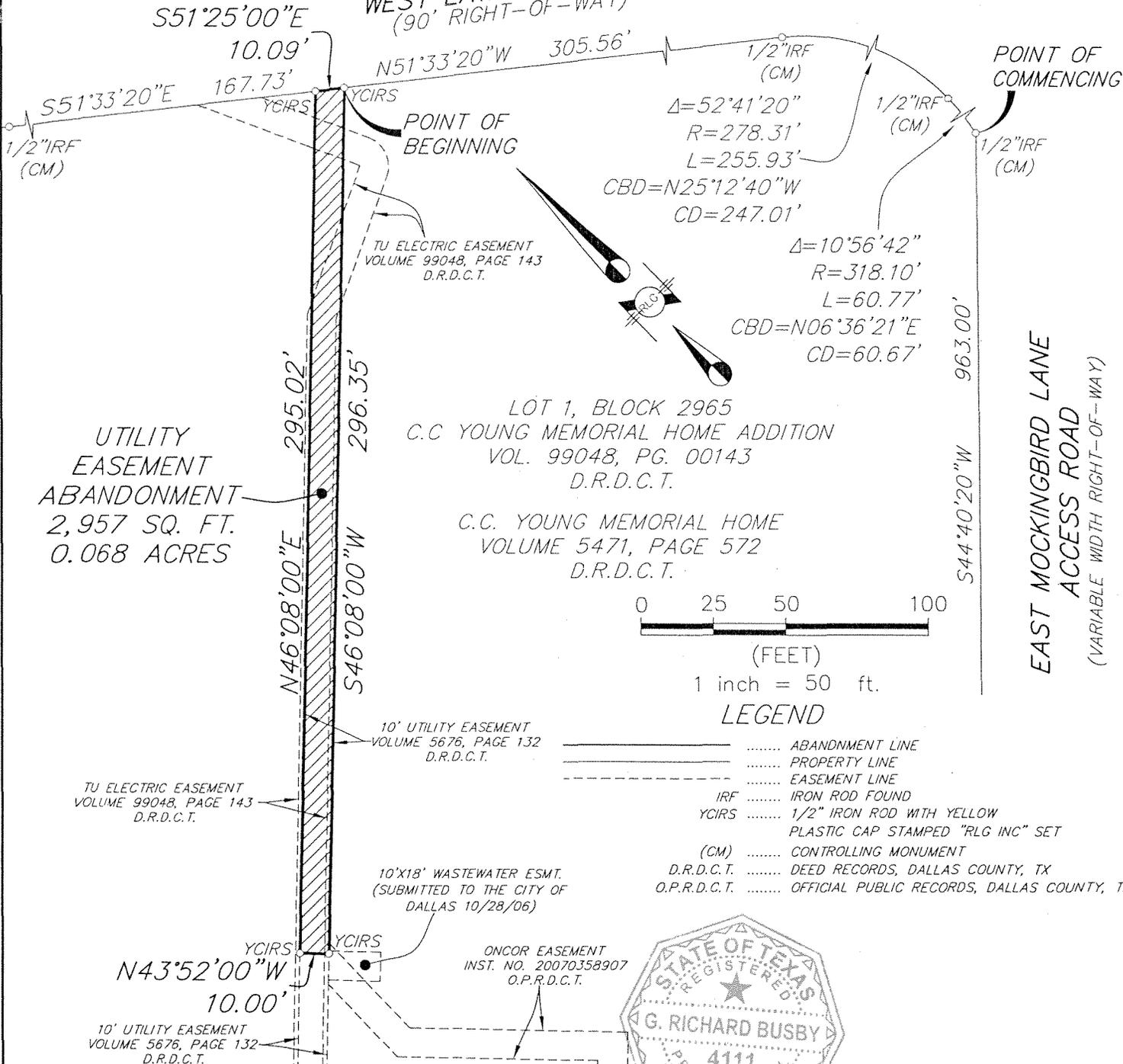
A handwritten signature in dark ink, appearing to read "G. Richard Busby", written over a horizontal line.

G. Richard Busby R.P.L.S. NO. 4111  
1/26/2016

(For SPRG use only)	
Reviewed By:	<u>    JK    </u>
Date:	<u>    3-17-16    </u>
SPRG NO.:	<u>    3637    </u>

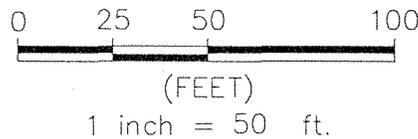
EXHIBIT 7

WEST LAWLATHER DRIVE  
(90' RIGHT-OF-WAY)



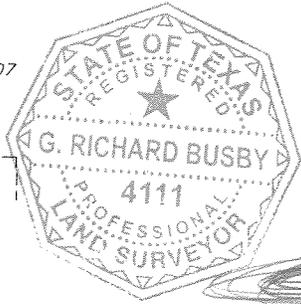
LOT 1, BLOCK 2965  
C.C. YOUNG MEMORIAL HOME ADDITION  
VOL. 99048, PG. 00143  
D.R.D.C.T.  
C.C. YOUNG MEMORIAL HOME  
VOLUME 5471, PAGE 572  
D.R.D.C.T.

UTILITY  
EASEMENT  
ABANDONMENT  
2,957 SQ. FT.  
0.068 ACRES



LEGEND

- ..... ABANDONMENT LINE
- ..... PROPERTY LINE
- ..... EASEMENT LINE
- IRF ..... IRON ROD FOUND
- YCIRS ..... 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "RLG INC" SET
- (CM) ..... CONTROLLING MONUMENT
- D.R.D.C.T. .... DEED RECORDS, DALLAS COUNTY, TX
- O.P.R.D.C.T. .... OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TX



Basis of Bearings: The southwesterly right-of-way line of West Lawlather Drive (S51°33'20"E) according to the plat recorded in Volume 99048, Page 143, Deed Records, Dallas County, Texas.

Controlling Monuments: As shown.

RAYMOND L. GOODSON JR., INC.  
5445 LA SIERRA, STE 300, LB 17  
DALLAS, TX. 75231-4138  
214-739-8100  
rlg@rlginc.com  
TEXAS PE REG #F-493  
TBPLS REG #100341-00

UTILITY EASEMENT ABANDONMENT  
LOT 1, BLOCK 2965  
C.C. YOUNG MEMORIAL HOME ADDITION  
D.A. MURDOCK SURVEY, ABSTRACT NO. 997  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

G. RICHARD BUSBY R.P.L.S. NO. 4111  
1/26/2016

(For SPRG use only)  
Reviewed By: JL  
Date: 3-17-16  
SPRG NO.: 3637

SCALE	1" = 50'	DATE	1/26/2016	SHEET	3 OF 3
JOB NO.	15351.20	E-FILE	15351.20	DWG NO.	26,305X

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Mark McDaniel, 670-3256

**MAPSCO:** N/A

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**SUBJECT**

An ordinance amending Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code; an ordinance amending Chapter 53 “Dallas Building Code,” of the Dallas City Code; an ordinance amending Chapter 54 “Dallas Plumbing Code,” of the Dallas City Code; an ordinance amending Chapter 55 “Dallas Mechanical Code,” of the Dallas City Code; an ordinance amending Chapter 57 “Dallas One-and Two-Family Dwelling Code,” of the Dallas City Code; an ordinance amending Chapter 59 “Dallas Energy Conservation Code,” of the Dallas City Code; an ordinance amending Chapter 60 “Dallas Fuel and Gas Code,” of the Dallas City Code; an ordinance amending Chapter 61 “Dallas Green Construction Code,” of the Dallas City Code; to adopt the 2015 International Codes with regional and local amendments regulating construction work in the City; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date - Financing: No cost consideration to the City

**BACKGROUND**

Construction codes are written by national and international model code development organizations, with opportunity for input from building and fire officials, the construction industry and building material suppliers. The codes are then reviewed by regional entities such as the North Central Texas Council of Governments (NCTCOG) who have committees for that purpose made up of local construction industry representatives and city building, fire and health officials.

The Building Inspection Advisory, Examining and Appeals Board reviews and makes recommendation on adoption of the Codes before they are presented to City Council. The board is made up of architects, engineers, and contractors in various specialties and construction trades.

**PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

The Building Inspection Advisory, Examining and Appeals Board reviewed and recommended adoption of the codes on September 20, 2016.

Information about this item was provided to the Economic Development Committee on January 17, 2017.

**FISCAL INFORMATION**

No cost consideration to the City.

## ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code, as amended, by amending Sections 101, 102, 103, 104, 208, 301, 302, 303, 304, 306, 1001, 1003, 1101, 1102, 1103, and 1106; correcting temporary structure definition from 31 days to 30 days; providing that appeals of the building official’s decisions be filed within 15 days; clarifying that defenses to permits include all types of reroofing work; providing that book exchange structures do not require a construction permit; clarifying that defenses to construction permits are not exemptions to the application process for work authorizations in conservation districts or for certificates of appropriateness in historic districts; requiring verification of a home repair license for one- and two-family dwelling remodeling work; clarifying that the most recent version of LEED standards must be followed in lieu of specific versions; adding additional factors to the board’s list of considerations to suspend a person’s ability to secure permits; restating a plan review fee for kitchen and equipment layout plans; clarifying when a reinspection fee is appropriate; requiring an application fee for all board actions in lieu of only appeals; clarifying fees associated with work performed without the required permit; restating the building official’s authority to issue stop work orders; providing a requirement to have city approved plans available at job sites; deleting the practice of allowing a certificate of compliance in lieu of an inspection for water heater replacement and for inspection for single-family and duplex reroof projects; adding a requirement that email addresses be listed on applications for certificates of occupancy; deleting references to phasing of Green Building Program; deleting references to expedited plan review for Green Building Program; provides for a registration exemption for homeowners performing work on homestead property; clarifying details on contractor registration applications; requiring certain residential

contractors to provide a home repair license at renewal of registration; moving provisions and definitions from the construction codes to Chapter 52; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 101, “Title; Scope,” of Subchapter 1, “Title and Scope,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended by adding a new Subsection 101.4, “Referenced Codes and Standards,” to read as follows:

**“101.4 Referenced codes and standards.** The codes and standards referenced in this chapter are considered part of the requirements of this chapter to the prescribed extent of each such reference only when such codes and standards have been specifically adopted by the City of Dallas. Whenever amendments have been adopted to the referenced codes and standards, each reference to the codes and standards is considered to reference the amendments as well. Any reference made to NFPA 70 or the *ICC Electrical Code* means the *Dallas Electrical Code*, as amended. References made to the *International Building Code*, *International Mechanical Code*, the *International Plumbing Code*, the *International Fire Code*, the *International Energy Conservation Code*, the *International Fuel Gas Code*, the *International Existing Building Code*, the *International Residential Code* and the *International Green Construction Code* respectively mean the *Dallas Building Code*, the *Dallas Mechanical Code*, the *Dallas Plumbing Code*, the *Dallas Fire Code*, the *Dallas Energy Conservation Code*, the *Dallas Fuel Gas Code*, the *Dallas Existing Building Code*, the *Dallas One- and Two-Family Dwelling Code* and the *Dallas Green Construction Code*, as amended. Where differences occur between provisions of this chapter and referenced codes and standards, the provisions of this chapter apply.

**101.4.1 Similar provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this chapter or the International Codes listed in Section 101.4, as applicable, the provisions of this chapter or the International Codes listed in Section 101.4 take precedence over the provisions in the referenced code or standard.”

SECTION 2. That Subsection 102.3, “Definitions,” of Section 102, “Purpose of the Codes,” of Subchapter 1, “Title and Scope,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**“102.3 Definitions.** For the purpose of the codes:

**APARTMENT HOUSE** means any multiple dwelling unit or portion thereof not defined as a multiple building townhouse.

**BUILDING CODE** means Chapter 53 of the *Dallas City Code* based on the *International Building Code* as adopted by this jurisdiction.

**BUILDING PERMIT** means a permit issued to perform work described in Section 301, excluding permits to erect signs, barricade public property or public ways, or move or demolish structures.

**BUILDING SERVICE EQUIPMENT** means the plumbing, mechanical, electrical, and elevator equipment, including, but not limited to, wiring, fixtures, and other accessories that provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting, and transportation facilities essential for the occupation of the structure for its designated use and occupancy.

**CHANGE OF OCCUPANCY** means a change from one occupancy classification to another occupancy classification in a building or tenancy or portion thereof.

**COMMERCIAL DWELLING SITE** means three or more dwelling units on a lot.

**DEVELOPMENT CODE** means Chapters 51, 51A and 51P of the *Dallas City Code*.

**ELECTRICAL CODE** means Chapter 56 of the *Dallas City Code* based on the *National Electrical Code* as adopted by this jurisdiction.

**ENERGY CODE** means Chapter 59 of the *Dallas City Code* based on the *International Energy Conservation Code* as adopted by this jurisdiction.

**EXISTING BUILDING CODE** means Chapter 58 of the *Dallas City Code* based on the *International Existing Building Code* as adopted by this jurisdiction.

**FIRE CODE** means Chapter 16 of the *Dallas City Code* based on the *International Fire Code* as adopted by this jurisdiction.

**FUEL GAS CODE** means Chapter 60 of the *Dallas City Code* based on the *International Fuel Gas Code* as adopted by this jurisdiction.

**GREEN BUILDING** means structures and their surrounding landscapes designed, constructed, and maintained to decrease energy and water usage and costs, to improve the efficiency and longevity of building systems, and to decrease the burdens imposed on the environment and public health.

**GREEN BUILT TEXAS** means an initiative of the Homebuilders Association of Greater Dallas that provides climate-specific guidelines and verification systems for residential and multifamily green buildings.

**GREEN BUILT TEXAS-CERTIFIABLE** means a proposed project that is not required to be registered with the Home Builders Association of Greater Dallas but is planned, designed, and constructed to meet or exceed a certified rating using version 2.0 of the Green Built Texas rating system.

**GREEN CONSTRUCTION CODE** means Chapter 61 of the *Dallas City Code* as adopted by this jurisdiction.

**HOME REPAIR** means the addition, improvement, remodeling, repair, or replacement to an existing single-family or duplex dwelling or to the fixtures, land, or other permanent structures that are part of the premises on which the dwelling is located, and includes, but is not limited to, addition, improvement, remodeling, repair, or replacement of driveways, swimming pools, porches, garages, landscaping, fences, roofs, floor covering, and central heat and air conditioning. Home repair does not include addition, improvement, remodeling, repair, or replacement of removable appliances or furnishings (as illustrated by, but not limited to, stoves, refrigerators, window air conditioners, and draperies).

**HOME REPAIR LICENSE** means a license issued under Article X, “Home Repair,” of Chapter 50, “Consumer Affairs,” of the *Dallas City Code*.

**LEED** means the Leadership in Energy and Environmental Design green building rating systems which are nationally accepted standards for green buildings developed by the USGBC.

**LEED-CERTIFIABLE** means a proposed project that is not required to be registered with the USGBC but is planned, designed, and constructed to meet or exceed a certified rating using the most recent versions of LEED NC (new construction) [~~version 2.2 to present~~], LEED CS (core and shell) [~~version 2.0 to present~~], LEED CI (commercial interiors) [~~version 2.0 to present~~], LEED for schools [~~version 2007~~], LEED for healthcare, LEED for retail [~~version 2~~], or LEED for homes.

**MECHANICAL CODE** means Chapter 55 of the *Dallas City Code* based on the *International Mechanical Code* as adopted by this jurisdiction.

**MULTIPLE DWELLING** means any structure or portion thereof that contains more than one dwelling unit.

**MULTIPLE BUILDING TOWNHOUSE** means a *multiple dwelling unit* located on a *commercial dwelling site* and constructed with a maximum of two units located between exterior walls or fire walls complying with Section 706 of the *Dallas Building Code* in which each unit extends from foundation to roof and with a *yard* or public way on at least two sides.

**PLUMBING CODE** means Chapter 54 of the *Dallas City Code* based on the *International Plumbing Code* as adopted by this jurisdiction.

**PROPOSED PROJECT** means, for purposes of the green building program, the erection of any new structure for which a person, firm, or corporation is required to obtain a building permit.

**RESIDENTIAL CODE** means Chapter 57 of the *Dallas City Code* based on the *International Residential Code* as adopted by this jurisdiction.

**SINGLE BUILDING TOWNHOUSE** means a *multiple dwelling unit located on a commercial dwelling site* and constructed with more than two units between *exterior walls* or fire walls complying with Section 706 with each unit extending from its foundation to its roof and that has a *yard or public way* on at least two sides.

**TEMPORARY STRUCTURE** means any new structure erected for 30 [34] days or less.

**TENT** means any structure, enclosure or shelter constructed of fabric or other pliable material supported by any manner except by air or the contents protected by the material.

**TOWER STRUCTURE** means a structure other than a building that has a height normally greater than its largest horizontal dimension. Examples of tower structures include antenna supports, chimneys, tank supports, sign supports, equipment supports, and other structures as determined by the building official.

**TOWNHOME** means a dwelling located on a single-family or duplex dwelling site and constructed in a group of abutting structures separated by property lines with each dwelling extending from its foundation to its roof and has a yard or public way on at least two sides.

**USGBC** means the U.S. Green Building Council, a nonprofit organization comprised of leaders from the building industry formed to encourage sustainability by promoting buildings that are environmentally responsible, profitable, and healthy places to live and work.

**VALUE OR VALUATION** means the total value of all work, including materials and labor, for which a permit is issued, as well as all finish work, painting, roofing, electrical, gas, plumbing, heating, air conditioning, elevators, fire extinguishing systems, and any other permanent systems, and includes any work which does not require a permit under Section 301.2 and which is marked out on any submitted plans or applications as not included as part of the subject project.

**WORK OF ART[.]** means p[P]aintings, mural decorations, stained glass, statues, bas-reliefs or other sculptures, monuments, fountains, arches or other structures of a permanent or temporary character intended for ornament or commemoration.”

SECTION 3. That Subsection 103.1, “General,” of Section 103, “Scope of the Codes,” of Subchapter 1, “Title and Scope,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“**103.1 General.** The provisions of the codes apply to the construction, quality of materials,

alteration, installation, moving, demolition, repair, use, occupancy, location, relocation, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. This includes the [and] maintenance of all structures and building service equipment.~~[-except that industrialized structures shall be governed as follows:]~~

**103.1.1 Detached one- and two-family dwellings no more than three stories.** Detached one- and two-family dwellings and townhomes not more than three stories above grade plane in height with a separate means of egress and their accessory structures may comply with the Dallas One- and Two-Family Dwelling Code.

**103.1.1.1 Live/work units.** Live/work units located in townhouses and complying with the requirements of Section 419 of the Dallas Building Code shall be permitted to be constructed in accordance with the Dallas One- and Two-Family Dwelling Code. Fire suppression required by Section 419.5 of the Dallas Building Code where constructed under the Dallas One- and Two-Family Dwelling Code shall be permitted to conform to Section P2904 of the Dallas One- and Two-Family Dwelling Code.

**103.1.1.2 Owner-occupied lodging houses.** Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the Dallas One- and Two-Family Dwelling Code where equipped with a fire sprinkler system in accordance with Section P2904 of the Dallas One- and Two-Family Dwelling Code.

**Exception:** A sprinkler system is not required for a lodging house which complies with Section 903.2.13 of the Dallas Building Code.

**103.1.2 Detached one- and two-family dwellings more than three stories.** Detached one- and two-family dwellings more than three stories above grade plane in height with a separate means of egress and their accessory structures must comply with the Dallas Building Code.

**103.1.3 Single building townhouse.** A single building townhouse must comply with the Dallas Building Code as an R-2 occupancy.

**103.1.4 Industrialized structures.** Industrial structures shall be governed as follows:

1. The installation, moving, demolition, repair, location, and maintenance of all commercial and residential industrialized (modular) structures and building service equipment shall comply with the codes.
2. The construction, use, and occupancy of new commercial and residential industrialized structures shall comply with the Texas Industrialized Housing and Buildings Act (Article 5221f, Vernon's Texas Civil Statutes), as amended.
3. The use and occupancy of relocated commercial industrialized structures shall comply with the Texas Industrialized Housing and Buildings Act (Article 5221f, Vernon's Texas Civil Statutes), as amended, and the *Dallas Existing Building Code*, as applicable.

4. The use and occupancy of relocated residential industrialized structures (industrialized housing) shall comply with the *Dallas Existing Building Code*.”

SECTION 4. That Subsection 104.4, “Additions and Alterations to Existing Structures,” of Section 104, “Application of the Codes to Existing Structures and Building Service Equipment,” of Subchapter 1, “Title and Scope,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**“104.4 Additions and alterations to existing structures.** No addition or alteration may be made to an existing structure when the existing structure is not in full compliance with the codes, unless the addition or alteration will result in the existing structure being no more hazardous, based on life safety, fire safety, and sanitation, than before the addition or alteration was undertaken. All newly constructed elements, components, structures, and portions thereof, systems, and spaces shall comply with the requirements of this code.”

SECTION 5. That Subsection 208.1, “General,” of Section 208, “Appeal Procedure,” of Subchapter 2, “Organization and Enforcement,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**“208.1 General.** Any person aggrieved by a decision or ruling of the building official or a chief code administrator~~[, or by the action of a registered electrician under the provisions of the codes,]~~ may appeal to the board. An appeal must be made by filing with the building official a written notice specifying the grounds for the appeal and by paying the appropriate fee in accordance with Section 303.5.18. The appeal must be filed within 15 days of the decision or ruling of the building official or a chief code administrator. The building official shall transmit to the board all of the papers constituting the record of the action being appealed. The board shall, within a reasonable time, hold a public hearing on the matter and render a decision either sustaining, modifying, or reversing the action appealed. A decision of the board must be by a concurring vote of a majority of the members present. Every decision of the board must be in writing, indicate the record of the vote, and be promptly filed in the offices of the building official and the city secretary. A decision of the board will be open to public inspection.”

SECTION 6. That Subsection 301.2, “Defenses,” of Section 301, “Permits,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**“301.2 Defenses.** It is a defense to prosecution under Section 301.1.1 that the act is included in one of the enumerated categories listed in this subsection. Each of the following separate

paragraphs - building, plumbing, mechanical, electrical, signs, moved structures, tents, demolitions, and other – must be consulted for the type of work involved. No permit is required for the following:

### **301.2.1 Building.**

1. Painting, papering, paneling, floor coverings, cabinets, moldings, countertops, and similar finish work.
2. Erection of one-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, that are located on property that contains a single-family or duplex premises and that do not exceed 200 square feet (18.58 m<sup>2</sup>) in floor area.
3. Erection of one-story detached patio covers with an area less than 200 square feet (18.58 m<sup>2</sup>) on single-family or duplex premises.
4. Addition of storm windows, screens, shutters, rain gutters, or insulation to a building.
5. Addition of trim or siding to single-family or duplex premises.
6. Erection of fences not serving as a pool enclosure not over four feet high in a front yard, nor over six feet high elsewhere.
7. Reroofing [~~of single family or duplex premises,~~] if the value of work does not exceed \$500.
8. Interior remodeling of nonload bearing components of single-family or duplex premises that does not add floor area.
9. Erection of movable cases, containers, and partitions not over 69 inches (1,752.6 mm) high.
10. Attaching window awnings to exterior walls of single-family homes or single-family garages where the awnings project not more than 54 inches (1,374.6 mm) from any wall.
11. Erection of structures, boots, sets, and scenery used for motion pictures, conventions, television shows, theater shows, and similar temporary uses.
12. Erection of retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless the walls are supporting a surcharge or impounding Class I, II, or IIIA liquids.
13. Construction of platforms and decks on property that contains a single-family or duplex premises that do not exceed 200 square feet (18.58 m<sup>2</sup>) in area, are not more than 30 inches (762 mm) in height above grade at any point, are not attached to a

dwelling, are not be located in violation of the clearance of overhead service drop conductors, and do not serve the exit door required by Section R311.4 of the *Dallas One- and Two-Family Dwelling Code*.

14. Book exchange structures as defined by Chapter 51A of the *Dallas City Code* [Reserved].
15. Paving or grading on a property that is less than two acres in size and that that is classified as a single-family or duplex premises.
16. Erection of freestanding detached carports of 200 square feet (18.58 m<sup>2</sup>) or less that are accessory to a single-family or duplex premises.
17. Excavations less than four feet (1,219 mm) in depth below existing grade.
18. Replacement of exterior or interior doors, hinges, hardware, and decorative trim, provided the following conditions are met:
  - 18.1. The replacement door is of the same size and required type.
  - 18.2. The replacement door does not require any modification to existing wall framing.
  - 18.3. The existing door is not a component of a fire-resistive rated construction element.
19. Replacement of exterior or interior windows, provided the following conditions are met:
  - 19.1. The replacement window is of the same size, required type, and thickness.
  - 19.2. The replacement window does not require any modification to the existing wall frame or window frames.
  - 19.3. The existing glazing is not a component of a fire-resistive rated construction element.
  - 19.4. The existing glazing is not required to be safety glazed.  
  
**Exception:** 19.4 is omitted for single-family and duplex premises.
20. Erection or installation of shade cloth structures that are constructed for non-commercial nursery or agricultural purposes and that do not include building service equipment or systems.

21. Erection or installation of swings and other playground equipment accessory to single-family or duplex premises.
22. New construction or renovation work on county owned buildings or facilities if the work is done by county personnel or by county personnel acting as the general contractor. Documentation approved by the building official is required to use this defense. The construction work must comply with the codes and must be inspected by a registered professional engineer or architect licensed in the State of Texas. The population of Dallas County must equal or exceed 3.3 million as listed by the U.S. Census Bureau data for the application of this provision.
23. Work involving a structure, the title of which is vested in the United States or the State of Texas and that is devoted exclusively to governmental use.
24. Storage racks eight feet (2,438 mm) or less in height.
25. Freestanding satellite dishes not exceeding one meter in diameter that do not exceed 12 feet (3,657 mm) in height.
26. Installation of prefabricated swimming pools accessory to single-family or duplex premises in which the pool wall is completely above adjacent grade, the pool capacity does not exceed 5,000 gallons (18,927 L), and the pool depth is less than 24 inches (610 mm).
27. Erection of temporary structures in conjunction with a special events permit issued under Chapter 42A of the Dallas City Code that meets all of the following criteria:
  - 27.1. The temporary structures must cover an area of 120 square feet or less, including connecting areas and spaces with a common means of egress or entrance that are used or are intended to be used for a gathering of 10 persons or less.
  - 27.2. The temporary structures must not exceed 12 feet (3,657 mm) in height.
  - 27.3. The temporary structures, including stages, platforms, reviewing/observation stands or towers, must not be more than 30 inches (762 mm) above grade or over any basement or story, and cannot be part of an accessible route.
28. Conveyances or stages, platforms, or reviewing or observation stands or towers that are part of conveyance mounted equipment.
29. Temporary structures that could be considered equipment such as:
  - 29.1. Scaffolding for sound, lighting, or timers.
  - 29.2. Prefabricated platforms.

- 29.3. Prefabricated bleachers provided that all of the following are met:
  - 29.3.1. Must be less than 6 feet in height.
  - 29.3.2. The bleachers are unroofed.
  - 29.3.3. There are no enclosed spaces under or attached to the bleacher seating.
  - 29.3.4. An approved fire safety plan includes approval of evacuation of the bleacher seating.
- 29.4. Amusement rides.
- 30. Flagpoles that support an appurtenance weighing less than 150 pounds (68 kg), provided it is not more than 75 feet (22,680 mm) tall if mounted on the ground or not more than 25 feet (7620 mm) taller than the building if mounted on a building.
- 31. A tower under 75 feet (22,860 mm) in height that meets the following conditions:
  - 31.1. Tower structures used primarily for the support of amateur and citizen's band radio or private television antennae.
  - 31.2. Tower structures on real property owned, leased, held or used, or dedicated for use by a public utility for rendering its service, such as tower structures used primarily for the transmission of electrical power by a public utility or the conveyance of communications over a telephone wire-line system operated by a public utility.
  - 31.3. High mast tower structures or antennae built on land on, along, or adjacent to streets, roads, highways, and bridges maintained by the state or a political subdivision of the state.
  - 31.4. Tower structures constructed or placed on land or other structures owned, leased, held, or dedicated for use by the state or federal government or any political subdivision thereof, which land or other structures are used by the governmental entity primarily for rendering fire, police, or other public protection services or utility services whether or not the tower structure is used jointly by the governmental entity and another public or private person or entity for other and additional public or private purposes.
- 32. A work of art.
- 33. Installation of storm shelters accessory to single-family or duplex premises when less than 200 square feet in area with no utilities; not attached to any other structures; and not funded by the local, state or federal government.

34. Erection of structures used as tool and storage sheds that do not exceed 200 square feet, raised planting beds, bed covers, and similar structures that are located on property with an urban garden use as defined in the Dallas Development Code.

### **301.2.2 Plumbing.**

1. Maintenance, repair, or replacement in kind of accessible p-traps or replacement in kind of plumbing fixtures where no change in “rough-in” is involved, except that a permit is required for the replacement of boilers and water heaters.
2. Repairs or repiping of any plumbing system on a single-family or duplex premises, which does not exceed \$1,000.00 - excluding gas piping.
3. Installation of storm water drains for one-family, two-family, or multifamily dwellings.
4. Installation of steam, hot, or chilled water piping within comfort heating or cooling equipment.
5. Replacement in kind of any fitting, valve, or plumbing fixture that does not change the number of fixtures or the location of a fixture “rough-in” except that a permit is required if a utility release is necessary.
6. Maintenance, alteration, repair or service in kind of an irrigation system downstream the discharge side of a zone control valve.
7. Installation of equipment for or by a public utility in the generation, transmission, sale, and use of energy or in the transmission of intelligence as outlined in its franchise.

### **301.2.3 Mechanical.**

1. Installation of a portable heating appliance, portable ventilating equipment, portable evaporative cooler, or portable comfort cooling unit.
2. Replacement of any component part of assembly of an appliance that does not alter its original design and complies with other applicable requirements of the codes.
3. Installation of a unit refrigerating system or any refrigerating equipment that is a part of equipment for which a permit has been issued pursuant to the requirements of this chapter.
4. Maintenance or repair of permanent gas or solid-fuel furnaces where no change in ducts, flues, electrical, plumbing, or gas “rough-in” is involved.

5. Installation of bathroom exhaust fans in single-family or duplex premises.
6. Installation of kitchen exhaust fans and dryer exhaust fans in single-family or duplex premises.
7. Replacement in kind of the condensate piping to an approved condensate disposal system that does not change the “rough-in” of the condensate piping.
8. Replacement of permanent electric heating, ventilating, or air-conditioning equipment where no change in “rough-in” is required.
9. Relocation or addition of any outlet or associated connection to an existing heating, ventilating, or air-conditioning duct system in a single-family or duplex premises, if the value of the work does not exceed \$500.
10. Installation of approved fire-extinguishing equipment in a self-contained grease removal device and hood installed in accordance with the *Dallas Mechanical Code*.
11. Installation of self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

#### **301.2.4 Electrical.**

1. The restoration on a temporary basis of electrical service under emergency conditions when approval of the work is obtained from the building official before commencing the work, inspection of the work is made in accordance with this chapter, and a permit is obtained as soon as practicable.
2. Replacement of lamps, branch or feeder circuit breakers rated 30 amperes or less, or branch or feeder circuit fuses rated 30 amperes or less, or the connection of portable electrical equipment to permanently installed receptacles.
3. Installation of equipment for or by a public utility in the generation, transmission, sale, and use of energy or in the transmission of intelligence as outlined in its franchise.
4. Work involved in the manufacturing, repair, or testing of electrical equipment or apparatus in the course of manufacture.
5. Maintenance, repair, relocation, or replacement of any existing light fixture, receptacle, switch, ceiling fan, circuit breaker, or other electrical device or equipment where no change in electrical service or service disconnection is involved, if the value of work does not exceed \$1,000.
6. Installation of not more than six new 120-volt or one new 240-volt electrical outlets or devices for any lighting fixture, receptacle, switch, ceiling fan, or residential

appliance within an existing occupied single-tenant space or structure, by extension of an existing circuit or by installation of not more than one new circuit, provided that no change in electrical service or service disconnection is involved.

### **301.2.5 Signs.**

1. The changing of words on a sign that is designed with interchangeable words.
2. Normal maintenance to replace worn parts and repainting deteriorated paint without word change.
3. Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
4. Government signs such as flags, insignia, legal notices or informational, directional or traffic signs that are legally required or necessary to the essential functions of government agencies.
5. Signs listed in the sign regulations of the *Dallas Development Code* as not requiring permits.

### **301.2.6 Moved structures.**

1. A structure not more than 12 feet (3657 mm) in width, not more than 40 feet (12,192 mm) in length and not more than 13½ feet (4145.3 mm) in height when loaded, provided the truck, trailer or other vehicle on which the structure is transported is equipped with rubber tires and complies with the *Texas Transportation Code*.
2. A structure, or superheavy or oversized equipment, being moved over any state or federal highway within the city when:
  - 2.1. It is being moved under a Texas Highway Department permit;
  - 2.2. The moving route is confined to a state or federal highway; or
  - 2.3. The destination is outside the city.

### **301.2.7 Tents.**

1. Tent with a floor area of less than 400 square feet (37.1612 m<sup>2</sup>), including all connecting areas or spaces with a common means of egress or entrance.
2. Tent with an occupant load of less than 10 persons.
3. Tent which is included as part of a special events permit.

### **301.2.8 Demolitions.**

1. Demolition of a fence or swimming pool.
2. Demolition work performed in conjunction with remodeling, alteration or repair of a structure for which a building permit is obtained.
3. Demolition of a structure with a total floor area of less than 120 square feet (11.148 m<sup>2</sup>).

### **301.2.9 Other.**

1. Repair or replacement in kind of any automatic fire-extinguishing system head that does not alter the existing system design or operation.
2. Installation, repair, or replacement of landscaping materials, except that a permit is required to authorize the installation of landscaping that is required by:
  - 2.1. A city ordinance.
  - 2.2. A city board as a condition to the granting of relief requested by an applicant.
  - 2.3. A deed restriction instrument accepted by city council resolution.”

SECTION 6. That Subsection 301.3, “Defense Does Not Authorize Violation of Codes or Ordinances,” of Section 301, “Permits,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**“301.3 Defense does not authorize violation of codes or ordinances.** A defense to a permit requirement of this chapter does not grant authorization for any work to be done in a manner that violates the codes or any other law or ordinance of the city. A defense to a permit requirement of this chapter also does not grant authorization for any work that requires a work authorization or a certificate of appropriateness for work in a conservation district or historic district, respectively.”

SECTION 8. That Paragraph 301.4.1, “General,” of Subsection 301.4, “Application for Permits,” of Section 301, “Permits,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**“301.4.1 General.** To obtain a permit, an applicant shall first file an application in writing on a form furnished for that purpose by the building inspection division. An application must contain the following information:

1. Identification and description of the work to be covered by the permit.
2. Description of the land on which the proposed work is to be done, by street address or similar description that will readily identify and definitely locate the proposed structure or work.
3. Indication of the use or occupancy for which any proposed structure is intended.
4. Signature of the applicant or an authorized agent, who may be required to submit evidence to indicate such authority, together with a verification of the truth and correctness of the information in the application.
5. Attachment of plans, diagrams, computations, specifications, and other data as required.
6. The name, address, and telephone number of the industrialized builder, if applicable.
7. Documentation showing proof of a current home repair license in accordance with Article X, Chapter 50, “Consumer Affairs,” of the *Dallas City Code*, if applicable.
8. Other information required by the building official necessary for issuance of the permit.

**301.4.1.1 Information on braced wall design.** For buildings and structures utilizing braced wall design, and where required by the building official, braced wall lines shall be identified on the construction documents. Pertinent information including, but not limited to, bracing methods, location, and length of braced wall panels and foundation requirements of braced wall panels at top and bottom shall be provided.”

SECTION 9. That Paragraph 301.4.6, “Other Types of Work,” of Subsection 301.4, “Application for Permits,” of Section 301, “Permits,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**“301.4.6 Other types of work.** For application requirements for permits to:

1. Move structures, see Chapter 37 of the *Dallas Building Code*; and
2. ~~Erect signs, see Chapter 36 of the *Dallas Building Code*; and~~

3.] Demolish structures, see Chapter 40 of the *Dallas Building Code*.

**301.4.6.1 Sign permits.** No person, firm or corporation may erect, construct, alter, rebuild, enlarge, extend, convert, maintain, replace, relocate, remove, or demolish a sign or alter or change words or rearrange neon tubing on a sign or cause the same to be done without first obtaining a separate sign permit for each sign. All work done under a sign permit shall be in conformity with all requirements of all applicable laws and ordinances.

**301.4.6.1.1 Application.** To obtain a sign permit, the applicant shall file an application in writing on a form furnished for that purpose. Every application shall:

1. Identify and describe the work to be covered by the permit for which application is made;
2. Describe the land on which the proposed work is to be done by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed work;
3. Be accompanied by plans and specifications as required in this code and all applicable laws and ordinances;
4. State the valuation of the proposed work;
5. Be signed by the owner of the property on which the sign is to be located; and
6. Give such other information as may reasonably be required.

**301.4.6.1.2 Plans and specifications.** With each application for a sign permit, not less than two sets of plans and specifications shall be submitted, and all drawings, specifications and accompanying data shall bear the name and address of the designer.

Drawings and specifications may be required to bear the official seal of an engineer duly qualified and registered under the laws of the State of Texas.

**301.4.6.1.3 Fees.** In addition to filing an application in accordance with Section 301.4.6.1.1, the applicant shall pay all applicable fees required by Section 303 before a sign permit is issued.

**301.4.6.1.4 Expiration.** Every sign permit issued under the provisions of this code shall expire by limitation and become null and void if the work authorized by the permit is not commenced within 120 days from the date the permit is issued, or if, at any time after the work has commenced, the work authorized by the permit is suspended or abandoned for a period of 120 days. Before work can be recommenced, another sign permit shall be obtained, and the permit fee shall be one half the amount

required for a new permit for the work, provided that no changes have been made or will be made in the original plans and specifications for such work and provided that suspension or abandonment of the work has not exceeded one year.

**301.4.6.1.5 Suspension or revocation.** The *building official* may, in writing, suspend or revoke a sign permit issued under provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any law or ordinance.

**301.4.6.1.6 Inspections.** All signs for which a permit is required are subject to inspection by the *building official*. A pier inspection and a final inspection are required for all detached signs.

**301.4.6.2 Tent permits.** A person who desires to erect and maintain a tent shall file a written application for a *tent* permit with the *building official* on a form furnished for that purpose.

**301.4.6.2.1 Application.** The application shall include all of the following:

1. Three copies of a plan drawn to scale showing the location of each *tent* and permanent improvement on the premises, the number of off-street parking spaces as required by the *Dallas Development Code*, and adequate details regarding the seating capacity and the location of exits in each *tent*.
2. If the *tent* is to be erected in or adjacent to a residentially zoned district, an approved petition, on a form provided by the building official, signed by all owners of land within 100 feet (30 480 mm), including streets and alleys, measured from the boundary of the premises on which the *tent* is to be erected.
3. A fee as specified in Section 303.
4. Any additional information required by the *building official* to ensure the provision of adequate safeguards for the preservation of public health, peace, comfort, and safety.

**301.4.6.2.2 Issuance of permit.**

**301.4.6.2.2.1 Maximum duration of permit.** The *building official* may issue a *tent* permit for a period not to exceed 30 consecutive days.

**Exception:** The *building official* may extend a *tent* permit for additional 30-day periods if the tent is located on public property and being used for a demonstrated public purpose and does not create a threat to the public safety. In no event may a *tent* permit be issued for more than a total of nine months within any 12-consecutive-month period. A fee in the amount of the initial

tent permit fee shall be paid for each 30-day period a tent permit is extended.

**301.4.6.2.3 Limit on permits on same property within any 12-consecutive-month period.** A tent permit may not be issued for the same property more than once in any 12-consecutive-month period.

**Exception:** More than one tent permit may be issued for the same property in a 12-consecutive-month period if the total time period for all tent permits issued on that property does not exceed 60 days in any 12-consecutive-month period.

**301.4.6.2.4 Multiple tents under one permit.** A tent permit may be issued for more than one tent if all tents are on the same property at the same time for the same event or purpose and meet the provisions of Section 3904.5 of the *Dallas Building Code*.

**301.4.6.3 Reroofing permits.** New roof coverings must not be applied without first obtaining a permit. An application for a permit to reroof must include a list of sites to be used for the disposal of reroofing debris. A final inspection and approval must be obtained from the *building official* when the reroofing is complete. No final inspection may be performed or approval of work given until proof of the disposal of the reroofing debris at a city of Dallas landfill or transfer station is submitted to the *building official*.”

SECTION 10. That Subparagraph 301.4.7.1, “General,” of Paragraph 301.4.7, “Plans and Specifications,” of Subsection 301.4, “Application for Permits,” of Section 301, “Permits,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**301.4.7.1 General.** Submittal documents consisting of construction documents, statement of special inspections, geotechnical reports, and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the state of Texas. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

**Exception:** The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with the codes.

~~[Plans, engineering computations, diagrams, and other data shall be submitted on suitable material in two or more sets with each application for a permit. The building official may require plans, computations, and specifications to be prepared and designed by an engineer or architect licensed by the state of Texas. The building official may waive the~~

~~submission of plans and computations upon finding that the nature of the work applied for is such that a review of plans and computations is not necessary to obtain compliance with the codes.]”~~

SECTION 11. That Subparagraph 301.4.7.7, “Green Building Standard Documentation,” of Paragraph 301.4.7, “Plans and Specifications,” of Subsection 301.4, “Application for Permits,” of Section 301, “Permits,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**“301.4.7.7 Green building standard documentation.** For construction activity subject to Subchapter 10, an applicant must submit documentation that:

1. demonstrates the construction activity will comply with the requirements of Subchapter 10, and
2. includes any other documentation the building official deems necessary.

**301.4.7.7.1 Acceptable standards.** The building official may accept documentation from the most recent versions of any LEED NC (new construction) [~~version 2.2 to present~~], LEED CS (core and shell) [~~version 2.0 to present~~], LEED CI (commercial interiors) [~~version 2.0 to present~~], LEED for schools [~~version 2007~~], LEED for healthcare, LEED for retail [~~version 2~~], LEED for homes, Green Built Texas [~~version 2.0~~], or another approved equivalent.”

SECTION 12. That Subsection 302.9, “Suspension of Permit Privileges,” of Section 302, “Application for and Issuance of Permit; Retention of Plans; Suspension or Revocation; Suspension of Permit Privileges,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**“302.9 Suspension of permit privileges.**

**302.9.1 General.** The building official may provide notice of intent to suspend a contractor’s permit privileges or registration for one or more of the causes listed in Sections 302.9.3 or 1106.1 for due cause. The contractor may appeal the suspension to [request that] the building inspection advisory, examining, and appeals board for [hold] a public hearing for the purpose of determining whether a person’s ability to secure permits should be suspended.

The contractor must file the appeal within 15 days of the date of the notice to suspend. Failure to timely file the appeal shall result in the suspension being final [for one or more of the causes listed in Section 302.9.3].

**302.9.2 Notice.** Upon receipt of an appeal t[~~F~~]he building official shall give notice of the hearing in the official newspaper of the city not later than the 10th day before the scheduled date of the hearing. The building official shall also mail written notice of the hearing to the address of the person affected as shown on the most recent application for a permit or certificate of occupancy. The notice must be sent not later than the 10th day before the scheduled date of the hearing by certified mail with a five-day return requested. The fact that the return receipt is not signed by the addressee shall not affect the validity of the notice. If the mailed notice is returned undelivered, the hearing shall be continued to a date not earlier than the 11th day after the date of the return; however, no new notices shall be required and the board may proceed to take action in the absence of the person affected when the hearing is continued.

**302.9.3 Determining factors.** The board may suspend a person's ability to secure permits to perform work at one or more locations for a definite time period not to exceed two years if, based on the evidence presented at the hearing, it determines that:

1. the person or person's agent has knowingly provided false or incorrect information on previous applications for permits;
2. the person or person's agent has failed to make reasonable and continuous progress to complete work authorized by an existing or previous permit; [~~or~~]
3. the person or person's agent has been grossly negligent in the performance of work authorized by an existing or previous permit;
4. the person or person's agent failed to secure permits prior to commencement of work necessitating such permit;
5. the person or person's agent failed to request all inspections as may be established by Section 304;
6. the person or person's agent failed to provide the building official accurate revisions of registration information, including any change of address, email address, or telephone number and/or licensees.

**302.9.4 Reinstatement fee.** A person whose ability to secure permits has been suspended under this section shall pay a nonrefundable reinstatement fee before that person may apply for any new permits after the period of suspension expires. The amount of the reinstatement fee may not exceed the administrative costs incurred by the city to effect the suspension.”

SECTION 13. That Subsection 303.1, “General,” of Section 303, “Fees,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**“303.1 General.** Fees required for permits and related activities under this chapter and the codes shall be assessed in accordance with this section. Unless otherwise authorized by the building official, applicable fees shall be paid upon the application for a permit.”

SECTION 14. That Paragraph 303.5.1, “Plan Reviews,” of Subsection 303.5, “Other Fees,” of Section 303, “Fees,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**“303.5.1 Plan reviews.**

**303.5.1.1 Plans check.** In addition to any plan review fees required under Sections 303.5.1.2, 303.5.1.3, 303.5.1.4, 303.5.1.5, [~~or~~] 303.5.1.6, or 303.5.1.7, a nonrefundable plans check fee of \$0.012 for each square foot of building area or \$150.00, whichever is greater, shall be paid upon application for any permit for which the building inspection division performs a plans check. After plans have been reviewed and a permit issued, a plans check addendum fee of \$25.00 an hour shall be paid for each substitution or addition to the plans that requires a separate review.

**303.5.1.2 Fire sprinkler plans.** In addition to any plan review fees required under Sections 303.5.1.1, 303.5.1.3, 303.5.1.4, 303.5.1.5, [~~or~~] 303.5.1.6, or 303.5.1.7, a nonrefundable fire or sprinkler plan review fee of \$0.008 for each square foot of sprinklered building area or \$150.00, whichever is greater, shall be paid upon application for any permit for which the building inspection division performs a review of fire sprinkler plans that involve the installation of a new fire sprinkler system, the addition of 20 or more sprinkler heads to an existing fire sprinkler system, or the removal or relocation of 100 or more sprinkler heads in an existing fire sprinkler system.

**303.5.1.3 Site plans.** In addition to any plan review fees required under Sections 303.5.1.1, 303.5.1.2, 303.5.1.4, 303.5.1.5, [~~or~~] 303.5.1.6, or 303.5.1.7, a nonrefundable site plan review fee of \$0.004 for each square foot of building area or area to be paved or graded, or \$50.00, whichever is greater, shall be paid for each site plan reviewed by the building inspection division.

**303.5.1.4 Plan review fees for fire alarm systems.** In addition to any plan review fees required under Sections 303.5.1.1, 303.5.1.2, 303.5.1.3, 303.5.1.5, [~~or~~] 303.5.1.6, or

303.5.1.7, plans for fire alarm systems shall be accompanied by a nonrefundable review fee based on the following:

1. \$75 for each fire alarm system, per building, with 10 or fewer alarm initiating devices or signaling devices.
2. \$100 for each fire alarm system, per building, with 11 to 25 alarm initiating devices or signaling devices.
3. \$150 for each fire alarm system, per building, with 26 to 150 alarm initiating devices or signaling devices.
4. \$300 for each fire alarm system, per building, with more than 150 alarm initiating devices or signaling devices.

**303.5.1.4.1 Resubmittal fees involving approved fire alarm plans.** Any resubmittal of approved plans must pay a new plan review fee based on the total number of new or changed alarm initiating or signaling devices. The cause for resubmittal may be due to, but not limited to, architectural, field, construction, or contractor changes.

**303.5.1.4.2 Resubmittal fees involving denied fire alarm plans.** If the city denies a fire alarm permit, the first resubmittal of the denied plans is free. Each subsequent resubmittal of denied plans must pay ½ of the original plan review submittal fee.

**303.5.1.5 Irrigation permit fee.** In addition to any plan review fees required under Sections 303.5.1.1, 303.5.1.2, 303.5.1.3, 303.5.1.4, ~~or~~ 303.5.1.6, or 303.5.1.7, a fee of \$120.00 shall be paid for review of the irrigation system design and required inspections per Title 30, *Texas Administrative Code* Chapter 344, Rules of Landscape Irrigation.

**303.5.1.6 Other plan review fees.** In addition to any plan review fees required under Sections 303.5.1.1, 303.5.1.2, 303.5.1.3, 303.5.1.4, ~~or~~ 303.5.1.5, or 303.5.1.7, a fee of \$150.00 shall be paid for review of underground firelines, dry chemical systems, gaseous systems, and the review of any other miscellaneous systems.

**303.5.1.7 Health plan review fees.** In addition to any plan review fees required under Sections 303.5.1.1, 303.5.1.2, 303.5.1.3, 303.5.1.4, 303.5.1.5, or 303.5.1.6, a nonrefundable plans check fee of \$200.00 shall be paid upon application for any permit for which the building inspection division performs a health plans review.

SECTION 15. That Paragraph 303.5.7, “Reinspection Fee,” of Subsection 303.5, “Other Fees,” of Section 303, “Fees,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**“303.5.7 Reinspection fee.** A reinspection fee will be assessed for each inspection or reinspection when the portion for which inspection is called is not complete, when corrections called for are not made, or when access to perform the inspection is not provided. The fee is \$75.00 for each reinspection. No fee is required for reinspection of work that is rejected the first time for failure to comply with the codes. A fee of \$75.00 may be charged for, but not limited to, the following reasons:

1. the inspection called for is not ready when the inspector arrives;
2. no building address or permit card is clearly posted;
3. city approved plans are not on the job site available to the inspector;
4. the building is locked or work otherwise not available for inspection when called;
5. the job site is red-tagged twice for the same item;
6. the original red tag has been removed from the job site; or
7. failure to maintain erosion control, trash control, or tree protection.

Any re-inspection fees assessed shall be paid before any more inspections are made on that job site.”

SECTION 16. That Paragraph 303.5.18, “Fee for Appeal to the Advisory, Examining, and Appeals Board,” of Subsection 303.5, “Other Fees,” of Section 303, “Fees,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**“303.5.18 Fee for appeal to the advisory, examining, and appeals board.** A nonrefundable fee of \$600.00 must be paid when filing an appeal to or requesting any other decision by the advisory, examining, and appeals board.”

SECTION 17. That Subsection 303.7, “Beginning Work without a Permit,” of Section 303, “Fees,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**“303.7 [~~Beginning w~~]Work without a permit.**

**303.7.1 Investigation.** Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a

permit may be issued for such work.

**303.7.2 Fee.** An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt the applicant from compliance with all other provisions of either this chapter or the codes nor from penalty prescribed by law.

**303.7.3 Stop work order.** Whenever any work is being done contrary to the provisions of the codes, the building official may order the work stopped by written notice served on any persons engaged in the doing or causing such work to be done. No work may proceed until:

1. the building official authorizes the work to proceed; or
2. an appeal is perfected before the Building Inspection Advisory, Examining, and Appeals Board resolving the stop work order, or a finding that there is no cause for the continuation of the stop work order.

~~[If work for which a permit is required by this chapter or the codes is started prior to obtaining a permit, the fee specified shall be doubled. The payment of a doubled fee does not relieve a person from fully complying with the requirements of the codes in the execution of work nor from other penalties prescribed in this chapter or the codes. An inspector is empowered to stop work that has been started without a permit having been obtained in violation of this chapter or the codes and to order any and all persons engaged in the work to stop and desist until every required permit is obtained. This action does not relieve a person from other penalties which may be applicable under this chapter or the codes.]”~~

SECTION 18. That Subsection 304.1, “General,” of Section 304, “Inspections,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**“304.1 General.**

**304.1.1 Work subject to inspection.** All construction or work for which a permit is required shall be subject to inspection by the building official and shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction must have continuous inspection as specified in Section 305 of this chapter.

**304.1.2 Violation of city code or ordinance.** Approval as a result of an inspection shall not be construed as approval of a violation of any provision of the codes or another city ordinance. Any inspection presuming to give authority to violate or cancel any provision of the codes or another ordinance is not valid.

**304.1.3 Duty of permit applicant.** It is the duty of the permit applicant to cause the work to

remain accessible and exposed for inspection purposes. Neither the building official nor the city shall be liable for any expense entailed in the removal or replacement of any material required to allow inspection.

**304.1.3.1 City approved plans.** The city approved plans, as required by this code, shall be available on the job site at the time of inspection.

**304.1.3.2 Manufacturer's installation instructions.** Manufacturer's or industrialized builder's installation instructions, as required by this code, shall be available on the job site at the time of inspection.

**304.1.4 Lot survey.** A survey of the lot and its improvements may be required by the building official to verify that the structure and any of its components are [is] located in accordance with the approved plans.”

SECTION 19. That Subsection 304.4, “Approval Required,” of Section 304, “Inspections,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**“304.4 Approval required.** No work shall be done on any part of the structure or premises beyond the point indicated in each successive inspection without first obtaining the written approval of the building official. The building official, upon notification, shall make a requested inspection and shall either indicate that the portion of the construction being inspected is satisfactory as completed or notify the permit holder or the permit holder’s agent how the construction fails to comply with the codes. Any portion that does not comply with the codes must be corrected and must not be covered or concealed until authorized by the building official. There shall be a final inspection and approval of every structure or portion of a structure when completed and prior to occupancy and use, and after demolition work has been completed.

~~**304.4.1 Water heater replacement.** On single family and duplex properties where the responsible master plumber finds the water heater installation to be in conformity with the *Dallas Plumbing Code*, the responsible master plumber may provide a certificate of compliance to the plumbing inspector in lieu of an inspection. Installation of the water heater will receive a green tag once the form has been received by the plumbing inspector.~~

~~**304.4.1.1 Plumbing code compliance.** The chief plumbing code administrator shall determine whether a plumbing installation complies with the *Dallas Plumbing Code*.~~

~~**304.4.2 Reroofing.** On single family and duplex properties where a registered contractor with a current home repair license finds the reroofing installation to be in conformity with the *Dallas Energy Conservation Code* and either the *Dallas Building Code*, the *Dallas One and Two Family Dwelling Code*, or the *Dallas Existing Building Code*, as applicable, the registered contractor may provide the building official with a certificate of compliance in lieu~~

of an inspection. The installation will receive a green tag once the form and a landfill receipt has been received by the building official.

~~**304.4.2.1 Building code compliance.** The chief building code administrator shall determine whether a reroofing installation complies with the *Dallas Energy Conservation Code* and either the *Dallas Building Code*, the *Dallas One and Two Family Dwelling Code*, or the *Dallas Existing Building Code*, as applicable.]”~~

SECTION 20. That Paragraph 306.3.1, “Application Requirements,” of Subsection 306.3, “Application for a Certificate of Occupancy,” of Section 306, “Certificate of Occupancy,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**“306.3.1 Application requirements.** A person seeking a certificate of occupancy shall submit an application to the building official on a form approved by the building official. The application must include the following information:

1. The ~~[name and]~~ address of the use or occupancy.
2. The name (DBA) of the proposed use or occupancy.
3. The name, address, email address, and telephone number of the owner of the structure and land.
- 4~~[3]~~. The name, address, email address, and telephone number of the operator (tenant) of the use or occupancy.
5. The name, address, e-mail address, and telephone number of the applicant if different than the operator or tenant.
- 6~~[4]~~. A description of the use or occupancy that will be operated.
- 7~~[5]~~. Any other information, plans, diagrams, computations, specifications, or other data or supporting documents the building official deems necessary, including an affidavit containing a detailed description of the use or occupancy that will be operated, the goods or services offered or produced, the hours of operation, and whether a city, county, state, or federal license, permit, or registration is required to operate the use or occupancy.”

SECTION 21. That Paragraph 306.4.2, “Application Not Submitted in Conjunction with an Application for a Construction Permit,” of Subsection 306.4, “Expiration of Application,” of

Section 306, "Certificate of Occupancy," of Subchapter 3, "Permits and Inspections," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code is amended to read as follows:

**"306.4.2 Application not submitted in conjunction with an application for a construction permit.** An application for a certificate of occupancy that is not submitted in conjunction with an application for a construction permit shall expire and be void *ab initio* if:

1. no inspection is requested by the applicant before the 120<sup>th</sup> day after the date of its release for inspections [~~filings~~] unless one or more extensions are granted under Subsection 306.4.3, in which case the application shall be void *ab initio* if no inspection is requested by the applicant during the extended time period(s);
2. no action is taken by the applicant before the 30<sup>th</sup> day after the building official gives the applicant written notice that additional information, plans, diagrams, computations, specifications, or other data or supporting documents are necessary for issuance of the certificate of occupancy; or
3. no action is taken by the applicant before the 30<sup>th</sup> day after the building official gives the applicant written notice that corrections and a reinspection are necessary for issuance of the certificate of occupancy."

SECTION 22. That Section 1001, "Purpose; Administration; Phases," of Subchapter 10, "Green Building Program," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code is amended to read as follows:

**"SECTION 1001  
PURPOSE; ADMINISTRATION; COMPLIANCE [PHASES]**

**1001.1 Purpose.** The purpose of the green building program is to reduce the use of natural resources, create healthier and more sustainable living environments, and minimize the negative environmental impacts of development in Dallas and the North Texas region. The program addresses all new residential and commercial buildings within the city.

**1001.2 Administration.** The green building program is administered by the division of building inspection.

**1001.3 Compliance. [Phases.]** ~~The green building program consists of two phases.~~

~~**1001.3.1 Phase 1.** Phase 1 becomes effective October 1, 2009, and includes requirements for energy efficiency, water conservation, and cool roofs for proposed projects affecting less than 50,000 square feet of floor area in a single 12-month period. Proposed projects~~

affecting 50,000 or more square feet of floor area in a single 12-month period must meet the requirements of Section 4303.4 of the *Dallas Building Code*.

~~1001.3.2 Phase 2.~~ Phase 2 becomes effective October 1, 2013. Phase 2 applies to all proposed projects.] Proposed projects must:

1. Comply with the minimum requirements of the *Dallas Green Construction Code*;
2. Be LEED-certifiable;
3. Be Green Built Texas-certifiable; or
4. Be certifiable under an equivalent green building standard.”

SECTION 23. That Subsection 1002.1, “One- and Two-Family Dwellings,” of Section 1002, “Program Requirements,” of Subchapter 10, “Green Building Program,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“**1002.1 One- and two-family dwellings.** Proposed projects must comply with the requirements in Section 328[6] of the *Dallas One- and Two-Family Dwelling Code*.”

SECTION 24. That Section 1003, “Expedited Plan Review,” of Subchapter 10, “Green Building Program,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

### “SECTION 1003

#### **RESERVED. [EXPEDITED PLAN REVIEW.**

~~1003.1 Expedited plan review of green building projects.~~ An expedited plan review is available for proposed projects that meet the requirements of Sections 1003.1.1 and 1003.1.2. An applicant is not required to register a proposed project with the LEED or Green Built Texas programs to receive an expedited plan review.

~~1003.1.1 Phase 1.~~ In order to receive an expedited plan review, an applicant must provide a checklist from LEED, Green Built Texas, or another approved green building standard demonstrating the proposed project is eligible to obtain certification under the selected standard.

~~1003.1.2 Phase 2. In order to receive an expedited plan review, an applicant must provide a checklist demonstrating the project:~~

- ~~1. Complies with the minimum requirements of the 2012 International Green Construction Code or ANSI/ASHRAE/USGBC/IES Standard 189.1-2011; or~~
- ~~2. Is eligible to obtain a LEED silver or higher certification, or an equivalent certification under another approved green building standard.]”~~

SECTION 25. That Subsection 1101.1, “Definitions,” of Section 1101, “Contractors Defined,” of Subchapter 11, “Registration of Miscellaneous Contractors,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

“**1101.1 Definitions.** In this subchapter, “contractor” means:

**COMMERCIAL GENERAL CONTRACTOR** means a person engaged in the business of constructing a commercial structure, building, or other improvement for the owner or developer and who retains a construction labor force or uses subcontractors.

**CONCRETE/ASPHALT/PAVING CONTRACTOR** means a person engaged in the business of grout and shotcrete work; constructing or paving streets, highways, and public sidewalks; concrete sealing, coating, waterproofing, or damp proofing; and paving residential driveways, commercial parking lots, and other private parking areas.

**DEMOLITION CONTRACTOR** means a person engaged in the business of site preparation, such as excavating and grading, demolition of buildings and other structures, earth moving, and land clearing for all types of sites (e.g., building, nonbuilding, mining). This includes blasting, building demolition, foundation digging (i.e., excavation), concrete breaking and cutting for demolition, foundation drilling, and trenching.

**ENERGY CODE PROVIDER** means a person not employed by the city of Dallas and engaged in the business of reviewing plans or making inspections for verification of compliance with the *Dallas Energy Conservation Code* and reporting such compliance to the building official.

**FENCE CONTRACTOR** means a person engaged in the business of constructing, erecting, altering, and repairing metal or wooden fences, walls, corrals, runs, nailings, cribs, game court enclosures, guard rails and barriers, playground game equipment, backstops, posts, flagpoles, and gates, excluding masonry walls.

**FOUNDATION CONTRACTOR** means a person engaged in the business of pouring and finishing concrete foundations and structural elements. This also includes grout and shotcrete

work, concrete pouring and finishing, concrete pumping (i.e., placement), and mud-jacking, and includes gunite contractors and footing and foundation concrete contractors.

**GAS WELL CONTRACTOR** means a person engaged in the business of drilling, installing, or repairing gas wells and pumps by boring, drilling, excavating, casing, cementing, or any other method.

**GAS WELL PROVIDER** means a person not employed by the city of Dallas and is engaged in the business of reviewing plans or making inspections for verification of compliance with the *Dallas Development Code* and reporting such compliance to the building official.

**GREEN BUILDING PROVIDER** means a person not employed by the city of Dallas and engaged in the business of reviewing plans or making inspections for verification of compliance with the green building program and reporting such compliance to the building official.

**LANDSCAPE CONTRACTOR** means a person that is engaged in the business of constructing, maintaining, repairing, installing, or subcontracting the development of landscape systems and facilities. A landscape contractor prepares and grades plots and areas of land for the installation of any architectural, horticultural, and decorative treatment or arrangement.

**POOL CONTRACTOR** means a person engaged in the business of constructing swimming pools, spas, or hot tubs, including installation of solar heating equipment using those trades or skills necessary for such construction.

**RESIDENTIAL GENERAL CONTRACTOR** means a person engaged in the business of [who] constructing[s] residential structures, buildings, or other improvements on property that is not the contractor's homestead.

**ROOF CONTRACTOR** means a person engaged in the business of installing and repairing products and surfaces that seal, waterproof, and weatherproof structures. This work is performed to prevent water or its derivatives, compounds, or solids from penetrating such protection and gaining access to material or space beyond. In the course of this work, the contractor examines and/or prepares surfaces and uses the following material: asphaltum, pitch, tar, felt, glass fabric, urethane foam, metal roofing systems, flax, shakes, shingles, roof tile, slate, or any other roofing, waterproofing, or membrane materials or a combination thereof.

**SIGN CONTRACTOR** means a person engaged in the business of constructing, erecting, altering, and repairing non-electrical signs.

~~[**TREE SERVICE CONTRACTOR** means a person engaged in the business of tree service work that includes cutting, trimming, pruning, removing, grinding, or otherwise modifying established trees in accordance with the ANSI A300 Standard Practice for Trees, Shrubs, and Other Woody Plant Maintenance and the ANSI Z-133.1 Safety Standards.]”~~

SECTION 26. That Subsection 1102.1, “General,” of Section 1102, “Registration Required,” of Subchapter 11, “Registration of Miscellaneous Contractors,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**“1102.1 General.** It is unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building, sign, or structure in the city, or cause the same to be done, unless such person, firm, or corporation is the holder of a valid registration with the city to perform such work. Such person, firm, or corporation shall be referred to as “registrant.” A contractor listed in Section 1101 who is not registered by the city may not obtain any permit required by this chapter for work defined in Section 1101. In extending the rights and privileges of such registration, the city makes no statement of the technical competency of those so registered, and no manner of license is proffered.

**1102.1.1 Exemption for homeowner.** A homeowner’s registration is required for work to be performed on an existing structure when the person performing the work is the owner of the structure who resides therein as his homestead, and is not assisted by any other person for remuneration. The homeowner shall be termed a “registrant” for the purposes of such a project after proper registration. All requirements for permits for the work and all other applicable provisions of the Dallas Construction Codes shall remain in force.”

SECTION 27. That Subsection 1103.1, “General,” of Section 1103, “Application for Registration,” of Subchapter 11, “Registration of Miscellaneous Contractors,” of Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code is amended to read as follows:

**“1103.1 General.** To register with the city as a contractor listed in Section 1101 to perform work described in Section 1101, a person shall apply to the building inspection division in writing on forms furnished for that purpose. The contractor may apply in person or send an agent to apply on behalf of the contractor. The application must include:

1. If the registrant is a firm or corporation, t[~~F~~]he [~~contractor’s~~] name, mailing [~~local~~] address, email address, and telephone number of the firm or corporation;
2. The name, mailing [~~local~~] address, email address, and telephone number of the contractor or the contractor’s agent who applies on behalf of the contractor, if applicable;
3. If the registrant is a firm or corporation, the name, mailing address, and e-mail address of a responsible person of the firm or corporation who is a person authorized to bind the firm or corporation in legal agreements;

4. If the registrant is an individual, the name, mailing address, e-mail address, and telephone number of the individual;

5. Any other information that may reasonably be required to properly identify the contractor or the contractor's agent; and

6[4]. The name, address, and telephone number of the contractor's place of business.

**1103.1.1 Residential contractor.** Except as provided in Section 50-135 of the *Dallas City Code*, to register or renew a registration with the city, residential contractors whose work includes any remodeling or additions to a single-family or duplex structure must have a current home repair license issued under Chapter 50 of the *Dallas City Code*.

SECTION 28. That Subsection 1106.2, "Appeal," of Section 1106, "Suspension; Revocation," of Subchapter 11, "Registration of Miscellaneous Contractors," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code is amended to read as follows:

**"1106.2 Appeal.** The contractor may appeal the decision of the building official to the advisory, examining, and appeals board. The appeal's process shall be in accordance with Section 302.9."

SECTION 29. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the effective date of this ordinance will be discharged or affected by this ordinance. Prosecutions and suits for such offenses, liabilities, penalties, and forfeitures may be instituted, and causes of action pending on the effective date of this ordinance may proceed, as if the former laws applicable at the time the offense, liability, penalty, or forfeiture was committed or incurred had not been amended, repealed, reenacted, or superseded, and all former laws will continue in effect for these purposes.

SECTION 30. That Chapter 52 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any existing structure, system, development project, or registration that is not required to come into compliance with a

requirement of this ordinance will be governed by the requirement as it existed in the former law last applicable to the structure, system, development project, or registration, and all former laws will continue in effect for this purpose.

SECTION 31. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 32. That this ordinance shall take effect [30 days after passage] in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 53, “Dallas Building Code,” of the Dallas City Code, as amended; adopting with certain changes the 2015 Edition of the International Building Code of the International Code Council, Inc.; regulating the construction, enlargement, alteration, repair, demolition, use, and maintenance of construction work in the city; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Chapter 53, “Dallas Building Code,” of the Dallas City Code, as amended, is amended by adopting the 2015 Edition of the International Building Code of the International Code Council, Inc. (which is attached as Exhibit A and made a part of this ordinance), with the following amendments:

1. Page xix, “Legislation,” is deleted.
2. Chapter 1, “Scope and Administration,” of the 2015 International Building Code is deleted and replaced with a new Chapter 1, “Scope and Administration,” to read as follows:

**“CHAPTER 1  
SCOPE AND ADMINISTRATION**

**SECTION 101  
GENERAL**

**101.1 Title.** These regulations shall be known as the *Dallas Building Code*, hereinafter referred to as “this code”

**101.2 Administrative procedures.** Except as otherwise specified in this chapter, all provisions of Chapter 52, “Administrative Procedures for the Construction Codes,” of the *Dallas City Code* apply to this code.”

3. That Subsection 201.3, “Terms Defined in Other Codes,” of Section 201, “General,” of Chapter 2, “Definitions,” of the 2015 International Building Code is amended to read as follows:

“**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the *Dallas* [~~International~~] *Energy Conservation Code*, *Dallas* [~~International~~] *Fuel Gas Code*, *Dallas* [~~International~~] *Fire Code*, *Dallas* [~~International~~] *Mechanical Code*, [Ø] *Dallas* [~~International~~] *Plumbing Code* or Chapter 52, “Administrative Procedures for the Construction Codes,” of the *Dallas City Code*, as amended, such terms shall have the meanings ascribed to them as in those codes.”

4. Section 202, “Definitions,” of Chapter 2, “Definitions,” of the 2015 International Building Code is amended by alphabetically adding or amending the following definitions to read as follows:

“**AMBULATORY CARE FACILITY.** Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing or similar care on a less than 24-hour basis to individuals who are rendered *incapable of self-preservation* by the services provided. This group may include, but is not limited to, the following:

Colonic centers  
Dialysis centers  
Psychiatric centers  
Sedation dentistry  
Surgery centers

**ASSISTED LIVING FACILITY.** A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services.

**ATRIUM.** An opening connecting three [~~two~~] or more *stories* other than enclosed *stairways*, elevators, hoistways, escalators, plumbing, electrical, air-conditioning or other equipment, which is closed at the top and not defined as a mall. *Stories*, as used in this definition, do not include balconies within assembly groups or *mezzanines* that comply with Section 505.

**CODE OFFICIAL.** The building official.

**CONVENIENCE STAIRS.** Private circular *stairs*, other than a required *exit*, within a single tenant space and complying with Section 1011.9, Exception 2. Other *stairs* may also be considered convenience stairs if they are not required as *exits* and comply with all other applicable provisions of this code.

**EXPOSURE, (Fire).** The surrounding location at a fire incident that may be vulnerable to the fire itself. It includes effects from flames, radiant heat flux, convection currents, flying brands, runoff, or exposure to the harmful effects of combustion gases or smoke. The size and range of a fire exposure depends on the severity of the fire causing the exposure.

**EXPOSURE PROTECTION.** A fire protection measure afforded to locations vulnerable to adjacent fire hazards (radiant heat, convection currents, flying brands, explosion effects or exposure to the harmful effects of combustion gases). Exposure protection may be in the form of active (water sprays) or passive (separation distances, fireproofing) fire protection measures. The term fire-resistive is the preferred term in the construction codes. A properly installed and approved fire-resistive assembly may always be considered to provide exposure protection but all types of exposure protection are not equivalent to a fire-resistive assembly.

**EXTERIOR WALL COVERING.** A material or assembly of materials applied on the exterior side of *exterior walls* for the purpose of providing a weather-resisting barrier, insulation or for aesthetics, including but not limited to, *veneers*, siding, *exterior insulation and finish systems*, architectural *trim* and embellishments such as *cornices*, soffits, facias, gutters and leaders. For the purpose of Chapter 14, exterior wall coverings of Group R means the surfaces of *walls* and ceilings that are above, below, alongside or adjacent to exterior exitways, exterior *stairs* or exterior balconies. Except for *dwellings* that are detached and freestanding, *exterior wall covering* finish requirements apply to all surfaces within 10 feet (3048 mm), measured vertically or horizontally in any direction of any exterior exitway, exterior *stair* or exterior balcony. Group R railings and balustrades are included in this definition.

**FIRE AREA, BUILDING.** The aggregate floor area of all stories enclosed and bounded by fire *walls* or exterior *walls* of a building. Areas of the building not provided with surrounding *walls* must be included in the fire area if such areas are included within the horizontal projection of the roof or floor next above.”

**FIRE AREA, OCCUPANCY.** The aggregate floor area enclosed and bounded by *fire walls*, *fire barriers*, exterior *walls* or horizontal assemblies of a building. Areas of the building not provided with surrounding walls shall be included in the fire area if such areas are included within the horizontal projection of the roof or floor next above.

**FIREPROOF.** Common trade name for materials used to provide resistance to a fire exposure. Essentially nothing is fireproof, but some materials are resistant to the effects of a fire (heat, flame, etc.) for limited periods. Independent testing agencies such as UL and NIST test submitted materials for a standard fire test exposure for fireproof ratings. NFPA recommends the term fire resistive in place of fireproof.

**FIRE WATCH.** A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified standby personnel when required by the fire chief, for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.

**FRENCH DOORS.** Double doors, sometimes called double-hinged patio doors, that provide access from a dwelling interior to the exterior in which each of the two doors are hinged and closable so that the edge of one door closes immediately adjacent to the edge of the other door with no partition between the doors. A French door is either one of the two doors.

**HIGH-RISE BUILDING.** A building having floors used for human occupancy [~~with an occupied floor~~] located more than 75 feet (22 860 mm) above the lowest level of fire department vehicle access.

**KEYED DEAD BOLT.** A door lock that is not in the doorknob, that locks by a bolt in the doorjamb, that has a bolt with at least a 1 inch throw if installed after September 1, 1993, and that is operated from the exterior by a key, card or combination and operated from the interior by a knob or level without a key, card or combination. The term includes a doorknob lock that contains a bolt with at least a 1 inch throw.

**KEYLESS DEAD BOLT.** A door lock not in the doorknob that locks:

1. with a bolt with a 1 inch throw into a strike plate screwed into the portion of the doorjamb surface that faces the edge of the door when the door is closed or into a metal doorjamb that serves as the strike plate, operable only by knob or lever from the door's interior and not in any manner from the door's exterior, and that is commonly known as a keyless dead bolt;
2. by a drop bolt system operated by placing a central metal plate over a metal doorjamb restraint which protrudes from the doorjamb and which is affixed to the doorjamb frame by means of three case-hardened screws at least 3 inches in length. One half of the central plate must overlap the interior surface of the door and the other half of the central plate must overlap the doorjamb when the plate is placed over the doorjamb restraint. The drop bolt system must prevent the door from being opened unless the central plate is lifted off the doorjamb restraint by a person who is on the interior side of the door; or
3. by a metal bar or metal tube that is placed across the entire interior side of the door and secured in place at each end of the bar or tube by heavy-duty metal screw hooks. The screw hooks must be at least 3 inches in length and must be screwed into the door frame stud or wall stud on each side of the door. The bar or tube must be capable of being secured to both of the screw hooks and must be permanently attached in some way to the door frame stud or wall stud. When secured to the screw hooks, the bar or tube must prevent the door from being opened unless the bar or tube is removed by a person who is on the interior side of the door. The term does not include a chain latch, flip latch,

surface-mounted slide bolt, mortise door bolt, surface-mounted barrel bolt, surface-mounted swing bar door guard, spring-loaded night latch, foot bolt or other lock or latch.

**POOL.** Any man made permanently installed or non-portable structure, basin, chamber or tank containing an artificial body of water that is used for swimming, diving, aquatic sports or other aquatic activity other than a *residential pool* and that is operated by an owner, lessee, operator, licensee or concessionaire, regardless of whether a fee is charged for use. The pool may be either publicly or privately owned. The term does not include a spa or a decorative fountain that is not used as a pool or pools with depths of 18 inches or less. References within the standard to various types of pools are defined by the following categories:

1. Class A pool—Any pool used with or without a fee, for accredited competitive aquatic events such as Federation Internationale De Natation Amateur (FINA), United States Swimming, United States Diving, National Collegiate Athletic Association (NCAA) or National Federation of State High School Associations (NFSHSA) events. A class A pool may also be used for recreation.
2. Class B pool—Any pool used for public recreation and open to the general public with or without a fee.
3. Class C pool—Any pool operated for and in conjunction with:
  - 1.1. Lodging such as hotels, motels, apartments, condominiums or mobile home parks;
  - 1.2. Property owners’ associations, private organizations or clubs; or
  - 1.3. A school, college or university while being operated for academic or continuing education classes.

The use of such a pool would be open to occupants, members or students and their guests, but not open to the general public.

2. Class D pool—A wading pool with a maximum water depth of 24 inches at any point.

**POOL YARD OR SPA YARD.** An area that has a *pool or spa yard enclosure* and that contains a *pool or spa*.

**POOL YARD OR SPA YARD ENCLOSURE.** A fence, wall or combination of fences, *walls*, gates, windows or doors that completely surround a pool or spa.

**POOLS, STATE LAW.** Refers to *25 Texas Administrative Code, Chapter 265, Subchapter L, “Standards for Swimming Pools and Spas,”* which went into effect on September 1, 2004 (except Section 265.190, “Suction Outlets and Return Inlets at Post-10/01/99 and Pre-10/01/99 Pools and Spas,” which had an effective date of January 1, 2005).

**PREMISES.** A lot or unplatted tract of land that is reflected in the plat books of the building inspection division of the city. Refer to Section 51-4.601 or Section 51A-4.601 of the *Dallas Development Code*.

**PUBLIC POOL OR SPA.** See the definition of Pool.

**REPAIR GARAGE.** A building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement and other such minor repairs.

**RESIDENTIAL POOL OR SPA.** A *pool* or *spa* that is located on private property under the control of the property owner or the owner's tenant and that is intended for use by not more than two resident families or their guests. It includes a *pool* or *spa* serving only a single-family home or a duplex.

**SPA.** A constructed permanent or portable structure that is 2 feet or more in depth and that has a surface area of 250 square feet or less or a volume of 3,250 gallons or less and that is intended to be used for bathing or other recreational uses and is not drained and refilled after each use. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction bubbles or any combination thereof. A spa as referred to in this code is not a business establishment such as a day spa or health spa. Industry terminology for a spa includes, but is not limited to, "hydrotherapy pool," "whirlpool," "hot spa," "hot tub," etc. A spa does not include a residential spa.

**[BS] SPECIAL INSPECTOR.** A qualified person employed or retained by an *approved* agency who shall prove to the satisfaction of the responsible registered design professional of record and ~~approved by~~ the *building official* as having the competence necessary to inspect a particular type of construction requiring *special inspection*.

**STANDBY PERSONNEL.** Qualified fire service personnel, approved by the fire chief. When utilized, the number required shall be as directed by the fire chief.

**TYPE C UNIT, FHA.** A *dwelling unit* designed and constructed to be adaptable in accordance with the *Fair Housing Act Design Manual—1996 (updated 1998)*."

5. Paragraph 303.1.3, “Associated with Group E Occupancies,” of Subsection 303.1, “Assembly Group A,” of Section 303, “Assembly Group A,” of Chapter 3, “Use and Occupancy Classification,” of the 2015 International Building Code is amended to read as follows:

**“303.1.3 Associated with Group E occupancies.** A room or space used for assembly purposes that is associated with a Group E occupancy is not considered a separate occupancy except when applying the assembly requirements of Chapters 10 and 11.”

6. Subsection 304.1, “Business Group B,” of Section 304, “Business Group B,” of Chapter 3, “Use and Occupancy Classification,” of the 2015 International Building Code is amended to read as follows:

**“304.1 Business Group B.** Business Group B occupancy includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts. Business occupancies shall include, but not be limited to, the following:

Airport traffic control towers

*Ambulatory care facilities*

Animal hospitals, kennels and pounds

Banks

Barber and beauty shops

Car wash

Civic administration

*Clinic, outpatient*

Dry cleaning and laundries: pick-up and delivery stations and self-service

Educational occupancies for students above the 12<sup>th</sup> grade

Electronic data processing

Fire stations

Food processing establishments and commercial kitchens not associated with restaurants, cafeterias and similar dining facilities not more than 2,500 square feet (232 m<sup>2</sup>) in area.

Laboratories: testing and research

Motor vehicle showrooms

Police stations with detention facilities for five or less

Post offices

Print shops

Professional services (architects, attorneys, dentists, physicians, engineers, etc.)

Radio and television stations

Telephone exchanges

Training and skill development not in a school or academic program (this shall include, but not be limited to, tutoring centers, martial arts studios, gymnastics and similar uses regardless of the ages served, and where not classified as a Group A occupancy). ”

7. Subsection [F] 307.1, “High-Hazard Group H,” of Section 307, “High-Hazard Group H,” of Chapter 3, “Use and Occupancy Classification,” of the 2015 International Building Code is amended to read as follows:

“**[F] 307.1 High-hazard Group H.** High-hazard Group H occupancy includes, among others, the use of a building or structure, or a portion thereof, that involves the manufacturing, processing, generation or storage of materials that constitute a physical or health hazard in quantities in excess of those allowed in *control areas* complying with Section 414, based on the maximum allowable quantity limits for *control areas* set for in Tables 307.1(1) and 307.1(2). Hazardous occupancies are classified in Groups H-1, H-2, H-3, H-4 and H-5 and shall be in accordance with this section, the requirements of Section 415 and the Dallas [~~International~~] *Fire Code*. Hazardous materials stored, or used on top of roofs or canopies shall be classified as outdoor storage or use and shall comply with the Dallas [~~International~~] *Fire Code*.

**[F] 307.1.1 Uses other than Group H.** An occupancy that stores, uses or handles hazardous materials as described in one or more of the following items shall not be classified as Group H, but shall be classified as the occupancy that it most nearly resembles.

1. Buildings and structure occupied for the application of flammable finishes, provided that such buildings or areas conform to the requirements of Section 416 of the Dallas [~~International~~] *Fire Code*.
2. Wholesale and retail sales and storage of flammable and combustible liquids in mercantile occupancies conforming to the Dallas [~~International~~] *Fire Code*.
3. Closed piping system containing flammable or combustible liquids or gases utilized for the operation of machinery or equipment.
4. Cleaning establishments that utilize combustible liquid solvents having a flash point of 140°F (60°C) or higher in closed systems employing equipment *listed* by an *approved* testing agency, provided that this occupancy is separated from all other areas of the building by 1-hour *fire barriers* constructed in accordance with Section 707 or 1-hour *horizontal assemblies* constructed in accordance with Section 711, or both. See also Chapter 12 of the Dallas Fire Code.
5. Cleaning establishments that utilize a liquid solvent having a flash point at or above 200°F (93°C).
6. Liquor stores and distributors without bulk storage.

7. Refrigeration systems.
8. The storage or utilization of materials for agricultural purposes on the premises.
9. Stationary batteries utilized for facility emergency power, uninterruptable power supply or telecommunication facilities, provided that the batteries are provided with safety venting caps and *ventilation* is provided in accordance with the Dallas [~~International~~] *Mechanical Code*.
10. Corrosive personal or household products in their original packaging used in retail display.
11. Commonly used corrosive building materials.
12. Buildings and structures occupied for aerosol storage shall be classified as Group S-1, provided that such buildings conform to the requirements of the Dallas [~~International~~] *Fire Code*.
13. Display and storage of nonflammable solid and nonflammable or noncombustible liquid hazardous materials in quantities not exceeding the maximum allowable quantity per *control area* in Group M or S occupancies complying with Section 414.2.5.
14. The storage of black powder, smokeless propellant and small arms primers in Groups M and R-3 and special industrial explosive devices in Groups B, F, M and S, provided such storage conforms to the quantity limits and requirements prescribed in the Dallas [~~International~~] *Fire Code*.

**[F] 307.1.2 Hazardous materials.** Hazardous materials in any quantity shall conform to the requirements of this code, including Section 414, and the Dallas [~~International~~] *Fire Code*.”

8. Paragraph 310.5.1, “Care Facilities Within a Dwelling,” of Subsection 310.5, “Residential Group R-3,” of Section 310, “Residential Group R,” of Chapter 3, “Use and Occupancy Classification,” of the 2015 International Building Code is amended to read as follows:

**“310.5.1 Care facilities within a dwelling.** Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the Dallas One- and Two-Family Dwelling [~~International-Residential~~] *Code* provided an

*automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or Section P2904 of the *Dallas One- and Two-Family Dwelling [International Residential] Code*.

**Exception:** A facility equivalent to a *dwelling unit* and which complies with Section 903.2.13 may omit the sprinkler system.

9. Paragraph 310.5.2, “Lodging Houses,” of Subsection 310.5, “Residential Group R-3,” of Section 310, “Residential Group R,” of Chapter 3, “Use and Occupancy Classification,” of the 2015 International Building Code is amended to read as follows:

**“310.5.2 Lodging houses.** Owner-occupied *lodging houses* with five or fewer *guest rooms* shall be permitted to be constructed in accordance with the *Dallas One- and Two-Family Dwelling [International Residential] Code*.”

10. Subsection [F] 402.5, “Automatic Sprinkler System,” of Section 402, “Covered Mall and Open Mall Buildings,” of Chapter 4, “Special Detailed Requirements Based on Use and Occupancy,” of the 2015 International Building Code is amended to read as follows:

**“[F] 402.5 Automatic sprinkler system.** *Covered and open mall buildings* and buildings connected shall be equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1, which shall comply with all of the following:

1. The *automatic sprinkler system* shall be complete and operative throughout occupied space in the *mall building* prior to occupancy of any of the tenant spaces. Unoccupied, but used tenant spaces shall be similarly protected unless provided with *approved* alternative protection. Protection of unoccupied and unused tenant spaces shall be subject to the approval of the *building official* and the *fire marshal*.
2. Sprinkler protection for the *mall* of a *covered mall building* shall be independent from that provided for tenant spaces or *anchor buildings*.
3. Sprinkler protection for the tenant spaces of an *open mall building* shall be independent from that provided for *anchor buildings*.
4. Sprinkler protection shall be provided beneath exterior circulation balconies located adjacent to an *open mall*.
5. Where tenant spaces are supplied by the same system, they shall be independently controlled.

**Exception:** An *automatic sprinkler system* shall not be required in spaces or areas of *open parking garages* separated from the *covered or open mall building* in accordance with Section 402.4.2.3 and constructed in accordance with Section 406.5.”

11. Paragraph [F] 402.7.3, “Emergency Power,” of Subsection [F] 402.7, “Emergency Systems,” of Section 402, “Covered Mall and Open Mall Buildings,” of Chapter 4, “Special Detailed Requirements Based on Use and Occupancy,” of the 2015 International Building Code is deleted.

12. Subsection 403.1, “Applicability,” of Section 403, “High-Rise Buildings,” of Chapter 4, “Special Detailed Requirements Based on Use and Occupancy,” of the 2015 International Building Code is amended to read as follows:

**“403.1 Applicability.** *High-rise buildings* shall comply with Sections 403.2 through 403.6.

**Exception:** The provisions of Sections 403.2 through 403.6 shall not apply to the following buildings and structures:

1. Airport traffic control towers in accordance with Section 412.3.
2. *Open parking garages* in accordance with Section 406.5 if the open parking garage is used exclusively for the parking or storage of private passenger motor vehicles or if all other occupancies are located on the ground level tier only.
3. Open air [The] portions of [a] buildings containing a Group A-5 occupancy in accordance with Section 303.6. This exception does not apply to enclosed concourses or accessory uses including but not limited to sky boxes, restaurants and similarly enclosed areas.
4. Special industrial occupancies in accordance with Section 503.1.1.
5. Buildings with:
  - 5.1. A Group H-1 occupancy;
  - 5.2. A Group H-2 occupancy in accordance with Section 415.8, 415.9.2, 415.9.3 or 426.1; or,
  - 5.3. A Group H-3 occupancy in accordance with Section 415.8.”

13. Subsection [F] 403.3, “Automatic Sprinkler System,” of Section 403, “High-Rise Buildings,” of Chapter 4, “Special Detailed Requirements Based on Use and Occupancy,” of the 2015 International Building Code is amended to read as follows:

**[F] 403.3 Automatic sprinkler system.** Buildings and structures shall be equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 and a secondary water supply where required by Section 403.3.3.

**Exception:** An *automatic sprinkler system* shall not be required in spaces or areas of[:

~~1.] *open parking garages* in accordance with Section 406.5.~~

~~[2. *Telecommunications equipment buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided that those spaces or areas are equipped throughout with an automatic fire detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1-hour fire barriers constructed in accordance with Section 707 or not less than 2-hour horizontal assemblies constructed in accordance with Section 711, or both.*]~~

**[F] 403.3.1 Number of sprinkler risers and system design.** Each sprinkler system zone in buildings that are more than 420 feet (128 000 mm) in *building height* shall be supplied by no fewer than two risers. Each riser shall supply sprinklers on alternate floors. If more than two risers are provided for a zone, sprinklers on adjacent floors shall not be supplied from the same riser.

**[F] 403.3.1.1 Riser location.** Sprinkler risers shall be placed in *interior exit stairways* and ramps that are remotely located in accordance with Section 1007.1.

**[F] 403.3.2 Water supply to required fire pumps.** In buildings that are more than 120 feet (36.5 m) ~~[420 feet (128 000 mm)]~~ in *building height*, required fire pumps shall be supplied by connections to no fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

**Exception:** Two connections to the same main shall be permitted provided the main is valved such that an interruption can be isolated so that the water supply will continue without interruption through no fewer than one of the connections.

**[F] 403.3.3 Secondary water supply.** An automatic secondary on-site water supply having a capacity not less than the hydraulically calculated sprinkler demand, including the hose stream requirement, shall be provided for *high-rise buildings* assigned to Seismic Design Category C, D, E or F as determined by Section 1613. An additional fire pump shall not be required for the secondary water supply unless needed to provide the minimum design intake pressure at the suction side of the fire pump supplying the *automatic sprinkler system*. The secondary water supply shall have a duration of not less than 30 minutes.

**[F] 403.3.4 Fire pump room.** Fire pumps shall be located in rooms protected in accordance with Section 913.2.1.”

14. Subparagraph 403.5.3.1, “Stairway Communication System,” of Paragraph 403.5.3, “Stairway Door Operation,” of Subsection 403.5, “Means of Egress and Evacuation,” of Section 403, “High-Rise Buildings,” of Chapter 4, “Special Detailed Requirements Based on Use and Occupancy,” of the 2015 International Building Code is deleted.

15. Paragraph 403.5.4, “Smokeproof Enclosures,” of Subsection 403.5, “Means of Egress and Evacuation,” of Section 403, “High-Rise Buildings,” of Chapter 4, “Special Detailed Requirements Based on Use and Occupancy,” of the 2015 International Building Code is amended to read as follows:

**“403.5.4 Smokeproof enclosures.** Every required *interior exit stairway* serving floors more than 75 feet (22 860 mm) above the lowest level of fire department vehicle access shall be a *smokeproof enclosure* in accordance with Sections 909.20 and 1023.11 [~~1023.10~~]. In any building that includes a *scissor stair* as described in Exception 1 of Section 1007.1.1, both exit stairs of the dual enclosure structure must be a *smokeproof enclosure* or pressurized stairway in accordance with Section 909.20.

**Exception:** *Smokeproof enclosures* or pressurized *stairs* shall not be required in non-underground (see Section 405) buildings protected throughout by an approved *automatic sprinkler system*. This exception does not apply to a building in which *scissor stairs* are used as two exits in accordance with Section 1007.1.1. Any *smokeproof enclosures* or pressurized *stairs* installed as a substitute for a requirement, a reduction of a requirement or an increase in the limits of other requirements of this code is considered a required system.”

16. Subsection [F] 404.3, “Automatic Sprinkler Protection,” of Section 404, “Atriums,” of Chapter 4, “Special Detailed Requirements Based on Use and Occupancy,” of the 2015 International Building Code is amended to read as follows:

“**[F] 404.3 Automatic sprinkler protection.** An approved automatic sprinkler system shall be installed throughout the entire building.

**Exception[s]:**

~~[1. That area of a building adjacent to or above the atrium need not be sprinklered provided that portion of the building is separated from the atrium portion by not less than 2 hour fire barriers constructed in accordance with Section 707 or horizontal assemblies constructed in accordance with Section 711, or both.~~

2.] Where the ceiling of the atrium is more than 55 feet (16 764 mm) above the floor, sprinkler protection at the ceiling of the atrium is not required.”

17. Subsection 404.5, “Smoke Control,” of Section 404, “Atriums,” of Chapter 4, “Special Detailed Requirements Based on Use and Occupancy,” of the 2015 International Building Code is amended to read as follows:

“**404.5 Smoke control.** A smoke control system shall be installed in accordance with Section 909.

~~[Exception: In other than Group I-2, and Group I-1, Condition 2, smoke control is not required for atriums that connect only two stories.]”~~

18. Subsection 404.6, “Enclosure of Atriums,” of Section 404, “Atriums,” of Chapter 4, “Special Detailed Requirements Based on Use and Occupancy,” of the 2015 International Building Code is amended to read as follows:

“**404.6 Enclosure of atriums.** Atrium spaces shall be separated from adjacent spaces by a 1-hour fire barrier constructed in accordance with Section 707 or a horizontal assembly constructed in accordance with Section 711, or both.

**Exceptions:**

1. A fire barrier is not required where a glass wall forming a smoke partition is provided. The glass wall shall comply with all of the following:

- 1.1. Automatic sprinklers are provided along both sides of the separation wall and doors, or on the room side only if there is not a walkway on the *atrium* side. The sprinklers shall be located between 4 inches and 12 inches (102 mm and 305 mm) away from the glass and at intervals along the glass not greater than 6 feet (1829 mm). The sprinkler system shall be designed so that the entire surface of the glass is wet upon activation of the sprinkler system without obstruction;
  - 1.2. The glass wall shall be installed in a gasketed frame in a manner that the framing system deflects without breaking (loading) the glass before the sprinkler system operates; and
  - 1.3. Where glass doors are provided in the glass wall, they shall be either *self-closing* or automatic-closing.
2. A *fire barrier* is not required where a glass-block wall assembly complying with Section 2110 and having a  $\frac{3}{4}$ -hour *fire protection rating* is provided.
  3. A *fire barrier* is not required between the *atrium* and the adjoining spaces of any three floors of the *atrium* provided such spaces are accounted for in the design of the smoke control system and if the height of the smoke layer interface is maintained above the minimum 6 feet as required in Section 909.8.1. Smoke control analysis must include all relevant information including but not limited to the design fire, height of smoke layer interface, air handler capacity in cubic feet per minute (CFM) and *atrium* volume of air changes per hour (ACH) using the methods of NFPA 92B.
    - 3.1. In other than Group R occupancies, other approaches to smoke management with equivalent results may be considered with the approval of the *building official* and the fire code official.
    - 3.2. In Group R occupancies, a smoke reservoir enclosed by glass walls complying with Section 404.6, Exception 1 is required to the extent that the smoke layer interface drops below 6 feet in height as required in Section 909.8.1.”

19. Paragraph 405.7.2, “Smokeproof Enclosure,” of Subsection 404.7, “Means of Egress,” of Section 405, “Underground Buildings,” of Chapter 4, “Special Detailed Requirements Based on Use and Occupancy,” of the 2015 International Building Code is amended to read as follows:

**“405.7.2 Smokeproof enclosure.** Every required *stairway* serving any floor levels more than 30 feet (9144 mm) below the finished floor of its *level of exit discharge* shall comply with the requirements for a *smokeproof enclosure* as provided in Section 1023.11 [~~4023.10~~].”

20. Paragraph 406.3.5, “Carports,” of Subsection 406.3, “Private Garages and Carports,” of Section 406, “Motor-Vehicle-Related Occupancies,” of Chapter 4, “Special Detailed Requirements Based on Use and Occupancy,” of the 2015 International Building Code is amended to read as follows:

**“406.3.5 Carports.** Carports shall be open on at least two sides. Carport floor surfaces shall be of an *approved* noncombustible material. Carports not open on at least two sides shall be considered a garage and shall comply with the requirements for private garages.

**Exception:** Asphalt surfaces shall be permitted at ground level in carports.

The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway.

**406.3.5.1 Carport separation.** A separation is not required between a Group R-3 and U carport, provided the carport is entirely open on two or more sides and there are not enclosed areas above.

A fire separation is not required between a Group R-2 and U carport provided that the carport is entirely open on all sides and that the distance between the two is at least 10 feet (3048 mm).”

21. Table 406.5.4, “Open Parking Garages Area and Height,” of Paragraph 406.5.4, “Area and Height,” of Subsection 406.5, “Open Parking Garages,” of Section 406, “Motor-Vehicle-Related Occupancies,” of Chapter 4, “Special Detailed Requirements Based on Use and Occupancy,” of the 2015 International Building Code is deleted and replaced with a new Table 406.5.4, “Open Parking Garages Area and Height,” to read as follows:

**“TABLE 406.5.4  
OPEN PARKING GARAGES AREA AND HEIGHT**

TYPE OF CONSTRUCTION	AREA PER TIER (square feet)	HEIGHT (in tiers)
IA	Unlimited	Unlimited

IB	Unlimited	Unlimited
IIA	Unlimited	Unlimited
IIB	50,000 <sup>a</sup>	8 tiers
IV	50,000	4 tiers

For SI: 1 square foot – 0.0929 m<sup>2</sup>.

<sup>a</sup> See additional provisions in Section 406.5.5.”

22. Paragraph 406.5.5, “Area and Height Increases,” of Subsection 406.5, “Open Parking Garages,” of Section 406, “Motor-Vehicle-Related Occupancies,” of Chapter 4, “Special Detailed Requirements Based on Use and Occupancy,” of the 2015 International Building Code is amended to read as follows:

**“406.5.5 Area and height increases.** The allowable area and height of *open parking garages* shall be increased in accordance with the provisions of this section. Garages with sides open on three-fourths of the building’s perimeter are permitted to be increased by 25 percent in area and one tier in height. Garages with sides open around the entire building’s perimeter are permitted to be increased by 50 percent in area and one tier in height. For a side to be considered open under the above provisions, the total area of openings along the side shall not be less than 50 percent of the interior area of the side at each tier and such openings shall be equally distributed along the length of the tier. For purposes of calculating the interior area of the side, the height shall not exceed 7 feet (2134 mm).

Allowable tier areas in Table 406.5.4 shall be increased for *open parking garages* constructed to heights less than the table maximum. The gross tier area of the garage shall not exceed that permitted for the higher structure. No fewer than three sides of each such larger tier shall have continuous horizontal openings not less than 30 inches (762 mm) in clear height extending for not less than 80 percent of the length of the sides and no part of such larger tier shall be more than 200 feet (60 960 mm) horizontally from such an opening. In addition, each such opening shall face a street or *yard* accessible to a street with a width of not less than 30 feet (9144 mm) for the full length of the opening, and standpipes shall be provided in each such tier.

*Open parking garages* of Type II construction, with all sides open, shall be unlimited in allowable area where the *building height* does not exceed 75 feet (22 860 mm). For a side to be considered open, the total area of openings along the side shall not be less than 50 percent of the interior area of the side at each tier and such openings shall be equally distributed along the length of the tier. For purposes of calculating the interior area of the side, the height shall not exceed 7 feet (2134 mm). All portions of tiers shall be within 200 feet (60 960 mm) horizontally from such openings or other natural *ventilation* openings as defined in Section 406.5.2. These openings shall be permitted to be provided in *courts* with a minimum dimension of 20 feet (6096 mm) for the full width of the openings.

All portions of the open parking garage must be within 130 feet of a standpipe.

**Exception:** Where a building is equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, standpipes may be omitted in accordance with Section 905.

23. Subsection 406.8, “Repair Garages,” of Section 406, “Motor-Vehicle-Related Occupancies,” of Chapter 4, “Special Detailed Requirements Based on Use and Occupancy,” of the 2015 International Building Code is amended to read as follows:

**“406.8 Repair garages.** Repair garages shall be constructed in accordance with the *Dallas [International] Fire Code* and Sections 406.8.1 through 406.8.6. This occupancy shall include uses as defined in Section 202. This occupancy shall not include motor fuel-dispensing facilities, as regulated in Section 406.7.

**406.8.1 Mixed uses.** Mixed uses shall be allowed in the same building as a repair garage subject to the provisions of Section 508.1.

**406.8.2 Ventilation.** Repair garages shall be mechanically ventilated in accordance with the *Dallas [International] Mechanical Code*. The *ventilation* system shall be controlled at the entrance to the garage.

**406.8.3 Floor surface.** Repair garage floors shall be of concrete or similar noncombustible and nonabsorbent materials.

**Exception:** Slip-resistant, nonabsorbent, *interior floor finishes* having a critical radiant flux not more than 0.45 W/cm<sup>2</sup>, as determined by NFPA 253, shall be permitted.

**406.8.4 Heating equipment.** Heating equipment shall be installed in accordance with the *Dallas [International] Mechanical Code*.

**[F] 406.8.5 Gas detection system.** Repair garages used for the repair of vehicles fueled by nonodorized gases such as hydrogen and nonodorized LNG, shall be provided with a flammable gas detection system.

**[F] 406.8.5.1 System design.** The flammable gas detection system shall be *listed* or *approved* and shall be calibrated to the types of fuels or gases used by vehicles to be repaired. The gas detection system shall be designed to activate when the level of flammable gas exceeds 25 percent of the lower flammable limit (LFL). Gas detection shall be provided in lubrication or chassis service pits of repair garages used for repairing non-odorized LNG-fueled vehicles.

**[F] 406.8.5.1.1 Gas detection system components.** Gas detection system control units shall be *listed* and *labeled* in accordance with UL 864 or UL 2017. Gas

detectors shall be *listed* and *labeled* in accordance with UL 2075 for use with the gases and vapors being detected.

**[F] 406.8.5.2 Operation.** Activation of the gas detection system shall result in all of the following:

1. Initiation of distinct audible and visual alarm signals in the repair garage.
2. Deactivation of all heating systems located in the repair garage.
3. Activation of the mechanical *ventilation* system, where the system is interlocked with gas detection.

**[F] 406.8.5.3 Failure of the gas detection system.** Failure of the gas detection system shall result in the deactivation of the heating system, activation of the mechanical *ventilation* system where the system is inter-locked with the gas detection system and cause a trouble signal to sound in an *approved* location.

**[F] 406.8.6 Automatic sprinkler system.** A repair garage shall be equipped with an *automatic sprinkler system* in accordance with Section 903.2.9.1.”

24. Subsection [F] 411.4, “Automatic Sprinkler System,” of Section 411, “Special Amusement Buildings,” of Chapter 4, “Special Detailed Requirements Based on Use and Occupancy,” of the 2015 International Building Code is amended to read as follows:

“**[F] 411.4 Automatic sprinkler system.** *Special amusement buildings* shall be equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1. Where the *special amusement building* is temporary, the sprinkler water supply shall be of an *approved* temporary means.

**Exception:** Automatic sprinklers are not required where the total floor area of a temporary *special amusement building* is less than 7,500 [~~1,000~~] square feet (690 [~~93~~] m<sup>2</sup>), ~~and~~ the exit access travel distance from any point to an exit is less than 50 feet (15 240 mm) and the temporary use does not exceed 30 days in any 12-month period.”

25. Subsection 420.2, “Separation Walls,” of Section 420, “Groups I-1, R-1, R-2, R-3 and R-4,” of Chapter 4, “Special Detailed Requirements Based on Use and Occupancy,” of the 2015 International Building Code is amended to read as follows:

“**420.2 Separation walls.** Walls separating *dwelling units* in the same building, walls separating *sleeping units* in the same building and walls separating *dwelling* or *sleeping units* from other

occupancies contiguous to them in the same building shall be constructed as *fire partitions* in accordance with Section 708. Walls separating *dwelling* or *sleeping units* from portions of the same occupancy contiguous to them, but not part of the same *dwelling* or *sleeping units*, shall be constructed as *fire partitions* in accordance with Section 708.

26. Subsection 420.3, “Horizontal Separation,” of Section 420, “Groups I-1, R-1, R-2, R-3 and R-4,” of Chapter 4, “Special Detailed Requirements Based on Use and Occupancy,” of the 2015 International Building Code is amended to read as follows:

**“420.3 Horizontal separation.** Floor assemblies separating *dwelling units* in the same buildings, floor assemblies separating *sleeping units* in the same building and floor assemblies separating *dwelling* or *sleeping units* from other occupancies contiguous to them in the same building shall be constructed as *horizontal assemblies* in accordance with Section 711. Floor assemblies separating *dwelling* or *sleeping units* from portions of the same occupancy contiguous to them, but not part of the same *dwelling* or *sleeping units*, shall be constructed as *horizontal assemblies* in accordance with Section 711.”

27. Chapter 4, “Special Detailed Requirements Based on Use and Occupancy,” of the 2015 International Building Code is amended by adding a new Section 427, “Aircraft Noise Attenuation Requirements,” to read as follows:

#### **“SECTION 427 AIRCRAFT NOISE ATTENUATION REQUIREMENTS**

**427.1 Definitions.** The following words and terms shall, for the purposes of this chapter, and as used elsewhere in this code, have the meanings shown herein.

**A-WEIGHTED SOUND LEVEL.** An A-weighted sound level is a sound level in the 1,000 to 6,000 Hz frequency range that is increased by 10 dB if the noise event occurs between 10:00 p.m. and 7:00 a.m. The A-weighted sound level reflects the greater intrusiveness of sounds that the ear perceives as louder compared to other frequencies. “dBA” or “dB(A)” indicate a sound level measurement has been A-weighted.

**DAY-NIGHT AVERAGE SOUND LEVEL.** The day-night average sound level is the noise exposure in areas around airports (abbreviated as “DNL” in text and “ $L_{dn}$ ” in equations). DNL is a measure of the average A-weighted sound level of all aircraft flights occurring in a 24-hour period.

**427.2 Aircraft noise zone.** All land with a DNL noise contour of 65 dBA or greater, as shown on the aircraft noise maps available for review at the Division of Building Inspection, is subject

to these regulations. A building that is only partly located within an aircraft noise zone is also subject to these regulations.

**427.3 Noise insulation.**

**427.3.1 Certification of plans prior to issuance of building permit.** A registered Texas engineer who has demonstrable knowledge of acoustical engineering shall certify that the plans and specifications comply with the noise insulation standards of Section 427.3.2. The *building official* shall not issue a building permit for any *building* within an aircraft noise zone unless the plans and specifications for the *building* meet the noise insulation standards of Section 427.3.2.

**Exception:** The plans and specifications may be prepared and certified by a member of the National Council of Acoustical Consultants or another organization approved by the *building official*.

**427.3.2 Noise insulation standards.** New *buildings* of the following occupancies shall be constructed with sound insulation or other means to achieve a DNL of 45 dBA or less inside the *building*: Group E occupancies; Group I-1, I-2 and I-4 occupancies; and Group R occupancies. If the cost of modifications to an existing *building* is 75 percent or more of the total assessed improvement value of the site, the *building* shall also meet this standard. Garages and similar accessory buildings that do not include living space are exempt from this requirement.”

28. Table 504.4, “Allowable Number of Stories Above Grade Plane,” of Subsection 504.4, “Number of Stories,” of Section 504, “Building Height and Number of Stories,” of Chapter 5, “General Building Heights and Areas,” of the 2015 International Building Code is amended to read as follows:

**“TABLE 504.4<sup>a, b</sup>**  
**ALLOWABLE NUMBER OF STORIES ABOVE GRADE PLANE**

OCCUPANCY CLASSIFICATION	TYPE OF CONSTRUCTION									
	SEE FOOTNOTES	TYPE I		TYPE II		TYPE III		TYPE IV	TYPE V	
		A	B	A	B	A	B	HT	A	B
A-1	NS	UL	5	3	2	3	2	3	2	1
	S	UL	6	4	3	4	3	4	3	2
A-2	NS	UL	11	3	2	3	2	3	2	1
	S	UL	12	4	3	4	3	4	3	2
A-3	NS	UL	11	3	2	3	2	3	2	1
	S	UL	12	4	3	4	3	4	3	2
A-4	NS	UL	11	3	2	3	2	3	2	1
	S	UL	12	4	3	4	3	4	3	2
A-5	NS	UL	UL	UL	UL	UL	UL	UL	UL	UL

	S	UL								
B	NS	UL	11	5	3	5	3	5	3	2
	S	UL	12	6	4	6	4	6	4	3
E <sup>i,j</sup>	NS	UL	5	3	2	3	2	3	1	1
	S	UL	6	4	3	4	3	4	2	2
F-1	NS	UL	11	4	2	3	2	4	2	1
	S	UL	12	5	3	4	3	5	3	2
F-2	NS	UL	11	5	3	4	3	5	3	2
	S	UL	12	6	4	5	4	6	4	3
H-1	NS <sup>c,d</sup>	1	1	1	1	1	1	1	1	NP
	S									
H-2	NS <sup>c,d</sup>	UL	3	2	1	2	1	2	1	1
	S									
H-3	NS <sup>c,d</sup>	UL	6	4	2	4	2	4	2	1
	S									
H-4	NS <sup>c,d</sup>	UL	7	5	3	5	3	5	3	2
	S	UL	8	6	4	6	4	6	4	3
H-5	NS <sup>c,d</sup>	4	4	3	3	3	3	3	3	2
	S									
I-1 Condition 1	NS <sup>d,e</sup>	UL	9	4	3	4	3	4	3	2
	S	UL	10	5	4	5	4	5	4	3
I-1 Condition 2	NS <sup>d,e</sup>	UL	9	4	3	4	3	4	3	2
	S	UL	10	5						
I-2	NS <sup>d,f</sup>	UL	4	2	1	1	NP	1	1	NP
	S	UL	5	3						
I-3	NS <sup>d,e</sup>	UL	4	2	1	2	1	2	2	1
	S	UL	5	3	2	3	2	3	3	2
I-4	NS <sup>d,g</sup>	UL	5	3	2	3	2	3	1	1
	S	UL	6	4	3	4	3	4	2	2
M	NS	UL	11	4	2	4	2	4	3	1
	S	UL	12	5	3	5	3	5	4	2
R-1	NS <sup>d,h</sup>	UL	11	4	4	4	4	4	3	2
	S13R	4	4						4	3
	S	UL	12	5	5	5	5	5	4	3
R-2	NS <sup>d,h</sup>	UL	11	4	4	4	4	4	3	2
	S13R	4	4	4					4	3
	S	UL	12	5	5	5	5	5	4	3
R-3	NS <sup>d,h</sup>	UL	11	4	4	4	4	4	3	3
	S13R	4	4						4	4
	S	UL	12	5	5	5	5	5	4	4
R-4	NS <sup>d,h</sup>	UL	11	4	4	4	4	4	3	2
	S13R	4	4						4	3
	S	UL	12	5	5	5	5	5	4	3
S-1	NS	UL	11	4	2	3	2	4	3	1
	S	UL	12	5	3	4	3	5	4	2
S-2	NS	UL	11	5	3	4	3	4	4	2
	S	UL	12	6	4	5	4	5	5	3
U	NS	UL	5	4	2	3	2	4	2	1
	S	UL	6	5	3	4	3	5	3	2

**Note:** UL = Unlimited; NP = Not Permitted; NS = Buildings not equipped throughout with an automatic sprinkler system; S = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section

903.3.1.1; S13R = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.2.

- a. See Chapters 4 and 5 for specific exceptions to the allowable height in this chapter.
- b. See Section 903.2 for the minimum thresholds for protection by an automatic sprinkler system for specific occupancies.
- c. New Group H occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.5.
- d. The NS value is only for use in evaluation of existing building height in accordance with the *Dallas [International] Existing Building Code*.
- e. New Group I-1 and I-3 occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.6. For new Group I-1 occupancies, Condition 1, see Exception 1 of Section 903.2.6.
- f. New and existing Group I-2 occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.6 and Section 1103.5 of the *Dallas [International] Fire Code*.
- g. For new Group I-4 occupancies, see Exceptions 2 and 3 of Section 903.2.6.
- h. New Group R occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.8.
- i. For Group E occupancies and rooms normally occupied by pre-kindergarten, kindergarten, or first grade students.
- j. For Group E child day care facilities see Section 308.6.1. All other child day care facilities must comply with the I-4 provisions of this code.

29. Paragraph 506.3.1, “Minimum Percentage of Perimeter,” of Subsection 506.3, “Frontage Increase,” of Section 506, “Building Area,” of Chapter 5, “General Building Heights and Areas,” of the 2015 International Building Code is amended to read as follows:

**“506.3.1 Minimum percentage of perimeter.** To qualify for an area factor increase based on frontage, a building shall have not less than 25 percent of its perimeter on a public way or open space. Such open space shall be either on the same lot or dedicated for public use and shall be accessed from a street or approved fire lane. In order to be considered as accessible, if not in direct contact with a street or fire lane, a minimum 10-foot wide pathway meeting the requirements for fire department access from the street or an approved fire lane shall be provided for hose lay measurement pathway requirements.”

30. Subsection 507.4, “Sprinklered, One-Story Buildings,” of Section 507, “Unlimited Area Buildings,” of Chapter 5, “General Building Heights and Areas,” of the 2015 International Building Code is amended to read as follows:

**“507.4 Sprinklered, one-story buildings.** The area of a Group A-4 building no more than one *story above grade plane* of other than Type V construction, or the area of a Group B, F, M or S building no more than one story above grade plane of any construction type, shall not be limited where the building is provided with an *automatic sprinkler system* throughout in accordance with Section 903.3.1.1 and is surrounded and adjoined by *public ways* or *yards* not less than 60 feet (18 288 mm) in width.

**Exceptions:**

1. Buildings and structures of Type I and II construction for rack storage facilities that do not have access by the public shall not be limited in height, provided that such buildings conform to the requirements of Sections 507.3 and 903.3.1.1 and Chapter 32 of the Dallas [~~International~~] *Fire Code*.
2. The *automatic sprinkler system* shall not be required in areas occupied by athletes during their competitive event for indoor participant sports, such as tennis, skating, swimming and equestrian activities in occupancies in Group A-4, provided that:
  - 2.1. *Exit* doors directly to the outside are provided for occupants of the participant sports areas; and
  - 2.2. The building is equipped with a *fire alarm system* with *manual fire alarm boxes* installed in accordance with Section 907.

**507.4.1 Mixed occupancy buildings with Groups A-1 and A-2.** Group A-1 and A-2 occupancies of other than Type V construction shall be permitted within mixed occupancy buildings of unlimited area complying with Section 507.3, provided all of the following criteria are met:

1. Group A-1 and A-2 occupancies are separated from other occupancies as required for separated occupancies in Section 508.4.4 with no reduction allowed in the *fire-resistance rating* of the separation based upon the installation of an *automatic sprinkler system*;
2. Each area of the portions of the building used for Group A-1 or A-2 occupancies shall not exceed the maximum allowable area permitted for such occupancies in Section 503.1; and
3. *Exit* doors from Group A-1 and A-2 occupancies shall discharge directly to the exterior of the building.”

31. Section 507, “Unlimited Area Buildings,” of Chapter 5, “General Building Heights and Areas,” of the 2015 International Building Code is amended by adding a new Subsection 507.14, “Unlimited Area Based on Types of Construction,” to read as follows:

**“507.14 Unlimited area based on types of construction.** The area of any five-story or less Type IIA, three-story or less Type IIB, or three-story or less Type IV building, except one housing Group H, Division 1, 2 or 3 occupancies, is unlimited if the building is provided with an *approved automatic sprinkler system* throughout as specified in Chapter 9. These provisions do not apply to *covered and open mall buildings, anchor buildings, or motion picture theaters*.

**Exception:** Unlimited area buildings may house Group H, Division 2 and 3 as specified in Section 507.8.”

32. Paragraph 508.2.3, “Allowable Building Area,” of Subsection 508.2, “Accessory Occupancies,” of Section 508, “Mixed Use and Occupancy,” of Chapter 5, “General Building Heights and Areas,” of the 2015 International Building Code is amended to read as follows:

**“508.2.3 Allowable building area.** The allowable area of the building shall be based on the applicable provisions of Section 506 for the main occupancy of the building. Aggregate accessory occupancies shall not occupy more than 10 percent of the floor area of the story in which they are located and shall not exceed the tabular values for nonsprinklered buildings in Table 506.2 for each such accessory occupancy.

**Exception:** Aggregate accessory occupancies in a building provided throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 shall not occupy more than 20 percent of the area of the story in which they are located and shall not exceed the tabular values in Table 506.2 without *building area* increases in accordance with Section 506 for such accessory occupancies.”

33. Subsection 510.2, “Horizontal Building Separation Allowance,” of Section 510, “Special Provisions,” of Chapter 5, “General Building Heights and Areas,” of the 2015 International Building Code is amended to read as follows:

**“510.2 Horizontal building separation allowance.** A building shall be considered as separate and distinct buildings for the purpose of determining area limitations, continuity of *fire walls*, limitation of number of *stories* and type of construction where all of the following applicable conditions are met:

1. The buildings are separated with a *horizontal assembly* having a *fire-resistance rating* of not less than 3 hours. In a structure protected throughout both above and below the *horizontal assembly* with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, the *horizontal assembly* may be of a minimum 2-hour *fire-resistance rating*.
2. The building below the *horizontal assembly* is of Type IA construction.
3. *Shaft, stairway, ramp* and escalator enclosures through the *horizontal assembly* shall have not less than a 2-hour *fire-resistance rating* with opening protectives in accordance with Section 716.5.

**Exception:** Where the enclosure walls below the *horizontal assembly* have not less than the ~~[a 3-hour]~~ *fire-resistance rating as required by Condition 1* with opening protectives in accordance with Section 716.5. the enclosure walls extending above the *horizontal assembly* shall be permitted to have a 1-hour *fire-resistance rating*, provided:

1. The building above the *horizontal assembly* is not required to be of Type I construction;
2. The enclosure connects fewer than four *stories*; and
3. The enclosure opening protectives above the *horizontal assembly* have a *fire protection rating* of not less than 1 hour.
4. The building or buildings above the *horizontal assembly* shall be permitted to have multiple Group A occupancy uses, each with an *occupant load* of less than 300, or Group B, M, R or S occupancies.
5. The building below the *horizontal assembly* shall be protected throughout by an *approved sprinkler system* in accordance with Section 903.3.1.1, and shall be permitted to be any occupancy allowed by this code except Group H.
6. The maximum *building height* in feet (mm) shall not exceed the limits set forth in Section 504.3 for the building having the smaller allowable height as measured from the *grade plane*.”

34. Chapter 5, “General Building Heights and Areas,” of the 2015 International

Building Code is amended by adding a new Section 511, “Area Limits,” to read as follows:

**“SECTION 511  
AREA LIMITS**

**511.1 Area limits.** All floor area must comply with Sections 511.1.1 and 511.1.2.

**511.1.1 Occupancy fire areas.** Occupancy fire areas must be limited in accordance with Sections 903.2.1 through 903.2.10.1.

**511.1.2 Building fire areas.** Building fire areas must be limited in accordance with Section 903.2.13.”

35. Table 601, “Fire-Resistance Rating Requirements for Building Elements (Hours),” of Section 601, “General,” of Chapter 6, “Types of Construction,” of the 2015 International Building Code is amended to read as follows:

**“TABLE 601  
FIRE-RESISTANCE RATING REQUIREMENTS  
FOR BUILDING ELEMENTS (HOURS)**

BUILDING ELEMENT	TYPE I		TYPE II		TYPE III		TYPE IV	TYPE V	
	A	B	A	B	A	B	HT	A <sup>d</sup>	B
Primary structural frame <sup>f</sup> (see Section 202)	3 <sup>a</sup>	2 <sup>a</sup>	1	0	1	0	HT	1	0
Bearing walls									
Exterior <sup>e, f, g</sup>	3	2	1	0	2	2	2	1	0
Interior	3 <sup>a</sup>	2 <sup>a</sup>	1	0	1	0	1/HT	1	0
Nonbearing walls and partitions Exterior	See Table 602								
Nonbearing walls and partitions Interior <sup>d</sup>	0	0	0	0	0	0	See Section 602.4.6	0	0
Floor construction and associated secondary members (see Section 202)	2	2	1	0	1	0	HT	1	0
Roof construction and associated secondary members <sup>g</sup> (See Section 202)	1 ½ <sup>b</sup>	1 <sup>b, c</sup>	1 <sup>b, c</sup>	0 <sup>c</sup>	1 <sup>b, c</sup>	0	HT	1 <sup>b, c</sup>	0

For SI: 1 foot = 304.8 mm.

- a. Roof supports: Fire-resistance ratings of primary structural frame and bearing walls are permitted to be reduced by 1 hour where supporting a roof only.
- b. Except in Group F-1, H, M and S-1 occupancies, fire protection of structural members shall not be required, including protection of roof framing and decking where every part of the roof construction is 20 feet or more above any floor immediately below. Fire-retardant-treated wood members shall be allowed to be used for such unprotected members.
- c. In all occupancies, heavy timber shall be allowed where a 1-hour or less fire-resistance rating is required.
- d. Not less than the fire-resistance rating required by other sections of this code.
- e. Not less than the fire-resistance rating based on fire separation distance (see Table 602).
- f. Not less than the fire-resistance rating as referenced in Section 704.10.

g. In all occupancies, when the building is protected throughout by an approved automatic sprinkler system in accordance with Section 903.3.1.1, roof construction and the structural frame supporting the roof only may be of unprotected noncombustible materials or heavy-timber construction complying with Section 602.4. This provision may be used for roof construction, nonbearing partitions and nonbearing exterior walls in lieu of fire-retardant treated wood in a building meeting the requirements of Section 603.1, Item 1.”

36. Table 602, “Fire-Resistance Rating Requirements for Exterior Walls Based on Separation Distance,” of Section 602, “Construction Classification,” of Chapter 6, “Types of Construction,” of the 2015 International Building Code is amended to read as follows:

**“TABLE 602  
FIRE-RESISTANCE RATING REQUIREMENTS FOR EXTERIOR WALLS BASED ON  
FIRE SEPARATION DISTANCE<sup>a, d, g, i</sup>”**

<b>FIRE SEPARATION DISTANCE = X (feet)</b>	<b>TYPE OF CONSTRUCTION</b>	<b>OCCUPANCY GROUP H<sup>e</sup></b>	<b>OCCUPANCY GROUP F-1, M, S-1<sup>f</sup></b>	<b>OCCUPANCY GROUP A, B, E, F-2, I, R, S-2, U<sup>h, i</sup></b>
X < 5 <sup>b</sup>	All	3	2	1
5 ≤ X < 10	IA	3	2	1
	Others	2	1	1
10 ≤ X < 30	IA, IB	2	1	1 <sup>c</sup>
	IIB, VB	1	0	0
	Others	1	1	1 <sup>c</sup>
X ≥ 30	All	0	0	0

For SI: 1 foot = 304.8 mm.

- a. Load-bearing exterior walls shall also comply with the fire-resistance rating requirements of Table 601.
- b. See Section 706.1.1 for party walls.
- c. Open parking garages complying with Section 406 shall not be required to have a fire-resistance rating.
- d. The fire-resistance rating of an exterior wall is determined based upon the fire separation distance of the exterior wall and the story in which the wall is located.
- e. For special requirements for Group H occupancies, see Section 415.6.
- f. For special requirements for Group S aircraft hangars, see Section 412.4.1.
- g. Where Table 705.8 permits nonbearing exterior walls with unlimited area of unprotected openings, the required fire-resistance rating for the exterior walls is 0 hours.
- h. For special requirements on Group R-2, R-3 and Group U carports, see Section 406.3.5.1.
- i. Exterior walls of carports open on all sides and constructed entirely of noncombustible materials are not required to have a fire-resistance rating. Distance between individual carports and imaginary property lines must be a minimum of 3 feet. All carport projections must comply with Section 705.2.
- j. In buildings provided throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, Table 602 3-hour exterior wall protection may be reduced to 2-hour protection, Table 602 2-hour protection may be reduced to 1-hour protection. Table 602 1-hour protection cannot be reduced.”

37. Subsection 603.1, “Allowable Materials,” of Section 603, “Combustible Material in Type I and II Construction,” of Chapter 6, “Types of Construction,” of the 2015 International Building Code is amended to read as follows:

**“603.1 Allowable materials.** Combustible materials shall be permitted in buildings of Type I or II construction in the following applications in accordance with Sections 603.1.1 through 603.1.3:

1. *Fire-retardant-treated wood* shall be permitted in:
  - 1.1. Nonbearing partitions where the required *fire-resistance rating* is 2 hours or less.
  - 1.2. Nonbearing *exterior walls* where fire-resistance rated construction is not required.
  - 1.3. Roof construction, including girders, trusses, framing and decking.

**Exception:** In buildings of Type IA construction exceeding two *stories above grade plane*, *fire-retardant-treated wood* is not permitted in roof construction where the vertical distance from the upper floor to the roof is less than 20 feet (6096 mm).

2. Thermal and acoustical insulation, other than foam plastics, having a *flame spread index* of not more than 25.

**Exceptions:**

1. Insulation placed between two layers on non-combustible materials without an intervening airspace shall be allowed to have a *flame spread index* of not more than 100.
2. Insulation installed between a finished floor and solid decking without intervening airspace shall be allowed to have a *flame spread index* of not more than 200.
3. Foam plastics in accordance with Chapter 26.
4. Roof coverings that have an A, B or C classification.
5. *Interior floor finish* and floor covering materials installed in accordance with Section 804.
6. Millwork such as doors, door frames, window sashes and frames.
7. *Interior wall and ceiling finishes* installed in accordance with Sections 801 and 803.
8. *Trim* installed in accordance with Section 806.
9. Where not installed greater than 15 feet (4572 mm) above grade, show windows, nailing or furring strips and wooden bulkheads below show windows, including their frames, aprons and show cases.

10. Finish flooring installed in accordance with Section 805.
11. Partitions dividing portions of stores, offices or similar places occupied by one tenant only that do not establish a *corridor* serving an *occupant load* of 30 or more shall be permitted to be constructed of *fire-retardant-treated wood*, 1-hour fire-resistance-rated construction or of wood panels or similar light construction up to 6 feet (1829 mm) in height.
12. Stages and platforms constructed in accordance with Sections 410.3 and 410.4, respectively.
13. Combustible *exterior wall coverings*, balconies and similar projections and bay or oriel windows or similar appendages in accordance with Chapter 14.
14. Blocking such as handrails, millwork, cabinets and window and door frames.
15. Light-transmitting plastics as permitted by Chapter 26.
16. Mastics and caulking materials applied to provide flexible seals between components of *exterior wall* construction.
17. Exterior plastic veneer installed in accordance with Section 2605.2.
18. Nailing or furring strips as permitted by Section 803.11.
19. Heavy timber as permitted by Note c to Table 601 and Sections 602.4.7 and 1406.3.
20. Aggregates, component materials and admixtures as permitted by Section 703.2.2.
21. Sprayed fire-resistant materials and intumescent and mastic fire-resistant coatings, determined on the basis of *fire-resistance* tests in accordance with Section 703.2 and installed in accordance with Sections 1705.14 and 1705.15, respectively.
22. Materials used to protect penetrations in fire-resistance-rated assemblies in accordance with Section 714.
23. Materials used to protect joints in fire-resistance-rated assemblies in accordance with Section 715.
24. Materials allowed in the concealed spaces of buildings of Types I and II construction in accordance with Section 718.5.
25. Materials exposed within plenums complying with Section 602 of the Dallas [~~International~~] *Mechanical Code*.

26. Wall construction of freezers and coolers of less than 1,000 square feet (92.9 m<sup>2</sup>), in size, lined on both sides with noncombustible materials and the building is protected throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1.

**603.1.1 Ducts.** The use of nonmetallic ducts shall be permitted where installed in accordance with the limitations of the Dallas [~~International~~] *Mechanical Code*.

**603.1.2 Piping.** The use of combustible piping materials shall be permitted where installed in accordance with the limitations of the Dallas [~~International~~] *Mechanical Code* and the Dallas [~~International~~] *Plumbing Code*.

**603.1.3 Electrical.** The use of electrical wiring methods with combustible insulation, tubing, raceways and related components shall be permitted where installed in accordance with the limitations of this code.”

38. Subsection 703.4, “Automatic Sprinklers,” of Section 703, “Fire-Resistance Ratings and Fire Tests,” of Chapter 7, “Fire and Smoke Protection Features,” of the 2015 International Building Code is amended to read as follows:

“**703.4 Automatic sprinklers.** Under the prescriptive fire-resistance requirements of this code, the *fire-resistance rating* of a building element, component or assembly shall be established without the use of *automatic sprinklers* or any other fire suppression system being incorporated as part of the assembly tested in accordance with the fire exposure, procedures, and acceptance criteria specified in ASTM E 119 or UL 263. However, this section shall not prohibit or limit the duties and powers of the *building official* allowed by Chapter 52 [~~Sections 104.10 and 104.11~~].”

39. Table 705.8, “Maximum Area of Exterior Wall Openings Based on Fire Separation Distance and Degree of Opening Protection,” of Subsection 705.8, “Openings,” of Section 705, “Exterior Walls,” of Chapter 7, “Fire and Smoke Protection Features,” of the 2015 International Building Code is amended to read as follows:

**“TABLE 705.8  
MAXIMUM AREA OF EXTERIOR WALL OPENINGS BASED ON FIRE  
SEPARATION DISTANCE AND DEGREE OF OPENING PROTECTION**

FIRE SEPARATION DISTANCE (feet)	DEGREE OF OPENING PROTECTION	ALLOWABLE AREA <sup>a</sup>
0 to less than 3 <sup>b, c, k</sup>	Unprotected, Nonsprinklered (UP, NS)	Not Permitted <sup>k, l</sup>
	Unprotected, Sprinklered (UP, S) <sup>i</sup>	Not Permitted <sup>k, l</sup>
	Protected (P)	Not Permitted <sup>k, l</sup>
	Unprotected, Nonsprinklered (UP,	Not Permitted

3 to less than 5 <sup>d,e</sup>	NS)	
	Unprotected, Sprinklered (UP, S) <sup>i</sup>	15 %
	Protected (P)	15%
5 to less than 10 <sup>e, f, j</sup>	Unprotected, Nonsprinklered (UP, NS)	10% <sup>h</sup>
	Unprotected, Sprinklered (UP, S) <sup>i</sup>	25%
	Protected (P)	25%
10 to less than 15 <sup>e, f, g</sup>	Unprotected, Nonsprinklered (UP, NS)	15% <sup>h</sup>
	Unprotected, Sprinklered (UP, S) <sup>i</sup>	45%
	Protected (P)	45%
15 to less than 20 <sup>f, g</sup>	Unprotected, Nonsprinklered (UP, NS)	25%
	Unprotected, Sprinklered (UP, S) <sup>i</sup>	75%
	Protected (P)	75%
20 to less than 25 <sup>f, g</sup>	Unprotected, Nonsprinklered (UP, NS)	45%
	Unprotected, Sprinklered (UP, S) <sup>i</sup>	No Limit
	Protected (P)	No Limit
25 to less than 30 <sup>f, g</sup>	Unprotected, Nonsprinklered (UP, NS)	70%
	Unprotected, Sprinklered (UP, S) <sup>i</sup>	No Limit
	Protected (P)	No Limit
30 or greater	Unprotected, Nonsprinklered (UP, NS)	No Limit
	Unprotected, Sprinklered (UP, S) <sup>i</sup>	No Limit
	Protected (P)	No Limit

For SI: 1 foot = 304.8 mm.

UP, NS = Unprotected openings in buildings not equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

UP, S = Unprotected openings in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

P = Openings protected with an opening protective assembly in accordance with Section 705.8.2.

- a. Values indicated are the percentage of the area of the exterior wall, per story.
- b. For the requirements for fire walls of buildings with differing heights, see Section 706.6.1.
- c. For openings in a fire wall for buildings on the same lot, see Section 706.8.
- d. The maximum percentage of unprotected and protected openings shall be 25 percent for Group R-3 occupancies.
- e. Unprotected openings shall not be permitted for openings with a fire separation distance of less than 15 feet for Group H-2 and H-3 occupancies.
- f. The area of unprotected and protected openings shall not be limited for Group R-3 occupancies, with a fire separation distance of 5 feet or greater.
- g. The area of openings in an open parking structure with a fire separation distance of 10 feet or greater shall not be limited.
- h. Includes buildings accessory to Group R-3.
- i. Not applicable to Group H-1, H-2 and H-3 occupancies.
- j. For special requirements for Group U occupancies, see Section ~~406.3.5~~ [406.3.2].
- k. For openings between S-2 parking garage and Group R-2 building, see Section 705.3, Exception 2.
- l. Carports open on all sides and constructed entirely of noncombustible materials may have openings and the openings shall not require protection. Distance between individual carports and imaginary property lines shall be 3 feet minimum. All carport projections shall comply with Section 705.2 of this code."

40. Table 706.4, “Fire Wall Fire-Resistance Ratings,” of Subsection 706.4, “Fire-Resistance Rating,” of Section 706, “Fire Walls,” of Chapter 7, “Fire and Smoke Protection Features,” of the 2015 International Building Code is amended to read as follows:

**“TABLE 706.4  
FIRE WALL FIRE-RESISTANCE RATINGS<sup>c</sup>**

GROUP	FIRE-RESISTANCE RATING (hours)
A, B, E, H-4, I, R-1, R-2, U	3 <sup>a</sup>
F-1, H-3 <sup>b</sup> , H-5, M, S-1	3
H-1, H-2	4 <sup>b</sup>
F-2, S-2, R-3, R-4	2

- a. In Type II or V construction, walls shall be permitted to have a 2-hour *fire-resistance rating*.
- b. For Group H-1, H-2 or H-3 buildings, also see Sections 415.7 and 415.8.
- c. In buildings protected throughout by an automatic sprinkler system in accordance with Section 903.3.1.1, 4-hour and 3-hour fire walls may be reduced by 1 hour when separating other than a Group H occupancy. This reduction shall also apply for fire walls required by Section 503.1.

41. Paragraph 712.1.9, “Two-Story Openings,” of Subsection 712.1, “General,” of Section 712, “Vertical Openings,” of Chapter 7, “Fire and Smoke Protection Features,” of the 2015 International Building Code is amended to read as follows:

**“712.1.9 Two-story openings.** In other than Groups I-2 and I-3, a vertical opening that is not used as one of the applications listed in this section shall be permitted if the opening complies with all of the items below:

1. Does not connect more than two stories.
2. Does not penetrate a horizontal assembly that separates fire areas or smoke barriers that separate smoke compartments.
3. Is not concealed within the construction of a wall or a floor/ceiling assembly.
4. Is not open to a corridor in Group I and H [R] occupancies.
5. Is not open to a corridor on nonsprinklered floors.
6. Is separated from floor openings and air transfer openings serving other floors by construction conforming to required shaft enclosures.”

42. Subsection 713.13, “Waste and Linen Chutes and Incinerator Rooms,” of Section 713, “Shaft Enclosures,” of Chapter 7, “Fire and Smoke Protection Features,” of the 2015 International Building Code is amended to read as follows:

“**713.13 Waste and linen chutes and incinerator rooms.** Waste and linen chutes shall comply with the provisions of NFPA 82 including the requirements for venting, Chapter 5 and shall meet the requirements of Sections 713.13.1 through 713.13.6. Incinerator rooms shall meet the provisions of Sections 713.13.4 through 713.13.5.

**Exception:** Chutes serving and contained within a single dwelling unit.

**713.13.1 Waste and linen.** A shaft enclosure containing a recycling, or waste or linen chute shall not be used for any other purpose and shall be enclosed in accordance with Section 713.4. Openings into the shaft, from access rooms and discharge rooms, shall be protected in accordance with this section and Section 716. Openings into chutes shall not be located in *corridors*. Doors into chutes shall be self-closing. Discharge doors shall be self- or automatic-closing upon the actuation of a smoke detector in accordance with Section 716.5.9.3, except that heat-activated closing devices shall be permitted between the shaft and the discharge room.

**713.13.2 Materials.** A shaft enclosure containing a waste, recycling, or linen chute shall be constructed of materials as permitted by the building type of construction.

**713.13.3 Chute access rooms.** Access openings for waste or linen chutes shall be located in rooms or compartments enclosed by not less than 1-hour *fire barriers* constructed in accordance with Section 707 or *horizontal assemblies* constructed in accordance with Section 711, or both. Openings into the access rooms shall be protected by opening protectives having a *fire protection rating* of not less than  $\frac{3}{4}$  hour. Doors shall be self- or automatic-closing upon the detection of smoke in accordance with Section 716.5.9.3.

**713.13.4 Chute discharge room.** Waste or linen chutes shall discharge into an enclosed room separated by *fire barriers* with a *fire-resistance rating* not less than the required fire rating of the shaft enclosure and constructed in accordance with Section 707 or *horizontal assemblies* constructed in accordance with Section 711, or both. Openings into the discharge room from the remainder of the building shall be protected by opening protectives having a *fire protection rating* equal to the protection required for the shaft enclosure. Doors shall be self- or automatic-closing upon the detection of smoke in accordance with Section 716.5.9.3. Waste chutes shall not terminate in an incinerator room. Waste and linen rooms that are not provided with chutes need only comply with Table 509.

**713.13.5 Incinerator room.** Incinerator rooms shall comply with Table 509.

**713.13.6 Automatic sprinkler system.** An *approved automatic sprinkler system* shall be installed in accordance with Section 903.2.11.2.”

43. Paragraph 901.6.1, “Automatic Sprinkler Systems,” of Subsection 901.6, “Supervisory Service,” of Section 901, “General,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended by adding a new Subparagraph 901.6.1.1, “Standpipe Testing,” to read as follows:

**“901.6.1.1 Standpipe testing.** Maintenance of standpipes shall be as per Section 905.11.”

44. Section 901, “General,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended by adding a new Subsection 901.9, “Systems Out Of Service,” to read as follows:

**“901.9 Systems out of service.** Where a required fire protection system is out of service, or in the event of an excessive number of activations, the fire department and the fire code official shall be notified immediately, and where required by the fire code official, the building must either be evacuated or standby personnel shall be provided for all occupants left unprotected until the protection has been returned to service.

Where utilized, *standby personnel* shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.”

45. Subsection [F] 903.1, “General,” of Section 903, “Automatic Sprinkler Systems,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

**“[F] 903.1 General.** *Automatic sprinkler systems* shall comply with this section.

**[F] 903.1.1 Alternative protection.** *Alternative automatic fire-extinguishing systems* complying with Section 904 shall be permitted in addition to ~~instead of~~ automatic sprinkler protection where recognized by the applicable standard or as ~~and~~ *approved* by the fire code official.

**903.1.2 Separation.** Areas of buildings protected by automatic sprinklers shall be separated from unsprinklered areas by fire barriers complying with Section 707 having a minimum fire-resistance rating of 2 hours.

**Exceptions:**

1. Open parking garages in accordance with Section 406.5.

2. Special application, spray booth and kitchen hood suppression systems.”

46. Subsection [F] 903.2, “Where Required,” of Section 903, “Automatic Sprinkler Systems,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

“[F] 903.2 Where required. Approved *automatic sprinkler systems* in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12. *Automatic sprinklers must not be installed in elevator machine rooms, elevator machine spaces and elevator hoistways other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances. Storage is not allowed within the elevator machine room. Signage must be provided at the entry to the elevator machine room indicating “ELEVATOR MACHINERY – NO STORAGE ALLOWED.”*”

~~[**Exception:** Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an *automatic smoke detection system* in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1 hour *fire barriers* constructed in accordance with Section 707 or not less than 2 hour *horizontal assemblies* constructed in accordance with Section 711, or both.]~~

[F] 903.2.1 Group A. An *automatic sprinkler system* shall be provided throughout buildings and portions thereof used as Group A occupancies as provided in this section. For Group A-1, A-2, A-3 and A-4 occupancies, the *automatic sprinkler system* shall be provided throughout the floor area where the *fire area* containing the Group A-1, A-2, A-3 or A-4 occupancy is located, and throughout all stories from the Group A occupancy to, and including, the *levels of exit discharge* serving the Group A occupancy. For Group A-5 occupancies, the *automatic sprinkler system* shall be provided in the spaces indicated in Section 903.2.1.5.

[F] 903.2.1.1 Group A-1. An *automatic sprinkler system* shall be provided for *fire areas* containing Group A-1 occupancies and intervening floors of the building where one of the following conditions exists:

1. The *fire area* exceeds 12,000 square feet (1115 m<sup>2</sup>);
2. The *fire area* has an *occupant load* of 300 or more;

3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies; or
4. The *fire area* contains a multitheater complex.

**[F] 903.2.1.2 Group A-2.** An *automatic sprinkler system* shall be provided for *fire areas* containing Group A-2 occupancies and intervening floors of the building where one of the following conditions exists:

1. The *fire area* exceeds 5,000 square feet (464.5 m<sup>2</sup>);
2. The *fire area* has an *occupant load* of 100 or more; or
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

**[F] 903.2.1.3 Group A-3.** An *automatic sprinkler system* shall be provided for *fire areas* containing Group A-3 occupancies and intervening floors of the building where one of the following conditions exists:

1. The *fire area* exceeds 12,000 square feet (1115 m<sup>2</sup>);
2. The *fire area* has an *occupant load* of 300 or more; or
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

**[F] 903.2.1.4 Group A-4.** An *automatic sprinkler system* shall be provided for *fire areas* containing Group A-4 occupancies and intervening floors of the building where one of the following conditions exists:

1. The *fire area* exceeds 12,000 square feet (1115 m<sup>2</sup>);
2. The *fire area* has an *occupant load* of 300 or more; or
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

**[F] 903.2.1.5 Group A-5.** An *automatic sprinkler system* shall be provided for Group A-5 occupancies in the following areas: concession stands, retail areas, press boxes and other accessory use areas in excess of 1,000 square feet (93 m<sup>2</sup>).

**[F] 903.2.1.6 Assembly occupancies on roofs.** Where an occupied roof has an assembly occupancy with an *occupant load* exceeding 100 for Group A-2 and 300 for other Group A occupancies, all floors between the occupied roof and the *level of exit discharge* shall

be equipped with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2.

**Exception:** Open parking garages of Type I or Type II construction.

**903.2.1.7 Multiple fire areas.** An *automatic sprinkler system* shall be provided where multiple fire areas of Group A-1, A-2, A-3, or A-4 occupancies share exit or exit access components and the combined *occupant load* of these fire areas is 300 or more.

**[F] 903.2.2 Ambulatory care facilities.** An *automatic sprinkler system* shall be installed throughout the entire floor containing an *ambulatory care facility* where either of the following conditions exist at any time:

1. Four or more care recipients are incapable of self-preservation, whether rendered incapable by staff or staff has accepted responsibility for care recipients already incapable.
2. One or more care recipients that are incapable of self-preservation are located at other than the level of exit discharge serving such a facility.

In buildings where ambulatory care is provided on levels other than the *level of exit discharge*, an *automatic sprinkler system* shall be installed throughout the entire floor where such care is provided as well as all floors below, and all floors between the level of ambulatory care and the nearest *level of exit discharge*, including the *level of exit discharge*.

**[F] 903.2.3 Group E.** An *automatic sprinkler system* shall be provided for Group E occupancies as follows:

1. Throughout all Group E *fire areas* greater than 12,000 square feet (1115 m<sup>2</sup>) in area.
2. Throughout every portion of educational buildings below the lowest *level of exit discharge* serving that portion of the building.

**Exception:** An *automatic sprinkler system* is not required in any area below the lowest *level of exit discharge* serving that area where every classroom throughout the building has not fewer than one exterior *exit* door at ground level.

**[F] 903.2.4 Group F-1.** An *automatic sprinkler system* shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 *fire area* exceeds 12,000 square feet (1115 m<sup>2</sup>).
2. A Group F-1 *fire area* is located more than three stories above *grade plane*.

3. The combined area of all Group F-1 *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m<sup>2</sup>).
4. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet (232 m<sup>2</sup>).

**[F] 903.2.4.1 Woodworking operations.** An *automatic sprinkler system* shall be provided throughout all Group F-1 occupancy *fire areas* that contain wood-working operations in excess of 2,500 square feet (232 m<sup>2</sup>) in area that generate finely divided combustible waste or use finely divided combustible materials.

**[F] 903.2.5 Group H.** *Automatic sprinkler systems* shall be provided in high-hazard occupancies as required in Sections 903.2.5.1 through 903.2.5.3.

**[F] 903.2.5.1 General.** An *automatic sprinkler system* shall be installed in Group H occupancies.

**[F] 903.2.5.2 Group H-5 occupancies.** An *automatic sprinkler system* shall be installed throughout buildings containing Group H-5 occupancies. The design of the sprinkler system shall not be less than that required by this code for the occupancy hazard classifications in accordance with Table 903.2.5.2.

Where the design area of the sprinkler system consists of a *corridor* protected by one row of sprinklers, the maximum number of sprinklers required to be calculated is 13.

**[F] 903.2.5.3 Pyroxylin plastics.** An *automatic sprinkler system* shall be provided in buildings, or portions thereof, where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities exceeding 100 pounds (45 kg).

**[F] 903.2.6 Group I.** An *automatic sprinkler system* shall be provided throughout buildings with a Group I *fire area*.

**Exceptions:**

1. An *automatic sprinkler system* installed in accordance with Section 903.3.1.2 shall be permitted in Group I-1 Condition 1 facilities.
2. An *automatic sprinkler system* is not required where Group I-4 day care facilities are at the *level of exit discharge* and where every room where care is provided has not fewer than one exterior exit door.
3. In buildings where Group I-4 day care is provided on levels other than the *level of exit discharge*, an *automatic sprinkler system* in accordance with Section 903.3.1.1 shall be installed on the entire floor where care is provided, all floors

between the level of care and the level of *exit discharge*, and all floors below the *level of exit discharge* other than areas classified as an open parking garage.

**[F] 903.2.7 Group M.** An *automatic sprinkler system* shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M *fire area* exceeds 12,000 square feet (1115 m<sup>2</sup>).
2. A Group M *fire area* is located more than three stories above *grade plane*.
3. The combined area of all Group M *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m<sup>2</sup>).
4. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet (464 m<sup>2</sup>).

**[F] 903.2.7.1 High-piled storage.** An *automatic sprinkler system* shall be provided in accordance with the Dallas [~~International~~] *Fire Code* in all buildings of Group M where storage of merchandise is in high-piled or rack storage arrays.

**[F] 903.2.8 Group R.** An *automatic sprinkler system* installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R *fire area*.

**Exception:** *A dwelling, townhome or townhouse which complies with Section 903.2.13.*

**[F] 903.2.8.1 Group R-3.** An *automatic sprinkler system* installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3 occupancies.

**[F] 903.2.8.2 Group R-4 Condition 1.** An *automatic sprinkler system* installed in accordance with Section 903.3.1.3 shall be permitted in Group R-4 Condition 1 occupancies.

**[F] 903.2.8.3 Group R-4 Condition 2.** An *automatic sprinkler system* installed in accordance with Section 903.3.1.2 shall be permitted in Group R-4 Condition 2 occupancies. Attics shall be protected in accordance with Section 903.2.8.3.1 or 903.2.8.3.2.

**[F] 903.2.8.3.1 Attics used for living purposes, storage or fuel-fired equipment.** Attics used for living purposes, storage or fuel-fired equipment shall be protected throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.2.

**[F] 903.2.8.3.2 Attics not used for living purposes, storage or fuel-fired equipment.** Attics not used for living purposes, storage or fuel-fired equipment shall be protected in accordance with one of the following:

1. Attics protected throughout by a heat detector system arranged to activate the building fire alarm system in accordance with Section 907.2.10.
2. Attics constructed of noncombustible materials.
3. Attics constructed of fire-retardant-treated wood framing complying with Section 2303.2.
4. The *automatic sprinkler system* shall be extended to provide protection throughout the attic space.

**[F] 903.2.8.4 Care facilities.** An *automatic sprinkler system* installed in accordance with Section 903.3.1.3 shall be permitted in care facilities with five or fewer individuals in a single-family dwelling.

**[F] 903.2.9 Group S-1.** An *automatic sprinkler system* shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 *fire area* exceeds 12,000 square feet (1115 m<sup>2</sup>).
2. A Group S-1 *fire area* is located more than three stories above *grade plane*.
3. The combined area of all Group S-1 *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m<sup>2</sup>).
4. A Group S-1 *fire area* used for the storage of commercial motor vehicles where the *fire area* exceeds 5,000 square feet (464 m<sup>2</sup>).
5. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m<sup>2</sup>). This use must also comply with the applicable provisions of Chapter 32, "High-Pile Combustible Storage," of the *Dallas Fire Code* due to the presence of Group A plastics used in upholstered furniture and mattresses.

**[F] 903.2.9.1 Repair garages.** An *automatic sprinkler system* shall be provided throughout all buildings used as repair garages in accordance with Section 406, as shown:

1. Buildings having two or more *stories above grade plane*, including basements, with a *fire area* containing a repair garage exceeding 10,000 square feet (929 m<sup>2</sup>).
2. Buildings not more than one *story above grade plane*, with a *fire area* containing a repair garage exceeding 12,000 square feet (1115 m<sup>2</sup>).
3. Buildings with repair garages servicing vehicles parked in basements.

4. A Group S-1 *fire area* used for the repair of commercial motor vehicles where the *fire area* exceeds 5,000 square feet (464 m<sup>2</sup>).

**[F] 903.2.9.2 Bulk storage of tires.** Buildings and structures where the area for the storage of tires exceeds 20,000 cubic feet (566 m<sup>3</sup>) shall be equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1.

**903.2.9.3 Self-service storage facility.** *An automatic sprinkler system must be installed throughout all self-service storage facilities.*

**[F] 903.2.10 Group S-2 enclosed parking garages.** An *automatic sprinkler system* shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.4 406.6 where either of the following conditions exists:

1. Where the *fire area* of the enclosed parking garage exceeds 12,000 square feet (1115 m<sup>2</sup>); or
2. Where the enclosed parking garage is located beneath other groups.

**Exception:** Enclosed parking garages located beneath Group R-3 occupancies.

**[F] 903.2.10.1 Commercial parking garages.** An *automatic sprinkler system* shall be provided throughout buildings used for storage of commercial motor vehicles where the *fire area* exceeds 5,000 square feet (464 m<sup>2</sup>).

**[F] 903.2.11 Specific building areas and hazards.** In all occupancies other than Group U, an *automatic sprinkler system* shall be installed for building design or hazards in the locations set forth in Sections 903.2.11.1 through 903.2.11.8 [~~903.2.11.6~~].

**[F] 903.2.11.1 Stories without openings.** An *automatic sprinkler system* shall be installed throughout all *stories*, including basements, of all buildings where the floor area exceeds 1,500 square feet (139.4 m<sup>2</sup>) and where there is not provided not fewer than one of the following types of *exterior wall* openings:

1. Openings below grade that lead directly to ground level by an exterior *stairway* complying with Section 1009 or an outside ramp complying with Section 1010. Openings shall be located in each 50 linear feet (15 240 mm), or fraction thereof, of *exterior wall* in the *story* on at least one side. The required openings shall be distributed such that the lineal distance between adjacent openings does not exceed 50 feet (15 240 mm).
2. Openings entirely above the adjoining ground level totaling at least 20 square feet (1.86 m<sup>2</sup>) in each 50 linear feet (15 240 mm), or fraction thereof, of *exterior wall* in the *story* on at least one side. The required openings shall be distributed such that the lineal distance between adjacent openings does not exceed 50 feet (15 240 mm).

mm). The height of the bottom of the clear opening shall not exceed 44 inches (1118 mm) measured from the floor.

**[F] 903.2.11.1.1 Opening dimensions and access.** Openings shall have a minimum dimension of not less than 30 inches (762 mm). Such openings shall be accessible to the fire department from the exterior and shall not be obstructed in a manner that fire fighting or rescue cannot be accomplished from the exterior.

**[F] 903.2.11.1.2. Openings on one side only.** Where openings in a *story* are provided on only one side and the opposite wall of such *story* is more than 75 feet (22 860 mm) from such openings, the *story* shall be equipped throughout with an *approved automatic sprinkler system*, or openings as specified above shall be provided on at least two sides of the *story*.

**[F] 903.2.11.1.3 Basements.** Where any portion of a *basement* is located more than 75 feet (22 860 mm) from openings required by Section 903.2.11.1, or where walls, partitions or other obstructions are installed that restrict the application of water from hose streams, the *basement* shall be equipped throughout with an *approved automatic sprinkler system*.

**[F] 903.2.11.2 Rubbish and linen chutes.** An *automatic sprinkler system* shall be installed at the top of rubbish and linen chutes and in their terminal rooms. Chutes shall have additional sprinkler heads installed at alternate floors and at the lowest intake. Where a rubbish chute extends through a building more than one floor below the lowest intake, the extension shall have sprinklers installed that are recessed from the drop area of the chute and protected from freezing in accordance with Section 903.3.1.1. Such sprinklers shall be installed at alternate floors, beginning with the second level below the last intake and ending with the floor above the discharge. Chute sprinklers shall be accessible for servicing.

**[F] 903.2.11.3 Buildings 55 feet or more in height.** An *automatic sprinkler system* shall be installed throughout buildings that have one or more stories other than penthouses in compliance with Section 1510 [~~with an occupant load of 30 or more~~] located 55 feet (16 764 mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

**Exception[s]:**

- [1.] Open parking structures in compliance with Section 406.5, having no other occupancies above the subject garage.
2. ~~Occupancies in Group F-2.]~~

**[F] 903.2.11.4 Ducts conveying hazardous exhausts.** Where required by the *Dallas [International] Mechanical Code*, automatic sprinklers shall be provided in ducts conveying hazardous exhaust or flammable or combustible materials.

**Exception:** Ducts where the largest cross-sectional diameter of the duct is less than 10 inches (254 mm).

[F] **903.2.11.5 Commercial cooking operations.** An *automatic sprinkler system* shall be installed in commercial kitchen exhaust and duct systems where an *automatic sprinkler system* is used to comply with Section 904.

[F] **903.2.11.6 Other required suppression systems.** In addition to the requirements of Section 903.2, the provisions indicated in Table 903.2.11.6 also require the installation of a fire suppression system for certain buildings and areas.

**903.2.11.7 High-piled combustible storage.** For any building with a clear height exceeding 12 feet (4572 mm), see Chapter 32 of the *Dallas Fire Code* to determine if those provisions apply.

**903.2.11.8 Spray booths and rooms.** New and existing spray booths and spraying rooms must be protected by an *approved automatic fire-extinguishing system*.

[F] **903.2.12 During construction.** *Automatic sprinkler systems* required during construction, *alteration* and demolition operations shall be provided in accordance with Chapter 33 of the *Dallas [International] Fire Code*.

**903.2.13 Building fire areas.** Any qualified building area must provide a minimum number of fire walls throughout the building such that no building fire area exceeds the limits of the number listed in Table 903.2.13. Qualified building area is the total allowable area which has been determined first by the methods of increase as given in Section 506 without using the increases for sprinklers.

**Exception:** Fire walls are not required in accordance with this section in any of the following cases:

1. Buildings that have an *approved automatic sprinkler system* installed throughout in accordance with Sections 903.3.1.1 and 903.3.1.2.
2. Open air portions of Group A, Division 5 occupancies.
3. Open parking garages complying with Section 406.5.
4. Buildings of Type I or Type II construction used exclusively for noncombustible contents or the storage of noncombustible material not packed or crated in combustible material.
5. The floor area of existing nonsprinklered buildings housing other than Group H occupancies may be increased by not more than 5 percent. The floor area increase must not exceed 2,500 square feet (232.25 m<sup>2</sup>). Not more than one increase in floor area is permitted under this exception.”

47. Subsection [F] 903.2, “Where Required,” of Section 903, “Automatic Sprinkler Systems,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended by adding a new Table 903.2.13, “Building Fire Area Limits (Sq. Ft.),” to read as follows:

**“TABLE 903.2.13  
BUILDING FIRE AREA LIMITS (SQ. FT.)**

GROUP	TYPE OF CONSTRUCTION								
	TYPE I		TYPE II		TYPE III		TYPE IV	TYPE V	
	A	B	A	B	A	B	HT	A	B
<b>A<sup>1</sup></b>	25,000	25,000	15,000	8,500	14,000	8,500	15,000	11,500	5,500
<b>A<sup>2,3</sup></b>	25,000	25,000	15,000	8,500	15,000	8,500	15,000	15,000	5,500
<b>A<sup>4</sup>, F, M, S-1, S-2<sup>5</sup></b>	25,000	25,000	15,000	10,000	15,000	10,000	15,000	15,000	7,500
<b>A-4<sup>6</sup></b>	@	@	@	@	@	@	@	@	@
<b>A-5<sup>7</sup>, B<sup>8</sup>, E</b>	35,000	35,000	20,000	15,000	20,000	15,000	20,000	15,000	7,500
<b>B<sup>9</sup></b>	25,000	25,000	15,000	10,000	15,000	10,000	15,000	15,000	7,500
<b>H, I-1, I-3, I-4</b>	0	0	0	0	0	0	0	0	0
<b>I-2</b>	0	0	0	0	0	NP	0	0	NP
<b>R</b>	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500
<b>U<sup>10</sup></b>	@	@	@	@	@	@	@	@	@
<b>U<sup>11,12</sup></b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

For SI: 1 foot = 305 mm, 1 square foot = 0.0929 m<sup>2</sup>.

NP: Not Permitted

NA: Not Applicable

1. Assembly with a stage and occupant load of 1,000 or more.
2. Assembly with a stage and occupant load of less than 1,000.
3. Assembly without a stage with occupant load of 300 or more.
4. Assembly without a stage with occupant load of less than 300.
5. Open parking garages. See Sections 406.3, 403.1, and 903.2.13, Exception 3.
6. Indoor sports, see Footnote 1, 2, 3 or 4, as appropriate.
7. Stadiums, reviewing stands, amusement park structures not with other A occupancy. See Sections 903.2.13 and 403.1.
8. Office buildings, police and fire stations, buildings with rooms used for education beyond 12<sup>th</sup> grade with less than 50 persons.
9. All other B occupancies.
10. Private garages and carports. See Section 406.3.
11. Fences over 6 feet high, tanks, sheds and agricultural buildings not classifiable in other occupancies.
12. Towers, See Section 412.”

48. Subsection [F] 903.3, “Installation Requirements,” of Section 903, “Automatic Sprinkler Systems,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

“[F] **903.3 Installation requirements.** *Automatic sprinkler systems* shall be designed and installed in accordance with Sections 903.3.1 through 903.3.8.

[F] **903.3.1 Standards.** Sprinkler systems shall be designed and installed in accordance with Section 903.3.1.1 unless otherwise permitted by Sections 903.3.1.2 and 903.3.1.3 and other chapters of this code, as applicable.

[F] **903.3.1.1 NFPA 13 sprinkler systems.** Where the provisions of this code require that a building or portion thereof be equipped throughout with an *automatic sprinkler system* in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Sections 903.3.1.1.1 and 903.3.1.1.2.

[F] **903.3.1.1.1 Exempt locations.** When approved by the fire code official, ~~a~~[A]utomatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an *approved* automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from a room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. A room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. A room or space where sprinklers are considered undesirable because of the nature of the contents, when *approved* by the fire code official.

3. Generator and transformer rooms separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a *fire-resistance rating* of not less than 2 hours.
4. ~~[Rooms or areas that are of noncombustible construction with wholly noncombustible contents.]~~
5. ~~Fire service access]~~ E[e]levator machine rooms, [and] machinery spaces and hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.
6. ~~Machine rooms, machinery spaces, control rooms and control spaces associated with occupant evacuation elevators designed in accordance with Section 3008.]~~

~~[F]903.3.1.1.2. **Residential systems.** Residential sprinkler systems installed in accordance with Sections 903.3.1.2 and 903.3.1.3 will be recognized for the purposes of exceptions or reductions, commonly referred to as “trade-offs,” only if permitted by other provisions of this code. **Bathrooms.** In Group R occupancies, other than Group R-4 occupancies, sprinklers shall not be required in bathrooms that do not exceed 55 square feet (5 m<sup>2</sup>) in area and are located within individual *dwelling units* or *sleeping units*, provided that walls and ceilings, including the walls and ceilings behind a shower enclosure or tub, are of noncombustible or limited combustible materials with a 15-minute thermal barrier rating.]~~

**[F] 903.3.1.2 NFPA 13R sprinkler systems.** *Automatic sprinkler systems* in Group R occupancies up to and including four stories in height in buildings not exceeding 60 feet (18 288 mm) in height above grade plane shall be permitted to be installed throughout in accordance with NFPA 13R. Refer also to Section 903.3.1.1.2.

The number of stories of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 shall be measured from the horizontal assembly creating separate buildings.

**[F] 903.3.1.2.1 Balconies and decks.** Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of *dwelling units* and *sleeping units* where the building is of Type V construction, provided there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

[F] **903.3.1.2.2 Open-ended corridors.** Sprinkler protection shall be provided in *open-ended corridors* and associated *exterior stairways* and *ramps* as specified in Section 1027.6, Exception 3.

**903.3.1.2.3 Attics and attached garages.** Sprinkler protection is required in attic spaces of buildings two or more stories in height, in accordance with NFPA 13 and or NFPA 13R requirements, and attached garages.

[F] **903.3.1.3 NFPA 13D sprinkler systems.** *Automatic sprinkler systems* installed in one- and two-family *dwelling*s; Group R-3, Group R-4 Condition 1 and *townhouses* shall be permitted to be installed throughout in accordance with NFPA 13D. Refer also to Section 903.3.1.1.2.

**903.3.1.4 Freeze protection.** Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

**903.3.1.4.1 Attics.** Only dry-pipe, preaction or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

**Exception:** Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. the attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building;
2. adequate heat is provided for freeze protection in accordance with the applicable referenced NFPA standard, and
3. the attic space is a part of the building's thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.

**903.3.1.4.2 Heat trace/insulation.** Heat trace/insulation shall only be allowed where approved by the fire code official for small sections of large diameter water-filled pipe.

[F] **903.3.2 Quick-response and residential sprinklers.** Where *automatic sprinkler systems* are required by this code, quick-response or residential automatic sprinklers shall be installed in the following areas in accordance with Section 903.3.1 and their listings:

1. Throughout all spaces within a smoke compartment containing care recipient *sleeping units* in Group I-2 in accordance with this code.

2. Throughout all spaces within a smoke compartment containing treatment rooms in ambulatory care facilities.
3. *Dwelling units* and *sleeping units* in Group I-1 and R occupancies.
4. Light-hazard occupancies as defined in NFPA 13.

**[F] 903.3.3 Obstructed locations.** Automatic sprinklers shall be installed with due regard to obstructions that will delay activation or obstruct the water distribution pattern. Automatic sprinklers shall be installed in or under covered kiosks, displays, booths, concession stands, or equipment that exceeds 4 feet (1219 mm) in width. Not less than a 3-foot (914 mm) clearance shall be maintained between automatic sprinklers and the top of piles of combustible fibers.

**Exception:** Kitchen equipment under exhaust hoods protected with a fire-extinguishing system in accordance with Section 904.

**[F] 903.3.4 Actuation.** *Automatic sprinkler systems* shall be automatically actuated unless specifically provided for in this code.

**[F] 903.3.5 Water supplies.** Water supplies for *automatic sprinkler systems* shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the *Dallas* [~~International~~] *Plumbing Code*. For connections to public waterworks systems, the water supply test used for design of fire protection systems shall be adjusted to account for seasonal and daily pressure fluctuations based on information from the water supply authority and as approved by the fire code official.

Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every fire protection system shall be designed with a 10 psi (69 Pa) safety factor. Where a waterflow test is used for the purposes of system design, the test shall be conducted no more than 12 months prior to working plan submittal unless otherwise approved by the authority having jurisdiction. Refer to Section 507.4 for additional design requirements.

**[F] 903.3.5.1 Domestic services.** Where the domestic service provides the water supply for the *automatic sprinkler system*, the supply shall be in accordance with this section.

**[F] 903.3.5.2 [~~Residential-e~~]Combination services.** In all NFPA 13 and 13R designs, a[A] single combination water supply shall be allowed provided that the domestic demand is added to the sprinkler demand as required by NFPA 13, 13R, and 13D. Combination services four inches and larger shall be subject to the acceptance tests contained in the installation standards. Acceptance tests shall be witnessed and approved by the fire code official.

[F] **903.3.6 Hose threads.** Fire hose threads and fittings used in connection with *automatic sprinkler systems* shall be as prescribed by the fire code official.

[F] **903.3.7 Fire department connections.** Fire department connections for *automatic sprinkler systems* shall be installed in accordance with Section 912.

[F] **903.3.8 Limited area sprinkler systems.** Limited area sprinkler systems shall be in accordance with the standards listed in Section 903.3.1 except as provided in Sections 903.3.8.1 through 903.3.8.5.

**903.3.8.1 Number of sprinklers.** Limited area sprinkler systems shall not exceed six sprinklers in any single *fire area*.

**903.3.8.2 Occupancy hazard classification.** Only areas classified by NFPA 13 as Light Hazard or Ordinary Hazard Group 1 shall be permitted to be protected by limited area sprinkler systems.

**903.3.8.3 Piping arrangement.** Where a limited area sprinkler system is installed in a building with an automatic wet standpipe system, sprinklers shall be supplied by the standpipe system. Where a limited area sprinkler system is installed in a building without an automatic wet standpipe system, water shall be permitted to be supplied by the plumbing system provided that the plumbing system is capable of simultaneously supplying domestic and sprinkler demands.

**903.3.8.4 Supervision.** Control valves shall not be installed between the water supply and sprinklers unless the valves are of an *approved* indicating type that are supervised or secured in the open position.

**903.3.8.5 Calculations.** Hydraulic calculations in accordance with NFPA 13 shall be provided to demonstrate that the available water flow and pressure are adequate to supply all sprinklers installed in any single *fire area* with discharge densities corresponding to the hazard classification.”

49. Subsection [F] 903.4, “Sprinkler System Supervision and Alarms,” of Section 903, “Automatic Sprinkler Systems,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

“[F] **903.4 Sprinkler system supervision and alarms.** All ~~v~~[V]alves on the building side of the water meter controlling the water supply for *automatic sprinkler systems*, pumps, tanks, water levels and temperatures, critical air pressures and waterflow switches on all sprinkler systems shall be electrically supervised by a *listed* fire alarm control unit.

**Exceptions:**

1. *Automatic sprinkler systems* protecting one- and two-family *dwellings*.
2. Limited area sprinkler systems in accordance with Section 903.3.8.
3. *Automatic sprinkler systems* installed in accordance with NFPA 13R where a common supply main is used to supply both domestic water and the *automatic sprinkler system*, and a separate shutoff valve for the *automatic sprinkler system* is not provided.
4. Jockey pump control valves that are sealed or locked in the open position.
5. Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.
6. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.
7. Trim valves to pressure switches in dry, preaction and deluge sprinkler systems that are sealed or locked in the open position.

Sprinkler and standpipe system water-flow detectors must be provided for each floor tap to the sprinkler system and must cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves must be electrically supervised to initiate a supervisory signal at the central station upon tampering.

**[F] 903.4.1 Monitoring.** Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an *approved* supervising station or, where *approved* by the fire code official, shall sound an audible signal at a *constantly attended location*.

**Exceptions:**

1. Underground key or hub valves in roadway boxes provided by the municipality or public utility are not required to be monitored.
2. Backflow prevention device test valves located in limited area sprinkler system supply piping shall be locked in the open position. In occupancies required to be equipped with a fire alarm system, the backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 and separately annunciated.

**[F] 903.4.2 Alarms.** A weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection [~~An approved audible device, located on the exterior of the building in an approved location,~~]

shall be connected to every [~~each~~] *automatic sprinkler system*. Such sprinkler waterflow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the *automatic sprinkler system* shall actuate the building fire alarm system.

**[F] 903.4.3 Floor control valves.** *Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in high-rise-buildings.*

50. Subsection [F] 905.2, “Installation Standard,” of Section 905, “Standpipe Systems,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

**“[F] 905.2 Installation standard.** Standpipe systems shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10 psig (69 kPa) and a maximum of 40 psig (276 kPa) air pressure with a high/low alarm. Fire department connections for standpipe systems shall be in accordance with Section 912.”

51. Subsection [F] 905.3, “Required Installations,” of Section 905, “Standpipe Systems,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

**“[F] 905.3 Required installations.** Standpipe systems shall be installed where required by Sections 905.3.1 through 905.3.9 [~~905.3-8~~]. Standpipe systems are allowed to be combined with *automatic sprinkler systems*.

**Exception:** Standpipe systems are not required in Group R-3 occupancies.

**[F] 905.3.1 Height.** Class III standpipe systems shall be installed throughout buildings where the floor level of the highest *story* is located more than 30 feet (9144 mm) above the lowest level of fire department vehicle access, or where the floor level of the lowest *story* is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access.

**Exceptions:**

1. Class I standpipes are allowed in buildings equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2.
2. Class I manual standpipes are allowed in *open parking garages* where the highest floor is located not more than 150 feet (45 720 mm) above the lowest level of fire department vehicle access.

3. Class I manual dry standpipes are allowed in *open parking garages* that are subject to freezing temperatures, provided that the hose connections are located as required for Class II standpipes in accordance with Section 905.5.
4. Class I standpipes are allowed in basements equipped throughout with an *automatic sprinkler system*.
5. In determining the lowest level of fire department vehicle access, it shall not be required to consider either of the following:
  - 5.1. Recessed loading docks for four vehicles or less.
  - 5.2. Conditions where topography makes access from the fire department vehicle to the building impractical or impossible.

**[F] 905.3.2 Group A.** Class I automatic wet standpipes shall be provided in nonsprinklered Group A buildings having an *occupant load* exceeding 1,000 persons.

**[Exceptions:**

- ~~1. Open air seating spaces without enclosed spaces.~~
- ~~2. Class I automatic dry and semiautomatic dry standpipes or manual wet standpipes are allowed in buildings that are not high rise buildings.]~~

**[F] 905.3.3 Covered and open mall buildings.** Covered mall and open mall buildings shall be equipped throughout with a standpipe system where required by Section 905.3.1. Mall buildings not required to be equipped with a standpipe system by Section 905.3.1 shall be equipped with Class I hose connections connected to the *automatic sprinkler system* sized to deliver water at 250 gallons per minute (946.4 L/min) at the most hydraulically remote hose connection while concurrently supplying the automatic sprinkler system demand. The standpipe system shall be designed to not exceed a 50 pounds per square inch (psi) (345 kPa) residual pressure loss with a flow of 250 gallons per minute (946.4 L/min) from the fire department connection to the hydraulically most remote hose connection. Hose connections shall be provided at each of the following locations:

1. Within the mall at the entrance to each *exit* passageway or *corridor*.
2. At each floor-level landing within *interior exit stairways* opening directly on the mall.
3. At exterior public entrances to the mall of a covered mall building.
4. At public entrances at the perimeter line of an open mall building.

5. At other locations as necessary so that the distance to reach all portions of a tenant space does not exceed 200 feet (60 960 mm) from a hose connection.

**[F] 905.3.4 Stages.** Stages greater than 1,000 square feet in area (93 m<sup>2</sup>) shall be equipped with a Class III wet standpipe system with 1½-inch and 2½ -inch (38 mm and 64 mm) hose connections on each side of the stage.

**Exception:** Where the building or area is equipped throughout with an *automatic sprinkler system*, a 1½-inch (38 mm) hose connection shall be installed in accordance with NFPA 13 or in accordance with NFPA 14 for Class II or III standpipes.

**[F] 905.3.4.1 Hose and cabinet.** The 1½-inch (38 mm) hose connections shall be equipped with sufficient lengths of 1½-inch (38 mm) hose to provide fire protection for the stage area. Hose connections shall be equipped with an *approved* adjustable fog nozzle and be mounted in a cabinet or on a rack.

**[F] 905.3.5 Underground buildings.** Underground buildings shall be equipped throughout with a Class I automatic wet or manual wet standpipe system.

**[F] 905.3.6 Helistops and heliports.** Buildings with a rooftop *helistop* or *heliport* shall be equipped with a Class I or III standpipe system extended to the roof level on which the *helistop* or *heliport* is located in accordance with Section 2007.5 of the Dallas [International] Fire Code.

**[F] 905.3.7 Marinas and boatyards.** Standpipes in marinas and boatyards shall comply with Chapter 36 of the Dallas [International] Fire Code.

**[F] 905.3.8 Rooftop gardens and landscaped roofs.** Buildings or structures that have rooftop gardens or landscaped roofs and that are equipped with a standpipe system shall have the standpipe system extended to the roof level on which the rooftop garden or landscaped roof is located.

**905.3.9 Buildings exceeding 10,000 square feet.** In buildings exceeding 10,000 square feet (929.03 m<sup>2</sup>) per story, Class I automatic wet or manual wet standpipes must be provided where any portion of the building’s interior area is more than 200 feet (60 960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access.

**Exceptions:**

1. Automatic dry and semi-automatic dry standpipes are allowed as provided for in NFPA 14.
2. R-2 occupancies of four stories or less in height having no interior corridors.”

52. Subsection [F] 905.4, “Location of Class I Standpipe Hose Connections,” of Section 905, “Standpipe Systems,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

“**[F] 905.4 Location of Class I standpipe hose connections.** Class I standpipe hose connections shall be provided in all of the following locations:

1. In every required [~~interior~~] *exit stairway*, a hose connection shall be provided for each story above or below grade. Hose connections shall be located at an intermediate landing between stories, unless otherwise *approved* by the fire code official.
2. On each side of the wall adjacent to the *exit* opening of a *horizontal exit*.

**Exception:** Where floor areas adjacent to a *horizontal exit* are reachable from an [~~interior~~] *exit stairway* hose connection by a 30-foot (9144 mm) hose stream from a nozzle attached to 100 feet (30 480 mm) of hose, a hose connection shall not be required at the *horizontal exit*.

3. In every *exit* passageway, at the entrance from the *exit* passageway to other areas of a building.

**Exception:** Where floor areas adjacent to an *exit* passageway are reachable from an [~~interior~~] *exit stairway* hose connection by a 30-foot (9144 mm) hose stream from a nozzle attached to 100 feet (30 480 mm) of hose, a hose connection shall not be required at the entrance from the *exit* passageway to other areas of the building.

4. In covered mall buildings, adjacent to each exterior public entrance to the mall and adjacent to each entrance from an *exit* passageway or *exit* corridor to the mall. In open mall buildings, adjacent to each public entrance to the mall at the perimeter line and adjacent to each entrance from an *exit* passageway or *exit* corridor to the mall.
5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way [a] hose connection [~~shall be~~] located to serve the roof or at the highest landing of an *interior exit stairway* with access to the roof provided in accordance with Section 1011.12
6. Where the most remote portion of a nonsprinklered floor or *story* is more than 150 feet (45 720 mm) from a hose connection or the most remote portion of a sprinklered floor or *story* is more than 200 feet (60 960 mm) from a hose connection, the fire code official is authorized to require that additional hose connections be provided in *approved* locations.

7. When required by this chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at 200 foot intervals along major corridors thereafter, or as otherwise approved by the fire code official.

**[F] 905.4.1 Protection.** Risers and laterals of Class I standpipe systems not located within an *interior exit stairway* shall be protected by a degree of *fire resistance* equal to that required for vertical enclosures in the building in which they are located.

**Exception:** In buildings equipped throughout with an *approved automatic sprinkler system*, laterals that are not located within an *interior exit stairway* are not required to be enclosed within fire-resistance-rated construction.

**[F] 905.4.2 Interconnection.** In buildings where more than one standpipe is provided, the standpipes shall be interconnected in accordance with NFPA 14.

**905.4.3 Additional requirements.** All Class I standpipes must be:

1. Filled with water at all times; or
2. Supervised with a minimum of 10 psig (69 kPa) air pressure with a high/low alarm.”

53. Section 905, “Standpipe Systems,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended by adding a new Subsection 905.11, “Standpipe Testing,” to read as follows:

**“905.11 Standpipe testing.** Building owners/managers shall use a licensed fire protection contractor to test and certify standpipe systems. In addition to the standpipe systems testing and maintenance requirements of NFPA 25, the following additional requirements shall be applied to the testing that is required every 5 years:

1. The piping between the fire department connection (FDC) and the standpipe shall be hydrostatically tested for all FDCs on any type of standpipe system. Hydrostatic testing shall also be conducted in accordance with NFPA 25 requirements for the different types of standpipe systems.
2. For any manual (dry or wet) standpipe system not having an automatic water supply capable of flowing water through the standpipe, the contractor shall connect a hose from a fire hydrant or portable pumping system (as approved by the fire code official) to each FDC, and flow water (at an approved rate and pressure) through the standpipe system to the roof outlet to verify that each inlet connection functions properly. Verify that check valves function properly and that there are no closed control valves on the system.
3. Any pressure relief, reducing, or control valves shall be tested in accordance with the requirements of NFPA 25.

4. If the FDC is not already provided with approved caps, the contractor shall install such caps for all FDCs.
5. Upon successful completion of standpipe test, the contractor shall place an appropriate service tag as per the State of Texas provisions.
6. The contractor shall follow the procedures required by the State of Texas with regard to appropriate tags denoting noncompliance, impairment or any deficiencies noted during the testing, including the required notification of the local authority having jurisdiction.
7. Additionally, records of the testing shall be maintained by the owner and contractor, as required by the State of Texas and NFPA 25.
8. Standpipe system tests where water will be flowed external to the building shall not be conducted during freezing conditions or during the day prior to expected night time freezing conditions.
9. Contact the fire code official for requests to remove existing fire hose from Class II and III standpipe systems where employees are not trained in the utilization of this firefighting equipment. All standpipe hose valves must remain in place and be provided with an approved cap and chain when approval is given to remove hose by the fire code official.”

54. Subsection [F] 907.1, “General,” of Section 907, “Fire Alarm and Detection Systems,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

“[F] **907.1 General.** This section covers the application, installation, performance and maintenance of fire alarm systems and their components. Provisions of the *Dallas Fire Code* govern in the event of conflicts between this section and the corresponding section of the *Dallas Fire Code*.”

[F] **907.1.1 Construction documents.** *Construction documents* for fire alarm systems shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code, the *Dallas [International] Fire Code*, and relevant laws, ordinances, rules and regulations, as determined by the fire code official.

[F] **907.1.2 Fire alarm shop drawings.** Shop drawings for fire alarm systems shall be submitted for review and approval prior to system installation, and shall include, but not be limited to, all of the following where applicable to the system being installed:

1. A floor plan that indicates the use of all rooms.
2. Locations of alarm-initiating devices.
3. Locations of alarm notification appliances, including candela ratings for visible alarm notification appliances.
4. Design minimum audibility level for occupant notification.
5. Location of fire alarm control unit, transponders and notification power supplies.
6. Annunciators.
7. Power connection.
8. Battery calculations.
9. Conductor type and sizes.
10. Voltage drop calculations.
11. Manufacturers' data sheets indicating model numbers and listing information for equipment, devices and materials.
12. Details of ceiling height and construction.
13. The interface of fire safety control functions.
14. Classification of the supervising station.

**[F] 907.1.3 Equipment.** Systems and components shall be *listed* and *approved* for the purpose for which they are installed. Where such systems are installed, they must be designed, installed and maintained in accordance with this code and the applicable NFPA standards.

**907.1.3.1 Prohibited equipment.** Smoke generating devices activated by a burglar alarm, motion detector, tamper alarm or other type of intruder alarms are prohibited in all buildings.

**907.1.4 Design standards.** All new or replaced fire alarm systems (including fire alarm control panel replacements) must comply with the requirements of Section 907 and shall be addressable and in accordance with Section 907.6.3. Alarm systems utilizing more than 20 alarm initiating devices shall be analog addressable.

**Exception:** Existing systems need not comply unless the total building or fire alarm system remodel or expansion initiated after the effective date of this code exceeds 30 percent of the building area. When cumulative building remodel or expansion exceeds 50 percent of the building area, all existing systems shall comply within 18 months of permit application. The owner or operator of the facility shall maintain documentation of the amount of fire alarm system remodel or expansion. The documentation must be submitted with each fire alarm system plan submittal or upon request from the fire code official.

**907.1.5 Area separation walls/fire walls.** Area separation walls/fire walls must not be used to reduce or eliminate fire alarm requirements.

**Exception:** Adjacent spaces are considered separate areas for fire alarm purposes if separated by minimum fire-rated construction as required in this code to define separate buildings. Separating walls cannot have openings that permit occupant communication between the spaces.”

55. Paragraph [F] 907.2.1, “Group A,” of Subsection [F] 907.2, “Where Required—New Buildings and Structures,” of Section 907, “Fire Alarm and Detection Systems,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

“[F] **907.2.1 Group A.** A manual fire alarm system and automatic fire detection in paths of egress that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies having an [where the] occupant load of [due to the assembly occupancy is] 300 or more persons or more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.10 shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Activation of fire alarm notification appliances must:

1. Cause illumination of the *means of egress* with light of not less than 1 foot candle (11 lux) at the walking surface level, and
2. Stop any conflicting or confusing sounds and visual distractions.

**Exception:** Manual fire alarm boxes are not required where the building is equipped throughout with an *automatic sprinkler system* installed in accordance with Section

903.3.1.1, and automatic fire detection in paths of egress, and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

**[F] 907.2.1.1 System initiation in Group A occupancies with an occupant load of 1,000 or more.** Activation of the fire alarm in Group A occupancies with an *occupant load* of 1,000 or more shall initiate a signal using an emergency voice/alarm communications system in accordance with Section 907.5.2.2.

**Exception:** Where *approved*, the prerecorded announcement is allowed to be manually deactivated for a period of time, not to exceed 3 minutes, for the sole purpose of allowing a live voice announcement from an *approved, constantly attended location*.

**[F] 907.2.1.2 Emergency voice/alarm communication captions.** Stadiums, arenas and grandstands required to caption audible public announcements shall be in accordance with Section 907.5.2.2.4.”

56. Paragraph [F] 907.2.2, “Group B,” of Subsection [F] 907.2, “Where Required—New Buildings and Structures,” of Section 907, “Fire Alarm and Detection Systems,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

“**[F] 907.2.2 Group B.** A manual fire alarm system and automatic fire detection in paths of egress shall be installed in Group B occupancies where one of the following conditions exists:

1. The combined Group B *occupant load* of all floors is 500 or more.
2. The Group B *occupant load* is more than 100 persons above or below the lowest *level of exit discharge*.
3. The *fire area* contains an ambulatory care facility.

**Exception:** Manual fire alarm boxes and automatic fire detection in paths of egress are not required where the building is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

**[F] 907.2.2.1 Ambulatory care facilities.** *Fire areas* containing ambulatory care facilities shall be provided with an electronically supervised automatic smoke detection system installed within the ambulatory care facility and in public use areas outside of tenant spaces, including public *corridors* and elevator lobbies.

~~[Exception: Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, provided the occupant notification appliances will activate throughout the notification zones upon sprinkler waterflow.]”~~

57. Paragraph [F] 907.2.3, “Group E,” of Subsection [F] 907.2, “Where Required—New Buildings and Structures,” of Section 907, “Fire Alarm and Detection Systems,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

**[F] 907.2.3 Group E.** A manual fire alarm system and automatic fire detection in paths of egress that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E educational occupancies. Group E day care occupancies shall have a smoke detector in all areas used by children. When *automatic sprinkler systems* or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. Unless separated by a minimum of 100 feet (30 480 mm) of open space, all buildings, whether portable buildings or the main building, will be considered one building for fire alarm occupant load consideration and interconnection of alarm systems.

**Exceptions:**

1. A manual fire alarm system with automatic fire detection in paths of egress is not required in Group E educational and day care occupancies with an *occupant load* of 30 [50] or less when provided with an approved automatic sprinkler system.
2. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group E occupancies with occupant loads of 100 or less, provided that activation of the manual fire alarm system initiates an *approved* occupant notification signal in accordance with Section 907.5.
3. ~~[Manual fire alarm boxes are not required in Group E occupancies where all of the following apply:~~
  - 3.1 ~~Interior corridors are protected by smoke detectors.~~
  - 3.2 ~~Auditoriums, cafeterias, gymnasiums and similar areas are protected by heat detectors or other approved detection devices.~~

~~3.3 Shops and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.~~

4.] Manual fire alarm boxes and fire detection in paths of egress shall not be required in Group E educational occupancies where all of the following apply:

~~3]~~4.1]. The building is equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1.

~~3]~~4.2]. The emergency voice/alarm communication system will activate on sprinkler water flow.

~~3]~~4.3]. Manual activation is provided from a normally occupied location.

4. Residential in-home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2½ years of age or younger, see Section 907.2.6.)

**907.2.3.1 Exterior alarm-signaling device.** Alarm-sharing devices must be mounted on the exterior of the building in all common use/gathering areas.”

58. Paragraph [F] 907.2.6, “Group I,” of Subsection [F] 907.2, “Where Required—New Buildings and Structures,” of Section 907, “Fire Alarm and Detection Systems,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code Code is amended by adding a new Subparagraph 907.2.6.4, “Institutional Group I-4 Day Care Facilities,” to read as follows:

**“907.2.6.4 Group I-4 day care facilities.** A manual fire alarm system and automatic fire detection in paths of egress that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group I-4 day care facility occupancies. Group I-4 day care facility occupancies shall have smoke detectors in all areas used by children. When *automatic sprinkler systems* or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.”

59. Paragraph [F] 907.2.7, “Group M,” of Subsection [F] 907.2, “Where Required—New Buildings and Structures,” of Section 907, “Fire Alarm and Detection Systems,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

**[F] 907.2.7 Group M.** A manual fire alarm system and an automatic fire protection system in paths of ingress that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group M occupancies where one of the following conditions exists:

1. The combined Group M *occupant load* of all floors is 500 or more persons.
2. The Group M *occupant load* is more than 100 persons above or below the lowest *level of exit discharge*.

**Exceptions:**

1. A manual fire alarm system is not required in *covered or open mall buildings* complying with Section 402.
2. Manual fire alarm boxes and an automatic fire detection system in paths of egress are not required where the building is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 and the occupant notification appliances will automatically activate throughout the notification zones upon sprinkler waterflow.

**[F] 907.2.7.1 Occupant notification.** During times that the building is occupied, the initiation of a signal from a manual fire alarm box, [Ø] from a waterflow switch or automatic fire detection system shall not be required to activate the alarm notification appliances when an alarm signal is activated at a *constantly attended location* from which evacuation instructions shall be initiated over an emergency voice/alarm communication system installed in accordance with Section 907.5.2.2.”

60. Paragraph [F] 907.2.13, “High-Rise Buildings,” of Subsection [F] 907.2, “Where Required—New Buildings and Structures,” of Section 907, “Fire Alarm and Detection Systems,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

**[F] 907.2.13 High-rise buildings.** [~~High-rise~~] B[b]uildings with a floor used for human occupancy located more than 75 feet (22 860 mm) above the lowest level of fire department vehicle access shall be provided with an automatic smoke detection/fire alarm system in accordance with Section 907.2.13.1, a fire department communication system in accordance with Section 907.2.13.2 and an emergency voice/alarm communication system in accordance with Section 907.5.2.2.

**Exceptions:**

1. Airport traffic control towers in accordance with Sections 412 and 907.2.22.
2. *Open parking garages* in accordance with Section 406.5.
3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.6, however this exception does not apply to enclosed concourses or accessory use areas including, but not limited to, skyboxes, restaurants and similarly enclosed areas [303.4].
4. Low-hazard special occupancies in accordance with Section 503.1.1.
5. Buildings with an occupancy in Group H-1, H-2 or H-3 in accordance with Section 415.
6. In Group I-1 and I-2 occupancies, the alarm shall sound at a *constantly attended location* and occupant notification shall be broadcast by the emergency voice/alarm communication system.

**[F] 907.2.13.1 Automatic smoke detection.** Automatic smoke detection in high-rise buildings shall be in accordance with Sections 907.2.13.1.1 and 907.2.13.1.2.

**[F] 907.2.13.1.1 Area smoke detection.** Area smoke detectors shall be provided in accordance with this section. Smoke detectors shall be connected to an automatic fire alarm system. The activation of any detector required by this section shall activate the emergency voice/alarm communication system in accordance with Section 907.5.2.2. In addition to smoke detectors required by Sections 907.2.1 through 907.2.10, smoke detectors shall be located as follows:

1. In each mechanical equipment, electrical transformer, telephone equipment or similar room which is not provided with sprinkler protection.
2. In each elevator machine room, machinery room, control room and control space and in elevator lobbies.
3. In all interior corridors serving as a means of egress for an occupant load of 10 or more in Group R-1 and R-2 occupancies.

**[M] 907.2.13.1.2 Duct smoke detection.** Duct smoke detectors complying with Section 907.3.1 shall be located ~~as follows:~~

- ~~4.] i[F]n the main return air and exhaust air plenum of each air-conditioning system having a capacity greater than 2,000 cubic feet per minute (cfm) (0.94 m<sup>3</sup>/s). Such detectors shall be located in a serviceable area downstream of the last duct inlet and per NFPA 72. The actuation of any such detector must shut down the affected air-handling units or operate dampers to prevent the~~

recirculation of smoke. Controls allowing the manual restarting of air-handling equipment during an alarm condition must be provided.

~~[2. At each connection to a vertical duct or riser serving two or more stories from a return air duct or plenum of an air conditioning system. In Group R-1 and R-2 occupancies, a smoke detector is allowed to be used in each return air riser carrying not more than 5,000 cfm (2.4 m<sup>3</sup>/s) and serving not more than 10 air inlet openings.]~~

**[F] 907.2.13.2 Fire department communication system.** Where a wired communication system is *approved* in lieu of an emergency responder radio coverage system in accordance with Section 510 of the *Dallas [International] Fire Code*, the wired fire department communication system shall be designed and installed in accordance with NFPA 72 and shall operate between a fire command center complying with Section 911, elevators, elevator lobbies, emergency and standby power rooms, fire pump rooms, *areas of refuge* and inside *interior exit stairways*. The fire department communication device shall be provided at each floor level within the *interior exit stairway*.”

61. Paragraph [F] 907.4.2, “Manual Fire Alarm Boxes,” of Subsection [F] 907.4, “Initiating Devices,” of Section 907, “Fire Alarm and Detection Systems,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

“**[F] 907.4.2 Manual fire alarm boxes.** Where a manual fire alarm system is required by another section of this code, it shall be activated by alarm boxes installed in accordance with Sections 907.4.2.1 through 907.4.2.6. Manual fire alarm actuating devices must be an approved double action type.”

**[F] 907.4.2.1 Location.** Manual fire alarm boxes shall be located not more than 5 feet (1524 mm) from the entrance to each *exit*. In buildings not protected by an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2, additional manual fire alarm boxes shall be located so that the *exit access* travel distance to the nearest box does not exceed 200 feet (60 960 mm).

**[F] 907.4.2.2 Height.** The height of the manual fire alarm boxes shall be not less than 42 inches (1067 mm) and not more than 48 inches (1372 mm) measured vertically, from the floor level to the activating handle or lever of the box.

**[F] 907.4.2.3 Color.** Manual fire alarm boxes shall be red in color.

**Exception:** Other colors may be acceptable if red does not provide a contrast with the surrounding background, when approved by the fire code official.

**[F] 907.4.2.4 Signs.** Where approved existing fire alarm systems are not monitored by a supervising station, an *approved* permanent sign shall be installed adjacent to each manual fire alarm box that reads: WHEN ALARM SOUNDS CALL FIRE DEPARTMENT.

**Exception:** Where the manufacturer has permanently provided this information on the manual fire alarm box.

**[F] 907.4.2.5 Protective covers.** The fire code official is authorized to require the installation of *listed* manual fire alarm box protective covers to prevent malicious false alarms or to provide the manual fire alarm box with protection from physical damage. The protective cover shall be transparent or red in color with a transparent face to permit visibility of the manual fire alarm box. Each cover shall include proper operating instructions. A protective cover that emits a local alarm signal shall not be installed unless approved by the fire code official. Protective covers shall not project more than that permitted by Section 1003.3.3.

**[F] 907.4.2.6 Unobstructed and unobscured.** Manual fire alarm boxes shall be accessible, unobstructed, unobscured and visible at all times.”

62. Subparagraph [F] 907.5.2.2, “Emergency Voice/Alarm Communication Systems,” of Paragraph [F] 907.5.2, “Alarm Notification Appliances,” of Subsection [F] 907.5, “Occupant Notification Systems,” of Section 907, “Fire Alarm and Detection Systems,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

**“[F] 907.5.2.2 Emergency voice/alarm communication systems.** Emergency voice/alarm communication systems required by this code shall be designed and installed in accordance with NFPA 72. The operation of any automatic fire detector, sprinkler waterflow device or manual fire alarm box shall automatically sound an alert tone followed by voice instructions giving *approved* information and directions for a general or staged evacuation in accordance with the building’s fire safety and evacuation plans required by Section 404 of the *Dallas [International] Fire Code*. In high-rise buildings, the system shall operate on at least the alarming floor, the floor above and the floor below and identify on an annunciator the zone or address from which the alarm signal originated. Speakers shall be provided throughout the building by paging zones. At a minimum, paging zones shall be provided as follows:

1. Elevator groups.
2. *Interior exit stairways*.
3. Each floor.

4. *Areas of refuge* as defined in Chapter 2.

**Exception:** In Group I-1 and I-2 occupancies, the alarm shall sound in a constantly attended area and a general occupant notification shall be broadcast over the overhead page.

**[F] 907.5.2.2.1 Manual override.** A manual override for emergency voice communication shall be provided on a selective and all-call basis for all paging zones.

**[F] 907.5.2.2.2 Live voice messages.** The emergency voice/alarm communication system shall have the capability to broadcast live voice messages by paging zones on a selective and all-call basis.

**[F] 907.5.2.2.3 Alternate uses.** The emergency voice/alarm communication system shall be allowed to be used for other announcements, provided the manual fire alarm use takes precedence over any other use.

**[F] 907.5.2.2.4 Emergency voice/alarm communication captions.** Where stadiums, arenas and grandstands are required to caption audible public announcements in accordance with Section 1108.2.7.3, the emergency/voice alarm communication system shall be captioned. Prerecorded or live emergency captions shall be from an *approved* location constantly attended by personnel trained to respond to an emergency.

**[F] 907.5.2.2.5 Emergency power.** Emergency voice/alarm communications systems shall be provided with an approved emergency power source ~~in accordance with Section 2702. The system shall be capable of powering the required load for a duration of not less than 24 hours, as required in NFPA 72].~~

63. Subparagraph [F] 907.5.2.3, “Visible Alarms,” of Paragraph [F] 907.5.2, “Alarm Notification Appliances,” of Subsection [F] 907.5, “Occupant Notification Systems,” of Section 907, “Fire Alarm and Detection Systems,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

**“[F] 907.5.2.3 Visible alarms.** Visible alarm notification appliances shall be provided in accordance with Sections 907.5.2.3.1 through 907.5.2.3.3. Visual alarm notification appliances must be provided where an existing fire alarm system is upgraded, altered or a new fire alarm system is installed.

**Exceptions:**

1. Visible alarm notification appliances are not required in storage areas of Group S occupancies [~~alternations, except where an existing fire alarm system is upgraded or replaced, or a new fire alarm system is installed~~].
2. Visible alarm notification appliances shall not be required in *exits* as defined in Chapter 2.
3. Visible alarm notification appliances shall not be required in elevator cars.
4. Visual alarm notification appliances are not required in critical care areas of Group I-2 Condition 2 occupancies that are in compliance with Section 907.2.6, Exception 2.

**[F] 907.5.2.3.1 Public use areas and common use areas.** Visible alarm notification appliances shall be provided in *public use areas* and *common use areas*.

**Exception:** Where employee work areas have audible alarm coverage, the notification appliance circuits serving the employee work areas shall be initially designed with not less than 20-percent spare capacity to account for the potential of adding visible notification appliances in the future to accommodate hearing-impaired employee(s).

**[F] 907.5.2.3.2 Groups I-1 and R-1.** Group I-1 and R-1 *dwelling units* or *sleeping units* in accordance with Table 907.5.2.3.2 shall be provided with a visible alarm notification appliance, activated by both the in-room smoke alarm and the building fire alarm system.

**[F] 907.5.2.3.3 Group R-2.** In Group R-2 occupancies required by Section 907 to have a fire alarm system, all *dwelling units* and *sleeping units* shall be provided with the capability to support visible alarm notification appliances in accordance with Chapter 10 of ICC A117.1. Such capability shall be permitted to include the potential for future interconnection of the building fire alarm system with the unit smoke alarms, replacement of audible appliances with combination audible/visible appliances, or future extension of the existing wiring from the unit smoke alarm locations to required locations for visible appliances.”

64. Paragraph [F] 907.6.1, “Wiring,” of Subsection [F] 907.6, “Installation and Monitoring,” of Section 907, “Fire Alarm and Detection Systems,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended by adding a new Subparagraph 907.6.1.1, “Installation,” to read as follows:

**[F] 907.6.1.1 Installation.** All fire alarm systems must be installed in such a manner that the failure of any single alarm initiating device or a single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All initiating circuit conductors must be Class “A” wired with a minimum of 6 feet of separation between supply and return circuit conductors. All fire alarm systems must be wired as follows: IDC – Class A style – D; SLC – Class A style 6; NAC Class B style Y. Provide a minimum 6 foot (1829 mm) separation between supply and return loops in all Class C wired circuits.

**Exception:** The IDC from an addressable device used to monitor the status of a suppression system may be wired Class B, Style B provided the addressable device is located within 10 feet of the suppression system device.”

65. Paragraph [F] 907.6.6, “Monitoring,” of Subsection [F] 907.6, “Installation and Monitoring,” of Section 907, “Fire Alarm and Detection Systems,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

**[F] 907.6.6 Monitoring.** Fire alarm systems required by this chapter, by other chapters of this code, or by the *Dallas [International] Fire Code* shall be monitored by an *approved* central station, remote supervising station, or proprietary supervising station as defined in ~~[accordance with]~~ NFPA 72, or a local alarm which gives audible and visual signals at a constantly attended location. A constantly attended location is defined as being occupied by 2 or more persons whose responsibility it is to monitor the fire alarm system.

**Exception:** Monitoring by a supervising station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.11.
2. Smoke detectors in Group I-3 occupancies.
3. *Automatic sprinkler systems* in one- and two-family dwellings.

**[F] 907.6.6.1 Automatic telephone-dialing devices.** Automatic telephone-dialing devices used to transmit an emergency alarm shall not be connected to any fire department telephone number unless *approved* by the fire chief.

**[F] 907.6.6.2 Termination of monitoring service.** Termination of fire alarm monitoring services shall be in accordance with Section 901.9 of the *Dallas [International] Fire Code.*”

66. Subsection [F] 907.7, “Acceptance Tests and Completion,” of Section 907, “Fire Alarm and Detection Systems,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

“**[F] 907.7 Acceptance tests and completion.** Upon completion of the installation, the fire alarm system and all fire alarm components shall be tested and approved in accordance with NFPA 72 and Section 901.5 of the *Dallas Fire Code*.”

**[F] 907.7.1 Single- and multiple-station alarm devices.** When the installation of the alarm devices is complete, each device and interconnecting wiring for multiple-station alarm devices shall be tested in accordance with the smoke alarm provisions of NFPA 72.

**[F] 907.7.2 Record of completion.** A record of completion in accordance with NFPA 72 verifying that the system has been installed and tested in accordance with the *approved* plans and specifications shall be provided.

**[F] 907.7.3 Instructions.** Operating, testing and maintenance instructions and record drawings (“as-builts”) and equipment specifications shall be provided at an *approved* location.”

67. Subsection [F] 910.1, “General,” of Section 910, “Smoke and Heat Removal,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

“**[F] 910.1 General.** Where required by this code, smoke and heat vents or mechanical smoke exhaust ~~[removal]~~ systems, and draft curtains shall conform to the requirements of this section.

**Exceptions:**

1. Frozen food warehouses used solely for storage of Class I and II commodities where protected by an *approved automatic sprinkler system*.
2. Where areas of buildings are equipped with early suppression fast-response (ESFR) sprinklers, only manual smoke and heat vents shall be required within these areas. Automatic smoke and heat vents are prohibited.”

68. Subsection [F] 910.2, “Where Required,” of Section 910, “Smoke and Heat Removal,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

**[F] 910.2 Where required.** Smoke and heat vents ~~[or a mechanical smoke removal system]~~ shall be installed in the roofs of buildings or portions thereof occupied for the uses as required by Sections 910.2.1 through 910.2.4 ~~[and 910.2.2]~~.

**Exceptions:**

1. Frozen food warehouses used solely for storage of Class I and II commodities where protected by an approved automatic sprinkler system.
2. Only manual s[S]moke and heat removal shall [not] be required in areas of buildings equipped with early suppression fast-response (ESFR) sprinklers. *Automatic smoke and heat removal is prohibited.*
3. Only manual s[S]moke and heat removal shall [not] be required in areas of buildings equipped with control mode special application sprinklers with a response time index of  $50(m*S)^{1/2}$  or less that are listed to control a fire in stored commodities with 12 or fewer sprinklers. *Automatic smoke and heat removal is prohibited.*

**910.2.1 Group F-1 or S-1.** Smoke and heat vents installed in accordance with Section 910.3 or a mechanical smoke removal system installed in accordance with Section 910.4 shall be installed in buildings and portions thereof used as a Group F-1 or S-1 occupancy having more than 50,000 square feet (4645 m<sup>2</sup>) of undivided area. In occupied portions of a building equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 where the upper surface of the story is not a roof assembly, a mechanical smoke removal system in accordance with Section 910.4 shall be installed.

**Exception:** Group S-1 aircraft repair hangars.

**[F] 910.2.2 High-piled combustible storage.** Smoke and heat removal required by Table 3206.2 of the *Dallas [International] Fire Code* for buildings and portions thereof containing high-piled combustible storage shall be installed in accordance with Section 910.3 in un-sprinklered buildings. In buildings and portions thereof containing high-piled combustible storage equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1, a smoke and heat removal system shall be installed in accordance with Section 910.3 or 910.4. In occupied portions of a building equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1, where the upper surface of the story is not a roof assembly, a mechanical smoke removal system in accordance with Section 910.4 shall be installed.

**910.2.3 Group H.** Smoke and heat vents or a mechanical smoke removal system shall be installed in buildings and portions thereof used as a Group H occupancy as follows:

1. In occupancies classified as Group H-2 or H-3, any of which are more than 15,000 square feet (1394 m<sup>2</sup>) in single floor area.

**Exception:** Buildings of noncombustible construction containing only noncombustible materials.

2. In areas of buildings in Group H used for storing Class 2, 3 and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials, or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.

**Exception:** Buildings of noncombustible construction containing only noncombustible materials.”

69. Subsection 910.3, “Smoke and Heat Vents,” of Section 910 “Smoke and Heat Removal,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Fire Code is amended by adding a new Paragraph 910.3.4, “Vent Operation,” to read as follows:

“**[F] 910.3.4 Vent operation.** Smoke and heat vents shall be capable of being operated by approved automatic and manual means. Automatic operation of smoke and heat vents shall conform to the provisions of Sections 910.3.4.1 through 910.3.4.2.

**[F] 910.3.4.1 Sprinklered buildings.** Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically.

The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating at least 100°F (approximately 38°C) greater than the temperature rating of the sprinklers installed.

**Exception:** Manual only system per Section 910.2.

**[F] 910.3.4.2 Nonsprinklered buildings.** Where installed in buildings not equipped with an approved automatic sprinkler system, smoke and heat vents shall operate automatically by actuation of a heat-responsive device rated at between 100°F (38°C) and 220°F (104°C) above ambient.

**Exception:** Listed gravity-operated drop out vents.”

70. Subsection [F]910.4, “Mechanical Smoke Removal Systems,” of Section 910, “Smoke and Heat Removal,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Fire Code is amended to read as follows:

“[F] **910.4 Mechanical smoke removal systems.** Mechanical smoke removal systems shall be designed and installed in accordance with Sections 910.4.1 through 910.4.7.

**910.4.1 Automatic sprinklers required.** The building shall be equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1.

**910.4.2 Exhaust fan construction.** Exhaust fans that are part of a mechanical smoke removal system shall be rated for operation at 221°F (105°C). Exhaust fan motors shall be located outside of the exhaust fan air stream.

**910.4.3 System design criteria.** The mechanical smoke removal system shall be sized to exhaust the building at a minimum rate of two air changes per hour based upon the volume of the building or portion thereof without contents. The capacity of each exhaust fan shall not exceed 30,000 cubic feet per minute (14.2 m<sup>3</sup>/sec).

**910.4.3.1 Makeup air.** Makeup air openings shall be provided within 6 feet (1829 mm) of the floor level. Operation of makeup air openings shall be ~~manual or~~ automatic. The minimum gross area of makeup air inlets shall be 8 square feet per 1,000 cubic feet per minute (0.74 m<sup>2</sup> per 0.4719 m<sup>3</sup>/s) of smoke exhaust.

**910.4.4 Activation.** The mechanical smoke removal system shall be activated automatically by the automatic sprinkler system or by an approved fire detection system. Individual manual controls shall also be provided [only].

**Exception:** Manual only systems per Section 910.2.”

71. Subsection [F]912.2, “Location,” of Section 912, “Fire Department Connections,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

“[F]912.2 **Location.** With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. Fire apparatus access roads shall be required within 50 feet (15 240 mm) of any fire department hose connections. A [The location of] fire department hose connection[s] shall be located within 400 feet (122 m) of a fire hydrant and approved by the fire chief.

[F] **912.2.1 Visible location.** Fire department connections shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise *approved* by the fire code official [chief].

[F] **912.2.2 Existing buildings.** On existing buildings, wherever the fire department connection is not visible to approaching fire apparatus, the fire department connection shall

be indicated by an *approved* sign mounted on the street front or on the side of the building. Such sign shall have the letters “FDC” not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

**912.2.3 Remote and free-standing fire department connections.** Free-standing fire department connections shall be internally and externally galvanized, permanently marked with the address being served, or portion thereof, and provided with approved locking caps/covers. Means to service the drain/check valve shall be provided.”

72. Subsection [F] 913.1, “General,” of Section 913, “Fire Pumps,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

**[F] 913.1 General.** Where provided, fire pumps shall be installed in accordance with this section and NFPA 20. When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 feet in width and 6 feet – 8 inches in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by Section 506.1 of the *Dallas Fire Code*.

**Exception:** When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the *fire code official*. Access keys shall be provided in the key box as required by Section 506.1 of the *Dallas Fire Code*.

73. Subsection [F] 913.4, “Valve Supervision,” of Section 913, “Fire Pumps,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended to read as follows:

**“[F] 913.4 Valve supervision.** Where provided, the fire pump suction, discharge and bypass valves, and isolation valves on the backflow prevention device or assembly shall be supervised open by one of the following methods:

1. Central-station, proprietary or remote-station signaling service.
2. Local signaling service that will cause the sounding of an audible signal at a *constantly attended location*.
3. Locking valves open, when approved by the fire code official.

4. Sealing of valves and *approved* weekly recorded inspection where valves are located within fenced enclosures under the control of the owner, when approved by the fire code official.

**[F] 913.4.1 Test outlet valve supervision.** Fire pump test outlet valves shall be supervised in the closed position.”

74. Section 913, “Fire Pumps,” of Chapter 9, “Fire Protection Systems,” of the 2015 International Building Code is amended by adding a new Subsection [F] 913.6, “Pump Supervision,” to read as follows:

“**[F] 913.6 Pump supervision.** Where the pump room is not constantly attended, the fire pump shall transmit a supervisory signal to indicate loss of power, phase reversal and pump running conditions in accordance with NFPA 20.”

75. Subsection 1001.1, “General,” of Section 1001, “Administration,” of Chapter 10, “Means of Egress,” of the 2015 International Building Code is amended to read as follows:

“**1001.1 General.** Buildings or portions thereof shall be provided with a *means of egress* system as required by this chapter. The provisions of this chapter shall control the design, construction and arrangement of *means of egress* components required to provide an *approved means of egress* from structures and portions thereof. Provisions of this code shall govern in the event of conflicts between this chapter and the corresponding chapter of the *Dallas Fire Code*.”

76. Paragraph 1004.1.2, “Areas Without Fixed Seating,” of Subsection 1004.1, “Design Occupant Load,” of Section 1004, “Occupant Load,” of Chapter 10, “Means of Egress,” of the 2015 International Building Code is amended to read as follows:

“**1004.1.2 Areas without fixed seating.** The number of occupants shall be computed at the rate of one occupant per unit of area as prescribed in Table 1004.1.2. For areas without *fixed seating*, the occupant load shall be not less than that number determined by dividing the floor area under consideration by the *occupant load* factor assigned to the function of the space as set forth in Table 1004.1.2. Where an intended function is not listed in Table 1004.1.2, the *building official* shall establish a function based on a listed function that most nearly resembles the intended function.

~~“**[Exception:** Where *approved by the building official*, the actual number of occupants for whom each occupied space, floor or building is designed, although less than those determined by calculation, shall be permitted to be used in the determination of the design *occupant load*.]”~~

77. Subsection 1004.5, “Outdoor Areas,” of Section 1004, “Occupant Load,” of Chapter 10, “Means of Egress,” of the 2015 International Building Code is amended to read as follows:

**“1004.5 Outdoor areas.** *Yards, patios, courts* and similar outdoor areas accessible to and usable by the building occupants shall be provided with *means of egress* as required by this chapter. The *occupant load* of such outdoor areas shall be assigned by the *building official* in accordance with the anticipated use. Where outdoor areas are to be used by persons in addition to the occupants of the building, and the path of egress travel from the outdoor areas passes through the building, *means of egress* requirements for the building shall be based on the sum of the *occupant loads* of the building plus the outdoor areas.

**Exceptions:**

1. Outdoor areas used exclusively for service of the building need only have one *means of egress*.
2. The occupant load of the outdoor area need not be added to the building’s total occupant load if:

2.1 The ~~Both~~ outdoor areas are located at grade and associated with Group R-3 and individual dwelling units of Group R-2. *Means of egress* must be provided from the outdoor area in accordance with this chapter.

2.2 The outdoor areas are not located at grade and associated with Group R-3 and individual dwelling units of Group R-2 and the outdoor area occupies not more than 10 percent of the area of the dwelling unit of a nonsprinklered building or not less than 20 percent of the area of the dwelling unit of a building provided throughout with an approved automatic sprinkler system. *Means of egress* must be provided from the outdoor area in accordance with this chapter.”

78. Subsection 1009.1, “Accessible Means of Egress Required,” of Section 1009, “Accessible Means of Egress,” of Chapter 10, “Means of Egress,” of the 2015 International Building Code is amended to read as follows:

**“1009.1 Accessible means of egress required.** Accessible *means of egress* shall comply with this section. Accessible spaces shall be provided with not less than one accessible *means of egress*. Where more than one *means of egress* are required by Section 1006.2 or 1006.3 from any *accessible* space, each *accessible* portion of the space shall be served by not less than two accessible *means of egress*.

**Exceptions:**

1. Accessible *means of egress* are not required to be provided in alterations to existing buildings.
2. One accessible *means of egress* is required from an *accessible mezzanine* level in accordance with Section 1009.3, 1009.4 or 1009.5.
3. In assembly areas with sloped or stepped *aisles* or stepped *aisles*, one accessible *means of egress* is permitted where the *common path of egress travel* is *accessible* and meets the requirements in Section 1029.8.
4. Accessible means of egress may satisfy this section if designed in accordance with Article 9102, "Architectural Barriers," of Vernon's Texas Civil Statutes and the "Texas Accessibility Standards of the Architectural Barriers Act," adopted by the Texas Commission on Licensing and Regulation and built in accordance with a state certified plan, including any variances or waivers granted by the state.

79. Subsection 1009.5, "Platform Lifts," of Section 1009, "Accessible Means of Egress," of Chapter 10, "Means of Egress," of the 2015 International Building Code is amended to read as follows:

**"1009.5 Platform lifts.** Platform (wheelchair) lifts shall be permitted to serve as part of an accessible *means of egress* where allowed as part of a required *accessible route* in Section 1109.8 except for Item 10. Standby power for the platform lift shall be provided in accordance with Chapter 27.

**1009.5.1 Openness.** Platform lifts on an accessible means of egress shall not be installed in a fully enclosed hoistway.

80. Subsection 1010.1, "Doors," of Section 1010, "Doors, Gates and Turnstiles," of Chapter 10, "Means of Egress," of the 2015 International Building Code is amended to read as follows:

**"1010.1 Doors.** *Means of egress* doors shall meet the requirements of this section. Doors serving a *means of egress* system shall meet the requirements of this section and Section 1022.2. Doors provided for egress purposes in numbers greater than required by this code shall meet the requirements of this section.

*Means of egress* doors shall be readily distinguishable from the adjacent construction and finishes such that the doors are easily recognizable as doors. Mirrors or similar reflecting materials shall not be used on *means of egress* doors. *Means of egress* doors shall not be concealed by curtains, drapes, decorations or similar materials.

Security and electronic locking devices affecting *means of egress* shall be subject to approval by the building official and subject to inspections by the fire code official.

**1010.1.1 Size of doors.** The required capacity of each door opening shall be sufficient for the *occupant load* thereof and shall provide a minimum clear width of 32 inches (813 mm). Clear openings of doorways with swinging doors shall be measured between the face of the door and the stop, with the door open 90 degrees (1.57 rad). Where this section requires a minimum clear width of 32 inches (813 mm) and a door opening includes two door leaves without a mullion, one leaf shall provide a clear opening width of 32 inches (813 mm). The maximum width of a swinging door leaf shall be 48 inches (1219 mm) nominal. *Means of egress* doors in a Group I-2 occupancy used for the movement of beds shall provide a clear width not less than 41½ inches (1054 mm). The height of door openings shall not be less than 80 inches (2032 mm).

**Exceptions:**

1. The minimum and maximum width shall not apply to door openings that are not part of the required *means of egress* in Group R-2 and R-3 occupancies.
2. Door openings to resident *sleeping units* in Group I-3 occupancies shall have a clear width of not less than 28 inches (711 mm).
3. Door openings to storage closets less than 10 square feet (0.93 m<sup>2</sup>) in area shall not be limited by the minimum width.
4. Width of door leaves in revolving doors that comply with Section 1010.1.4.1 shall not be limited.
5. Door openings within a *dwelling unit* or *sleeping unit* shall not be less than 78 inches (1981 mm) in height.
6. Exterior door openings in *dwelling units* and *sleeping units*, other than the required *exit* door, shall not be less than 76 inches (1930 mm) in height.
7. In other than Group R-1 occupancies, the minimum widths shall not apply to interior egress doors within a *dwelling unit* or *sleeping unit* that is not required to be an *Accessible unit*, *Type A unit* or *Type B unit*.
8. Door openings required to be *accessible* within *Type B units* shall have a minimum clear width of 31.75 inches (806 mm).

9. Doors to walk-in freezers and coolers less than 1,000 square feet (93 m<sup>2</sup>) in area shall have a maximum width of 60 inches (1524 mm).
10. In Group R-1 *dwelling units* or *sleeping units* not required to be *Accessible units*, the minimum width shall not apply to doors for showers or saunas.

**1010.1.1.1 Projections into clear width.** There shall not be projections into the required clear width lower than 34 inches (864 mm) above the floor or ground. Projections into the clear opening width between 34 inches (864 mm) and 80 inches (2032 mm) above the floor or ground shall not exceed 4 inches (102 mm).

**Exception:** Door closers and door stops shall be permitted to be 78 inches (1980 mm) minimum above the floor.

**1010.1.2 Door swing.** Egress doors shall be of the pivoted or side-hinged swinging type.

**Exceptions:**

1. Private garages, office areas, factory and storage areas with an *occupant load* of 10 or less.
2. Group I-3 occupancies used as a place of detention.
3. Critical or intensive care patient rooms within suites of health care facilities.
4. Doors within or serving a single *dwelling unit* in Groups R-2 and R-3.
5. In other than Group H occupancies, revolving doors complying with Section 1010.1.4.1.
6. In other than Group H occupancies, special purpose horizontal sliding, accordion or folding door assemblies complying with Section 1010.1.4.3.
7. Power-operated doors in accordance with Section 1010.1.4.2.
8. Doors serving a bathroom within an individual *sleeping unit* in Group R-1.
9. In other than Group H occupancies, manually operated horizontal sliding doors are permitted in a *means of egress* from spaces with an *occupant load* of 10 or less.

**1010.1.2.1 Direction of swing.** Pivot or side-hinged swinging doors shall swing in the direction of egress travel where serving a room or area containing an occupant load of 50 or more persons or a Group H occupancy.

**1010.1.3 Door opening force.** The force for pushing or pulling open interior swinging egress doors, other than fire doors, shall not exceed 5 pounds (22 N). These forces do not apply to the force required to retract latch bolts or disengage other devices that hold the door in a closed position. For other swinging doors, as well as sliding and folding doors, the door latch shall release when subjected to a 15-pound (67 N) force. The door shall be set in motion when subjected to a 30-pound (133 N) force. The door shall swing to a full-open position when subjected to a 15 pound (67 N) force.

**1010.1.3.1 Location of applied forces.** Forces shall be applied to the latch side of the door.

**1010.1.4 Special doors.** Special doors and security grilles shall comply with the requirements of Sections 1010.1.4.1 through 1010.1.4.4.

**1010.1.4.1 Revolving doors.** Revolving doors shall comply with the following:

1. Revolving doors shall comply with the BHMA A156.27 and shall be installed in accordance with the manufacturer's instructions.
2. Each revolving door shall be capable of *breakout* in accordance with BHMA A156.27 and shall provide an aggregate width of not less than 36 inches (914 mm).
3. A revolving door shall not be located within 10 feet (3048 mm) of the foot or top of *stairways* or escalators. A dispersal area shall be provided between the *stairways* or escalators and the revolving doors.
4. The revolutions per minute (rpm) for a revolving door shall not exceed the maximum rpm as specified in BHMA A156.27. Manual revolving doors shall comply with Table 1010.1.4.1(1). Automatic or power-operated revolving doors shall comply with Table 1010.1.4.1(2).
5. An emergency stop switch shall be provided near each entry point of a revolving door within 48 inches (1220 mm) of the door and between 24 inches (610 mm) and 48 inches (1220 mm) above the floor. The activation area of the emergency stop switch button shall be not less than 1 inch (25 mm) in diameter and shall be red.
6. Each revolving door shall have a side-hinged swinging door which complies with Section 1010.1 in the same wall and within 10 feet (3048 mm) of the revolving door.
7. Revolving doors shall not be part of an *accessible route* required by Section 1009 and Chapter 11.

**1010.1.4.1.1 Egress component.** A revolving door used as a component of a *means of egress* shall comply with Section 1010.1.4.1 and the following three conditions:

1. Revolving doors shall not be given credit for more than 50 percent of the minimum width or required capacity.
2. Each revolving door shall be credited with a capacity based on not more than 50-person *occupant load*.
3. Each revolving door shall provide for egress in accordance with BHMA A156.27 with a *breakout* force of not more than 130 pounds (578 N).

**1010.1.4.1.2 Other than egress component.** A revolving door used as other than a component of a *means of egress* shall comply with Section 1010.1.4.1. The *breakout* force of a revolving door not used as a component of a *means of egress* shall not be more than 180 pounds (801 N).

**Exception:** A *breakout* force in excess of 180 pounds (801 N) is permitted if the collapsing force is reduced to not more than 130 pounds (578 N) when not less than one of the following conditions is satisfied:

1. There is a power failure or power is removed to the device holding the door wings in position.
2. There is an actuation of the *automatic sprinkler system* where such system is provided.
3. There is an actuation of a smoke detection system that is installed in accordance with Section 907 to provide coverage in areas within the building that are within 75 feet (22 860 mm) of the revolving doors.
4. There is an actuation of a manual control switch, in an approved location and clearly identified, that reduces the *breakout* force to not more than 130 pounds (578 N).

**1010.1.4.2 Power-operated doors.** Where *means of egress* doors are operated or assisted by power, the design shall be such that in the event of power failure, the door is capable of being opened manually to permit *means of egress* travel or closed where necessary to safeguard *means of egress*. The forces required to open these doors manually shall not exceed those specified in Section 1010.1.3, except that the force to set the door in motion shall not exceed 50 pounds (220 N). The door shall be capable of swinging open from any position to the full width of the opening in which such door is installed when a force is applied to the door on the side from which egress is made. Power-operated swinging doors, power-operated sliding doors and power-operated

folding doors shall comply with BHMA A156.10. Power-assisted swinging doors and low-energy power-operated swinging doors shall comply with BHMA A156.19.

**Exceptions:**

1. Occupancies in Group I-3.
2. Horizontal sliding doors complying with Section 1010.1.4.3.
3. For a biparting door in the emergency break-out mode, a door leaf located within a multiple-leaf opening shall be exempt from the minimum 32-inch (813 mm) single-leaf requirements of Section 1008.1.1, provided a minimum 32-inch (813 mm) clear opening is provided when the two biparting leaves meeting in the center are broken out.

**1010.1.4.3 Horizontal sliding doors.** In other than Group H occupancies, horizontal sliding doors permitted to be a component of a *means of egress* in accordance with Exception 6 to Section 1010.1.2 shall comply with all of the following criteria:

1. The doors shall be power operated and shall be capable of being operated manually in the event of power failure.
2. The doors shall be openable by a simple method from both sides without special knowledge or effort.
3. The force required to operate the door shall not exceed 30 pounds (133 N) to set the door in motion and 15 pounds (67 N) to close the door or open it to the minimum required width.
4. The door shall be openable with a force not to exceed 15 pounds (67 N) when a force of 250 pounds (1100 N) is applied perpendicular to the door adjacent to the operating device.
5. The door assembly shall comply with the applicable *fire protection rating* and, where rated, shall be self-closing or automatic closing by smoke detection in accordance with Section 716.5.9.3, shall be installed in accordance with NFPA 80 and shall comply with Section 716.
6. The door assembly shall have an integrated standby power supply.
7. The door assembly power supply shall be electrically supervised.
8. The door shall open to the minimum required width within 10 seconds after activation of the operating device.

**1010.1.4.4 Security grilles.** In Groups B, F, M and S, horizontal sliding or vertical security grilles are permitted at the main *exit* and shall be openable from the inside without the use of a key or special knowledge or effort during periods that the space is occupied. The grilles shall remain secured in the full-open position during the period of occupancy by the general public. Where two or more *means of egress* are required, not more than one-half of the *exits* or *exit access doorways* shall be equipped with horizontal sliding or vertical grilles.

**1010.1.5 Floor elevation.** There shall be a floor or landing on each side of a door. Such floor or landing shall be at the same elevation on each side of the door. Landings shall be level except for exterior landings, which are permitted to have a slope not to exceed 0.25 unit vertical in 12 units horizontal (2-percent slope).

**Exceptions:**

1. Doors serving individual *dwelling units* in Groups R-2 and R-3 where the following apply:
  - 1.1. A door is permitted to open at the top step of an interior *flight of stairs*, provided the door does not swing over the top step.
  - 1.2. Screen doors and storm doors are permitted to swing over *stairs* or landings.
2. Exterior doors as provided for in Section 1003.5, Exception 1, and Section 1022.2, which are not on an *accessible route*.
3. In Group R-3 occupancies not required to be *Accessible units*, *Type A units* or *Type B units*, the landing at an exterior doorway shall not be more than 7¾ inches (197 mm) below the top of the threshold, provided the door, other than an exterior storm or screen door, does not swing over the landing.
4. Variations in elevation due to differences in finish materials, but not more than ½ inch (12.7 mm).
5. Exterior decks, patios or balconies that are part of *Type B* dwelling units, have impervious surfaces and that are not more than 4 inches (102 mm) below the finished floor level of the adjacent interior space of the dwelling unit.
6. Doors serving equipment spaces not required to be *accessible* in accordance with Section 1103.2.9 and serving an occupant load of five or less shall be permitted to have a landing on one side to be not more than 7 inches (178 mm) above or below the landing on the egress side of the door.

**1010.1.6 Landings at doors.** Landings shall have a width not less than the width of the *stairway* or the door, whichever is greater. Doors in the fully open position shall not reduce a required dimension by more than 7 inches (178 mm). When a landing serves an *occupant load* of 50 or more, doors in any position shall not reduce the landing to less than one-half its required width. Landings shall have a length measured in the direction of travel of not less than 44 inches (1118 mm).

**Exception:** Landing length in the direction of travel in Groups R-3 and U and within individual units of Group R-2 need not exceed 36 inches (914 mm).

**1010.1.7 Thresholds.** Thresholds at doorways shall not exceed  $\frac{3}{4}$  inch (19.1 mm) in height above the finished floor or landing for sliding doors serving *dwelling units* or  $\frac{1}{2}$  inch (12.7 mm) above the finished floor or landing for other doors. Raised thresholds and floor level changes greater than  $\frac{1}{4}$  inch (6.4 mm) at doorways shall be beveled with a slope not greater than one unit vertical in two units horizontal (50-percent slope).

**Exceptions:**

1. In occupancy Group R-2 or R-3, threshold heights for sliding and side-hinged exterior doors shall be permitted to be up to  $7\frac{3}{4}$  inches (197 mm) in height if all of the following apply:
  - 1.1. The door is not part of the required *means of egress*.
  - 1.2. The door is not part of an *accessible route* as required by Chapter 11.
  - 1.3. The door is not part of an *Accessible unit, Type A unit* or *Type B unit*.
2. In *Type B units*, where Exception 5 to Section 1010.1.5 permits a 4-inch (102 mm) elevation change at the door, the threshold height on the exterior side of the door shall not exceed  $4\frac{3}{4}$  inches (120 mm) in height above the exterior deck, patio or balcony for sliding doors or  $4\frac{1}{2}$  inches (114 mm) above the exterior deck, patio or balcony for other doors.

**1010.1.8 Door arrangement.** Space between two doors in a series shall be 48 inches (1219 mm) minimum plus the width of a door swinging into the space. Doors in a series shall swing either in the same direction or away from the space between the doors.

**Exceptions:**

1. The minimum distance between horizontal sliding power-operated doors in a series shall be 48 inches (1219 mm).
2. Storm and screen doors serving individual *dwelling units* in Groups R-2 and R-3 need not be spaced 48 inches (1219 mm) from the other door.

3. Doors within individual *dwelling units* in Groups R-2 and R-3 other than within *Type A dwelling units*.

**1010.1.9 Door operations.** Except as specifically permitted by this section egress doors shall be readily openable from the egress side without the use of a key or special knowledge or effort.

**1010.1.9.1 Hardware.** Door handles, pulls, latches, locks and other operating devices on doors required to be *accessible* by Chapter 11 shall not require tight grasping, tight pinching or twisting of the wrist to operate.

**1010.1.9.2 Hardware height.** Door handles, pulls, latches, locks and other operating devices shall be installed 34 inches (846 mm) minimum and 48 inches (1219 mm) maximum above the finished floor. Locks used only for security purposes and not used for normal operation are permitted at any height.

**Exception:** Access doors or gates in barrier walls and fences protecting pools, spas and hot tubs shall be permitted to have operable parts of the release of latch on self-latching devices at 54 inches (1370 mm) maximum above the finished floor or ground, provided the self-latching devices are not also self-locking devices operated by means of a key, electronic opener or integral combination lock.

**1010.1.9.3 Locks and latches.** Locks and latches shall be permitted to prevent operation of doors where any of the following exists:

1. Places of detention or restraint.
2. In buildings in occupancy Group A having an *occupant load* of 300 or less, Groups B, F, M and S, and in *places of religious worship*, the main exterior door or doors are permitted to be equipped with key-operated locking devices from the egress side provided:
  - 2.1. The locking device is readily distinguishable as locked.
  - 2.2. A readily visible durable sign is posted on the egress side or adjacent to the door stating: THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED. The sign shall be in letters 1 inch (25 mm) high on a contrasting background.
  - 2.3. The use of the key-operated locking device is revocable by the *building official* for due cause.
3. Where egress doors are used in pairs, *approved* automatic flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts has no doorknob or surface mounted hardware.

4. Doors from individual *dwelling* or *sleeping units* of Group R occupancies having an *occupant load* of 10 or less are permitted to be equipped with a night latch, dead bolt or security chain, provided such devices are openable from the inside without the use of a key or tool.
4. *Fire doors* after the minimum elevated temperature has disabled the unlatching mechanism in accordance with listed fire door test procedures.

**1010.1.9.4 Bolt locks.** Manually operated flush bolts or surface bolts are not permitted.

**Exceptions:**

1. On doors not required for egress in individual *dwelling units* or *sleeping units*.
2. Where a pair of doors serves a storage or equipment room, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf.
3. Where a pair of doors serves an *occupant load* of less than 50 persons in a Group B, F or S occupancy, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf. The inactive leaf shall not contain doorknobs, panic bars or similar operating hardware.
4. Where a pair of doors serves a Group A, B, F, M or S occupancy, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf provided such inactive leaf is not needed to meet egress capacity requirements and the building is equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1. The inactive leaf shall not contain doorknobs, panic bars or similar operating hardware.
5. Where a pair of doors serves patient care rooms in Group I-2 occupancies, self-latching edge- or surface-mounted bolts are permitted on the inactive leaf provided that the inactive leaf is not needed to meet egress capacity requirements and the inactive leaf shall not contain doorknobs, panic bars or similar operating hardware.”

**1010.1.9.5 Unlatching.** The unlatching of any door or leaf shall not require more than one operation.

**Exceptions:**

1. Places of detention or restraint.
2. Where manually operated bolt locks are permitted by Section 1010.1.9.4.

3. Doors with automatic flush bolts as permitted by Section 1010.1.9.3, Item 3.
4. Doors from individual dwelling units and sleeping units of Group R occupancies as permitted by Section 1010.1.9.3, Item 4.

**1010.1.9.5.1 Closet and bathroom doors in Group R-4 occupancies.** In Group R-4 occupancies, closet doors that latch in the closed position shall be openable from inside the closet, and bathroom doors that latch in the closed position shall be capable of being unlocked from the ingress side.

**1010.1.9.6 Controlled egress doors in Groups I-1 and I-2.** Electric locking systems, including electromechanical locking systems and electromagnetic locking systems, shall be permitted to be locked in the means of egress in Group I-1 or I-2 occupancies where the clinical needs of persons receiving care require their containment. Controlled egress doors shall be permitted in such occupancies where the building is equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or an *approved automatic smoke or heat detection system* installed in accordance with Section 907, provided that the doors are installed and operate in accordance with all of the following:

1. The door locks shall unlock on actuation of the *automatic sprinkler system* or *automatic fire detection system*.
2. The door locks shall unlock on loss of power controlling the lock or lock mechanism.
3. The door locking system shall be installed to have the capability of being unlocked by a switch located at the *fire command center*, a nursing station or other approved location. The switch shall directly break power to the lock.
4. A building occupant shall not be required to pass through more than one door equipped with a controlled egress locking system before entering an exit.
5. The procedures for unlocking the doors shall be described and approved as part of the emergency planning and preparedness required by Chapter 4 of the *Dallas [International] Fire Code*.
6. All clinical staff shall have the keys, codes or other means necessary to operate the locking systems.
7. Emergency lighting shall be provided at the door.
8. The door locking system units shall be listed in accordance with UL 294.

**Exceptions:**

1. Items 1 through 4 shall not apply to doors to areas occupied by persons who, because of clinical needs, require restraint or containment as part of the function of a psychiatric treatment area.
2. Items 1 through 4 shall not apply to doors to areas where a *listed* egress control system is utilized to reduce the risk of child abduction from nursery and obstetric areas of a Group I-2 hospital.

**1010.1.9.7 Delayed egress.** Delayed egress locking systems shall be permitted to be installed on doors serving any occupancy except Group A, E and H in buildings that are equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or an *approved automatic smoke or heat detection system* installed in accordance with Section 907. The locking system shall be installed and operated in accordance with all of the following:

1. The delay electronics of the delayed egress locking system shall deactivate upon actuation of the *automatic sprinkler system* or *automatic fire detection system*, allowing immediate, free egress.
2. The delay electronics of the delayed egress locking system shall deactivate upon loss of power controlling the lock or lock mechanism, allowing immediate free egress.
3. The delayed egress locking system shall have the capability of being deactivated at the *fire command center* and other *approved* locations.
4. An attempt to egress shall initiate an irreversible process that shall allow such egress in not more than 15 seconds when a physical effort to exit is applied to the egress side door hardware for not more than 3 seconds. Initiation of the irreversible process shall activate an audible signal in the vicinity of the door. Once the delay electronics have been deactivated, rearming the delay electronics shall be by manual means only.

**Exception:** Where approved, a delay of not more than 30 seconds is permitted on a delayed egress door.

5. The egress path from any point shall not pass through more than one delayed egress locking system.

**Exception:** In Group I-2 or I-3 occupancies, the egress path from any point in the building shall pass through not more than two delayed egress locking systems provided the combined delay does not exceed 30 seconds.

6. A sign shall be provided on the door and shall be located above and within 12 inches (305 mm) of the door exit hardware:

6.1. For doors that swing in the direction of egress, the sign shall read: PUSH UNTIL ALARM SOUNDS. DOOR CAN BE OPENED IN 15 [30] SECONDS.

6.2. For doors that swing in the opposite direction of egress, the sign shall read: PULL UNTIL ALARM SOUNDS. DOOR CAN BE OPENED IN 15 [30] SECONDS. 6.3. The sign shall comply with the visual character requirements in ICC A117.1.

**Exception:** Where approved, in Group I occupancies, the installation of a sign is not required where care recipients who because of clinical needs require restraint or containment as part of the function of the treatment area.

7. Emergency lighting shall be provided on the egress side of the door.

8. The delayed egress locking system units shall be listed in accordance with UL 294.

**1010.1.9.8 Sensor release of electrically locked egress doors.** The electric locks on sensor released doors located in a *means of egress* in buildings with an occupancy in Group A, B, E, I-1, I-2, I-4, M, R-1 or R- 2 and entrance doors to tenant spaces in occupancies in Group A, B, E, I-1, I-2, I-4, M, R-1 or R-2 are permitted where installed and operated in accordance with all of the following criteria:

1. The sensor shall be installed on the egress side, arranged to detect an occupant approaching the doors. The doors shall be arranged to unlock by a signal from or loss of power to the sensor.
2. Loss of power to the lock or locking system shall automatically unlock the doors.
3. The doors shall be arranged to unlock from a manual unlocking device located 40 inches to 48 inches (1016 mm to 1219 mm) vertically above the floor and within 5 feet (1524 mm) of the secured doors. Ready access shall be provided to the manual unlocking device and the device shall be clearly identified by a sign that reads "PUSH TO EXIT." When operated, the manual unlocking device shall result in direct interruption of power to the lock—independent of other electronics—and the doors shall remain unlocked for not less than 30 seconds.
4. Activation of the building *fire alarm system*, where provided, shall automatically unlock the doors, and the doors shall remain unlocked until the fire alarm system has been reset.
5. Activation of the building *automatic sprinkler system* or *fire detection system*, where provided, shall automatically unlock the doors. The doors shall remain unlocked until the *fire alarm system* has been reset.

6. The door locking system units shall be listed in accordance with UL 294.

**1010.1.9.9 Electromagnetically locked egress doors/electronic locking devices.** Doors in all occupancies are permitted to be equipped with approved, listed electronic locks which must be installed in accordance with this section if the building is protected throughout with an *automatic sprinkler system*, a fire alarm system, a smoke detection system or with UL 268 smoke detectors installed on each interior side of all doors provided with electronic locks. The locking system units shall be listed in accordance with UL 294.

**Exception:** Electronic strikes or electronic mortise locks that do not impede egress are not subject to these requirements.

**1010.1.9.9.1 Ability to exit.** Regardless of the location of the device or the level of security desired, the ability to exit at the option of the individual, not the controlling authority, must always be provided.

**Exceptions:**

1. Locations for occupants needing self-protection because of reduced mental capacities such as mental or Alzheimer care hospitals may have release mechanisms as further specified in Section 1010.1.9.9.4.
2. Locations where national security interests are present with approval of the *building official*.
3. Modified arrangements may be made for nursery and obstetric areas, assisted living facilities and other similar facilities with approval of the *building official*.

(Note: For interior locations such as elevator lobbies, access includes passage into and through the tenant space being secured to provide access to the stairway. If access through the secured area is not desired, another exiting method such as providing a public corridor to the stairway should be utilized.)

**1010.1.9.9.2 General.** Electronic locking devices installed in such a manner that the method of unrestricted exiting relies upon electricity or electronics instead of mechanical means shall comply with the provisions set forth in this section. General guidelines for such installation are as follows:

1. Entrance doors in buildings with an occupancy in Group A, B, E or M shall not be secured from the egress side during periods that the building is open to the general public.

2. Access to exits, even in non-fire situations, shall be available to all individuals, even those individuals that are considered as unauthorized. Manually activated release mechanisms shall be made available. For specific provisions and exceptions, see Section 1010.1.9.9.4.
3. For emergency situations, buildings shall be provided with an automatic release mechanism as specified in Section 1010.1.9.9.5.
4. Once released, the door shall swing freely as a push/pull door. For specific provisions and exceptions, see Section 1010.1.9.9.6.
5. Request to exit buttons, break glass boxes and emergency pull boxes, with their required signs, shall be installed in accordance with Sections 1010.1.9.9.4 and 1010.1.9.9.7.
6. All devices used in a fire rated/fire door situation shall be approved for such use.

**1010.1.9.9.3 Permits and inspections.** A separate permit is required to install electronic security devices. Permits will be issued as SE permits and the fee will be based on the value of the work. Delayed egress locks meeting the criteria set forth in Section 1010.1.9.7 will not require separate permits. Electronic security devices shall be approved by the *building official* and shall be functionally tested by the fire marshal.

**1010.1.9.9.4 Access to exits/manual release mechanisms.** Passage through the secured door shall be provided.

(Note: Under usual circumstances, passage by individuals on the inside, going to the outside, is made available. Controls are usually installed to prevent unauthorized entry. Examples of such installations are the lobby entrance doors where exiting is by pushing the exit button.)

Normal passage shall be provided with the use of an approved button installed in accordance with Section 1010.1.9.9.7.

Other acceptable normal release methods for all other occupancies may include options as follows:

1. Pushing on or making contact with an approved electronic release bar. Such bars shall be installed such that they will fail in the released position should the electrical connection with the bar be lost.
2. Where panic or fire exit hardware is required by Section 1010.1.10, operation of the listed panic or fire exit hardware also releases the electromagnetic lock.

3. Use of an approved motion detector. Upon detection of an approach, the device will unlatch. When using a motion detector, a release button in accordance with Section 1010.1.9.9.7 is still required to be installed in case of failure or inaccurate detection of the motion device.

When access to the exits requires passage through the device, manual release mechanisms shall be made available.

(Note: Examples of such installations that shall provide a manual override method are as follows:

1. Elevator lobbies on full floor tenants. Access to the exit stairs is controlled and the exit path is through the device and tenant space. To permit access to the stairs, a manual override system shall be installed.
2. Warehouses/factories where employees are required to enter and exit through one point. Use of other building exits are undesired and controlled. A manual override system shall still be installed at the controlled exits.
3. Secured systems where employee ingress/egress is monitored at all secured doors. A manual override system shall still be installed at each door.
4. Occupancies like jewelry stores where the desire is to buzz entry and exit. Buzzing entry is acceptable. Buzzing exit may be used but a manual override system shall still be installed at the door.)

When passage of individuals is undesired, unless other approved exits are available, access at the option of the individual shall be provided. Acceptable release methods may include options as follows:

1. An emergency pull box or a break glass emergency box may be located adjacent to the door to activate the release in an emergency. Choice of box shall be approved by the fire chief so as not to be confused with any other alarm boxes. An approved sign shall be adjacent to the box with the appropriate message such as “Pull to Open Door” or “Break Glass to Open Door.”
2. When approved by the building official, a release button will not be required for buildings provided with an approved automatic sprinkler system throughout with monitored 24-hour security personnel on site, if a means for two-way communication with security such as intercom or telephone is provided in an approved location. Controls shall be provided

at the security station for unlatching the electronic device. The two-way communication system shall be wired through a supervised circuit as defined in the *Dallas Fire Code*.

3. In I Occupancies provided with an approved automatic sprinkler system throughout, the release button will not be required provided a control for releasing the device is provided at a nurse station and a deactivation method, e.g. a keyed control, a control pad or card reader, is provided at the door and staff is supplied with the appropriate tool or knowledge to operate the release mechanism.

**1010.1.9.9.5 Automatic release mechanisms.** Electronic locking devices shall have automatic releasing that complies with the following:

1. Automatically release upon activation of the smoke detection or fire alarm system, if provided. The control devices shall remain unlocked until the system has been reset.
2. When the area of concern has a sprinkler system, automatically release upon activation of a waterflow alarm or trouble signal. The control devices shall remain unlocked until the system is reset.
3. Automatically release upon loss of electrical power to the building or to the electronic device. Locking mechanisms shall not be provided with emergency backup power such as generators or batteries.
4. Automatically release upon activation of a manual release mechanism as specified in Section 1010.1.9.9.4 and as further specified in Section 1010.1.9.9.7.

Manually resetting the devices is not required. Automatically resetting the devices may be done by zone.

**1010.1.9.9.5.1 Zone control.** Deactivation of the device(s) may be zone controlled as follows:

1. All devices on the same floor as the source of activation in fully sprinklered buildings.
2. All devices on the same floor as the source of activation of the smoke detection system plus one floor below and all floors above in unsprinklered buildings.

(Note: When security is still desired after the automatic release of the system, or when positive latching is necessary for fire door installation, it is

still possible to maintain security provided the appropriate combination of devices is installed. As an example, use of panic hardware or doorknobs that provide mechanical exiting at all times, but do not function from the exterior unless electronically activated, will still provide a secured door. It will provide the required manual exiting but entry by card or code is not available until the system resets.

No such provision of restricting entry can be used when passage through the device is necessary for access to the exit. As an example, when the elevator lobby is secured from the exit stairs by a full floor tenant, upon automatic activation those devices shall release and access be provided through the tenant space to the stairs. A manual locking system cannot be installed to insure security.)

**1010.1.9.9.6 Door swing freely/single exit motion.** Doors shall swing freely when the device is released.

(Note: It is required that the exit motion require only one activity. With normal doors, one activity is pushing the mechanical panic bar or turning the mechanical doorknob. With an electronic device, one motion is pushing the button; therefore, pushing the button and pushing a panic bar or turning a doorknob would be two activities. An acceptable alternative is to use a motion detector (push button is still required). The motion detector will release the device upon approach and turning the doorknob is now just one activity. The push button is only necessary should the motion device fail. Another option is to use an electronic panic bar. One motion, pushing the bar, is for exiting but entry is controlled. Or, use of an electronic doorknob where exiting is always mechanical but the entry side does not engage without electronic activation.)

**Exception:** When doors are required to have positive latching, the building official and fire chief shall determine:

1. if a double motion to exit, i.e. the release of the electronic device then the operation of a door knob or push bar, is an acceptable exit means; or
2. if the latch should be designed to fail in the secure position; or
3. whether to deny the usage of the locks.

**1010.1.9.9.7 Request to exit buttons/break glass boxes/emergency pull boxes.** Exit buttons, break glass boxes and emergency pull boxes shall be installed as follows:

1. **Button.** The release button shall be red in color and at least a 2-inch mushroom switch or two-inch square lexan palm button.

2. **Location.** The button, break glass box or emergency pull box shall be located 40 inches (1016 mm) to 48 inches (1219 mm) vertically above the floor and within five feet (1524 mm) of the secured doors. Ready access shall be provided to the manual unlocking device.
3. **Sign.** An approved sign shall be adjacent to the button, break glass box or emergency pull box with the words “Push to Exit” or “Pull to Exit” as applicable. Sign lettering shall be white on a red background and at least one inch (25 mm) in height and shall have a stroke of not less than 1/8 inch (3.2 mm).
4. **Activation.** When operated, the manual unlocking device shall result in direct interruption of power to the device, independent of the access control system electronics, and the device shall remain unlocked for a minimum of 30 seconds. It shall not be required that the release mechanism be constantly held, such as holding down the button, to get out.

(Note: When buzzing someone out, holding down the button is acceptable; however, the manual release device installed at the door, even those required in the occupancy using buzzing, shall not require constant holding down to exit.)
5. **Time delay.** Exit devices in accordance with this section shall not possess a time delay option.

~~[1010.1.9.9 Electromagnetically locked egress doors. Doors in the means of egress in buildings with an occupancy in Group A, B, E, I-1, I-2, I-4, M, R-1 or R-2 and doors to tenant spaces in Group A, B, E, I-1, I-2, I-4, M, R-1 or R-2 shall be permitted to be locked with an electromagnetic locking system where equipped with hardware that incorporates a built-in switch and where installed and operated in accordance with all of the following:~~

- ~~1. The hardware that is affixed to the door leaf has an obvious method of operation that is readily operated under all lighting conditions.~~
- ~~2. The hardware is capable of being operated with one hand.~~
- ~~3. Operation of the hardware directly interrupts the power to the electromagnetic lock and unlocks the door immediately.~~
- ~~4. Loss of power to the locking system automatically unlocks the door.~~
- ~~5. Where panic or fire exit hardware is required by Section 1010.1.10, operation of the panic or fire exit hardware also releases the electromagnetic lock.~~

6. ~~The locking system units shall be listed in accordance with UL 294.]~~

**1010.1.9.10 Locking arrangements in correctional facilities.** In occupancies in Groups A-2, A-3, A-4, B, E, F, I-2, I-3, M and S within correctional and detention facilities, doors in *means of egress* serving rooms or spaces occupied by persons whose movements are controlled for security reasons shall be permitted to be locked where equipped with egress control devices that shall unlock manually and by not less than one of the following means:

1. Activation of an *automatic sprinkler system* installed in accordance with Section 903.3.1.1.
2. Activation of an *approved manual fire alarm box*.
3. A signal from a *constantly attended location*.

**1010.1.9.11 Stairway doors.** Interior *stairway means of egress* doors shall be openable from both sides without the use of a key or special knowledge or effort.

**Exceptions:**

1. *Stairway* discharge doors shall be openable from the egress side and shall only be locked from the opposite side.
2. This section shall not apply to doors arranged in accordance with Section 403.5.3.
3. In *stairways* serving other than a high-rise building [~~not more than four stories~~], doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side and capable of being unlocked simultaneously without unlatching upon a signal from the *fire command center*, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.
4. *Stairway exit* doors shall be openable from the egress side and shall only be locked from the opposite side in Group R-2 occupancies where the only interior access to the *dwelling unit* is from a single *exit stairway* where permitted in Section 1006.3.2.
5. *Stairway exit* doors shall be openable from the egress side and shall only be locked from the opposite side in Group R-2 occupancies where the only interior access to the *dwelling unit* is from a single *exit stairway* where permitted in Section 1006.3.2.

**1010.1.10 Panic and fire exit hardware.** Doors serving a Group H occupancy and doors serving rooms or spaces with an occupant load of 50 or more in a Group A or E occupancy shall not be provided with a latch or lock other than panic hardware or fire exit hardware.

**Exceptions:**

1. A main exit of a Group A occupancy shall be permitted to be locking in accordance with Section 1010.1.9.3, Item 2.
2. Doors serving a Group A or E occupancy shall be permitted to be electromagnetically locked in accordance with Section 1010.1.9.9.

Electrical rooms with equipment rated 1,200 amperes or more and over 6 feet (1829 mm) wide, and that contain overcurrent devices, switching devices or control devices with exit or exit access doors, shall be equipped with panic hardware or fire exit hardware. The doors shall swing in the direction of egress travel.

**1010.1.10.1 Installation.** Where panic or fire exit hardware is installed, it shall comply with the following:

1. Panic hardware shall be listed in accordance with UL 305.
2. Fire exit hardware shall be listed in accordance with UL 10C and UL 305.
3. The actuating portion of the releasing device shall extend not less than one-half of the door leaf width.
4. The maximum unlatching force shall not exceed 15 pounds (67 N).

**1010.1.10.2 Balanced doors.** If balanced doors are used and panic hardware is required, the panic hardware shall be the push-pad type and the pad shall not extend more than one-half the width of the door measured from the latch side.”

81. Paragraph 1011.5.2, “Riser Height and Tread Depth,” of Subsection 1011.5, “Stair Treads and Risers,” of Section 1011, “Stairways,” of Chapter 10, “Means of Egress,” of the 2015 International Building Code is amended to read as follows:

**“1011.5.2 Riser height and tread depth.** *Stair* riser heights shall be 7 inches (178 mm) maximum and 4 inches (102 mm) minimum. The riser height shall be measured vertically between the *nosings* of adjacent treads. Rectangular tread depths shall be 11 inches (279 mm) minimum measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread’s *nosing*. *Winder* treads shall have a minimum

tread depth of 11 inches (279 mm) between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline and a minimum tread depth of 10 inches (254 mm) within the clear width of the *stair*.

**Exceptions:**

1. *Spiral stairways* in accordance with Section 1011.10.
  2. *Stairways* connecting stepped *aisles* to cross *aisles* or concourses shall be permitted to use the riser/tread dimension in Section 1029.13.2.
  3. In Group R-3 occupancies; within *dwelling units* in Group R-2 occupancies; and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual *dwelling units* in Group R-2 occupancies; the maximum riser height shall be 7<sup>3</sup>/<sub>4</sub> inches (197 mm); the minimum tread depth shall be 10 inches (254 mm); the minimum *winder* tread depth at the walkline shall be 10 inches (254 mm); and the minimum *winder* tread depth shall be 6 inches (152 mm). A *nosing* projection not less than <sup>3</sup>/<sub>4</sub> inch (19.1 mm) but not more than 1<sup>1</sup>/<sub>4</sub> inches (32 mm) shall be provided on *stairways* with solid risers where the tread depth is less than 11 inches (279 mm).
  4. See Section 403.1 of the *Dallas [International] Existing Building Code* for the replacement of existing *stairways*.
  5. In Group I-3 facilities, *stairways* providing access to guard towers, observation stations and control rooms, not more than 250 square feet (23 m<sup>2</sup>) in area, shall be permitted to have a maximum riser height of 8 inches (203 mm) and a minimum tread depth of 9 inches (229 mm).
  6. Private curved *stairways* used as convenience *stairways* may be provided with a minimum width of run of not less than 10 inches (254 mm) measured 6 inches (152.4 mm) from the interior radius and a maximum width of run of not more than 18 inches (457.2 mm) measured 6 inches (152.4 mm) from the exterior radius.
82. Subsection 1011.9, “Curved Stairways,” of Section 1011, “Stairways,” of Chapter

10, “Means of Egress,” of the 2015 International Building Code is amended to read as follows:

**“1011.9 Curved stairways.** Curved stairways with winder treads shall have treads and risers in accordance with Section 1011.5 and the smallest radius shall be not less than twice the minimum width or required capacity of the stairway.

**Exceptions:**

1. The radius restriction shall not apply to curved stairways in Group R-3 and within individual dwelling units in Group R-2.
2. Private curved stairways may be used as convenience stairways, provided the width of the stairway is not less than 44 inches (1711.6 mm) with the interior radius not less than 44 inches (1711.6 mm). In all cases the stairway must comply with Chapter 6 and the structural provisions of this code.

83. Subsection 1012.1, “Scope,” of Section 1012, “Ramps,” of Chapter 10, “Means of Egress,” of the 2015 International Building Code is amended to read as follows:

**“1012.1 Scope.** The provisions of this section shall apply to ramps used as a component of a *means of egress*.”

**Exceptions:**

1. Ramped *aisles* within assembly rooms or spaces shall comply with the provisions in Section 1029.
2. Curb ramps shall comply with ICC A117.1 or with Section 1101.2.
3. Vehicle ramps in parking garages for pedestrian *exit access* shall not be required to comply with Sections 1012.3 through 1012.10 where they are not an *accessible route* serving *accessible* parking spaces, other required *accessible* elements or part of an *accessible means of egress*.”

84. Subsection 1013.5, “Internally Illuminated Exit Signs,” of Section 1013, “Exit Signs,” of Chapter 10, “Means of Egress,” of the 2015 International Building Code is amended to read as follows:

**“1013.5 Internally illuminated exit signs.** Electrically powered, *self-luminous* and *photoluminescent* exit signs shall be *listed* and *labeled* in accordance with UL 924 and shall be installed in accordance with the manufacturer’s instructions and Chapter 27. Exit signs shall be illuminated at all times. Photoluminescent exit signs require plans and documents demonstrating a sufficient source of activation in any given 24-hour period.”

85. Subsection 1016.2, “Egress Through Intervening Spaces,” of Section 1016, “Exit Access,” of Chapter 10, “Means of Egress,” of the 2015 International Building Code is amended to read as follows:

**“1016.2 Egress through intervening spaces.** Egress through intervening spaces shall comply with this section.

1. *Exit access* through an enclosed elevator lobby is permitted. Access to not less than one of the required *exits* shall be provided without travel through the enclosed elevator lobbies required by Section 3006. Where the path of exit access travel passes through an enclosed elevator lobby, the level of protection required for the enclosed elevator lobby is not required to be extended to the *exit* unless direct access to an *exit* is required by other sections of this code.
2. Egress from a room or space shall not pass through adjoining or intervening rooms or areas, except where such adjoining rooms or areas and the area served are accessory to one or the other, are not a Group H occupancy and provide a discernible path of egress travel to an *exit*.

**Exception:** *Means of egress* are not prohibited through adjoining or intervening rooms or spaces in a Group H, S or F occupancy where the adjoining or intervening rooms or spaces are the same or a lesser hazard occupancy group.

3. An *exit access* shall not pass through a room that can be locked to prevent egress.
4. *Means of egress* from *dwelling units* or sleeping areas shall not lead through other sleeping areas, toilet rooms or bathrooms.
5. Egress shall not pass through kitchens, storage rooms, closets or spaces used for similar purposes.

**Exceptions:**

1. *Means of egress* are not prohibited through a kitchen area serving adjoining rooms constituting part of the same *dwelling unit* or *sleeping unit*.
2. *Means of egress* are not prohibited through stockrooms in Group M occupancies where all of the following are met:
  - 2.1. The stock is of the same hazard classification as that found in the main retail area.
  - 2.2. Not more than 50 percent of the *exit access* is through the stockroom.
  - 2.3. The stockroom is not subject to locking from the egress side.
  - 2.4. There is a demarcated, minimum 44-inch-wide (1118 mm) *aisle* defined by full- or partial-height fixed walls or similar construction that will

maintain the required width and lead directly from the retail area to the *exit* without obstructions.

3. In a building protected throughout by an approved automatic sprinkler system, one exit may pass through a kitchen or storeroom provided:

3.1. The exit door must be visible upon entering the kitchen or storeroom and must be clearly marked and identifiable as an exit; and

3.2. The required exit width through the kitchen or storeroom must be permanently marked and must be maintained clear and unobstructed.

**1016.2.1 Multiple tenants.** Where more than one tenant occupies any one floor of a building or structure, each tenant space, *dwelling unit* and *sleeping unit* shall be provided with access to the required *exits* without passing through adjacent tenant spaces, *dwelling units* and *sleeping units*.

**Exception:** The *means of egress* from a smaller tenant space shall not be prohibited from passing through a larger adjoining tenant space where such rooms or spaces of the smaller tenant occupy less than 10 percent of the area of the larger tenant space through which they pass; are the same or similar occupancy group; a discernible path of egress travel to an exit is provided; and the *means of egress* into the adjoining space is not subject to locking from the egress side. A required means of egress serving the larger tenant space shall not pass through the smaller tenant space or spaces.”

86. Table 1017.2, “Exit Access Travel Distance,” of Subsection 1017.2, “Limitations,” of Section 1017, “Exit Access Travel Distance,” of Chapter 10, “Means of Egress,” of the 2015 International Building Code is amended to read as follows:

**“TABLE 1017.2  
EXIT ACCESS TRAVEL DISTANCE<sup>a</sup>**

OCCUPANCY	WITHOUT SPRINKLER SYSTEM (feet)	WITH SPRINKLER SYSTEM (feet)
A, E, [ <del>F-1</del> ] M, R[ <del>S-1</del> ]	200	250 <sup>b</sup>
I-1	Not Permitted	250 <sup>b</sup>
<u>B, F-1, S-1</u>	200	300 <sup>c</sup>
F-2, S-2, U	300	400 <sup>c</sup>
H-1	Not Permitted	75 <sup>d</sup>
H-2	Not Permitted	100 <sup>d</sup>
H-3	Not Permitted	150 <sup>d</sup>
H-4	Not Permitted	175 <sup>d</sup>
H-5	Not Permitted	200 <sup>c</sup>
I-2, I-3, I-4	Not Permitted	200 <sup>c</sup>

For SI: 1 foot = 304.8 mm.

- a. See the following sections for modifications to *exit access* travel distance requirements:
  - Section 402.8: For the distance limitation in malls.
  - Section 404.9: For the distance limitation through an atrium space.
  - Section 407.4: For the distance limitation in Group I-2.
  - Sections 408.6.1 and 408.8.1: For the distance limitations in Group I-3.
  - Section 411.4: For the distance limitation in special amusement buildings.
  - Section 412.7: For the distance limitations in aircraft manufacturing facilities.
  - Section 1006.2.2.2: For the distance limitation in refrigeration machinery rooms.
  - Section 1006.2.2.3: For the distance limitation in refrigerated rooms and spaces.
  - Section 1006.3.2: For buildings with one exit.
  - Section 1017.2.2: For increased distance limitation in Groups F-1 and S-1.
  - Section 1029.7: For increased limitation in assembly seating.
  - Section 3103.4: For temporary structures.
  - Section 3104.9: For pedestrian walkways.
- b. Buildings equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2. See Section 903 for occupancies where *automatic sprinkler systems* are permitted in accordance with Section 903.3.1.2.
- c. Buildings equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1.
- d. Group H occupancies equipped throughout with an *automatic sprinkler system* in accordance with Section 903.2.5.1.”

87. Subsection 1020.1, “Construction,” of Section 1020, “Corridors,” of Chapter 10,

“Means of Egress,” of the 2015 International Building Code is amended to read as follows:

**“1020.1 Construction.** *Corridors* shall be fire-resistance rated in accordance with Table 1020.1.1. The *corridor* walls required to be fire-resistance rated shall comply with Section 708 for *fire partitions*.

**Exceptions:**

1. A *fire-resistance rating* is not required for *corridors* in an occupancy in Group E where each room that is used for instruction has not less than one door opening directly to the exterior and rooms for assembly purposes have not less than one-half of the required *means of egress* doors opening directly to the exterior. Exterior doors specified in this exception are required to be at ground level.
2. A *fire-resistance rating* is not required for *corridors* contained within a *dwelling unit* or *sleeping unit* in an occupancy in Groups I-1 and R.
3. A *fire-resistance rating* is not required for *corridors* in *open parking garages*.
4. A *fire-resistance rating* is not required for *corridors* in an occupancy in Group B that is a space requiring only a single *means of egress* complying with Section 1006.2.
5. *Corridors* adjacent to the *exterior walls* of buildings shall be permitted to have unprotected openings on unrated *exterior walls* where unrated walls are permitted by Table 602 and unprotected openings are permitted by Table 705.8.

6. Corridor walls and ceilings within a single tenant space as listed in Table 1020.1.2 and meeting all of the following conditions:

1. Approved automatic smoke-detection is installed along the path of egress within the corridor.
2. The actuation of any detector must activate self-annunciating alarms audible in all areas served by the corridor.
3. The smoke detection system must be connected to an approved automatic fire alarm system where such a system is provided.”

88. Table 1020.1, “Corridor Fire-Resistance Rating,” of Subsection 1020.1, “Construction,” of Section 1020, “Corridors,” of Chapter 10, “Means of Egress,” of the 2015 International Building Code is renumbered as Table 1020.1.1 and amended to read as follows:

**“TABLE 1020.1.1  
CORRIDOR FIRE-RESISTANCE RATING**

OCCUPANCY	OCCUPANT LOAD SERVED BY CORRIDOR	REQUIRED FIRE-RESISTANCE RATING (hours)	
		Without sprinkler system	With sprinkler system <sup>c</sup>
H-1, H-2, H-3	All	Not Permitted	1
H-4, H-5	Greater than 30	Not Permitted	1
A, B, E, F, M, S, U	Greater than 30	1	0
R <sup>d</sup>	Greater than 10	Not Permitted	0.5
I-2 <sup>a</sup> , I-4	All	Not Permitted	0
I-1, I-3	All	Not Permitted	1 <sup>b</sup>

- a. For requirements for occupancies in Group I-2, see Sections 407.2 and 407.3.
- b. For a reduction in the *fire-resistance rating* for occupancies in Group I-3, see Section 408.8.
- c. Buildings equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2 where allowed.
- d. In Group R, Divisions 2 and 4 equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2, standard ½ inch gypsum wallboard may be substituted for Type X gypsum in construction of the *corridor*. *Corridor* openings must be protected with *approved* self-closing 1¾ inch solid-core door installations or *approved* equivalent. See Section 717 for requirements on fire and smoke dampers.”

89. Subsection 1020.1, “Construction,” of Section 1020, “Corridors,” of Chapter 10, “Means of Egress,” of the 2015 International Building Code is amended by adding a new Table 1020.1.2, “Corridor Fire-Resistance Rating of Single Tenant Space,” to read as follows:

**“TABLE 1020.1.2**

## CORRIDOR FIRE-RESISTANCE RATING OF SINGLE TENANT SPACE

CATEGORY	NATURE OF OCCUPANCY SERVED BY CORRIDOR	REQUIRED FIRE-RESISTANCE RATING (hours)	
		Without smoke detectors	With smoke detectors
I	Uses and occupancies except those listed in Categories II and III	1	0
II <sup>a, b</sup>	Building and other structures that represent a substantial hazard to human life in the event of failure, including but not limited to: <ul style="list-style-type: none"> <li>• Buildings and other structures whose primary occupancy is public assembly with an occupant load greater than 300.</li> <li>• Buildings and other structures containing elementary school, secondary school, or day care facilities with an occupant load greater than 250.</li> <li>• Buildings and other structures containing adult education facilities such as colleges and universities, with an occupant load greater than 500.</li> <li>• Group I-2 occupancies with an occupant load of 50 or more resident care recipients but not having surgery or emergency treatment facilities.</li> <li>• Group I-3 occupancies.</li> <li>• Any other occupancy with an occupant load greater than 5,000,</li> <li>• Power-generating stations, water treatment facilities for potable water, waste water treatment facilities and other public utility facilities</li> </ul>	1	1

	<p>not included in Risk Category III.</p> <ul style="list-style-type: none"> <li>• Buildings and other structures not included in Risk Category III containing quantities of toxic or explosive materials that exceed maximum allowable quantities per control area as given in Table 307.1(1) or per outdoor control area in accordance with the <i>Dallas Fire Code</i> and are sufficient to pose a threat to the public if released.</li> </ul>		
III <sup>a,b</sup>	<p>Buildings and other structures designated as essential facilities, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Group I-2 occupancies having surgery or emergency treatment facilities.</li> <li>• Fire, rescue, ambulance and police stations and emergency vehicle garages.</li> <li>• Designated earthquake, hurricane or other emergency shelters.</li> <li>• Designated emergency preparedness, communications and operations centers and other facilities required for emergency response.</li> <li>• Power-generating stations and other public utility facilities required as emergency backup facilities required as emergency backup facilities for Risk Category III structures.</li> <li>• Buildings and other structures containing</li> </ul>	1	1

	<p>quantities of highly toxic materials that exceed maximum allowable quantities per control area in accordance with the <i>Dallas Fire Code</i> and are sufficient to pose a threat to the public if released.</p> <ul style="list-style-type: none"> <li>• Aviation control towers, air traffic control centers and emergency aircraft hangars.</li> <li>• Buildings and other structures having critical national defense functions.</li> <li>• Water storage facilities and pump structures required to maintain water pressure for fire suppression.</li> </ul>		
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- a. For the requirements for occupancies in Group I-2, see Section 407.2.
- b. For the requirements for occupancies in Group I-3, see Section 408.8.”

90. Subsection 1020.4, “Dead Ends,” of Section 1020, “Corridors,” of Chapter 10,

“Means of Egress,” of the 2015 International Building Code is amended to read as follows:

“**1020.4 Dead ends.** Where more than one *exit* or *exit access doorway* is required, the *exit access* shall be arranged such that there are no dead ends in *corridors* more than 20 feet (6096 mm) in length.

**Exceptions:**

1. In occupancies in Group I-3 of Condition 2, 3 or 4, the dead end in a *corridor* shall not exceed 50 feet (15 240 mm).
2. In occupancies in Groups B, E, F, I-1, M, R-1, R-2, R-4, S and U, where the building is equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1, the length of the dead-end *corridors* shall not exceed 50 feet (15 240 mm).
3. A dead-end *corridor* shall not be limited in length where the length of the dead-end *corridor* is less than 2.5 times the least width of the dead-end *corridor*.

4. In a Group I, Division 2 occupancy building used as a hospital or nursing home and equipped throughout with an approved automatic sprinkler system, the maximum dead end distance may not exceed 30 feet (9144 mm).”

91. Subsection 1023.11, “Smokeproof Enclosures,” of Section 1023, “Interior Exit Stairways and Ramps,” of Chapter 10, “Means of Egress,” of the 2015 International Building Code is amended to read as follows:

“**1023.11 Smokeproof enclosures.** Where required by Section 403.5.4, ~~[or]~~ 405.7.2 or 1007.1.1, *interior exit stairways and ramps* shall be *smokeproof enclosures* in accordance with Section 909.20.

**1023.11.1 Termination and extension.** A *smokeproof enclosure* shall terminate at an *exit discharge* or a *public way*. The *smokeproof enclosure* shall be permitted to be extended by an *exit passageway* in accordance with Section 1023.3. The *exit passageway* shall be without openings other than the *fire door assembly* required by Section 1023.3.1 and those necessary for egress from the *exit passageway*. The *exit passageway* shall be separated from the remainder of the building by 2-hour *fire barriers* constructed in accordance with Section 707 or *horizontal assemblies* constructed in accordance with Section 711, or both.

**Exceptions:**

1. Openings in the *exit passageway* serving a *smokeproof enclosure* are permitted where the *exit passageway* is protected and pressurized in the same manner as the *smokeproof enclosure*, and openings are protected as required for access from other floors.
2. The *fire barrier* separating the *smokeproof enclosure* from the *exit passageway* is not required, provided the *exit passageway* is protected and pressurized in the same manner as the *smokeproof enclosure*.
3. A *smokeproof enclosure* shall be permitted to egress through areas on the *level of exit discharge* or vestibules as permitted by Section 1028.

**1023.11.2 Enclosure access.** Access to the *stairway* or *ramp* within a *smokeproof enclosure* shall be by way of a vestibule or an open exterior balcony.

**Exception:** Access is not required by way of a vestibule or exterior balcony for *stairways* and *ramps* using the pressurization alternative complying with Section 909.20.5.”

92. Subparagraph 1029.1.1, “Spaces Under Grandstands and Bleachers,” of Paragraph 1029.1.1, “Bleachers,” of Subsection 1029.1, “General,” of Section 1029, “Assembly,” of Chapter 10, “Means of Egress,” of the 2015 International Building Code is amended to read as follows:

**“1029.1.1.1 Spaces under grandstands and bleachers.** Where spaces under *grandstands* or *bleachers* are used for purposes other than ticket booths less than 100 square feet (9.29 m<sup>2</sup>) and toilet rooms, such spaces shall be separated by *fire barriers* complying with Section 707 and *horizontal assemblies* complying with Section 711 with not less than 1-hour *fire-resistance-rated* construction.

**Exceptions:**

1. Spaces less than 1000 square feet and built to prevent the extension of fire and hot gases through penetrations in walls and floors; built to block the freepassage of fire and hot gases within a concealed space; and equipped with openings of either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8 inches (34.9 mm) in thickness or an equivalent, or doors/shutters in compliance with Section 716.5.3 with a fire protection rating of not less than 20 minutes.
2. Spaces equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.”

93. Subsection 1030.1, “General,” of Section 1030, “Emergency Escape and Rescue,” of Chapter 10, “Means of Egress,” of the 2015 International Building Code is amended to read as follows:

**“1030.1 General.** In addition to the *means of egress* required by this chapter, provisions shall be made for *emergency escape and rescue openings* in Group I-1 and R[R-2] occupancies [~~in accordance with Tables 1006.3.2(1) and 1006.3.2(2) and Group R-3 occupancies~~]. *Basements* and sleeping rooms below the fourth story above *grade plane* shall have at least one exterior *emergency escape and rescue opening* in accordance with this section. Where *basements* contain one or more sleeping rooms, *emergency escape and rescue openings* shall be required in each sleeping room, but shall not be required in adjoining areas of the *basement*. Such openings shall open directly into a *public way* or to a *yard* or *court* that opens to a *public way*.

**Exceptions:**

1. *Basements* with a ceiling height of less than 80 inches (2032 mm) shall not be required to have *emergency escape and rescue openings*.
2. *Emergency escape and rescue openings* are not required from *basements* or sleeping rooms that have an *exit door* or *exit access door* that opens directly into a *public way* or to a *yard, court* or exterior exit balcony that opens to a *public way*.
3. *Basements* without *habitable spaces* and having not more than 200 square feet (18.6 m<sup>2</sup>) in floor area shall not be required to have *emergency escape and rescue openings*.
4. In other than Group R-3 occupancies, buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

94. Subsection 1101.2, “Design,” of Section 1101, “General,” of Chapter 11, “Accessibility,” of the 2015 International Building Code is amended to read as follows:

“**1101.2 Design.** Buildings and facilities shall be designed and constructed to be *accessible* in accordance with this code and ICC A117.1.

**Exceptions:**

1. Components of projects regulated by and registered with the Architectural Barriers Division of the Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.
2. FHA Type C dwelling units designed and constructed in accordance with the Fair Housing Act Design Manual—1996 (Updated 1998) will be considered in compliance with the applicable requirements of this chapter.

95. Subsection 1102.1, “Definitions,” of Section 1102, “Definitions,” of Chapter 11, “Accessibility,” of the 2015 International Building Code is amended to read as follows:

“**1102.1 Definitions.** The following terms are defined in Chapter 2:

**ACCESSIBLE.**

**ACCESSIBLE ROUTE.**

**ACCESSIBLE UNIT.**

**AREA OF SPORT ACTIVITY.**

**CIRCULATION PATH.**

**COMMON USE.**

**DETECTABLE WARNING.**

**EMPLOYEE WORK AREA.**

**FACILITY.**

**INTENDED TO BE OCCUPIED AS A RESIDENCE.**

**MULTILEVEL ASSEMBLY SEATING.**

**MULTISTORY UNIT.**

**PUBLIC ENTRANCE.**

**PUBLIC-USE AREAS.**

**RESTRICTED ENTRANCE.**

**SELF-SERVICE STORAGE FACILITY.**

**SERVICE ENTRANCE.**

**SITE.**

**TYPE A UNIT.**

**TYPE B UNIT.**

**TYPE C UNIT, FHA.**

**WHEELCHAIR SPACE.”**

96. Paragraph 1103.2.5, “Construction Site,” of Subsection 1103.2, “General Exceptions,” of Section 1103, “Scoping Requirements,” of Chapter 11, “Accessibility,” of the 2015 International Building Code is amended to read as follows:

“**1103.2.5 Construction sites.** Structures, *sites* and equipment directly associated with the actual processes of construction including, but not limited to, scaffolding, bridging, materials hoists, materials storage, [ø] construction trailers or portable toilet units provided for use”

exclusively by construction personnel on a construction site are not required to comply with this chapter.”

97. Subsection 1103.2, “General Exceptions,” of Section 1103, “Scoping Requirements,” of Chapter 11, “Accessibility,” of the 2015 International Building Code is amended by adding a new Paragraph 1103.2.15, “Restricted Occupancy Spaces,” to read as follows:

**“1103.2.15 Restricted occupancy spaces.** Vertical access (elevators and platform lifts) is not required for the second floor of two-story control buildings located within a chemical manufacturing facility where the second floor is restricted to employees and does not contain common areas or employment opportunities not otherwise available in *accessible* locations within the same building.”

98. Subsection 1106.1, “Required,” of Section 1106, “Parking and Passenger Loading Facilities,” of Chapter 11, “Accessibility,” of the 2015 International Building Code is amended to read as follows:

**“1106.1 Required.** Where parking is provided, *accessible* parking spaces shall be provided in compliance with Table 1106.1, except as required by Sections 1106.2 through 1106.4 and as required by the *Dallas Development Code*. Where more than one parking facility is provided on a *site*, the number of parking spaces required to be *accessible* shall be calculated separately for each parking facility.

**Exception:** This section does not apply to parking spaces used exclusively for buses, trucks, other delivery vehicles, law enforcement vehicles or vehicular impound and motor pools where lots accessed by the public are provided with an *accessible* passenger loading zone.”

99. Subsection 1107.2, “Design,” of Section 1107, “Dwelling Units and Sleeping Units,” of Chapter 11, “Accessibility,” of the 2015 International Building Code is amended to read as follows:

**“1107.2 Design.** *Dwelling units* and *sleeping units* that are required to be *Accessible units*, *Type A units* and *Type B units* shall comply with the applicable portions of Chapter 10 of ICC A117.1. Units required to be *Type A units* are permitted to be designed and constructed as *Accessible units*. Units required to be *Type B units* are permitted to be designed and constructed as *Accessible units* or as *Type A units*. Units required to be *FHA Type C units* are permitted to be designed and constructed as *Accessible units*, *Type A units* or *Type B units*.

**1107.2.1 Alternate design.** FHA Type C dwelling units designed and constructed with the following items in accordance with the *Fair Housing Act Design Manual*—1996 (Updated 1998) are considered in compliance with the fair housing requirements of this chapter.

**1107.2.1.1 Multifamily dwellings.** All covered multifamily dwellings built for first occupancy after March 13, 1991 with a building entrance on an *accessible route* must be designed and constructed in such a manner that:

1. The public and common use areas are readily *accessible* to and useable by handicapped persons;
2. All the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
3. All premises within covered multifamily dwelling units contain the following features of adaptable design:
  - 3.1. *An accessible route* into and through the covered dwelling unit;
  - 3.2. *Light switches, electrical outlets, thermostats and other environmental controls* in accessible locations;
  - 3.3. *Reinforcements in bathroom walls to allow later installation of grab bars around the toilet, tub, shower stall and shower seat, where such facilities are provided; and*
  - 3.4. *Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.*

100. Subsection 1107.6, “Group R,” of Section 1107, “Dwelling Units and Sleeping Units,” of Chapter 11, “Accessibility,” of the 2015 International Building Code is amended to read as follows:

**“1107.6 Group R.** *Accessible units, Type A units, [and] Type B units and FHA Type C units* shall be provided in Group R occupancies in accordance with Sections 1107.6.1 through 1107.6.4.

**1107.6.1 Group R-1.** *Accessible units and Type B units* shall be provided in Group R-1 occupancies in accordance with Sections 1107.6.1.1 and 1107.6.1.2.

**1107.6.1.1 Accessible units.** *Accessible dwelling units and sleeping units* shall be provided in accordance with Table 1107.6.1.1. Where buildings contain more than 50 *dwelling units* or *sleeping units*, the number of *Accessible units* shall be determined per building. Where

buildings contain 50 or fewer *dwelling units* or *sleeping units*, all *dwelling units* and *sleeping units* on a *site* shall be considered to determine the total number of *Accessible units*. *Accessible units* shall be dispersed among the various classes of units.

**1107.6.1.2 Type B units.** In structures with four or more *dwelling units* or *sleeping units* intended to be occupied as a residence, every *dwelling unit* and *sleeping unit* intended to be occupied as a residence shall be a *Type B unit*.

**Exception:** The number of *Type B units* is permitted to be reduced in accordance with Section 1107.7.

**1107.6.2 Group R-2.** *Accessible units, Type A units, [and] Type B units, and FHA Type C units* shall be provided in Group R-2 occupancies in accordance with Sections 1107.6.2.1 through 1107.6.2.3. Fire walls are not considered in the determination of the number of *dwelling units* in a structure.

**1107.6.2.1 Live/work units.** In *live/work units* constructed in accordance with Section 419, the nonresidential portion is required to be *accessible*. In a structure where there are four or more *live/work units* intended to be occupied as a residence, the residential portion of the *live/work unit* shall be a *Type B unit* or *FHA Type C units* must be provided in accordance with Section 1107.6.2.1.1.

**Exception:** The number of *Type B units* is permitted to be reduced in accordance with Section 1107.7.

**1107.6.2.1.1 FHA Type C units.** In structures with four or more *dwelling units* or *sleeping units* intended to be occupied as a residence in a single structure, every *dwelling unit* shall be at least an *FHA Type C unit*.

**Exception:** The number of *FHA Type C units* is permitted to be reduced in accordance with the *Fair Housing Act Design Manual—1996 (Updated 1998)*.

**1107.6.2.2 Apartment houses, monasteries and convents.** *Type A units* and *Type B units* shall be provided in apartment houses, monasteries and convents in accordance with Sections 1107.6.2.2.1 and 1107.6.2.2.2 or *FHA Type C units* must be provided in accordance with Section 1107.6.2.1.1.

**1107.6.2.2.1 Type A units.** In Group R-2 occupancies containing more than 20 *dwelling units* or *sleeping units*, at least 2 percent but not less than one of the units shall be a *Type A unit*. All Group R-2 units on a *site* shall be considered to determine the total number of units and the required number of *Type A units*. *Type A units* shall be dispersed among the various classes of units. Bedrooms in monasteries and convents shall be counted as *sleeping units* for the purpose of determining the number of units. Where the *sleeping units* are grouped into suites, only one *sleeping unit* in each suite shall count towards the number of required *Type A units*.

**Exceptions:**

1. The number of *Type A units* is permitted to be reduced in accordance with Section 1107.7.
2. *Existing structures* on a *site* shall not contribute to the total number of units on a *site*.

**1107.6.2.2.2 Type B units.** Where there are four or more *dwelling units* or *sleeping units intended to be occupied as a residence* in a single structure, every *dwelling unit* and *sleeping unit intended to be occupied as a residence* shall be a *Type B unit*.

**Exception:** The number of *Type B units* is permitted to be reduced in accordance with Section 1107.7

**1107.6.2.3 Group R-2 other than live/work units, apartment houses, monasteries and convents.** In Group R-2 occupancies, other than *live/work units*, apartment houses, monasteries and convents falling within the scope of Sections 1107.6.2.1 and 1107.6.2.2, *Accessible units* and *Type B units* shall be provided in accordance with Sections 1107.6.2.3.1 and 1107.6.2.3.2 or *FHA Type C units* must be provided in accordance with Section 1107.6.2.1.1. Bedrooms within congregate living facilities shall be counted as *sleeping units* for the purpose of determining the number of units. Where the *sleeping units* are grouped into suites, only one *sleeping unit* in each suite shall be permitted to count towards the number of required *Accessible units*.

**1107.6.2.3.1 Accessible units.** *Accessible dwelling units* and *sleeping units* shall be provided in accordance with Table 1107.6.1.1.

**1107.6.2.3.2 Type B units.** Where there are four or more *dwelling units* or *sleeping units intended to be occupied as a residence* in a single structure, every *dwelling unit* and every *sleeping unit intended to be occupied as a residence* shall be a *Type B unit*.

**Exception:** The number of *Type B units* is permitted to be reduced in accordance with Section 1107.7.

**1107.6.3 Group R-3.** In Group R-3 occupancies where there are four or more *dwelling units* or *sleeping units intended to be occupied as a residence* in a single structure, every *dwelling unit* and *sleeping unit intended to be occupied as a residence* shall be a *Type B unit* or an *FHA Type C unit*. Bedrooms within congregate living facilities shall be counted as *sleeping units* for the purpose of determining the number of units.

**Exceptions:**

1. The number of *Type B units* is permitted to be reduced in accordance with Section 1107.7.
2. The number of *FHA Type C units* is permitted to be reduced in accordance with the *Fair Housing Act Design Manual*—1996 (Updated 1998).

**1107.6.4 Group R-4.** *Accessible units* and *Type B units* shall be provided in Group R-4 occupancies in accordance with Sections 1107.6.4.1 and 1107.6.4.2 or *FHA Type C units* must be provided in accordance with Section 1107.6.2.1.1.

**1107.6.4.1 Accessible units.** In Group R-4 Condition 1, at least one of the *dwelling units* or *sleeping units* shall be an *Accessible unit*. In Group R-4 Condition 2, at least two of the *dwelling units* or *sleeping units* shall be an *Accessible unit*. Bedrooms in Group R-4 facilities shall be counted as *sleeping units* for the purpose of determining the number of units.

**1107.6.4.2 Type B units.** In structures with four or more *dwelling units* or *sleeping units* intended to be occupied as a residence, every *dwelling unit* and *sleeping unit* intended to be occupied as a residence shall be a *Type B unit*.

**Exception:** The number of *Type B units* is permitted to be reduced in accordance with Section 1107.7.”

101. Subsection 1107.7, “General Exceptions,” of Section 1107, “Dwelling Units and Sleeping Units,” of Chapter 11, “Accessibility,” of the 2015 International Building Code is amended to read as follows:

“**1107.7 General exceptions.** Where specifically permitted by Section 1107.5 or 1107.6, the required number of *Type A units* and *Type B units* is permitted to be reduced in accordance with Sections 1107.7.1 through 1107.7.5.

**1107.7.1 Structures without elevator service.** Where no elevator service is provided in a structure, only the *dwelling units* and *sleeping units* that are located on stories indicated in Sections 1107.7.1.1 and 1107.7.1.2 are required to be *Type A units*, ~~and~~ *Type B units*, or *FHA Type C units* ~~respectively~~. The number of *Type A units* shall be determined in accordance with Section 1107.6.2.2.1.

**1107.7.1.1 One story with Type B or FHA Type C units required.** At least one *story* containing *dwelling units* or *sleeping units* intended to be occupied as a residence shall be provided with an *accessible* entrance from the exterior of the structure and all units intended to be occupied as a residence on that *story* shall be *Type B units* or *FHA Type C units*.

**1107.7.1.2 Additional stories with Type B units or FHA Type C units.** On all other stories that have a building entrance in proximity to arrival points intended to serve units on that *story*, as indicated in Items 1 and 2, all *dwelling units* and *sleeping units intended to be occupied as a residence* served by that entrance on that *story* shall be *Type B units* or *FHA Type C units*.

1. Where the slopes of the undisturbed *site* measured between the planned entrance and all vehicular or pedestrian arrival points within 50 feet (15 240 mm) of the planned entrance are 10 percent or less, and
2. Where the slopes of the planned finished grade measured between the entrance and all vehicular or pedestrian arrival points within 50 feet (15 240 mm) of the planned entrance are 10 percent or less.

Where no such arrival points are within 50 feet (15 240 mm) of the entrance, the closest arrival point shall be used unless that arrival point serves the *story* required by Section 1107.7.1.1.

**1107.7.2 Multistory units.** A *multistory dwelling unit* or *sleeping unit* that is not provided with elevator service is not required to be a *Type B unit* or *FHA Type C unit*. Where a *multistory unit* is provided with external elevator service to only one floor, the floor provided with elevator service shall be the primary entry to the unit, shall comply with the requirements for a *Type B unit* or an *FHA Type C unit* and, where provided within the unit, a living area, a kitchen and a toilet facility shall be provided on that floor.

**1107.7.3 Elevator service to the lowest story with units.** Where elevator service in the building provides an *accessible route* only to the lowest *story* containing *dwelling units* or *sleeping units intended to be occupied as a residence*, only the units on that *story* that are *intended to be occupied as a residence* are required to be *Type B units* or *FHA Type C units*.

**1107.7.4 Site impracticality.** On a *site* with multiple non-elevator buildings, the number of units required by Section 1107.7.1 to be *Type B units* or *FHA Type C units* is permitted to be reduced to a percentage that is equal to the percentage of the entire *site* having grades, prior to development, that are less than 10 percent, provided that all of the following conditions are met:

1. Not less than 20 percent of the units required by Section 1107.7.1 on the *site* are *Type B units* or *FHA Type C units*;
2. Units required by Section 1107.7.1, where the slope between the building entrance serving the units on that *story* and a pedestrian or vehicular arrival point is no greater than 8.33 percent, are *Type B units* or *FHA Type C units*;
3. Units required by Section 1107.7.1, where an elevated walkway is planned between a building entrance serving the units on that *story* and a pedestrian or vehicular arrival

point and the slope between them is 10 percent or less, are *Type B units* or *FHA Type C units*; and

4. Units served by an elevator in accordance with Section 1107.7.3 are *Type B units* or *FHA Type C units*.

**1107.7.5 Design flood elevation.** The required number of *Type A units*, ~~and~~ *Type B units* or *FHA Type C units* shall not apply to a *site* where the required elevation of the lowest floor or the lowest horizontal structural building members of nonelevator buildings are at or above the *design flood elevation* resulting in:

1. A difference in elevation between the minimum required floor elevation at the primary entrances and vehicular and pedestrian arrival points within 50 feet (15 240 mm) exceeding 30 inches (762 mm), and
2. A slope exceeding 10 percent between the minimum required floor elevation at the primary entrances and vehicular and pedestrian arrival points within 50 feet (15 240 mm).

Where no such arrival points are within 50 feet (15 240 mm) of the primary entrances, the closest arrival points shall be used.

102. Subsection 1109.1, “General,” of Section 1109, “Other Features and Facilities,” of Chapter 11, “Accessibility,” of the 2015 International Building Code is amended to read as follows:

“**1109.1 General.** Accessible building features and facilities shall be provided in accordance with Sections 1109.2 through 1109.15.

**Exceptions:**

1. Accessible units, *Type A units* and *Type B units* shall comply with Chapter 10 of ICC A117.1.
2. *FHA Type C dwelling units* designed and constructed in accordance with the *Fair Housing Act Design Manual*—1996(Updated 1998) are considered in compliance with these provisions.”

103. Paragraph 1109.2.1, “Family or Assisted-Use Toilet and Bathing Rooms,” of Subsection 1109.2, “Toilet and Bathing Facilities,” of Section 1109, “Other Features and

Facilities,” of Chapter 11, “Accessibility,” of the 2015 International Building Code is amended to read as follows:

**“1109.2.1 Family or assisted-use toilet and bathing rooms.** In assembly and mercantile occupancies, an *accessible* family or assisted-use toilet room shall be provided where an aggregate of six or more male or [~~and~~] female water closets are provided [~~is required~~]. In buildings of mixed occupancy, only those water closets required for the assembly or mercantile occupancy shall be used to determine the family or assisted-use toilet room requirement. In recreational facilities where separate-sex bathing rooms are provided, an *accessible* family or assisted-use bathing room shall be provided. Fixtures located within family or assisted-use toilet and bathing rooms shall be included in determining the number of fixtures provided in an occupancy.

**Exception:** Where each separate-sex bathing room has only one shower or bathtub fixture, a family or assisted-use bathing room is not required.

**1109.2.1.1 Standard.** Family or assisted-use toilet and bathing rooms shall comply with Sections 1109.2.1.2 through 1109.2.1.7.

**1109.2.1.2 Family or assisted-use toilet rooms.** Family or assisted-use toilet rooms shall include only one water closet and only one lavatory. A family or assisted-use bathing room in accordance with Section 1109.2.1.3 shall be considered a family or assisted-use toilet room.

**Exception:** A urinal is permitted to be provided in addition to the water closet in a family or assisted-use toilet room.

**1109.2.1.3 Family or assisted-use bathing rooms.** Family or assisted-use bathing rooms shall include only one shower or bathtub fixture. Family or assisted-use bathing rooms shall also include one water closet and one lavatory. Where storage facilities are provided for separate-sex bathing rooms, *accessible* storage facilities shall be provided for family or assisted-use bathing rooms.

**1109.2.1.4 Location.** Family or assisted-use toilet and bathing rooms shall be located on an *accessible route*. Family or assisted-use toilet rooms shall be located not more than one *story* above or below separate-sex toilet rooms. The *accessible route* from any separate-sex toilet room to a family or assisted-use toilet room shall not exceed 500 feet (152 m).

**1109.2.1.5 Prohibited location.** In passenger transportation facilities and airports, the *accessible route* from separate-sex toilet rooms to a family or assisted-use toilet room shall not pass through security checkpoints.

**1109.2.1.6 Clear floor space.** Where doors swing into a family or assisted-use toilet or bathing room, a clear floor space not less than 30 inches by 48 inches (762 mm by 1219 mm) shall be provided, within the room, beyond the area of the door swing.

**1109.2.1.7 Privacy.** Doors to family or assisted-use toilet and bathing rooms shall be securable from within the room.”

104. Subsection 1203.1, “General,” of Section 1203, “Ventilation,” of Chapter 12, “Interior Environment,” of the 2015 International Building Code is amended to read as follows:

“**1203.1 General.** Buildings shall be provided with natural ventilation in accordance with Section 1203.4, or mechanical ventilation in accordance with the Dallas [~~International~~] *Mechanical Code*.

Where the air infiltration rate in a *dwelling unit* is [~~less than~~] 5 air changes or less per hour when tested with a blower door at a pressure 0.2 inch w.c. (50 Pa) in accordance with Section 402.4.1.2 of the Dallas [~~International~~] *Energy Conservation Code—Residential Provisions*, the *dwelling unit* shall be ventilated by mechanical means in accordance with Section 403 of the Dallas [~~International~~] *Mechanical Code*. *Ambulatory care facilities* and Group I-2 occupancies shall be ventilated by mechanical means in accordance with Section 407 of the Dallas [~~International~~] *Mechanical Code*.”

105. Paragraph 1210.2.2, “Walls and Partitions,” of Subsection 1210.2, “Finish Materials,” of Section 1210, “Toilet and Bathroom Requirements,” of Chapter 12, “Interior Environment,” of the 2015 International Building Code is amended to read as follows:

“**1210.2.2 Walls and partitions.** Walls and partitions within 2 feet (610 mm) of service sinks, urinals and water closets shall have a smooth, hard, nonabsorbent surface, to a height of not less than 4 feet (1219 mm) above the floor, and except for structural elements, the materials used in such walls shall be of a type that is not adversely affected by moisture.

**Exception:** This section does not apply to the following buildings and spaces:

1. Dwelling units and sleeping units.
2. Toilet rooms that are not accessible to the public and that have not more than one water closet provided that walls around urinals comply with the minimum surrounding material specified by Section 419.3 of the Dallas Plumbing Code.

Accessories such as grab bars, towel bars, paper dispensers and soap dishes, provided on or within walls, shall be installed and sealed to protect structural elements from moisture.”

106. Subsection 1405.5, “Wood Veneers,” of Section 1405, “Installation of Wall Coverings,” of Chapter 14, “Exterior Walls,” of the 2015 International Building Code is amended to read as follows:

**“1405.5 Wood veneers.** Wood veneers on exterior walls of buildings of Type I, II, III and IV construction shall be not less than 1 inch (25 mm) nominal thickness, 0.438-inch (11.1 mm) exterior hardboard siding or 0.375-inch (9.5 mm) exterior-type wood structural panels or particleboard and shall conform to the following:

1. The veneer shall not exceed 40 feet (12 190 mm) in height above grade. Where fire-retardant-treated wood is used, the height shall not exceed 60 feet (18 290 mm) in height above grade.
2. The veneer is attached to or furred from a noncombustible backing that is fire-resistance rated as required by other provisions of this code.
3. Where open or spaced wood veneers (without concealed spaces) are used, they shall not project more than 24 inches (610 mm) from the building wall.

See Sections 1406.2.1 and 1406.3 for additional limitations.”

107. Subparagraph 1406.2.1.1, “Ignition Resistance,” of Paragraph 1406.2.1, “Type I, II, III and IV Construction,” of Subsection 1406.2, “Combustible Exterior Wall Coverings,” of Section 1406, “Combustible Materials on the Exterior Side of Exterior Walls,” of Chapter 14, “Exterior Walls,” of the 2015 International Building Code is amended to read as follows:

**“1406.2.1.1 Ignition resistance.** Where permitted by Section 1406.2.1, combustible exterior wall coverings shall be tested in accordance with NFPA 268.

**Exceptions:**

1. Wood or wood-based products installed at fully sprinklered exterior exitways, exterior stairs or exterior exit balconies of Group R occupancies.
2. Other combustible materials covered with an exterior weather covering, other than vinyl sidings, included in and complying with the thickness requirements of Table 1405.2.

3. Aluminum having a minimum thickness of 0.019 inch (0.48 mm).
4. Materials of a Class II flame spread classification may be substituted in lieu of testing in accordance with NFPA 268 for exterior wall coverings of wood or wood-based products and of Type V construction in Group R, Division 1, 2 and 4 occupancies. The finish materials must be such that the required flame spread is an inherent characteristic of the material or is permanently achieved by pressure impregnation.

**1406.2.1.1.1 Fire separation 5 feet or less.** Where installed on exterior walls having a fire separation distance of 5 feet (1524 mm) or less, combustible exterior wall coverings shall not exhibit sustained flaming as defined in NFPA 268.

**1406.2.1.1.2 Fire separation greater than 5 feet.** For fire separation distances greater than 5 feet (1524 mm), any exterior wall covering shall be permitted that has been exposed to a reduced level of incident radiant heat flux in accordance with the NFPA 268 test method without exhibiting sustained flaming. The minimum fire separation distance required for the exterior wall covering shall be determined from Table 1406.2.1.1.2 based on the maximum tolerable level of incident radiant heat flux that does not cause sustained flaming of the exterior wall covering.”

108. Subsection 1406.3, “Balconies and Similar Projections,” of Section 1406, “Combustible Materials on the Exterior Side of Exterior Walls,” of Chapter 14, “Exterior Walls,” of the 2015 International Building Code is amended to read as follows:

**“1406.3 Balconies and similar projections.** Balconies and similar projections of combustible construction other than fire-retardant-treated wood shall be fire-resistance rated where required by Table 601 for floor construction or shall be of Type IV construction in accordance with Section 602.4. The aggregate length of the projections shall not exceed 50 percent of the building’s perimeter on each floor.

**Exceptions:**

1. On buildings of Type I and II construction, three stories or less above *grade plane*, *fire-retardant-treated wood* shall be permitted for balconies, porches, decks and exterior stairways not used as required exits.
2. Untreated wood is permitted for pickets and rails or similar guardrail devices that are limited to 42 inches (1067 mm) in height installed at fully sprinklered exterior exitways, exterior stairs or exterior exit balconies of Group R occupancies.

3. Balconies and similar projections on buildings of Type III, IV and V construction shall be permitted to be of Type V construction, and shall not be required to have a *fire-resistance rating* where sprinkler protection is extended to these areas.
4. Where sprinkler protection is extended to the balcony areas, the aggregate length of the balcony on each floor shall not be limited.”

109. Table 1505.1, “Minimum Roof Covering Classification for Types of Construction,” of Subsection [BF] 1505.1, “General,” of Section 1505, “Fire Classification,” of Chapter 15, “Roof Assemblies and Rooftop Structures,” of the 2015 International Building Code is amended to read as follows:

“**TABLE 1505.1**<sup>a[,b]</sup>

**MINIMUM ROOF COVERING CLASSIFICATION FOR TYPES OF CONSTRUCTION**

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
B	B	B	C <sup>b[e]</sup>	B	C <sup>b[e]</sup>	B	B	C <sup>b[e]</sup>

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m<sup>2</sup>.

- a. Unless otherwise required in accordance with the *International Wildland-Urban Interface Code* or due to the location of the building within a fire district in accordance with Appendix D.
- b. Nonclassified roof coverings shall be permitted on buildings of [~~Group R-3 and~~] Group U occupancies having not more than 200 square feet of projected roof area. When exceeding 200 square feet of projected roof area, buildings of Group U occupancies may use non-rated, non-combustible [~~where there is a minimum fire separation distance of 6 feet measured from the leading edge of the~~] roof coverings.
- [e. Buildings that are not more than two stories above grade plane and having not more than 6,000 square feet of projected roof area and where there is a minimum 10 foot fire separation distance from the leading edge of the roof to a lot line on all sides of the building, except for street fronts or public ways, shall be permitted to have roofs of No. 1 cedar or redwood shakes and No. 1 shingles constructed in accordance with Section 1505.7.]”

110. Subsection [BF] 1505.7, “Special Purpose Roofs,” of Section 1505, “Fire Classification,” of Chapter 15, “Roof Assemblies and Rooftop Structures,” of the 2015 International Building Code is deleted.

111. Paragraph [BG] 1510.2.5, “Type of Construction,” of Subsection [BG] 1510.2, “Penthouses,” of Section 1510, “Rooftop Structures,” of Chapter 15, “Roof Assemblies and Rooftop Structures,” of the 2015 International Building Code is amended to read as follows:

“**[BG] 1510.2.5 Type of construction.** Penthouses shall be constructed with walls, floors and roofs as required for the type of construction of the building on which such penthouses are built. All structures must be designed by an engineer registered in the State of Texas.”

**Exceptions:**

1. On buildings of Type I construction, the exterior walls and roofs of penthouses with a *fire separation distance* greater than 5 feet (1524 mm) and less than 20 feet (6096 mm) shall be permitted to have not less than a 1-hour fire-resistance rating. The exterior walls and roofs of penthouses with a fire separation distance of 20 feet (6096 mm) or greater shall not be required to have a fire-resistance rating.
2. On buildings of Type I construction two stories or less in height above grade plane or of Type II construction, the exterior walls and roofs of penthouses with a *fire separation distance* greater than 5 feet (1524 mm) and less than 20 feet (6096 mm) shall be permitted to have not less than a 1-hour fire-resistance rating or a lesser fire-resistance rating as required by Table 602 and be constructed of fire-retardant-treated wood. The exterior walls and roofs of penthouses with a *fire separation distance* of 20 feet (6096 mm) or greater shall be permitted to be constructed of fire-retardant-treated wood and shall not be required to have a fire-resistance rating. Interior framing and walls shall be permitted to be constructed of fire-retardant-treated wood.
3. On buildings of Type III, IV or V construction, the exterior walls of penthouses with a fire separation distance greater than 5 feet (1524 mm) and less than 20 feet (6096 mm) shall be permitted to have not less than a 1-hour fire-resistance rating or a lesser fire-resistance rating as required by Table 602. On buildings of Type III, IV or VA construction, the exterior walls of penthouses with a fire separation distance of 20 feet (6096 mm) or greater shall be permitted to be of Type IV or noncombustible construction or fire-retardant-treated wood and shall not be required to have a fire-resistance rating.”

112. Subsection [BS] 1510.8, “Other Rooftop Structures,” of Section 1510, “Rooftop Structures,” of Chapter 15, “Roof Assemblies and Rooftop Structures,” of the 2015 International Building Code is amended by adding a new Paragraph 1510.8.6, “Architectural Appendages,” to read as follows:

**“1510.8.6 Architectural appendages.** Architectural appendages used exclusively as decoration or embellishment must comply with Section 1510.2 as penthouses and be of the same type of construction as required for the exterior walls of the building or the roof in which such appendages are located.”

113. Section 1510, “Rooftop Structures,” of Chapter 15, “Roof Assemblies and Rooftop Structures,” of the 2015 International Building Code is amended by adding a new Subsection 1510.10, “Wood Surfaces,” to read as follows:

**“1510.10 Wood surfaces.** Where roof assemblies are required to be fire rated, wood surfaces on roof assemblies such as walks, running tracks and other similar surfaces may be installed when constructed of fire-retardant treated wood. Any space between the wood and the roof surface must be filled with inorganic or Class I material or the space must be fire stopped not to exceed 8 feet (2438.4 mm) in any direction. Weep holes of sufficient size to prevent water accumulation on the roof are permitted.”

114. Subsection 1511.1, “General,” of Section 1511, “Reroofing,” of Chapter 15, “Roof Assemblies and Rooftop Structures,” of the 2015 International Building Code is amended to read as follows:

**“1511.1 General.** Materials and methods of application used for recovering or replacing an existing roof covering shall comply with the requirements of Chapter 15. All individual replacement shingles or shakes shall be in compliance with the rating required by Table 1505.1.

**Exceptions:**

1. *Roof replacement or roof recover* of existing low-slope roof coverings shall not be required to meet the minimum design slope requirement of one-quarter unit vertical in 12 units horizontal (2-percent slope) in Section 1507 for roofs that provide positive roof drainage.
2. Recovering or replacing an existing roof covering shall not be required to meet the requirement for secondary (emergency overflow) drains or scuppers in Section 1503.4 for roofs that provide for positive roof drainage. For the purposes of this exception, existing secondary drainage or scupper systems required in accordance with this code shall not be removed unless they are replaced by secondary drains or scuppers designed and installed in accordance with Section 1503.4.”

115. Paragraph 1511.3.1, “Roof Recover,” of Subsection 1511.3, “Roof Replacement,” of Section 1511, “Reroofing,” of Chapter 15, “Roof Assemblies and Rooftop Structures,” of the 2015 International Building Code is amended to read as follows:

**“1511.3.1 Roof recover.** The installation of a new roof covering over an existing roof covering shall be permitted where any of the following conditions occur:

1. Where the new roof covering is installed in accordance with the roof covering manufacturer’s approved instructions.
2. Complete and separate roofing systems, such as standing-seam metal roof panel systems, that are designed to transmit the roof loads directly to the building’s structural system and that do not rely on existing roofs and roof coverings for support, shall not require the removal of existing roof coverings.
3. Metal panel, metal shingle and concrete and clay tile roof coverings shall be permitted to be installed over existing wood shake roofs when applied in accordance with Section 1511.4.
4. The application of a new protective coating over an existing spray polyurethane foam roofing system shall be permitted without tear off of existing roof coverings.
5. Where the maximum number of roof coverings, including the new roof covering installation, does not exceed two.

**1511.3.1.1 Exceptions.** A *roof recover* shall not be permitted where any of the following conditions occur:

1. Where the existing roof or roof covering is water soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.
2. Where the existing roof covering is slate, clay, cement or asbestos-cement tile.
3. Where the existing roof has three [~~two~~] or more applications of any type of roof covering.”

116. Subsection 1612.1, “General,” of Section 1612, “Flood Loads,” of Chapter 16,

“Structural Design,” of the 2015 International Building Code is amended to read as follows:

**“1612.1 General.** Within *flood hazard areas* as established in Section 1612.3, all new construction of buildings, structures and portions of buildings and structures, including substantial improvement and restoration of substantial damage to buildings and structures, shall be designed and constructed to resist the effects of flood hazards and flood loads. For buildings that are located in more than one *flood hazard area*, the provisions associated with the most restrictive *flood hazard area* shall apply.

**Exception:** Buildings and structures constructed and elevated as required by floodplain regulations in Article V of the *Dallas Development Code*.”

117. Subsection 1704.2, “Special Inspections and Tests,” of Section 1704, “Special Inspections and Tests, Contractor Responsibility and Structural Observation,” of Chapter 17, “Special Inspections and Tests,” of the 2015 International Building Code is amended to read as follows:

**“1704.2 Special inspections and tests.** Where application is made to the *building official* for construction as specified in Section 301 of Chapter 52, “Administrative Provisions for the Construction Codes” of the *Dallas City Code* [105], the owner or the owner’s authorized agent, or the registered design professional in responsible charge, other than the contractor, shall employ one or more *approved agencies* to provide *special inspections* and tests during construction on the types of work listed under Section 1705 and identify the *approved agencies* to the *building official*. The special inspector shall not be employed by the contractor. These *special inspections* and tests are in addition to the inspections identified by the *building official* that are identified in Section 304 of Chapter 52, “Administrative Provisions for the Construction Codes” of the *Dallas City Code* [110].

**Exceptions:**

1. *Special inspections* and tests are not required for construction of a minor nature or as warranted by conditions in the jurisdiction as *approved* by the *building official*.
2. Unless otherwise required by the *building official*, *special inspections* and tests are not required for Group U occupancies that are accessory to a residential occupancy including, but not limited to, those listed in Section 312.1.
3. *Special inspections* and tests are not required for portions of structures designed and constructed in accordance with the cold-formed steel light-frame construction provisions of Section 2211.7 or the conventional light-frame construction provisions of Section 2308.
4. The contractor is permitted to employ the *approved agencies* where the contractor is also the owner.

**1704.2.1 Special inspector qualifications.** Prior to the start of the construction or upon request, the *approved agencies* shall provide written documentation to the registered design professional in responsible charge and the *building official* demonstrating the competence and relevant experience or training of the *special inspectors* who will perform the *special inspections* and tests during construction. Experience or training shall be considered relevant where the documented experience or training is related in complexity to the same type of

*special inspection* or testing activities for projects of similar complexity and material qualities. These qualifications are in addition to qualifications specified in other sections of this code.

The *registered design professional in responsible charge* and engineers of record involved in the design of the project are permitted to act as the *approved agency* and their personnel are permitted to act as special inspectors for the work designed by them, provided they qualify as special inspectors.

**1704.2.2 Access for special inspection.** The construction or work for which *special inspection* or testing is required shall remain accessible and exposed for *special inspection* or testing purposes until completion of the required *special inspections* or tests.

**1704.2.3 Statement of special inspections.** The applicant shall submit a statement of *special inspections* in accordance with Section 301.4.7 of Chapter 52, “Administrative Procedures for the Construction Codes,” of the *Dallas City Code* [~~107.4~~] as a condition for permit issuance. This statement shall be in accordance with Section 1704.3.

**Exception:** A statement of *special inspections* is not required for portions of structures designed and constructed in accordance with the cold-formed steel light-frame construction provisions of Section 2211.7 or the conventional light-frame construction provisions of Section 2308.

**1704.2.4 Report requirement.** *Approved agencies* shall keep records of special inspections and tests. The *approved agency* shall submit reports of *special inspections* and tests to the *building official* upon request and to the *registered design professional in responsible charge*. Individual inspection r[~~R~~]eports shall indicate that work inspected or tested was or was not completed in conformance to *approved construction documents*. Discrepancies shall be brought to the immediate attention of the contractor for correction. If they are not corrected, the discrepancies shall be brought to the attention of the *building official* and to the *registered design professional in responsible charge* prior to the completion of that phase of the work. A final report documenting required *special inspections* and tests, and correction of any discrepancies noted in the inspections or tests, shall be submitted at a point in time agreed upon prior to the start of work by the owner or the owner’s authorized agent to the *building official*.

**1704.2.5 Special inspection of fabricated items.** Where fabrication of structural, load-bearing or lateral load-resisting members or assemblies is being conducted on the premises of a fabricator’s shop, *special inspections* of the *fabricated items* shall be performed during fabrication.

**Exceptions:**

1. *Special inspections* during fabrication are not required where the fabricator maintains *approved* detailed fabrication and quality control procedures that

provide a basis for control of the workmanship and the fabricator's ability to conform to *approved construction documents* and this code. Approval shall be based upon review of fabrication and quality control procedures and periodic inspection of fabrication practices by the building official.

2. Special inspections are not required where the fabricator is registered and *approved* in accordance with Section 1704.2.5.1.

**1704.2.5.1 Fabricator approval.** *Special inspections* during fabrications required by Section 1704 are not required where the work is done on the premises of a fabricator registered and approved to perform such work without *special inspection*. Approval shall be based upon review of the fabricator's written procedural and quality control manuals and periodic auditing of fabrication practices by an *approved agency*, or a fabricator that is enrolled in a nationally accepted inspections program. At completion of fabrication, the acceptable or approved fabricator shall submit a *certificate of compliance* to the owner or the owner's authorized agent or the registered design professional in responsible charge, ~~[for submittal to the building official as specified in Section 1704.5]~~ stating that the work was performed in accordance with the *approved construction documents*. The certificate of compliance shall also be made available to the building official upon request.

118. Section 1705, "Required Special Inspections and Tests," of Chapter 17, "Special Inspections and Tests," of the 2015 International Building Code is amended by adding a new Subsection 1705.19, "Special Inspections for Dallas Energy Conservation Code Compliance," to read as follows:

**"1705.19 Special inspections for Dallas Energy Conservation Code compliance.** *Special inspections* are required to verify compliance with the *Dallas Energy Conservation Code* in accordance with Section 1705.19.1 and 1705.19.2.

**1705.19.1 Scope of inspection and testing.** The scope of the test is as follows:

1. Building envelope.
2. Building mechanical system including air leakage testing and duct leakage testing, as applicable.
3. Service water heating.
4. Electric lighting and power system.

**1705.19.2 Qualifications.** Special inspectors for *Dallas Energy Conservation Code* inspections shall have a current International Code Council certification in the relevant energy code inspection specialty as required by the state of Texas.”

119. Section 1705, “Required Special Inspections and Tests,” of Chapter 17, “Special Inspections and Tests,” of the 2015 International Building Code is amended by adding a new Subsection 1705.20, “Special Inspections for Dallas Green Code Construction Code Compliance,” to read as follows:

“**1705.20 Special inspections for Dallas Green Construction Code compliance.** *Special inspections* are required to verify compliance with the *Dallas Green Construction Code* in accordance with Sections 1705.20.1 and 1705.20.2.

**1705.20.1 Scope of inspection and testing.**

**1705.20.1.1 Single-family or duplex structures.** The scope of work required is stipulated in the *Dallas Green Construction Code*.

**1705.20.1.2 Commercial structures.** The scope of work required is stipulated in the *Dallas Green Construction Code*.

**1705.20.2 Qualifications.** Special inspectors for *Dallas Green Construction Code* inspections shall be qualified as stipulated by the building official.”

120. Subsection 2503.1, “Inspection,” of Section 2503, “Inspection,” of Chapter 25, “Gypsum Board, Gypsum Panel Products and Plaster,” of the 2015 International Building Code is amended to read as follows:

“**2503.1 Inspection.** Lath, gypsum board and gypsum panel products shall be inspected in accordance with Chapter 52, “Administrative Procedures for the Construction Codes,” of the *Dallas City Code* ~~[Section 110.3.5].~~”

121. Subsection [P] 2901.1, “Scope,” of Section 2901, “General,” of Chapter 29, “Plumbing Systems,” of the 2015 International Building Code is amended to read as follows:

“**[P] 2901.1 Scope.** The provisions of this chapter and the *Dallas* ~~[International]~~ *Plumbing Code* shall govern the erection, installation, *alteration*, repairs, relocation, replacement, addition to, use or maintenance of plumbing equipment and systems. Toilet and bathing rooms shall be constructed in accordance with Section 1210. Plumbing systems and equipment shall be

constructed, installed and maintained in accordance with the Dallas [~~International~~] Plumbing Code. Private sewage disposal systems shall conform to the Dallas Plumbing [~~International Private Sewage Disposal~~] Code. The provisions of this chapter are meant to work in coordination with the provisions of Chapter 4 of the Dallas Plumbing Code. Should any conflicts arise between the two chapters, the building official shall determine which provision applies.”

122. Subsection [P] 2902.1, “Minimum Number of Fixtures,” of Section 2902, “Minimum Plumbing Facilities,” of Chapter 29, “Plumbing Systems,” of the 2015 International Building Code is amended to read as follows:

“**[P] 2902.1 Minimum number of fixtures.** Plumbing fixtures shall be provided in the minimum number in accordance with this section and as shown in Table 2902.1 based on the actual use of the building or space. Uses not shown in Table 2902.1 shall be considered individually by the code official. The number of occupants shall be determined by this code.

1. Assembly occupancies: At least one drinking fountain must be provided at each floor level in an *approved* location.

**Exception:** A drinking fountain need not be provided in a drinking or dining establishment.

2. Groups A, B, F, I, M and S occupancies: Buildings, tenant spaces or portions thereof where persons are employed must be provided with at least one water closet for each sex except as provided in Section 2902.2. Such water closet rooms in connection with food establishments where food is prepared, stored or served must have hand washing facilities therein or adjacent thereto.
3. Group E and R occupancies must be provided with fixtures as shown in Table 2902.1.

It is recommended, but not required, that the minimum number of fixtures provided also comply with the number shown in Table 2902.1. Types of occupancies not shown in Table 2902.1 shall be considered individually by the *building official*. The number of occupants shall be determined by this code. Occupancy classification shall be determined in accordance with Chapter 3.

**[P] 2902.1.1 Fixture calculations.** To determine the *occupant load* of each sex, the total *occupant load* shall be divided in half. To determine the required number of fixtures, the fixture ratio or ratios for each fixture type shall be applied to the *occupant load* of each sex in accordance with Table 2902.1. Fractional numbers resulting from applying the fixture ratios of Table 2902.1 shall be rounded up to the next whole number. For calculations involving multiple occupancies, such fractional numbers for each occupancy shall first be summed and then rounded up to the next whole number.

**Exception:** The total *occupant load* shall not be required to be divided in half where *approved* statistical data indicate a distribution of the sexes of other than 50 percent of each sex.

**2902.1.1.1 Occupant load for minimum plumbing facilities.** In determining minimum plumbing facilities, the number of occupants for whom minimum plumbing facilities are provided must be computed in accordance with Section 1004.

**Exception:** Where state law or city ordinance limits the number of students per classroom, fixtures in primary and secondary schools may be provided on the basis of the maximum number of students allowed.

[P] **2902.1.2 Family or assisted-use toilet and bath fixtures.** Fixtures located within family or assisted-use toilet and bathing rooms required by Section 1109.2.1 are permitted to be included in the number of required fixtures for either the male or female occupants in assembly and mercantile occupancies.

**2902.1.3 Additional fixtures for food preparation facilities.** In addition to the fixtures required in this chapter, all food service facilities must be provided with additional fixtures as required in this section.

**2902.1.3.1 Hand washing lavatory.** At least one hand washing lavatory must be provided for use by employees that is accessible from food preparation, food dispensing and ware washing areas. Additional hand washing lavatories may be required based on convenience of use by employees.

**2902.1.3.2 Service sinks and floor sinks.** In new or remodeled food service establishments, at least one service sink or one floor sink must be provided so that it is conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste. The location of the service sinks or mop sinks must be approved by the health department.”

123. Subsection 2902.6 “Small Occupancies,” of Section 2902, “Minimum Plumbing Facilities,” of Chapter 29, “Plumbing Systems,” of the 2015 International Building Code is amended to read as follows:

“[P] **2902.6 Small occupancies.** Drinking fountains shall not be required for an occupant load of 15 or fewer, in mercantile occupancies with an occupant load of 100 or fewer or in business occupancies with an occupant load of 25 or fewer.”

124. Section 2902, “Minimum Plumbing Facilities,” of Chapter 29, “Plumbing Systems,” of the 2015 International Building Code is amended by adding a new Subsection 2902.7, “Finish Material,” to read as follows:

**“2902.7 Finish material.** Finish materials must comply with Section 1210.”

125. Subsection 3001.2, “Referenced Standards,” of Section 3001, “General,” of Chapter 30, “Elevators and Conveying Systems,” of the 2015 International Building Code is amended to read as follows:

**“3001.2 Referenced standards.** Except as otherwise provided for in this code, the design, construction, installation, *alteration*, repair and maintenance of elevators and conveying systems and their components shall conform to ASME A17.1/CSA B44, ASME A17.7/CSA B44.7, ASME A90.1, ASME B20.1, ANSI MH29.1, ALI ALCTV and ASCE 24 for construction in flood hazard areas established in Section 1612.3.

**Exception:** The appendices of ASME A17.1—2013 do not apply. The building owner is responsible for the safe operation and maintenance of each elevator, dumbwaiter, escalator or moving walk installation and shall cause periodic inspections, tests and maintenance to be made of such conveyances.”

126. Subsection 3001.3, “Accessibility,” of Section 3001, “General,” of Chapter 30, “Elevators and Conveying Systems,” of the 2015 International Building Code is amended to read as follows:

**“3001.3 Accessibility.** Passenger elevators required to be accessible or to serve as part of an *accessible means of egress* shall comply with Sections 1009 and 1109.7.

**Exception:** Passenger elevators regulated under Article 9102, “Architectural Barriers,” of *Vernon’s Texas Civil Statutes* and the “Texas Accessibility Standards of the Architectural Barriers Act,” adopted by the Texas Commission of Licensing and Regulation pursuant to Article 9102 and built in accordance with state certified plans, including any variances granted by the state, will be deemed in compliance with the requirements of this chapter.”

127. Section 3002.1, “Hoistway Enclosure Protection,” of Section 3002, “Hoistway Enclosures,” of Chapter 30, “Elevators and Conveying Systems,” of the 2015 International Building Code is amended to read as follows:

**“3002.1 Hoistway enclosure protection.** Elevator, dumbwaiter and other hoistway enclosures shall be *shaft enclosures* complying with Section 713.

**Exceptions:**

1. Elevators wholly located within atriums complying with Section 404 shall not require hoistway enclosure protection.
2. Elevators in open or enclosed parking garages that serve only the parking garage, and complying with Sections 406.5 and 406.6, respectively, shall not require hoistway enclosure protection.

**3002.1.1 Opening protectives.** Openings in hoistway enclosures shall be protected as required in Chapter 7.

**Exception:** The elevator car doors and the associated hoistway enclosure doors at the floor level designated for recall in accordance with Section 3003.2 shall be permitted to remain open during Phase I Emergency Recall Operation.

**3002.1.2 Hardware.** Hardware on opening protectives shall be of an *approved* type installed as tested, except that *approved* interlocks, mechanical locks and electric contacts, door and gate electric contacts and door-operating mechanisms shall be exempt from the fire test requirements.”

128. Subsection 3005.4, “Machine Rooms, Control Rooms, Machinery Spaces, and Control Spaces,” of Section 3005, “Machine Rooms,” of Chapter 30, “Elevators and Conveying Systems,” of the 2015 International Building Code is amended to read as follows:

**“3005.4 Machine rooms, control rooms, machinery spaces, and control spaces.** Elevator machine rooms, control rooms, control spaces and machinery spaces [~~outside of but attached to a hoistway that have openings into the hoistway~~] shall be enclosed with *fire barriers* constructed in accordance with Section 707 or *horizontal assemblies* constructed in accordance with Section 711, or both. The *fire-resistance rating* shall be not less than the required rating of the hoistway enclosure served by the machinery. Openings in the *fire barriers* shall be protected with assemblies having a *fire protection rating* not less than that required for the hoistway enclosure doors.

**Exceptions:**

1. For other than fire service access elevators and occupant evacuation elevators, where machine rooms, machinery spaces, control rooms and control spaces do not abut and have no openings to the hoistway enclosure they serve, the *fire barriers* constructed in accordance with Section 707 or *horizontal assemblies* constructed in accordance

with Section 711, or both, shall be permitted to be reduced to a 1-hour *fire-resistance* rating.

2. For other than fire service access elevators and occupant evacuation elevators, in buildings four *stories* or less above *grade plane* where machine room, machinery spaces, control rooms and control spaces do not abut and have no openings to the hoistway enclosure they serve, the machine room, machinery spaces, control rooms and control spaces are not required to be fire-resistance rated although the physical separation must be maintained from the rest of the building.
3. Self-contained elevator and control systems as approved by the *building official*.

129. Section 3005, “Machine Rooms,” of Chapter 30, “Elevators and Conveying Systems,” of the 2015 International Building Code is amended by adding a new Subsection 3005.7, “Fire Protection in Machine Rooms, Control Rooms, Machinery Spaces and Control Spaces,” to read as follows:

**“3005.7 Fire protection in machine rooms, control rooms, machinery spaces and control spaces.**

**3005.7.1 Automatic sprinkler system.** The building shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, except as otherwise permitted by Section 903.3.1.1.1 and as prohibited by Section 3005.7.2.1.

**3005.7.2.1 Prohibited locations.** Automatic sprinklers shall not be installed in machine rooms, elevator machinery spaces, control rooms, control spaces and elevator hoistways.

**Exception:** Sprinklers may be installed at the bottom of the pit as required in ASME A17.1 and installed in accordance with NFPA 13.

**3005.7.2.2 Sprinkler system monitoring.** The sprinkler system shall have a sprinkler control valve supervisory switch and water-flow initiating device provided for each floor that is monitored by the building’s fire alarm system.

**3005.7.3 Water protection.** An approved method to prevent water from infiltrating into the hoistway enclosure from the operation of the automatic sprinkler system outside the elevator lobby shall be provided.

**3005.7.4 Shunt trip.** Means for elevator shutdown in accordance with Section 3005.5 shall not be installed.

**3005.7.5 Detection.** The elevator machine room, machine room, machinery space, control room, control space or hoistway of traction elevators must be protected by smoke detectors or other automatic fire detection installed in accordance with NFPA 72.”

130. Section 3005, “Machine Rooms,” of Chapter 30, “Elevators and Conveying Systems,” of the 2015 International Building Code is amended by adding a new Subsection 3005.8, “Storage,” to read as follows:

“**3005.8 Storage.** Storage shall not be allowed within the elevator machine room, control room, machinery spaces and/or control spaces and shall provide approved signage at each entry to the above listed locations stating: “No Storage Allowed.””

131. Subsection 3006.2, “Hoistway Opening Protection Required,” of Section 3006, “Elevator Lobbies and Hoistway Opening Protection,” of Chapter 30, “Elevators and Conveying Systems,” of the 2015 International Building Code is amended to read as follows:

“**3006.2 Hoistway opening protection required.** Elevator hoistway door openings shall be protected in accordance with Section 3006.3 where an elevator hoistway connects more than three stories, is required to be enclosed within a shaft enclosure in accordance with Section 712.1.1 and any of the following conditions apply:

1. The building is not protected throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2.
2. The building contains a Group I-1 Condition 2 occupancy.
3. The building contains a Group I-2 occupancy.
4. The building contains a Group I-3 occupancy.
5. The building is a high rise and the elevator hoistway is more than 75 feet (22 860 mm) in height. The height of the hoistway shall be measured from the lowest floor at or below grade to the highest floor at or above grade of the floors served by the hoistway.

**Exceptions:**

1. Protection of elevator hoistway door openings is not required where the elevator serves only open parking garages in accordance with Section 406.5.

2. Protection of elevator hoistway door openings is not required at the level(s) of exit discharge, provided the level(s) of exit discharge is equipped with an *automatic sprinkler system* in accordance with Section 903.3.1.1.
3. Enclosed elevator lobbies and protection of elevator hoistway door openings are not required on levels where the elevator hoistway opens to the exterior.”

132. Subsection 3007.1, “General,” of Section 3007, “Fire Service Access Elevator,” of Chapter 30, “Elevators and Conveying Systems,” of the 2015 International Building Code is amended to read as follows:

**“3007.1 General.** Where required by Section 403.6.1, every floor of the building shall be served by fire service access elevators complying with Sections 3007.1 through 3007.9. Except as modified in this section, fire service access elevators shall be installed in accordance with this chapter and ASME A17.1/CSA B44. A fire service access elevator must be one that is accessible for general public use. This requirement may be satisfied by an elevator for freight, service or passengers which also meets this condition.”

133. Subsection 3007.6, “Fire Service Access Elevator Lobby,” of Section 3007, “Fire Service Access Elevator,” of Chapter 30, “Elevators and Conveying Systems,” of the 2015 International Building Code is amended to read as follows:

**“3007.6 Fire service access elevator lobby.** The fire service access elevator shall open into a fire service access elevator lobby in accordance with Sections 3007.6.1 through 3007.6.5. Egress is permitted through the elevator lobby in accordance with Item 1 of Section 1016.2. A fire service access elevator lobby must be one that is accessible for general public use.

**Exception:** Where a fire service access elevator has two entrances onto a floor, the second entrance shall be permitted to open into an elevator lobby in accordance with Section 3006.3.

**3007.6.1 Access to interior exit stairway or ramp.** The fire service access elevator lobby shall have direct access from the enclosed elevator lobby to an enclosure for an *interior exit stairway* or *ramp*.

**Exception:** Access to an *interior exit stairway* or *ramp* shall be permitted to be through a protected path of travel that has a level of fire protection not less than the elevator lobby enclosure. The protected path shall be separated from the enclosed elevator lobby through an opening protected by a smoke and draft control assembly in accordance Section 716.5.3.

**3007.6.2 Lobby enclosure.** The fire service access elevator lobby shall be enclosed with a *smoke barrier* having a *fire-resistance rating* of not less than 1 hour, except that lobby doorways shall comply with Section 3007.6.3.

**Exception:** Enclosed fire service access elevator lobbies are not required at the *levels of exit discharge*.

**3007.6.3 Lobby doorways.** Other than doors to the hoistway, elevator control room or elevator control space, each doorway to a fire service access elevator lobby shall be provided with a 3/4-hour *fire door assembly* complying with Section 716.5. The *fire door assembly* shall comply with the smoke and draft control door assembly requirements of Section 716.5.3.1 with the UL 1784 test conducted without the artificial bottom seal.

**3007.6.4 Lobby size.** Regardless of the number of fire service access elevators served by the same elevator lobby, the enclosed fire service access elevator lobby shall be not less than 150 square feet (14 m<sup>2</sup>) in an area with a dimension of not less than 8 feet (2440 mm).

**3007.6.5 Fire service access elevator symbol.** A pictorial symbol of a standardized design designating which elevators are fire service access elevators shall be installed on each side of the hoistway door frame on the portion of the frame at right angles to the fire service access elevator lobby. The fire service access elevator symbol shall be designed as shown in Figure 3007.6.5 and shall comply with the following:

1. The fire service access elevator symbol shall be not less than 3 inches (76 mm) in height.
2. The helmet shall contrast with the background, with either a light helmet on a dark background or a dark helmet on a light background.
3. The vertical center line of the fire service access elevator symbol shall be centered on the hoistway door frame. Each symbol shall be not less than 78 inches (1981 mm), and not more than 84 inches (2134 mm) above the finished floor at the threshold.”

134. Subsection 3102.1, “General,” of Section 3102, “Membrane Structures,” of Chapter 31, “Special Construction,” of the 2015 International Building Code is amended to read as follows:

**“3102.1 General.** The provisions of Sections 3102.1 through 3102.8 shall apply to air-supported, air-inflated, membrane-covered cable, membrane-covered frame and *tensile membrane structures*, collectively known as membrane structures, erected for a period of 31 consecutive [~~180~~] days or longer. Those erected for a shorter period of time shall comply with the *Dallas [International] Fire Code*. Membrane structures covering water storage facilities, water clarifiers, water treatment plants, sewage treatment plants, greenhouses and similar facilities not

used for human occupancy are required to meet only the requirements of Sections 3102.3.1 and 3102.7. Membrane structures erected on a building, balcony, deck or other structure for any period of time shall comply with this section. A tent, other fabric, membrane structure or portion of a structure intended to be in place temporarily must comply with the provisions of Chapter 39.

**3102.1.1 Tensile membrane structures.** Tensile membrane structures, including permanent and temporary structures, shall be designed and constructed in accordance with ASCE 55. The provisions in Sections 3102.3 through 3106.2 shall apply.

**3102.1.2 Other code provisions.** Except as specifically required by this section, membrane structures must meet any other applicable provisions of this code.

**Exception:** Membrane structures need not comply with the provisions of this section where they completely comply with other applicable provisions of this code.

**3102.1.3 Permeable covers.** For purposes of this chapter, permeable covers are considered floor area.

**Exception:** Open-grid covers in which the openings are ¼ inch (6.4 mm) or larger in the least dimension and when such openings constitute at least 75 percent of the area of the covering material.”

135. Subsection 3103.1, “General,” of Section 3103, “Temporary Structures,” of Chapter 31, “Special Construction,” of the 2015 International Building Code is amended to read as follows:

“**3103.1 General.** The provisions of Sections 3103.1 through 3103.4 shall apply to structures erected for a period of less than 31 [~~180~~] days. Tents and other membrane structures erected for a period of less than 31 consecutive [~~180~~] days shall comply with the Dallas [~~International~~] Fire Code and Chapter 39 of this code. Those erected for a longer period of time shall comply with applicable sections of this code.

**3103.1.1 Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, *means of egress*, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

**3103.1.2 Permit required.** Temporary structures that cover an area greater than 120 square feet (11.16 m<sup>2</sup>), including connecting areas or spaces with a common *means of egress* or entrance that are used or intended to be used for the gathering together of 10 or more persons, shall not be erected, operated or maintained for any purpose without obtaining a *permit* from the *building official*.”

136. Subsection 3104.1, “General,” of Section 3104, “Pedestrian Walkways and Tunnels,” of Chapter 31, “Special Construction,” of the 2015 International Building Code is amended to read as follows:

**“3104.1 General.** This section shall apply to connections between buildings such as *pedestrian walkways* or tunnels, located at, above or below grade level, that are used as a means of travel by persons. Except for determination of the building fire area in Section 511.1.2, [The] pedestrian walkways shall not contribute to the building area or the number of stories or height of connected buildings.

**3104.1.1 Application.** Pedestrian walkways shall be designed and constructed in accordance with Sections 3104.2 through 3104.9. Tunnels shall be designed and constructed in accordance with Sections 3104.2 and 3104.10.”

137. Subsection 3109.1, “General,” of Section 3109, “Swimming Pool Enclosures and Safety Devices,” of Chapter 31, “Special Construction,” of the 2015 International Building Code is amended to read as follows:

**“3109.1 General.** Swimming pools shall comply with the requirements of Sections 3109.2 through 3109.5 and other applicable sections of this code. This section does not preempt state law. Compliance with this section is not a safe harbor for compliance with state law.

**3109.1.1 Fence required.** Every owner, purchaser under contract, lessee, tenant, licensee or other person in possession of a tract, lot or premises on which a swimming pool is situated shall at all times maintain a fence, wall or barrier that completely surrounds the swimming pool.

**3109.1.2 Swimming pool and filling.** A swimming pool must be provided with a barrier that must be installed, inspected and approved prior to plastering or filling the swimming pool with water.”

138. Subsection 3109.2, “Definition,” of Section 3109, “Swimming Pool Enclosures and Safety Devices,” of Chapter 31, “Special Construction,” of the 2015 International Building Code is amended to read as follows:

**“3109.2 Definitions.** The following terms are [is] defined in Chapter 2:

**FRENCH DOORS.**

**KEYED DEAD BOLT.**

**KEYLESS DEAD BOLT.**

**POOL.**

**POOL OR SPA YARD ENCLOSURE.**

**POOLS, STATE LAW.**

**POOL YARD OR SPA YARD.**

**PREMISES.**

**PUBLIC POOL OR SPA.**

**RESIDENTIAL POOL OR SPA.**

**SPA.**

**[SWIMMING POOLS.]**

139. Subsection 3109.3, “Public Swimming Pools,” of Section 3109, “Swimming Pool Enclosures and Safety Devices,” of Chapter 31, “Special Construction,” of the 2015 International Building Code is amended to read as follows:

**“3109.3 Enclosures for p[~~P~~]ublic swimming pools and spas.** Public swimming pools and spas shall be completely enclosed in accordance with Sections 3109.3.1 through 3109.3.4 ~~[by a fence not less than 4 feet (1290 mm) in height or a screen enclosure. Openings in the fence shall not permit the passage of a 4-inch diameter (102 mm) sphere. The fence or screen enclosure shall be equipped with self-closing and self-latching gates].~~

**3109.3.1 Enclosures for Class A and B pools and spas.** Class A and B pools and spas shall be enclosed by a barrier consisting of the following, or its equivalent: a fence, portion of a building, wall, or other durable enclosure.

1. A building that serves as part of the enclosure shall have doors or gates that open into the pool yard only if:
  - 1.1. any doors or gates between the building and the pool yard are for entry into a storage room, restroom, shower room, dressing room, or mechanical room adjacent to the pool;

- 1.2. the room does not have any door or gate openings to the outside of the pool yard enclosure; and
  - 1.3. the room does not contain any gas chlorine containers.
2. The enclosure, including doors and gates, shall:
  - 2.1. have a minimum effective perpendicular height of at least 6 feet as measured from the ground surface on the outside of the fence;
  - 2.2 have no opening in the enclosure through or under which a 4-inch diameter sphere can pass;
  - 2.3 be designed and constructed so that it cannot be readily climbed; and
  - 2.4 have all doors, gates, and windows in the enclosure directly and continuously supervised by staff at the pool during hours of operation, or locked to prevent unauthorized entry.

**3109.3.2 Enclosures for Class C pools and spas and Class D pools at a Class C facility (such as apartment, property owner associations and similar residential developments).**

Pool yards and spa yards of apartments, property owner associations and similar residential developments must have an enclosure that meets the following requirements in addition to the requirements of Section 3109.4:

1. The height of the pool yard enclosure must be at least 48 inches measured from the ground on the side away from the pool.
2. Openings under the pool yard enclosure may not allow a sphere of 4 inches in diameter to pass under the pool yard enclosure.
3. If the pool yard enclosure is constructed with horizontal and vertical members and the distance between the tops of the horizontal members is at least 45 inches, the openings may not allow a sphere 4 inches in diameter to pass through the enclosure.
4. If the pool yard enclosure is constructed with horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the openings may not allow a sphere 1¾ inches in diameter to pass through the enclosure.
5. The use of chain link fencing materials is prohibited entirely for a new pool yard enclosure that is constructed after January 1, 1994. The use of diagonal fencing members that are lower than 49 inches above the ground is prohibited for a new pool yard enclosure that is constructed after January 1, 1994.

6. Decorative designs or cutouts on or in the *pool yard* enclosure may not contain any openings greater than 1¾ inches in any direction.
7. Indentations or protrusions in a solid *pool yard* enclosure without any openings may not be greater than normal construction tolerances and tooled masonry joints on the side away from the pool.
8. Permanent equipment or structures may not be constructed or placed in a manner that makes them readily available for climbing over the *pool yard* enclosure.
9. The wall of a building may be part of the *pool yard* enclosure only if the doors and windows of the wall comply with Section 3109.3.2.3 and 3109.3.2.4.

**3109.3.2.1 Gates for Class C pools and spas and Class D pools at a Class C facility.**

Gates of the enclosures into *pool yards* and *spa yards* of apartments, property owner associations and similar residential developments must meet the following requirements:

1. Except as provided in Section 3109.3.2.2, a gate in a fence or wall enclosing a *pool yard* as required by Section 3109.3.2 must:
  - 1.1. have a self-closing and self-latching device;
  - 1.2. have hardware enabling it to be locked at the option of whoever controls the gate by a padlock or a built-in lock operated by key, card or combination; and
  - 1.3. open outward away from the *pool yard*.
2. Except as provided in Item 3 and Section 3109.3.2.2, a gate latch must be installed so that it is at least 60 inches above the ground, except that it may be installed lower if:
  - 2.1. the latch is installed on the *pool yard* side of the gate only and is at least 3 inches below the top of the gate; and
  - 2.2. the gate or enclosure has no opening greater than ½ inch in any direction within 18 inches from the latch, including the space between the gate and the gate post to which the gate latches.
3. A gate latch may be located 42 inches or higher above the ground if the gate cannot be opened by key, card or combination on both sides of the gate.

**3109.3.2.2 Existing pool yard enclosures.** Existing enclosures into *pool yards* and *spa yards* of apartments, property owner associations and similar residential developments must meet the following requirements:

1. If a *pool yard* enclosure is constructed or modified before January 1, 1994, and no municipal ordinance containing standards for *pool yard* enclosures were applicable at the time of construction or modification, the enclosure must comply with the requirements of Sections 3109.3.2 and 3109.3.2.1, except that:
  - 1.1. if the enclosure is constructed with chain link metal fencing material, the openings in the enclosure may not allow a sphere 2¼ inches in diameter to pass through the enclosure; or
  - 1.2. if the enclosure is constructed with horizontal and vertical members and the distance between the tops of the horizontal members is at least 36 inches, the openings in the enclosure may not allow a sphere 4 inches in diameter to pass through the enclosure.
2. If a *pool yard* enclosure is constructed or modified before January 1, 1994, and if the enclosure is in compliance with applicable municipal ordinances existing on January 1, 1994, and containing standards for *pool yard* enclosures, Sections 3109.3.2, 3109.3.2.1(1) and 3109.3.2.1(2) do not apply to the enclosure.

**3109.3.2.3 Doors for Class C pools and spas and Class D pools at a Class C facility.**  
Doors of the enclosure into *pool yards* and *spa yards* of apartments, property owner associations and similar residential developments must meet the following requirements:

1. A door, sliding glass door or *French door* may not open directly into a *pool yard* if the date of electrical service for initial construction of the building or pool is on or after January 1, 1994.
2. A door, sliding glass door or *French door* may open directly into a *pool yard* if the date of electrical service for initial construction of the building or pool is before January 1, 1994 and the *pool yard* enclosure complies with Items 3, 4, or 5, as applicable.
3. If a door of a building, other than a sliding glass door or screen door opens into a *pool yard*, the door must have a:
  - 3.1. latch that automatically engages when the door is closed;
  - 3.2. spring-loaded door-hinge pin, automatic door closer or similar device to cause the door to close automatically; and
  - 3.3. keyless bolting device that is installed not less than 36 inches or more than 48 inches above the interior floor.
4. If *French doors* of a building open to the *pool yard*, one of the *French doors* must comply with Item 3.1 above and the other door must have:

- 4.1. a keyed dead bolt or keyless bolting device capable of insertion into the doorjamb above the door, and a keyless bolting device capable of insertion into the floor or threshold; or
- 4.2. a bolt with at least a ¾-inch throw installed inside the door and operated from the edge of the door that is capable of insertion into the doorjamb above the door and another bolt with at least a ¾-inch throw installed inside the door and operated from the edge of the door that is capable of insertion into the floor or threshold.
5. If a sliding glass door of a building opens into the pool yard, the sliding glass door must have:
  - 5.1. a sliding door handle latch or sliding door security bar that is installed no more than 48 inches above the interior floor; and
  - 5.2. a sliding door pin lock that is installed not more than 48 inches above the interior floor.
6. A door, sliding glass door or French door that opens into a pool yard from an area of a building that is not used by residents and that has no access to an area outside the pool yard is not required to have a lock, latch, dead bolt or keyless bolting device.
7. A keyed dead bolt, keyless bolting device, sliding door pin lock or sliding door security bar installed before September 1, 1993 may be installed not more than 54 inches from the floor.
8. A keyed dead bolt or keyless dead bolt, as described by Section 3109.2, installed in a dwelling on or after September 1, 1993, must have a bolt with at throw of not less than 1 inch.

**3109.3.2.4 Windows and window screens for Class C pools and spas and Class D pools at a Class C facility.** Windows and window screens into pool yards and spa yards of apartments, property owner associations and similar residential developments must meet the following requirements:

1. A wall of a building constructed before January 1, 1994 may not be used as part of a pool yard enclosure unless each window in the wall has a latch and unless each window screen on a window in the wall is affixed by a window screen latch, screws or similar means. This does not require the installation of window screens.

2. A wall of a building constructed on or after January 1, 1994 may not be used as part of a *pool yard* enclosure unless each ground floor window in the wall is permanently closed and unable to be opened.

**3109.3.2.5 Building located in pool yard for Class C pools and spas and Class D pools at a Class C facility.** Each door, sliding glass door, window and window screen of each dwelling unit in a residential building located in the enclosed *pool yard* must comply with Sections 3109.3.2.3 and 3109.3.2.4.

**3109.3.3 Enclosures for all other Class C pools and spas and Class D pools at Class C facilities (such as hotels, motels, RV parks, etc.).** A Class C pool or spa or a Class D pool at a Class C facility that is not subject to Section 3109.3.2 must have a *pool yard* or *spa yard* enclosure in compliance with this section.

1. The *pool yard* or *spa yard* enclosure for a pool or spa subject to this section must consist of one or a combination of a fence, portion of a building, wall or other durable enclosure. The enclosure must comply with the following:
  - 1.1. The enclosure must have a minimum perpendicular height of at least 48 inches as measured from the ground surface on the outside of the fence.
  - 1.2. Openings in or under the enclosure must not allow the passage of a 4-inch diameter sphere.
  - 1.3. Planters or other structures that might allow small children to climb over the enclosure are not permitted within 36 inches, measured horizontally, from the outside of the enclosure.
  - 1.4. Chain link fencing may be used for the enclosure of a pool or spa installed on or before October 1, 1999 if the chain link fencing was installed on or before September 1, 2004. Chain link fencing cannot be used for an enclosure of a pool or spa installed after September 1, 2004.
  - 1.5. Doors, gates or windows that open into a building are allowed as part of the enclosure of a pool or spa installed on or before October 1, 1999. Windows that are capable of being opened are not allowed as part of an enclosure for a pool or spa erected after October 1, 1999. Doors or gates of a building that are capable of being opened are not allowed as part of an enclosure for a pool or spa installed after October 1, 1999 unless:
    - 1.5.1. the doors or gates between the building and the *pool yard* or *spa yard* are for entry into a storage room, restroom, shower room, dressing room or mechanical room adjacent to the pool;

- 1.5.2. the room does not have any door or gate openings to the outside of the pool yard or spa yard enclosure; and
  - 1.5.3. the room does not contain any gas chlorine containers.
- 2. Gates and doors for pool yard or spa yard enclosures for pools and spas subject to this section must:
  - 2.1. be equipped with self-closing and self-latching devices and be latched when the pool or spa is not in use; the self-closing device must be designed to keep the gate or door securely closed and the self-latching device must latch when the gate is allowed to close within its range of operation, which is from its fully open position to 6 inches from the fully closed position;
  - 2.2. open outward away from the pool or spa except for gates constructed before October 1, 1999 in compliance with applicable city ordinances;
  - 2.3. have hand activated door or gate opening hardware located at least 3½ feet above the deck or hallway;
  - 2.4. be capable of being locked;
  - 2.5. be locked if it is for entry into a Class A or B pool or a spa and the pool or spa is not open for use; and
  - 2.6. be locked if it is for entry into a Class C pool or a spa or a Class D pool at a Class C facility and the pool or spa needs to be closed because of repairs, hazards or other conditions.
- 3. Pool yard and spa yard enclosures for pools and spas installed after October 1, 1999 must be constructed so that all persons are required to pass through an enclosure gate or door in order to gain access to the pool or spa. All gates and doors exiting a pool yard or spa yard of a pool installed after October 1, 1999 or a spa must open into a public area or walkway accessible to all users of the pool or spa.

**3109.3.4 Propping open gates prohibited.** The owner of a pool or spa, or the employee or agent of the owner of a pool or spa shall not knowingly allow a gate in a pool yard or spa yard enclosure to be propped open or remain propped open. A person shall not prop open a gate to a pool yard or spa yard unless an agent, employee or contractor of the owner is present and doing construction, maintenance or repair work in the pool yard or spa yard or on its enclosure that reasonably requires the gate to be propped open.”

140. Subsection 3109.4, “Residential Swimming Pools,” of Section 3109, “Swimming Pool Enclosures and Safety Devices,” of Chapter 31, “Special Construction,” of the 2015 International Building Code is amended to read as follows:

**“3109.4 Additional requirements for Class C pools and spas and Class D pools at a Class C facility [Residential swimming pools].** Class C pools and spas and Class D [Residential swimming] pools shall be completely enclosed by a barrier complying with Sections 3109.4.1 through 3109.4.3.

**Exception:** A swimming pool with a power safety cover or a spa with a safety cover complying with ASTM F 1346 need not comply with this section.

**3109.4.1 Barrier height and clearances.** ~~The [top of the] barrier shall comply with Section 3109.3 [be not less than 48 inches (1219 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The vertical clearance between grade and the bottom of the barrier shall be not greater than 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the vertical clearance between the top of the pool structure and the bottom of the barrier shall be not greater than 4 inches (102 mm)].~~

**3109.4.1.1 Openings.** Openings in the barrier shall comply with Section 3109.3 ~~[not allow passage of a 4-inch-diameter (102 mm) sphere].~~

**3109.4.1.2 Solid barrier surfaces.** Solid barriers shall comply with Section 3109.3 ~~[which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints].~~

**3109.4.1.3 Closely spaced horizontal members.** Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the barrier shall comply with Section 3109.3 ~~[horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall be not greater than 1¾ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than 1¾ inches (44 mm) in width].~~

**3109.4.1.4 Widely spaced horizontal members.** Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, the barrier shall comply with Section 3109.3 ~~[spacing between vertical members shall be not greater than 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than 1¾ inches (44 mm) in width].~~

**3109.4.1.5 Chain link dimensions.** Chain link fences shall comply with Section 3109.3. [~~Mesh size for chain link fences shall be not greater than a 2¼ inch square (57 mm square) unless the fence is provided with slats fastened at the top or the bottom that reduce the openings to not more than 1¾ inches (44 mm)].~~]

**3109.4.1.6 Diagonal members.** Diagonal members shall comply with Section 3109.3 [~~Where the barrier is composed of diagonal members, the opening formed by the diagonal members shall be not greater than 1¾ inches (44 mm)].~~]

**3109.4.1.7 Gates.** Access doors or gates shall comply with the requirements of Section[s] 3109.3 [~~3109.4.1.1 through 3109.4.1.6 and shall be equipped to accommodate a locking device. Pedestrian access doors or gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Doors or gates other than pedestrian access doors or gates shall have a self-latching device. Release mechanisms shall be in accordance with Sections 1010.1.9 and 1109.13. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the door or gate, the release mechanism shall be located on the pool side of the door or gate 3 inches (76 mm) or more, below the top of the door or gate, and the door or gate and barrier shall be without openings greater than ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism].~~]

**3109.4.1.8 Dwelling wall as a barrier.** Where a wall of a *dwelling* serves as part of the barrier, one of the following shall apply:

1. Doors with direct access to the pool through that wall shall be equipped with an alarm that produces an audible warning when the door or its screen, if present, are opened. The alarm shall be *listed* and labeled in accordance with UL 2017. In dwellings not required to be *Accessible units, Type A units* or *Type B units*, the deactivation switch shall be located 54 inches (1372 mm) or more above the threshold of the door. In dwellings required to be *Accessible units, Type A units* or *Type B units*, the deactivation switch shall be located not higher than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the threshold of the door.
2. The pool shall be equipped with a power safety cover that complies with ASTM F 1346.
3. Other means of protection, such as self-closing doors with self-latching devices, which are *approved*, shall be accepted so long as the degree of protection afforded is not less than the protection afforded by Item 1 or 2 above.

**3109.4.1.9 Pool structure as barrier.** Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps either shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded

by a barrier that meets the requirements of Sections 3109.4.1.1 through 3109.4.1.8. Where the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

**3109.4.2 Indoor swimming pools.** Indoor swimming pools shall comply with Section 3109.3. [~~Walls surrounding indoor swimming pools shall not be required to comply with Section 3109.4.1.8.~~]

**3109.4.3 Prohibited locations.** Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.”

141. Section 3109, “Swimming Pool Enclosures and Safety Devices,” of Chapter 31, “Special Construction,” of the 2015 International Building Code is amended by adding a new Subsection 3109.6, “Construction of Swimming Pools,” to read as follows:

“**3109.6 Construction of swimming pools.** The following standards govern the construction of swimming pools.

**3109.6.1 Public pools.** Public pools and spas must be constructed in compliance with Title 25, Part I, Chapter 265, Subchapter L of the *Texas Administrative Code*, as amended.

**3109.6.2 Private pools.** A private pool must be constructed in compliance with Appendix Q of the *Dallas One- and Two-Family Dwelling Code*, as amended.”

142. Chapter 31, “Special Construction,” of the 2015 International Building Code is amended by adding a new Section 3112, “Fixed Guideway Transit System Stations,” to read as follows:

**“SECTION 3112  
FIXED GUIDEWAY TRANSIT SYSTEM STATIONS**

**3112.1 General.** Where provided, fixed guideway transit system stations must be installed in accordance with NFPA 130.

**Exception:** *Means of egress* from fixed guideway transit system must comply with Chapter 10.”

143. Chapter 31, “Special Construction,” of the 2015 International Building Code is amended by adding a new Section 3113, “Storage Racks,” to read as follows:

## “SECTION 3113 STORAGE RACKS

**3113.1 Applicability.** The provisions of this section apply to all parts of buildings and structures that contain bin box storage or shelf storage rack systems.

**3113.2 Definitions.** The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

**BIN BOX STORAGE.** Storage in five-sided boxes with an open face on each aisle. Boxes are self-supporting or supported by a structure designed so that little or no horizontal or vertical space exists around boxes.

**RACK SYSTEMS.** Structures designed to store materials and products.

**SHELF STORAGE.** Storage on structures equal to or less than 30 inches (752 mm) deep with shelves a maximum of 2 feet (610 mm) apart vertically and separated by minimum 30-inch (762 mm) aisles.

**3113.3 Rack systems.** *Bin box storage or shelf storage rack systems*, including their aisles and stairs, must not contribute to the number of stories as regulated by Section 503 or to the number of mezzanines as regulated by Section 505 where meeting all of the following conditions:

1. The building, including the *rack systems*, is equipped throughout with an *automatic sprinkler system* in accordance with Section 903.
2. The *rack systems*, aisles, and *stairs* are not part of the structural framework of the building.
3. The *rack systems* and *stairs* are of noncombustible materials. The aisles are of expanded metal or metal grid.
4. The structural design of the *rack systems*, aisles, and *stairs*, complies with Chapter 16 and Section 2208.
5. The aisles and stairways are designed to comply with the means of egress provisions of Chapter 10.

**3113.4 Other requirements.** In addition, rack storage in high-piled combustible storage areas must comply with Chapter 32 of the *Dallas Fire Code*.”

144. Subsection 3201.4, “Drainage,” of Section 3201, “General,” of Chapter 32, “Encroachments Into the Public Right-of-Way,” of the 2015 International Building Code is amended to read as follows:

**“3201.4 Drainage.** Drainage water collected from a roof, awning, canopy or marquee, and condensate from mechanical equipment shall not flow over a public walking surface except as permitted by Section 1101 of the *Dallas Plumbing Code*.”

145. Section 3303, “Demolition,” of Chapter 33, “Safeguards During Construction,” of the 2015 International Building Code is deleted and replaced with a new Section 3303, “Demolition,” to read as follows:

**“SECTION 3303  
DEMOLITION**

**3303.1 General.** Demolition activities are regulated under Chapter 40 of this code.”

146. Subsection 3310.1, “Stairways Required,” of Section 3310, “Means of Egress,” of Chapter 33, “Safeguards During Construction,” of the 2015 International Building Code is amended to read as follows:

**“3310.1 Stairways required.** Where a building has been constructed to a *building height* of 35 [~~50~~] feet (10 668 [~~15 240~~] mm) or four *stories*, or where an existing building exceeding 35 [~~50~~] feet (10 668 [~~15 240~~] mm) in *building height* is altered, no fewer than one temporary lighted *stairway* shall be provided unless one or more of the permanent stairways are erected as the construction progresses.”

147. Subsection [F] 3311.1, “Where Required,” of Section 3311, “Standpipes,” of Chapter 33, “Safeguards During Construction,” of the 2015 International Building Code is amended to read as follows:

**“[F] 3311.1 Where required.** In buildings required to have standpipes by Section 905.3.1, no fewer than one standpipe shall be provided for use during construction. Such standpipes shall be installed prior to construction exceeding 35 [~~40~~] feet (10 668 [~~12 192~~] mm) in height above the lowest level of fire department vehicle access. Such standpipes shall be provided with fire department hose connections at accessible locations adjacent to usable *stairways*. Such

standpipes shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.”

148. The introductory paragraph to Chapter 35, “Referenced Standards,” of the 2015

International Building Code is amended to read as follows:

“This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 101.4 of Chapter 52, “Administrative Procedures for the Construction Codes,” of the *Dallas City Code* [~~102.4~~].”

149. The ASME standards of Chapter 35, “Referenced Standards,” of the 2015

International Building Code are amended by amending the following standard to read as follows:

“ASME/A17.1—13  
CSA B44—2013 Safety Code for Elevators and Escalators .....907.3.3, 911.1.5, 1009.4,  
1607.9.1, 3001.2, 3001.4, 3002.5,  
3003.2, 3005.7.2.1, 3007.1, 3008.1.3, 3008.7.1”

150. The NFPA standards of Chapter 35, “Referenced Standards,” of the 2015

International Building Code are amended by adding or amending the following standards to read as follows:

“13—13 Installation of Sprinkler Systems.....708.2, 903.3.1.1, 903.3.1.2.3,  
903.3.2, 903.3.5.2, 903.3.8.2, 903.3.8.5,  
904.11, 905.3.4, 907.6.4, 1019.3, 3005.7.2.1”

“13D—13 Standard for the Installation of Sprinkler Systems in One- and Two-family  
Dwellings and Manufactured Homes.....903.3.1.2, 903.3.1.2.3,  
903.3.1.3, 903.3.5.2”

“13R—13 Standard for the Installation of Sprinkler Systems in  
Low Rise Residential Occupancies.....903.3.1.2, 903.3.1.2.3, 903.3.5.2, 903.4”

“14—13 Standard for the Installation of Standpipe and Hose System.....905.2, 905.3.4,  
905.3.9, 905.4.2, 905.6.2, 905.8”

“25—14 Standard for the Inspection, Testing and Maintenance of Water-based Fire Protection Systems  
905.11”

“72—13 National Fire Alarm and Signaling Code.....407.4.4.3, 407.4.4.5,407.4.4.5.1,  
901.6, 903.4.1, 904.3.5, 907.2, 907.2.6, 907.2.11,

907.2.13.1.2, 907.2.13.2, 907.3, 907.3.3, 907.3.4, 907.5.2.1.2,  
907.5.2.2, 907.5.2.2.5, 907.6, 907.6.1, 907.6.1.4, 907.6.2, 907.6.6,  
907.7, 907.7.1, 907.7.2, 907.2.9.3, 911.1.5, 2702.2.4, 3005.5, 3005.7.5, 3007.7”

“92—15 Standard for Smoke Control Systems .....404.6, 909.7, 909.8”

“130—14 Chapter 5, “Station,” of the Standard for Fixed Guideway  
Transit Systems .....3112.1”

151. The 2015 International Building Code is amended by adding a new Chapter 36,

“Signs,” to read as follows:

**“CHAPTER 36  
SIGNS**

**SECTION 3601  
PERMITS**

**3601.1 General.** The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of signs and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code in accordance with Chapter 52, “Administrative Procedures of the Construction Codes,” of the Dallas City Code.

**SECTION 3602  
DEFINITIONS**

**3602.1 Definitions.** For the purposes of this chapter, definitions contained in the *Dallas Development Code* shall be used.

**SECTION 3603  
ELECTRICAL**

**3603.1 General.** Every sign in which electrical wiring and connections are used shall comply with the requirements of the *Dallas Electrical Code*. In addition, each illuminated sign shall bear the Underwriters Laboratory® label or be built to comply with Underwriters Laboratory® requirements.

**3603.2 Utility lines.** No sign may be erected nearer than 2 feet (609.6 mm) from any telephone cable, electrical street light standard or electrical power distribution line when voltage between conductors is less than 300 volts. If the voltage between conductors is 300 volts or greater, clearance shall be maintained in accordance with the *Dallas Electrical Code*.

**3603.3 Protection.** Wire glass, safety glass, a locked box of metal or wood, or any other approved method shall protect an electrical device within reach of persons on public property.

## **SECTION 3604 DESIGN**

**3604.1 General.** Every sign and its supports shall be designed as specified for a building in this code. All supports shall be designed to transfer lateral forces to the foundations. An attached sign shall be designed to transmit the dead and lateral loads through the structural frame of the building in such a manner as to not overstress any element.

**3604.2 Wind pressure.** Every sign and its supports shall be designed to withstand a minimum allowable resultant wind pressure of 30 pounds per square foot.

**3604.3 Dead load resisting moment.** The overturning moment produced from lateral forces may in no case exceed two-thirds of the dead load resisting moment. Uplift shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight superimposed over footings or supports may be used in determining the dead load resisting moment.

**3604.4 Allowable stress.** The design of wood, concrete, steel or aluminum members shall conform to the requirements of this code. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in this code.

The working stresses of wire rope and its fastening shall not exceed 25 percent of the ultimate strength.

Working stresses for wind loads combined with dead loads may be increased as specified in this code.

## **SECTION 3605 CONSTRUCTION**

**3605.1 General.** Every sign and its supports shall be built, constructed and erected in conformance with the requirements of all applicable laws and ordinances.

**3605.2 Materials.** Materials of construction for each sign and its supports shall be of the quality, type and grade as specified for a building in this code. In the absence of detailed requirements, material shall conform to the following:

1. Structural steel shall be of such quality as to conform to Chapter 22. Secondary members of a sign in contact with, or directly supporting the display surface may be formed of light gauge steel, provided the members are designed in accordance with the specifications of the design of light gauge steel as specified in Chapter 22 and are galvanized. Secondary members, when formed integrally with the display surface, shall not be less than No. 24 gauge in thickness. When not formed integrally with the display surface, the minimum thickness of hot-rolled steel members furnishing structural support for a sign shall be ¼ inch, except that if galvanized, such members shall not be less than

$\frac{1}{8}$  inch thick. Steel pipes shall be of such quality as to conform to Chapter 22. Steel members may be connected with a galvanized bolt, provided the connection is adequate to transfer the stresses in the members.

2. Anchors and supports, when of wood and embedded in the soil or within 6 inches (152.4 mm) of the soil, shall be of all heartwood of a durable species or shall be pressure treated with an approved preservative. Such members shall be marked or branded by an approved agency.
3. Glass thickness and area limitations are as required in Chapter 24.
4. Approved plastics may be used as set forth in Chapter 26 for plastic veneer. Location, size and spacing shall be as set forth in Chapter 26 for glazing or veneer.
5. Awnings and marquees that also serve as signs shall be constructed of materials as required by Sections 3105 and 3106.
6. Attached signs on Type I or Type II buildings, other than those specified in Section 3605.2(5), and detached signs located within 3 feet (914.4 mm) of any Type I or Type II building or within 3 feet (914.4 mm) of any property line, exclusive of a public way, shall be constructed of noncombustible materials.

**3605.3 Height clearance.** Except for an attached sign which does not project more than 2 inches (50.8 mm) from the building facade, every sign shall have the following minimum clearance from the surface immediately below:

1. Ten feet (3048 mm) when located above a sidewalk.
2. Twelve feet (3657.6 mm) when located above a parking lot, parking space, driveway or head-in parking.
3. Fourteen feet (4267.2 mm) when located above a fire lane.

**3605.4 Location.** Location of a sign shall be in accordance with the *Dallas Development Code*.

**3605.5 Clearance from fire escapes, exits or standpipes.** No sign or its supports may be erected in a manner that will interfere in any way with the use of any fire escape, exit or standpipe. No sign or its supports may be attached to a standpipe or fire escape.

**3605.6 Obstruction or openings in buildings.** No sign or its supports may obstruct any required openings to such an extent that light or ventilation is reduced below that required.

**3605.7 Weatherproofing.** Every sign shall be constructed so as to prevent the accumulation of water.

**3605.8 Sign maintenance.** The owner of any premises upon which a sign is erected shall maintain the sign and its supports. If any sign becomes dangerous to life, limb or property; or an obstruction to the use of any sidewalk or roadway; or interferes with the operation of the fire department, it is the responsibility of the owner of the premises or the owner's agent to remove or repair the sign.”

152. The 2015 International Building Code is amended by adding a new Chapter 37, “Moving of Structures,” to read as follows:

**“CHAPTER 37  
MOVING OF STRUCTURES**

**SECTION 3701  
GENERAL**

**3701.1 License required.** No person shall own, maintain, conduct, operate or engage in the business of moving structures along, across or over any public street, alley, highway or other public place without holding a valid annual license issued by the *building official* to engage in the building mover's business.

**Exceptions:** No license is required if a permit exemption applies in accordance with Chapter 52, “Administrative Procedures for the Construction Codes,” of the *Dallas City Code*.

**SECTION 3702  
LICENSE APPLICATION**

**3702.1 Application requirement.** An applicant desiring to engage in the business of moving structures along, across or over a public street in the city shall file with the *building official* a written application on a form provided for that purpose, which shall be signed by the applicant or the applicant's authorized agent.

**3702.2 Contents of application.** The application shall contain:

1. The names, addresses and telephone numbers of the building moving company and all affiliated places of business and storage facilities;
2. The number and type of vehicles to be operated in connection with the business;
3. The name, address, telephone number and Social Security number of the owner of the building moving company; and
4. Proof of compliance with the insurance requirements of Section 3704.

**3702.3 Surety bond.** The applicant shall also file with the *building official*, on a form furnished

by the city, a surety bond by a surety acceptable to the city in the sum of not less than \$5,000. The bond shall protect the city from any costs, damages and suits that may result from the moving of any vehicle, equipment or load in the public right-of-way or from injury to any person or property, whether public or private, that may arise from the use of any street, alley or public place in the moving of any structure. The bond shall provide that 30 days written notice be given to the *building official* in the event of any material change or cancellation of the bond by the surety.

**3702.4 Indemnification.** An applicant shall execute, and file with the *building official*, a written agreement to indemnify the city and its officers, agents and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the moving of a structure.

**3702.5 Established place of business.** An applicant is required to maintain a regular and established place of business at a location where a building moving company is not prohibited by municipal ordinance and for which every license, tax permit and certificate of occupancy, if required by law, has been issued and is in force.

**3702.6 Approval or denial of application.** When a complete application for a license or a license renewal has been filed with the *building official* in proper form, the *building official* shall, within a period of 30 days after the date of filing, approve or deny the application. If the application is denied, the *building official* shall send to the applicant by certified mail to the designated address shown on the application, return receipt requested, a written statement setting forth the reasons for the denial.

**3702.7 Additional information.** The *building official* may, at any time, require additional information of a licensee or an applicant related to an application.

### **SECTION 3703**

#### **FEE**

**3703.1 Fee.** The annual fee for a building mover's license is \$260 for each moving company. The fee for issuing a duplicate license for one lost, destroyed or mutilated is \$25. Fees are payable to the *building official* upon issuance of a license. No refund of a fee will be made.

### **SECTION 3704**

#### **LICENSE ISSUANCE; EXPIRATION; NON-TRANSFERABILITY**

**3704.1 License qualifications.** The *building official* shall issue a license to engage in the business of moving structures to all applicants complying with the provisions of this chapter. No license authorizing the moving of structures on the streets of the city may be issued unless all requirements of this section are met.

**3704.1.1 Insurance.** The applicant shall procure and keep in full force and effect commercial general liability insurance and comprehensive automobile liability insurance written by an

insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of the policy shall be acceptable to the city. The insured provisions of the policy shall name the city and its officers and employees as additional insureds. The coverage types and limits set forth in this section shall be maintained at all times during the term of the license.

**3704.1.1.1 Commercial general liability insurance.** The commercial general liability insurance shall provide combined single limits of liability for bodily injury and property damage of not less than \$500,000 for each occurrence, or the equivalent, and include coverage for premises operations, independent contractors, products/completed operations, personal injury, contractual liability and medical payments.

**3704.1.1.2 Comprehensive automobile liability insurance.** The comprehensive automobile liability insurance shall provide combined single limits of liability for bodily injury and property damage of not less than \$500,000 for each occurrence, or the equivalent, for each motor vehicle used by the licensee.

**3704.1.1.3 Cancellation provisions.** Each insurance policy shall include a cancellation provision in which the insurance company is required to notify the *building official* in writing not fewer than 30 days before canceling, failing to renew or making a material change to the policy.

**3704.1.2 Indemnification agreement.** The applicant shall execute a written agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property arising out of the moving of a structure by the licensee.

**3704.1.3 Identification of structure, vehicles and equipment.** The name of the applicant shall be painted, stenciled or otherwise permanently affixed in clearly legible letters not less than 3 inches (76.2 mm) high on all structures being moved and on all vehicles, trailers, lowboys, beams or other equipment to be used.

**3704.2 Expiration of license.** A building mover's license expires one year from the date of issuance.

**3704.3 Nontransferability of license.** A building mover's license is not assignable or transferable.

## **SECTION 3705 LICENSE-DISPLAY, DUPLICATES, RENEWAL AND CHANGES**

**3705.1 License display.** Each license issued pursuant to this chapter shall be posted and kept in a conspicuous place in the building mover's establishment.

**3705.2 License duplicates.** A duplicate license may be issued for one lost, destroyed or mutilated upon application on a form prescribed by the *building official*. Each duplicate license

shall have the word “duplicate” stamped across its face.

**3705.3 License renewal.** A licensee shall apply for renewal of a building mover's license at least 30 days before expiration of the license.

**3705.4 Notification of changes.** Every licensee shall, within 10 days after a partial change of control in ownership or management, or a change of address or trade name, notify the *building official* of the changes. If complete ownership of a building moving company is changed, the new owner shall apply for a new building mover's license in accordance with Section 3702.

## **SECTION 3706 REFUSAL TO ISSUE OR RENEW A LICENSE**

**3706.1 Refusal to issue or renew license.** The *building official* shall refuse to issue or renew a building mover's license for any of the following reasons:

1. The making of any false statement as to a material matter in an application for a license or license renewal, or in a hearing concerning the license.
2. Conviction of the licensee, applicant or any employee while in the scope of employment with the licensee or applicant for a violation of this chapter.
3. Revocation of a license, pursuant to this chapter, of the applicant, or of any proprietor, partner or corporate officer in a building moving company, within one year preceding application unless the one year is specifically waived by the Building Inspection Advisory, Examining and Appeals Board.
4. Failure of the licensee to obtain the bond and insurance required by this chapter for a building mover's license.

## **SECTION 3707 LICENSE REVOCATION**

**3707.1 Grounds for revocation.** The *building official* shall revoke a building mover's license for any one or more of the following reasons:

1. The making of any false statement as to a material matter in an application for a license or license renewal, or in a hearing concerning the license.
2. Conviction of the licensee, or any employee while in the scope of employment with the licensee, of a violation of Section 3701, 3704, 3710, 3711, 3712, 3713, 3714, 3715 or 3716.
3. Failure of the licensee to maintain the bond and insurance required by this chapter for a building mover's license.

**3707.2 Notice of revocation.** The *building official* shall send written notice of revocation to the licensee by certified mail, return receipt requested, setting forth the reason for, and the effective date of, the revocation.

## **SECTION 3708 APPEAL**

**3708.1 Appeal rights and procedures.** If the *building official* refuses to approve the issuance of an original license or the renewal of a license to any applicant, or revokes the license issued to any licensee under this chapter, this action is final subject to the licensee's right, within 10 days after the receipt of written notice of the action, to file with the Building Inspection Advisory, Examining and Appeals board a written appeal. The *building official* shall cause all documents constituting the records upon which the action was appealed to be forwarded to the board. The hearing before the board shall be public and any interested party may appear in person, by agent or by legal counsel. The board shall, within 30 days after the appeal is filed, hear and consider all the evidence in support of or against the action appealed and render a decision either sustaining or reversing the action. The board shall have authority to sustain, reverse or modify the action appealed. The decision of the board is final as to administrative remedies in the city.

**3708.2 Other remedies not affected by appeal.** Nothing in this section is deemed to abolish or impair remedies of the city or its officers, agents or employees relative to the removal or demolition of any structure which is deemed to be dangerous, unsafe, unsanitary, unfit for human habitation, constructed or maintained in violation of the *Dallas Development Code*, or so located as to be a hazard to the traveling public or to constitute a public nuisance.

## **SECTION 3709 POWERS AND DUTIES OF THE BUILDING OFFICIAL**

**3709.1 General.** In addition to the powers and duties elsewhere prescribed in this code, the *building official* is required to:

1. Administer and enforce all provisions of this chapter;
2. Keep records of all licenses issued or revoked; and
3. Adopt such rules and regulations, not inconsistent with this chapter, with respect to the form and content of applications for licenses, the investigation of applicants, and other matters incidental or appropriate to the *building official's* powers and duties that may be necessary for the proper administration and enforcement of this chapter.

## **SECTION 3710 PERMIT TO MOVE A STRUCTURE**

**3710.1 Permit required.** The licensee shall obtain from the *building official* a separate permit

for each move of a structure or portion of a structure along, across or over the public way, except that a single permit may be issued to authorize the moving of a structure in more than one piece, if all portions of the structure are moved at the same time. Permits for moving structures along the public ways may only be issued to licensed building movers.

**3710.2 Permit application.** Application for each permit shall be made on a form provided for that purpose. The moving permit fee required in Section 3716 shall accompany the application and, if applicable, the inspection fee required in Section 3711, and shall contain the following information:

1. A description of the structure to be moved.
2. The overall height, width and length of the structure.
3. The present location of the structure.
4. The location to which the structure is to be moved.
5. All other information that may be required.

### **3710.3 Other permits.**

**3710.3.1 Building permit and site plan.** Except when a structure is moved to a location outside the city limits or to an approved temporary storage site, each application for a moving permit shall be accompanied by an application for a building permit, along with a site plan showing the location of the moved structure on the new site, signed by the owner of the site to which the structure is being moved, stating the use to which the structure is to be put, stating that the destination site is properly zoned for the proposed use and describing the work to be done to repair or remodel the structure.

**3710.3.2 Requirements of building permit.** The building permit shall require the following:

1. The structure shall be completely moved to the new site within 30 days after the date the moving permit is issued.
2. Work shall be started on the structure within 10 days after the date the structure arrives at the new site.
3. The structure shall be placed on an approved permanent foundation within 60 days after the date the moving permit is issued.
4. Within 100 days after the date the moving permit is issued, the exterior of the structure shall be made to comply with this code and all other applicable city ordinances and all exterior construction work shall be completed, including, but not

limited to, the completion of all site work, paving, grading and site cleanup and the installation, repair and replacement of all siding, roofing, doors, windows, trim, paint, steps, porches and other work visible from the street or any neighboring property.

5. Completion of interior work on the structure shall proceed in compliance with other provisions of this code and other applicable city ordinances.

**3710.3.3 Failure to comply.** Failure to comply with the requirements of Section 3710.3.2 may result in the revocation of the building permit and the structure will then become subject to the provisions of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the *Dallas City Code*, as amended.

#### **3710.4 Issuance, expiration and renewal.**

**3710.4.1 Issuance.** Upon receipt of an application for a moving permit, the structure to be moved shall be inspected, and if it is found to be in conformity with, or can be made to comply with, the requirements of this code and other applicable ordinances, a moving permit shall be issued upon payment of the fee required by this chapter. A moving permit shall be issued for each move to the destination site. If moving of the structure will violate any provision of this chapter, the *building official* shall not issue the moving permit, and the structure may not be moved.

**3710.4.2 Expiration.** A moving permit expires two years after the date the permit is issued.

**3710.4.3 Renewal.** A moving permit may be renewed one time for a period not to exceed 30 additional days if written application by the building mover and payment of a \$100 renewal fee is received by the *building official* prior to the original permit expiration date. A moving permit that has expired may not be renewed except by application for a new permit and payment of all required permit fees.

**3710.5 Temporary storage.** A person who stores within the city a structure which has been moved from its original construction site to a location, without placing the structure on an approved foundation with anchorage and support, shall provide a solid fence or wall with plant screening surrounding the storage area which complies with provisions of the *Dallas Development Code* relating to storage of structures. This provision does not prohibit the location of new structures on bona fide sales lots displaying examples of workmanship and appearance of structures to be sold and constructed on individual remote sites.

**3710.6 Unlawful acts not authorized by permit.** The issuance or granting of a permit pursuant to this section does not authorize the violation of any provision of this code or other applicable ordinances. The issuance of a permit does not prevent the *building official* from requiring correction of errors or from preventing moving operations along the public ways which are in violation of this code or any other city ordinance, which violate or disturb the public peace, general welfare or public safety, or which create a nuisance.

**3710.7 Removal of obstructions; time and route.** Movements authorized by permit shall be made at the time and along the route specified by the *building official*. The granting of the permit does not authorize the cutting or removing of trees or branches or the adjustment of wires, utilities, signs, markers or public facilities. The mover shall give notice in the manner required by Section 3712.2 to the utility companies to remove the meters and public utility facilities prior to moving.

**3710.8 Bond required.** The owner of the structure to be moved or of the site to which the structure is being moved shall, upon application for a permit to move a structure, file with the *building official* a cash bond, or a surety bond by a surety acceptable to the city, to cover the city's costs of bringing the site to which a structure has been moved back to its original state should any exterior work on the site or structure not be completed in compliance with the time schedule set forth in Section 3710.3.2. The amount of the bond required is equal to \$1 for each square foot of structure being moved, measured from the structure's exterior, or \$10,000, whichever is greater. Action by the city that is covered by the bond may include, but is not limited to, demolition or removal of the structure. A surety bond shall provide that 30 days' written notice be given to the *building official* in the event of any material change in or cancellation of the bond by the surety.

**Exception:** The bond requirements do not apply if a structure is being moved to property owned by the federal or state government or a political subdivision of the state.

## **SECTION 3711 PREMOVE INSPECTIONS**

**3711.1 Request for inspection and payment of fees.** A person moving a structure to a lot located within the city shall request an inspection from the *building official* and pay all applicable fees required by Section 303 of Chapter 52 of the *Dallas City Code* at least five business days before the move is scheduled.

**Exception:** Industrialized building or housing units that maintain a current certification as an industrialized structure by the State of Texas shall not be assessed a pre-move inspection fee.

**3711.2 Inspection.** If the *building official* determines from inspection that a structure requested to be moved is in compliance with, or can be made to comply with, this code and all other applicable city ordinances and authorizes the structure to be moved into the city, the structure shall be moved within 90 days from the date of inspection or another inspection fee will be required.

**3711.3 Moving structures through the city.** A structure may be moved through the city from outside the city limits, if the destination site is outside the city, either pursuant to a Texas State Highway Department permit, if the move is over state or federal highways, or otherwise pursuant to the provisions of this chapter.

## SECTION 3712 WEIGHT AND SIZE REGULATIONS

**3712.1 Width.** The total width, including eaves, porches or other overhang, of any structure to be moved shall not exceed the width of any street, measured from normal curb alignment to normal curb alignment at any place along the route unless the mover obtains written approval of the *building official*. The width, length or height permitted to be moved may be reduced by the *building official* on the basis of traffic volume, geometrics of the route, or length of the move in terms of distance and time. The applicant shall investigate the route and provide for proper clearance along the route.

**3712.2 Height.** The total height of any structure to be moved shall not exceed 17½ feet (5334 mm) in height when loaded unless the mover gives evidence to the *building official* that the utility companies have received written notice of the move of an over height structure at least five business days before the scheduled move of a structure not exceeding 21 feet (6400 mm) in height and at least 15 business days before the scheduled move of a structure exceeding 21 feet (6400 mm) in height.

**3712.3 Weight.** The total weight of the vehicle and load shall not exceed the maximum weight limits, which are provided in Chapter 28 of the *Dallas City Code*, as amended.

**3712.4 Moving structures on bridges, underpasses and similar facilities.** No person shall operate any vehicle, including its load, over or on any bridge or through any underpass or similar facility unless the height and width of the vehicle and load is less than the vertical and horizontal clearance of the facility.

**3712.5 Moving operations to comply with state law.** Moving operations shall meet all requirements of the *Texas Transportation Code*, as amended, including the display of side or clearance flags and lights when and where required.

## SECTION 3713 MOVING A STRUCTURE

**3713.1 How movement is to be made.** The moving of a structure shall be conducted expeditiously and without unnecessary obstruction of the public way. If the vehicle or equipment becomes disabled so that normal operation is impossible or impractical, the person in charge of the moving shall have the vehicle and equipment, with loads, immediately removed to a temporary parking area off the traveled roadway and notify the *building official* of the inability to complete the move and of the temporary storage location of the structure. The vehicle and equipment shall be immediately restored to operating condition, the move rescheduled, and the vehicle and equipment escorted to the destination.

**3713.2 Parking, standing or storage prohibited.** The *building official* is authorized to remove, or have removed, any vehicle, equipment or load left parked or standing by a mover on any portion of the public right-of-way or other temporary storage place when the mover fails to

remove the encroachment within a reasonable time. All costs incurred will be charged to the mover. No further permits shall be granted to the mover until the encroachments have been removed and the costs have been paid. Failure to pay the costs will result in recovery of the costs from the mover's surety bond filed pursuant to Section 3702.3.

## **SECTION 3714 ESCORT REQUIRED**

**3714.1 Escort required.** No person shall move any structure for which a permit is required by this chapter along, across or over any public way within the city unless accompanied by an escort who is approved by the *building official* and who has authority to direct traffic and exercise other police powers.

**3714.2 Distribution or moving permit copies.** The building mover shall provide the escort a copy of the moving permit. When the moved structure has been placed at its final location, the building mover shall mark a copy of the moving permit with the date and time the move is completed and shall return the copy to the *building official* within three working days.

**3714.3 Escort fee.** The escort fee is determined by the mover and the escort and is in addition to the moving permit fee.

## **SECTION 3715 CLEANUP OF SITE FROM WHICH STRUCTURE IS REMOVED**

**3715.1 Requirements for clearing site.** Within 30 days after a structure is removed from a lot or tract of land within the city, the lot or tract of land shall be cleaned by the mover or owner of the lot and left free from any unsafe, hazardous or unsanitary condition. All debris, rubbish and waste material resulting from the moving shall be removed from the site. All portions of the structure, appurtenances and incidental accessory structures remaining after the removal of the structure shall be demolished, after obtaining a demolition permit pursuant to Chapter 40, by the mover or owner of the lot to grade level, including all wood, brick and concrete foundation and concrete elements such as porches, slabs and steps which have portions above the grade. The mover or owner of the lot shall leave the site blade clean and compact, level and smooth all basements, cellars, wells, cisterns, excavations, holes or depressions which extend below the grade of the site and are apparent as a consequence of the moving. The mover or owner of the lot shall plug air and watertight sewer laterals, house lines and any other sewer and plumbing connections.

**3715.2 Letter of intent to clear site.** The mover shall file, with the application for a permit, a letter of intent to clear the lot, signed by the mover and the owner of the lot from which the structure is to be removed. Failure of the mover or owner of the lot to clear the lot as required in Section 3715.1, and in compliance with the submitted letter of intent, is a violation of Section 3715.

## **SECTION 3716**

## MOVING PERMIT FEES

**3716.1 Moving permit fees.** In addition to filing an application for a permit to move a structure as provided in this chapter, the applicant shall pay all applicable fees required by Section 303, Chapter 52 of the *Dallas City Code*. A permit and accompanying fee is required for each move and, notwithstanding any other provisions of this code, no organization or agency is exempt from this fee.

**3716.2 Other fees.** Nothing in this section will relieve any person from the payment of any other fee required by other city ordinances or regulations.

**3716.3 Ad valorem taxes to be paid.** A moving permit shall not be issued until the city tax assessor and collector has determined that ad valorem taxes on the property concerned have been paid.”

153. The 2015 International Building Code is amended by adding a new Chapter 38, “Fencing,” to read as follows:

### “CHAPTER 38 FENCING

#### SECTION 3801 HEIGHT

**3801.1 General.** Fences shall not exceed the height provided in the *Dallas Development Code*.

#### SECTION 3802 STRENGTH

**3802.1 General.** Fences shall be of sufficient strength to support their own dead load and to resist overturning. Fences over 9 feet (2743.2 mm) in height shall be designed as structures and have plans and specifications prepared by an engineer registered in the State of Texas.

#### SECTION 3803 VISIBILITY OBSTRUCTION PROHIBITED

**3803.1 General.** No fence may be erected or maintained in a manner so as to be a visibility obstruction as defined in the *Dallas Development Code*.”

154. The 2015 International Building Code is amended by adding a new Chapter 39, “Tents,” to read as follows:

**“CHAPTER 39  
TENTS**

**SECTION 3901  
SCOPE**

**3901.1 Scope.** This chapter applies only to a tent used for temporary operations. A tent or other fabric or membrane structure or portion of a structure intended to be in place permanently shall comply with the provisions of this code regulating permanent buildings and structures.

**SECTION 3902  
DEFINITIONS**

**3902.1 Definitions.** The following terms used in this chapter shall have the meanings as defined in Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code:

**PREMISES.**

**TENT.**

**SECTION 3903  
PERMIT REQUIREMENTS FOR TENTS**

**3903.1 Offense.** A person commits an offense if he erects or maintains a *tent* covered by this chapter without having a valid *tent* permit issued by the *building official*.

**3903.2 Permit required.** A permit is required in accordance with Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code.

**3903.3 Application.** An application is required in accordance with Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code.

**3903.4 Issuance of permit.** The conditions of permit issuance shall be in accordance with Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code.

**SECTION 3904  
USE CONDITIONS**

**3904.1 Compliance with other laws.** The use and placement of a *tent* and all operations within a *tent* shall comply with all city ordinances and other applicable laws.

**3904.2 Privilege.** The granting of a *tent* permit is a privilege that may be revoked at any time upon violation of any provision of this chapter.

**3904.3 Other permits.** Electrical permits, plumbing permits, mechanical permits, food establishment permits, alcoholic beverage licenses and all other permits and licenses required by city ordinance or other law shall be applied for separately in accordance with the applicable ordinance or law.

**3904.4 Placement.** Every part of a tent, including guy wires, deadmen, stakes and equipment, shall be set back a minimum of 10 feet (3048 mm) from all property lines and adjacent buildings and shall comply with all building lines and minimum yard areas as required by the *Dallas Development Code*.

**Exception:** *Tents* complying with the location provisions of Section 3103.8 of the *Dallas Fire Code* in addition to the requirements of the *Dallas Development Code*.

**3904.5 Lot coverage.** No *tent* may be erected to cover more than 75 percent of the *premises* on which it is located.

**3904.6 Structural requirements.** All supporting members shall be of sufficient size and strength to adequately support the *tent*. The supporting members shall be guyed and braced to withstand a wind pressure of not less than 20 pounds per square foot of the projected area of the *tent*.

**3904.7 Nuisances.** Loud speakers or amplifiers, when used, shall not be used so as to create a nuisance as described in the city ordinances and other applicable laws.

**3904.8 Electricity.** All electrical wiring shall comply with the *Dallas Electrical Code*. Each *premises* on which a *tent* is to be erected shall be provided with a separate, individual electrical service from the power source.

**3904.9 Construction.** Each *tent* shall be constructed of flame-resistive materials as specified in the *Dallas Fire Code*.

**3904.10 Parking.** The number of parking spaces for a *tent* shall be provided in accordance with the *Dallas Development Code*.

**Exception:** A *tent* that is on the same lot as and is accessory to a main use need not be provided with additional parking.

## SECTION 3905 EXITS

**3905.1 General requirements.** Arrangement of seats, aisles, passageways and exits shall conform to Chapter 10.

**3905.2 Additional requirements.** Every *tent* shall be provided with exits meeting all of the following additional provisions contained in this section.

**3905.2.1 Line of travel.** The line of travel to an exit shall not be greater than 100 feet (30 480 mm).

**3905.2.2 Height.** The height of doors, aisles or passageways may be no less than 7 feet (2133.6 mm).

**3905.2.3 Obstructions.** No stakes, guy wires or guy ropes may obstruct an exit way.

**3905.2.4 Exit openings.** Exit openings from any *tent* shall remain open or may be covered by canvas, provided:

1. The coverings are free-sliding on a proper support, and the support shall not be less than 12 inches (304.8 mm) above the top of the opening;
2. The coverings shall be so arranged that, when open, no part of the coverings obstruct the opening; and
3. The coverings shall be of a color or colors that definitely contrast with the color of the *tent*.

**3905.2.5 Lighting.** Exits, aisles and passageways leading to exits shall be adequately lighted at all times when the structures are occupied. Artificial light shall be provided whenever natural light is inadequate.

**3905.2.6 Exit signs.** Signs reading “EXIT” in red letters on a white background or in other approved distinguishable colors shall adequately indicate exit doorways. Sign letters shall be at least 6 inches (152.4 mm) high and not less than ¾ inch (19.05 mm) wide. Exit signs shall be illuminated in *tents* with occupant loads over 100 persons in the manner specified below:

1. Two separate electrical sources are required for occupant loads over 600.
2. Two separate electrical circuits, one of which shall be separate from other circuits, are required for occupant loads of 600 or less.

## **SECTION 3906 CLEARANCE OF PREMISES**

**3906.1 General.** The operator of *premises* for which a *tent* permit has been issued shall remove all structures, materials and debris within two days after the expiration or revocation of a *tent* permit.”

155. The 2015 International Building Code is amended by adding a new Chapter 40, “Demolition of Structures,” to read as follows:

**“CHAPTER 40  
DEMOLITION OF STRUCTURES**

**SECTION 4001  
SCOPE**

**4001.1 Scope.** All demolition of structures or portions of structures shall be in accordance with this chapter.

**SECTION 4002  
DEFINITIONS**

**4002.1 Definitions.** The following terms used in this chapter shall have the meanings indicated in this section:

**CONTRACTOR.** A person, and any employees, engaged in the business of demolition of structures, who have contracted to demolish a particular structure.

**DEMOLITION.** The destruction of a structure or part of a structure.

**INSECTS.** Include cockroaches, fleas, ticks and bloodsucking insects that transmit disease to warm-blooded creatures, but excluding subterranean termites.

**SECTION 4003  
DEMOLITION PERMIT REQUIRED; FEE EXEMPTION**

**4003.1 Permit required.** A person shall not demolish or begin *demolition* of a structure without obtaining a *demolition* permit from the *building official*.

**4003.2 Fees.** Before being issued a *demolition* permit, the applicant shall pay all applicable fees required by Section 303 of Chapter 52 of the *Dallas City Code*.

**SECTION 4004  
PERMIT APPLICATION**

**4004.1 General.** Application for a *demolition* permit signed and verified by the owner or owner's agent shall be made to the *building official* on a form provided for the purpose and shall include all of the following information:

1. Location of the structure to be demolished.
2. A plan for *demolition* and a schedule of time to complete the *demolition* project.

3. Location of the sites to be used for disposal of debris and proposed routes for transport of the debris to the sites.
4. Name and address of the owner of the structure and the notarized signature of the owner or the owner's agent authorizing the *contractor* to obtain a permit for *demolition* of the structure.
5. Name and address of the *contractor*.
6. Documentary evidence from an insurance company authorized to do business in the State of Texas, indicating a willingness to provide liability insurance required by Section 4010.
7. A statement that the abatement of asbestos hazards will be accomplished in accordance with guidelines and procedures established by the department of environmental and health services of the city.
8. Such additional information as the *building official* considers necessary to promote the implementation or enforcement of this chapter or the protection of the public safety.

**SECTION 4005**  
**REVIEW OF PERMIT APPLICATION; RODENT OR INSECT INFESTATION;**  
**DEMOLITION REVIEW COMMITTEE; SPECIAL CONDITIONS**

**4005.1 Rodent or insect infestation.** If the *building official* determines that the structure is infested with rodents or *insects*, the *building official* shall require the structure to be treated to eliminate the infestation before issuing a permit.

**4005.2. Review of permit application.** If the *building official* determines from the application that, because of the scope of the proposed *demolition* project, further review is necessary, the *building official* shall call a meeting of the *demolition* review committee. The *building official* shall give the committee members, the owner of the property and the *contractor* at least three days' written notice of the meeting unless the *contractor* requests an earlier meeting.

**4005.3 Demolition review committee.** The *demolition* review committee is composed of the *building official* as chair and the directors or designated representatives from the following city departments:

1. Department of code compliance.
2. Department of sanitation services.
3. Fire department.
4. Mobility and Street Services Department.

5. Office of Environmental Quality.

6. Police department.

**4005.4 Hearing.** The *contractor* and the owner, or the owner's representative other than the *contractor*, shall attend the meeting of the *demolition* review committee and explain in detail the methods and procedures to be used in the proposed *demolition* project.

**4005.5 Special conditions.** After reviewing the application and hearing the presentation of the *contractor*, the *demolition* review committee shall determine if, for the protection of the public safety, any special conditions need to be required for the issuance of a permit. At the conclusion of the meeting, the special conditions, if any, shall be listed and recorded so that they may be made a part of the permit.

## **SECTION 4006 PERMIT ISSUANCE; APPEAL OF DENIAL**

**4006.1 Issuance of permit.** The *building official* shall issue a *demolition* permit to the applicant, incorporating any special conditions as part of the permit, if the *building official* determines that:

1. The applicant has complied with the requirements of Sections 4003, 4004 and 4005;
2. The applicant has submitted proof of the insurance coverage required by Section 4010;
3. The methods and procedures to be used by the applicant will comply with the requirements of this chapter and will not present a hazard to the public; and
4. The applicant has agreed to comply with the special conditions, if any, determined to be necessary by the *demolition* review committee.

**4006.2 Appeal of denial.** If the *building official* denies issuance of a permit, the applicant may appeal the action to the Building Inspection Advisory, Examining and Appeals board under procedures established in Chapter 52 of the *Dallas City Code* for appeals to that board.

## **SECTION 4007 TRANSFERABILITY; COMMENCEMENT OF WORK; CONTINUATION OF WORK; DURATION OF PERMIT; EXTENSION**

**4007.1 Transferability.** A *demolition* permit is not transferable to another.

**4007.2 Commencement of work.** A *contractor* or owner shall begin *demolition* work authorized by a permit within 10 working days from the date the permit is issued, otherwise the permit expires and the *contractor* or owner must apply for a new permit.

**Exception:** The time limit in the contract applies for a *contractor* who demolishes a structure under contract with the city.

**4007.3 Continuation of work.** After beginning a *demolition* project, a *contractor* or owner shall work continuously at the normal rate of progress in keeping with good *demolition* practices until the project is completed.

**4007.4 Expiration of permit to demolish smaller structures.** A permit issued for *demolition* of a structure of less than 500 square feet (46.45 m<sup>2</sup>) or a single-family or duplex dwelling expires 30 days after the date of issuance if no progress has been made toward completion of the *demolition*, and *demolition* work authorized by the permit, including cleanup, shall be completed within the 30 days of the date *demolition* commences.

**4007.5 Expiration of permit to demolish larger structures.** A permit issued for *demolition* of a structure other than a structure described in Section 4007.4 expires 60 days after the date of issuance if no progress has been made toward completion of the *demolition* unless a longer period of time is granted in the permit as a special condition approved by the *demolition* review committee. *Demolition* work, including cleanup, authorized by the permit shall be completed within 60 days of the date *demolition* commences or within the time stated in the special condition.

**4007.6 Extensions of permit.** The *building official* may grant an extension of a *demolition* permit if the *contractor* or owner shows good cause for not completing the project within the required time.

## **SECTION 4008 OTHER PERMITS**

**4008.1 General.** Issuance of a *demolition* permit does not authorize an activity which requires another permit, as illustrated by, but not limited to, welding, cutting with a torch, construction of pedestrian protections and hauling of debris. The requirement of other permits may be discussed with the *contractor* at the *demolition review meeting*.

## **SECTION 4009 COST FOR CHANGES IN PUBLIC PROPERTY; EQUIPMENT OR UTILITIES**

**4009.1 General.** The owner of property to be demolished is responsible for the cost of changes in public property, equipment or utilities, including, but not limited to, damage caused by the *demolition* activity, removal and reinstallation if damage cannot be avoided, and temporary equipment or utilities if determined to be necessary by the *building official* or the *demolition* review committee.

## **SECTION 4010 INSURANCE; INDEMNIFICATION**

**4010.1 Insurance required.** An applicant for a *demolition* permit shall procure and keep in full force and effect commercial general liability insurance and comprehensive automobile liability insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of the policy shall be acceptable to the city. The insured provisions of the policy shall name the city and its officers and employees as additional insureds.

**Exception:** Insurance is not required if the structure to be demolished is less than 500 square feet (46.45 m<sup>2</sup>) in area, and the *demolition* will not affect public property.

**4010.1.1 Coverage requirements.** The following coverage types and limits shall be maintained at all times during the term of the *demolition* permit:

1. The commercial general liability insurance shall provide combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, or the equivalent, and include coverage for premises operations, asbestos hazards (if the project involves asbestos), independent *contractors*, products/completed operations, personal injury, contractual liability and medical payments. This insurance shall also include coverage for underground, explosion and collapse hazards.
2. The comprehensive automobile liability insurance shall provide combined single limits of liability for bodily injury and property damage of not less than \$500,000 for each occurrence, or the equivalent, for each motor vehicle used by the permittee.

**Exception:** If the *building official* or the *demolition* review committee determines that public property will not be affected by the project and the scope of the project is not sufficient to require the insurance limits established in Section 4010.1.1, the *building official* or the *demolition* review committee, on recommendation of the office of risk management, may lower the limits required for a particular permit and include the lower limits as a special condition incorporated into the permit.

**4010.1.2 Cancellation provisions.** Each insurance policy shall include a cancellation provision in which the insurance company is required to notify the *building official* in writing not fewer than 30 days before canceling, failing to renew or making a material change to the insurance policy.

**4010.2 Indemnification required.** A permittee shall execute a written agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property arising out of *demolition* activities by the permittee that affect public property.

## SECTION 4011 DEMOLITION BY CITY

**4011.1 Inapplicability of certain requirements.** Sections 4007, 4009 and 4010 do not apply to

*demolition* work conducted by city employees in the course of their city employment.

## **SECTION 4012 PREPARATION OF THE DEMOLITION SITE**

**4012.1 Site preparation requirements.** A *contractor* shall not begin *demolition* work until all of the following preparations have been made:

1. Relocate gas, water, steam, storm and sanitary sewer lines that will be used during the *demolition* process and construct devices to protect the relocated lines.
2. Shut off and cap accessible gas, water, steam, storm and sanitary sewer lines not required during *demolition* outside the building line and shut off other lines as they become accessible.
3. Reduce electrical service connections to a minimum needed for the *demolition* work and relocate and protect needed lines.
4. Disconnect unneeded electrical service lines outside the property line and conspicuously identify energized circuits.

**4012.2 Notification to utility agencies.** A *contractor* shall notify the appropriate utility agency before making the preparations required in Section 4012.1 and shall accomplish the disconnections and construction of protective devices in a manner approved by that agency.

## **SECTION 4013 PROTECTIVE DEVICES**

**4013.1 Protective devices.** A *contractor* shall not begin *demolition* of the exterior walls or roof of a structure until the following protective devices have been constructed when required by the *demolition* review committee:

1. A walkway or pedestrian protection in compliance with Section 3306; and
2. A structure to protect public property and utilities, as illustrated by, but not limited to, fire hydrants, street lights, signal lights and control boxes, parking meters, utility lines and poles, and traffic signs.

**4013.2 Fencing and security.** If the *demolition* review committee determines it is necessary, a special condition to the permit may require a fence enclosing the *demolition* site and a security guard to be kept on duty 24 hours a day.

**4013.3 Maintenance and removal of protective devices.** A *contractor* shall maintain the required protective devices so long as a hazard to persons or property exists and shall remove the devices immediately when they are no longer needed for protection.

**4013.4 Means of egress.** A party wall balcony or horizontal exit shall not be destroyed unless and until a substitute means of egress has been provided and approved.

**4013.5 Water accumulation.** Provision shall be made to prevent the accumulation of water or damage to any foundations on the premises or the adjoining property.

#### **SECTION 4014 WARNING SIGNS AND BARRICADES**

**4014.1 General requirements.** A *contractor*, when required by the *demolition* review committee, shall prominently erect and maintain, while the *demolition* is in progress, signs and barricades which comply with the city's traffic barricade manual and warn members of the public of the hazards that exist as a result of the *demolition* work.

#### **SECTION 4015 LIGHTS**

**4015.1 General requirements.** A *contractor* shall provide lights between sunset and sunrise that illuminate hazards near or upon sidewalks or streets, as illustrated by, but not limited to, pits, excavations, fences, barriers, equipment, building material or rubbish.

**4015.2 Pedestrian passageways.** In pedestrian passageways, a *contractor* shall provide:

1. Amber lights with a capacity of at least 100 watts on the street side of the walkway at both ends and near the center; and
2. Sixty-watt lights spaced every 10 feet (3048 mm) along an open walkway and along the inside and outside of a covered pedestrian way.

#### **SECTION 4016 DUST AND DRAINAGE**

**4016.1 Dust.** In order to control dust in the air, a *contractor* shall do the following:

1. Maintain an adequate water supply on the *demolition* site to properly control dust.
2. Wet down material sufficiently to lay the dust before the material is removed.
3. Remove asbestos in accordance with applicable city, state and federal laws and regulations.

**4016.2 Drainage.** A *contractor* shall maintain the drainage facilities so that storm water and water used for controlling dust will not cause flooding of streets, sewers or other property.

## SECTION 4017 HOURS OF OPERATION

**4017.1 Residential areas.** A *contractor* shall conduct *demolition* activity on a structure in or adjacent to a residential area only during the days and hours specified in Chapter 30, “Noise,” of the *Dallas City Code*.

**4017.2 Nonresidential areas.** The *building official* or the *demolition* review committee shall establish the hours of operation at *demolition* sites not in or adjacent to a residential area to minimize the effect of noise and the interference with normal movement of pedestrians and vehicular traffic. The established hours of operation will be incorporated as a special condition of the permit.

## SECTION 4018 METHODS OF DEMOLITION

**4018.1 General method.** In conducting *demolition* activities, a *contractor* shall do the following:

1. Demolish exterior walls and floor construction beginning at the top of the structure and proceeding downward, except that holes may be cut in floors through which to drop materials if precautions are taken so that dropped materials are contained and dust is controlled.
2. Completely demolish each story of exterior wall and floor construction and dispose of all materials and debris by moving to a storage space before beginning removal of walls and floors in the next story below.
3. Floor over or enclose with guardrails and toe boards all floor openings and shafts not used for material chutes.
4. During the *demolition* of a structure that is originally more than 70 feet (21 336 mm) high and that is in proximity to property lines, provide scatterboards not more than two stories below the story being removed. These scatterboards shall:
  - 4.1. project from the exterior of the structure not less than 6 feet (1828.8 mm);
  - 4.2. be designed for a live load of 100 pounds per square foot (488.24 kg/m<sup>2</sup>) for a distance of 5 feet (1524 mm) from the wall line;
  - 4.3. be floored with at least 2-inch (50.8 mm) thick plank, laid tight and secured; and
  - 4.4. have solid plank guardrails 3 feet (914.4 mm) in height, rigidly braced and secured on the outer edge and ends.

5. Reduce all improvements to their component parts and demolish all improvements to ground level, including, but not limited to, foundations, porches, walks, driveways, slabs and steps which have elements above grade.

**4018.2 Other methods.** If a *contractor* desires to use a method other than that required in Section 4018.1, as illustrated by, but not limited to, *demolition* of a structure in sections, use of explosives, or use of “headache balls,” the proposed method must be approved by the *building official* or the *demolition* review committee to ensure the safety of persons and property, with appropriate special conditions incorporated in the permit.

## **SECTION 4019 DROPPING OF MATERIAL**

**4019.1 General requirements.** A *contractor* shall not drop material by gravity to a point outside the exterior walls of a structure unless the material is dropped through an enclosed wooden or metal chute.

**Exceptions:** This restriction does not apply to the following:

1. A single-family dwelling and its accessory structures.
2. A structure whose height is less than the distance from the building line to the nearest property line or public sidewalk.

## **SECTION 4020 FIRE PROTECTION**

**4020.1 General requirements.** For requirements governing fire protection at a *demolition* site, see the *Dallas Fire Code*.

## **SECTION 4021 REMOVAL OF MATERIAL**

**4021.1 General requirements.** A *contractor* shall remove all material, rubbish and debris at least once each day from the *demolition* site in accordance with applicable city, state and federal laws and regulations, and in accordance with the routes, disposal sites and precautions established by the *building official* or the *demolition* review committee, taking care to maintain adjacent streets, alleys and public ways clear of loose material.

## **SECTION 4022 CONDITION OF THE DEMOLITION SITE**

**4022.1 Site condition upon completion of demolition.** Upon completion of a *demolition* project, a *contractor* shall:

1. Leave the *demolition* site blade clean; and
2. Fill, level, compact and smooth basements, cellars, wells, cisterns, excavations, holes, voids under public or private sidewalks, or any declivity or depression that extends below the grade of the lot and is an apparent consequence of the *demolition*.

**Exception:** A *contractor* is not required to fill, level, compact and smooth the *demolition* site if a building permit has been issued for new construction on the site, to begin within 60 days of completion of the *demolition* project.

**4022.2 Inert material as fill.** Inert material may be used as fill if the top 1 foot (304.8 mm) of fill is clean earth.

**4022.3 Shrubbery and trees.** Living shrubbery and trees are not required to be removed from the site.”

156. The 2015 International Building Code is amended by adding a new Chapter 41, “Building Security,” to read as follows:

## **“CHAPTER 41 BUILDING SECURITY**

### **SECTION 4100 PURPOSE**

**4100.1 General.** The purpose of this chapter is to establish minimum standards to make dwelling units resistant to unlawful entry.

### **SECTION 4101 SCOPE**

**4101.1 General.** The provisions of this chapter apply to the following openings:

1. Openings into dwellings within apartment houses of Group R, Division 2 Occupancies.
2. Openings into a dwelling and dwelling units of Group R, Division 3 Occupancies.
3. Openings between attached garages and the dwelling units.
4. Openings into attached garages.

**Exceptions:**

1. An opening in an exterior wall when all portions of the opening are more than 12 feet

- (3656.6 mm) vertically or 6 feet (1826.8 mm) horizontally from an accessible surface of any adjoining yard, court, passageway, public way, walk, breezeway, patio, planter, porch or similar area.
2. All openings in an exterior wall when all portions of the opening are more than 12 feet (3656.6 mm) vertically or 6 feet (1826.8 mm) horizontally from the surface of any adjoining roof, balcony landing, stair tread, platform or similar structure, or when any portion of such surface is more than 12 feet (3656.6 mm) above an accessible surface.
  3. All openings in a roof when all portions of such roof are more than 12 feet (3656.6 mm) above an accessible surface.
  4. An opening where the smaller dimension is 6 inches (152.4 mm) or less, provided that the closest edge of the opening is at least 40 inches (1016 mm) from the locking device of a door.
  5. An opening protected by required fire door assemblies having a fire-endurance rating of not less than 45 minutes.

## **SECTION 4102 OBSTRUCTING MEANS OF EGRESS**

**4102.1 General.** Security methods shall not create a hazard to life by obstructing any means of egress or any opening that is classified as an emergency exiting facility. Security provisions contained in this chapter do not supersede or waive the safety provisions relative to latching or locking devices on means of egress doors or egress windows required by any other provision of this code.

**4102.2 Emergency escape or rescue windows.** Bars, grilles, grates or similar security or secondary locking devices may be installed on emergency escape or rescue windows or doors required by Section 1030 of this code and Section R310 of the *Dallas One- and Two-Family Dwelling Code*, provided the following:

1. Such devices are equipped with approved release mechanisms that are operable from the inside without the use of a key or special knowledge or effort.
2. The building is equipped with smoke detectors installed in accordance with Section 907.2, 1103.7 and 1103.8 of the *Dallas Fire Code* and Section R314 of the *Dallas One- and Two-Family Dwelling Code*.

## **SECTION 4113 ENTRY VISION**

**4103.1 Vision required.** All main or front entry doors to dwelling units shall be arranged so that

the occupant has a view of the area immediately outside the door without opening the door. Except as provided in Section 716.5.3, the view may be provided by a door viewer having a field of view of not less than 180 degrees or through a window or view port.

**4103.2 Glazing separation.** Breakable glass should not be installed within 40 inches (1016 mm) of a door-locking device.

**Exceptions:**

1. For required means of egress doors and emergency escape or rescue doors, glazing may be installed within 40 inches (1016 mm) of the locking device if the glass is laminated, patterned, wired, obscured or protected by approved bars, grilles or grates.
2. For other doors, glazing may be installed within 40 inches (1016 mm) of a locking device that is key-opened from both the inside and the outside.

**SECTION 4104  
SWINGING DOORS**

**4104.1 General.** Swinging doors regulated by this chapter shall comply with the following:

1. Wood doors shall be solid core and not less than 1<sup>3</sup>/<sub>8</sub>-inches (34.92 mm) thick.
2. Double doors shall have the inactive leaf secured by header and threshold bolts that penetrate metal strike plates. The bolts shall be flush-mounted in the door edge whenever breakable glass is located within 40 inches (1016 mm) of the bolts.
3. Dutch doors shall have concealed flush-bolt locking devices to interlock the upper and lower halves.

**4104.2 Strike plate installations.** In wood-frame construction, any open space between trimmers and wood doorjambs shall be solid-shimmed by a single piece extending not less than 6 inches (152.4 mm) above and below the strike plate.

Strike plates shall be attached to wood with not less than two No. 8 by 2-inch (50.8 mm) screws. Strike plates when attached to metal shall be attached with not less than two No. 8 machine screws.

**4104.3 Hinges.** Hinges that are exposed to the exterior shall be equipped with nonremovable hinge pins or a mechanical interlock to preclude removal of the door from the exterior by removing the hinge pins.

**4104.4 Locking hardware.** Single swinging doors and the active leaf of double doors shall be equipped with an approved exterior key-operated dead bolt which shall lock with a minimum bolt throw of 1 inch (25.4 mm) through a metal strike plate. When mounted on an exit door or a

required emergency escape or rescue door, the dead bolt lock shall be operable from the inside without the use of a key or any special knowledge or effort. See Chapter 10 for other exit door requirements.

## **SECTION 4105 WINDOWS AND SLIDING DOORS**

**4105.1 General requirements.** When regulated by this chapter, openable windows and sliding door assemblies shall be secured by a primary lock or sash operator and by either of the following:

1. A secondary locking device consisting of screws, dowels, pinning devices or key-operated locks designed to prevent opening by lifting or prying.
2. Approved bars, grilles or grates.

Jalousie or louvered windows do not comply with this section unless protected with approved bars, grilles or grates. Installation of secondary locking devices or bars, grilles or grates on required emergency escape windows or doors shall comply with Section 1030.4.

## **SECTION 4106 GARAGE DOORS**

**4106.1 General requirements.** Vehicle access doors in enclosed attached garages shall be equipped with a security device or locking devices.

## **SECTION 4107 ALTERNATE MATERIALS OR METHODS**

**4107.1 General.** The provisions of this chapter are not intended to prevent the use of any material, device, hardware or method not specifically prescribed in this chapter, when such alternate provides equivalent security and is approved by the *building official*.”

157. The 2015 International Building Code is amended by adding a new Chapter 42, “Unity Agreements and the Dissolution of Common Boundary Lines for Building Code Purposes,” to read as follows:

### **“CHAPTER 42 UNITY AGREEMENTS AND THE DISSOLUTION OF COMMON BOUNDARY LINES FOR BUILDING CODE PURPOSES**

**SECTION 4201**  
**AUTHORIZATION AND REQUIREMENTS FOR UNITY AGREEMENTS**

**4201.1 Authorization.** The *building official* may authorize the dissolution of common boundary lines between two or more lots for purposes of this code if a written agreement is executed in accordance with this section on a form provided by the city.

**Exception:** The *building official* may authorize the dissolution of common boundary lines for purposes of this code without the execution of a written unity agreement when the city is an owner or lessee of all of the property involved.

**4201.1.1 Creation of a building site.** The unity agreement may not be used to create a building site nor as a substitute for platting or replatting as required by the *Dallas Development Code*. This agreement shall not be used to allow buildings or portions thereof to encroach across the property line nor into the adjacent lot.

**4201.1.2 Newly created building site and existing buildings.** Property lines cannot be created unless the structures are compliant or will be made compliant with the requirements of this code following the permit requirements of Chapter 52, “Administrative Procedures for the Construction Codes,” of the *Dallas City Code*. A property line proposed through an existing building must result in functionally independent structures on each side of the property line. This includes structural load paths as well as all other requirements of this code including exists and restrooms.

**4201.2 Requirements.** A unity agreement shall meet all of the following requirements:

1. Contain legal descriptions of the properties sharing the common boundary lines.
2. Set forth adequate consideration between the parties.
3. State that all parties agree that the properties sharing the common boundary lines may be collectively treated as one lot for the limited purpose of meeting requirements of this code.
4. State that the dissolution of the common boundary lines described in the agreement is only for the limited purpose of meeting requirements of this code, and that actual lines of property ownership are not affected.
5. State that the agreement constitutes a covenant running with the land with respect to all properties sharing the common boundary lines. A maximum of two lots may be used per agreement.
6. State that all parties agree to defend, indemnify, and hold harmless the city of Dallas from and against all claims or liabilities arising out of or in connection with the agreement.

7. State that the agreement will be governed by the laws of the State of Texas.
8. State that the agreement may only be amended or terminated in accordance with Section 4202.
9. Be approved by the *building official* and be approved as to form by the city attorney.
10. Be signed by all owners of the properties sharing the common boundary lines.
11. Be signed by all lienholders, other than taxing entities, that have either an interest in the properties sharing the common boundary lines or an improvement on those properties.
12. Be filed and made a part of the deed records of the county or counties in which the properties are located.

**4201.3 Filing requirements.** A unity agreement is not effective until a true and correct copy of the approved agreement is filed in the deed records in accordance with Section 4201.2(12), a file-marked copy of the agreement(s) for each property sharing the common boundary line is filed with the *building official*, and the fees are paid in accordance with this section.

**4201.3.1 Fees.** An application for a unity agreement and the amendment or termination of an existing unity agreement will not be processed until the fee(s) have been paid in accordance with Section 303 of Chapter 52, “Administrative Procedures for the Construction Codes,” of the *Dallas City Code*.

## **SECTION 4202 AMENDMENT OR TERMINATION OF UNITY AGREEMENTS**

**4202.1 Requirements.** A unity agreement may only be amended or terminated by a written instrument that is executed in accordance with this section on a form provided by the city. The instrument shall meet all of the following requirements:

1. Be signed by an owner of property sharing the common boundary lines or by a lienholder, other than a taxing entity, that has either an interest in a property sharing the common boundary lines or an improvement on such a property.
2. Be approved by the *building official*.
3. Be approved as to form by the city attorney.
4. Be filed and made a part of the deed records of the county or counties in which the properties are located.

**4202.2 Approval by building official.** The *building official* shall approve an instrument amending or terminating an agreement if all properties governed by the agreement fully comply with this code. The amending or terminating instrument is not effective until it is filed in the deed records in accordance with Section 4201.3 and a file-marked copy of the agreement(s) for each of the properties is filed with the *building official*.”

158. The 2015 International Building Code is amended by adding a new Chapter 43, “Green Building Program,” to read as follows:

**“CHAPTER 43  
GREEN BUILDING PROGRAM**

**SECTION 4301  
PURPOSE**

**4301.1 Purpose.** The purpose of this chapter is to establish green building standards to help reduce the use of natural resources, create a healthier and more sustainable living environment and minimize the negative environmental impacts of development in Dallas and the North Texas region.

**SECTION 4302  
DEFINITIONS**

**4302.1 Definitions.** The following terms used in this chapter shall have the meanings indicated in this section:

**GREEN BUILDING.** Structures and their surrounding landscapes designed, constructed and maintained to decrease energy and water usage and costs, to improve the efficiency and longevity of building systems and to decrease the burdens imposed on the environment and public health.

**GREEN BUILT TEXAS.** An initiative of the Homebuilders Association of Greater Dallas that provides climate-specific guidelines and verification systems for residential and multifamily *green buildings*.

**GREEN BUILT TEXAS-CERTIFIABLE.** A proposed project that is not required to be registered with the Home Builders Association of Greater Dallas, but is planned, designed and constructed to meet or exceed a certified rating using the most recent version of the *Green Built Texas* rating system.

**LEED.** The Leadership in Energy and Environmental Design *green building* rating systems are nationally accepted standards for *green buildings* developed by the *USGBC*.

**LEED-CERTIFIABLE.** A proposed project that is not required to be registered with the *USGBC*, but is planned, designed and constructed to meet or exceed a certified rating using the most recent version of LEED NC (new construction), LEED CS (core and shell), LEED CI (commercial interiors), LEED for schools, LEED for healthcare, LEED for retail or LEED for homes.

**PROPOSED PROJECT.** The erection of any new structure for which a person, firm or corporation is required to obtain a building permit.

**USGBC.** The U.S. Green Building Council, a nonprofit organization comprised of leaders from the building industry formed to encourage sustainability by promoting buildings that are environmentally responsible, profitable and healthy places to live and work.

### **SECTION 4303 REQUIREMENTS**

**4303.1 General.** This section applies to all *proposed projects*.

**4303.2 All new construction.** All *proposed projects* must:

1. meet the minimum requirements of the *Dallas Green Construction Code*;
2. be *LEED-certifiable*;
3. be *Green Built Texas-certifiable*; or
4. be certifiable under an equivalent *green building* standard.

**4303.2.1 Formal certification not required.** Formal certification by the *USGBC*, *Green Built Texas* or an equivalent entity is not required.

#### **4303.2.2 LEED projects.**

1. Each *proposed project* may apply for compliance under any of the following *LEED* rating system products: LEED NC (new construction), LEED for schools, LEED for retail, LEED for healthcare, LEED CS (core and shell) or LEED for homes.
2. *Proposed projects* must achieve 1 point under the water efficiency credit titled “Water Use Reduction (20% Reduction).”

**4303.2.3 Multifamily developments.** Multifamily developments have the option of using LEED NC, LEED for homes, *Green Built Texas*, *ICC 700* or an equivalent *green building* standard.

**4303.3 Water use.** *Proposed projects* must reduce water usage by 20 percent. This may be accomplished by:

1. using the water efficiency requirements of *Green Built Texas*, LEED NC, LEED CS, LEED CI, LEED for schools, LEED for healthcare or LEED for retail; or
2. using 20 percent less water than the water use baseline calculated for the building's total interior water fixture use as required by the *Dallas Plumbing Code*.”

159. Appendices A, B, C, D, E, F, G, H, I, J, K, L, and M of the 2015 International Building Code are not adopted.

160. All chapters of the 2015 International Building Code adopted by this ordinance are subchapters of Chapter 53 of the Dallas City Code, as amended.

161. All references in the 2015 International Building Code to the fire code, plumbing code, mechanical code, electrical code, residential code, existing building code, energy conservation code, fuel gas code, and green construction code refer, respectively, to Chapters 16, 54, 55, 56, 57, 58, 59, 60, and 61 of the Dallas City Code.

SECTION 2. Any errata corrections of the 2015 International Building Code published by the International Code Council are considered as part of this code.

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the effective date of this ordinance will be discharged or affected by this ordinance. Prosecutions and suits for such offenses, liabilities, penalties, and forfeitures may be instituted, and causes of action pending on the effective date of this ordinance may proceed, as if the former laws applicable at the time the offense, liability, penalty, or forfeiture was committed or incurred had not been amended, repealed, reenacted, or superseded, and all former laws will continue in effect for these purposes.

SECTION 4. That Chapter 53 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any existing structure, system, development project, or registration that is not required to come into compliance with a requirement of this ordinance will be governed by the requirement as it existed in the former law last applicable to the structure, system, development project, or registration, and all former laws will continue in effect for this purpose.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance will take effect on [30 days after passage], and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 54, "Dallas Plumbing Code," of the Dallas City Code, as amended; adopting with certain changes the 2015 Edition of the International Plumbing Code of the International Code Council, Inc.; regulating the construction, enlargement, alteration, repair, use, and maintenance of plumbing work in the city; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Chapter 54, "Dallas Plumbing Code," of the Dallas City Code, as amended, is amended by adopting the 2015 Edition of the International Plumbing Code of the International Code Council, Inc. (which is attached as Exhibit A and made a part of this ordinance), with the following amendments:

1. Page xi, "Legislation," is deleted.
2. Chapter 1, "Scope and Administration," of the 2015 International Plumbing Code is deleted and replaced with new Chapter 1, "Administration," to read as follows:

**"CHAPTER 1  
ADMINISTRATION**

**SECTION 101  
GENERAL**

**101.1 Title.** These regulations are known as the *Dallas Plumbing Code*, hereinafter referred to as "this code."

**101.2 Scope.** The provisions of this code apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. This code also regulates nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum collection systems. The installation of fuel gas distribution piping and equipment, fuel gas-fired water heaters and water heater venting systems are regulated by the *Dallas Fuel Gas Code*.

**Exceptions:**

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures must comply with the *Dallas One- and Two-Family Dwelling Code*.
2. Plumbing systems in existing buildings undergoing repair, alteration, or additions, and change of occupancy may comply with the *Dallas Existing Building Code*.

**101.3 Administrative procedures.** Except as otherwise specified in this code, all provisions of Chapter 52, “Administrative Procedures for the Construction Codes,” of the *Dallas City Code* apply to this code.

**101.4 Referenced codes and standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference only when such codes and standards have been specifically adopted by the city of Dallas. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the *ICC Electrical Code* means the *Dallas Electrical Code*, as adopted. References made to the *International Building Code*, the *International Mechanical Code*, the *International Plumbing Code*, the *International Fuel Gas Code*, the *International Fire Code*, the *International Energy Conservation Code*, the *International Existing Building Code*, and the *International Residential Code*, respectively mean the *Dallas Building Code*, the *Dallas Mechanical Code*, the *Dallas Plumbing Code*, the *Dallas Fuel Gas Code*, the *Dallas Fire Code*, the *Dallas Energy Conservation Code*, the *Dallas Existing Building Code*, and the *Dallas One- and Two-Family Dwelling Code*, as amended.”

3. Section 202, “General Definitions,” of Chapter 2, “Definitions,” of the 2015

International Plumbing Code is amended by amending or adding the following definitions to read as follows:

**“GRAY WATER.** Waste water that has not come into contact with toilet waste, kitchen sink waste, dishwasher waste or similarly contaminated sources. Gray water includes waste [discharged] from lavatories, bathtubs, showers, clothes washers and laundry sinks [trays].

**ON-SITE NONPOTABLE WATER REUSE SYSTEM.** A water system for the collection, treatment, storage, distribution and reuse of nonpotable water generated on site, including but not limited to a gray water system. [~~This definition does not include a rainwater harvest system.~~]

**RAINWATER HARVEST.** The rainwater collected from roofs and other on-site above ground catchment systems.

**RECLAIMED WATER.** Nonpotable water that, as a result of [~~has been derived from~~] the treatment of domestic waste water, is suitable for a direct beneficial use or a controlled use when such system has been submitted and approved by the building official prior to installation [~~by a facility or system licensed or permitted to produce water meeting the jurisdiction's water requirements for its intended uses~~]. Also known as “recycled water.”

**STORM WATER.** A drainage system that carries a [N]natural precipitation, including snow-melt, rainwater, surface water or similar liquid wastes that has contacted a surface at or below grade.”

4. Subsection 301.6, “Prohibited Locations,” of Section 301, “General,” of Chapter 3, “General Regulations,” of the 2015 International Plumbing Code is amended to read as follows:

**301.6 Prohibited locations.** No plumbing system, waste disposal system, gas distribution system, rainwater piping system, irrigation system, medical gas & vacuum system or parts thereof, shall be located on any lot other than a specific lot or building site as defined by Chapter 51A of the *Dallas Development Code*. Piping, fixtures or equipment shall not be located as to interfere with the normal use thereof or the normal operation and use of any required windows, doors or other facilities. Plumbing systems shall not be located in an elevator shaft or in an elevator equipment room.

**Exception:** Floor drains, sumps and sump pumps shall be permitted at the base of the shaft, provided that they are indirectly connected to the plumbing system and comply with Section 1003.4.”

5. Paragraph 305.4.1, “Sewer Depth,” of Subsection 305.4, “Freezing,” of Section 305, “Protection of Pipes and Plumbing System Components,” of Chapter 3, “General Regulations,” of the 2015 International Plumbing Code is amended to read as follows:

**305.4.1 Sewer depth.** [~~Building sewers that connect to private sewage disposal systems shall be installed not less than [NUMBER] inches (mm) below finished grade at the point of septic tank connection.~~] *Building sewers* shall be a minimum of 12 [~~installed not less than [NUMBER]~~] inches (304 mm) below grade.”

6. Subsection 305.7, “Protection of Components of Plumbing System,” of Section 305, “Protection of Pipes and Plumbing System Components,” of Chapter 3, “General Regulations,” of the 2015 International Plumbing Code is amended to read as follows:

**“305.7 Protection of components of plumbing system.** Components of a plumbing system installed within 3 feet of ~~along~~ alleyways, driveways, parking garages or other locations in a manner in which they would be exposed to damage shall be recessed into the wall or otherwise protected in an approved manner.”

7. Subsection 312.9, “Shower Liner Test,” of Section 312, “Test and Inspections,” of Chapter 3, “General Regulations,” of the 2015 International Plumbing Code is amended to read as follows:

**“312.9 Shower liner test.** Where shower floors and receptors are made water tight by the application of materials required by Section 417.5.2, the completed liner installation shall be tested. The pipe from the shower drain shall be plugged water tight for the test. The floor and receptor area shall be filled with potable water to a depth of not less than 3[2] inches (~~76.2[54]~~ mm) measured from the top of the drain to the top of ~~at~~ the threshold. Where a threshold of at least 3[2] inches (~~76.2[54]~~ mm) high does not exist, a temporary threshold shall be constructed to retain the test water in the lined floor or receptor area to a level not less than 3[2] inches (~~76.2[54]~~ mm) deep measured at the threshold. The water shall be retained for a test period of not less than 15 minutes, and there shall not be evidence of leakage.”

8. Paragraph [M] 314.2.1, “Condensate Disposal,” of Subsection [M] 314.2, “Evaporators and Cooling Coils,” of Section 314, “Condensate Disposal,” of Chapter 3, “General Regulations,” of the 2015 International Plumbing Code is amended to read as follows:

**“[M] 314.2.1 Condensate disposal.** Condensate from all cooling coils and evaporators shall be conveyed from the drain pan ~~outlet~~ to an *approved* place of disposal. Such piping shall maintain a horizontal slope in the direction of discharge of not less than one-eighth unit vertical in 12 units horizontal (1-percent slope). Condensate shall not discharge into a street, alley, sidewalk, rooftop or other areas so as to cause a nuisance.”

9. Paragraph [M] 314.2.2, “Drain Pipe Materials and Sizes,” of Subsection [M] 314.2, “Evaporators and Cooling Coils,” of Section 314, “Condensate Disposal,” of Chapter 3, “General Regulations,” of the 2015 International Plumbing Code is amended to read as follows:

**[M] 314.2.2 Drain pipe materials and sizes.** Components of the condensate disposal system shall be cast iron, galvanized steel, copper, cross-linked polyethylene, polyethylene, ABS, CPVC or PVC pipe or tubing. When exposed to ultraviolet light, schedule 80 PVC piping or tubing is required. All components shall be selected for the pressure and temperature rating of the installation. Joints and connections shall be made in accordance with the applicable provisions of Chapter 7 relative to the material type. Condensate waste and drain line size shall be not less than ¾-inch (19.1 mm) internal diameter and shall not decrease in size from the drain pan connection to the place of condensate disposal. Where the drain pipes from more than one unit are manifolded together for condensate drainage, the pipe or tubing shall be sized in accordance with Table 314.2.2. All horizontal sections of drain piping must be installed in uniform alignment at a uniform slope.”

10. Chapter 3, “General Regulations,” of the 2015 International Plumbing Code is amended by adding a new Section 317, “Irrigation Systems,” to read as follows:

### **“SECTION 317 IRRIGATION SYSTEMS**

**317.1 Irrigation systems.** All potable water source irrigation systems must comply with the provisions of Appendix F, “Standards for Designing, Installing and Maintaining Landscape Irrigation Systems,” of this code. All nonpotable water source irrigation systems must comply with the provisions of Chapter 13, “Water Reuse,” and Appendix F, “Standards for Designing, Installing and Maintaining Landscape Irrigation Systems.”

11. Subsection 401.1, “Scope,” of Section 401, “General,” of Chapter 4, “Fixtures, Faucets and Fixture Fittings,” of the 2015 International Plumbing Code is amended to read as follows:

**“401.1 Scope.** This chapter shall govern the materials, design and installation of plumbing fixtures, faucets and fixture fittings in accordance with the type of *occupancy*, and shall provide for the minimum number of fixtures for various types of occupancies. The provisions of this chapter are intended to work in coordination with the provisions of the *Dallas Building Code*. Should any conflicts arise between the two chapters, the building official shall determine which provision applies.”

12. Subsection 403.1, “Minimum Number of Fixtures,” of Section 403, “Minimum Plumbing Facilities,” of Chapter 4, “Fixtures, Faucets and Fixture Fittings,” of the 2015 International Plumbing Code is amended to read as follows:

**“403.1 Minimum number of fixtures.** Plumbing fixtures shall be provided for the type of occupancy and in the minimum number as follows:

1. **Assembly occupancies.** At least one drinking fountain must be provided at each floor level in an approved location.

**Exception:** A drinking fountain need not be provided in a drinking or dining establishment.

2. **Group A, B, F, H, I, M and S occupancies.** Buildings, tenant spaces or portions of buildings where persons are employed must be provided with at least one water closet for each sex as provided for in Section 403.2.

3. **Group E and R occupancies.** Fixtures must be provided as shown in Table 403.1

It is recommended, but not required, that the minimum number of fixtures provided also comply with the number shown in Table 403.1 ~~[, based on the actual use of the building or space]~~. Uses not shown in Table 403.1 shall be considered individually by the building [code] official. The number of occupants shall be determined by the Dallas [International] Building Code. Occupancy classification shall be determined in accordance with the Dallas Building Code.

**403.1.1 Fixture calculations.** To determine the occupant load of each sex, the total occupant load shall be divided in half. To determine the required number of fixtures, the fixture ratio or ratios for each fixture type shall be applied to the occupant load of each sex in accordance with Table 403.1. Fractional numbers resulting from applying the fixture ratios of Table 403.1 shall be rounded up to the next whole number. For calculations involving multiple *occupancies*, such fractional numbers for each *occupancy* shall first be summed and then rounded to the next whole number.

**Exception:** The total occupant load shall not be required to be divided in half where *approved* statistical data indicates a distribution of the sexes of other than 50 percent of each sex.

**403.1.2 Family or assisted-use toilet and bath fixtures.** Fixtures located within family or assisted-use toilet and bathing rooms required by Section 1109.2.1 of the Dallas [International] Building Code are permitted to be included in the number of required fixtures for either male or female occupants in assembly and mercantile *occupancies*.”

13. Subsection 404.2, “Accessible Fixture Requirements,” of Section 404, “Accessible Plumbing Facilities,” of Chapter 4, “Fixtures, Faucets and Fixture Fittings,” of the 2015 International Plumbing Code is amended to read as follows:

**“404.2 Accessible fixture requirements.** Accessible plumbing fixtures shall be installed with the clearances, heights, spacings and arrangements in accordance with the Dallas Building Code [ICC A117.1].”

14. Subsection 409.2, “Water Connection,” of Section 409, “Dishwashing Machines,” of Chapter 4, “Fixtures, Faucets and Fixture Fittings,” of the 2015 International Plumbing Code is amended to read as follows:

**“409.2 Water connection.** The water supply to a commercial dishwashing machine shall be protected against backflow by an *air gap* that is integral with the machine or a backflow preventer shall be installed in accordance with Section 608. *Air gaps* shall comply with ASME A112.1.2 or A112.1.3”

15. Subsection 412.4, “Public Laundries and Central Washing Facilities,” of Section 412, “Floor and Trench Drains,” of Chapter 4, “Fixtures, Faucets and Fixture Fittings,” of the 2015 International Plumbing Code is deleted and replaced as follows:

**“412.4 Required location for floor drains.** Floor drains shall be required in the following locations:

1. In public coin-operated laundries and in the central washing facilities of multiple-family dwellings, rooms containing automatic clothes washers shall be provided with floor drains located to readily drain the entire floor area. Such drains shall have a minimum outlet of not less than 3 inches (76 mm) in diameter.
2. Food establishments as defined by Chapter 17 of the *Dallas City Code*.
3. Public restrooms.”

16. Subsection 417.5, “Shower Floors or Receptors,” of Section 417, “Showers,” of Chapter 4, “Fixtures, Faucets and Fixture Fittings,” of the 2015 International Plumbing Code is amended to read as follows:

**“417.5 Shower floors or receptors.** Floor surfaces shall be constructed of impervious, noncorrosive, nonabsorbent and waterproof materials. Thresholds must be a minimum of 2 inches (51 mm) and a maximum of 9 inches (229 mm), measured from the top of the drain to the top of the threshold or dam. Thresholds must be of sufficient width to accommodate a minimum 22-inch (559 mm) door.

**Exception:** Showers designed to comply with ICC/ANSI A117.1 or other designs as approved by the building official.

**417.5.1 Support.** Floors or receptors under shower compartments shall be laid on, and supported by, a smooth and structurally sound base.

**417.5.2 Shower lining.** Floors under shower compartments, except where prefabricated receptors have been provided, shall be lined and made water tight utilizing material complying with Sections 417.5.2.1 through 417.5.2.6. Such liners shall turn up on all sides not less than 3 [2] inches (76 [51] mm) above the finished threshold level and shall extend outward and over the threshold and be fastened to the outside of the threshold jamb to the required minimum height of the shower liner. Liners shall be recessed and fastened to an *approved* backing so as not to occupy the space required for wall covering, and shall not be nailed or perforated at any point less than 1 inch (25 mm) above the finished threshold. Liners shall be pitched one-fourth unit vertical in 12 units horizontal (2-percent slope) and shall be sloped toward the fixture drains and be securely fastened to the waste outlet at the seepage entrance, making a water-tight joint between the liner and the outlet. The completed liner shall be tested in accordance with Section 312.9.

**Exceptions:**

1. Floor surfaces under shower heads provided for rinsing laid directly on the ground are not required to comply with this section.
2. Where a sheet-applied, load-bearing, bonded, waterproof membrane is installed as the shower lining, the membrane shall not be required to be recessed.

**417.5.2.1 PVC sheets.** Plasticized polyvinyl chloride (PVC) sheets shall meet the requirements of ASTM D 4551. Sheets shall be joined by solvent welding in accordance with the manufacturer’s installation instructions.

**417.5.2.2 Chlorinated polyethylene (CPE) sheets.** Nonplasticized chlorinated polyethylene sheet shall meet the requirements of ASTM D 4068. The liner shall be jointed in accordance with the manufacturer’s installation instructions.

**417.5.2.3 Sheet lead.** Sheet lead shall weigh not less than 4 pounds per square foot (19.5 kg/m<sup>2</sup>) and shall be coated with an asphalt paint or other *approved* coating. The lead sheet shall be insulated from conducting substances other than the connecting drain by 15-pound (6.80 kg) asphalt felt or an equivalent. Sheet lead shall be joined by burning.

**417.5.2.4 Sheet copper.** Sheet copper shall conform to ASTM B 152 and shall weigh not less than 12 ounces per square foot (3.7 kg/m<sup>2</sup>). The copper sheet shall be insulated from conducting substances other than the connecting drain by 15-pound (6.80 kg) asphalt felt or an equivalent. Sheet copper shall be joined by brazing or soldering.

**417.5.2.5 Sheet-applied, load-bearing, bonded, waterproof membranes.** Sheet-applied, load-bearing, bonded, waterproof membranes shall meet requirements of ANSI A118.10 and shall be applied in accordance with the manufacturer's installation instructions.

**417.5.2.6 Liquid-type, trowel-applied, load-bearing, bonded waterproof materials.** Liquid-type, trowel-applied, load-bearing, bonded waterproof materials shall meet the requirements of ANSI A118.10 and shall be applied in accordance with the manufacturer's instructions."

17. Subsection [BG] 419.3, "Surrounding Material," of Section 419, "Urinals," of Chapter 4, "Fixtures, Faucets and Fixture Fittings," of the 2015 International Plumbing Code is amended to read as follows:

**"[BG] 419.3 Surrounding material.** Wall and floor space to a point 2 feet (610 mm) in front of a urinal lip and 4 feet (1219 mm) above the floor and at least 2 feet (610 mm) to each side of the urinal shall be waterproofed with a smooth, readily cleanable, hard, nonabsorbent material."

18. Subsection 502.3, "Water Heaters Installed in Attics," of Section 502, "Installation," of Chapter 5, "Water Heaters," of the 2015 International Plumbing Code is amended to read as follows:

**"502.3 Water heaters installed in attics.** Attics containing a water heater shall be provided with an opening and unobstructed passageway large enough to allow removal of the water heater. The passageway shall be not less than 30 inches (762 mm) in height and 22 inches (559 mm) in width and not more than 20 feet (6096 mm) in length when measured along the centerline of the passageway from the opening to the water heater. The passageway shall have continuous solid flooring not less than 24 inches (610 mm) in width. A level service space not less than 30 inches (762 mm) in length, ~~and~~ 30 inches (762 mm) in width and 30 inches (762 mm) deep shall be present at the front or service side of the water heater. The clear access opening dimensions shall be not less than 20 inches by 30 inches (508 mm by 762 mm) where such dimensions are large

enough to allow removal of the water heater. A walkway to an appliance must be rated as a floor as approved by the building official. At a minimum, one of the following must be provided for access to the attic space:

1. A permanent stair.
2. A pull down stair with a minimum 300 lb. (136 kg) capacity.
3. An access door from an upper floor level.

Due to structural conditions, an access panel may be used in lieu of Items 1, 2 or 3 with the prior approval of the building official.”

19. Section 502, “Installation,” of Chapter 5, “Water Heaters,” of the 2015 International Plumbing Code is amended by adding a new Subsection 502.6, “Water Heaters Above Ground or Floor,” to read as follows:

**“502.6 Water heaters above ground or floor.** When the attic, roof, mezzanine or platform in which a water heater is installed is more than 8 feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

**Exception:** A water heater may be reached by portable ladder if the water heater has a capacity of no more than 10 gallons (or larger with prior approval), it is capable of being accessed through a lay-in ceiling, and it is installed not more than 10 feet (3048 mm) above the ground or floor level.

**502.6.1. Illumination and convenience outlet.** Whenever the attic, roof, mezzanine or platform is not adequately lighted or access to a receptacle outlet is not obtainable from the main level, lighting and a receptacle outlet shall be provided in accordance with the *Dallas Electrical Code*.”

20. Subsection 504.6, “Requirements for Discharge Piping,” of Section 504, “Safety Devices,” of Chapter 5, “Water Heaters,” of the 2015 International Plumbing Code is amended to read as follows:

**“504.6 Requirements for discharge piping.** The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an *air gap* [~~located in the same room as the water heater~~].

3. Be a minimum 3/4" (1.9 mm) inside diameter but shall not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.

**Exception:** Multiple relief devices may be installed to a single T&P discharge piping system when approved by the building official and permitted by the manufacturer's installation instructions and installed pursuant to those instructions.

5. Discharge by indirect means [~~to the floor, to the pan serving the water heater or storage tank,~~] to an approved [a] waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed so as to flow by gravity.
10. Not terminate less [not more] than 6 inches (152 mm) or more than 24 inches (609 mm) above grade. When terminating at an approved waste receptor, the T&P discharge line shall terminate not more [and not less] than 6 inches (152 mm) above or less than two times the discharge pipe diameter above the [floor or] flood level rim of the waste receptor.
11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section 605.4 or materials tested, rated and *approved* for such use in accordance with ASME A112.4.1."

21. Paragraph 504.7.1, "Pan Size and Drain," of Subsection 504.7, "Required Pan," of Section 504, "Safety Devices," of Chapter 5, "Water Heaters," of the 2015 International Plumbing Code is amended to read as follows:

**"504.7.1 Pan size and drain.** The pan shall be not less than 1 1/2 inches (38 mm) in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a diameter of not less than 3/4 inch (19 mm). Piping for safety pan drains shall be of those materials listed in Table 605.4.

**Exception:** Multiple pan drains may terminate to a single discharge piping system when approved by the administrative authority and permitted by the water heater’s manufacturer installation instructions and installed according to manufacturer’s instructions.”

22. Subsection 602.3, “Individual Water Supply,” of Section 602, “Water Required,” of Chapter 6, “Water Supply and Distribution,” of the 2015 International Plumbing Code is deleted.

23. Subsection 604.4, “Maximum Flow and Water Consumption,” of Section 604, “Design of Building Water Distribution System,” of Chapter 6, “Water Supply and Distribution,” of the 2015 International Plumbing Code is amended by adding a new Paragraph 604.4.1, “State Maximum Flow Rate,” to read as follows:

**“604.4.1 State maximum flow rate.** Where the state-mandated maximum flow rate is more restrictive than those of this section, the state flow rate takes precedence.”

24. Subsection 605.2, “Lead Content of Water Supply Pipe and Fittings,” of Section 605, “Materials, Joints and Connections,” of Chapter 6, “Water Supply and Distribution,” of the 2015 International Plumbing Code is amended to read as follows:

**“605.2 Lead contents of water supply pipe and fittings.** On potable water systems, the maximum allowable lead content in pipes, pipe fittings, plumbing fittings and fixtures shall be not more than a weighted average of 0.25 percent with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings and fixtures. [~~Pipe and pipe fittings, including valves and faucets, utilized in the water supply system shall have not more than 8 percent lead content.~~]

Exceptions:

1. Pipes, pipe fittings, plumbing fittings, fixtures or backflow preventers used only for nonpotable services such as manufacturing, industrial processing, irrigation systems as per Appendix F of the *Dallas Plumbing Code* or any other non-potable service.
2. Flush valves, fill valves, flushometer valves, tub fillers, shower valves, service saddles or water distribution main gate valves that are 2 inches (50 mm) in diameter or larger.

~~[605.2.1 Lead content of drinking water pipe and fittings. Pipe, pipe fittings, joints, valves, faucets and fixture fittings utilized to supply water for drinking or cooking purposes shall comply with NSF 372 and shall have a weighted average lead content of 0.25 percent or less.]”~~

25. Subsection 606.1, "Location of Full-Open Valves," of Section 606, "Installation of the Building Water Distribution System," of Chapter 6, "Water Supply and Distribution," of the 2015 International Plumbing Code is amended to read as follows:

**"606.1 Location of full-open valves.** Full-open valves shall be installed in the following locations:

1. [~~On the building water service pipe from the public water supply near the curb.~~
- 2.] On the water distribution supply pipe at the entrance into the structure.
- ~~3.] On the discharge side of every water meter.~~
4. ~~On the base of every water riser pipe in occupancies other than multiple-family residential occupancies that are two stories or less in height and in one- and two-family residential occupancies.~~
5. ~~On the top of every water down-feed pipe in occupancies other than one- and two-family residential occupancies.]~~
- 2[6]. On the entrance to every water supply pipe to a dwelling unit, except where supplying a single fixture equipped with individual stops.
- 3[7]. On the water supply pipe to a gravity or pressurized water tank.
- 4[8]. On the water supply pipe to every water heater."

26. Subsection 606.2, "Location of Shutoff Valves," of Section 606, "Installation of the Building Water Distribution System," of Chapter 6, "Water Supply and Distribution," of the 2015 International Plumbing Code is amended to read as follows:

**"606.2 Location of shutoff valves.** Shutoff valves shall be installed in the following locations:

1. On the fixture supply to each plumbing fixture other than bathtubs and showers, or similar type valves, in one- and two-family residential *occupancies*, and other than in individual sleeping units that are provided with unit shutoff valves in hotels, motels, boarding houses and similar *occupancies*.
2. [~~On the water supply pipe to each sillcock.~~
- 3.] On the water supply pipe to each appliance or mechanical equipment."

27. Subsection 607.2, “Hot or Tempered Water Supply to Fixtures,” of Section 607, “Hot Water Supply System,” of Chapter 6, “Water Supply and Distribution,” of the 2015 International Plumbing Code is amended to read as follows:

**“607.2 Hot or tempered water supply to fixtures.** The *developed length* of hot or tempered water piping, from the source of hot water to the fixtures that require *hot* or *tempered* water, shall not exceed 50 feet (15 240 mm). Recirculating system piping and heat-traced piping shall be considered to be sources of *hot* or *tempered* water and shall be installed in accordance with the *Dallas Energy Conservation Code*.

~~[607.2.1 Circulation systems and heat trace systems for maintaining heated water temperature in distribution systems. For Group R2, R3 and R4 occupancies that are three stories or less in height above grade plane, the installation of heated water circulation and temperature maintenance systems shall be in accordance with Section R403.5.1 of the *International Energy Conservation Code*. For other than Group R2, R3 and R4 occupancies that are three stories or less in height above grade plane, the installation of heated water circulation and heat trace systems shall be in accordance with Section C404.6 of the *International Energy Conservation Code*.~~

~~607.2.1.1 Pump controls for hot water storage systems. The controls on pumps that circulate water between a water heater and a storage tank for heated water shall limit operation of the pump from heating cycle startup to not greater than 5 minutes after the end of the cycle.~~

~~607.2.1.2 Demand recirculation controls for distribution systems. A water distribution system having one or more recirculation pumps that pump water from a heated water supply pipe back to the heated water source through a cold water supply pipe shall be a demand recirculation water system. Pumps shall have controls that comply with both of the following:~~

- ~~1. The control shall start the pump upon receiving a signal from the action of a user of a fixture or appliance, sensing the presence of a user of a fixture, or sensing the flow of hot or tempered water to a fixture fitting or appliance.~~
- ~~2. The control shall limit the temperature of the water entering the cold water piping to 104°F (40°C).]~~

**607.2.1[2] Piping for recirculation systems having master thermostatic valves.** Where a thermostatic mixing valve is used in a system with a hot water recirculating pump, the *hot* water or *tempered* water return line shall be routed to the cold water inlet pipe of the water heater and the cold water inlet pipe or the hot water return connection of the thermostatic mixing valve.”

28. Subsection 608.1, “General,” of Section 608, “Protection of Potable Water Supply,” of Chapter 6, “Water Supply and Distribution,” of the 2015 International Plumbing Code is amended to read as follows:

**“608.1 General.** A potable water supply system shall be designed, installed and maintained in such a manner so as to prevent contamination from nonpotable liquids, solids or gases being introduced into the potable water supply through cross-connections or any other piping connections to the system. Backflow preventer applications shall conform to applicable local regulations, Table 608.1, and ~~except~~ as specifically stated in Sections 608.2 through 608.16.10, and Chapter 13 of the *Dallas Plumbing Code*.”

29. Subsection 608.8, “Identification of Nonportable Water Systems,” of Section 608, “Protection of Potable Water Supply,” of Chapter 6, “Water Supply and Distribution,” of the 2015 International Plumbing Code is amended to read as follows:

**“608.8 Identification of nonpotable water systems.** Where nonpotable water systems are installed, the piping conveying the nonpotable water shall be identified either by permanently installed color marking, metal tags or tape in accordance with Sections 608.8.1 through 608.8.2.3.

**608.8.1 Signage required.** Nonpotable water outlets, such as hose connections, open ended pipes and faucets, shall be identified with permanently posted signage that reads as follows: “Nonpotable water is utilized for [application name]. CAUTION: NONPOTABLE WATER – DO NOT DRINK.” The words shall be legibly and indelibly printed on a tag or sign constructed of corrosion-resistant waterproof material or shall be indelibly printed on the fixture. The letters of the words shall be not less than 0.5 inch (12.7 mm) in height and in white letters on a contrasting purple (consistent with Pantone color # 512) background ~~[colors in contrast to the background on which they are applied]~~. In addition to the required wordage, the pictograph shown in Figure 608.8.1 shall appear on the required signage. The signs must be located in a manner that is visible to all users and approved by the building official. The number of signs installed must also be approved by the building official.



**FIGURE 608.8.1  
PICTOGRAPH—DO NOT DRINK**

**608.8.2 Distribution pipe labeling and marking.** Nonpotable distribution piping shall be purple in color (consistent with Pantone # 512) and shall be embossed, or integrally stamped or marked, with the words: “CAUTION: NONPOTABLE WATER – DO NOT DRINK” or the piping shall be installed with a purple identification tape or wrap (consistent with Pantone # 512). Pipe identification shall include the contents of the piping system and an arrow indicating the direction of flow. Hazardous piping systems shall also contain information addressing the nature of the hazard. Pipe identification shall be permanently installed and repeated at intervals not exceeding 20 [25] feet (6096 [7620] mm) and at each point where the piping passes through or over a wall, floor or roof. Lettering shall be readily observable within the room or space where the piping is located.

**608.8.2.1 Color.** The color of the pipe identification shall be discernable and consistent throughout the building. The color purple (consistent with Pantone # 512) shall be used to identify all nonpotable water reuse [~~reclaimed, rain and gray water~~] distribution systems.

**608.8.2.2 Lettering size.** The size of the background color field and lettering shall comply with Table 608.8.2.2.

**TABLE 608.8.2.2  
SIZE OF PIPE IDENTIFICATION**

<b>PIPE DIAMETER (inches)</b>	<b>LENGTH BACKGROUND COLOR FIELD (inches)</b>	<b>SIZE OF LETTERS (inches)</b>
¾ to 1 ¼	8	0.5
1 ½ to 2	8	0.75
2 ½ to 6	12	1.25
8 to 10	24	2.5
Over 10	32	3.5

For SI 1 inch = 25.4 mm.

**608.8.2.3 Identification tape.** Where used, identification tape shall be at least 3 inches (76 mm) wide and have white or black lettering on a purple field (consistent with Pantone # 512) stating “CAUTION: NONPOTABLE WATER – DO NOT DRINK.” Identification tape shall be readily observable on [~~installed on top of~~] nonpotable

rainwater and all other nonpotable water reuse distribution pipes, permanently fastened at least every 10 feet (3048 mm) to each pipe length and run continuously the entire length of the pipe.”

30. Paragraph 608.16.5, “Connections to Lawn Irrigations Systems,” of Subsection 608.16, “Connections to the Potable Water System,” of Section 608, “Protection of Potable Water Supply,” of Chapter 6, “Water Supply and Distribution,” of the 2015 International Plumbing Code is amended to read as follows:

**“608.16.5 Connections to lawn irrigation systems.** The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric vacuum breaker, a pressure vacuum breaker assembly, a double-check assembly or a reduced pressure principle backflow prevention assembly. Valves shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow prevention assembly and all piping installation and identification shall comply with the requirement of Appendix F and Section 608.8 of the *Dallas Plumbing Code*.”

31. Subsection 608.17, “Protection of Individual Water Supplies,” of Section 608, “Protection of Potable Water Supply,” of Chapter 6, “Water Supply and Distribution,” of the 2015 International Plumbing Code shall be deleted.

32. Subsection 703.6, “Combined Sanitary and Storm Public Sewer,” of Section 703, “Building Sewer,” of Chapter 7, “Sanitary Drainage,” of the 2015 International Plumbing Code is deleted.

33. Paragraph 705.11.2, “Solvent Cementing,” of Subsection 705.11, “PVC Plastic,” of Section 705, “Joints,” of Chapter 7, “Sanitary Drainage,” of the 2015 International Plumbing Code is amended to read as follows:

**“705.11.2 Solvent cementing.** Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in color and conforming to ASTM D 2564, CSA B137.3, CSA B181.2 or CSA B 182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent-cement joints shall be permitted above or below ground.

~~[Exception: A primer is not required where both of the following conditions apply:~~

- ~~1. The solvent cement used is third party certified as conforming to ASTM D 2564.~~
- ~~2. The solvent cement is used only for joining PVC drain, waste and vent pipe and fittings in non pressure applications in sizes up to and including 4 inches (102 mm) in diameter.]”~~

34. Section 712, “Sumps and Ejectors,” of Chapter 7, “Sanitary Drainage,” of the 2015 International Plumbing Code is amended by adding a new Subsection 712.5, “Dual Pump System,” to read as follows:

**“712.5 Dual pump system.** All sumps must be automatically discharged and, when in any “public use” occupancy where the sump serves more than 10 fixture units, must be provided with dual sumps or ejectors arranged to function independently in case of overload or mechanical failure. For storm drainage sumps and pumping systems, see Section 1113.”

35. Section 714, “Computerized Drainage Design,” of Chapter 7, “Sanitary Drainage,” of the 2015 International Plumbing Code is retitled as Section 714, “Engineered Drainage Design.”

36. Subsection 714.1, “Design of Drainage System,” of Section 714, “Engineered Drainage Design,” of Chapter 7, “Sanitary Drainage,” of the 2015 International Plumbing Code is amended to read as follows:

**“714.1 Design of drainage system.** The sizing, design and layout of the drainage system shall be permitted to be designed by a registered engineer using approved ~~[computer]~~ design methods.”

37. Paragraph 802.1.1, “Food Handling,” of Subsection 802.1, “Where Required,” of Section 802, “Indirect Wastes,” of Chapter 8, “Indirect/Special Waste,” of the 2015 International Plumbing Code is amended to read as follows:

**“802.1.1 Food handling.** Equipment and fixtures utilized for the storage, preparation and handling of food shall discharge through an indirect waste pipe by means of an air gap into a floor sink sized in accordance with Section 802.3.1. ~~[Each well of a multiple compartment sink shall discharge independently to a waste receptor.]”~~

38. Paragraph 802.1.2, “Floor Drains In Food Storage Areas,” of Subsection 802.1, “Where Required,” of Section 802, “Indirect Wastes,” of Chapter 8, “Indirect/Special Waste,” of the 2015 International Plumbing Code is amended to read as follows:

**“802.1.2 Floor drains in food storage areas.** Floor drains located within walk-in refrigerators or freezers in food service and food establishments shall be indirectly connected to the sanitary drainage system by means of an *air gap* into a floor sink sized in accordance with Section 802.3.1. Where a floor drain is located within an area subject to freezing, the waste line serving the floor drain shall not be trapped and shall indirectly discharge by means of an air gap into a floor sink sized in accordance with Section 802.3.1, and ~~[waste receptor]~~ located outside the area subject to freezing.

~~[Exception: Where protected against backflow by a backwater valve, such floor drains shall be indirectly connected to the sanitary drainage system by means of an *air break* or an *air gap*.]~~”

39. Paragraph 802.1.7, “Commercial Dishwashing Machines,” of Subsection 802.1, “Where Required,” of Section 802, “Indirect Wastes,” of Chapter 8, “Indirect/Special Waste,” of the 2015 International Plumbing Code is amended to read as follows:

**“802.1.7 Commercial dishwashing machines.** The discharge from a commercial dishwashing machine shall be through an *air gap* ~~[or *air break*]~~ into a floor sink sized ~~[waste receptor]~~ in accordance with Sections 802.2.”

40. Paragraph 802.1.8, “Food Utensils, Dishes, Pots and Pans Sinks,” of Subsection 802.1, “Where Required,” of Section 802, “Indirect Wastes,” of Chapter 8, “Indirect/Special Waste,” of the 2015 International Plumbing Code is amended to read as follows:

**“802.1.8 Food utensils, dishes, pots and pans sinks.** Sinks and equipment, in other than dwelling units, used for the washing, rinsing or sanitizing of utensils, dishes, pots, pans or service ware used in the preparation, serving or eating of food shall discharge indirectly through an *air gap* into a floor sink sized in accordance with Section 802.3.1 ~~[or an *air break* to the drainage system]~~.”

41. Paragraph 802.3.3, “Standpipes,” of Subsection 802.3, “Waste Receptors,” of Section 802, “Indirect Wastes,” of Chapter 8, “Indirect/Special Waste,” of the 2015 International Plumbing Code is amended to read as follows:

**“802.3.3 Standpipes.** Standpipes shall be individually trapped. Standpipes shall extend not less than 18 inches (457 mm) but not greater than 42 inches (1066 mm) above the trap weir. Access shall be provided to standpipes and drains for rodding. No trap serving a standpipe may be installed below the floor.”

42. Subsection 903.1, “Roof Extension,” of Section 903, “Vent Terminals,” of Chapter 9, “Vents,” of the 2015 International Plumbing Code is amended to read as follows:

**“903.1 Roof extension.** Open vent pipes shall ~~that~~ extend through or above a roof and shall ~~be~~ terminate~~d~~ not less than 6 ~~[NUMBER]~~ inches (152 mm) above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than 10 ~~[7]~~ feet (3048 ~~[2134]~~ mm) above the roof.

**903.1.1 Vents above grade.** Open vent pipes above grade and adjacent to a structure shall meet the requirements of Section 903.5 and terminate not less than 10 feet (3048 mm) above grade. Remote vents must terminate no less than 6 inches (152 mm) above grade.”

43. Subsection 905.4, “Vertical Rise of Vent,” of Section 905, “Vent Connections and Grades,” of Chapter 9, “Vents,” of the 2015 International Plumbing Code is amended to read as follows:

**“905.4 Vertical rise of vent.** Every dry vent shall rise vertically to a point not less than 6 inches (152 mm) above the *flood level rim* of the highest trap or trapped fixture being vented.

**Exceptions:**

1. Vents for interceptors located outdoors.

2. Where structural conditions prohibit the vent to rise 6 inches (152 mm), before offsetting horizontally, and whenever multiple vent pipes converge, each such vent shall rise 6 inches (152 mm) in height above the *flood level rim* of the fixture it serves before connecting to any other vent. Vents less than 6 inches (152 mm) above the *flood level rim* of the fixture shall comply with Sections 905.2 and 905.3 and they shall have a full size cleanout installed on the vent stack in an accessible location.”

44. Subsection 909.1, “Distance of Trap from Vent,” of Section 909, “Fixture Vents,” of Chapter 9, “Vents,” of the 2015 International Plumbing Code is amended to read as follows:

**“909.1 Distance of trap from vent.** Each fixture trap shall have a protecting vent located so that the slope and the *developed length* in the *fixture drain* from the trap weir to the vent fitting are within the requirements set forth in Table 909.1.

~~[**Exception:** The *developed length* of the *fixture drain* from the trap weir to the vent fitting for self-siphoning fixtures, such as water closets, shall not be limited.]”~~

45. Subsection 915.1, “Type of Fixtures,” of Section 915, “Combination Waste and Vent System,” of Chapter 9, “Vents,” of the 2015 International Plumbing Code is amended to read as follows:

**“915.1 Type of fixtures.** A *combination waste and vent system* shall not serve fixtures other than floor drains~~[-sinks, lavatories]~~ and indirect waste receptors ~~[drinking fountains]~~. *Combination waste and vent systems* shall not receive the discharge from a food waste disposer or clinical sink.”

46. Paragraph 915.2.3, “Connection,” of Subsection 915.2, “Installation,” of Section 915, “Combination Waste and Vent,” of Chapter 9, “Vents,” of the 2015 International Plumbing Code is amended to read as follows:

**“915.2.3 Connection.** The vent connection for a combination waste and vent system shall be downstream of the uppermost fixture ~~[provided with a dry vent connected at any point within the system or the system shall connect to a horizontal drain that serves vented fixtures located on the same floor]~~. *Combination waste and vent systems* connecting to building drains receiving only the discharge from one or more stacks shall be provided with a dry vent. The vent connection to the combination waste and vent pipe shall extend vertically to a point not less than 6 inches (152 mm) above the flood level rim of the highest fixture being vented before offsetting horizontally.”

47. Subsection 916.2, “Vent Connection,” of Section 916, “Island Fixture Venting,” of Chapter 9, “Vents,” of the 2015 International Plumbing Code is deleted and replaced with a new Subsection 916.2, “Installation,” to read as follows:

**“916.2 Installation.** Traps for island sinks and similar equipment must be roughed in above the floor and may be vented by extending the vent as high as possible, but not less than the drain board height and then returning it downward and connecting it to the horizontal sink drain

immediately downstream from the vertical fixture drain. The return vent must be connected to the horizontal drain through a wye-branch fitting and must, in addition, be provided with a foot vent taken off the vertical fixture vent by means of a wye-branch immediately below the floor and extending to the nearest partition and then through the roof to the open air or may be connected to other vents at a point not less than 6 inches (152 mm) above the flood level rim of the fixtures served. Drainage fittings must be used on all parts of the vent below the floor level and a minimum slope of ¼ inch per foot (20.9 mm/m) back to the drain must be maintained. The return bend used under the drain board must be a one piece fitting or an assembly of a 45 degree (0.79 radius), a 90 degree (1.6 radius) and a 45 degree (0.79 radius) elbow in the order named. Pipe sizing must be as required elsewhere in this code. The island sink drain, upstream of the return vent, must serve no other fixtures. An accessible cleanout must be installed in the vertical portion of the foot vent.”

48. Subsection 916.3, “Vent Installation Below the Fixture Flood Level Rim,” of Section 916, “Island Fixture Venting,” of Chapter 9, “Vents,” of the 2015 International Plumbing Code is deleted.

49. Section 917, “Single Stack Vent System,” of Chapter 9, “Vents,” of the 2015 International Plumbing Code is deleted.

50. Subsection 1002.3, “Prohibited Traps,” of Section 1002, “Trap Requirements,” of Chapter 10, “Traps, Interceptors and Separators,” of the 2015 International Plumbing Code is amended to read as follows:

“**1002.3 Prohibited traps.** The following types of traps are prohibited:

1. Traps that depend on moving or removable parts to maintain the seal.
2. Bell traps.
3. Crown-vented traps.
4. Traps not integral with a fixture and that depend on interior partitions for the seal, except those traps constructed of an *approved* material that is resistant to corrosion and degradation.
5. “S” traps.
6. Drum traps.

**Exception:** Drum traps used as solids interceptors and drum traps serving chemical waste systems shall not be prohibited.”

51. Subsection 1002.10, “Plumbing in Mental Health Centers,” of Section 1002, “Trap Requirements,” of Chapter 10, “Traps, Interceptors and Separators,” of the 2015 International Plumbing Code is deleted.

52. Paragraph 1003.3.1, “Grease Interceptors and Automatic Grease Removal Devices Required,” of Subsection 1003.3, “Grease Interceptors,” of Section 1003, “Interceptors and Separators,” of Chapter 10, “Traps, Interceptors and Separators,” of the 2015 International Plumbing Code is amended to read as follows:

**“1003.3.1 Grease interceptors and automatic grease removal devices required.** A grease interceptor or automatic grease removal device shall be required to receive the drainage from fixtures and equipment with grease-laden waste exposure located in food preparation areas, such as in restaurants, hotel kitchens, hospitals, school kitchens, bars, factory cafeterias and clubs. Fixtures and equipment capable of generating or receiving grease-laden waste shall include, but not be limited to, pot sinks, prerinse sinks; hand sinks; 3-compartment sinks; mop sinks; soup kettles or similar devices; work stations; floor drains; ~~[or] floor~~ sinks ~~[into which kettles are drained];~~ automatic hood wash units and dishwashers ~~[without prerinse sinks]~~. Grease interceptors and automatic grease removal devices shall receive waste only through indirect means from fixtures and equipment that allow fats, oils or grease to be discharged. ~~[Where lack of space or other constraints prevent]~~ T[he] installation ~~[or replacement]~~ of ~~[a]~~ grease interceptors~~[-one]~~ or automatic ~~[more]~~ grease removal devices must comply with Section 17-5.2(e) of Chapter 17 of the Dallas City Code ~~[interceptors shall be permitted to be installed on or above the floor and upstream of an existing grease interceptor].”~~

53. Subparagraph 1003.4.2.2, “Garages and Service Stations,” of Paragraph 1003.4.2, “Oil Separator Design,” of Subsection 1003.4, “Oil Separators Required,” of Section 1003, “Interceptors and Separators,” of Chapter 10, “Traps, Interceptors and Separators,” of the 2015 International Plumbing Code is amended to read as follows:

**“1003.4.2.2 Garages and service stations.** Where automobiles are serviced, greased, repaired or washed or where gasoline is dispensed, oil separators shall have a capacity of not less than 6 cubic feet (0.168 m<sup>3</sup>) for the first 100 square feet (9.3 m<sup>2</sup>) of area to be drained, plus 1 cubic foot (0.028 m<sup>3</sup>) for each additional 100 square feet (9.3 m<sup>2</sup>) of area to be drained into the separator. Parking garages in which servicing, repairing or washing is not conducted, and in which gasoline is not dispensed, shall not require a separator. Areas of commercial garages utilized only for storage of automobiles are not required to be drained through a separator.

**Exception:** Automobiles or equipment wash bays larger than 60 inches by 120 inches must use a sand interceptor with a minimum capacity of 1000 gallons.”

54. Subsection 1003.9, “Venting of Interceptors and Separators,” of Section 1003, “Interceptors and Separators,” of Chapter 10, “Traps, Interceptors and Separators,” of the 2015 International Plumbing Code is amended to read as follows:

**“1003.9 Venting of interceptors and separators.** Interceptors and separators shall be designed so as not to become air bound. A vent shall be installed on the effluent side of the interceptor or separator. A 2 inch (50.8 mm) relief vent shall be required on the influent line where fixtures are on a floor level more than 4 feet above the top of the interceptor or separator. A vent shall be installed on any interceptor or separator designed and constructed with vent connections. Vent sizing and installation shall comply with Chapter 9 of the code. ~~[Interceptors and separators shall be vented in accordance with one of the methods in Chapter 9.]”~~

55. Section 1003, “Interceptors and Separators,” of Chapter 10, “Traps, Interceptors and Separators,” of the 2015 International Plumbing Code is amended by adding a new Subsection 1003.11, “Effluent Sampling,” to read as follows:

**“1003.11 Effluent sampling.** An effluent sampling well shall be installed at or near the outlet of an interceptor or separator.”

56. Section 1003, “Interceptors and Separators,” of Chapter 10, “Traps, Interceptors and Separators,” of the 2015 International Plumbing Code is amended by adding a new Subsection 1003.12, “Abandoned Traps, Interceptors or Separators,” to read as follows:

**“1003.12 Abandoned traps, interceptors or separators.** Abandoned traps, interceptors or separators shall be plugged or capped and shall have the contents pumped and discarded in an approved manner. The top or entire vessel shall be removed and the remaining portion of the tank or excavation shall be immediately filled with approved materials.”

57. Subsection 1101.8, “Cleanouts Required,” of Section 1101, “General,” of Chapter 11, “Storm Drainage,” of the 2015 International Plumbing Code is amended to read as follows:

**“1101.8 Cleanouts required.** Cleanouts shall be installed in the building storm drainage system and shall comply with the provisions of this code for sanitary drainage pipe cleanouts.

~~**[Exception:** Subsurface drainage system.]”~~

58. Subsection 1106.1, “General,” of Section 1106, “Size of Conductors, Leaders and Storm Drains,” of Chapter 11, “Storm Drainage,” of the 2015 International Plumbing Code is amended to read as follows:

**“1106.1 General.** The size of the vertical conductors and leaders, building *storm drains*, building *storm sewers*, and any horizontal branches of such drains or *sewers* shall be based on a 6 inch (152.4 mm) per hour ~~[the 100-year hourly]~~ rainfall rate ~~[indicated in Figure 1106.1 or on other rainfall rates determined from approved local weather data].”~~

59. Figure 1106.1 of Section 1106, “Size of Conductors, Leaders, and Storm Drains,” of Chapter 11, “Storm Drainage,” of the 2015 International Plumbing Code is deleted.

60. Subsection 1108.3, “Sizing of Secondary Drains,” of Section 1108, “Secondary (Emergency) Roof Drains,” of Chapter 11, “Storm Drainage,” of the 2015 International Plumbing Code is amended to read as follows:

**“1108.3 Sizing of secondary drains.** Secondary (emergency) roof drain systems shall be sized in accordance with Section 1106 ~~[based on the rainfall rate for which the primary system is sized]~~. Scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by Section 1101.7. Scuppers shall have an opening dimension of not less than 4 inches (102 mm). The flow through the primary system shall not be considered when sizing the secondary roof drain system.”

61. Subsection [F] 1202.1, “Nonflammable Medical Gases,” of Section 1202, “Medical Gases,” of Chapter 12, “Special Piping and Storage Systems,” of the 2015 International Plumbing Code is amended to read as follows:

**“[F] 1202.1 Nonflammable medical gases.** Nonflammable medical gas systems, inhalation anesthetic systems and vacuum piping systems shall be designed and installed in accordance with NFPA 99.

**Exception[s]:**

~~[1.]~~ This section shall not apply to portable systems or cylinder storage.

~~[2. Vacuum system exhaust terminations shall comply with the *International Mechanical Code*.]~~

62. Chapter 13, “Nonpotable Water Recycling Systems,” of the 2015 International Plumbing Code is retitled as Chapter 13, “Water Reuse Systems”, and replaced with the following.

**“CHAPTER 13  
WATER REUSE SYSTEMS**

**SECTION 1301  
GENERAL**

**1301.1 Scope.** The provisions of Chapter 13 shall govern the materials, design, construction and installation of rainwater, reclaimed, storm and gray water systems for flushing of water closets and urinals and for subsurface landscape irrigation. Reuse of water for any other application must be submitted to the building official for prior approval.

**1301.1.1 Permit required.** It is unlawful for any person to construct, install or alter any water reuse system without first obtaining a permit to perform such work. No water reuse permit may be issued until a plot plan with appropriate data satisfactory to the building official has been submitted and approved. Plans and specifications must be drawn to scale and must be of sufficient clarity to indicate the location, nature and extent of the work proposed and show that it will conform to the codes and all applicable laws, ordinances, rules and regulations.

**1301.2 Installation.** In addition to the provisions of Section 1301, systems for flushing of water closets and urinals shall comply with Section 1302 and systems for subsurface landscape irrigation shall comply with Chapter 14. Except as provided for in this chapter, all systems shall comply with the provisions of the other chapters and appendices of this code.

**1301.3 Materials.** Above-ground drain, waste and vent piping for gray water systems shall conform to one of the standards listed in Table 702.1. Water reuse, underground building drainage and vent pipe shall conform to one of the standards listed in Table 702.2.

**1301.4 Tests.** Drain, waste and vent piping for gray water systems shall be tested in accordance with this code.

**1301.5 Inspections.** Water reuse systems shall be inspected in accordance with this code.

**1301.6 Public water connections.** Only connections in accordance with Section 1302.3 shall be made between a water reuse system and a potable water system. Where potable water is used for makeup water to a nonpotable system, a reduced pressure backflow assembly shall be installed immediately at the connection to protect the potable water. When the non-potable connection is at the water meter, the reduced pressure backflow assembly shall be installed as close to the water meter as possible.

**1301.7 Waste water connections.** Water reuse systems designed specifically for gray water recycling systems shall receive only the waste discharge of bathtubs, showers, lavatories, clothes washers or laundry trays.

**1301.8 Collection reservoir.** Water for reuse systems shall be collected in a reservoir approved for water reuse and shall be constructed of durable, nonabsorbent and corrosion-resistant materials. The system shall be protected to prevent the entrance of insects and vermin into the storage tanks and piping systems. Screen materials shall be compatible with contacting system components and shall not accelerate the corrosion of system components. Rainwater harvest collection systems and reservoirs shall comply with the *Dallas Green Construction Code*.

**1301.9 Filtration.** Water for reuse entering the reservoir shall pass through an approved filter such as a media, sand or diatomaceous earth filter. Filters shall be installed with shutoff valves immediately upstream and downstream to allow for isolation during maintenance.

**1301.10 Overflow.** The collection reservoir shall be equipped with an overflow pipe having the same or larger area as the sum of the areas of all tank inlet pipes. The overflow pipe shall be protected from insects or vermin and the discharge from such pipe shall be indirectly connected to the sanitary drainage system by means of an air gap or shall extend in an approved manner consistent with storm water runoff requirements of the jurisdiction. The overflow drain shall not be equipped with a shutoff valve. A backwater valve shall be installed on each overflow pipe in accordance with Section 715. A minimum of one cleanout shall be provided on each overflow pipe in accordance with Section 708 of the *Dallas Plumbing Code*.

**1301.11 Drain.** A drain shall be located at the lowest point of the collection reservoir and shall meet the requirements of Section 1301.10.

**1301.12 Vent required.** The reservoir shall be provided with a vent sized in accordance with Chapter 9 and based on the diameter of the reservoir influent pipe(s). The pipe shall be screened to prevent the infiltration of mosquitos or other insects. The reservoir vent shall not be connected to other drainage system vent.

**1301.13 Hose bibbs.** Hose bibbs are not allowed on reclaimed and gray water piping systems. Hose bibbs on rainwater harvesting and storm water outdoor irrigation piping systems must be identified as required by Section 608.8 and shall be installed as required by Section F104.12 of the *Dallas Plumbing Code*.

**1301.14 Pipes.** Water reuse pipes must not be run or laid in the same trench as potable water pipes. A 10-foot (3048 mm) horizontal separation must be maintained between any water reuse pipe and potable water piping. Buried potable water pipes crossing water reuse piping must be laid a minimum of 18 inches (457.2 mm) above the water reuse pipes. All piping shall be protected from freezing as required by Section 305.4.

**1301.15 Identification.** All piping, fittings, valves, reservoirs, appurtenances and devices within a water reuse system must be identified as containing nonpotable water. Piping used for water reuse must be identified as required by Section 608.8.

## 1301.16 Signage

**1301.16.1 Room entrance signs.** All installations using water reuse for flushing of water closets or urinals must be identified with permanently posted signs. Each sign must contain the statement “TO CONSERVE WATER, THIS BUILDING USES NONPOTABLE WATER TO FLUSH TOILETS AND URINALS.” The words shall be legibly and indelibly printed on a sign constructed of corrosion-resistant waterproof material. The letters shall be not less than 0.5 inch (12.7 mm) white letters on a contrasting purple (consistent with Pantone color # 512) background. In addition to the required wordage, the pictograph shown in Figure 608.8.1 shall appear on the required signage. The signs must be located in a manner that is visible to all users and approved by the building official. The number of signs installed must also be approved by the building official.

**1301.16.2 Equipment room signs.** Each equipment room containing water reuse equipment must have a sign permanently posted in a visible location that contains the statement “CAUTION: NONPOTABLE WATER, DO NOT DRINK, DO NOT CONNECT TO DRINKING WATER SYSTEM,” in 1-inch (25.4 mm) white letters on a contrasting purple (consistent with Pantone # 512) background. In addition to the required wordage, the pictograph shown in Figure 608.8.1 shall appear on the required signage. The signs must be located in a manner that is visible to all users and approved by the building official. The number of signs installed must also be approved by the building official. Nonpotable water outlets such as hose connections, open ended pipes and faucets shall be identified at the point of use for each outlet with signage required in this section.

## 1301.17 Approved uses of water reuse systems.

**1301.17.1 Gray water.** Only treated recycled gray water may be utilized for flushing water closets and urinals located in the same building and property as the gray water recycling system. Treated recycled gray water may be utilized for other commercial or industrial uses with prior approval of the building official for the specific use intended. Treated or untreated recycled gray water may be utilized for subsurface irrigation systems.

**1301.17.2 Rain water harvesting.** The rainwater collected from roofs and other on-site, above ground catchment systems may be used for flushing water closets and urinals located in the same building and property as the rainwater harvesting system. A rainwater harvesting system may be used for landscape irrigation.

**1301.17.3 Storm water.** All roofs, paved areas, yards, courts and courtyards must drain into a separate storm sewer system, or to an approved place of disposal. Storm water is permitted to discharge onto flat areas, such as streets or lawns provided that the storm water flows away from the building. Storm water may also be collected in an approved storage reservoir to be used for irrigation or water retention systems. Systems must be equipped with an overflow drain and the drain shall be installed as per Section 1301.10. The authority having jurisdiction shall give specific approval for the collection of storm water.

**1301.17.4 Reclaimed water.** Reclaimed water systems may be utilized for flushing water closets and urinals when approved by the building official. Reclaimed water may be utilized for other commercial or industrial uses with prior approval of the building official.

**SECTION 1302  
SYSTEMS FOR FLUSHING WATER CLOSETS AND URINALS**

**1302.1 Collection reservoir.** The holding capacity of the reservoir shall be a minimum of twice the volume of water required to meet the daily flushing requirements of the fixtures supplied with nonpotable water, but not less than 50 gallons. The reservoir shall be sized to limit the retention time of gray water to a minimum of 72 hours.

**1302.2 Disinfection.** Gray water shall be disinfected and treated by an approved method that employs one or more disinfectants such as chlorine or ozone that are recommended for the use with the pipes, fittings and equipment by the manufacturer of the pipe, fittings and equipment. Gray water shall be disinfected and treated as needed to ensure that the required water quality is delivered at the point of use. Where chlorine is used for disinfection, the nonpotable water shall not contain more than 4 ppm (4mg/L) of chloramines or free chlorine when tested in accordance with ASTM D 1253. Where ozone is used for disinfection, the nonpotable water shall not contain gas bubbles having elevated levels of ozone at the point of use. The water reuse treatment system shall be on-site and shall comply with NSF 350.

**1302.2.1 Water quality.** All non-potable water systems for each end use application shall meet the minimum water quality requirements established for the intended application by the authority having jurisdiction. Where nonpotable water from different sources is combined in a system, the system shall comply with the most stringent of the water quality requirements for the intended end use. Except where site conditions as specified in ASTM E 2727 affect the rainwater, collected rainwater shall be considered to have the parameters indicated in Table 1302.2.1.

**Table 1302.2.1  
Rainwater Quality**

PARAMETER	VALUE
pH	6.0-7.0
BOD	Not greater than 10 mg/L
NTU	Not greater than 2
Fecal Coliform	No detectable fecal coli in 100 mL
Sodium	No detectable sodium in 100 mL
Chlorine	No detectable chlorine in 100 mL
Enteroviruses	No detectable enteroviruses in 100 mL

**1302.2.2 Filtration.** Nonpotable water utilized for flushing of water closets and urinals shall be filtered by a 100-micron or finer filter.

**1302.3 Makeup water.** Potable water may be supplied as a source of makeup water for a water reuse system. The potable water supply shall terminate at the reservoir by means of an approved air gap in accordance with Section 608 to prevent a backflow condition. There shall be a full-open valve located on the makeup water supply line to the collection reservoir. Make up water connections to a potable water system shall comply with Section 1301.6.

**1302.4 Coloring.** The gray water shall be dyed blue or green with a food grade vegetable dye before such water is supplied for flushing of water closets and urinals.

**1302.5 Materials.** Distribution piping shall conform to one of the standards listed in Table 605.4.

**1302.6 Identification.** Distribution piping and reservoirs shall be identified as containing nonpotable water. Piping identification shall be in accordance with Section 608.8.”

63. Subsection 1401.1, “Scope,” of Section 1401, “General,” of Chapter 14, “Subsurface Landscape Irrigation Systems,” of the 2015 International Plumbing Code is amended to read as follows:

“**1401.1 Scope.** The provisions of Chapter 14 shall govern the materials, design, construction and installation of subsurface landscape irrigation systems connected to nonpotable water from on-site water reuse systems. Other provisions of this code associated with nonpotable water systems shall also apply.”

64. Subsection 1401.4, “Inspections,” of Section 1401, “General,” of Chapter 14, “Subsurface Landscape Irrigation Systems,” of the 2015 International Plumbing Code is amended to read as follows:

“**1401.4 Inspections.** Subsurface landscape irrigation systems shall be inspected in accordance with Section 304 [407] of Chapter 52, the Administrative Procedures for the Construction Codes of the Dallas City Code.”

65. The ANSI standards of Chapter 15, “Referenced Standards,” of the 2015

International Plumbing Code are amended to read as follows:

Standard reference number	Title	Referenced in code section number
<p>“ANSI American National Standards Institute 25 West 43<sup>rd</sup> Street, Fourth Floor New York, NY 10036</p>		
A117.1—09	Accessible and Useable Buildings and Facilities . . . . .	.417.5
A118.10—99	Specifications for Load Bearing, Bonded, Waterproof Membranes for Thin Set Ceramic Tile and Dimension Stone Installation . . . . .	.417.5.2.5, 417.5.2.6
Z4.3—95	Minimum Requirements for Nonsewered Waste-disposal Systems . . . . .	311.1
Z21.22—99(R2003)	Relief Valves for Hot Water Supply Systems with Addenda Z21.22a—2000 (R2003) and Z21.22b—2001 (R2003) . . . . .	504.2, 504.4, 504.4.1
CSA B45.5—11/ IAPMO Z124—11	Plastic Plumbing Fixtures . . . . .	407.1, 415.1, 416.1, 416.2, 417.1, 418.1, 419.1, 420.1”

66. Appendix E, “Sizing of Water Piping System,” of the 2015 International Plumbing Code is adopted.

67. A new Appendix F, “Standards for Designing, Installing and Maintaining Landscape Irrigation Systems,” is adopted as part of the 2015 International Plumbing Code to read as follows:

**“APPENDIX F  
STANDARDS FOR DESIGNING, INSTALLING  
AND MAINTAINING LANDSCAPE IRRIGATION SYSTEMS**

**SECTION F101  
SCOPE AND PURPOSE**

**F101.1 Scope.** This appendix applies to the installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of *irrigation systems* within the city. This appendix regulates the installation of backflow prevention devices, control valves, automatic irrigation controllers, control wiring and *water conservation* required for the proper design, installation and operation of *irrigation systems*. All *irrigation systems* must comply with the provisions of this appendix and with 30 *Texas Administrative Code* Chapter 344. All irrigation systems supplied by a nonpotable water source shall comply with Chapter 13 and all other sections of this code applicable to nonpotable water uses.

**F101.2 Purpose.** The purpose of this appendix is to require all *irrigation systems* to be designed, installed, maintained, altered, repaired, serviced and operated in a manner that will promote *water conservation*.

## **SECTION F102 DEFINITIONS**

**F102.1 Definitions.** The following words and terms shall have the meanings shown herein:

**IRRIGATION SYSTEM.** An assembly of component parts that is permanently installed for the controlled distribution and conservation of water to irrigate any type of landscape vegetation in any location, reduce dust or control erosion. This term does not include a system that is used on or by an agricultural operation as defined by Section 251.002 of the *Texas Agriculture Code*.

**IRRIGATION TECHNICIAN.** A person who works under the supervision of a licensed irrigator to install, maintain, alter, repair, service or supervise installation of an *irrigation system*, including the connection of such system in or to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under this ordinance or 30 *Texas Administrative Code* Chapter 344.

**MAINTENANCE, ALTERATION, REPAIR OR SERVICE.** Any activity that involves opening the irrigation main line to the atmosphere at any point prior to the discharge side of any irrigation zone control valve. This includes, but is not limited to, repairing or connecting into a main supply pipe, replacing a zone control valve or repairing a zone control valve in a manner that opens the system to the atmosphere.

**TCEQ.** Texas Commission on Environmental Quality.

**WATER CONSERVATION.** The design, installation, service and operation of an *irrigation system* in a manner that prevents the waste of water, promotes the most efficient use of water, and applies the least amount of water that is required to maintain healthy individual plant material or turf, reduce dust and control erosion.

## **SECTION F103 DESIGN OF THE IRRIGATION PLAN**

**F103.1 Minimum standards for the design of the irrigation plan.**

**F103.1.1 Irrigation plan.** A licensed irrigator or landscape architect shall prepare an irrigation plan for each site where a new *irrigation system* will be installed. A city approved irrigation plan must be on the job site at all times during the installation of the *irrigation system*. A drawing showing the actual system installation must be provided to the *irrigation system* owner on completion of the installation. During installation, variances from the original plan may be authorized by the licensed irrigator if the variance from the plan does not:

1. Diminish the operational integrity of the *irrigation system*;
2. Violate any requirements of this ordinance or 30 *Texas Administrative Code* Chapter 344; and

3. Go unnoted in red on the irrigation plan.

**F103.1.2 Coverage area.** The irrigation plan must include complete coverage of the areas to be irrigated; areas not irrigated must be noted on the irrigation plan.

**F103.1.3 Plan requirements.** All irrigation plans used for *irrigation system* installation must be drawn to scale. Two sets of irrigation drawings must be submitted, one set to be retained as part of the inspection records, the other set is required for onsite inspection and must be given to the property owner on completion of the *irrigation system*. Submitted irrigation plans must have a minimum font size of 3/32", a maximum drawing sheet size of 36" X 48" and must include the following information:

1. the dated seal and signature of either a licensed irrigator or a landscape architect;

**Exceptions:**

1. Not required for property that is owned and occupied solely as a person's homestead.
  2. Not required for irrigation plans submitted by a licensed and registered plumbing contractor.
2. all major physical features and the boundaries of the area to be watered;
  3. north arrow;
  4. a legend;
  5. the zone flow measurement for each zone;
  6. location and type of each:
    - 6.1. controller;
    - 6.2. rain and freeze sensors;
    - 6.3. all electrical splices; and
  7. location, type, and size of each:
    - 7.1. water source, such as, but not limited to a water meter and point(s) of connection;
    - 7.2. backflow prevention device;

- 7.3. water emission device, including, but not limited to, spray heads, rotary sprinkler heads, quick-couplers, bubblers, drip or micro-sprays;
- 7.4. valve, including, but not limited to, zone valves, station solenoid valves, automatic master valves and isolation valves;
- 7.5. pressure regulation components;
- 7.6. main line and lateral piping;
- 7.7. scale used; and
- 7.8. design pressure.

## **SECTION F104 DESIGN AND INSTALLATION**

### **F104.1 Minimum design and installation requirements.**

**F104.1.1 Backflow protection.** Any *irrigation system* connected to a public or private potable water system must be connected through a *TCEQ*-approved backflow prevention method. The backflow prevention device must be approved by the American Society of Sanitary Engineering or the Foundation for Cross-Connection Control and Hydraulic Research at the University of Southern California, the *Uniform Plumbing Code*, the *Dallas Plumbing Code* or a city-approved laboratory that has equivalent capabilities for both the laboratory and field evaluation of backflow prevention assemblies. Backflow prevention devices must be installed in accordance with the laboratory approval standards, or if the approval does not include specific installation information, the manufacturer's current published recommendations.

**F104.1.1.1 Backflow device installation.** Connections between the potable water supply and the approved backflow preventer must be of the same type of material and joining method as required by the *Dallas Plumbing Code* and *Dallas One- and Two-Family Dwelling Code*. The backflow device must be installed a maximum of 10 feet from the water meter on the property being served by the *irrigation system*. Backflow devices may not be installed in the parkway (between the sidewalk and the public right-of-way.)

#### **Exceptions:**

1. Atmospheric vacuum breakers must be installed in an accessible location.
2. Backflow devices may be installed in the public right-of-way or at a distance greater than 10 feet from the water meter or potable water supply with prior approval from the building official.

**F104.1.1.2 Approved types of backflow devices.** The following types of backflow devices are approved:

1. Air gap.
2. Atmospheric vacuum breaker (AVB).
3. Pressure vacuum breaker (PVB).
4. Double check backflow preventer (DCA).
5. Reduced pressure principal backflow preventer (RPZ).

**F104.1.1.3 Double check backflow assembly (DCA).** A DCA must be installed and made accessible by a minimum jumbo valve box (length 26 inches X 19 inches) or larger.

**F104.1.1.3.1 Valve box.** A valve box must be installed on compacted soil. Rocks, brick or other types of support may not be used. A valve box cover must be installed flush with finish grade. A minimum 2 inch air gap is required between the bottom of the DCA and 12 inches of washed rock.

**F104.1.1.4 Reduced pressure principal backflow preventer (RPZ).** An RPZ must be installed according to the manufacturer's installation requirements for aboveground installation and protected from freezing. Twelve inches of washed rock must be installed under the RPZ.

**F104.1.2 Isolation valve and y-type strainer.** An isolation valve and y-type strainer must be installed prior to the approved backflow prevention assembly in an approved valve box. The isolation valve and y-type strainer must be installed a maximum of 24 inches from the installation of the approved backflow prevention assembly.

**F104.2 Limitation.** No irrigation design or installation may require the use of any component, including the water meter, in a way which exceeds the manufacturer's published performance limitations for the component.

### **F104.3 Emission devices.**

**F104.3.1 Emission devices.** The maximum spacing between emission devices must not exceed the manufacturer's published radius or spacing of the device(s). The radius or spacing is determined by referring to the manufacturer's published specifications for a specific emission device at a specific operating pressure.

**F104.3.2 Aboveground spray.** New *irrigation systems* may not utilize aboveground spray emission devices in landscaped areas that are less than 60 inches in width or length not including impervious surfaces which contain impervious pedestrian or vehicular traffic surfaces, along two or more perimeters. If pop-up sprays or rotary sprinkler heads are used in

a new *irrigation system*, the sprinkler heads must direct flow away from any adjacent surface and may not be installed closer than four inches from a hardscape, such as, but not limited to, a building foundation, fence, concrete, asphalt, pavers or stones set with mortar.

**Exception:** Narrow paved walkways, jogging paths, golf cart paths or other small areas located in cemeteries, parks, golf courses or other public areas may be exempted from this requirement if the runoff drains into a landscaped area.

**F104.3.3 Water pressure.** Emission devices must be installed to operate at the minimum and not above the maximum sprinkler head pressure as published by the manufacturer for the nozzle and head spacing that is used. Methods to achieve the water pressure requirements include, but are not limited to, flow control valves, a pressure regulator or pressure compensating spray heads.

**F104.4 Misting.** Misting must be kept to a minimum and may not be used as an irrigation method for shrubs and groundcover.

#### **F104.5 Piping.**

**F104.5.1 Velocity.** Piping in *irrigation systems* must be designed and installed so that the flow of water in the pipe will not exceed a velocity of 5 feet per second for polyvinyl chloride (PVC) pipe or exceed the manufacturer's recommendation for other piping materials.

**F104.5.2 PVC pipe primer solvent.** All new *irrigation systems* installed using PVC pipe and fittings must be primed with a colored primer prior to applying the PVC cement in accordance with the *Dallas Plumbing Code* and the *Dallas One-and Two-Family Dwelling Code*.

**F104.5.3 Depth coverage of piping.** Piping must be installed to provide a minimum depth coverage of 6 inches of select backfill between the top of the pipe and the natural grade of the topsoil. All portions of the *irrigation system* that fail to meet this standard must be noted on the irrigation plan. If the area being irrigated has rock at a depth of 6 inches or less, select backfill may be mounded over the pipe. Mounding must be noted on the irrigation plan and discussed with the *irrigation system* owner or owner's representative to address any safety issues. All trenches and holes created during installation of an *irrigation system* must be backfilled and compacted to the original grade. Mechanical excavation is not allowed where damage could occur to a tree root system per Section 51A-10.136 of the *Dallas Development Code*.

**Exception:** If a utility, man-made structure or roots create an unavoidable obstacle which makes the 6 inch depth coverage requirement impractical, the piping must be installed to provide a minimum of 2 inches of select backfill between the top of the pipe and the natural grade of the topsoil.

**F104.6 Irrigation zones.** *Irrigation systems* must have separate zones based on plant material type, microclimate factors, topographic features, soil conditions and hydrological requirements.

Zones must be designed and installed so that all of the emission devices in that zone irrigate at the same precipitation rate.

**F104.7 Spray over impervious surfaces prohibited.** *Irrigation systems* must not spray water over surfaces made of concrete, asphalt, brick, wood, stones set with mortar or any other impervious material, such as, but not limited to, walls, fences, sidewalks, streets, etc.

**F104.8 Master valve.** A master valve must be installed on the discharge side of the backflow prevention device on all new installations in an approved valve box.

**F104.9 Rain and freeze shut-off devices.** All automatically controlled *irrigation systems* must include sensors or other technology designed to inhibit or interrupt operation of the *irrigation system* during periods of moisture, rainfall or freezing temperatures. Rain or moisture and freeze shut-off technology must be installed according to the manufacturer's published recommendations. All existing automatic *irrigation systems* must include a sensor or other technology designed to inhibit or interrupt operation of the *irrigation system* during periods of moisture, rainfall or temperatures of 37° or below.

**F104.10 Valves.** All new *irrigation systems* and major *maintenance, alterations, repairs or service*, including repair or replacement of the backflow device, must include an isolation valve and y-type strainer between the water meter and the backflow prevention device. A master valve must be installed after the backflow preventer. Zone valve(s), station solenoid valve(s), an automatic master valve and isolation valves must be installed in an approved valve box for accessibility, repair and service.

#### **F104.11 Irrigation system wiring.**

**F104.11.1 Underground electrical wiring.** Underground electrical wiring used to connect an automatic controller to any electrical component of the *irrigation system* must be listed by Underwriters Laboratories as acceptable for direct underground burial.

**F104.11.2 Component wiring size.** Electrical wiring that connects any *irrigation system* electrical components must be sized according to the manufacturer's recommendation.

**F104.11.3 Wire splicing.** Electrical wire splices which may be exposed to moisture must be waterproof as certified by the wire splice manufacturer. Electrical splice locations must be noted on the irrigation plan.

**F104.11.4 Automatic controller wiring.** Underground electrical wiring that connects an automatic controller to any electrical component of the *irrigation system* must be buried with a minimum of 6 inches of select backfill.

**F104.11.5 Exposed wiring.** All exposed wiring must be protected from physical damage in compliance with the *Dallas Electric Code*.

**Exception:** Listed cord and plug.

**F104.12 Non-potable water.** Water contained within the piping of an *irrigation system* is deemed to be non-potable. No drinking or domestic water usage, such as, but not limited to, filling swimming pools or decorative fountains, may be connected to an *irrigation system*. If a hose bibb (an outdoor water faucet that has hose threads on the spout) is connected to an *irrigation system* for the purpose of providing supplemental water to an area, the hose bibb must be installed using a quick coupler key on a quick coupler installed in a covered purple valve box (consistent with Pantone # 512). The hose bibb and the valve box cover must be labeled "NON-POTABLE WATER – DO NOT DRINK" and "AGUA DE RECUPERACION – NO BEBER". The lettering shall be white on a purple background (consistent with Pantone # 512). In addition to the required wordage, the pictograph shown in Figure 608.8.1 shall appear on the required signage. An isolation valve must be installed upstream of a quick coupler connecting a hose bibb to an *irrigation system*. The area being watered with a non-potable source shall be identified as per Section F106.1.5.

**F104.13 Check valves.** Check valves are required where elevation differences may result in low head drainage. Check valves may be located at the sprinkler head(s) or on the lateral lines.

**F104.14 Direct supervision.** Job site supervision is required by either a licensed irrigator or *irrigation technician* while work is being performed. When a licensed irrigator is not onsite, the licensed irrigator shall be responsible for ensuring that a licensed *irrigation technician* is on-site to supervise the installation of the *irrigation system*.

**F104.15 Programmable irrigation controller.** All new *irrigation system* installations require the installation of a programmable irrigation controller. The programmable irrigation controller must be equipped with an emergency back-up power supply in the event of a primary power failure.

**F104.15.1 Manufacturer's instructions.** A programmable irrigation controller must be installed according to the manufacturer's installation instructions.

**F104.15.2 Maximum height.** A programmable irrigation controller may not be mounted more than 60 inches above a level floor surface.

**F104.15.3 Power surges.** The electrical power supplying a programmable irrigation controller must be protected from power surges or utilize a dedicated electrical circuit.

**F104.15.4 Minimum installation distance.** A programmable irrigation controller must be installed at least 15 inches from center to any side wall or similar obstruction.

**Exception:** When the manufacturer's installation instructions require a lesser distance.

**SECTION F105**  
**COMPLETION AND MAINTENANCE**

**F105.1 Completion of irrigation system installation.**

**F105.1.1 Completion.** The licensed irrigator, installer or technician shall complete the following items upon completion of the *irrigation system* installation:

1. A final "walk through" with the *irrigation system's* owner or the owner's representative to explain the operation of the system.
2. A maintenance checklist with the signature of the *irrigation system's* owner or owner's representative and signed, dated and sealed by the licensed irrigator, installer or technician. If the *irrigation system's* owner or owner's representative is unwilling or unable to sign the maintenance checklist, the irrigator shall note the time and date of the refusal on the *irrigation system's* owner or owner's representative's signature line. The *irrigation system* owner or owner's representative will be given the original maintenance checklist and a duplicate copy of the maintenance checklist shall be maintained by the licensed irrigator. The items on the maintenance checklist must include but are not limited to:
  - 2.1. The manufacturer's manual for the automatic controller.
  - 2.2. A seasonal (spring, summer, fall, winter) watering schedule based on either current/real time evapotranspiration or monthly historical reference evapotranspiration (historical ET) data, monthly effective rainfall estimates, plant landscape coefficient factors and site factors.
  - 2.3. A list of components, such as the nozzle or pump filters, and other such components that require maintenance and the recommended frequency for the service.
3. A permanent sticker which contains the licensed irrigator's name, license number, company name, telephone number and the dates of the warranty period affixed to each programmable irrigation controller installed by the licensed irrigator, installer or technician. If the *irrigation system* is manual, the sticker must be affixed to the original maintenance checklist. Programmable irrigation controllers listed and installed for outdoor installation require a water proof permanent sticker. The information contained on the sticker, whether indoor or outdoor, must be printed with waterproof ink.
4. Provide the *irrigation system's* owner or owner's representative a copy of the irrigation plan indicating the actual system installation.
5. The statement, "This irrigation system has been installed in accordance with all applicable state and local laws, ordinances, rules, regulations or orders. I have tested

the system and determined that it has been installed according to the irrigation plan and is properly adjusted for the most efficient application of water at this time.”

6. Provide a certificate of compliance to the building official and the property owner or the property owner's representative stating that the requirements of this section and 30 *Texas Administrative Code* Chapter 344 have been completed.

## **F105.2 Maintenance, alteration, repair or service of irrigation systems.**

**F105.2.1 Irrigator responsibility.** The irrigator is responsible for all work that the irrigator performed during the *maintenance, alteration, repair or service* of an *irrigation system* during the warranty period. The irrigator or business owner is not responsible for the professional negligence of any other irrigator who subsequently conducts any irrigation service on the same *irrigation system*.

**F105.2.2 Trenches and holes.** All trenches and holes created during the *maintenance, alteration, repair or service* of an *irrigation system* must be returned to the original grade with compacted select backfill.

**F105.2.3 PVC primer.** Colored PVC pipe primer solvent must be used on all pipes and fittings used in the *maintenance, alteration, repair or service* of an *irrigation system* in accordance with the *Dallas Plumbing Code* or *Dallas One- and Two-Family Dwelling Code*.

**F105.2.4 Maintenance, alteration, repair or service.** *When maintenance, alteration, repair or service* of an *irrigation system* is required and performed and an isolation valve, y-type strainer, rain and freeze sensors or approved backflow device are not present, the valve(s) and or sensors must be installed, permitted, tested and inspected. Existing approved backflow device(s) must be tested and test report given to the building official.

## **SECTION F106 RECLAIMED WATER OR WATER WELLS**

**F106.1 Reclaimed water or water wells.** Reclaimed water, storm water, rainwater harvest, gray water or water wells may be utilized in landscape *irrigation systems*.

**F106.1.1 Connections.** An *irrigation system* utilizing reclaimed water, storm water, rainwater harvest, gray water or well water must not be directly connected to the potable water supply.

**Exception:** When potable water is protected by an air gap as defined by and installed in accordance with the *Dallas Plumbing Code* or the *Dallas One- and Two-Family Dwelling Code* and the potable water system shall be protected by means of a reduced pressure backflow preventer immediately at the point of connection.

**F106.1.2 Edible crops.** Water from an *irrigation system* utilizing reclaimed water, storm water, rainwater harvest, gray water or well water may not make direct contact with edible crops, unless the crop is pasteurized before consumption.

**F106.1.3 Property lines.** An *irrigation system* utilizing reclaimed water, storm water, rainwater harvest, gray water or well water must not spray water across property lines.

**F106.1.4 Purple components.** An *irrigation system* utilizing reclaimed water, storm water, rainwater harvest, gray water or well water must be installed using purple components (consistent with Pantone # 512) as detailed in the *Dallas Plumbing Code* per the *Dallas One- and Two-Family Dwelling Code*.

**F106.1.5 Sign.** Areas being irrigated utilizing a water reuse system or well shall be properly identified. Signs shall be a minimum 8 inch by 8 inch corrosion-resistant waterproof sign. Signage shall read as follows: "NON-POTABLE WATER - DO NOT DRINK" and "AGUA DE RECUPERACION - NO BEBER." The words shall be legibly and indelibly printed and shall be not less than 0.5 inch (12.7 mm) in height on a purple background (consistent with Pantone color # 512) with white letters. In addition to the required wordage, the pictograph shown in Figure 608.8.1 shall appear on the required signage. The signs must be located in a manner that is visible to all persons and approved by the building official. The number of signs installed must also be approved by the building official.

**F106.1.6 Backflow prevention.** Backflow prevention on the reclaimed water supply line must be in accordance with the *Dallas Plumbing Code*, *Dallas One- and Two-Family Dwelling Code*, and Dallas Water Utilities rules and regulations."

68. Appendices A, B, C and D of the 2015 International Plumbing Code are not adopted.

69. All chapters of the 2015 International Plumbing Code adopted by this ordinance are subchapters of Chapter 54 of the Dallas City Code, as amended.

70. All references in the 2015 International Plumbing Code to the fire code, building code, mechanical code, electrical code, residential code, existing building code, energy conservation code, fuel gas code, and green construction code refer, respectively, to Chapters 16, 53, 55, 56, 57, 58, 59, 60, and 61 of the Dallas City Code.

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the effective date of this ordinance will be discharged or affected by this ordinance. Prosecutions and suits for such offenses, liabilities, penalties, and forfeitures may be instituted, and causes of action pending on the effective date of

this ordinance may proceed, as if the former laws applicable at the time the offense, liability, penalty, or forfeiture was committed or incurred had not been amended, repealed, reenacted, or superseded, and all former laws will continue in effect for these purposes.

SECTION 3. That Chapter 54 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any existing structure, system, development project, or registration that is not required to come into compliance with a requirement of this ordinance will be governed by the requirement as it existed in the former law last applicable to the structure, system, development project, or registration, and all former laws will continue in effect for this purpose.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 5. That this ordinance will take effect on \_\_\_\_\_, 2017, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 55, “Dallas Mechanical Code,” of the Dallas City Code, as amended; adopting with certain changes the 2015 Edition of the International Mechanical Code of the International Code Council, Inc.; regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, and maintenance of mechanical work in the city; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Chapter 55, “Dallas Mechanical Code,” of the Dallas City Code, as amended, is amended by adopting the 2015 Edition of the International Mechanical Code of the International Code Council, Inc. (which is attached as Exhibit A and made a part of this ordinance), with the following amendments:

1. Page xi, “Legislation,” is deleted.
2. Chapter 1, “Administration,” of the 2015 International Mechanical Code is deleted and replaced with a new Chapter 1, “Administration,” to read as follows:

**“CHAPTER 1  
ADMINISTRATION**

**SECTION 101  
GENERAL**

**101.1 Title.** These regulations are known as the *Dallas Mechanical Code*, hereinafter referred to as “this code.”

**101.2 Scope.** This code regulates the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code also regulates those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems are regulated by the *Dallas Fuel Gas Code*.

**Exceptions:**

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures must comply with the *Dallas One- and Two-Family Dwelling Code*.
2. Mechanical systems in existing buildings undergoing repair, alterations, or additions, and change of occupancy may comply with the *Dallas Existing Building Code*.

**101.3 Administrative procedures.** Except as otherwise specified in this code, all provisions of Chapter 52, “Administrative Procedures for the Construction Codes,” of the *Dallas City Code* apply to this code.

**101.4 Referenced codes and standards.** The codes and standards referenced in this code are considered part of the requirements of this code to the prescribed extent of each such reference only when such codes and standards have been specifically adopted by the city of Dallas. Whenever amendments have been adopted to the referenced codes and standards, each reference to the codes and standards is considered to reference the amendments as well. Any reference made to NFPA 70 or the *ICC Electrical Code* means the *Dallas Electrical Code*, as amended. References made to the *International Plumbing Code*, the *International Building Code*, the *International Fire Code*, the *International Energy Conservation Code*, the *International Fuel Gas Code*, the *International Existing Building Code*, and the *International Residential Code*, respectively mean the *Dallas Plumbing Code*, the *Dallas Building Code*, the *Dallas Fire Code*, the *Dallas Energy Conservation Code*, the *Dallas Fuel Gas Code*, the *Dallas Existing Building Code*, and the *Dallas One- and Two-Family Dwelling Code*, as amended.

**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and the manufacturer’s instructions apply.”

3. The definition of “Environmental Air,” in Section 202, “General Definitions,” of Chapter 2, “Definitions,” of the 2015 International Mechanical Code is amended to read as follows:

**“ENVIRONMENTAL AIR.** Air that is conveyed to or from occupied areas through ducts which are not part of the heating or air-conditioning system, such as ventilation for human usage,

domestic kitchen range exhaust, bathroom exhaust, domestic clothes dryer exhaust [~~and parking garage exhaust~~].”

4. Subsection 304.3, “Elevation of Ignition Source,” of Section 304, “Installation,” of Chapter 3, “General Regulations,” of the 2015 International Mechanical Code is amended to read as follows:

**“304.3 Elevation of ignition source.** Equipment and appliances having an *ignition source* and located in hazardous locations and public garages, private garages, repair garages, automotive motor fuel-dispensing facilities and parking garages shall be elevated such that the source of ignition is not less than 18 inches (457 mm) above the floor surface on which the *equipment* or *appliance* rests. For the purpose of this section, rooms or spaces that are not part of the living space of a *dwelling unit* and that communicate directly with a private garage through openings shall be considered to be part of the private garage.

**Exceptions:**

1. Elevation of the ignition source is not required for appliances that are listed as flammable vapor ignition resistant.
2. Electric appliances.

**304.3.1 Parking garages.** Connection of a parking garage with any room in which there is a fuel-fired *appliance* shall be by means of a vestibule providing a two-doorway separation, except that a single door is permitted where the sources of ignition in the *appliance* are elevated in accordance with Section 304.3.

**Exception:** This section shall not apply to *appliance* installations complying with Section 304.6.”

5. Subsection 304.7, “Private Garages,” of Section 304, “Installation,” of Chapter 3, “General Regulations,” of the 2015 International Mechanical Code is deleted.

6. Subsection 306.3, “Appliances in Attics,” of Section 306, “Access and Service Space,” of Chapter 3, “General Regulations,” of the 2015 International Mechanical Code is amended to read as follows:

**“306.3 Appliances in attics.** Attics containing appliances requiring access shall be provided with an opening and unobstructed passageway large enough to allow removal of the largest *appliance*. The passageway shall not be less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length measured along the centerline of the

passageway from the opening to the *appliance*. The passageway shall have continuous solid flooring not less than 24 inches (610 mm) wide. A level service space not less than 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the *appliance*. The clear access opening dimensions shall be not less than 20 inches by 30 inches (508 mm by 762 mm) or larger where such dimensions are not~~[, and]~~ large enough to allow removal of the largest *appliance*. A walkway to an *appliance* must be rated as a floor as approved by the building official. At a minimum, one of the following must be provided for access to the attic space:

1. A permanent stair.
2. A pull down stair with a minimum 300 lb (136 kg) capacity.
3. An access door from an upper floor level.

Due to structural conditions, an access panel may be used in lieu of items 1, 2 or 3 with the prior approval of the building official.

**Exceptions:**

1. The passageway and level service space are not required where the *appliance* is capable of being serviced and removed through the required opening.
2. Where the passageway is unobstructed and not less than 6 feet (1829 mm) high and 22 inches (559 mm) wide for its entire length, the passageway shall be not greater than 50 feet (15 250 mm) in length.

**306.3.1 Electrical requirements.** A luminaire controlled by a switch located at the required passageway opening and a receptacle outlet shall be provided at or near the *appliance* location in accordance with the *Dallas Electric Code*. Low voltage wiring of 50 volts or less must be installed in an approved manner as defined in the *Dallas Electrical Code* in order to prevent physical damage to the wiring [NFPA 70].”

7. Subsection 306.5, “Equipment and Appliances on Roofs or Elevated Structures,” of Section 306, “Access and Service Space,” of Chapter 3, “General Regulations,” of the 2015 International Mechanical Code is amended to read as follows:

**“306.5 Equipment and appliances on roofs or elevated structures.** Where *equipment* requiring access or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access a permanent ~~[such equipment or appliances, an]~~ interior or exterior means of access shall be provided. Permanent exterior ladders providing roof access need not extend closer than 12 feet (2438 mm) to the finish grade or floor level below and must extend to the equipment and appliances' level service space. Such access shall not require climbing over obstructions greater than 30 inches (762 mm) in height or walking on roofs having a slope greater than 4 units

vertical in 12 units horizontal (33-percent slope). Such access shall not require the use of portable ladders. Where access involves climbing over parapet walls, the height shall be measured to the top of the parapet wall.

Permanent ladders installed to provide the required access shall comply with the following minimum design criteria:

1. The side railing shall extend above the parapet or roof edge not less than 30 inches (762 mm).
2. Ladders shall have rung spacing not to exceed 14 inches (356 mm) on center. The uppermost rung shall be not greater than 24 inches (610 mm) below the upper edge of the roof hatch, roof or parapet, as applicable.
3. Ladders shall have a toe spacing not less than 6 inches (152 mm) deep.
4. There shall be not less than 18 inches (457 mm) between rails.
5. Rungs shall have a minimum 0.75-inch (19 mm) diameter and be capable of withstanding a 300-pound (136.1 kg) load.
6. Ladders over 30 feet (9144 mm) in height shall be provided with offset sections and landings capable of withstanding 100 pounds per square foot (488.2 kg/m<sup>2</sup>). Landing dimensions shall be not less than 18 inches (457 mm) and not less than the width of the ladder served. A guard rail shall be provided on all open sides of the landing.
7. Climbing clearance. The distance from the centerline on the rungs to the nearest permanent object on the climbing side of the ladder shall be not less than 30 inches (762 mm) measured perpendicular to the rungs. This distance shall be maintained from the point of ladder access to the bottom of the roof hatch. A minimum clear width of 15-inches (381 mm) shall be provided on both sides of the ladder measured from midpoint of and parallel with the rungs except where cages or wells are installed.
8. Landing required. The ladder shall be provided with a clear and unobstructed bottom landing area having a minimum dimension of 30 inches (762 mm) by 30 inches (762 mm) centered in front of the ladder.
9. Ladders shall be protected against corrosion by *approved* means.
10. Access to ladders shall be provided at all times.

Catwalks installed to provide the required access shall be not less than 24 inches (610 mm) wide and shall have railings as required for service platforms.

**Exception:** This section shall not apply to Group R-3 occupancies.

**306.5.1 Sloped roofs.** Where appliances, *equipment*, fans or other components that require service are installed on [a] roofs having [a] slopes greater than four [of three] units vertical in 12 units horizontal (33[25]-percent slope) [or greater] and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches (406.4 mm) in width with substantial cleats spaced not more than 16 inches (406.4 mm) apart must be provided from the roof access to a level platform at the appliance. The level platform shall be provided on each side of the *appliance* or *equipment* to which access is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the *Dallas [International] Building Code*. Access shall not require walking on roofs having a slope greater than four units vertical in 12 units horizontal (33-percent slope). Where access involves obstructions greater than 30 inches (762 mm) in height, such obstructions shall be provided with ladders installed in accordance with Section 306.5 or stairways installed in accordance with the requirements specified in the *Dallas [International] Building Code* in the path of travel to and from appliances, fans or *equipment* requiring service.

**306.5.2 Electrical requirements.** A receptacle outlet shall be provided at or near the *equipment* location in accordance with the *Dallas Electrical Code* [NFPA 70].”

8. Section 306, “Access and Service Space,” of Chapter 3, “General Regulations,” of the 2015 International Mechanical Code is amended by adding a new Subsection 306.6, “Water Heaters Above Ground or Floor,” to read as follows:

“**306.6 Water heaters above ground or floor.** When the attic, roof, mezzanine or platform in which a water heater is installed is more than 8 feet (2438 mm) above the ground or floor level, it must be made accessible by a stairway or permanent ladder fastened to the building.

**Exception:** A water heater may be reached by portable ladder if the water heater has a capacity of no more than 10 gallons (or larger with prior approval), it is capable of being accessed through a lay-in ceiling, and it is installed not more than 10 feet (3048 mm) above the ground or floor level.

**306.6.1. Illumination and convenience outlet.** Whenever the attic, roof, mezzanine or platform is not adequately lighted or access to a receptacle outlet is not obtainable from the main level, lighting and a receptacle outlet must be provided in accordance with Section 306.3.1.”

9. Subsection 307.2, “Evaporators and Cooling Coils,” of Section 307, “Condensate Disposal,” of Chapter 3, “General Regulations,” of the 2015 International Mechanical Code is amended to read as follows:

**307.2 Evaporators and cooling coils.** Condensate drain systems shall be provided for *equipment* and appliances containing evaporators or cooling coils. Condensate drain systems shall be designed, constructed and installed in accordance with Sections 307.2.1 through 307.2.5.

**Exception:** Evaporators and cooling coils that are designed to operate in sensible cooling only and not support condensation shall not be required to meet the requirements of this section.

**307.2.1 Condensate disposal.** Condensate from all cooling coils and evaporators shall be conveyed from the drain pan [outlet] to an *approved* place of disposal. Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than one-eighth unit vertical in 12 units horizontal (1-percent slope). Condensate shall not discharge into a street, alley, sidewalk, rooftop or other areas so as to cause a nuisance.

**307.2.2 Drain pipe materials and sizes.** Components of the condensate disposal system shall be cast iron, galvanized steel, copper, cross-linked polyethylene, polyethylene, ABS, CPVC, PVC, or polypropylene pipe or tubing. When exposed to ultra violet light, schedule 80 PVC pipe or tubing is required. Components shall be selected for the pressure, [and] temperature, and exposure rating of the installation. Joints and connections shall be made in accordance with the applicable provisions of Chapter 7 of the *Dallas [International] Plumbing Code* relative to the material type. Condensate waste and drain line size shall be not less than ¾-inch (19.1 mm) internal diameter and shall not decrease in size from the drain pan connection to the place of condensate disposal. Where the drain pipes from more than one unit are manifolded together for condensate drainage, the pipe or tubing shall be sized in accordance with Table 307.2.2.

**307.2.3 Auxiliary and secondary drain systems.** In addition to the requirements of Section 307.2.1, where damage to any building components could occur as a result of overflow from the *equipment* primary condensate removal system, one of the following auxiliary protection methods shall be provided for each cooling coil or fuel-fired *appliance* that produces condensate:

1. An auxiliary drain pan with a separate drain shall be provided under the coils on which condensation will occur. The auxiliary pan drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The pan shall have a minimum depth of 1 ½ inches (38 mm), shall not be less than 3 inches (76 mm) larger than the unit, or the coil dimensions in width and length and shall be constructed of corrosion-resistant material. Galvanized sheet steel pans shall have a minimum thickness of not less than 0.0236 inch (0.6010 mm) (No. 24 gage). Nonmetallic pans shall have a minimum thickness of not less than 0.0625 inch (1.6 mm).
2. A separate overflow drain line shall be connected to the drain pan provided with the *equipment*. Such overflow drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The overflow drain line shall connect to the drain pan at a higher level than the primary drain connection.

However, the conspicuous point must not create a hazard such as dripping over a street, alley, sidewalk, rooftop or other areas so as to create a nuisance.

3. An auxiliary drain pan without a separate drain line shall be provided under the coils on which condensate will occur. Such pan shall be equipped with a water-level detection device conforming to UL 508 that will shut off the *equipment* served prior to overflow of the pan. The auxiliary drain pan shall be constructed in accordance with Item 1 of this section. A water level detection device may be installed only with prior approval of the building official.
4. A water level detection device conforming to UL 508 shall be provided that will shut off the *equipment* served in the event that the primary drain is blocked. The device shall be installed in the primary drain line, the overflow drain line, or in the equipment-supplied drain pan, located at a point higher than the primary drain line connection and below the overflow rim of such pan. A water level detection device may be installed only with prior approval of the building official.

**Exception:** Fuel-fired appliances that automatically shut down operation in the event of a stoppage in the condensate drainage system.

**307.2.3.1 Water-level monitoring devices.** On down-flow units and all other coils that do not have a secondary drain or provisions to install a secondary or auxiliary drain pan, a water-level monitoring device shall be installed inside the primary drain pan. This device shall shut off the *equipment* served in the event that the primary drain becomes restricted. Devices installed in the drain line shall not be permitted. A water level detection device may be installed only with prior approval of the building official.

**307.2.3.2 Appliances, equipment and insulation in pans.** Where appliances, *equipment* or insulation are subject to water damage when auxiliary drain pans fill, that portion of the *appliance, equipment* and insulation shall be installed above the rim of the pan. Supports located inside of the pan to support the *appliance* or *equipment* shall be water resistant and *approved*.

**307.2.4 Traps.** Condensate drains shall be trapped as required by the *equipment* or *appliance* manufacturer.

**307.2.4.1 Ductless mini-split system traps.** Ductless mini-split equipment that produces condensate shall be provided with an inline check valve located in the drain line, or a trap.

**307.2.5 Drain line maintenance.** Condensate drain lines shall be configured to permit the clearing of blockages and performance of maintenance without requiring the drain line to be cut.

10. Paragraph 403.2.1, “Recirculation of Air,” of Subsection 403.2, “Outdoor Air Required,” of Section 403, “Mechanical Ventilation,” of Chapter 4, “Ventilation,” of the 2015 International Mechanical Code is amended to read as follows:

**“403.2.1 Recirculation of air.** The outdoor air required by Section 403.3 shall not be recirculated. Air in excess of that required by Section 403.3 shall not be prohibited from being recirculated as a component of supply air to building spaces, except that:

1. Ventilation air shall not be recirculated from one *dwelling* to another or to dissimilar occupancies.
2. Supply air to a swimming pool and associated deck areas shall not be recirculated unless such air is dehumidified to maintain the relative humidity of the area at 60 percent or less. Air from this area shall not be recirculated to other spaces where more than 10 percent of the resulting supply airstream consists of air recirculated from these spaces.
3. Where mechanical exhaust is required by Note b in Table 403.3.1.1, recirculation of air from such spaces shall be prohibited. Recirculation of air that is contained completely within such spaces shall not be prohibited. Where recirculation of air is prohibited, all air supplied to such spaces shall be exhausted, including any air in excess of that required by Table 403.3.1.1.
4. Where mechanical exhaust is required by Note g in Table 403.3.1.1, mechanical exhaust is required and recirculation from such spaces is prohibited where more than 10 percent of the resulting supply airstream consists of air recirculated from these spaces. Recirculation of air that is contained completely within such spaces shall not be prohibited.
5. Toilet rooms within private dwellings that contain only a water closet, lavatory or combination thereof may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.”

11. Subsection 501.3, “Exhaust Discharge,” of Section 501, “General,” of Chapter 5, “Exhaust Systems,” of the 2015 International Mechanical Code is amended to read as follows:

**“501.3 Exhaust discharge.** The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a public nuisance and not less than the distances specified in Section 501.3.1. The air shall be discharged to a location from which it cannot again be readily drawn in by a ventilating system. Air shall not be exhausted into an attic, crawl space, or be directed onto walkways.

**Exceptions:**

1. Whole-house ventilation-type attic fans shall be permitted to discharge into the attic space of *dwelling units* having private attics.
2. Commercial cooking recirculating systems.
3. Where installed in accordance with the manufacturer's instructions and where mechanical or *natural ventilation* is otherwise provided in accordance with Chapter 4, *listed* and *labeled* domestic ductless range hoods shall not be required to discharge to the outdoors.
4. Toilet room exhaust ducts may terminate in a warehouse or shop area when infiltration of outside air is present.

**501.3.1 Location of exhaust outlets.** The termination point of exhaust outlets and ducts discharging to the outdoors shall be located with the following minimum distances:

1. For ducts conveying explosive or flammable vapors, fumes or dusts: 30 feet (9144 mm) from property lines; 10 feet (3048 mm) from operable openings into buildings; 6 feet (1829 mm) from exterior walls and roofs; 30 feet (9144 mm) from combustible walls and operable openings into buildings which are in the direction of the exhaust discharge; 10 feet (3048 mm) above adjoining grade.
2. For other product-conveying outlets, including but not limited to enclosed parking garage, loading dock, and motor vehicle repair garage exhaust outlets: 10 feet (3048 mm) from the property lines; 3 feet (914 mm) from exterior walls and roofs; 10 feet (3048 mm) from operable openings into buildings; 10 feet (3048 mm) above adjoining grade.
3. For all *environmental air* exhaust: 3 feet (914 mm) from property lines; 3 feet (914 mm) from operable openings into buildings for all occupancies other than Group U, and 10 feet (3048 mm) from mechanical air intakes. Such exhaust shall not be considered hazardous or noxious.
4. Exhaust outlets serving structures in flood hazard areas shall be installed at or above the elevation required by Section 1612 of the *Dallas [International] Building Code* for utilities and attendant equipment.
5. For specific systems see the following sections:
  - 5.1. Clothes dryer exhaust, Section 504.4.
  - 5.2. Kitchen hoods and other kitchen exhaust *equipment*, Section 506.3.13, 506.4 and 506.5.
  - 5.3. Dust stock and refuse conveying systems, Section 511.2.

- 5.4. Subslab soil exhaust systems, Section 512.4.
- 5.5. Smoke control systems, Section 513.10.3.
- 5.6. Refrigerant discharge, Section 1105.7.
- 5.7. Machinery room discharge, Section 1105.6.1.

**501.3.2 Exhaust opening protection.** Exhaust openings that terminate outdoors shall be protected with corrosion-resistant screens, louvers or grilles. Openings in screens, louvers and grills shall be sized not less than ¼ inch (6.4 mm) and not larger than ½ inch (12.7 mm). Openings shall be protected against local weather conditions. Louvers that protect exhaust openings in structures located in hurricane-prone regions, as defined in the *Dallas [International] Building Code*, shall comply with AMCA Standard 550. Outdoor openings located in exterior walls shall meet the provisions for exterior wall opening protectives in accordance with the *Dallas [International] Building Code*.”

12. Paragraph 504.8.2, “Duct Installation,” of Subsection 504.8, “Domestic Clothes Dryer Ducts,” of Section 504, “Clothes Dryer Exhaust,” of Chapter 5, “Exhaust Systems,” of the 2015 International Mechanical Code is amended to read as follows:

**“504.8.2 Duct installation.** Exhaust ducts shall be supported at 4-foot (1219 mm) intervals and secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Ducts shall not be joined with screws or similar fasteners [~~that protrude more than 1/8 inch (3.2 mm) into the inside of the duct~~].”

13. Subsection 505.1, “Domestic Systems,” of Section 505, “Domestic Kitchen Exhaust Equipment,” of Chapter 5, “Exhaust Systems,” of the 2015 International Mechanical Code is amended to read as follows:

**“505.1 Domestic systems.** Where domestic range hoods and domestic appliances equipped with downdraft exhaust are provided within dwelling units, such hoods and appliances shall discharge to the outdoors through sheet metal ducts constructed of galvanized steel, stainless steel, aluminum or copper. Such ducts shall have smooth inner walls, shall be air tight, shall be equipped with a backdraft damper, and shall be independent of all other exhaust systems.

**Exceptions:**

1. [~~In other than Group I-1 and I-2,~~] W[~~w~~]here installed in accordance with the manufacturer’s instructions and where mechanical or natural ventilation is otherwise provided in accordance with Chapter 4, listed and labeled ductless range hoods shall not be required to discharge to the outdoors.

2. Ducts for domestic kitchen cooking appliances equipped with downdraft exhaust systems shall be permitted to be constructed of Schedule 40 PVC pipe and fittings provided that the installation complies with all of the following:

2.1. The duct shall be installed under a concrete slab poured on grade.

2.2. The underfloor trench in which the duct is installed shall be completely backfilled with sand or gravel.

2.3. The PVC duct shall extend not more than 1 inch (25 mm) above the indoor concrete floor surface.

2.4. The PVC duct shall extend not more than 1 inch (25 mm) above grade outside of the building.

2.5. The PVC ducts shall be solvent cemented.”

14. Subsection 505.3, “Common Exhaust Systems for Domestic Kitchens Located in Multistory Structures,” of Section 505, “Domestic Kitchen Exhaust Equipment,” of Chapter 5, “Exhaust Systems,” of the 2015 International Mechanical Code is amended to read as follows:

“**505.3 Common exhaust systems for domestic kitchens located in residential multistory structures.** Where a common multistory duct system is designed and installed to convey exhaust from multiple domestic kitchen exhaust systems in a residential multistory structure, the construction of the system shall be in accordance with all of the following:

1. The shaft in which the duct is installed shall be constructed and fire-resistance rated as required by the *Dallas [International] Building Code*.
2. Dampers shall be prohibited in the exhaust duct, except as specified in Section 505.1. Penetrations of the shaft and ductwork shall be protected in accordance with Section 607.5.5, Exception 2.
3. Rigid metal ductwork shall be installed within the shaft to convey the exhaust. The ductwork shall be constructed of sheet steel having a minimum thickness of 0.0187 inch (0.4712 mm)(No. 26 gage) and in accordance with *SMACNA Duct Construction Standards*.
4. The ductwork within the shaft shall be designed and installed without offsets.
5. The exhaust fan motor design shall be in accordance with Section 503.2.
6. The exhaust fan motor shall be located outside of the airstream.

7. The exhaust fan shall run continuously, and shall be connected to a standby power source.
8. Exhaust fan operation shall be monitored in an approved location and shall initiate an audible or visual signal when the fan is not in operation.
9. Where the exhaust rate for an individual kitchen exceeds 400 cfm (0.19 m<sup>3</sup>/s) makeup air shall be provided in accordance with Section 505.2.
10. A cleanout opening shall be located at the base of the shaft to provide access to the duct to allow for cleanout and inspection. The finished openings shall be not less than 12 inches by 12 inches (305 mm by 305 mm).
11. Screens shall not be installed at the termination.
12. The common residential multistory duct system shall serve only kitchen exhaust and shall be independent of other exhaust systems.”

15. Subsection 505.4, “Other Than Group R,” of Section 505, “Domestic Kitchen Exhaust Equipment,” of Chapter 5, “Exhaust Systems,” of the 2015 International Mechanical Code is deleted.

16. Paragraph [BF] 607.5.1, “Fire Walls,” of Subsection [BF] 607.5, “Where Required,” of Section 607, “Duct and Transfer Openings,” of Chapter 6, “Duct Systems,” of the 2015 International Mechanical Code is amended to read as follows:

“**[BF] 607.5.1 Fire walls.** Ducts and air transfer openings permitted in fire walls in accordance with Section 706.11 of the Dallas [~~International~~] *Building Code* shall be protected with *listed* fire dampers installed in accordance with their listing. For hazardous exhaust systems see Section 510.”

**[BF] 607.5.1.1 Horizontal exits.** *A listed smoke damper* designed to resist the passage of smoke shall be provided at each point that a duct or air transfer opening penetrates a *fire wall* that serves as a horizontal *exit*.”

17. The ASHRAE standards of Chapter 15, “Referenced Standards,” of the 2015 International Mechanical Code are amended to read as follows:

**“ASHRAE** ASHRAE  
 1791 Tullie Circle, NE  
 Atlanta, GA 30329

Standard reference number	Title	Referenced in code section number
ASHRAE—2013	ASHRAE Fundamentals Handbook . . . . .	603.2
15—2013	Safety Standard for Refrigeration Systems . . . . .	1101.6, 1105.8, 1108.1
34—2013	Designation and Safety Classification of Refrigerants. . . . .	202, 1102.2.1, 1103.1
62.1—2013	Ventilation for Acceptable Indoor Air Quality . . . . .	403.3.1.1.2.3.2
170—2008	Ventilation of Health Care Facilities . . . . .	407
[180—2012	<del>Standard Practice for Inspection and Maintenance of Commercial Building HVAC Systems . . . . .</del>	<del>102.3]</del>

18. The NFPA standards of Chapter 15, “Referenced Standards,” of the 2015

International Mechanical Code are amended to read as follows:

**“NFPA** National Fire Protection Association  
 1 Batterymarch Park  
 Quincy, MA 02269-9101

Standard reference number	Title	Referenced in code section number
30A—15	Code for Motor Fuel-dispensing Facilities and Repair Garages . . . . .	304.6
31—11	Standard for the Installation of Oil-burning Equipment . . . . .	701.1, 801.2.1, 801.18.1, 801.18.2, 920.2, 922.1, 1308.1
37—14	Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines . . . . .	915.1, 915.2
58—14	Liquefied Petroleum Gas Code . . . . .	502.9.10
69—14	Standard on Explosion Prevention Systems . . . . .	510.9.3
70—14	National Electrical Code . . . . .	301.7, [306.3.1,] 306.4.1, 511.1.1, 513.11, 513.12.2, 602.2.1.1, 927.2, 1104.2.2, 1106.3, 1106.4
72—13	National Fire Alarm Signaling Code . . . . .	606.3
82—14	Standard on Incinerators and Waste and Linen Handling Systems and Equipment . . . . .	601.1
85—15	Boiler and Combustion Systems Hazards Code . . . . .	1004.1
91—15	Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists and Noncombustible Particulate Solids . . . . .	502.9.5.1, 502.17
92—15	Standard for Smoke Control Systems . . . . .	513.7, 513.8
96—14	Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations . . . . .	507.1
211—13	Standard for Chimneys, Fireplaces, Vents and Solid Fuel-burning Appliances . . . . .	806.1
262—15	Standard Method of Test for Flame Travel and Smoke of Wires and Cables for Use in Air-handling Spaces . . . . .	602.2.1.1
286—15	Standard Methods of Fire Tests for Evaluating Contribution of Wall and Ceiling Interior Finish to Room Fire Growth . . . . .	602.2.1.6.2
704—12	Standard System for Identification of the Hazards of Materials for Emergency Response . . . . .	502.8.4, Table 1103.1, 510.1
853—15	Standard on Installation of Stationary Fuel Power Plants . . . . .	924.1

19. Appendix A of the 2015 International Mechanical Code is adopted.

20. Appendix B of the 2015 International Mechanical Code is not adopted.

21. All chapters of the 2015 International Mechanical Code adopted by this ordinance are subchapters of Chapter 55 of the Dallas City Code, as amended.

22. All references in the 2015 International Mechanical Code to the fire code, building code, plumbing code, electrical code, residential code, existing building code, energy conservation code, fuel gas code, and green construction code refer, respectively to Chapters 16, 53, 54, 56, 57, 58, 59, 60, and 61 of the Dallas City Code.

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the effective date of this ordinance will be discharged or affected by this ordinance. Prosecutions and suits for such offenses, liabilities, penalties, and forfeitures may be instituted, and causes of action pending on the effective date of this ordinance may proceed, as if the former laws applicable at the time the offense, liability, penalty, or forfeiture was committed or incurred had not been amended, repealed, reenacted, or superseded, and all former laws will continue in effect for these purposes.

SECTION 3. That Chapter 55 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any existing structure, system, development project, or registration that is not required to come into compliance with a requirement of this ordinance will be governed by the requirement as it existed in the former law last applicable to the structure, system, development project, or registration, and all former laws will continue in effect for this purpose.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 5. That this ordinance will take effect on \_\_\_\_\_, 2017, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 57, “Dallas One-and Two-Family Dwelling Code,” of the Dallas City Code, as amended; adopting with certain changes the 2015 Edition of the International Residential Code of the International Code Council, Inc.; regulating the construction, enlargement, alteration, repair, demolition, use, and maintenance of construction, plumbing, mechanical, and electrical work in the city on one- and two-family dwellings; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Chapter 57, “Dallas One- and Two-Family Dwelling Code,” of the Dallas City Code, as amended, is amended by adopting the 2015 Edition of the International Residential Code of the International Code Council, Inc. (which is attached as Exhibit A and made a part of this ordinance), with the following amendments:

1. Page xvii, “Legislation,” is deleted.
2. Chapter 1, “Scope and Administration,” of the 2015 International Residential Code is deleted and replaced with a new Chapter 1, “Scope and Administration,” to read as follows:

**“CHAPTER 1**

**SCOPE AND ADMINISTRATION**

**SECTION R101**

**GENERAL**

**R101.1 Title.** These regulations shall be known as the *Dallas One- and Two-Family Dwelling Code*, hereinafter referred to as “this code.”

**101.2 Administrative procedures.** All provisions of Chapter 52, “Administrative Procedures for the Construction Codes,” of the *Dallas City Code* apply to this code.”

3. Section R202, “Definitions,” of Chapter 2, “Definitions,” of the 2015 International Residential Code is amended by alphabetically adding, deleting, or amending the following definitions to read as follows:

**“COMMERCIAL DWELLING SITE.** Three or more *dwelling units on a lot.*”

**“ENERGY SYSTEMS LABORATORY.** An agency established by the Texas Legislature to assist communities in evaluating code amendments to the energy provisions of the *International Residential Code* and the *International Energy Conservation Code* which now define the minimum energy efficiency standards for the State of Texas.”

**“FIRE WALL.** A fire-resistance-rated wall having protected openings, which restricts the spread of fire and extends continuously from the foundation to or through the roof, with sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall. Fire walls required by this code shall comply with the provisions of Section 706 of the *Dallas Building Code.*”

**“FLOOR AREA.** The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.”

~~“**[RB] GLAZING AREA.** The interior surface area of all glazed fenestration, including the area of sash, curbing or other framing elements, that enclose *conditioned space*. Includes the area of glazed fenestration assemblies in walls bounding conditioned *basements*.]”~~

**“GRAY WATER.** Waste water that has not come into contact with toilet waste, kitchen sink waste, dishwasher waste or similarly contaminated sources. Gray water includes waste [discharged] from lavatories, bathtubs, showers, clothes washers and laundry sinks [trays].”

**“GREEN BUILDING.** Structures and their surrounding landscapes designed, constructed and maintained to decrease energy and water usage and costs, to improve the efficiency and longevity of building systems and to decrease the burdens imposed on the environment and public health.”

**“GREEN BUILT TEXAS.** An initiative of the Homebuilders Association of Greater Dallas that provides climate-specific guidelines and verification systems for residential and multifamily *green buildings*.”

**“GREEN BUILT TEXAS-CERTIFIABLE.** A proposed project that is not required to be registered with the Home Builders Association of Greater Dallas, but is planned, designed and constructed to meet or exceed a certified rating using version 2.0 of the *Green Built Texas* rating system.”

**“[RB] HISTORIC BUILDING.** A building that is designated as historic as defined in the *Dallas Existing Building Code*. [~~Buildings that are listed in or eligible for listing in the National Register of Historic Places, or designated as historic under an appropriate state or local law.~~]”

**“LEED.** The Leadership in Energy and Environmental Design *green building* rating systems are nationally accepted standards for *green buildings* developed by the *USGBC*.”

**“LEED-CERTIFIABLE.** A proposed project that is not required to be registered with the *USGBC*, but is planned, designed and constructed to meet or exceed a certified rating using LEED NC (new construction) version 2.2 to present, LEED CS (core and shell) version 2.0 to present, LEED CI (commercial interiors) version 2.0 to present, LEED for schools version 2007, LEED for healthcare, LEED for retail version 2 or LEED for homes.”

**“MULTIPLE BUILDING TOWNHOUSE.** See **TOWNHOUSE**.”

**“[RB] OCCUPIED SPACE.** The total area of all buildings or structures on any *lot* or parcel of ground projected on a horizontal plane, excluding permitted projections as allowed by this code. Any space that could be assumed to be occupiable shall not be exempt from the requirements of this code by designing the space without means of egress, light, or ventilation.”

**“ON-SITE NONPOTABLE WATER REUSE SYSTEMS.** Water systems for the collection, treatment, storage, distribution, and reuse of nonpotable water generated on site, including but not limited to graywater systems. [~~This definition does not include rainwater harvest systems.~~]”

**“PROPOSED PROJECT.** For purposes of the *green building* program, the erection of any new structure for which a person, firm or corporation is required to obtain a building permit.”

**“RECLAIMED WATER.** Nonpotable water that, as a result of [~~has been derived from~~] the treatment of domestic waste water, is suitable for a direct beneficial use or a controlled use when such system has been submitted and approved by the building official prior to installation. [~~by a facility or system licensed or permitted to produce water meeting the jurisdiction’s water requirements for its intended uses.~~] Also known as “Recycled Water”.”

**“SINGLE BUILDING TOWNHOUSE.** A multiple dwelling unit located on a commercial dwelling site with more than two units between exterior wall or fire walls complying with Section 706 of the *Dallas Building Code* in which each unit extends from foundation to roof and with a yard or public way on not less than two sides.”

**“STORM [~~SEWER,~~] DRAIN.** A drainage system that carries a natural precipitation, including snow-melt, [~~pipe used for conveying~~] rainwater, surface water [~~subsurface water and~~] or similar liquid waste that has contacted a surface at or below grade.”

“**TOWNHOME.** A dwelling located on a single-family or duplex dwelling site and constructed in a group of abutting structures separated by property lines with each dwelling extending from its foundation to its roof and with a yard or public way on at least two sides.”

“~~[RB]~~ **TOWNHOUSE.** A *multiple* ~~[single-family]~~ dwelling unit located on a commercial dwelling site and constructed with a maximum ~~[in a group]~~ of two ~~[three or more attached]~~ units located between exterior walls or fire walls complying with Section 706 of the *Dallas Building Code* in which each unit extends from foundation to roof and with a yard or public way on not less than two sides.”

“**USGBC.** The U.S. Green Building Council, a nonprofit organization comprised of leaders from the building industry formed to encourage sustainability by promoting buildings that are environmentally responsible, profitable and healthy places to live and work.”

4. Subsection R301.1, “Application,” of Section R301, “Design Criteria,” of Chapter 3, “Building Planning,” of the 2015 International Residential Code is amended to read as follows:

**R301.1 Application.** Buildings and structures, and parts thereof, shall be constructed to safely support all loads, including dead loads, live loads, roof loads, flood loads, snow loads, wind loads and seismic loads as prescribed by this code. The construction of buildings and structures in accordance with the provisions of this code shall result in a system that provides a complete load path that meets the requirements for the transfer of loads from their point of origin through the load-resisting elements to the foundation. Buildings and structures constructed as prescribed by this code are deemed to comply with the requirements of this section.

**R301.1.1 Alternative provisions.** As an alternative to the requirements in Section R301.1, the following standards are permitted subject to the limitations of this code and the limitations therein. Where engineered design is used in conjunction with these standards, the design shall comply with the *Dallas* ~~[International]~~ *Building Code*.

1. AF&PA *Wood Frame Construction Manual* (WFCM).
2. AISI *Standard for Cold-Formed Steel Framing—Prescriptive Method for One- and Two-Family Dwellings* (AISI S230).
3. ICC *Standard on the Design and Construction of Log Structures* (ICC 400).

**R301.1.2 Construction systems.** The requirements of this code are based on platform and balloon-frame construction for light-frame buildings. The requirements for concrete and masonry buildings are based on a balloon framing system. Other framing systems must have equivalent detailing to ensure force transfer, continuity and compatible deformations.

**R301.1.3 Engineered design.** Where a building of otherwise conventional construction contains structural elements exceeding the limits of Section R301 or otherwise not conforming to this code, these elements shall be designed in accordance with accepted engineering practice. The extent of such design need only demonstrate compliance of nonconventional elements with other applicable provisions and shall be compatible with the performance of the conventional framed system. Engineered design in accordance with the Dallas [International] Building Code is permitted for buildings and structures, and parts thereof, included in the scope of this code.

**R301.1.4 Elevators.** The provisions of Section R321 shall apply to the design, construction, installation, operation, alteration and repair of elevators, dumbwaiters, escalators and moving walks and their hoistways.

**R301.1.5 Fire protection provisions.** In addition to the requirements of Section R313, an automatic sprinkler system must be installed when required by the *Dallas Fire Code*.

**R301.1.6 Draftstop requirements.** Draftstopping must be installed in accordance with Section 302.12.

**R301.1.7 Security.** Openings into dwellings must comply with Chapter 45 of this code.

**R301.1.8 Unity agreements.** The dissolution of common boundary lines for purposes of this code may be executed in accordance with Chapter 42 of the *Dallas Building Code*.

**R301.1.9 Special inspections.** The provisions of Chapter 17 of the *Dallas Building Code* apply to dwellings governed by this code.

**R301.1.10 Sound transmission ratings.** The sound transmission ratings of the wall assemblies between each *dwelling unit* of a two-family *dwelling*, a *townhome* or *townhouse* must comply with Appendix K.”

5. Table R301.2(1), “Climatic and Geographic Design Criteria,” of Subsection R301.2, “Climatic and Geographic Design Criteria,” of Section R301, “Design Criteria,” of Chapter 3, “Building Planning,” of the 2015 International Residential Code is amended to read as follows:

“TABLE R301.2(1)

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND	WIND DESIGN			SEISMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAGE FROM		WINTER DESIGN TEMP <sup>e</sup>	ICE BARRIER UNDERLAYMENT REQUIRED <sup>b</sup>	FLOOD HAZARDS <sup>g</sup>	AIR FREEZING INDEX <sup>i</sup>	MEAN ANNUAL TEMP <sup>h</sup>		
	Speed <sup>d</sup> (mph)	Topographic effects <sup>k</sup>	Special wind region <sup>l</sup>		Wind-borne debris zone <sup>m</sup>	Weathering <sup>a</sup>						Frost line depth <sup>b</sup>	Termites <sup>c</sup>
5 lb./ft. <sup>2</sup>	11.5 (V alt)	No	No	No	A	moderate	6"	very heavy	22° F	No	local codes	150	64.9° F

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- Weathering may require a higher strength concrete or *grade* of masonry than necessary to satisfy the structural requirements of this code. The weathering column ~~shall be filled in with the weathering index, "negligible," "moderate" or "severe."~~ for concrete as determined from Figure R301.2(3). The *grade* of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- The frost line depth may require deeper footings than indicated in Figure R403.1(1). The ~~jurisdiction shall fill in the frost line depth column with the~~ minimum depth of footing below finish grade.
- The ~~jurisdiction shall fill in this part of the table to indicate the~~ need for protection ~~[depending on whether there has been a history of local]~~ from subterranean termite damage.
- The ~~jurisdiction shall fill in this part of the table with the~~ wind speed from the basic wind speed map [Figure R301.2(4)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- The outdoor design dry-bulb temperature shall be selected from the columns of 97 1/2-percent values for winter from Appendix D of the *International Plumbing Code*. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the *building official*.
- The ~~jurisdiction shall fill in this part of the table with the~~ seismic design category determined from Section R301.2.2.1.
- Refer to Chapter 51A of the Dallas City Code. ~~[The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood-hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of the currently effective FIRMs and FBEMs or other flood-hazard map adopted by the authority having jurisdiction, as amended.]~~
- In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, ~~where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."~~
- The ~~jurisdiction shall fill in this part of the table with the~~ 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)".
- The ~~jurisdiction shall fill in this part of the table with the~~ mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)".
- In accordance with Section R301.2.1.5, ~~where there is local historical data documenting structural damage to buildings due to topographic wind speed up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.~~
- In accordance with Figure R301.2(4)A, ~~where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.~~
- In accordance with Section R301.2.1.2, ~~where there is local historical data documenting wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.~~

6. Subsection R302.1, “Exterior Walls,” of Section R302, “Fire-Resistant Construction,” of Chapter 3, “Building Planning,” of the 2015 International Residential Code is amended to read as follows:

“**R302.1 Exterior walls.** Construction, projections, openings and penetrations of *exterior walls* of *dwellings* and accessory buildings shall comply with Table R302.1(1); or *dwellings* equipped throughout with an *automatic sprinkler system* installed in accordance with Section P2904 shall comply with Table R302.1(2).

**Exceptions:**

1. Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the *fire separation distance*.
2. Walls of *dwellings* and *accessory structures* located on the same *lot*.
3. Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide wall protection based on location on the *lot*. Projections beyond the *exterior wall* shall not extend over the *lot line* unless allowed under the *Dallas Development Code*.
4. Detached garages accessory to a *dwelling* located within 2 feet (610 mm) of a *lot line* are permitted to have roof eave projections not exceeding 4 inches (102 mm).
5. Foundation vents installed in compliance with this code are permitted.
6. Carports open on all sides and constructed entirely of noncombustible materials may be constructed within 0 feet of the property line without fire-resistive construction or opening protection when the location of such is approved as required by other city ordinances. Projections beyond the exterior wall may not extend over the lot line unless allowed as determined by the *Dallas Development Code*.

7. Subsection R302.2, “Townhouses,” of Section R302, “Fire-Resistant Construction,” of Chapter 3, “Building Planning,” of the 2015 International Residential Code is amended to read as follows:

“**R302.2 Townhouses and townhomes.** Common walls not associated with a property line and separating *townhouses* or *townhomes* shall be assigned a fire-resistance rating in accordance with Section R302.2, Item 1 or 2. The common wall shared by two *townhouses* shall be constructed without plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be in

accordance with Chapters 34 through 43. Penetrations of the membrane of common walls for electrical outlet boxes shall be in accordance with Section R302.4.

1. Where a fire sprinkler system in accordance with Section P2904 is provided, the common wall shall be not less than a 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263.
2. Where a fire sprinkler system in accordance with Section P2904 is not provided, the common wall shall be not less than a 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263.

Each *townhome* must provide at the property line its own fire-resistance-rated wall assembly meeting the requirements of Section R302.1 for exterior walls.

**Exception:** When approved by the *Dallas Development Code*, townhomes may provide at the property line a common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall must be rated for fire exposure from both sides and must extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations, if allowed by the *Dallas Development Code*, must be installed in accordance with the *Dallas Electrical Code*. Penetrations of electrical outlet boxes must be in accordance with Section R302.4. Use of this common wall provision may require the foundation on either side of the property line to be removable along with an associated deed restriction when required by the *Dallas Development Code*.

**R302.2.1 Continuity.** The fire-resistance-rated wall or assembly separating *townhouses* shall be continuous from the foundation to the underside of the roof sheathing, deck or slab. The fire-resistance rating shall extend the full length of the wall or assembly, including wall extensions through and separating attached enclosed *accessory structures*.

**R302.2.2 Parapets for townhouses.** Parapets constructed in accordance with Section R302.2.3 shall be constructed for *townhouses* as an extension of exterior walls or common walls in accordance with the following:

1. Where roof surfaces adjacent to the wall or walls are at the same elevation, the parapet shall extend not less than 30 inches (762 mm) above the roof surfaces.
2. Where roof surfaces adjacent to the wall or walls are at different elevations and the higher roof is not more than 30 inches (762 mm) above the lower roof, the parapet shall extend not less than 30 inches (762 mm) above the lower roof surface.

**Exception:** A parapet is not required in the preceding two cases where the roof covering complies with a minimum Class C rating as tested in accordance with ASTM E 108 or UL 790 and the roof decking or sheathing is of noncombustible materials or *approved* fire-retardant-treated wood for a distance of 4 feet (1219

mm) on each side of the wall or walls, or one layer of 5/8-inch (15.9 mm) Type X gypsum board is installed directly beneath the roof decking or sheathing, supported by not less than nominal 2-inch (51 mm) ledgers attached to the sides of the roof framing members, for a distance of not less than 4 feet (1219 mm) on each side of the wall or walls and any openings or penetrations in the roof are not within 4 feet (1219 mm) of the common walls.

3. A parapet is not required where roof surfaces adjacent to the wall or walls are at different elevations and the higher roof is more than 30 inches (762 mm) above the lower roof. The common wall construction from the lower roof to the underside of the higher roof deck shall have not less than a 1-hour fire-resistance rating. The wall shall be rated for exposure from both sides.

**R302.2.3 Parapet construction.** Parapets shall have the same fire-resistance rating as that required for the supporting wall or walls. On any side adjacent to a roof surface, the parapet shall have noncombustible faces for the uppermost 18 inches (457 mm), to include counterflashing and coping materials. Where the roof slopes toward a parapet at slopes greater than 2 units vertical in 12 units horizontal (16.7-percent slope), the parapet shall extend to the same height as any portion of the roof within a distance of 3 feet (914 mm), and the height shall be not less than 30 inches (762 mm).

**R302.2.4 Structural independence.** Each individual *townhouse* and townhome shall be structurally independent.

**Exceptions:**

1. Foundations supporting *exterior walls* or common walls.
2. Structural roof and wall sheathing from each unit fastened to the common wall framing.
3. Nonstructural wall and roof coverings.
4. Flashing at termination of roof covering over common wall.
5. *Townhouses* separated by a common wall as provided in Section R302.2, Item 1 or 2.
6. Foundations of townhomes may be continuous across property lines when allowed by the *Dallas Development Code*.
8. Paragraph R302.5.1, “Opening Protection,” of Subsection R302.5, “Dwelling-Garage Opening and Penetration Protection,” of Section R302, “Fire-Resistant Construction,” of

Chapter 3, “Building Planning,” of the 2015 International Residential Code is amended to read as follows:

“**R302.5.1 Opening protection.** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches (35 mm) in thickness, solid or honeycomb-core steel doors not less than 1 3/8 inches (35 mm) thick, or 20-minute fire-rated doors~~[, equipped with a self-closing device].~~”

9. Subsection R302.12, “Draftstopping,” of Section R302, “Fire-Resistant Construction,” of Chapter 3, “Building Planning,” of the 2015 International Residential Code is amended to read as follows:

“**R302.12 Draftstopping.** In combustible construction where there is usable space both above and below the concealed space of a floor-ceiling assembly, draftstops shall be installed so that the area of the concealed space does not exceed 1,000 square feet (92.9 m<sup>2</sup>). Draftstopping shall divide the concealed space into approximately equal areas. Where the assembly is enclosed by a floor membrane above and a ceiling membrane below, draftstopping shall be provided in floor-ceiling assemblies under the following circumstances:

1. Ceiling is suspended under the floor framing.
2. Floor framing is constructed of truss-type open-web or perforated members.

**Exception:** When the entire building, including within the floor-ceiling assembly, is protected by an approved automatic sprinkler system, the floor-ceiling assembly is not required to be subdivided.

**R302.12.1 Materials.** Draftstopping materials shall be not less than 1/2-inch (12.7 mm) gypsum board, 3/8-inch (9.5 mm) wood structural panels or other *approved* materials adequately supported. Draftstopping shall be installed parallel to the floor framing members unless otherwise *approved* by the *building official*. The integrity of the draftstops shall be maintained.

**R302.12.2 Draftstopping attics.** Draftstopping shall be installed in attics and concealed roof spaces, such that any horizontal area does not exceed 9,000 square feet (836.13 m<sup>2</sup>).

**Exception:** When the entire building, including the attic spaces, is protected by an *approved* automatic sprinkler system, the attic is not required to be subdivided.”

10. Subsection R303.3, “Bathrooms,” of Section R303, “Light, Ventilation and Heating,” of Chapter 3, “Building Planning,” of the 2015 International Residential Code is amended to read as follows:

**“R303.3 Bathrooms.** Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 square feet (0.3 m<sup>2</sup>), one-half of which must be openable.

**Exception:** The glazed areas shall not be required where artificial light and a local exhaust system are provided. The minimum local exhaust rates shall be determined in accordance with Section M1507. Exhaust air from the space shall be exhausted directly to the outdoors unless the space contains only a water closet, a lavatory or a combination thereof which may be ventilated with an *approved* mechanical recirculating fan or similar device designed to remove odors from the air.”

11. Subsection R311.2, “Egress Door,” of Section R311, “Means of Egress,” of Chapter 3, “Building Planning,” of the 2015 International Residential Code is amended by adding a new Paragraph R311.2.1, “Bars, Grilles, Covers and Screens at Egress Door,” to read as follows:

**“R311.2.1 Bars, grilles, covers and screens at egress door.** Bars, grilles, covers, screens or similar devices are permitted to be placed at the egress door provided that the bars, grilles, covers, screens or similar devices shall be releasable from the inside without the use of a key, tool, special knowledge or force greater than that required for the normal operation of passage hardware.”

12. Subparagraph R311.7.5.1, “Risers,” of Paragraph R311.7.5, “Stair Treads and Risers,” of Subsection R311.7, “Stairways,” of Section R311, “Means of Egress,” of Chapter 3, “Building Planning,” of the 2015 International Residential Code is amended to read as follows:

**“R311.7.5.1 Risers.** The riser height shall be not more than 7 3/4 inches (196 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Risers shall be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted provided that the openings located more than 30 inches (762 mm), as measured vertically, to the floor or grade below do not permit the passage of a 4-inch-diameter (102 mm) sphere.

**Exceptions:**

1. The opening between adjacent treads is not limited on spiral stairways.
2. The riser height of spiral stairways shall be in accordance with Section R311.7.10.1.
3. Private steps and stairways serving an occupant load of less than 10 and stairways to unoccupied roofs may be constructed with an 8-inch maximum riser height.

13. Subparagraph R311.7.5.2, “Treads,” of Paragraph R311.7.5, “Stair Treads and Risers,” of Subsection R311.7, “Stairways,” of Section R311, “Means of Egress,” of Chapter 3, “Building Planning,” of the 2015 International Residential Code is amended to read as follows:

**“R311.7.5.2 Treads.** The tread depth shall be not less than 10 inches (254 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread’s leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

**Exception:** Private steps and stairways serving an occupant load of less than 10 and stairways to unoccupied roofs may be constructed with a 9-inch minimum tread depth.

**R311.7.5.2.1 Winder treads.** Winder treads shall have a tread depth of not less than 10 inches (254 mm) measured between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline. Winder treads shall have a tread depth of not less than 6 inches (152 mm) at any point within the clear width of the stair. Within any flight of stairs, the largest winder tread depth at the walkline shall not exceed the smallest winder tread by more than 3/8 inch (9.5 mm). Consistently shaped winders at the walkline shall be allowed within the same flight of stairs as rectangular treads and do not have to be within 3/8 inch (9.5 mm) of the rectangular tread depth.

**Exception:** The tread depth at spiral stairways shall be in accordance with Section R311.7.10.1.”

14. Section R313, “Automatic Fire Sprinkler Systems,” of Chapter 3, “Building Planning,” of the 2015 International Residential Code is amended to read as follows:

**“SECTION R313  
AUTOMATIC FIRE SPRINKLER SYSTEMS**

**R313.1 Townhouse automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed in *townhouses*.

**Exceptions:**

1. An automatic residential fire sprinkler system shall not be required where [~~additions~~ ~~or~~] *alterations* are made to existing *townhouses* or townhomes that do not have an automatic residential fire sprinkler system installed.
2. The floor area of an existing unsprinklered townhouse or townhome greater than 7,500 square feet (696.77 m<sup>2</sup>) and not housing a Group H occupancy may be increased by not more than 25 percent of the existing floor area (92.90 m<sup>2</sup>). Only one increase in floor area is permitted under this exception.
3. New townhouses or townhomes that are separated into fire areas no greater than 7,500 square feet (696.77 m<sup>2</sup>) by the use of 2-hour-rated fire walls. Horizontal assemblies may not be used to satisfy this requirement.

**R313.1.1 Design and installation.** Automatic residential fire sprinkler systems for multiple building townhouses shall be designed and installed in accordance with Section P2904 or NFPA 13D. Automatic residential fire sprinkler systems for single building townhouses shall be designed and installed in accordance with NFPA 13R.

**R313.2 One- and two-family dwellings automatic fire systems.** An automatic residential fire sprinkler system shall be installed in one- and two-family *dwellings*.

**Exceptions:**

1. An automatic residential fire sprinkler system shall not be required for [~~additions~~ ~~or~~] *alterations* to existing buildings that are not already provided with an automatic residential sprinkler system.
2. The floor area of an existing unsprinklered dwelling greater than 7,500 square feet (696.77 m<sup>2</sup>) and not housing a Group H occupancy may be increased by not more than 25 percent of the existing floor area (92.90 m<sup>2</sup>). Only one increase in the floor area is permitted under this exception.
3. New dwellings that are separated into fire areas no greater than 7,500 square feet (696.77 m<sup>2</sup>) by the use of 2-hour rated fire walls. Horizontal assemblies may not be used to satisfy this requirement.

**R313.2.1 Design and installation.** Automatic residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D.”

15. Paragraph R314.2.2, “Alterations, Repairs, and Additions,” of Subsection R314.2, “Where Required,” of Section R314, “Smoke Alarms,” of Chapter 3, “Building Planning,” of the 2015 International Residential Code is amended to read as follows:

**“R314.2.2 Alterations, repairs and additions.** Where *alterations, repairs* or *additions* requiring a permit occur, or where one or more sleeping rooms are added or created in existing *dwelling units*, the individual *dwelling unit* shall be equipped with smoke alarms located as required for new *dwelling units*.

**Exceptions:**

1. Work involving the exterior surfaces of *dwelling units*, such as the replacement of roofing or siding, the *addition* or replacement of windows or doors, or the addition of a porch or deck, are exempt from the requirements of this section.
2. Installation, alteration or repairs of plumbing or mechanical systems are exempt from the requirements of this section.
3. Hard wiring of smoke alarms in existing areas shall not be required where the *alterations* or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure.”

16. Paragraph R315.2.2, “Alterations, Repairs, and Additions,” of Subsection R315.2, “Where Required,” of Section R315, “Carbon Monoxide Alarms,” of Chapter 3, “Building Planning,” of the 2015 International Residential Code is amended to read as follows:

**“R315.2.2 Alterations, repairs and additions.** Where *alterations, repairs* or *additions* requiring a permit occur, or where one or more sleeping rooms are added or created in existing *dwelling units*, the individual *dwelling unit* shall be equipped with carbon monoxide alarms located as required for new *dwelling units*.

**Exceptions:**

1. Work involving the exterior surfaces of *dwelling units*, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, is exempt from the requirements of this section.
2. Installation, alteration or repairs of electrical powered plumbing or mechanical systems are exempt from the requirements of this section.”

17. Subsection R317.1, “Location Required,” of Section R317, “Protection of Wood and Wood-Based Products Against Decay,” of Chapter 3, “Building Planning,” of the 2015 International Residential Code is amended to read as follows:

**“R317.1 Location required.** Protection of wood and wood- based products from decay shall be provided in the following locations by the use of naturally durable wood or wood that is preservative-treated in accordance with AWPA U1 for the species, product, preservative and end use. Preservatives shall be listed in Section 4 of AWPA U1.

1. Wood joists or the bottom of a wood structural floor when closer than 18 inches (457 mm) or wood girders when closer than 12 inches (305 mm) to the exposed ground in crawl spaces or unexcavated area located within the periphery of the building foundation.
2. Wood framing members that rest on concrete or masonry exterior foundation walls and are less than 8 inches (203 mm) from the exposed ground.
3. Sills and sleepers on a concrete or masonry slab that is in direct contact with the ground unless separated from such slab by an impervious moisture barrier.
4. The ends of wood girders entering exterior masonry or concrete walls having clearances of less than 1/2 inch (12.7 mm) on tops, sides and ends.
5. Wood siding, sheathing and wall framing on the exterior of a building having a clearance of less than 6 inches (152 mm) from the ground or less than 2 inches (51 mm) measured vertically from concrete steps, porch slabs, patio slabs and similar horizontal surfaces exposed to the weather.
6. Wood structural members supporting moisture-permeable floors or roofs that are exposed to the weather, such as concrete or masonry slabs, unless separated from such floors or roofs by an impervious moisture barrier.
7. Wood furring strips or other wood framing members attached directly to the interior of exterior masonry walls or concrete walls below *grade* except where an *approved* vapor retarder is applied between the wall and the furring strips or framing members.
8. When the bottoms of wood structural floor elements, including joists, girders and subfloor, are less than 8 inches (203 mm) above the horizontal projection of the outside ground level and extend toward the outside ground beyond the plane represented by the interior face of the foundation wall studs, such elements shall be approved naturally durable or preservative-treated wood.

**R317.1.1 Field treatment.** Field-cut ends, notches and drilled holes of preservative-treated wood shall be treated in the field in accordance with AWPA M4.

**R317.1.2 Ground contact.** All wood in contact with the ground, embedded in concrete in direct contact with the ground or embedded in concrete exposed to the weather that supports permanent structures intended for human occupancy shall be *approved* pressure-preservative-treated wood suitable for ground contact use, except that untreated wood used entirely below groundwater level or continuously submerged in fresh water shall not be required to be pressure-preservative treated.

**R317.1.3 Geographical areas.** In geographical areas where experience has demonstrated a specific need, *approved* naturally durable or pressure-preservative-treated wood shall be used for those portions of wood members that form the structural supports of buildings, balconies, porches or similar permanent building appurtenances when those members are exposed to the weather without adequate protection from a roof, eave, overhang or other covering that would prevent moisture or water accumulation on the surface or at joints between members. Depending on local experience, such members may include:

1. Horizontal members such as girders, joists and decking.
2. Vertical members such as posts, poles and columns.
3. Both horizontal and vertical members.

**R317.1.4 Wood columns.** Wood columns shall be *approved* wood of natural decay resistance or *approved* pressure-preservative-treated wood.

**Exceptions:**

1. Columns exposed to the weather or in *basements* where supported by concrete piers or metal pedestals projecting 1 inch (25 mm) above a concrete floor or 6 inches (152 mm) above exposed earth and the earth is covered by an *approved* impervious moisture barrier.
2. Columns in enclosed crawl spaces or unexcavated areas located within the periphery of the building when supported by a concrete pier or metal pedestal at a height more than 8 inches (203 mm) from exposed earth and the earth is covered by an impervious moisture barrier.
3. Deck posts supported by concrete piers or metal pedestals projecting not less than 1 inch (25 mm) above a concrete floor or 6 inches (152 mm) above exposed earth.

**R317.1.5 Exposed glued-laminated timbers.** The portions of glued-laminated timbers that form the structural supports of a building or other structure and are exposed to weather and not properly protected by a roof, eave or similar covering shall be pressure treated with preservative, or be manufactured from naturally durable or preservative-treated wood.”

18. Subsection R321.1, “Elevators,” of Section R321, “Elevators and Platform Lifts,” of Chapter 3, “Building Planning,” of the 2015 International Residential Code is amended to read as follows:

“**R321.1 Elevators.** Where provided, passenger elevators, limited-use and limited-application elevators or private residence elevators shall comply with ASME A17.1/CSA B44.

**Exception:** The appendices of ASME A17.1—2013 do not apply. The building owner shall be responsible for the safe operation and maintenance of each elevator, dumbwaiter, escalator or moving walk installation and shall cause periodic inspections, test and maintenance to be made on such conveyance.”

19. Subsection R322.1, “General,” of Section R322, “Flood-Resistant Construction,” of Chapter 3, “Building Planning,” of the 2015 International Residential Code is amended to read as follows:

“**R322.1 General.** Buildings and structures constructed in whole or in part in flood hazard areas, including A or V Zones and Coastal A Zones, as established in Table R301.2(1), and substantial improvement and restoration of substantial damage of buildings and structures in flood hazard areas, shall be designed and constructed in accordance with the provisions contained in this section. Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area. Buildings and structures located in whole or in part in identified floodways shall be designed and constructed in accordance with ASCE 24.

**Exception:** Buildings and structures permitted to be located, designed and constructed in the flood plain areas in accordance with the regulations of the *Dallas Development Code*.

**R322.1.1 Alternative provisions.** As an alternative to the requirements in Section R322, ASCE 24 is permitted subject to the limitations of this code and the limitations therein.

**R322.1.2 Structural systems.** Structural systems of buildings and structures shall be designed, connected and anchored to resist flotation, collapse or permanent lateral movement due to structural loads and stresses from flooding equal to the design flood elevation.

**R322.1.3 Flood-resistant construction.** Buildings and structures erected in areas prone to flooding shall be constructed by methods and practices that minimize flood damage.

**R322.1.4 Establishing the design flood elevation.** The design flood elevation shall be used to define flood hazard areas. At a minimum, the design flood elevation shall be the higher of the following:

1. The base flood elevation at the depth of peak elevation of flooding, including wave height, that has a 1 percent (100-year flood) or greater chance of being equaled or exceeded in any given year; or
2. The elevation of the design flood associated with the area designated on a flood hazard map adopted by the community, or otherwise legally designated.

**R322.1.4.1 Determination of design flood elevations.** If design flood elevations are not specified, the *building official* is authorized to require the applicant to comply with either of the following:

1. Obtain and reasonably use data available from a federal, state or other source; or
2. Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering practices used to define special flood hazard areas. Determinations shall be undertaken by a registered *design professional* who shall document that the technical methods used reflect currently accepted engineering practice. Studies, analyses and computations shall be submitted in sufficient detail to allow thorough review and approval.

**R322.1.4.2 Determination of impacts.** In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the applicant shall demonstrate that the effect of the proposed buildings and structures on design flood elevations, including fill, when combined with other existing and anticipated flood hazard area encroachments, will not increase the design flood elevation more than 1 foot (305 mm) at any point within the *jurisdiction*.

**R322.1.5 Lowest floor.** The lowest floor shall be the lowest floor of the lowest enclosed area, including *basement*, and excluding any unfinished flood-resistant enclosure that is useable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the building or structure in violation of this section.

**R322.1.6 Protection of mechanical, plumbing and electrical systems.** Electrical systems, *equipment* and components; heating, ventilating, air conditioning; plumbing *appliances* and plumbing fixtures; *duct systems*; and other service *equipment* shall be located at or above the elevation required in Section R322.2 or R322.3. If replaced as part of a substantial improvement, electrical systems, *equipment* and components; heating, ventilating, air conditioning and plumbing *appliances* and plumbing fixtures; *duct systems*; and other service *equipment* shall meet the requirements of this section. Systems, fixtures, and *equipment* and components shall not be mounted on or penetrate through walls intended to break away under flood loads.

**Exception:** Locating electrical systems, *equipment* and components; heating, ventilating, air conditioning; plumbing *appliances* and plumbing fixtures; *duct systems*; and other service *equipment* is permitted below the elevation required in Section R322.2 or R322.3 provided that they are designed and installed to prevent water from entering or

accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation in accordance with ASCE 24. Electrical wiring systems are permitted to be located below the required elevation provided that they conform to the provisions of the electrical part of this code for wet locations.

**R322.1.7 Protection of water supply and sanitary sewage systems.** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems in accordance with the plumbing provisions of this code. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into systems and discharges from systems into floodwaters in accordance with the plumbing provisions of this code [~~and Chapter 3 of the *International Private Sewage Disposal Code*~~].

**R322.1.8 Flood-resistant materials.** Building materials and installation methods used for flooring and interior and exterior walls and wall coverings below the elevation required in Section R322.2 or R322.3 shall be flood damage-resistant materials that conform to the provisions of FEMA TB-2.

**R322.1.9 Industrialized housing [~~Manufactured homes~~].** The bottom of the frame of new and replacement industrialized homes [~~*manufactured homes*~~] on foundations that conform to the requirements of Section R322.2 or R322.3, as applicable, shall be elevated to or above the elevations specified in Section R322.2 (flood hazard areas including A Zones) or R322.3 in coastal high-hazard areas (V Zones and Coastal A Zones). The foundation [~~anchor and tie-down~~] requirements of this code [~~the applicable state or federal requirements~~] shall apply. The foundation and anchorage of industrialized [~~*manufactured*~~] homes to be located in identified floodways shall be designed and constructed in accordance with ASCE 24.

**R322.1.10 As-built elevation documentation.** A registered *design professional* shall prepare and seal documentation of the elevations specified in Section R322.2 or R322.3.”

20. Subsection R326.1, “General,” of Section R326, “Swimming Pools, Spas and Hot Tubs,” of Chapter 3, “Building Planning,” of the 2015 International Residential Code is amended to read as follows:

“**R326.1 General.** The design and construction of pools and spas shall comply with Appendix Q, Swimming Pools, Spas and Hot Tubs [~~*the International Swimming Pool and Spa Code*~~].”

21. Chapter 3, “Building Planning,” of the 2015 International Residential Code is amended by adding a new Section R327, “Aircraft Noise Attenuation Requirements,” to read as follows:

**“SECTION R327  
AIRCRAFT NOISE ATTENUATION REQUIREMENTS**

**R327.1 Definitions.** The following words and terms shall, for the purposes of this chapter, and as used elsewhere in this code, have the meanings shown herein.

**A-WEIGHTED SOUND LEVEL.** An A-weighted sound level is a sound level occurring in the 1,000 to 6,000 Hz frequency range that is increased by 10 dB if the noise event occurs between 10:00 p.m. and 7:00 a.m. The A-weighted sound level reflects the greater intrusiveness of sounds that the ear perceives as louder compared to other frequencies. “dBA” or “dB(A)” indicate a sound level measurement has been A-weighted.

**DAY-NIGHT AVERAGE SOUND LEVEL.** The day-night average sound level is the noise exposure in areas around airports (abbreviated as “DNL” in text and “L<sub>dn</sub>” in equations). DNL is a measure of the average A-weighted sound level of all aircraft flights occurring in a 24-hour period.

**R327.2 Aircraft noise zone.** All land within a DNL noise contour of 65 dBA or greater, as shown on the aircraft noise maps available for review at the division of building inspection is subject to these regulations. A building that is only partly located within an aircraft noise zone is also subject to these regulations.

**R327.3 Noise insulation.**

**R327.3.1 Certification of plans prior to issuance of building permit.** A registered Texas engineer who has demonstrable knowledge of acoustical engineering shall certify that the plans and specifications comply with the noise insulation standards of Section 327.3.2. The *building official* shall not issue a building permit for any building within an aircraft noise zone unless the plans and specifications for the building meet the noise insulation standards of Section 327.3.2.

**Exception:** The plans and specifications may be prepared and certified by a member of the National Council of Acoustical Consultants or another organization approved by the *building official*.

**R327.3.2 Noise insulation standards.** New buildings must be constructed with sound insulation or other means to achieve a DNL of 45 dBA or less inside the building. If the cost of modifications to an existing building is 75 percent or more of the total assessed improvement value of the site, the building must also meet this standard. Garages and similar accessory buildings that do not include living space are exempt from this requirement.”

22. Chapter 3, “Building Planning,” of the 2015 International Residential Code is amended by adding a new Section R328, “Green Building Program,” to read as follows:

**“SECTION R328  
GREEN BUILDING PROGRAM**

**R328.1 Purpose.** The purpose of this section is to establish *green building* standards to help reduce the use of natural resources, create a healthier and more sustainable living environment and minimize the negative environmental impacts of development in Dallas and the North Texas region.

**R328.2 All new construction.** All *proposed projects* must satisfy the minimum requirements of Chapter 11 of this code and:

1. meet the minimum requirements of ICC 700;
2. meet the prescriptive requirements of Section 328.5;
3. be *LEED-certifiable* under the LEED for homes standard;
4. be *Green Built Texas-certifiable*; or
5. meet an equivalent minimum *green building* standard certification level as determined by the *building official*.

Formal certification by the *USGBC*, *Green Built Texas* or an equivalent entity is not required.

**Exceptions:**

1. Additions to existing one- and two-family dwellings that are 200 square feet or less in floor area and contain no bathroom or restroom plumbing fixtures (water closets, lavatories, tubs, showers).
2. Carports, garages, storage buildings, agricultural barns, stables and similar structures that are accessory to one- and two-family dwellings 400 square feet or less in floor area.

**R328.3 LEED.** For *proposed projects* utilizing LEED for homes, the point total must include 1 point under the water efficiency credit titled “Indoor Water Use.”

**R328.4 Green Built Texas.** For *proposed projects* utilizing the *Green Built Texas* standards, energy use requirements must be met by complying with the minimum requirements of Chapter 11 of this code.

**R328.5 Prescriptive requirements.**

**R328.5.1 Storm water.** For all *proposed projects*, lots must be designed so that at least 70 percent of the built environment, not including any area under a roof, is permeable or

designed to capture water runoff for infiltration onsite. The following areas may be counted toward the 70 percent requirement:

1. Vegetative landscape such as grass, trees and shrubs.
2. Permeable paving, installed by an experienced professional. Permeable paving must include porous above-ground materials, such as open pavers and engineered products, and a 6-inch porous sub-base. The base layer must be designed to ensure proper drainage from the home.
3. Impermeable surfaces that are designed to direct all runoff toward an appropriate permanent infiltration feature such as a vegetated swale, onsite rain garden or rainwater cistern.

### **R328.5.2 Water efficiency.**

#### **R328.5.2.1 New construction.** *Proposed projects must:*

1. Utilize drip irrigation emitters for all bedding areas of an approved landscape plan, and
2. Meet water reduction strategies that include installing high-efficiency (low-flow) fixtures or fittings which meet at least three of the following requirements:
  - 2.1. The average flow rate for all lavatory faucets must be less than or equal to 2.0 gallons per minute.
  - 2.2. The average flow rate for all shower heads must be less than or equal to 2.0 gallons per minute.
  - 2.3. The average flow rate for all toilets must be:
    - 2.3.1. Less than or equal to 1.3 gallons per flush;
    - 2.3.2. Be dual flush and meet the requirements of ASME A 112.19.14; or
    - 2.3.3. Meet the U.S. Environmental Protection Agency Water Sense specification and be certified and labeled correctly.
  - 2.4. Utilize ENERGY STAR labeled dishwashers that use 6.0 gallons or less per cycle.
  - 2.5. Utilize ENERGY STAR labeled clothes washers with a modified energy factor (MEF) greater than or equal to 2.0 and a water factor (WF) of less than 5.

**R328.5.2.2 Additions to existing one- and two-family dwellings.** Additions to existing one- and two-family *dwellings* must meet at least two of the following water reduction strategies:

1. The average flow rate for all lavatory faucets must be less than or equal to 2.0 gallons per minute.
2. The average flow rate for all shower heads must be less than or equal to 2.0 gallons per minute.
3. The average flow rate for all toilets must be:
  - 3.1. Less than or equal to 1.3 gallons per flush;
  - 3.2. Be dual flush and meet the requirements of ASME A 112.19.14; or
  - 3.3. Meet the U.S. Environmental Protection Agency Water Sense specification and be certified and labeled correctly.

**R328.5.3 Energy efficiency.** All *proposed projects* must meet the minimum requirements of Chapter 11 of this code.

**R328.5.4 Heat island mitigation.** *Proposed projects* shall install an ENERGY STAR qualified roof on all roofs with a slope of 2:12 or greater.

**Exceptions:**

1. A vegetated roof may be installed subject to approval by the *building official*.
2. Installation of a radiant barrier that is manufactured as an integral part of roof decking or roof sheathing materials may be installed in lieu of an ENERGY STAR qualified roof.
3. Attic encapsulated with foam insulation at a minimum of R-22 may be installed in lieu of an ENERGY STAR qualified roof.

**R328.5.5 Indoor air quality.**

**R328.5.5.1 HVAC.** For *proposed projects*, all air-handling equipment and ductwork must be outside the fire-rated envelope of the garage.

**R328.5.5.2 Minimize pollutants from the garage.** For *proposed projects*, surfaces between conditioned space and an attached garage must be tightly sealed.

**R328.5.5.2.1 Conditioned spaces above a garage.**

1. All penetrations must be sealed.
2. All floor and ceiling joist bays must be sealed.
3. The walls and ceilings of conditioned spaces above a garage must be painted.

**R328.5.5.2.2 Conditioned spaces next to a garage.**

1. All penetrations must be sealed.
2. All doors must be weather stripped.
3. All cracks at the base of the wall must be sealed.

**R328.5.5.2.3 Air filters.**

1. For *proposed projects*, air filters must be installed with a minimum reporting value (MERV) equal to or greater than 8.
2. For *proposed projects*, air handlers must be able to maintain adequate air pressure and air flow.
3. For *proposed projects*, air filter housings must be airtight to prevent bypass or leakage.”

23. Subsection R401.2, “Requirements,” of Section R401, “General,” of Chapter 4,

“Foundations,” of the 2015 International Residential Code is amended to read as follows:

**“R401.2 Requirements.** Foundation construction shall be capable of accommodating all loads in accordance with Section R301 and of transmitting the resulting loads to the supporting soil. Fill soils that support footings and foundations shall be designed, installed and tested in accordance with accepted engineering practice. Gravel fill used as footings for wood and precast concrete foundations shall comply with Section R403. Every foundation or footing, or any addition of any size to an existing post-tension foundation, regulated by this code must be designed and sealed by an engineer registered in the State of Texas.”

24. Paragraph R403.1.4, “Minimum Depth,” of Subsection R403.1, “General,” of Section R403, “Footings,” of Chapter 4, “Foundations,” of the 2015 International Residential Code is amended to read as follows:

**“R403.1.4 Minimum depth.** Exterior footings shall be placed not less than 12 inches (305 mm) below the undisturbed ground surface. Where applicable, the depth of footings shall also conform to Sections R403.1.4.1 through R403.1.4.2.

**Exception:** A one-story wood or metal-frame building not used for human occupancy with an area of 400 square feet (37.2 m<sup>2</sup>) or less, with an eave height of 10 feet (3048 mm) or less may be constructed with walls supported on a wood foundation plate when approved by the *building official*.

**R403.1.4.1 Frost protection.** Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extended below the frost line specified in Table R301.2.(1).
2. Constructed in accordance with Section R403.3.
3. Constructed in accordance with ASCE 32.
4. Erected on solid rock.

**Exceptions:**

1. Protection of freestanding *accessory structures* with an area of 600 square feet (56 m<sup>2</sup>) or less, of light-frame construction, with an eave height of 10 feet (3048 mm) or less shall not be required.
2. Protection of freestanding *accessory structures* with an area of 400 square feet (37 m<sup>2</sup>) or less, of other than light-frame construction, with an eave height of 10 feet (3048 mm) or less shall not be required.
3. Decks not supported by a dwelling need not be provided with footings that extend below the frost line.

Footings shall not bear on frozen soil unless the frozen condition is permanent.”

25. Subsection R408.7, “Flood Resistance,” of Section R408, “Under-Floor Space,” of Chapter 4, “Foundations,” of the 2015 International Residential Code is amended to read as follows:

**“R408.7 Flood resistance.** For buildings located in flood hazard areas as established in Table R301.2(1):

1. Walls enclosing the under-floor space shall be provided with flood openings in accordance with Section R322.2.2.

**Exception:** Walls that meet the requirements of the floodplain regulations of the *Dallas Development Code*.

2. The finished ground level of the under-floor space shall be equal to or higher than the outside finished ground level on at least one side.

**Exceptions:**

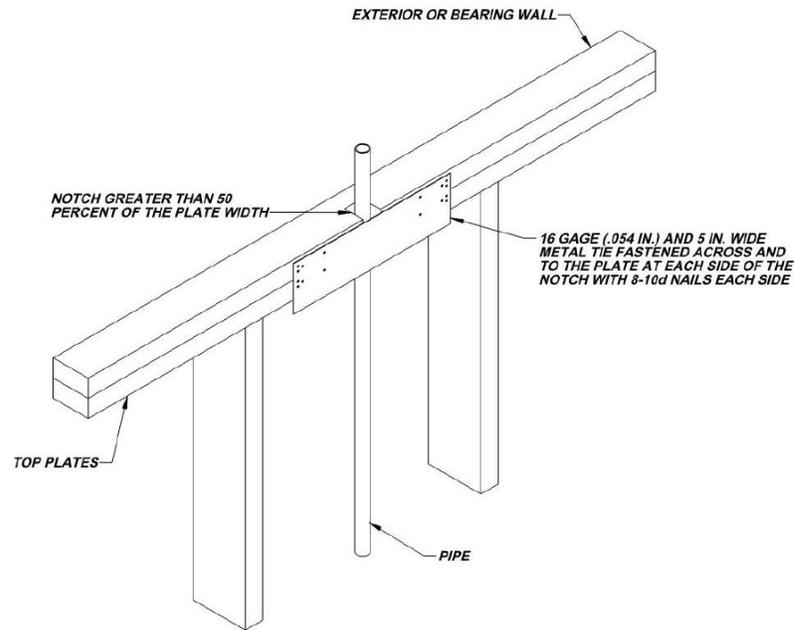
1. Under-floor spaces that meet the requirements of FEMA/FIA TB 11-1.
  2. Under-floor spaces that meet the requirements of the floodplain regulations of the Dallas Development Code.
26. Paragraph R602.6.1, “Drilling and Notching of Top Plate,” of Subsection R602.6, “Drilling and Notching of Studs,” of Section R602, “Wood Wall Framing,” of Chapter 6, “Wall Construction,” of the 2015 International Residential Code is amended to read as follows:

**“R602.6.1 Drilling and notching of top plate.** When piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling or notching of the top plate by more than 50 percent of its width, a galvanized metal tie not less than 0.054 inch thick (1.37 mm) (16 ga) and 5 [~~4~~/~~2~~] inches (127 [~~38~~] mm) wide shall be fastened across and to the plate at each side of the opening with not less than eight 10d (0.148 inch diameter) nails having a minimum length of 1 1/2 inches (38 mm) at each side or equivalent. Fasteners will be offset to prevent splitting of the top plate material. The metal tie must extend a minimum of 6 inches past the opening. See Figure R602.6.1.

**Exception:** When the entire side of the wall with the notch or cut is covered by wood structural panel sheathing.”

27. Figure R602.6.1, “Top Plate Framing to Accommodate Piping,” of Subsection R602.6, “Drilling and Notching of Studs,” of Section R602, “Wood Wall Framing,” of Chapter 6, “Wall Construction,” of the 2015 International Residential Code is deleted and replaced with a new Figure R602.6.1, “Top Plate Framing to Accommodate Piping,” to read as follows:

**“FIGURE R602.6.1  
TOP PLATE FRAMING TO ACCOMMODATE PIPING**



”

28. Subparagraph R703.8.4.1, “Size and Spacing,” of Paragraph R703.8.4, “Anchorage,” of Subsection R703.8, “Anchored Stone and Masonry Veneer, General,” of Section R703, “Exterior Covering,” of Chapter 7, “Wall Covering,” of the 2015 International Residential Code is amended to read as follows:

**“R703.8.4.1 Size and spacing.** Veneer ties, if strand wire, shall be not less in thickness than No. 9 U.S. gage [(0.148 inch) (4 mm)] wire and shall have a hook embedded in the mortar joint, or if sheet metal, shall be not less than No. 22 U.S. gage by [(0.0299 inch) (0.76 mm)] 7/8 inch (22 mm) corrugated. Each tie shall support not more than 2.67 square feet (0.25 m<sup>2</sup>) of wall area and shall be spaced not more than 32 inches (813 mm) on center horizontally and 24 inches (635 mm) on center vertically. In stud framed exterior walls, all ties must be anchored to studs as follows:

1. When studs are 16 inches (407 mm) on center, stud ties must be spaced no further apart than 24 inches (737 mm) vertically starting approximately 12 inches (381 mm) from the foundation; or
2. When studs are 24 inches (610 mm) on center, stud ties must be spaced no further apart than 16 inches (483 mm) vertically starting approximately 8 inches (254 mm) from the foundation.

**Exception:** In Seismic Design Category D<sub>0</sub>, D<sub>1</sub> or D<sub>2</sub> or townhouses in Seismic Design Category C or in wind areas of more than 30 pounds per square foot pressure (1.44 kPa), each tie shall support not more than 2 square feet (0.2 m<sup>2</sup>) of wall area.

**R703.8.4.1.1 Veneer ties around wall openings.** Additional metal ties shall be provided around wall openings greater than 16 inches (406 mm) in either dimension. Metal ties around the perimeter of openings shall be spaced not more than 3 feet (914 mm) on center and placed within 12 inches (305 mm) of the wall opening.”

29. Subsection R902.1, “Roofing Covering Materials,” of Section R902, “Fire Classification,” of Chapter 9, “Roof Assemblies,” of the 2015 International Residential Code is amended to read as follows:

**“R902.1 Roofing covering materials.** Roofs shall be covered with materials as set forth in Sections R904 and R905. Class A, B or C roofing shall be installed [~~in jurisdictions designated by law as requiring their use or where the edge of the roof is less than 3 feet (914 mm) from a lot line~~]. Class A, B and C roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108.

**Exceptions:**

1. Class A roof assemblies include those with coverings of brick, masonry and exposed concrete roof deck.
2. Class A roof assemblies include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile, or slate installed on noncombustible decks.
3. Class A roof assemblies include minimum 16 ounces per square foot copper sheets installed over combustible decks.
4. Class A roof assemblies include slate installed over underlayment over combustible decks.
5. Non-classified roof coverings are permitted on one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.58 m<sup>2</sup>).”

30. Subsection R908.1, “General,” of Section R908, “Reroofing,” of Chapter 9, “Roof Assemblies,” of the 2015 International Residential Code is amended to read as follows:

**“R908.1 General.** Materials and methods of application used for re-covering or replacing an existing roof covering shall comply with the requirements of Chapter 9. All individual replacement shingles or shakes must comply with Section R902.1.

**Exceptions:**

1. Reroofing shall not be required to meet the minimum design slope requirement of one-quarter unit vertical in 12 units horizontal (2-percent slope) in Section R905 for roofs that provide positive roof drainage.
2. For roofs that provide positive drainage, re-covering or replacing an existing roof covering shall not require the secondary (emergency overflow) drains or scuppers of Section R903.4.1 to be added to an existing roof.”

31. Paragraph R908.3.1, “Roof Re-Cover,” of Subsection R908.3, “Roof Replacement,” of Section R908, “Reroofing,” of Chapter 9, “Roof Assemblies,” of the 2015 International Residential Code is amended to read as follows:

**“R908.3.1 Roof re-cover.** The installation of a new roof covering over an existing roof covering shall be permitted where any of the following conditions occur:

1. Where the new roof covering is installed in accordance with the roof covering manufacturer’s approved instructions
2. Complete and separate roofing systems, such as standing-seam metal roof systems, that are designed to transmit the roof loads directly to the building’s structural system and do not rely on existing roofs and roof coverings for support, shall not require the removal of existing roof coverings.
3. Metal panel, metal shingle and concrete and clay tile roof coverings shall be permitted to be installed over existing wood shake roofs where applied in accordance with Section R908.4.
4. The application of a new protective coating over an existing spray polyurethane foam roofing system shall be permitted without tear-off of existing roof coverings.
5. Where the application of a new roof covering results in not more than a total of two roof coverings and complies with all other provisions of this section.

**R908.3.1.1** A *roof re-cover* shall not be permitted where any of the following conditions occur:

1. Where the existing roof or roof covering is water soaked or has deteriorated to the

point that the existing roof or roof covering is not adequate as a base for additional roofing.

2. Where the existing roof covering is slate, clay, cement or asbestos-cement tile.
3. Where the existing roof has three [~~two~~] or more applications of any type of roof covering.”

32. Subsection N1101.4 (R102.1.1), “Above Code Programs,” of Section N1101, “General,” of Chapter 11 [RE], “Energy Efficiency,” of the 2015 International Residential Code is amended by adding new Paragraph N1101.4.1 (R102.1.2), “Alternative Compliance,” to read as follows:

**“N1101.4.1 (R102.1.2) Alternative compliance.** A building certified by a national, state or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the code official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance.”

33. Subsection N1101.6 (R202), “Defined Terms,” of Section N1101, “General,” of Chapter 11 [RE], “Energy Efficiency,” of the 2015 International Residential Code is amended by adding in alphabetical order new defined terms to read as follows:

**“DYNAMIC GLAZING.** Any fenestration product that has the fully reversible ability to change its performance properties, including *U*-factor, solar heat gain coefficient (SHGC) or visible transmittance (VT).”

**“PROJECTION FACTOR.** The ratio of the horizontal depth of the overhang, eave or permanently attached shading device, divided by the distance measured vertically from the bottom of the fenestration glazing to the underside of the overhang, eave or permanently attached shading device.”

34. Subsection N1102.2 (R402.2), “Specific Insulation Requirements (Prescriptive),” of Section N1102 (R402), “Building Thermal Envelope,” of Chapter 11 [RE], “Energy Efficiency,” of the 2015 International Residential Code is amended by adding a new Paragraph N1102.2.14 (R402.2.14), “Insulation Installed in Walls,” to read as follows:

“**N1102.2.14 (R402.2.14) Insulation installed in walls.** To insure that insulation remains in place, insulation installed in walls shall be totally enclosed on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing, netting or other equivalent material approved by the building official.”

35. Paragraph N1102.3.2 (R402.3.2). “Glazed Fenestration SHGC,” of Subsection N1102.3 (R402.3), “Fenestration (Prescriptive),” of Section N1102 (R402), “Building Thermal Envelope,” of Chapter 11 [RE], “Energy Efficiency,” of the 2015 International Residential Code is amended to read as follows:

“**N1102.3.2 (R402.3.2) Glazed fenestration SHGC.** An area-weighted average of fenestration products more than 50-percent glazed shall be permitted to satisfy the SHGC requirements.

*Dynamic glazing* shall be permitted to satisfy the SHGC requirements of Table N1102.1.2 (Table R402.1.2) provided the ratio of the higher to lower labeled SHGC is greater than or equal to 2.4, and the *dynamic glazing* is automatically controlled to modulate the amount of solar gain into the space in multiple steps. *Dynamic glazing* shall be considered separately from other fenestration, and area-weighted averaging with other fenestration that is not dynamic glazing shall not be permitted.

**Exception:** *Dynamic glazing* is not required to comply with this section when both the lower and higher labeled SHGC already comply with the requirements of Table N1102.1.2 (Table R402.1.2).

Where vertical fenestration is shaded by an overhang, eave, or permanently attached shading device, the SHGC required in Table N1102.1.2 (R402.1.2) shall be reduced by using the multipliers in Table N1102.3.2 (R402.3.2) SHGC Multipliers for Permanent Projections.

**Table N1102.3.2 (R402.3.2) SHGC Multipliers for Permanent Projections<sup>a</sup>**

<u>Projection Factor</u>	<u>SHGC Multiplier (all Other Orientation)</u>	<u>SHGC Multiplier (North Oriented)</u>
<u>0 - 0.10</u>	<u>1.00</u>	<u>1.00</u>
<u>&gt;0.10 – 0.20</u>	<u>0.91</u>	<u>0.95</u>
<u>&gt;0.20 – 0.30</u>	<u>0.82</u>	<u>0.91</u>
<u>&gt;0.30 – 0.40</u>	<u>0.74</u>	<u>0.87</u>

<u>&gt;0.40 – 0.50</u>	<u>0.67</u>	<u>0.84</u>
<u>&gt;0.50 – 0.60</u>	<u>0.61</u>	<u>0.81</u>
<u>&gt;0.60 – 0.70</u>	<u>0.56</u>	<u>0.78</u>
<u>&gt;0.70 – 0.80</u>	<u>0.51</u>	<u>0.76</u>
<u>&gt;0.80 – 0.90</u>	<u>0.47</u>	<u>0.75</u>
<u>&gt;0.90 – 1.00</u>	<u>0.44</u>	<u>0.73</u>

<sup>a</sup>North oriented means within 45 degrees of true north.”

36. Subparagraph N1102.4.1.2 (R402.4.1.2), “Testing,” of Paragraph N1102.4.1 (R402.4.1), “Building Thermal Envelop,” of Subsection N1102.4 (R402.4), “Air Leakage (Mandatory),” of Section N1102 (R402) “Building Thermal Envelope,” of Chapter 11 [RE], “Energy Efficiency,” of the 2015 International Residential Code amended to read as follows:

**“N1102.4.1.2 (R402.4.1.2) Testing.** The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding five air changes per hour in Climate Zones 1 and 2, and three air changes per hour in Climate Zones 3 through 8. Testing shall be conducted in accordance with ASTM E 779 or ASTM E 1827 and reported at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the *code official*, testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the *code official*. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope*.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weatherstripping or other infiltration control measures.
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures.
3. Interior doors, if installed at the time of the test, shall be open.
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed.

5. Heating and cooling systems, if installed at the time of the test, shall be turned off.
6. Supply and return registers, if installed at the time of the test, shall be fully open.

Mandatory testing shall only be performed by individuals that are certified to perform air infiltration testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed or have any financial interest in the company that constructs the structure.

37. Paragraph N1103.3.3 (R403.3.3), “Duct Testing (Mandatory),” of Subsection N1103.3 (R403.3), “Ducts,” of Section N1103 (R403), “Systems,” of Chapter 11 [RE], “Energy Efficiency,” of the 2015 International Residential Code is amended to read as follows:

**“N1103.3.3 (R403.3.3) Duct Testing (Mandatory).** Ducts shall be pressure tested to determine air leakage by one of the following methods:

1. Rough-in test: Total leakage shall be measured with a pressure differential of 0.1 inch w.g. (25 Pa) across the system, including the manufacturer’s air handler enclosure. Registers shall be taped or otherwise sealed during the test.
2. Postconstruction test: Total leakage shall be measured with a pressure differential of 0.1 inch w.g. (25 Pa) across the system, including the manufacturer’s air handler enclosure. Registers shall be taped or otherwise sealed during the test.

**Exception:** A total [~~duct-air~~] leakage test shall not be required where the ducts and air handlers are located entirely within the building thermal envelope.

Mandatory testing shall only be performed by individuals that are certified to perform duct testing leakage testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed or have any financial interest in the company that constructs the structure. A written report of the results of the test shall be signed by the party conducting the test and provided to the *code official*.”

38. Paragraph N1105.6.2 (R405.6.2) “Specific Approval,” of Subsection N1105.6 (R405.6), “Calculation Software Tools,” of Section N1105 (R405) “Simulated Performance Alternative (Performance),” of Chapter 11 [RE], “Energy Efficiency,” of the 2015 International Residential Code is amended to read as follows;

**“N1105.6.2 (R405.6.2) Specific approval.** Performance analysis tools meeting the applicable provisions of Section N1105 shall be permitted to be *approved*. Tools are permitted to be *approved* based on meeting a specified threshold for a jurisdiction. The *code [building] official* shall be permitted to approve tools for a specified application or limited scope.

Acceptable performance software simulation tools may include, but are not limited to, REM Rate™, Energy Gauge and IC3. Other performance software programs accredited by RESNET BESTEST and having the ability to provide a report as outlined in N1105.4.2 may also be deemed acceptable performance simulation programs and may be considered by the building official.”

39. Table N1106.4 (R406.4) “Maximum Energy Rating Index,” of Subsection N1106.4 (406.4), “ERI-Based Compliance,” of Section N1106 (R406) ”Energy Rating Index Compliance Alternative,” Chapter 11 [RE], “Energy Efficiency,” of the 2015 International Residential Code is deleted and replaced with the following tables:

**“TABLE N1106.4 (R406.4)<sup>1</sup>  
MAXIMUM ENERGY RATING INDEX**

<b>CLIMATE ZONE</b>	<b>ENERGY RATING INDEX</b>
3	65

<sup>1</sup> This table is effective until August 31, 2019.

**TABLE N1106.4 (R406.4)<sup>2</sup>  
MAXIMUM ENERGY RATING INDEX**

<b>CLIMATE ZONE</b>	<b>ENERGY RATING INDEX</b>
3	63

<sup>2</sup> This table is effective from September 1, 2019 through August 31, 2022.

**TABLE N1106.4 (R406.4)<sup>3</sup>  
MAXIMUM ENERGY RATING INDEX**

CLIMATE ZONE	ENERGY RATING INDEX
3	59

<sup>3</sup> This table is effective on and after September 1, 2022.”

40. Paragraph M1305.1.3, “Appliances in Attics,” of Subsection M1305.1, “Appliance Access for Inspection Service, Repair and Replacement,” of Section M1305, “Appliance Access,” of Chapter 13, “General Mechanical System Requirements,” of the 2015 International Residential Code is amended to read as follows:

**“M1305.1.3 Appliances in attics.** *Attics containing appliances requiring access shall be provided with an opening and a clear and unobstructed passageway large enough to allow removal of the largest appliance, but not less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) long measured along the centerline of the passageway from the opening to the appliance. The passageway shall have continuous solid flooring in accordance with Chapter 5 not less than 24 inches (610 mm) wide. A level service space not less than 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present along all sides of the appliance where access is required. The clear access opening dimensions shall not be less than 20 inches by 30 inches (508 mm by 762 mm) or larger where such dimensions are not [~~and~~] large enough to allow removal of the largest appliance. A walkway to an appliance must be rated as a floor as approved by the building official. As a minimum, provide one of the following for access to the attic space:*

1. A permanent stair.
2. A pull down stair with a minimum 300 lb (136 kg) capacity.
3. An access door from an upper floor.

An access panel may be used in lieu of Items 1, 2 or 3 due to structural conditions with prior approval of the building official.

**Exceptions:**

1. The passageway and level service space are not required where the *appliance* can be serviced and removed through the required opening.

2. Where the passageway is unobstructed and not less than 6 feet (1829 mm) high and 22 inches (559 mm) wide for its entire length, the passageway shall be not more than 50 feet (15,250 mm) long.

**M1305.1.3.1 Electrical requirements.** A luminaire controlled by a switch located at the required passageway opening and a receptacle outlet shall be installed at or near the *appliance* location in accordance with the *Dallas Electrical Code* [~~Chapter 39~~]. Exposed lamps shall be protected from damage by location or lamp guards.”

41. Subparagraph M1305.1.4.3, “Electrical Requirements,” of Paragraph M1305.1.4, “Appliances Under Floors,” of Subsection M1305.1, “Appliance Access for Inspection Service, Repair and Replacement,” of Section M1305, “Appliance Access,” of Chapter 13, “General Mechanical System Requirements,” of the 2015 International Residential Code is amended to read as follows:

“**M1305.1.4.3 Electrical requirements.** A luminaire controlled by a switch located at the required passageway opening and a receptacle outlet shall be installed at or near the *appliance* location in accordance with the *Dallas Electrical Code*. *Low voltage wiring of 50 volts or less must be installed in a manner to prevent physical damage* [~~Chapter 39~~]. Exposed lamps shall be protected from damage by location or lamp guards.”

42. Subsection M1307.3, “Elevation of Ignition Source,” of Section M1307, “Appliance Installation,” of Chapter 13, “General Mechanical System Requirements,” of the 2015 International Residential Code is amended to read as follows:

“**M1307.3 Elevation of ignition source.** Equipment and *a[A]ppliances* having an *ignition source* shall be elevated such that the source of ignition is not less than 18 inches (457 mm) above the floor in garages. For the purpose of this section, rooms or spaces that are not part of the *living space* of a *dwelling unit* and that communicate directly with a private garage through openings shall be considered to be part of the garage.

**Exceptions:**

1. Elevation of the ignition source is not required for appliances that are listed as flammable-vapor-ignition resistant.
2. Electric appliance or electric water heaters.

**M1307.3.1 Protection from impact.** *Appliances* shall not be installed in a location subject to vehicle damage except where protected by *approved* barriers.”

43. Section M1307, “Appliance Installation,” of Chapter 13, “General Mechanical System Requirements,” of the 2015 International Residential Code is amended by adding a new Subsection M1307.7, “Prohibited Locations,” to read as follows:

“**M1307.7 Prohibited locations.** Fuel-fired appliances must not be located in, or obtain combustion air from, any of the following rooms or spaces:

1. Sleeping rooms.
2. Bathrooms.
3. Toilet rooms.
4. Storage closets.

**Exception:** This section does not apply to the following applications:

1. Direct-vent appliances that obtain all combustion air directly from outdoors.
2. Solid fuel-fired appliances, provided that the room is not a confined space and the building is not of unusually tight construction.
3. Appliances installed in a dedicated enclosure in which all combustion air is taken directly from the outdoors, in accordance with Chapter 7. Access to such enclosure must be through a solid door, weather-stripped in accordance with the exterior door leakage requirements of the *Dallas Energy Conservation Code* and equipped with an approved self-closing device.”

44. Subsection M1401.4, “Exterior Installations,” of Section M1401, “General,” of Chapter 14, “Heating and Cooling Equipment and Appliances,” of the 2015 International Residential Code is amended to read as follows:

“**M1401.4 Exterior installations.** *Equipment* and *appliances* installed outdoors shall be *listed* and *labeled* for outdoor installation. Supports and foundations shall prevent excessive vibration, settlement or movement of the *equipment*. Supports and foundations shall be in accordance with Section M1305.1.4.1.

**M1401.4.1 Side yard clearances.** A unitary air conditioning unit installed in a required side yard must comply with the requirements of Section 51A-4.402(a)(4) of the *Dallas Development Code*.

**M1401.4.2 Low voltage wiring.** Low voltage wiring of 50 volts or less must be installed in an approved manner as defined in the *Dallas Electrical Code* in order to prevent physical damage to the wiring.”

45. Subsection M1411.3, “Condensate Disposal,” of Section M1411, “Heating and Cooling Equipment,” of Chapter 14, “Heating and Cooling Equipment and Appliances,” of the 2015 International Residential Code is amended to read as follows:

“**M1411.3 Condensate disposal.** Condensate from all cooling coils or evaporators shall be conveyed from the drain pan outlet to an *approved* place of disposal. Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than 1/8 unit vertical in 12 units horizontal (1-percent slope.) Condensate shall not discharge into a street, alley, sidewalk, rooftop or other areas so as to [~~where it would~~] cause a nuisance.

**M1411.3.1 Auxiliary and secondary drain systems.** In addition to the requirements of Section M1411.3, a secondary drain or auxiliary drain pan shall be required for each cooling or evaporator coil where damage to any building components could [~~will~~] occur as a result of overflow from the *equipment* drain pan or stoppage in the condensate drain piping. Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than 1/8 unit vertical in 12 units horizontal (1-percent slope). Drain piping shall be not less than 3/4-inch (19 mm) nominal pipe size. One of the following methods shall be used:

1. An auxiliary drain pan with a separate drain shall be installed under the coils on which condensation will occur. The auxiliary pan drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The pan shall have a minimum depth of 1.5 inches (38 mm), shall not be less than 3 inches (76 mm) larger than the unit or the coil dimensions in width and length and shall be constructed of corrosion-resistant material. Galvanized sheet steel pans shall have a minimum thickness of not less than 0.0236-inch (0.6010 mm) (No. 24 Gage). Nonmetallic pans shall have a minimum thickness of not less than 0.0625 inch (1.6 mm).
2. A separate overflow drain line shall be connected to the drain pan installed with the *equipment*. This overflow drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The overflow drain line shall connect to the drain pan at a higher level than the primary drain connection. However, the conspicuous point must not create a nuisance.
3. An auxiliary drain pan without a separate drain line shall be installed under the coils on which condensation will occur. This pan shall be equipped with a water level

detection device conforming to UL 508 that will shut off the *equipment* served prior to overflow of the pan. The pan shall be equipped with a fitting to allow for drainage. The auxiliary drain pan shall be constructed in accordance with Item 1 of this section. A water level detection device may be installed only with prior approval of the building official.

4. A water level detection device conforming to UL 508 shall be installed that will shut off the *equipment* served in the event that the primary drain is blocked. The device shall be installed in the primary drain line, the overflow drain line or the *equipment*-supplied drain pan, located at a point higher than the primary drain line connection and below the overflow rim of such pan. A water level detection device may be installed only with prior approval of the building official.

**M1411.3.1.1 Water-level monitoring devices.** On down-flow units and all other coils that have no secondary drain or provisions to install a secondary or auxiliary drain pan, a water-level monitoring device shall be installed inside the primary drain pan. This device shall shut off the equipment served in the event that the primary drain becomes restricted. Devices shall not be installed in the drain line. A water level detection device may be installed only with prior approval of the building official.

**Exception:** Fuel-fired appliances that automatically shut down operation in the event of a stoppage in the condensate drainage system.

**M1411.3.2 Drain pipe materials and sizes.** Components of the condensate disposal system shall be ABS, cast iron, copper, cross-linked polyethylene, CPVC, galvanized steel, [~~PE-RT,~~] polyethylene, polypropylene or PVC pipe or tubing. When exposed to ultra violet light, schedule 80 PVC pipe or tubing is required. Components shall be selected for the pressure, [~~and~~] temperature and exposure rating of the installation. Joints and connections shall be made in accordance with [~~the applicable provisions of~~] Chapter 30. Condensate waste and drain line size shall be not less than 3/4-inch (19 mm) internal [~~nominal~~] diameter and shall not decrease in size from the drain pan connection to the place of condensate disposal. Where the drain pipes from more than one unit are manifolded together for condensate drainage, the pipe or tubing shall be sized in accordance with Table 307.2.2, "Condensate Drain Sizing," of the Dallas Mechanical Code [~~an approved method~~].

**M1411.3.3 Drain line maintenance.** Condensate drain lines shall be configured to permit the clearing of blockages and performance of maintenance without requiring the drain line to be cut.

**M1411.3.4 Appliances, equipment and insulation in pans.** Where *appliances, equipment* or insulation are subject to water damage when auxiliary drain pans fill, those portions of the *appliances, equipment* and insulation shall be installed above the flood level rim of the pan. Supports located inside of the pan to support the *appliance* or *equipment* shall be water resistant and *approved*."

46. Paragraph M1502.4.2, “Duct Installation,” of Subsection M1502.4, “Dryer Exhaust Ducts,” of Section M1502, “Clothes Dryer Exhaust,” of Chapter 15, “Exhaust Systems,” of the 2015 International Residential Code is amended to read as follows:

**“M1502.4.2 Duct installation.** Exhaust ducts shall be supported at intervals not to exceed 12 feet (3658 mm) and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Exhaust duct joints shall be sealed in accordance with Section M1601.4.1 [~~and shall be mechanically fastened~~]. Ducts shall not be joined with screws or similar fasteners [~~that protrude more than 1/8 inch (3.2 mm) into the inside of the duct~~].”

47. Subsection M1503.4, “Makeup Air Required,” of Section M1503, “Range Hoods,” of Chapter 15, “Exhaust Systems,” of the 2015 International Residential Code is amended to read as follows:

**“M1503.4 Makeup air required.** Exhaust hood systems capable of exhausting in excess of 400 cubic feet per minute (0.19 m<sup>3</sup>/s) shall be mechanically or naturally provided with makeup air at a rate approximately equal to the difference between the exhaust air rate and 400 cubic feet per minute (0.19 m<sup>3</sup>/s). Such makeup air systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system [~~not less than one damper. Each damper shall be a gravity damper or an electrically operated damper that automatically opens when the exhaust system operates. Dampers shall be accessible for inspection, service, repair and replacement without removing permanent construction or any other ducts not connected to the damper being inspected, serviced, repaired or replaced~~].

**Exception:** Where all appliances in the house are of sealed combustion, power-vent, unvented or electric, the exhaust hood system is permitted to exhaust up to 600 cubic feet per minute (0.28 m<sup>3</sup>/s) without providing makeup air. Exhaust hood systems capable of exhausting in excess of 600 cubic feet per minute (0.28 m<sup>3</sup>/s) must be provided with a makeup air rate approximately equal to the difference between the exhausted air rate and 600 cubic feet per minute (0.28 m<sup>3</sup>/s).

**M1503.4.1 Location.** Kitchen exhaust makeup air shall be discharged into the same room in which the exhaust system is located or into rooms or duct systems that communicate through one or more permanent openings with the room in which such exhaust system is located. Such permanent openings shall have a net cross-sectional area not less than the required area of the makeup air supply openings.”

48. Subsection M1507.2, “Recirculation of Air,” of Section M1507, “Mechanical Ventilation,” of Chapter 15, “Exhaust Systems,” of the 2015 International Residential Code is amended to read as follows:

“**M1507.2 Recirculation of air.** Exhaust air from bathrooms and toilet rooms shall not be recirculated within a residence or to another *dwelling unit* and shall be exhausted directly to the outdoors. Exhaust air from bathrooms and toilet rooms shall not discharge into an *attic*, crawl space or other areas inside the building.

Exception: Toilet rooms within private dwellings that contain only a water closet, lavatory or combination thereof may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.”

49. Chapter 20, “Boilers and Water Heaters,” of the 2015 International Residential Code is retitled as Chapter 20, “Boilers.”

50. Subsection M2005.1, “General,” of Section M2005, “Water Heaters,” of Chapter 20, “Boilers,” of 2015 International Residential Code is deleted and replaced with a new Subsection 2005.1, “General,” to read as follows:

“**M2005.1 General.** Water heaters shall be installed in accordance with Chapter 28 and the manufacturer’s instructions. Gas-fired water heaters shall comply with the requirements of Chapter 24 and electric water heaters shall comply with the *Dallas Electrical Code*.”

51. Paragraph G2407.6.2 (304.6.2), “One-Permanent-Opening Method,” of Subsection G2407.6 (304.6), “Outdoor Combustion Air,” of Section G2407 (304), “Combustion, Ventilation and Dilution Air,” of Chapter 24, “Fuel Gas,” of the 2015 International Residential Code is deleted.

52. Subsection G2407.10 (304.10), “Louvers and Grilles,” of Section G2407 (304), “Combustion, Ventilation and Dilution Air,” of Chapter 24, “Fuel Gas,” of the 2015 International Residential Code is amended to read as follows:

“**G2407.10 (304.10) Louvers and grilles.** The required size of openings for *combustion*, ventilation and *dilution air* shall be based on the net free area of each opening. Where the free area through a design of louver, grille or screen is known, it shall be used in calculating the size

opening required to provide the free area specified. Where the design and free area of louvers and grilles are not known, it shall be assumed that wood louvers will have 25-percent free area and metal louvers and grilles will have 50 [75]-percent free area. Screens shall have a mesh size not smaller than ¼ inch (6.4 mm). Nonmotorized louvers and grilles shall be fixed in the open position. Motorized louvers shall be interlocked with the *appliance* so that they are proven to be in the full open position prior to *main burner* ignition and during *main burner* operation. Means shall be provided to prevent the *main burner* from igniting if the louvers fail to open during *burner* start-up and to shut down the *main burner* if the louvers close during operation.”

53. Subsection G2408.2 (305.3), “Elevation of Ignition Source,” of Section G2408 (305), “Installation,” of Chapter 24, “Fuel Gas,” of the 2015 International Residential Code is amended to read as follows:

**G2408.2 (305.3) Elevation of ignition source.** *Equipment and appliances having an ignition source shall be elevated such that the source of ignition is not less than 18 inches (457 mm) above the floor in [~~hazardous locations and public garages,~~] private garages[~~, repair garages, motor fuel dispensing facilities and parking garages~~]. For the purpose of this section, rooms or spaces that are not part of the *living space* of a *dwelling unit* and that communicate directly with a private garage through openings shall be considered to be part of the private garage.*

**Exceptions:**

1. Elevation of the *ignition source* is not required for *appliances* that are listed as flammable-vapor-ignition resistant.
2. Electric appliances or electric water heaters.

**G2408.2.1 (305.3.1) Installation in residential garages.** In residential garages where *appliances* are installed in a separate, enclosed space having access only from outside of the garage, such *appliances* shall be permitted to be installed at floor level, provided that the required *combustion air* is taken from the exterior of the garage.”

54. Subsection G2408.3 (305.5), “Private Garages,” of Section G2408 (305), “Installation,” of Chapter 24, “Fuel Gas,” of the 2015 International Residential Code is deleted.

55. Subsection G2411.1 (310.1), “Pipe and Tubing Other Than CSST,” of Section G2411 (310), “Electrical Bonding,” of Chapter 24, “Fuel Gas,” of the 2015 International Residential Code is deleted and replaced with a new Subsection G2411.1 (310.1), “Pipe and Tubing,” to read as follows:

**“G2411.1 (310.1) Pipe and tubing.** Metal piping systems that are likely to become energized shall be bonded by a qualified contractor and in accordance with the requirements of the *Dallas Electrical Code*.”

56. Subsection G2412.5 (401.5), “Identification,” of Section G2412 (401), “General,” of Chapter 24, “Fuel Gas,” of the 2015 International Residential Code is amended to read as follows:

**“G2412.5 (401.5) Identification.** For other than black steel *pipe*, exposed *piping* shall be identified by a permanently attached yellow label marked “Gas” in black letters. The marking shall be spaced at intervals not exceeding 5 feet (1524 mm). The marking shall not be required on *pipe* located in the same room as the equipment [~~*appliance*~~] served. Both ends of each section of medium pressure shall identify its operating gas pressure with an approved permanently attached tag. The tags are to be composed of aluminum or stainless steel and the following wording shall be stamped into the tag:

WARNING  
½ to 5 psi gas pressure  
Do Not Remove.”

57. Subsection G2413.3 (402.3), “Sizing,” of Section G2413 (402), “Pipe Sizing,” of Chapter 24, “Fuel Gas,” of the 2015 International Residential Code is amended to read as follows:

**“G2413.3 (402.3) Sizing.** *Gas piping* shall be sized in accordance with one of the following:

1. *Pipe* sizing tables or sizing equations in accordance with Section G2413.4.
2. The sizing tables included in a *listed piping* system’s manufacturer’s installation instructions.
3. Other *approved* engineering methods.

**Exception:** Corrugated stainless steel tubing (CSST) shall be a minimum of ½ inch (18 EDH).”

58. Subsection G2415.12 (404.12), “Minimum Burial Depth,” of Section G2415 (404), “Piping System Installation,” of Chapter 24, “Fuel Gas,” of the 2015 International Residential Code is amended to read as follows:

**G2415.12 (404.12) Minimum burial depth.** Underground *pipng systems* shall be installed a minimum depth of 18 [±2] inches (458 [305] mm), measured from top of pipe to existing [below] grade[, except as provided for in Section G2415.12.1.

~~**G2415.12.1 (404.12.1) Individual outside appliances.** Individual lines to outside lights, grills or other *appliances* shall be installed not less than 8 inches (203 mm) below finished grade, provided that such installation is *approved* and is installed in locations not susceptible to physical damage.]”~~

59. Subsection G2417.1 (406.1), “General,” of Section G2417 (406), “Inspection, Testing and Purging,” of Chapter 24, “Fuel Gas,” of the 2015 International Residential Code is amended to read as follows:

**G2417.1 (406.1) General.** Prior to acceptance and initial operation, all *pipng* installations shall be visually inspected and pressure tested to determine that the materials, design, fabrication and installation practices comply with the requirements of this code. The permit holder shall make the applicable tests prescribed in Sections G2417.1.1 through G2417.7.3 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the *building official* when the piping system is ready for testing. The equipment, material, power and labor necessary for the inspections and test shall be furnished by the permit holder and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests.

**G2417.1.1 (406.1.1) Inspections.** Inspection shall consist of visual examination, during or after manufacture, fabrication, assembly or *pressure tests*.

**G2417.1.2 (406.1.2) Repairs and additions.** In the event repairs or additions are made after the *pressure test*, the affected *pipng* shall be tested.

With prior approval of the building official, m[M]inor repairs and additions are not required to be *pressure tested* provided that the work is inspected and connections are tested with a noncorrosive leak-detecting fluid or other *approved* leak-detecting methods.

**G2417.1.3 (406.1.3) New branches.** Where new branches are installed to new *appliances*, only the newly installed branches shall be required to be *pressure tested*. Connections between the new *pipng* and the existing *pipng* shall be tested with a noncorrosive leak-detecting fluid or other *approved* leak-detecting methods.

**G2417.1.4 (406.1.4) Section testing.** A *pipng system* shall be permitted to be tested as a complete unit or in sections. Under no circumstances shall a *valve* in a line be used as a bulkhead between gas in one section of the *pipng system* and test medium in an adjacent section, except where a double block and bleed valve system is installed. A valve shall not be subjected to the test pressure unless it can be determined that the valve, including the valve closing mechanism, is designed to safely withstand the test pressure.

**G2417.1.5 (406.1.5) Regulators and valve assemblies.** *Regulator* and valve assemblies fabricated independently of the *piping system* in which they are to be installed shall be permitted to be tested with inert gas or air at the time of fabrication.

**G2417.1.6 (406.1.6) Pipe clearing.** Prior to testing, the interior of the pipe shall be cleared of all foreign material.”

60. Subsection G2417.4 (406.4), “Test Pressure Measurement,” of Section G2417 (406), “Inspection, Testing and Purging,” of Chapter 24, “Fuel Gas,” of the 2015 International Residential Code is amended to read as follows:

“**G2417.4 (406.4) Test pressure measurement.** Test pressure shall be measured with [~~a manometer or with~~] a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the *pressure test* period. The source of pressure shall be isolated before the *pressure tests* are made. [~~Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater than five times the test pressure.~~]

**G2417.4.1 (406.4.1) Test pressure.** The test pressure to be used shall be not less than [~~1½ times the proposed maximum working pressure, but not less than~~] 3 psig (20 kPa gauge). For tests requiring a pressure of 3 psig, diaphragm gauges must utilize a dial with a minimum diameter of 3 ½ inches, a set hand, 1/10 pound increments and pressure range not to exceed 6 psi for tests requiring a pressure of 3 psig. For tests requiring a pressure of 10 psig, diaphragm gauges must utilize a dial with a minimum diameter of 3 ½ inches, a set hand, a minimum of 2/10 pound increments and a pressure range not to exceed 20 psi. For welded piping, and for piping carrying gas at pressures in excess of 14 inches water column pressure (3.48 kPa) (1/2 psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure must not be less than 10 pounds per square inch (69.6 kPa). For piping carrying gas at a pressure that exceeds 200 inches of water column (52.2 kPa) (7.5 psi), the test pressure must be not less than one and one-half times the proposed maximum working pressure. [, irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.]

Diaphragm gauges used for testing must display a current calibration and be in good working condition. The appropriate test must be applied to the diaphragm gauge used for testing.

**G2417.4.2 (406.4.2) Test duration.** The test duration shall be held for a length of time satisfactory to the building official, but in no case for [not] less than 15 [10] minutes. For welded piping, and for piping carrying gas at pressures in excess of 14 inches water column pressure (3.48 kPa), the test duration must be held for a length of time satisfactory to the building official, but in no case for less than 30 minutes.”

61. Subsection G2420.1 (409.1), “General,” of Section G2420 (409), “Shutoff Valves,” of Chapter 24, “Fuel Gas,” of the 2015 International Residential Code is amended by adding a new Paragraph G2420.1.4, “Valves in CSST Installations,” to read as follows:

**“G2420.1.4 Valves in CSST installations.** Shutoff valves installed with corrugated stainless steel (CSST) piping systems must be supported with an approved termination fitting, or equivalent support, suitable for the size of the valves, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration, but in no case greater than 12 inches from the center of the valve. Supports must be installed so as not to interfere with the free expansion and contraction of the system's piping, fittings and valves between anchors. All valves and supports must be designed and installed so they will not be disengaged by movement of the supporting piping.”

62. Paragraph G2420.5.1 (409.5.1), “Located Within Same Room,” of Subsection G2420.5 (409.5), “Appliance Shutoff Valve,” of Section G2420 (409), “Shutoff Valves,” of Chapter 24, “Fuel Gas,” of the 2015 International Residential Code is amended to read as follows:

**“G2420.5.1 (409.5.1) Located within same room.** The shutoff *valve* shall be located in the same room as the *appliance*. The shutoff *valve* shall be within 6 feet (1829 mm) of the *appliance*, and shall be installed upstream of the union, connector or quick disconnect device it serves. Such shutoff *valves* shall be provided with access. *Appliance shutoff valves* located in the firebox of a *fireplace* shall be installed in accordance with the *appliance* manufacturer's instructions. A secondary valve shall be installed within 3 feet (914 mm) of the firebox if *appliance* shutoff is in the firebox.”

63. Subsection G2421.1 (410.1), “Pressure Regulators,” of Section G2421 (410), “Flow Controls,” of Chapter 24, “Fuel Gas,” of the 2015 International Residential Code is amended to read as follows:

**“G2421.1 (410.1) Pressure regulators.** A line *pressure regulator* shall be installed where the *appliance* is designed to operate at a lower pressure than the supply pressure. *Line gas pressure regulators* shall be *listed* as complying with ANSI Z21.80. Access shall be provided to *pressure regulators*. *Pressure regulators* shall be protected from physical damage. *Regulators* installed on the exterior of the building shall be *approved* for outdoor installation. Access to regulators must comply with the requirements for access to appliances as specified in Section M1305.”

**Exception:** A passageway or level service space is not required when the regulator is capable of being serviced and removed through the required attic opening.”

64. Subparagraph G2422.1.2.3 (411.1.3.3), “Prohibited Locations and Penetrations,” of Paragraph G2422.1.2 (411.1.3), “Connector Installation,” of Subsection G2422.1 (411.1), “Connecting Appliances,” of Section G2422 (411), “Appliance Connections,” of Chapter 24, “Fuel Gas,” of the 2015 International Residential Code is amended to read as follows:

**“G2422.1.2.3 (411.1.3.3) Prohibited locations and penetrations.** Connectors shall not be concealed within, or extended through, walls, floors, partitions, ceilings or *appliance* housings.

**Exception[s]:**

- ~~[1. Connectors constructed of materials allowed for *pipng systems* in accordance with Section G2414 shall be permitted to pass through walls, floors, partitions and ceilings where installed in accordance with Section G2420.5.2 or G2420.5.3~~
- 2.] Rigid black steel pipe connectors shall be permitted to extend through openings in *appliance* housings.
- ~~[3. *Fireplace* inserts that are factory equipped with grommets, sleeves or other means of protection in accordance with the listing of the *appliance*.~~
4. ~~Semirigid *tubing* and listed connectors shall be permitted to extend through an opening in an *appliance* housing, cabinet or casing where the tubing or connector is protected against damage.]”~~

65. Paragraph G2439.7.2 (614.8.2), “Duct Installation,” of Subsection G2439.7 (614.8), “ Domestic Clothes Dryer Exhaust Ducts,” of Section G2439 (614), “Clothes Dryer Exhaust,” of Chapter 24, “Fuel Gas,” of the 2015 International Residential Code is amended to read as follows:

**“G2439.7.2 (614.8.2) Duct installation.** Exhaust ducts shall be supported at 4-foot (1219 mm) intervals and secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Ducts shall not be joined with screws or similar fasteners [~~that protrude more than 1/8 inch (3.2 mm) into the inside of the duct~~].”

66. Subsection G2445.2 (621.2), “Prohibited Use,” of Section G2445 (621), “Unvented Room Heaters,” of Chapter 24, “Fuel Gas,” of the 2015 International Residential Code is amended to read as follows:

“**G2445.2 (621.2) Prohibited use.** One or more *unvented room heaters* shall not be used as the sole source of comfort heating in a *dwelling unit*.”

**Exception:** Existing *approved* unvented heaters may continue to be used in *dwelling units*, in accordance with the code provisions in effect when installed, when *approved* by the *building official* unless an unsafe condition is determined to exist as described in Section 203 of Chapter 52 of the *Dallas City Code*, “Administrative Procedures for the Construction Codes.”

67. Paragraph G2448.1.1 (624.1.1), “Installation Requirements,” of Subsection G2448.1 (624.1), “General,” of Section G2448 (624), “Water Heaters,” of Chapter 24, “Fuel Gas,” of the 2015 International Residential Code is amended to read as follows:

“**G2448.1.1 (624.1.1) Installation requirements.** The requirements for *water heaters* relative to access, sizing, *relief valves*, drain pans and scald protection shall be in accordance with Chapter 28 and all other provisions of this code.”

68. Paragraph P2603.5.1, “Sewer Depth,” of Subsection P2603.5, “Freezing,” of Section P2603, “Structural and Piping Protection,” of Chapter 26, “General Plumbing Requirements,” of the 2015 International Residential Code is amended to read as follows:

“**P2603.5.1 Sewer depth.** [~~*Building sewers that connect to private sewage disposal systems shall be a not less than [NUMBER] inches (mm) below finished grade at the point of septic tank connection.*~~] *Building sewers* shall be not less than 12 [~~[NUMBER]~~] inches (304 mm) below grade.”

69. Chapter 26, “General Plumbing Requirements,” of the 2015 International Residential Code is amended by adding a new Section P2610, “Irrigation Systems,” to read as follows:

**“SECTION P2610  
IRRIGATION SYSTEMS**

**P2610.1 Irrigation systems.** All potable water source irrigation systems must comply with the provisions of Appendix J, “Standards for Designing, Installing and Maintaining Landscape Irrigation Systems,” of the *Dallas Plumbing Code*. All nonpotable water source irrigation systems must comply with the provisions of Chapter 13, “Water Reuse,” and Appendix J, “Standards for Designing, Installing and Maintaining Landscape Irrigation Systems.”

70. Chapter 26, “General Plumbing Requirements,” of the 2015 International Residential Code is amended by adding a new Section P2611, “Water Reuse Systems,” to read as follows:

**“SECTION P2611  
WATER REUSE SYSTEMS**

**P2611.1 Water reuse systems.** All water reuse systems must comply with the provisions of Chapter 13, “Water Reuse Systems,” of the *Dallas Plumbing Code*.”

71. Subsection P2709.1, “Construction,” of Section P2709, “Shower Receptors,” of Chapter 27, “Plumbing Fixtures,” of the 2015 International Residential Code is amended to read as follows:

**“P2709.1 Construction.** Where a shower receptor has a finished curb threshold, it shall be not less than 1 inch (25 mm) below the sides and back of the receptor. The curb shall be not less than 2 inches (51 mm) and not more than 9 inches (229 mm) deep when measured from the top of the curb to the top of the drain. The finished floor shall slope uniformly toward the drain not less than ¼ unit vertical in 12 units horizontal (2-percent slope) nor more than ½ unit vertical per 12 units horizontal (4-percent slope) and floor drains shall be flanged to provide a water-tight joint in the floor. Thresholds must be of sufficient width to accommodate a minimum 22-inch (559 mm) door.

**Exception:** Showers designed to comply with ICC/ANSI A117.1 or other designs as approved by the *building official*.”

72. Subsection P2718.1, “Waste Connection,” of Section P2718, “Clothes Washing Machine,” of Chapter 27, “Plumbing Fixtures,” of the 2015 International Residential Code is amended to read as follows:

**“P2718.1 Waste connection.** The discharge from a clothes washing machine shall be through an *air break* into a standpipe. Standpipes must be individually trapped. Standpipes must extend not less than 18 inches (457 mm) but not greater than 42 inches (1066 mm) above the trap weir.

Access must be provided to all standpipes and drains for rodding. A trap serving a standpipe cannot be installed below the floor.

73. Subsection P2801.3, “Installation,” of Section P2801, “General,” of Chapter 28, “Water Heaters,” of the 2015 International Residential Code is amended to read as follows:

**“P2801.3 Installation.** Water heaters shall be installed in accordance with the manufacturer’s instructions, this chapter and Chapter[s 20 and] 24.”

74. Subsection P2801.4 “Location,” of Section P2801, “General,” of Chapter 28, “Water Heaters,” of the 2015 International Residential Code is amended to read as follows:

**“P2801.4 Location.** Water heaters and storage tanks shall be installed in accordance with their listing and this chapter. Water heaters [Section M1305] and shall be located and connected to provide access for observation, maintenance, servicing, [and] replacement and inspection without removing permanent construction, other appliances or any other piping or ducts not connected to the appliance being inspected, serviced, repaired or replaced. A level working space not less than 30 inches deep and 30 inches wide (762 mm by 762 mm) shall be provided in front of the control side to service an appliance.

**P2801.4.1 Water heaters in attics.** Attics containing water heaters requiring access shall be provided with an opening and a clear and unobstructed passageway large enough to allow removal of the water heater, but not less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) long measured along the centerline of the passageway from the opening to the water heater. The passageway shall have continuous solid flooring in accordance with Chapter 5 not less than 24 inches (610 mm) wide. A level service space at least 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present along all sides of the water heater where access is required. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm) or larger where such dimensions are not and large enough to allow removal of the water heater. A walkway to the water heater must be rated as a floor as approved by the *building official*. As a minimum, provide one of the following for access to the attic space:

1. A permanent stair.
2. A pull down stair with a minimum 300 lb (136 kg) capacity.
3. An access door from an upper floor.

An access panel may be used in lieu of Items 1, 2 or 3 due to structural conditions with prior approval of the *building official*.

**Exceptions:**

1. The passageway and level service space are not required where the water heater can be serviced and removed through the required opening.
2. Where the passageway is unobstructed and not less than 6 feet (1829 mm) high and 22 inches (559 mm) wide for its entire length, the passageway shall be not more than 50 feet (15 250 mm) long.

**P2801.4.1.1 [M1305.1.3.1] Electrical requirements.** A luminaire controlled by a switch located at the required passageway opening and a receptacle outlet shall be installed at or near the water heater location in accordance with the *Dallas Electrical Code*.

**P2801.4.2 [M1305.1.2] Water heaters in rooms.** Water heaters installed in a compartment, alcove, basement or similar space shall be accessed by an opening or door and an unobstructed passageway measuring not less than 24 inches (610 mm) wide and large enough to allow removal of the water heater in the space, provided there is a level service space of not less than 30 inches (762 mm) deep and the height of the appliance, but not less than 30 inches (762 mm), at the front or service side of the appliance with the door open.”

75. Subsection P2801.5, “Prohibited Locations,” of Section P2801, “General,” of Chapter 28, “Water Heaters,” of the 2015 International Residential Code is amended to read as follows:

**“P2801.5 Prohibited locations.** Fuel fired water heaters shall not be located in rooms used for sleeping purposes, bathrooms, toilet rooms or storage closets, or in a space that opens into such rooms or spaces, except where the installation complies with one of the following:

1. The water heater is a listed direct-vent appliance installed in accordance with the conditions of the listing and the manufacturer’s instructions.
2. The water heater is installed in a room or space that opens into a room used for sleeping purposes, bathroom, toilet room or storage closet, and such room or space is used for no other purpose and is provided with a solid weather-stripped air tight door equipped with an approved self-closing device. All combustion air shall be taken directly from the outdoors in accordance with Section G2407.6. [~~Water heaters shall be located in accordance with Chapter 20.~~]”

78. Paragraph P2801.6.1, “Pan Size and Drain,” of Subsection P2801.6, “Required Pan,” of Section P2801, “General,” of Chapter 28, “Water Heaters,” of the 2015 International Residential Code is amended to read as follows:

**“P2801.6.1 Pan size and drain.** The pan shall be not less than 1 1/2 inches (38 mm) deep and shall be of sufficient size and shape to receive dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe of not less than 3/4 inch (19 mm) diameter. Piping for safety pan drains shall be of those materials indicated in Table P2905.5. Where a pan drain was not previously installed, a pan drain shall not be required for a replacement water heater installation.

**Exception:** Multiple pan drains may terminate to a single discharge piping system when approved by the administrative authority and permitted by the water heater’s manufacturer installation instructions and installed according to manufacturer’s instructions.”

79. Subsection P2801.7, “Water Heaters Installed in Garages,” of Section P2801, “General,” of Chapter 28, “Water Heaters,” of the 2015 International Residential Code is amended to read as follows:

**“P2801.7 Water heaters installed in garages.** Water heaters having an *ignition source* shall be elevated such that the source of ignition is not less than 18 inches (457 mm) above the garage floor.

**Exception:** Elevation of the *ignition source* is not required for water heaters [~~appliances~~] that meet one of the following conditions:

1. [~~are~~ *not*] Listed as flammable vapor ignition resistant.
2. Electric water heaters.”

80. Section P2801, “General,” of Chapter 28, “Water Heaters,” of the 2015 International Residential Code is amended by adding new Subsections P2801.9 through P2801.19 to read as follows:

**“P2801.9 Protection from vehicle impact damage.** Water heaters shall not be installed in a location subject to vehicle impact damage except where protected by an approved means.

**P2801.10 Outdoor locations.** Water heaters installed in outdoor locations shall be either listed for outdoor installation or provided with protection from outdoor environmental factors that influences the operability, durability and safety of the water heater.

**P2801.11 Water heater valves.** A readily accessible full-open valve shall be installed in the cold-water supply line to each water heater at or near the water heater.

**P2801.12 Combustion, ventilation and dilution air.** Air for combustion, ventilation and dilution of flue gases for water heaters installed in structures shall comply section G2407 (304).

**P2801.13 Vents.** Vents for fuel gas water heaters shall be installed in accordance with Chapter 24 of this code.

**P2801.14 Pressure regulators.** Pressure regulators shall be installed in accordance with Section G2421 (410) of this code.

**P2801.15 Shutoff valves.** Each fuel gas water heater shall be provided with shut off valves in accordance with Section G2420 (409) of this code.

**P2801.16 Appliance connectors.** Fuel gas water heaters shall be connected to the gas system in accordance with Section G2422 (411) of this code.

**P2801.17 Drips and sloped piping.** Where wet gas exists, drips and sloped piping shall be installed in accordance with Section G2419 (408) of this code.

**P2801.18 (G2410.2) Electrical connections.** Electrical connections between water heaters and the building wiring, including grounding of the appliance, shall conform to the *Dallas Electrical Code*.

**P2801.18.1 (G2410.1) Pipe and tubing.** Metal piping systems that are likely to become energized shall be bonded by a qualified contractor and in accordance with the requirements of the *Dallas Electrical Code*.

**P2801.19 Thermal expansion control.** When required, thermal expansion control shall be installed in accordance with Section P2903.4 of this code.”

81. Paragraph P2804.6.1, “Requirements for Discharge Pipe,” of Subsection P2804.6, “Installation of Relief Valves,” of Section P2804, “Relief Valves,” of Chapter 28, “Water Heaters,” of the 2015 International Residential Code is amended to read as follows:

**“P2804.6.1 Requirements for discharge pipe.** The discharge piping serving a pressure-relief valve, temperature-relief valve or combination valve shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap [~~located in the same room as the water heater~~].
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.

4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.

**Exception:** Multiple relief devices may be installed to a single T&P discharge piping system when first approved by the *building official* and permitted by the manufacturer's installation instructions and installed pursuant to those instructions.

5. Discharge by indirect means [~~to the floor, to the pan serving the water heater or storage tank,~~] to an approved waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed to flow by gravity.
10. Terminate not less [~~more~~] than 6 inches (152 mm) or more [~~and not less~~] than 24 inches (609 mm) [~~two times the discharge pipe diameter~~] above grade nor more than 6 inches (152 mm) above the [~~floor or~~] waste receptor flood level rim.
11. Not have a threaded connection at the end of the piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials included in Section P2906.5 or materials tested, rated and *approved* for such use in accordance with ASME A112.4.1.
14. Be one nominal size larger than the size of the relief-valve outlet, where the relief-valve discharge piping is constructed of PEX or PE-RT tubing. The outlet end of such tubing shall be fastened in place.”

82. Section P2901, “General,” of Chapter 29, “Water Supply and Distribution,” of the 2015 International Residential Code is deleted and replaced with a new Section P2901, “General,” to read as follows:

**“SECTION P2901  
GENERAL**

**P2901.1 Potable water required.** Only potable water shall be supplied to plumbing fixtures that provide water for drinking, bathing or culinary purposes. Unless otherwise provided in this code, potable water shall be supplied to all plumbing fixtures.

**P2901.2 Nonpotable water use.** Where nonpotable water systems are installed, the nonpotable water system shall be supplied to only water closets, urinals or lawn irrigation systems. Nonpotable water systems shall be installed in accordance with Section 2910 of this code and all applicable sections of the *Dallas Plumbing Code*.

**Exception:** The requirements of this section and the *Dallas Plumbing Code* shall not be construed to require signage for water closets and urinals.

**P2901.2.1 (608.8) Identification of nonpotable water systems.** Where nonpotable water systems are installed, all identification requirements for the piping conveying the nonpotable water shall be in accordance with Section 608.8 of the *Dallas Plumbing Code*.”

83. Paragraph P2902.5.3, “Lawn Irrigation Systems,” of Subsection P2902.5, “Protection of Potable Water Connections,” of Section P2902, “Protection of Potable Water Supply,” of Chapter 29, “Water Supply and Distribution,” of the 2015 International Residential Code is amended to read as follows:

“**P2902.5.3 Lawn irrigation systems.** The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric vacuum breaker, a pressure vacuum breaker assembly, a double-check assembly or a reduced pressure principle backflow prevention assembly. Valves shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow prevention assembly.”

84. Subsection P2903.2, “Maximum Flow and Water Consumption,” of Section P2903, “Water Supply System,” of Chapter 29, “Water Supply and Distribution,” of the 2015 International Residential Code is amended to read as follows:

“**P2903.2 Maximum flow and water consumption.** Where the state-mandated maximum flow rate is more restrictive than those of this section, the state flow rate prevails. [~~The maximum water consumption flow rates and quantities for plumbing fixtures and fixture fittings shall be in accordance with Table P2903.2.]”~~

85. Paragraph P2903.9.1, “Service Valve,” of Subsection P2903.9, “Valves,” of Section P2903, “Water Supply System,” of Chapter 29, “Water Supply and Distribution,” of the 2015 International Residential Code is amended to read as follows:

**“P2903.9.1 Service valve.** Each *dwelling unit* shall be provided with an accessible main shutoff valve near the entrance of the water service. The valve shall be of a full-open type having nominal restriction to flow~~[, with provision for drainage such as a bleed orifice or installation of a separate drain valve. Additionally, the water service shall be valved at the curb or lot line in accordance with local requirements].~~”

86. Section P2904, “Dwelling Unit Fire Sprinkler Systems,” of Chapter 29, “Water Supply and Distribution,” of the 2015 International Residential Code is deleted and replaced with a new Section P2904, “Dwelling Unit Fire Sprinkler Systems,” to read as follows:

**“SECTION P2904  
DWELLING UNIT FIRE SPRINKLER SYSTEMS**

**P2904.1 General.** The design and installation of multipurpose residential fire sprinkler systems must be in accordance with the most current edition of NFPA 13D.”

87. Subsection P2906.2, “Lead Content,” of Section P2906, “Materials, Joints and Connections,” of Chapter 29, “Water Supply and Distribution,” of the 2015 International Residential Code is amended to read as follows:

**“P2906.2 Lead contents of water supply pipe and fittings.** On potable water systems, the maximum allowable lead content in pipes, pipe fittings, plumbing fittings and fixtures shall be not more than a weighted average of 0.25 percent with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings and fixtures. ~~[The lead content in pipe and fittings used in the water supply system shall be not greater than 8 percent.]~~

**Exceptions:**

1. Pipes, pipe fittings, plumbing fittings, fixtures or backflow preventers used only for nonpotable services such as manufacturing, industrial processing, irrigation systems as per Appendix F of the *Dallas Plumbing Code* or any other non-potable service.
2. Flush valves, fill valves, flushometer valves, tub fillers, shower valves, service saddles or water distribution main gate valves that are 2 inches (50 mm) in diameter or larger.

~~[P2906.2.1 Lead content of drinking water pipe and fittings. Pipe, pipe fittings, joints, valves, faucets and fixture fittings utilized to supply water for drinking or cooking purposes shall comply with NSF 372 and shall have a weighted average lead content of 0.25 percent lead or less.]”~~

88. Section P2910, “Nonpotable Water Systems,” of Chapter 29, “Water Supply and Distribution,” of the 2015 International Residential Code is deleted and replaced with a new Section P2910, “Nonpotable Water Systems,” to read as follows:

**“SECTION 2910  
NONPOTABLE WATER SYSTEMS**

**P2910.1 General.** The provisions of Chapter 13 of the *Dallas Plumbing Code* shall govern the materials, design, construction and installation for nonpotable water piping systems used only for flushing of water closets or urinals. The use and application of nonpotable water shall comply with Chapter 13 of the *Dallas Plumbing Code*. Landscape irrigation systems supplied by a nonpotable water source shall comply.”

89. Paragraph P3003.9.2, “Solvent Cementing,” of Subsection P3003.9, “PVC Plastic,” of Section P3003, “Joints and Connections,” of Chapter 30, “Sanitary Drainage,” of the 2015 International Residential Code is amended to read as follows:

**“P3003.9.2 Solvent cementing.** Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in color and conforming to ASTM D 2564, CSA B137.3 or CSA B181.2 shall be applied to all joint surfaces. The joint shall be made while the cement is wet, and shall be in accordance with ASTM D 2855. Solvent-cement joints shall be installed above or below ground.

**[Exception:** A primer shall not be required where all of the following conditions apply:

- ~~1. The solvent cement used is third party certified as conforming to ASTM D 2564.~~
- ~~2. The solvent cement is used only for joining PVC drain, waste and vent pipe and fittings in non-pressure applications in sizes up to and including 4 inches (102 mm) in diameter.]”~~

90. Section P3009, “Subsurface Landscape Irrigation Systems,” of Chapter 30, “Sanitary Drainage,” of the 2015 International Residential Code is deleted and replace with a new Section P3009, “Subsurface Landscape Irrigation Systems,” to read as follows.

**“SECTION 3009  
SUBSURFACE LANDSCAPE IRRIGATION SYSTEMS**

**P3009.1 General.** The provisions of Appendix F and Chapter 13 of the *Dallas Plumbing Code* shall govern the materials, design, construction and installation for subsurface landscape irrigation systems.”

91. Subsection P3105.1, “Distance of Trap from Vent,” of Section P3105, “Fixture Vents,” of Chapter 31, “Vents,” of the 2015 International Residential Code is amended to read as follows:

**“P3105.1 Discharge of trap from vent.** Each fixture trap shall have a protecting vent located so that the slope and the *developed length* in the *fixture drain* from the trap weir to the vent fitting are within the requirements set forth in Table P3105.1.

~~[**Exception:** The *developed length* of the *fixture drain* from the trap weir to the vent fitting for self-siphoning fixtures, such as water closets, shall not be limited.]”~~

92. Section P3111, “Combination Waste and Vent System,” of Chapter 31, “Vents,” of the 2015 International Residential Code is deleted.

93. Subsection P3112.2, “Vent Connection,” of Section P3112, “Island Fixture Venting,” of Chapter 31, “Vents,” of the 2015 International Residential Code is deleted and replaced with a new Subsection P3112.2, “Installation,” to read as follows:

**“P3112.2 Installation.** Traps for island sinks and similar equipment must be roughed in above the floor and may be vented by extending the vent as high as possible, but not less than the drain board height and then returning it downward and connecting it to the horizontal sink drain immediately downstream from the vertical fixture drain. The return vent must be connected to the horizontal drain through a wye-branch fitting and must, in addition, be provided with a foot vent taken off the vertical fixture vent by means of a wye-branch immediately below the floor and extending to the nearest partition and then through the roof to the open air or may be connected to other vents at a point not less than 6 inches (152 mm) above the flood level rim of the fixtures served. Drainage fittings must be used on all parts of the vent below the floor level and minimum slope of ¼ inch per foot (20.9 mm/m) back to the drain must be maintained. The return bend used under the drain board must be a one piece fitting or an assembly of a 45 degree (0.79 radius), a 90 degree (1.6 radius) and a 45 degree (0.79 radius) elbow in the order named. Pipe sizing must be as elsewhere required in this code. The island sink drain, upstream of the return vent, must serve no other fixtures. An accessible cleanout must be installed in the vertical portion of the foot vent.”

94. Subsection P3201.5, “Prohibited Trap Designs,” of Section P3201, “Fixture Traps,” of Chapter 32, “Traps,” of the 2015 International Residential Code is amended to read as follows:

“**P3201.5 Prohibited trap designs.** The following types of traps are prohibited:

1. Bell traps.
2. ~~[Separate fixture]~~ Traps not integral with a fixture and that depend on interior partitions for the seal, except those ~~[lavatory]~~ traps constructed of an approved material that is resistant to corrosion and degradation ~~[made of plastic, stainless steel or other corrosion-resistant material]~~.
3. “S” traps.
4. Drum traps.
5. Traps designed with moving or removable parts to maintain the seal.”

95. Chapter 34, “General Requirements,” of the 2015 International Residential Code is deleted and replaced with a new Chapter 34, “General Requirements,” to read as follows:

**“CHAPTER 34  
GENERAL REQUIREMENTS**

**SECTION E3401  
GENERAL**

**E3401.1 Applicability.** The provisions of the *Dallas Electrical Code* establish the general scope of the electrical system and equipment requirements of this code.”

96. Chapter 35, “Electrical Definitions”; Chapter 36, “Services”; Chapter 37, “Branch Circuit and Feeder Requirements”; Chapter 38, “Wiring Methods”; Chapter 39, “Power and Lighting Distribution”; Chapter 40, “Devices and Luminaires”; Chapter 41, “Appliance Installation”; Chapter 42, “Swimming Pools”; and Chapter 43, “Class 2 Remote-Control, Signaling and Power-Limited Circuits,” of the 2015 International Residential Code are deleted.

97. The ASME standards of Chapter 44, “Referenced Standards,” of the 2015 International Residential Code are amended by adding the following standard to read as follows:

“A112.19.14—2006 (R2011) Six-Liter Water Closets Equipped With a Dual Flushing Device . . . . . 328.5.2.1,  
328.5.2.2”

98. The ASTM standards of Chapter 44, “Referenced Standards,” of the 2015 International Residential Code are amended by amending the following standard to read as follows:

“E 119—2012a Test Methods for Fire Tests of Building Construction and Materials . . . . .Table R302.1(1),  
Table R302.1(2), R302.2, [~~R302.2.2,~~] R302.3, R302.4.1, R302.11.1”

99. The ICC standards of Chapter 44, “Referenced Standards,” of the 2015 International Residential Code are amended by adding or amending the following standards to read as follows:

“ICC/ANSI A117.1 —09 Accessible and Usable Buildings and Facilities . . . . . R321.3, P2709.1”

“ICC 700—12 National Green Building Standard . . . . . 328.2”

100. The NFPA standards of Chapter 44, “Referenced Standards,” of the 2015 International Residential Code are amended by amending the following standards to read as follows:

“~~[70—14 [11] National Electrical Code . . . . .E3401.1, E3401.2, E4301.1, Table E4303.2,  
E4304.3, E4304.4, R324.3]~~”

101. The NSF standards of Chapter 44, “Referenced Standards,” of the 2015 International Residential Code are amended by deleting the following standard as follows:

“~~[372—2010 Drinking Water Systems Components—Lead Content . . . . .P2906.2.1]~~”

102. The UL standards of Chapter 44, “Referenced Standards,” of the 2015 International Residential Code are amended by amending or deleting the following standards to read as follows:

- “~~174—04~~ Household Electric Storage Tank Water Heaters—  
with revisions through September 2012. . . . . M2005.1”
- “~~732—2010~~ Oil Fired Storage Tank Water Heaters— with revisions through April 2010. . . . . M2005.1”
- “2523—09 Standard for Solid Fuel-fired Hydronic Heating Appliances, Water Heaters and Boilers—  
with revisions through February 2013. . . . . [M2005.1,] M2001.1.1”

103. The 2015 International Residential Code is amended by adding a new Chapter 45, “Building Security,” to read as follows:

**“CHAPTER 45  
BUILDING SECURITY**

**SECTION S4510  
PURPOSE**

**S4510.1 General.** The purpose of this chapter is to establish minimum standards to make dwelling units resistant to unlawful entry.

**SECTION S4511  
SCOPE**

**S4511.1 General.** The provisions of this chapter apply to the following openings:

1. Openings into dwellings of townhouses and townhomes.
2. Openings into dwelling units.
3. Openings between attached garages and the dwelling units.
4. Openings into attached garages.

**Exceptions:**

1. An opening in an exterior wall when all portions of the opening are more than 12 feet (3656.6 mm) vertically or 6 feet (1826.8 mm) horizontally from an accessible surface of any adjoining yard, court, passageway, public way, walk, breezeway, patio, planter, porch or similar area.

2. All openings in an exterior wall when all portions of the opening are more than 12 feet (3656.6 mm) vertically or 6 feet (1826.8 mm) horizontally from the surface of any adjoining roof, balcony landing, stair tread, platform or similar structure, or when any portion of such surface is more than 12 feet (3656.6 mm) above an accessible surface.
3. All openings in a roof when all portions of such roof are more than 12 feet (3656.6 mm) above an accessible surface.
4. An opening where the smaller dimension is 6 inches (152.4 mm) or less, provided that the closest edge of the opening is at least 40 inches (1016 mm) from the locking device of a door.
5. An opening protected by required fire door assemblies having a fire-endurance rating of not less than 45 minutes.

## **SECTION S4512 OBSTRUCTING MEANS OF EGRESS**

**S4512.1 General.** Security methods shall not create a hazard to life by obstructing any means of egress or any opening that is classified as an emergency exiting facility. Security provisions contained in this chapter do not supersede or waive the safety provisions relative to latching or locking devices on means of egress doors or egress windows required by any other provision of this code.

**S4512.2 Emergency escape or rescue windows.** Bars, grilles, grates or similar security or secondary locking devices may be installed on emergency escape or rescue windows or doors required by Section R310 of this code, provided the following:

1. Such devices are equipped with approved release mechanisms that are operable from the inside without the use of a key or special knowledge or effort.
2. The building is equipped with smoke alarms installed in accordance with the *Dallas Fire Code* and Section R314 of this code.

## **SECTION S4513 ENTRY VISION**

**S4513.1 Vision required.** All main or front entry doors to dwelling units shall be arranged so that the occupant has a view of the area immediately outside the door without opening the door. The view may be provided by a door viewer having a field of view of not less than 180 degrees or through a window or view port.

**S4513.2 Glazing separation.** Breakable glass should not be installed within 40 inches (1016 mm) of a door-locking device.

**Exceptions:**

1. For required means of egress doors and emergency escape or rescue doors, glazing may be installed within 40 inches (1016 mm) of the locking device if the glass is laminated, patterned, wired, obscured or protected by approved bars, grilles or grates.
2. For other doors, glazing may be installed within 40 inches (1016 mm) of a locking device that is key-opened from both the inside and the outside.

**SECTION S4514  
SWINGING DOORS**

**S4514.1 General.** Swinging doors regulated by this chapter shall comply with the following:

1. Wood doors shall be solid core and not less than 1<sup>3</sup>/<sub>8</sub>-inches (34.92 mm) thick.
2. Double doors shall have the inactive leaf secured by header and threshold bolts that penetrate metal strike plates. The bolts shall be flush-mounted in the door edge whenever breakable glass is located within 40 inches (1016 mm) of the bolts.
3. Dutch doors shall have concealed flush-bolt locking devices to interlock the upper and lower halves.

**S4514.2 Strike plate installations.** In wood-frame construction, any open space between trimmers and wood doorjambs shall be solid-shimmed by a single piece extending not less than 6 inches (152.4 mm) above and below the strike plate.

Strike plates shall be attached to wood with not less than two No. 8 by 2-inch (50.8 mm) screws. Strike plates when attached to metal shall be attached with not less than two No. 8 machine screws.

**S4514.3 Hinges.** Hinges that are exposed to the exterior shall be equipped with nonremovable hinge pins or a mechanical interlock to preclude removal of the door from the exterior by removing the hinge pins.

**S4514.4 Locking hardware.** Single swinging doors and the active leaf of double doors shall be equipped with an approved exterior key-operated dead bolt which shall lock with a minimum bolt throw of 1 inch (25.4 mm) through a metal strike plate. When mounted on an exit door or a required emergency escape or rescue door, the dead bolt lock shall be operable from the inside without the use of a key or any special knowledge or effort. See Chapter 10 for other exit door requirements.

**SECTION S4515  
WINDOWS AND SLIDING DOORS**

**S4515.1 General requirements.** When regulated by this chapter, openable windows and sliding door assemblies shall be secured by a primary lock or sash operator and by either of the following:

1. A secondary locking device consisting of screws, dowels, pinning devices or key-operated locks designed to prevent opening by lifting or prying.
2. Approved bars, grilles or grates.

Jalousie or louvered windows do not comply with this section unless protected with approved bars, grilles or grates. Installation of secondary locking devices or bars, grilles or grates on required emergency escape windows or doors shall comply with Section 1003.

## **SECTION S4516 GARAGE DOORS**

**S4516.1 General requirements.** Vehicle access doors in enclosed attached garages shall be equipped with a security device or locking devices.

## **SECTION S4517 ALTERNATE MATERIALS OR METHODS**

**S4517.1 General.** The provisions of this chapter are not intended to prevent the use of any material, device, hardware or method not specifically prescribed in this chapter, when such alternate provides equivalent security and is approved by the *building official*.”

102. Appendix E, “Manufactured Housing Used as Dwellings,” of the 2015 International Residential Code is adopted with the following amendments:

A. Appendix E, “Manufacture Housing Used as Dwellings,” is retitled to read as follows:

### **“APPENDIX E PREFABRICATED ~~[MANUFACTURED]~~ HOUSING USED AS DWELLINGS**

~~[(The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.)]”~~

B. Section AE101, “Scope,” is amended to read as follows:

### **“SECTION AE101 SCOPE**

**AE101.1 Industrialized housing.** All industrialized housing is subject to the Texas Industrialized Housing and Building Act, Texas Civil Statutes, Article 5221f-1 and Texas Civil Statutes, Article 1900.

**AE101.2 Manufactured housing.** All *manufactured housing* is subject to the Texas Manufactured Housing Standards Act, Texas Revised Civil Statutes, Article 5221f.

**AE101.3 Prefabricated housing [General].** These provisions shall be applicable only to a prefabricated [*manufactured*] *home* used as a single or two-family dwelling unit [~~installed on~~ *privately owned (nonrental) lots*] and shall apply to the following:

1. Construction, *alteration* and repair of any foundation system that is necessary to provide for the installation of an industrialized housing [~~a *manufactured home*~~] unit.
2. Construction, installation, *addition, alteration*, repair or maintenance of the building service *equipment* that is necessary for connecting prefabricated [*manufactured*] *homes* to water, fuel, or power supplies and sewage systems.
3. [~~Alterations, a~~ *Additions* [~~or repairs to~~] existing prefabricated [*manufactured*] *homes*. The construction, *alteration*, moving, demolition, repair and use of accessory buildings and structures, and their building service *equipment*, shall comply with the requirements of the codes adopted by this *jurisdiction*.

These provisions shall not be applicable to the design and construction of *manufactured homes* and shall not be deemed to authorize either modifications or *additions* to *manufactured homes* where otherwise prohibited.

**Exception:** In addition to these provisions, new and replacement prefabricated [*manufactured*] *homes* to be located in flood hazard areas as established in Table R301.2(1) of the *Dallas One- and Two-Family Dwelling* [~~*International Residential*~~] *Code* shall meet the applicable requirements of Section R322 of the *Dallas One- and Two-Family Dwelling* [~~*International Residential*~~] *Code* or the floodplain regulations of the Dallas Development Code.

#### **AE101.4 State mandatory codes.**

**AE101.4.1 Electrical code.** In addition to complying with Subsection AE 101.4.2, industrialized housing and buildings must be constructed to meet or exceed the requirements and standards of the *National Electrical Code*, published by the National Fire Protection Association, as that code existed on January 1, 1985.

**AE101.4.2 Other codes.** Industrialized housing and buildings erected or installed in a municipality must be constructed to meet or exceed the requirements and standards of the *Uniform Building Code*, *Uniform Plumbing Code*, and *Uniform Mechanical Code*, published by the International Conference of Building Officials, as those codes existed on January 1, 1985.

**AE101.5 Building code amendment.** If a code described by AE101.4 is amended by the council after January 1, 1985, the requirements and standards of the amended code shall be used in place of the January 1, 1985 editions.

**AE101.6 Local code amendment.** The building official may not require or enforce, as a prerequisite for granting or approving a building or construction permit or certificate of occupancy, an amendment to a code described by Section AE101.4.

**AE101.7 Effect of mandatory building code amendment.** Industrialized housing that bears an approved decal or insignia indicating that the building complies with the mandatory building codes and that has not been modified or altered is considered to be in compliance with a new mandatory building code adopted by the council or an amendment to a code approved by the council under Section AE101.5 or AE101.6.

**AE101.8 Alterations, additions or repairs to existing industrialized homes.** Alterations, additions or repairs to existing *industrialized homes* shall comply with the *Dallas One- and Two-Family Dwelling Code* and Section 103.1 of Chapter 52 of the *Dallas City Code*.

**AE101.9 Relocated industrialized housing.** Relocated *industrialized housing* is treated as moved buildings in accordance with Section 309 of the *Dallas Existing Building Code*.”

C. Section AE102, “Application to Existing Manufactured Homes and Building Service Equipment,” is deleted.

D. Subsection AE201.1, “General,” of Section AE201, “Definitions,” is amended to read as follows:

**AE201.1 General.** For the purpose of these provisions, certain abbreviations, terms, phrases, words and their derivatives shall be construed as defined or specified herein.

**ACCESSORY BUILDING.** Any building or structure or portion thereto, located on the same property as a prefabricated [~~manufactured~~] *home*, which does not qualify as a prefabricated [~~manufactured~~] *home* as defined herein.

**ALTERATION.** Any construction, other than ordinary repairs of the house or building, to an existing *industrialized house* or building after affixing of the *decal* by the *manufacturer*. *Industrialized housing* or buildings that have not been maintained are considered altered.

**ALTERATION DECAL.** The approved form of certification issued by the department to an *industrialized builder* to be permanently affixed to a *module* indicating that *alterations* to the industrialized building *module* have been constructed to meet or exceed the state model code requirements.

**BUILDING SERVICE EQUIPMENT.** Refers to the plumbing, mechanical and electrical *equipment*, including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, fire protection and facilities essential for the habitable

occupancy of a prefabricated [~~*manufactured*~~] *home* or accessory building or structure for its designated use and occupancy.

**BUILDING SYSTEM.** The design or method of assembly of *modules* or *modular components* represented in the plans, specifications and other documentation which may include structural, electrical, mechanical, plumbing, fire protection and other systems affecting health and safety.

**COMMISSION** means the Texas Commission of Licensing and Regulation.

**COMPONENT.** A sub-assembly, subsystem or combination of elements for use as a part of a building system or part of a *modular component* that is not structurally independent, but may be part of structural, plumbing, mechanical, electrical, fire protection or other systems affecting life safety.

**COUNCIL** means the Texas Industrialized Building Code Council.

**DECAL.** The approved form of certification issued by the department to the *manufacturer* to be permanently affixed to the *module* indicating that it has been constructed to meet or exceed the code requirements and in compliance with these sections.

**DEPARTMENT.** The Texas Department of Licensing and Regulation.

**DESIGN PACKAGE.** The aggregate of all plans, designs, specifications and documentation required by these sections to be submitted to the *design review agency*, or required by the *design review agency* for compliance review, including the compliance control manual and the *on-site construction* documentation. Unique or site specific foundation drawings and special *on-site construction* details prepared for specific projects are not a part of the design package except as approved by the Texas Industrialized Housing and Building Act.

**DESIGN REVIEW AGENCY.** An approved organization, private or public, determined by the *Texas Industrialized Building Code Council* to be qualified by reason of facilities, personnel, experience and demonstrated reliability to review designs, plans, specifications and building systems documentation, and to certify compliance to these sections evidenced by affixing the *Texas Industrialized Building Code Council's* stamp.

**EXECUTIVE DIRECTOR.** Executive director of the *department*.

**INDUSTRIALIZED BUILDER.** A person who is engaged in the assembly, connection and *on-site construction* and erection of *modules* or *modular components* at the building site or who is engaged in the purchase of *industrialized housing* or buildings or of *modules* or *modular components* from a *manufacturer* for sale or lease to the public; a subcontractor of an industrialized builder is not a builder for purposes of these sections.

**INDUSTRIALIZED HOUSING** is a residential structure that is:

1. designed for the occupancy of one or more families;

2. constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
3. designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.

Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems. Industrialized housing does not include:

1. a residential structure that exceeds four stories or 60 feet in height;
2. housing constructed of a sectional or panelized system that does not use a modular component; or
3. a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

**INSIGNIA.** The approved form of certification issued by the department to the *manufacturer* to be permanently affixed to the *modular component* indicating that it has been constructed to meet or exceed the code requirements and in compliance with the sections in this chapter.

**MANUFACTURED HOME.** A structure transportable in one or more sections which, in the traveling mode, is 8 body feet (2438 body mm) or more in width or 40 body feet (12 192 body mm) or more in length or, when erected on site, is 320 or more square feet (30 m<sup>2</sup>), and which is built on a permanent chassis and designed to be used as a *dwelling* with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the U.S. Department of Housing and Urban Development (HUD) and complies with the standards established under this title.

For mobile homes built prior to June 15, 1976, a *label* certifying compliance with the *Standard for Mobile Homes*, NFPA 501, ANSI 119.1, in effect at the time of manufacture, is required. For the purpose of these provisions, a mobile home shall be considered a *manufactured home*.

**MANUFACTURED HOME INSTALLATION.** Construction which is required for the installation of a *manufactured home*, including the construction of the foundation system, required structural connections thereto and the installation of on-site water, gas, electrical and sewer systems and connections thereto which are necessary for the normal operation of the *manufactured home*.

**MANUFACTURED HOME STANDARDS.** The *Manufactured Home Construction and Safety Standards* as promulgated by the U.S. Department of Housing and Urban Development (HUD) or the Texas Department of Housing and Community Affairs.

**MANUFACTURER.** A person who constructs or assembles *modules* or *modular components* at a *manufacturing facility* which are offered for sale or lease, sold or leased, or otherwise used.

**MANUFACTURING FACILITY.** The place other than the building site, at which machinery, equipment and other capital goods are assembled and operated for the purpose of making, fabricating, constructing, forming or assembly of *industrialized housing*, buildings, *modules* or *modular components*.

**MOBILE HOME.** A factory-assembled *structure* or *structures* equipped with the necessary service connections and made to be readily movable as a unit or units on its (their) own running gear and designed to be used as a *dwelling unit(s)* without a permanent foundation.

**MODULAR COMPONENT.** A structural portion of any *dwelling* that is constructed at a location other than the homesite in such a manner that its construction cannot be adequately inspected for code compliance at a homesite without damage or without removal of a part thereof and reconstruction.

**MODULE.** A three dimensional section of *industrialized housing*, designed and approved to be transported as a single section independent of other sections, to a site for *on-site construction* with or without other modules or *modular components*.

**ON-SITE CONSTRUCTION.** Preparation of the site, foundation construction, assembly and connection of the *modules* or *modular components*, affixing the *structure* to the permanent foundation, connecting the *structures* together, completing all site-related construction in accordance with designs, plans, specifications and on-site construction documentation.

**PERMANENT FOUNDATION SYSTEM.** A foundation system for *industrialized housing* designed to meet the applicable requirements of the *Dallas Building Code* or the *Dallas One- and Two-Family Dwelling Code*.

**PREFABRICATED HOUSING.** Includes both *industrialized housing* and *manufactured homes*.

~~[PRIVATELY OWNED (NONRENTAL) LOT. A parcel of real estate outside of a *manufactured home* rental community (park) where the land and the *manufactured home* to be installed thereon are held in common ownership.]~~

**STATE MANDATORY CODES** means the State adopted codes listed in Sections AE101.4, AE101.5 and the Administrative Rules of the Texas Department of Licensing and Regulation, 16 Texas Administrative Code, Chapter 70.

**STRUCTURE.** An industrialized house which results from the complete assemblage of the modules, modular components or components designed to be used together to form a completed unit.

**TEXAS INDUSTRIALIZED BUILDING CODE COUNCIL.** The state-appointed council having as its mission the assurance that the designs, plans and specifications of industrialized housing and buildings meet the mandatory state codes.”

E. Section AE301, “Permits,” is deleted and replaced with a new Section AE301, “Permits,” to read as follows:

**“SECTION AE301  
PERMITS**

**AE301.1 Permit requirements.** This section is governed by Chapter 52 of the *Dallas City Code.*”

F Section AE302, “Application for Permit,” is deleted and replaced with a new Section AE302, “Application for Permit,” to read as follows:

**“SECTION AE302  
APPLICATION FOR PERMIT**

**AE302.1 Permit application requirements and procedures.** This section is governed by Chapter 52 of the *Dallas City Code.*”

G. Section AE303, “Permits Issuance,” is deleted and replaced with a new Section AE303, “Permits Issuance,” to read as follows:

**“SECTION AE303  
PERMITS ISSUANCE**

**AE303.1 Issuance, expiration, suspension, revocation and validity of permits.** Except as otherwise provided in Section AE303.2, this section is governed by Chapter 52 of the *Dallas City Code.*

**AE303.2 Other requirements and procedures for permit issuance.**

**AE303.2.1 Disputes over whether a design package and/or unique on-site documentation meets state code requirements.** Questions concerning the code compliance of an approved *design package* must be raised prior to the issuance of a building permit. The *building official* shall forward in writing to the *executive director* any instances where it is found that the approved *design package* does not meet the mandatory building codes adopted

in this chapter. The documentation must specify the code sections and the reasons why the design package fails to meet the mandatory building codes.

**AE303.2.1.1 In compliance.** If the approved *design package* is found to be in compliance, the *executive director* shall notify all concerned parties and the *building official* shall issue a building permit.

**AE303.2.1.2 Not in compliance.** If the approved *design package* is not in compliance, the *executive director* shall notify all concerned parties and the *industrialized builder* or *manufacturer* shall bring the building into compliance with the mandatory building codes.

**AE303.2.1.3 Disagreements.** If the *building official*, *industrialized builder*, or *manufacturer* disagrees with the *executive director*, an appeal may be made to the *Texas Industrialized Building Code Council* for a determination of whether the *design package* complies with the mandatory building codes. The decision of the council is binding on all parties.

**AE303.2.2 Dispute over whether on-site construction complies with approved design package and/or unique on-site construction documentation.** If a dispute or difference of opinion arises between the *industrialized builder* and the *building official* as to whether the *on-site construction* meets or exceeds the approved *design package* or unique *on-site construction* documentation, the dispute or difference of opinion must be resolved by the commissioner. If the commissioner is unable to resolve the dispute, then he will forward it to the *Texas Industrialized Building Code Council* for resolution.

**AE303.2.3 Correction of deviations.** If an inspector finds a *structure*, or any part thereof, at the building site to be in violation of the approved *design package* and/or the unique on-site plans and specifications, the inspector shall immediately post a deviation notice and notify the *industrialized builder*. The *industrialized builder* is responsible for assuring that all deviations are corrected and inspected prior to occupation of the building.

**AE303.2.4 Unique on-site details.** If the typical foundation drawing in the *on-site construction* documentation is not suitable for a specific site, or if the *structure* is only partially constructed of *modular components*, or if the *industrialized builder* will add unique on-site details, a registered Texas professional engineer (or architect for one and two-family dwellings or buildings having one story and total floor area or 5,000 square feet or less) shall design and stamp the unique foundation drawings or on-site details. Review by a *design review* agency is not needed or required.”

H. Section AE304, “Fees,” is deleted and replaced with a new Section AE304, “Fees,” to read as follows:

**“SECTION AE304  
FEES**

**AE304.1 Permit fees.** This section is governed by Chapter 52 of the *Dallas City Code*.”

I. Section AE305, “Inspections,” is deleted and replaced with a new Section AE305, “Inspections,” to read as follows:

**“SECTION AE305  
INSPECTIONS**

**AE305.1 General.** Except as otherwise provided in this section, inspections are governed by Chapter 52 of the *Dallas City Code*.

**AE305.2 Inspection procedures.** The council issues instructions establishing procedures for inspecting the construction and installation of industrialized housing and buildings to ensure compliance with approved designs, plans, and specifications.

**AE305.3 Department inspections.** To ensure compliance with the mandatory building codes or approved designs, plans, and specifications, the department inspects the construction of industrialized housing and buildings. The executive director may designate approved third-party inspectors to perform the inspections subject to the rules of the commission.

**AE305.4 On-site inspections.** The building official must inspect all construction involving industrialized housing to be located in the municipality to ensure compliance with designs, plans, and specifications, including inspection of:

1. the construction of the foundation system; and
2. the erection and installation of the modules or modular components on the foundation.

**AE305.5 Rules providing for decals or insignia.** The commission by rule provides for the placement of decals or insignia on each transportable modular section or modular component to indicate compliance with the mandatory building codes.

**AE305.6 Reservation of building official authority.** Authority is specifically and entirely reserved to the building official, including, as applicable:

1. land use and zoning requirements;
2. building setback requirements;
3. side and rear yard requirements;
4. site planning and development and property line requirements;
5. subdivision control; and

6. landscape architectural requirements.

**AE305.7 Local regulation of industrialized housing.**

**AE305.7.1 General.** The building official must:

1. require and review, for compliance with mandatory building codes, a complete set of designs, plans, and specifications bearing the council's stamp of approval for each installation of industrialized housing in the municipality;
2. require that all applicable local permits and licenses be obtained before construction begins on a building site;
3. require, in accordance with commission rules, that all modules or modular components bear an approved decal or insignia indicating inspection by the department; and
4. establish procedures for the inspection of:
  - 4.1. the erection and installation of industrialized housing to be located in the municipality, to ensure compliance with mandatory building codes and commission rules; and
  - 4.2. all foundation and other on-site construction, to ensure compliance with approved designs, plans, and specifications.

**AE305.7.2 Other approvals.** Procedures described by Subsection AE305.7.1(4) may require:

1. before occupancy, a final inspection or test in accordance with mandatory building codes; and
2. correction of any deficiency identified by the test or discovered in the final inspection.”

J. Subsection AE306.1, “General,” of Section AE306, “Special Inspections,” is amended to read as follows:

“**AE306.1 General.** In addition to the inspections required by Section AE305, the *building official* may require the owner to employ a special inspector during construction of specific types of work as described in this code. Special inspections, when required, shall be governed by Chapter 17 of the *Dallas Building Code*.”

K. Subsection AE307.1, “General,” of Section AE307, “Utility Service,” is amended to read as follows:

“**AE307.1 General.** Utility service shall not be provided to any building service *equipment* which is regulated by these provisions or other applicable codes, and for which a prefabricated [manufactured] home installation permit is required by these provisions, until *approved* by the *building official*.”

L. Subsection AE401.1, “Manufactured Homes,” of Section AE401, “Occupancy Classification,” is amended to read as follows:

“**AE401.1 Industrial [Manufactured] homes.** An industrial [manufactured] home shall be limited in use to a single *dwelling unit* or its components for living, sleeping, eating, cooking, sanitation and accessory use.

**Exception:** Industrialized homes converted and in compliance with Chapters 51, 51A, and 53, as well as other applicable ordinances of the *Dallas City Code*.”

M. Subsection AE402.1, “General,” of Section AE402, “Location on Property,” is amended to read as follows:

“**AE402.1 General.** Prefabricated [Manufactured] homes and accessory buildings shall be located on the property in accordance with applicable codes and ordinances of this *jurisdiction*.”

N. Section AE501, “Design,” is amended to read as follows:

#### “SECTION AE501 DESIGN

**AE501.1 General.** An industrial [manufactured] home shall be installed on a foundation system which is designed and constructed to sustain within the stress limitations specified in this code and all loads specified in this code. Industrialized housing may not be installed on a temporary foundation system.

~~[**Exception:** When specifically authorized by the *building official*, foundation and anchorage systems which are constructed in accordance with the methods specified in Section AE600 of these provisions, or in the HUD, *Permanent Foundations for Manufactured Housing*, 1984 Edition, Draft, shall be deemed to meet the requirements of this appendix.]~~

**AE501.2 Manufacturer’s installation instructions.** The installation instructions as provided by the manufacturer of the industrialized [manufactured] home shall be used to determine permissible points of support for vertical loads and points of attachment for anchorage systems used to resist horizontal and uplift forces.

**AE501.3 Rationality.** Any system or method of construction to be used shall submit to a rational analysis in accordance with well-established principles of mechanics.”

O. Section AE502, “Foundation Systems,” is amended to read as follows:

**“SECTION AE502  
FOUNDATION SYSTEMS**

**AE502.1 General.** Foundation systems designed and constructed in accordance with this section shall shall ~~may~~ be considered a permanent installation.

**AE502.2 Soil classification.** The classification of the soil at each industrial ~~manufactured~~ home site shall be determined when required by the *building official*. The *building official* may require that the determination be made by an engineer or architect licensed by the state to conduct soil investigations.

The classification shall be based on observation and any necessary tests of the materials disclosed by borings or excavations made in appropriate locations. Additional studies may be necessary to evaluate soil strength, the effect of moisture variation on soil-bearing capacity, compressibility and expansiveness.

When required by the *building official*, the soil classification design-bearing capacity and lateral pressure shall be shown on the plans.

**AE502.3 Footings and foundations.** Footings and foundations, unless otherwise specifically provided, shall be constructed of materials specified by this code for the intended use and in all cases shall extend below the frost line. Footings of concrete and masonry shall be of solid material. Foundations supporting untreated wood shall extend at least 8 inches (203 mm) above the adjacent finish *grade*. Footings shall have a minimum depth below finished *grade* of 12 inches (305 mm) unless a greater depth is recommended by a foundation investigation.

Piers and bearing walls shall be supported on masonry or concrete foundations or piles, or other *approved* foundation systems which shall be of sufficient capacity to support all loads.

**AE502.4 Foundation design.** A licensed professional engineer (or architect for one and two family dwellings or buildings having one story and total floor area of 5,000 square feet or less) shall design and seal the foundation systems for each industrialized house or building. Review by a design review agency is not needed or required. The foundation system design must be reviewed for compliance with the mandatory building code. Foundation system designs shall comply with the mandatory building code and shall contain complete details for the construction and attachment of the house or building on the foundation, including, but not limited to the following:

1. address or area for which the foundation is suitable;

2. minimum load specifications, including wind loads, seismic design loads, soil bearing capacity, and if the foundation is designed for expansive soils;
3. site preparation details;
4. material specifications;
5. requirements for corrosion resistance, protection against decay, and termite resistance;
6. size, configuration and depth below grade of all footings, piers and slabs including, but not limited to, details of concrete reinforcement, spacing of footings and piers, capping of piers, and mortar or concrete fill requirements for piers;
7. fastening requirements, including, but not limited to, size, spacing and corrosion resistance;
8. requirements for surface drainage; and
9. details for enclosure of the crawl space, including details for ventilation and access.

~~[When a design is provided, the foundation system shall be designed in accordance with the applicable structural provisions of this code and shall be designed to minimize differential settlement. Where a design is not provided, the minimum foundation requirements shall be as set forth in this code.]~~

**AE502.5 Drainage.** Drainage p[P]rovisions shall be in accordance with Chapter 4 of this code ~~[made for the control and drainage of surface water away from the *manufactured home*].~~

**AE502.6 Under-floor clearances—ventilation and access.** A minimum clearance of 12 inches (305 mm) shall be maintained beneath the lowest member of the floor support framing system. Clearances from the bottom of wood floor joists or perimeter joists shall be as specified in this code.

Under-floor spaces shall be ventilated with openings as specified in this code. If combustion air for one or more heat-producing *appliance* is taken from within the under-floor spaces, ventilation shall be adequate for proper *appliance* operation.

Under-floor access openings shall be provided. Such openings shall be not less than 18 inches (457 mm) in any dimension and not less than 3 square feet (0.279 m<sup>2</sup>) in area, and shall be located so that any water supply and sewer drain connections located under the industrialized ~~[*manufactured*]~~ *home* are accessible.”

P. Subsection AE503.2, “Retaining Walls,” of Section AE503, “Skirting and Perimeter Enclosures,” is amended to read as follows:

**“AE503.2 Retaining walls.** Where retaining walls are used as a permanent perimeter enclosure, they shall resist the lateral displacements of soil or other materials and shall conform to this code as specified for foundation walls. Retaining walls and foundation walls shall be constructed of *approved* [~~treated wood, concrete, masonry or other approved~~] materials or combination of materials as for foundations as specified in this code. Siding materials shall extend below the top of the exterior of the retaining or foundation wall, or the joint between the siding and enclosure wall shall be flashed in accordance with this code.”

Q. Subsection AE504.1, “General,” of Section AE504, “Structural Additions,” is amended to read as follows:

**AE504.1 General.** Accessory buildings shall not be structurally supported by or attached to a prefabricated [~~manufactured~~] *home* unless engineering calculations are submitted to substantiate any proposed structural connection.

**Exception:** The *building official* may approve an alternate method of compliance or waive the submission of engineering calculations if it is found that the nature of the work applied for is such that engineering calculations are not necessary to show conformance to these provisions.”

R. Subsection AE505.1, “General,” of Section AE505, “Building Service Equipment,” is amended to read as follows:

**“AE505.1 General.** The installation, *alteration*, repair, replacement, *addition* to or maintenance of the building service *equipment* within the industrialized [~~manufactured~~] *home* shall conform to regulations set forth in this code [~~the Manufactured Home Standards~~]. Such work which is located outside prefabricated [~~the manufactured~~] *home* shall comply with this code and other [~~the~~] applicable city ordinances [~~codes adopted by this jurisdiction~~].”

S. Subsection AE507.1, “General,” of Section AE507, “Occupancy, Fire Safety and Energy Conservation Standards,” is amended to read as follows:

**“AE507.1 General.** *Alterations* made to an industrialized [~~manufactured~~] *home* subsequent to its initial installation shall conform to the occupancy, fire safety and energy conservation requirements set forth in this code [~~the Manufactured Home Standards~~].”

T. Sections AE600, “Special Requirements for Alternate Foundation Systems”; AE601, “Footings and Foundations”; AE602, “Pier Construction”; AE603, “Height of Piers”; AE604, “Anchorage Installations”; AE605, “Ties, Materials and Installation”; and AE606, “Referenced Standards”; of the 2015 International Residential Code are deleted.

104. Appendix H, “Patio Covers,” of the 2015 International Residential Code is adopted.

105. Appendix I, “Private Sewage Disposal,” of the 2015 International Residential Code is adopted with the following amendment:

A. Subsection AI101.1, “Scope,” of Section AI101, “General,” is amended to read as follows:

“**AI101.1 Scope.** Private sewage disposal systems shall conform to the Dallas Plumbing [International Private Sewage Disposal] Code.”

106. Appendix J, “Existing Buildings and Structures,” of the 2015 International Residential Code is adopted with the following amendments:

A. Subsection AJ102.5, “Flood Hazard Areas,” of Section AJ102, “Compliance,” is amended to read as follows:

“**AJ102.5 Flood hazard areas.** Work performed in existing buildings located in a flood hazard area as established by Table R301.2(1) shall be subject to the provisions of Section 51A-5.104 of the Dallas Development Code [R405.3.1.1].”

B. Subsection AJ102.7, “Other Alternatives,” of Section AJ102, “Compliance,” is deleted.

C. Subsection AJ103.1, “General,” of Section AJ103, “Preliminary Meeting,” is amended to read as follows:

“**AJ103.1 General.** If a building *permit* is required at the request of the prospective *permit* applicant, the *building official* or his or her designee shall meet with the prospective applicant to discuss plans for any proposed work under these provisions prior to the application for the *permit*. The purpose of this preliminary meeting is for the *building official* to gain an understanding of the prospective applicant’s intentions for the proposed work, and to determine, together with the prospective applicant, the specific applicability of these provisions.

**Exception:** The *building official* may substitute a project information sheet indicating the categories of proposed work in lieu of a meeting.”

D. Subsection AJ201.1, “General,” of Section AJ201, “Definitions,” is amended

to read as follows:

“**AJ201.1 General.** For the purposes of this appendix, the terms used are defined as follows:

**ALTERATION.** The rearrangement or reconfiguration of any space by the construction of walls or partitions or by a change in ceiling height; the addition or elimination of any door or window; the [reconfiguration or] extension or arrangement of any system; [or] the installation of any additional equipment or fixtures and any work which reduces the loadbearing capacity of, or which imposes additional loads on, a primary structural component.

**CATEGORIES OF WORK.** The nature and extent of construction work undertaken in an existing building. The categories of work covered in this appendix, listed in increasing order of stringency of requirements, are repair, renovation, *alteration* and reconstruction.

**DANGEROUS.** Where the stresses in any member; the condition of the building, or any of its components or elements or attachments; or other condition that results in an overload exceeding 150 percent of the stress allowed for the member or material in this code.

**EQUIPMENT OR FIXTURE.** Any plumbing, heating, electrical, ventilating, air-conditioning, refrigerating and fire protection *equipment*; and elevators, dumb waiters, boilers, pressure vessels, and other mechanical facilities or installations that are related to building services.

**LOAD-BEARING ELEMENT.** Any column, girder, beam, joist, truss, rafter, wall, floor or roof sheathing that supports any vertical load in addition to its own weight, or any lateral load.

**MATERIALS AND METHODS REQUIREMENTS.** Those requirements in this code that specify material standards; details of installation and connection; joints; penetrations; and continuity of any element, component or system in the building. The required quantity, fire resistance, flame spread, acoustic or thermal performance, or other performance attribute is specifically excluded from materials and methods requirements.

**RECONSTRUCTION.** The reconfiguration of a space that affects an exit, a renovation or *alteration* when the work area is not permitted to be occupied because existing means-of-egress and fire protection systems, or their equivalent, are not in place or continuously maintained; or there are extensive *alterations* as defined in Section AJ501.3. Reconstruction does not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

**REHABILITATION.** Any repair, renovation, *alteration* or reconstruction work undertaken in an existing building.

**RENOVATION.** The removal [~~change, strengthening or addition~~ of load-bearing elements;] and [~~or the refinishing,~~] replacement, [~~bracing, strengthening, upgrading or extensive repair of existing materials, elements, components, equipment~~] or covering of existing interior or exterior trim, finish, doors, windows, or other materials with new materials that serve the same purpose and do not change the configuration of space [~~fixtures~~]. Renovation shall include the replacement of equipment or fixtures, the change, strengthening, bracing, or addition of load bearing elements, or extensive replacement of existing materials [~~does not involve reconfiguration of spaces. Interior and exterior painting are not considered refinishing for purposes of this definition, and are not renovation~~].

**REPAIR.** The patching, restoration or minor replacement of materials, elements, components, *equipment* or fixtures for the purposes of maintaining those materials, elements, components, *equipment* or fixtures in good or sound condition.

**WORK.** That scope of activities affected by any repair, *renovation, alteration* or *reconstruction* work and indicted as such in the permit.

**WORK AREA.** That portion of a building affected by any renovation, *alteration* or reconstruction work as initially intended by the owner and indicated as such in the *permit*. Work area excludes other portions of the building where incidental work entailed by the intended work must be performed, and portions of the building where work not initially intended by the owner is specifically required by these provisions for a renovation, *alteration* or reconstruction.”

E. Subsection AJ301.3, “Electrical,” of Section AJ301, “Repairs,” is amended to read as follows:

“**AJ301.3 Electrical.** [~~Repair or replacement of e~~]Existing electrical wiring and *equipment* undergoing repair [~~with like material~~] shall be permitted to be repaired or replaced in accordance with the *Dallas Electrical Code*.

**[Exceptions:**

1. ~~Replacement of electrical receptacles shall comply with the requirements of Chapters 34 through 43.~~
2. ~~Plug fuses of the Edison base type shall be used for replacements only where there is not evidence of overfusing or tampering in accordance with the applicable requirements of Chapters 34 through 43.~~
3. ~~For replacement of nongrounding type receptacles with grounding type receptacles and for branch circuits that do not have an *equipment* grounding conductor in the branch circuitry, the grounding conductor in the branch circuitry, the grounding conductor of a grounding type receptacle outlet shall be permitted to be grounded to any accessible point on the grounding electrode system, or to any accessible point on~~

~~the grounding electrode conductor, as allowed and described in Chapters 34 through 43.]”~~

F. Subsection AJ501.5, “Electrical Equipment and Wiring,” of Section AJ501,

“Alterations,” is amended to read as follows:

**“AJ501.5 Electrical equipment and wiring.**

**AJ501.5.1 Materials and methods.** All n[N]ewly installed electrical *equipment* and wiring relating to work done in any work area shall comply with the materials and methods requirements of Chapter[s] 34 [~~through 43~~].

**Exception:** Electrical *equipment* and wiring in newly installed partitions and ceilings shall comply with all the applicable requirements of Chapter[s] 34 [~~through 43~~].

**AJ501.5.2 Electrical service.** Service to the *dwelling unit* shall be not less than 100 ampere, three-wire capacity and service *equipment* shall be dead front having no live parts exposed that could allow accidental contact. [~~Type “S” fuses shall be installed when fused *equipment* is used.~~]

**Exception.** Existing service of 60 ampere, three-wire capacity, and feeders of 30 ampere or larger two- or three-wire capacity shall be accepted if adequate for the electrical load being served.

**AJ501.5.3 Additional electrical requirements.** When the work area includes any of the following areas within a *dwelling unit*, the requirements of Sections AJ501.5.3.1 through AJ501.5.3.5 shall apply.

**AJ501.5.3.1 Enclosed areas.** Enclosed areas other than closets, kitchens, *basements*, garages, hallways, laundry areas and bathrooms shall have not less than two duplex receptacle outlets, or one duplex receptacle outlet and one ceiling- or wall-type lighting outlet.

**AJ501.5.3.2 Kitchen and laundry areas.** Kitchen areas shall have not less than two duplex receptacle outlets. Laundry areas shall have not less than one duplex receptacle outlet located near the laundry *equipment* and installed on an independent circuit.

**AJ501.5.3.3 Ground-fault circuit-interruption.** Ground-fault circuit-interruption shall be provided on newly installed receptacle outlets if required by Chapter[s] 34 [~~through 43~~].

**AJ501.5.3.4 Lighting outlets.** Not less than one lighting outlet shall be provided in every bathroom, hallway, stairway, attached garage and detached garage with electric power to illuminate outdoor entrances and exits, and in utility rooms and *basements* where these spaces are used for storage or contain *equipment* requiring service.

**AJ501.5.3.5 Clearance.** Clearance for electrical service *equipment* shall be provided in accordance with Chapter[s] 34 [~~through 43~~].”

107. Appendix K, “Sound Transmission,” of the 2015 International Residential Code is adopted.

108. Appendix O, “Automatic Vehicular Gates,” of the 2015 International Residential Code is adopted.

109. Appendix Q of the 2015 International Residential Code is adopted and amended to read as follows:

**“APPENDIX Q  
SWIMMING POOLS, SPAS AND HOT TUBS [RESERVED]”**

**SECTION AQ 101  
GENERAL**

**AQ101.1 General.** The provisions of this appendix and the provisions of Chapter 43A, “Swimming Pools,” of the *Dallas City Code* shall control the design and construction of swimming pools, spas and hot tubs installed in or on the *lot* of a one- or two-family dwelling. To the extent of any conflict between Chapter 57, “*Dallas One- And Two-Family Dwelling Code*,” of the *Dallas City Code*, hereafter referred to as “this code”; and other city ordinances, this code shall prevail.

**AQ101.1.1 Location of pool adjacent to structural footings.** The provisions of Section R403.1.7 shall control the location of pools adjacent to building and other structural footings.

**AQ 101.2 Pools in flood hazard areas.** Pools that are located in flood hazard areas established by Table R301.2(1), including above-ground pools, on-ground pools and in-ground pools that involve placement of fill, shall comply with Section AV101.2.1 or AV101.2.2.

**Exception:** Pools located in riverine flood hazard areas which are outside of designated floodways.

**AQ 101.2.1 Pools located in designated floodways.** Where pools are located in designated floodways, documentation shall be submitted to the *building official* which demonstrates that the construction of the pool will not increase the design flood elevation at any point within the *jurisdiction*.

**Exception:** Projects complying with Section 51A-5.104 of the *Dallas Development Code* are deemed compliant with this section.

**AQ101.2.2 Pools located where floodways have not been designated.** Where pools are located where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed pool will not increase the design flood elevation more than 1 foot (305 mm) at any point within the *jurisdiction*.

**Exception:** Projects complying with Section 51A-5.104 of the *Dallas Development Code* are deemed compliant with this section.

## **SECTION AQ102** **DEFINITIONS**

**AQ102.1 General.** For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2 and Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code.

**ABOVE-GROUND/ON-GROUND POOL.** See “Swimming pool.”

**BARRIER.** A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

**HOT TUB.** See “Swimming pool.”

**IN-GROUND POOL.** See “Swimming pool.”

**RESIDENTIAL.** That which is situated on the premises of a detached one- or two-family dwelling, or a one-family townhouse not more than three stories in height.

**SPA, NONPORTABLE.** See “Swimming pool.”

**SPA, PORTABLE.** A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.

**SWIMMING POOL.** Any structure intended for swimming or recreational bathing that contains water more than 24 inches (610 mm) deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

**SWIMMING POOL, INDOOR.** A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

**SWIMMING POOL, OUTDOOR.** Any swimming pool which is not an indoor pool.

## **SECTION AQ103** **SWIMMING POOLS**

**AQ103.1 In-ground pools.** In-ground pools shall be designed and constructed in compliance with ANSI/NSPI-5.

**AQ103.2 Above-ground and on-ground pools.** Above-ground and on-ground pools shall be designed and constructed in compliance with ANSI/NSPI-4.

**AQ103.3 Pools in flood hazard areas.** In flood hazard areas established by Table R301.2(1), pools in coastal high-hazard areas shall be designed and constructed in compliance with ASCE 24.

## **SECTION AQ104** **SPAS AND HOT TUBS**

**AQ104.1 Permanently installed spas and hot tubs.** Permanently installed spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-3.

**AQ104.2 Portable spas and hot tubs.** Portable spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-6.

## **SECTION AQ105** **BARRIER REQUIREMENTS**

**AQ105.1 Application.** The provisions of this appendix shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

**AQ105.1.1 All other pool yard enclosures.** Swimming pools existing before June 1, 1988, may continue to be enclosed by fences, walls or barriers not less than 3 feet (1066.8 mm) in height, provided the fence, wall or barrier is kept in repair and otherwise maintained in compliance with all other provisions of this code.

**AQ105.1.2 Additional provisions.** All gates and doors into swimming pool enclosures that lawfully existed before June 1, 1988 must fully comply with the self-closing and self-latching provisions of this section.

**AQ105.2 Outdoor swimming pool.** An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa, shall be surrounded by a barrier which shall comply with the following:

- 1. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool**

structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).

2. Openings in the barrier shall not allow the passage of a 4-inch-diameter (102 mm) sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions, except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1 3/4 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 3/4 inches (44 mm) in width.
5. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 3/4 inches (44 mm) in width.
6. Maximum mesh size for chain link fences shall be a 2 1/4-inch (57 mm) square, unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than 1 3/4 inches (44 mm).
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1 3/4 inches (44 mm).
8. Access gates shall comply with the requirements of Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool, and shall be self-closing and have a self-latching device. Gates, other than pedestrian access gates, shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
  - 8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and
  - 8.2. The gate and barrier shall have no opening larger than 1/2 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
9. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:

- 9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346;
  - 9.2. Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or
  - 9.3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described herein.
10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:
- 10.1. The ladder or steps shall be capable of being secured, locked or removed to prevent access; or
  - 10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

**AQ105.3 Indoor swimming pool.** Walls surrounding an indoor swimming pool shall comply with Item 9 of Section AQ105.2.

**AQ105.4 Prohibited locations.** Barriers shall be located to prohibit permanent structures, equipment or similar objects from being used to climb them.

**AQ105.5 Barrier exceptions.** Spas or hot tubs with a safety cover which comply with ASTM F 1346 shall be exempt from the provisions of this appendix.

## **SECTION AQ106** **ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION** **OUTLETS**

**AQ106.1 General.** Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.

## **SECTION AQ107** **ABBREVIATIONS**

**AQ107.1 General.**

ANSI—American National Standards Institute  
11 West 42nd Street  
New York, NY 10036

APSP—Association of Pool and Spa Professionals  
NSPI—National Spa and Pool Institute  
2111 Eisenhower Avenue  
Alexandria, VA 22314

ASCE—American Society of Civil Engineers  
1801 Alexander Bell Drive  
Reston, VA 98411-0700  
ASTM—ASTM International  
100 Barr Harbor Drive  
West Conshohocken, PA 19428

UL—Underwriters Laboratories, Inc.  
333 Pfingsten Road  
Northbrook, IL 60062-2096

**SECTION AQ108**  
**REFERENCED STANDARDS**

**AQ108.1 General.**

**ANSI/NSP**

<u>ANSI/NSPI-3—99</u>	<u>Standard for Permanently Installed Residential Spas.....AQ104.1</u>
<u>ANSI/NSPI-4—99</u>	<u>Standard for Above-ground/On-ground Residential Swimming Pools.....AQ103.2</u>
<u>ANSI/NSPI-5—03</u>	<u>Standard for Residential In-ground Swimming Pools.....AQ103.1</u>
<u>ANSI/NSPI-6—99</u>	<u>Standard for Residential Portable Spas.....AQ104.2</u>

**ANSI/APSP**

<u>ANSI/APSP-7—06</u>	<u>Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs and Catch Basins.....AQ106.1</u>
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**ASCE**

<u>ASCE/SEI-24—05</u>	<u>Flood-resistant Design and Construction.....AQ103.3</u>
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**ASTM**

<u>ASTM F 1346—91 (2003)</u>	<u>Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools Spas and Hot Tubs.....AQ105.2, AQ105.5</u>
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**UL**

<u>UL 2017—2000</u>	<u>Standard for General-Purpose Signaling Devices and Systems—with revisions through June 2004.....AQ105.2”</u>
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110. Appendices A, B, C, D, F, G, L, M, N, P, R, S, T, and U of the 2015 International Residential Code are not adopted.

111. All chapters of the 2015 International Residential Code adopted by this ordinance are subchapters of Chapter 57 of the Dallas City Code, as amended.

112. Any errata corrections published by the International Code Council for the 2015 International Residential Code, as they are discovered, are considered as part of this code.

113. All references in the 2015 International Residential Code to the fire code, building code, plumbing code, mechanical code, electrical code, existing building code, energy conservation code, fuel gas code, and green construction code refer, respectively, to Chapters 16, 53, 54, 55, 56, 58, 59, 60, and 61 of the Dallas City Code.

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the effective date of this ordinance will be discharged or affected by this ordinance. Prosecutions and suits for such offenses, liabilities, penalties, and forfeitures may be instituted, and causes of action pending on the effective date of this ordinance may proceed, as if the former laws applicable at the time the offense, liability, penalty, or forfeiture was committed or incurred had not been amended, repealed, reenacted, or superseded, and all former laws will continue in effect for these purposes.

SECTION 3. That Chapter 57 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any existing structure, system, development project, or registration that is not required to come into compliance with a requirement of this ordinance will be governed by the requirement as it existed in the former law

last applicable to the structure, system, development project, or registration, and all former laws will continue in effect for this purpose.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 5. That this ordinance will take effect on                     , 2017, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 59, "Dallas Energy Conservation Code," of the Dallas City Code, as amended; adopting with certain changes the 2015 Edition of International Energy Conservation Code of the International Code Council, Inc.; providing standards and requirements for the design and construction of energy-efficient buildings and spaces within the city; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Chapter 59, "Dallas Energy Conservation Code," of the Dallas City Code, as amended, is amended by adopting the 2015 Edition of the International Energy Conservation Code of the International Code Council, Inc. (which is attached as Exhibit A and made a part of this ordinance), with the following amendments:

1. Page xi, "Legislation," is deleted.
2. Subsection C101.1, "Title," of Section C101, "Scope and General Requirements," of Part 1, "Scope and Application," of Chapter 1 [CE], "Scope and Administration," of the Commercial Provisions of the 2015 International Energy Conservation Code is amended to read as follows:

**"C101.1 Title.** This code shall be known as the *Dallas* [~~*International*~~] *Energy Conservation Code* [of [~~NAME OF JURISDICTION~~]], and shall be cited as such. It is referred to herein as 'this code.'

**C101.1.1 Additional administrative provisions.** Except as otherwise specified in this chapter, all provisions of Chapter 52, 'Administrative Procedures for the Construction Codes of the City of Dallas' apply to this code.”

3. Subsection C102.1, "General," of Section C102, "Alternate Materials- Method of Construction, Design or Insulating Systems," of Part 1, “Scope and Application,” of Chapter 1 [CE], "Scope and Administration," of the Commercial Provisions of the 2015 International Energy Conservation Code is amended by adding a new Paragraph C102.1.2, "Alternative Compliance," to read as follows:

**"C102.1.2 Alternative compliance.** A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the code official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance."

4. Section C109, “Board of Appeals,” of Part 2, “Administration and Enforcement,” of Chapter 1 [CE], “Scope and Administration,” of the Commercial Provisions of the 2015 International Energy Conservation Code is deleted.

5. Section C202, "General Definitions," of Chapter 2 [CE], "Definitions," of the Commercial Provisions of the 2015 International Energy Conservation Code is amended by adding in alphabetical order a new defined term, "Projection Factor," to read as follows:

**“PROJECTION FACTOR.** The ratio of the horizontal depth of the overhang, eave or permanently attached shading device, divided by the distance measured vertically from the bottom of the fenestration glazing to the underside of the overhang, eave or permanently attached shading device.”

6. Subsection C402.2, “Specific Building Thermal Envelope Insulation Requirements (Prescriptive),” of Section C402, “Building Envelope Requirements,” of Chapter 4 [CE], “Commercial Energy Efficiency,” of the Commercial Provisions of the 2015 International

Energy Conservation Code is amended by adding a new paragraph C402.2.7 “Insulation Installed in Walls,” to read as follows:

**“C402.2.7 Insulation installed in walls.** To insure that insulation remains in place, insulation installed in walls shall be totally enclosed on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing, netting or other equivalent material approved by the building official.”

7. Subsection R101.1, “Title,” of Section R101, “Scope and General Requirements,” of Part 1, “Scope and Application,” of Chapter 1 [RE], “Scope and Administration,” of the Residential Provisions of the 2015 International Energy Conservation Code is amended to read as follows:

**“R101.1 Title.** This code shall be known as the *Dallas [International] Energy Conservation Code* [ ~~of [NAME OF JURISDICTION]~~ ], and shall be cited as such. It is referred to herein as ‘this code.’

**R101.1.1 Additional administrative provisions.** Except as otherwise specified in this chapter, all provisions of Chapter 52, ‘Administrative Procedures for the Construction Codes of the City of Dallas’ apply to this code.”

8. Subsection R102.1, “General,” of Section R102, “Alternate Materials, Design and Methods of Construction and Equipment,” of Part 1, “Scope and Application,” of Chapter 1 [RE], “Scope and Administration,” of the Residential Provisions of the 2015 International Energy Conservation Code is amended by adding new Paragraph R102.1.2, “Alternative Compliance,” to read as follows:

**“R102.1.2 Alternative compliance.** A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the code official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance.”

9. Section R109, "Board of Appeals," of Part 2, "Administration and Enforcement," of Chapter 1 [RE], "Scope and Administration," of the Residential Provisions of the 2015 International Energy Conservation Code is deleted.

10. Section R202, "General Definitions," of Chapter 2 [RE], "Definitions," of the Residential Provisions of the 2015 International Energy Conservation Code is amended by adding in alphabetical order new defined terms, "Dynamic Glazing," and "Projection Factor," to read as follows:

**“DYNAMIC GLAZING.** Any fenestration product that has the fully reversible ability to change its performance properties, including *U*-factor, solar heat gain coefficient (SHGC), or visible transmittance (VT).

**PROJECTION FACTOR.** The ratio of the horizontal depth of the overhang, eave or permanently attached shading device, divided by the distance measured vertically from the bottom of the fenestration glazing to the underside of the overhang, eave or permanently attached shading device.”

11. Subsection R402.2, "Specific Insulation Requirements (Prescriptive)," of Section R402, "Building Thermal Envelope," of Chapter 4 [RE], "Residential Energy Efficiency," of the Residential Provisions of the 2015 International Energy Conservation Code is amended by adding Paragraph R402.2.14 "Insulation Installed in Walls," to read as follows:

**“R402.2.14 Insulation installed in walls.** To insure that insulation remains in place, insulation installed in walls shall be totally enclosed on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing, netting or other equivalent material approved by the building official.”

12. Paragraph R402.3.2, "Glazed Fenestration SHGC," of Subsection R402.3, "Fenestration (Prescriptive)," of Section R402, "Building Thermal Envelope," of the Chapter 4 [RE], "Residential Energy Efficiency," of the Residential Provisions of the 2015 International Energy Conservation Code is amended to read as follows:

**“R402.3.2 Glazed fenestration SHGC.** An area-weighted average of fenestration products more than 50-percent glazed shall be permitted to satisfy the SHGC requirements.

*Dynamic glazing* shall be permitted to satisfy the SHGC requirements of Table R402.1.2 provided the ratio of the higher to lower labeled SHGC is greater than or equal to 2.4, and the *dynamic glazing* is automatically controlled to modulate the amount of solar gain into the space in multiple steps. *Dynamic glazing* shall be considered separately from other fenestration, and area-weighted averaging with other fenestration that is not dynamic glazing shall not be permitted.

**Exception:** *Dynamic glazing* is not required to comply with this section when both the lower and higher labeled SHGC already comply with the requirements of Table R402.1.2.

Where vertical fenestration is shaded by an overhang, eave or permanently attached shading device, the SHGC required in Table R402.1.2 shall be reduced by using the multipliers in Table R402.3.2 SHGC Multipliers for Permanent Projections.

**Table R402.3.2 SHGC Multipliers for Permanent Projections<sup>a</sup>**

<u>Projection Factor</u>	<u>SHGC Multiplier (all Other Orientation)</u>	<u>SHGC Multiplier (North Oriented)</u>
<u>0 - 0.10</u>	<u>1.00</u>	<u>1.00</u>
<u>&gt;0.10 – 0.20</u>	<u>0.91</u>	<u>0.95</u>
<u>&gt;0.20 – 0.30</u>	<u>0.82</u>	<u>0.91</u>
<u>&gt;0.30 – 0.40</u>	<u>0.74</u>	<u>0.87</u>
<u>&gt;0.40 – 0.50</u>	<u>0.67</u>	<u>0.84</u>
<u>&gt;0.50 – 0.60</u>	<u>0.61</u>	<u>0.81</u>
<u>&gt;0.60 – 0.70</u>	<u>0.56</u>	<u>0.78</u>
<u>&gt;0.70 – 0.80</u>	<u>0.51</u>	<u>0.76</u>
<u>&gt;0.80 – 0.90</u>	<u>0.47</u>	<u>0.75</u>
<u>&gt;0.90 – 1.00</u>	<u>0.44</u>	<u>0.73</u>

<sup>a</sup>North oriented means within 45 degrees of true north.”

13. Subparagraph R402.4.1.2, “Testing,” of Paragraph R402.4.1, “Building Thermal Envelope,” of Subsection R402.4, “Air Leakage (Mandatory),” of Section R402, “Building Thermal Envelope,” of Chapter 4 [RE], “Residential Energy Efficiency,” of the Residential Provisions of the 2015 International Energy Conservation Code is amended to read as follows:

**“R402.4.1.2 Testing.** The building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding five air changes per hour in Climate Zones 1 and 2, and three air changes per hour in Climate Zones 3 through 8. Testing shall be conducted in accordance with ASTM E 779 or ASTM E 1827 and reported at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the *code official*, testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the party

conducting the test and provided to the *code official*. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope*.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weatherstripping or other infiltration control measures.
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures.
3. Interior doors, if installed at the time of the test, shall be open.
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed.
5. Heating and cooling systems, if installed at the time of the test, shall be turned off.
6. Supply and return registers, if installed at the time of the test, shall be fully open.

Mandatory testing shall only be performed by individuals that are certified to perform air infiltration testing certified by national or state organizations as approved by the *building official*. The certified individuals must be an independent third-party entity, and may not be employed by, or have any financial interest in the company that constructs the structure.”

14. Paragraph R403.3.3 “Duct Testing (Mandatory),” of Subsection R403.3, “Ducts,” of Section R403, “Systems,” of Chapter 4 [RE], “Residential Energy Efficiency,” of the Residential Provisions of the 2015 International Energy Conservation Code is amended to read as follows:

**“R403.3.3 Duct testing (Mandatory).** Ducts shall be pressure tested to determine air leakage by one of the following methods:

1. Rough-in test: Total leakage shall be measured with a pressure differential of 0.1 inch w.g. (25 Pa) across the system, including the manufacturer’s air handler enclosure if installed at the time of the test. All registers shall be taped or otherwise sealed during the test.
2. Postconstruction test: Total leakage shall be measured with a pressure differential of 0.1 inch w.g. (25 Pa) across the entire system, including the manufacturer’s air handler enclosure. Registers shall be taped or otherwise sealed during the test.

**Exception:** A duct air leakage test shall not be required where the ducts and air handlers are located entirely within the building thermal envelope.

A written report of the results of the test shall be signed by the party conducting the test and provided to the *code official*.

Mandatory testing shall only be performed by individuals that are certified to perform duct testing leakage testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed by, or have any financial interest in the company that constructs the structure.

15. Paragraph R405.6.2 “Specific Approval,” of Subsection R405.6, “Calculation Software Tools,” of Section R405, “Simulated Performance Alternative (Performance),” of Chapter 4 [RE], “Residential Energy Efficiency,” of the Residential Provisions of the 2015 International Energy Conservation Code is amended to read as follows;

**“R405.6.2 Specific approval.** Performance analysis tools meeting the applicable provisions of Section R405 shall be permitted to be *approved*. Tools are permitted to be *approved* based on meeting a specified threshold for a jurisdiction. The *code official* shall be permitted to approve tools for a specified application or limited scope.

Acceptable performance software simulation tools may include, but are not limited to, REM Rate™, Energy Gauge and IC3. Other performance software programs accredited by RESNET BESTEST and having the ability to provide a report as outlined in R405.4.2 may also be deemed acceptable performance simulation programs and may be considered by the building official.

16. Table R406.4 “Maximum Energy Rating Index,” of Section R406, “Energy Rating Index Compliance Alternative,” of Chapter 4 [RE], “Residential Energy Efficiency,” of the Residential Provisions of the 2015 International Energy Conservation Code is deleted and replaced with the following:

**“TABLE R406.4<sup>1</sup>  
MAXIMUM ENERGY RATING INDEX**

<b>CLIMATE ZONE</b>	<b>ENERGY RATING INDEX</b>
3	65

<sup>1</sup> This table is effective until August 31, 2019.

**TABLE R406.4<sup>2</sup>**  
**MAXIMUM ENERGY RATING INDEX**

CLIMATE ZONE	ENERGY RATING INDEX
3	63

<sup>2</sup> The table is effective from September 1, 2019 to August 31, 2022.

**TABLE R406.4<sup>3</sup>**  
**MAXIMUM ENERGY RATING INDEX**

CLIMATE ZONE	ENERGY RATING INDEX
3	59

<sup>3</sup> This table is effective on or after September 1, 2022.”

17. All chapters of the 2015 International Energy Conservation Code adopted by this ordinance are subchapters of Chapter 59 of the Dallas City Code, as amended.

18. All references in the 2015 International Energy Conservation Code to the fire code, building code, plumbing code, mechanical code, electrical code, residential code, existing building code, fuel gas code, and green construction code refer, respectively, to Chapters 16, 53, 54, 55, 56, 57, 58, 60, and 61 of the Dallas City Code.

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the effective date of this ordinance will be discharged or affected by this ordinance. Prosecutions and suits for such offenses, liabilities, penalties, and forfeitures may be instituted, and causes of action pending on the effective date of this ordinance may proceed, as if the former laws applicable at the time the offense, liability, penalty, or forfeiture was committed or incurred had not been amended, repealed, reenacted, or superseded, and all former laws will continue in effect for these purposes.

SECTION 3. That Chapter 59 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. If any provision contained in Chapters 16, 52, 53, 54, 55, 56, 57, 58, 60, or 61 relating to energy conservation work in the city is in conflict with any provision of Chapter 59, as adopted by this ordinance, the provisions of Chapter 59 will prevail, except that any existing structure, system, development project, or registration that is not required to come into compliance with a requirement of this ordinance will be governed by the requirement as it existed in the former law last applicable to the structure, system, development project, or registration, and all former laws will continue in effect for this purpose.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 5. That this ordinance will take effect on \_\_\_\_\_, 2017, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 60, “Dallas Fuel Gas Code,” of the Dallas City Code, as amended; adopting with certain changes the 2015 Edition of International Fuel Gas Code of the International Code Council, Inc.; regulating the construction, enlargement, alteration, repair, use, and maintenance of fuel gas work in the city; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Chapter 60, “Dallas Fuel Gas Code,” of the Dallas City Code, as amended, is amended by adopting the 2015 Edition of the International Fuel Gas Code of the International Code Council, Inc. (which is attached as Exhibit A and made a part of this ordinance), with the following amendments:

1. Page ix, “Legislation,” is deleted.
2. Chapter 1, “Scope and Administration,” of the 2015 International Fuel Gas Code

is deleted and replaced with a new Chapter 1, “Administration,” to read as follows:

**“CHAPTER 1  
ADMINISTRATION**

**SECTION 101  
GENERAL**

**101.1 Title.** These regulations are known as the *Dallas Fuel Gas Code*, hereinafter referred to as “this code.”

**101.2 Scope.** This code applies to the installation of fuel-gas *pipng* systems, fuel gas appliances, gaseous hydrogen systems and related accessories.

**101.2.1 Piping systems.** These regulations cover *piping* systems for natural gas with an operating pressure of 125 pounds per square inch gauge (psig) (862 kPa gauge) or less, and for LP-gas with an operating pressure of 20 psig (140 kPa gauge) or less, except as provided in Section 402.6. Coverage must extend from the *point of delivery* to the outlet of the *appliance* shutoff valves. *Piping* system requirements must include design, materials, components, fabrication, assembly, installation, testing, inspection, operation and maintenance.

**101.2.2 Gas appliances.** Requirements for gas appliances and related accessories must include installation, combustion and ventilation air, and venting and connections to *piping* systems.

**101.2.3 Exclusions.** This code does not apply to the following:

1. Portable LP-gas appliances and *equipment* of all types that is not connected to a fixed fuel *piping* system.
2. Installation of farm appliances and *equipment* such as brooders, dehydrators, dryers and irrigation *equipment*.
3. Raw material (feedstock) applications except for *piping* to special atmosphere generators.
4. Oxygen-fuel gas cutting and welding systems.
5. Industrial gas applications using gases such as acetylene and acetylenic compounds, hydrogen, ammonia, carbon monoxide, oxygen and nitrogen.
6. Petroleum refineries, pipeline compressor or pumping stations, loading terminals, compounding plants, refinery tank farms and natural gas processing plants.
7. Integrated chemical plants or portions of such plants where flammable or combustible liquids or gases are produced by, or used in, chemical reactions.
8. LP-gas installations at utility gas plants.
9. Liquefied natural gas (LNG) installations.
10. Fuel gas *piping* in power and atomic energy plants.
11. Proprietary items of *equipment*, apparatus or instruments such as gas-generating sets, compressors and calorimeters.
12. LP-gas *equipment* for vaporization, gas mixing and gas manufacturing.

13. Temporary LP-gas *pipng* for buildings under construction or renovation that is not to become part of the permanent *pipng* system.
14. Installation of LP-gas systems for railroad switch heating.
15. Installation of hydrogen gas, LP-gas and compressed natural gas (CNG) systems on vehicles.
16. Except as provided in Section 401.1.1, gas *pipng*, meters, gas pressure regulators and other appurtenances used by the serving gas supplier in the distribution of gas, other than undiluted LP-gas.
17. Building design and construction, except as specified herein.
18. *Pipng* systems for mixtures of gas and air within the flammable range with an operating pressure greater than 10 psig (69 kPa gauge).
19. Portable fuel cell appliances that are neither connected to a fixed *pipng* system nor interconnected to a power grid.

**101.2.4 Other fuels.** The requirements for the design, installation, maintenance, *alteration* and inspection of mechanical systems operating with fuels other than fuel gas shall be regulated by the *Dallas Mechanical Code*.

**101.3 Administrative procedures.** Except as otherwise specified in this code, all provisions of Chapter 52, “Administrative Procedures for the Construction Codes,” of the *Dallas City Code* apply to this code.

**101.4 Referenced codes and standards.** The codes and standards referenced in this code are considered part of the requirements of this code to the prescribed extent of each such reference only when such codes and standards have been specifically adopted by the city of Dallas. Whenever amendments have been adopted to the referenced codes and standards, each reference to the codes and standards is considered to reference the amendments as well. Any reference made to NFPA 70 or the *ICC Electrical Code* means the *Dallas Electrical Code*, as amended. References made to the *International Mechanical Code*, the *International Plumbing Code*, the *International Fire Code*, the *International Energy Conservation Code*, the *International Building Code*, the *International Existing Building Code* and the *International Residential Code* respectively mean the *Dallas Mechanical Code*, the *Dallas Plumbing Code*, the *Dallas Fire Code*, the *Dallas Energy Conservation Code*, the *Dallas Building Code*, the *Dallas Existing Building Code* and the *Dallas One- and Two-Family Dwelling Code*, as amended. Where differences occur between provisions of this code and the referenced codes and standards, the provisions of this code apply.

**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and the manufacturer’s installation instructions apply.

**101.5 Unsafe installations.** An installation that is unsafe, constitutes a fire or health hazard, or is otherwise dangerous to human life, as regulated by this code, is hereby declared an unsafe installation. Use of an installation regulated by this code constituting a hazard to health, safety or welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and must be abated by repair, rehabilitation, demolition or removal.”

3. Paragraph 304.6.2, “One-Permanent-Opening Method,” of Subsection 304.6, “Outdoor Combustion Air,” of Section 304 (IFGS), “Combustion, Ventilation and Dilution Air,” of Chapter 3, “General Regulations,” of the 2015 International Fuel Gas Code is deleted.

4. Subsection 304.10, “Louvers and Grilles,” of Section 304 (IFGS), “Combustion, Ventilation and Dilution Air,” of Chapter 3, “General Regulations,” of the 2015 International Fuel Gas Code is amended to read as follows:

**“304.10 Louvers and grilles.** The required size of openings for combustion, ventilation and dilution air shall be based on the net free area of each opening. Where the free area through a design of louver, grille or screen is known, it shall be used in calculating the size opening required to provide the free area specified. Where the design and free area of louvers and grilles are not known, it shall be assumed that wood louvers will have 25-percent free area and metal louvers and grilles will have 50 [~~75~~]-percent free area. Screens shall have a mesh size not smaller than ¼ inch (6.4 mm). Nonmotorized louvers and grilles shall be fixed in the open position. Motorized louvers shall be interlocked with the *appliance* so that they are proven to be in the full open position prior to main burner ignition and during main burner operation. Means shall be provided to prevent the main burner from igniting if the louvers fail to open during burner start-up and to shut down the main burner if the louvers close during operation.”

5. Subsection 305.3, “Elevation of Ignition Source,” of Section 305 (IFGC), “Installation,” of Chapter 3, “General Regulations,” of the 2015 International Fuel Gas Code is amended to read as follows:

**“305.3 Elevation of ignition source.** *Equipment* and appliances having an *ignition source* shall be elevated such that the source of ignition is not less than 18 inches (457 mm) above the floor in hazardous locations and public garages, private garages, repair garages, motor fuel-dispensing facilities and parking garages. For the purpose of this section, rooms or spaces that are not part of the *living space* of a *dwelling unit* and that communicate directly with a private garage through openings shall be considered to be part of the private garage.

**Exception:** Elevation of the *ignition source* is not required for appliances or water heaters that are *listed* as flammable vapor ignition resistant.

**305.3.1 (IFGS) Installation in residential garages.** In residential garages where appliances are installed in a separate, enclosed space having *access* only from outside of the garage, such appliances shall be permitted to be installed at floor level, provided that the required *combustion air* is taken from the exterior of the garage.

**305.3.2 Parking garages.** Connection of a parking garage with any room in which there is a fuel-fired *appliance* shall be by means of a vestibule providing a two-doorway separation, except that a single door is permitted where the sources of ignition in the *appliance* are elevated in accordance with Section 305.3.

**Exception:** This section shall not apply to *appliance* installations complying with Section 305.4.”

6. Subsection 305.5, “Private Garages,” of Section 305 (IFGC), “Installation,” of Chapter 3, “General Regulations,” of the 2015 International Fuel Gas Code is deleted.

7. Subsection [M] 306.3, “Appliances in Attics,” of Section 306 (IFGC), “Access and Service Space,” of Chapter 3, “General Regulations,” of the 2015 International Fuel Gas Code is amended to read as follows:

“**[M] 306.3 Appliances in attics.** Attics containing appliances requiring access shall be provided with an opening and unobstructed passageway large enough to allow removal of the largest *appliance*. The passageway shall not be less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length measured along the centerline of the passageway from the opening to the *appliance*. The passageway shall have continuous solid flooring not less than 24 inches (610 mm) wide. A level service space not less than 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the *appliance*. The clear *access* opening dimensions shall be not less than 20 inches by 30 inches (508 mm by 762 mm), or larger where such dimensions are not [and] large enough to allow removal of the largest *appliance*. A walkway to an *appliance* must be rated as a floor as approved by the building official. Access to the attic space must be provided by at least one of the following:

1. A permanent stair.
2. A pull down stair with a minimum 300 lb (136 kg) capacity.
3. An access door from an upper floor level.

Due to structural conditions, an access panel may be used in lieu of Items 1, 2, and 3 with prior approval of the building official.

**Exceptions:**

1. The passageway and level service space are not required where the *appliance* is capable of being serviced and removed through the required opening.
2. Where the passageway is not less than 6 feet (1829 mm) high for its entire length, the passageway shall be not greater than 50 feet (15 250 mm) in length.

**[M] 306.3.1 Electrical requirements.** A luminaire controlled by a switch located at the required passageway opening and a receptacle outlet shall be provided at or near the *appliance* location in accordance with the Dallas Electrical Code [NFPA-70].”

8. Subsection [M] 306.5, “Equipment and Appliances on Roofs or Elevated Structures,” of Section 306 (IFGC), “Access and Service Space,” of Chapter 3, “General Regulations,” of the 2015 International Fuel Gas Code is amended to read as follows:

**“[M] 306.5 Equipment and appliances on roofs or elevated structures.** Where equipment requiring access or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access, a permanent [such equipment or appliances, an] interior or exterior means of access shall be provided. Permanent exterior ladders providing roof access need not extend closer than 12 feet (2438 mm) to the finish grade or floor level below and must extend to the equipment and appliance’s level service space. Such access shall not require climbing over obstructions greater than 30 inches (762 mm) in height or walking on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). Such access shall not require the use of portable ladders.

Permanent ladders installed to provide the required *access* shall comply with the following minimum design criteria:

1. The side railing shall extend above the parapet or roof edge not less than 30 inches (762 mm).
2. Ladders shall have rung spacing not to exceed 14 inches (356 mm) on center. The uppermost rung shall be a maximum of 24 inches (610 mm) below the upper edge of the roof hatch, roof or parapet, as applicable.
3. Ladders shall have a toe spacing not less than 6 inches (152 mm) deep.
4. There shall be not less than 18 inches (457 mm) between rails.

5. Rungs shall have a diameter not less than 0.75-inch (19 mm) and be capable of withstanding a 300-pound (136.1 kg) load.
6. Ladders over 30 feet (9144 mm) in height shall be provided with offset sections and landings capable of withstanding 100 pounds per square foot (488.2 kg/m<sup>2</sup>). Landing dimensions shall be not less than 18 inches (457 mm) and not less than the width of the ladder served. A guard rail shall be provided on all open sides of the landing.
7. Climbing clearance. The distance from the centerline of the rungs to the nearest permanent object on the climbing side of the ladder shall be not less than 30 inches (762 mm) measured perpendicular to the rungs. This distance shall be maintained from the point of ladder access to the bottom of the roof hatch. A minimum clear width of 15 inches (381 mm) shall be provided on both sides of the ladder measured from the midpoint of and parallel with the rungs, except where cages or wells are installed.
8. Landing required. The ladder shall be provided with a clear and unobstructed bottom landing area having a minimum dimension of 30 inches by 30 inches (762 mm by 762 mm) centered in front of the ladder.
9. Ladders shall be protected against corrosion by *approved* means.
10. Access to ladders shall be provided at all times.

Catwalks installed to provide the required *access* shall be not less than 24 inches (610 mm) wide and shall have railings as required for service platforms.

**Exception:** This section shall not apply to Group R-3 occupancies.

**[M] 306.5.1 Sloped roofs.** Where appliances, *equipment*, fans or other components that require service are installed on [a] roofs having [a] slopes greater than 4 [of 3] units vertical in 12 units horizontal (33[25]-percent slope) [or greater] and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart must be provided from the roof access to a level platform at the appliance. The level platform shall be provided on each side of the *appliance* or *equipment* to which *access* is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the *Dallas [International] Building Code*. *Access* shall not require walking on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). Where *access* involves obstructions greater than 30 inches (762 mm) in height, such obstructions shall be provided with ladders installed in accordance with Section 306.5 or stairways installed in accordance with the requirements specified in the *Dallas [International] Building Code* in the path of travel to and from appliances, fans or *equipment* requiring service.

**[M] 306.5.2 Electrical requirements.** A receptacle outlet shall be provided at or near the *equipment or appliance* location in accordance with the *Dallas Electrical Code* [NFPA 70].”

9. Section 306 (IFGC), “Access and Service Space,” of Chapter 3, “General Regulations,” of the 2015 International Fuel Gas Code is amended by adding a new Subsection 306.7, “Water Heaters Above Ground or Floor,” to read as follows:

**“306.7 Water heaters above ground or floor.** When the attic, roof, mezzanine or platform in which a water heater is installed is more than 8 feet (2438 mm) above the ground or floor level, it must be made accessible by a stairway or permanent ladder fastened to the building.

**Exception:** A water heater may be reached by portable ladder if the water heater has a capacity of no more than 10 gallons (or larger with prior approval), it is capable of being accessed through a lay-in ceiling, and it is installed not more than 10 feet (3048 mm) above the ground or floor level.

**306.7.1 Illumination and convenience outlet.** Whenever the attic, roof, mezzanine or platform is not adequately lighted or access to a receptacle outlet is not obtainable from the main level, lighting and a receptacle outlet must be provided in accordance with Section 306.3.1.”

10. Subsection 310.1, “Pipe and Tubing Other Than CSST,” of Section 310 (IFGS), “Electrical Bonding,” of Chapter 3, “General Regulations,” of the 2015 International Fuel Gas Code is deleted and replaced with a new Subsection 310.1, “Pipe and Tubing,” to read as follows:

**“310.1 Pipe and tubing.** Metal piping system(s) that are likely to become energized shall be bonded by a qualified contractor and in accordance with the requirements of the *Dallas Electrical Code*.”

11. Subsection 401.5, “Identification,” of Section 401 (IFGC), “General,” of Chapter 4, “Gas Piping Installations,” of the 2015 International Fuel Gas Code is amended to read as follows:

**“401.5 Identification.** For other than black steel pipe, exposed *piping* shall be identified by a yellow label marked “Gas” in black letters. The marking shall be spaced at intervals not exceeding 5 feet (1524 mm). The marking shall not be required on pipe located in the same room as the *appliance* served.

Both ends of each section of medium pressure corrugated stainless steel tubing (CSST) must identify its operating gas pressure with an approved permanently attached tag. The tags must be composed of aluminum or stainless steel and the following wording must be stamped into the tag:

“WARNING  
½ TO 5 psi gas pressure  
Do Not Remove.””

12. Subsection 402.3, “Sizing,” of Section 402 (IFGS), “Pipe Sizing,” of Chapter 4, “Gas Piping Installations,” of the 2015 International Fuel Gas Code is amended to read as follows:

“**402.3 Sizing.** Gas *piping* shall be sized in accordance with one of the following:

1. Pipe sizing tables or sizing equations in accordance with Section 402.4.
2. The sizing tables included in a *listed piping* system’s manufacturer’s installation instructions.
3. Other *approved* engineering methods.

**Exception:** Corrugated stainless steel tubing (CSST) must be a minimum of ½ inch (18 EHD).”

13. Subsection 404.12, “Minimum Burial Depth,” of Section 404 (IFGC), “Piping System Installation,” of Chapter 4, “Gas Piping Installations,” of the 2015 International Fuel Gas Code is amended to read as follows:

“**404.12 Minimum burial depth.** Underground *piping* systems shall be installed a minimum depth of 18 [12] inches (458 [305] mm), measured from the top of the pipe to the existing [below] grade~~[, except as provided for in Section 404.12.1].~~

~~**404.12.1 Individual outside appliances.** Individual lines to outside lights, grills or other *appliances* shall be installed not less than 8 inches (203 mm) below finished grade, provided that such installation is *approved* and is installed in locations not susceptible to physical damage.]”~~

14. Subsection 406.1, “General,” of Section 406 (IFGS), “Inspection, Testing and Purging,” of Chapter 4, “Gas Piping Installations,” of the 2015 International Fuel Gas Code is amended to read as follows:

**“406.1 General.** Prior to acceptance and initial operation, all *pipng* installations shall be visually inspected and pressure tested to determine that the materials, design, fabrication and installation practices comply with the requirements of this code. The permit holder shall make the applicable tests prescribed by Sections 406.1.1 through 406.1.5 to determine compliance with the provisions of the code. The permit holder shall give reasonable advance notice to the building official when the piping system is ready for testing. The equipment, material, power and labor necessary for the inspection and test must be furnished by the permit holder and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests.

**406.1.1 Inspections.** Inspection shall consist of visual examination during or after manufacture, fabrication, assembly or pressure tests.

**406.1.2 Repairs and additions.** In the event repairs or additions are made after the pressure test, the affected *pipng* shall be tested.

With prior approval of the building official, m[M]inor repairs and additions are not required to be pressure tested provided that the work is inspected and connections are tested with a noncorrosive leak-detecting fluid or other *approved* leak-detecting methods.

**406.1.3 New branches.** Where new branches are installed to new *appliances*, only the newly installed branches shall be required to be pressure tested. Connections between the new *pipng* and the existing *pipng* shall be tested with a noncorrosive leak-detecting fluid or other *approved* leak-detecting methods.

**406.1.4 Section testing.** A *pipng* system shall be permitted to be tested as a complete unit or in sections. Under no circumstances shall a valve in a line be used as a bulkhead between gas in one section of the *pipng* system and test medium in an adjacent section, except where a double block and bleed valve systems is installed. A valve shall not be subjected to the test pressure unless it can be determined that the valve, including the valve-closing mechanism, is designed to safely withstand the test pressure.

**406.1.5 Regulators and valve assemblies.** Regulator and valve assemblies fabricated independently of the *pipng* system in which they are to be installed shall be permitted to be tested with inert gas or air at the time of fabrication.

**406.1.6 Pipe clearing.** Prior to testing, the interior of the pipe shall be cleared of all foreign material.”

15. Subsection 406.4, “Test Pressure Measurement,” of Section 406 (IFGS), “Inspection, Testing and Purging,” of Chapter 4, “Gas Piping Installations,” of the 2015 International Fuel Gas Code is amended to read as follows:

**“406.4 Test pressure measurement.** Test pressure shall be measured with a ~~[manometer or with~~ a pressure-measuring device designed and calibrated to read, record or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. ~~[Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater than five times the test pressure.]~~

**406.4.1 Test pressure.** The test pressure to be used shall be not less than ~~[1 ½ times the proposed maximum working pressure, but not less than]~~ 3 psig (20 kPa gauge). For tests requiring a pressure of 3 psig, diaphragm gauges must utilize a dial with a minimum diameter of 3 ½ inches, a set hand, 1/10 pound increments and pressure range not to exceed 6 psi for tests requiring a pressure of 3 psig. For tests requiring a pressure of 10 psig, diaphragm gauges must utilize a dial with a minimum diameter of 3 ½ inches, a set hand, a minimum of 2/10 pound increments and a pressure range not to exceed 20 psi. For welded piping, and for piping carrying gas at pressures in excess of 14 inches water column pressure (3.48 kPa) (1/2 psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure must not be less than 10 pounds per square inch (69.6 kPa). For piping carrying gas at a pressure that exceeds 200 inches of water column (52.2 kPa) (7.5 psi), the test pressure must be not less than one and one-half times the proposed maximum working pressure.

Diaphragm gauges used for testing must display a current calibration and be in good working condition. The appropriate test must be applied to the diaphragm gauge used for testing. [ , irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the *piping* greater than 50 percent of the specified minimum yield strength of the pipe.]

**406.4.2 Test duration.** Test duration shall be held for a length of time satisfactory to the building official, but in no case for less than 15 minutes. For welded piping, and for piping carrying gas at pressures in excess of 14 inches water column pressure (3.48 kPa), the test duration must be held for a length of time satisfactory to the building official, but in no case for less than 30 minutes. [not less than ½ hour for each 500 cubic feet (14 m<sup>3</sup>) of pipe volume or fraction thereof. When testing a system having a volume less than 10 cubic feet (0.28 m<sup>3</sup>) or a system in a single family dwelling, the test duration shall be not less than 10 minutes. The duration of the test shall not be required to exceed 24 hours.]”

16. Subsection 409.1, “General,” of Section 409 (IFGC), “Shutoff Valves,” of Chapter 4, “Gas Piping Installations,” of the 2015 International Fuel Gas Code is amended by adding a new Paragraph 409.1.4, “Valves in CSST Installations,” to read as follows:

**“409.1.4 Valves in CSST installations.** Shutoff valves installed with corrugated stainless steel (CSST) piping systems must be supported with an *approved* termination fitting, or equivalent support, suitable for the size of the valves, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration but in no case greater than 12 inches from the center of the valve. Supports must be installed so as not to interfere with the free expansion and contraction of the system's piping, fittings, and valves between anchors. All valves and supports must be designed and installed so they will not be disengaged by movement of the supporting piping.”

17. Paragraph 409.5.1, “Located Within Same Room,” of Subsection 409.5, “Appliance Shutoff Valve,” of Section 409 (IFGC), “Shutoff Valves,” of Chapter 4, “Gas Piping Installations,” of the 2015 International Fuel Gas Code is amended to read as follows:

**“409.5.1 Located within same room.** The shutoff valve shall be located in the same room as the *appliance*. The shutoff valve shall be within 6 feet (1829 mm) of the *appliance*, and shall be installed upstream of the union, connector or quick disconnect device it serves. Such shutoff valves shall be provided with *access*. *Appliance* shut-off valves located in the firebox of a *fireplace* shall be installed in accordance with the *appliance* manufacturer’s instructions. A secondary shutoff valve must be installed within 3 feet (914 mm) of the firebox if appliance shutoff is located in the firebox.”

18. Subsection 410.1, “Pressure Regulators,” of Section 410 (IFGC), “Flow Controls,” of Chapter 4, “Gas Piping Installations,” of the 2015 International Fuel Gas Code is amended to read as follows:

**“410.1 Pressure regulators.** A line pressure regulator shall be installed where the *appliance* is designed to operate at a lower pressure than the supply pressure. Line gas pressure regulators shall be *listed* as complying with ANSI Z21.80. *Access* shall be provided to pressure regulators. Pressure regulators shall be protected from physical damage. Regulators installed on the exterior of the building shall be *approved* for outdoor installation. Access to regulators must comply with the requirements for *access* to appliances as specified in Section 306.

**Exception:** A passageway or level service space is not required when the regulator is capable of being serviced and removed through the required attic opening.”

19. Subparagraph 411.1.3.3, “Prohibited Locations and Penetrations,” of Paragraph 411.1.3, “Connector Installation,” of Subsection 411.1, “Connecting Appliances,” of Section 411 (IFGC), “Appliance and Manufactured Home Connections,” of Chapter 4, “Gas Piping Installations,” of the 2015 International Fuel Gas Code is amended to read as follows:

**“411.1.3.3 Prohibited locations and penetrations.** Connectors shall not be concealed within, or extended through, walls, floors, partitions, ceilings or *appliance* housings.

**Exception[s]:**

- ~~[1. Connectors constructed of materials allowed for *pipng* systems in accordance with Section 403 shall be permitted to pass through walls, floors, partitions and ceilings where installed in accordance with Section 409.5.2 or 409.5.3.~~
- 2.] Rigid black steel pipe connectors shall be permitted to extend through openings in *appliance* housings.
- ~~[3. *Fireplace* inserts that are factory equipped with grommets, sleeves or other means of protection in accordance with the listing of the *appliance*.~~
4. Semirigid tubing and *listed* connectors shall be permitted to extend through an opening in an *appliance* housing, cabinet or casing where the tubing or connector is protected against damage.]”

20. Paragraph [M] 614.8.2, “Duct Installation,” of Subsection [M] 614.8, “Domestic Clothes Dryer Exhaust Ducts,” of Section 614 (IFGC), “Clothes Dryer Exhaust,” of Chapter 6, “Specific Appliances,” of the 2015 International Fuel Gas Code is amended to read as follows:

**“[M] 614.8.2 Duct installation.** Exhaust ducts shall be supported at 4-foot (1219 mm) intervals and secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Ducts shall not be joined with screws or similar fasteners [that protrude more than 1/8 inch (3.2 mm) into the inside of the duct].”

21. Subsection 621.2, “Prohibited Use,” of Section 621 (IFGC), “Unvented Room Heaters,” of Chapter 6, “Specific Appliances,” of the 2015 International Fuel Gas Code is amended to read as follows:

**“621.2 Prohibited use.** One or more unvented room heaters shall not be used as the sole source of comfort heating in a *dwelling unit*.

**Exception:** Existing approved unvented heaters may continue to be used in dwelling units, in accordance with the code provisions in effect when installed, when approved by the building official, unless an unsafe condition is determined to exist as described in Section 101.5.”

22. The NFPA standards of Chapter 8, “Referenced Standards,” of the 2015

International Fuel Gas Code are amended to read as follows:

“**NFPA** National Fire Protection Association  
1 Batterymarch Park  
Quincy, MA 02269-9101

Standard reference number	Title	Referenced in code section number
30A—15	Code for Motor Fuel Dispensing Facilities and Repair Garages . . . . .	305.4, 305.10
37—14	Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines . . . . .	616.1
51—13	Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting and Allied Processes . . . . .	414.1
58—14	Liquefied Petroleum Gas Code . . . . .	401.2, 402.6, 403.6.2, 403.11
70—14	National Electrical Code . . . . .	[306.3.1,] 306.4.1, [306.5.2,] 309.2, [310.1.1.2,] 413.9.2.4, 703.6
82—14	Incinerators, Waste and Linen Handling Systems and Equipment . . . . .	503.2.5, T503.4, 607.1
85—15	Boiler and Combustion Systems Hazards Code . . . . .	631.1
88A—15	Parking Structures . . . . .	305.9
211—13	Standard for the Chimneys, Fireplaces, Vents and Solid Fuel-burning Appliances. . .	503.5.2, 503.5.3, 503.5.6.1, 503.5.6.3
409—11	Standard for the Aircraft Hangars . . . . .	305.11
853—15	Installation of Stationary Fuel Cell Power Systems . . . . .	633.1”

23. None of the appendices of the 2015 International Fuel Gas Code are adopted.

24. All chapters of the 2015 International Fuel Gas Code adopted by this ordinance are subchapters of Chapter 60 of the Dallas City Code, as amended.

25. All references in the 2015 International Fuel Gas Code to the fire code, building code, plumbing code, mechanical code, electrical code, residential code, existing building code, energy conservation code, and green construction code refer, respectively, to Chapters 16, 53, 54, 55, 56, 57, 58, 59, and 61 of the Dallas City Code.

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. No offense committed and no liability, penalty, or

forfeiture, either civil or criminal, incurred prior to the effective date of this ordinance will be discharged or affected by this ordinance. Prosecutions and suits for such offenses, liabilities, penalties, and forfeitures may be instituted, and causes of action pending on the effective date of this ordinance may proceed, as if the former laws applicable at the time the offense, liability, penalty, or forfeiture was committed or incurred had not been amended, repealed, reenacted, or superseded, and all former laws will continue in effect for these purposes.

SECTION 3. That Chapter 60 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. If any provision contained in Chapters 16, 52, 53, 54, 55, 56, 57, 58, 59, or 61 relating to fuel gas work in the city is in conflict with any provision of Chapter 60, as adopted by this ordinance, the provisions of Chapter 60 will prevail, except that any existing structure, system, development project, or registration that is not required to come into compliance with a requirement of this ordinance will be governed by the requirement as it existed in the former law last applicable to the structure, system, development project, or registration, and all former laws will continue in effect for this purpose.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 5. That this ordinance will take effect on \_\_\_\_\_, 2017, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 61, “Dallas Green Construction Code,” of the Dallas City Code, as amended; adopting with certain changes the 2015 Edition of the International Green Construction Code of the International Code Council, Inc.; regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, and maintenance of construction work in the city; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Chapter 61, “Dallas Green Construction Code,” of the Dallas City Code, as amended, is amended by adopting the 2015 Edition of the International Green Construction Code of the International Code Council, Inc. (which is attached as Exhibit A and made a part of this ordinance), with the following amendments:

1. Page xv, “Legislation,” is deleted.

2. Chapter 1, “Scope and Administration,” of the 2015 International Green Construction Code is deleted and replaced by a new Chapter 1, “Scope and Administration,” to read as follows:

**“CHAPTER 1  
SCOPE AND ADMINISTRATION**

**SECTION 101  
GENERAL**

**101.1 Title.** These regulations shall be known as the Dallas Green Construction Code hereinafter referred to as “this code.”

**101.2 General.** This code is an overlay document to be used in conjunction with the other codes and standards adopted by the jurisdiction. This code is not intended to be used as a standalone construction regulation document and permits are not to be issued under this code. This code is not intended to abridge or supersede safety, health or environmental requirements of other applicable codes or ordinances.

**101.3 Scope.** The provisions of this code shall apply to the design, construction, addition and building site of every new building or new structure or any new appurtenances connected or attached to such buildings or structures and to the site on which the building is located. Occupancy classifications shall be determined in accordance with the *Dallas Building Code*.

**Exceptions:**

1. The code shall not apply to items 1.1, 1.2 and 1.3 except where the jurisdiction adopts the jurisdictional requirements of Section 302.1, Item 1, for residential buildings.
  - 1.1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height above grade plane with a separate means of egress, their accessory structures, and the site or lot upon which these buildings are located.
  - 1.2. Group R-3 residential buildings, their accessory structures, and the site or lot upon which these buildings are located.
  - 1.3. Group R-2 and R-4 residential buildings four stories or less in height above grade plane, their accessory structures, and the site or lot upon which these buildings are located.
2. The code shall not apply to equipment or systems that are used primarily for industrial or manufacturing purposes.

3. The code shall not apply to temporary structures *approved* under Section 3103 of the *Dallas Building Code*.
4. Where ASHRAE 189.1 is selected in accordance with Section 301.1.1, ASHRAE 189.1 shall not apply to buildings identified in Exceptions 1 through 3.
5. This code shall not apply to additions that are less than 400 square feet in floor area and contain no plumbing fixtures.
6. This code shall not apply to structures that are designed, built and inspected in accordance with the Texas Industrialized Building Act.
7. This code shall not apply to an addition of a mezzanine in an existing building.

**101.3.1 Residential construction.** The following may be deemed-to-comply with this code:

1. Group R-2 and R-4 residential buildings five stories or more in height above grade plane, their accessory structures, and the site or lot upon which these buildings are located that comply with ICC 700, with the minimum energy efficiency category requirements of the *Dallas Energy Conservation Code*.
2. Group R-2 and R-4 portions of mixed use buildings that comply with ICC 700, with the minimum energy efficiency category requirements of the *Dallas Energy Conservation Code*. The remainder of the building and the site upon which the building is located shall comply with the provisions of this code.

**101.4 Appendices.** Provisions in the appendices shall not apply unless specifically adopted.

**101.5 Intent.** This code is intended to safeguard the environment, public health, safety and general welfare through the establishment of requirements to reduce the negative impacts and increase the positive impacts of the built environment on the natural environment and building occupants. This code is not intended to abridge or supersede safety, health or environmental requirements under other applicable codes or ordinances.

**101.6 Administrative procedures.** Except as otherwise specified in this chapter, all provisions of Chapter 52, “Administrative Procedures for the Construction Codes,” of the *Dallas City Code* apply to this code.

**101.7 Referenced codes and standards.** The codes and standards referenced in this code are considered part of the requirements of this code to the prescribed extent of each such reference only when such codes and standards have been specifically adopted by the City of Dallas. Whenever amendments have been adopted to the referenced codes and standards, each reference to the codes and standards is considered to reference the amendments as well. Any reference made to NFPA 70 or the *ICC Electrical Code* means the *Dallas Electrical Code*, as amended. References made to the *International Building Code*, *International Mechanical Code*, the *International Plumbing Code*, the *International Fire Code*, the *International Energy*

*Conservation Code, the International Fuel Gas Code, the International Existing Building Code, and the International Residential Code, respectively mean the Dallas Building Code, the Dallas Mechanical Code, the Dallas Plumbing Code, the Dallas Fire Code, the Dallas Energy Conservation Code, the Dallas Fuel Gas Code, the Dallas Existing Building Code, and the Dallas One- and Two-Family Dwelling Code, as amended. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code apply.”*

3. Paragraph 301.1.1, “Application,” of Subsection 301.1, “Scope,” of Section 301, “General,” of Chapter 3, “Jurisdictional Requirements,” of the 2015 International Green Construction Code is amended to read as follows:

**“301.1.1 Application.** The requirements contained in this code are applicable to new buildings, or new portions of buildings, and first time tenant finish outs. As indicated in Section 101.3, these buildings may ~~shall~~ meet either the requirements of ASHRAE 189.1 or the requirements contained in this code.”

4. Section 302, “Jurisdictional Requirements,” of Chapter 3, “Jurisdictional Requirements,” of the 2015 International Green Construction Code is amended to read as follows:

## **“SECTION 302 JURISDICTIONAL REQUIREMENTS**

**302.1 Requirements determined by the jurisdiction.** The jurisdiction shall indicate the following information in Table 302.1 for inclusion in its code adopting ordinance:

1. The jurisdiction shall indicate whether requirements for residential buildings, as indicated in Exception 1 to Section 101.3, are applicable by selecting “Yes” or “No” in Table 302.1. Where “Yes” is selected, the provisions of ICC 700 may ~~shall~~ apply and the remainder of this code shall not apply.
2. ~~[Where the jurisdiction requires enhanced energy performance for buildings designed on a performance basis, the jurisdiction shall indicate a zEPI of 46 or less in Table 302.1 for each occupancy required to have enhanced energy performance.~~
- 3.] Where “Yes” or “No” boxes are provided, the jurisdiction shall check the box to indicate “Yes” where that section is to be enforced as a mandatory requirement in the jurisdiction, or “No” where that section is not to be enforced as a mandatory requirement in the jurisdiction.

~~[302.1.1 zEPI of 46 or less. Where a zEPI of 46 or less is indicated by the jurisdiction in Table 302.1, buildings shall comply on a performance basis in accordance with Section 601.3.1.~~

~~**Exception:** Buildings less than 25,000 square feet (2323 m<sup>2</sup>) in total building floor area pursuing compliance on a prescriptive basis shall be deemed to have a zEPI of 51 and shall not be required to comply with the zEPI of Jurisdictional Choice indicated by the jurisdiction in Table 302.1.]”~~

5. Table 302.1, “Requirements Determined by the Jurisdiction,” of Chapter 3, “Jurisdictional Requirements,” of the 2015 International Green Construction Code is amended to read as follows:

**“TABLE 302.1  
REQUIREMENTS DETERMINED BY THE JURISDICTION**

Section	Section Title or Description and Directives	Jurisdictional Requirements	
<b>CHAPTER 1. SCOPE</b>			
101.3 Exception 1.1	Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height above grade plane with a separate means of egress, their accessory structures, and the site or lot upon which these buildings are located, <u>may</u> [ <del>shall</del> ] comply with ICC 700.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
101.3 Exception 1.2	Group R-3 residential buildings, their accessory structures, and the site or lot upon which these buildings are located, <u>may</u> [ <del>shall</del> ] comply with ICC 700.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
101.3 Exception 1.3	Group R-2 and R-4 residential buildings four stories or less in height above grade plane, their accessory structures, and the site or lot upon which these buildings are located, <u>may</u> [ <del>shall</del> ] comply with ICC 700.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<b>CHAPTER 4. SITE DEVELOPMENT AND LAND USE</b>			
[ <del>402.2.1</del> ]	<del>Flood hazard area preservation, general</del>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
402.2.2	Flood hazard area preservation, specific	<input type="checkbox"/> Yes	<input type="checkbox"/> No
402.3	Surface water protection	<input type="checkbox"/> Yes	<input type="checkbox"/> No
402.5	Conservation area	<input type="checkbox"/> Yes	<input type="checkbox"/> No
402.6	Agricultural land	<input type="checkbox"/> Yes	<input type="checkbox"/> No
402.7	Greenfield sites	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

[407.4.1	High occupancy vehicle parking	<input type="checkbox"/> Yes	<input type="checkbox"/> No
407.4.2	Low emission, hybrid and electric vehicle parking	<input type="checkbox"/> Yes	<input type="checkbox"/> No]
409.1	Light pollution control	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<b>CHAPTER 5. MATERIAL RESOURCE CONSERVATION AND EFFICIENCY</b>			
503.1	Minimum percentage of waste material diverted from landfills	<input checked="" type="checkbox"/> 50%	<input type="checkbox"/> 65%
		<input type="checkbox"/> 75%	
<b>[CHAPTER 6. ENERGY CONSERVATION, EFFICIENCY AND CO<sub>2</sub>e EMISSION REDUCTION</b>			
302.1, 302.1.1, 602.1	<del>zEPI of Jurisdictional Choice. The jurisdiction shall indicate a zEPI of 46 or less in each occupancy for which it intends to require enhanced energy performance.</del>	Occupancy: _____ zEPI: _____	
604.1	Automated demand response infrastructure	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>CHAPTER 7. WATER RESOURCE CONSERVATION, QUALITY AND EFFICIENCY</b>			
702.6	Municipal or reclaimed water	<input type="checkbox"/> Yes	<input type="checkbox"/> No]
<b>CHAPTER 8. INDOOR ENVIRONMENTAL QUALITY AND COMFORT</b>			
804.2	Post-Construction Pre-Occupancy Baseline IAQ Testing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
[807.1	Sound transmission and sound levels	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>CHAPTER 10. EXISTING BUILDINGS</b>			
1007.2	<del>Evaluation and certification of existing buildings and building sites</del>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
1007.3	<del>Post certificate of occupancy annual net energy use, energy demand, and CO<sub>2</sub>e emissions reporting</del>	<input type="checkbox"/> Yes	<input type="checkbox"/> No]"

6. Subsection 401.2, “Predesign Site Inventory and Assessment,” of Section 401, “General,” of Chapter 4, “Site Development and Land Use,” of the 2015 International Green Construction Code is deleted.

7. Subsection 402.1, “Protection by Area,” of Section 402, “Preservation of Natural Resources,” of Chapter 4, “Site Development and Land Use,” of the 2015 International Green Construction Code is amended to read as follows:

**“402.1 Protection by area.** Where [~~flood hazard areas, surface water bodies or wetlands, conservation areas, parklands, agricultural lands or~~] *greenfields* are located on, or adjacent to, a lot, the development of the lot as a building site shall comply with the provisions of Section[s 402.2 through] 402.7.”

8. Subsection 402.2, “Flood Hazard Areas,” Subsection 402.3, “Surface Water Protection,” Subsection 402.4, “Wetland Protection,” Subsection 402.5, “Conservation Area,” and Subsection 402.6, “Agricultural Land,” of Section 402, “Preservation of Natural Resources,” of Chapter 4, “Site Development and Land Use,” of the 2015 International Green Construction Code are deleted.

9. Subsection 402.7, “Greenfield Sites,” of Section 402, “Preservation of Natural Resources,” of Chapter 4, “Site Development and Land Use,” of the 2015 International Green Construction Code is amended to read as follows:

**“402.7 Greenfield sites.** Where this section is indicated to be applicable in Table 302.1, site disturbance or development shall not be permitted on *greenfield* sites specifically identified by and pursuant to the authority having jurisdiction.

**Exception:** The development of new buildings and associated site improvements shall be permitted on *greenfield* sites where the jurisdiction determines that adequate infrastructure exists, or will be provided, and where the sites comply with not less than one of the following:

1. The *greenfield* site is located within ¼ mile (0.4 km) of developed residential land and with an average density of not less than 8 dwelling units per acre (19.8 dwelling units per hectare).
2. The *greenfield* site is located within a ¼ mile (0.4 km) distance, measured over roads or designated walking surfaces, of not less than 5 diverse uses and within ½ mile (0.8 km) walking distance of not less than 7 diverse uses. The diverse uses shall include not less than one use from each of the following categories of diverse uses: retail, service, or community facility.
3. The *greenfield* site has access to transit service. The building on the building site shall be located in compliance with one of the following:
  - 3.1. Within ¼ mile (0.4 km) distance, measured over designated walking surfaces, of existing or planned bus or streetcar stops.
  - 3.2. Within ½ mile (0.8 km) distance, measured over designed walking surfaces, of existing or planned rapid transit stops, light or heavy passenger rail stations, ferry terminals, or tram terminals.

4. The *greenfield* site is located adjacent to areas of existing development that have connectivity of not less than 90 intersections per square mile (35 intersections per square kilometer). Not less than 25 percent of the perimeter of the building site shall adjoin, or be directly across a street, public bikeway or pedestrian pathway from the qualifying area of existing development.
  - 4.1. Intersections included for determination of connectivity shall include the following:
    - 4.1.1. Intersections of public streets with other public streets;
    - 4.1.2. Intersections of public streets with bikeways and pedestrian pathways that are not part of a public street for motor vehicles; and
    - 4.1.3. Intersections of bikeways and pedestrian pathways that are not part of a public street for motor vehicles with other bikeways and pedestrian pathways that are not part of a public street for motor vehicles.
  - 4.2. The following areas need not be included in the determination of connectivity:
    - 4.2.1. Water bodies, including, but not limited to lakes and wetlands.
    - 4.2.2. Parks larger than ½ acre (2023 m<sup>2</sup>), designated conservation areas and areas preserved from development by the jurisdiction or by the state or federal government.
    - 4.2.3. Large facilities including, but not limited to airports, railroad yards, college and university campuses.

~~[402.7.1 Site disturbance limits on greenfield sites. For *greenfield* sites that are permitted to be developed, site disturbances shall be limited to the following areas:~~

- ~~1. Within 40 feet (18 288 mm) of the perimeter of the building;~~
- ~~2. Within 15 feet (4572 mm) of proposed surface walkways, roads, paved areas and utilities;~~
- ~~3. Within 25 feet (7620 mm) of constructed areas with permeable surfaces that require additional staging areas to limit compaction in the constructed areas.]”~~

10. Section 403, “Stormwater Management,” Section 404, “Landscape Irrigation and Outdoor Fountains,” and Section 405, “Management of Vegetation, Soils and Erosion Control,” of Chapter 4, “Site Development and Land Use,” of the 2015 International Green Construction Code are deleted.

11. Subsection 406.1, “Building Site Waste Management Plan,” of Section 406, “Building Site Waste Management,” of Chapter 4, “Site Development and Land Use,” of the 2015 International Green Construction Code is amended to read as follows:

**“406.1 Building site waste management plan.** A building site waste management plan shall be developed and implemented to divert not less than 50 [75] percent of the land-clearing debris and excavated soils from disposal. Land-clearing debris includes rock, trees, stumps and associated vegetation. The plan shall include provisions that address all of the following:

1. Materials to be diverted from disposal by efficient usage, recycling or reuse on the building site shall be specified.
2. Diverted materials shall not be sent to [~~sites that are agricultural land, flood hazard areas~~ ~~or~~ *greenfield* sites where development is prohibited by Section 402.1 except where *approved by the code official*.
3. The effective destruction and disposal of *invasive plant species*.
4. Where contaminated soils are removed, the methods of removal and location where the soils are to be treated and disposed.
5. The amount of materials to be diverted shall be specified and shall be calculated by weight or volume, but not both.
6. Where the site is located in a federal or state designated quarantine zone for invasive insect species, building site vegetation management shall comply with the quarantine rules.
7. Receipts or other documentation related to diversion shall be maintained through the course of construction. When requested by the *code official*, evidence of diversion shall be provided.”

12. Subsection 407.2, “Changing and Shower Facilities,” Subsection 407.3, “Bicycle Parking and Storage,” and Subsection 407.4, “Preferred Vehicle Parking,” of Section 407, “Transportation Impact,” of Chapter 4, “Site Development and Land Use,” of the 2015 International Green Construction Code are deleted.

13. Section 409, “Site Lighting,” of Chapter 4, “Site Development and Land Use,” of the 2015 International Green Construction Code is deleted and replaced with a new Section 409, “Site Lighting,” to read as follows:

**“SECTION 409  
SITE LIGHTING**

**409.1 Outdoor lighting restriction.**

**409.1.1 Area of use.** For the lighting of predominately horizontal surfaces such as roadways, areas of vehicular and pedestrian passage, merchandising and storage areas, automotive fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, paths, site entrances and parking areas, light fixtures shall be aimed straight down and shall be full cutoff or fully shielded, unless the aggregate wattage per fixture does not exceed the output of a standard non-directional 60 watt incandescent lamp, i.e., 900 lumens, in which case non-cutoff fixtures are permitted.

**409.1.2 Maximum lamp wattage and required luminaire or lamp shielding.** All lighting installations shall be designed and installed to be fully shielded (full cutoff). Maximum lamp wattage for commercial lighting is 250 watts. Maximum lamp wattage for residential lighting is 100 watts for incandescent bulbs, and 32 watts for compact fluorescent bulbs.

**Exceptions:**

1. Luminaries for safety or security reasons.
2. Lighting in swimming pools and other water features governed by the *Dallas Electrical Code*.
3. Exit signs and other illumination required by the codes.
4. Lighting for stairs and ramps, as required by the codes.
5. Signs that are regulated by Article VII of the *Dallas Development Code*, however, all signs are recommended to be fully shielded.

6. Holiday and temporary lighting as governed by the *Dallas Electrical Code*.
7. Athletic field lighting if steps have been taken to minimize glare and light trespass.
8. Low voltage landscape lighting, but such lighting should be shielded to eliminate glare and light trespass.”

14. Subsection 503.1, “Construction Material and Waste Management Plan,” of Section 503, “Construction Waste Management,” of Chapter 5, “Material Resource Conservation and Efficiency,” of the 2015 International Green Construction Code is amended by adding exceptions to read as follows:

**“Exceptions:**

1. For projects that generate not more than 2.5 pounds per square foot of affected project area, not less than 25% of nonhazardous construction waste shall be diverted from disposal.
2. For projects that generate not more than 1.5 pounds per square foot and the affected project area is 2,500 square feet or less, nonhazardous construction waste diversion is not required.”

15. Subsection 505.2, “Material Selection,” of Section 505, “Material Selection,” of Chapter 5, “Material Resource Conservation and Efficiency,” of the 2015 International Green Construction Code is amended to read as follows:

**“505.2 Materials selection.** Not less than 45 [55] percent of the total building materials used in the project, based on mass, volume or cost, shall comply with Section 505.2.1, 505.2.2, 505.2.3, 505.2.4 or 505.2.5. Where a material complies with more than one section, the material value shall be multiplied by the number of sections that it complies with. The value of total building material mass, volume or cost shall remain constant regardless of whether materials are tabulated in more than one section.

**505.2.1 Used materials and components.** Used materials and components shall comply with the provisions for such materials in accordance with the applicable code referenced in Section 101.7 [~~102.4~~] and the applicable requirements of this code.

**505.2.2 Recycled content building materials.** Recycled content building materials shall comply with one of the following:

1. Contain not less than 25 percent combined post-consumer and preconsumer recovered material, and shall comply with Section 505.2.3.
2. Contain not less than 50 percent combined post-consumer and preconsumer recovered material.

**505.2.3 Recyclable building materials and building components.** Recyclable building materials and building components shall comply with one of the following:

1. Building materials or components that can be recycled into the same material or another material with a minimum recovery rate of not less than 30 percent through recycling and reprocessing or reuse; or
2. Building materials shall be recyclable through an established closed loop manufacturer's take-back program.

**505.2.4 Bio-based materials.** Bio-based materials shall be those materials that comply with one or more of the following:

1. The bio-based content is not less than 75 percent as determined by testing in accordance with ASTM D6866.
2. Wood and wood products used to comply with this section, other than salvaged or reused wood products, shall be labeled in accordance with the SFI Standard, FSC STD-40-004 V2-1 EN, PEFC Council Technical Document or equivalent *fiber procurement system*. As an alternative to an on-product label, a Certificate of Compliance indicating compliance with the *fiber procurement system* shall be permitted. Manufacturer's *fiber procurement systems* may [~~shall~~] be audited by an accredited third-party.
3. The requirements of USDA 7CFR Part 2902.

**505.2.5 Indigenous materials.** Indigenous materials or components shall be composed of resources that are recovered, harvested, extracted and manufactured within a 500 mile (800 km) radius of the building site. Where only a portion of a material or product is recovered, harvested, extracted or manufactured within 500 miles (800 km), only that portion shall be included. Where resources are transported by water or rail, the distance to the building site shall be determined by multiplying the distance that the resources are transported by water or rail by 0.25, and adding that number to the distance transported by means other than water or rail.”

16. Chapter 6, “Energy Conservation, Efficiency and CO<sub>2</sub>e Emission Reduction,” of the 2015 International Green Construction Code is deleted and is replaced to read as follows:

**“CHAPTER 6  
ENERGY EFFICIENCY**

**SECTION 601  
GENERAL**

**601.1 Scope.** This chapter governs the design and construction of buildings for energy efficiency.

**601.2 Criteria.** Buildings shall be designed and constructed in accordance with the energy provisions of the *Dallas Energy Code*.”

17. Subsection 701.2, “Water Usage Metering Required,” of Section 701 “General,” of Chapter 7 “Water Resource Conservation, Quality and Efficiency,” of the 2015 International Green Construction Code is amended to read as follows:

**“701.2 Water usage metering required.** Water consumed from any source associated with the building or building site may [~~shall~~] be metered. Each potable and reclaimed source of water, and each onsite nonpotable water source, shall be metered separately. Meters shall be installed in accordance with the requirements of the *Dallas* [~~International~~] *Plumbing Code*. For the purposes of Section 701.2.1, each meter identified in Table 701.2.1 shall be capable of communicating water consumption data remotely and at a minimum, be capable of providing daily data with electronic data storage and reporting capability that can produce reports that show daily, monthly, and annual water consumption.

**Exception:** Fire sprinkler systems installed in accordance with Section 903.3 of the *Dallas* [~~International~~] *Fire Code* shall not be required to be metered.

**701.2.1 Individual metering required.** All potable and nonpotable water supplied to the applications listed in Table 701.2.1 may [~~shall~~] be individually metered in accordance with the requirements indicated in Table 701.2.1. Similar appliances and equipment shall be permitted to be grouped and supplied from piping connected to a single meter.

**Exception:** In Group I-2 occupancies and ambulatory care facilities, water used for patient treatment or to support patient care shall not be required to be individually metered.”

18. Subsection 702.2, “Combination Tub and Shower Valves,” Subsection 702.3, “Food Establishment Prerinse Spray Valves,” Subsection 702.4, “Drinking Fountain Controls,” Subsection 702.5, “Appliances,” Subsection 702.6, “Municipal Reclaimed Water,” Subsection 702.8, “Trap Priming Water,” Subsection 702.9, “Water-Powered Pumps,” Subsection 702.10, “Food Service Handwashing Faucets,” Subsection 702.11, “Dipper Wells,” Subsection 702.12, “Automated Vehicle Wash Facilities,” Subsection 702.13, “Self-Service Vehicle Wash Facilities,” Subsection 702.14, “Vehicle Washing Facilities,” Subsection 702.15, “Food Waste Disposers,” Subsection 702.16, “Combination Ovens,” Subsection 702.17, “Autoclaves and Sterilizers,” Subsection 702.18, “Liquid Ring Vacuum Pumps,” and Subsection 702.19, “Film Processors,” of Section 702, “Fixtures, Fittings, Equipment and Appliances,” of Chapter 7, “Water Resource Conservation, Quality and Efficiency,” of the 2015 International Green Construction Code are deleted.

19. Subsection 703.4, “Condensate Drainage Recovery,” of Section 703, “HVAC Systems and Equipment,” of Chapter 7, “Water Resource Conservation, Quality and Efficiency,” of the 2015 International Green Construction Code is amended to read as follows:

**“703.4 Condensate drainage recovery.** Condensate shall be collected and reused onsite when the following reuse [for] applications occur: [such as, but not limited to] water features, fountains, gray water collection systems, [and] rainwater collection systems, irrigation and cooling tower makeup. When storage of condensate occurs longer than 48 hours, the collection system shall have microbiological treatment control. Condensate shall be collected and reused onsite. Where onsite applications for condensate reuse are not available and the community sanitary sewer authority provides return credit for sanitary sewage or recycles sewage into a nonpotable water supply, condensate shall be discharged to the sanitary sewer system except where prohibited by the authority having jurisdiction.

**Exception: When cooling system is less than 60,000 Btu/h.”**

20. Paragraph 703.7.3, “Controllers and Alarms,” of Subsection 703.7, “Cooling Towers, Evaporative Condensers and Fluid Coolers,” of Section 703, “HVAC Systems and Equipment,” of Chapter 7, “Water Resource Conservation, Quality and Efficiency,” of the 2015 International Green Construction Code is amended to read as follows:

**“703.7.3 Controllers and alarms.** Cooling towers, evaporative condensers, and fluid coolers shall be equipped with conductivity controllers and have high water level sensors in their respective basins that will indicate an overflow or near overflow condition. These sensors shall have an alarm that shall have a minimum sound pressure level rating of 85 dB measured at a distance of 10 feet (3048 mm) [overflow alarms].”

21. Paragraph 703.7.6, “Discharge,” of Subsection 703.7, “Cooling Towers, Evaporative Condensers and Fluid Coolers,” of Section 703, “HVAC Systems and Equipment,” of Chapter 7, “Water Resource Conservation, Quality and Efficiency,” of the 2015 International Green Construction Code is deleted.

22. Subsection 703.8, “Wet-Hood Exhaust Scrubber Systems,” of Section 703, “HVAC Systems and Equipment,” of Chapter 7, “Water Resource Conservation, Quality and Efficiency,” of the 2015 International Green Construction Code is deleted.

23. Subsection 801.2, “Indoor Air Quality Management Plan Required,” of Section 801, “General,” of Chapter 8, “Indoor Environmental Quality and Comfort,” of the 2015 International Green Construction Code is amended to read as follows:

**“801.2 Indoor air quality management plan required.** An indoor air quality management plan shall be developed and submitted in the template provided by the building official. Such plan shall address the methods and procedures to be used during design and construction to obtain compliance with Sections 802 through 805.”

24. Subsection 803.4, “Filters,” of Section 803, “HVAC Systems,” of Chapter 8, “Indoor Environmental Quality and Comfort,” of the 2015 International Green Construction Code is amended by adding an exception to read as follows:

**“Exception:** Filters for air conditioning systems that serve occupied spaces in multi-family residential units or light commercial spaces shall be rated at MERV 6 for systems rated at 30,000 Btu/h or less and MERV 8 for systems rated over 30,000 Btu/h, but no greater than 60,000 Btu/h.”

25. Subsection 804.2, “Post-Construction, Pre-Occupancy Baseline IAQ Testing,” of Section 804, “Specific Indoor Air Quality and Pollutant Control Measures,” of Chapter 8, “Indoor Environmental Quality and Comfort,” of the 2015 International Green Construction Code is amended to read as follows:

**“804.2 Post-construction, pre-occupancy baseline IAQ testing.** Where this section is indicated to be applicable in Table 302.1, and after all interior finishes are installed, the building shall be tested for indoor air quality and the testing results shall indicate that the levels of VOCs do not exceed a total amount of 500 micrograms per cubic meter [~~meet the levels detailed in Table 804.2~~] using testing protocols in accordance with ASTM D5197, ASTM D5466, ASTM D6196, ASTM D 6345, and ISO 7708. Test samples shall be taken in not less than one location in each 25,000 square feet (1860 m<sup>2</sup>) of floor area or in each contiguous floor area.

**Exceptions:**

1. Group F, H, I-2, S and U occupancies shall not be required to comply with this section.
2. A building shall not be required to be tested where a similarly designed and constructed building as determined by the *code official*, for the same owner or tenant, has been tested for indoor air quality and the testing results indicate that the level of VOCs did not exceed 500 micrograms per cubic meter [~~meet the levels detailed in Table 804.2~~].
3. Where the building indoor environment does not meet the concentration of 500 micrograms per cubic meter [~~limits in Table 804.2~~] and the tenant does not address the air quality issue by mitigation and retesting, the building shall be flushed out by supplying continuous ventilation with all air-handling units at their maximum outdoor air rate for at least 14 days while maintaining an internal temperature of at least 60°F (15.6°C), and relative humidity not higher than 60 percent. Occupancy shall be permitted to start 7 days after start of the flush out, provided that the flush out continues for the full 14 days.”

26. Table 804.2, “Maximum Concentration of Air Pollutants,” of Section 804, “Specific Indoor Air Quality and Pollutant Control Measures,” of Chapter 8, “Indoor Environmental Quality and Comfort,” of the 2015 International Green Construction Code is deleted.

27. Section 807, “Acoustics,” and Section 808, “Daylighting,” of Chapter 8, “Indoor Environmental Quality and Comfort,” of the 2015 International Green Construction Code are deleted.

28. Chapter 9, “Commissioning, Inspections, Operation and Maintenance,” Chapter 10, “Existing Buildings,” and Chapter 11, “Existing Building Site Development,” of the 2015 International Green Construction Code are deleted.

29. The AMCA, ASABE, NFPA, SMACNA, TCIA, and TMS standards in Chapter 12, “Referenced Standards,” of the 2015 International Green Construction Code are deleted.

30. The ASME standard in Chapter 12, “Referenced Standards,” of the 2015 International Green Construction Code is amended to read as follows:

“**ASME**      American Society of Mechanical Engineers  
                   Three Park Avenue  
                   New York, NY 10016-5990

Standard reference number	Title	Referenced in code section number
A 112.18.1—2012/ CSA B125.1—2012	Plumbing Supply Fittings . . . . .	Table 702.1[ <del>702.2</del> ]

31. The ASHRAE standards in Chapter 12, “Referenced Standards,” of the 2015

International Green Construction Code are amended to read as follows:

**“ASHRAE** ASHRAE  
 1791 Tullie Circle  
 Atlanta, GA 30329-2305

Standard reference number	Title	Referenced in code section number
52.2—2012	Method of Testing General Ventilation Air-Cleaning Devices for Removal Efficiency by Particle Size . . . . .	803.1.3, 803.5
55—2010	Thermal Environmental Conditions on Human Occupancy . . . . .	[606.5.1,] 803.2
[72—05	<del>Method of Testing Commercial Refrigerators and Freezers . . . . .</del>	<del>Table 609.2.3</del>
90.1—2013	<del>Energy Standard for Buildings Except Low-rise Residential Buildings. . . . .</del>	<del>602.2, 602.2.1.1]</del>
189.1—2014	Standard for the Design of High-performance Green Buildings, Except Low-rise Residential Buildings . . . . .	101.3, 301.1.1”

32. The ASTM standards in Chapter 12, “Referenced Standards,” of the 2015

International Green Construction Code are amended to read as follows:

**“ASTM** ASTM International  
 100 Barr Harbor  
 West Conshohocken, PA 19428-2959

Standard reference number	Title	Referenced in code section number
C 1371—04a (2010)E1	Standard Test Method for Determination of Emittance of Materials Near Room Temperature Using Portable Emisometers . . . . .	408.3.1.1
C 1549—09	Standard Test Method for Determination of Solar Reflectance Near Ambient Temperature Using a Solar Reflectometer . . . . .	408.2.1, 408.3.1.1
C1701/C1701M—09	Standard Test Method for Infiltration Rate of In-Place Pervious Concrete . . . . .	408.2.4
C1781/C1781M—13	Standard Test Method for Infiltration rate of In-Place Pervious Unit Paving Systems. . . . .	408.2.4
[D2974—13	<del>Standard Test Methods for Moisture, Ash, and Organic Matter of Peat and other Organic Soils . . . . .</del>	<del>405.1.4.2</del>
D3385—09	<del>Standard Test Method for Infiltration Rate of Soils in Field Using Double Ring Infiltrometer . . . . .</del>	<del>405.1.4.2]</del>
D3960—05	Standard Practice of Determining Volatile Organic Compound (VOC) Content of Paints & Related Coatings . . . . .	806.2, 806.3
D5055—13	Standard Specification for Establishing and Monitoring Structural Capacities of Prefabricated Wood I-Joists . . . . .	202
[D5093—2 (2008)	<del>Standard Test Method for Field Measurement of Infiltration Rate Using Double Ring Infiltrometer With Sealed Inner Ring . . . . .</del>	<del>405.1.4.2]</del>
D5197—09E1	Test Method for Determination of Formaldehyde and Other Carbonyl Compounds in Air (Active Sampler Methodology) . . . . .	804.2
D5456—13	Standard Specification for Evaluation of Structural Composite Lumber Products . . . . .	202
D5466—01 (2007)	Test Method for Determination of Volatile Organic Chemicals in Atmospheres (Canister Sampling Methodology) . . . . .	804.2

D6007—02 (2008)	Standard Test Method for Determining Formaldehyde Concentrations in Air from Wood Products Using a Small-Scale Chamber . . . . .	Table 806.1
D6196—03 (2009)	Standard Practice for Selection of Sorbents, Sampling, and Thermal Desorption Analysis Procedures for Volatile Organic Compounds in Air. . . . .	804.2
D6345—10	Standard Guide for Selection of Methods for Active, Integrative Sampling of Volatile Organic Compounds in Air . . . . .	804.2
D6866—12	Standard Test Methods for Determining the Biobased Content of Solid, Liquid, and Gaseous Samples Using Radiocarbon Analysis . . . . .	505.2.4
D7612—10	Standard Practice in Categorizing Wood and Wood-Based Products According to their Fiber Sources . . . . .	202
<del>E90—09</del>	<del>Test Method for Laboratory Measurements of Airborne Sound Transmission Loss of Building Partitions and Elements. . . . .</del>	<del>807.2</del>
<del>E336—2010</del>	<del>Standard Test Method for Measurement of Airborne Sound Attenuation Between Rooms in Buildings . . . . .</del>	<del>807.2</del>
E413—10	Classification for Rating Sound Insulation . . . . .	807.2
E492—09	Standard Test Method for Laboratory Measurement of Impact Sound Transmission Through Floor-Ceiling Assemblies Using the Tapping Machine . . . . .	807.4]
E779—10	Standard Test Method for Determining Air Leakage Rate by Fan Pressurization . . . . .	605.1.2.2
E1333—10	Standard Test Method for Determining Formaldehyde Concentration in Air and Emission Rates from Wood Products Using a Large Chamber . . . . .	Table 806.1
E1509—12	Standard Specification for Room Heaters, Pellet Fuel-Burning Type . . . . .	804.1.3
E1918—06	Standard Test Method for Measuring Solar Reflectance of Horizontal and Low-Sloped Surfaces in the Field . . . . .	408.2.1, 408.3.1.1
E1980—11	Standard Practice for Calculating Solar Reflectance Index of Horizontal and Low-Sloped Opaque Surfaces . . . . .	408.3.1.2
E 2399—11	Standard Test Method for Maximum Media Density for Dead Load Analysis of Vegetative (Green) Roof Systems . . . . .	408.3.2
E 2635—08	Standard Practice for Water Conservation in Buildings Through In-Situ Water Reclamation . . . . .	709.9
E2921—13	Standard Practice for Minimum Criteria for Comparing Whole Building Life Cycle Assessments for Use with Building Codes and Rating Systems . . . . .	505.3
<del>F1275—03 (2008)</del>	<del>Standard Test Method for Performance of Griddles . . . . .</del>	<del>Table 609.2.3</del>
<del>F1361—07</del>	<del>Standard Test Method for Performance of Open Deep Fat Fryers . . . . .</del>	<del>Table 609.2.3</del>
<del>F1496—13</del>	<del>Standard Test Method for Performance of Convection Ovens . . . . .</del>	<del>Table 609.2.3</del>
<del>F1484—12</del>	<del>Standard Test Methods for Performance of Steam Cookers . . . . .</del>	<del>Table 609.2.3</del>
<del>F1605—95 (2007)</del>	<del>Standard Test Method for Performance of Double-Sided Griddles . . . . .</del>	<del>Table 609.2.3</del>
<del>F1639—05</del>	<del>Standard Test Method for Performance of Combination Ovens . . . . .</del>	<del>702.16</del>
<del>F1696—07</del>	<del>Standard Test Method for Energy Performance of Single-Rack, Door-Type Commercial Dishwashing Machines . . . . .</del>	<del>Table 609.2.3</del>
<del>F1920—11</del>	<del>Standard Test Method for Performance of Rack-Conveyor, Commercial Dishwashing Machines . . . . .</del>	<del>Table 609.2.3</del>
<del>F2140—11</del>	<del>Standard Test Method for Performance of Hot Food Holding Cabinets . . . . .</del>	<del>Table 609.2.3</del>
<del>F2144—09</del>	<del>Standard Test Method for Performance of Large Open Vat Fryers . . . . .</del>	<del>Table 609.2.3</del>
<del>F2861—10</del>	<del>Standard Test Method for Enhanced Performance of Combination Oven in Various Modes . . . . .</del>	<del>Table 609.2.3.]”</del>

33. The ISO standards in Chapter 12, “Referenced Standards,” of the 2015 International

Green Construction Code are amended to read as follows:

**“ISO** International Organization for Standardization  
 ISO Central Secretariat  
 Chemin de Blandonnet 8  
 CP 401  
 1214 Vernier, Geneva, Switzerland

Standard reference number	Title	Referenced in code section number
7708—1995	Air quality – Particle Size Fraction Definitions for Health-related Sampling . . . . .	804.2
<del>[13256 1 2011</del>	<del>Water to Air and Brine to Air Heat Pumps—Testing and Rating Performance . . . . .</del>	<del>Table 606.2.2.1</del>
<del>13256 2 2011</del>	<del>Water to Water and Brine to Water Heat Pumps—Testing and Rating Performance . . . . .</del>	<del>Table 606.2.2.1]</del>
14025—2006	Environmental Labels and Declarations—Type III Environmental Declarations—Principles and Procedures . . . . .	505.4.1
ISO/IEC 17025—2005	General Requirements for the Competence of Testing and Calibration Laboratories . . . . .	806.2, 806.3, 806.4, 806.5, 806.6
2004—11		
21930—2007	Sustainability in Building Construction—Environmental Declaration of Building Products . . . . .	505.4.1”

34. The NSF standards in Chapter 12, “Referenced Standards,” of the 2015 International

Green Construction Code are amended to read as follows:

**“NSF** NSF International  
 780 Dixboro Road  
 Ann Arbor, MI 48105

Standard reference number	Title	Referenced in code section number
<del>[NSF/ANSI 3—10</del>	<del>Commercial Warehousing Equipment . . . . .</del>	<del>Table 609.2.3]</del>
NSF/ANSI 44—12	Residential Cation Exchange Water . . . . .	704.1.2, 704.1.4
NSF/ANSI 58—12	Reverse Osmosis Drinking Water Treatment Systems . . . . .	704.2
NSF/ANSI 140—13	Sustainability Assessment for Carpet . . . . .	505.4.2
NSF/ANSI 332—12	Sustainability Assessment for Resilient Floor Covering . . . . .	505.4.2
NSF/ANSI 336—11	Sustainability Assessment for Commercial Furnishings Fabric . . . . .	505.4.2
NSF/ANSI 342—12	Sustainability Assessment for Wall Coverings . . . . .	505.4.2
NSF/ANSI 347—12	Sustainability Assessment for Single-Ply Roofing Membranes . . . . .	505.4.2
NSF 350—11	Onsite Residential and Commercial Water Reuse Treatment Systems . . . . .	704.3”

35. Appendices A and B of the 2015 International Green Construction Code are not adopted.

36. All chapters of the 2015 International Green Construction Code adopted by this ordinance are subchapters of Chapter 61 of the Dallas City Code, as amended.

37. All references in the 2015 International Green Code to the fire code, building code, plumbing code, mechanical code, electrical code, residential code, existing building code, energy conservation code, and fuel gas code refer, respectively to Chapters 16, 53, 54, 55, 56, 57, 58, 59, and 60 of the Dallas City Code.

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the effective date of this ordinance will be discharged or affected by this ordinance. Prosecutions and suits for such offenses, liabilities, penalties, and forfeitures may be instituted, and causes of action pending on the effective date of this ordinance may proceed, as if the former laws applicable at the time the offense, liability, penalty, or forfeiture was committed or incurred had not been amended, repealed, reenacted, or superseded, and all former laws will continue in effect for these purposes.

SECTION 3. That Chapter 61 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any existing structure, system, development project, or registration that is not required to come into compliance with a requirement of this ordinance will be governed by the requirement as it existed in the former law last applicable to the structure, system, development project, or registration, and all former laws will continue in effect for this purpose.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 5. That this ordinance will take effect on \_\_\_\_\_, 2017, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 8  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 75C

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**SUBJECT**

Authorize acquisition from R.K.C.J., L.L.C., of an improved tract of land containing approximately 25,727 square feet, four slope easements containing a total of approximately 23,330 square feet, and a drainage easement containing approximately 5,257 square feet, located on East Wheatland Road near its intersection with Lancaster Road for the Wheatland Road Improvement Project - Not to exceed \$136,944 (\$130,944, plus closing costs and title expenses not to exceed \$6,000) - Financing: General Obligation Commercial Paper Funds

**BACKGROUND**

This item authorizes the acquisition of an improved tract of land containing approximately 25,727 square feet, four slope easements containing a total of approximately 23,330 square feet, and a drainage easement containing approximately 5,257 square feet from R.K.C.J., L.L.C. This property is improved with fencing, paving, miscellaneous improvements, and is located on East Wheatland Road near its intersection with Lancaster Road and will be used for the Wheatland Road Improvement Project. The consideration is based on an independent appraisal.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item was provided to the Transportation and Trinity River Project Committee on January 23, 2017.

**FISCAL INFORMATION**

2006 Bond Funds (General Obligation Commercial Paper Funds) - \$136,944 (\$130,994, plus closing costs and title expenses not to exceed \$6,000)

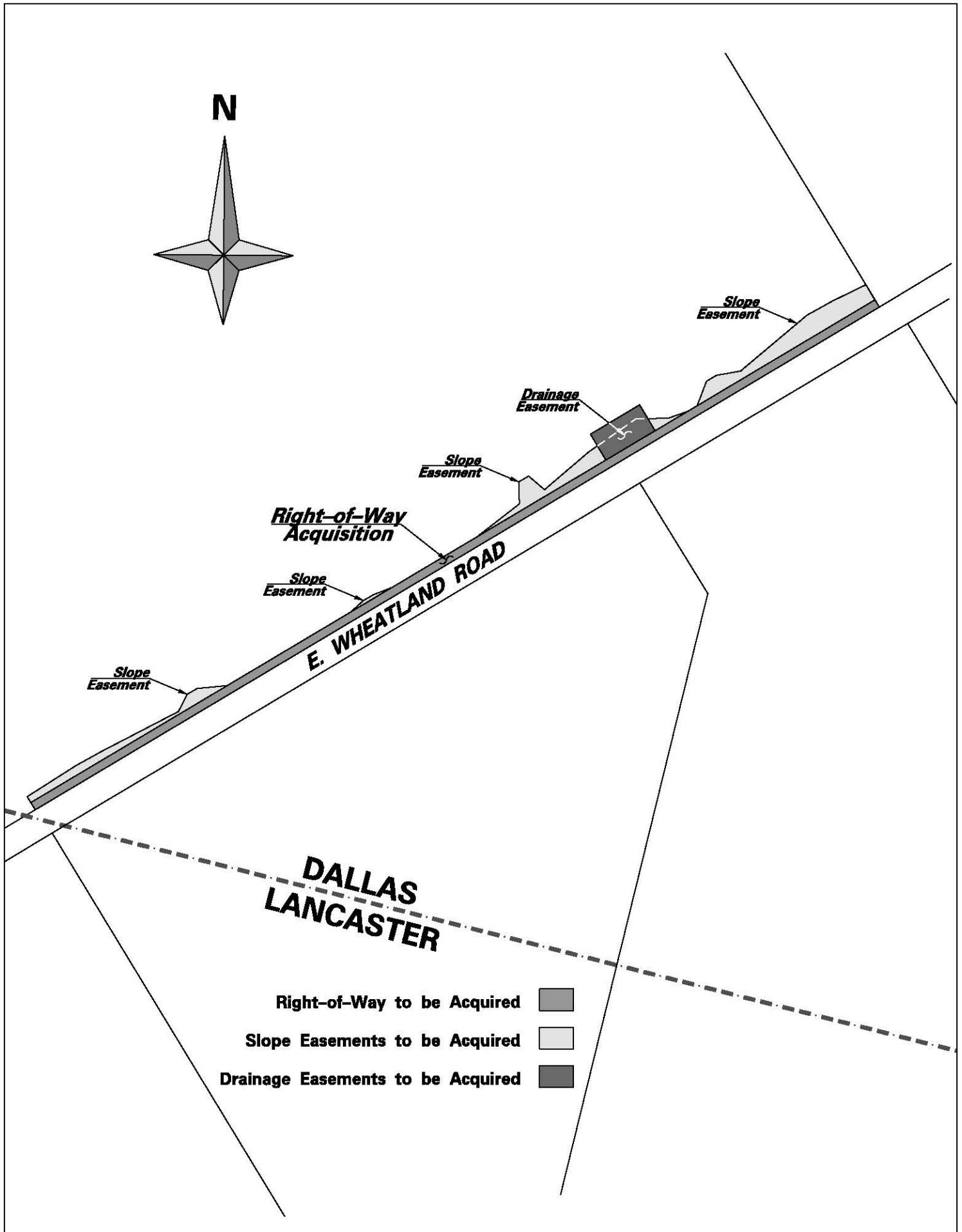
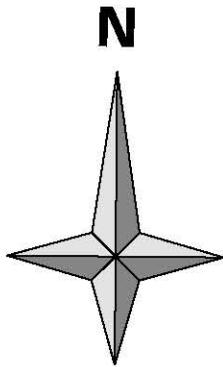
**OWNER**

**R.K.C.J., L.L.C.**

Robert J. Pitre, Manager  
Katrina Pitre, Manager

**MAP**

Attached





January 25, 2017

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.**

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Six tracts containing a total of approximately 54,314 square feet of property located in Dallas County, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Wheatland Road Improvement Project

"USE": The construction, installation, use, and maintenance of a realigned section of roadway, together with such appurtenant facilities as may be necessary.

"PROPERTY INTEREST": Parcel No. 11 - Fee Simple, Parcel Nos. 11 - A, 11 - B, 11 - C & 11 - D - Slope Easement, and Parcel No. 11 - i - Drainage Easement

"OWNER": R.K.C.J., L.L.C., provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT":

Parcel 11 - Right-of-Way	\$ 32,159.00
Slope Easements -	\$ 22,703.00
Drainage Easement -	\$ 5,914.00
Improvements and Cost to Cure -	\$ 70,168.00
Total Purchase Amount -	\$130,944.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$6,000.00

"AUTHORIZED AMOUNT": Not to exceed \$136,944.00

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

**SECTION 1.** That the USE of the PROPERTY for the PROJECT is a public use.

January 25, 2017

**SECTION 2.** That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

**SECTION 3.** That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit B – Warranty Deed, Exhibit C – Slope Easement and Exhibit D – Drainage Easement, attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

**SECTION 4.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

**SECTION 5.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

**SECTION 6.** That in the event this acquisition closes, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT payable out of 2006 Bond Funds: Fund No. 4T22, Department STS, Unit U803, Activity THRF, Program No. PB06U803, Object 4210, Encumbrance No. CT-ST06U803D1, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 4T22, Department STS, Unit U803, Activity THRF, Program No. PB06U803, Object 4230, Encumbrance No. CT-ST06U803D2. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 7.** That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

**SECTION 8.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

January 25, 2017

**APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney**

BY *Ben N. Ryan II*  
**Assistant City Attorney**

**Field Notes Describing a 25,727 Square Foot Tract of Land  
To Be Acquired in Block 7605  
From RKCJ, LLC**

Being a 25,727 Square Foot (0.5906 Acre) tract of land situated in the S.C. Atterbury Survey, Abstract No. 14, Dallas County, Texas, lying in Block 7605 (official City of Dallas Block Numbers), being a portion of the property conveyed to RKCJ, LLC by Warranty Deed dated April 1, 1996 and recorded in Volume 96066, Page 7234 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

**BEGINNING** at a 1" dia. iron rod found in the Northwest line of Wheatland Road, a Variable-Width Right-of-Way roadway, at the most Easterly corner of said RKCJ, LLC tract, being also the most Southerly corner of a tract of land conveyed to 261 CW Springs, Ltd., by Instrument No. 200600294768 of the Official Public Records of Dallas County, Texas:

**THENCE** South 59°11'08" West with the said Northwest line of Wheatland Road a distance of 1,714.89 feet to a 5/8 inch dia. iron rod with cap marked "CITY OF DALLAS" (hereinafter referred to as "5/8" I.R. w/COD cap") set at the South corner of said RKCJ, LLC tract, being also the East corner of a the Oak Cliff Plantations Addition, and addition to the City of Dallas recorded in Volume 8, Page 263 of the Map Records of Dallas County, Texas, and the South corner of the herein described tract of land:

**THENCE** North 31°04'30" West, departing the said Northwest line of Wheatland Road and with the common line between said RKCJ, LLC tract and the Oak Cliff Plantations Addition, a distance of 15.00 feet to a 5/8" I.R. w/COD cap set at the West corner of the herein described tract of land:

**THENCE** North 59°11'08" East, departing the last said common line with the Oak Cliff Plantations Addition and 15.00 feet perpendicularly from and parallel with the said Northwest line of Wheatland Road, a distance of 1,714.69 feet to a 5/8" I.R. w/COD cap set at an inside corner of the herein described tract of land:

**THENCE** North 58°47'35" East a distance of 0.52 feet to a 5/8" I.R. w/COD cap set in the above referenced common line with the 261 CW Springs, Ltd. tract, at the North corner of the herein described tract of land:

**THENCE** South 30°15'47" East with the said common line between the 261 CW Springs, Ltd. and RKCJ, LLC properties, a distance of 15.00 feet to the **POINT OF BEGINNING**, containing 25,727 Square Feet, or 0.5906 Acres of land.

**BASIS OF BEARINGS:** Bearings are based on the Northwest line of Wheatland Road, at North 59°11'08" East, monumented as noted and derived from Global Positioning System observations using the North Texas Cooperative Real Time Kinematic Survey, Virtual Reference Station System, North American Datum of 1983.



*Scott Holt*  
6.9.2010

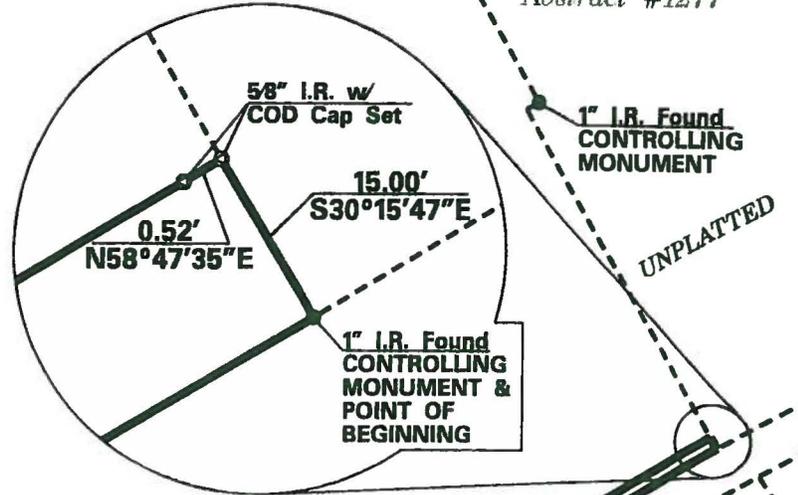


**LOCATOR MAP**  
NOT TO SCALE



261 CW Springs Ltd.  
Inst. No: 200600294768

ROBERT SIMONTON  
SURVEY  
Abstract #1277



UNPLATTED

**BLOCK 7605**

S. C. ATTERBURY SURVEY  
Abstract #14

RKCJ LLC  
Vol. 96066, Pg. 7234

25,727 Square Foot  
(0.5906 Acre) Tract  
To Be Acquired

George P. Shropulos  
Family Limited Partnership  
Vol. 94043, Pg. 2846

OAK CLIFF PLANTATIONS  
ADDITION  
Vol. 8, Pg. 263

Susan Wright Key  
Vol. 88021, Pg. 1852

M. L. SWING SURVEY  
Abstract #1422

**BLOCK 7608**

58" I.R. w/  
COD Cap Set  
15.00'  
N31°04'30"W

Dallas-Lancaster Corporate  
Limit Line. Dallas City  
Ordinance No. 6605 (8-27-55)

Susan Wright Key  
Vol. 88021, Pg. 1852

**DALLAS  
LANCASTER**

Sheet 2 of 2  
**LOCATOR MAP: Parcel No. 11**



**Wheatland Road**  
From Lancaster City Limits  
to  
Lancaster Road

DEPT. OF PUBLIC WORKS & TRANSPORTATION

SURVEY DIVISION CITY OF DALLAS, TEXAS

OPER. NAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	N:\ENGR\SURVEY\HOLT\Wheatland\Wheatland Field Notes.dgn	As Noted	4-15-10
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
J. Chambers	S. Holt	Block 7605	311D-4147-11

**Property to be Acquired**

Field Notes Describing Slope Easements  
To Be Acquired in Block 7605  
From RKCJ, LLC

**PARCEL 11-A:**

Being a 9,761 Square Foot (0.224 Acre) tract of unplatted land situated in the S.C. Atterbury Survey, Abstract No. 14, Dallas County, Texas, lying in Block 7605 (official City of Dallas Block Numbers), being a portion of the property conveyed to RKCJ, LLC by Warranty Deed dated April 1, 1996 and recorded in Volume 96066, Page 7234 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

**COMMENCING** at a 1" dia. iron rod found in the current Northwest line of Wheatland Road (a 50-Foot Right-of-Way), at the most Easterly corner of said RKCJ, LLC tract, being also the most Southerly corner of a tract of land conveyed to 261 CW Springs, Ltd., by Instrument No. 200600294768 of the Official Public Records of Dallas County, Texas:

**THENCE** North 30°15'47" West, departing the last said Northwest line of Wheatland Road and with the common line between said RKCJ, LLC and 261 CW Springs, Ltd. properties, a distance of 15.00 feet to a 5/8 inch diameter Iron Rod with Cap marked "CITY OF DALLAS" set at the intersection with the Northwest line of the approved realignment location of Wheatland Road, being also the most Easterly corner and **POINT OF BEGINNING** of the herein described tract of land:

**THENCE** South 58°47'35" West, departing the said common line between 261 CW Springs, Ltd. and RKCJ, LLC properties and with the said approved Northwest line of Wheatland Road, over and across a portion of said RKCJ, LLC property, a distance of 0.52 feet to at 5/8 inch diameter Iron Rod with Cap marked "CITY OF DALLAS" set at an outside corner of the herein described tract of land:

**THENCE** South 59°11'08" West, continuing with the said approved Northwest line of Wheatland Road, over and across a portion of said RKCJ, LLC property, a distance of 360.69 feet to the most Westerly corner of the herein described tract of land (not monumented):

**THENCE** North 21°02'09" East departing the last said approved Northwest line of Wheatland Road, continuing over and across a portion of said RKCJ, LLC property a distance of 46.01 feet to an outside corner of the herein described tract of land (not monumented):

Field Notes Describing Slope Easements  
To Be Acquired in Block 7605  
From RKCJ, LLC

**PARCEL 11-A:**

**THENCE** continuing over and across a portion of said RKCJ, LLC property the following courses and distances:

North 59°11'08" East a distance of 20.00 feet to an outside corner of the herein described tract of land (not monumented):

North 79°55'13" East a distance of 42.77 feet to an inside corner of the herein described tract of land (not monumented):

North 49°55'36" East a distance of 151.98 feet to an outside corner of the herein described tract of land (not monumented):

North 61°03'52" East a distance of 50.03 feet to an outside corner of the herein described tract of land (not monumented):

North 63°59'52" East a distance of 65.56 feet to the intersection with the above said common line between the RKCJ, LLC and 261 CW Springs, Ltd. properties:

**THENCE** South 30°15'47" East with the common line between said RKCJ, LLC and 261 CW Springs, Ltd. properties a distance of 30.59 feet to the **POINT OF BEGINNING**, containing 9,761 Square Feet, or 0.224 Acres of land.

**BASIS OF BEARINGS:** Bearings are based on the Texas State Plane Coordinate System, North Central Zone (4202), North American Datum of 1983.

*Scott Holt*  
9/9/2014



**Field Notes Describing Slope Easements  
To Be Acquired in Block 7605  
From RKCJ, LLC**

**PARCEL 11-B:**

Being an 8,437 Square Foot (0.194 Acre) tract of unplatted land situated in the S.C. Atterbury Survey, Abstract No. 14, Dallas County, Texas, lying in Block 7605 (official City of Dallas Block Numbers), being a portion of the property conveyed to RKCJ, LLC by Warranty Deed dated April 1, 1996 and recorded in Volume 96066, Page 7234 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

**COMMENCING** at a 1" dia. iron rod found in the current Northwest line of Wheatland Road (a 50-Foot Right-of-Way), at the most Easterly corner of said RKCJ, LLC tract, being also the most Southerly corner of a tract of land conveyed to 261 CW Springs, Ltd., by Instrument No. 200600294768 of the Official Public Records of Dallas County, Texas:

**THENCE** North 30°15'47" West, departing the last said Northwest line of Wheatland Road and with the common line between said RKCJ, LLC and 261 CW Springs, Ltd. properties, a distance of 15.00 feet to a 5/8 inch diameter Iron Rod with Cap marked "CITY OF DALLAS" set at the intersection with the Northwest line of the approved realignment location of Wheatland Road, at an angle point:

**THENCE** South 58°47'35" West, with the said approved Northwest line of Wheatland Road, a distance of 0.52 feet to at 5/8 inch diameter Iron Rod with Cap marked "CITY OF DALLAS" set at an angle point:

**THENCE** South 59°11'08" West, continuing with the said approved Northwest line of Wheatland Road a distance of 379.64 feet to the most Easterly corner and **POINT OF BEGINNING** of the herein described tract of land (not monumented):

**THENCE** South 59°11'08" West, continuing with the said approved Northwest line of Wheatland Road, a distance of 427.06 feet to the most Westerly corner of the herein described tract of land (not monumented):

**THENCE** North 52°03'31" East, departing the said approved Northwest line of Wheatland Road, over and across a portion of said RKCJ, LLC property a distance of 92.91 feet to an inside corner of the herein described tract of land (not monumented):

Field Notes Describing Slope Easements  
To Be Acquired in Block 7605  
From RKCJ, LLC

**PARCEL 11-B:**

**THENCE** continuing over and across a portion of said RKCJ, LLC property the following courses and distances:

North 01°48'13" West a distance of 38.23 feet to an outside corner of the herein described tract of land (not monumented):

North 59°11'08" East a distance of 20.00 feet to an outside corner of the herein described tract of land (not monumented):

South 49°08'19" East a distance of 36.45 feet to an inside corner of the herein described tract of land (not monumented):

North 49°31'27" East a distance of 101.44 feet to an outside corner of the herein described tract of land (not monumented):

North 54°53'37" East a distance of 100.28 feet to an outside corner of the herein described tract of land (not monumented):

North 88°24'47" East a distance of 57.29 feet to an inside corner of the herein described tract of land (not monumented):

**THENCE** North 70°23'56" East, continuing over and across a portion of said RKCJ, LLC property a distance of 35.55 feet to the **POINT OF BEGINNING**, containing 8,437 Square Feet, or 0.194 Acres of land.

**BASIS OF BEARINGS:** Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

*Scott Holt*  
9/9/2014



**Field Notes Describing Slope Easements  
To Be Acquired in Block 7605  
From RKCJ, LLC**

**PARCEL 11-C:**

Being a 293 Square Foot (0.007 Acre) tract of unplatted land situated in the S.C. Atterbury Survey, Abstract No. 14, Dallas County, Texas, lying in Block 7605 (official City of Dallas Block Numbers), being a portion of the property conveyed to RKCJ, LLC by Warranty Deed dated April 1, 1996 and recorded in Volume 96066, Page 7234 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

**COMMENCING** at a 1" dia. iron rod found in the current Northwest line of Wheatland Road (a Variable-Width Right-of-Way), at the most Easterly corner of said RKCJ, LLC tract, being also the most Southerly corner of a tract of land conveyed to 261 CW Springs, Ltd., by Instrument No. 200600294768 of the Official Public Records of Dallas County, Texas:

**THENCE** North 30°15'47" West, departing the last said Northwest line of Wheatland Road and with the common line between said RKCJ, LLC and 261 CW Springs, Ltd. properties, a distance of 15.00 feet to a 5/8 inch diameter Iron Rod with Cap marked "CITY OF DALLAS" set at the intersection with the Northwest line of the approved realignment location of Wheatland Road, at an angle point:

**THENCE** South 58°47'35" West, over and across a portion of said RKCJ, LLC property and with the said approved Northwest line of Wheatland Road, a distance of 0.52 feet to at 5/8 inch diameter Iron Rod with Cap marked "CITY OF DALLAS" set at an angle point:

**THENCE** South 59°11'08" West, continuing over and across a portion of said RKCJ, LLC property and with the said approved Northwest line of Wheatland Road, a distance of 981.77 feet to the most Easterly corner and **POINT OF BEGINNING** of the herein described tract of land (not monumented):

**THENCE** South 59°11'08" West, continuing over and across a portion of said RKCJ, LLC property and with the said approved Northwest line of Wheatland Road, a distance of 81.76 feet to the most Westerly corner of the herein described tract of land (not monumented):

Field Notes Describing Slope Easements  
To Be Acquired in Block 7605  
From RKCJ, LLC

**PARCEL 11-C:**

**THENCE** North 47°48'34" East, departing the said approved Northwest line of Wheatland Road and continuing over and across a portion of said RKCJ, LLC property a distance of 29.20 feet to an outside corner of the herein described tract of land (not monumented):

**THENCE** North 59°11'08" East, continuing over and across a portion of said RKCJ, LLC property a distance of 20.00 feet to an outside corner of the herein described tract of land (not monumented):

**THENCE** North 69°02'56" East a distance of 33.63 feet to the **POINT OF BEGINNING**, containing 293 Square Feet, or 0.007 Acres of land.

**BASIS OF BEARINGS:** Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

*Scott Holt*  
9/9/2014



**Field Notes Describing Slope Easements  
To Be Acquired in Block 7605  
From RKCJ, LLC**

**PARCEL 11-D:**

Being a 4,839 Square Foot (0.111 Acre) tract of unplatted land situated in the S.C. Atterbury Survey, Abstract No. 14, Dallas County, Texas, lying in Block 7605 (official City of Dallas Block Numbers), being a portion of the property conveyed to RKCJ, LLC by Warranty Deed dated April 1, 1996 and recorded in Volume 96066, Page 7234 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

**BEGINNING** at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" (hereinafter referred to as a "5/8" I.R. w/COD Cap") set on the Southwest line of said RKCJ, LLC property, being also a common line with the Oak Cliff Plantations Addition, an addition to the City of Dallas recorded in Volume 8, Page 263 of the Map Records of Dallas County, Texas, being the most Southerly corner of the herein described tract of land and on the Northwest line of the approved realignment location of Wheatland Road, from which a "5/8" I.R. w/COD Cap set at the most Southerly corner of said RKCJ, LLC property, on the current Northwest Right-of-Way line of Wheatland Road (a 50-Foot Right-of-Way), bears South 31°04'30" East a distance of 15.00 feet:

**THENCE** North 31°04'30" West, departing the said approved Northwest line of Wheatland Road and with the said common line between the Oak Cliff Plantations Addition and RKCJ, LLC property a distance of 11.99 feet to the most Westerly corner of the herein described tract of land (not monumented):

**THENCE** North 57°34'29" East, departing the last said common line with the Oak Cliff Plantations Addition, over and across a portion of said RKCJ, LLC property, a distance of 100.28 feet to an outside corner of the herein described tract of land (not monumented):

**THENCE** continuing over and across a portion of said RKCJ, LLC property the following courses and distances:

North 60°28'25" East a distance of 50.01 feet to an outside corner of the herein described tract of land (not monumented):

North 62°31'38" East a distance of 152.66 feet to an inside corner of the herein described tract of land (not monumented):

North 27°37'54" East a distance of 33.80 feet to an outside corner of the herein described tract of land (not monumented):

Field Notes Describing Slope Easements  
To Be Acquired in Block 7605  
From RKCJ, LLC

**PARCEL 11-D:**

North 59°11'08" East a distance of 20.00 feet to an outside corner of the herein described tract of land (not monumented):

North 84°27'01" East a distance of 52.65 feet to an outside corner of the herein described tract of land to the intersection with the above referenced approved Northwest line of Wheatland Road (not monumented):

**THENCE** South 59°11'08" West, continuing over and across a portion of said RKCJ, LLC property, and with the approved Northwest line of Wheatland Road a distance of 399.00 feet to the **POINT OF BEGINNING**, containing 4,839 Square Feet, or 0.111 Acre of land.

**BASIS OF BEARINGS:** Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

*Scott Holt*  
9/9/2014



UNPLATTED

RKCJ LLC  
Vol. 96066, Pg. 7234

BLOCK  
7605

Slope Easement 11-A  
See Detail This Sheet

Slope Easement 11-B  
See Detail, Sheet 8 of 8

George P. Shropulos  
Family Limited Partnership  
Vol. 94043, Pg. 2846

UNPLATTED

BLOCK  
7608

Approved Realignment Location  
Wheatland Road (80' R.O.W.)

Susan Wright Key  
Vol. 88021, Pg. 1852

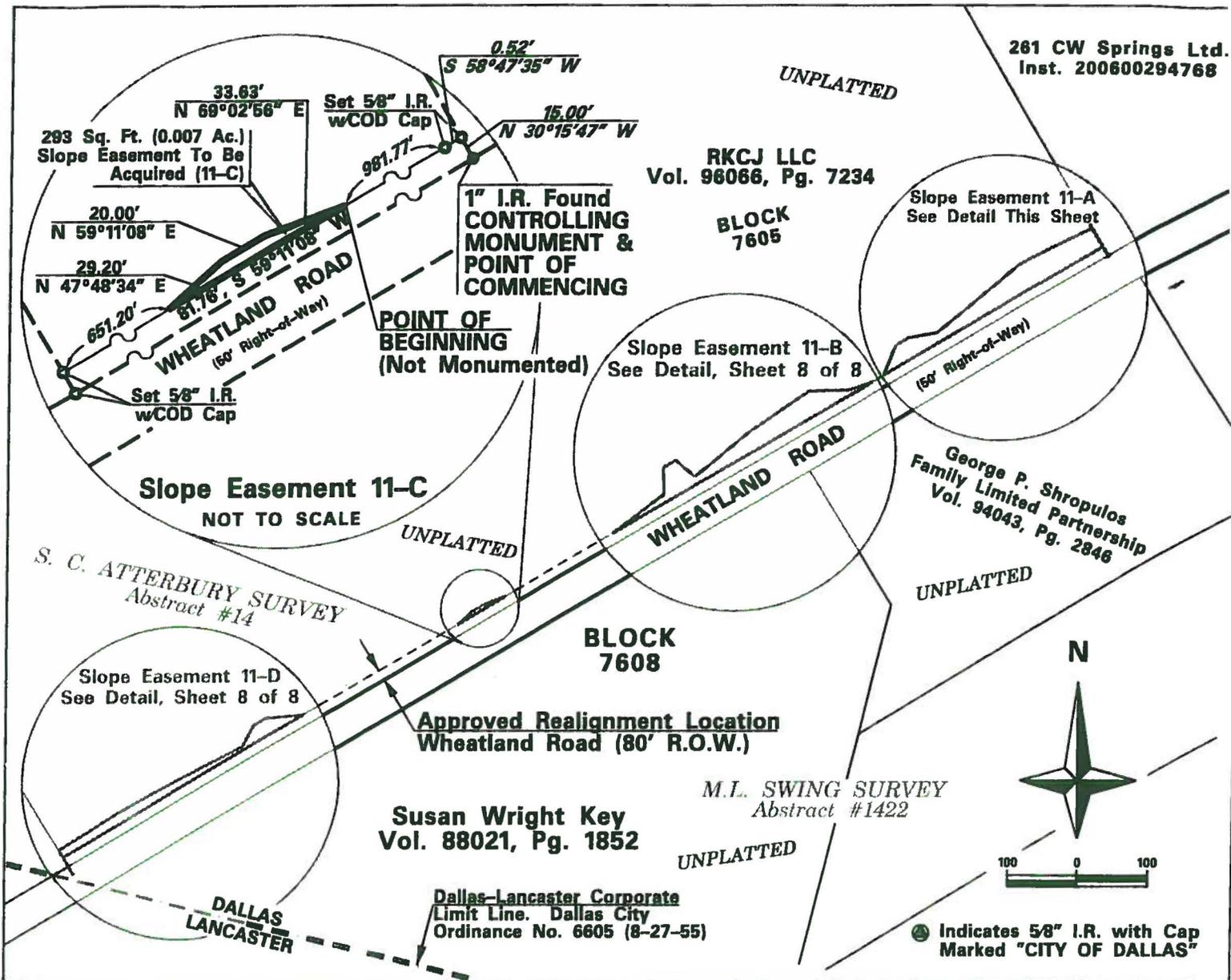
M.L. SWING SURVEY  
Abstract #1422

UNPLATTED

Dallas-Lancaster Corporate  
Limit Line. Dallas City  
Ordinance No. 6605 (8-27-55)



⊙ Indicates 5/8" I.R. with Cap  
Marked "CITY OF DALLAS"



S. C. ATTERBURY SURVEY  
Abstract #14

BLOCK  
7605

RKCJ LLC  
Vol. 96066  
Pg. 7234

9,761 Sq. Ft. (0.224 Ac.)  
Slope Easement To Be  
Acquired (11-A)

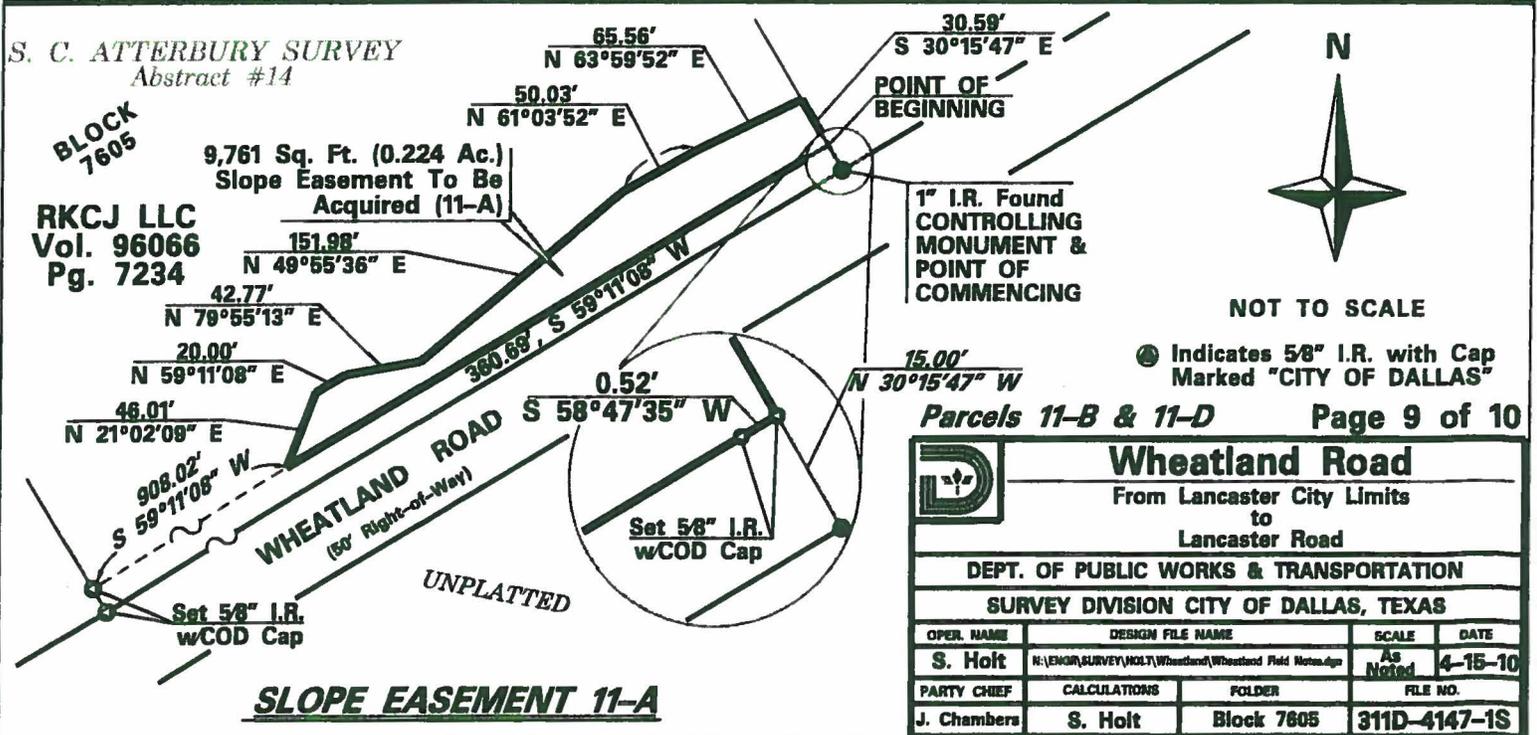
POINT OF  
BEGINNING

1" I.R. Found  
CONTROLLING  
MONUMENT &  
POINT OF  
COMMENCING

NOT TO SCALE

⊙ Indicates 5/8" I.R. with Cap  
Marked "CITY OF DALLAS"

Parcels 11-B & 11-D Page 9 of 10



**SLOPE EASEMENT 11-A**

<b>Wheatland Road</b>			
From Lancaster City Limits to Lancaster Road			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	R:\ENGR\SURVEY\WOL1\Wheatland\Wheatland Field Notes.dwg	As Noted	4-15-10
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
J. Chambers	S. Holt	Block 7605	311D-4147-1S

S. C. ATTERBURY SURVEY  
Abstract #14

RKCJ LLC  
Vol. 96066, Pg. 7234

BLOCK  
7605

UNPLATTED

OAK CLIFF  
PLANTATIONS  
ADDITION  
Vol. 8, Pg. 263

261 CW Springs Ltd.  
Inst. 200600294768

Set 58" I.R.  
wCOD Cap

15.00'  
S 30°15'47" E

1" I.R. Found  
CONTROLLING  
MONUMENT

52.65'  
N 84°27'01" E  
20.00'  
N 59°11'08" E  
33.80'  
N 27°37'54" E

1,315.70'  
N 59°11'08" E  
0.52'  
N 58°47'35" E

4,839 Sq. Ft. (0.111 Ac.)  
Slope Easement To Be  
Acquired (11-D)

50.01'  
N 60°28'25" E  
100.28'  
N 57°34'29" E

152.66', N 62°31'38" E  
399.00', S 59°11'08" W  
WHEATLAND ROAD  
(50' Right-of-Way)

M.L. SWING SURVEY  
Abstract #1422

11.99'  
N 31°04'30" W  
POINT OF  
BEGINNING  
15.00'  
S 31°04'30" E  
Set 58" I.R.  
wCOD Cap

Indicates 58" I.R. with Cap  
Marked "CITY OF DALLAS"



NOT TO SCALE

**SLOPE EASEMENT 11-D**

S. C. ATTERBURY SURVEY  
Abstract #14

RKCJ LLC  
Vol. 96066  
Pg. 7234

BLOCK  
7605

UNPLATTED

261 CW Springs Ltd.  
Inst. 200600294768

Set 58" I.R.  
wCOD Cap

15.00'  
N 30°15'47" W

1" I.R. Found  
CONTROLLING  
MONUMENT &  
POINT OF  
COMMENCING

57.29'  
N 88°24'47" E  
35.55'  
N 70°23'56" E  
100.28'  
N 54°53'37" E

379.64'  
S 59°11'08" W  
0.52'  
S 58°47'35" W

POINT OF  
BEGINNING  
(Not Monumented)

101.44'  
N 49°31'27" E  
36.45'  
S 49°08'19" E

20.00'  
N 59°11'08" E  
38.23'  
N 01°48'13" W  
427.06', S 59°11'08" W  
WHEATLAND ROAD  
(50' Right-of-Way)

M.L. SWING SURVEY  
Abstract #1422

92.91'  
N 52°03'31" E  
908.02'  
S 59°11'08" W  
Set 58" I.R.  
wCOD Cap

Indicates 58" I.R. with Cap  
Marked "CITY OF DALLAS"



NOT TO SCALE

8,437 Sq. Ft. (0.194 Ac.)  
Slope Easement To Be  
Acquired (11-B)

Approved Realignment Location  
Wheatland Road (80' R.O.W.)

**SLOPE EASEMENT 11-B**

Parcels 11-A & 11-C Page 10 of 10

				<b>Wheatland Road</b>			
				From Lancaster City Limits to Lancaster Road			
DEPT. OF PUBLIC WORKS & TRANSPORTATION							
SURVEY DIVISION CITY OF DALLAS, TEXAS							
OPER. NAME	DESIGN FILE NAME	SCALE	DATE				
S. Holt	N:\ENGR\SURVEY\HOLT\Wheatland\Wheatland Field Notes.dgn	As Noted	11-22-11				
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.				
J. Chambers	S. Holt	Block 7605	311D-4147-11				

Field Notes Describing a Drainage Easement  
To Be Acquired in Block 7605  
From RKCJ, LLC

**PARCEL 11-i:**

Being a 5,257 Square Foot (0.121 Acre) tract of unplatted land situated in the S.C. Atterbury Survey, Abstract No. 14, Dallas County, Texas, lying in Block 7605 (official City of Dallas Block Numbers), being a portion of the property conveyed to RKCJ, LLC by Warranty Deed dated April 1, 1996 and recorded in Volume 96066, Page 7234 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

**COMMENCING** at a ½ inch diameter Iron Rod (Controlling Monument) (without cap) found on the Northwest Right-of-Way line of Wheatland Road (a 50-foot wide Right-of-Way), at the intersection with the Northeast line of said RKCJ, LLC property, being also the Southwest line of a parcel of land conveyed to 261 CW Springs, Ltd. by deed recorded in Instrument No. 200600294768 of the Official Public Records of Dallas County, Texas:

**Thence** North 30°15'47" West, departing the said Northwest line of Wheatland Road and with the common line between said RKCJ, LLC and 261 CW Springs, Ltd. properties a distance of 15.00 feet to a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" set at the intersection with the Northwest line of the approved realignment location of Wheatland Road (an 80-foot Right-of-Way):

**THENCE** South 58°47'35" West, departing the common line between said RKCJ, LLC and 261 CW Springs, Ltd. properties and with the said approved Northwest line of Wheatland road, over and across a portion of said RKCJ, LLC property a distance of 0.52 feet to a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" set at an inside corner of said approved alignment line:

**THENCE** South 59°11'08" West, continuing with the said approved Northwest line of Wheatland Road, over and across a portion of said RKCJ, LLC property a distance of 452.45 feet to the most Easterly corner and **POINT OF BEGINNING** of the herein described tract of land (not monumented):

**THENCE** South 59°11'08" West, continuing with the said approved Northwest line of Wheatland Road, over and across a portion of said RKCJ, LLC property a distance of 100.00 feet to the most Southerly corner of the herein described tract of land (not monumented):

Field Notes Describing a Drainage Easement  
To Be Acquired in Block 7605  
From RKCJ, LLC

**PARCEL 11-i:**

**THENCE** North 30°48'52" West, departing the said approved Northwest line of Wheatland Road and continuing over and across a portion of said RKCJ, LLC property a distance of 52.57 feet to the most Westerly corner of the herein described tract of land (not monumented):

**THENCE** North 59°11'08" East, continuing over and across a portion of said RKCJ, LLC property a distance of 100.00 feet to the most Northerly corner of the herein described tract of land (not monumented):

**THENCE** South 30°48'52" East, continuing over and across a portion of said RKCJ, LLC property a distance of 52.57 feet to the **POINT OF BEGINNING**, containing 5,257 Square Feet, or 0.121 Acres of land.

**BASIS OF BEARINGS:** Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

*Scott Holt*  
*9/8/2014*



261 CW Springs, Ltd.  
Int. #200600294768

S. C. ATTERBURY SURVEY  
Abstract #14

BLOCK  
7611

Unplatted

0.52'  
S 58°47'35" W  
N=6924063.7699  
E=2493994.3058

N=6924064.0404  
E=2493994.7523

1" I.R. Found  
N=6924445.3456  
E=2493791.4624

12" Iron Rod Found  
CONTROLLING MONUMENT  
& POINT OF COMMENCING  
N=6924051.0829  
E=2494002.3129

5,257 Sq. Ft. (0.121 Ac.)  
Tract To Be Acquired  
Parcel 11-i

52.57'  
S 30°48'52" E  
POINT OF BEGINNING  
(Not Monumented)

Not To Scale

100.00'  
N 59°11'08" E  
100.00'  
S 59°11'08" W

Not To Scale

RKCJ LLC  
Vol. 96066, Pg. 7234

BLOCK  
7605  
Unplatted

Approved Realignment Location  
Wheatland Road (80' R.O.W.)

George P. Shropulos  
Family Limited Partnership  
Vol. 94043, Pg. 2846



WHEATLAND ROAD (50-Foot Right-of-Way)

M. L. SWING SURVEY  
Abstract #1422

BLOCK  
7608  
Unplatted

Susan Wright Key  
Vol. 88021  
Pg. 1852

City of Dallas Corporate Limit; Ord. No. 6605 (8/27/1955)  
City of Lancaster

Parcel No. 11-i

Page 3 of 3

<b>Wheatland Road</b>			
From Lancaster City Limits to Lancaster Road			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	N:\ENGR\SURVEY\HOLT\Wheatland\Wheatland Field Notes.dgn	As Noted	9-4-14
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
J. Chambers	S. Holt	Block 7605	311D-4147-11

● Indicates 5/8" I.R. with Cap  
Marked "CITY OF DALLAS"

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

## WARRANTY DEED

THE STATE OF TEXAS   §  
  §       KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF DALLAS   §

That R.K.C.J., L.L.C., a Texas limited liability company, acting by and through its duly authorized officer (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of ONE HUNDRED TWO THOUSAND THREE HUNDRED TWENTY-SEVEN AND NO/100 DOLLARS (\$102,327.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: NONE

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**R.K.C.J., L.L.C.,**  
a Texas limited liability company

By: \_\_\_\_\_  
Robert J. Pitre, President

\* \* \* \* \*

STATE OF TEXAS       §  
COUNTY OF DALLAS   §

This instrument was acknowledged before me on \_\_\_\_\_  
by Robert J. Pitre, President of R.K.C.J., L.L.C., a Texas limited liability company, on  
behalf of said company.

\_\_\_\_\_  
Notary Public, State of Texas

\* \* \* \* \*

After recording return to:  
City of Dallas,  
Trinity Watershed Management - Real Estate Division  
1500 Marilla Street, Room 6B South  
Dallas, Texas 75201  
Attn: Ann Carraway Bruce

Warranty Deed Log No. TWM 456

## SLOPE EASEMENT

THE STATE OF TEXAS §

§ KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF DALLAS §

That R.K.C.J.,L.L.C., a Texas limited liability company, (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of TWENTY-TWO THOUSAND SEVEN HUNDRED THREE AND NO/100 DOLLARS (\$22,703.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, and the further benefits to be derived by the remaining property as a result of projected public improvements, has granted, sold and conveyed and does hereby grant, sell and convey unto said City, its successors and assigns, a right-of-way under, in and along the property described in "Exhibit A", attached hereto and made a part hereof by reference for all purposes, an easement for the purpose of grading, filling, and/or maintaining a slope, together with the customary uses attendant thereto, including drainage improvements over, under, through, across and along all that certain lot, tract or parcel of land described in Exhibit "A" attached hereto and made a part hereof by reference for all purposes.

The City is acquiring this property for the purpose of grading, filling and/or maintaining a slope in conjunction with the construction of planned improvements, including the right to make the improvements on such grade and according to such plans and specifications as will, in City's opinion, best serve the public purpose. The payment of the purchase price shall be considered full and adequate compensation for the easement rights herein granted.

Should one or more of the Grantor(s) herein be natural persons and not joined by their respective spouse, it is conclusively presumed that the land herein conveyed is not the residence or business homestead of such Grantor(s). Should one or more of the Grantors herein be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of such a party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

Nothing in this easement shall be construed as a waiver by the City of any connection charge or charges imposed by ordinance or Charter of the City of Dallas.

SPECIAL PROVISIONS: NONE

TO HAVE AND TO HOLD the above described easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said City of Dallas, its successors and assigns forever, and Grantor is hereby bound, together with all heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said easement unto the City of Dallas, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**R.K.C.J., L.L.C.**  
a Texas limited liability company

By: \_\_\_\_\_  
Robert J. Pitre, President

\* \* \* \* \*

STATE OF TEXAS           §  
COUNTY OF DALLAS     §

This instrument was acknowledged before me on \_\_\_\_\_  
by Robert J. Pitre, President of R.K.C.J., L.L.C., a Texas limited liability company, on  
behalf of said company.

\_\_\_\_\_  
Notary Public, State of Texas

\* \* \* \* \*

After recording return to:  
City of Dallas  
Trinity Watershed Management Department  
Real Estate Division  
1500 Marilla, Room 6B South  
Dallas, Texas 75201  
Attn: Ann Carraway Bruce

Slope Easement Log No. TWM 456

## DRAINAGE EASEMENT

THE STATE OF TEXAS     §  
   §  
 COUNTY OF DALLAS       §

KNOW ALL PERSONS BY THESE PRESENTS:

That R.K.C.J., L.L.C., a Texas limited liability company (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of FIVE THOUSAND NINE HUNDRED FOURTEEN AND NO/100 DOLLARS (\$5,914.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, and the further benefits to be derived by the remaining property as a result of projected public improvements, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, an easement for the purpose of constructing, maintaining and using storm water drainage facilities in, under, over, through, across and along all that certain lot, tract or parcel of land described in Exhibit A, attached hereto and made a part hereof by reference for all purposes.

The City is acquiring this property for the purpose of constructing, maintaining and using storm water drainage improvements including the right to make the improvements on such grade and according to such plans and specifications as will, in its opinion, best serve the public purpose. The payment of the purchase price for the property herein conveyed shall be considered full compensation for same and for any diminution in value that may result to remaining property by virtue of project proximity thereto, grade alignment, utility installation, or the alteration of drainage patterns and facilities.

Should one or more of the Grantor(s) herein be natural persons and not joined by their respective spouse, it is conclusively presumed that the land herein conveyed is not the residence or business homestead of such Grantor(s). Should one or more of the Grantors herein be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of such a party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

The City shall have the right to remove and keep removed from the permanent easement herein granted any and all structures, fences, trees, shrubs, growths or other obstructions which may endanger or interfere with the construction, reconstruction, maintenance or proper function of said stormwater drainage facilities.

Nothing in this easement shall be construed as a waiver by the City of any connection charge or charges imposed by ordinance or Charter of the City of Dallas.

SPECIAL PROVISIONS: NONE

TO HAVE AND TO HOLD the above described easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said easement unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**R.K.C.J., L.L.C.**  
a Texas limited liability company

By: \_\_\_\_\_  
Robert J. Pitre, President

\* \* \* \* \*

STATE OF TEXAS           §  
COUNTY OF DALLAS       §

This instrument was acknowledged before me on \_\_\_\_\_

by Robert J. Pitre, President of R.K.C.J., L.L.C., a Texas limited liability company, on behalf of  
said company.

\_\_\_\_\_  
Notary Public, State of Texas

\* \* \* \* \*

After recording return to:  
City of Dallas  
Trinity Watershed Management  
Real Estate Division  
1500 Marilla Street, 6B South  
Dallas, Texas 75201  
Attn: Ann Carraway Bruce

Drainage Easement Log No. TWM 456

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** 11, 13

**DEPARTMENT:** Water Utilities

**CMO:** Mark McDaniel, 670-3256

**MAPSCO:** 14 R V S Z, 24 D

**SUBJECT**

Authorize a contract for the installation of wastewater mains at five locations (list attached) - S. J. Louis Construction of Texas, Ltd., lowest responsible bidder of five - Not to exceed \$10,073,842 - Financing: Water Utilities Capital Improvement Funds

**BACKGROUND**

This action consists of the installation of approximately 12,460 feet of wastewater mains. This includes the installation of approximately 4,100 feet of 24-inch, 8,320 feet of 27-inch, and 40 feet of 30-inch wastewater mains.

The existing wastewater mains were built in 1963 and have been identified for capacity improvements in master planning efforts. The installation of the proposed segments will provide the necessary capacity to support proposed development efforts and reduce maintenance costs. Construction of these mains is critical to support future development and infrastructure improvements in the Valley View Center Mall redevelopment area.

S. J. Louis Construction of Texas, Ltd. completed contractual activities in the past three years:

	<b><u>STS</u></b>	<b><u>DWU</u></b>	<b><u>PKR</u></b>
Projects Completed	2	0	0
Change Orders	2	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

**ESTIMATED SCHEDULE OF PROJECT**

Began Design                    September 2013  
Completed Design              October 2016  
Begin Construction            February 2017  
Complete Construction      February 2018

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized a professional services contract with RJN Group, Inc. to provide engineering services for the replacement and rehabilitation of water mains and wastewater mains at 30 locations on September 11, 2013, by Resolution No. 13-1582.

Information about this item will be provided to the Transportation & Trinity River Project Committee on January 23, 2017.

**FISCAL INFORMATION**

\$10,073,842.00 - Water Utilities Capital Improvement Funds

Design	\$ 322,978.00
Construction (this action)	<u>\$10,073,842.00</u>
Total Project Cost	\$10,396,820.00

<b><u>Council District</u></b>	<b><u>Amount</u></b>
11	\$ 555,052.00
13	<u>\$ 9,518,790.00</u>
Total	\$10,073,842.00

**M/WBE INFORMATION**

See attached.

## **ETHNIC COMPOSITION**

### **S. J. Louis Construction of Texas, Ltd.**

Hispanic Female	7	Hispanic Male	287
Black Female	0	Black Male	3
White Female	13	White Male	125
Other Female	0	Other Male	2

## **BID INFORMATION**

The following bids with quotes were opened on October 21, 2016:

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Bid Amount</u></b>
*S. J. Louis Construction of Texas, Ltd. 520 South 6th Avenue Mansfield, Texas 76063	\$10,073,842.00
Oscar Renda Contracting, Inc.	\$10,101,814.00
John Burns Construction Company of Texas, Inc.	\$10,813,552.00
Ark Contracting Services, LLC	\$12,363,269.00
Atkins Brothers Equipment Company, Inc.	\$17,806,095.00

## **OWNER**

### **S. J. Louis Construction of Texas, Ltd.**

James L. Schueller, President and Chief Manager

## **MAPS**

Attached

## Installation of Wastewater Mains

### **District 11**

\*Easement east of Inwood Road from south of Harvest Hill Road to Interstate Highway 635 (LBJ Freeway)

### **District 13**

\*(Easement east of Inwood Road from south of Harvest Hill Road to Interstate Highway 635 (LBJ Freeway) (See District 11)  
Easement west of Dallas North Tollway from Willow Lane north  
Inwood Road from Willow Lane to Northaven Road  
Northaven Road from Inwood Road west  
Willow Lane from Inwood Road west

\*Project limits in more than one Council District

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize a contract for the installation of wastewater mains at five locations (list attached) - S. J. Louis Construction of Texas, Ltd., lowest responsible bidder of five - Not to exceed \$10,073,842 - Financing: Water Utilities Capital Improvement Funds

S. J. Louis Construction of Texas, Ltd. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

**PROJECT CATEGORY:** Construction

---

### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$8,038,967.00	79.80%
Total non-local contracts	\$2,034,875.00	20.20%
<b>TOTAL CONTRACT</b>	<b>\$10,073,842.00</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
A.E.A. Transportation	HMDB57040Y0817	\$484,000.00	6.02%
<b>Total Minority - Local</b>		<b>\$484,000.00</b>	<b>6.02%</b>

#### Non-Local Contractors / Sub-Contractors

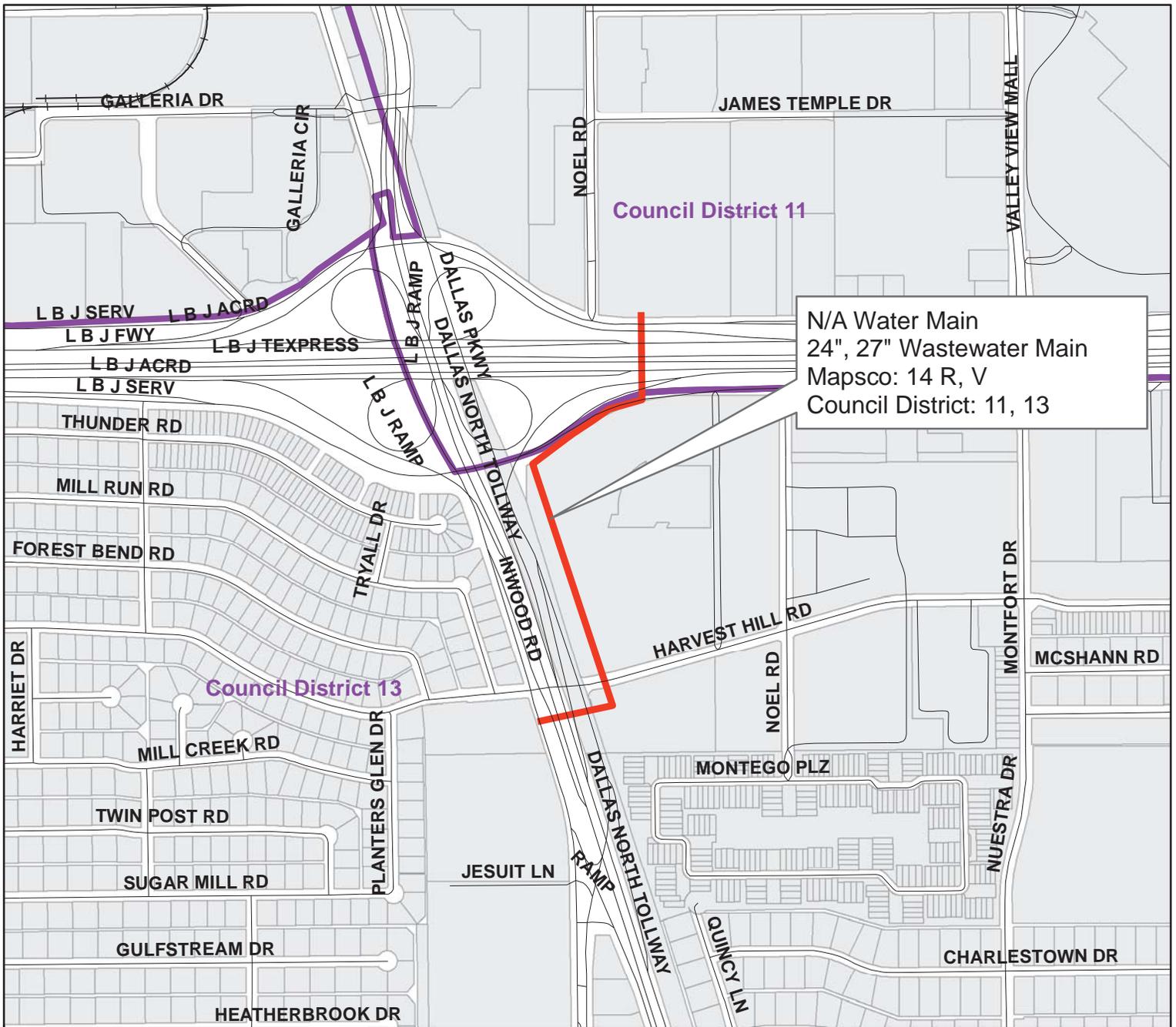
<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Spooner & Associates	BMDFW024341117	\$32,000.00	1.57%
LKT & Associates, LLC	WFDB02060Y1017	\$1,991,000.00	97.84%
Eagle Aggregate Transportation, LLC	WFDB33718Y0617	\$11,875.00	0.58%
<b>Total Minority - Non-local</b>		<b>\$2,034,875.00</b>	<b>100.00%</b>

# BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

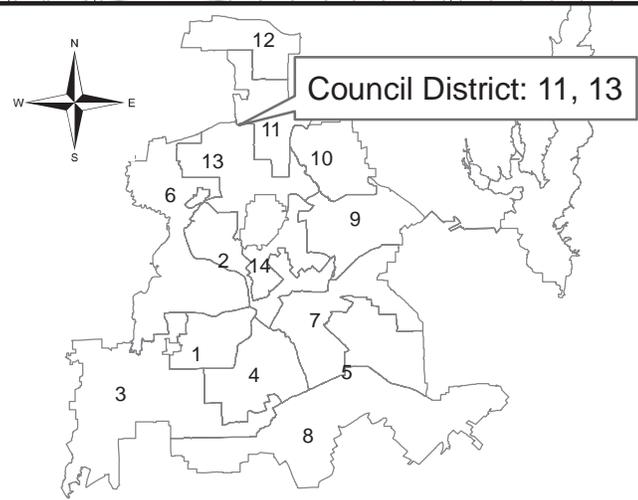
Page 2

## TOTAL M/WBE CONTRACT PARTICIPATION

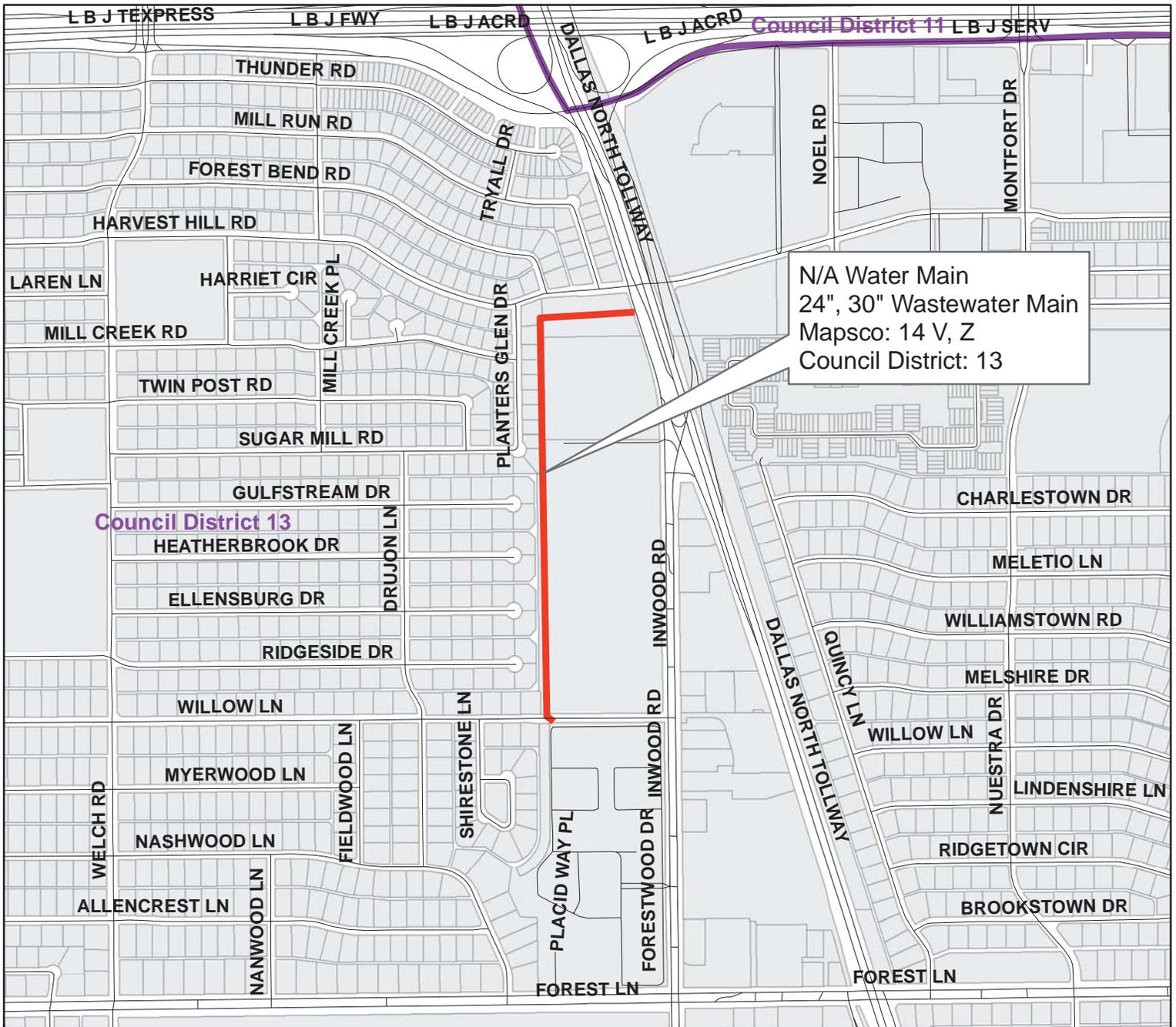
	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$32,000.00	0.32%
Hispanic American	\$484,000.00	6.02%	\$484,000.00	4.80%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$2,002,875.00	19.88%
Total	<u>\$484,000.00</u>	<u>6.02%</u>	<u>\$2,518,875.00</u>	<u>25.00%</u>



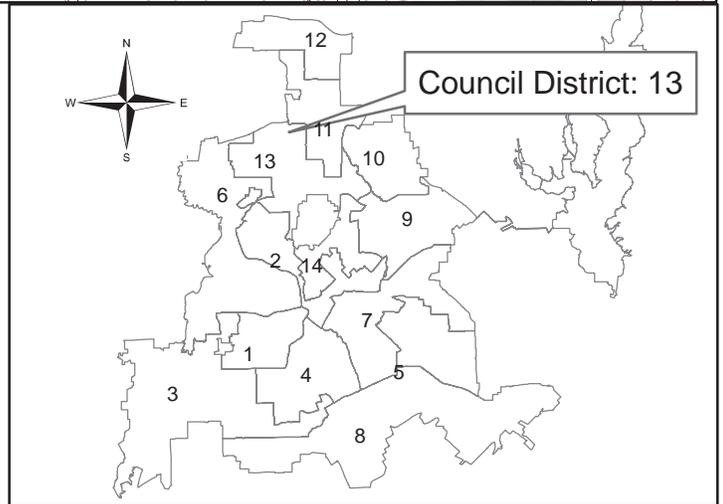
Easement east of Inwood Road  
 from south of Harvest Hill Road to Interstate Highway  
 635 (LBJ Freeway)



**Dallas Water Utilities  
 Contract No. 16-324  
 Wastewater Main Installations  
 at 5 Locations**

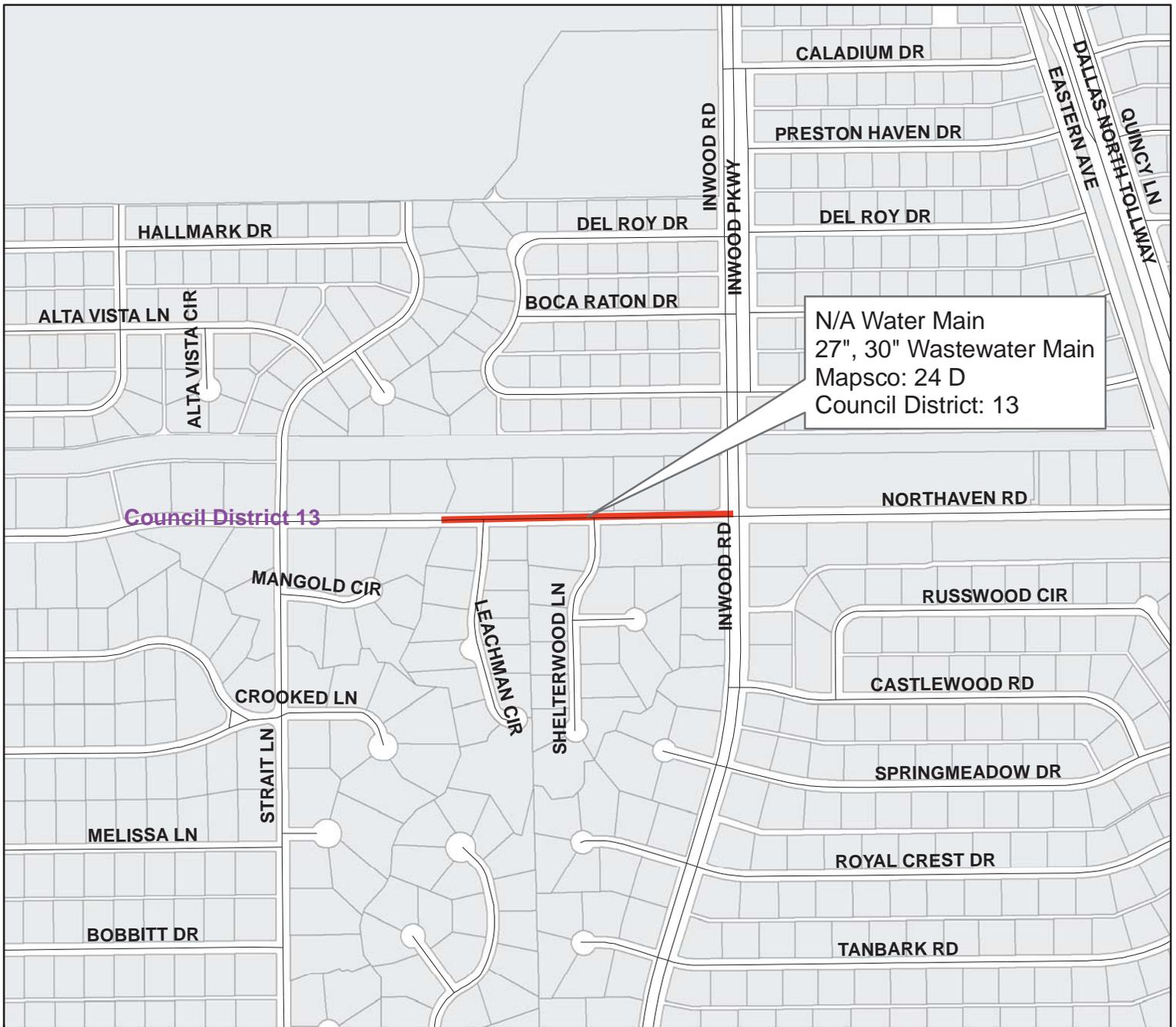


Easement west of Dallas North Tollway  
from Willow Lane north

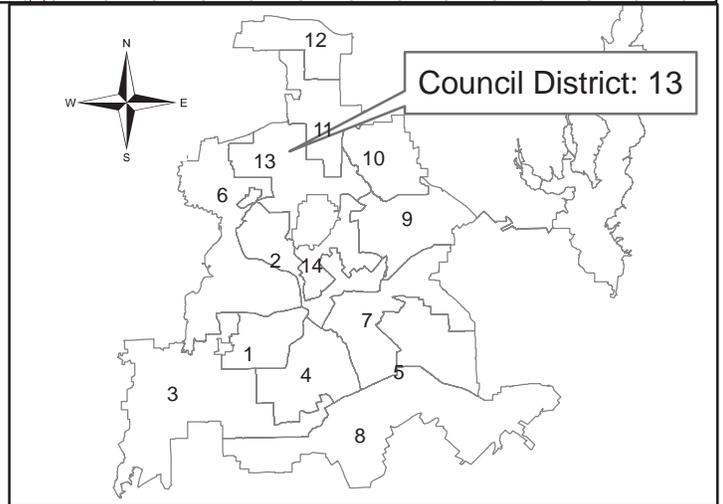


**Dallas Water Utilities  
Contract No. 16-324  
Wastewater Main Installations  
at 5 Locations**

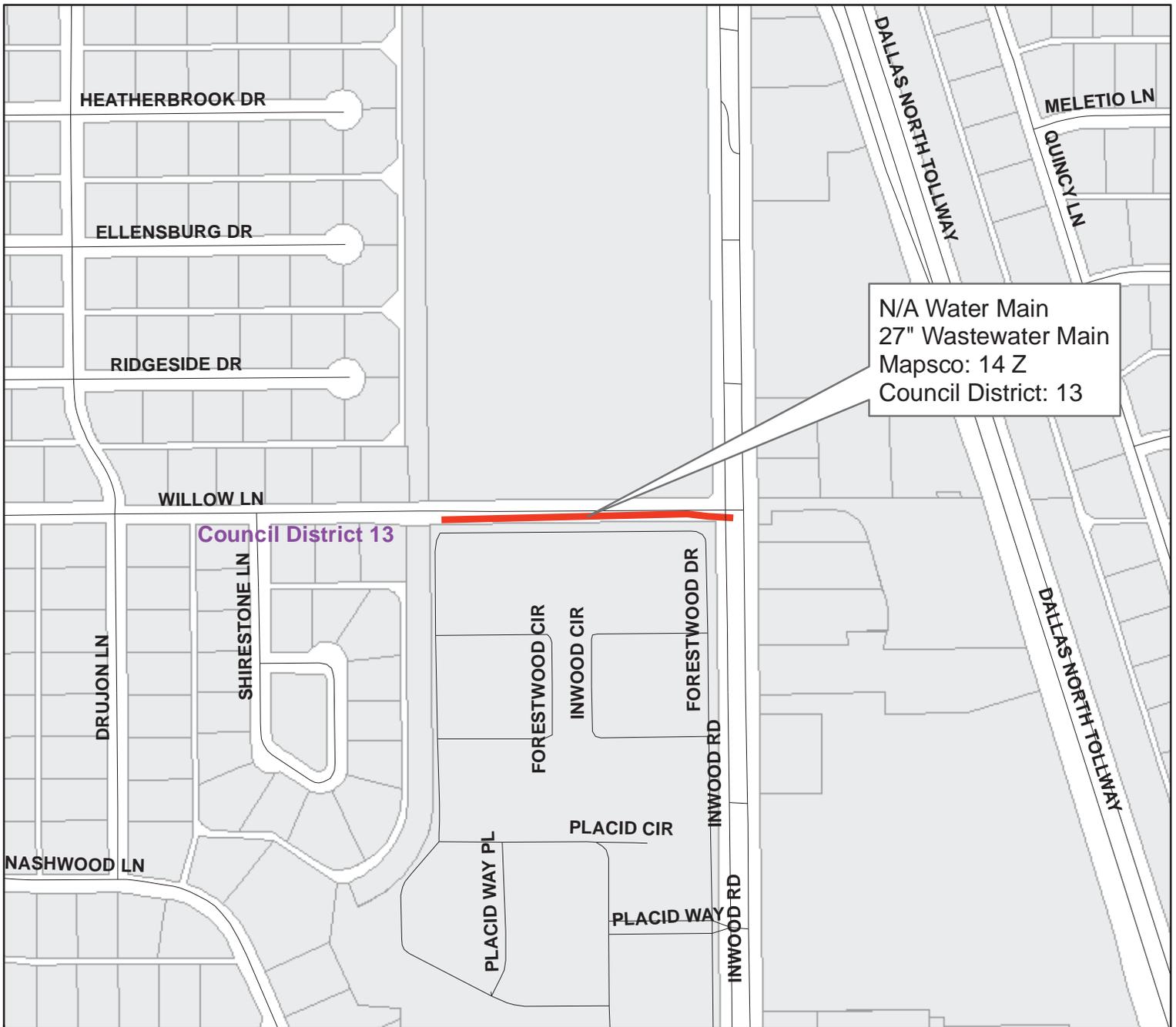




Northaven Road  
from Inwood Road west

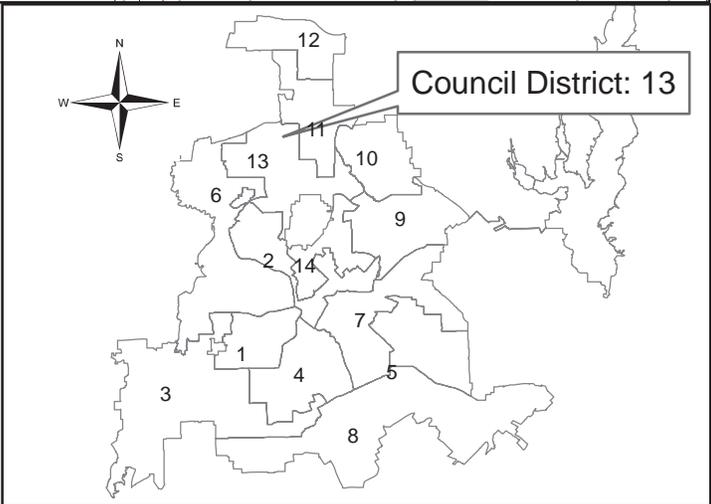


**Dallas Water Utilities  
Contract No. 16-324  
Wastewater Main Installations  
at 5 Locations**



N/A Water Main  
 27" Wastewater Main  
 Mapsco: 14 Z  
 Council District: 13

Willow Lane  
 from Inwood Road west



**Dallas Water Utilities  
 Contract No. 16-324  
 Wastewater Main Installations  
 at 5 Locations**

January 25, 2017

**WHEREAS**, bids were received on October 21, 2016 for the installation of wastewater mains at five locations, Contract No. 16-324, listed as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
S. J. Louis Construction of Texas, Ltd.	\$10,073,842.00
Oscar Renda Contracting, Inc.	\$10,101,814.00
John Burns Construction Company of Texas, Inc.	\$10,813,552.00
Ark Contracting Services, LLC	\$12,363,269.00
Atkins Brothers Equipment Company, Inc.	\$17,806,095.00

**WHEREAS**, the bid submitted by S. J. Louis Construction of Texas, Ltd., 520 South 6th Avenue, Mansfield, Texas 76063, in the amount of \$10,073,842.00, is the lowest and best of all bids received.

**Now, Therefore,**

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

**Section 1.** That the bid submitted by S. J. Louis Construction of Texas, Ltd., in the amount of \$10,073,842.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. 16-324, be accepted.

**Section 2.** That the City Manager is hereby authorized to execute a contract with S. J. Louis Construction of Texas, Ltd. in the amount of \$10,073,842.00, for the installation of wastewater mains at five locations, after approval as to form by the City Attorney.

**Section 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$10,073,842.00 from the Wastewater Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>PRO</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
3116	DWU	PS40	4560	716324	CT-DWU716324CP	VS0000078761

S. J. Louis Construction of Texas, Ltd. - (Contract No. 16-324) - \$10,073,842.00

**Section 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.





**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** Outside City Limits

**DEPARTMENT:** Sustainable Development and Construction  
Water Utilities

**CMO:** Mark McDaniel, 670-3256

**MAPSCO:** N/A

---

**SUBJECT**

Authorize the second step of acquisition for condemnation by eminent domain to acquire a tract of land containing approximately 432,376 square feet located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project, from Morris Dale Martin - Not to exceed \$55,000 (\$51,615, plus closing costs and title expenses not to exceed \$3,385) - Financing: Water Utilities Capital Improvement Funds

**BACKGROUND**

This item authorizes the second step of acquisition for condemnation by eminent domain to acquire a tract of land containing approximately 432,376 square feet located in Kaufman County from Morris Dale Martin, the property owner. An offer was presented to the property owner on November 13, 2015 reflecting the appraised value of \$51,615 and the City's offer was declined. Negotiations between the City and the property owner have been ongoing through October 2016 and no amicable agreement has been reached.

The first resolution approved on September 28, 2016, by Resolution No. 16-1585, authorized the purchase in the amount of \$51,615. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni Pipeline Project. This acquisition will be part of the right-of-way required to construct approximately 32 miles of pipeline from Lake Tawakoni to the Interim Balancing Reservoir located in Terrell, TX and then to the Eastside Water Treatment plant located in Sunnyvale, TX. The new raw water pipeline will augment the existing 72-inch and 84-inch pipelines. The construction of this pipeline will give Dallas Water Utilities the ability to utilize the full capacity of both the Lake Tawakoni and the Lake Fork raw water supply to meet the current city needs and future water demands.

No relocation benefits are associated with this acquisition.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized acquisition on September 28, 2016, by Resolution No. 16-1585.

Information about this item will be provided to the Economic Development Committee on January 17, 2017.

**FISCAL INFORMATION**

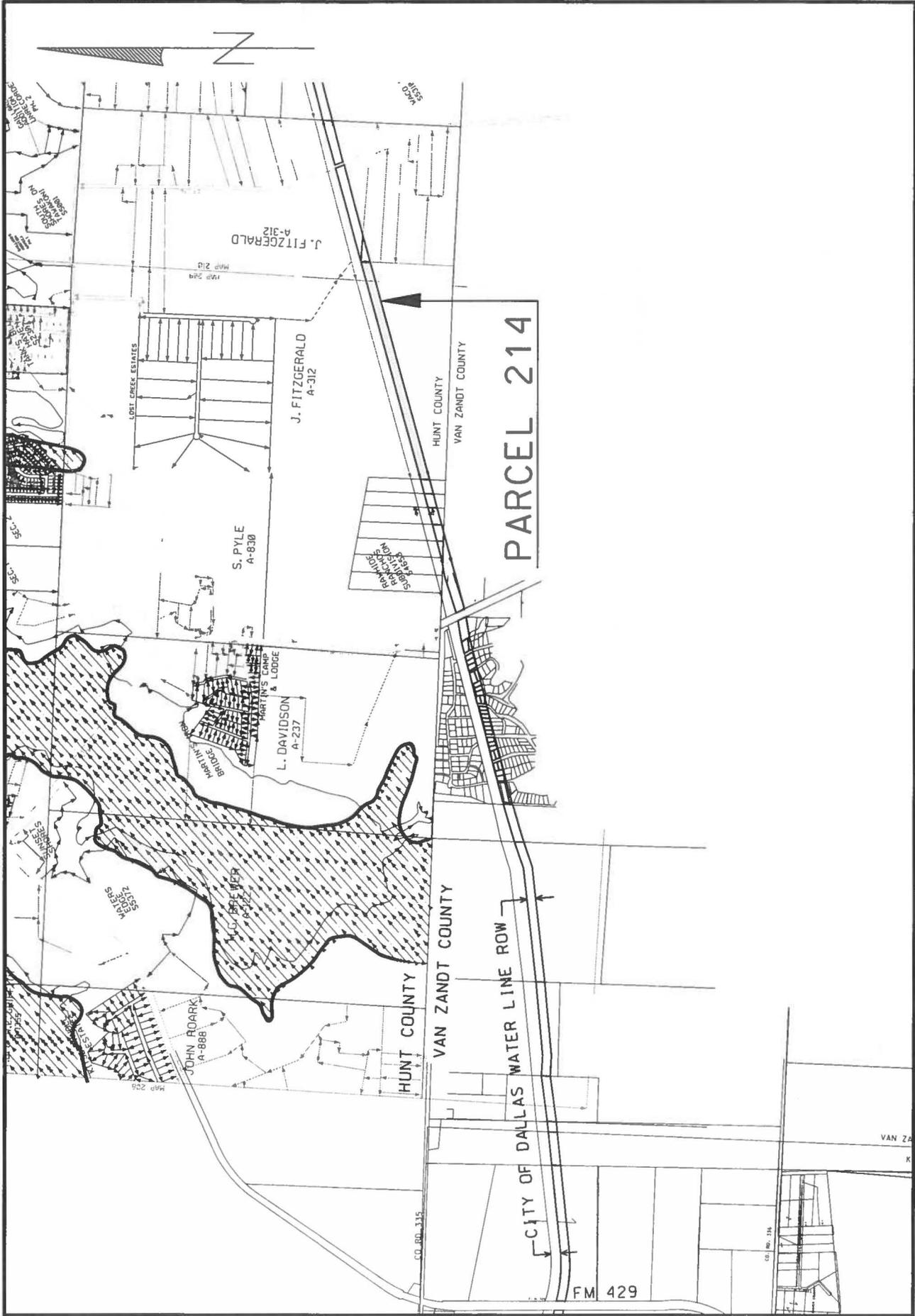
Water Utilities Capital Improvement Funds - \$55,000 (\$51,615, plus closing costs and title expenses not to exceed \$3,385)

**OWNER**

Morris Dale Martin

**MAP**

Attached



VICINITY MAP  
 APPROXIMATE SCALE 1" = 2000'



January 25, 2017

**A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF REAL PROPERTY.**

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase, of the PROPERTY INTEREST in the PROPERTY held by OWNER for the PROJECT for a public use (all said capitalized terms being defined below); and

**WHEREAS**, the OWNER refused to sell the PROPERTY INTEREST in the PROPERTY to the City for the OFFER AMOUNT contained in the FIRST RESOLUTION; and

**WHEREAS**, the City Council desires to authorize the City Attorney to acquire the PROPERTY INTERESTS in the PROPERTY by condemnation for the OFFER AMOUNT stated herein: **Now, Therefore,**

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

**SECTION 1.** That the following definitions shall apply to this resolution:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 16-1585 approved by the Dallas City Council on September 28, 2016, which is incorporated herein by reference.

“PROPERTY”: Approximately 432,376 square feet of land located in Kaufman County and being the same property more particularly described on the "Exhibit A", attached hereto and made a part hereof for all purposes.

“PROJECT”: Lake Tawakoni 144-inch Raw Water Transmission Pipeline

“USE”: The installation, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

"PROPERTY INTEREST": Fee Simple

"OWNER": Morris Dale Martin, provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

January 25, 2017

"OFFER AMOUNT": \$51,615

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,385

"AUTHORIZED AMOUNT": \$55,000 (\$51,615, plus closing costs and title expenses not to exceed \$3,385)

**SECTION 2.** That the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

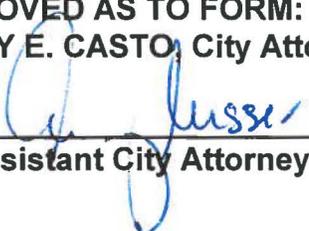
**SECTION 3.** That the City Attorney is authorized and requested to file the necessary proceeding and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

**SECTION 4.** That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceeding and/or suit.

**SECTION 5.** That in the event the Special Commissioners in Condemnation appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the lawsuit for that amount and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the Commissioners' award made payable to the County Clerk of Kaufman County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council.

**SECTION 6.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED AS TO FORM:**  
**LARRY E. CASTO, City Attorney**

BY   
**Assistant City Attorney**

FIELD NOTES  
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION  
OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER  
TRANSMISSION MAIN  
HUNT COUNTY, TEXAS  
Parcel: 214

BEING a 9.926 acre tract of land in the J. Fitzgerald Survey, Abstract No. 312, in Hunt County, Texas, being part of a tract of land described in a deed to Morris Dale Martin, as described in Volume 137, Page 254, Deed Records Hunt County, Texas (D.R.H.C.T.), and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod found at the southwest corner of said Martin tract, being the southeast corner of a tract of land described in Special Warranty Deed to Donnie L. McElwee, dated May 9, 2013, as recorded in Volume 2013, Page 6598, Official Public Records of Hunt County, Texas (O.P.R.H.C.T.)

THENCE North 01 degree 49 minutes 55 seconds West, with the east line of said McElwee tract and the west line of said Martin tract, a distance of 343.19 feet to a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set at the POINT OF BEGINNING;

THENCE North 01 degree 49 minutes 55 seconds West, continuing with the west line of said Martin tract and the east line of said McElwee tract, a distance of 135.44 feet to a 1/2-inch iron rod with cap set at the southwest corner of a City of Dallas Water Line Right-of-Way (variable width), as recorded in Volume 594, Page 487, D.R.H.C.T.;

THENCE North 71 degrees 52 minutes 43 seconds East, with the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 3,325.94 feet to a concrete monument with brass cap stamped "City of Dallas" found at the southeast corner of said City of Dallas Water Line Right-of-Way, being in the east line of said Martin tract and the west line of a tract of land described as "Tract No. Three" in a deed to S.B. Brackeen and Vera Brackeen, recorded in Volume 572, Page 627, D.R.H.C.T.;

THENCE South 01 degree 51 minutes 08 seconds East, departing the southeast line of said City of Dallas Water Line Right-of-Way and with the east line of said Martin tract and the west line of said "Tract No. Three", at a distance of 0.43 feet passing a 1/2-inch iron rod with cap stamped "Vannoy" Tract found at the northwest corner of a called 10.00 acre tract of land described in Warranty Deed with Vendor's Lien to Thomas C. Christ, as recorded in Volume 875, Page 32, O.P.R.H.C.T. and continuing with the east line of said Martin tract and the west line of said Christ tract, a total distance of 135.42 feet to a 1/2-inch iron rod with cap set;

THENCE South 71 degrees 52 minutes 43 seconds West, departing the east line of said Martin tract and the west line of said Christ tract, a distance of 3,325.99 feet to the POINT OF BEGINNING and containing 432,376 square feet or 9.926 acres of land, more or less.

FIELD NOTES APPROVED:

*M. 11/12/12*



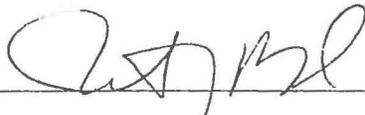
FIELD NOTES  
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION  
OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER  
TRANSMISSION MAIN  
HUNT COUNTY, TEXAS

Parcel: 214

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

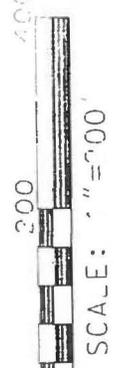
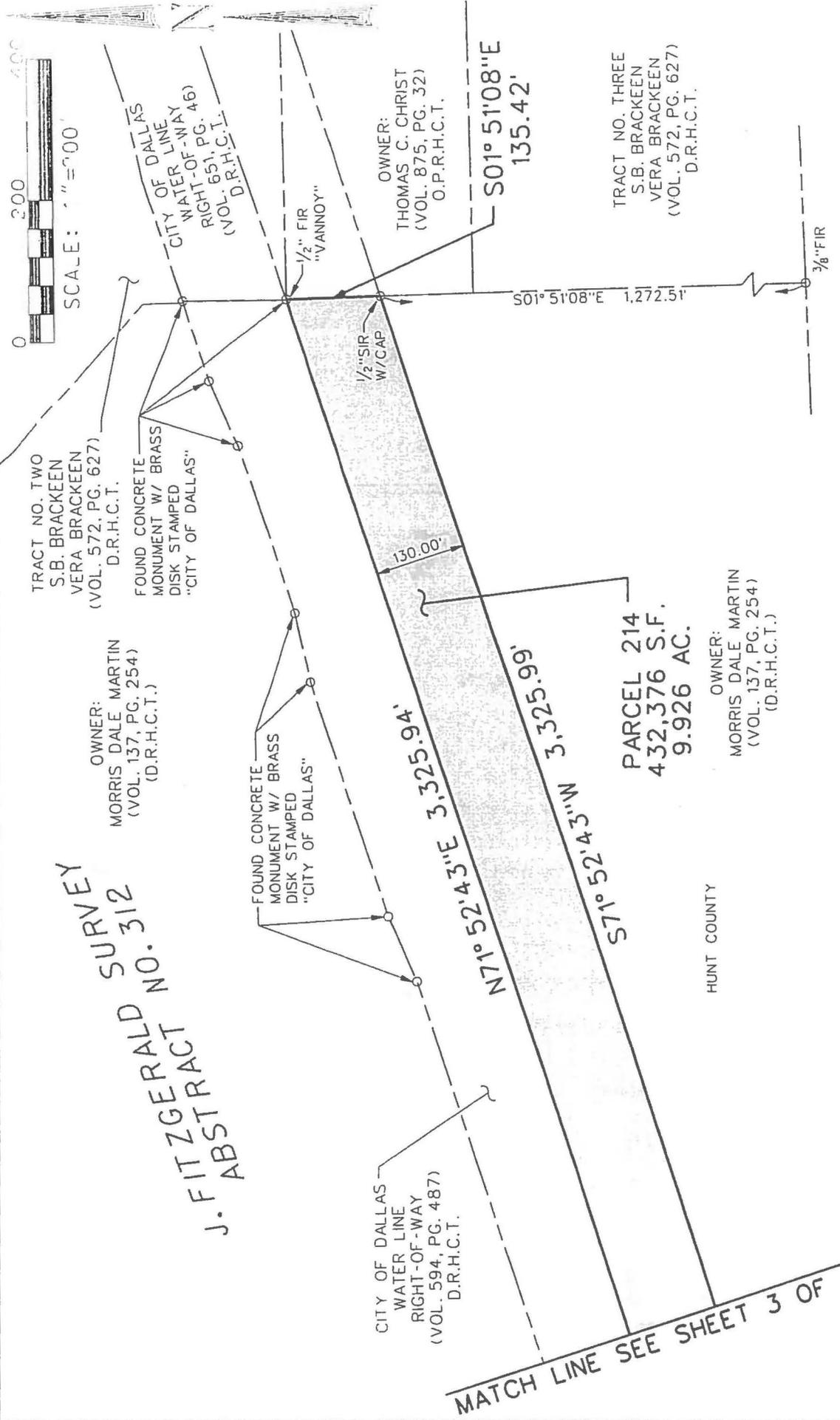
Company Name: DAL-TECH Engineering, Inc.  
TBPLS Firm No. 10123500

By:  Date: 11.3.14

Surveyor's Name: Patrick J. Baldasaro  
Registered Professional Land Surveyor  
Texas No. 5504



**J. FITZGERALD SURVEY  
ABSTRACT NO. 312**



TRACT NO. TWO  
S.B. BRACKEEN  
VERA BRACKEEN  
(VOL. 572, PG. 627)  
D.R.H.C.T.

OWNER:  
MORRIS DALE MARTIN  
(VOL. 137, PG. 254)  
(D.R.H.C.T.)

FOUND CONCRETE  
MONUMENT W/ BRASS  
DISK STAMPED  
"CITY OF DALLAS"

CITY OF DALLAS  
WATER LINE  
RIGHT-OF-WAY  
(VOL. 594, PG. 487)  
D.R.H.C.T.

OWNER:  
THOMAS C. CHRIST  
(VOL. 875, PG. 32)  
O.P.R.H.C.T.

TRACT NO. THREE  
S.B. BRACKEEN  
VERA BRACKEEN  
(VOL. 572, PG. 627)  
D.R.H.C.T.

OWNER:  
MORRIS DALE MARTIN  
(VOL. 137, PG. 254)  
(D.R.H.C.T.)

PARCEL 214  
432,376 S.F.  
9.926 AC.

HUNT COUNTY

MATCH LINE SEE SHEET 3 OF 4

NOTE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER TITLE RESOURCES GUARANTY COMPANY COMMITMENT G.F. NUMBER 1182836, WITH AN EFFECTIVE DATE OF NOVEMBER 1, 2009

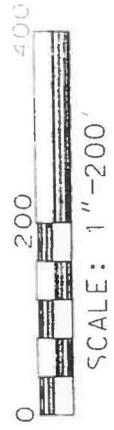
ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

LEGEND:

S.F.	SQUARE FEET
C.M.	CONTROL MONUMENT
O FIR	FOUND IRON ROD
O FIP	FOUND IRON PIPE
O 1/2" SIR	1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
O W/CAP	1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
O SX	SET "X" CUT IN CONCRETE
O FPK	FOUND PK., NAIL
O SPK	SET PK., NAIL



EXHIBIT OF A  
**RIGHT-OF-WAY ACQUISITION**  
SITUATED IN THE  
J FITZGERALD SURVEY, ABSTRACT NO 312  
HUNT COUNTY TEXAS  
FOR THE  
CITY OF DALLAS  
BY  
DAL-TECH ENGINEERING INC. 17400 DALLAS PRIVY SUITE 110



**J. FITZGERALD SURVEY  
ABSTRACT NO. 312**

MATCH LINE SEE SHEET 4 OF 4

CITY OF DALLAS  
WATER LINE  
RIGHT-OF-WAY  
(VOL. 594, PG. 487)  
D.R.H.C.T.

OWNER:  
MORRIS DALE MARTIN  
(VOL. 137, PG. 254)  
(D.R.H.C.T.)

CITY OF DALLAS  
WATER LINE  
RIGHT-OF-WAY  
(VOL. 651, PG. 43)  
D.R.H.C.T.  
(VARIABLE WIDTH  
RIGHT-OF-WAY)

FOUND CONCRETE  
MONUMENT W/ BRASS  
DISK STAMPED  
"CITY OF DALLAS"  
(C.M.)

PARCEL 214  
432,376 S.F.  
9.926 AC.

OWNER:  
MORRIS DALE MARTIN  
(VOL. 137, PG. 254)  
(D.R.H.C.T.)

HUNT COUNTY

POINT OF  
BEGINNING

N01° 49'55"W  
135.44'

OWNER:  
DONNIE L. McELWEE  
(VOL. 2013, PG. 6598)  
(O.P.R.H.C.T.)

POINT OF  
COMMENCING

VAN ZANDT  
COUNTY

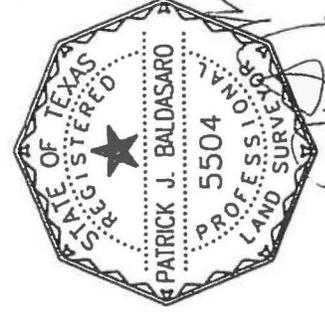


EXHIBIT  
OF A

**RIGHT-OF-WAY ACQUISITION**  
SITUATED IN THE  
J. FITZGERALD SURVEY, ABSTRACT NO. 312  
HUNT COUNTY, TEXAS  
FOR THE  
CITY OF DALLAS

BY  
DAL-TECH ENGINEERING, INC. 17-000 DALLAS PKWY SUITE 101

NOTE: THIS SURVEY WAS PERFORMED BASE UPON  
RECORD DATA PROVIDED UNDER TITLE RESOURCES GUARANTY  
COMPANY COMMITMENT G.F. NUMBER 1182836,  
WITH AN EFFECTIVE DATE OF NOVEMBER 1, 2009

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83  
TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL  
ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS  
CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN  
CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER  
CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY  
SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE  
TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS  
DISTRICT WAS USED FOR THIS PROJECT.

LEGEND:

S.F.	SQUARE FEET
C.M.	CONTROL MONUMENT
○ FIR	FOUND IRON ROD
○ FIP	FOUND IRON PIPE
○ 1/2" SIR	1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
○ W/CAP	W/ CAP
○ SX	SET "X" CUT IN CONCRETE
○ FPK	FOUND PK. NAIL
○ SPK	SET PK. NAIL

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Office of Economic Development  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 45J 45K

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**SUBJECT**

Authorize a development agreement with GPIWE Limited Partnership, to assist the redevelopment of the Factory Six03 Project located at 603 Munger Avenue and to secure public access to the new plaza in the West End District in the City Center TIF District - Not to exceed \$4,657,174 - Financing: City Center TIF District Funds (subject to future appropriations from future tax increments)

**BACKGROUND**

The West End Marketplace, located at 603 Munger Avenue in the historic West End District of downtown Dallas, was built in stages between 1903 and 1923. The building, which will be called Factory Six03, was originally built as the Brown Cracker and Candy Company and over the years, until its closing over ten years ago, held a variety of tourist and destination activities. Some of those uses, including a movie theater, affected the structure and rendered the building unfit for future uses. Granite Properties purchased the 182,000 square foot building (plus 28,000 square feet basement space) in July 2015 with the intent of returning the historic structure as a downtown anchor by creating approximately 10,000 square feet of ground floor restaurants/retail space and over 200,000 square feet of creative office space. The improvements include additions to both the four story and seven story structures.

Upon acquisition of the property, Granite Properties began negotiating public incentives for the project. They agreed to proceed with the project at their own risk in hopes that City Council would ultimately approve incentives for the project. They considered timing of the construction of the renovated facility as crucial as the public incentives (developer did not want to miss market opportunity). As such, they began renovating the building and planning for the open space plaza improvements. The privately owned plaza created by the intersection of two street grids forms the entry to the project from the south and helps connect the project to Victory Park. The negotiated TIF incentives are similar to other similarly situated properties.

**BACKGROUND** (Continued)

The proposed TIF funding would focus on renovation of the building’s ground floor improvements and streetscape improvements. The ground floor will be used primarily to house restaurants, spilling out into the old dock space, as well as serve as the office lobby. Streetscape improvements will take place on all sides of the building. The plaza space will be repositioned as a gathering space in the West End Historic District and a space that transitions from downtown to the Sports Arena/Victory area. TIF funds would also be used to assist with renovations to the historic façade and historic structure.

The renovation of the West End Marketplace building is anticipated to be a catalyst project to the West End Historic District as Granite Properties repositions the unused historic building as creative office space as well as restaurant/retail uses. The renovation work includes repairing and replacing key internal structural components that were removed in 1985 as well as reconditioning historic windows, masonry walls and historic exterior. The basement will be converted into 55 parking spaces. Both the four story and the seven story portions of the building will have additions to the top for an executive office, tenant lounge and conference center. A new entrance will be added to the building as well. All additions will be reviewed and approved by the National Park Service, in compliance with national historic renovation guidelines.

The interior of the building will be completely refurbished including new electrical, mechanical, elevator and fire control systems.

**ESTIMATED PROJECT SCHEDULE**

Project Start Date                    September 2016  
Project Completion Date    September 2017

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On August 11, 2016, the City Center TIF District Board of Directors reviewed and recommended approval of a development agreement with GPIWE Limited Partnership for TIF incentives and dedication of TIF funding for TIF-eligible project costs associated with redevelopment of the West End Marketplace building located at 603 Munger Avenue in an amount not to exceed \$4,657,174, subject to (1) sufficient public access assurance and (2) satisfying Peer Review’s comments.

Information about this item will be provided to the Economic Development Committee on January 17, 2017.

**FISCAL INFORMATION**

\$4,657,174 - City Center TIF District Funds (subject to future appropriations from future tax increments)

**OWNER**

**GPIWE Limited Partnership  
c/o Granite Properties**

David R. Cunningham, Director  
5601 Granite Parkway, Suite 800  
Plano, Texas 75024

**DEVELOPER**

**GPIWE Limited Partnership  
c/o Granite Properties**

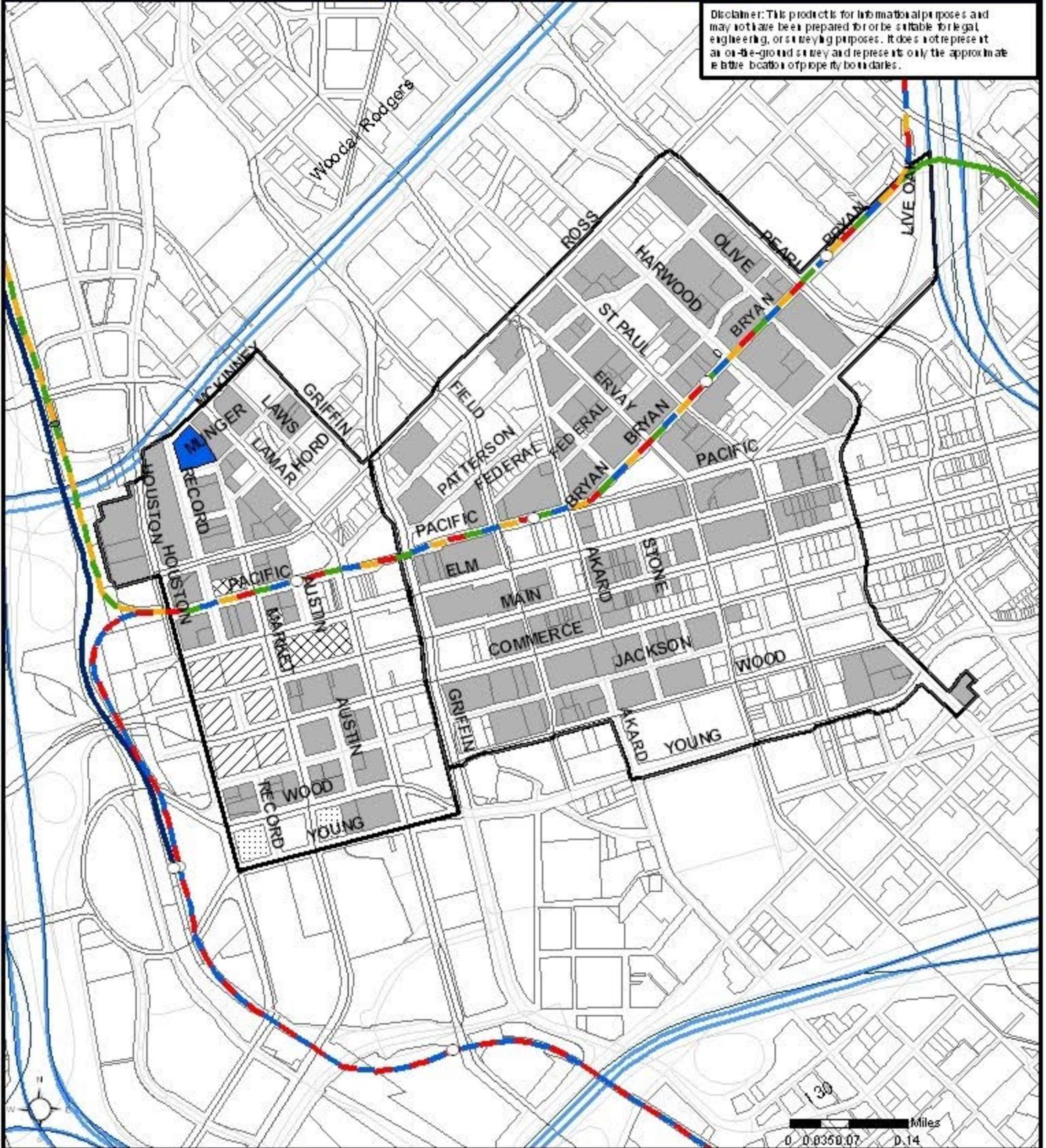
David R. Cunningham, Director  
5601 Granite Parkway, Suite 800  
Plano, Texas 75024

**MAP**

Attached

# West End Marketplace Location Map - City Center TIF District

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



**DALLAS  
ECONOMIC  
DEVELOPMENT**

Area Redevelopment Division  
214.670.1685  
dallas-ecodev.org

### Legend

- 603 Munger - West End Marketplace
- Center Center TIF Properties
- City Center-West End TIF Boundary

January 25, 2017

**WHEREAS**, the City recognizes the importance of its role in local economic development; and

**WHEREAS**, on June 26, 1996, City Council pursuant to Ordinance No. 22802, established Tax Increment Financing Reinvestment Zone Five (City Center TIF District) in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311, hereafter the "Act") to promote development and redevelopment in the City Center area through the use of tax increment financing as amended; and

**WHEREAS**, on February 12, 1997, City Council, pursuant to Ordinance No. 23034, authorized the City Center TIF District Project Plan and Reinvestment Zone Financing Plan for the City Center TIF District, as amended; and

**WHEREAS**, on December 12, 2012, City Council, conducted a public hearing, received comments and approved amendments to the City Center TIF District Project and Reinvestment Zone Financing Plans and authorized Ordinance No. 28865 amending Ordinance No. 22802, previously approved on June 26, 1996, and an Ordinance No. 23034, previously approved February 12, 1997, to: (1) create two sub-districts within the City Center TIF District: (a) City Center Sub-district (original district boundary) and (b) Lamar Corridor/West End Sub-district; (2) increase the geographic area of the City Center TIF District to add approximately 27.14 acres to create the Lamar Corridor/West End Sub-district; (3) extend the current termination date of the City Center TIF District from December 31, 2012, to December 31, 2022, for the City Center Sub-district and establish a termination date for the Lamar Corridor/West End Sub-district of December 31, 2037; (4) decrease the percentage of tax increment contributed by the City of Dallas during the extended term of the TIF District and establish other taxing jurisdictions participation percentages; (5) increase the City Center TIF District's budget from \$87,567,717 total dollars to \$151,968,546 total dollars; and (6) make corresponding modifications to the City Center TIF District boundary, budget and Project and Reinvestment Zone Financing Plans; and

**WHEREAS**, on August 11, 2016, the City Center TIF District Board of Directors reviewed and recommended approval of a development agreement with GPIWE Limited Partnership for TIF incentives and dedication of TIF funding for TIF-eligible project costs associated with redevelopment of the Factory Six03 building located at 603 Munger Avenue in an amount not to exceed \$4,657,174, subject to (1) sufficient public access assurance and (2) satisfying Peer Review's comments; and

January 25, 2017

**WHEREAS**, in furtherance of the City Center TIF District Project Plan and Reinvestment Zone Financing Plan and to promote within the City Center TIF District: (1) development and diversification of the economy, (2) elimination of unemployment and underemployment, and (3) to provide economic incentives to GPIWE Limited Partnership, for the Factory Six03 Project in the City Center Sub-district of the City Center TIF District as depicted in the project's renderings and elevations attached hereto as **Exhibit A**; and

**WHEREAS**, the expenditure of TIF funds supporting this redevelopment project is consistent with promoting development and redevelopment of the City Center TIF District in accordance with the purposes for its creation, the City's revised Public/Private Partnership Guidelines and Criteria, the ordinance adopted by the City Council approving the Project and Financing Plan, as amended, and is for the purpose of making public improvements consistent with and described in the Project and Financing Plan, as amended, for the City Center TIF District.

**NOW, THEREFORE,**

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

**Section 1.** That the City Manager, upon approval as to form by the City Attorney is hereby authorized to execute a development agreement with GPIWE Limited Partnership and the City of Dallas for the Factory Six03 Project located at 603 Munger Avenue and that future City Center TIF revenues in an amount not to exceed \$4,657,174 is hereby dedicated to TIF-eligible project costs associated with the Factory Six03 Project, as shown in **Exhibit B** – TIF Budget. TIF reimbursable project costs include, but are not limited to, environmental remediation and demolition, street improvements, landscaping and façade restoration.

**Section 2.** That the Chief Financial Officer is hereby authorized to encumber and disburse funds from future tax increments and subject to future appropriations from:

Fund 0035, Department ECO, Unit W136, Object 4510, Activity TCCN, Program No. CCTIF0014, CT ECOW136K288-01, Vendor No. VS91487, in an amount not to exceed \$2,250,000; and

Fund 0035, Department ECO, Unit W136, Object 3072, Activity TCCN, Program No. CCTIF0014, CT ECOW136K288-02, Vendor No. VS91487, in an amount not to exceed \$2,407,174.

Total amount not to exceed \$4,657,174.

January 25, 2017

**Section 3.** That nothing in this resolution shall be construed to require the City to approve future dedications of City Center TIF revenues (the "TIF Subsidy") from any source of the City funds other than the City Center TIF District Fund. Any portion of the TIF Subsidy that remains unpaid due to lack or unavailability of City Center TIF District Funds shall no longer be considered project costs of the City Center TIF District or the City and the obligation of the City Center TIF District to pay the Owner shall automatically expire.

**Section 4.** That in addition to the conditions set out in the Sections above, the Development Agreement is hereby expressly made subject to all of the following contingencies which must be performed or occur:

- A. Minimum private investment (acquisition, construction and construction related soft costs) of \$54,000,000 for the Project, as defined below.

The term "Invest" or "Investment" means the sum of all acquisition costs, construction costs (hard and soft) paid, payable or actually incurred by or on behalf of the Owner, with respect to the Project and the improvements thereon. Construction related soft costs include the following items: architecture and engineering, interior design, consulting, construction management. Construction management is solely intended to cover fees paid to an outside consultant or third party who confirms the quality of the work. Construction management fees must be invoiced with a detailed description of work performed. Carrying or other similar costs shall not be considered toward this definition of project investment. The owner must provide verification of all expenditures. Any work completed prior to the execution of an agreement may be counted toward the minimum investment requirement but it is still subject to M/WBE requirements.

- B. Redevelopment of the 603 Munger building shall include the following (collectively, the "Project"):
- a. Minimum of 9,000 square feet of newly converted ground floor retail/restaurant space;
  - b. Renovation of at least 165,000 square feet of office space; and
  - c. Streetscape and plaza improvements
- C. Obtain a building and/or demolition permit from the City and start construction for the Project by September 30, 2016;
- D. Obtain a Certificate of Occupancy (CO) for a minimum of 165,000 square feet of rentable office space by September 30, 2017;

January 25, 2017**Section 4.** (Continued)

- E. Obtain final acceptance of public infrastructure improvements associated with the Project, as evidenced by the issuance of a Green Tag from the Public Works and Transportation Department by September 30, 2017, and submit documentation to the Office of Economic Development (the "OED");
- F. If applicable, execute an Operating and Maintenance agreement for non-standard public infrastructure improvements associated with the Project (i.e., possibly for those improvements located on City right of way) by the earlier of project completion or September 30, 2017, for a period of 20 years. If Developer chooses to forgo the TIF Subsidy or if the TIF development agreement terminates due to an uncured default by Developer; Developer shall remain responsible for the maintenance of those non-standard public improvements that it has installed for the term of the Operating and Maintenance agreement;
- G. A minimum of 50% of the newly converted ground floor retail/restaurant space must be occupied prior to TIF Reimbursement and shall not permanently discontinue or close at any time during the TIF reimbursement payment period;
- H. Prior to City Council consideration, Design Review by the Urban Design Peer Review Panel, an independent group of design, engineering, and/or planning professionals selected by the Dallas City Manager, is required for all City Center TIF District projects. The Project's design plans shall include:
  - a. A site plan showing the location of parcel boundaries clearly differentiating publically accessible space from private space;
  - b. A pedestrian lighting plan for the site showing existing lighting and location of new pedestrian lighting using lighting acceptable to the City;
  - c. A sidewalk plan for the Project;
  - d. Elevations for all sides of the building visible from the public right of way, focusing on the ground floor; and
  - e. Signage plan for the building;
- I. Owner shall construct public and private improvements (Project) that conform in design and materials to images and site plans approved by the City Center TIF Board of Directors, the Dallas City Design Studio and Dallas City Council as shown in **Exhibit C** - site plan, preliminary conceptual renderings, and building materials unless modifications are approved by the Director;
- J. Owner shall submit to the Director of the OED a quarterly status report for ongoing work on the project, as well as public improvements. Status reports will be due once every three months after the Council approval date;

January 25, 2017

**Section 4.** (Continued)

- K. Owner shall make a good faith effort to (i) comply with the Business Inclusion and Development (“BID”) goal of twenty-five percent (25%) Minority/Women-owned Business Enterprise (M/WBE) participation for TIF reimbursable improvements and (ii) achieve a goal of 25% certified M/WBE participation for total private improvement construction expenditures for the Project, and meet all reporting requirements for each; and
- L. Owner shall provide evidence that plaza shall remain open to the public by executing a public access easement or other similar instrument;
- M. If Owner pursues a City historic tax abatement, TIF funds will be reduced by such tax abatement amount; and
- N. If necessary, the Project deadline can be extended up to 6 months, subject to the Office of Economic Development Director’s and City Center TIF District Board of Director’s approval.

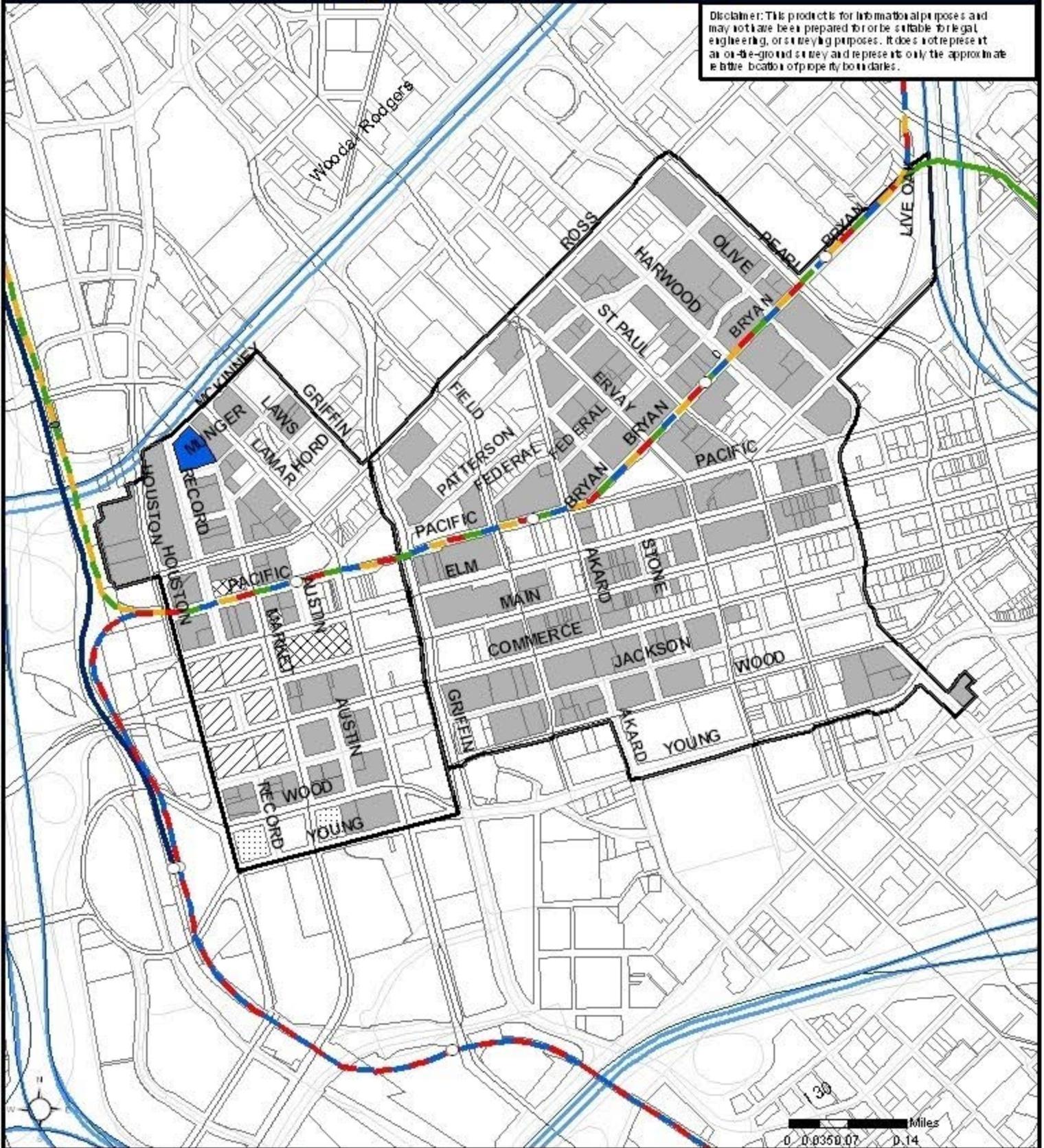
**Section 5.** That should GPIWE Limited Partnership, not perform one or more of the contingencies listed above, the City Manager is authorized to terminate the development agreement and disallow the total TIF Subsidy up to an amount not to exceed \$4,657,174.

**Section 6.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

# West End Marketplace Location Map - City Center TIF District

EXHIBIT A

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



DALLAS  
ECONOMIC  
DEVELOPMENT

Area Redevelopment Division  
214.670.1685  
dallas-ecodev.org

**Legend**

- 603 Munger - West End Marketplace
- Center Center TIF Properties
- City Center-West End TIF Boundary

## Exhibit B - TIF Budget

If all conditions of the agreement are met, a maximum of \$1,250,000 may be released prior to the expiration of the City Center Sub-District (December 31, 2022 with last collection and disbursement 2023), unless funds are available after all City Center Sub-District obligations have been fulfilled. The remaining TIF funds may be reimbursed from the West End/Lamar Sub-District, beginning in 2023, with 2024 collections.

Description	Amount
<b>Public Infrastructure Improvements</b> <i>Streetscape improvements, Landscaping, Lighting, Signage, Design and Engineering, Contingency Costs (5%)</i>	\$2,250,000
<b>Redevelopment/Development Projects</b> <i>Environmental Remediation, Interior &amp; Exterior Demolition, Façade Improvements, Storefront Improvements, Design and Engineering, Contingency Costs (5%)</i>	\$2,407,174
<b>Total TIF Funding Recommended</b>	<b>\$4,657,174</b>

Exhibit C



**Granite**



**gff** ARCHITECTS



4 ENLARGED MOONEY AVE ELEVATION  
1/8" = 1'-0"



5 ENLARGED MOONEY AVE ELEVATION  
1/8" = 1'-0"



4 ENLARGED RECORD ST ELEVATION  
1/8" = 1'-0"



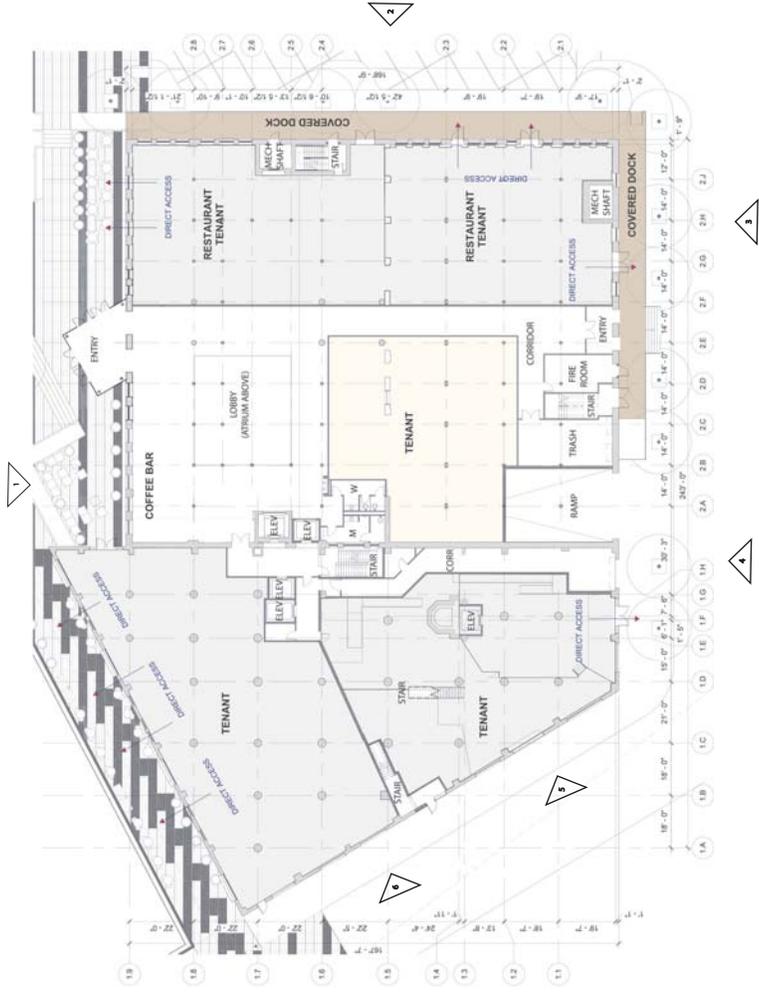
5 ENLARGED RECORD ST ELEVATION  
1/8" = 1'-0"



2 ENLARGED BANGER AVE ELEVATION  
1/8" = 1'-0"



1 ENLARGED PLAZA ELEVATION  
1/8" = 1'-0"



- COMMON
- OFFICE TENANT
- RETAIL/RESTAURANT TENANT
- TENANT AMENITY



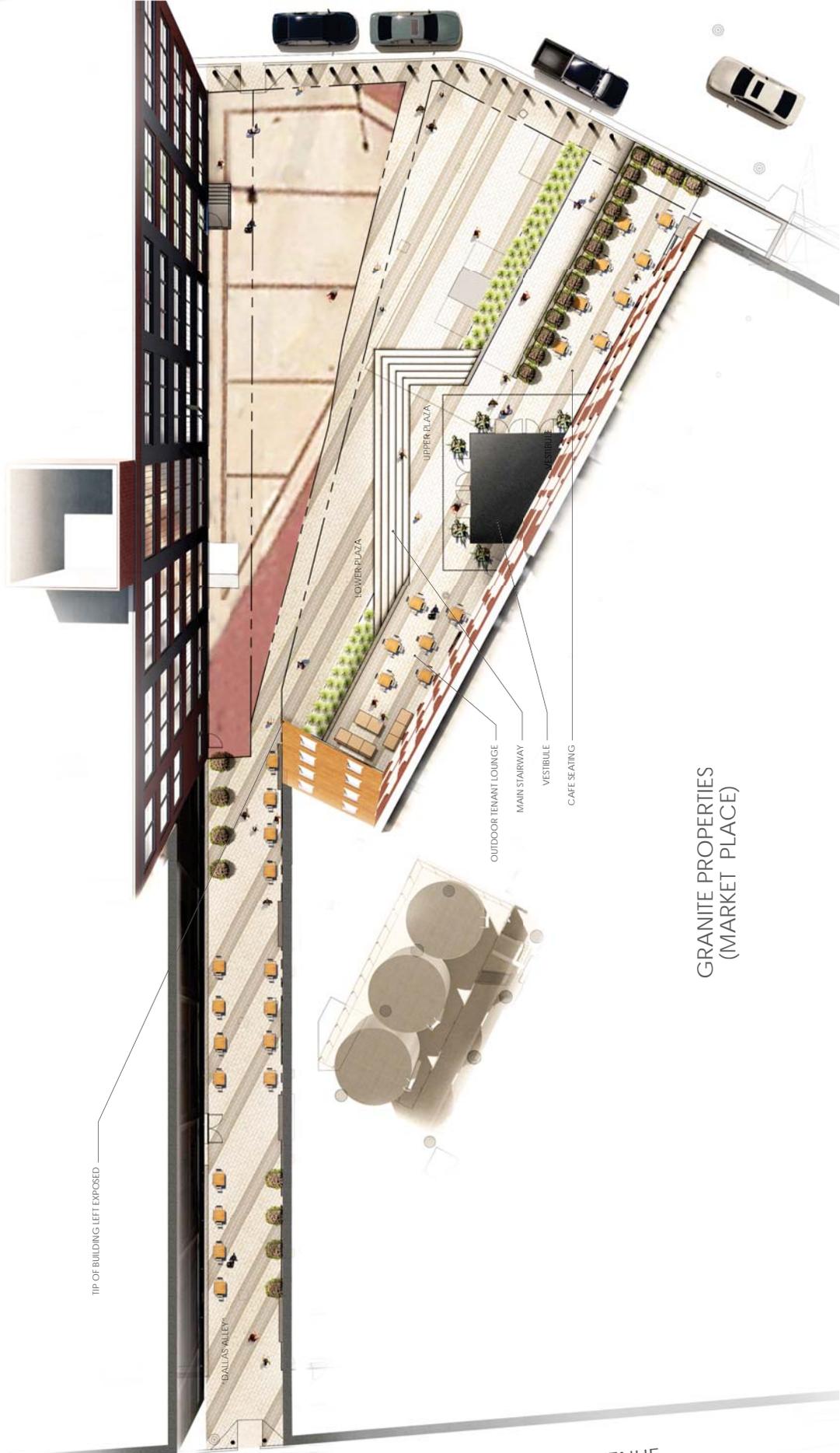
gff ARCHITECTS



Granite

ARENA PARTNERS LP  
(COCA COLA BUILDING)

BLACKLAND PROPERTIES  
(OILWELL SUPPLY BUILDING)



TIP OF BUILDING LEFT EXPOSED

DALLAS ALLEY

LOWER PLAZA

UPPER PLAZA

OUTDOOR TENANT LOUNGE

MAIN STAIRWAY

VESTIBULE

CAFE SEATING

GRANITE PROPERTIES  
(MARKET PLACE)

MCKINNEY AVENUE

MUNGER AVENUE



# MARKET PLAZA MASTER PLAN (REDUCED)

AUGUST 10, 2016

MESA

**AGENDA ITEM # 46**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 1  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 54 P

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an R-7.5(A) Single Family District on property zoned a CR Community Retail District on the southeast side of Brunner Avenue, east of Balboa Drive  
Recommendation of Staff and CPC: Approval  
Z145-359(SM)

**FILE NUMBER:** Z145-359 (SM)      **DATE FILED:** September 17, 2015

**LOCATION:** Southeast side of Brunner Avenue, east of Balboa Drive

**COUNCIL DISTRICT:** 1      **MAPSCO:** 54P

**SIZE OF REQUEST:** 3,950 square feet      **CENSUS TRACT:** 63.02

---

**APPLICANT / OWNER:** Paul Escobar

**REPRESENTATIVE:** Paul Escobar

**REQUEST:** An application for an R-7.5(A) Single Family District on property zoned a CR Community Retail District.

**SUMMARY:** The request for rezoning is to allow the applicant to extend his backyard by approximately 0.169 acres on two adjacent lots that he currently owns.

**CPC RECOMMENDATION:** Approval

**STAFF RECOMMENDATION:** Approval

**BACKGROUND INFORMATION:**

- The applicant’s residence at 1218 Brunner Avenue, east of the area of request, was constructed in 1928 per Dallas Central Appraisal District records.
- The Elmwood Baptist Church at 1227 Ferndale Avenue, west of the area of request, was permitted on February 12, 1950, according to subdivision records.
- Subdivision records note that an alley easement was realigned between the area of request and the church property on December 27, 1950.
- The area of request has never been developed.
- On March 3, 2016, the City Plan Commission approved a replat to subdivide a parcel into two separate lots and realign the adjacent alley (S156-104).

**Zoning History:** There have been no recent zoning changes requested in the area within the last five years.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Brunner Ave	Minor Arterial	50'	50'
Balboa Drive	Minor Arterial	Varies	Varies

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system. The analysis is based upon the traffic worksheet the applicant provided during the application submittal.

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request.

**LAND USE ELEMENT**

**GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

The Vision Illustration depicts the request site as within a *Residential Neighborhood*. The request is consistent with the Residential Neighborhood Building Block.

**ECONOMIC ELEMENT**

**GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS**

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

**URBAN DESIGN ELEMENT**

**GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY**

Policy 5.1.3 Encourage complementary building height, scale, design and character.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	R-7.5(A)	Single Family
<b>Northwest</b>	CR	Retail
<b>East</b>	R-7.5(A)	Single Family
<b>Southeast</b>	R-7.5(A)	Church
<b>Southwest</b>	CR	Church

**Land Use Compatibility:**

The area of request is currently undeveloped. Single family is the predominate land use to the northeast, east, and southeast. CR Community Retail District zoning is located to the south and west and is currently developed with a church. CR zoning requires a 20 foot side and rear yard setback when located adjacent to R-7.5(A) zoning. However, although the realigned alley easement will offset the new 20 foot setback, areas of the existing church building may become nonconforming. Retail uses are located to the northwest of the property.

**Development Standards:**

<b>Existing</b>							
<b><u>DISTRICT</u></b>	<b>SETBACKS</b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Special Standards</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
CR	15	20'	.75 FAR overall .5 office	54' 4 stories	60%		Retail & personal service
<b>Proposed</b>							
R-7.5(A)	25'	5'	1 Dwelling Unit/ 7,500 square feet	30'	40%		Single Family

Z145-359(SM)

**Landscaping:** Landscaping is required in accordance with Article X of the Dallas Development Code. However, the applicant's request will not trigger any Article X requirements as no new construction is proposed on the site.

**Parking:** Pursuant to the Dallas Development Code, off-street parking and loading must be provided in accordance with Division 51A-4.200.

**CPC Motion – November 19, 2015:**

**Note: The Commission considered this item individually.**

**Motion:** In considering an application for an R-7.5(A) Single Family District on property zoned a CR Community Retail District, east of the intersection of Brunner Avenue and Balboa Place, it was a moved to **hold** this case under advisement indefinitely.

Maker: Anglin  
Second: Abtahi  
Result: Carried: 15 to 0

For: 15 - Anglin, Emmons, Houston, Davis, Shidid,  
Anantasomboon, Abtahi, Haney, Jung,  
Housewright, Schultz, Peadon, Murphy, Ridley,  
Tarpley

Against: 0  
Absent: 0  
Vacancy: 0

**Notices:** Area: 200 Mailed: 28  
**Replies:** For: 3 Against: 2

**Speakers:** None

**CPC Motion – December 15, 2016:**

**Motion:** It was moved to recommend **approval** of an R-7.5(A) Single Family District on property zoned a CR Community Retail District, east of the intersection of Brunner Avenue and Balboa Place.

Maker: Anglin  
Second: Shidid  
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,  
Anantasomboon, Haney, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 7

**Notices:** Area: 200 Mailed: 28  
**Replies:** For: 0 Against: 0

**Speakers:** None



1:4,800

### VICINITY MAP

Case no:           Z145-359          

Date:           11/17/2016

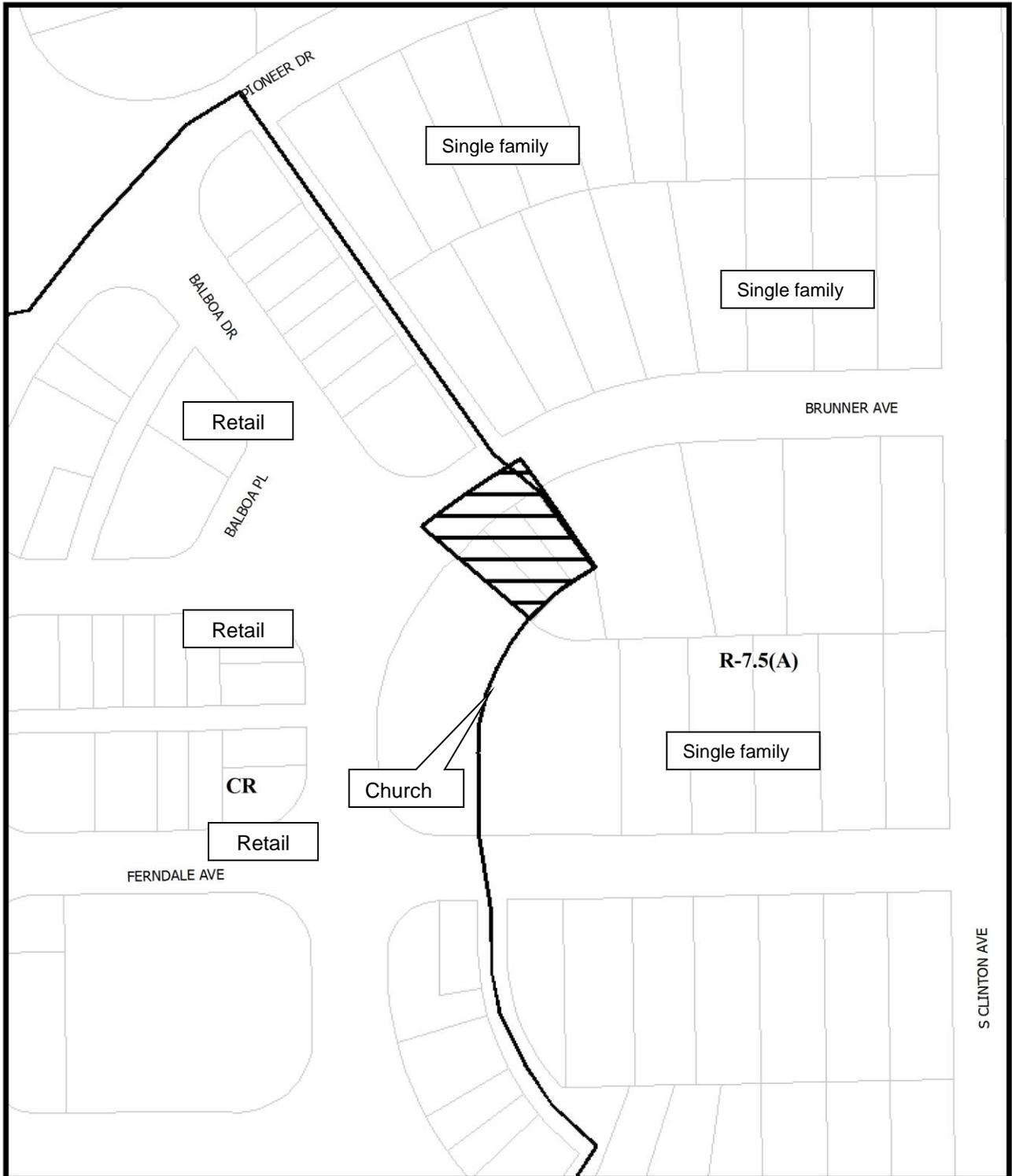


1:1,200

# AERIAL MAP

Case no:     Z145-359    

Date:     11/17/2015



 1:1,200	<b>ZONING AND LAND USE</b>	Case no: <u>    Z145-359    </u> Date: <u>    11/17/2016    </u>
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<u>28</u>	Property Owners Notified (34 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>12/15/2016</u>	Date

**Z145-359**  
**CPC**



1:1,200

12/14/2016

***Reply List of Property Owners******Z145-359******28 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	1218 BRUNNER AVE	LEGGE PROPERTIES LTD
	2	1206 BRUNNER AVE	HEARN RACHEL MESHEALLE
	3	1214 BRUNNER AVE	POE VERA LEIGH
	4	1227 FERNDALE AVE	FERNDALE BAPTIST
	5	1219 FERNDALE AVE	BERNAL MARTHA A &
	6	1211 FERNDALE AVE	HERNANDEZ JOSE F & ESPERANZA D
	7	1207 FERNDALE AVE	PATTERSON STEVEN C
	8	1302 BRUNNER AVE	BROWN SAMUEL L
	9	1907 BALBOA DR	MAKE IT INDIEGENIUS LLC
	10	1306 BRUNNER AVE	MARTINEZ JOSE J JR &
	11	1905 BALBOA DR	HEART OF OC II LLC
	12	1811 BALBOA DR	MUNOZ JOE LUIS & ROSARIO
	13	1809 BALBOA DR	HEART OF OC LLC
	14	1302 PIONEER DR	ESPARZA JOHNNY M
	15	1306 PIONEER DR	CHRISTENSEN JEAN M
	16	1310 PIONEER DR	GONZALEZ AURELIO &
	17	1314 PIONEER DR	ROJAS LUIS M &
	18	1812 BALBOA DR	MAZZMANIA LP
	19	1814 BALBOA DR	SIKES STUART & DIANE
	20	1820 BALBOA DR	MUNOZ JOE LUIS &
	21	1317 BRUNNER AVE	SALAS JOEL
	22	1311 BRUNNER AVE	LEGGE PROPERTIES LTD
	23	1307 BRUNNER AVE	NOZYKOWSKI JAIMESON A &
	24	1303 BRUNNER AVE	BLOOMER KERRY
	25	1219 BRUNNER AVE	SMITH WILLIAM & LYNDA S
	26	1215 BRUNNER AVE	GAUCIN ROGER A

Z145-359(SM)

12/14/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	1211 BRUNNER AVE	GARDNER CHRISTOPHER B & SARA
	28	1215 FERNDALE AVE	DELIRA GERARDO

**AGENDA ITEM # 47**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 49 T

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the southeast corner of Military Parkway and North St. Augustine Road  
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, elevations, and conditions  
Z156-270(JM)



**FILE NUMBER:** Z156-270(JM)

**DATE FILED:** May 27, 2016

**LOCATION:** Southeast corner of Military Parkway and North St. Augustine Road

**COUNCIL DISTRICT:** 7

**MAPSCO:** 49-T

**SIZE OF REQUEST:** Approx. 2.95 acres

**CENSUS TRACT:** 0121.00

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**REPRESENTATIVE:** Michael R. Coker

**APPLICANT / OWNER:** DFW Advisors Ltd. Co.; Military Parkway Joint Venture

**REQUEST:** An application for a Specific Use Permit for a mini-warehouse use on property zoned a CR-D Community Retail District with a D Liquor Control Overlay.

**SUMMARY:** The purpose of this request is to allow for the construction of approximately 61,593 square feet of storage space consisting of five, one-story structures. The proposed mini-warehouse use will include a 1,000 square foot accessory office (six total buildings).

**CPC RECOMMENDATION:** Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, elevations, and conditions.

**STAFF RECOMMENDATION:** Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, elevations, and conditions.

**BACKGROUND INFORMATION:**

- The ±2.95 acre request site is undeveloped.
- The applicant proposes to operate a mini-warehouse use which would add over 62,000 square feet of building area to the currently undeveloped site.
- The applicant has provided design standards, elevations, and a 10' landscape buffer to provide extra consideration for the aesthetics of the area and to protect neighborhoods and a basketball court to the south.

**Zoning History:** There have not been any recent zoning cases in the area in the past five years.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Military Parkway	Principal Arterial	100 ft.
St. Augustine Road	Collector	60 ft.

**Traffic:** The Engineering Division of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

**Comprehensive Plan:** The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration* is comprised of a series of Building Blocks that depict general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur. The Plan identifies the request site being located in a Residential Building Block.

Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections. The request site is located at a key intersection on the outskirts of single family and multifamily uses.

**Land Use Compatibility:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	CR w/D-Overlay	Undeveloped
<b>North</b>	LI w/D-1 Overlay	Distribution Center
<b>East</b>	MF-2(A), SUP No. 538	Apartments, Day Nursery
<b>South</b>	PDD No. 413	Water tower & Basketball Courts
<b>Southwest</b>	TH-2(A)	Duplexes & Single Family
<b>West</b>	CR w/D-Overlay	Apartments
<b>Northwest</b>	CS w/Deed Restrictions	Undeveloped

The land uses adjacent to the request site are developed with multifamily and local utility (water tower) uses. Specific Use Permit No. 538 is developed with a day nursery. While PD No. 413 provides for an elevated water tower, they also have two basketball courts for the public which are immediately south of the subject site. The request site has frontages on Military Parkway and St. Augustine Road. The property north of the request site, across Military Parkway is mostly developed with industrial uses including a distribution center and semi-truck-driving training.

The proposed mini-warehouse use will have requirements for building materials to exclude materials that may not be consistent with the surrounding residential developments. A minimum of 80 percent brick concrete masonry unit split face, or stone or hardie cementitious siding, excluding fenestration will be required. The maximum structure height is 24 feet. The applicant will comply with the development regulations in the CR District. Hours of operation for the office will be between 8:00 a.m. and 6:00 p.m., Monday through Friday; and between 9:00 a.m. and 5:00 p.m. on Saturday. The storage units will be accessible by key pad at all times. Finally, outside storage of vehicles, parking for vehicles for rent, boats, and/or equipment is prohibited.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The proposed mini-warehouse use is compatible with the surrounding uses which consist of multifamily, local utility, and light industrial uses. The Development Code has regulations such as residential proximity slope, buffer yards and an increased setback to mitigate

potential compatibility concerns with the adjoining residential uses to the east and west. This use will not be a detriment to the public health, safety or general welfare of the community.

**Development Standards:**

<b><u>DISTRICT</u></b>	<b><u>SETBACKS</u></b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Special Standards</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
CR Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

**Landscaping:** Landscaping of any development will be in accordance with Article X, as amended. Additionally, the applicant has agreed to provide a ten-foot buffer strip along the entire property line. This should help ease the view of the units from neighboring residential developments, the water tower/basketball courts, and rights-of-way.

The development code also requires the following plant materials in a landscape buffer strip:

If a fence with a buffer strip is required along any part of the perimeter of a lot, the buffer strip must contain either one large canopy tree or two large non-canopy trees at a minimum average density of one large canopy tree or two large non-canopy trees for each 50 linear feet of the buffer strip, with new trees spaced no less than 25 feet apart.

When a fence is not provided, the applicant will have to comply with the design standards and must contain one of the following groups of plant materials at a minimum average density of one group for each 50 linear feet of the buffer strip:

- (i) One large canopy tree and one large non-canopy tree.
- (ii) One large canopy tree and three small trees.
- (iii) One large canopy tree and three large evergreen shrubs.
- (iv) One large canopy tree, two small trees, and one large evergreen shrub.
- (v) One large canopy tree, one small tree, and two large evergreen shrubs.
- (vi) Two large non-canopy trees.

**Parking:** The off-street parking requirement for a mini-warehouse use is a minimum of six spaces. Spaces may not be used for outside storage, vehicle storage, or parking for vehicles for rent.

Z156-270(JM)

**LIST OF OFFICERS**

**Applicant: DFW Advisors Ltd. Co.—James Falvo**

**Owner: Military Parkway Joint Venture—Bruce Harbour**

**CPC Action:  
December 1, 2016**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a mini-warehouse use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, elevations, and conditions on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the southeast corner of Military Parkway and North St. Augustine Road.

Maker: Houston  
Second: Anglin  
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,  
Anantasomboon, Haney, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 7

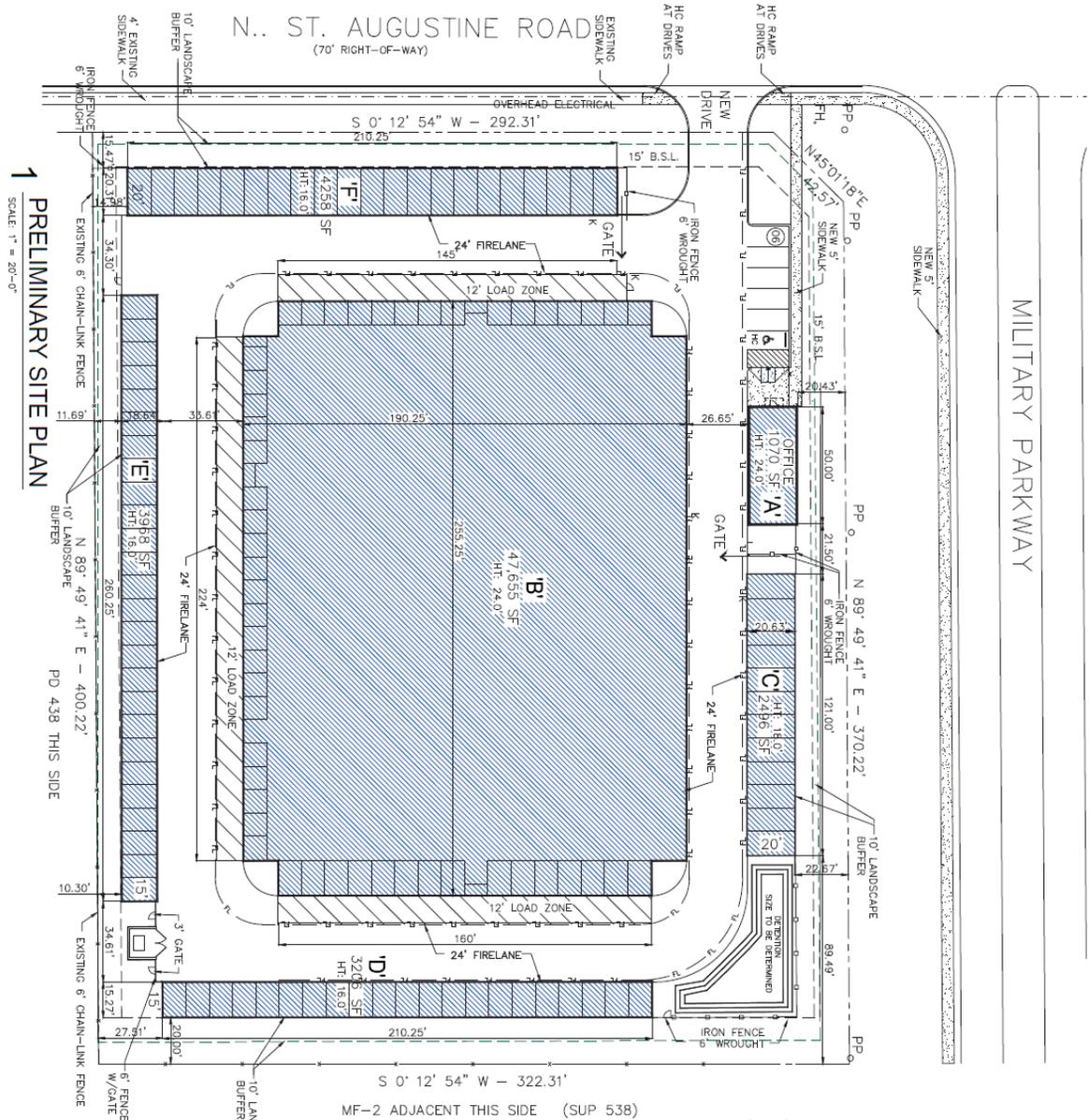
**Notices:** Area: 300 Mailed: 59  
**Replies:** For: 1 Against: 0

**Speakers:** For (Did not speak): Michael Coker, 3111 Canton St., Dallas, TX, 75226  
Against: None

**CPC RECOMMENDED SUP CONDITIONS**

1. USE: The only use authorized by this specific use permit is a mini-warehouse.
2. SITE PLAN AND ELEVATIONS PLAN: Use and development of the Property must comply with the attached site plan and elevations plan.
3. TIME LIMIT: This specific use permit expires on\_\_\_\_\_, (ten-year period from the passage of this ordinance, but is eligible for automatic renewal for additional ten-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
3. LANDSCAPING: In addition to compliance with Article X, a ten-foot buffer strip is required along the entire property line.
4. FLOOR AREA:
  - a. Total maximum floor area for the storage buildings is 61,593 square feet.
  - b. Maximum floor area for the office is 1,070 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The mini-warehouse office may only operate between 8:00 a.m. and 6:00 p.m., Monday through Friday; and between 9:00 a.m. and 5:00 p.m. on Saturday.
6. OUTSIDE STORAGE: Outside storage of vehicles, parking for vehicles for rent, boats, and /or equipment is prohibited.
7. HEIGHT: The use authorized by this specific use permit may not exceed 24 feet in height.
8. MATERIALS: The exterior facades must be a minimum 80 percent concrete masonry unit split face, or stone or hardie cementitious siding, excluding fenestration.
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

**PROPOSED SITE PLAN**



**1 PRELIMINARY SITE PLAN**  
SCALE: 1" = 20'-0"

PD 438 THIS SIDE

MF-2 ADJACENT THIS SIDE (SUP 538)

**LOT COVERAGE**  
FAR = 62,683 / 128,542 = 48.79%

**INTERMEDIUM COVERAGE**  
PROVIDED = 79.2%

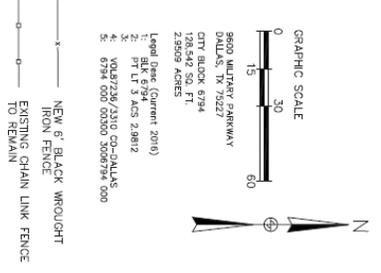
**PARKING**  
STORAGE REQUIRED = 6  
STORAGE PROVIDED = 6

**SITE NOTES**  
SITE AREA: 128,542 SF (2,958 ACRES)  
SITE ZONING: CR  
STORAGE BUILDINGS AREA = 62,683 SF

**SELF STORAGE LOT**

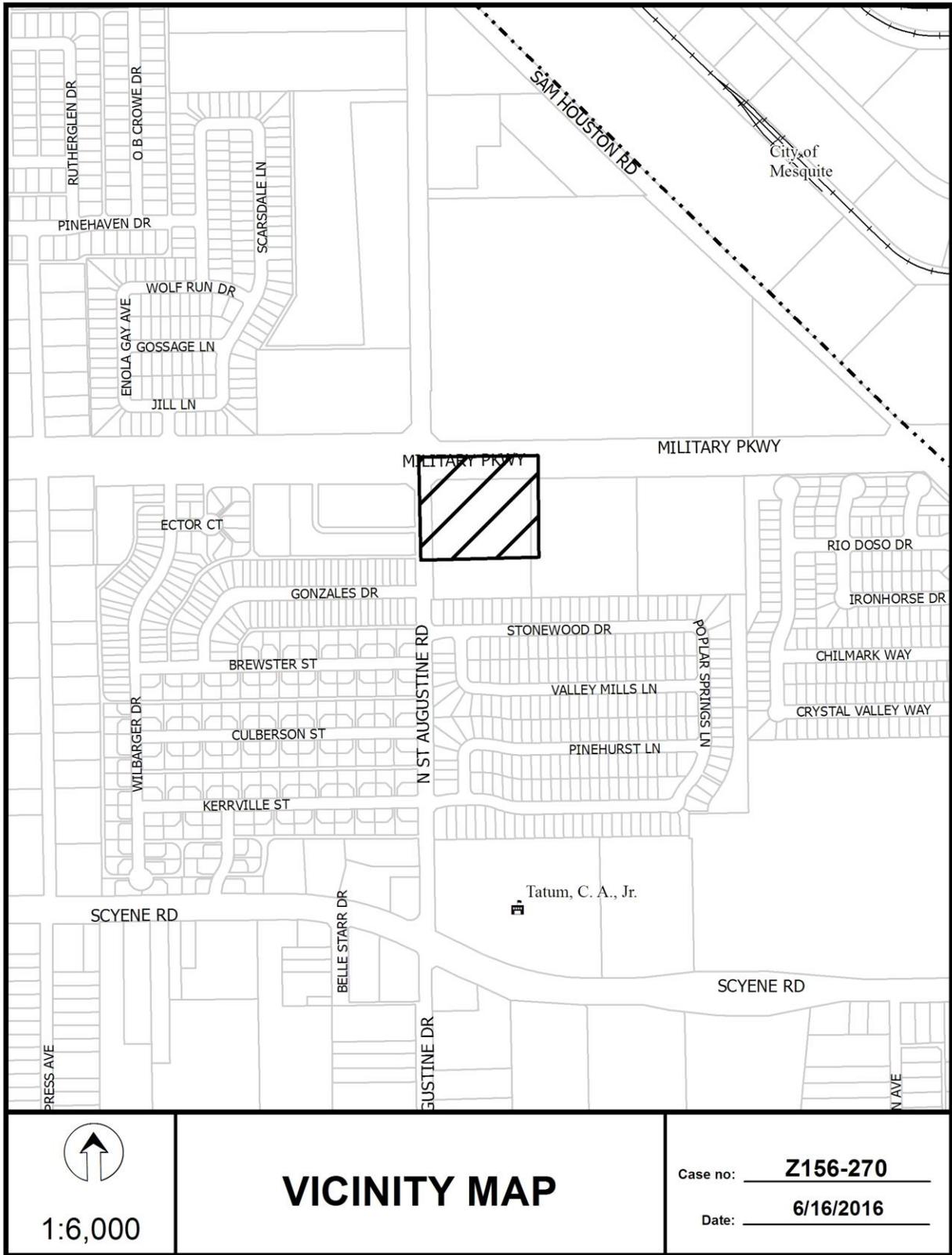
MAX LOT COVERAGE: BOX OF BUILDING + INTERMEDIUM PAYMENT  
LOT AREA: 2,958 AC = 128,542 SF  
ALLOWED: 128,542 SF X 80% = 102,833 SF  
PROVIDED: 107,620 SF = 79.2% (101,650 / 128,542)

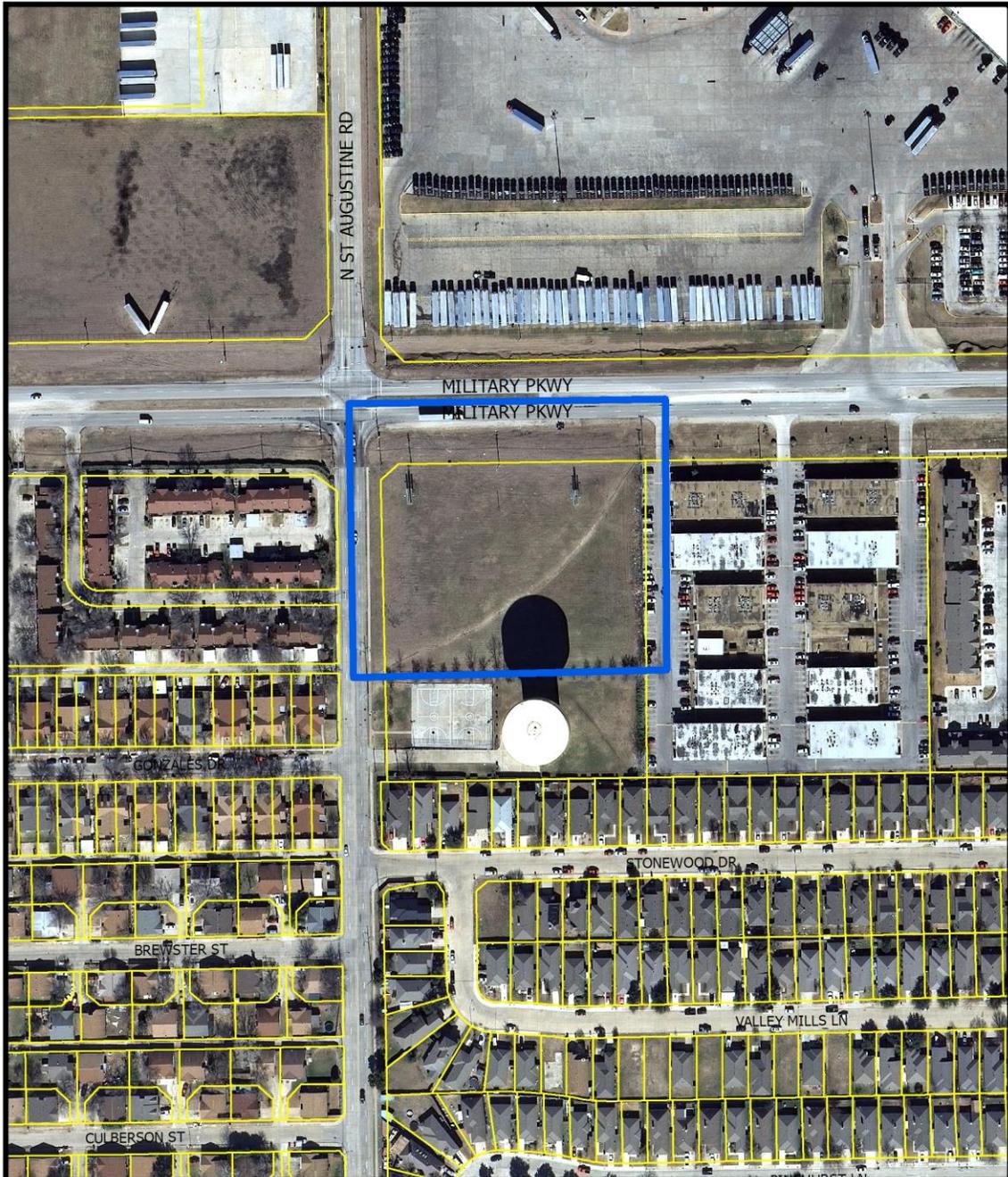
STORAGE BUILD AREAS	AREA
A	1,070 SF
B	47,655 SF
C	2,496 SF
D	3,208 SF
TOTAL	62,683 SF



<p><b>ASP1</b></p>	<p>REV. NO. DESCRIPTION DATE</p>	<p>Self Storage Development 9600 Military Parkway at N. St. Augustine Dallas, Texas</p>	<p>WINTERBERRY DEVELOPMENT, LLC 2727 LBJ Freeway Suite 1020 Dallas, TX 75234</p>	<p>PRELIMINARY FOR CONSTRUCTION OR REGULATORY APPROVAL MAULDIN ARCHITECTS</p>	<p><b>MAULDIN ARCHITECTS</b> San Antonio, Texas 210-313-3197 www.MauldinArchitects.com info@MauldinArchitects.com</p>
	<p>SHEET NUMBER</p>	<p>DATE: 07/28/2016</p>	<p>SHEET TITLE: ARCHITECTURAL SITE PLAN</p>	<p>DATE: 07/28/2016</p>	<p>DATE: 07/28/2016</p>





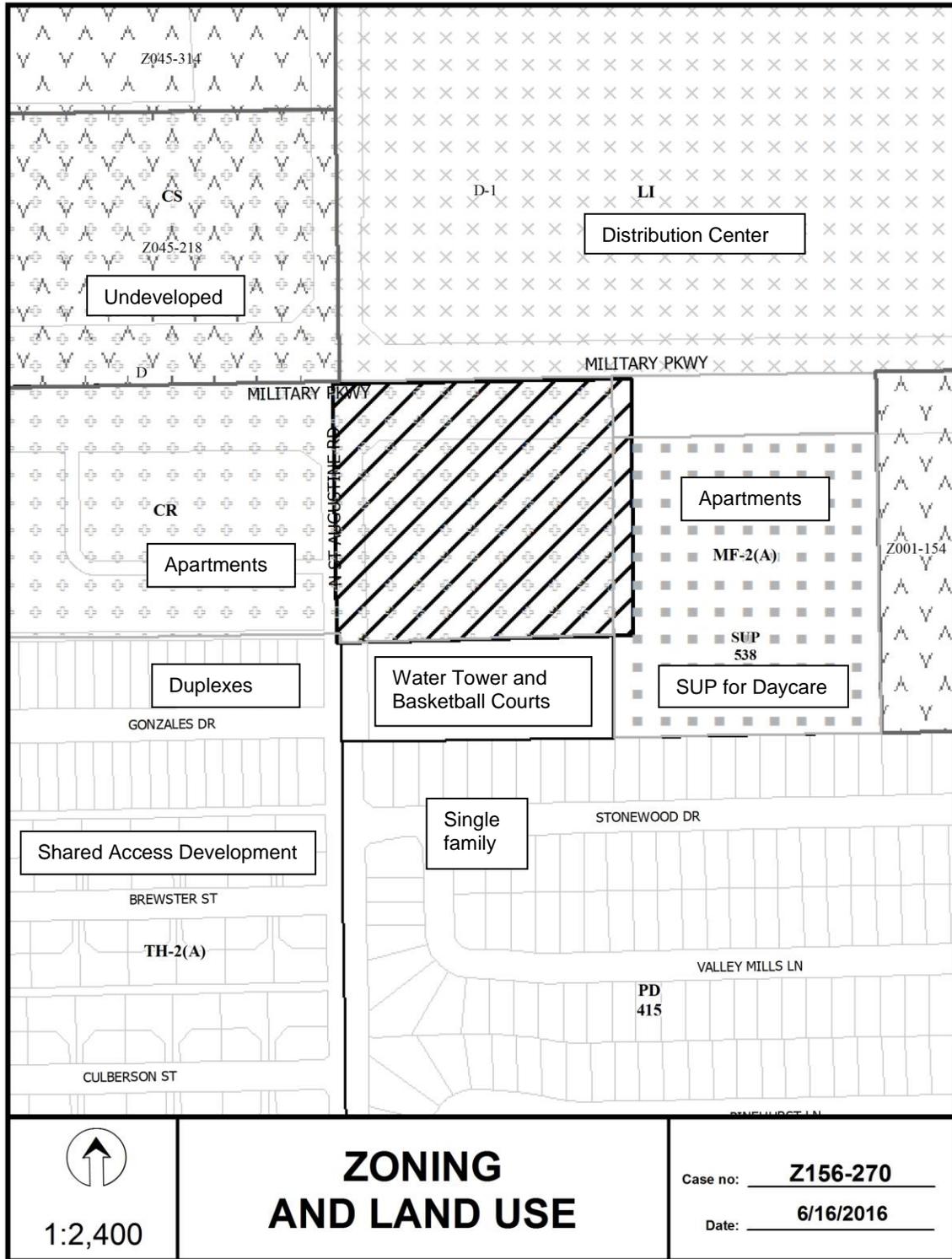


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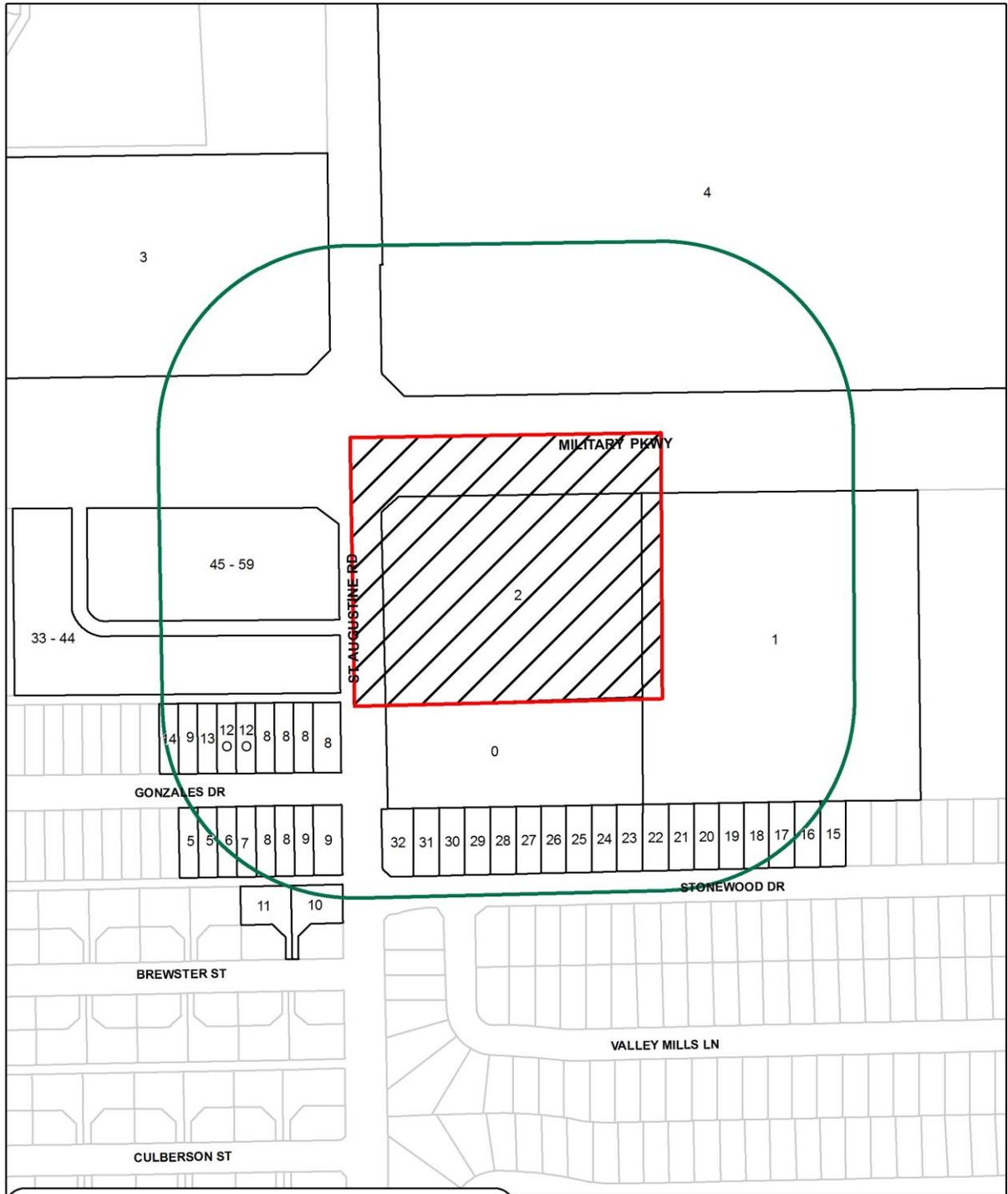
# AERIAL MAP

Case no: Z156-270

Date: 6/16/2016



**CPC RESPONSES**



<b>59</b>	Property Owners Notified (44 parcels)
<b>1</b>	Replies in Favor (2 parcels)
<b>0</b>	Replies in Opposition (0 parcels)
<b>300'</b>	Area of Notification
<b>12/1/2016</b>	Date

**Z156-270**  
**CPC**



1:2,400

11/30/2016

**Reply List of Property Owners****Z156-270****59 Property Owners Notified****1 Property Owners in Favor****0 Property Owners Opposed**

<b>Reply</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
	1	9710 MILITARY PKWY	9710 HOLDINGS LLC
	2	9600 MILITARY PKWY	MILITARY PARKWAY JV
	3	3700 ST AUGUSTINE RD	BLACK LABEL PARTNERS LP
	4	9757 MILITARY PKWY	STEVENS TRANSPORT INC
	5	9548 GONZALES DR	BKPR FUND I LLC
	6	9556 GONZALES DR	BELL TYRONE
	7	9560 GONZALES DR	PENA MARIA DOLORES
	8	9564 GONZALES DR	GORROSTIETA MARCO
	9	9572 GONZALES DR	TABMM 5112 HOLDINGS LLC
	10	9555 BREWSTER ST	ANDRADE ESTABAN
	11	9543 BREWSTER ST	JACKSON GARY C
O	12	9559 GONZALES DR	CL CAPITAL PPTY MGMT LLC
	13	9551 GONZALES DR	HERRMANN ROGER
	14	9543 GONZALES DR	MEBRAHTU SIMON N & MULE TSEGGAI ARAIA
	15	9711 STONEWOOD DR	HUEZO FRANCISCO ARTURO &
	16	9707 STONEWOOD DR	GARZA HUMBERTO &
	17	9703 STONEWOOD DR	EATON SONEK
	18	9659 STONEWOOD DR	BROWN BRENDA D
	19	9655 STONEWOOD DR	ZWJ LLC
	20	9651 STONEWOOD DR	VIDALES BALTAZAR
	21	9647 STONEWOOD DR	DAVIS KARL E
	22	9643 STONEWOOD DR	JACKSON BRENDA
	23	9639 STONEWOOD DR	ALONSO LORENA
	24	9635 STONEWOOD DR	CARDOSO JOVITO &
	25	9631 STONEWOOD DR	ESQUIVEL FRANCO
	26	9627 STONEWOOD DR	SALAZAR FRANCISCO &

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	9623	STONEWOOD DR	CARPENTER JOHN L &
28	9619	STONEWOOD DR	RODRIGUEZ GERARDO &
29	9615	STONEWOOD DR	ROMERO JAMIE
30	9611	STONEWOOD DR	SHEPPARD COLIN I &
31	9607	STONEWOOD DR	HERNANDEZ DAVID A
32	9603	STONEWOOD DR	MARTINEZ YESENIA &
33	9524	MILITARY PKWY	HARDIN CORRINE CATHERINE
34	9524	MILITARY PKWY	NAVILLUS LLC
35	9524	MILITARY PKWY	CHA REZ YALL LLC
36	9524	MILITARY PKWY	FRAZIER JO HELLEN
37	9524	MILITARY PKWY	HARDIN CORRINE CATHERINE
38	9524	MILITARY PKWY	STONEHILL CONSULTANT GROUP
39	9524	MILITARY PKWY	MOSAEDI VICTORIA &
40	9524	MILITARY PKWY	HOWARD ADRIAN & KRYSTAL
41	9524	MILITARY PKWY	TADAYON BAHAREH A
42	9524	MILITARY PKWY	HARDIN CORRINE CATHERINE
43	9524	MILITARY PKWY	HARDIN GEORGE W &
44	9524	MILITARY PKWY	BRYANT SHIRLEY VERNON
45	9524	MILITARY PKWY	MOSAEDI VICTORIA &
46	9524	MILITARY PKWY	HARDIN CORINE C
47	9524	MILITARY PKWY	HOWARD ADRIAN & KRYSTAL
48	9524	MILITARY PKWY	NAVILLUS LLC
49	9524	MILITARY PKWY	HARDIN CORRINE CATHERINE
50	9524	MILITARY PKWY	STONEHILL CONSULTANT
51	9524	MILITARY PKWY	BROWN SIMON & ASSOCIATES LLC
52	9524	MILITARY PKWY	WILLIAMS EARNEST D
53	9524	MILITARY PKWY	BROWN SIMON AND ASSOCIATES LLC
54	9524	MILITARY PKWY	HARDIN GEORGE WILLIAM
55	9524	MILITARY PKWY	DAVIS JENE A &
56	9524	MILITARY PKWY	HARDIN CORRINE CATHERINE
57	9524	MILITARY PKWY	STONEHILL CONSULTANT GROUP LLC

Z156-270(JM)

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	9524 MILITARY PKWY	GREEN ROBERT E & DORISULA
	59	9524 MILITARY PKWY	JACKSON NELLIE E

**AGENDA ITEM # 48**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 5  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 47 V; Z

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1559 for an open-enrollment charter school on property zoned a D(A) Duplex District and an R-7.5(A) Single Family District, on the northwest corner of Scyene Road and Glover Pass  
Recommendation of Staff and CPC: Approval for a three-year period with eligibility for automatic renewals for additional three-year periods, subject to a traffic management plan and conditions  
Z156-274(LE)

**FILE NUMBER:** Z156-274(LE)

**DATE FILED:** June 1, 2016

**LOCATION:** Northwest corner of Scyene Road and Glover Pass

**COUNCIL DISTRICT:** 5

**MAPSCO:** 47-V, Z

**SIZE OF REQUEST:** Approximately 4.0 acres **CENSUS TRACT:** 84.00

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**OWNER:** Colonial Baptist Church

**APPLICANT:** Nova Academy

**REPRESENTATIVE:** Don Miles

**REQUEST:** An application to renew Specific Use Permit No. 1559 for an open-enrollment charter school on property zoned a D(A) Duplex District and an R-7.5(A) Single Family District.

**SUMMARY:** The purpose of this application is for the continued use of a 16 classroom, open-enrollment charter school [Nova Academy]. The school utilizes a portion of Colonial Baptist Church's property.

**CPC RECOMMENDATION:** Approval for a three-year period with eligibility for automatic renewals for additional three-year periods, subject to a traffic management plan and conditions

**STAFF RECOMMENDATION:** Approval for a three-year period with eligibility for automatic renewals for additional three-year periods, subject to a traffic management plan and conditions

**BACKGROUND INFORMATION**

- Specific Use Permit No. 1559 was approved on August 25, 2004, and was automatically renewed in 2007, 2010, and 2013 for additional three-year periods each.
- The applicant missed the deadline for the automatic renewal; therefore this application is for a renewal of the SUP.
- The school received a Certificate of Occupancy in 2008.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Dimension</b>
Scyene Road	Arterial	100' ROW
Glover Pass	Local	50' ROW

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and is recommending approval of the application subject to traffic management plan. The SUP had a circulation plan but did not have a traffic management plan when it was created. Staff requested a traffic management plan now that the SUP is open for renewal.

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

**GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY**

Policy 5.2.1 Maintain neighborhood scale and character.

**Land Use Compatibility:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	D(A), R-7.5(A), SUP No. 1559	Church & School
<b>North</b>	D(A)	Multifamily
<b>East</b>	D(A)	Undeveloped
<b>South</b>	R-7.5(A)	Undeveloped
<b>West</b>	R-7.5(A)	Single Family

The site is developed with a church an open-enrollment school. Surrounding land uses include multifamily to the north, single family to the west, and undeveloped land to the east and south.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

In general, the applicant’s open-enrollment charter school facility is compatible with the surrounding neighborhood and provides an alternative educational facility for the area. The proposed conditions, TMP, and site plan will help alleviate potential areas of conflict. The short time period will allow staff to re-evaluate the use for conformance to the site plan and conditions as well as receive input from the community on any negative impacts prior to auto renewal. The bi-annual updated TMP should help staff identify any potential conflicts and find remedies before the use is detrimental to the neighborhood.

**Landscaping:** Landscaping is required in accordance with Article X of the Dallas Development Code. However, the applicant’s request will not trigger any Article X requirements as no new construction is proposed on the site.

**Parking:** Pursuant to §51A-4.204 of the Dallas Development Code, schools require one and one-half parking spaces for each kindergarten/elementary school classroom. The school has a total of 16 elementary school classrooms, which requires a total of 24 parking spaces for the school. The site is in compliance with this requirement.

**List of Partners**

**Colonial Baptist Church**

Steven White – Pastor

Johnny Johnson – Youth

Teresa White – Education

Len Jenkins – Music

Pat Browning – Finance

Sandi Gray – Services

**Nova Academy**

Donna Houston-Woods – Chair and CEO

Sandra Nickerson – Secretary

Tina Deal – Treasurer

C.W. Whitaker – Parliamentarian

Gregory Carter – Board Member

LaBarbara Dean – Board Member

KrisSandra Jones Demus – Board Member

Calvin White – Board Member

Hilda Walker – Board Member

Don Obannon – Board Member

**CPC Action:  
December 1, 2016**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1559 for an open-enrollment charter school for a three-year period with eligibility for automatic renewals for additional three-year periods, subject to a traffic management plan and conditions on property zoned D(A) Duplex and R-7.5(A) Single Family Districts, on the northwest corner of Scyene Road and Glover Pass.

Maker: Shidid  
Second: Murphy  
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,  
Anantasomboon, Haney, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 7

**Notices:** Area: 300                      Mailed: 40  
**Replies:** For: 0                         Against: 0

**Speakers:** None

**CPC Recommended SUP Conditions**

**Z156-274**

1. USE: The only use authorized by this specific use permit is an open-enrollment school.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit is approved for a time period that expires on ~~August 25, 2007~~ \_\_\_\_\_ and is eligible for automatic renewals for additional three-year periods, pursuant to Section 51A-4.219 of CHAPTER 51A of the Dallas City Code, as amended. In order for automatic renewals to occur, the property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 10<sup>th</sup> but before the 120<sup>th</sup> day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to the provision. The deadline for application for automatic renewal is strictly enforced.)
4. INGRESS AND EGRESS: Ingress and egress must be provided as shown on the attached site plan.
5. CLASSROOMS: The maximum number of elementary classrooms is 16.
6. TRAFFIC MANAGEMENT PLAN.
  - A. In general. Operation of the open-enrollment charter school must comply with the traffic management plan attached to this ordinance.
  - B. Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.
  - C. Traffic study.
    - i. The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by November 1, 2018. After the initial traffic study, the Property owner or operator shall submit updates of the traffic study to the director by November 1 of each even-numbered year.

- ii. The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:
  - a. ingress and egress points;
  - b. queue lengths;
  - c. number and location of personnel assisting with loading and unloading of students;
  - d. drop-off and pick-up locations;
  - e. drop-off and pick-up hours for each grade level;
  - f. hours for each grade level; and
  - g. circulation.
- iii. Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.
  - a. If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.
  - b. If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

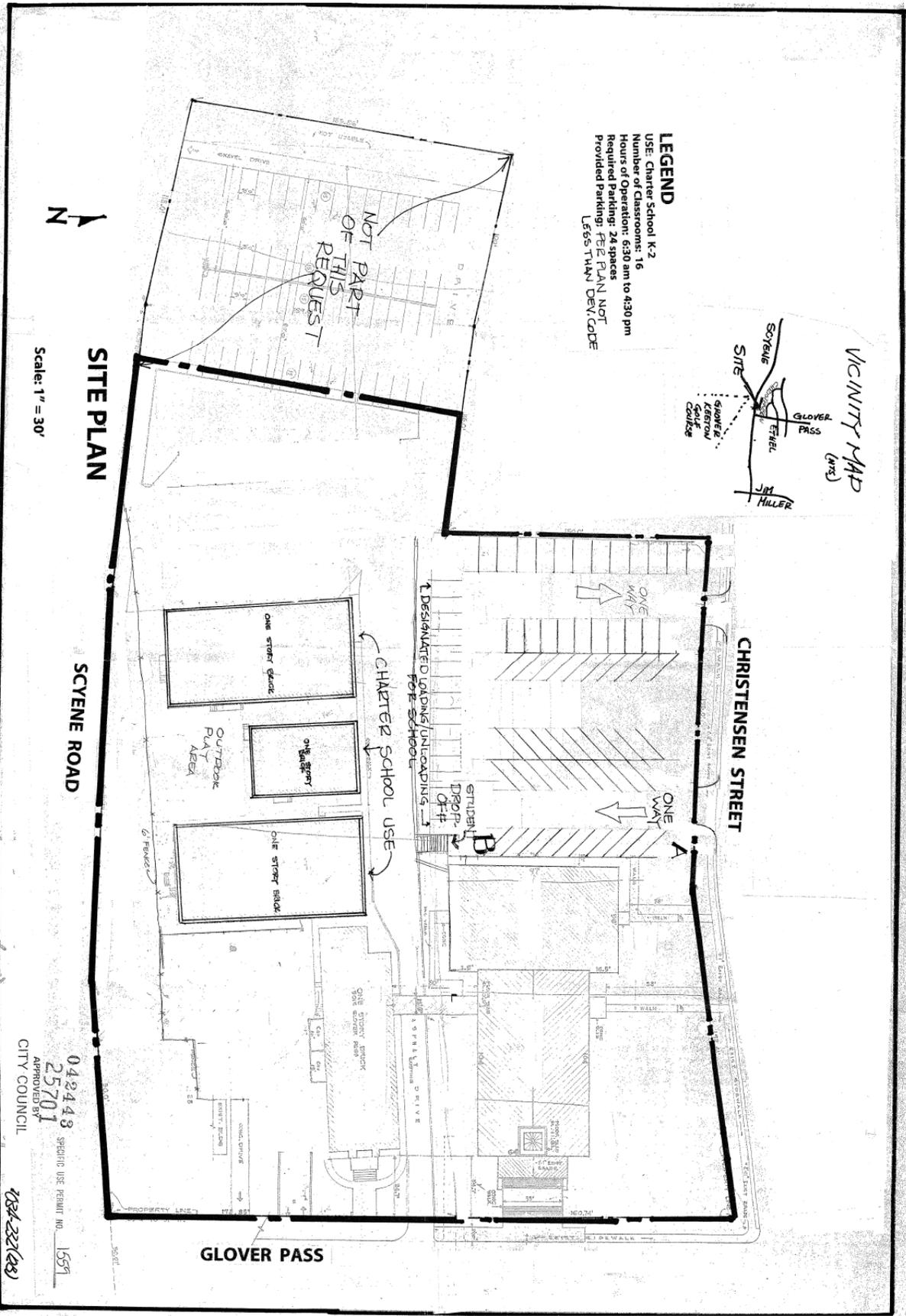
D. Amendment process.

- i. A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3) of Chapter 51A of the Dallas City Code.
- ii. The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

~~[TRAFFIC CIRCULATION: On-site traffic circulation must be provided as shown on the attached site plan. Additionally, "School Personnel A" and "School Personnel B" must be provided in the locations as shown on the attached site plan between the hours of 7:45 a.m. and 8:30 a.m. and 3:30 p.m. and 4:15 p.m. Monday through Friday to facilitate traffic circulation and passenger loading/unloading. Additionally, pavement marking delineating the directional flow of traffic must be provided as shown on the attached site plan.]~~

7. LOADING/UNLOADING: A minimum of 16 designated passenger loading/unloading spaces must be identified with pavement markings or signage and located as shown on the attached site plan.
8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

Existing Site Plan (no site changes)



SITE PLAN

Scale: 1" = 30'

042448  
 25701  
 APPROVED BY  
 CITY COUNCIL

SPECIFIC USE PERMIT NO. 1557

APPROVED  
 City Park Commissioner  
 2-15-04

**Proposed Traffic Management Plan**

**Kelly & Associates**

785 Sleepy Creek Drive, Frisco, Texas, 75034; Phone: (214) 697-1328 (972) Fax: 668-7867

**TECHNICAL MEMORANDUM**

**To:** Laura Evans, City of Dallas

**Copy to:** Don Miles, Nova Academy

**From:** Rod Kelly, P.E.

**Date:** October 26, 2016

**RE:** **Traffic Management Plan Review – Nova Academy at 6459 Scyene Road in Dallas, Texas - Zoning Case # Z156-274, (Z123-248)**



**PURPOSE**

The purpose of this memorandum is to document the results of an evaluation of the sufficiency of the existing Traffic Management Plan (TMP) for the Nova Academy Charter School, located on Scyene Road in Dallas, Texas. Preparation of this review is in response to a request from the City of Dallas staff related to Condition 8 (c) (1) of the SUP conditions, which requires periodic review and certification of the Plan. The vicinity map showing the location of the academy is provided in **Figure 1**

**Student Arrival and Departure Process**

The academy for grades PreK-3 has three drop-off and pick-up locations. The primary location is a long one-way driveway entering off of Glover Pass and extending along the north side of the academy buildings before it exits onto Scyene Road. The second drop-off and pick-up area is located at the east side of the academy buildings and serves as a secondary location for arriving and departing students. The third drop-off and pick-up location is the main parking lot of the church north of the academy buildings and the main access driveway. Access to this parking lot is by way of Christensen Drive. The current access, on-site traffic circulation, and the drop-off and pick-up areas are shown in **Figure 2**.

The academy starting time for all students is 8:00 AM. At the present time, arrivals begin occurring at 7:00AM at the three drop-off location referenced above and continue until 8:15 AM. The gate to the main entrance driveway is closed at 8:05 AM. At that time, all drop-off activities move to the church parking lot north of the academy buildings where students can be escorted on-foot to the academy buildings from the church lot.

Classes let out at 3:45 PM. The driveway access gate to the primary pick-up area, on the north side of the building, is opened at 3:30 PM so that vehicles picking up students may begin lining up. This process continues until 4:10 PM, when all pick-up activities move to the church parking lot north of the academy buildings where students can be escorted on-foot from the academy buildings to vehicles parked in the church lot.

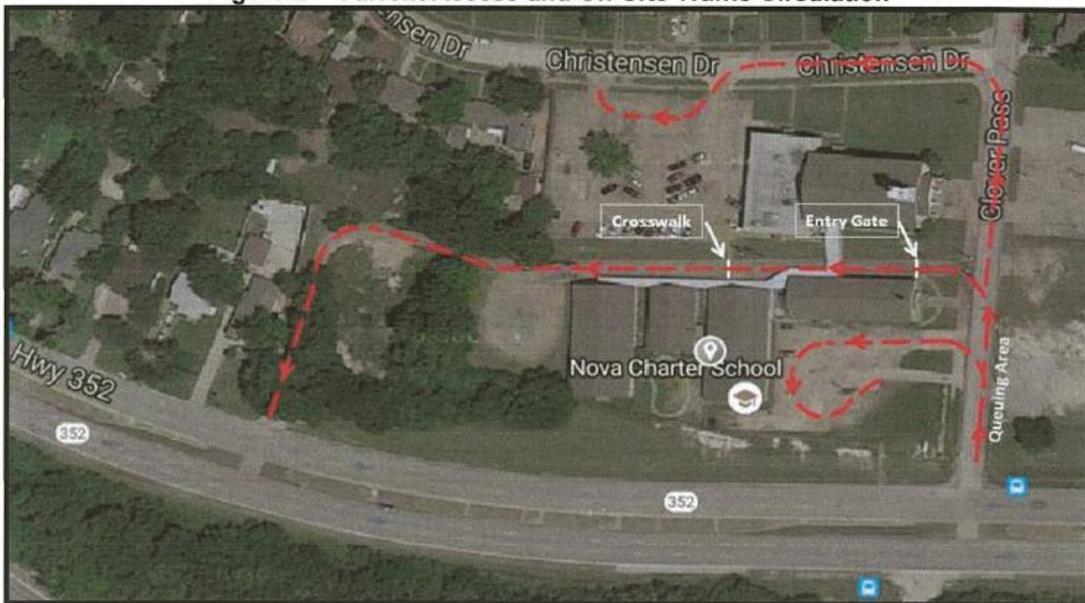
There is a uniformed police officer and an academy security guard present during the transfer period to direct traffic in and out of the facility. The off-duty policeman is stationed on the east side of the academy buildings between the main entry driveway and the lower level parking and drop-off/pick-up lot to assure traffic is entering and leaving the property in a safe and orderly manner. The security guard is stationed on the north side of the academy buildings at the driveway pedestrian crosswalk to stop traffic for pedestrians coming from the church parking lot and to assure that traffic is moving in a safe and orderly manner through the driveway, dropping off and picking-up students. There are also

two additional academy staff members present at the main entrance and exit to the academy buildings to assist students and parents in the drop-off and pick-up process.

Figure 1 – Location of Nova Academy



Figure 2 – Current Access and On-Site Traffic Circulation



One of the critical requirements of a traffic management plan for a private school is to assure that an adequate amount of space is provided for the queuing or stacking of vehicles totally and completely on school property. In order to determine the extent of this requirement, observations were made at the academy, during peak drop-off and pick-up periods on four different days in two different weeks, to determine on-site queuing. These observations are displayed in **Table 1** and show the maximum number of vehicles queued during the eight peak 5-minute periods at each of the three main drop-off and pick-up areas on the days that queuing counts were made. The maximum number of vehicles queued up in each drop-off and pick-up period of each day are shown in **bold black** numbers.

**VEHICLE QUEUING EVALUATION**

The evaluation was performed for the peak A M and P M arrival and departure periods. In the AM drop-off period, this occurs from 7:30 to 8:05 AM. In the PM pick-up period, it occurs from 3:30 to 4:05 PM. As indicated in **Table 1**, the maximum, combined number of vehicles observed to be queued up on-site at the two academy transfer areas in any single five-minute period was observed to be **28** during the morning drop-off period and **52** during the afternoon pick-up period. These queuing numbers are shown in the boxes with the **bold red** borders. This condition occurs with an enrollment of approximately 200 students.

**Table 1 - Maximum Vehicle Queuing (5 Minute Intervals) for Grades K-3**

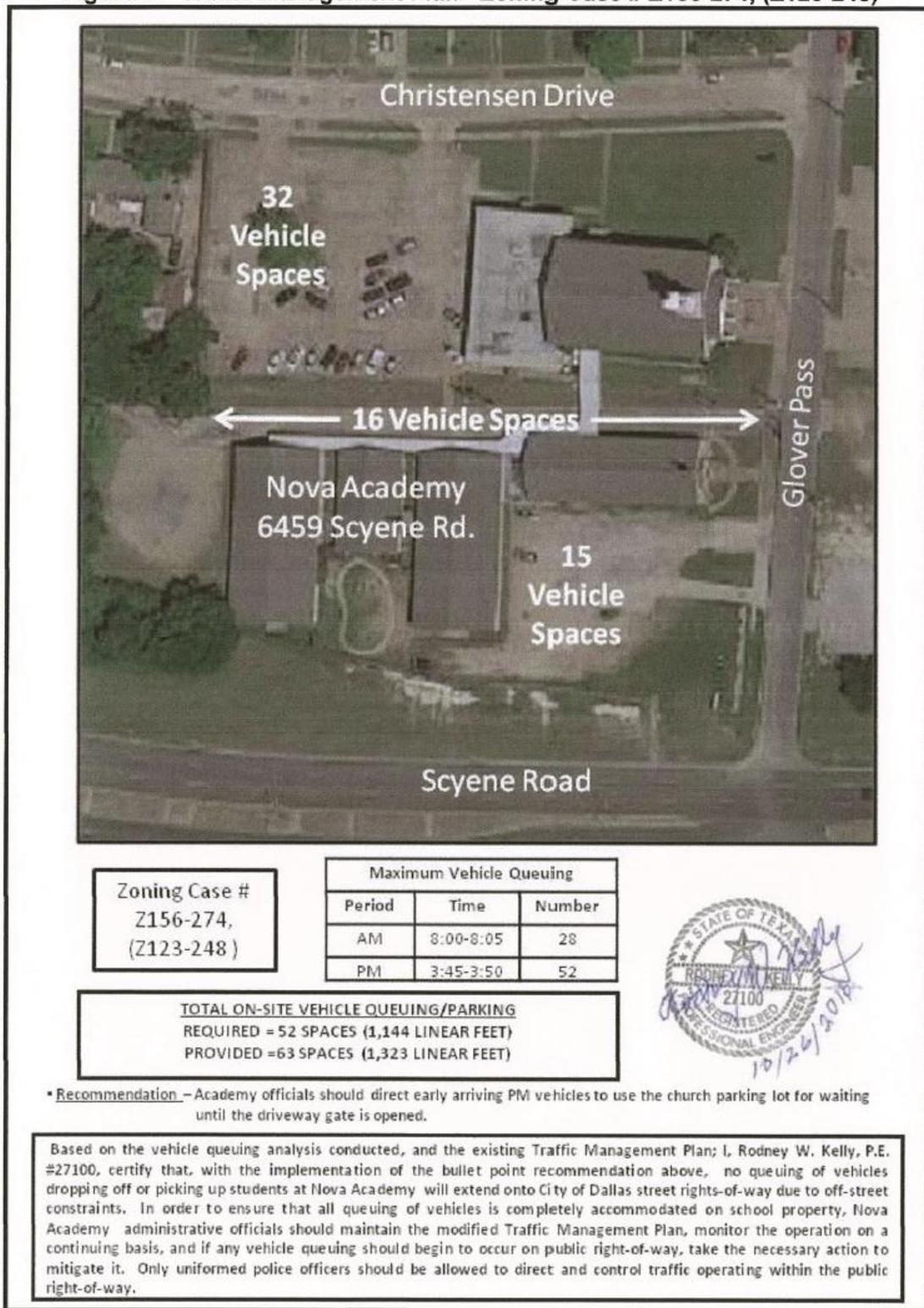
Date	Day of Week	Time (AM)							
9/6/2016	Tuesday	7:30	7:35	7:40	7:45	7:50	7:55	8:00	8:05
		7	3	10	17	20	19	<b>28</b>	12
Date	Day of Week	Time (AM)							
9/15/2016	Thursday	7:30	7:35	7:40	7:45	7:50	7:55	8:00	8:05
		4	9	8	4	18	18	<b>22</b>	21
Date	Day of Week	Time (PM)							
9/7/2016	Wednesday	3:30	3:35	3:40	3:45	3:50	3:55	4:00	4:05
		9	13	36	<b>52</b>	44	21	18	14
Date	Day of Week	Time (PM)							
9/16/2016	Friday	3:30	3:35	3:40	3:45	3:50	3:55	4:00	4:05
		10	15	33	<b>50</b>	40	21	9	8

**CONCLUSIONS AND RECOMMENDATIONS**

As demonstrated by the analysis results shown in the above tables, it is concluded that the Traffic Management Plan in **Figure 3** provides the required traffic operating efficiency and capacity to assure that all drop-off/pick-up vehicle queuing can be accommodated completely on-site and the necessary safety and security of Nova Academy students is provided.

There is one change that is recommended to the existing Traffic Management Plan. At the present time, the Glover Pass driveway access gate remains closed until fifteen minutes before students are released. Vehicles arriving early to enter the main driveway line up in the on-street parking area along the east curb of Glover Pass to enter the driveway. It is recommended that early arrivals be directed by the Academy administration to use the church parking lot for waiting until the driveway gate is opened.

**Figure 3 – Traffic Management Plan - Zoning Case # Z156-274, (Z123-248)**



# **Appendix A**

## **Vehicle Queuing Counts**

### NOVA ACADEMY TRAFFIC MANAGEMENT COUNTS

6459 Scyene Rd.  
 Dallas TX 75227

Tuesday 9-6-16

Time of Day	Total Cars In Upper Lot	Teachers	Cars In Gated Driveway	Cars In Lower Lot	Cars In Queue On Street	Cars On Street Waiting for Entry To Gated Lower Lot	Cars Backed Up Onto Hwy 352	Time of Day
7:00	3	2		1				7:05
7:05	6							7:10
7:10	8	2	3	1				7:15
7:15	7	1	1	1				7:20
7:20	7	1						7:25
7:25	9		4	1				7:30
7:30	11		1	1				7:35
7:35	10			2				7:40
7:40	14		1	1				7:45
7:45	18		4	1				7:50
7:50	22		2	2				7:55
7:55	21	3	3	4				8:00
8:00	27		5	5				8:05
8:05	25		1	4				8:10
8:10	21			4				8:15
8:15	20			3				

### NOVA ACADEMY TRAFFIC MANAGEMENT COUNTS

6459 Scyene Rd.  
 Dallas TX 75227

Thursday 9-15-16

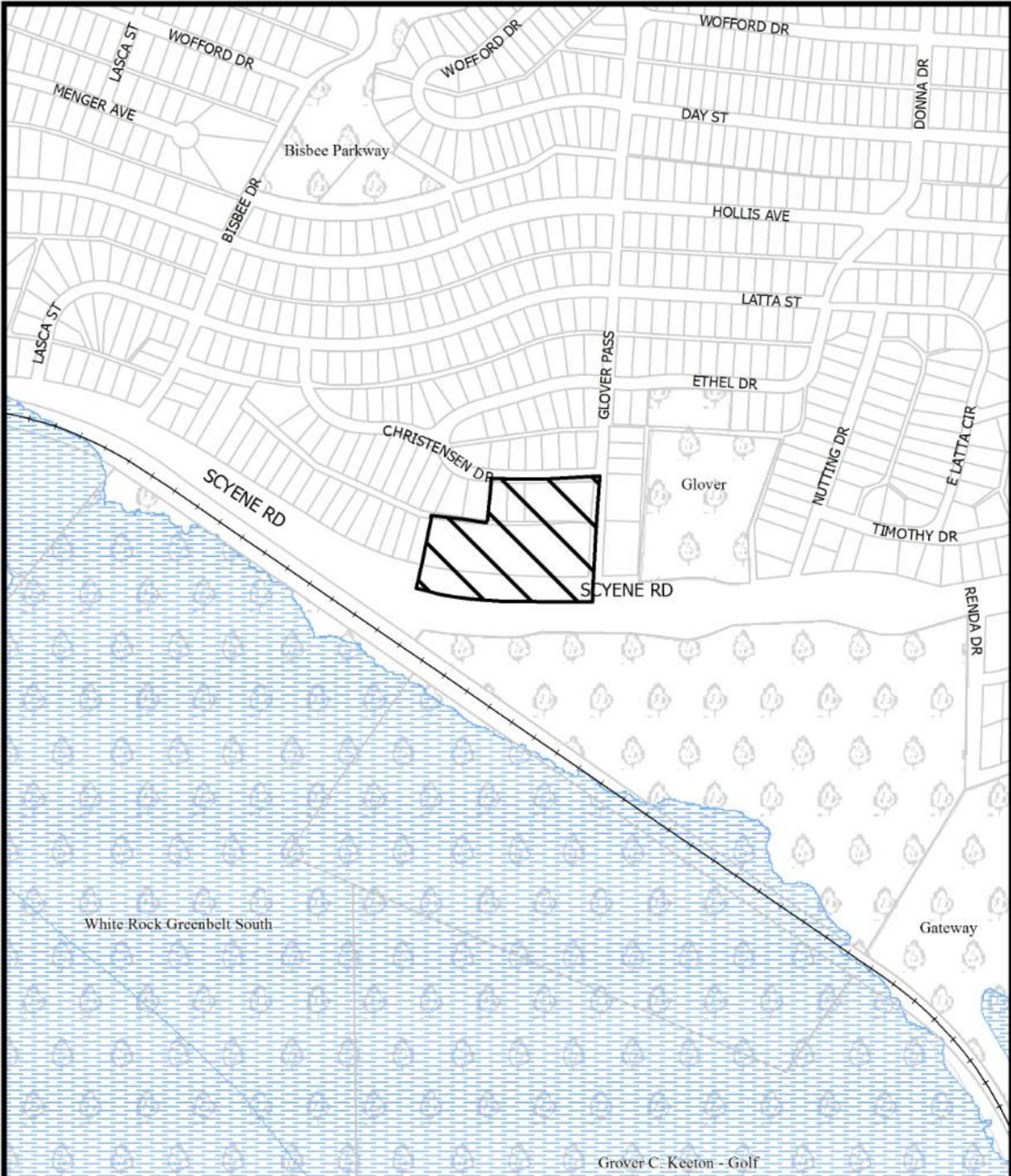
Time of Day	Total Cars In Upper Lot	Teachers	Cars In Gated Driveway	Cars In Lower Lot	Cars In Queue On Street-Lower Lot	Cars On Street Waiting for Entry To Gated Driveway	Cars Backed Up Onto Hwy 352	Time of Day
7:00	4	4	1					7:00
:05	6	1						:05
:10	6		3					:10
:15	7		2					:15
:20	6							:20
:25	6		2	1				:25
:30	9	2	1	1				:30
:35	12	2	3	3				:35
:40	12	1	3	3				:40
:45	12	1	3	1				:45
:50	20		1	8				:50
:55	25	1	4	1				:55
8:00	30		2	2				8:00
:05	22		1	10				:05
:10	17			4				:10
:15	18			2				:15

### NOVA ACADEMY TRAFFIC MANAGEMENT COUNTS

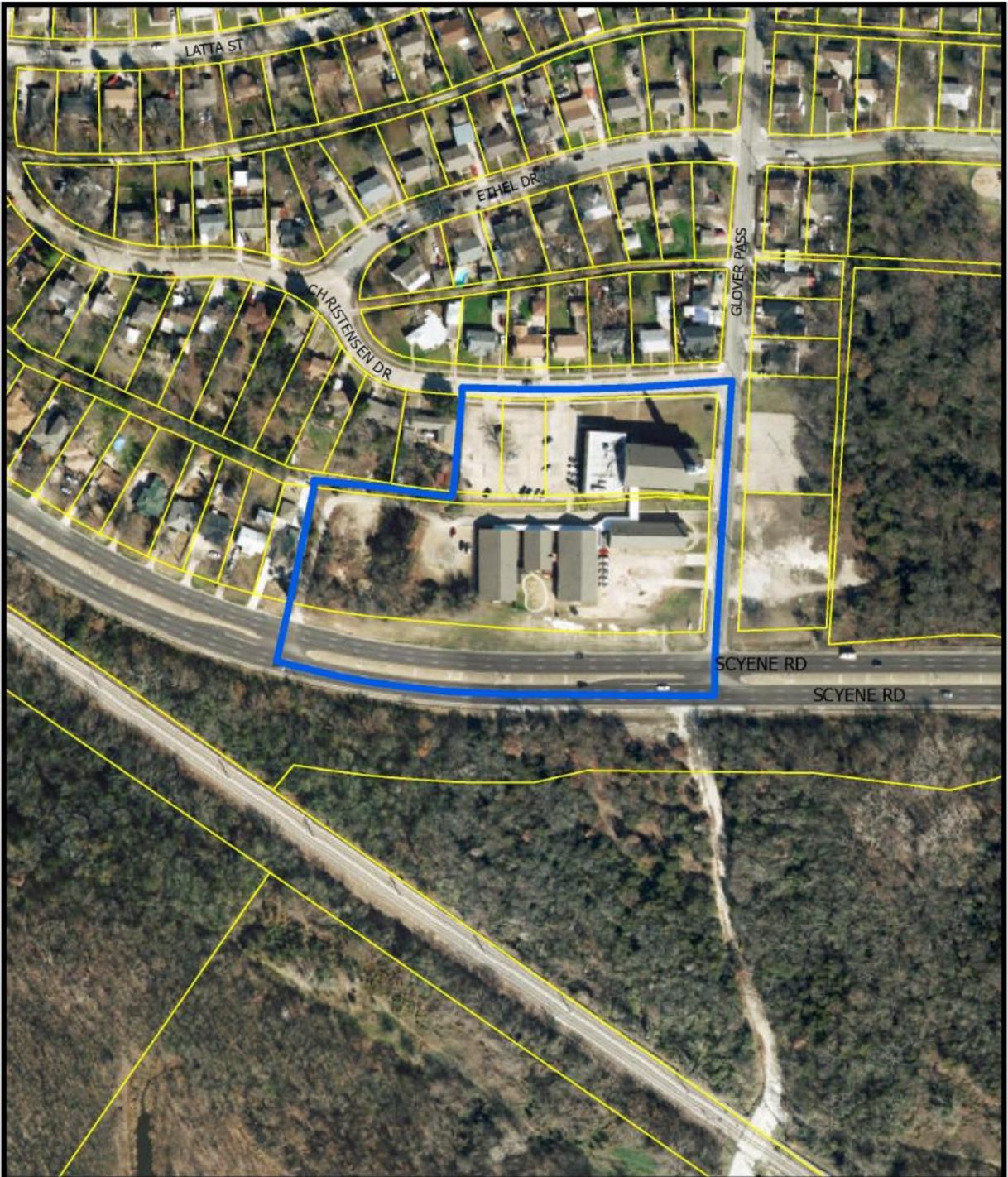
6459 Scyene Rd.  
 Dallas TX 75227.

Friday 9-16-16

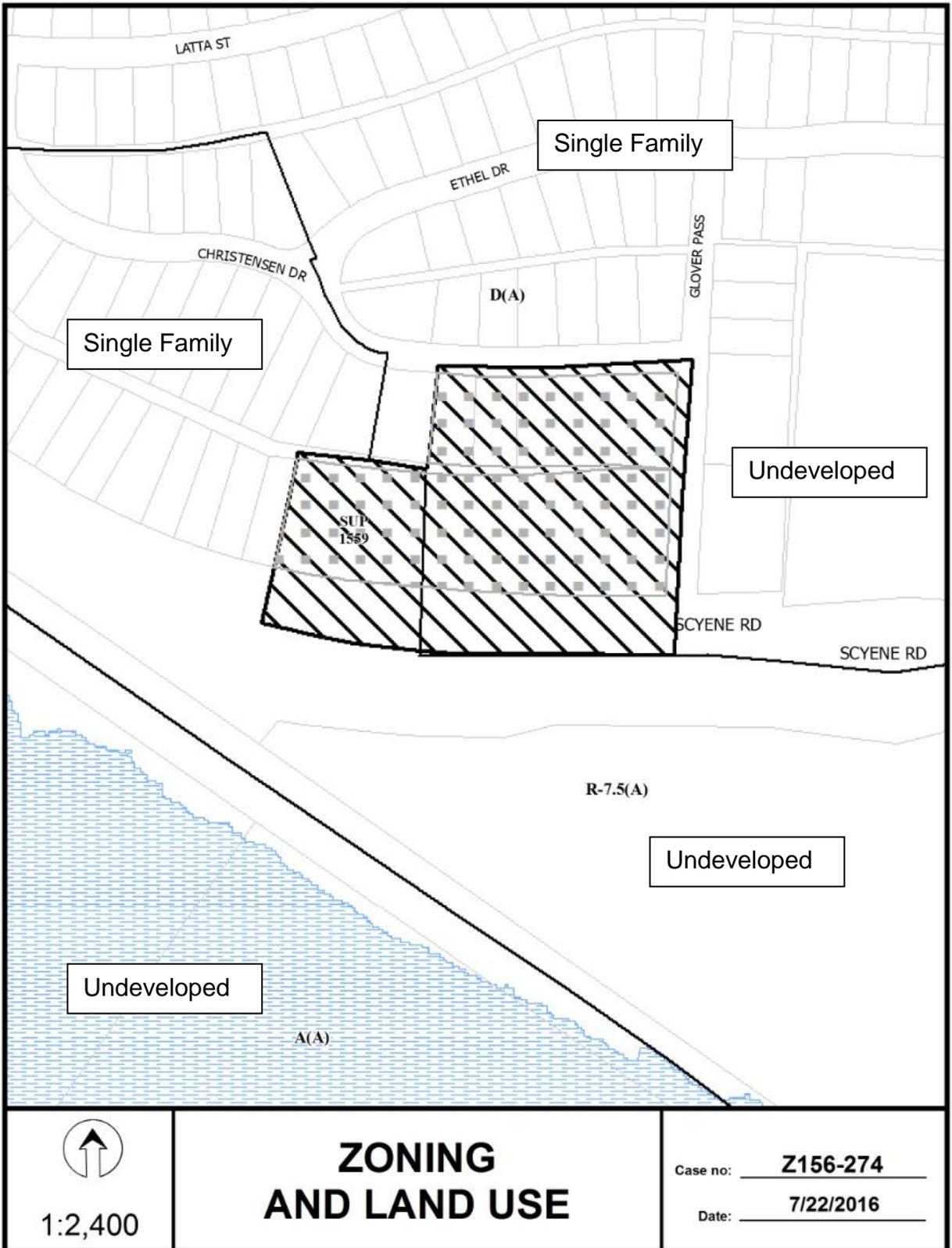
Time of Day	Total Cars In Upper Lot	Teachers	Cars In Gated Driveway	Cars In Lower Lot	Cars In Queue On Street	Cars On Street Waiting for Entry To Gated Driveway	Cars Backed Up Onto Hwy 952	Time of Day
3:15	18		2	4		2		3:15
:20	17		2	3		1		:20
:25	17		2	3		1		:25
:30	22		2	3		3		:30
:35	26		2	4		8		:35
:40	34		11	5		2		:40
:45	44		11	12		7		:45
:50	43		9	5		8	3	:50
:55	24		8	6				:55
4:00	19		2	5				4:00
:05	18		2	5				:05
:10	16			5				:10
:15	15			4				:15



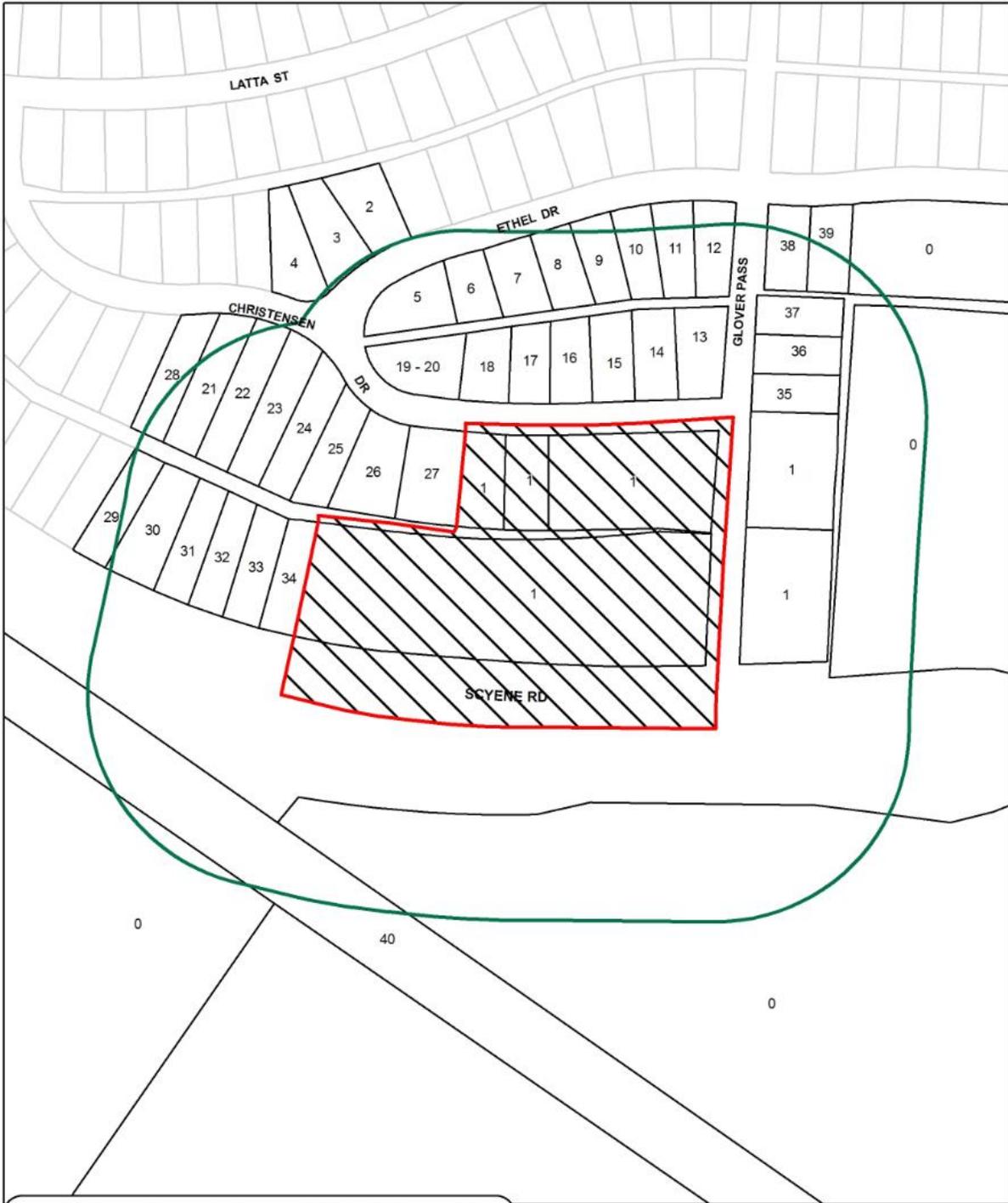
 1:6,000	<h1>VICINITY MAP</h1>	Case no: <u>          Z156-274          </u> Date: <u>          7/22/2016          </u>
--	-----------------------	--



 1:2,400	<h1>AERIAL MAP</h1>	Case no: <u>      <b>Z156-274</b>      </u> Date: <u>      <b>7/22/2016</b>      </u>
--	---------------------	--



**CPC RESPONSES**



<u>40</u>	Property Owners Notified (48 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>12/1/2016</u>	Date

**Z156-274**  
**CPC**



1:2,400

11/30/2016

***Reply List of Property Owners******Z156-274******40 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	6424	CHRISTENSEN DR	COLONIAL BAPTIST CHURCH
2	6411	ETHEL DR	MARROQUIN CARMEN J &
3	6403	ETHEL DR	MCGARVEY WILLIAM R
4	6355	CHRISTENSEN DR	QUEVEDO GUSTAVO
5	6408	ETHEL DR	CARRIZALES YOLANDA T
6	6418	ETHEL DR	TORRES VICTORINO
7	6424	ETHEL DR	BANDA JESUS J & MARIA G
8	6430	ETHEL DR	VASQUEZ MARGARET
9	6434	ETHEL DR	HEDGE ISAIAH & EMMA
10	6442	ETHEL DR	RIVAS JUAN CARLOS
11	6448	ETHEL DR	GEORGE RAYMOND
12	6450	ETHEL DR	CRUZ AURORA
13	6453	CHRISTENSEN DR	VASQUEZ JORGE & DORA A
14	6447	CHRISTENSEN DR	SALAZAR ABEL
15	6441	CHRISTENSEN DR	DRINNING MARLENE M
16	6437	CHRISTENSEN DR	MARTINEZ ISMAEL
17	6431	CHRISTENSEN DR	DIAZ GUADALUPE &
18	6427	CHRISTENSEN DR	JHR INTERESTS CORPORATION
19	6417	CHRISTENSEN DR	SIMS SHIRLEY WISHARD
20	6419	CHRISTENSEN DR	SIMS SHIRLEY WISHARD
21	6350	CHRISTENSEN DR	NINO AGUSTIN &
22	6354	CHRISTENSEN DR	MARTINEZ DELFINO & MARIA
23	6358	CHRISTENSEN DR	LINARES PATRICIA
24	6408	CHRISTENSEN DR	MATA EDGAR
25	6412	CHRISTENSEN DR	GUZMAN PRIMITIVO
26	6416	CHRISTENSEN DR	MECCA APRIL INC

Z156-274(LE)

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	6418	CHRISTENSEN DR	LUGO NORMA
28	6346	CHRISTENSEN DR	SERRATO MELECIO & AURORA
29	6369	SCYENE RD	QUIROZ ALFONSO ESQUIVEL
30	6403	SCYENE RD	GARCIA ESTER
31	6407	SCYENE RD	RIGSBY DONALD M
32	6413	SCYENE RD	BERNAL RODOLFO
33	6417	SCYENE RD	SANDERS MICHAEL D
34	6421	SCYENE RD	MOJICA CASTRO GERARDO A
35	3102	GLOVER PASS RD	RODRIGUEZ CLARA & JAIME
36	3104	GLOVER PASS RD	LARA MARTIN &
37	3112	GLOVER PASS RD	RODRIGUEZ PABLO ALONSO
38	6502	ETHEL DR	SANTAMARIA MARTIN
39	6508	ETHEL DR	HERNANDEZ BRICIO
40	401	S BUCKNER BLVD	DART

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 1  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 53 R

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a motor vehicle fueling station on property zoned an NS(A) Neighborhood Service District on the east side of South Hampton Road and north of Mountain Lake Road  
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions Z156-316(WE)



**FILE NUMBER:** Z156-316(WE)                      **DATE FILED:** July 26, 2016  
**LOCATION:** East side of South Hampton Road, north of Mountain Lake Road  
**COUNCIL DISTRICT:** 1                                      **MAPSCO:** 53-R  
**SIZE OF REQUEST:** Approx. 0.454 acres              **CENSUS TRACT:** 63.02

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**APPLICANT:** Saleem Makani

**OWNER:** KOJO Plaza, LLC  
Hye R. Johnson

**REPRESENTATIVE:** S.I. Abed

**REQUEST:** An application for a Specific Use Permit for a motor vehicle fueling station on property zoned an NS(A) Neighborhood Service District.

**SUMMARY:** The purpose of the request is to expand the existing canopy and motor vehicle fueling station on the NS(A) portion of the site [RUSH 24/7].

**CPC RECOMMENDATION:** Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- The structure housing the general merchandise or food store less than 35,000 square feet was built in 1976. In June 2016, the Building Official issued a received a certificate of occupancy to the applicant for a general merchandise or food store 3500 square feet or less.
- The request site is currently developed with a general merchandise or food store. The fueling station is currently part of a larger lot that is zoned a CR Community Retail District.
- The use is allowed by right in the CR Community Retail District and by SUP in the NS(A) District.
- The applicant’s request is to expand the existing canopy and motor vehicle fueling station, by 696 square feet, in a portion of the NS(A) Neighborhood Service District. One additional pump will be added to the existing three pumps.
- The surrounding land uses consist of a variety of retail and personal service uses, medical clinic and single family uses.

**Zoning History:** There has not been any zoning changes requested in the area during the past five years.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
S. Hampton Road	Principal Arterial	100 ft.	100 ft.
Mountain Lake Road	Local	75 ft.	75 ft.

**Land Use:**

	Zoning	Land Use
<b>Site</b>	NS(A)	General merchandise or food store
<b>North</b>	NS(A)	Restaurant
<b>South</b>	CR	General merchandise or food store with fueling station
<b>East</b>	R-7.5(A)	Single family
<b>West</b>	CR	Medical clinic

**Comprehensive Plan:** The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

## Land Use

**Goal 1.1** Align land use strategies with economic development priorities.

**Policy 1.1.15** Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

**Implementation measure 1.1.5.3** Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

## Urban Design

**Goal 5.3** Establishing Walk-to Convenience

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

## STAFF ANALYSIS:

**Land Use Compatibility:** The 0.454 acre site is developed with a general merchandise or food store 3,500 square feet or less. The applicant's request for a Specific Use Permit for a motor vehicle fueling station will allow for an expansion of the existing pump stations by 696 square feet. The larger property is located in two zoning districts: a CR Community Retail District and an NS(A) Neighborhood Service District. The NS(A) Neighborhood Service permits a motor vehicle fueling station by Specific Use Permit; whereas, the CR Community Retail District permits the fueling station by right. The Specific Use Permit will only cover the portion of the canopy and motor vehicle fueling station that is located within the NS(A) District.

The surrounding land uses consist of a variety of retail and personal service uses, medical clinic and single family uses. The use is located on a major thoroughfare and offers an alternative location for fueling vehicles in the surrounding area. Staff recommendation is based on the current use of the site and existing fueling pumps. The SUP will provide the adjacent residence with the means to monitor the use of the additional pump on site.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as

the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff is recommending approval of an SUP a motor vehicle fueling station for a ten year period with eligibility for automatic renewals for additional ten year periods, subject to the attached site plan and conditions.

**Development Standards:**

<b><u>DISTRICT</u></b>	<b><u>SETBACKS</u></b>		<b><u>Density</u></b>	<b><u>Height</u></b>	<b><u>Lot Coverage</u></b>	<b><u>Special Standards</u></b>	<b><u>PRIMARY Uses</u></b>
	<b><u>Front</u></b>	<b><u>Side/Rear</u></b>					
NS(A) Neighborhood service	15'	20' adjacent to residential OTHER: No Min.	0.5 FAR	30' 2 stories	40%		Retail & personal service, office

**Landscaping:** Landscaping of any development will be in accordance with Article X, as amended. The small amount of lot coverage will not trigger additional landscaping

**Traffic:** The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

**Parking:** The parking requirement for a motor vehicle fueling station is two spaces. Additional parking is not required for the addition of the 696 square foot canopy and fueling pump. The uses on the site are parked according to Code today.

**CPC Action** (December 1, 2016)

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a motor vehicle fueling station for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions on property zoned an NS(A) Neighborhood Service District on the east side of South Hampton Road, north of Mountain Lake Road.

Maker: Shidid  
Second: Murphy  
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,  
Anantasomboon, Haney, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 7

**Notices:** Area: 200                      Mailed: 21  
**Replies:** For: 1                         Against: 4

**Speakers:** None

**LIST OF  
OFFICERS/PARTNERS**

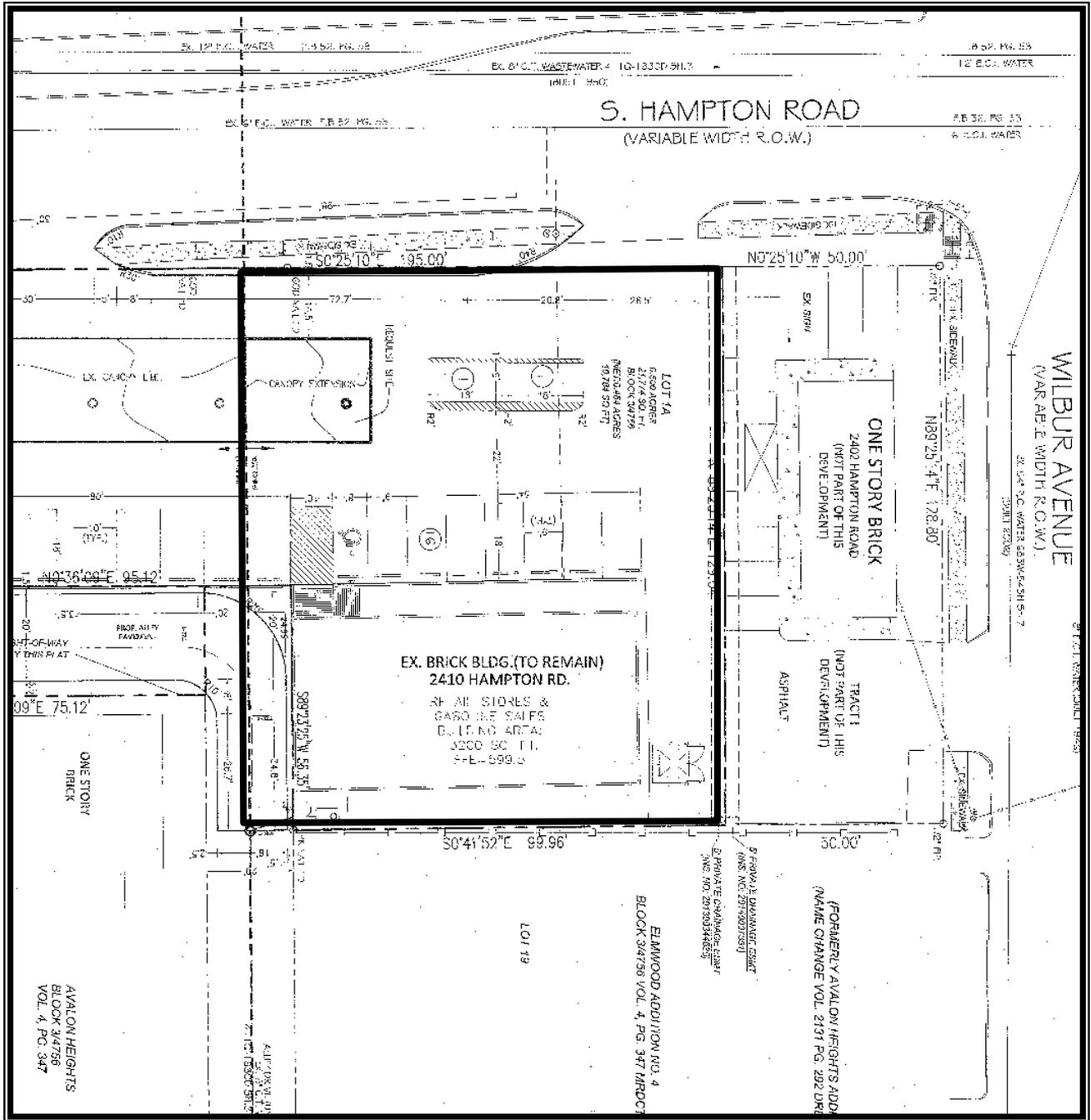
- Larry R. Johnson
- Hye R. Johnson
- Suk J. Kong
- Young R. Kong (Kim)

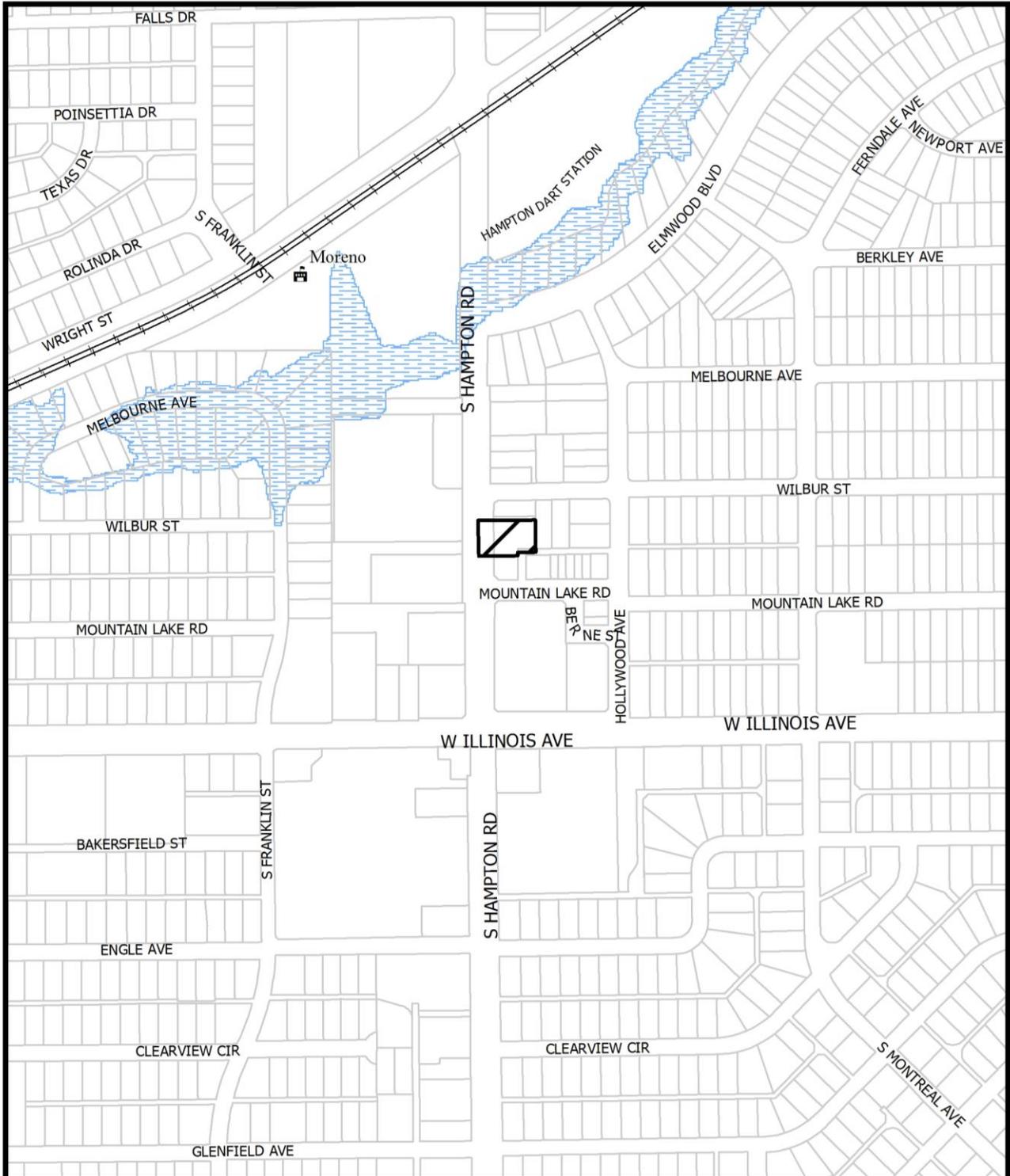
**CPC PROPOSED SUP  
CONDITIONS**

1. USE: The only use authorized by this specific use permit is for a motor vehicle fueling station.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on\_\_\_\_\_, (ten-year period from the passage of this ordinance), but is eligible for automatic renewal for additional ten-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).
4. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.



**ENLARGEMENT OF REQUEST AREA**





1:4,800

# VICINITY MAP

Case no: Z156-316

Date: 11/3/2016

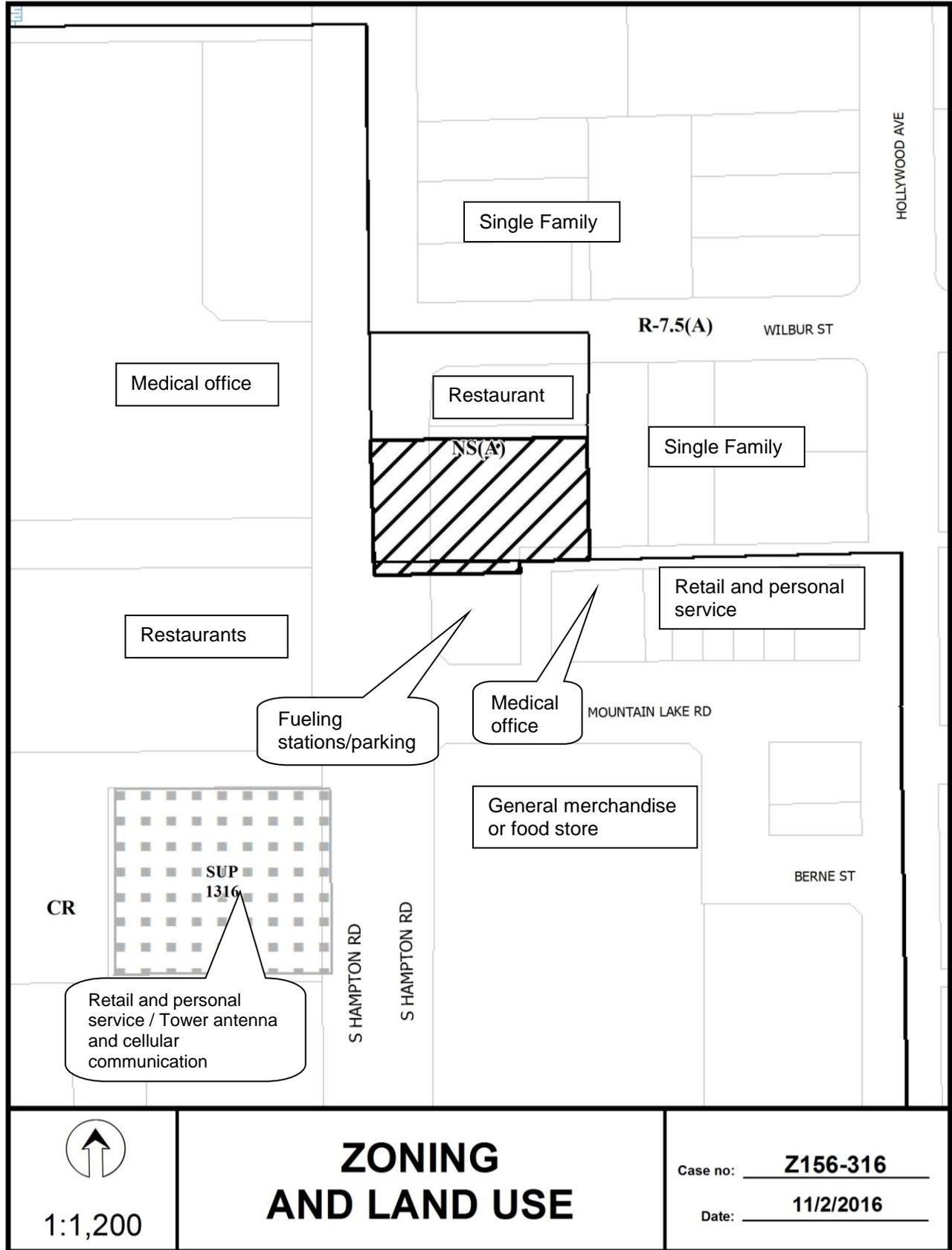


1:1,200

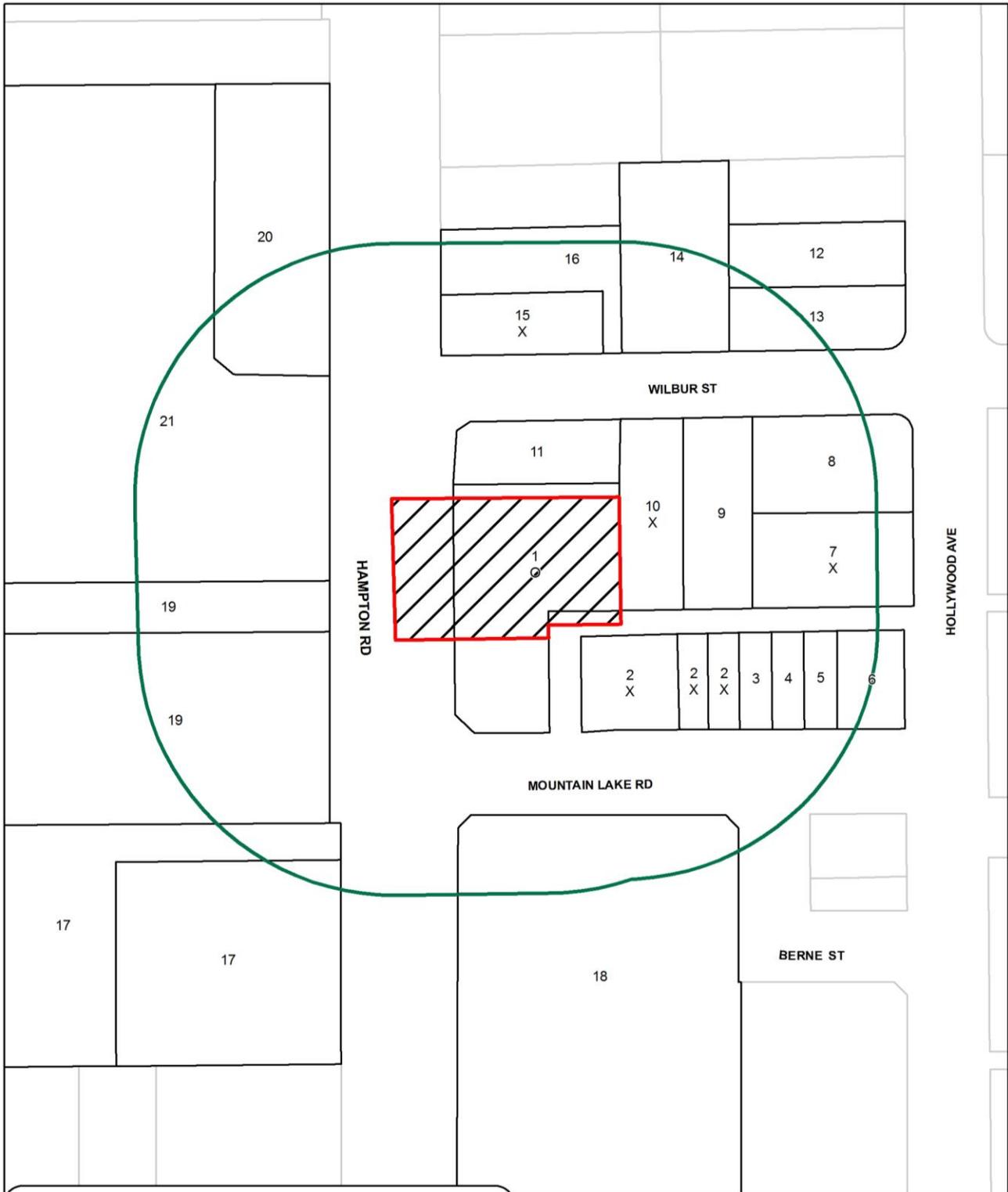
# AERIAL MAP

Case no:           Z156-316          

Date:           11/3/2016



**CPC RESPONSES**



<u>21</u>	Property Owners Notified (25 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>4</u>	Replies in Opposition (6 parcels)
<u>200'</u>	Area of Notification
<u>12/1/2016</u>	Date

**Z156-316**  
**CPC**



1:1,200

## **Notification List of Property Owners**

### **Z156-316**

*21 Property Owners Notified*

*1 Property Owners in Favor*

*4 Property Owners Opposed*

<b>Reply</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
O	1	2410 S HAMPTON RD	KOJO PLAZA LLC
X	2	2317 MOUNTAIN LAKE RD	MARTINEZ DEE L
	3	2309 MOUNTAIN LAKE RD	PERALTA JAIME &
	4	2307 MOUNTAIN LAKE RD	VALDEZ PETRA
	5	2305 MOUNTAIN LAKE RD	124T1 LLC
	6	2301 MOUNTAIN LAKE RD	CEREZO ARMANDO & MARIA
X	7	2411 S HOLLYWOOD AVE	HERNANDEZ NICHOLAS G
	8	2403 S HOLLYWOOD AVE	N 2 DEEP INC
	9	2312 WILBUR ST	CANTU CONSTANCIO
X	10	2316 WILBUR ST	TOBIAS EDWARD JR & JOVITA
	11	2402 S HAMPTON RD	KOJO PLAZA LLC
	12	2327 HOLLYWOOD AVE	CURTIS WILLIAM R
	13	2331 HOLLYWOOD AVE	MELGOZA MARIA
	14	2317 WILBUR ST	RODRIGUEZ JOSE
X	15	2314 S HAMPTON RD	BARKER CARL RICHARD III
	16	2310 S HAMPTON RD	HERNANDEZ CARLOS
	17	2509 S HAMPTON RD	WILLOCK KARL J
	18	2323 W ILLINOIS AVE	ADD WEST ILLINOIS LLC
	19	2407 S HAMPTON RD	MCDONALDS USA
	20	2301 S HAMPTON RD	DSW INVESTMENTS LTD
	21	2301 S HAMPTON RD	DSW INVESTMENTS LTD %

**AGENDA ITEM # 50**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 48 M

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a CS-D-1 Commercial Service District and a resolution accepting deed restrictions volunteered by the applicant with a Dry Liquor Control Overlay on property zoned an LI-D-1 Light Industrial District with a Dry Liquor Control Overlay on the north side of Eastpoint Drive at the terminus of Olson Drive

Recommendation of Staff: Approval

Recommendation of CPC: Approval, subject to deed restrictions volunteered by the applicant

Z156-336(WE)



**FILE NUMBER:** Z156-336(WE)                      **DATE FILED:** August 16, 2016

**LOCATION:** North side of Eastpoint Drive at the terminus of Olson Drive

**COUNCIL DISTRICT:** 7                                      **MAPSCO:** 48-M

**SIZE OF REQUEST:** Approx. 3.743 acres              **CENSUS TRACT:** 122.07

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**APPLICANT:** Dallas Arboretum & Botanical Gardens

**OWNER:** Baptist Foundation of Texas  
dba/ Highground Advisors, a Texas Nonprofit Corporation

**REPRESENTATIVE:** Robert Reeves

**REQUEST:** An application for a CS-D-1 Commercial Service District with a Dry Liquor Control Overlay on property zoned an LI-D-1 Light Industrial District with a Dry Liquor Control Overlay.

**SUMMARY:** The purpose of this request is to construct a 38,500 square foot plant nursery that will store plants and various types of equipment for the Dallas Arboretum and Botanical Garden.

**CPC RECOMMENDATION:**     Approval, subject to deed restrictions volunteered by the applicant.

**STAFF RECOMMENDATION:**     Approval

**BACKGROUND INFORMATION:**

- The applicant is requesting to develop a 3.743 acre site with a one-story, 38,500 square foot nursery, garden shop or plant sales for the Dallas Arboretum and Botanical Garden.
- The proposed development will provide the necessary storage space for the plants and equipment that will be used by the Dallas Arboretum and Botanical Garden. There will be no retail or wholesale sales at this location.
- The adjacent land uses consist of several undeveloped tracts of land and light industrial type uses.

**Zoning History:** There has been not been any recent zoning change requested in the past five years in the area.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Eastpoint Drive	Local	64 ft.	64 ft.

**Land Use:**

	Zoning	Land Use
Site	LI-D-1	Undeveloped
North	LI-D-1	Industrial
South	LI-D-1	Undeveloped, Industrial
East	LI-D-1	Undeveloped, City of Mesquite
West	LI-D-1	Undeveloped

**COMPREHENSIVE PLAN:** The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request. However, there are no specific goals and policies in the *fowardDallas! Comprehensive Plan* that either supports or discourages the proposed development. Staff supports the zoning change based on land use compatibility.

**STAFF ANALYSIS:**

**Land Use Compatibility:** The 3.743 acre site is undeveloped and is adjacent to several tracts of undeveloped land and industrial type uses. The applicant’s request is to change the existing LI Light Industrial District to a CS Commercial Service District to allow for the development of a one-story, 38,500 square foot nursery, garden shop or

plant sales use. The proposed development will be used by the Dallas Arboretum and Botanical Garden to store plants and equipment. In addition, the applicant has indicated that no retail or wholesale sales will take place at this location.

The development of a nursery, garden shop or plant sales in an area that is predominately developed with Light Industrial uses is compatible with the surrounding uses. The Commercial Service District “provides for the development of commercial and business serving uses that may involve outside storage, service, or display.” Even though the applicant has indicated that they will not have outside storage, there are no restrictions that will limit or prohibit any outside storage in the future. The LI Light Industrial District and CS Commercial Service District permits outside storage but requires visual screening.

During the City Plan Commission hearing, the applicant volunteered deed restrictions prohibiting certain main uses on site as well as restricting the structure height to 20 feet. In addition, the applicant limited the floor area ratio to 0.5 and established a front yard of 15 feet.

Staff has reviewed the applicant’s request and supports the request for a CS Commercial Service District. The proposed request should not have any adverse impact on the surrounding land uses.

**Development Standards:**

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
LI - existing Light Industrial	15'	30' adjacent to residential OTHER: No Min.	1.0 FAR overall 0.75 office/ retail 0.5 retail	70' 5 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail
CS - proposed Commercial Service	15' 0' on minor	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office/ lodging/ retail combined	45' 3 stories	80%	Proximity Slope Visual Intrusion	Commercial & business service, supporting retail & personal service & office

**Parking:** The parking requirements for a nursery, garden and plant sales use is one space per 500 square feet of floor area, plus one space per 2,000 square feet of outside sales and display area. The proposed development will have approximately 28,000 square feet of greenhouse space, 1,000 square feet of office and 9,500 square feet of storage space. The proposed development will not provide an outside storage area. Based on the total floor area of 38,500 square feet, the applicant is required to provide 77 off-street parking spaces.

**Landscaping:** Landscaping of any development will be in accordance with Article X, as amended.

**CPC Action** (October 20, 2016)

***De minimus Significate Change Motion:*** In considering the requirement in Section 5(m)(1)(B) of the CPC rules of procedure, the finding is it does not apply because the impact of the proposed change in the commission's judgment is *de minimus* in nature.

Maker: Houston  
Second: Ridley  
Result: Carried: 13 to 0

For: 13 - Rieves, Houston, Davis, Shidid,  
Anantasomboon, Haney, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Anglin  
Vacancy: 1 - District 7

**Motion:** It was moved to recommend **approval** of a CS-D-1 Commercial Service District with a Dry Liquor Control Overlay, subject to the deed restriction volunteered by the applicant on property zoned an LI-D-1 Light Industrial District with a Dry Liquor Control Overlay on the north side of Eastpoint Drive at the terminus of Olson Drive.

Maker: Houston  
Second: Ridley  
Result: Carried: 13 to 0

For: 13 - Rieves, Houston, Davis, Shidid,  
Anantasomboon, Haney, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Anglin  
Vacancy: 1 - District 7

**Notices:** Area: 300 Mailed: 9  
**Replies:** For: 0 Against: 0

**Speakers:** For: Robert Reeves, 900 Jackson St., Dallas, TX, 75202  
Against: None

**LIST OF OFFICERS**  
Dallas Arboretum & Botanical Gardens

- Mary Brinegar                      President
- Mark Wolf                            Chairman
- Alan Walne                          Vice Chairman
- Ed Perrin                             Secretary
- Christopher Harrison            Treasurer

**LIST OF OFFICERS**  
Baptist Foundation of Texas

**Jeff W. Smith, J.D.**

President and Chief Executive Officer

**Ben Curry, CPA**

Senior Vice President for Finance and Administration

**Joe H. Wright, Jr.**

Senior Vice President and Chief Investment Officer

**Kari L. McGregor, CPA**

Vice President & Chief Financial Officer

**Joe Hancock, J.D., M.B.A.**

Vice President and General Counsel

**Kellie Morrison, CFA**

Vice President & Investment Officer of HighGround Trust Company

**Colleen Sims**

Vice President for Institutional & Donor Services of HighGround Trust Company



- Liquor store
- Mortuary, funeral home, or commercial wedding chapel
- Outside sales
- Pawn shop
- Swap or buy shop
- Auto auction
- Building mover's temporary storage yard
- Contractor's maintenance yard
- Petroleum product storage and wholesale
- Sand, gravel, or earth sales and storage
- Vehicle storage lot
- Accessory pathological waste incinerator

**Heights:**

- Except for plant materials, outside storage (with visual screening) is limited to 20 feet in height.

**Yards:**

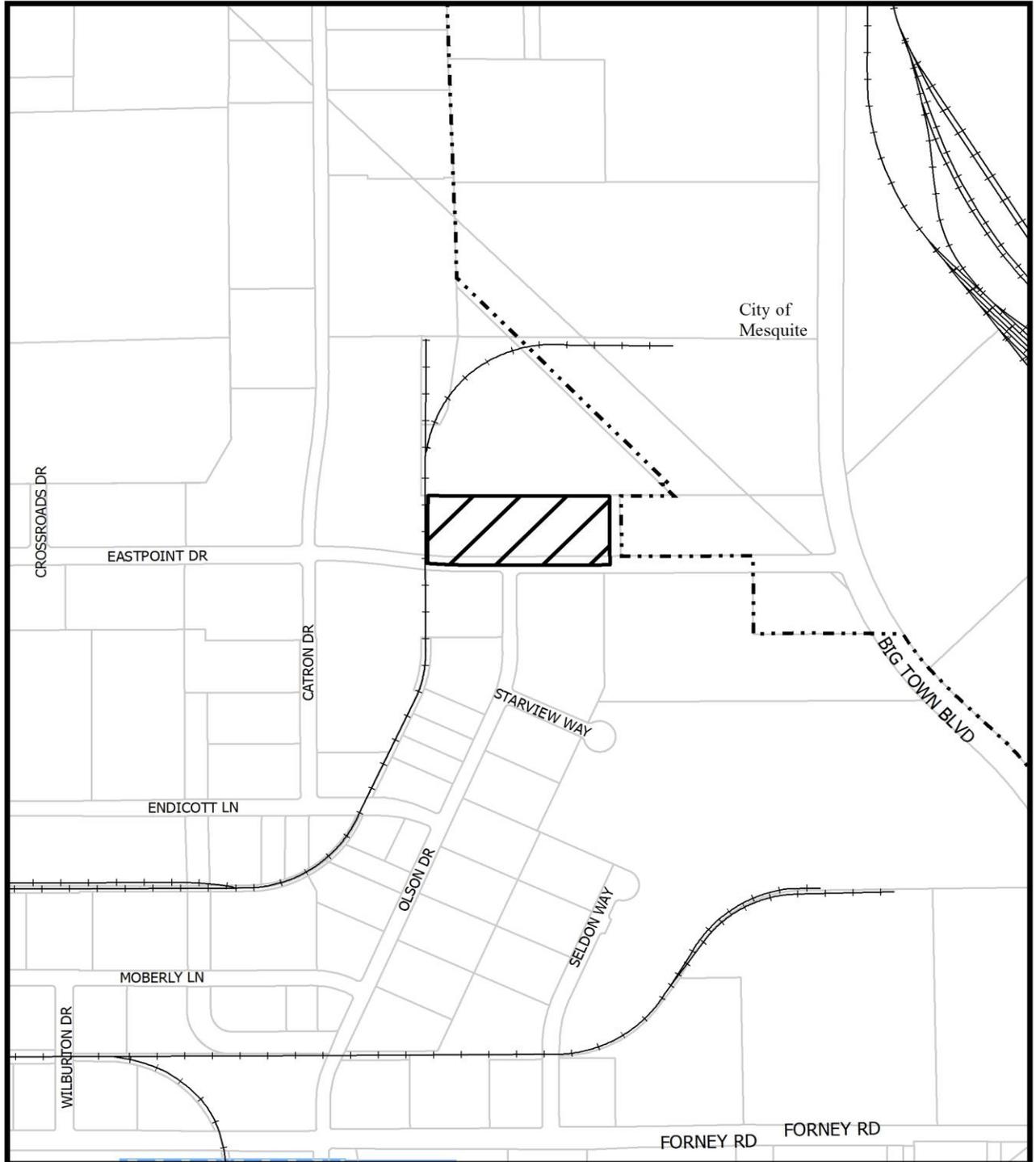
- Required front yard setback is 15 feet.

**Floor Area Ratio:**

- 0.05 for retail uses.

III.

These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.



1:6,000

# VICINITY MAP

Case no:     **Z156-336**    

Date:     **10/6/2016**

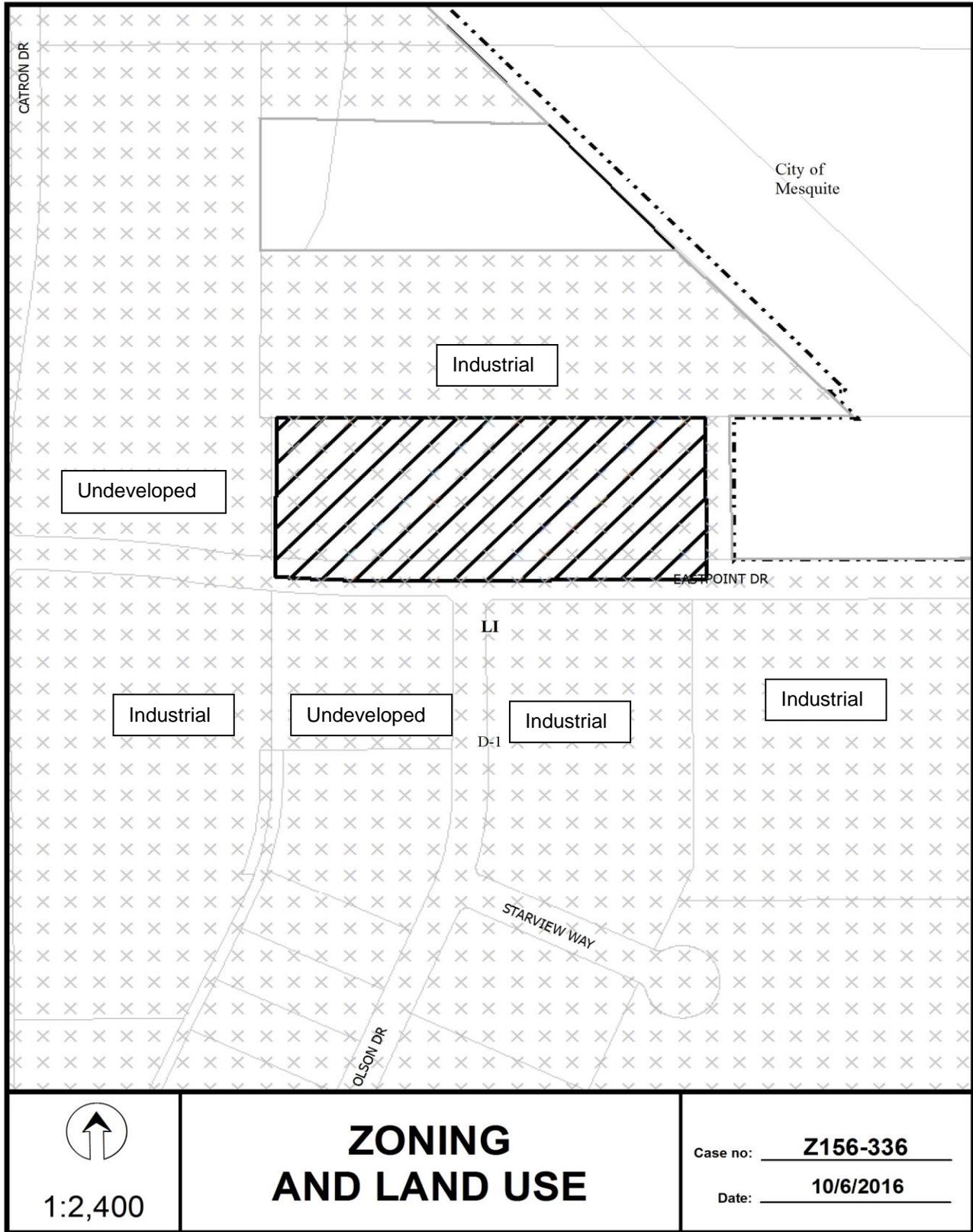


1:2,400

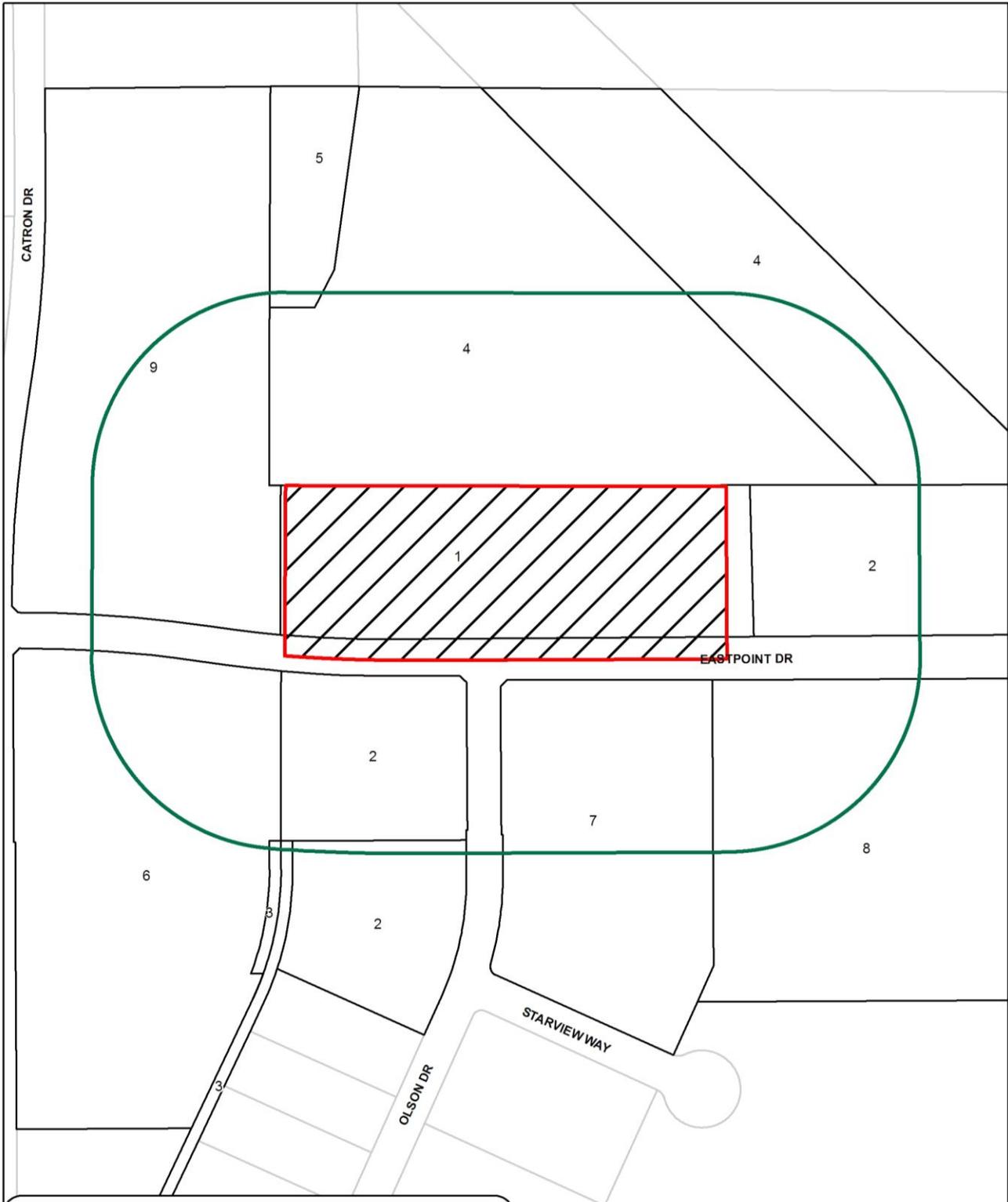
# AERIAL MAP

Case no:     Z156-336    

Date:     10/6/2016



**CPC RESPONSES**



<u>9</u>	Property Owners Notified (13 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>10/20/2016</u>	Date

**Z156-336**  
**CPC**



1:2,400

## ***Notification List of Property Owners***

***Z156-336***

***9 Property Owners Notified    0 Property Owners in Favor    0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5000	CATRON DR	BAPTIST FOUNDATION OF TX
2	4931	OLSON DR	BAPTIST FOUNDATION OF TX
3	8404	EASTPOINT DR	BUCKNER BAPTIST BENEVOLENCES
4	1515	BIG TOWN BLVD	ECS BIG TOWN LLC
5	5140	CATRON DR	ART MORTGAGE BORROWER PROPCO 2010 5 LLC
6	8420	EASTPOINT DR	BAKER INV & HOLDINGS LLC
7	4930	OLSON DR	BECKNELL WHOLESALE 1 LP
8	1201	BIG TOWN BLVD	FIRST CO
9	5000	CATRON DR	SCHWAN'S HOME SERVICE INC

**AGENDA ITEM # 51**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 13  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 23 G

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 623 for R-10(A) Single Family District uses to allow for a private school by right on property on the southeast corner of Webb Chapel Road and Royal Lane  
Recommendation of Staff and CPC: Approval, subject to a revised development plan, a traffic management plan, and conditions  
Z156-338(OTH)

**FILE NUMBER:** Z156-338(OTH)

**DATE FILED:** July 22, 2016

**LOCATION:** On property on the southeast corner of Webb Chapel Road and Royal Lane.

**COUNCIL DISTRICT:** 13

**MAPSCO:** 23-G

**SIZE OF REQUEST:** ± 3.983 acres

**CENSUS TRACT:** 97.02

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**APPLICANT:** The Cambridge School

**OWNER:** Walnut Hill Evangelical Lutheran Church

**REPRESENTATIVE:** Karl A. Crawley, MASTERPLAN

**REQUEST:** An application to amend Planned Development District No. 623 for R-10(A) Single Family District uses to allow for a private school by right.

**SUMMARY:** The applicant proposes to demolish some of the structures and build new ones for a private school use. The applicant is proposing to limit the maximum floor area of the school to 53,000 square feet and proposing a maximum structure height of 37 feet.

**CPC RECOMMENDATION:** Approval, subject to a revised development plan, a traffic management plan, and conditions.

**STAFF RECOMMENDATION:** Approval, subject to a revised development plan, a traffic management plan, and conditions.

**Background:**

- The proposed site is currently developed with three structures that total approximately 17,207 square feet built in 1971 for a church use and a private school on a 3.983 acre property. The applicant is proposing to demolish some of the existing structures and to add three new buildings for approximately 45,000 square feet. The maximum proposed floor area for the school is 53,000 square feet.
- The applicant is proposing to relocate the existing private school that currently serves 105 students in grades 6<sup>th</sup> to 12<sup>th</sup>. The applicant is proposing to redevelop the property with 10 middle school classrooms and 10 high school classrooms, with a maximum number of students to be 210.
- The proposed school is located within a residential neighborhood at the intersection of Royal Lane and Webb Chapel, two six-lane divided thoroughfares.
- The property is adjacent to single family to the east and south and surrounded by single family to the north and south; retail to the northwest; office retail and residential to the west.
- The school's classes are from 8:00 a.m. to 3:00 p.m. According to the school officials, of the 210 students, approximately 25 percent of the students will drive to school; no students will walk or take the bus to school. Approximately 45 percent of the students will participate in afterschool activities.
- The property has several trees on the northwest corner of the site, the applicant is proposing to conserve them as it is stated in the PD conditions and shown on the development plan.

**Zoning History:** There have not been any zoning requests in the area within the last five years.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing ROW</b>
Royal Lane	Principal Arterial	100 ft.
Webb Chapel Road	Principal Arterial	90 ft.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PD No. 623	Church
<b>North</b>	R-10(A)	Single Family
<b>Northwest</b>	CR	Retail
<b>East</b>	R-10(A)	Single Family
<b>South</b>	R-10(A)	Single Family
<b>West</b>	NO(A),D(A) & R-10(A)	Single Family, office and retail

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request.

The following goals and policies support the proposed development:

**Land Use Element**

GOAL 1.1 Align Land Use Strategies with Economic Development Priorities

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods’ unique characteristics.

The surrounding neighborhood is residential; one of the primary uses of a residential neighborhood is institutional uses such as schools.

**Urban Design**

GOAL 5.2 Strengthen Community and Neighborhood Identity

Policy 5.2.1 Maintain neighborhood scale and character.

The proposed addition will not exceed 37 feet in height. The proposed new structure will be compatible with the existing surrounding structures.

**Land Use Compatibility:**

The request site is currently developed with several structures that total approximately 17,207 square feet and were built in 1971. The property is currently being used for a church. The church is selling the property to the proposed school. The applicant is proposing to demolish some of the existing structures and to add three new buildings for approximately 45,000 square feet. An existing 8,000 square feet will remain for the use of the school. The maximum proposed floor area for the school is 53,000 square feet.

The property is adjacent to single family to the east. Surrounding uses are single family and retail to the north; single family to the east; and retail, office and single family to the west.

The proposed school at one time operated on the proposed site. The school is currently operating at a different location. However, because the school wants to expand, the applicant is proposing to move to this site. The school will have 10 classrooms for middle school and 10 classrooms for high school for approximately 210 students.

Staff suggested the applicant provide design standards such as a wider sidewalk (there is an existing four foot sidewalk), locate the buildings closer to the street, provide more open space, and locate parking away from the street. However, the applicant did not consider any of staff's suggestions.

Staff is supporting the applicant's request without the suggested changes to make the site more pedestrian-oriented because the school indicated students will not walk to school or use the bus.

**Traffic:**

The applicant provided a Traffic Management Plan for staff review. The Engineering Division of the Sustainable Development and Construction Department has reviewed the proposed development and Traffic Management Plan and determined that it will not significantly impact the surrounding roadway system.

The school operations will be Monday through Friday from 8:00 a.m. to approximately 6:00 p.m. The school's classes are from 8:00 a.m. to 3:00 p.m. According to school officials, of the 210 students, approximately 25 percent of the students will drive to school; no students will walk or take the bus. Approximately 45 percent of the students will participate in afterschool activities.

**Parking:**

The parking requirement for a middle school is 3.5 parking spaces per classroom. Parking requirement for a high school is 9.5 parking spaces. The school proposes 10 middle school classrooms which will require 35 parking spaces; and 10 high school classrooms which will require 95 parking spaces. The total required number of parking

Z156-338(OTH)

spaces for the proposal is 130 parking spaces. The school is providing 135 parking spaces.

**Landscaping:**

The applicant is proposing landscaping in accordance to Article X. The development plan is indicating that the existing trees in the proposed courtyard will be the "Tree Conservation Area".

**CPC ACTION:  
December 1, 2016**

***De minimus* Significant Change Motion:** In considering the requirement in Section 5(m)(1)(B) of the CPC rules of procedure, the finding is it does not apply because the impact of the proposed change in the commission's judgment is *de minimus* in nature.

Maker: Murphy  
Second: Schultz  
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,  
Anantasomboon, Haney, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 7

**Motion II:** It was moved to recommend **approval** of an amendment to Planned Development District No. 623 for R-10(A) Single Family District uses to allow for a private school by right, subject to a revised development plan, a traffic management plan, and revised conditions with the following additions and modifications: 1) Limit Building A and D to 37 feet in height; Building B 34 feet in height and Building C 18 feet in height, 2) If the solid fence shown on the development plan is constructed using wood it must be board on board construction, 3) Any windows on the second floor of Building A that faces east (toward Earlshire) will be opaque or translucent or glass block below 6 feet in height, per the conditions; 4) The landscape buffer along the most easterly Property line will include large canopy trees at a maximum spacing of one tree per 30 linear feet, and 5) Traffic Study – The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the TMP and must be submitted to the Director by the one-year anniversary of issuance of the Certificate of Occupancy on property on the southeast corner of Webb Chapel Road and Royal Lane.

Maker: Murphy  
Second: Schultz  
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,  
Anantasomboon, Haney, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Z156-338(OTH)

Against: 0  
Absent: 0  
Vacancy: 1 - District 7

**Notices:** Area: 500 Mailed: 122  
**Replies:** For: 25 Against: 2

**Speakers:** For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202  
Robert Ekblad, Address not given  
Paul Wolfe, 3877 Walnut Hill Ln., Dallas, TX, 75229  
Against: None

## Partners and Principles

### Cambridge School of Dallas

#### Board of Trustees

Tim Byrne

Robert (Bob) Farrow

Brad Gahm

Tal Hicks

Marc Hoppers

Kirk Killian

Joe Neely

Ana Moner

Michael Richmond

Blair Toates

Carrie Williams

#### Head of School

B. Paul Wolfe

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### WALNUT HILL LUTHERAN CHURCH

William Erickson President

Judy Bracken Vice President

Joy Reemtsma Elder

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**CPC CONDITIONS**

**ARTICLE 623.**

**PD 623.**

**SEC. 51P-623.101. LEGISLATIVE HISTORY.**

PD 623 was established by Ordinance No. 25033, passed by the Dallas City Council on September 25, 2002. (Ord. 25033)

**SEC. 51P-623.102. PROPERTY LOCATION AND SIZE.**

PD 623 is established on property located on the southeast corner of the intersection of Webb Chapel Road and Royal Lane. The size of PD 623 is approximately 3.983 acres. (Ord. 25033)

**SEC. 51P-623.103. DEFINITIONS AND INTERPRETATIONS.**

- (a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.
- (b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.
- (c) This district is considered to be a residential zoning district. (Ord. 25033)
- (d)

**SEC. 51P-623.103.1. EXHIBITS.**

The following exhibits are incorporated into this article:

- (1) Exhibit 623A: development plan.
- (2) Exhibit 623B: traffic management plan.

**SEC. 51P-623.104. MAIN USES PERMITTED.**

(a) Except as provided in this section, t[F]he only main uses permitted [in this district] are those main uses permitted in in the R-10(A) Single Family District, subject to the same conditions applicable in the R-10(A) Single Family District, as set out in Chapter 51A [the Dallas Development Code, as amended]. For example, a use permitted in the R-10(A) Single Family District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the R-10(A) Single Family District is subject to DIR in this district; etc. (Ord. 25033)

(b) **The following main use is permitted by right:**

**-- Private school.**

**SEC. 51P-623.105. ACCESSORY USES.**

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A4.217. (Ord. 25033)

**SEC. 51P-623.106. DEVELOPMENT PLAN.**

(a) For a private school, development and use of the Property must comply with the development plan (Exhibit 623A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) For all other uses, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule and landscape plan do not apply. (Ord. 25033)

**SEC. 51P-623.107. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the [contained in Section 51A-4.112(e), "R-10(A) Single Family District"] apply.

(b) Private school.

(1) Floor area. Maximum floor area for all buildings combined is 53,000 square feet.

(2) Height. Maximum structure height is 37 feet. The maximum height of Buildings A and D is 37 feet. The maximum height of Building B is 34 feet and the maximum height of Building C is 18 feet.

(c) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less.

**SEC. 51P-623.108. OFF-STREET PARKING AND LOADING.**

(a) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) Private school.

(1) Off-street parking and loading must be provided as shown on the development plan.

(2) Parking may be provided in the required front yards along Royal Lane, Webb Chapel Road, and Regent Drive as shown on the development plan.

~~Off street parking and loading must be provided in accordance with the requirements of Chapter 51A. A shared parking agreement is allowed for two institutional uses sharing the same site.]~~

**SEC. 51P-623.108.1. TRAFFIC MANAGEMENT PLAN.**

(a) In general. The operation of a private school must comply with the traffic management plan (Exhibit 623B).

(b) Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.

(c) Traffic study.

(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by the one year anniversary of issuance of the Certificate of Occupancy. After the initial traffic study, the Property owner or operator shall submit annual updates of the traffic study to the director by November 1 of every other even-year.

(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

(A) ingress and egress points;

(B) queue lengths;

(C) number and location of personnel assisting with loading and unloading of students;

(D) drop-off and pick-up locations;

(E) drop-off and pick-up hours for each grade level;

(F) hours for each grade level; and

(G) circulation.

(3) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

(A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

(d) Amendment process.

(1) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

**SEC. 51P-623.109. ENVIRONMENTAL PERFORMANCE STANDARDS.**

(a) Except as provided in this section, s[S]ee Article VI. (Ord. 25033)

(b) Prohibited light sources. The following light fixtures and sources may not be used if the direct light emitted is visible from adjacent properties:

(1) Low pressure sodium and mercury vapor light sources;

(2) Cobra-head type fixtures having dished or drop lenses or refractors which house other than incandescent sources; and

(3) Searchlights and other high intensity narrow-beam fixtures.

(c) Lighting design requirements. Outdoor lighting must primarily be used to provide safety, accent key architectural elements, or emphasize public art or landscape features. All lighting fixtures must meet the following requirements:

(1) Fixture (luminaire).

(A) The light source must be concealed.

(B) In order to direct light downward and minimize the amount of light spillage into the night sky and onto adjacent properties, all lighting fixtures must be full cutoff fixtures.

(C) Fixtures must be mounted in such a manner that the cone of light is contained on-site and does not cross any property line on the perimeter of the Property.

(D) Lighting fixtures may not exceed 12 feet in height above the parking surface and be shielded in order to direct light towards the parking surface.

(d) Specific lighting standards.

(1) Security lighting.

(A) Building mounted security light fixtures such as wall packs may not project above the roof line of the building and must be shielded.

(B) Security lighting fixtures may not face residential uses adjacent to the Property.

(2) Accent lighting. Only lighting used to accent architectural elements, landscaping, or art may be directed upward, provided that the fixture is located, aimed, or shielded to minimize light spill into the night sky.

(3) Excessive illumination. Lighting must not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers.

**SEC. 51P-623.110.                    LANDSCAPING AND TREE PRESERVATION.**

- (a) Except as provided in this section, [L]andscaping and tree preservation, removal, and replacement must be provided in accordance with Article X.
- (b) All plant materials must be maintained in a healthy, growing condition. (Ord. 25033)
- (c) Trees located in the area labeled “Tree Conservation Area,” shown on the development plan must be preserved.
- (d) The landscape buffer shown on the development plan along the eastern most boundary of the Property must contain at a minimum one large canopy tree for each 30 linear feet.
- (e)

**SEC. 51P-623.111.                    SIGNS.**

Signs must comply with the provisions for non-business zoning districts in Article VII. (Ord. 25033)

**SEC. 51P-623.111.1.                    FENCING.**

For a private school, fencing must be provided in the location shown on the development plan. The maximum height for a fence in the required front yard is six feet. If the solid fence as shown on the development plan is constructed of wood it must be board on board type construction.

**SEC. 51P-623.112.                    ADDITIONAL PROVISIONS.**

- (a) The entire Property must be properly maintained in a state of good repair and neat appearance.
- (b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. Nos. 25033; 26102)
- (c) A private school must comply with the following design standards:
  - (i) A minimum of 60 percent of each façade facing the property line (not including those facing an interior courtyard) must be constructed of masonry material such as brick, stone, engineered stone, concrete, stucco, or a combination of these materials. Exterior insulated finish systems (EIFS) is limited to a maximum of 10 percent.
  - (ii) Windows facing the property line, located on the second floor and within 100 feet of the property line must be either translucent, glass block, or a height of six feet or greater from the story below. Any windows located on the second floor of Building A that face east must be either translucent, glass block, or a height of six feet or greater from the story below.
  - (iii) Outdoor recreation or playfields may not be lighted or have sound amplification. Permanent seating at outdoor recreation or playfields is prohibited.

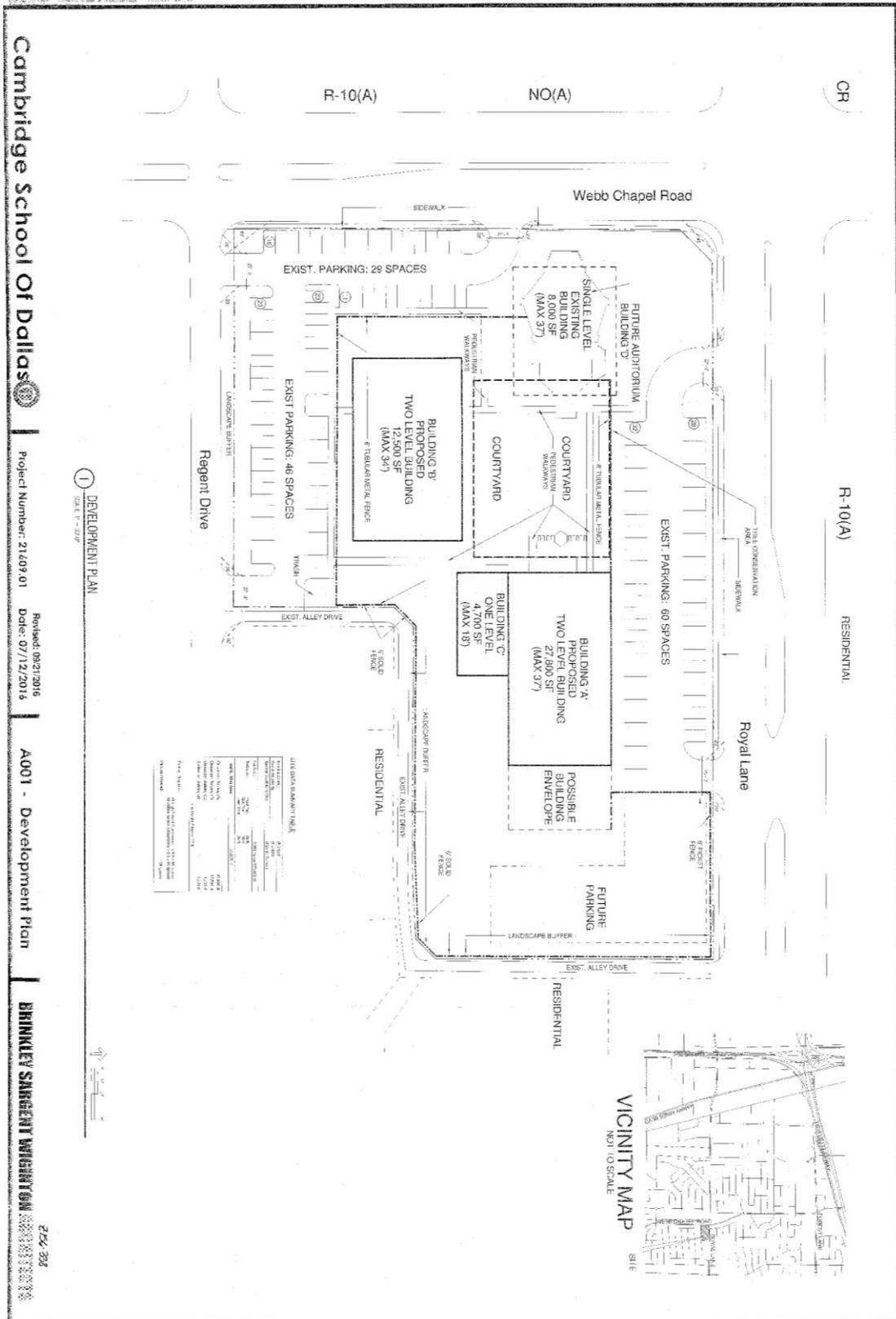
**SEC. 51P-623.113. COMPLIANCE WITH CONDITIONS.**

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit or a certificate of occupancy for a use in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 25033; 26102)

~~[SEC. 51P-623.114. ZONING MAP.  
PD 623 is located on Zoning Map No. E-5.]~~

# PROPOSED DEVELOPMENT PLAN



**TRAFFIC MANAGEMENT PLAN**

*TRAFFIC MANAGEMENT PLAN FOR*  
**THE CAMBRIDGE SCHOOL OF DALLAS**

*IN DALLAS, TEXAS*  
*DESHAZO PROJECT NO. 16066*

*Z \_\_\_\_ - \_\_\_\_*

*Prepared for:*

**The Cambridge School of Dallas**

PO Box 540186  
Dallas, Texas 75354

*Prepared by:*



**Texas Registered Engineering Firm F-3199**

400 South Houston Street, Suite 330  
Dallas, Texas 75202  
214.748.6740

*July 26, 2016*



Traffic Management Plan for  
**The Cambridge School of Dallas**

~ DeShazo Project No. 16066 ~

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**LIST OF TABLES:**

**Table 1. Proposed School Operational Characteristics**

**Table 2. Peak On-Site Vehicle Demand during Afternoon Pick-Up Period**

**LIST OF EXHIBITS:**

**Exhibit 1. Traffic Management Plan for Peak School Traffic**





## Technical Memorandum

**To:** Bob Farrow — The Cambridge School of Dallas  
**From:** David Nevarez, P.E. — DeShazo Group, Inc.  
**Date:** July 26, 2016  
**Re:** Traffic Management Plan for The Cambridge School of Dallas in Dallas, Texas  
*DeShazo Project Number 16066; Case Number Z \_\_\_\_ - \_\_\_\_*

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### INTRODUCTION

DeShazo Group, Inc. (DeShazo) is an engineering consulting firm providing licensed engineers skilled in the field of traffic/transportation engineering. The services of DeShazo were retained by The Cambridge School of Dallas (“School”) to prepare a traffic management plan (TMP) for the proposed relocation of their campus.

The Cambridge School of Dallas is an academic institution currently serving over 105 students in 6<sup>th</sup> to 12<sup>th</sup> Grade. The School is currently located at 3877 Walnut Hill in Dallas, Texas. The school administration is planning a relocation of their facilities with the opportunity to provide additional student capacity for a maximum enrollment of 210 students. The proposed new campus is located at 3202 Royal Lane in Dallas, Texas. A preliminary site plan, prepared by BSW Architects, is provided as reference in this report.

The proposed school site is zoned Planned Development (PD) District 623. Zoning provisions permit the development of a private school under specific stipulations of a Specific Use Permit. As part of the approval process, the City of Dallas requires submittal of a TMP as a record of the preferred traffic control strategies and to ensure safe and efficient traffic operations. The plan is intended to assess anticipated traffic conditions during the morning drop-off and afternoon pick-up activities on the basis of satisfying these objectives. By consent of the TMP submittal, the school agrees to the strategies presented herein. In addition, the school is held self-accountable to enforce the plan until and unless the City of Dallas deems further mitigation measures are necessary.

### TRAFFIC MANAGEMENT PLAN

A school TMP is important to safely achieve an optimum level of traffic flow and circulation during peak traffic periods associated with student drop-off and pick-up operations. By properly managing vehicular traffic generated during critical periods, the safety and efficiency of school carpool operations will also inherently improve. This TMP should not be considered a comprehensive set of instructions to ensure adequate safety; however, it is a tool that aims to facilitate a safer and more efficient environment.

This analysis identifies minimum requirements needed to accommodate projected school traffic demands during peak periods. A concerted effort and full participation by the school administration, staff, students and parents are essential to maintain safe and efficient traffic operations.

**School Operational Characteristics**

**Table 1** summarizes the proposed operational characteristics for the School:

**Table 1. Proposed School Operational Characteristics**

	Existing Conditions	Proposed Conditions
Student Enrollment:	Grades 6–9 <sup>th</sup> .....45 Grades 10–12 <sup>th</sup> .....60 <i>Total (all grades): 105</i>	Grades 6–9 <sup>th</sup> ..... 90 Grades 10–12 <sup>th</sup> .....120 <i>Total (all grades): 210</i>
School Staff:	28 staff members	38 staff members
Daily Arrival Schedule:	Grades 6–12 <sup>th</sup> ..... 8:00 AM	Same As Before
Daily Departure Schedule:	Grades 6–12 <sup>th</sup> .....3:00 PM	Same As Before
Students Travelling by Modes Other Than Drop-off/Pick-up:	School/Public Bus, Walk .....0% Student Drivers .....25% Afterschool Activities .....45%	Same As Before

NOTE #1: In addition, the school may hold occasional events that generate traffic outside of traditional peak periods. While some measures presented in this report may apply to such cases, this analysis evaluates traffic characteristics associated only with traditional school peak periods.

NOTE #2: Up to 50 students (approximately 25% of the total student population) are anticipated to drive themselves to school. Only students from 10<sup>th</sup> through 12<sup>th</sup> grade are currently permitted to park on school campus; this policy will remain in effect in the future.

**Site Access and Circulation**

During the morning drop-off period, all students must be dropped off in front of the school at the south parking lot. Motorists should enter the school property from Regent Drive and proceed to drop off students at the designated loading zone in the front of the school building. All vehicular traffic should continue along the designated route and exit onto Webb Chapel Road. School administration and faculty staff parking will also be allocated in the south parking lot; student drivers will park at designated areas in the north lot.

**Exhibit 1** presents a schematic depiction of site access and circulation during the afternoon pick-up period. The loading zone for 6<sup>th</sup> to 9<sup>th</sup> grade students is located in the south parking lot; the loading zone for 10<sup>th</sup> to 12<sup>th</sup> grade students is located in the north parking lot. Both lots will operate as one-way facilities during the afternoon pick-up period. The eastern driveway on Regent Drive and eastern driveway on Royal Lane will be inbound-only; the driveway on Webb Chapel Road and western driveway on Royal Lane will be exit-only during school pick-up and drop-off periods.

During the afternoon pick-up periods, passenger vehicles will access their corresponding driveway and directly proceed to form a queue towards the loading/unloading area along the designated route. Traffic circulation may be demarcated by either pavement markings or signs. Once in queue, 6<sup>th</sup>-9<sup>th</sup> grade traffic will operate as a double line of vehicles with the opportunity to park before reaching the loading area. Pick-up operations in the north parking lot are not expected to generate considerable queues. Traffic studies at various private academic institutions show a significantly dispersed pick-up operations for higher grades—considerably reduced due to the number of student drivers and after school activities.

NOTE: site access and circulation recommendations also included an evaluation of student population distribution by ZIP Code.

**Passenger Unloading/Loading**

During morning drop-off periods, vehicular traffic will enter the school site to unload students directly at their designated unloading areas. Alternatively, parents will be permitted to proceed toward the visitor-designated parking and walk students to the building. During afternoon pick-up periods, vehicular traffic will drive into the parking lot and either join the queue line to load passengers or park in a designated visitor parking space to wait for their student(s) to arrive.

The School will enforce a managed loading protocol during the afternoon pick-up periods whereby vehicles enter and circulate through the prescribed route and form a systematic queue. Students will be released from the school *en masse*. School staff will also be positioned at strategic locations ahead of the pick-up areas to relay the sequence of parents’ arrival back to the loading zone. School will potentially load several vehicles simultaneously with the assistance of staff stationed at the loading area. Once loaded, vehicles are cleared by school staff to carefully egress along the designated route.

**Vehicle Queuing**

The goal for any school is to accommodate all vehicular queuing and drop-off/pick-up procedures on private property. In lieu of any published, standardized technique for projecting necessary queue lengths, DeShazo developed a proprietary methodology for estimating peak vehicular queue based upon historical studies conducted at various school sites. School observations consistently indicate that maximum queues occur during the afternoon peak period when students are being picked-up—the morning period is typically not a significant traffic issue since drop-off activities are more temporally distributed and occurs much more quickly than student pick-up. The projected peak number of vehicles during each dismissal time is provided in **Table 2.**

**Table 2. Peak On-Site Vehicle Demand during Afternoon Pick-Up Period**

Student Group:	6 <sup>th</sup> -9 <sup>th</sup> Grade	10 <sup>th</sup> -12 <sup>th</sup> Grade
Dismissal Time:	3:00 PM	3:00 PM
Student Drivers:	--	50 students
Student pick-up:	90 students	70 students
<b>Peak Number of Vehicles (estimated):</b>	<b>23 vehicles</b>	<b>10 vehicles</b>

**SUMMARY & RECOMMENDATIONS**

School traffic delays and congestion during the afternoon pick-up period is notably greater than the traffic generated during the morning drop-off period due to timing and concentration characteristics. In most instances, achieving efficiency during the afternoon period is most critical, while the morning traffic operations require nominal active management. The following recommendations are provided by DeShazo to the School for the management of traffic specifically generated by the School during the afternoon periods.

1. The School should implement an “Advance Passenger Identification System”. At the beginning of each school term, parents should be issued hangtags with unique identification that pairs them with corresponding student(s). During the pick-up period, hangtags must be on display through the

vehicle's windshield while parents arrive at the pick-up areas. School staff should be positioned at strategic locations ahead of the loading area and relay the sequence of arrivals via hand radio while students are prepped for pick-up. With the assistance of other school staff stationed at the loading area, several vehicles should be loaded simultaneously. After loading, vehicles should be cleared by school staff to carefully exit the queue along the designated route.

2. DeShazo recommends implementation of the traffic circulation plan depicted in **Exhibit 1** based upon a review of the proposed site and the anticipated needs of traffic during peak conditions. This plan was designated to optimize the on-site vehicular circulation and retention of queued vehicles in a manner that promotes safety and operational efficiency. The recommended plan provides a designated route for each queue and its respective loading zone.
  - The loading area for 6<sup>th</sup> – 9<sup>th</sup> grade students in the south side of school campus provides 753 linear feet of on-site vehicular queuing or storage for up to 32 vehicles at 23.5 feet per vehicle. This capacity is expected to accommodate the projected vehicle demand for 6-9<sup>th</sup> grade students of 23 vehicles and provide a surplus of 212 linear feet.
  - The loading area for 10<sup>th</sup> – 12<sup>th</sup> grade students in the north side of school campus provides 564 linear feet of on-site vehicular queuing or storage for up to 24 vehicles at 23.5 feet per vehicle. This capacity is expected to accommodate the projected vehicle demand for 10<sup>th</sup>-12<sup>th</sup> grade students of 10 vehicles and provide a surplus of 329 linear feet.
3. School should block all vehicular access at the westernmost driveway on Regent Drive. The plan also includes a recommended configuration of temporary traffic control devices (such as traffic cones, etc.) that shall be installed on a daily basis when typical traffic conditions are expected. An appropriate number of school staff should be assigned to fulfill the duties of student supervision, traffic control, and other related duties as generally depicted on the plan.
4. Staff directing traffic should, in lieu of simple hand gestures, procure and use reversible hand-paddle signs with the messages (and symbols) for STOP and for SLOW (i.e., proceed slowly). Optional additional equipment used by staff may include whistles (for audible warnings) and flashlights (for visual warnings) in order to better-gain the attention of motorists.
5. No person(s) other than deputized officers of the law should engage or attempt to influence traffic operations in public right-of-way to minimize liabilities.
6. Reserved parking areas should be clearly marked for parents and visitors to identify staff and student parking to optimize traffic operations. The recommended parking assignment shown in **Exhibit 1** is meant to assign school staff (i.e., reserved) to spaces that may potentially be blocked by ingress queue under the assumption that those school staff do not arrive/depart the campus during student pick-up period(s). Likewise, the proposed student parking is intended to be located outside of the queue operations during the 6<sup>th</sup>-9<sup>th</sup> grade queue operations.
7. The school should install a temporary EXIT ONLY sign on the western driveway on Royal Lane to enforce a one-way traffic in the north parking lot.

The full cooperation of all school staff members, students, and parents is crucial for the success of this traffic management plan. Proper training of school staff on duties and expectations pertaining to the plan is recommended. Sufficient communications at the beginning of each school term (and otherwise, as needed) with students and parents on their duties and expectations is also recommended. In general, the following practices should also be enforced.

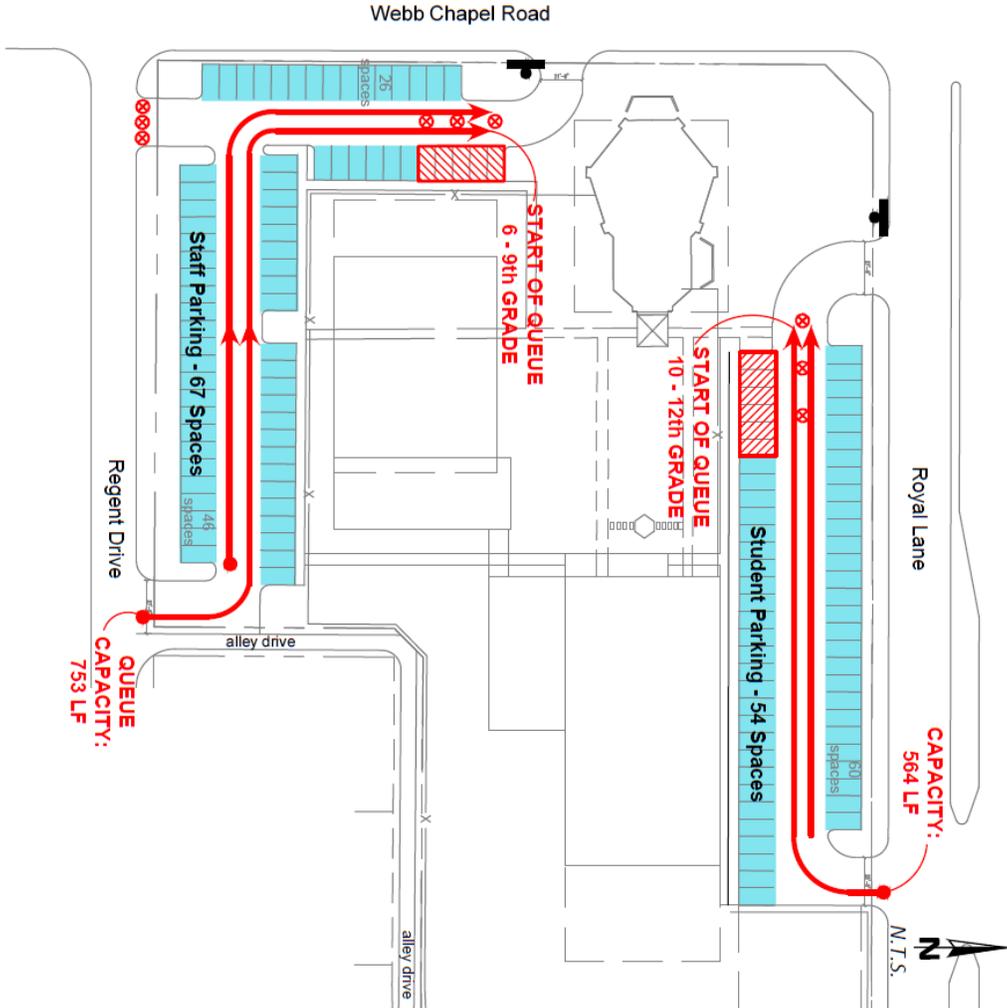
*DeShazo Group, Inc.  
July 26, 2016*

Passenger loading and unloading within public right-of-way should be avoided at all times to maximize personal safety. All queuing and parking should be accommodated within the school site boundaries. For circumstances where this cannot be avoided, coordination with City staff responsible for traffic operations in the area should occur so that appropriate mitigation measures can be immediately investigated.

This TMP is to be used by The Cambridge School of Dallas to provide safe and efficient transportation of students, staff, and faculty to and from the site. The plan was developed with the intent of optimizing safety and efficiency and the goal of accommodating within the site vehicular traffic generated by the school at peak traffic periods. The details of the TMP shall be reviewed by the school on a regular basis to confirm its effectiveness. A concerted effort and full participation by the school administration, staff, students and parents are essential to maintain safe and efficient traffic operations. The use of designated parking and queuing areas is necessary to minimize the operational impact on adjacent properties and the public street system.

**END OF MEMO**

*The Cambridge School of Dallas  
Traffic Management Plan  
Page 5*



**Queuing Summary**

Student Group	Dismissal Times & Students	Vehicular Demand
6 - 9th:	8:00 AM 3:00 PM	Provided: 753 LF (32 Cars) Projected: 541 LF (23 Cars) Surplus: 212 LF (9 Cars)
10 - 12th:	8:00 AM 3:00 PM	Provided: 564 LF (24 Cars) Projected: 235 LF (10 Cars) Surplus: 329 LF (14 Cars) (50 driving)

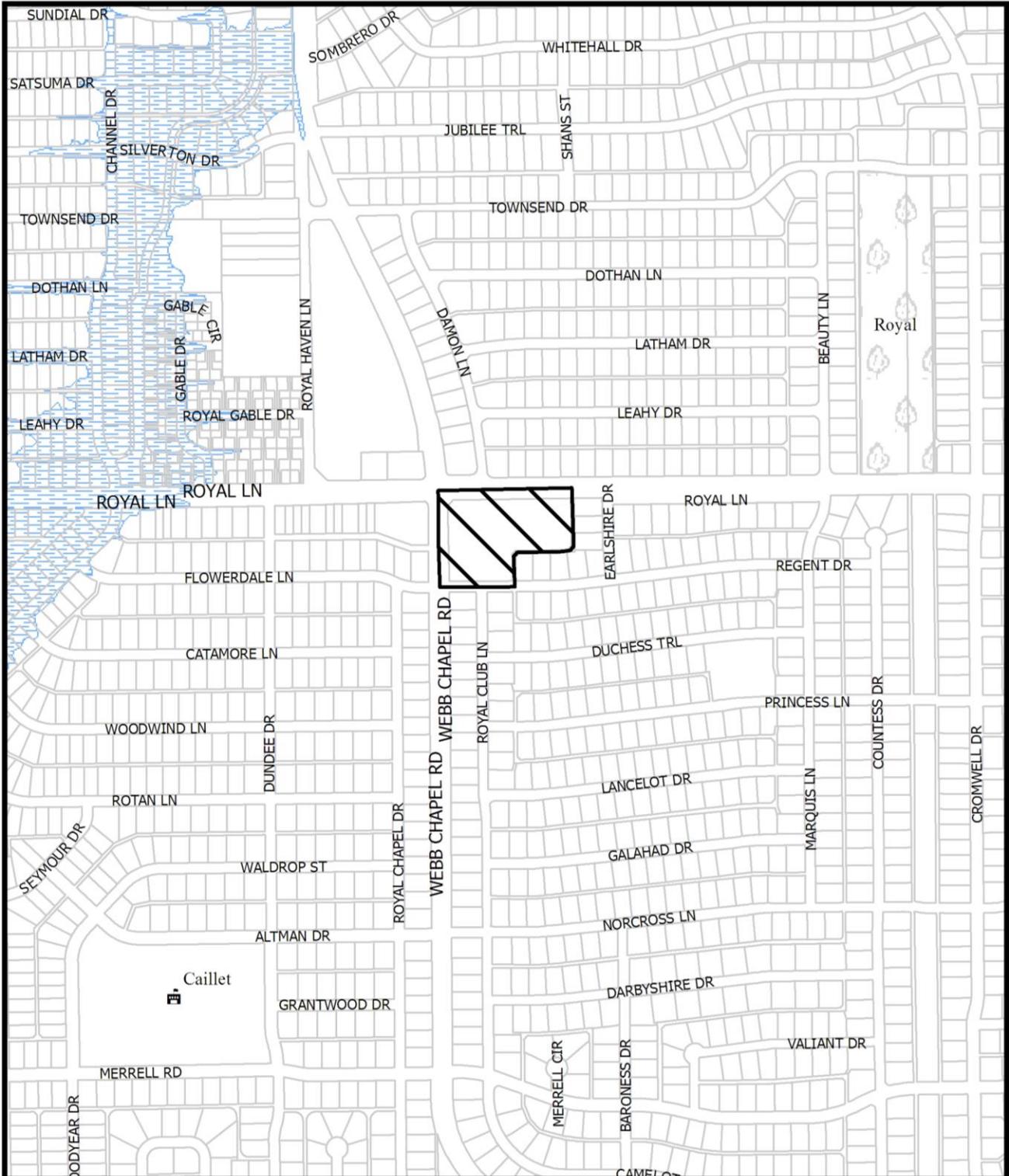
\*Vehicular queue calculated at 23.5 feet/passenger car based on field observations.

**Legend**

- \* - School Staff
- ▨ - Loading Area
- - Provided Queue Capacity
- ⊗ - Traffic Cones
- ⬇ - Temporary EXIT ONLY Sign (OPTIONAL)
- - Parking

The purpose of this Traffic Management Plan (TMP) is to evaluate traffic operations that promote safety and efficient vehicle circulation. This TMP was developed to prevent queuing of drop-off/pick-up related vehicles within the city rights-of-way. The school administration should adhere to this TMP. Any deficiency due to spillover of queuing into undesignated areas of the city rights-of-way, including roadway travel lanes, should be corrected by the school immediately.

I, David Nevarez, P.E. #106200, certify that the results of the queuing analysis—upon complete enforcement of this Traffic Management Plan—indicate that no queuing of vehicles will extend into City of Dallas rights-of-way as a result of internal queuing constraints during the study peak hours of school operation.

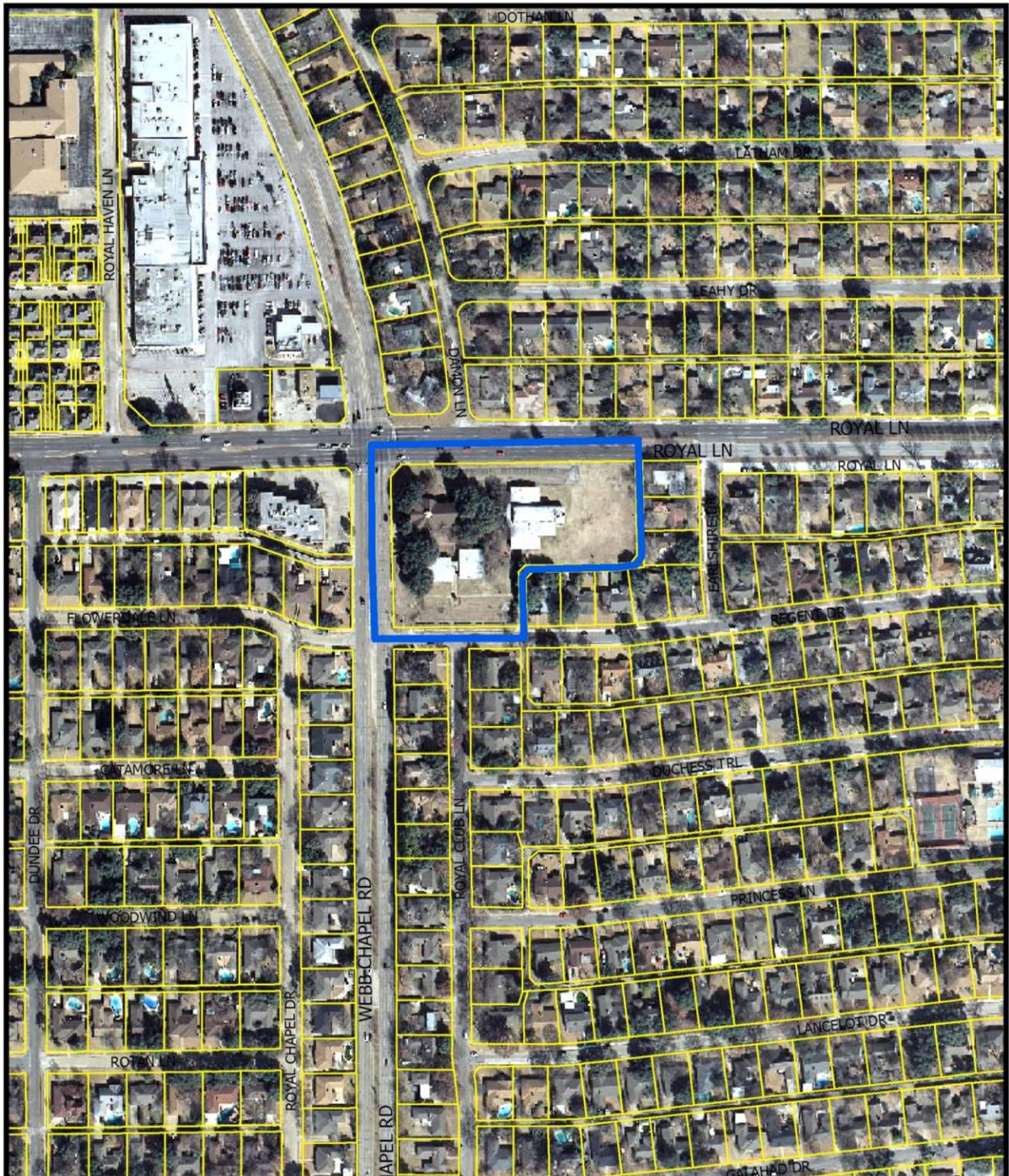


1:7,200

# VICINITY MAP

Case no: Z156-338

Date: 9/23/2016

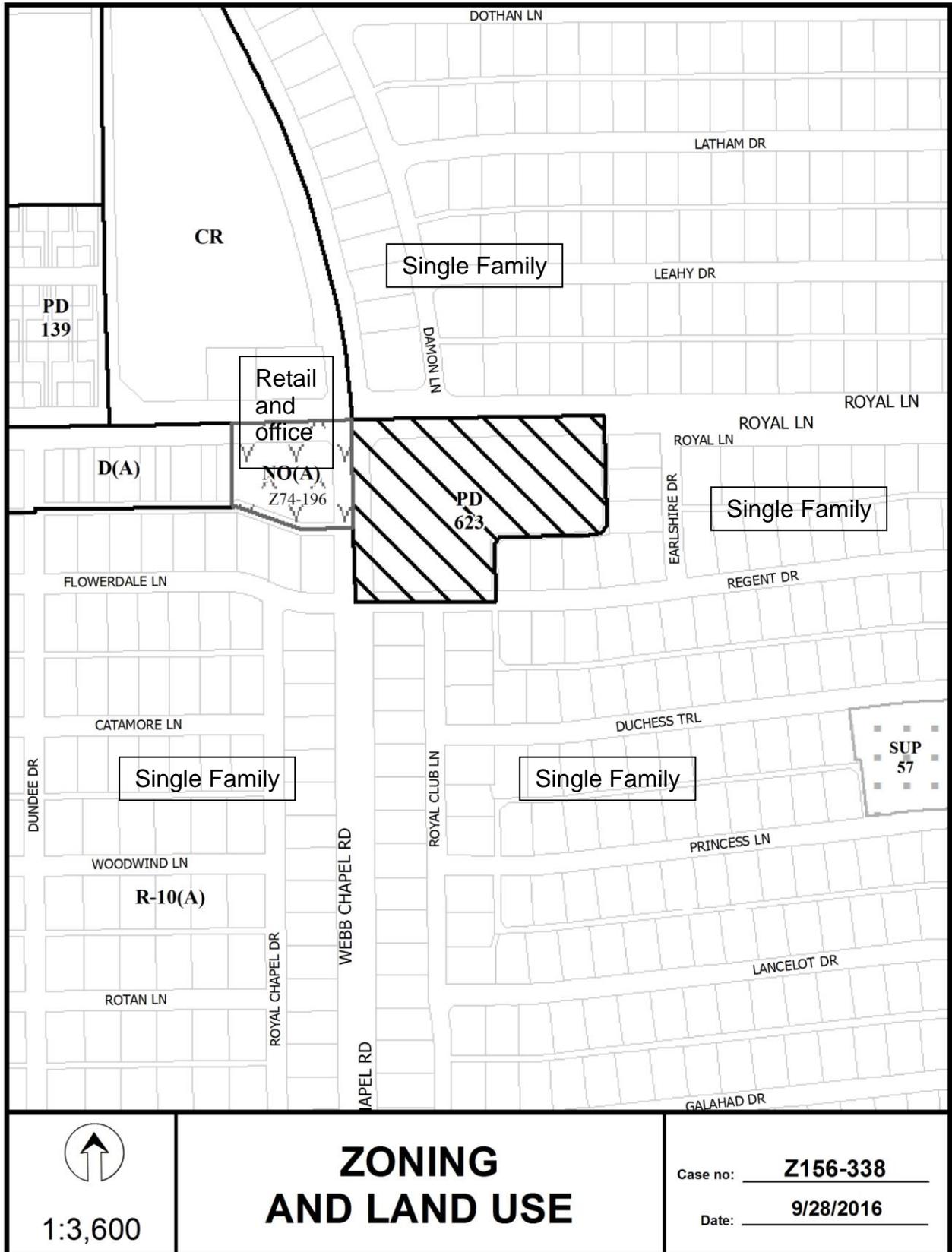


1:3,600

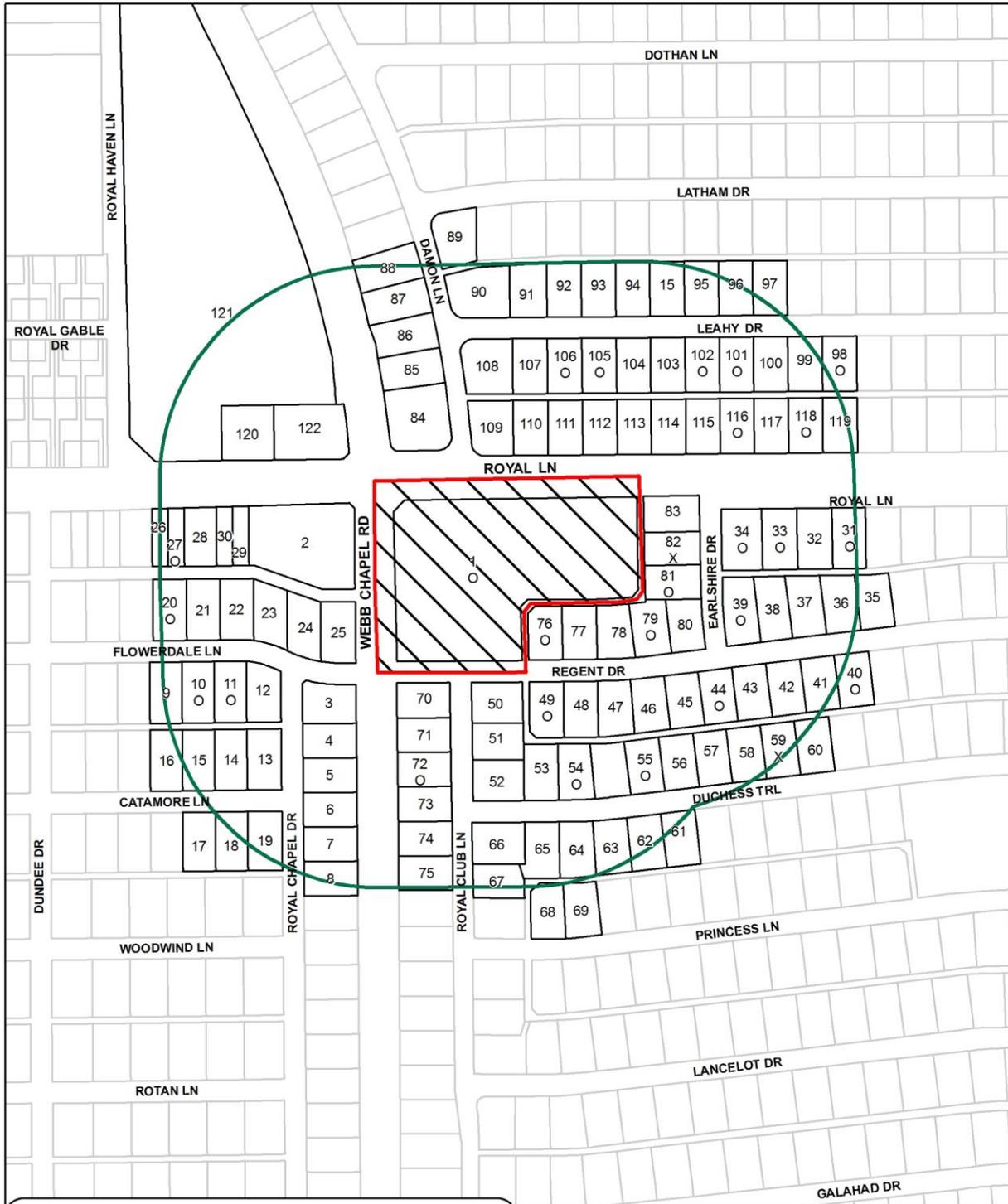
# AERIAL MAP

Case no: Z156-338

Date: 9/23/2016



**CPC RESPONSES**



<u>122</u>	Property Owners Notified (124 parcels)
<u>25</u>	Replies in Favor (25 parcels)
<u>2</u>	Replies in Opposition (2 parcels)
<u>500'</u>	Area of Notification
<u>12/1/2016</u>	Date

**Z156-338**  
**CPC**



1:3,600

11/30/2016

***Reply List of Property Owners******Z156-338******122 Property Owners Notified******25 Property Owners in Favor******2 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	1	3202 ROYAL LN	WALNUT HILL EVANGELICAL
	2	3198 ROYAL LN	PRIDE CHARLEY ENT
	3	10636 ROYAL CHAPEL DR	CHISOLM ROBERT & HELEN
	4	10632 ROYAL CHAPEL DR	SOLANO BENITA
	5	10626 ROYAL CHAPEL DR	DUNLAP CECILE & CHARLES
	6	10622 ROYAL CHAPEL DR	GODINEZ GONZALO &
	7	10616 ROYAL CHAPEL DR	DIXSON ADORIYUN & STEPHANIE
	8	10612 ROYAL CHAPEL DR	RUSSELL BOYD TAYLOR III
	9	3222 FLOWERDALE LN	GRIMES STEVEN
O	10	3228 FLOWERDALE LN	SCARBROUGH BENJAMIN P &
O	11	3232 FLOWERDALE LN	BANDA PEDRO &
	12	3240 FLOWERDALE LN	LOPEZ ARMANDO & MIRTHALA
	13	3237 CATAMORE LN	DUSTIN STEPHEN C & CHERYL
	14	3233 CATAMORE LN	HARBERT ROBERT RAY &
	15	3227 CATAMORE LN	A & E REI LLC
	16	3221 CATAMORE LN	REBURN JEFFREY
	17	3226 CATAMORE LN	PRIEST ROBYN &
	18	3232 CATAMORE LN	HAMILTON FREDERICK W
	19	3238 CATAMORE LN	BALDWIN ROBERT L &
O	20	3223 FLOWERDALE LN	FISCHER DONALD C
	21	3229 FLOWERDALE LN	WHITE DANIEL J & ROBBIE S
	22	3235 FLOWERDALE LN	MONTERREY ENTERPRISES LTD
	23	3241 FLOWERDALE LN	TAPIA ROBERT
	24	3247 FLOWERDALE LN	ORTIZ BRENDA
	25	3253 FLOWERDALE LN	ORTIZ JUAN C
	26	3174 ROYAL LN	GREEN GORMAN R

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	27	3176 ROYAL LN	COKER CLAUDIA G
	28	3180 ROYAL LN	OGLE EDITH W
	29	3188 ROYAL LN	HOWARD STEVEN C
	30	3186 ROYAL LN	HOWARD STEVEN C
O	31	3316 ROYAL LN	FRANCOIS CAROL V
	32	3312 ROYAL LN	CLAKLEY MATTHEW ADAM & ELYSE KATHLEEN
O	33	3308 ROYAL LN	GOOLSBY TRACY LEE
O	34	3304 ROYAL LN	KING RAYMOND MICHAEL &
	35	3333 REGENT DR	KOPPA LANCE D & RACHEL
	36	3325 REGENT DR	THOMAS STEPHEN H &
	37	3319 REGENT DR	BEATTY DAVID JAMES &
	38	3311 REGENT DR	CAMPBELL CHARLES E &
O	39	3305 REGENT DR	WALKER JACK W
O	40	3326 REGENT DR	MCCARTAN KYLE & ANDREA GREEN
	41	3320 REGENT DR	SMITH KERRIE & JEFFERY TODD
	42	3312 REGENT DR	WRIGHT ANN E
	43	3306 REGENT DR	WOODS CHARLES R
O	44	3264 REGENT DR	SOSA RONALD R
	45	3256 REGENT DR	DUARTE ENEDINA J TRUSTEE
	46	3248 REGENT DR	DUKE MARY CATHERINE & KYLE WAYNE
	47	3242 REGENT DR	LOWRY INVESTMENT HOLDINGS LLC
	48	3236 REGENT DR	3236 REGENT DRIVE LAND TRUST
O	49	3228 REGENT DR	CRAIN TIMOTHY K &
	50	10636 ROYAL CLUB LN	OBRIEN JAMES B &
	51	10632 ROYAL CLUB LN	HARRIS JOE DANIEL &
	52	10626 ROYAL CLUB LN	HUNTER HELEN ANN
	53	3217 DUCHESS TRL	DEBTER CHARLES F &
O	54	3223 DUCHESS TRL	KEATHLEY DARRELL H
O	55	3233 DUCHESS TRL	CREAMER TRAVIS & GAYLE F
	56	3237 DUCHESS TRL	MUNTZEL MARK JR &
	57	3243 DUCHESS TRL	SCHWALB ORA MAE

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	3247 DUCHESS TRL	LOMONT BART MICHAEL &
X	59	3305 DUCHESS TRL	STARK DOLLYE L
	60	3309 DUCHESS TRL	KEY MELISSA ANN
	61	3236 DUCHESS TRL	BLANCK ARTHUR W
	62	3232 DUCHESS TRL	ADR MCCORMICK
	63	3226 DUCHESS TRL	MULRY PAULETTE &
	64	3222 DUCHESS TRL	DEHAVEN CAROL J
	65	3216 DUCHESS TRL	TOOTHAKER BESSIE A
	66	10618 ROYAL CLUB LN	CULBERSON LOIS VERNELL
	67	10614 ROYAL CLUB LN	BEASLEY CLARENCE C III & JENNIFER THOMASBEASLEY
	68	3215 PRINCESS LN	MOORE ADAM & ANNEKA
	69	3221 PRINCESS LN	HAMPEL JUDITH E
	70	10637 ROYAL CLUB LN	GAMEZ ROLAND
	71	10633 ROYAL CLUB LN	LOMBARD CELIA RYNN D
O	72	10627 ROYAL CLUB LN	CALVER LEWIS C
	73	10623 ROYAL CLUB LN	PULLIAM ROBERT
	74	10619 ROYAL CLUB LN	PETTY MARY E
	75	10615 ROYAL CLUB LN	HUNT BRAIN J &
O	76	3229 REGENT DR	HAGGARD DAVID II &
	77	3237 REGENT DR	HOLMES TOMMIE GWEN
	78	3243 REGENT DR	WILSON LISA M ROTHROCK &
O	79	3249 REGENT DR	OTTOSEN DONALD CHAD
	80	3257 REGENT DR	PROUSE GREG HOWARD &
O	81	10711 EARLSHIRE DR	HANCOCK JOHN R &
X	82	10717 EARLSHIRE DR	KIRKHAM RICHARD S & STEPHANIE
	83	10723 EARLSHIRE DR	MILLER CASEY A &
	84	10811 DAMON LN	WOLOSHEN BRIAN J
	85	10817 DAMON LN	CORDOVA CATARINO &
	86	10823 DAMON LN	LOPEZ JOSE ALBERTO &
	87	10829 DAMON LN	NOVINSKI STEFAN PAUL &
	88	10835 DAMON LN	ELIZONDO JORGE F

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	3208 LATHAM DR	FARMER VALRIE L
	90	3207 LEAHY DR	BUHOLZ MARK A & STEPHANIE N
	91	3215 LEAHY DR	BANKS SCOTT MITCHELL
	92	3221 LEAHY DR	MALLORY JULIE
	93	3227 LEAHY DR	SHLANSKY ALAN M
	94	3233 LEAHY DR	CAMPBELL AMY M
	95	3245 LEAHY DR	TYLER NANCY E
	96	3251 LEAHY DR	KEARNEY BRIAN D &
	97	3305 LEAHY DR	ROSSEAU JASA & ADAM
O	98	3316 LEAHY DR	VANCE CATHERINE ANN
	99	3310 LEAHY DR	WORK REI LLP
	100	3304 LEAHY DR	SATTERFIELD FAMILY TRUST
O	101	3250 LEAHY DR	STRAIN ERIK CHRISTOPHER &
O	102	3244 LEAHY DR	HILBURN WILLIAM H JR
	103	3238 LEAHY DR	WARD RUSTY ALLEN & KATRINA CRENWELGE
	104	3232 LEAHY DR	SULLIVAN BAILEY E
O	105	3226 LEAHY DR	REEMTSMA WILLIAM L &
O	106	3220 LEAHY DR	MARSHALL JACKIE LYNN
	107	3214 LEAHY DR	ALBANO ANDREW M &
	108	3206 LEAHY DR	BROWN TYLER R & KAYLA A
	109	3209 ROYAL LN	BENSON BARBARA A
	110	3215 ROYAL LN	FRANK NICKY & SUSAN THOMPSON
	111	3221 ROYAL LN	CAVIGLIA DANIEL
	112	3227 ROYAL LN	CAVIGLIA DANIEL L
	113	3233 ROYAL LN	VELEZ MARIA A &
	114	3239 ROYAL LN	REYES SANTOS
	115	3245 ROYAL LN	SAENZ CHIRSTOPHER D
O	116	3251 ROYAL LN	TAYLOR JAMES A &
	117	3305 ROYAL LN	LANCASTER JIMMY D
O	118	3311 ROYAL LN	GROUND'S FRANCES
	119	3317 ROYAL LN	FLORES SILVER R & MARIA A

Z156-338(OTH)

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	3195 ROYAL LN	ROYAL LANE LLC
	121	10815 WEBB CHAPEL RD	CENTRO NP HOLDINGS 12 SPE LLC
	122	10811 WEBB CHAPEL RD	7 ELEVEN INC

**AGENDA ITEM # 52**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 44 B; F

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the northeast line of Irving Boulevard, west of Wycliff Avenue  
Recommendation of Staff and CPC: Approval  
Z156-340(WE)



**FILE NUMBER:** Z156-340(WE) **DATE FILED:** August 16, 2016

**LOCATION:** Northeast line of Irving Boulevard, west of Wycliff Avenue

**COUNCIL DISTRICT:** 6 **MAPSCO:** 44B, 44F

**SIZE OF REQUEST:** Approx. 9,079 sq. ft. **CENSUS TRACT:** 100

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**APPLICANT:** Robert Romano

**OWNER:** Lifestyle Urban Properties, LLC  
Rick Hutton, sole owner

**REPRESENTATIVE:** Robert Romano

**REQUEST:** An application for an MU-3 Mixed Use District on property zoned an IR Industrial Research District.

**SUMMARY:** The purpose of this request is to allow the applicant to live and work in the same building. The portion of the building that is being rezoned is where the applicant will reside.

**CPC RECOMMENDATION:** Approval

**STAFF RECOMMENDATION:** Approval

**BACKGROUND INFORMATION:**

- The request site was built in 1959 and is currently vacant. In May 2001, the Building Official issued a certificate of occupancy for an office showroom/warehouse.
- The applicant’s request for an MU-3 Mixed Use District will allow for the adaptive reuse of an existing structure to be converted into a work/live use.
- The applicant proposes to convert the ground floor into an office showroom/warehouse and build a single loft on the second floor.
- The request site is located near the Design District where the area is transiting from commercial uses to a work/live environment.
- The surrounding land uses consist of commercial and industrial type uses. West of the request site, across Irving Boulevard, is a City of Dallas pump station.

**Zoning History:** There are four cases in the area that have requested a Mixed Use District for work/live in the area during the last five years. The cases are not depicted on the zoning history map but are included to show the recent activity in the general area.

1. Z123-126 On February 27, 2013 the City Council approved an MU-1 Mixed Use District on property zoned an IR Industrial Research District on the west corner of Crampton Street and Converse Street.
2. Z145-144 On April 8, 2015, the City Council approved an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the southwest line of Valdina Street, west of Wycliff Avenue.
3. Z145-349 On December 9, 2015, the City Council approved an MU-3 Mixed Use District property zoned an IR Industrial Research District on the southwest line of Monitor Street, west of Wycliff Avenue.
4. Z156-180 On April 13, 2016, the City Council approved an MU-1 Mixed Use District property zoned an IR Industrial Research District on the south side of Farrington Street, east of Crampton Street.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Irving Boulevard	Principal Arterial	150 ft.	150 ft.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	IR	Vacant commercial
<b>North</b>	IR	Commercial/industrial
<b>South</b>	IR	Commercial/industrial
<b>East</b>	IR	Commercial/industrial
<b>West</b>	IR	Pump station

**Comprehensive Plan:** The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request.

The applicant’s proposal to create a live-work space in this area of the city is consistent with the *forwardDallas! Vision* and further complies with the following goals and policies of the Comprehensive Plan. The request site is located within an Urban Mixed Use Building Block where the characteristics include providing residents with a blend of opportunities to live, work, shop, and play within a closely defined area. The request site is located within an area that is slowly transitioning to a work/live community.

**LAND USE ELEMENT**

**GOAL 1.2: PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

**GOAL 1.1: ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES.**

Policy 1.1.1 Implement the Trinity River Corridor Plan.

**ECONOMIC ELEMENT**

**GOAL 2.2: ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT**

Policy 2.2.1 Focus economic development efforts on revitalization of the Trinity River Corridor

**ENVIRONMENT ELEMENT**

**GOAL 6.3 IMPROVE ENERGY EFFICIENCY AND AIR QUALITY**

Policy 6.3.3 Limit vehicle miles traveled.

**Trinity River Corridor Comprehensive Land Use Plan.** In March 2005, the City Council approved the Trinity River Corridor Comprehensive Land Use Plan. The site is located within a Mixed Use Adaptive Reuse module, which limits uses to residential and multifamily, office-regional, entertainment and civic uses.

**STAFF ANALYSIS:**

**Land Use Compatibility:** The 9,079 square foot site is developed with a one story, 3,062 square foot commercial building that vacant. The applicant proposes to convert the one story building into a work/live use. The proposed adaptive reuse project will allow the ground floor to be used as an office showroom/warehouse use and a single loft of approximately 2,330 square feet will be built on the second floor. Currently the applicant has a certificate of occupancy for an office showroom/warehouse. The applicant currently works in the adjacent structure and will use the first floor of this site as part of the existing business.

The surrounding land uses consist of commercial and industrial type uses. West of the request site, across Irving Boulevard, is a City of Dallas pump station.

The proposed MU-3 Mixed Use District allows the high density, retail, office, hotel, and/or multifamily residential uses in combination on single or contiguous building sites. Staff recognizes the transitional nature of the area and supports the applicant’s request.

**Development Standards:**

<b><u>DISTRICT</u></b>	<b><u>SETBACKS</u></b>		<b><u>Density</u></b>	<b><u>Height</u></b>	<b><u>Lot Coverage</u></b>	<b><u>Special Standards</u></b>	<b><u>PRIMARY Uses</u></b>
	<b><u>Front</u></b>	<b><u>Side/Rear</u></b>					
IR - existing Industrial research	15'	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail
MU-3- proposed Mixed use-3	15'	20' adjacent to residential OTHER: No Min.	3.2 FAR base 4.0 FAR maximum + bonus for residential	270' 20 stories	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential, trade center

**Landscaping:** Due to the increase in the floor area for the single loft on the second floor, the site will trigger compliance with Article X landscaping requirements. The entire site is paved and the applicant will need to file an applicant with the Board of Adjustment for a special exception to the landscaping requirements.

**CPC Action** (December 1, 2016)

**Motion:** It was moved to recommend **approval** of an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the northeast line of Irving Boulevard, west of Wycliff Avenue.

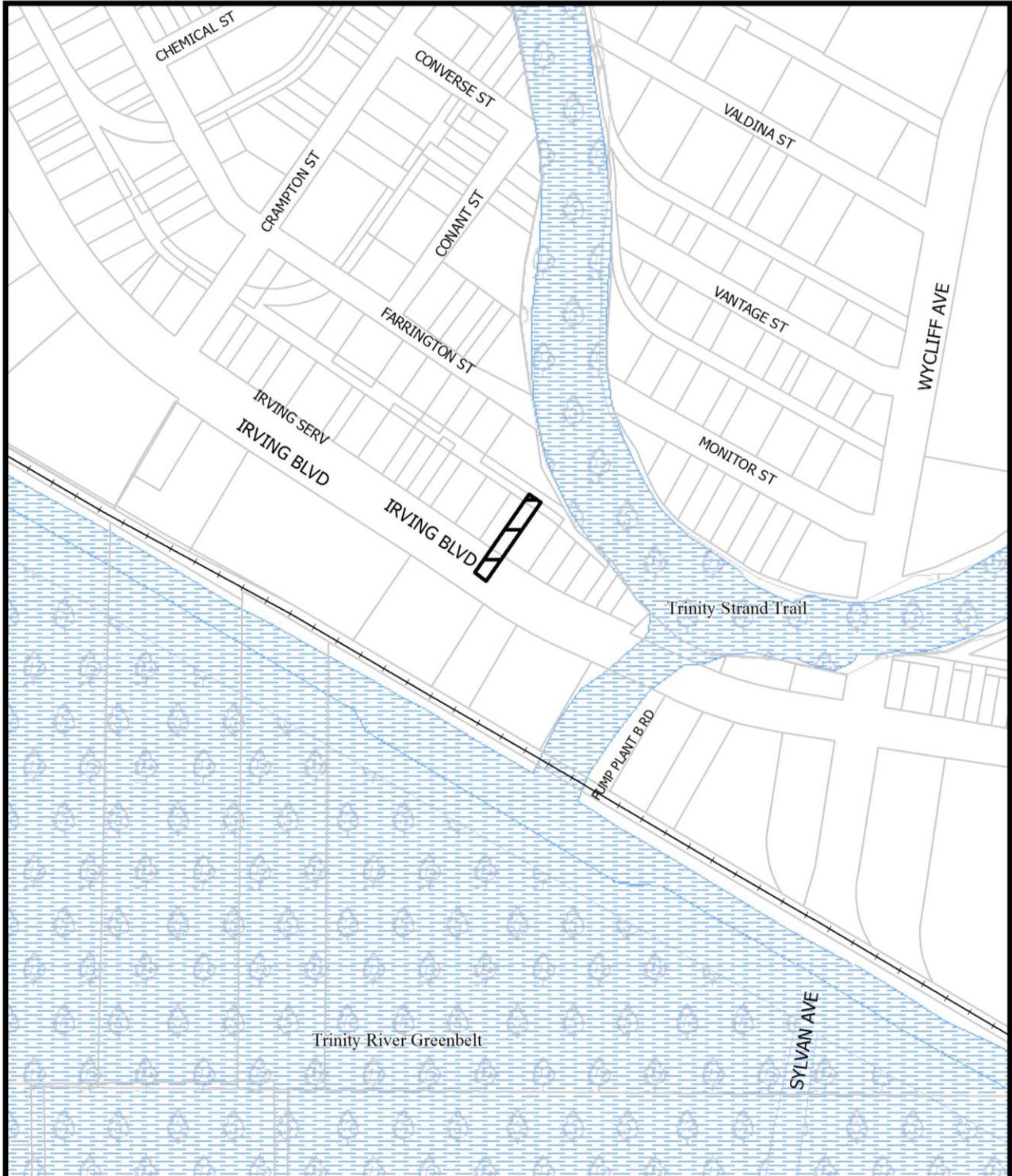
Maker: Shidid  
Second: Murphy  
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,  
Anantasomboon, Haney, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 7

**Notices:** Area: 200 Mailed: 13  
**Replies:** For: 1 Against: 0

**Speakers:** For (Did not speak): Rick Hutton, 2348 Irving Blvd., Dallas, TX, 75207  
Against: None



1:4,800

# VICINITY MAP

Case no: Z156-340

Date: 11/3/2016

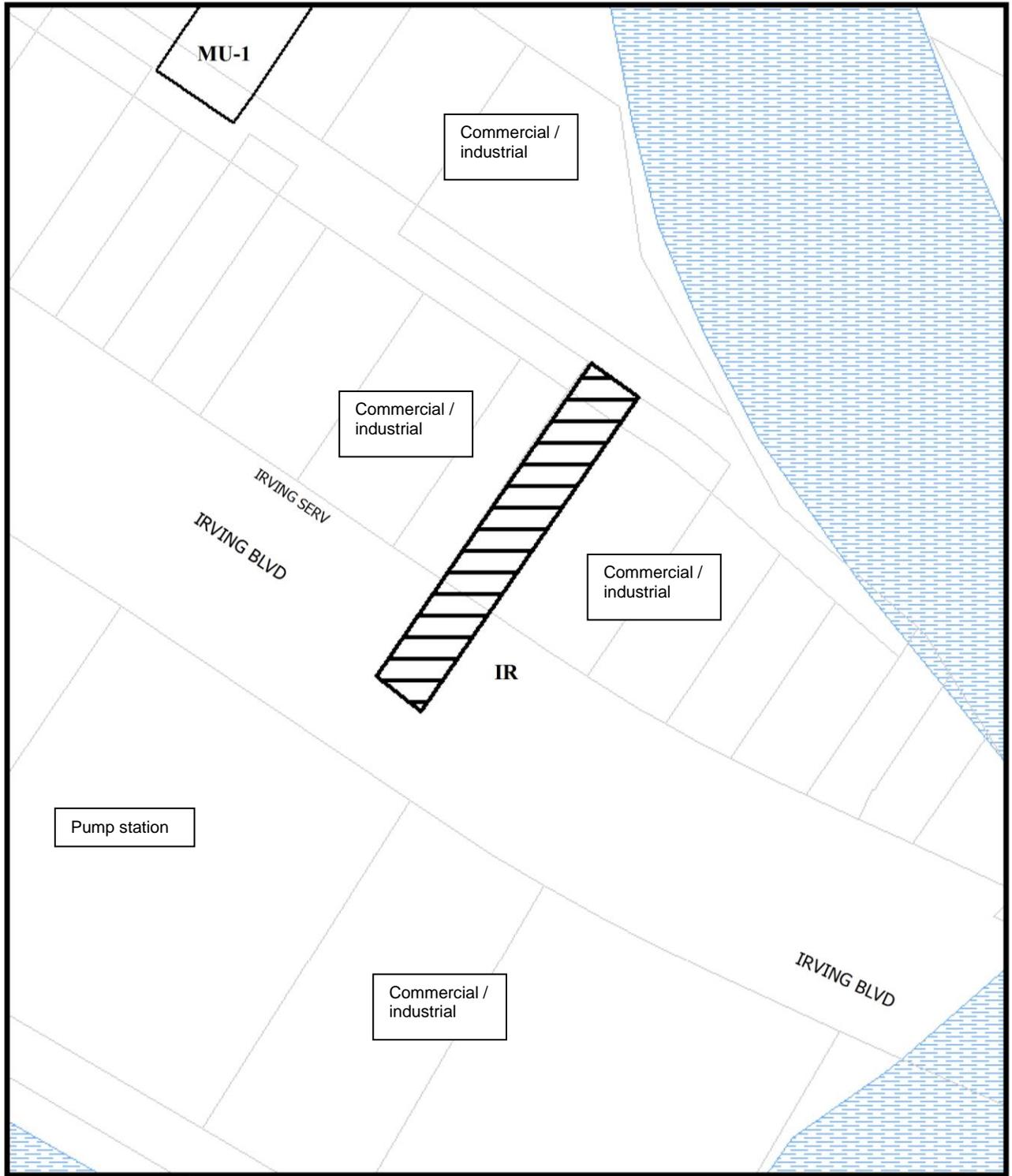


1:1,200

# AERIAL MAP

Case no:     Z156-340    

Date:     11/3/2016



 1:1,200	<h2 style="text-align: center;">ZONING AND LAND USE</h2>	Case no: <u>    Z156-340    </u> Date: <u>    11/2/2016    </u>
--	--	--

**CPC RESPONSES**



<u>13</u>	Property Owners Notified (16 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>12/1/2016</u>	Date

**Z156-340**  
**CPC**



1:1,200

## **Notification List of Property Owners**

### **Z156-340**

*13 Property Owners Notified      1 Property Owners in Favor      0 Property Owners Opposed*

<b>Reply</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
	1    2336	IRVING BLVD	GODSPEED HOLDINGS LLC
	2    2344	IRVING BLVD	LIFESTYLE URBAN PROPERTIES LLC
	3    2327	IRVING BLVD	CMC CONCRETE ACCESSOR INC
	4    2322	IRVING BLVD	DAVIS JEFFREY A
	5    2332	IRVING BLVD	R & M LYNN INVESTMENTS
O	6    2348	IRVING BLVD	HUTLABS LLC
	7    2356	IRVING BLVD	TIRAOUI KHAWLA
	8    2360	IRVING BLVD	2360 IRVING BLVD LLC
	9    2311	FARRINGTON ST	MAYS WILLIAM G LF EST
	10   2300	FARRINGTON ST	IPENEMA INVESTMENTS LTF
	11   2312	FARRINGTON ST	GODSPEED HOLDING LLC
	12   2303	FARRINGTON ST	VILLANUEVA MARCELINO &
	13   2303	FARRINGTON ST	RODENHAVER CINDY ZELAZNY

**AGENDA ITEM # 53**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 13  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 24 V; 25 S

**SUBJECT**

A public hearing to receive comments regarding a Landmark Commission Authorized Hearing to consider an Historic Overlay for the Underwood Residence (5310 Park Lane) on property zoned an R-1ac(A) Single Family District on the southeast corner of Park Lane and Meadowbrook Drive and an ordinance granting the Historic Overlay  
Recommendation of Staff: Approval, subject to preservation criteria  
Recommendation of CPC: Approval, subject to amended preservation criteria  
Recommendation of Landmark Commission: Approval, subject to preservation criteria  
Z156-343(MD)



FILE NUMBER: Z156-343(MD)

DATE FILED: March 7, 2016

LOCATION: Southeast corner of Park Lane and Meadowbrook Drive.

COUNCIL DISTRICT: 13

MAPSCO: 24-V, 25-S

SIZE OF REQUEST: 62,494 sq.ft.

CENSUS TRACT: 206.00

APPLICANT/OWNER: Nancy Perkins Shutt

REPRESENTATIVE: Nancy McCoy, FAIA, FAPT

REQUEST: A Landmark Commission Authorized Hearing to consider an Historic Overlay for the Underwood Residence (5310 Park Lane) on property zoned an R-1ac(A) Single Family District.

SUMMARY: The Underwood Residence (5310 Park Lane) is an excellent example of the residential work of Charles Stevens Dilbeck. Completed in 1940 for Mr. W. G. Underwood, an operator of several theaters and some of the earliest drive-in theaters in Texas, the structure is a two-story version of Dilbeck's Texas Ranch Style. The site also includes an intact landscape design by Joe Lambert Jr. that is listed in the Smithsonian Institution Research Information System. A significant property must meet 3 of 10 designation criteria. This property has been determined to meet 8.

CPC RECOMMENDATION: Approval, subject to amended preservation criteria.

LANDMARK COMMISSION RECOMMENDATION: Approval, subject to preservation criteria.

STAFF RECOMMENDATION: Approval, subject to preservation criteria.

**BACKGROUND INFORMATION:**

- The Landmark Commission was asked to authorize the public hearing to consider initiation by the property owner.
- The current land use is a private residential structure.
- Both the Landmark Commission and its Designation Committee have determined this complex to be historically significant under eight designation criteria. These criteria are: history, heritage and culture; historic event; significant persons; architecture; architect or master builder; historic context; unique visual feature; national and state recognition; and historic education.
- After the Landmark Commission authorized the public hearing on March 7, 2016, the Designation Committee of the Landmark Commission met two times with the Applicant to work on the landmark nomination form and preservation criteria.
- The Designation Committee approved the designation report, comprised of the landmark nomination form and preservation criteria, on July 20, 2016.
- The Landmark Commission approved the designation on September 6, 2016.
- The City Plan Commission approved the designation on December 15, 2016.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The historic overlay is consistent with the Land Use, Environment and Neighborhoods Elements of the Comprehensive Plan. Historic preservation has played a key role in defining Dallas' unique character. Preservation of open spaces that are historically and environmentally significant creates a direct, visual link to the past, contributing to a "sense of place."

**Goal 1.4** Coordinate Planning Activities to Balance Transportation, Land Use, Infrastructure and the Environment  
Policy 1.4.3 Embrace environmental sustainability.

**Goal 6.4** Identify, Protect and Restore Open Space  
Policy 6.4.1 Identify and prioritize ecologically sensitive areas.  
Policy 6.4.2 Protect open space.  
Policy 6.4.3 Acquire natural areas.  
Policy 6.4.4 Restore and manage sensitive areas.

**Additional CPC recommendations:**

The City Plan Commission requested staff clarify particular language that initially seemed confusing. Section 3.1 read “New construction is prohibited” which seemed in conflict with Section 9.1, which reads “Stand-alone construction is not permitted.” The CPC recommended Section 3.1 to read as follows: “New stand-alone construction prohibited.” After the CPC hearing, staff reviewed the language further and determined that Section 3.1 was not necessary and have removed the section from the preservation criteria included in the case report. Now only Section 9.1 references that stand-alone new construction is prohibited.

Z156-343(MD)

**CPC ACTION – December 15, 2016**

**Z156-343(MD)**

**Motion:** It was moved to recommend **approval** of a Landmark Commission Authorized Hearing to consider an Historic Overlay for the Underwood Residence (5310 Park Lane), subject to preservation criteria with a modification to Section 3.1 to read as follows: “New stand-alone construction prohibited” on property zoned an R-1ac(A) Single Family District on the southeast corner of Park Lane and Meadowbrook Drive

Maker: Murphy  
Second: Anantasomboon  
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,  
Anantasomboon, Haney, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 7

**Notices:** Area: 200 Mailed: 11  
**Replies:** For: 2 Against: 0

**Speakers:** For (Did not speak): Nancy Shutt, 5310 Park Ln., Dallas, TX, 75220  
Against: None

Z156-343(MD)

**LANDMARK COMMISSION ACTION:** (September 6, 2016)

This item appeared on the Commission's discussion agenda.

Motion: Approval, subject to preservation criteria.

Maker: Tapscott

Second: Flabiano

Results: 14/0

Ayes: Amonett, Birrer, Bowers, \*Childers, Flabiano,  
Johnson, Jordan, McGill, \*Montgomery, Seale,  
\*Sherman, Tapscott, Tate, Williams

Against: None

Absent: Gadberry

Vacancies: 3, 4 and 12

**Dallas Landmark Commission  
Landmark Nomination Form**

**1. Name**

**Historic:** W. G. Underwood Residence  
**and/or common:** n/a  
**Date:** 1939 -1940

**2. Location**

**Address:** 5310 Park Lane  
**Location/neighborhood:** Dallas, 75220  
**Block and lot:** Block 5595 Lot 5 **land survey:** 1999 survey **tract size:** 1.435 Acres

**3. Current Zoning**

**current zoning:** 1-AC(A)

**4. Classification**

<b>Category</b>	<b>Ownership</b>	<b>Status</b>	<b>Present Use</b>	
<input type="checkbox"/> district	<input type="checkbox"/> public	<input checked="" type="checkbox"/> occupied	<input type="checkbox"/> agricultural	<input type="checkbox"/> museum
<input checked="" type="checkbox"/> building(s)	<input checked="" type="checkbox"/> private	<input type="checkbox"/> unoccupied	<input type="checkbox"/> commercial	<input checked="" type="checkbox"/> park
<input type="checkbox"/> structure	<input type="checkbox"/> both	<input type="checkbox"/> work in progress	<input type="checkbox"/> educational	<input checked="" type="checkbox"/> residence
<input checked="" type="checkbox"/> site	<b>Public</b>	<b>Accessibility</b>	<input type="checkbox"/> entertainment	<input type="checkbox"/> religious
<input type="checkbox"/> object	<b>Acquisition</b>	<input checked="" type="checkbox"/> yes: restricted	<input type="checkbox"/> government	<input type="checkbox"/> scientific
	<input type="checkbox"/> in progress	<input type="checkbox"/> yes: unrestricted	<input type="checkbox"/> industrial	<input type="checkbox"/> transportation
	<input type="checkbox"/> being consider'd	<input type="checkbox"/> no	<input type="checkbox"/> military	<input type="checkbox"/> other, specify

**5. Ownership**

**Current Owner:** Nancy Perkins Shutt  
**Contact:** Nancy Perkins Shutt **Ph:** 214 363-1123  
**Address:** 5310 Park Lane **City:** Dallas **State:** TX **Zip:** 75220

**4. Form Preparation**

**Date:** August, 2015  
**Name & Title:** Nancy McCoy, FAIA, FAPT  
**Organization:** Quimby McCoy Preservation Architecture, LLP  
**Contact:** Nancy McCoy: 214/977-9118

**7. Representation on Existing Surveys**

Alexander Survey (citywide): local state national  
 National Register no  
 H.P.L. Survey (CBD) A B C D Recorded TX Historic Ldmk  
 Oak Cliff TX Archaeological Ldmk  
 Victorian Survey  
 Dallas Historic Resources Survey, Phase \_\_\_ high \_\_\_ medium \_\_\_ low

*For Office Use Only*

**Date Rec'd:** \_\_\_\_\_ **Survey Verified:** Y N **by:** \_\_\_\_\_ **Field Check by:** \_\_\_\_\_ **Petitions Needed:** Y N  
**Nomination:** Archaeological Site Structure(s) Structure & Site District

**8. Historic Ownership**

*Original owner:* Mr. and Mrs. William George (W. G.) Underwood (1939c-1949)  
*Significant later owner(s):* Mr. and Mrs. Howell E. Smith (1949 – 1970)  
 Mr. and Mrs. George Austin Shutt (1970 – 2014)  
 Ms. Nancy Perkins Shutt (2014 – present)

**9. Construction Dates**

*Original:* 1939-1940  
*Alterations/additions:* Before 1970: Closet addition at balcony of Master Bedroom  
 Replacement of selective windows  
 Glass-enclosed screened porches at rear  
 Infill at window in Living Room and Master Bedroom  
 After 1970: Addition to servants quarters off Garage

**10. Architect**

*Original construction:* 1939-1940 Charles Stevens Dilbeck, Architect  
 Joe Lambert Jr., Lambert Landscape Company, Site Design  
*Alterations/additions:* Before 1970: Unknown  
 After 1970: Unknown

**11. Site Features**

*Natural:* Relatively flat site; no known natural features  
*Urban Design:* Landscape design by Joe Lambert of Lambert Landscape Company.

**12. Physical Description**

*Condition, check one:*  
 *excellent*       *deteriorated*       *unaltered*  
 *good*       *ruins*       *altered*  
 *fair*       *unexposed*

*Check one:*  
 *original site*  
 *Moved (date \_\_\_\_\_)*

### **Neighborhood and site**

The residence sits within the Preston Hollow neighborhood north of Northwest Highway and west of the Dallas North Tollway at the southeast corner of Park Lane and Meadowbrook Drive. Prior to its development, the site was part of the Wright Farm. Meadowbrook Drive was once a dirt road called Greenway Street on which Peter Wright built a stable and tenant houses. In the 1930s, Wright cut streets through the property and subdivided it for development purposes. In 1938 when the subject property was developed, the community of Preston Hollow was in the midst of establishing itself as an incorporated town. Soon after, in 1945, Preston Hollow voted for annexation with the city of Dallas.

The lot is approximately 250 feet square and is bounded by a low stone wall along the street edges. The main entrance on Park Lane is accentuated by a wood portal with what was originally a wood (now metal) gate leading to a curved drive that exits onto Meadowbrook. There is another gate near the corner of Park Lane on Meadowbrook Drive and a service gate on Meadowbrook Drive.

The house sits roughly in the middle of the site leaving an ample front and back yard for Joe Lambert Jr.'s landscape design. The front yard includes a softly curving driveway bounded by lawn and mass plantings and trees. The back yard, which consists of a broad lawn bordered by a naturalistic massing of plants and trees and a swimming pool. The overall landscape design has been preserved and several of the trees on the site are believed to be original.<sup>1</sup> On the east side of the property is a rectangular swimming pool set on axis with a curve-shaped pool house building. The original site plan drawings for the house site do not show the pool or driveway in its current configuration, thus it appears that the house was designed before the site was designed. Drawings that are undated do exist for the "Swimming Pool House" and the project number suggests this was designed within a year or two of the house, and possibly immediately after the house was designed. The project number for the house is R361 and for the Swimming Pool House, it is 374.

The neighborhood contains many notable homes by architects such as Foshee and Cheek, Mark Lemmon, Anton Korn, O'Neil Ford and George Dahl; twelve houses designed by Dilbeck were documented by Eva Potter Morgan in 2001. Neighbors included Joseph K. and Pauline Bywaters of the Bywaters Insurance Agency, Eugene and Ruth McDermott of Geophysical Service Inc., Joseph F. Balisteri of the J. Desco & Son Tile Company, John N. and Lena Desco, also of the J. Desco & Son Tile Company and Henry Cornwell and Eva D. Potter of the Potter Art Iron Studio.

### **House and accessory building**

The two-story residence is characteristic of Dilbeck's self described "Texas Ranch House" style of residence, with a little extra French farmhouse influence. The main body of the house is rectangular with a slight bend and with a one story rear wing that extends into the backyard and another for a service wing. A porte-cochere is attached to the western edge of the main body and connected to a one-story servant's wing and garage. The overall form of the house is irregular, casual and asymmetrical, as is typical for this style. At odds with this form, but very "Dilbeckian," is the perfectly centered and very formal entrance. Materials include common brick, white-washed with a cement-based slurry. Windows are of wood and include a variety of types and styles including multiple-light double hung, leaded glass, octagonal-light, and diamond-light windows. A variety of wood window shutters, wood screen elements and other details typical of Dilbeck's Texas Ranch

House style abound. Roofs are of wood shakes with exposed rounded-end rafters. The roof has a low slope and ample overhangs. The style of the house is a Dilbeck-modified version of Modern Ranch, with a Side Gabled Roof or the Eclectic Monterey style. <sup>2</sup>

The front of the house faces Park Lane, but is not visible from the street due to vegetation. Upon passing through the gated portal is a curved driveway that exits onto Meadowbrook and leads to the porte-cochere, through which is reached the garage and a service drive that also exits onto Meadowbrook. A semi-circular low stone wall encloses a small terrace that leads to the front entrance. The entrance consists of a wood door and screen door set within a Chippendale-style wood surround within a large brick arched opening. Symmetrically placed small windows with a brick grill occupy the second floor to each side of the entrance. To the left of the entrance is a large bay window and above that is a cantilevered covered balcony that wraps around the corner of the house, supported visually by long wood poles that appear to brace the balcony from the wall. The balcony railing is of wood lattice and two shuttered French doors lead out to it. A portion of the porch was converted to interior space and clad in wood siding prior to 1970, encompassing the wrap-around side and a small portion of the front. To the right of the entrance is a smaller bay window and two small windows at the first floor level with three small windows on the second level.

At a subtle angle to the southwest is the one-story porte-cochere to which is attached the servant's wing. Originally consisting of the garage and a maid's room and bath, this wing now includes a small addition north of the garage wall. On the west façade of the main body of the house is a Juliette balcony perched above the porte-cochere.

Each elevation of the residence is different but uses the same materials and details. The facades of the rear of the house incorporate multiple covered and screened porches, all of which have been enclosed with wood and glass partitions. All of the spaces on the backyard side of the house feature either porches or windows, to take in views of the garden.



Front entrance portal on Park Lane. Photographer: Nancy McCoy



Perimeter masonry fence, at left, is covered with vines at right. Photographer: Nancy McCoy



Front elevation with balcony at left. Photographer: Nancy McCoy



Front door. Photographer: Nancy McCoy



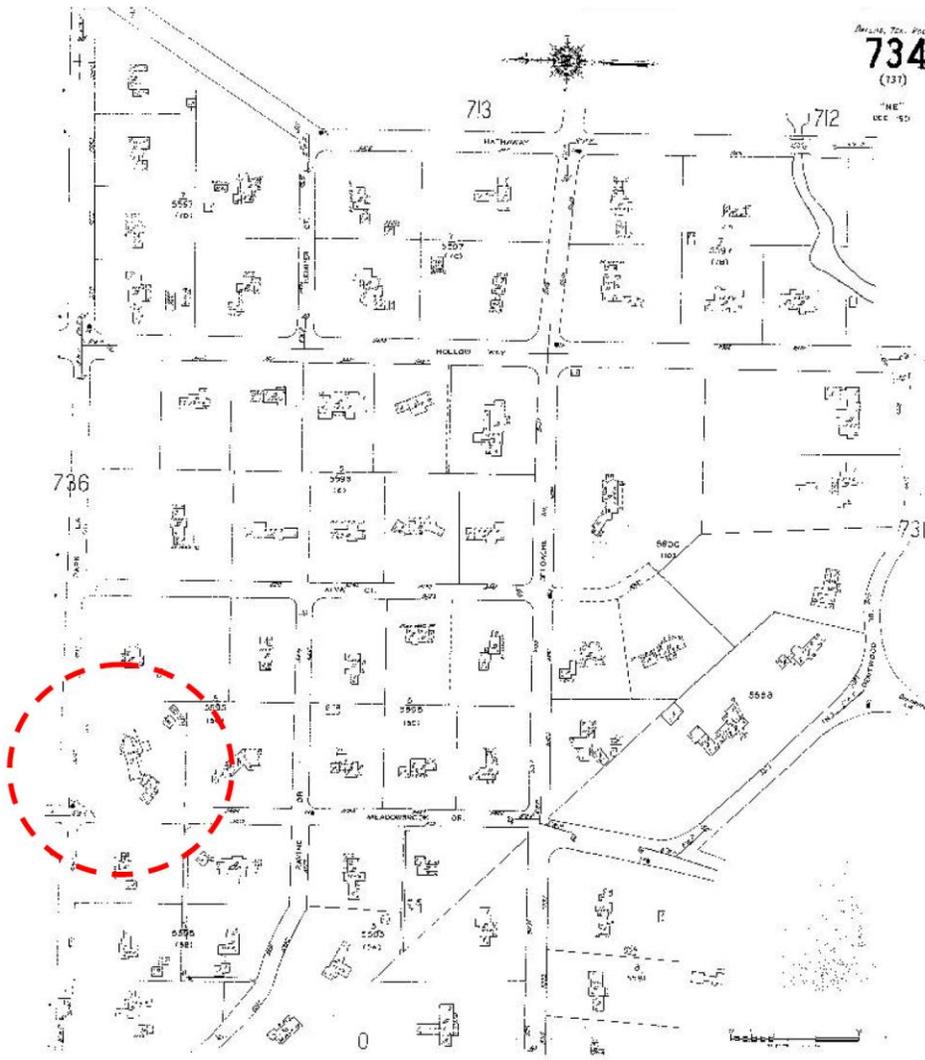
Porte-cochere and house looking east. Photographer: Carolyn Brown

The one-story pool house is designed in the same style as the house and with the same materials. The form of the building includes a subtle curve which relates to the curved ends of the rectangular swimming pool. At the center of the pool house is a covered porch area off of which are two doors, each leading to dressing and bathroom facilities. The asymmetrical arrangement features a low turret element on the east end and Dilbeck's characteristic round masonry openings in the rear facing wall of the covered porch area. On the west side of this structure is a large outdoor fireplace and a raised terrace overlooking the backyard.

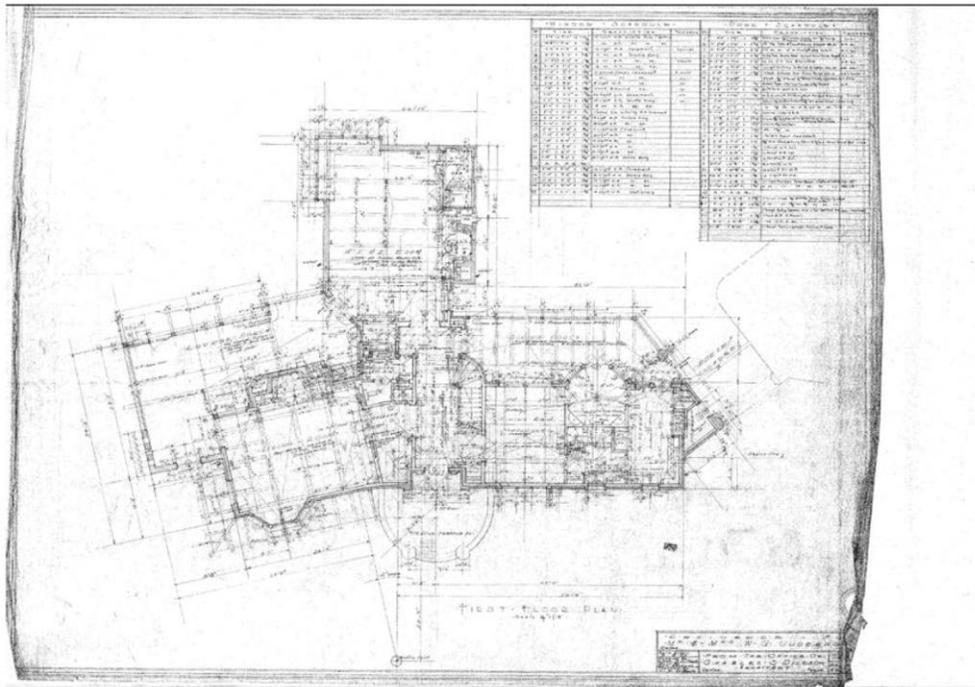


Pool and pool house looking south. Photographer: Carolyn Brown

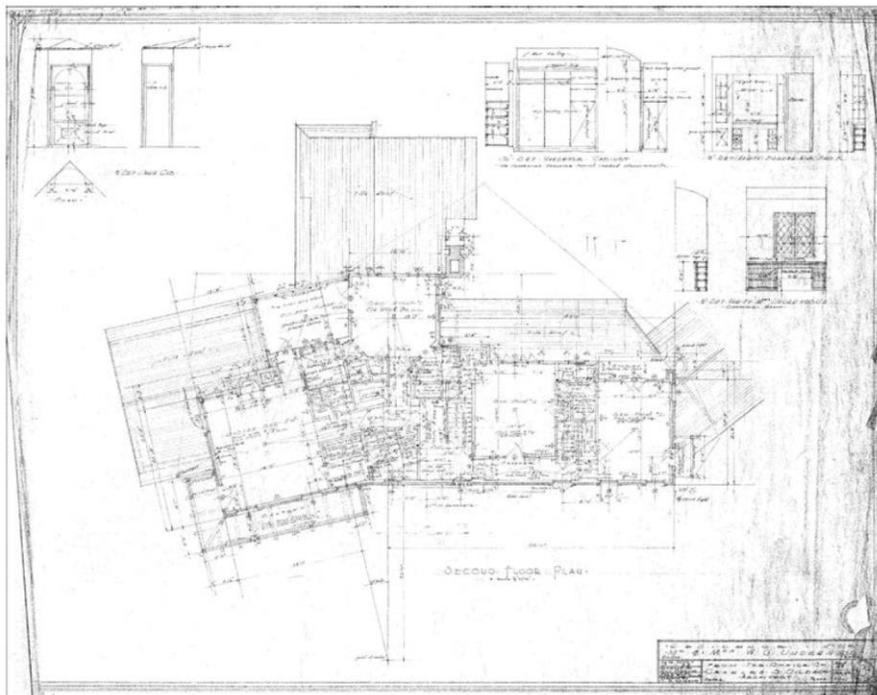
The landscape design at the front of the house includes large planting areas against the fence and in front of the house itself, leaving open lawn area around the driveway. The rear yard is an “L” shape with the area on the east devoted to the swimming pool and the area to the south devoted to a large open lawn. The swimming pool has a more formal character bounded by a low boxwood hedge with brick posts flanking the entrance on axis with the pool and pool house. A narrow Mexican tile paved area surrounds the pool. The rear yard lawn is bordered by planting beds with mature trees in a variety of species. The western edge of the property is designed as a service drive with access to the garage and a service yard. The service yard is bounded by a low brick wall extending from the service wing and ending with a circular post, a signature Dilbeck feature.



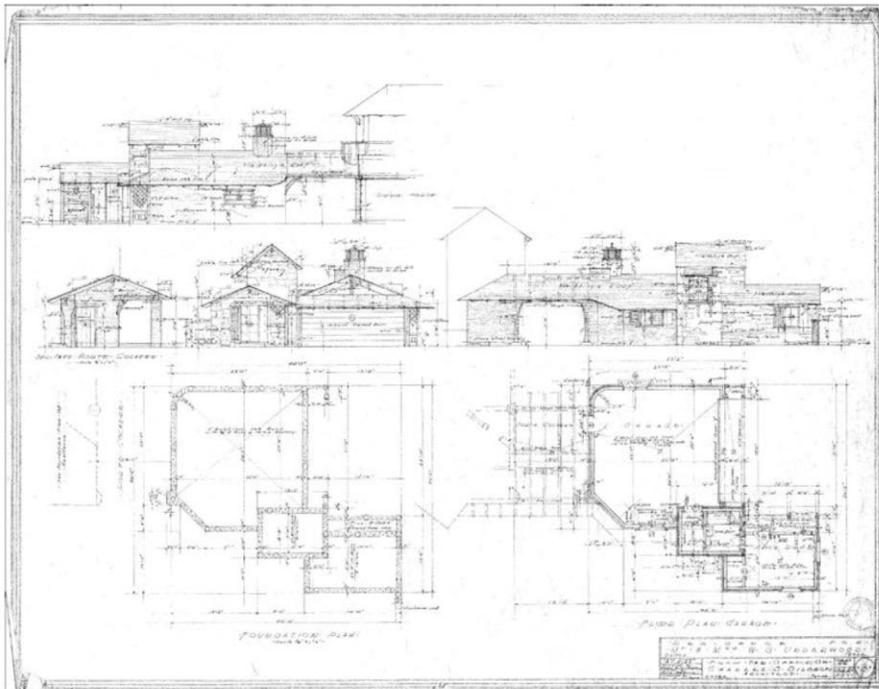
Sanborn Insurance Map, Volume 7, Sheet 734, December, 1951  
Courtesy of Dallas Public Library.



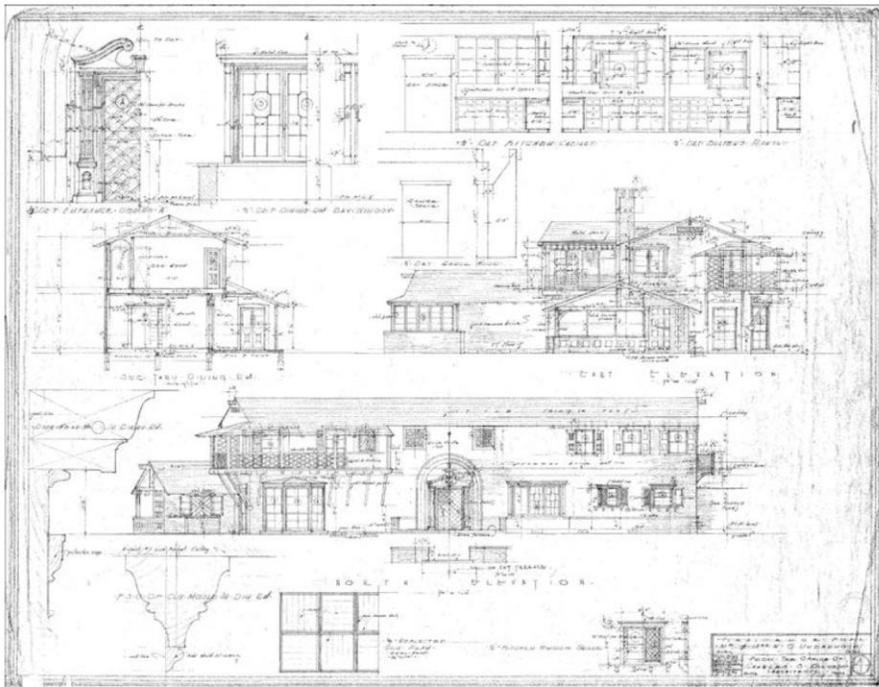
First floor plan



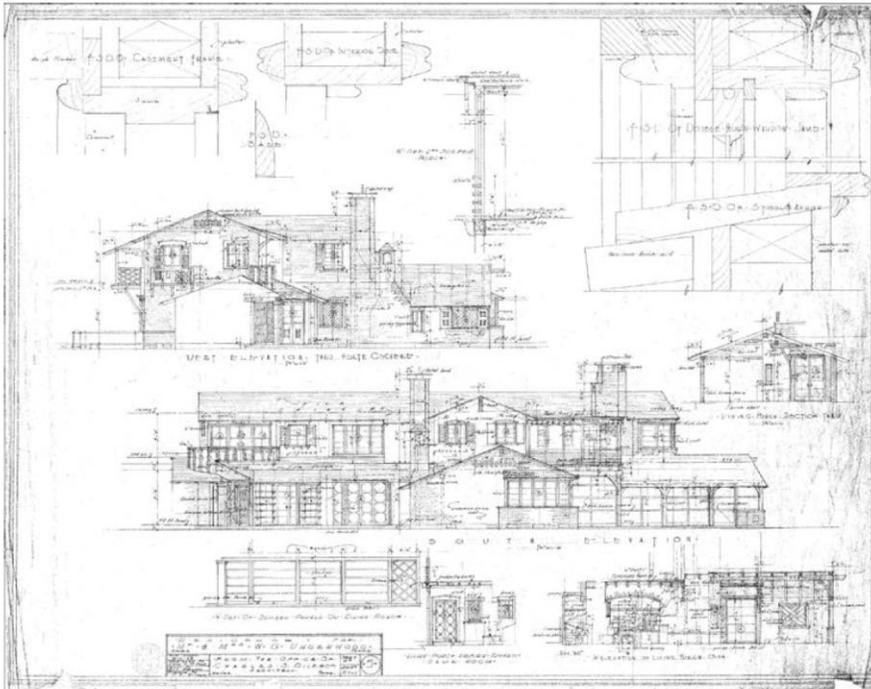
Second floor plan



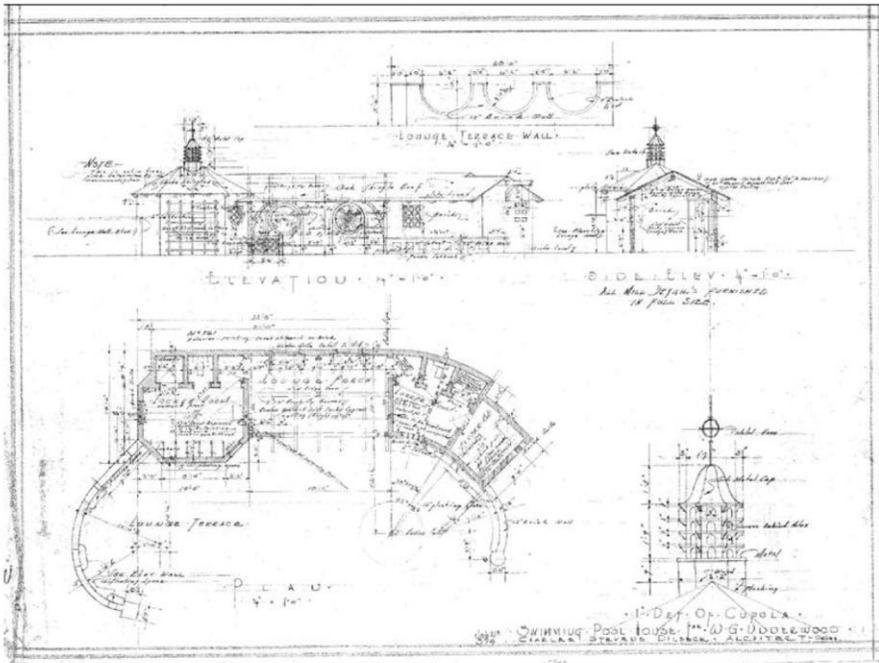
Garage and servant's wing plans and elevations *Charles Stevens Dilbeck drawings*



Front Elevation



Rear Elevation



Pool House

The original drawings reproduced here are courtesy of The Alexander Architectural Archive, The University of Texas Libraries, The University of Texas at Austin.

### ***13. Historical Significance***

#### **Charles Stevens Dilbeck**

Charles Stevens Dilbeck (1907-1990), was born in Fort Smith, Arkansas. He attended Oklahoma A&M, now Oklahoma State, for a few years and took courses at Tulsa University but did not graduate with a degree. He opened his first office in Tulsa in 1929, the same year he took a trip to the Texas State Fair and was impressed by Dallas' prosperous and forward-looking attitude.<sup>3</sup> Dilbeck moved to Dallas in 1932 where he continued his practice, specializing in residential architecture. In addition to houses for builder Harry McQueen with whom he shared office space, he established himself as an architect of note by winning a design competition for Highland Park Properties that resulted in one of the first houses built in Preston Hollow, near the intersection of present-day Northwest Highway and Preston Road. Dilbeck credits this design with kicking off his career in Dallas.<sup>4</sup> Thus began a prolific practice that included in 2010 an inventoried list of 747 houses in Dallas alone.<sup>5</sup> Architectural historian and critic David Dillon described Dilbeck's French farmhouse for P. N. Wiggins on Preston Road as "still one of the best traditional houses in Dallas."<sup>6</sup>

Dilbeck designed, in his own words "hundreds" of homes throughout Texas, Oklahoma, California and as far away as Mexico City. He also designed several large hotel/motels in Texas, New Mexico, Las Vegas (where only his iconic Chapel remains) and elsewhere. He also designed apartment buildings, restaurants and shopping centers. Documentation on Dilbeck's work is uneven as he was not careful to maintain records and he occasionally worked as a designer with other architects and was not always officially credited.<sup>7</sup>

Dilbeck considered himself the originator of the "Texas Ranch House," a style which he defined as a ranch house that was built with local and salvaged materials, big windows, lean-to porches, wide overhangs and low-sloped roofs, designed as though it were built over time. A very large fireplace was always included. Influenced by Irish, French and English farm houses, Dilbeck combined some of the attributes of the then popular California Ranch house, including the Storybook Style, with local materials and techniques for building. The success of this idea is evidenced by the popularity of his work during his career and today. His houses have been the subject of exhibits, tours, articles and a book. Despite the popularity of these houses, known simply as "Dilbecks," many of them have been demolished for redevelopment with larger homes. In Preston Hollow alone, nearly half of the Dilbeck-designed houses in that neighborhood have been lost within the last 7 years.<sup>8</sup>

In the architect's own words, during a discussion of his "Texas Ranch House" style in an oral interview, Dilbeck said:

*"They built onto this house after they left the log house. After they left the log house, it either became a hog pen or a chicken house or something...Then finally, when they made enough money and had enough wings added on...sometimes a wing would be added on in brick or sometimes in stone. Or they would make a shingle-walled wing. Anyway, they would re-group and these rooms were not always square with the building. They would go off in angles in order to catch a Southeast breeze. So when the money turned up, they'd go up on the top of the hill and build kind*

*of a colonial, gingerbread house – what I call a “Gay Nineties house” – this was the second house they built. It finally became the chicken house itself. They kept the feed stored in it - the corn and feed. But I’ve seen it happen time and again. If you look at a ranch – you’ll see the old log house, then the intermediate house, which can be the bunch house, and then the Big House.”<sup>9</sup>*

On the topic of the Underwood’s house specifically, Dilbeck said:

*“A house I did for W. G. Underwood is not really a Ranch house and yet it is a very interesting Ranch house. It has a handmade tile roof on it – very beautiful – different from anything in Dallas. But it wouldn’t go as the same type of Ranch house as the Clark house. But I’ve done literally hundreds of them.”<sup>10</sup>*

The original drawings indicate the roof to be “Tile Shingle.” The owner reports that the roof was wood shingle by 1970.

### **Lambert Landscape Company, Inc.**

The landscape designer for this property is Joe Lambert Jr. (1910-1970) who grew up in Shreveport, Louisiana. His father, Joe Lambert, Sr. (1882-1965) founded Lambert’s Gardens in 1919. Joe Jr. attended Columbia University, where he majored in art and urban planning, and in 1935 opened a branch of his father’s business as the Lambert Landscape Company, a design/build practice which would be the first of its kind in Dallas. He was a strong believer in working with architects from the start of a project and was an avid arts supporter, traveler and civic leader in addition to being credited by his mother with introducing azaleas to Dallas.<sup>11</sup> Significant work includes the Texas Governor’s Mansion in Austin, the Beverly Hilton Hotel in Beverly Hills, CA, TresVidas Golf Club in Acapulco, Mexico, the residence known as the Cox Mansion on the corner of Beverly Drive and Preston Road, and perhaps the invention of the “Lambert Green” paint color.<sup>12</sup> Dilbeck worked with Lambert on a number of projects, joked about Lambert stealing his idea for using old salvaged bricks and served as a pallbearer at Lambert’s funeral.

The garden is listed in the Smithsonian Institution Research Information System as the Shutt Garden, where features of the garden are documented.<sup>13</sup> Several trees remain that could be original including:

- 2 pecans (definitely original)
- 2 Bois D’Arc (probably original)
- 2 Cedar Elm
- Magnolia in front
- Magnolia at corner (probably original)

### **W. G. Underwood**

The residence was built for Mr. and Mrs. William George (W. G.) Underwood (1876-1948), a partner in Underwood and Ezell, one of several companies the two men were involved with. Claude C. Ezell (1882-1961) was a friend and Underwood’s business partner and the two men operated theaters throughout Texas including some of the earliest drive-in theaters in Texas and the first two of its kind in Dallas – one at Northwest Highway and Hillcrest named the “Northwest Hi-Way Drive-In” and one at the Fort Worth Pike (Interstate 30) and Chalk Hill, named the “Chalk Hill Drive-In,” both of which opened in July of 1941 and have since been demolished.<sup>14</sup> These two and other drive-in Theaters in

the Dallas area later became known for their neon lighting and graphic paintings, particularly for the face of a clown that adorned the back-side of the screen. The partnership held the rights to the “Drive-In Theater” franchise in Texas. Underwood was also known nationally for his invention of a sound system for outdoor theaters that was used for a short time.<sup>15</sup> Underwood was a leader in the theater operations and film exchange industry in Dallas, was a founder of the Variety Club of Dallas, owned various theaters and served as the Manager of the Liberty Film Company and the Republic Pictures Corporation of Texas with Ezell, among other business associations. Underwood was a developer, with the Robb and Rowley Theater Company, of the Texas Theater in Dallas, a local landmark and National Register listed property.<sup>16</sup>



Contributed by Billy Holcomb / Billy Smith / Don Lewis  
Image obtained from [www.cinematreasures.org](http://www.cinematreasures.org)

The property owner recalls hearing that Underwood and his business partner decided to build their homes next door to one another upon returning from a trip to California. In April of 1938, Underwood and Ezell did take such a trip together to Hollywood with other Republic Pictures executives.<sup>17</sup> Upon their return, each acquired a 1 ½ acre lot side-by-side (Ezell’s property address was 9506 Meadowbrook, south of the subject property, and the house remains) in a then undeveloped area of Preston Hollow. Both men hired Dilbeck to design their houses. Dilbeck had recently won the design competition from which had been built a model home by the developer Highland Park Properties near the intersection of Northwest Highway and Preston, in a new development known as “Preston Downs.” The model home was intended by the developer to show people what could be built on the large lots of this new development. The Underwood house was completed first, with the Ezell house completed approximately a year later. While the back yards of both properties abut, the design relationship between the two houses, if there was one, is no longer evident and the two properties are now separated by a fence. The owner recalls that there was no fence in 1970.



9506 Meadowbrook Drive

Photograph courtesy of the Texas/Dallas History and Archives Division, Dallas Public Library

#### **Subsequent owners and alterations**

Underwood died in 1948, leaving his widow and daughter behind. Mrs. Underwood sold the house soon after that, in 1949, to Mr. and Mrs. Howell E. Smith. Howell Smith was in the oil business and the couple entertained at the house often. Mrs. Howell was the sister of Sid W. Richardson, an oil “tycoon” and partner in Richardson and Bass Oil Producers of Fort Worth. The Smiths undertook alterations which included the replacement of selective windows, the removal of two windows on the east side of the house and infill with brick, the enclosure of a portion of the second floor balcony for a closet, and the enclosure of both rear porches with wood and glass partitions.

#### **Current owner and alterations**

In 1970, Mr. and Mrs. George Shutt purchased the house from the Smiths. George Shutt was one of the first partners of the Trammel Crow Company before he retired in the 1970s to manage his own real estate interests. He was born in Bronxville, New York and was a Yale graduate. The Shutt family raised their family in the house and lived there for 45 years. When Mr. Shutt died, his widow, Ms. Nancy Perkins Shutt, remained in the home. Ms. Shutt is a fifth generation Texan, a graduate of the Hockaday School and the University of Texas at Austin, and an active volunteer in the community. The Shutt family made a small addition to the servant’s quarters near the garage in a similar style to the house, but with lapped wood siding. The wood gate at the entry portal and other entrances was replaced with a metal gate and the concrete pool deck was resurfaced with Mexican tile pavers. The remainder of the house and landscape maintains the appearance it had when it was purchased in 1970.

#### **Summary**

The house located at 5310 Park Lane is an excellent example of the residential work of Charles Stevens Dilbeck, complete with an intact landscape design by Joe Lambert, Jr. A two-story version of his Texas Ranch Style, this residence would be the first “Dilbeck” designated in Dallas. The property was designed for the highly accomplished theater industry executive and Drive-In Theater franchise owner W. G. Underwood. Underwood and his long-time business associate C. C. Ezell, who owned

the lot next door, both hired Dilbeck to design their homes. Both houses remain amid a dwindling count of Dilbeck-designed homes in the Preston Hollow neighborhood.

#### **14. Bibliography**

##### BOOKS:

Dillon, David, *Dallas Architecture 1936 - 1986*. Austin: Texas Monthly Press, Inc., 1985.

McAlester, Virginia and Lee, *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1984.

Morgan, Eva Potter. *Preston Hollow: A Documentary History 1850-1950*. Dallas: Great Impressions Printing & Graphics, 2001.

Sanders, Don and Susan, *The American Drive-In Movie Theater*. New York: Crestline, a division of Book Sales, Inc., 2013.

Seagrave, Kerry, *Drive-In Theaters*. Jefferson: McFarland & Company, Inc., 1992.

Sherrod D. Troy, *Historic Dallas Theaters*. Charleston: Arcadia Publishing, 2014.

Walton, John Brooks, *The Architecture of Charles Stevens Dilbeck*. Tulsa: JBW Publications, 2006.

##### NEWSPAPERS:

Dallas Morning News Archives, online.

##### PERIODICALS:

Mulford Perot, Nancy, "Architecture Pastiche Charles Dilbeck's Vernacular Style." *Veranda* Volume XIII, No. 4 September/October, 1999.

##### INTERVIEWS:

Shutt, Nancy, property owner, in the home on August 4, 2015, Dallas, Texas.

Dilbeck, Doris (Pat) and McIntire, Elaine, wife and daughter of Charles Dilbeck, on August 8, 2015, Hot Springs, AR.

Dilbeck, Charles, Stevens, "Interview of Charles Dilbeck" transcript from recording by Alan Mason in the architect's home on 09/20/1979; p. 4. Available in audio and written form at the Dallas Public Library.

WEBSITES:

Ancestry: <http://home.ancestry.com/>

The Cultural Landscape Foundation: <http://tclf.org/pioneer/joe-lambert-jr>

<b>15. Attachments</b>	
<i>District or Site Map</i>	<i>Additional descriptive material</i>
<i>Site Plan</i>	<i>Footnotes</i>
<i>Photos (historic &amp; current)</i>	<i>Other:</i> _____

**16. Designation Criteria**

**History, heritage and culture:** Represents the historical development, ethnic heritage or cultural characteristics of the city, state, or country.

**Historic event:** Location of or association with the site of a significant historic event.

**Significant persons:** Identification with a person or persons who significantly contributed to the culture and development of the city, state, or country.

**Architecture:** Embodiment of distinguishing characteristics of an architectural style, landscape design, method of construction, exceptional craftsmanship, architectural innovation, or contains details which represent folk or ethnic art.

**Architect or master builder:** Represents the work of an architect, designer or master builder whose individual work has influenced the development of the city, state or country.

**Historic context:** Relationship to other distinctive buildings, sites, or areas which are eligible for preservation based on historic, cultural, or architectural characteristics.

**Unique visual feature:** Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the city that is a source of pride or cultural significance.

**Archeological:** Archeological or paleontological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.

**National and state recognition:** Eligible of or designated as a National Historic Landmark, Recorded Texas Historic Landmark, State Archeological Landmark, American Civil Engineering Landmark, or eligible for inclusion in the National Register of Historic Places.

**Historic education:** Represents as era of architectural, social, or economic history that allows an understanding of how the place or area was used by past generations.

***Recommendation***

*The Designation Committee requests the Landmark Commission to deem this nominated landmark meritorious of designation as outlined in Chapter 51 and Chapter 51A, Dallas Development Code.*

*Further, the Designation Committee endorses the Preservation Criteria, policy recommendations and landmark boundary as presented by the Department of Development Services.*

*Date:*

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*Daron Tapscott - Chair  
Designation Committee*

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*Mark Doty  
Historic Preservation Planner*

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- <sup>1</sup> Interview with Nancy Shutt, property owner, Dallas; August 4, 2015.
- <sup>2</sup> McAlester, Virginia Savage, *A Field Guide to American Houses*. New York: Alfred A. Knopf, 2013; p. 537; 597.
- <sup>3</sup> Dilbeck, Charles, Stevens, "Interview of Charles Dilbeck" transcript from recording by Alan Mason in the architect's home on 09/20/1979; p. 4. Available in audio and written form at the Dallas Public Library.
- <sup>4</sup> Ibid; p 7.
- <sup>5</sup> Winters, Willis Cecil, Survey of Domestic Architecture in Dallas, unpublished list dated 11/12/2010.
- <sup>6</sup> Dillon, David, *Dallas Architecture 1936-1986*, Austin, Texas Monthly Press, 1985; p. 409.
- <sup>7</sup> Interview with Doris (Pat) Dilbeck, widow of Charles Dilbeck, on 08/08/2015 in Hot Springs, AR. The catalogue of Dilbeck's drawings at the Alexander Architectural Archives confirm this.
- <sup>8</sup> A survey was conducted by Nancy McCoy in August of 2015 using the inventory of Dilbeck-designed homes identified in Eva Potter Morgan's book *Preston Hollow* for six contiguous additions: 5 out of the 12 houses listed are no longer extant.
- <sup>9</sup> Dilbeck; p. 8.
- <sup>10</sup> Ibid; p. 10.
- <sup>11</sup> Bowden, Jeff. "The Man Who Brought Azaleas to Dallas," at [www.dmagazine.com/publications.d-home/2000/holiday/the-man-who-brought-azaleas-to-dallas](http://www.dmagazine.com/publications.d-home/2000/holiday/the-man-who-brought-azaleas-to-dallas). Note: according to The Cultural Landscape Foundation, the credit goes to his father's company, not Lambert personally.
- <sup>12</sup> The Cultural Landscape Foundation database at [www.twtelf.org/pioneer/joe-lambert-jr](http://www.twtelf.org/pioneer/joe-lambert-jr).
- <sup>13</sup> Smithsonian Institution Research Information System Archives at [www.siris-archives.si.edu/ipac20/ipac.jsp](http://www.siris-archives.si.edu/ipac20/ipac.jsp).
- <sup>14</sup> "Twenty Five Years Ago Today" Dallas Morning News, 12/8/1965.
- <sup>15</sup> Sanders, Don and Susan, *The American Drive-In Movie Theater*, Minneapolis, MN: Motorbooks International, 1997; p.39.
- <sup>16</sup> McCoy, Nancy, National Register Nomination Form for the Texas Theater, Dallas, Texas. 2002.
- <sup>17</sup> "Film Officials Will Pay Dallas Visit" Dallas Morning News, 4/21/1938.

ORDINANCE NO. \_\_\_\_\_

An ordinance changing the zoning classification on the following property:

BEING all of Lot 5 in City Block 5/5595 located at the southwest corner of Park Lane and Meadowbrook Drive; and containing approximately 62,494 square feet;

by establishing Historic Overlay District No. 149 (W.G. Underwood House); providing procedures, regulations, and preservation criteria for structures and property in the district; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the rezoning of the Property described in this ordinance; and

WHEREAS, the city council finds that the Property is an area of historical, cultural, and architectural importance and significance to the citizens of the city; and

WHEREAS, the city council finds that it is in the public interest to establish this historic overlay district; Now, Therefore,

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

SECTION 1. That the zoning classification is changed by establishing Historic Overlay District No. 149 on the following property (“the Property”):

BEING all of Lot 5 in City Block 5/5595 located at the southwest corner of Park Lane and Meadowbrook Drive; and containing approximately 62,494 square feet.

SECTION 2. That the establishment of this historic overlay district shall not affect the existing underlying zoning classification of the Property, which shall remain subject to the regulations of the underlying zoning district. If there is a conflict, the regulations in this ordinance control over the regulations of the underlying zoning district.

SECTION 3. That a person shall not alter the Property, or any portion of the exterior of a structure on the Property, or place, construct, maintain, expand, demolish, or remove any structure on the Property without first obtaining a certificate of appropriateness or certificate for demolition or removal in accordance with the Dallas Development Code, as amended, and this ordinance. All alterations to the Property must comply with the preservation criteria attached to and made a part of this ordinance as Exhibit A.

SECTION 4. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. In addition to punishment by fine, the City may, in accordance with state law, provide civil penalties for a violation of this ordinance, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, demolition, or removal of a building, structure, or land on the Property.

SECTION 6. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

**EXHIBIT A  
PRESERVATION CRITERIA  
W.G. UNDERWOOD HOUSE  
5310 PARK LANE**

**1. GENERAL.**

- 1.1 All demolition, maintenance, new construction, public works, renovations, repairs, and site work in this district must comply with these preservation criteria.
- 1.2 Any alterations to property within this district must comply with the regulations in Chapter 51A of the Dallas City Code, as amended. If there is a conflict, these preservation criteria control.
- 1.3 Certificate of appropriateness.
  - a. A person may not alter a site within this district, or alter, place, construct, maintain, or expand any structure on the site without first obtaining a certificate of appropriateness in accordance with Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
  - b. The certificate of appropriateness review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.
  - c. Any work done under a certificate of appropriateness must comply with any conditions imposed in the certificate of appropriateness.
  - d. After the work authorized by the certificate of appropriateness is commenced, the applicant must make continuous progress toward completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The Director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.
- 1.4 A person may not demolish or remove any structure in this district without first obtaining a certificate for demolition or removal in accordance with Section 51A-4.501 of the Dallas Development Code, as amended.
- 1.5 Preservation and restoration materials and methods used must comply with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.

- 1.6 No person shall allow a structure in this district to deteriorate through demolition by neglect. Demolition by neglect is neglect in the maintenance of a structure that results in deterioration of the structure and threatens preservation of the structure. All structures in this district must be preserved against deterioration and kept free from structural defects. See Section 51A-4.501 of the Dallas Development Code, as amended, for regulations concerning demolition by neglect.
- 1.7 Consult Article XI, "Development Incentives," of the Dallas Development Code, as amended, for tax incentives that may be available in this district.
- 1.8 The period of historic significance for this district is the period from 1939 to 1948.

**2. DEFINITIONS.**

- 2.1 Unless defined in this section, the definitions in Chapter 51A of the Dallas City Code, as amended, apply.
- 2.2 APPROPRIATE means typical of the historic architectural style, compatible with the character of this district, and consistent with these preservation criteria.
- 2.3 CERTIFICATE OF APPROPRIATENESS means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
- 2.4 COLUMN means the entire column, including the base and capital.
- 2.5 CONTRIBUTING STRUCTURE means a structure that retains its essential architectural integrity of design and whose architectural style is typical of or integral to this district.
- 2.6 DIRECTOR means the Director of the Department of Sustainable Development and Construction or the Director's representative.
- 2.7 DISTRICT means Historic Overlay District No. 149, the W.G. Underwood House Historic Overlay District. This district contains the property described in Section 1 of this ordinance and as shown on Exhibit B.
- 2.8 ERECT means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.
- 2.9 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 2.10 NO-BUILD ZONE means that part of this district in which no new construction may take place.

- 2.11 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.
- 2.12 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

**3. BUILDING SITE AND LANDSCAPING.**

- 3.1 The main house, garage and service wing, pool house, and entrance portal as labeled on Exhibit B are contributing structures.
- 3.2 New driveways, sidewalks, steps, and walkways must be constructed of brick, brush finish concrete, stone, or other appropriate material. Artificial grass, artificially-colored concrete, asphalt, exposed aggregate, and outdoor carpet are not permitted.
- 3.3 Alterations to circular driveways and parking areas are not permitted in the front yard.
- 3.4 Any new mechanical equipment must be screened.
- 3.5 Landscaping.
  - a. Outdoor lighting must be appropriate and enhance the structure.
  - b. Landscaping must be appropriate, enhance the structure and surroundings, and not obscure significant views of protected facades.
  - c. The historic landscape is protected. The historic landscape includes the front driveway, swimming pool, terraces, open lawn areas, and the following mature trees: two Pecans, two Bois D'Arc, two Cedar Elms, and two Magnolias. These trees may only be removed when found to be unhealthy or damaged.
- 3.6 Fences.
  - a. Alterations to the entrance portal and masonry perimeter fencing, excluding entry gates, are not permitted.
  - b. Fencing is allowed along the south and east Property lines and surrounding the pool.
  - c. Fences must be constructed of brick, cast stone, iron, stone, wood, a combination of these materials, or other appropriate materials.

- d. Gates must be constructed of iron, metal, wood, a combination of these materials, or other appropriate materials.

**4. FACADES.**

4.1 Protected facades.

- a. The facades on the main house, pool house, and entrance portal as shown on Exhibit B are protected.
- b. Reconstruction, renovation, repair, or maintenance of protected facades must be appropriate and must employ materials similar to the historic materials in texture, color, pattern, grain, and module size.
- c. Historic solid-to-void ratios of protected facades must be maintained.
- d. Restoration of non-original features, including replaced windows, enclosed second floor balcony, infilled window and door openings, and porch enclosures, is encouraged. Original plans are available from the Alexander Architectural Archive, the University of Texas Libraries, the University of Texas as documentation of original features.
- e. Brick added to protected facades must match in color, texture, module size, bond pattern, and mortar color.
- f. Brick, cast stone, and concrete elements on protected facades may not be painted, except that portions of the structure that had been painted before the effective date of this ordinance may remain painted. Cement-based white wash must be maintained.

4.2 Reconstruction, renovation, repair, or maintenance of nonprotected facades must be compatible with protected features.

4.3 Wood siding, trim, and detailing must be restored wherever practical.

4.4 All exposed wood must be painted, stained, or otherwise preserved.

4.5 Historic materials must be repaired if possible; they may be replaced only when necessary.

4.6 Paint must be removed in accordance with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, before refinishing.

- 4.7 Aluminum siding, exterior insulation finishing system (EIFS), cementitious fiber board, and vinyl cladding are not permitted.
- 4.8 Historic color must be maintained wherever practical. Color schemes for non-masonry elements should conform to any available documentation as to historic color.
- 4.9 Exposing and restoring historic finish materials is recommended.
- 4.10 Cleaning of the exterior of a structure must be in accordance with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library. Sandblasting and other mechanical abrasive cleaning processes are not permitted.

**5. FENESTRATION AND OPENINGS.**

- 5.1 Historic doors and windows must remain intact except when replacement is necessary due to damage or deterioration.
- 5.2 Replacement of doors and windows that have been altered and no longer match the historic appearance is recommended.
- 5.3 Replacement doors and windows must express profile, muntin and mullion size, light configuration, and material to match the historic.
- 5.4 Storm doors and windows are permitted if they are appropriate and match the existing doors and windows in profile, width, height, proportion, glazing material, and color.
- 5.5 Decorative ironwork and burglar bars are not permitted over doors or windows of protected facades. Interior mounted burglar bars are permitted if appropriate.
- 5.6 Glass and glazing must match historic materials as much as practical. Films and tinted or reflective glazings are not permitted on glass.
- 5.7 New door and window openings in protected facades are permitted only where there is evidence that historic openings have been filled or the safety of life is threatened.
- 5.8 The Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, should be referred to for acceptable techniques to improve the energy efficiency of historic fenestration.

**6. ROOFS.**

- 6.1 The historic slope, massing, configuration, and materials of the roof must be preserved and maintained.
- 6.2 Existing wood shake roofing materials must be maintained and preserved except when replacement is necessary due to damage or deterioration. If existing wood shake roofing needs to be replaced, it must be replaced with similar wood shake roofing material unless the applicant proves that another material was the original roofing material.
- 6.3 Historic eaves and roof trim must be retained, and should be repaired with material matching in size, finish, module, and color.
- 6.4 Mechanical equipment, skylights, and solar panels on the roof must be set back or screened so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.

**7. PORCHES AND BALCONIES.**

- 7.1 Historic porches and balconies on protected facades are protected.
- 7.2 Porches and balconies on protected facades may not be enclosed. It is recommended that existing enclosed or partially enclosed porches on protected facades be restored to their historic appearance.
- 7.3 Historic columns, detailing, railings, and trim on porches and balconies are protected.
- 7.4 Porch floors must be brick, concrete, stone, or wood. Brick, concrete, and stone porch floors may not be covered with carpet or paint. Wood floors must be painted or stained. A clear sealant is acceptable on porch floors.

**8. EMBELLISHMENTS AND DETAILING.**

- 8.1 The following architectural elements are considered important features and are protected:
  - a. Chimneys.
  - b. Exposed rafter tails.
  - c. Porte-cochere.
  - d. Screens, shutters, and grills.

- e. Masonry perimeter fence.
- f. Cupola and roof vents.
- g. Entrance door terrace.

**9. NEW CONSTRUCTION AND ADDITIONS.**

- 9.1 Stand-alone new construction is not permitted.
- 9.2 Vertical additions are not permitted.
- 9.3 Horizontal additions are not permitted on protected facades or in the no-build zone. Horizontal additions are permitted on the garage and service wing outside of the no-build zone.
- 9.4. The color, details, form, materials, and general appearance of additions must be compatible with the existing historic structure.
- 9.5. Additions must have appropriate color, detailing, fenestration, massing, materials, roof form, shape, and solid-to-void ratios.
- 9.6. The height of additions must not exceed one story.
- 9.7. Aluminum siding, exterior insulation finishing system (EIFS), and vinyl cladding are not permitted.
- 9.8. Additions must be designed so that connections between additions and the historic structure are clearly discernible as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between additions and the historic structure must be established and maintained. Historic details in the coping, eaves, and parapet of the historic structure must be preserved and maintained at the point where the historic structure abuts new construction or additions.

**10. SIGNS.**

- 10.1 Temporary political campaign signs and temporary real estate signs may be erected without a certificate of appropriateness. No other signs are permitted.

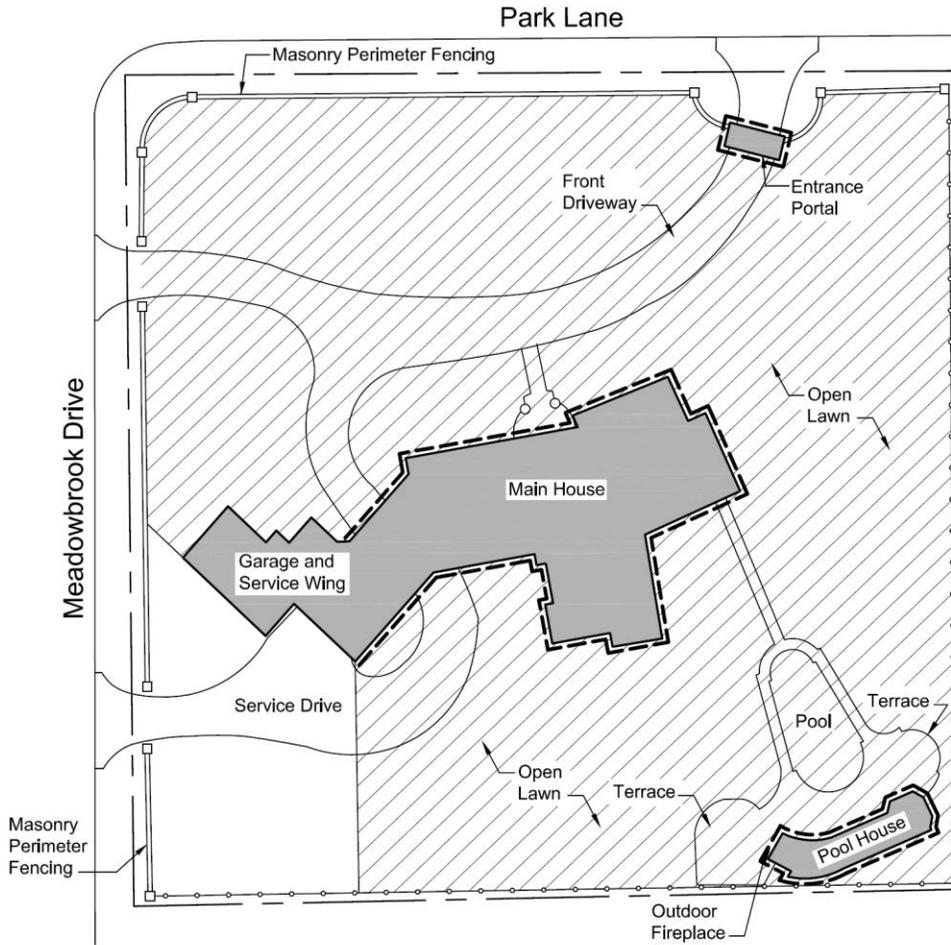
**11. ENFORCEMENT.**

- 11.1 A person who violates these preservation criteria is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is

obtained or the property is restored to the condition it was in immediately prior to the violation.

- 11.2 A person is criminally responsible for a violation of these preservation criteria if:
  - a. the person knowingly commits the violation or assists in the commission of the violation;
  - b. the person owns part or all of the property and knowingly allows the violation to exist;
  - c. the person is the agent of the property owner or is an individual employed by the agent or property owner; is in control of the property; knowingly allows the violation to exist; and fails to provide the property owner's name, street address, and telephone number to code enforcement officials; or
  - d. the person is the agent of the property owner or is an individual employed by the agent or property owner, knowingly allows the violation to exist, and the citation relates to the construction or development of the property.
- 11.3 Any person who adversely affects or demolishes a structure in this district in violation of these preservation criteria is liable pursuant to Section 315.006 of the Texas Local Government Code for damages to restore or replicate, using as many of the original materials as possible, the structure to its appearance and setting prior to the violation. No certificates of appropriateness or building permits will be issued for construction on the site except to restore or replicate the structure. When these restrictions become applicable to a site, the Director shall cause to be filed a verified notice in the county deed records and these restrictions shall be binding on future owners of the property. These restrictions are in addition to any fines imposed.
- 11.4 Prosecution in municipal court for a violation of these preservation criteria does not prevent the use of other enforcement remedies or procedures provided by other city ordinances or state or federal laws applicable to the person charged with or the conduct involved in the offense.

**Exhibit B**  
5310 Park Lane  
Dallas, Texas 75220

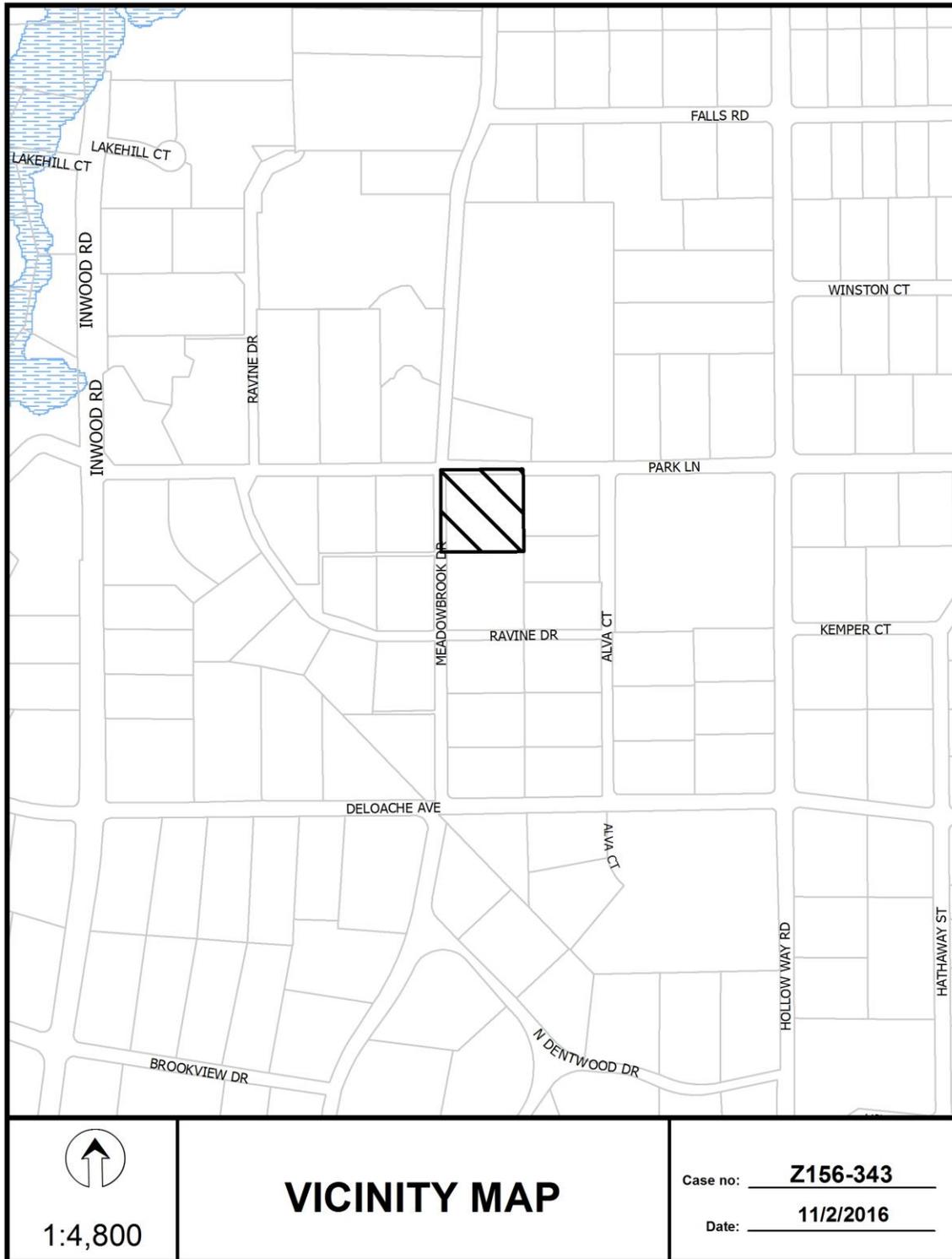


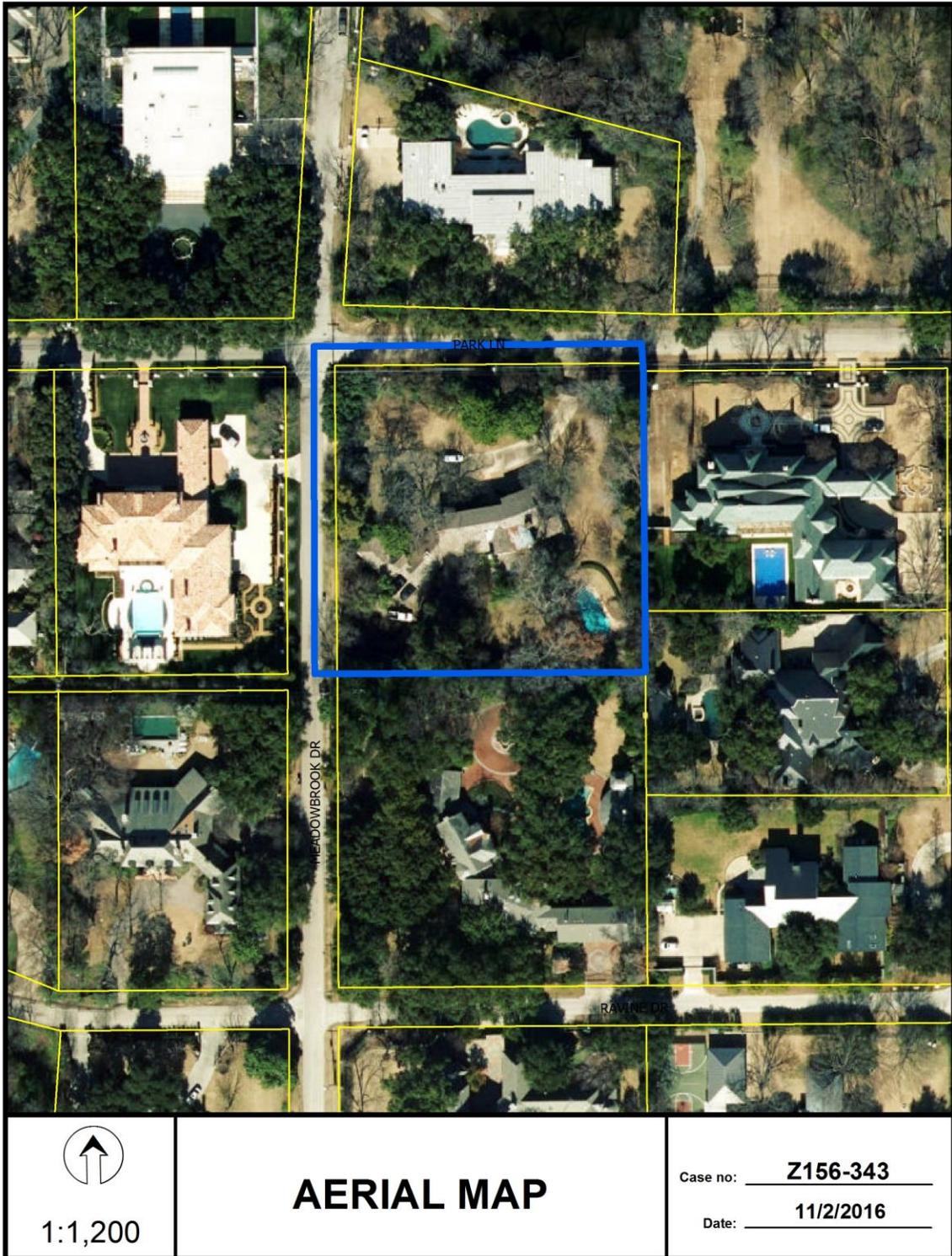
**LEGEND**

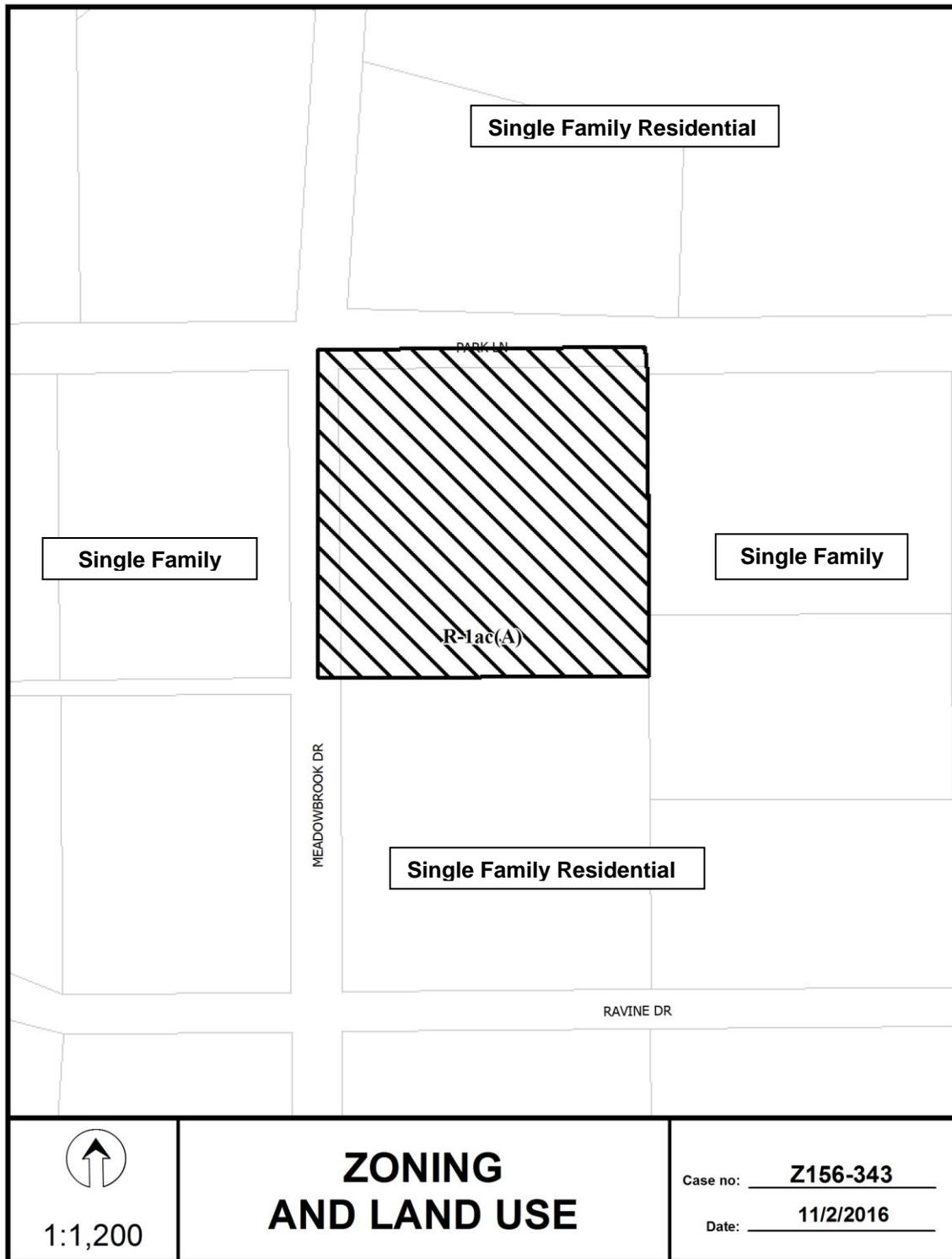
- Limits of Designation
- Protected Facades
- - - Existing Fence
- Main Building
- ▨ No Build Zone

July 20, 2016









CPC Responses



<u>11</u>	Property Owners Notified (11 parcels)
<u>2</u>	Replies in Favor (2 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>12/15/2016</u>	Date

**Z156-343**  
**CPC**



1:2,400

Z156-343(MD)

12/14/2016

## ***Reply List of Property Owners***

***Z156-343***

***11 Property Owners Notified***

***2 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	1	5310 PARK LN	SHUTT NANCY PERKINS
	2	5243 PARK LN	EAGLE JOHN &
	3	5223 PARK LN	LONGWELL HARRY J &
	4	5311 PARK LN	BURK LELAND RONALD
	5	5242 PARK LN	5242 PARK LANE TRUST
	6	5330 PARK LN	PARK ALVA MANAGEMENT TRUST &
	7	9525 ALVA CT	GREEN FOREST PROPERTIES LTD
	8	5271 RAVINE DR	ESBER NANCY SANDS & W JOHN ESBER
O	9	9506 MEADOWBROOK DR	SAHM VICTOR A III &
	10	9507 ALVA CT	HYDE PATRICIA
	11	5323 PARK LN	WARREN KELCY

**AGENDA ITEM # 54**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 5  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 48 W

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and expansion of Specific Use Permit No. 88 for an electric substation, on property zoned an R-7.5(A) Single Family District on the southeast corner of North Jim Miller Road and Scylene Road  
Recommendation of Staff and CPC: Approval, subject to a revised site plan, revised landscape plan and conditions  
Z156-346(OTH)

**FILE NUMBER:** Z156-346(OTH)

**DATE FILED:** August 23, 2016

**LOCATION:** Southeast corner of North Jim Miller Road and Scyene Road

**COUNCIL DISTRICT:** 5

**MAPSCO:** 48-W

**SIZE OF REQUEST:** ± 1.576 acres

**CENSUS TRACT:** 91.01

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**APPLICANT/OWNER:** Oncor Electric Delivery Co.

**REPRESENTATIVE:** Mark Housewright, MASTERPLAN

**REQUEST:** An application to amend and expand Specific Use Permit No. 88 for an electric substation, on property zoned an R-7.5(A) Single Family District.

**SUMMARY:** The applicant proposes to expand the area of the SUP and replace the existing electric substation on the site.

**CPC RECOMMENDATION:** Approval, subject to a revised site plan, revised landscape plan and conditions.

**STAFF RECOMMENDATION:** Approval, subject to a revised site plan, revised landscape plan and conditions.

**Background:**

- The property is currently developed with an electric substation. The original SUP No. 88 was approved on July 13, 1959 for a permanent time period.
- The applicant is demolishing the existing electrical substation. According to the applicant, the equipment is obsolete and not repairable. No buildings are proposed on the property.
- The property is located at the intersection of two major streets. The property is adjacent uses to single family residential and undeveloped land. Surrounding uses are residential, vacant to the west, retail and undeveloped to the north.

**Zoning History:** There has been one recent zoning request in the area within the last five years.

1. **Z156-103** On April 13, 2016, the City Council approved the renewal of Specific Use Permit No. 1863 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a one-year period on property located at 6935 Scyene Road.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Scyene Road	Principal Arterial	100 feet
North Jim Miller Road	Major Arterial	120 feet

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	R-7.5(A) & SUP No. 88	Electrical Substation, undeveloped.
<b>North</b>	CR-D-1	Retail and undeveloped
<b>East</b>	R-7.5(A)	Single Family and undeveloped
<b>South</b>	R-7.5(A)	Single Family
<b>West</b>	R-7.5(A)	Single Family and vacant

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request.

The proposed development is not specifically mentioned in any goal or policy in the Comprehensive plan.

The existing electrical substation has been in the area since 1959. The expansion and replacement of the site and equipment will continue servicing the area and will improve the quality of service provided to the neighborhood.

**Land Use Compatibility:**

The request site is currently developed with an electrical substation that was originally installed in 1959. The existing substation is nestled on the property and surrounded by mature trees. The applicant is proposing to expand the area of the SUP and to replace the 54 year old equipment with modern equipment. However, in order to accommodate the new electric substation the applicant will have to remove some of the existing landscaping.

The property is adjacent to single family development to the east and some undeveloped land to the south. Surrounding uses are single family and vacant to the west; retail uses and undeveloped to the north.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or

denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The continued use of the property as an electrical substation is compatible with the surrounding uses as these comprise of other medical offices and retails and personal service uses. The electrical substation provides necessary services to the area. Even though the proposed site for the electrical substation is located on a corner of a mayor intersection, newer equipment for a use that has existed for over 54 years will not negatively impact the surrounding uses.

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the proposed development and determined that it will not significantly impact the surrounding roadway system.

**Parking:**

The parking requirement for an electrical substation is two spaces. The applicant is providing the required parking as shown on the proposed site plan.

**Landscaping:**

The construction of a new building at the electric substation will trigger Article X requirements. The landscaping on the property must comply with the attached landscape plan.

The applicant is constrained by the location of several utility lines on the property. Therefore, the location of trees and other plantings are limited to areas where there are no utility lines. Staff and the applicant worked together to make sure that the intent of Article X is met with the landscape plan.

Z156-346(OTH)

**CPC ACTION:  
December 15, 2016**

**Motion:** It was moved to recommend **approval** of an amendment to and expansion of Specific Use Permit No. 88 for an electric substation, subject to a site plan, landscape plan and conditions on property zoned an R-7.5(A) Single Family District on the southeast corner of North Jim Miller Road and Scyene Road.

Maker: Shidid  
Second: Murphy  
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid, Haney,  
Jung, Housewright, Schultz, Peadon, Murphy,  
Ridley, Tarpley

Against: 0  
Absent: 1 - Anantasomboon  
Vacancy: 1 - District 7

**Notices:** Area: 300                      Mailed: 38  
**Replies:** For: 0                              Against: 0

**Speakers:** None

## Partners and Principles

### ONCOR ELECTRIC DELIVERY, LLC - OFFICERS

Don Clevenger – Senior Vice President, Strategy

Allen Nye – Senior Vice President, General Counsel and Secretary

Brenda Pulis – Senior Vice President

Mark Carpenter – Senior Vice President, T & D Operations

Debbi Elmer – Retired Effective April 1, 2013

Jim Greer – Senior Vice President and Chief Operating Officer

David Dais – Senior Vice President and Chief Financial Office

Bob Shapard – Chairman and Chief Executive Officer

Debbie Dennis – Senior Vice President, Human Resources & Corporate Affairs

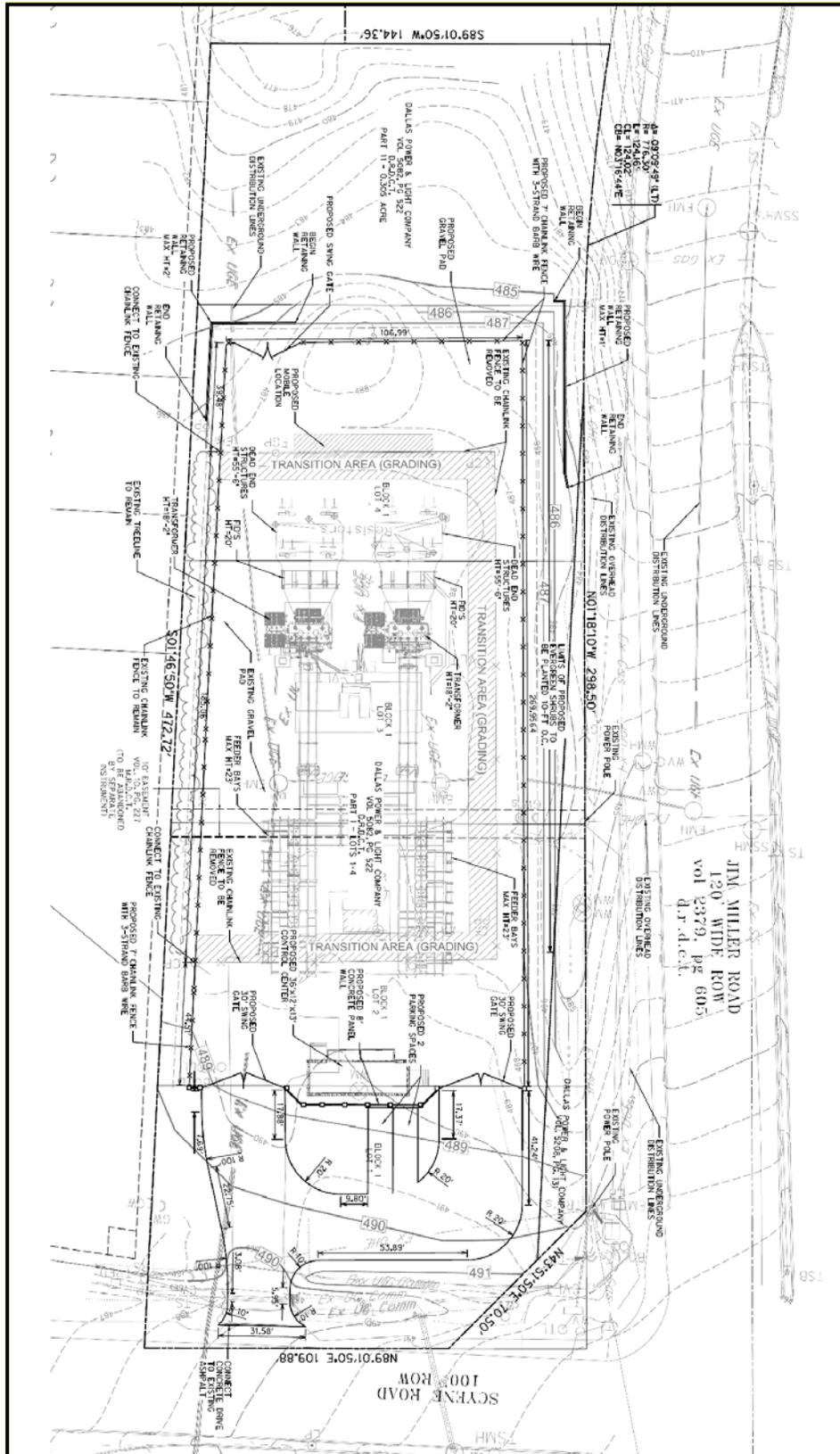
Mike Guyton- Senior Vice President and Chief Customer Officer

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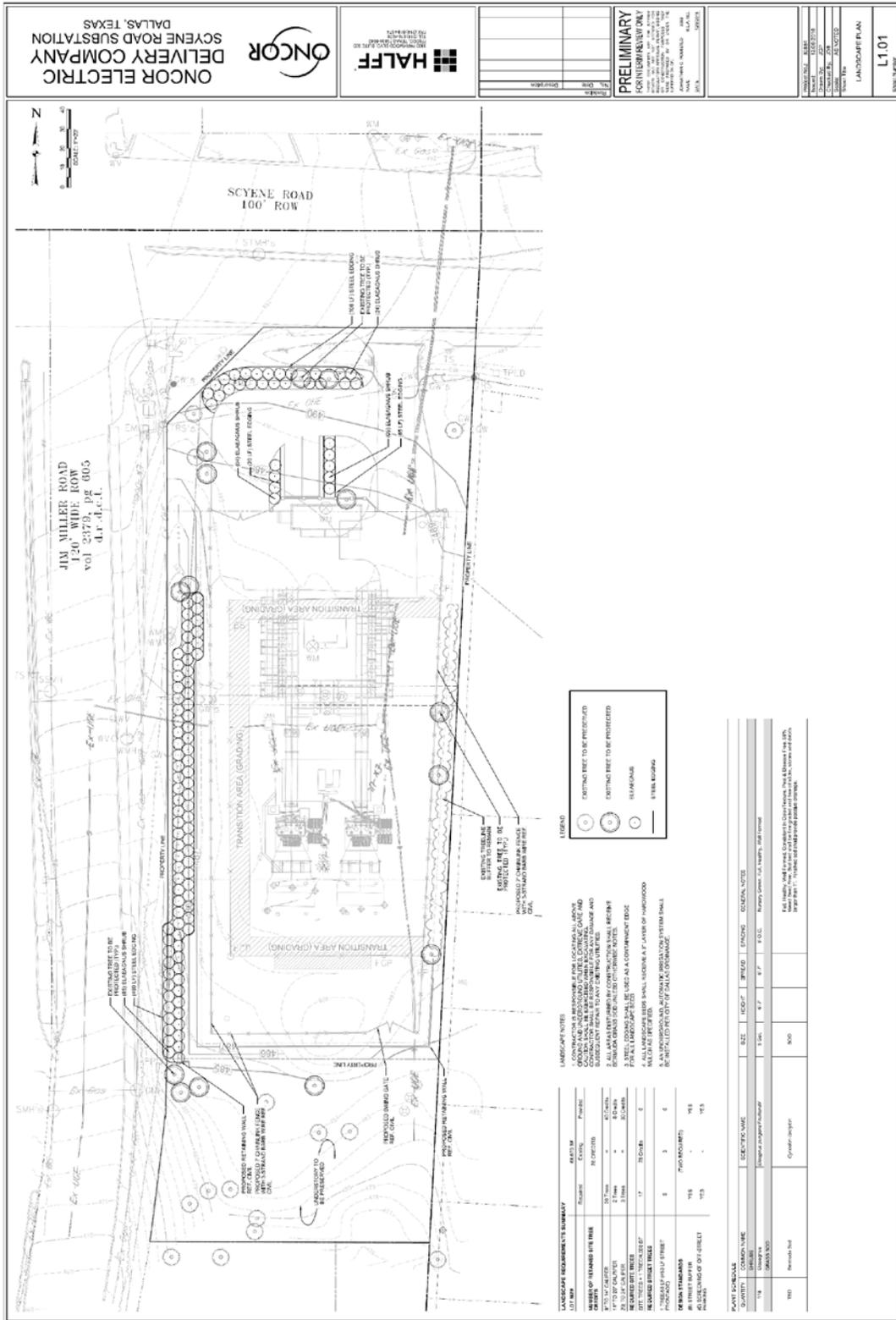
**CPC CONDITIONS  
SUP No. 88  
Z156-346(OTH)  
(No changes are proposed to conditions)**

1. USE: The only use authorized by this specific use permit is an electrical substation.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit is approved for a permanent period.
4. LANDSCAPE: Landscaping of the property must comply with the attached landscape plan.
5. INGRESS-EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
6. PARKING: Two parking spaces must be provided as shown on the site plan.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

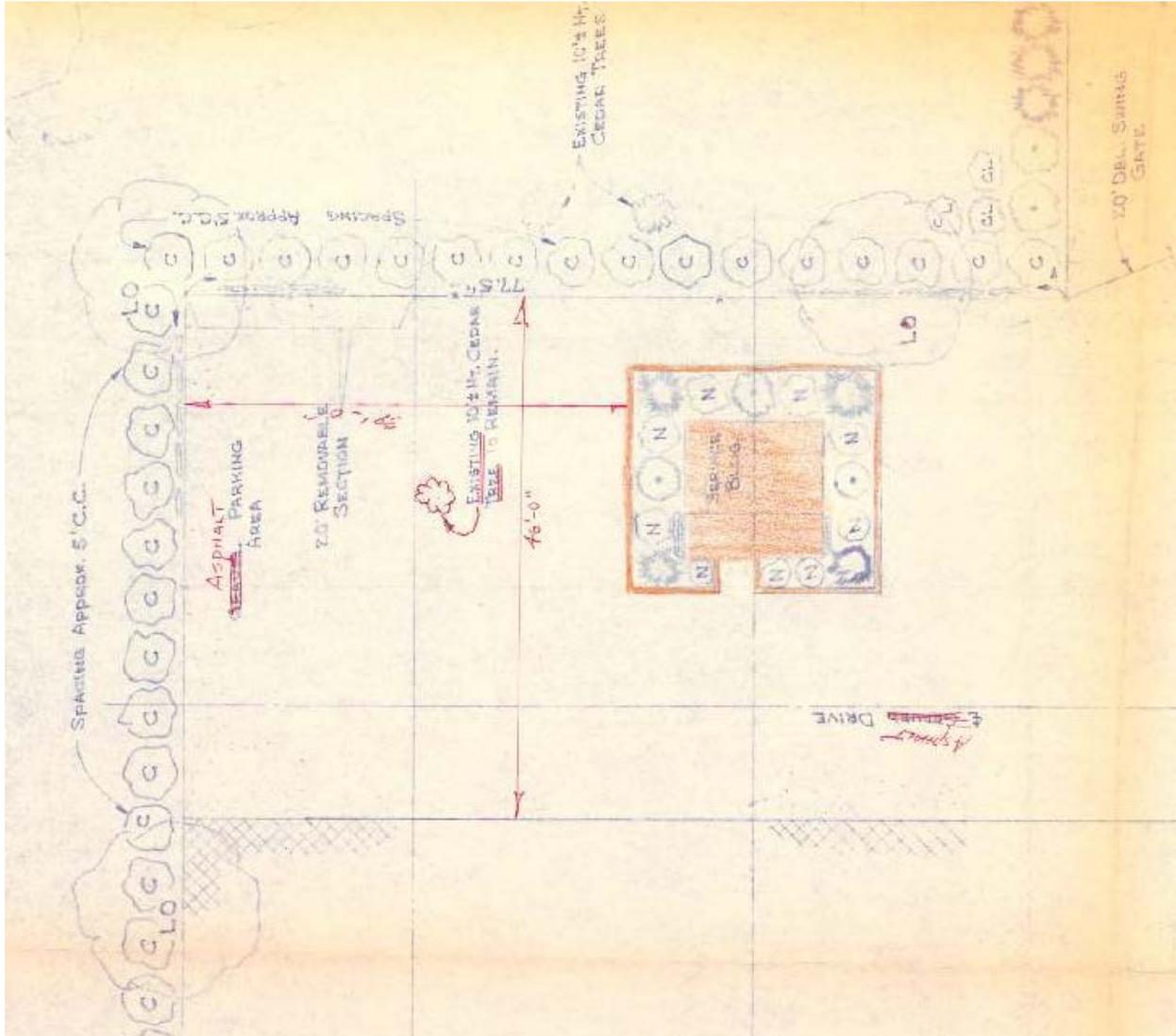
# PROPOSED SITE PLAN

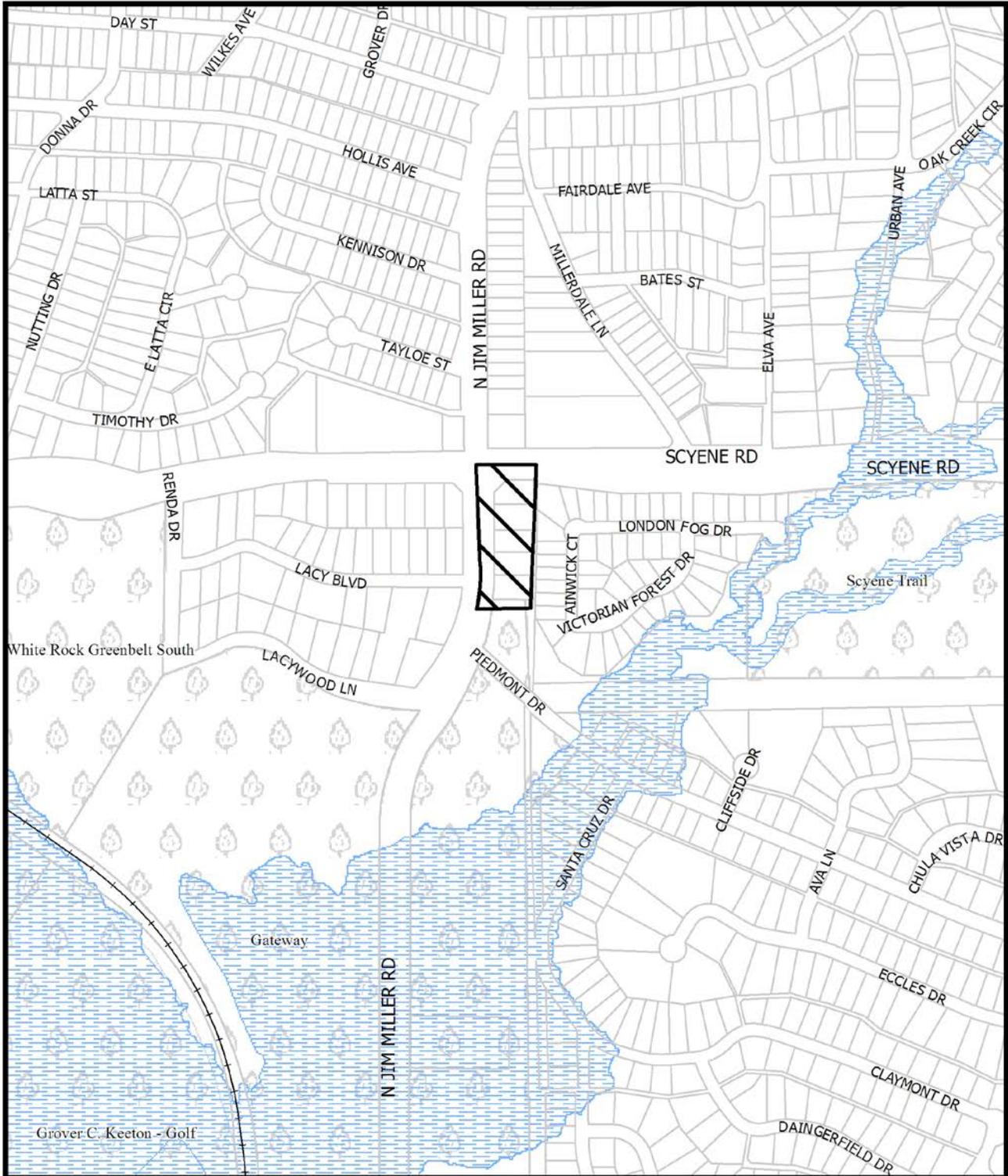


PROPOSED LANDSCAPE PLAN



EXISTING SITE PLAN





1:6,000

# VICINITY MAP

Case no: **Z156-346**

Date: **9/30/2016**

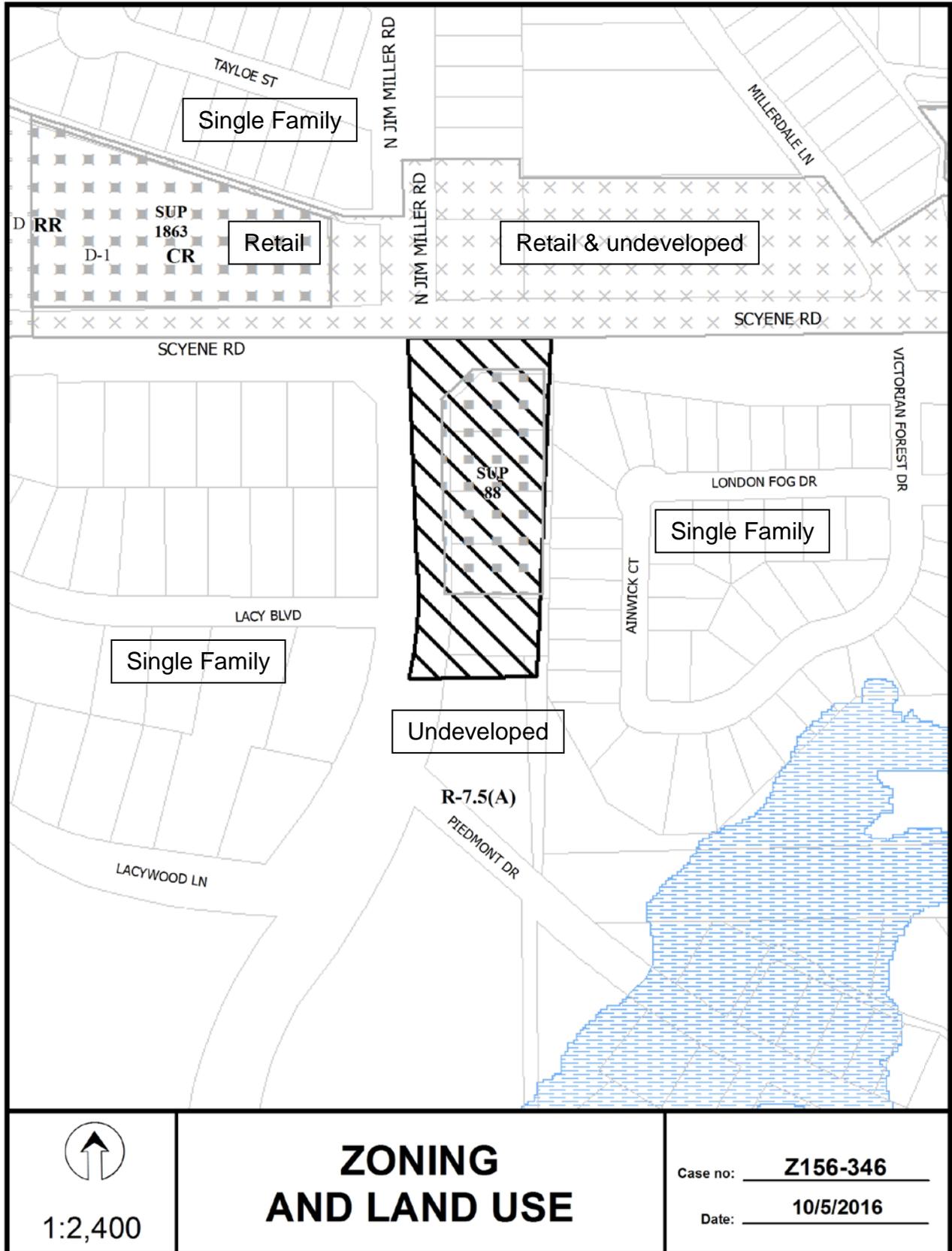


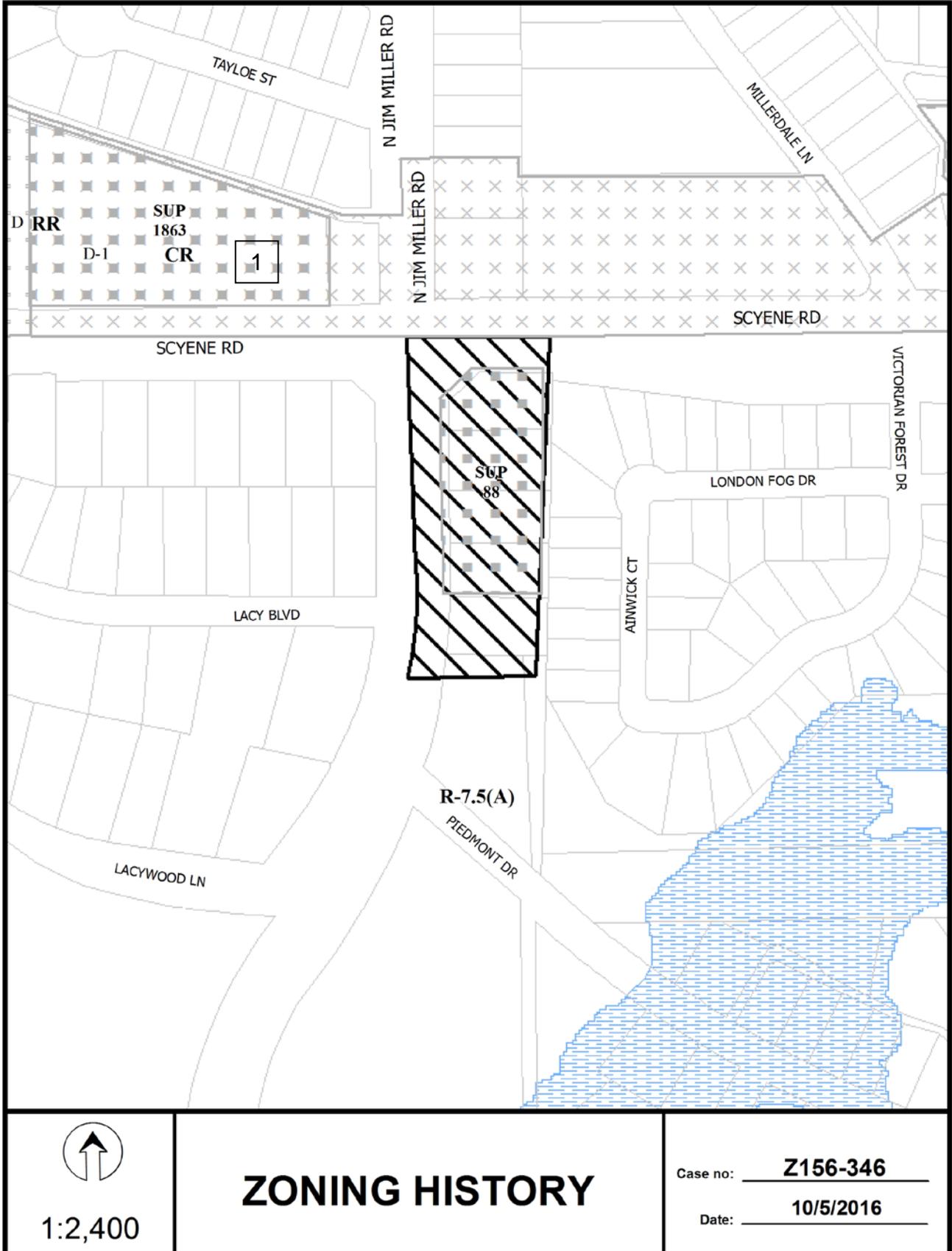
1:2,400

# AERIAL MAP

Case no: Z156-346

Date: 9/30/2016





# ZONING HISTORY

Case no: Z156-346  
Date: 10/5/2016

**CPC RESPONSES**



<u>38</u>	Property Owners Notified (53 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>12/15/2016</u>	Date

**Z156-346**  
**CPC**



1:2,400

12/14/2016

***Reply List of Property Owners******Z156-346******38 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	2900	S BUCKNER BLVD	TEXAS UTILITIES ELEC CO
2	6939	SCYENE RD	TREVINO EMILIA
3	6901	SCYENE RD	REEVES GEORGE M III LTD
4	6942	TAYLOE ST	DALLAS HOUSING AUTHORITY
5	6946	TAYLOE ST	PEREZ LUZ & FILBERTO
6	7007	SCYENE RD	SCYENE AUTO SHOP LLC
7	3016	N JIM MILLER RD	TIMBERLAKE BILL W
8	3102	N JIM MILLER RD	SILLER ANDREW M &
9	3119	MILLERDALE LN	DASCH JOHN TIMOTHY
10	7015	SCYENE RD	GUTIERREZ DIEGO &
11	6938	SCYENE RD	JCRB ENTERPRISE
12	6930	SCYENE RD	DIAZ MARIA P
13	6928	SCYENE RD	SANDOVAL ABRAHAM GALDEAN
14	6922	SCYENE RD	LINWOOD MONTIQUE
15	6947	LACY BLVD	MECCA APRIL INC
16	6939	LACY BLVD	MARTINEZ ALICIA N
17	6933	LACY BLVD	LOPEZ MATIAS JR & GENIEVA
18	6927	LACY BLVD	YOUNG EARL DEAN
19	6946	LACY BLVD	DAVIS LARRY K
20	6939	LACYWOOD LN	MARROQUIN LUGARDO
21	7000	PIEDMONT DR	VICTORIAN FOREST ESTATES
22	2914	VICTORIAN FOREST DR	CTE HOMES LLC
23	2902	VICTORIAN FOREST DR	JEGSTRUP MELBA
24	2803	AINWICK CT	JEGSTRUP ROBERT &
25	2819	AINWICK CT	BROWN VALERIA
26	2831	AINWICK CT	FRANCO DALVERTO

12/14/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	2835 AINWICK CT	GREEN DARRELL WADE SR
	28	7003 LONDON FOG DR	JOHNSON NATHANIEL II
	29	7007 LONDON FOG DR	DUENAS JOSE
	30	7011 LONDON FOG DR	BENITEZ EVA
	31	7015 LONDON FOG DR	RPA4 LLC
	32	2923 VICTORIAN FOREST DR	AVILA ABEL ANTUNEZ &
	33	2917 VICTORIAN FOREST DR	EYK PROPERTIES INC
	34	2810 VICTORIAN FOREST DR	HILL PATRICE & VINCENT CLAY
	35	2818 AINWICK CT	KIRBY AJ
	36	2820 AINWICK CT	WILLINGHAM CLARK S & JANE
	37	7010 LONDON FOG DR	ALLEN CRISTINA L
	38	7014 LONDON FOG DR	AVALA PRASUNA V

**AGENDA ITEM # 55**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 45 T

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1953 for a restaurant with drive-in or drive-through service on property zoned Cedars West Subdistrict 1, Urban Village Form District within Planned Development District No. 784, the Trinity River Corridor Special Purpose District, on the south corner of East R.L. Thornton Freeway (Interstate 35E) and South Riverfront Boulevard

Recommendation of Staff and CPC: Approval for a five-year period, subject to conditions

Z156-367(OTH)



**FILE NUMBER:** Z156-367(OTH)

**DATE FILED:** September 26, 2014

**LOCATION:** South corner of East R.L. Thornton Freeway (Interstate 35E) and South Riverfront Boulevard

**COUNCIL DISTRICT:** 2

**MAPSCO:** 45-T

**SIZE OF REQUEST:** 1.12 acres

**CENSUS TRACT:** 204.00

**APPLICANT:** Global Sky Properties

**REPRESENTATIVE:** Patrick Gallagher

**OWNER:** Arlington Lakeside Grocery & Gill, Inc.

**REQUEST:** An application for the renewal of Specific Use Permit No. 1953 for a restaurant with drive-in or drive-through service on property zoned Cedars West Subdistrict 1, Urban Village Form District within Planned Development District No. 784, the Trinity River Corridor Special Purpose District.

**SUMMARY:** The applicant proposes to continue the use of the property for a restaurant [Sonic] with drive-in or drive-through service.

**CPC RECOMMENDATION:** Approval for a five-year period, subject to conditions.

**STAFF RECOMMENDATION:** Approval for a five-year period, subject to conditions.

**BACKGROUND:**

- The restaurant with drive-in or drive-through service is located on 1.12 acres of land along with the general merchandise or food store and a motor vehicle fueling station.
- The original SUP was approved on April 25, 2012, for a three-year period. The SUP was renewed on January 14, 2015, for an additional three-year period.
- The property is surrounded by office and vehicle sales, commercial amusement (inside) limited to a Class A dance hall, and vacant structures along S. Riverfront Boulevard. Major development and redevelopment is occurring in this area of the City.

**Zoning History:** There has been one zoning changes in the area within the last five years.

1. **Z112-241** On August 22, 2012, the City Council granted the renewal of Specific Use Permit No. 1484 for a commercial amusement (inside) limited to a Class A dance hall on property zoned Planned Development District No. 784, the Trinity River Corridor Special Purpose District on property on the northwest corner of South Riverfront Boulevard and Dearborn Street.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing ROW</b>
Cadiz Street	Principal Arterial	200 feet
Riverfront Boulevard	Principal Arterial	50 feet

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PDD No. 784, SUP No. 1953	Motor vehicle fueling station, restaurant and convenience store
<b>North</b>	PDD No. 784	Freeway, public utilities
<b>East</b>	PDD No. 784	Undeveloped, Vehicle sales, office, vacant
<b>South</b>	PDD No. 784, SUP No. 1484	Commercial Amusement (inside), Vacant
<b>West</b>	PDD No. 784	Undeveloped

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request.

**Land Use Element**

**GOAL 1.1      Align Land Use Strategies with Economic Development Priorities**

Policy 1.1.3      Build a dynamic and expanded Downtown.

**Trinity River Corridor Plan:**

The plan’s future land use plan preferred land use is residential urban development which is characterized by three to five story buildings containing multiple residential units. This type of development provides a more human-scale type development. Higher density residential development along the Trinity River is a preferred land use.

While the proposed use is not compatible with the vision the City has for the area, the property is maintained in good condition and provides a viable use as the area transition toward the vision.

**Land Use Compatibility:**

The site is developed with a restaurant with drive through and a general merchandise or food store (convenience store). The existing structure was built in 2011. The restaurant [Sonic] provides a service to the area during the transitional period to the

City's vision for the area. The restaurant use is allowed by right in PD No. 784 but a restaurant with drive in or drive-through requires an SUP.

The request site is surrounded by undeveloped property, vehicle sales and office uses, a commercial amusement (inside) limited to a Class A dance hall and several vacant buildings.

The use is compatible with the surrounding uses and provides a service to the area residents as well as commuters traveling through the area. The conditions and site plan provide a means to ensure the use is not detrimental to the area. Staff is recommending a five year period instead of the three years as in previous renewals because the site has been maintained per the conditions and site plan. A definite time period will allow CPC and City Council an opportunity to see if the area has transitioned and a more appropriate use in line with the land use plan is a better use for the site.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards.

**Parking:**

Pursuant to §51A-4.203, a restaurant with drive-in or drive-through use requires one space per 100 square feet of floor area. The applicant is providing the required parking for the restaurant with drive-in and drive-through and for the additional uses that share the existing building and property. The restaurant is required to have 22 spaces. The other use is required to have 23 spaces. Total required parking is 45 spaces with 47 spaces provided.

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

**Site Plan:**

The development of the property complies with the site plan as approved by the City Council and no changes are requested at this time.

**CPC ACTION**  
**December 1, 2016**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1953 for a restaurant with drive-in or drive-through service for a five-year period, subject to conditions on property zoned Cedars West Subdistrict 1, Urban Village Form District within Planned Development District No. 784, the Trinity River Corridor Special Purpose District, on the south corner of East R.L. Thornton Freeway (Interstate 35E) and South Riverfront Boulevard.

Maker: Shidid  
Second: Murphy  
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,  
Anantasomboon, Haney, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 7

**Notices:** Area: 300                      Mailed: 10  
**Replies:** For: 0                         Against: 0

**Speakers:** None

**Partners & Principles**



September 23, 2016

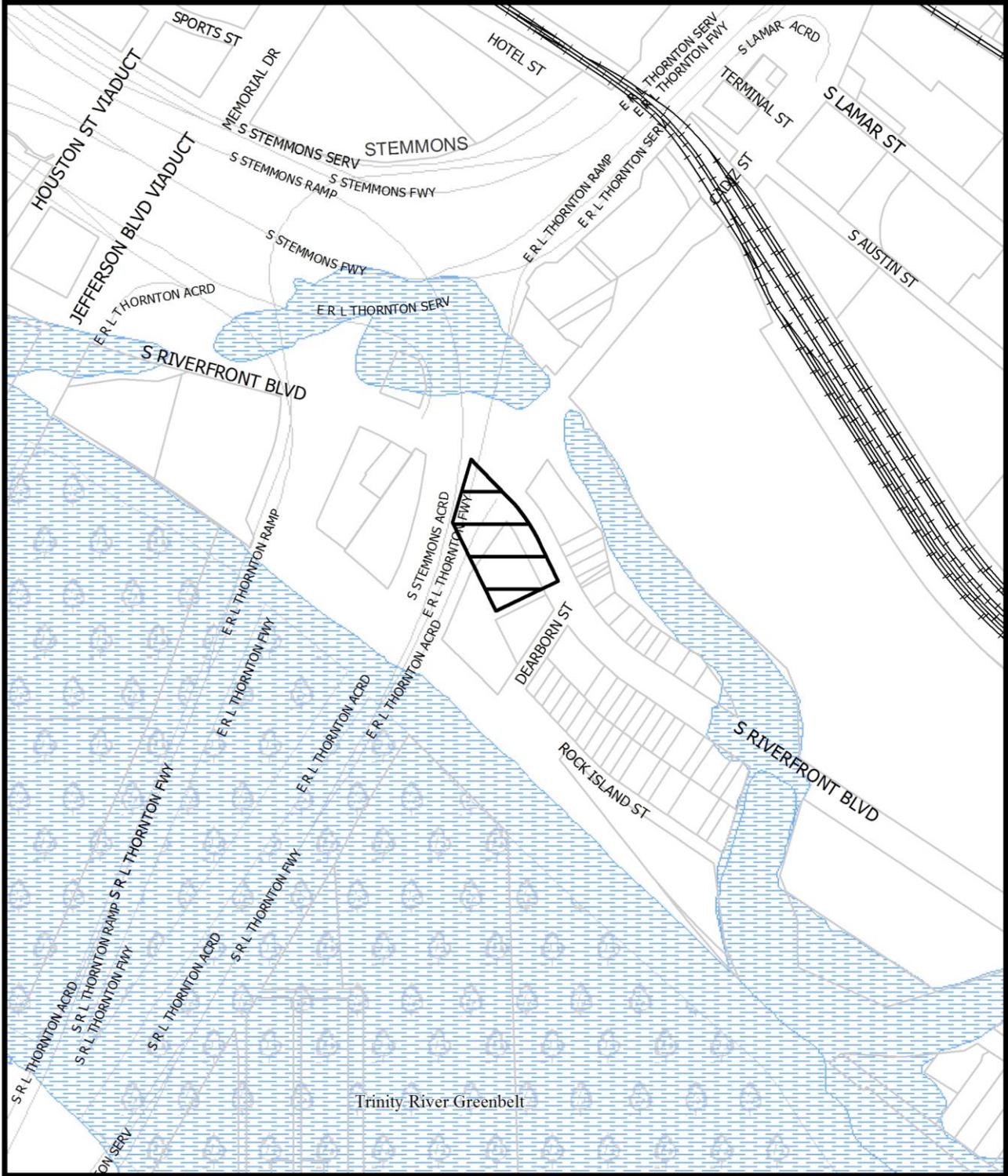
Arlington Lakeside Grocery and Grill

Anwar Dossani – President

**CPC CONDITIONS  
SUP No. 1953  
Z156-367(OTH)**

1. USE: The only use authorized by this specific use permit is a restaurant with drive-in or drive-through service.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on five years from the date of approval January 14, 2017.
4. INGRESS-EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.
5. PARKING: Off-street parking must be located as shown on the attached site plan.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.





↑  
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# VICINITY MAP

Case no: Z156-367  
Date: 11/3/2016

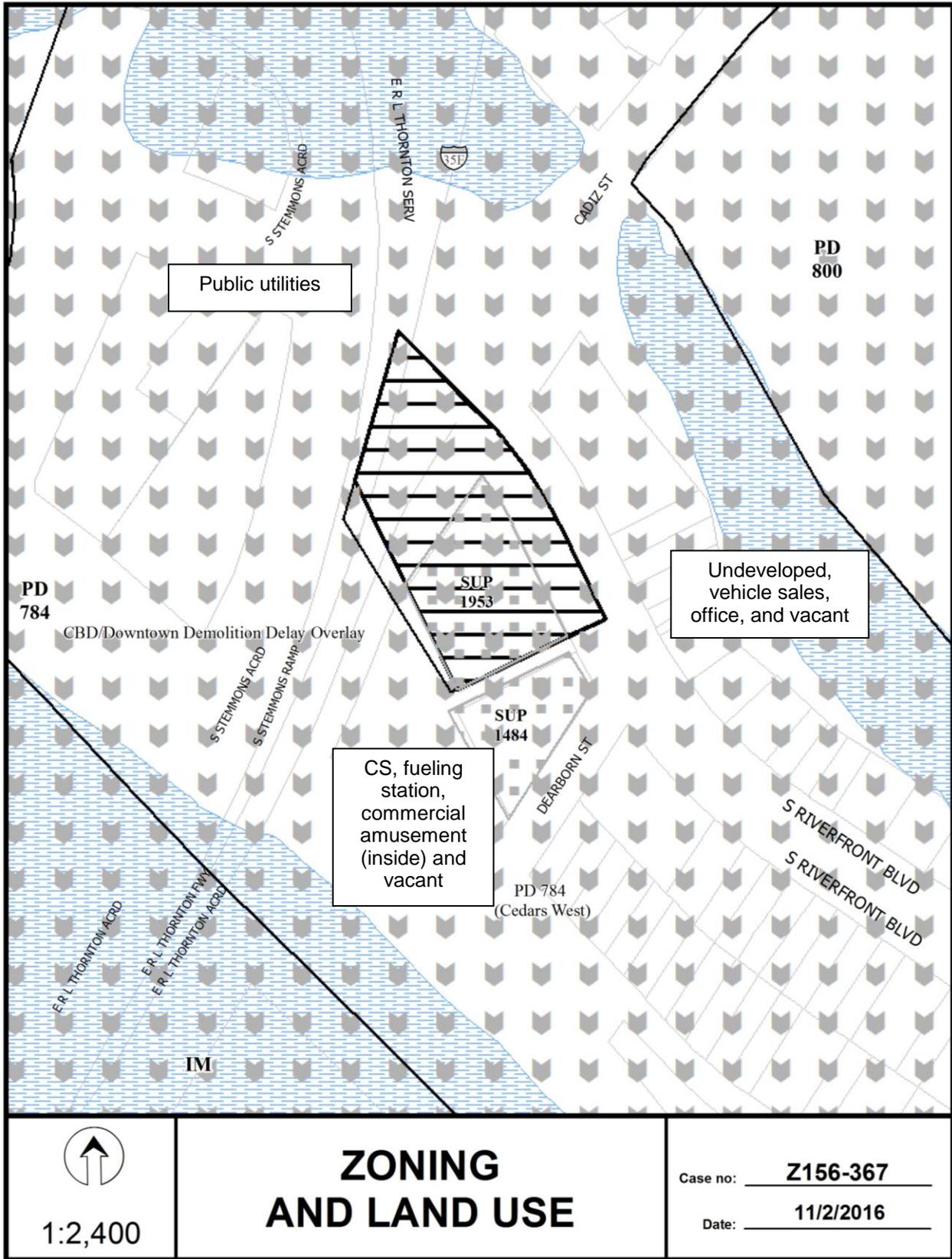


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# AERIAL MAP

Case no: Z156-367

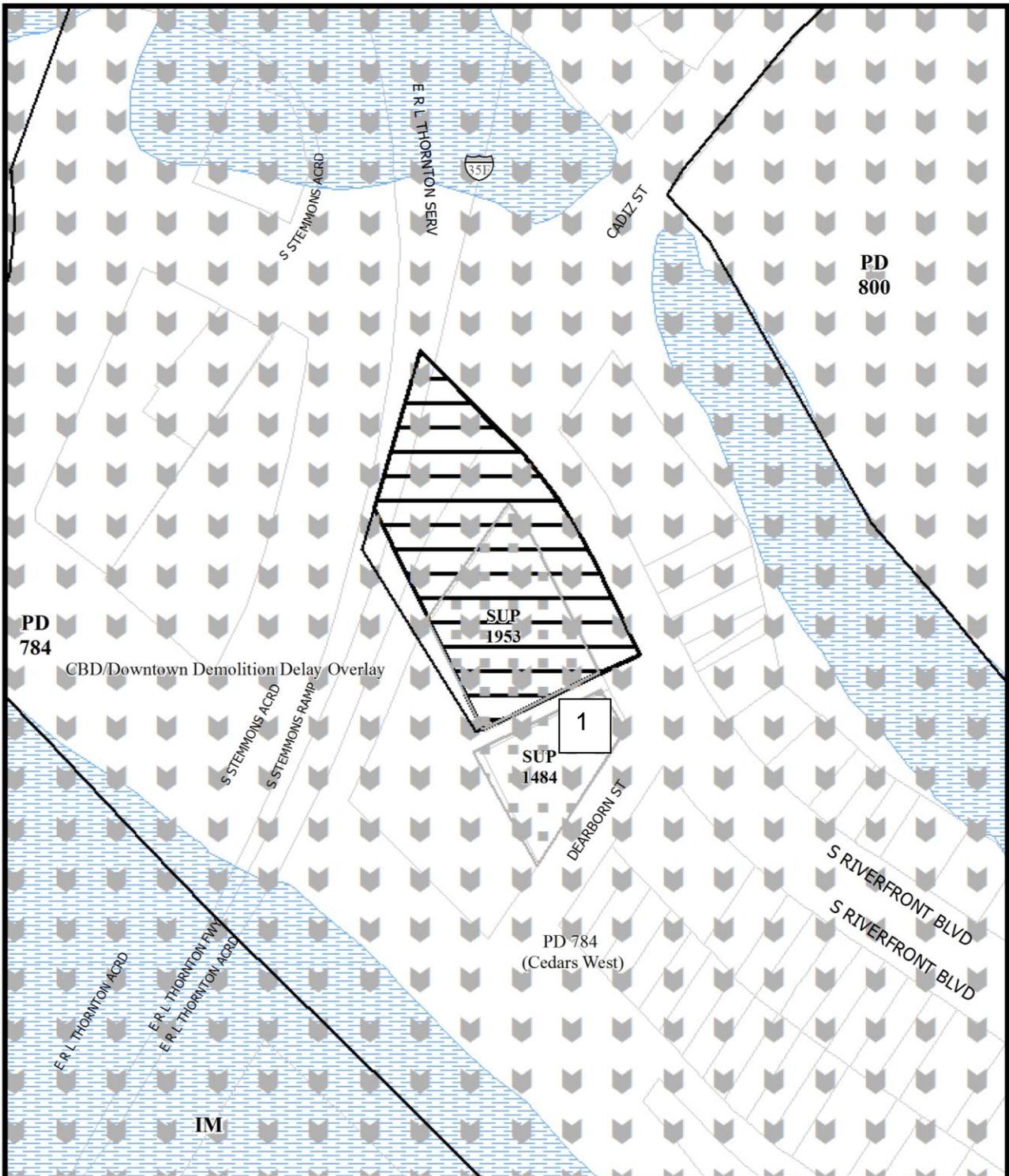
Date: 11/3/2016



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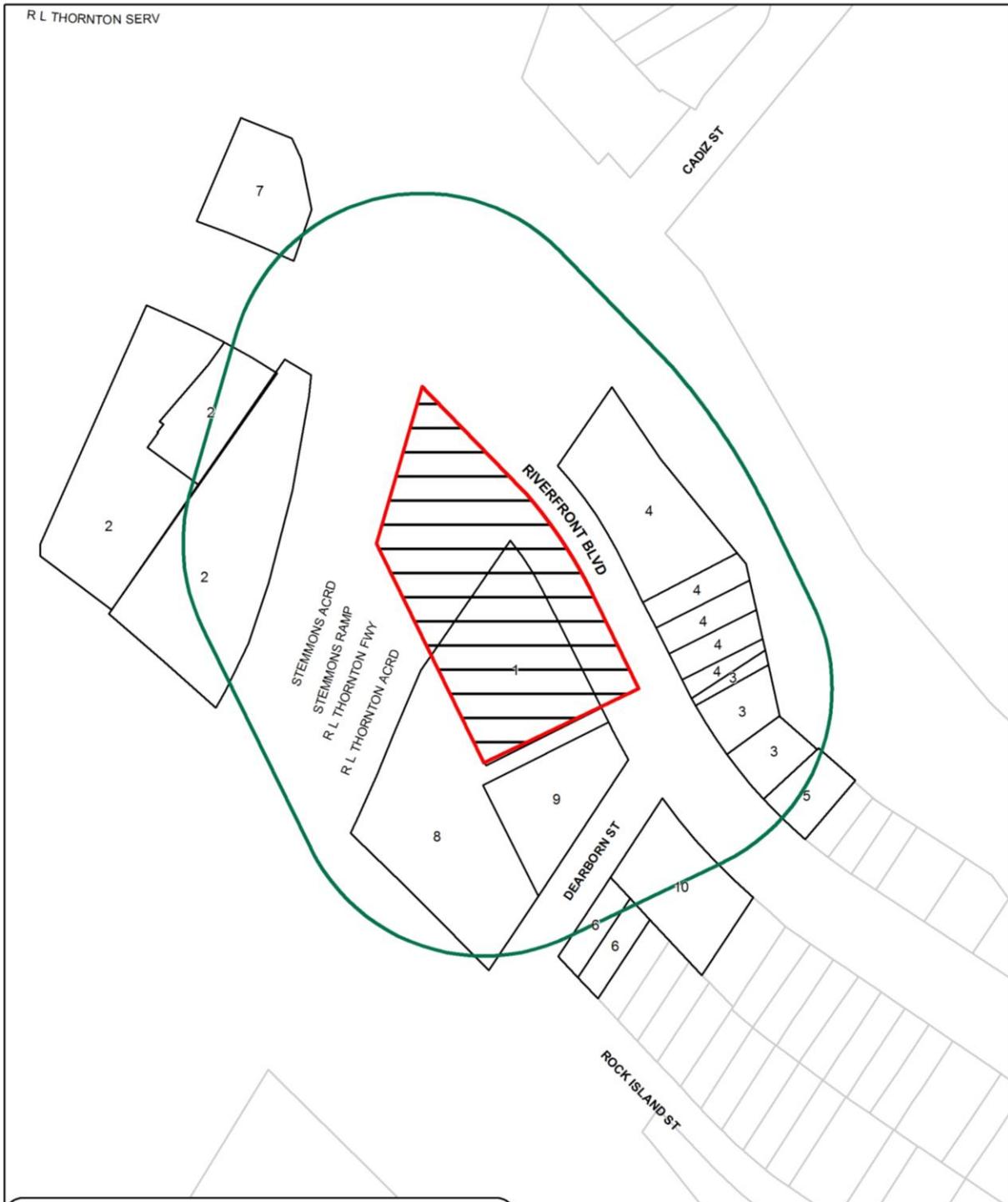
# ZONING AND LAND USE

Case no: Z156-367  
Date: 11/2/2016



 1:2,400	<h1>ZONING HISTORY</h1>	Case no: <u>Z156-367</u> Date: <u>11/2/2016</u>
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**CPC RESPONSES**



<u>10</u>	Property Owners Notified (19 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>12/1/2016</u>	Date

**Z156-367**  
**CPC**



1:2,400

Z156-367(OTH)

11/30/2016

## ***Reply List of Property Owners***

***Z156-367***

***10 Property Owners Notified***

***0 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	1005 S RIVERFRONT BLVD	ARLINGTON LAKESIDE GROCERY & GRILL INC
	2	915 S RIVERFRONT BLVD	TEXAS UTILITIES ELEC CO
	3	1006 S RIVERFRONT BLVD	FAMKAR NICOLE MARLAM
	4	200 CADIZ ST	SPORTATORIUM ASSOC INC &
	5	1018 S RIVERFRONT BLVD	POORNOROOZ MIKE HOSSEIN
	6	1100 ROCK ISLAND ST	UNIFIED TEXAS PROPERTIES LLC
	7	908 S RIVERFRONT BLVD	HFT PROPERTIES LLC
	8	106 DEARBORN ST	REYNA ROGER & ROSA
	9	1027 S RIVERFRONT BLVD	REYNA ROGER
	10	1103 S RIVERFRONT BLVD	UHRICK PROPERTIES LLC

**AGENDA ITEM # 56**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 44 B

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the southwest line of Farrington Street, northwest of Crampton Street  
Recommendation of Staff and CPC: Approval  
Z156-370(JM)

**FILE NUMBER:** Z156-370(JM)

**DATE FILED:** September 27, 2016

**LOCATION:** On the southwest line of Farrington Street, northwest of Crampton Street.

**COUNCIL DISTRICT:** 6

**MAPSCO:** 44-B

**SIZE OF REQUEST:** Approx. 0.41 acres

**CENSUS TRACT:** 100.00

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**APPLICANT / OWNER:** 2519 Farrington, LLC

**REPRESENTATIVE:** Audra Buckley

**REQUEST:** An application for an MU-3 Mixed Use District on property zoned an IR Industrial Research District.

**SUMMARY:** The purpose of the request is to allow the conversion of the existing building into two live/work units with an office showroom/warehouse element.

**CPC RECOMMENDATION:** Approval

**STAFF RECOMMENDATION:** Approval

**BACKGROUND:**

- The site contains a 12,800 square foot warehouse building and surface parking lot.
- The property was issued a Certificate of Occupancy for an office showroom/warehouse use as early as 1994. The subject site has two addresses and two units. Both obtained COs as office showroom/warehouse uses after housing various printing businesses throughout the years, most recently in 2016.

**Zoning History:** There have been three zoning cases in the area over the past five years. They are located outside of the map area, but are listed below.

1. Z123-126 – On Wednesday, February 27, 2013, the City Council approved an MU-1 Mixed Use District on property zoned an IR Industrial Research District on the west corner of Crampton Street and Converse Street (not shown on map).
2. Z156-180 – On April 13, 2016, the City Council approved an MU-1 Mixed Use District on property zoned an IR Industrial Research District on the south side of Farrington Street, east of Crampton Street (not shown on map).
3. Z156-340 – An application for an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the northeast line of Irving Boulevard, west of Wycliff Avenue. (Approved at CPC on 12/1/16. Pending CC on 1/25/17; not shown on map.)

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Farrington Street	Principal Arterial	80 feet

**Traffic:** The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

**Comprehensive Plan:** The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

**LAND USE ELEMENT**

**GOAL 1.1 Align Land Use Strategies with Economic Development Priorities**

Policy 1.15 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

Implementation Measure 1.1.5.1 Recognize adopted area/neighborhood plans in guiding development and zoning decisions.

**ECONOMIC ELEMENT**

**GOAL 2.1 Promote Balanced Growth**

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

The Plan identifies the request site being within an Urban Mixed-Use Building Block. The request to have live/work units epitomizes the Urban Mixed-Use Building Block. If this area continues to transition to include live/work units and more people live in the area, other uses may follow for a vibrant neighborhood.

**AREA PLAN:** Stemmons Corridor-Southwestern Medical District Area: The request site is located within the Urban Mixed Use – Medium designation of the Stemmons Corridor-Southwestern Medical District. The report recommends the following type of mix developments that could be developed in the general area: residential, office, retail, and moderate density developments. In addition, the plan emphasize pedestrian and bike friendly development. Integrating residential uses in this area is consistent with the projections for the area.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	IR	Vacant warehouse
<b>Northwest</b>	IR	Warehouse
<b>Southeast</b>	IR	Office
<b>Northeast</b>	IR	Office showroom/warehouse
<b>Southwest</b>	IR	Office showroom/warehouse

**Land Use Compatibility:** The property consists of adjoining vacant buildings with surface parking. Uses surrounding the property primarily consist of office and office showroom/warehouse uses with several vacant buildings.

The addition of two live/work units in the area are compatible to the surrounding uses. Staff recognizes the transitional nature of the area and supports the applicant’s request.

**Development Standards:**

<b><u>DISTRICT</u></b>	<b>SETBACKS</b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Special Standards</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
IR- existing Industrial research	15'	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail
MU-3 —. proposed Mixed use-3	15'	20' adjacent to residential OTHER: No Min.	3.2 FAR base 4.0 FAR maximum + bonus for residential	270' 20 stories	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential, trade center

**Landscaping:** Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

**List of Partners/Principals/Officers**

AQUA KM, LLC

Michael Kutner, Managing Member

2519 FARRINGTON, LLC

Joel Cooner, Managing Member

Z156-370

Z156-370(JM)

**CPC Action:  
December 1, 2016**

**Motion:** It was moved to recommend **approval** of an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the southwest line of Farrington Street, northwest of Crampton Street.

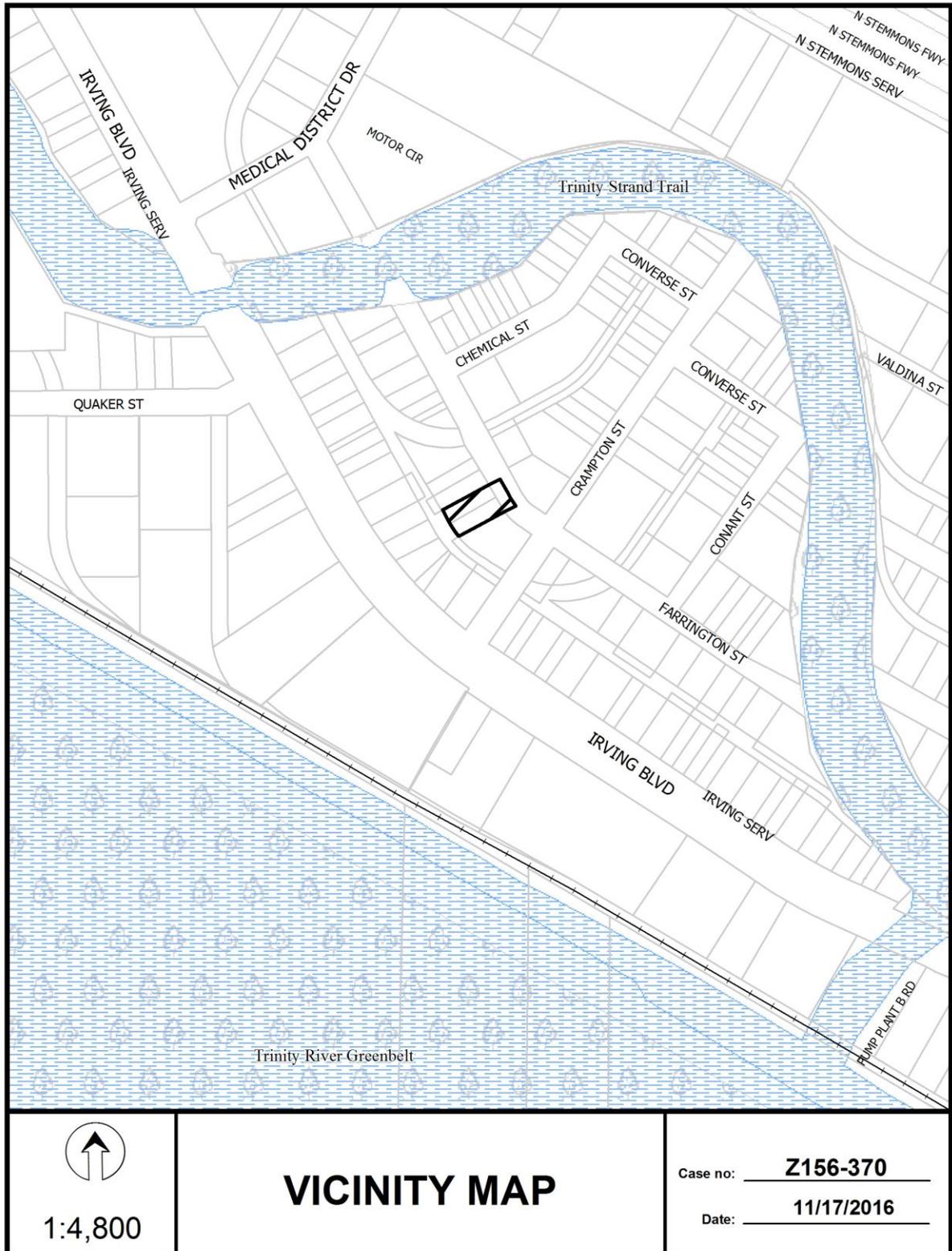
Maker: Shidid  
Second: Murphy  
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,  
Anantasomboon, Haney, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 7

**Notices:** Area: 200                      Mailed: 23  
**Replies:** For: 1                              Against: 0

**Speakers:** None



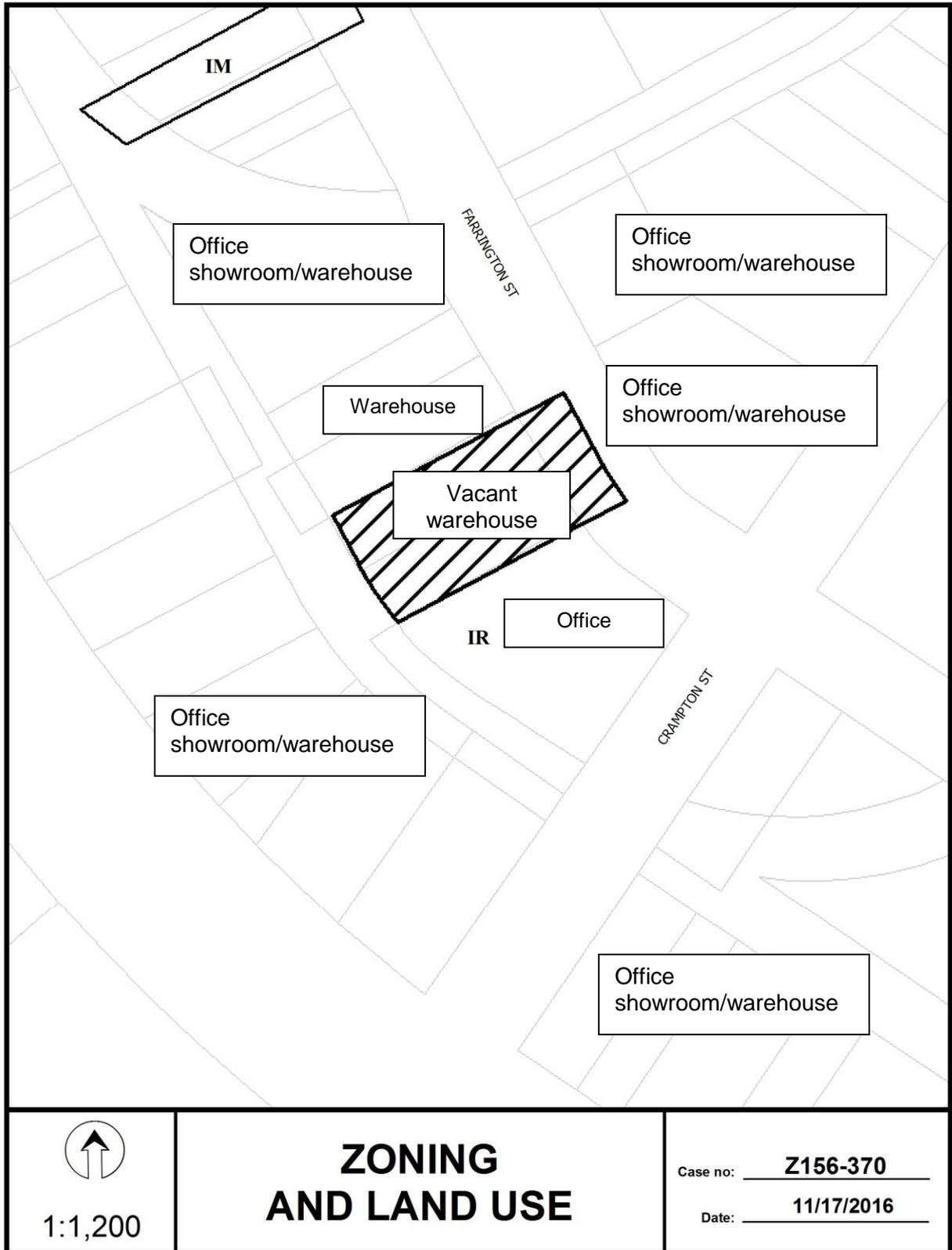


1:1,200

# AERIAL MAP

Case no:     Z156-370    

Date:     11/17/2016



1:1,200

# ZONING AND LAND USE

Case no: Z156-370

Date: 11/17/2016

**CPC RESPONSES**



<u>23</u>	Property Owners Notified (28 parcels)
<u>1</u>	Replies in Favor (2 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>12/1/2016</u>	Date

**Z156-370**  
**CPC**



1:1,200

11/30/2016

**Reply List of Property Owners**

**Z156-370**

**23 Property Owners Notified**

**1 Property Owners in Favor**

**0 Property Owners Opposed**

<b>Reply</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
	1	2519 FARRINGTON ST	2519 FARRINGTON LLC
	2	2515 FARRINGTON ST	AQUA KM LLC
	3	2505 FARRINGTON ST	1215 SLOCUM INVESTMENTS LP
	4	1232 CRAMPTON ST	ROBERTS COURTNEY D
	5	2506 IRVING BLVD	DEAN BUDDY & KAREN PPTIES LLC
	6	2512 IRVING BLVD	PATTERSON BELINDA M
	7	2528 IRVING BLVD	HIGHTOWER DAVID
	8	2522 IRVING BLVD	JARVIE INC
	9	2536 IRVING BLVD	MOSER WILLIAM JACOB JR &
	10	2532 IRVING BLVD	MARKET CENTER PTNRS LTD
O	11	2546 IRVING BLVD	CHIN CHIN AND CHIN LLC
	12	2554 IRVING BLVD	HARRIS BILL G
	13	2533 FARRINGTON ST	IPENEMA INVESTMENTS LTF
	14	2523 FARRINGTON ST	R & B CORW PROPERTIES LLC FARRINGTON SERIES
	15	1300 CHEMICAL ST	KEYLAND INV LP
	16	1319 CRAMPTON ST	CRAMPTON ARTS PARTNERS LLC
	17	2500 FARRINGTON ST	FLOYD METHOD SOUTHWEST LTD
	18	2524 FARRINGTON ST	LAWSON HOWARD L
	19	1300 CRAMPTON ST	BROWN DONALD J &
	20	2506 IRVING BLVD	DEAN BUDDY & KAREN PPTIES LLC
	21	2530 FARRINGTON ST	R & B CROW PROPERTIES LLC FARRINGTON SERIES
	22	1320 CHEMICAL ST	LIN YEN HUNG LINCOLN
	23	1300 CHEMICAL ST	LAWSON L HOWARD

**AGENDA ITEM # 57**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 46 K

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an inside commercial amusement use for a live music venue on property within Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Planned Development District, on the north line of Exposition Avenue, south of Commerce Street  
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions  
Z167-105(JM)



**FILE NUMBER:** Z167-105(JM)

**DATE FILED:** October 6, 2016

**LOCATION:** On the north line of Exposition Avenue, south of Commerce Street.

**COUNCIL DISTRICT:** 2

**MAPSCO:** 46-K

**SIZE OF REQUEST:** Approx. 1.4

**CENSUS TRACT:** 204.00

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**APPLICANT / OWNER:** 3900 Commerce 1996, LLC

**REPRESENTATIVE:** Santos Martinez, Masterplan

**REQUEST:** An application for a Specific Use Permit for an inside commercial amusement use for a live music venue on property within Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Planned Development District.

**SUMMARY:** The purpose of the request is to allow a live music venue.

**CPC RECOMMENDATION:** Approval for a two-year period, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** Approval for a two-year period, subject to a site plan and conditions.

**BACKGROUND:**

- The site is developed with a 2,360 square foot building and a 1,064 square foot uncovered patio.
- The applicant would like to offer live music at this establishment. In PD No. 269, an SUP is required to operate an indoor commercial amusement limited to a live music venue.
- PD No. 269 allows the first 2,500 square feet of an indoor commercial amusement without requiring parking. Uncovered patios are also not required to provide parking. While the subject site is surrounded by parking, it is not dedicated to this use.

**Zoning History:** There has been one zoning case in the area over the past five years.

1. Z123-267—On May 28, 2014, the City Council authorized a hearing for PD No. 269, the Deep Ellum/Near East Side Planned Development District. A CPC date has not been scheduled.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Exposition Street	Community Collector	80 Feet
E.R.L. Thornton Freeway	Freeway	Variable

**Traffic:** The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

**Comprehensive Plan:** The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request. The comprehensive plan does not make a specific land use recommendation related to the request.

The Plan identifies the request site as being the line between an Urban Mixed-Use Building Block and an Urban Neighborhood Building Block. The request is consistent with the mixed-use nature of the area. There are typically concentrations of shops and/or mixed-use buildings with ground floor shops. On the mixed-use side, development is generally high density.

The request complies with the following land use goals and policies of the Comprehensive Plan:

**LAND USE ELEMENT**

**GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

**ECONOMIC ELEMENT**

**GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS**

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

**URBAN DESIGN ELEMENT**

**GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE**

Policy 5.3.1. Encourage a balance of land uses within walking distance of each other.

**Land Use Compatibility:** The subject site is currently vacant, but was previously occupied as an inside commercial amusement as late as 2014. The new applicant would like to operate a live music venue in the 2,360 square foot building, which requires an SUP. According to DCAD records, the structure was built in 1947.

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PD No. 269, Tract A	Vacant (Indoor Commercial Amusement—Live Music Venue)
<b>North</b>	PD No. 269, Tract A	Office
<b>East</b>	PD No. 269, Tract A	ERL Thornton Fwy.
<b>South</b>	PD No. 269, Tract A	Exposition Ramp
<b>West</b>	PD No. 269, Tract A	Art Gallery

Surrounding land uses include offices within the same fenced property to the north, which are not a part of this request. To the east and south are transportation uses composed of East RL Thornton Freeway and the Exposition Street Ramp. An art gallery exists to the west.

The proposed live music venue is compatible with surrounding uses and will add a mix to an area dominated by museums and art galleries. The Deep Ellum neighborhood generally supports arts and entertainment. The addition of a live music venue could contribute a new facility to further support these initiatives. The structure has housed similar indoor commercial amusements in the past. In this case, an SUP is required due

to the request to offer live music. The proposed use is consistent with the Deep Ellum arts and entertainment theme and will contribute a new venue for artists in the neighborhood.

In order to protect the general peace of outdoor areas, specific use conditions will limit the use of outside speakers or amplification. This way the live music/any loud sounds will be contained by the indoor commercial amusement structure.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The request does not appear to have an adverse impact on the surrounding zoning and land uses.

**Parking:** PD No. 269 does not require off-street parking for the first 2,500 square feet of floor area for this use located in an original building on the first floor. The structure provides 2,360 square feet of floor. Uncovered patios do not require parking. The subject site has no required dedicated parking, although it is surrounded by parking lots for offices located within the property (fenced together), but not within this area of request.

**Landscaping:** The applicant's request will not trigger any Article X requirements, as no new construction is proposed on the site.

**Police Report:** Although this request is for a new SUP, a police report was requested for the subject site. The following incidences were reported at the site within the last two years.

650 Exposition Ave

Part 1												
Incident Number	Service Number	Premise	Signal	Date	Time	Address	Zip Code	Division	Be at	RA	UCR Offense	Watch
231064-	231064C	Bar/NightClub/DanceHall	PSE/09 - THEFT	9/27/2015	22:30	650 EXPOSITION AVE	75226	CENTRAL	153	###	OTHER THEFTS	U
122966-2016	122966D	Bar/NightClub/DanceHall ETC.	41/11B - BURG BUSN IN PROGRESS	5/23/2016	7:40	650 EXPOSITION AVE	75226	CENTRAL	153	###	BURGLARY-BUSINESS	1
Part 2												
Incident Number	Service Number	Premise	Signal	Date	Time	Address	Zip Code	Division	Be at	RA	UCR Offense	Watch
248721-2015	248721C	Bar/NightClub/DanceHall ETC.	6M - LOUD MUSIC DISTURBANCE	10/25/2015	22:07	650 EXPOSITION AVE	75226	CENTRAL	153	###	MISCELLANEOUS	3
036935-	036935D	Bar/NightClub/DanceHall	12B - BUSINESS ALARM	2/15/2016	5:54	650 EXPOSITION AVE	75226	CENTRAL	153	###	ALARM INCIDENT	1
042601-	042601D	Bar/NightClub/DanceHall	16 - INJURED PERSON	2/21/2016	3:00	650 EXPOSITION AVE	75226	CENTRAL	153	###	ASSAULT	1
073375-	073375D	Bar/NightClub/DanceHall	12B - BUSINESS ALARM	3/28/2016	2:48	650 EXPOSITION AVE	75226	CENTRAL	153	###	ALARM INCIDENT	1
2016	090521D	ETC.	12B - BUSINESS ALARM	4/16/2016	17:00	650 EXPOSITION AVE	75226	CENTRAL	153	###	ALARM INCIDENT	3

Offenses occurred at 650 Exposition Ave  
No offenses recorded in 2014

**List of Owners**

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**3900 Commerce 1996 LLC  
List of Officers**

Eric Ward                      President

Z167-105

**CPC Action:  
December 15, 2016**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for an inside commercial amusement use for a live music venue for a two-year period, subject to a site plan and recommended conditions on property within Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Planned Development District, on the west line of Exposition Avenue, south of Commerce Street.

Maker: Murphy  
Second: Anantasomboon  
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,  
Anantasomboon, Haney, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 7

**Notices:** Area: 300 Mailed: 23  
**Replies:** For: 6 Against: 4

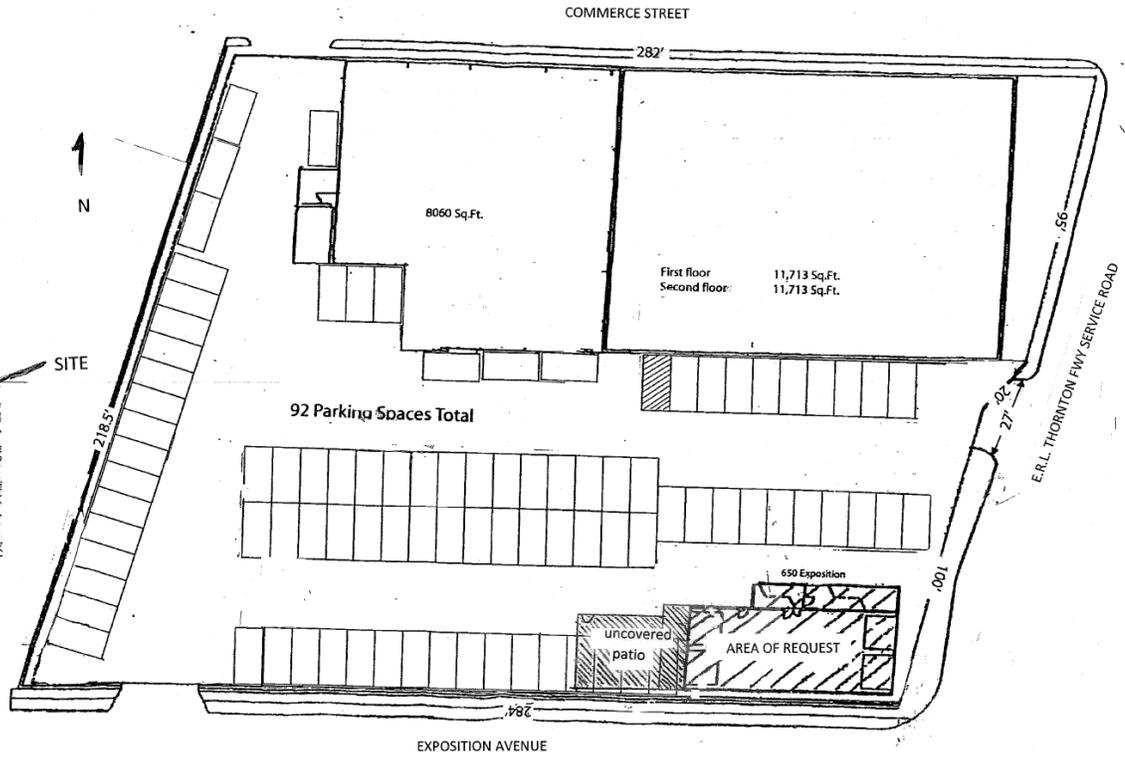
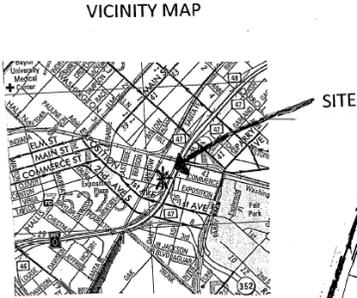
**Speakers:** None

**CPC SUP CONDITIONS**

Z167-105

1. **USE:** The only use authorized by this specific use permit is an inside commercial amusement limited to a live music venue.
2. **SITE PLAN:** Use and development of the Property must comply with the attached site plan.
3. **TIME LIMIT:** This specific use permit expires on (two-years from the passage of this ordinance).
4. **FLOOR AREA:** The maximum floor area is 2,360 square feet in the location shown on the attached site plan.
5. **HOURS OF OPERATION:** The live music venue may only operate from 10:00 am to 2:00 am, Monday through Sunday.
6. **OFF-STREET PARKING:** Parking must be provided in accordance with the requirements of Planned Development District No. 269, the Deep Ellum/Near East Side District. Delta credits, as defined in Section 51A-4.704(b)(4)(A), may not be used to meet the off-street parking requirement.
7. **OUTDOOR USE:** Other than the floor area, this use is allowed in the uncovered patio area as shown on the attached site plan.
  - a. The maximum land area of the uncovered patio is 1,064 square feet.
  - b. Outside speakers and/or amplification is prohibited.
8. **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.
9. **GENERAL REQUIREMENTS:** Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

# Proposed Site Plan



**SITE SUMMARY**

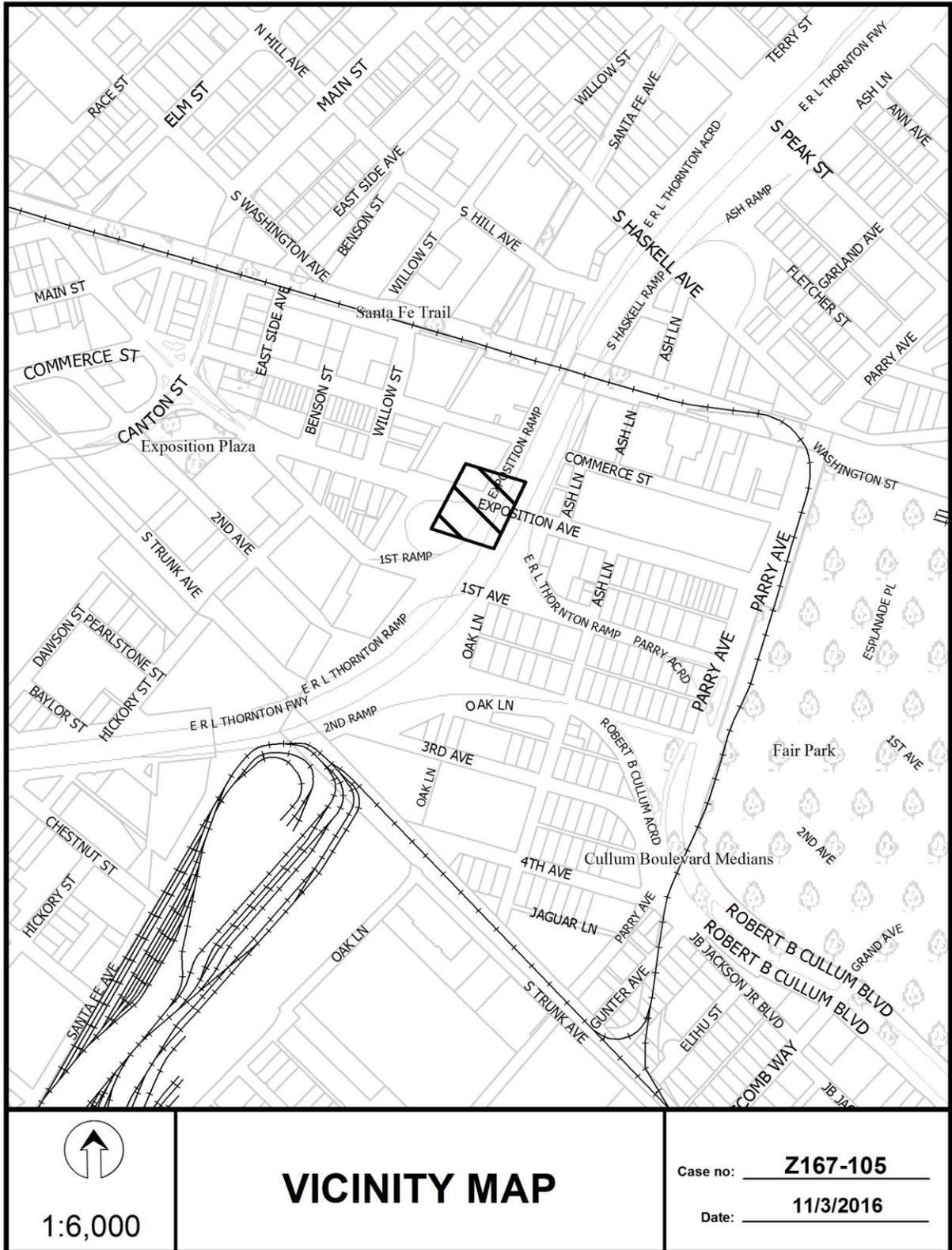
Zoning: PDD 269  
 Proposed Use: Inside Commercial Amusement (live music venue)  
 Floor Area: 2360  
 Required Parking: 0

SCALE 1"=30'

SITE PLAN  
Z167-105



Outside patio area: 1064 s.f.



1:6,000

### VICINITY MAP

Case no: **Z167-105**

Date: **11/3/2016**

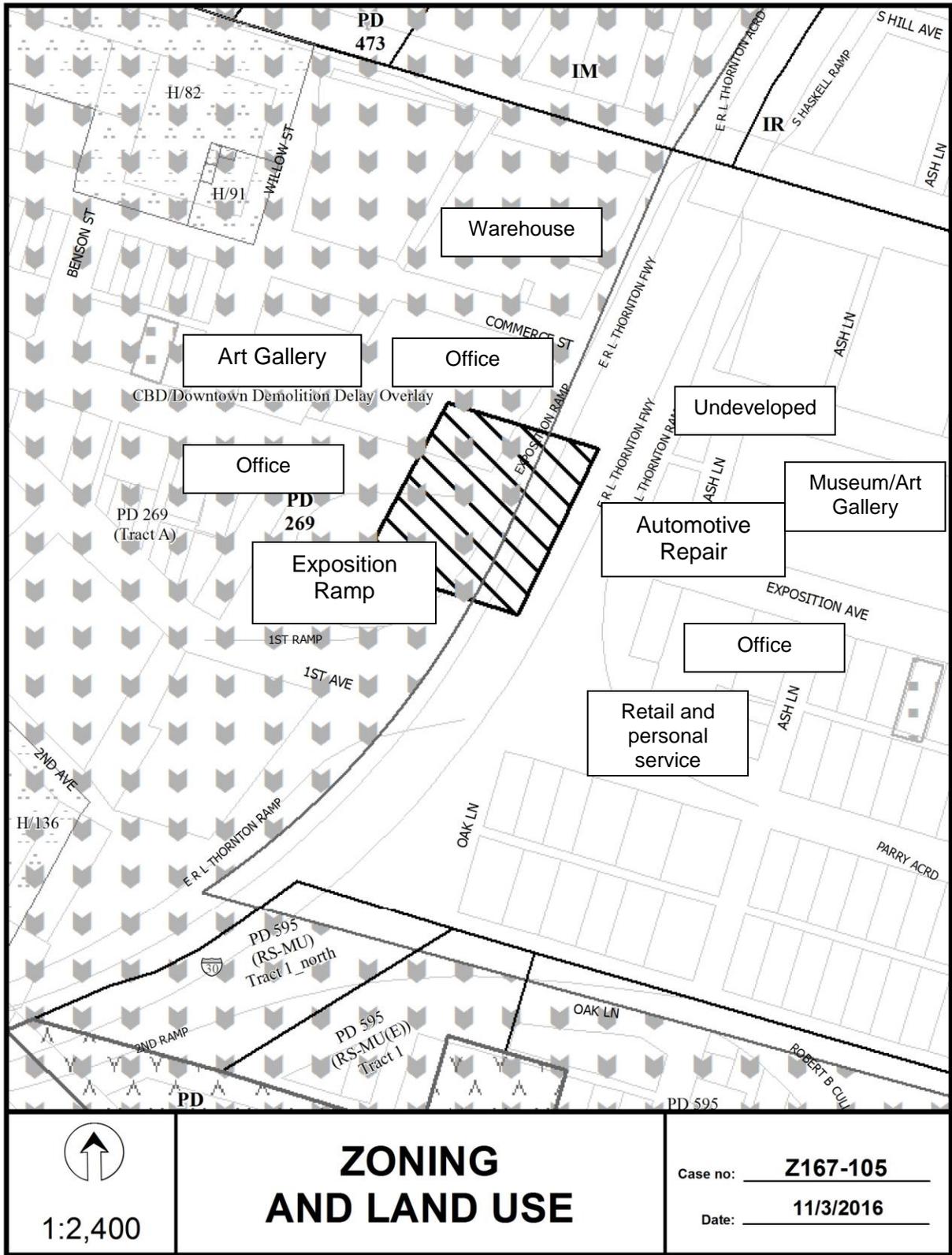


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# AERIAL MAP

Case no: Z167-105

Date: 11/3/2016





**CPC RESPONSES**



<u>23</u>	Property Owners Notified (28 parcels)
<u>6</u>	Replies in Favor (8 parcels)
<u>4</u>	Replies in Opposition (6 parcels)
<u>300'</u>	Area of Notification
<u>12/15/2016</u>	Date

**Z167-105**  
**CPC**



1:2,400

12/14/2016

**Reply List of Property Owners****Z167-105****23 Property Owners Notified****6 Property Owners in Favor****4 Property Owners Opposed**

<b>Reply</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
O	1	4003 COMMERCE ST	3900 COMMERCE 1996 LTD
	2	4008 COMMERCE ST	4008 COMMERCE OPERATIONS
	3	4018 COMMERCE ST	2013ICEHOUSE LLC
X	4	4040 COMMERCE ST	BOUCHER DANIEL D &
O	5	710 EXPOSITION AVE	GONZALES ALEX
O	6	601 1ST AVE	BELCLAIRE INV CORP &
	7	713 EXPOSITION AVE	ELLER MEDIA COMPANY
O	8	721 EXPOSITION AVE	BELCLAIRE REALTY LTD
	9	701 1ST AVE	PATRICK MEDIA GROUP INC
O	10	705 1ST AVE	CITY PARK A LOT LP
	11	713 1ST AVE	EXPO PARK PARTNERS LTD
	12	507 EXPOSITION AVE	621 CARROLL LLC
	13	418 1ST AVE	BOSWELL PATRICIA &
	14	418 1ST AVE	BANK ONE TEXAS NA TRUSTEE
	15	400 1ST AVE	BOSWELL PATRICIA &
	16	400 1ST AVE	BANK ONE TEXAS NA TRUSTEE
X	17	500 EXPOSITION AVE	500 EXPOSITION LTD
X	18	3900 COMMERCE ST	500 EXPOSITION LTD
X	19	4115 COMMERCE ST	BLOCK 811 LTD
O	20	3808 WILLOW ST	WILLOW BUILDING 3800 LTD
	21	555 2ND AVE	DART
	22	555 2ND AVE	DART
	23	555 2ND AVE	DART

**AGENDA ITEM # 58**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 33 L

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an LI Light Industrial District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an MU-3 Mixed Use District, on the east side of King George Drive, south of Regal Row  
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant  
Z167-107(SH)



**FILE NUMBER:** Z167-107(SH) **DATE FILED:** October 7, 2016

**LOCATION:** East side of King George Drive, south of Regal Row

**COUNCIL DISTRICT:** 2 **MAPSCO:** 33-L

**SIZE OF REQUEST:** Approx. 1.72 **CENSUS TRACT:** 100.00

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**APPLICANT / OWNER:** 8730 King George LLC

**REPRESENTATIVE:** Gregg Hamill

**REQUEST:** An application for an LI Light Industrial District with deed restrictions volunteered by the applicant on property zoned an MU-3 Mixed Use District.

**SUMMARY:** The applicant proposes to allow for the adaptive reuse of the existing unoccupied structure on the site for a vehicle or engine repair or maintenance use. Deed restrictions being volunteered would prohibit certain uses permitted in the LI District and mitigate for potential air quality control issues by requiring that all paint booths on the subject site be fully enclosed.

**CPC RECOMMENDATION:** Approval, subject to deed restrictions volunteered by the applicant.

**STAFF RECOMMENDATION:** Approval, subject to deed restrictions volunteered by the applicant.

**BACKGROUND:**

- The site is developed with a one-story office building that was originally constructed in 1971 and is currently vacant.
- The applicant proposes to allow for the adaptive reuse of the existing unoccupied structure on the site for a vehicle or engine repair or maintenance use, which will include auto body repair and painting.
- The existing MU-3 Mixed Use District allows for an auto service center which is defined as a facility for servicing or minor mechanical repair of motor vehicles. However, it does not permit auto body repair or painting. Therefore, the applicant is seeking to rezone the property to an LI Light Industrial District which will accommodate the intended use of the site.
- The surrounding area is predominately comprised of office uses, with few warehouse and business services uses located throughout.
- The applicant is volunteering deed restrictions in an effort to minimize any potential negative impacts of the proposed use on the adjacent properties.

**Zoning History:**

1. **Z134-296:** On December 10, 2014, City Council approved an application for an amendment to Specific Use Permit No. 1655 for an open-enrollment charter school on property zoned an MU-3 Mixed Use District and an IR Industrial Research District.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
King George Drive	Local	60 feet

**Traffic:** The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

**Comprehensive Plan:** The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The comprehensive plan does not make a specific land use recommendation related to the request.

The proposed request complies with the following land use goals and policies of the Comprehensive Plan:

**ECONOMIC ELEMENT**

**GOAL 2.1 PROMOTE BALANCED GROWTH**

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

**GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS**

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	MU-3	Vacant structure
<b>North</b>	MU-3	Office
<b>Southeast</b>	MU-3	Office
<b>South</b>	MU-3	Office
<b>West</b>	MU-3	Office

**Land Use Compatibility:**

The subject site is currently zoned an MU-3 Mixed Use District and is improved with an unoccupied one-story building. The applicant proposes to utilize the existing vacant structure on the site for auto body repair and painting. While an auto service center is a permitted use in the MU-3 District, this zoning district does not allow for auto body repair and painting. Hence, the applicant is requesting to change the zoning to a LI Light Industrial District to allow for a vehicle or engine repair or maintenance use to accommodate the proposed use of the site.

Surrounding properties to the north, south, east, and west are also zoned an MU-3 Mixed Use District and provide for office uses. While the surrounding neighborhood is predominately comprised of additional office uses, there are also warehouse and business service uses located within close proximity to the subject site.

To avoid allowing uses that could potentially be incompatible with the surrounding area, the applicant volunteered deed restrictions to limit higher intensity uses that are permitted in the LI District. Additionally, they have offered to restrict the use of the property to not include as its primary function the disassembly, rebuilding, and replacement of motor vehicle engines, transmissions, or other major machinery components. All auto body repair or painting will be conducted wholly within an

enclosed building in an effort to mitigate any potential negative impacts of the proposed use on adjacent properties.

The Dallas Development Code provides additional protective measures to lessen the impact of vehicle or engine repair or maintenance uses by prohibiting inoperable or wrecked motor vehicles from remaining outside on the premises for more than 24 hours.

Staff recommends approval of the zoning request because the proposed zoning district, constrained by volunteered deed restrictions and the above regulations provide an ideal opportunity for the adaptive reuse of a vacant structure.

**Development Standards:**

<u>DISTRICT</u>	<u>SETBACKS</u>		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
MU-3 – existing Mixed Use-3	15'	20' adjacent residential OTHER: No Min.	No max.	270'	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	High density retail, office, hotel, and/or multifamily residential
LI – proposed Light Industrial	15'	30' adjacent residential OTHER: No Min.	0.75	70'	60%	Proximity Slope Visual Intrusion	Light industrial office, research & development, and commercial

**Parking:** Parking will be provided according to the Dallas Development Code.

**Landscaping:** Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

**CPC ACTION – December 15, 2016:**

**Motion:** It was moved to recommend **approval** of an LI Light Industrial District with deed restrictions volunteered by the applicant on property zoned an MU-3 Mixed Use District, on the east side of King George Drive, south of Regal Row.

Maker: Murphy  
Second: Anantasomboon  
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,  
Anantasomboon, Haney, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 7

**Notices:** Area: 300                      Mailed: 12  
**Replies:** For: 0                         Against: 1

**Speakers:** None

Z167-107(SH)

List of Partners/Principals/Officers/Members  
8730 King George LLC

Gregg A. Hamill  
Manager; Member

Ed Valentine  
Member

Doug Boettcher  
Member

**Volunteered Deed Restrictions**

The following uses are prohibited:

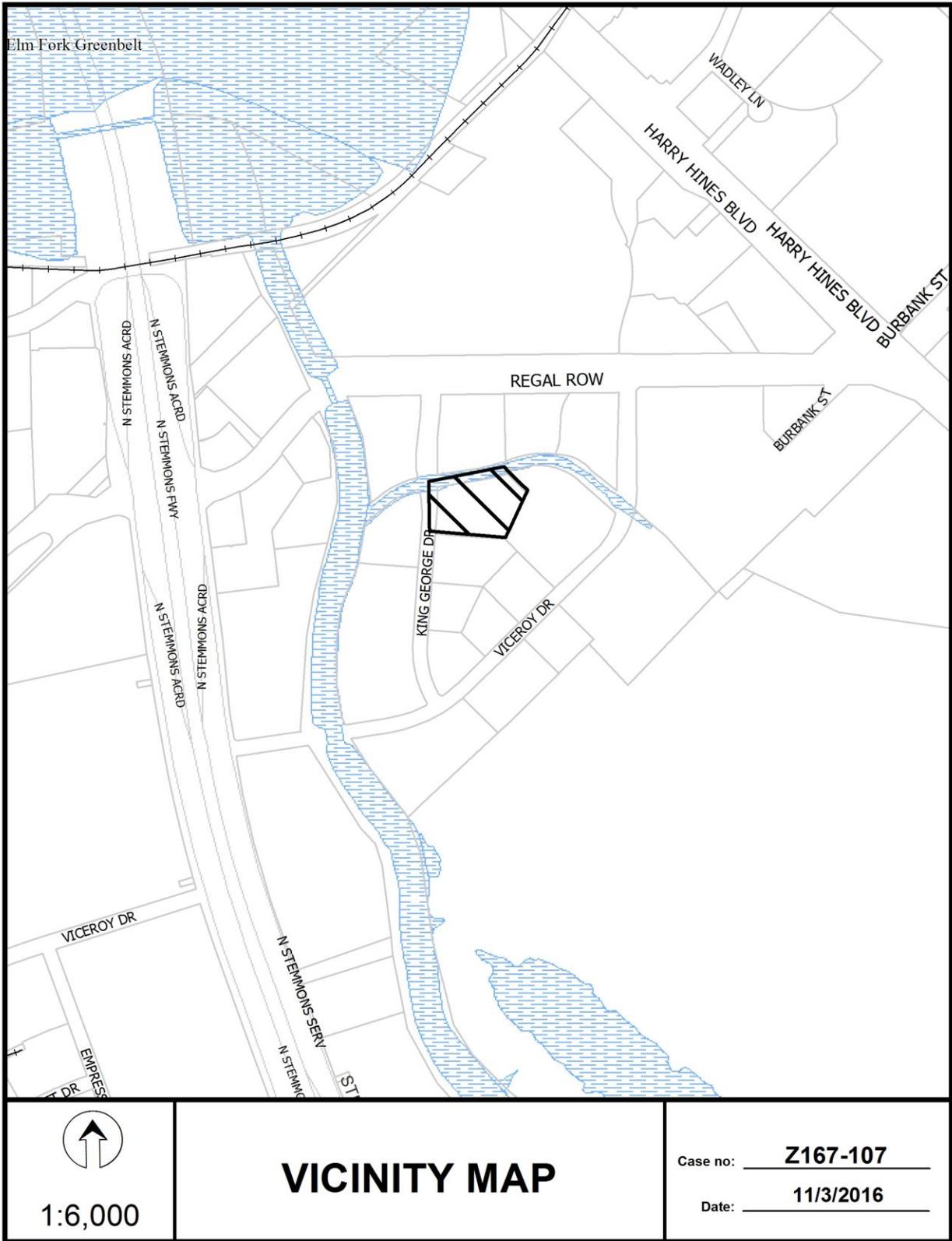
The following uses are prohibited:

- (1) Industrial uses.
  - Gas drilling and production.
  - Temporary concrete or asphalt batching plant.
- (2) Institutional and community service uses.
  - Adult day care facility.
  - Cemetery or mausoleum.
  - College, university, or seminary.
  - Hospital.
- (3) Lodging uses.
  - Hotel and motel.
  - Lodging or boarding house.
  - Overnight general purpose shelter.
- (4) Miscellaneous uses.
  - Carnival or circus (temporary).
- (5) Retail and personal service uses.
  - Alcoholic beverage establishments.
  - Animal shelter or clinic without outside runs.
  - Car wash.
  - Commercial amusement (inside).
  - Commercial parking lot or garage.
  - General merchandise or food store 100,000 square feet or more.
- (6) Utility and public service uses.
  - Commercial radio and television transmitting station.
  - Tower/antenna for cellular communication.
- (7) Wholesale, distribution, and storage uses.
  - Recycling buy-back center.
  - Recycling collection center.
  - Recycling drop-off container.
  - Recycling drop-off for special occasion collection.

Z167-107(SH)

Additional Conditions:

- (1) The use of the property will not include as its primary function the disassembly, rebuilding, and replacement of motor vehicle engines, transmissions, or other major machinery components.
- (2) All auto body repair or painting will be conducted wholly within an enclosed building.



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### VICINITY MAP

Case no: Z167-107

Date: 11/3/2016

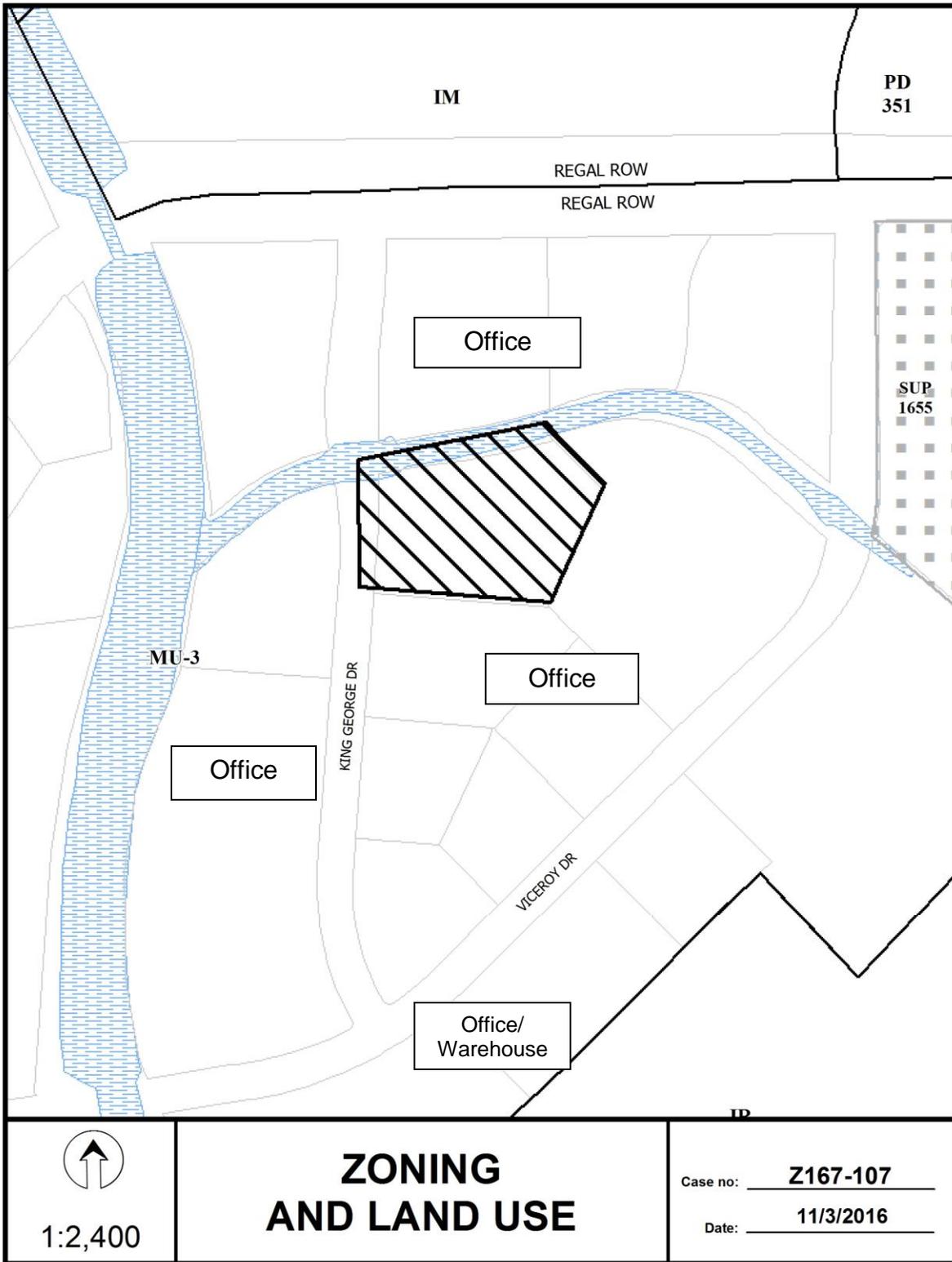


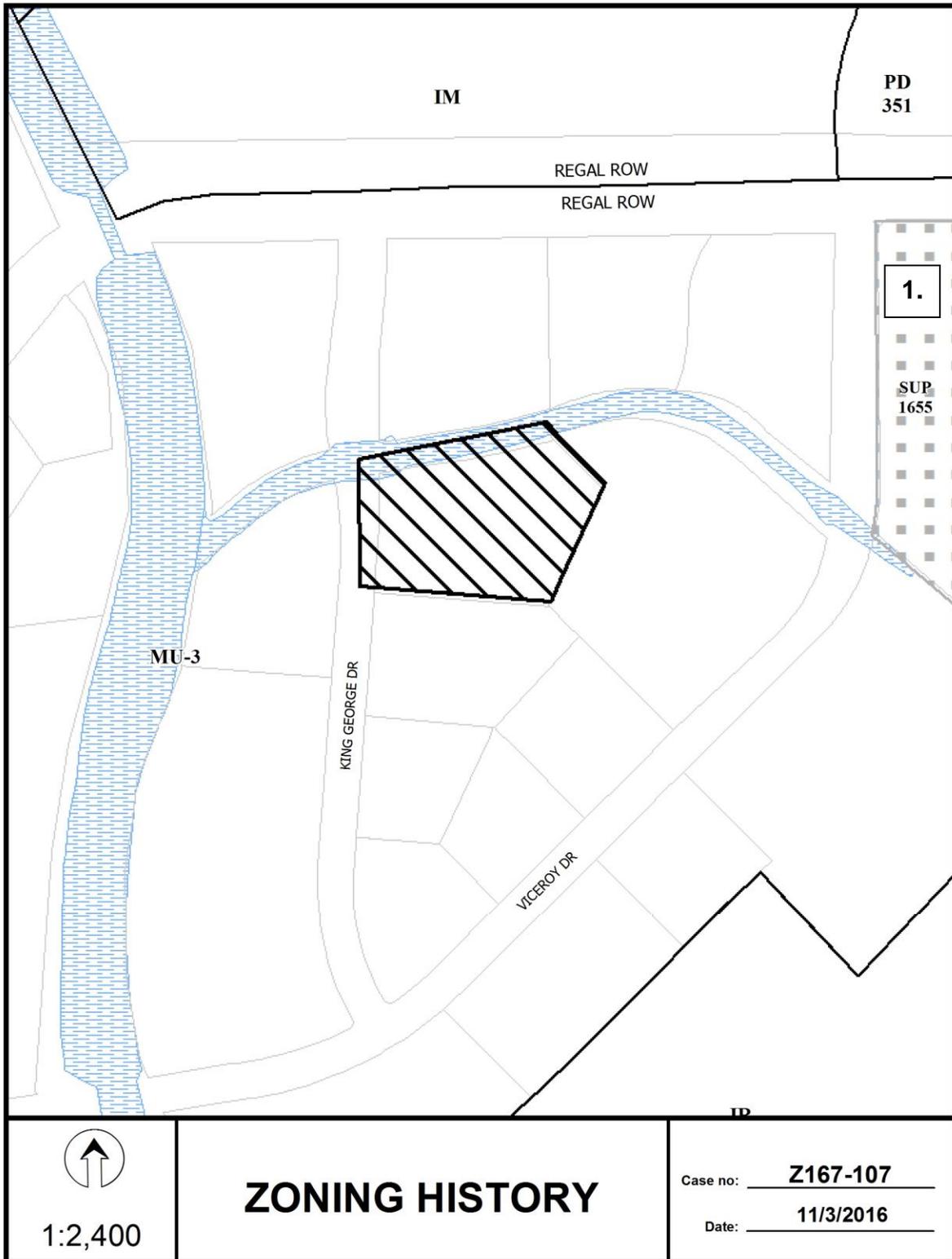
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# AERIAL MAP

Case no:     **Z167-107**    

Date:     **11/3/2016**





**CPC Responses**



<u>12</u>	Property Owners Notified (12 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>300'</u>	Area of Notification
<u>12/15/2016</u>	Date

**Z167-107**  
**CPC**



1:2,400

Z167-107(SH)

12/14/2016

## ***Reply List of Property Owners***

***Z167-107***

***12 Property Owners Notified***

***0 Property Owners in Favor***

***1 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	8730 KING GEORGE DR	8730 KING GEORGE LLC
	2	1519 VICEROY DR	RE VICEROY INVESTMENTS LP
X	3	1720 REGAL ROW	GERBER PROPERTIES LTD
	4	8737 KING GEORGE DR	CONSUMER CRED COUNSELING
	5	8625 KING GEORGE DR	KINGSTEM LLC
	6	1750 REGAL ROW	SUMAIR TRADING INC
	7	8700 KING GEORGE DR	SOLWEST LLC
	8	8650 KING GEORGE DR	CREATE AND BUILD LTD
	9	1513 VICEROY DR	BAIG MIRZA A
	10	1525 VICEROY DR	DAL 1525 LTD
	11	1820 REGAL ROW	CP & Y REAL ESTATE HOLDINGS LLC
	12	1880 REGAL ROW	1880 REGAL ROW LP

**AGENDA ITEM # 59**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 22 C; G

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an R-7.5(A) Single Family District, on the south side of Crown Road, east of Newberry Street  
Recommendation of Staff and CPC: Approval  
Z167-111(AR)



**FILE NUMBER:** Z167-111(AR)

**DATE FILED:** October 13, 2016

**LOCATION:** South side of Crown Road, east of Newberry Street

**COUNCIL DISTRICT:** 6

**MAPSCO:** 22-C, G

**SIZE OF REQUEST:** ±3.88 acres

**CENSUS TRACT:** 99.00

**APPLICANT:** Chris Choi

**OWNER:** Life Estate of Joyce Lynn Douglas

**REPRESENTATIVE:** Michael R. Coker

**REQUEST:** An application for a CS Commercial Service District on property zoned an R-7.5(A) Single Family District.

**SUMMARY:** The purpose of this request is to allow the applicant to develop the site with warehouse and contractor's maintenance yard uses.

**CPC RECOMMENDATION:** Approval

**STAFF RECOMMENDATION:** Approval

**BACKGROUND:**

- The subject site contains approximately 3.88 acres and is currently developed with a single family structure and storage buildings.
- The applicant is requesting to change the zoning to CS Commercial Service District to allow for the development of warehouses and contractor’s maintenance yard uses.
- The single family structure on the subject site, which was constructed in 1953, will be demolished to allow for the proposed redevelopment of the site.

**Zoning History:**

1. Z123-164      On August 14, 2013, the City Council approved an IM Industrial Manufacturing District with deed restrictions on property zoned an MU-3 Mixed Use District and IR Industrial Research District on the west side of Newberry Street, north of Crown Road
2. Z134-312      On December 10, 2014, the City Council approved an amendment to deed restrictions to allow sand, gravel, or earth sales and storage on the north side of Crown Rd, west of Newberry Street.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Crown Road	Local	60 feet

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

**Comprehensive Plan:** The fowardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The fowardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request.

The request generally supports the characteristics of the *Industrial Area Building Block*. The applicant’s use provides jobs in the industrial sector and is located in one of the City’s industrial areas. Additionally, there are limited sidewalks in the area, a trait of industrial areas.

**LAND USE ELEMENT**

**GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

**Land Use Compatibility:**

	<b>Zoning</b>	<b>Land Use</b>
Site	R-7.5(A)	Single family
North	IR	Automotive repair and maintenance
East	IR	Freight Terminal
South	IR	Warehouse and Freight Terminal
West	IR	Warehouse

The subject site is ± 3.88 acres surrounded by warehouse and freight terminal uses. The subject site is entirely surrounded by the IR Industrial Research District. Surrounding land uses are primarily of an industrial nature. There is a small area of residential zoning to the west of the subject site. The surrounding area was once comprised of more residentially-zoned parcels; however, these have transitioned to more industrial uses and industrial zoning over time. The proposed CS Commercial Service District for warehouse and contractor’s maintenance yard uses is compatible with the surrounding industrial area.

The request to rezone includes a contractor’s maintenance yard use, which provides for the outside storage of equipment. This use must be surrounded by screening to meet the requirements of the Dallas Development Code according to SEC. 51A-4.213(3)(E)(i). The screening of the contractor’s maintenance yard use requires a minimum height of six feet and is to be constructed of brick, stone, or concrete masonry, stucco, concrete, or wood, or any other combination of approved materials in SEC. 51A-4.602(b)(3).

**Development Standards:**

DISTRICT	Setbacks		FAR	Height	Lot Coverage	Primary Uses
	Front	Side/Rear				
<b>Existing</b>						
R-7.5(A) Single family	25'	5'	-	30'	45%	Single family
<b>Proposed</b>						
CS Commercial Service	0'	0'	0.5 to 0.75	45'	80%	Commercial & business serving uses that may involve outside storage, service, or display

**Parking:** The parking requirements for a warehouse use is one space per 1,000 square feet of floor area up to 20,000 square feet, and one space per 4,000 square feet of floor area over 20,000 square feet. The parking requirements for a contractor’s maintenance yard use is one space per 2,000 square feet of site area exclusive of parking area; a minimum of four spaces is required.

**Landscaping:** Landscaping of any development will be in accordance with Article X, as amended.

Z167-111(AR)

**CPC ACTION**  
**December 15, 2016**

**Motion:** It was moved to recommend **approval** of a CS Commercial Service District on property zoned an R-7.5(A) Single Family District, on the south side of Crown Road, east of Newberry Street.

Maker: Murphy  
Second: Anantasomboon  
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,  
Anantasomboon, Haney, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 7

**Notices:** Area: 300                      Mailed: 17  
**Replies:** For: 3                              Against: 0

**Speakers:** None

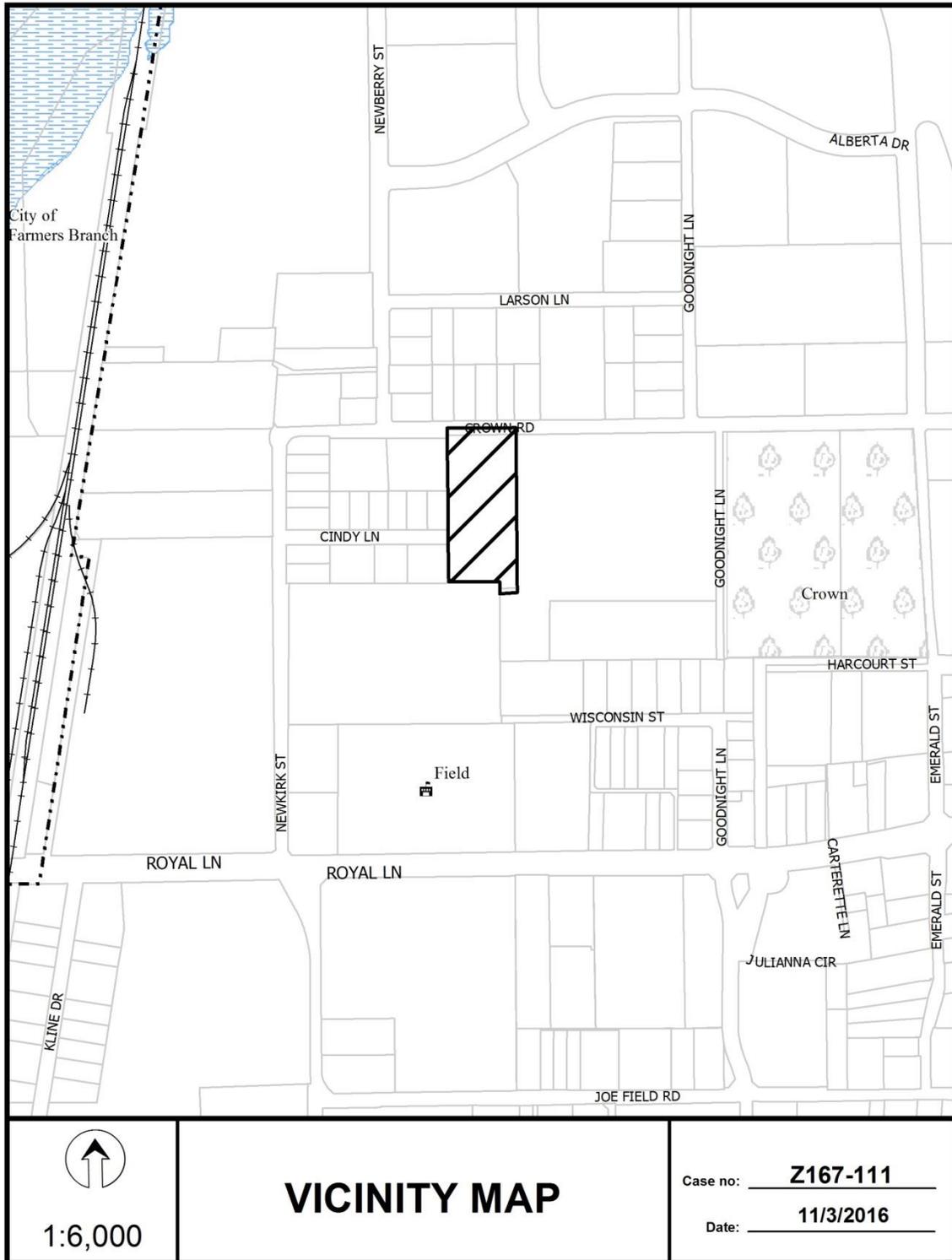
Z167-111(AR)

**LIST OF OFFICERS**

**The John Leslie Douglas, Jr. and Joyce Lynn Douglas Family Living Trust**

John Leslie Douglas, III - Trustee

Z167-111



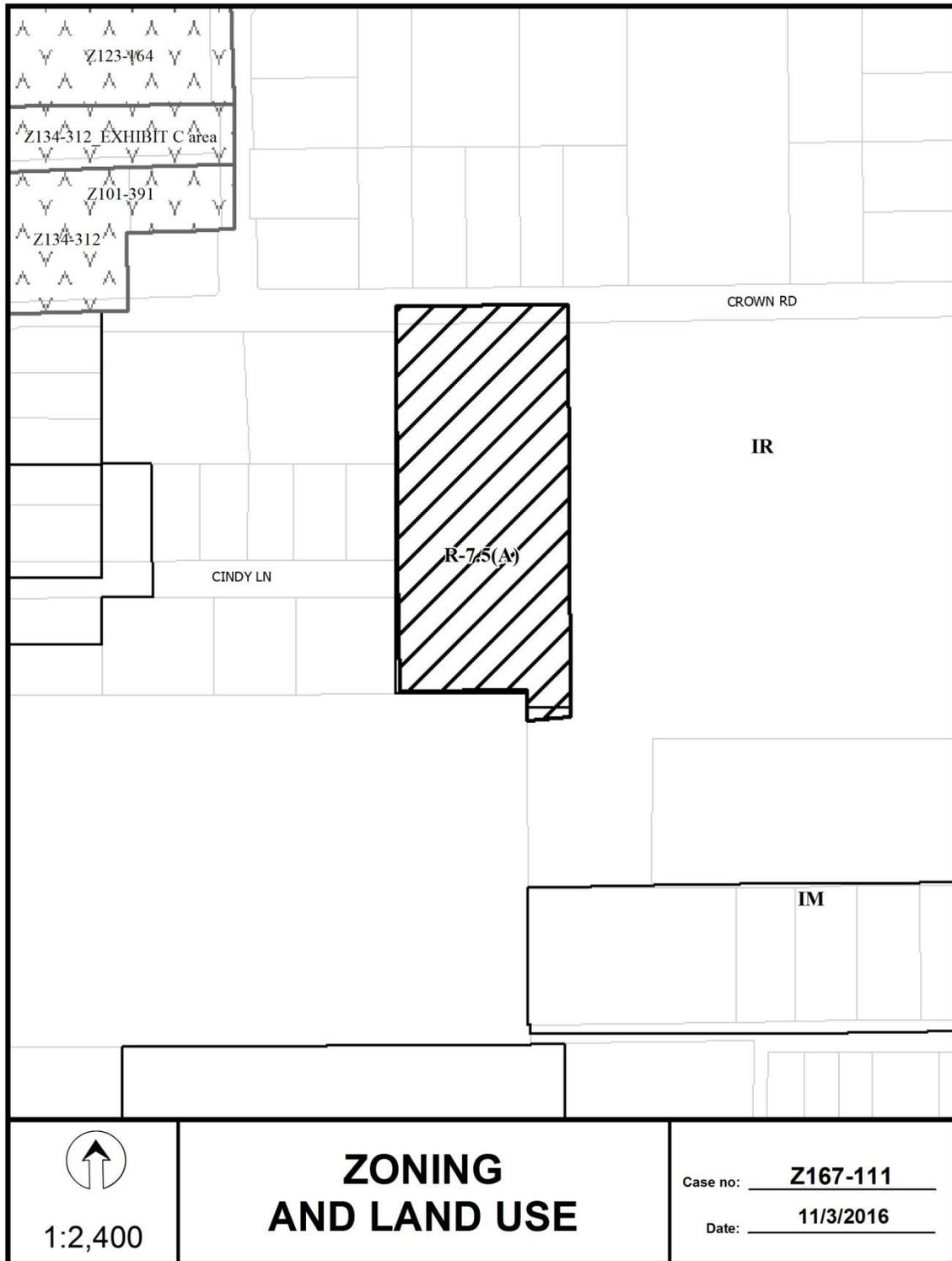


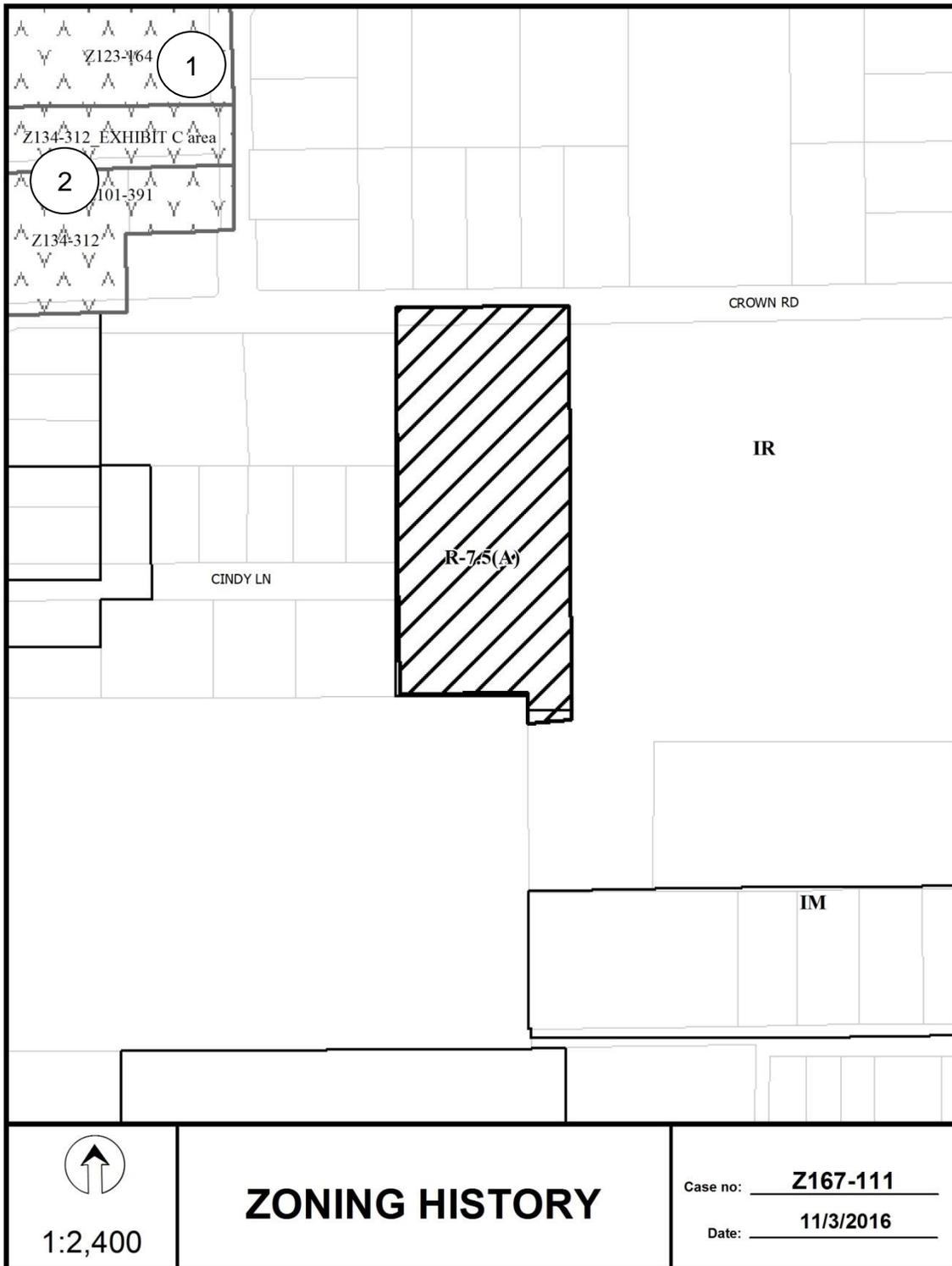
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# AERIAL MAP

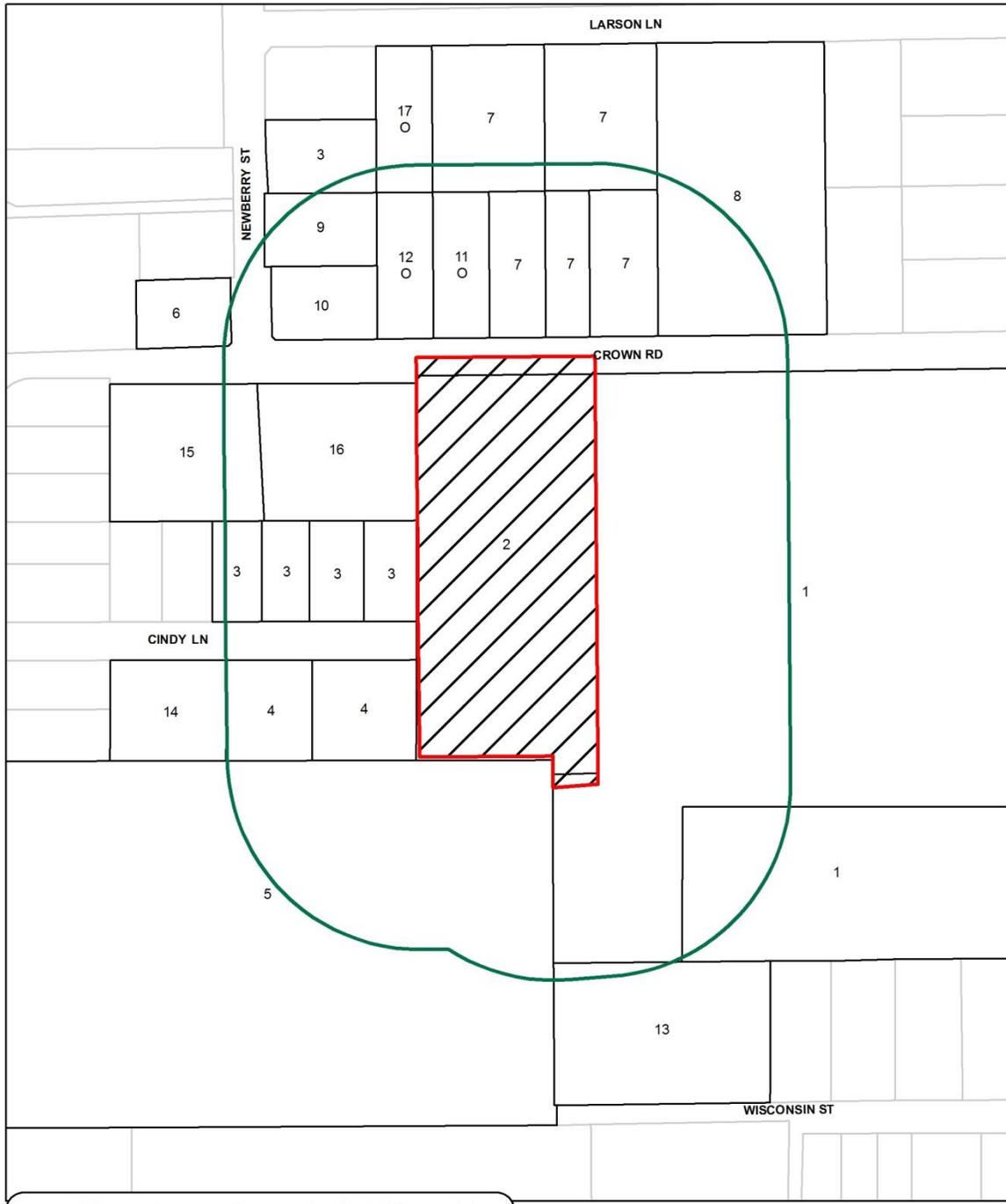
Case no: Z167-111

Date: 11/3/2016





**CPC RESPONSES**



<u>17</u>	Property Owners Notified (27 parcels)
<u>3</u>	Replies in Favor (3 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>12/15/2016</u>	Date

**Z167-111**  
**CPC**



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12/14/2016

*Reply List of Property Owners***Z167-111***17 Property Owners Notified**3 Property Owners in Favor**0 Property Owners Opposed*

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	11447 GOODNIGHT LN	GILBERT G A HOLDINGS LTD
	2	2222 CROWN RD	DOUGLAS JOYCE LYNN LIFE ESTATE OF
	3	2135 CINDY LN	CAVER FAMILY TRUST
	4	2132 CINDY LN	KEMNA PROPERTIES LLC
	5	11430 NEWKIRK ST	DUGAN OF DALLAS LLP
	6	2127 CROWN RD	LANKKENAU KIP & DEBRA
	7	2244 LARSON LN	LARSON INVESTMENTS INC
	8	2261 CROWN RD	BCK PROPERTIES JOINT
	9	11506 NEWBERRY ST	BIGVAND MASTANEH
	10	2211 CROWN RD	MJM HOLDINGS LTD
O	11	2223 CROWN RD	STEVENS JACK FAMILY LIMITED PARTNERSHIP
O	12	2217 CROWN RD	STEVENS JACK G FAMILY LMT PARTNERSHIP
	13	2209 WISCONSIN ST	JPH LP
	14	2120 CINDY LN	NUCCETELLI DAVID
	15	2128 CROWN RD	SPADARO HOLDINGS LLC
	16	2218 CROWN RD	CROWN ROYAL REAL EST
O	17	2224 LARSON LN	STEVENS JACK G FAMILY LIMITED PARTNERSHIP

**AGENDA ITEM # 60**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 8  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 58 Y

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an RR-D-1 Regional Retail District with D-1 Liquor Control Overlay on the northeast corner of Murdock Road and Elkton Circle, southwest of C.F. Hawn Freeway  
Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions  
Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions  
Z156-309(OTH)

**FILE NUMBER:** Z156-309(OTH)

**DATE FILED:** July 19, 2016

**LOCATION:** Northeast corner of Murdock Road and Elkton Circle, southwest of C.F. Hawn Freeway.

**COUNCIL DISTRICT:** 8

**MAPSCO:** 58 - Y

**SIZE OF REQUEST:** ± 1.658 acres

**CENSUS TRACT:** 116.02

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**APPLICANT/ OWNER:** Sikka Investments, LLC

**REPRESENTATIVE:** S. I. Abed

**REQUEST:** An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an RR-D-1 Regional Retail District with D-1 Liquor Control Overlay.

**SUMMARY:** The applicant proposes to sell alcoholic beverages in conjunction with a general merchandise or food store. The applicant is building a 10,249 square foot, one-story building for a convenience store, taco restaurant and laundromat.

**CPC RECOMMENDATION:** Approval for a two-year period, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

**Background:**

- The 1.658 acres site is currently in the development process. The applicant is constructing a 10,249 square foot, one-story building of which 4,568 square feet will be dedicated to the convenience store with the sale of alcoholic beverages for off-premise consumption. Additional proposed uses allowed by right are a restaurant, motor vehicle fueling station, and a laundromat.
- The property was previously developed with a vacant carwash. Surrounding uses are CF Hawn Freeway to the north; CF Hawn Freeway and single family to the east; single family and undeveloped to the south; undeveloped, church and retail to the west.

**Zoning History:** There have not been any zoning requests in the area within the last five years.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
CF Hawn Freeway	Freeway	Variable
Murdock Road	PA	160 ft.
Elkton Circle	Local	60 ft.

**Land Use:**

	Zoning	Land Use
<b>Site</b>	RR-D-1	Under development
<b>Northeast</b>	IM-D-1 & Subdistrict 7 within PD No. 534	C. F. Hawn Freeway
<b>Southeast</b>	Subdistrict 1 within PD No. 534, R-7.5(A)	Single Family & undeveloped
<b>Southwest</b>	RR-D-1	Retail, church & undeveloped
<b>Northwest</b>	RR-D-1, SUP No. 1844	Retail, church, SUP for alcohol sales

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The following goal and policy supports the proposed development:

**Land Use Element**

**Goal 1.1 Align Land Use Strategies with Economic Development Priorities**

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

**Land Use Compatibility:**

The 1.658 acres request site is currently under development with a 10,249 square foot, one-story building of which 4,568 square feet will be dedicated to the convenience store with the sale of alcoholic beverages for off-premise consumption. Other proposed uses allowed by right are a laundromat, motor vehicle fueling station, and a restaurant.

The request site is adjacent to single family to the southeast. Surrounding uses are C. F. Hawn Freeway to the northeast; single family and undeveloped to the southeast; retail, church and undeveloped to the southwest; and retail to the northwest.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The request does not appear to have an adverse impact on the surrounding zoning and land uses.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined

as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits

A separate certificate of registration to comply with Chapter 12B is required for a convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually. Once the business is ready to open, the owner will need to register.

Even though the proposed use is adjacent to single family residential, the property will have a landscape buffer and a solid fence along the property line to help mitigate any potential negative effects of the proposed use. The proposed is compatible with the surrounding uses as there are some restaurants, a church and other retail uses, and residential development in the area. The proposed use will provide alternative shopping option for the area. Staff is recommending a short initial period of time so it allows re-evaluation of the use when the applicant comes for renewal of the SUP.

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the existing roadway system.

**Parking:**

Pursuant to §51A-4.204 of the Dallas Development Code, the off-street parking requirement for a Laundromat, and a convenience store is one space per 200 square foot; these uses will require 46 parking spaces. The motor vehicle fueling station requires two parking spaces. The restaurant use is required to have one space per 100 square foot; the required parking for the restaurant is 11 spaces. The total required parking spaces for the proposed uses is 59 spaces. The applicant is providing 60 off-street parking spaces, as depicted on the site plan.

Z156-309(OTH)

**Landscaping:**

Landscaping must be provided in accordance with Article X of the Dallas Development Code.

**CPC ACTION:  
December 1, 2016**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a two-year period, subject to a site plan and conditions (as briefed) on property zoned an RR-D-1 Regional Retail District with D-1 Liquor Control Overlay on the northeast corner of Murdock Road and Elkton Circle, southwest of C.F. Hawn Freeway.

Maker: Shidid  
Second: Murphy  
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,  
Anantasomboon, Haney, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 7

**Notices:** Area: 300                      Mailed: 31  
**Replies:** For: 1                         Against: 0

**Speakers:** None

**OFFICERS**

**Sikka Investments LLC**

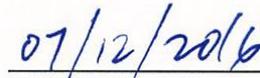
July 12, 2016

To whom it may concern:

The officers for Sikka Investments LLC are listed below, and have all governing authority.

Managaing Member: Shazeb Daredia

  
\_\_\_\_\_  
Shazeb Daredia  
Managin Member

  
\_\_\_\_\_  
Date

**CPC RECOMMENDED CONDITIONS  
Z156-309(OTH)**

1. USE: The only use authorized by this specific use permit is for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC Recommendation:

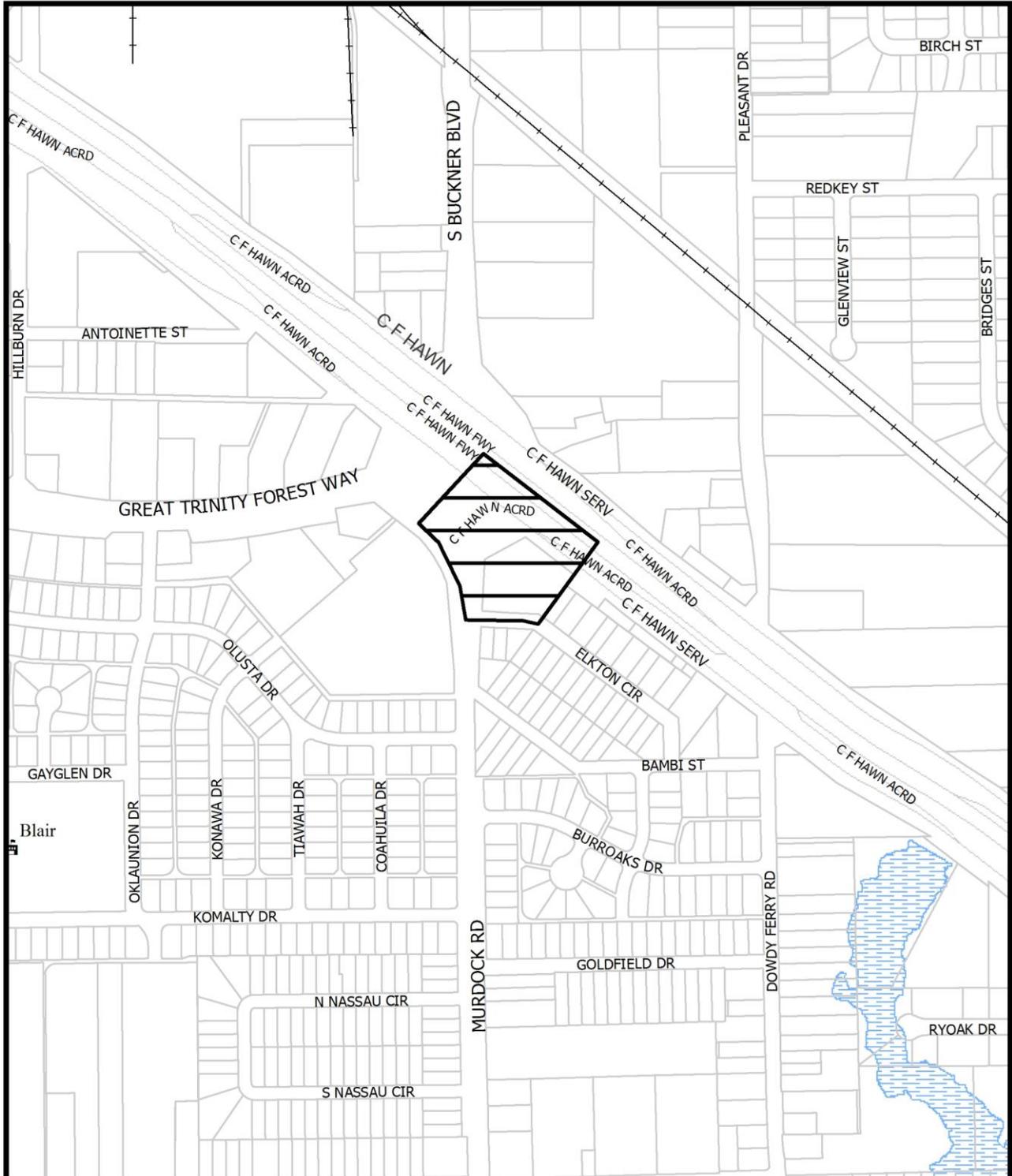
- |   |
|---|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on _____ (two years). |
|---|

Staff recommendation:

- |  |
|--|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on _____ (two years), but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.) |
|--|

4. FLOOR AREA: The maximum floor area for this use is 4,568 square feet.
5. INGRESS-EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.
6. PARKING: Off-street parking must be located as shown on the attached site plan.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

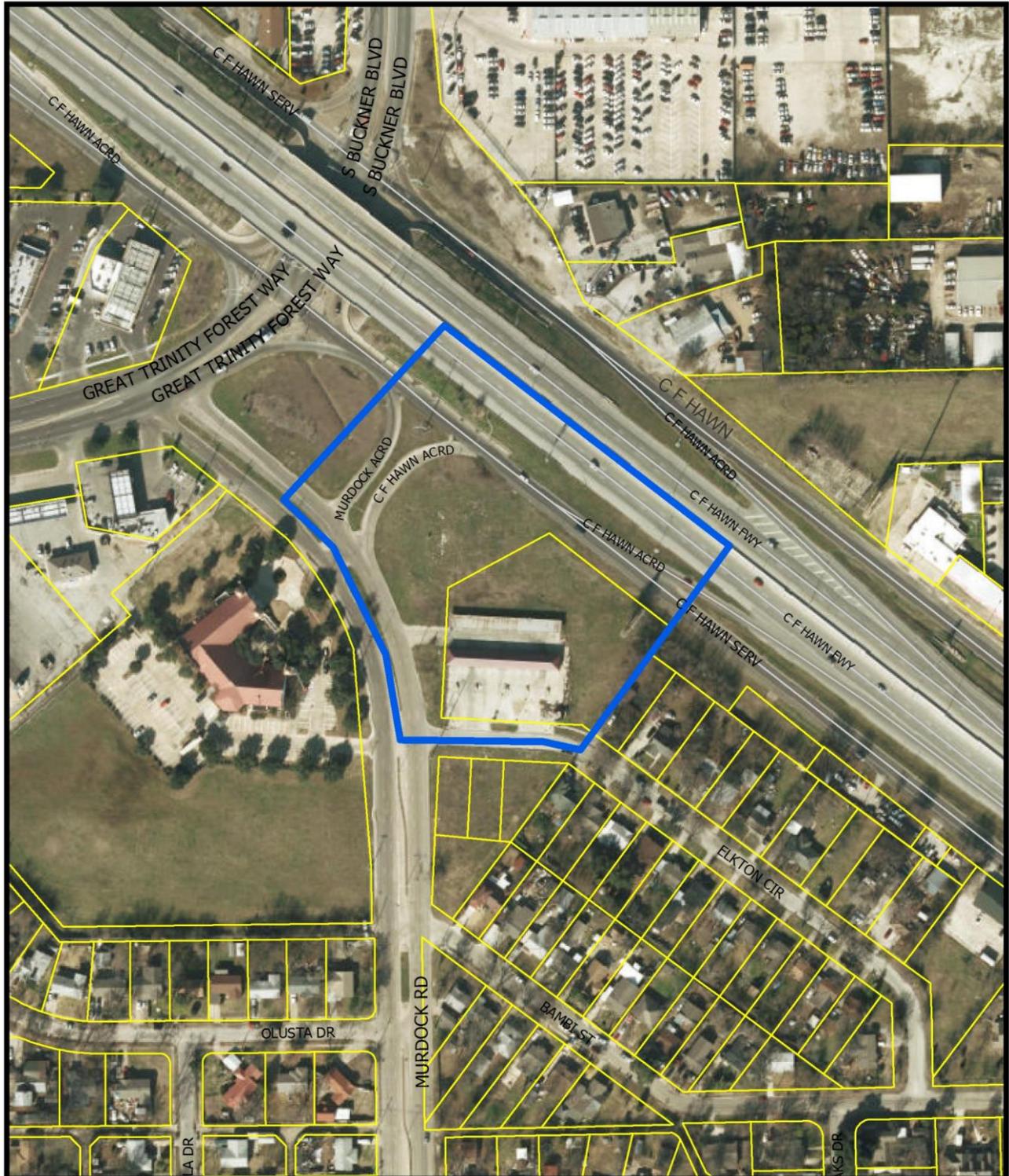




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# VICINITY MAP

Case no:     Z156-309      
Date:     11/3/2016

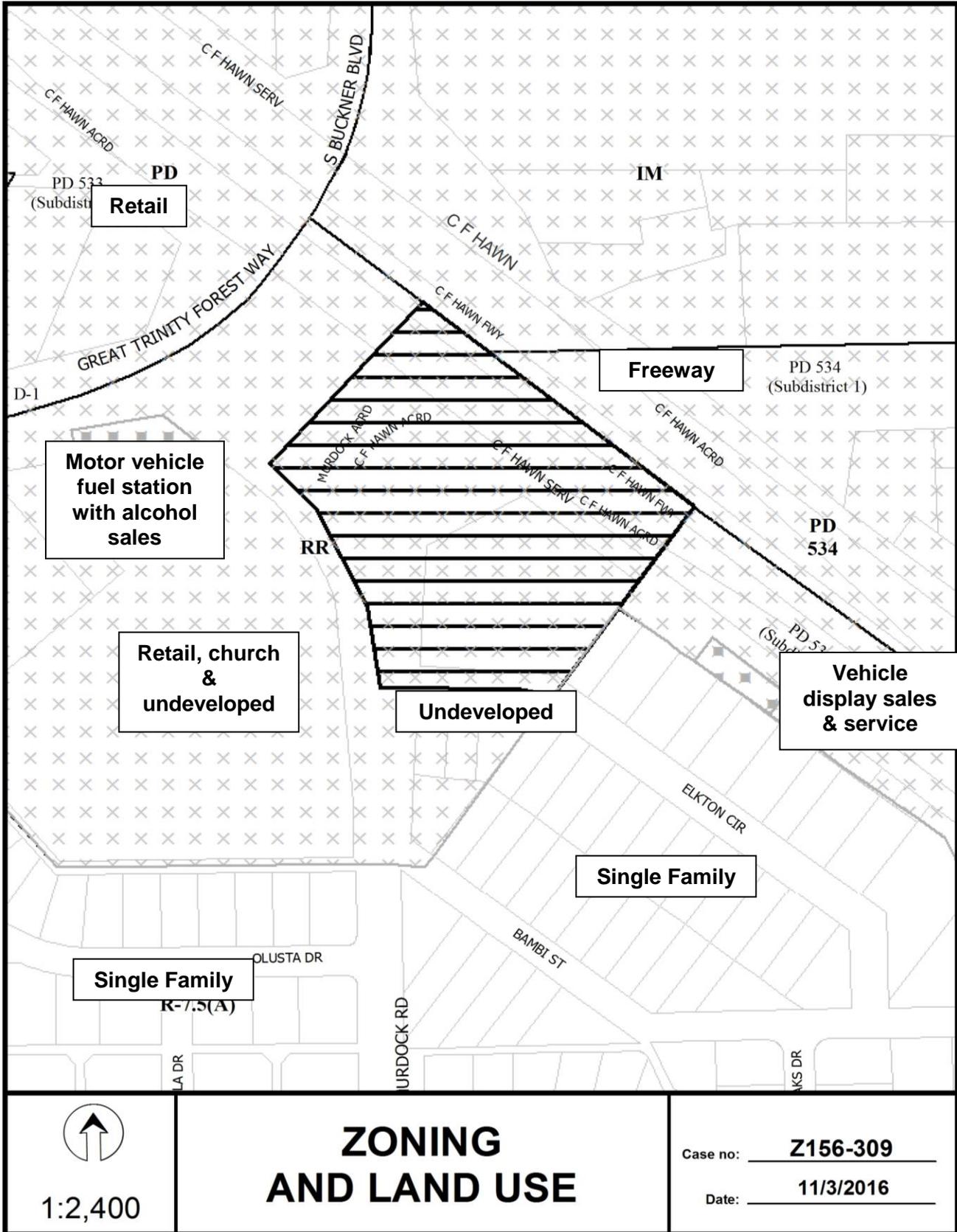


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# AERIAL MAP

Case no: **Z156-309**

Date: **11/3/2016**



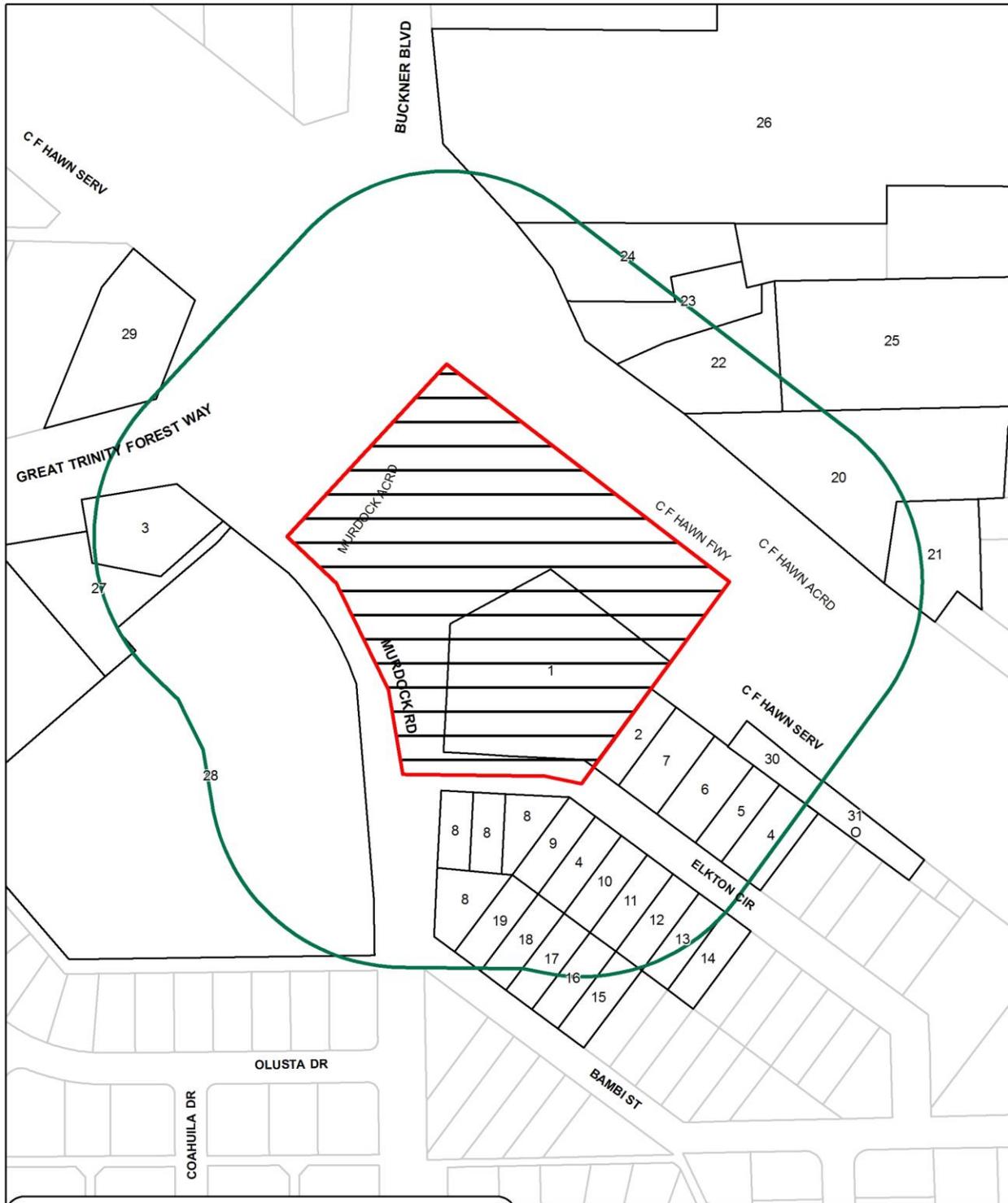
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# ZONING AND LAND USE

Case no: Z156-309

Date: 11/3/2016

**CPC RESPONSES**



<u>31</u>	Property Owners Notified (35 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>12/1/2016</u>	Date

**Z156-309**  
**CPC**



1:2,400

11/30/2016

***Reply List of Property Owners******Z156-309******31 Property Owners Notified******1 Property Owners in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	8107	ELKTON CIR	SIKKA INVESTMENTS LLC
2	8123	ELKTON CIR	ROSITAS JUANITA
3	8098	GREAT TRINITY FOREST WAY	ENIGMA ENTERPRISES INC
4	8143	ELKTON CIR	J G & A INVESTMENTS LLC
5	8139	ELKTON CIR	PARRA RAUDEL D
6	8125	ELKTON CIR	SALAS FELIPE R
7	8127	ELKTON CIR	RAMOS GAUDENCIO
8	8102	ELKTON CIR	GAMIZ ARTURO
9	8118	ELKTON CIR	MARTINEZ ROBERTO
10	8126	ELKTON CIR	AREVALO ROSANNA NATALIE &
11	8130	ELKTON CIR	ORTIS SYLVIA
12	8134	ELKTON CIR	HERNANDEZ MARCOS O
13	8138	ELKTON CIR	HERNANDEZ PEDRO O
14	8202	ELKTON CIR	RIOS FRANCISCO & LEONOR
15	8123	BAMBI ST	CAMACHO GUADALUPE & VENTU
16	8119	BAMBI ST	PEREZ ABRAHAM
17	8115	BAMBI ST	GALLEGOS ERASMO
18	8111	BAMBI ST	GONZALEZ MANUEL D & ERICA
19	8107	BAMBI ST	RODRIGUEZ MAURO JR
20	8130	C F HAWN FWY	STOVALL JIMMY A & LINDA J
21	8152	C F HAWN FWY	STOVALL JIMMY A
22	8132	C F HAWN FWY	CALLAWAY COMMERCIAL SERVICES LLC
23	8120	C F HAWN FWY	MENDOZA JUAN
24	8118	C F HAWN FWY	GROUP OK JV
25	159	PLEASANT DR	TRI CITIES QUADRANT INC
26	120	S BUCKNER BLVD	BWINGRAM LTD

Z156-309(OTH)

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	8000 GREAT TRINITY FOREST WAY	R & R SULEIMAN LLC
	28	121 MURDOCK RD	UNITED HOUSE OF PRAYER
	29	8015 C F HAWN FWY	DFW DISTRIBUTOR PETROLEUM INC
	30	8201 C F HAWN FWY	MIRANDA AGUSTIN M
O	31	8221 C F HAWN FWY	JAY ROBERT L

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 48 G; H

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 1501 for a private recreation center, club, or area and private elementary school use to include a middle school and a high school and to revise the existing site plan on property zoned an R-7.5(A) Single Family District on the south line of Samuell Boulevard, east of South Buckner Boulevard  
Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, traffic management plan, and conditions  
Recommendation of CPC: Approval for a ten-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, traffic management plan, and conditions  
Z167-102(OTH)

**FILE NUMBER:** Z167-102(OTH)

**DATE FILED:** October 4, 2016

**LOCATION:** South line of Samuell Boulevard, east of South Buckner Boulevard

**COUNCIL DISTRICT:** 7

**MAPSCO:** 48-G, H

**SIZE OF REQUEST:** 19.92 acres

**CENSUS TRACT:** 122.07

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**OWNER/ APPLICANT:** First Baptist Academy

**REPRESENTATIVE:** Peter Kavanagh, Zone Systems, Inc.

**REQUEST:** An application to amend Specific Use Permit No. 1501 for a private recreation center, club, or area and private elementary school use to include a middle school and a high school and to revise the existing site plan on property zoned an R-7.5(A) Single Family District

**SUMMARY:** The applicant [First Baptist Academy] proposes to relocate the existing classrooms in their Downtown location to the proposed site and build a 27,564 square foot, two-story building. The school proposes to have an enrollment of 400 students when the new building is constructed.

**CPC RECOMMENDATION:** Approval for a ten-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, traffic management plan, and conditions.

**STAFF RECOMMENDATION:** Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, traffic management plan, and conditions.

**BACKGROUND:**

- The request site is approximately 19.92 acres of land and it is currently used as a private recreation center, club or area and a private elementary school use.
- Specific Use Permit No. 1501 was originally created on January 8, 2003 for a private recreation center, club or area for a permanent time period. On August 24, 2005, the SUP was amended to add a private elementary school use.
- The applicant, First Baptist Academy, has been renting the property for the private recreation center, club or area and the elementary school. The school recently purchased the proposed site and is requesting an amendment to the SUP to transfer the existing middle and high school from their Downtown location.
- The proposed private school will have eight classrooms for Pre-K to fifth grade with 130 students; six middle and eight high school classrooms for 270 students totaling 400 students in the entire school.
- The site has been utilized for all the sports for the elementary, middle and high school as a private recreation center, club or area. Staff recommends removing the private recreation center, club or area use as is not needed now. The sports facilities would be part of the private school use exclusively.
- The property is located on a major thoroughfare adjacent to City of Mesquite boundary. The property is surrounded by the City of Mesquite and warehouse uses to the north; warehouse use to the east; warehouse use and undeveloped to the south; and institutional to the west.

**Zoning History:** There have not been any zoning changes in the area in the past five years.

**Thoroughfares/Streets:**

Thoroughfares/Street	Type	Existing ROW
Samuell Boulevard	Collector	80 feet

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
Site	R-7.5(A), SUP No. 1501	Private recreation center, club or area and elementary school
North	City of Mesquite	Warehouse
East	LI	Warehouse
South	LI	Warehouse, undeveloped
West	PD No. 549	Institutional

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding street system.

**Traffic Management Plan:**

The original SUP ordinance did not have a TMP. The applicant submitted a TMP with the application for the amendment of the SUP. Staff has reviewed the document and determined that the proposed traffic circulation plan is suitable for the proposed traffic changes and routing of the additional traffic for the school. Staff is requesting that the TMP be updated every two years, starting on November 1, 2018.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request.

The following goals and policies for the proposed use and amendment to the SUP.

**Neighborhood Element**

**GOAL 7.1 Promote Vibrant and Viable Neighborhoods**

Policy 7.1.2 Promote neighborhood-development compatibility.

The proposed development will be compatible with the adjacent and surrounding uses as well as in size and massing.

**Land Use Compatibility:**

The property is currently developed with an approximately 19,241 square feet field house and approximately 34,284 square feet for other structures such as portables used for the elementary school and bathrooms and a press box for the private recreation center, club or area. The portables will be removed to allow for the proposed new construction.

The property is surrounded by the City of Mesquite to the north which is developed with a warehouse; warehouse to the east; warehouse and undeveloped to the south; and institutional to the west.

The proposed size of the middle school and high school will be compatible in size and massing to the surrounding development. The site plan, TMP, and conditions will mitigate any potential conflict with the proposed use and with the surrounding area. The new school building will provide an option for educational choices for children in the area. The relatively short time period will allow staff to re-evaluate the use for conformance to the site plan and conditions as well as receive input from the community on any negative impacts prior to auto renewal. The bi-annual updated TMP will allow staff an opportunity to ensure the traffic associated with the use does not pose a problem for surrounding uses.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The request does not appear to have an adverse impact on the surrounding zoning and land uses.

**Parking:**

The parking requirement for an elementary school is 1.5 spaces per classroom; for a middle school is 3.5 spaces per classroom for a high school are 9.5 parking spaces. The school proposes eight elementary school classrooms which will require 12 parking spaces; six middle school classrooms which will require 21 parking spaces; and eight high school classrooms will require 76 parking spaces. The total required number of parking spaces for the proposed school is 109 parking spaces. The school is proposing

Z167-102(OTH)

to provide 109 parking spaces. Parking must be provided as shown on the site plan. Any additional classrooms must be parked according to regulations in Division 51A-4.200.

**Landscaping:**

Landscaping must be provided in accordance with Article X of the Dallas Development Code.

**CPC ACTION**

December 1, 2016

**Motion:** It was moved to recommend **approval** of an amendment to Specific Use Permit No. 1501 for a private recreation center, club, or area and private elementary school use to include a middle school and a high school and to revise the existing site plan for a ten-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan, traffic management plan, and conditions on property zoned an R-7.5(A) Single Family District on the south line of Samuell Boulevard, east of South Buckner Boulevard.

Maker: Shidid  
Second: Murphy  
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,  
Anantasomboon, Haney, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 7

**Notices:** Area: 400                      Mailed: 6  
**Replies:** For: 0                              Against: 0

**Speakers:** None

**OFFICERS**

**BOARD OF TRUSTEES  
FIRST BAPTIST ACADEMY**

Corey Admire  
Richard Brown  
Linda Gee  
Luann Gutierrez  
Bob Osburn  
Barbara Ritzert  
Bill Rogers  
Christa Sanford  
Ty Sawyer  
Ellen Wolfe  
Gary Young  
Marcos Zamora

Jason Lovvorn – Director of First Baptist Academy

**PROPOSED CONDITIONS  
SUP No. 1501**

1. USE: The only use authorized by this specific use permit is a private recreation center, club, or area and private elementary school use.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan, except that the parking lots may be built in phases as long as the minimum required parking is provided.

CPC Recommendation:

- |   |
|---|
| <p>3. <u>TIME LIMIT</u>: This specific use permit expires on _____ (ten years), but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.) <del>has no expiration date.</del></p> |
|---|

Staff Recommendation:

- |  |
|--|
| <p>3. <u>TIME LIMIT</u>: This specific use permit expires on _____ (five years), but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.) <del>has no expiration date.</del></p> |
|--|

4. LANDSCAPING: Landscaping must be provided in accordance with Article X of the Dallas Development Code, as amended.
5. OFF-STREET PARKING: A minimum of 109 off-street parking spaces must be provided for eight elementary classrooms, six middle school classrooms, and eight

~~high school classrooms. Off-street parking and loading must be provided as shown on the development plan. Parking must be provided as shown on the attached site plan. For the structures shown on the site plan other than the area labeled as "future elementary school," a minimum of 33 off-street parking spaces must be provided anywhere within the location shown as parking lot on the attached site plan. Additional off-street parking must be provided in compliance with Section 51A-4.204(17) when additional classrooms are located or constructed within the area shown as "future elementary school" on the attached site plan.~~

6. HOURS OF OPERATION: The private elementary school may only operate between the hours of ~~7:30~~ 8:00 a.m. and ~~10:00~~ 4:00 p.m., Monday through Saturday Friday; and between the hours of 8:00 a.m. and 3:30 p.m. on Saturdays, except for school-related administrative meetings.
7. ENROLLMENT: Enrollment for the private elementary school is 400 students limited to kindergarten through sixth grade.
8. FENCING: ~~The entire property outdoor play area for the private elementary school,~~ must be enclosed by a minimum four-foot high fence, as shown on the attached site plan.
9. PICK-UP AND DROP-OFF: ~~For the private elementary school labelled as "future elementary school," a pick-up and drop-off area must be provided on the eastern building facade.~~

940. INGRESS-EGRESS: Ingress and egress must be provided as shown on the attached site plan.

10. TRAFFIC MANAGEMENT PLAN:

A. In general. Operation of the private school must comply with the attached traffic management plan.

B. Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.

C. Traffic management plan.

i. The Property owner or operator shall prepare an update to the traffic management plan evaluating the sufficiency of the plan. The initial update of the traffic management plan must be submitted to the director by November 1, 2018. After the initial traffic study, the Property owner or operator shall submit updates of the traffic study to the director by November 1 of each even-year (beginning 2020).

ii. The traffic management plan must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at

different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

- a. ingress and egress points;
- b. queue lengths;
- c. number and location of personnel assisting with loading and unloading of students;
- d. drop-off and pick-up locations;
- e. drop-off and pick-up hours for each grade level;
- f. hours for each grade level; and
- g. circulation.

iii. Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

a. If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

b. If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

D. Amendment process.

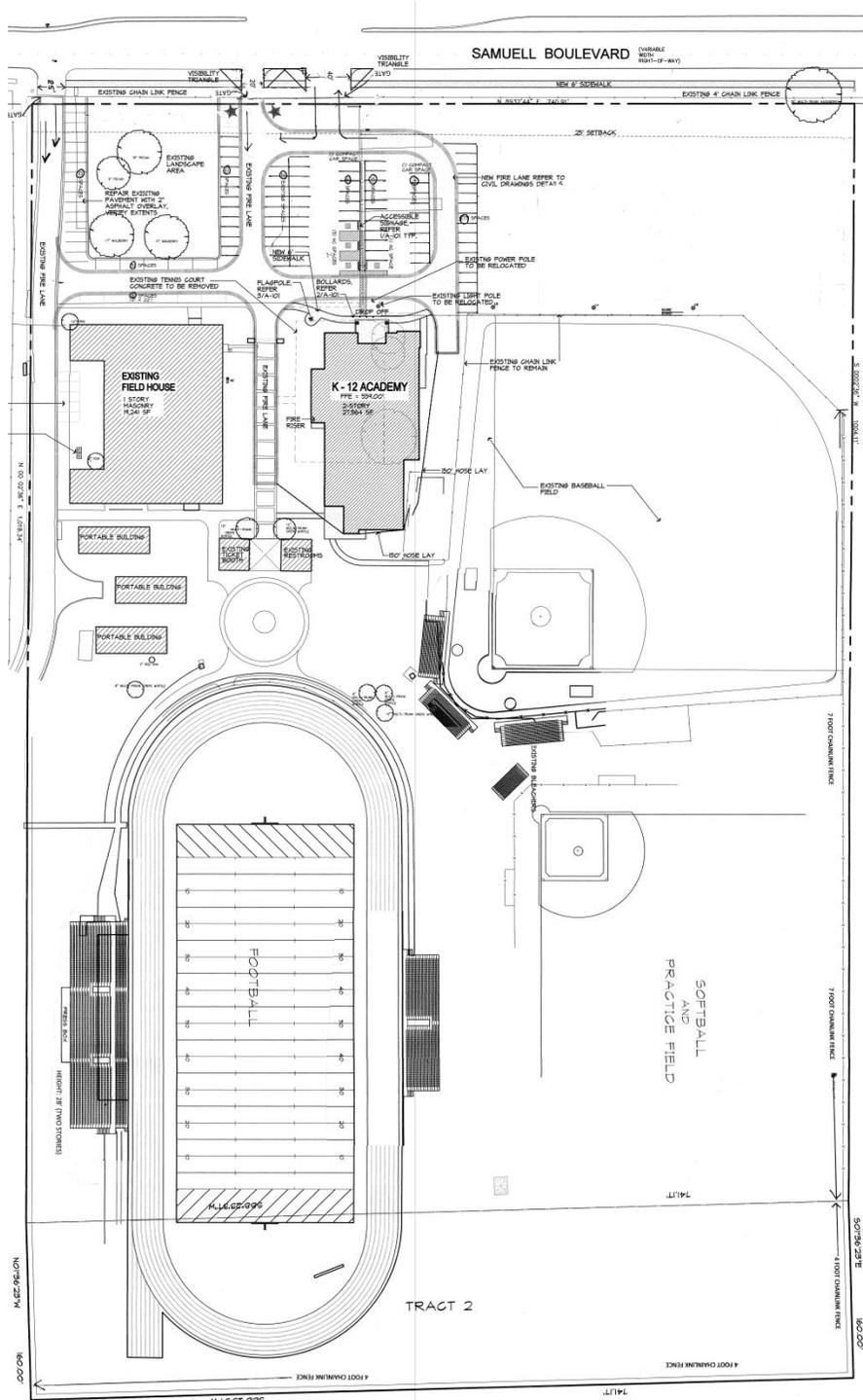
(1) A traffic management plan may be amended using minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

11. **MAINTENANCE:** The entire Property must be properly maintained in a state of good repair and neat appearance.

12. **GENERAL REQUIREMENTS:** Use of the Property must comply with all federal and state laws and regulations and with all ordinances, rules, and regulations of the City of Dallas.”

# PROPOSED SITE PLAN



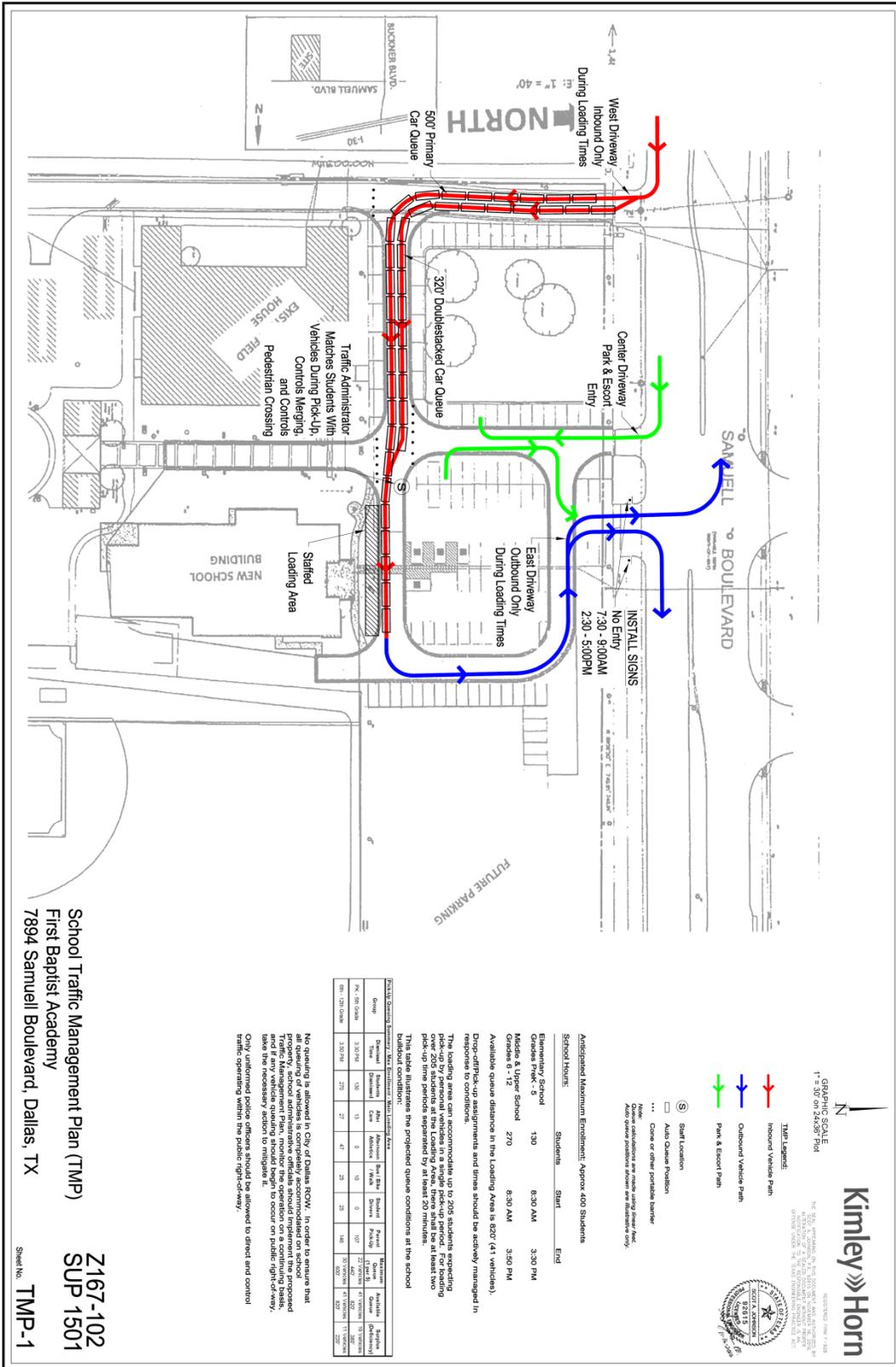
**SUP 1501**  
Z 167-102

**FIRST BAPTIST ACADEMY**  
7894 Samuell Blvd  
Dallas, TX 75228

**WRIGHT GROUP**  
ARCHITECTS - PLANNERS - ILCS  
440 S BROADWAY STREET  
DALLAS, TEXAS 75201  
(972) 242-1015



# PROPOSED TRAFFIC MANAGEMENT PLAN



School Traffic Management Plan (TMP)  
 First Baptist Academy  
 7894 Samuel Boulevard, Dallas, TX

Z167-102  
 SUP 1501  
 TMP-1

**Anticipated Maximum Enrollment: Approx 400 Students**

Group	Elementary School	Grades Pre-K - 5	Middle & Upper School	Grades 6 - 12
PK - 50 (200)	150	8:30 AM	3:30 PM	
60 - 120 (240)	270	8:30 AM	3:30 PM	

**Anticipated Maximum Enrollment: Approx 400 Students**

**School Hours:**

Students	Start	End
Elementary School	8:30 AM	3:30 PM
Grades Pre-K - 5	8:30 AM	3:30 PM
Middle & Upper School	8:30 AM	3:30 PM
Grades 6 - 12	8:30 AM	3:30 PM

Available queue distance in the Loading Area is 820' (41 vehicles).  
 Drop-off/pick-up assignments and times should be actively managed in response to conditions.  
 The loading area can accommodate up to 205 students expecting over 205 students at the Loading Area; these shall be at least two pick-up times periods separated by at least 20 minutes.  
 This table illustrates the predicted queue conditions at the school.

**Legend:**

- Inbound Vehicle Path
- Outbound Vehicle Path
- Park & Escort Path
- Start Location
- Auto Queue Position
- Corner or other portable barrier
- Other calculations are made using linear feet. Auto queue positions shown are illustrative only.

**GRAPHIC SCALE**  
 1" = 50' on 24x36 Plot

**Kimley Horn**

REGISTERED PROFESSIONAL ENGINEER  
 STATE OF TEXAS  
 LICENSE NO. 28215  
 EXPIRES 08/31/2024

**Traffic Management Plan and Queuing Analysis  
 Proposed First Baptist Academy SUP 1501 Z167-102  
 7894 Samuell Boulevard, Dallas, TX  
 November 16, 2016**

**Introduction:**

The proposed private school campus is a development to add school facilities to the existing athletics campus of the First Baptist Academy (FBA) on Samuell Boulevard east of Loop 12. The school is relocating from its current campus in downtown Dallas.

The school will start with approximately 210 students (Pre-K to Grade 12) for the 2016-2017 school year, and may ultimately grow to up to 400 students. The building has a total of approximately 22 classrooms. The following table shows the proposed distribution of classrooms and students at buildout, actual student distribution may vary by year:

<b>Grade</b>	<b>Classrooms</b>	<b>Approximate Students at Buildout</b>	<b>Drop-Off Time</b>	<b>Dismissal Time</b>
Pre-K	2 Pre-K  6 Lower (K-5)	130	8:30 AM	3:30 PM
Kindergarten				
1 <sup>st</sup> Grade				
2 <sup>nd</sup> Grade				
3 <sup>rd</sup> Grade				
4 <sup>th</sup> Grade				
5 <sup>th</sup> Grade	6 Middle  8 Upper	270	8:30 AM	3:50 PM
6 <sup>th</sup> Grade				
7 <sup>th</sup> Grade				
8 <sup>th</sup> Grade				
9 <sup>th</sup> Grade				
10 <sup>th</sup> Grade				
11 <sup>th</sup> Grade				
12 <sup>th</sup> Grade				
<b>Total</b>	<b>21</b>	<b>400</b>		

**TMP Parameters:**

Morning drop-off is from 8:30 AM for all students. Afternoon pick-up is at 3:30 PM for students from Pre-K to 5<sup>th</sup> grade and 3:50 PM for students from 6<sup>th</sup> to 12<sup>th</sup> grade. The pick-up and drop-off times can be modified to match the school operations. The pick-up time periods can be modified as long as pick-ups are divided into groups that are separated by at least 15 minutes.

The new FBA campus will have a number of factors which reduce the number of students being picked up by individual vehicles. These factors are provided by FBA based on their existing school

operation. FBA estimates 10-20% of the student body would use before-or after-care, so the low estimate of 10% was applied. A limited busing operation will also be used, with 55 students in the AM drop-off period, and 35 in the PM pick-up period. Middle School athletics would include 30% of the student body, and starts at 7:30 AM so those students aren't part of the main 8:30 drop-off time. Upper School athletics also includes 30% of the student body, taking place in the afternoon so those students aren't part of the 3:50 PM dismissal. Additionally, 30% of the grade 10-12 students are expected to drive themselves. The TMP is expandable to handle all 400 students in the unlikely event that these reduction factors are not active, or during the sports off-seasons.

**Proposed TMP Operation:**

The proposed TMP has one loading area which will operate the same in both the drop-off and pick-up time periods.

The Loading Area is entered from Samuell Boulevard at the west driveway, with right-turn access from eastbound Samuell Boulevard. Vehicles will enter and proceed south, then turn east across the front of the school building. The queue can be doublestacked if the queue demand requires it. At the Loading Area, the traffic administrator matches students with vehicles and controls the merging of vehicles back to a single line. The Loading Area can accommodate at least 5 vehicles being loaded at one time. Staff members will assist with loading and unloading. Once loaded or unloaded, the vehicles will turn north towards Samuell Boulevard and exit via the east driveway at the existing median opening. Separate left- and right-turn lanes are available for outbound movements at the east driveway intersection with Samuell Boulevard.

At all locations loading is performed on the passenger side. For the afternoon pick-up time period, arriving vehicles will display a sticker or placard indicating which student(s) they are picking up. The traffic administrator posted in advance of the loading stations looks for this information and calls ahead to the loading station so that the appropriate students are waiting at the correct loading station when the vehicle arrives. When the vehicles have come to a stop at the loading station, the students are loaded into the vehicles with the assistance of the staff member at each loading station.

The inbound vehicle path provides a total of 820' of queuing distance, or enough for 41 vehicles. 500' of that total, or 25 vehicles, is found within the primary car queue lane. The remainder is in the second lane which is available for doublestacked queuing when needed. The queue with space for 41 vehicles will allow up to 205 actual dismissed students per loading period, using the queue calculations detailed later.

A parking area for Park & Escort activity, where parents park their vehicles and walk with the students to and from the building, is accessed through the center driveway. Pedestrians will cross the car queue at the accessible parking crosswalk, and are further controlled by the traffic administrator at that location. Outbound Park & Escort vehicles join the main outbound traffic at the east driveway.

**Pick-Up Queuing Analysis:**

Based on observations of queuing at other private schools in the DFW area, KHA uses a design standard for projecting queue demands at similar sites. The existing FBA school activity will be changed by the relocation from a downtown environment to a suburban one, so the default queuing projection is used. The expected maximum queue in vehicles is equal to 20% of the largest number of students dismissed at one time, or 1 vehicle per 5 students being dismissed. Students using buses, walking/biking, or other activities are deducted from the student number since they do not attract personal vehicles to the campus. This method accounts for the differences in how schools divide up the pick-up time period, as some dismiss all students in one group and therefore have higher vehicle demands in a short time period, while some spread out the dismissals over two or more groups. The projected queue formula can be stated as:

$$(\text{Students dismissed in time period} - \text{students using other modes}) * 0.20 = \text{Number of vehicle in queue}$$

By design of the TMP, the largest single dismissal that would be the middle school grades 6 – 12, with 270 students at buildout. Therefore, the projected maximum queue length is:

$$(270 \text{ students dismissed} - 27 \text{ students in after-care} - 47 \text{ Upper Schoolers in athletics} - 25 \text{ students using buses} - 25 \text{ student drivers})$$

$$= 146 \text{ students being picked up} * 0.20$$

$$= 30 \text{ vehicles in queue}$$

The projected queue of 30 vehicles translates to 600' of queuing distance. This distance is in the range of the recommended values for equivalent Texas schools found in the Texas Transportation Institute (TTI) research report 0-4286 *Operations and Safety Around Schools* published in January 2004. The more conservative (longer queues) KHA method reflects the nature of private schools which draw from a large area and tend to have fewer students arriving as pedestrians or by bicycle than traditional public schools.

The projected maximum queue demand of 600' can easily be accommodated within the queue distance available in the Loading Area. The Loading Area has 820' of distance available in the TMP, which is approximately 220' of queuing distance available in excess of the demand.

Projected Queue Demand:	600'	30 Vehicles
Available Queuing Distance:	820'	41 Vehicles
Surplus (Deficiency):	220'	11 Vehicles

While the TMP allows the school flexibility of schedule and dismissals within the TMP limits of 205 students picked up by parents per dismissal period, the following table shows the projected conditions at school buildout. All dismissal groups have a comfortable amount of unused space in the available queue. The PK-5<sup>th</sup> grade group can be accommodated within the 500' queue provided by the primary car lane, not requiring a doublestacked queue.

Pick-Up Queuing Summary - Max Enrollment - Main Loading Area										
Group	Dismissal Time	Students Dismissed	After Care	Afternoon Athletics	Bus / Bike / Walk	Student Drivers	Parent Pick-Up	Maximum Queue (1 per 5)	Available Queue	Surplus (Deficiency)
PK - 5th Grade	3:30 PM	130	13	0	10	0	107	22 Vehicles 440'	41 Vehicles 820'	19 Vehicles 380'
6th - 12th Grade	3:50 PM	270	27	47	25	25	146	30 Vehicles 600'	41 Vehicles 820'	11 Vehicles 220'

**Drop-Off Queuing Analysis:**

The morning drop-off operation is typically much faster and results in significantly less queuing than the afternoon pick-up operation. The main reason for this difference is the drop-offs occur immediately as the vehicles reach the Loading Area, without the need to match vehicles with students.

The drop-off queue calculation is performed the same way as the pick-up queue, but with a design standard of 1 vehicle in the queue per 15 students being dropped off.

Out of the 400 students, 236 are being dropped off in the main arrival period for 8:30 AM start time. This translates to 16 vehicles in queue, or 320' of required queue, which is comfortably less than the available queue on the site. Again, the drop-off operation can be accommodated within the single primary car lane.

Drop-Off Queuing Summary - Max Enrollment - Main Loading Area										
Group	Arrival Time	Students Arriving	Before Care	Morning Athletics	Bus / Bike / Walk	Student Drivers	Parent Drop-Off	Maximum Queue (1 per 15)	Available Queue	Surplus (Deficiency)
All Students	8:30 AM	400	40	34	55	35	236	16 Vehicles 320'	41 Vehicles 820'	25 Vehicles 500'

**Summary:**

This TMP and the attached TMP plan define the drop-off and pick-up procedures for the First Baptist Academy at 7894 Samuell Boulevard with a maximum of 400 students. The TMP vehicle routes provide an available queue distance within the site that is greater than the projected maximum expected queue for the school's operations. The school traffic will never be allowed to queue vehicles in the ROW of any City street or alley, nor will the traffic on any City street be stopped or diverted. The property owner/school administrator is responsible for the administration of the TMP and minimizing the impact of the vehicle queue on the City streets. Only uniformed police officers should be allowed to direct and control traffic operating within the public right-of-way.

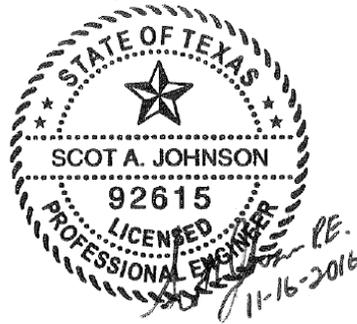
Based on the vehicle queuing analysis conducted and the resulting Traffic Management Plan, I, Scot A. Johnson, P.E. #92615, certify that the results indicate that no queuing of vehicles dropping off or picking up students at 7894 Samuell Boulevard will extend onto City of Dallas rights-of-way as a result of internal queuing constraints.

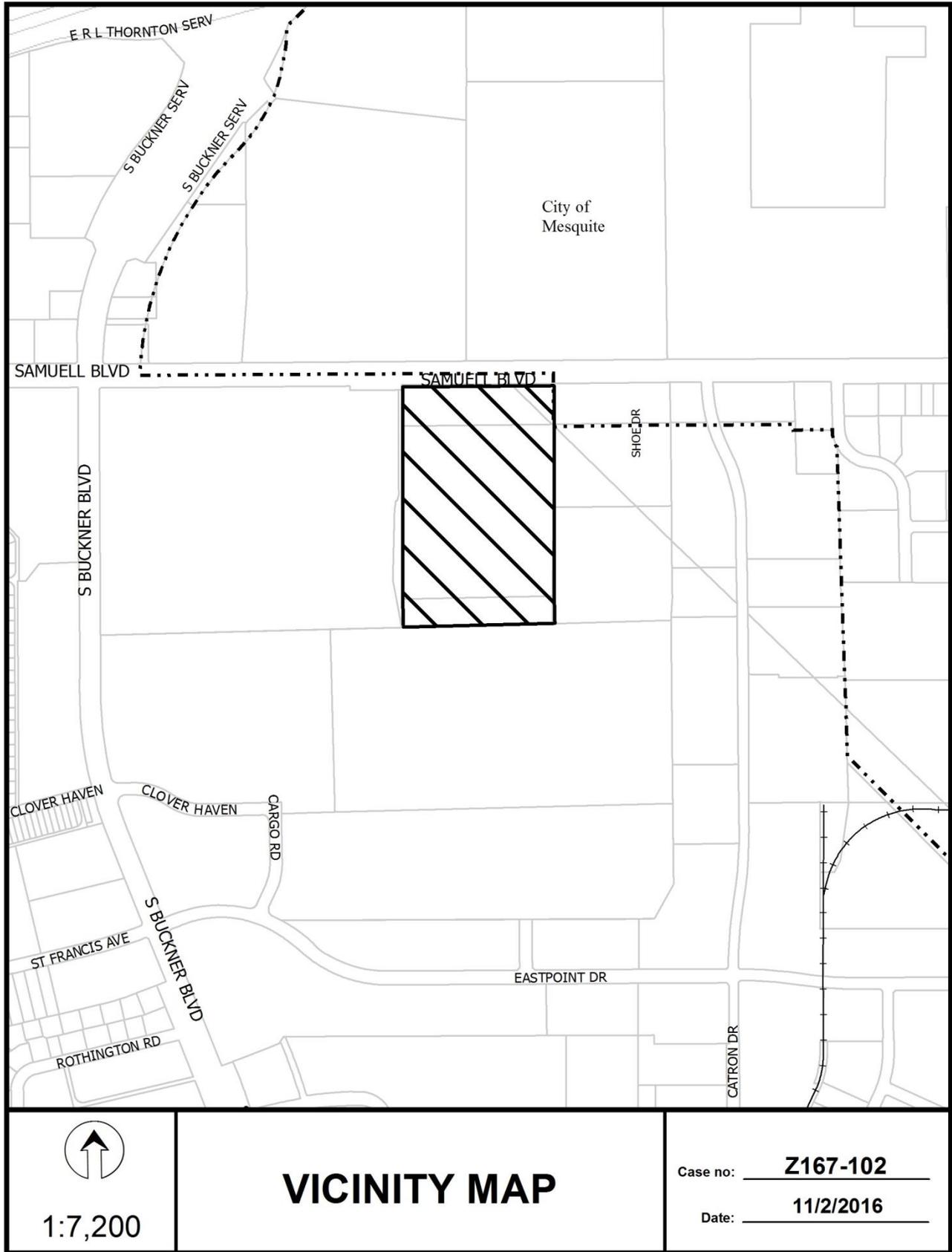
In order to ensure that all queuing of vehicles is completely accommodated on school property, the school administrative officials should implement the proposed Traffic Management Plan, monitor the

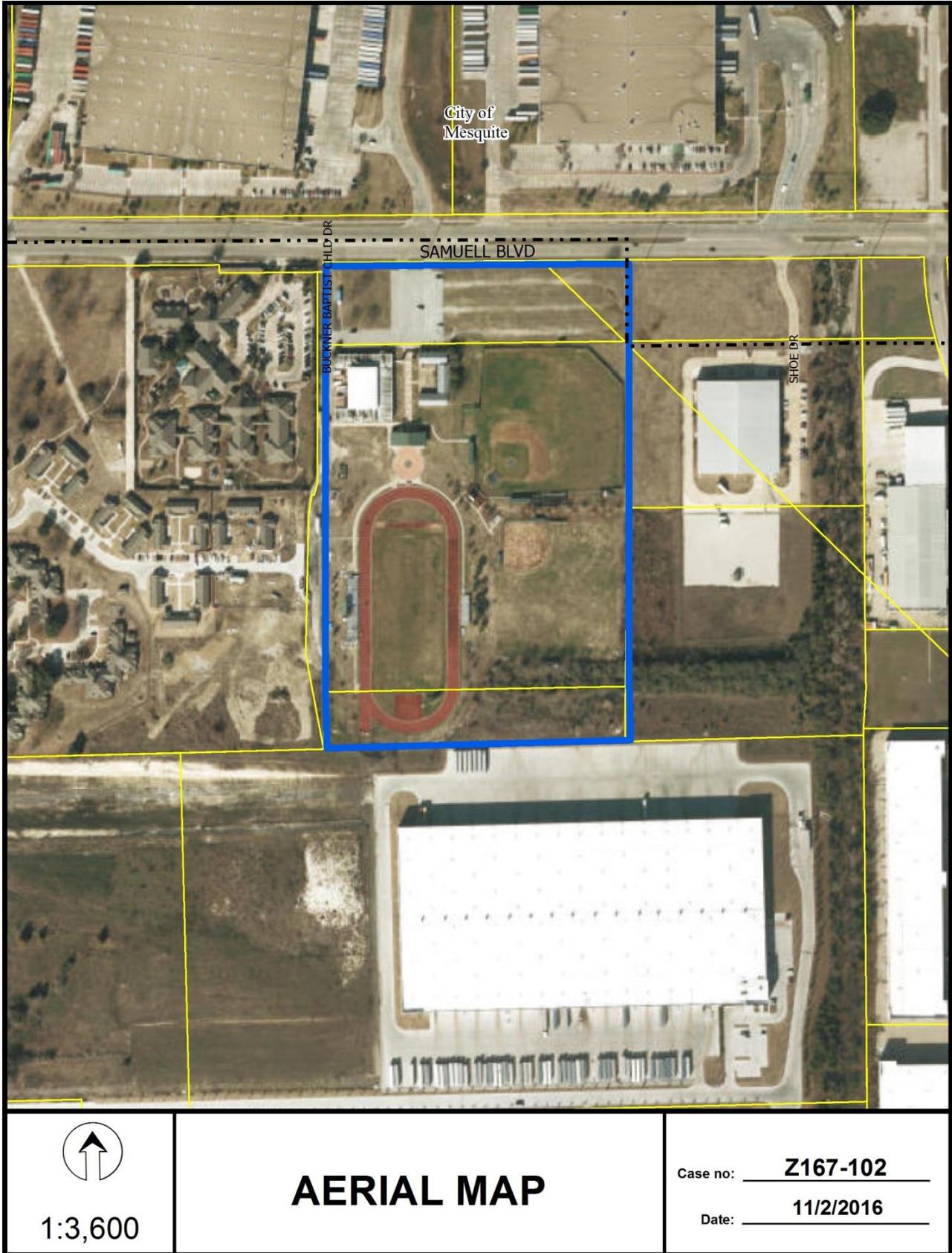
Z167-102(OTH)

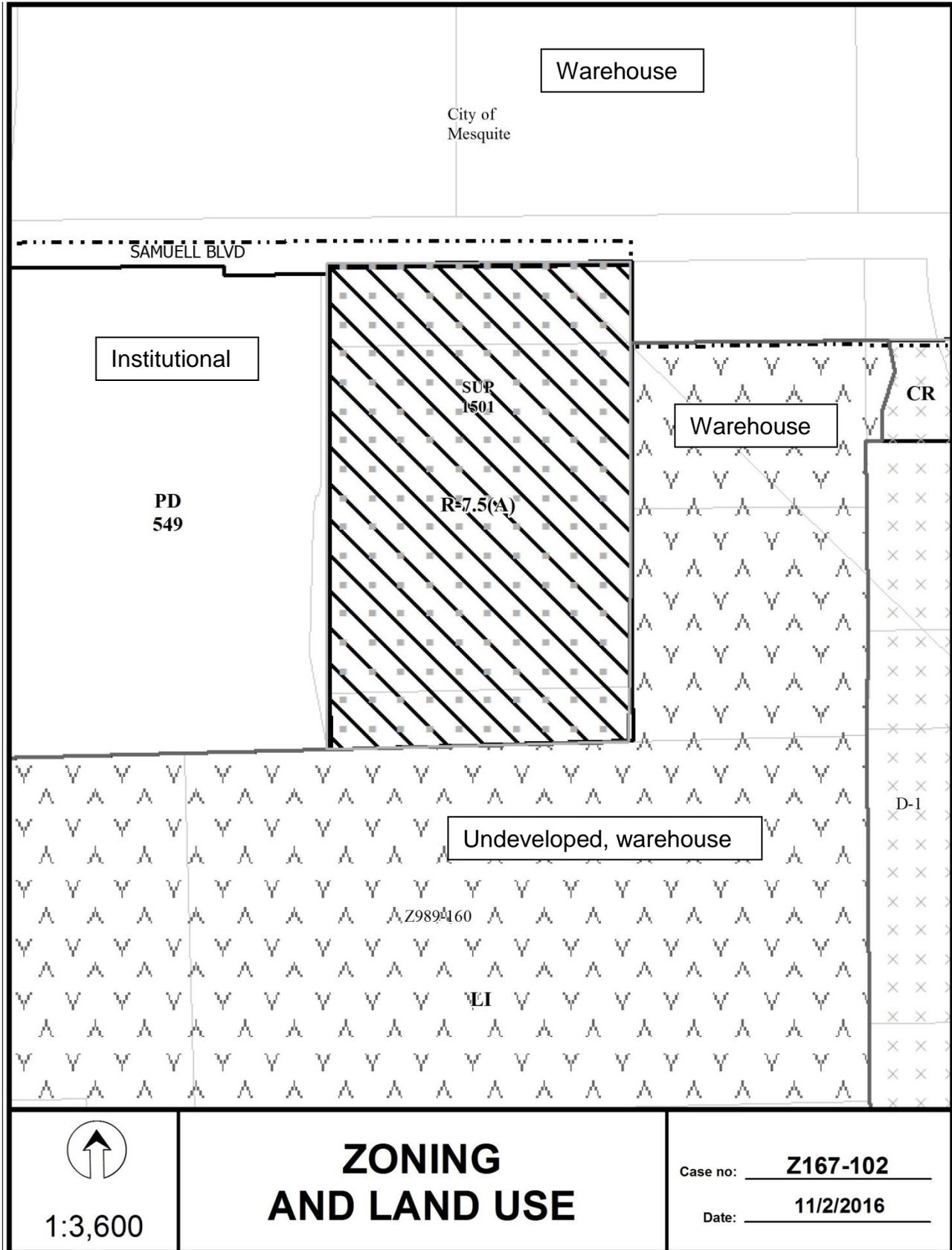
operation on a continuing basis, and if any vehicle queuing should begin to occur on public right-of-way, take the necessary action to mitigate it.

Prepared by:  
**Kimley-Horn and Associates, Inc.**  
Scot A. Johnson, P.E., PTOE  
12750 Merit Drive, Suite 1000  
Dallas, TX 75251  
(972) 770-1300

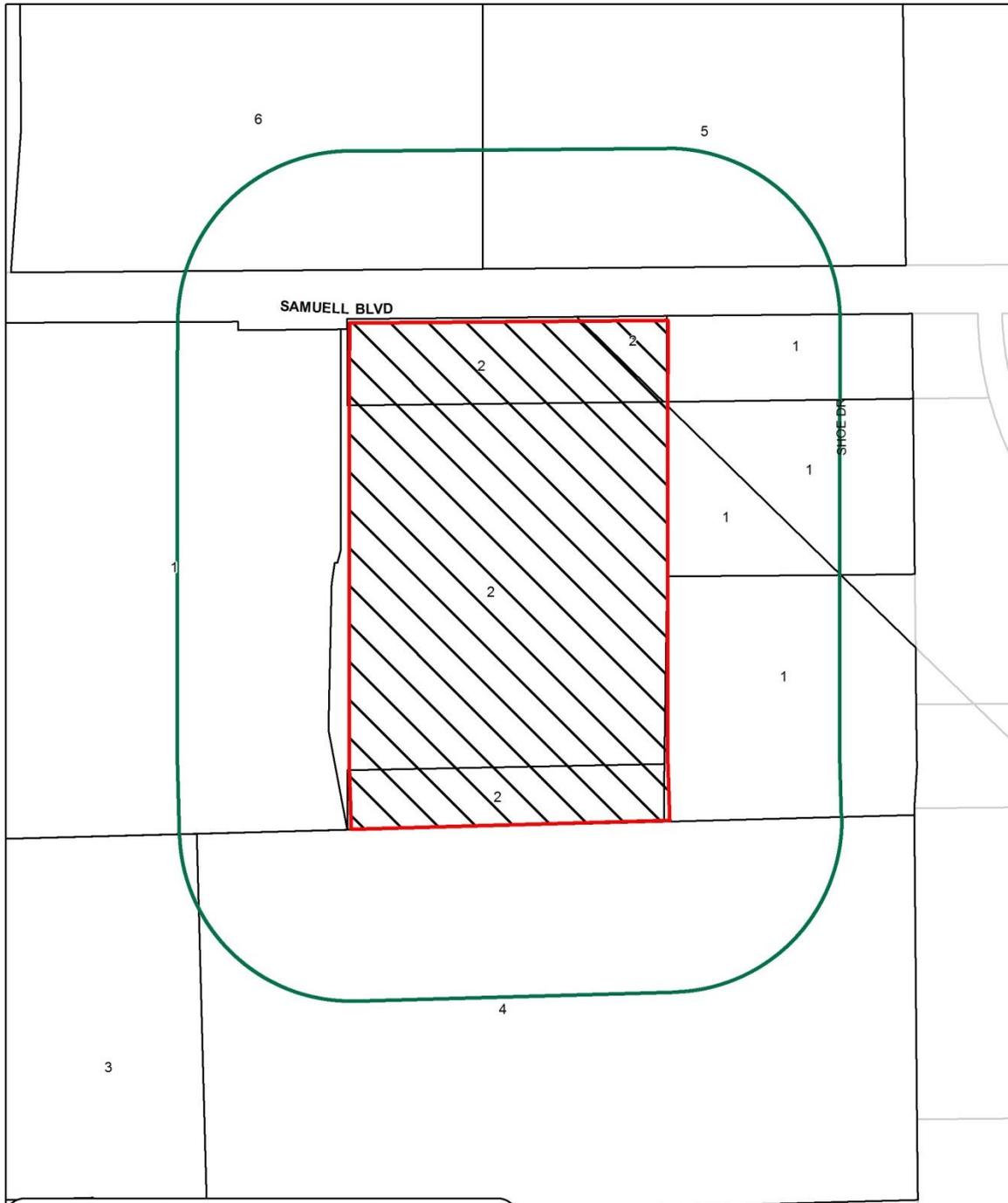








### CPC RESPONSES



<u>6</u>	Property Owners Notified (13 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>400'</u>	Area of Notification
<u>12/1/2016</u>	Date

**Z167-102**  
**CPC**



1:3,600

Z167-102(OTH)

11/30/2016

## ***Reply List of Property Owners***

***Z167-102***

***6 Property Owners Notified***

***0 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	7890 SAMUEL BLVD	BUCKNER BAPTIST
	2	5000 SAMUEL BLVD	FIRST BAPTIST ACADEMY
	3	4696 CLOVER HAVEN ST	EXETER 4696 CLOVER HAVEN LP
	4	4696 CLOVER HAVEN ST	EXETER 4696 CLOVER HAVEN LP
	5	5151 SAMUEL BLVD	PROLOGIS MACQUARIE TX LP
	6	5351 SAMUEL BLVD	PROLOGIS FIRST US

**AGENDA ITEM # 62**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 5  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 58 D; 59 A

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned a D(A) Duplex District, on the northeast corner of Bruton Road and McKim Drive  
Recommendation of Staff: Approval of a NS(A) Neighborhood Services District in lieu of Community Retail District  
Recommendation of CPC: Approval of a CR Community Retail District with deed restrictions volunteered by the applicant  
Z167-109(LE)



**FILE NUMBER:** Z167-109(LE)

**DATE FILED:** October 11, 2016

**LOCATION:** Northeast corner of Bruton Road and McKim Drive

**COUNCIL DISTRICT:** 5

**MAPSCO:** 59-A, 58-D

**SIZE OF REQUEST:** ±1.4 acres

**CENSUS TRACT:** 90.00

---

**REPRESENTATIVE:** Rob Baldwin, Baldwin Associates

**APPLICANT/OWNER:** Donaldson Properties

**REQUEST:** An application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned a D(A) Duplex District.

**SUMMARY:** The purpose of this request is to allow the applicant to develop the property with uses allowed in the CR Community Retail District. The applicant proposes to volunteer deed restrictions that prohibits certain uses.

**CPC RECOMMENDATION:** Approval of a CR Community Retail District with deed restrictions volunteered by the applicant.

**STAFF RECOMMENDATION:** Approval of an NS(A) Neighborhood Services District in lieu of Community Retail District.

**BACKGROUND INFORMATION:**

- The site is currently undeveloped. There is a residential development to the northern boundary of the site. Land uses in the immediately adjacent areas include duplexes, single family, a school, church, retail, and personal service uses.
- The request is being made to rezone the parcel from a D(A) District to a CR District to allow for uses to complement the adjacent development. The applicant is volunteering deed restriction to prohibit certain land uses that are incompatible with the area.
- Staff believes the CR Community Retail District may be too intensive for this area even with the addition of deed restrictions due to the surround land uses. Council has the ability to recommend a different zoning district than the one requested, except that the different district may not (1) have a maximum structure height, floor area ratio, or density that is higher than the one requested; or (2) be "nonresidential" when the one requested is for residential uses or vice versa. Staff believes the NS(A) Neighborhood Services District would be a buffer between the CR to the east the surrounding residential area.

**Zoning History:**

1. **Z167-140** An application has been submitted for a new Specific Use Permit for a cellular tower (monopole) that encompasses this property as well as a portion of the property to the east. (City Plan Commission public hearing on January 19, 2017.)

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

**Thoroughfares/Streets:**

<b>Thoroughfares/Street</b>	<b>Type</b>	<b>Existing ROW</b>
Bruton Road	Principal Arterial	100 ft.
McKim Drive	Local Street	60 ft.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site is within a Residential Neighborhood Building Block.

The proposed zoning request meets the following goals and objectives of the comprehensive plan:

**GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY**

Policy 5.2.1 Maintain neighborhood scale and character.

**GOAL 5.3 Establishing Walk-to Convenience**

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	D(A)	Undeveloped
<b>North</b>	D(A)	Duplexes, school
<b>East</b>	CR-D-1	Retail Center, Personal Service Uses, and Undeveloped
<b>South</b>	R-7.5(A)	Single family homes
<b>West</b>	R-7.5(A)	Single family homes, church

**Land Use Compatibility:**

The subject site is currently zoned a D(A) Duplex District. The purpose of this district is residential. The current request is to change the zoning to a CR Community Retail District to allow for the future development of uses allowed in the CR Community Retail District.

Surrounding residential developments to the north, south, and west must be properly screened from the potential retail development. The Dallas Development Code provides greater consideration where residential adjacency exists. To develop the subject site, a ten foot landscape buffer would have to separate the uses. All off-street loading spaces

must be screened from the residential development, as well as the public streets. The dumpster must also be screened. All screening is a minimum of six feet high and solid in nature.

The voluntary deed restrictions restricting massage establishments will provide for desired development while remaining sensitive to surrounding residential adjacency. Staff’s proposed NS(A) Neighborhood Services District is described as being able to accommodate convenience retail shopping, services, and professional offices principally servicing and compatible in scale and intensity of use with adjacent residential uses. Rezoning this parcel to NS(A) will help to maintain the neighborhood scale and character by allowing small-scale retail, personal service, and office uses within walking distance. Also, the narrow lot size is more conducive to the smaller scale developments that would be more appropriate in the NS(A) District. The subject property is consistent with the land use pattern and will serve as a buffer separating the retail land uses to the east and the residential neighborhood to the north, south, and west.

A comparison chart of uses allowed in the CR and NS(A) Districts is included in this report.

**Development Standards:**

District	Setbacks		Height	Lot Coverage	Special Standards	FAR	Stories	Primary Uses
	Front	Side/Rear						
<b>Existing:</b> D(A)	25'	5' for SF 5'/10' for Duplex	36'	60% for residential structures	Minimum lot size of 6,000 square feet	No max	No max	Duplex and single family
<b>Applicant Proposed:</b> CR with Deed Restrictions	15'	0' 0'	54'	60%	RPS	0.5 to 0.75	4	Retail and personal service, Commercial and business service, Institutional, Lodging, Office, Recreation, and added Wholesale, distribution, and storage uses.  Proposed voluntary deed restrictions will restrict uses.
<b>Staff Proposed:</b> NS(A)	15'	0' 0'	30' to 35'	40%	RPS	0.5	2	Institutional, Office, Recreation, and Retail and personal service uses.

**Parking:**

Parking will be provided according to the Dallas Development Code.

Z167-109(LE)

**Landscaping and Screening:**

Landscaping and screening will be provided per Article X, as amended. In addition, the voluntary deed restrictions provide a landscape buffer along the northern residential adjacent line.

Partners/Principals/Officers

Donaldson Properties, Ltd.

Stanley Spigel

Barbara Spigel

Stuart Spigel

Julie Zimmerman

Spigel Properties, Inc, General Partner

Stanley Spigel, President

Barbara Spigel, Secretary

**CPC Action:  
December 15, 2016**

**Motion:** It was moved to recommend **approval** a CR Community Retail District, subject to deed restrictions volunteered by the applicant to include the prohibition of liquor stores, auto related uses and tool rental on property zoned a D(A) Duplex District, on the northeast corner of Bruton Road and McKim Drive.

Maker: Shidid  
Second: Murphy  
Result: Carried: 10 to 0

For: 10 - Houston, Davis, Shidid, Haney, Jung,  
Housewright, Schultz, Peadon, Murphy, Tarpley

Against: 0  
Absent: 4 - Anglin, Rieves, Anantasomboon, Ridley  
Vacancy: 1 - District 7

**Notices:** Area: 300 Mailed: 41  
**Replies:** For: 0 Against: 1

**Speakers:** For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75206  
For (Did not speak): Santos Martinez, 900 Jackson St., Dallas, TX, 75202  
Against: Freddie Arnwine, 8835 Barclay St., Dallas, TX, 75227

<b>Land Use Comparison:</b>	<b>CR</b>	<b>NS(A)</b>
<b>Use</b>		
Crop Production	X	X
Building repair and maintenance shop.	RAR	
Catering Service.	X	
Custom business services.	X	
Electronics service center.	X	
Medical or scientific laboratory.	SUP	
Tool or equipment rental.	X	
Gas drilling and production	SUP	SUP
Temporary concrete or asphalt batching plant	CBO	CBO
Adult day care facility	X	X
Cemetery or mausoleum	SUP	SUP
Child-care facility	X	X
Church	X	X
College, university, or seminary	X	SUP
Community service center	SUP	SUP
Convent or monastery	X	X
Hospital	SUP	
Library, art gallery, or museum	X	X
Open-enrollment charter school or private school	SUP	SUP
Public school other than an open-enrollment charter school	RAR	RAR
Hotel and motel.	SUP	
Lodging or boarding house.	SUP	
Overnight general purpose shelter.	Check Use	
Attached non-premise sign	SUP	SUP
Carnival or circus (temporary)	CBO	CBO
Temporary construction or sales office	X	X
Alternative financial establishment.	SUP	
Financial institution without drive-in window	X	X
Financial institution with drive-in window	DIR	
Medical clinic or ambulatory surgical center	X	X
Office	X	X
Country club with private membership	X	X
Private recreation center, club, or area.	X	SUP
Public park, playground, or golf course	X	X
College dormitory, fraternity, or sorority house.	X	SUP
Alcoholic beverage establishments.	Check Use	
Ambulance service.	RAR	

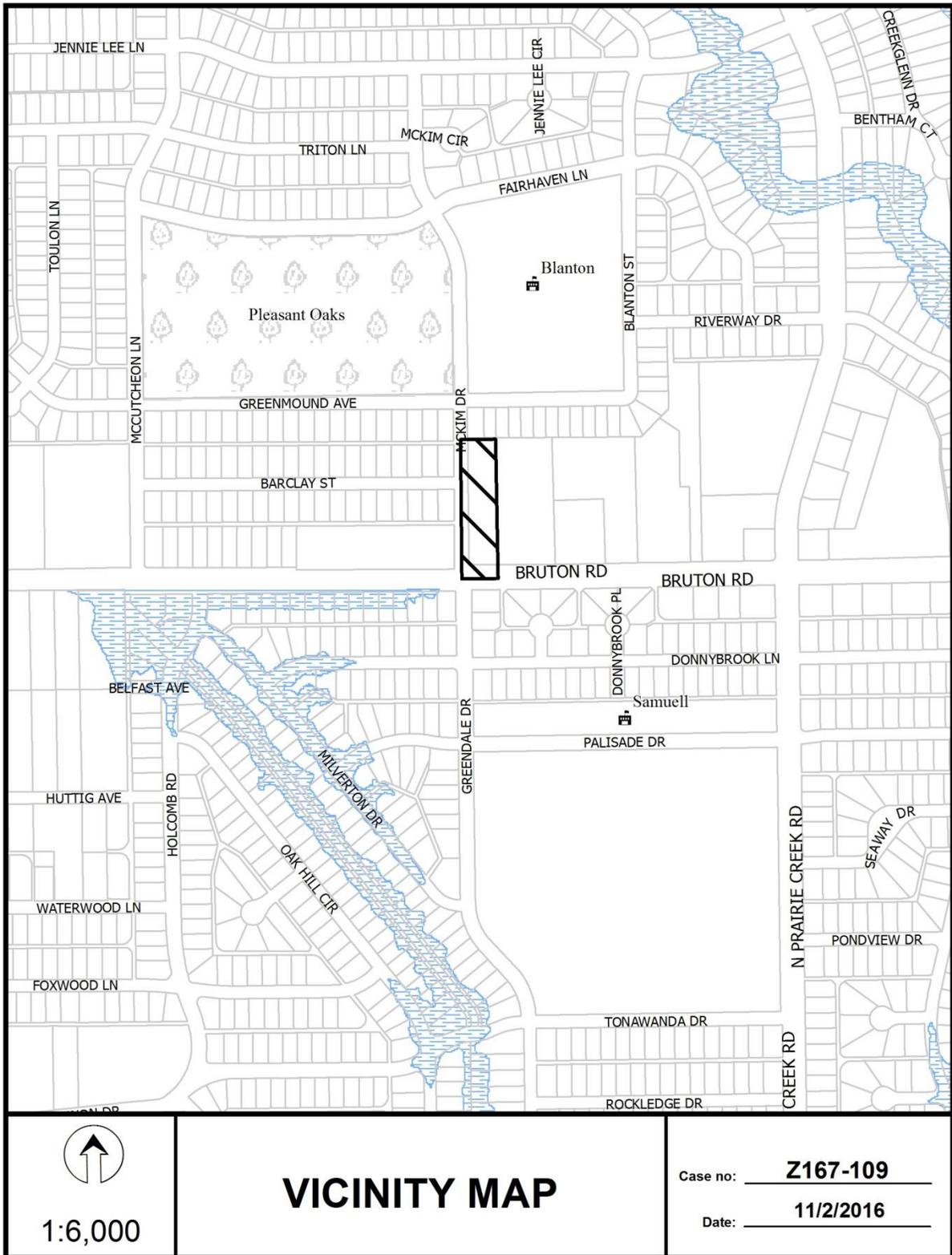
## Z167-109(LE)

Animal shelter or clinic without outside runs.	RAR	
Auto service center.	RAR	
Business school.		
Car wash.	DIR	
Commercial amusement (inside).	Check Use (SUP)	
Commercial amusement (outside).	SUP	
Commercial parking lot or garage.	RAR	
Convenience store with drive-through.	SUP	
Dry cleaning or laundry store	X	X
Furniture store.	X	
General merchandise or food store 3,500 square feet or less	X	X
General merchandise or food store greater than 3,500 square feet.	X	
General merchandise or food store 100,000 square feet or more.	SUP	
Home improvement center, lumber, brick or building materials sales yard.	DIR	
Household equipment and appliance repair.	X	
Liquor store.	X	
Mortuary, funeral home, or commercial wedding chapel.	X	
Motor vehicle fueling station.	X	SUP
Nursery, garden shop, or plant sales.	X	
Pawn shop.	X	
Personal service uses	X	X
Restaurant without drive-in or drive-through service.	RAR	RAR
Restaurant with drive-in or drive-through service.	DIR	
Swap or buy shop.	SUP	
Temporary retail use.	X	
Theater.	X	
Transit passenger shelter	X	X
Transit passenger shelter or transfer center	SUP	SUP
Commercial radio and television transmitting station.	X	
Electrical substation.	X	SUP
Local utilities	Check Use	Check Use
Police or fire station.	X	SUP
Post office.	X	SUP
Radio, television or microwave tower	SUP	SUP
Tower/antenna for cellular communication	Check Use	Check Use
Utility or government installation other than listed	SUP	SUP
Mini-warehouse.	SUP	
Recycling buy-back center.	Check Use	Check Use
Recycling collection center.	Check Use	Check Use
Recycling drop-off container	Check Use	Check Use

Recycling drop-off for special occasion	Check Use	Check Use
Accessory helistop.	SUP	
Accessory medical/infectious waste incinerator.	Check Use	
<p><i>X indicates permitted by right.</i></p> <p><i>SUP indicates permitted with a Specific Use Permit.</i></p> <p><i>RAR indicates permitted, but subject to Residential Adjacency Review.</i></p> <p><i>DIR indicates permitted, but subject to Development Impact Review.</i></p> <p><i>Check Use indicates permitted, but that the use must conform to specific regulations in different districts, as outlined in the Development Code.</i></p> <p><i>CBO indicates that the use may be allowed with permission from the Chief Building Official.</i></p>		
<b>Alternating color pattern indicates a new category of uses.</b>		

**Volunteered Deed Restrictions**

1. The following main use is not permitted:
  - Massage establishment. A massage establishment means a personal service use that is a massage establishment as defined by Texas Occupation Code Chapter 455, as amended.
2. Outdoor speakers must be directed away from lots containing a residential use and must be setback a minimum of 30 feet from a lot containing a residential use.
3. An enhanced perimeter buffer must be used as one of the required design standards under Article X.

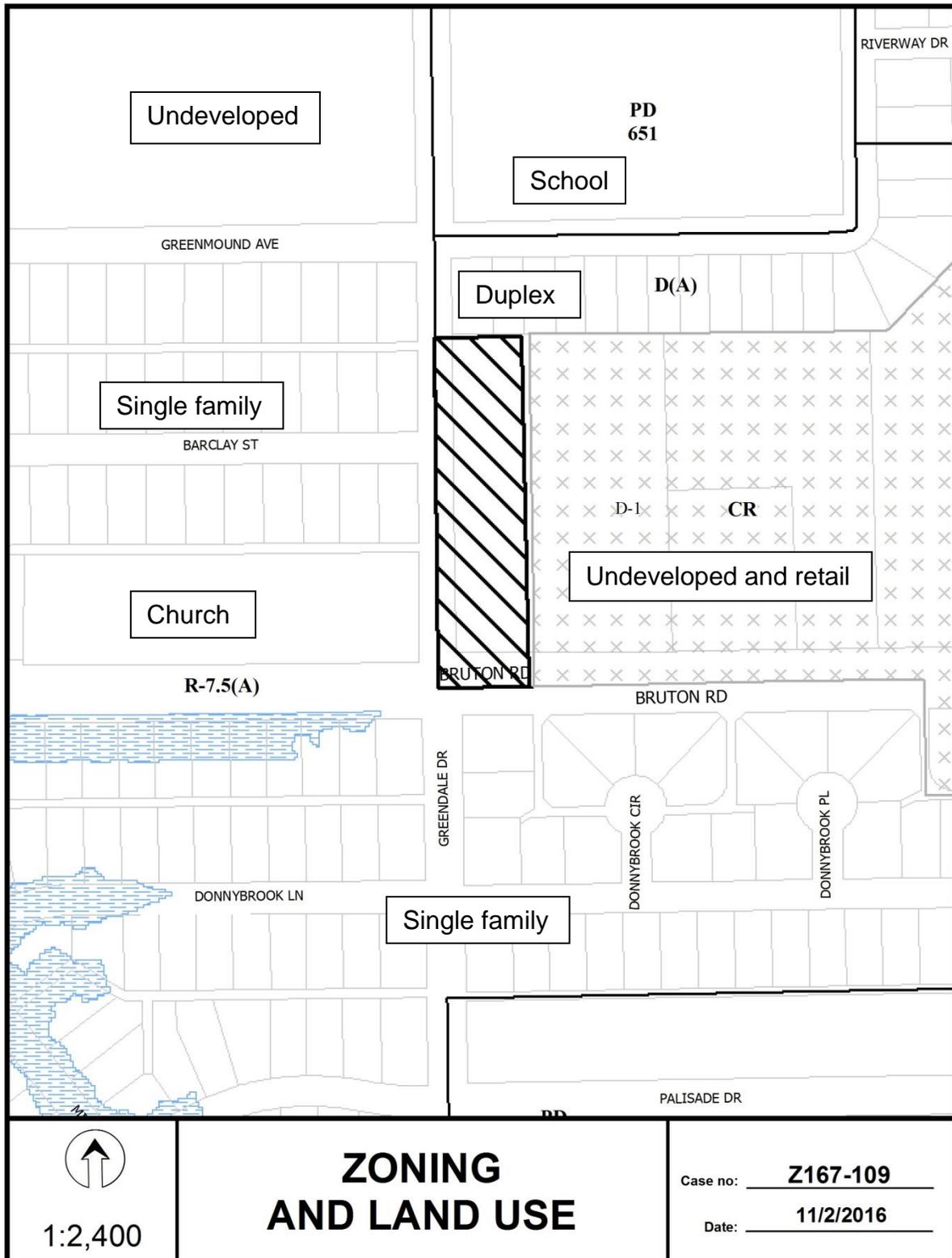


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### VICINITY MAP

Case no:           Z167-109            
Date:           11/2/2016







**CPC RESPONSES**



<u>41</u>	Property Owners Notified (47 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>300'</u>	Area of Notification
<u>12/15/2016</u>	Date

**Z167-109**  
**CPC**



1:2,400

12/14/2016

***Reply List of Property Owners******Z167-109******41 Property Owners Notified******0 Property Owners in Favor******1 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	9100 BRUTON RD	DONALDSON PROPERTIES LTD
	2	8805 BRUTON RD	BRUTON TERRACE CHURCH
	3	8810 GREENMOUND AVE	GAMA BERTHA
	4	8814 GREENMOUND AVE	HOMWOOD PROPERTIES INC
	5	8820 GREENMOUND AVE	HILL CARMEN Y
	6	8824 GREENMOUND AVE	HERNANDEZ GUSTAVO P
	7	8830 GREENMOUND AVE	GUAJARDO ELIAS
	8	8841 BARCLAY ST	MORA ROGELIO & ANNA
X	9	8835 BARCLAY ST	ARNWINE FREDDIE LEE &
	10	8827 BARCLAY ST	JAMES JOHN H JR & JAULINE
	11	8823 BARCLAY ST	SMITH BARBARA EST OF
	12	8815 BARCLAY ST	HERNANDEZ MIGUEL &
	13	8816 BARCLAY ST	CAZARES LUIS R
	14	8820 BARCLAY ST	CRAWFORD THOMAS LYNN
	15	8826 BARCLAY ST	WALLACE T J
	16	8834 BARCLAY ST	GARNER MARVIN E & PHYLLIS
	17	8840 BARCLAY ST	ROJO JOHNNY & MARIA
	18	9009 BRUTON RD	BRUTON TEXAS PROPERTIES LLC
	19	9005 BRUTON RD	VIRANI MANSOOR M
	20	9002 GREENMOUND AVE	FROSSARD T E JR
	21	8924 GREENMOUND AVE	CASSVILLE LTD
	22	8904 GREENMOUND AVE	FROSSARD T E JR
	23	8818 BRUTON RD	VELAZQUEZ FIDEL
	24	8822 BRUTON RD	SOTO ELIDA FERNANDEZ
	25	8826 BRUTON RD	PAREDES RODOLFO G &
	26	8830 BRUTON RD	GOMEZ JAIME

Z167-109(LE)

12/14/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	8836 BRUTON RD	PEREZ IGNACIO & ROSALBA
	28	8857 DONNYBROOK LN	SANTOS OMAR
	29	8851 DONNYBROOK LN	CURRAN PRICE LLC
	30	8847 DONNYBROOK LN	CARABEO GERARDA
	31	8843 DONNYBROOK LN	MONJARAS SERGIO
	32	8943 DONNYBROOK CIR	GARRETT ANTHONY
	33	8939 DONNYBROOK CIR	HICKEY CARROLL N LIFE EST
	34	8935 DONNYBROOK CIR	PADRON JUAN & EMMA LUZ AGUILAR
	35	8931 DONNYBROOK CIR	COOKS JOSEPH C JR
	36	8921 DONNYBROOK LN	MENDEZ JUAN & ROSA
	37	8915 DONNYBROOK LN	CRUZ TOBIAS & ALBA L CRUZ
	38	8907 DONNYBROOK LN	PALOMINO SILVA JOSE R &
	39	2038 GREENDALE DR	CRUZ ELIO
	40	2044 GREENDALE DR	A & J BUSINESS INVESTMENT GROUP LLC
	41	8915 GREENMOUND AVE	Dallas ISD

**AGENDA ITEM # 63**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 49 N

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southwest corner of Forney Road and North Prairie Creek Road

Recommendation of Staff and CPC: Approval  
Z156-234(JM)

Note: This item was considered by the City Council at public hearings on September 28, 2016, October 26, 2016, and January 11, 2017, and was deferred until January 25, 2017, with the public hearing open

**FILE NUMBER:** Z156-234(JM)

**DATE FILED:** March 15, 2016

**LOCATION:** Southwest corner of Forney Road and North Prairie Creek Road

**COUNCIL DISTRICT:** 7

**MAPSCO:** 49-N

**SIZE OF REQUEST:** ±2.4496 acres

**CENSUS TRACT:** 121.00

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**APPLICANT/OWNER:** West Texas Rebar Placers, Inc.

**REPRESENTATIVE:** Marco A. Hernandez

**REQUEST:** An application for a CS Commercial Service District on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay.

**SUMMARY:** The applicant is requesting the zoning change in order to operate a contractor maintenance yard. The intent is to store heavy equipment on-site, and do necessary maintenance and repairs to that equipment. An office is intended to be on-site, as well.

**CPC RECOMMENDATION:** Approval

**STAFF RECOMMENDATION:** Approval

**GUIDING CRITERIA FOR STAFF RECOMMENDATION:**

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The proposed zoning district allows uses that are similar, but with greater restrictions for height. The Commercial Service District adds 18 uses, primarily in the retail and personal services, and wholesale, distribution, and storage uses categories. More information is provided under Development Standards and Land Use Comparison sections of this report.
2. Development on this block is similar to the requested use, but not allowed. The property is not currently in use, although there is some machinery being stored pending the outcome of this case.
3. *Traffic impact* – The proposed zoning will not have a negative impact on the existing street system.
4. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas! Comprehensive Plan* shows that the request site is located in a Business Center or Corridor Building Block. While the proposed district is inconsistent with this building block, it generally supports economic goals within the comprehensive plan. Additionally, the proposed district and use are consistent with surrounding land use patterns.

**Zoning History:** There have been no recent zoning cases in the area.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing ROW</b>
Forney Road	Community Collector (S-4-D)	80 feet
Prairie Creek Road	Principal Arterial (M-6-D(A))	100 feet

**Traffic:**

The Engineering Section of the Department of Sustainable Development and Construction reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The Vision Illustration depicts the request site as within a *Business Center or Corridor*. This Building Block represents major employment or shopping destinations outside of Downtown. Examples include the Galleria area, the NorthPark Center area, Southwest Center Mall area at I-20 and US Hwy 67 and the Stemmons Corridor. Business Centers are usually at major intersections or along highways or major arterials and rely heavily on car access. These areas typically include high-rise office towers and low- to mid-rise residential buildings for condos or apartments and may include multifamily housing. Land uses are typically separated from one another by parking lots, freeways or arterial roads. Streets in these areas emphasize efficient movement of vehicles. Bold lighting and linear landscaping features such as esplanades and tree-lined boulevards can all work to distinguish and identify these areas. Public spaces may be at key entry points and central locations. Gateway landscaping, monuments and other devices will provide visibility from the freeway and guide visitors to destinations. Public transit may play a role in these areas and help create some pockets of transit oriented development. Business Centers and Corridors provide important concentrations of employment within Dallas that compete with suburban areas.

The proposed CS Commercial Service District is described as being for the development of commercial and business serving uses that may involve outside storage, service, or display. This district ultimately supports the intended Building Block and is a less intensive industrial-type of zoning.

Finally, the proposed zoning request meets the following goals and objectives of the comprehensive plan:

Vision: Embrace all types of land use. Workshop participants were interested in having a wide range of land use options and scale in Dallas. While some land use types reflect a definite nod toward autos, others focused more heavily on walking and bicycling. Variety is the key in what workshop participants wanted for land use types throughout the city, recognizing differences in appropriateness and scale from place to place.

**ECONOMIC ELEMENT**

**GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS**

A business friendly environment is essential for Dallas to maintain competitiveness in the regional and global marketplace.

**Land Use Compatibility:**

	<b>Zoning</b>	<b>Land Use</b>
Site	LI w/D-1 Overlay	Vacant (storage of equipment)
North	LI w/D-1 Overlay	Vacant land, warehouse & distribution centers (freight terminal)
East	LI w/D-1 Overlay	Tool or equipment rental
South	LI w/D-1 Overlay	Cell tower, railroad, vacant land
West	LI w/D-1 Overlay	Tool or equipment rental

The request site is ± 2.5 acres situated between several industrial parks and business centers. Immediately adjacent zoning is Light Industrial. Surrounding land uses are of an industrial nature. Many have outside storage of semi-trucks and trailers. The proposed CS Commercial Service District and contractor’s maintenance yard use seems compatible with the area.

The request to rezone is to allow for a contractor’s maintenance yard use, which includes the outside storage of equipment. This will require screening of the entire site. The screening will provide a transitional buffer as the area continues to change over time. While an industrial zoning district like CS Commercial Service is not typically a zoning district that is envisioned for Business Center or Corridor Building Blocks, given that LI is the existing zoning on the property, and because the site and surrounding area are being commercially utilized for industrial uses, the request can be supported. The subject site is adjacent to industrial and business parks on the fringe of Dallas city limits and Mesquite city limits.

**Development Standards:**

DISTRICT	Setbacks		FAR	Height	Lot Coverage	Primary Uses
	Front	Side/Rear				
<b>Existing</b>						
LI Light Industrial	15'	0'	0.5 to 1.0	70'	80%	Commercial & business service, wholesale, distribution & storage, retail & personal service, office, and utility and public service uses. A few industrial uses.
<b>Proposed</b>						
CS Commercial Service	0'	0'	0.75 to 1.0	45'	80%	Commercial & business service, wholesale, distribution & storage, retail & personal service, office, and utility and public service uses. A few industrial uses.

**Land Use Comparison:**

	<b>Proposed</b>	<b>Existing</b>
<b>Use</b>	<b>CS</b>	<b>LI</b>
Vehicle or engine repair or maintenance.	RAR	X
Alcoholic beverage manufacturing.		RAR
Inside industrial.		RAR
Temporary concrete or asphalt batching plant.		By CBO authorization
Convent or monastery.	X	
Public School.	RAR	SUP
College dormitory, fraternity, or sorority house.	X	
Ambulance service.	RAR	
Animal shelter or clinic without outside run.	RAR	X
Alcoholic beverage establishments*	SUP	Check Use
Commercial amusement (outside).	DIR	
Convenience store with drive-through.	SUP	
Drive-in theater.	SUP	
General merchandise or food store greater than 3,500 square feet.	X	
Liquefied natural gas fueling station.	SUP	Check Use
Liquor store.	X	
Mortuary, funeral home, or commercial wedding chapel.	X	
Nursery, garden shop, or plant sales.	X	
<b>Use</b>	<b>CS</b>	<b>LI</b>
Outside sales.	SUP	
Pawn shop.	X	
Swap or buy shop.	SUP	
Auto auction.	SUP	
Building mover's temporary storage yard.	SUP	
Contractor's maintenance yard.	RAR	
Petroleum product storage and wholesale.	SUP	

Sand, gravel, or earth sales and storage.	<b>SUP</b>	
Vehicle storage lot.	<b>SUP</b>	
Accessory pathological waste incinerator.	<b>X</b>	
<p style="text-align: center;"><i>X indicates permitted by right.</i></p> <p style="text-align: center;"><i><b>SUP</b> indicates permitted with a Specific Use Permit.</i></p> <p style="text-align: center;"><i><b>RAR</b> indicates permitted, but subject to Residential Adjacency Review.</i></p> <p style="text-align: center;"><i><b>DIR</b> indicates permitted, but subject to Development Impact Review.</i></p> <p style="text-align: center;"><i><b>Check Use</b> indicates permitted, but that the use must conform to specific regulations in different districts, as outlined in the Development Code.</i></p> <p style="text-align: center;"><i><b>By CBO Authorization</b> indicates that the use may be allowed with permission from the Chief Building Official.</i></p>		

Z156-234(JM)

**WEST TEXAS REBAR PLACERS, INC.**

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**10209 Plano Rd. Suite 101  
Dallas, Texas 75238**

**PHONE: (214) 221-1333  
FAX: (214) 221-1303**

Marco A. Hernandez – President

Magno A. Hernandez – Vice-President

Z156-234

**CPC Action:**

September 1, 2016

**Motion:** It was moved to recommend **approval** of a CS Commercial Service District on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southwest corner of Forney Road and North Prairie Creek Road.

Maker: Anantasomboon

Second: Davis

Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid\*,  
Anantasomboon, Haney, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0

Absent: 0

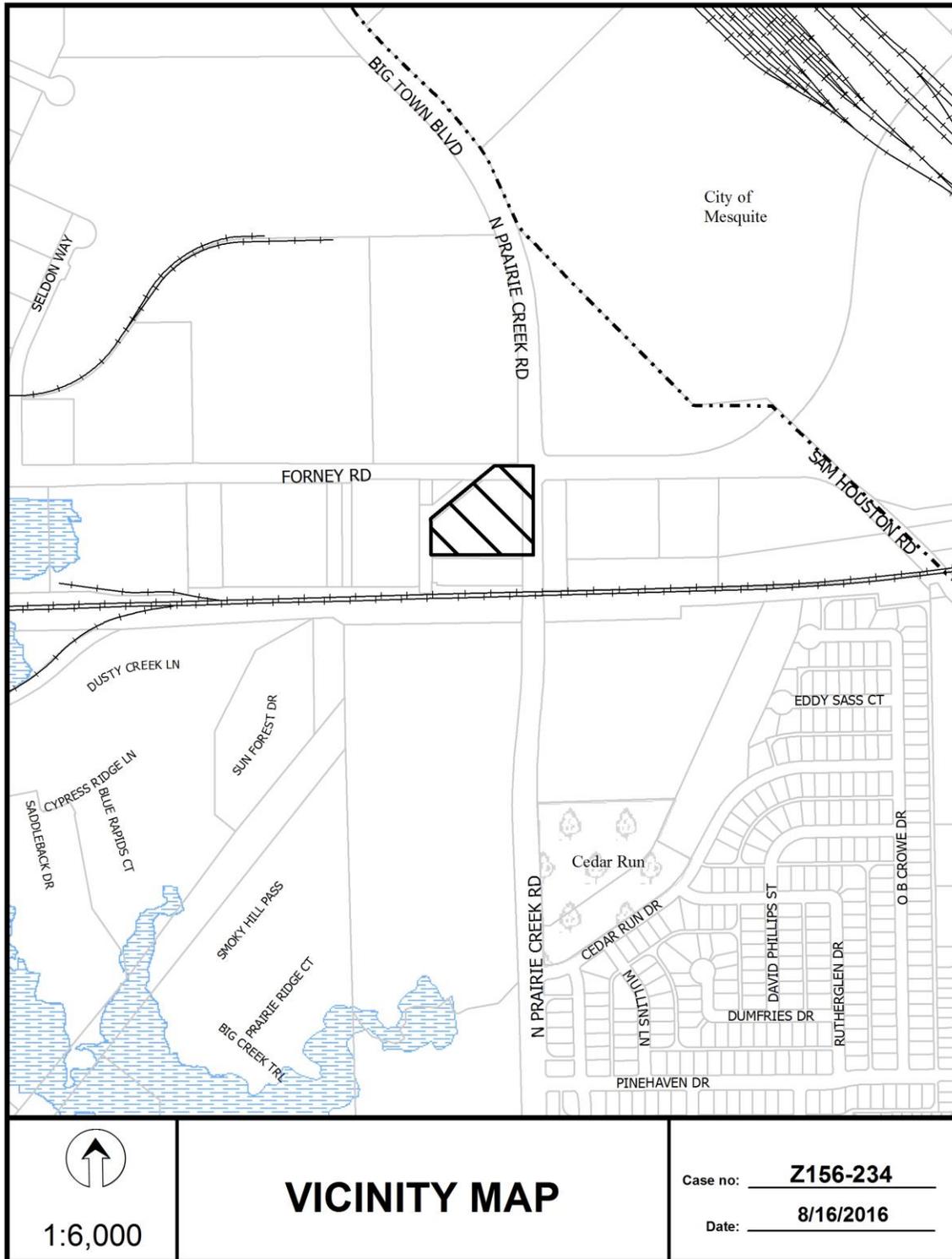
Vacancy: 1 - District 7

\*out of the room, shown voting in favor

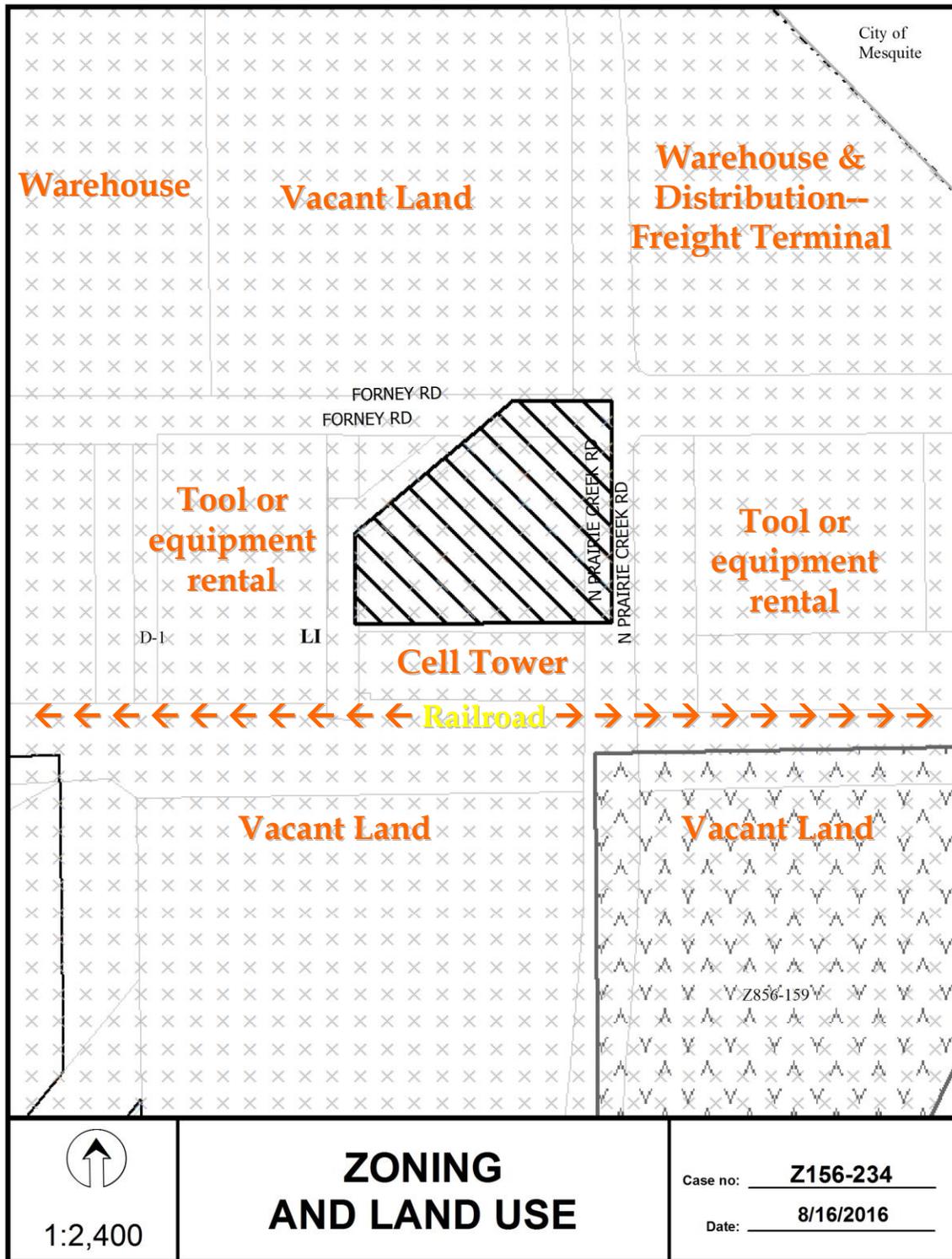
**Notices:** Area: 300 Mailed: 14

**Replies:** For: 4 Against: 1

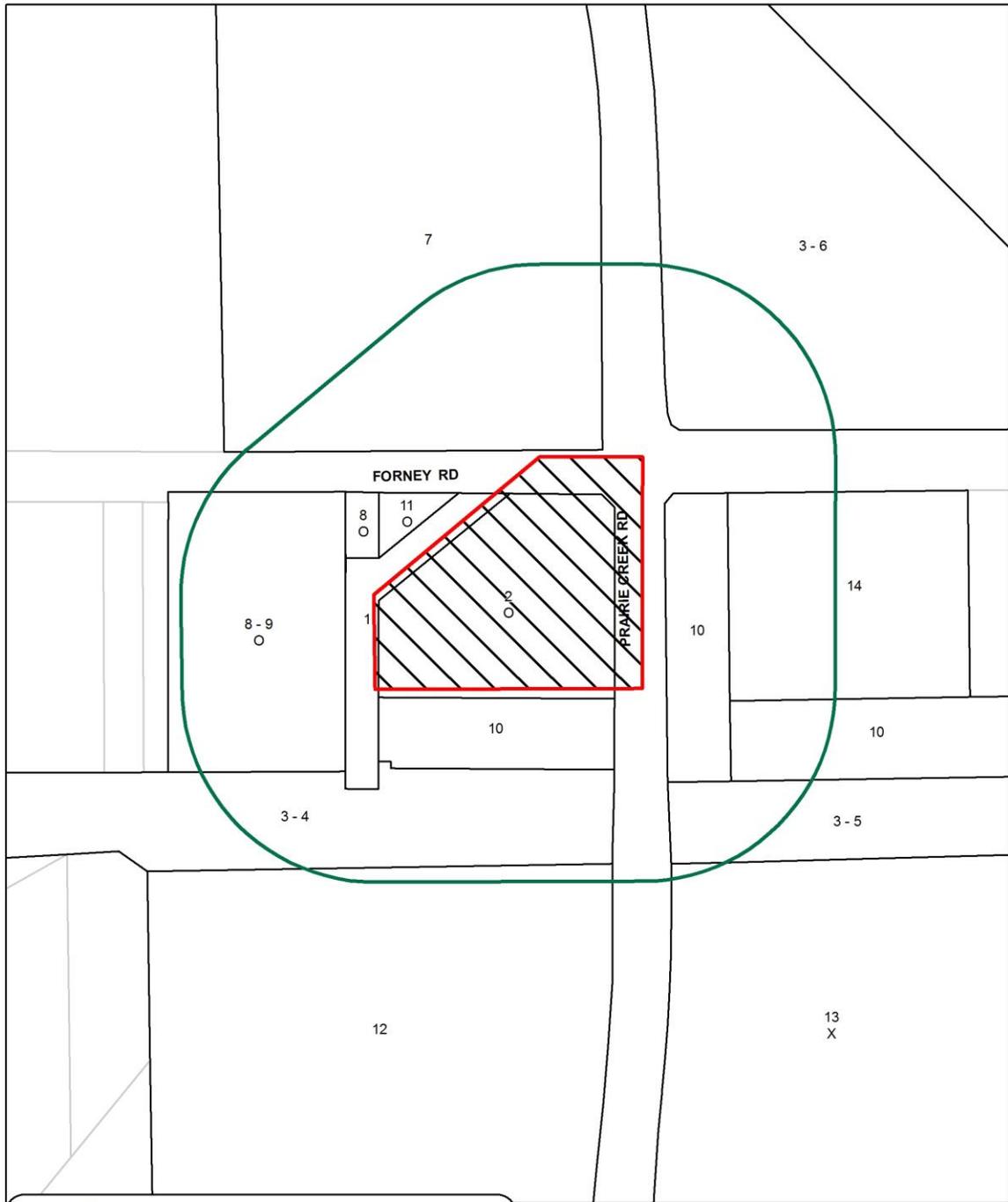
**Speakers:** None







**CPC RESPONSES**



<u>14</u>	Property Owners Notified (15 parcels)
<u>4</u>	Replies in Favor (4 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>300'</u>	Area of Notification
<u>9/1/2016</u>	Date

**Z156-234**  
**CPC**



1:2,400

08/31/2016

**Reply List of Property Owners****Z156-234****14 Property Owners Notified****4 Property Owners in Favor****1 Property Owners Opposed**

<b>Reply</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
	1	9202 FORNEY RD	COUNTY OF DALLAS
O	2	9124 FORNEY RD	WEST TEXAS REBAR PLACERS INC
	3	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
	4	9999 NO NAME ST	UNION PACIFIC RR CO
	5	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
	6	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
	7	1201 BIG TOWN BLVD	BAPTIST FOUNDATION OF TX
O	8	9090 FORNEY RD	GILLIS EDWARD T &
O	9	9090 FORNEY RD	GILLIS EDDIE
	10	4501 PRAIRIE CREEK RD	TEXAS UTILITIES ELEC CO
O	11	9124 FORNEY RD	GILLIS EDWARD TRAVIS & DEBORAH KAY GILLIS
	12	4401 PRAIRIE CREEK RD	DAL TILE CORP
X	13	4400 N PRAIRIE CREEK RD	DWL REAL ESTATE INC
	14	9208 FORNEY RD	BERRY MARK W &

**AGENDA ITEM # 64**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 49 U

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an MF-1(A) Multifamily District on property zoned an NS(A) Neighborhood Service District, on the south corner of Sam Houston Road and Masters Drive  
Recommendation of Staff and CPC: Approval  
Z156-345(PD)

Note: This item was considered by the City Council at a public hearing on January 11, 2017, and was deferred until January 25, 2017, with the public hearing open

**FILE NUMBER:** Z156-345(PD)

**DATE FILED:** August 23, 2016

**LOCATION:** South corner of Sam Houston Road and Masters Drive

**COUNCIL DISTRICT:** 7

**MAPSCO:** 49U

**SIZE OF REQUEST:** ±1.294ac

**CENSUS TRACT:** 121.00

**OWNER:**

Phinias Pfuridzo

**APPLICANT/REPRESENTATIVE:**

Dr. Don Any, ADI Engineering Inc.

**REQUEST:**

An application for an MF-1(A) Multifamily District on property zoned an NS(A) Neighborhood Service District.

**SUMMARY:**

The applicant proposes to develop the property with a single story, 16 dwelling unit convalescent, and nursing homes, hospice care, and related institutions use. The zoning change will allow all uses within the MF-1(A) district.

**CPC RECOMMENDATION:**

**Approval**

**STAFF RECOMMENDATION:**

**Approval**

**BACKGROUND INFORMATION:**

- The site is approximately ± 56,382 square feet.
- The site is heavily wooded and has never been developed.
- The applicant proposes to construct a 16-unit convalescent, and nursing homes, hospice care, and related institutions use.
- Building permits for an assisted living facility were applied for in June 2016 however permits were denied based on zoning prohibiting the use.
- Allowed in the MF-1 District, the convalescent, and nursing homes, hospice care, and related institutions use is subject to Residential Adjacency Review.

**Zoning History:** There have been no recent zoning changes in the area within the last five years.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Sam Houston Road	Minor Arterial	100 feet of ROW
Masters Drive	Minor Arterial	100 feet ROW

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the zoning change will not have a detrimental impact on the surrounding street system.

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request.

The site meets the following goals and objectives of the comprehensive plan.

**LAND USE**

**GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES.**

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

Implementation Measure 1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

Implementation Measure 1.1.5.4 Provide appropriate transitions between non-residential uses and neighborhoods to protect stability and quality of life.

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
Site	NS(A)	Undeveloped
Northwest	TH-3(A) with deed restrictions	Single Family
Northeast	City of Mesquite	Single Family, Vacant
South	CR-D-1	Undeveloped
Southwest	MF-2(A) and R-7.5(A)	Multifamily, Vacant & Undeveloped
Southeast	CS-D-1	Warehouse, Storage

**STAFF ANALYSIS:**

**Land Use Compatibility:**

The request site is approximately 56,382 square feet of land that has never been developed. The current zoning of the property is NS(A) Neighborhood Service District. The applicant's request for an MF-1(A) Multifamily District will allow for the development of a convalescent and nursing homes, hospice care, and related institutions use on the property.

The request site is adjacent to high density single family uses to the northwest; vacant, undeveloped and multifamily uses to the southwest; warehouse and storage uses to the southeast; and retail and undeveloped uses to the south. To the northeast is a vacant tract and single family uses that lie within the city limit boundary of Mesquite. The multifamily zoning district will not only be consistent with the overall land use pattern of dense land uses but will also serve as a buffer separating the residential land uses to the northwest, community retail district to the south and commercial service district to the southeast.

The development potential is also limited because the property is directly adjacent to residential uses which subjects the institutional and community service use to Residential Adjacency Review. Residential Adjacency Review will limit the height of the structure, location of parking, and necessitate increased screening. Therefore the integration of the multifamily zoning district will not only complement the adjacent residential land use-types but will not serve to debase or change the already established residential landscape. Therefore staff strongly believes that a variety of different land uses can coexist under the same umbrella while maintaining the character of the neighborhood. Thus, staff recommends approval of the MF-1(A) Multifamily District.

**Development Standards:**

DISTRICT	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
<b>Existing</b>							
NS(A) Neighborhood service	15'	20' adjacent to residential OTHER: No Min.	0.5 FAR	30' 2 stories	40%	Proximity Slope from SF, TH & MF	Retail & personal service, office
<b>Proposed</b>							
MF-1(A) Multifamily	15'	10'	Min lot 3,000 sq. ft. 1,000 sq ft – E 1,400 sq. ft – 1 BR 1,800 sq ft – 2 BR +200 sq ft each add BR	36'	25%	Proximity Slope from SF, TH	Multifamily, duplex, single family

**Landscaping:** Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

Z156-345(PD)

**City Plan Commission Action:**

**November 17, 2016:**

**Motion:** It was moved to recommend **approval** of an MF-1(A) Multifamily District on property zoned an NS(A) Neighborhood Service District, on the south corner of Sam Houston Road and Masters Drive.

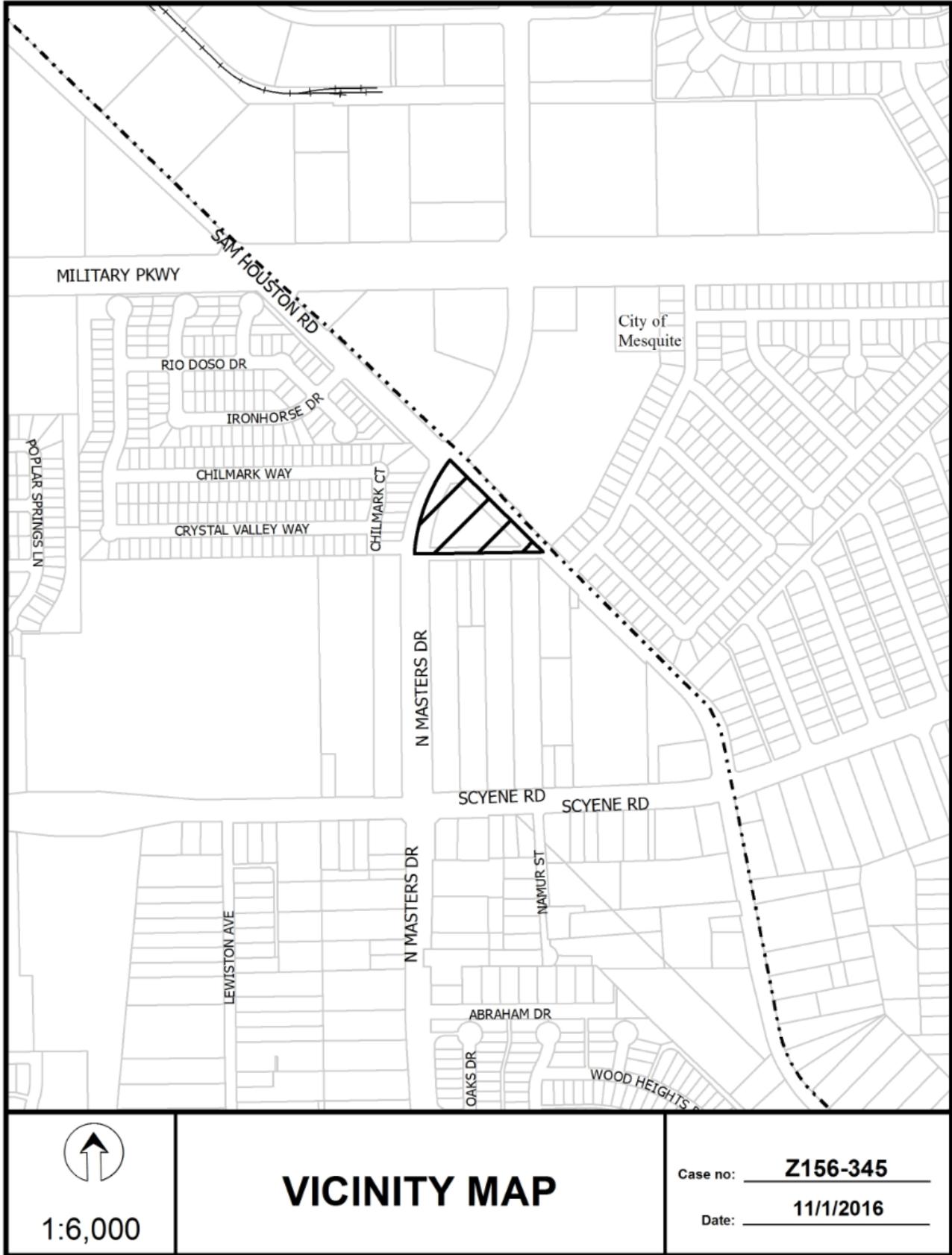
Maker: Houston  
Second: Jung  
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid,  
Anantasomboon, Haney, Jung, Schultz,  
Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Housewright  
Vacancy: 1 - District 7

**Notices:** Area: 300                      Mailed: 42  
**Replies:** For: 0                              Against: 2

**Speakers:** None

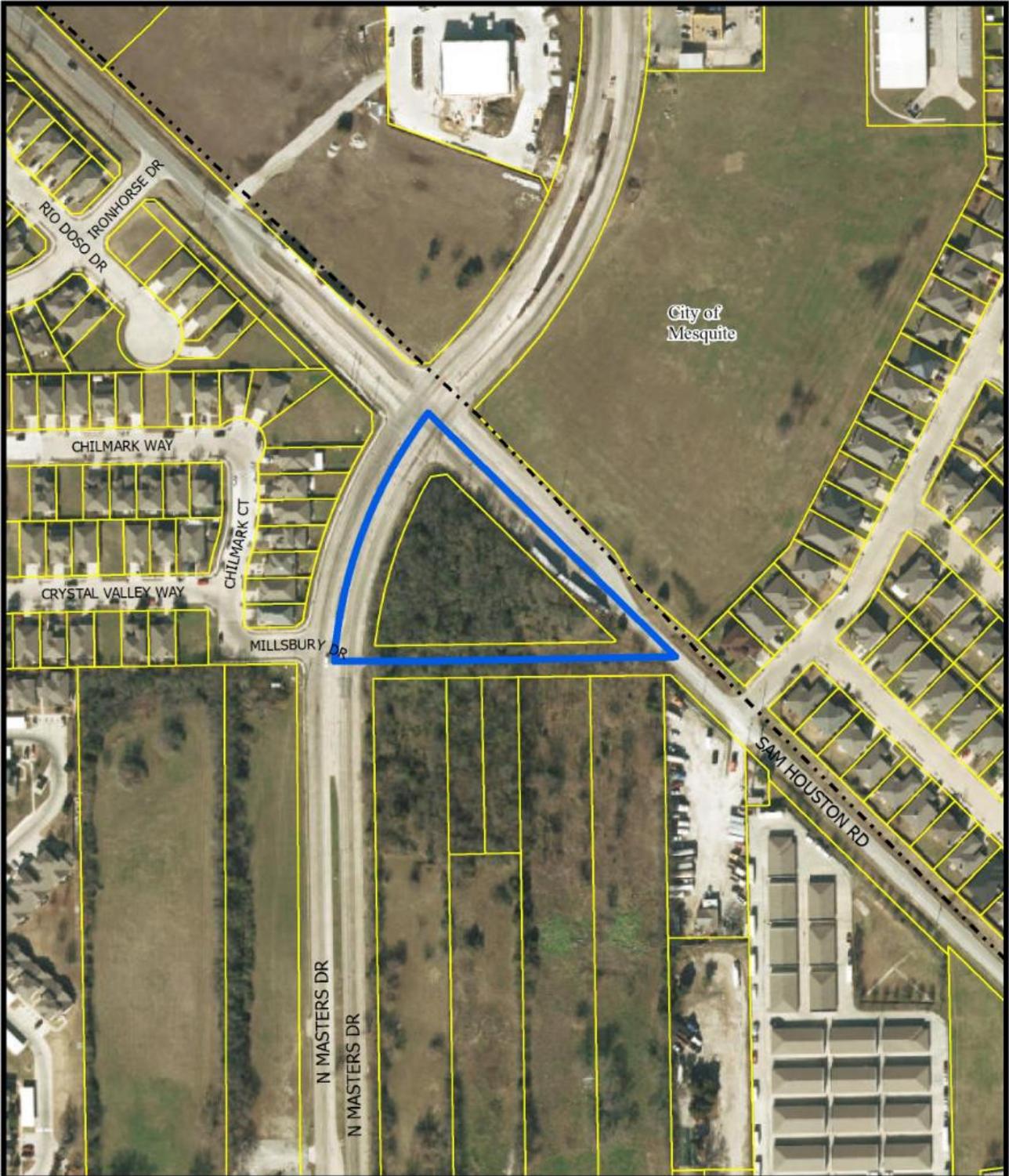


1:6,000

### VICINITY MAP

Case no: Z156-345

Date: 11/1/2016

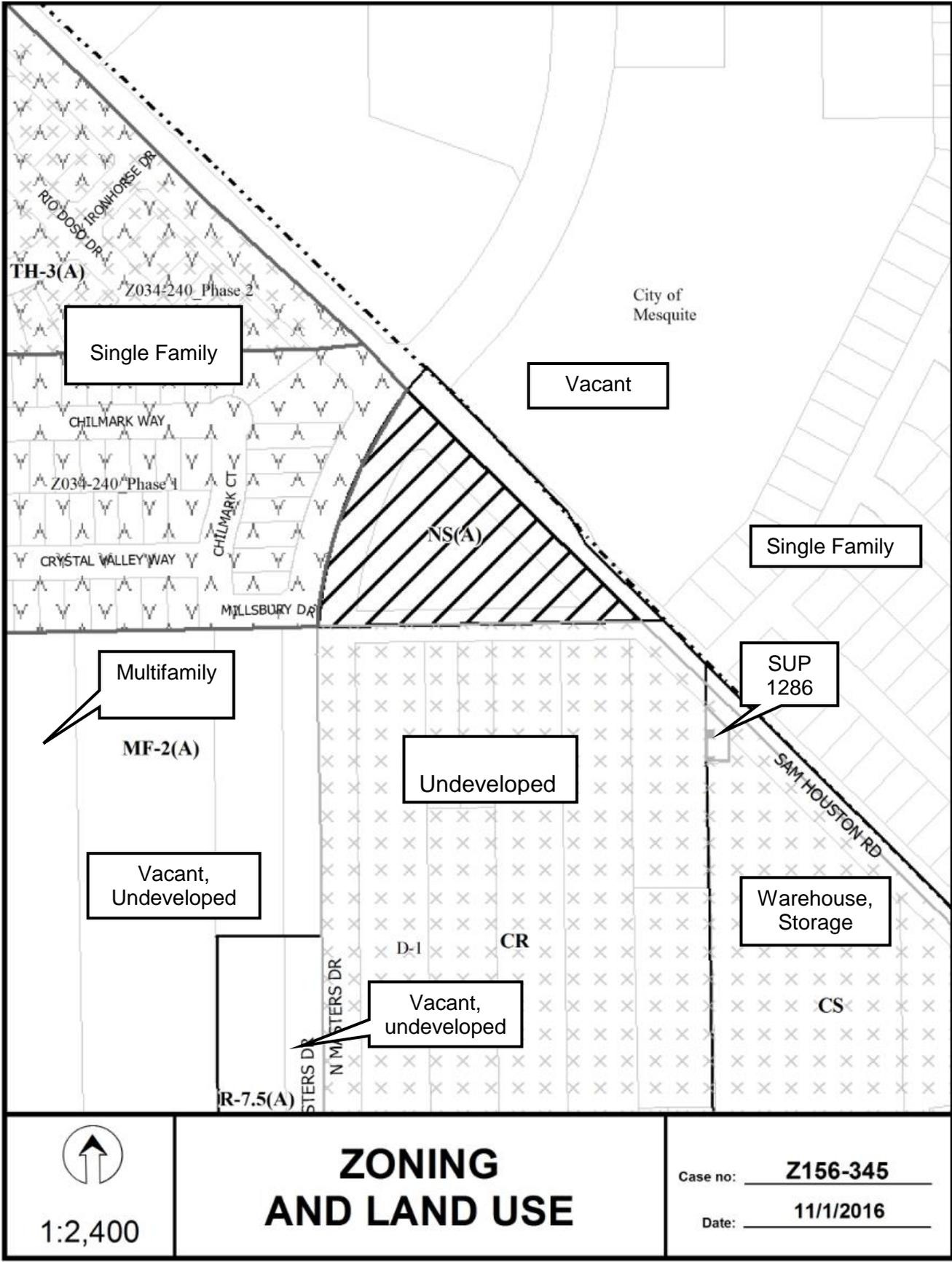


1:2,400

# AERIAL MAP

Case no:     Z156-345    

Date:     11/1/2016



**CPC RESPONSES**



<u>42</u>	Property Owners Notified (47 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>2</u>	Replies in Opposition (2 parcels)
<u>300'</u>	Area of Notification
<u>11/17/2016</u>	Date

**Z156-345**  
**CPC**



1:2,400

11/16/2016

***Reply List of Property Owners******Z156-345******42 Property Owners Notified******0 Property Owners in Favor******2 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	3401 SAM HOUSTON RD	PFURIDZO PHINIAS &
	2	10121 SCYENE RD	UNITED HOLINESS
	3	10209 SCYENE RD	POOLE ANNE FRANCES
	4	10210 MILLSBURY DR	MOTLEY SAM H
	5	10221 SCYENE RD	PAYMA KHAJEHNOORI FAMILY TRUST THE
	6	3207 SAM HOUSTON RD	GARCIA JUAN CARLOS & ALMA ROCIO
	7	10317 SCYENE RD	MILLWEE STEPHEN M
	8	9948 CRYSTAL VALLEY WY	GARCIA FRANCISCO & VIRGINIA SILVA
	9	9950 CRYSTAL VALLEY WY	JOYA THELMA
	10	9952 CRYSTAL VALLEY WY	SHEPHERD PLACE HOMES INC
	11	1 IRONHORSE DR	PARKWAY VILLAGE HOMEOWNERS
X	12	9953 CHILMARK WY	JONES VICKIE
	13	9955 CHILMARK WY	WEBB LATONYA &
	14	9957 CHILMARK WY	REYNOLDS GARRETT
	15	3528 CHILMARK CT	MOLINA ROBERT III &
X	16	3524 CHILMARK CT	NATIONAL FUNDING SERIES 1 LLC
	17	3520 CHILMARK CT	BRAZLE VAUGHN
	18	3516 CHILMARK CT	OLLOQUI JUAN
	19	3512 CHILMARK CT	PROX OSCAR
	20	3508 CHILMARK CT	NAVARRO HECTOR
	21	3504 CHILMARK CT	MACES ARTURO MARTINEZ &
	22	9991 RIO DOSO DR	IDAYI CHIEDU
	23	9948 CHILMARK WY	MSR I ASSETS CO LLC
	24	9950 CHILMARK WY	TZENG REALTY LLC
	25	9952 CHILMARK WY	ANDERSON DWAYNE
	26	9953 CRYSTAL VALLEY WY	PARRA RAMON &

11/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	9951	CRYSTAL VALLEY WY	RODAS PATRICIA & JOSE
28	9949	CRYSTAL VALLEY WY	REYNA RUBY
29	10215	SCYENE RD	FARAN DENTAL ASSOCIATES
30	10331	SCYENE RD	SCYENE STORAGE LP
31	305	STONERIDGE DR	SUTTLES VICKI
32	309	STONERIDGE DR	MALVEAUX KASHONA
33	313	STONERIDGE DR	RODRIGUEZ DANIEL GARCIA
34	317	STONERIDGE DR	EDWARDS UDUAK
35	321	STONERIDGE DR	JORDAN WILLIAM &
36	2937	MEADOWLARK DR	MURILLO LAURA
37	2933	MEADOWLARK DR	TINOCO MICHELE
38	2929	MEADOWLARK DR	GAHA FAMILY NO 10 LLC
39	2928	MEADOWLARK DR	PALUMBO BRITTANY N &
40	2932	MEADOWLARK DR	MENSAH MICHAEL K &
41	3000	S TOWN EAST BLVD	BOWIE WILLIAM H ET AL
42	3200	MILITARY PKWY	BOWIE WM H ET AL

**AGENDA ITEM # 65**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 45 F

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for LC Light Commercial Subdistrict uses on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the southeast corner of McKinney Avenue and Boll Street  
Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan and conditions  
Z156-254(WE)



**FILE NUMBER:** Z156-254(WE)                      **DATE FILED:** April 25, 2016

**LOCATION:** McKinney Avenue and Boll Street, southeast corner

**COUNCIL DISTRICT:** 14                              **MAPSCO:** 45-F

**SIZE OF REQUEST:** Approx. 0.49 acres              **CENSUS TRACT:** 17.04

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**APPLICANT / OWNER:** Mockingbird Venture Partners, LLC  
M & M Venture, LLC

**REPRESENTATIVE:** Dallas Cothrum  
MASTERPLAN

**REQUEST:** An application for a Planned Development Subdistrict for LC Light Commercial Subdistrict uses on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.

**SUMMARY:** The purpose of the request is to redevelop the site to allow for the construction of a residential tower. The applicant is requesting to modify several development standards in order to develop the residential development, such as an increase in the floor area ratio from 4:1 to 6.9:1, prohibiting a bar use, and permitting retail space on the ground and second floor.

**CPC RECOMMENDATION:**              Approval, subject to a development plan, landscape plan and conditions.

**STAFF RECOMMENDATION:**              Approval, subject to a development plan, landscape plan and conditions.

**DESIGNATED ZONING CASE**

**BACKGROUND INFORMATION:**

- Since February 2003, the request site has been operating as a bar, lounge or tavern use. Prior to an alcoholic beverage establishment, the request site was operating as a restaurant without drive-in service under the same ownership.
- The applicant's request for a Planned Development Subdistrict will allow for the development of a mixed use development. The proposed development will limit the maximum floor area for all uses to 150,000 square feet and a density of 120 dwelling units. The maximum floor area for nonresidential uses will be limited to a maximum of 10,000 square feet.
- Due to the site's land area and configuration, the applicant has requested an increase to the floor area ratio from 4:1 to 6.9:1. Even though the floor area ratio will increase, the maximum height of the proposed mixed use development will be within the maximum structure height of 240 feet.
- The applicant will provide all off-street parking on-site. The underground parking will meet the parking demands of the mixed use development. The applicant has also provided a valet parking study that will outline the operation and implementation of the valet parking. The study shows that the proposed development will not have queuing on the streets.

**Zoning History:** There have been one zoning change and two Board of Adjustment cases requested in the area during the past five years.

1. Z123-129 On February 27, 2012, the City Council approved a Planned Development District for mixed uses on the east side of McKinney Avenue between Routh Street and Fairmount Street
2. BDA112-058 On January 15, 2013, the Board of Adjustment Panel A approved a waiver of the two year limitation for variances to the front yard setback regulations and a special exception to the landscape regulations, subject to a site plan and landscape plan.
3. BDA156-097 On October 16, 2016, the Board of Adjustment Panel B approved a special exception to the visual obstruction regulation, subject to a site plan and elevation/cross section plan

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
McKinney Avenue	Minor Arterial	60 ft.	60 ft.
Boll Street	Local	45 ft.	45 ft.

**Land Use:**

	Zoning w/in PD No. 193	Land Use
<b>Site</b>	LC	Restaurant
<b>Northeast</b>	P, LC, O-2 within PDD No. 193	Surface parking, Medical Office
<b>Southeast</b>	PDD No. 225, Tract 1 H/25	Offices
<b>Northwest</b>	LC within PD No. 193	Office, Restaurant
<b>Southwest</b>	LC, PDS No. 103 within PD No. 193	Multiple family, Office

**Comprehensive Plan:** The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request.

The proposed mixed use development will continue the pedestrian walkability along McKinney Street as well as provide an option for housing near the downtown area. The applicant is proposing a minimum of 10 feet wide sidewalks with a minimum unobstructed width of eight feet and allow for a maximum of 60 percent of the required front yard on McKinney Avenue for outside seating area. These design and landscape provisions will promote pedestrian walkability and activity along the street edge the *fowardDallas!* envision.

**Land Use**

**GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods’ unique characteristics. Acknowledge the importance of neighborhoods to the city’s long-term health and vitality.

**Economic**

**GOAL 2.1 PROMOTE BALANCED GROWTH.**

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

**GOAL 2.2 ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT**

Policy 2.2.6 Restore Dallas as the foremost retail location in the region.

**URBAN DESIGN**

**GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE**

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

**STAFF ANALYSIS:**

**Land Use Compatibility:** The 0.49 acre site is developed with a one story, bar, lounge or tavern use and surface parking. The applicant proposes to raze the structure to develop a 150,000 square foot, mixed use development. The request for a Planned Development Subdistrict for LC Light Commercial Subdistrict uses will allow for certain modifications to the development standards to develop the proposed mixed use development. The applicant has prohibited bar uses within the development. The main change to the development standards and regulations is the increase in the floor area ratio (FAR). The LC Light Commercial Subdistrict permits a maximum floor area ratio of 4.5.1 if the development has a 1.1 residential component; otherwise, a maximum of 4.1 FAR is allowed. The applicant proposes an increase the FAR to 6.9.1. The increase in the floor area ratio is due to the site's configuration and the building footprint. The proposed development will have restaurant and retail uses on the ground floor and second story to promote walkability along the street edge and a residential tower that will not exceed a maximum height of 232 feet. The residential tower will have approximately 120 units. The Proposed mixed use Development will increase the setbacks for the tower portion of the development. Any portion of the development over 36 feet in height will have to provide a setback of 25 feet.

The chart below shows the differences in several mixed use developments that were approved by City Council. The adjacent zoning district is an LC Light Commercial Subdistrict which permits residential and retail uses and a height of 240 feet.

	<b>Acreage</b>	<b>Height</b>	<b>FAR</b>	<b>Main Use</b>
<b>PD No. 877</b>	1.704	120 ft.	4.5	Retail, Multifamily
<b>PDS No. 103</b>	0.849	240 ft.	6.5	Special Residential Project
<b>PD No. 225 H/25 – Tract 1 Historic Core District</b>	13.25	36 ft.	1.25:1 for nonresidential bldgs.  1.5 all bldgs.	Residential, Professional, personal service and custom crafts, Retail

In addition, to prohibit queuing on the city’s right-of-way, the applicant will provide valet parking. The applicant provided a valet parking study that outlines their proposed implementation of the valet parking. All residential and customer parking for the proposed development will be underground. Staff has not reviewed the proposal and it is provided for information to show how the valet may work.

The conditions reflect that the side yard setbacks be zero. The zero setback will allow a portion of the building envelope, which is located on the southeastern property line, adjacent to an alley, to construct an emergency exit from the underground parking structure. A ramp to the underground parking structure is also located adjacent to an alley, off of Boll Street.

**Development Standards:**

<b>DISTRICT</b>	<b>SETBACKS</b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Special Standards</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
LC Subdistrict - existing	25'	10'/25'	Overall 4.1 FAR	240 ft.	40% non-res. 60% res.		Retail & personal service, office, Multifamily, Lodging
Planned Development LC Subdistrict - proposed	25'	10'/0'	Overall 6.9.1 FAR	232 ft.	40% non-res. 60% res.		Retail & personal service, office, Multifamily

**Landscaping:** Landscaping will be maintained as shown on the landscape plan.

**Traffic:** The Engineering Division of the Sustainable Development and Construction Department has reviewed the applicant’s request Traffic Impact Analysis Report and determined that it will not impact the surrounding street system for the proposed development.

**CPC Action** (December 1, 2016)

**Motion:** It was moved to recommend **approval** of a Planned Development Subdistrict for LC Light Commercial Subdistrict uses, subject to a revised development plan, landscape plan and revised conditions with the following additional conditions: 1) Submit prior to Council approval a revised development plan showing the location of the pool on the pool deck fronting McKinney Avenue, 2) No parking agreements allowed with off-site alcoholic beverage establishments, 3) Section .113 Sidewalks – add “c Access drive to the project on Boll Street must be in a contrasting colored material to differentiate it from the street paving to provide visual cues to pedestrians of the conflict between pedestrian and vehicular traffic on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the southeast corner of McKinney Avenue and Boll Street.

Maker: Ridley  
Second: Murphy  
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,  
Anantasomboon, Haney, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 7

**Notices:** Area: 500 Mailed: 130  
**Replies:** For: 3 Against: 35

**Speakers:** For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202  
Against: None

**LIST OF OFFICERS**

**J & K Real Estate**

**GP – 2700 Holdings, LLC**

**LP's – JCC Irrevocable Trust, KWC Irrevocable Trust**

**2700 Holding, LLC - Managers**

- James C Carroll
- Christopher S. Carroll
- Rebecca W. Carroll

**VALET PARKING STUDY**

**Pacheco Koch**

**MEMORANDUM**

**To:** James Carroll- AK Real Estate, Ltd.

**From:** Steve E. Stoner, P.E., PTOE

**CC:** Dallas Cothrum - Masterplan

**Date:** April 26, 2016

**Subject: 2614 McKinney Avenue Redevelopment - Valet Parking Review**  
**PK#: 2667-16.152**

As a supplement to the Traffic Impact Analysis for the proposed multifamily redevelopment at 2614 McKinney Avenue completed on April 15, 2016, Pacheco Koch was asked to review the site with respect to the proposed valet operation. The specific concern was the potential that traffic could back out onto the street.

As shown on the attached site plan, the site will provide a one-way, internal drive accessed by two site driveways — the inbound driveway is provided on Boll Street and the outbound driveway will be provided on McKinney Avenue. (As recommended in the TIA, signage is required at the McKinney driveway to ensure motorists do not enter through the exit driveway.) The internal drive is wide enough for three travel lanes. The two-way garage ramp access shares the Boll Street driveway. It would appear that vehicles being valet parked would be dropped off along the internal drive and then be driven around the site on McKinney Avenue and Boll Street to enter the garage ramp. Return of the vehicles can travel directly from the garage ramp to the internal drive by maneuvering within the site. The site plan depicts how at least 13 vehicles can be queued within the site and retain the center lane as a by-pass lane.

Based upon past discussions with various valet operators and multiple observations of valet services, two key elements are required to achieve a successful valet operation at a traditional commercial setting, such as a restaurant:

- (1) A staging/queuing/loading area that can accommodate a minimum of 4-5 vehicles at the drop-off/pick-up point, and
- (2) Sufficient staffing to complement the fluctuations in demand.

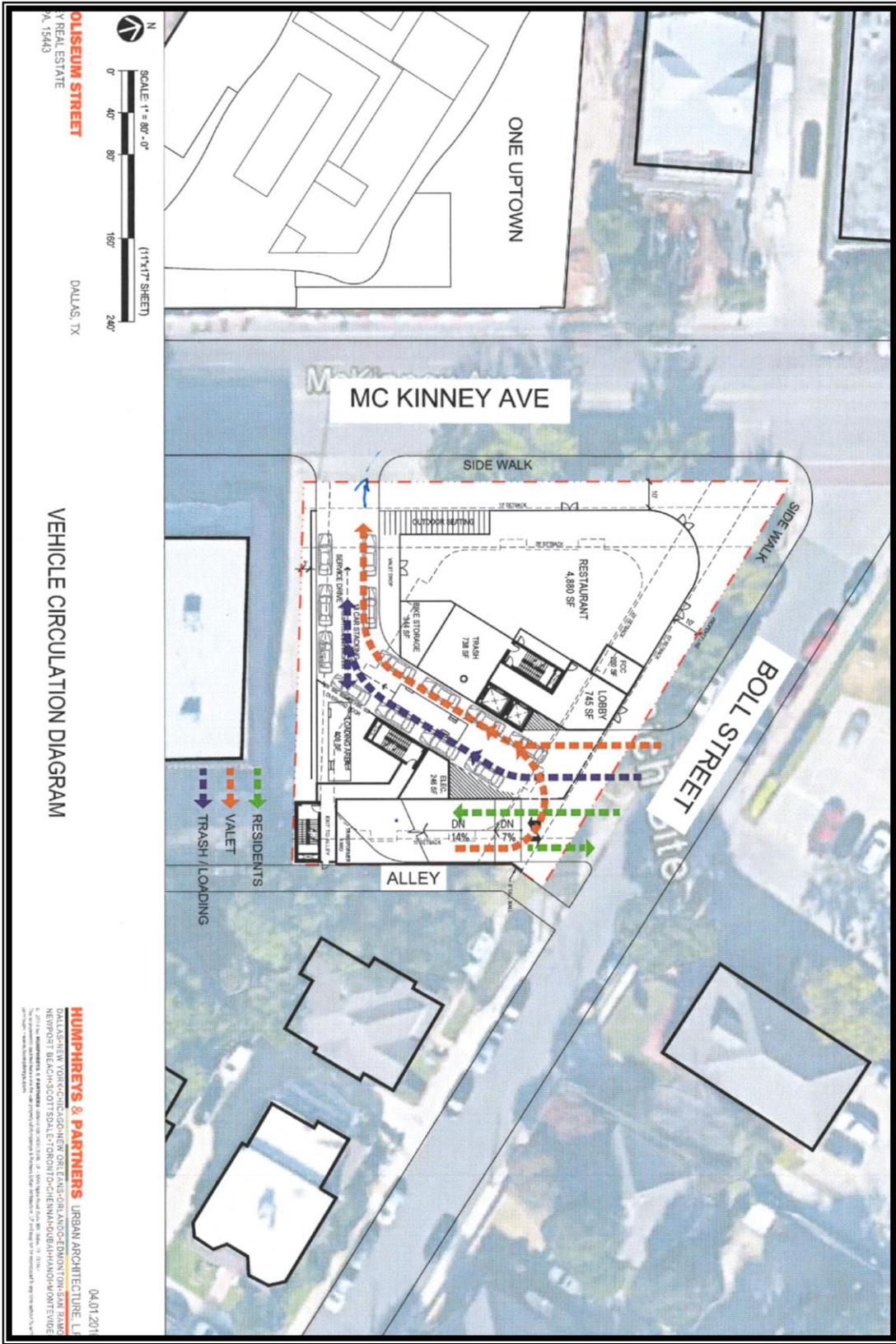
Other desirable characteristics site characteristics include:

- (a) Provide a convenient driving route between the drop-off/pick-up point and the parking facility (in both directions),

- (b) Provide a direct pedestrian route (stairs, etc.) between the drop-off/pick-up point and the parking facility for valet "runners" to quickly get from one point to the other, and
- (c) Provide a "by-pass" lane within the drop-off/pick-up zone to maintain traffic flow.

Based upon this review, the proposed site plan does provide the necessary and the recommended physical elements to achieve an efficient valet operation. The element that cannot be assessed by this review is the staffing level of the valet service. Private valet operators typically manage all staffing and operations of the valet service based upon the requirements of the Property Management. Most experienced valet operators can easily adapt to a given site and manage the operation in such a way as to ensure no queuing on the street. The Property Manager has the responsibility to establish the operational parameters of the service and to ensure that the valet operators are accountable for operating within those parameters.

**CIRCULATION PLAN**  
Not part of the conditions



**CPC PROPOSED PDS  
CONDITIONS**

**SEC. S-\_\_\_\_.101. LEGISLATIVE HISTORY.**

PD Subdistrict \_\_\_\_ was established by Ordinance No. \_\_\_\_\_, passed by the Dallas City Council on \_\_\_\_\_.

**SEC. S-\_\_\_\_.102. PROPERTY LOCATION AND SIZE.**

PD Subdistrict \_\_\_\_\_ is established on property generally located at the southeast corner of McKinney Avenue and Boll Street. The size of PD Subdistrict \_\_\_\_ is 0.49 acres.

**SEC. S-\_\_\_\_.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

(b) In this division:

(1) GROUND STORY means the story closest to and above grade along the street.

(2) SPECIAL RESIDENTIAL PROJECT means a development having:

(A) multiple-family uses occupying at least 80 percent of the building floor area;

(B) a floor area ratio greater than 4.5; and

(C) no dwelling units on the ground story.

(3) SUBDISTRICT means a subdistrict of PD 193

(4) TRANSPARENCY means the total area of window and door openings filled with glass, expressed as a percentage of the total facade area by story.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(d) This subdistrict is considered to be a nonresidential zoning district.

**SEC. S- .104. EXHIBIT.**

The following exhibits are incorporated into this division:

Exhibit S-\_\_\_A: development plan.

Exhibit S-\_\_\_B: landscape plan.

**SEC. S-.105. DEVELOPMENT PLAN.**

(a) For a special residential project, development and use of the Property must comply with the development plan (Exhibit S-\_\_\_\_). If there is a conflict between the text of this division and the development plan, the text of this division controls.

(b) For all other uses, no development plan is required and the provisions of Section 51-4.702 regarding submission of amendments to a development plan, site analysis, conceptual plan, development schedules, and landscape plan do not apply.

**SEC. S-.106. MAIN USES PERMITTED.**

(a) Except as provided in this section, the only main uses permitted in this subdistrict are those main uses permitted in the LC Light Commercial Subdistrict, subject to the same conditions applicable in the LC Light Commercial Subdistrict, as set out in Part I of this article. For example, a use permitted in the LC Light Commercial Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the LC Light Commercial Subdistrict is subject to DIR in this subdistrict; etc.

(b) The following additional use is permitted:

-- Special residential project.

(c) The following use is not permitted;

-- Bar, lounge or tavern.

**SEC. S-.107. ACCESSORY USES.**

(a) As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P193.108.

(b) The following accessory uses are not permitted:

-- Amateur communication tower.  
-- Open storage.  
-- Private stable.

**SEC. S-.108. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Part I of this article. If there is a conflict between this section and Part I of this article, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the LC Light Commercial Subdistrict apply

(b) Special residential project.

(1) Setbacks.

(a) Minimum front yard setback is 10 feet.

(b) Minimum side yard setback is 0 feet.

(c) Balconies may encroach up to five feet into the front and side yard setbacks.

(d) Along McKinney Avenue, outside seating areas, retaining walls, signs, benches, landscaping, fences and planters are permitted within the front yard.

(e) Along McKinney Avenue, a maximum of 60 percent of the required front yard may be outside seating area.

(2) Density. Maximum number of dwelling units is 120.

(3) Floor area.

(A) The total maximum floor area is 150,000 square feet.

(B) Maximum floor area for nonresidential uses is 10,500 square feet.

(C) Uses that are accessory to a multiple-family use are not included in the calculations of nonresidential floor area.

(4) Tower setbacks.

(a) Tower setbacks for structure below 36 feet in height from McKinney Avenue is 10 feet;

(b) Tower setbacks for structure above 36 feet in height from Boll Street is 25 feet.

(5) Height. Maximum structure height is 232 feet.

(6) Lot coverage.

(a) Except as provided in this subdistrict, maximum lot coverage is 80 percent; above 36 feet in height, maximum lot coverage is 40 percent.

(b) Underground parking structures are not included in lot coverage calculations.

**SEC. S-.109. OFF-STREET PARKING AND LOADING.**

(a) In general. Except as provided in this section, consult Part I of this article for the specific off-street parking and loading requirements for each use.

(b) Special residential project.

(1) For an accessory community center (private) use in conjunction with a multiple-family use, one off-street parking space per 1,000 square feet of floor area is required.

(2) All required off-street parking must be located underground. For all uses in a special residential project, packed parking may count toward the off-street parking requirements.

(3) For valet parking, queuing, drop-off and pick-up are not permitted within the public right-of-way. For residential uses, valet parking drop-off and pick-up must be located underground or within the building. For nonresidential uses, valet parking drop-off and pick-up must be located within the building.

(4) Loading areas must be located internal to the development.

(5) No parking agreements allowed with off-site alcoholic beverage establishments

**SEC. S-.110 ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. S-.111. LANDSCAPING.**

(a) Except as provided in the section, landscaping and screening must be provided in accordance with Part I of this article.

(b) For a special residential project, landscaping and screening must be provided as shown on the landscape plan (Exhibit S- \_\_\_\_B).

(c) Plant materials must be maintained in a healthy, growing condition.

**SEC. S-.112. SIGNS.**

Signs must comply with the provisions for business zoning districts in Article VII.

**SEC. S-.113. SIDEWALKS.**

(a) Sidewalks along McKinney Avenue must be a minimum of 10 feet wide with a minimum unobstructed width of eight feet.

(b) Sidewalks along Boll Street must be a minimum unobstructed width of six feet. If the sidewalk is located within the front yard, a sidewalk easement must be dedicated to the city.

(C) Colored material to differentiate it from the street paving to provide visual quest to pedestrians of the conflict between pedestrian and vehicular traffic

**SEC. S-.113. SPECIAL RESIDENTIAL PROJECT DESIGN STANDARD.**

(a) A minimum of 90 percent of the multiple-family units must have direct access to an outdoor balcony.

(b) Along McKinney Avenue, minimum transparency for the ground story is 50 percent; along Boll Street, minimum transparency for the ground story is 40 percent.

(c) Amplified sound is not permitted in the outside pool deck area.

(d) Prior to the issuance of a certificate of occupancy, a sign that is compatible with the State Thomas Historic District must be placed on Boll Street. This sign does not need to be shown on a development plan or landscape plan and does not count towards the allowed signage of the project. The design of the sign and location must be approved by the historic preservation officer.

(e) Street lights along Boll Street must be of a historical character and appearance that is compatible with the State Thomas Historic District and be approved by the historic preservation officer.

(f) The masonry retaining wall must use materials consistent with the main structure.

**SEC. S-.114. ADDITIONAL PROVISIONS.**

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

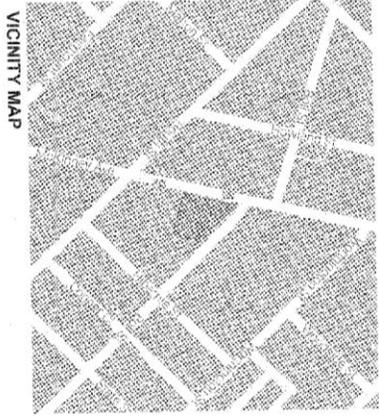
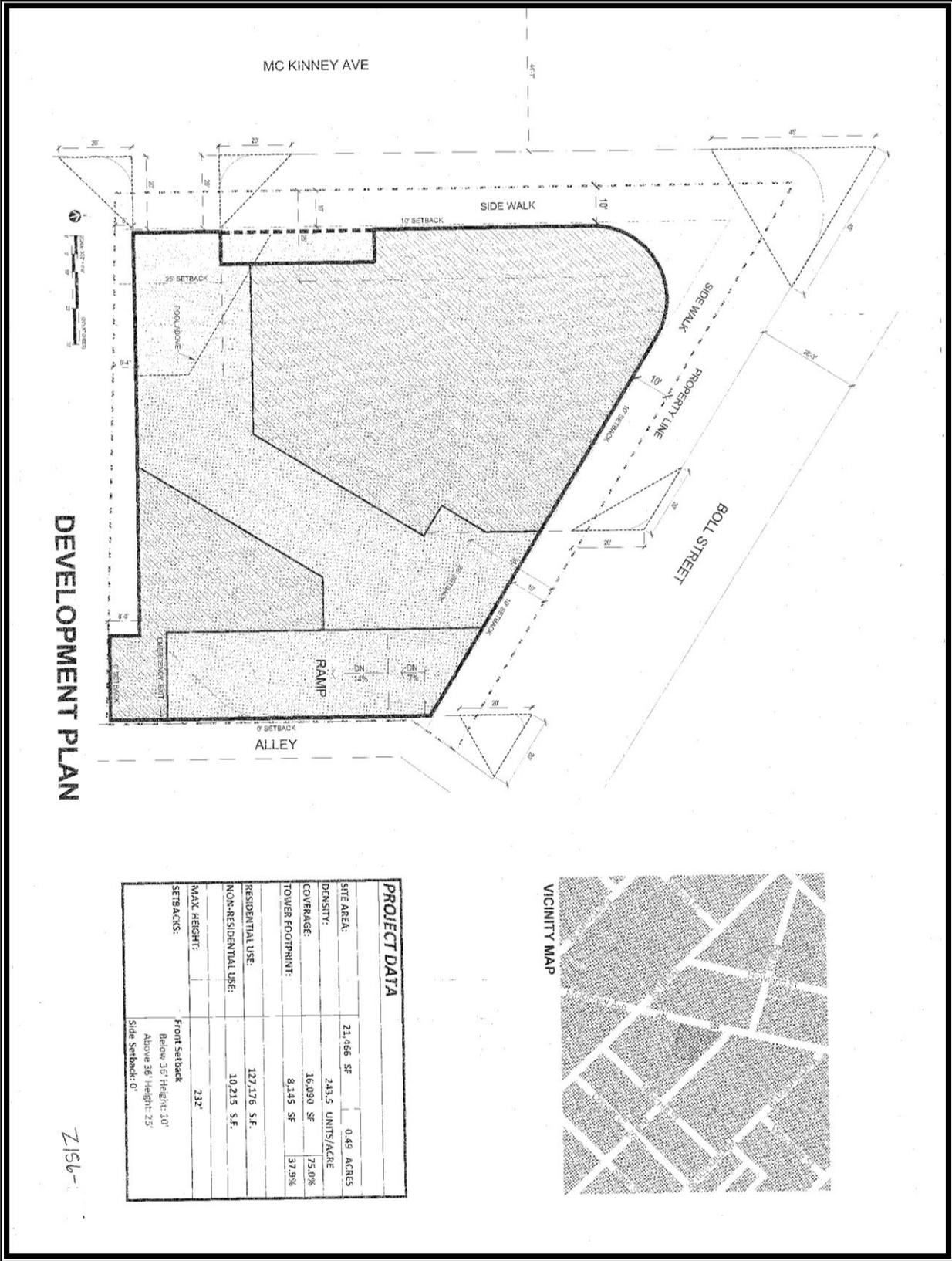
(c) Development and use of the Property must comply with Part I of this article

**SEC. S-.115. COMPLIANCE WITH CONDITIONS.**

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

**PROPOSED DEVELOPMENT PLAN**



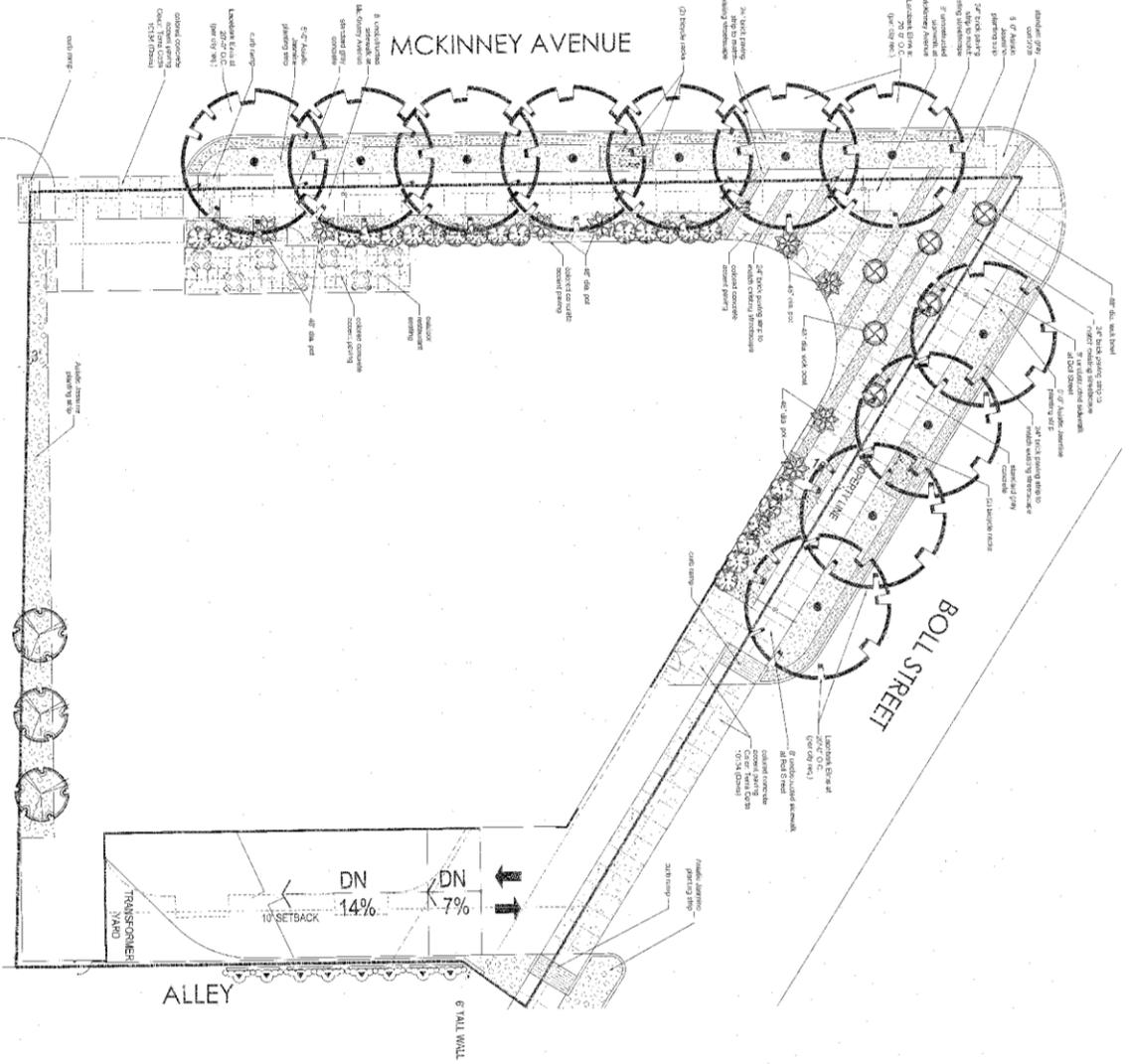
VICINITY MAP

PROJECT DATA	
SITE AREA:	21,466 SF 0.49 ACRES
DENSITY:	243.5 UNITS/ACRE
COVERAGE:	16,090 SF 75.0%
TOWER FOOTPRINT:	8,145 SF 37.9%
RESIDENTIAL USE:	127,178 S.F.
NON-RESIDENTIAL USE:	10,215 S.F.
MAX. HEIGHT:	232'
SETBACKS:	Front Setback: Below 35' Height: 10' Above 35' Height: 25' Side Setback: 0'

Z156-

**PROPOSED LANDSCAPE PLAN**

LANDSCAPE PLAN  
GROUND LEVEL

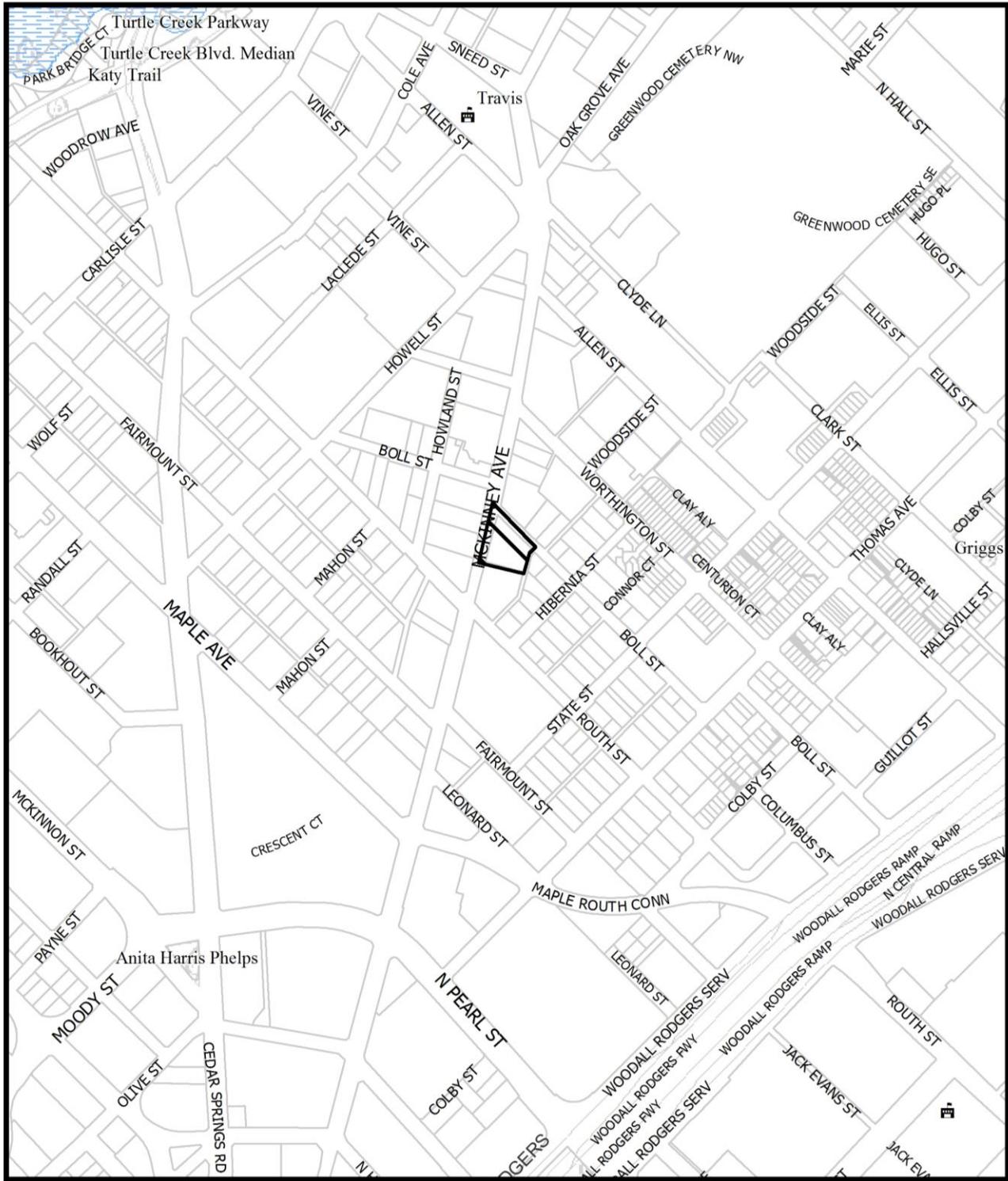


**PLANT PALETTE - GROUND LEVEL**

- CANOPY TREES**
  - 3" - 4" CALIBER HAWK JACOBINUM
  - 2" CALIBER HAWK JACOBINUM
  - 2" CALIBER HAWK JACOBINUM
- SHRUBS**
  - 5' CALIBER HAWK JACOBINUM
  - 5' CALIBER HAWK JACOBINUM
- GROUNDCOVERS/VINES**
  - 3' CALIBER HAWK JACOBINUM
  - 3' CALIBER HAWK JACOBINUM

- ACCENTS**
  - 3' CALIBER HAWK JACOBINUM
  - 3' CALIBER HAWK JACOBINUM
- LANDSCAPE CALCULATIONS**
  - 10' SETBACK: 10' x 10' = 100 sq ft
  - LANDSCAPE AREA: 100 sq ft
  - FRONT YARD AREA: 100 sq ft
  - FRONT YARD AREA: 100 sq ft

GENERAL NOTES:  
1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF HOUSTON LANDSCAPE CODE.  
2. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF HOUSTON LANDSCAPE CODE.  
3. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF HOUSTON LANDSCAPE CODE.

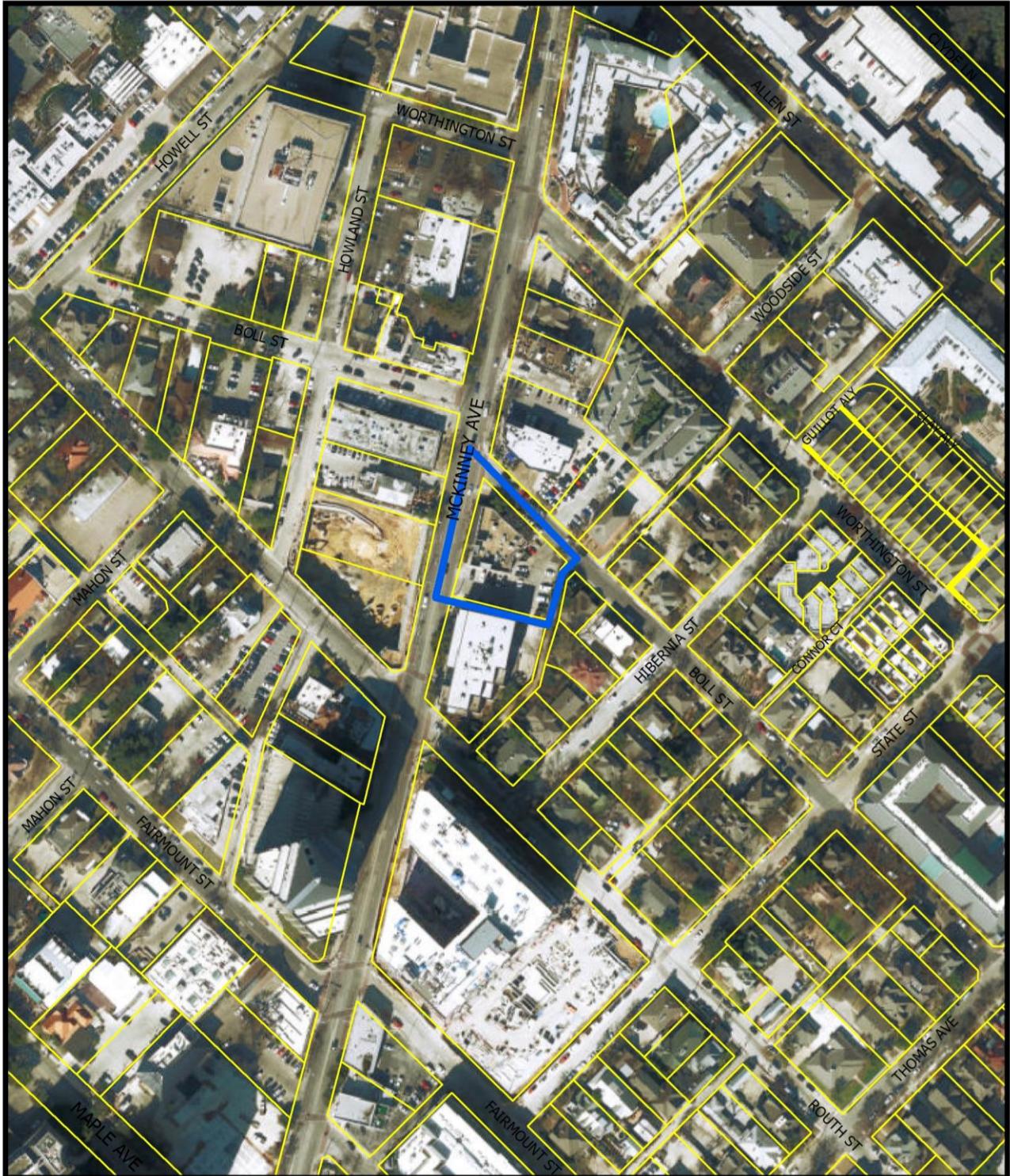


1:6,000

# VICINITY MAP

Case no: Z156-254

Date: 11/3/2016

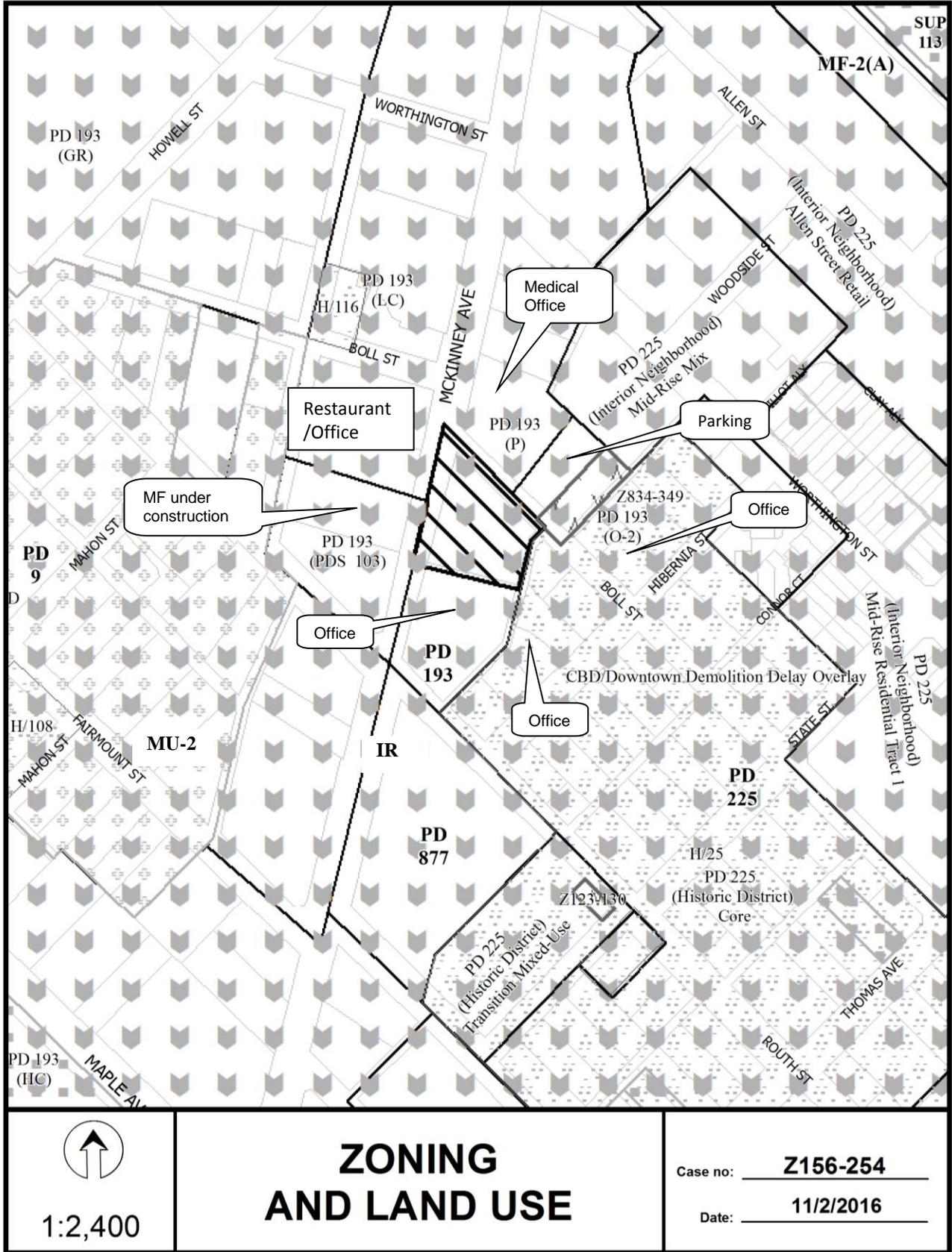


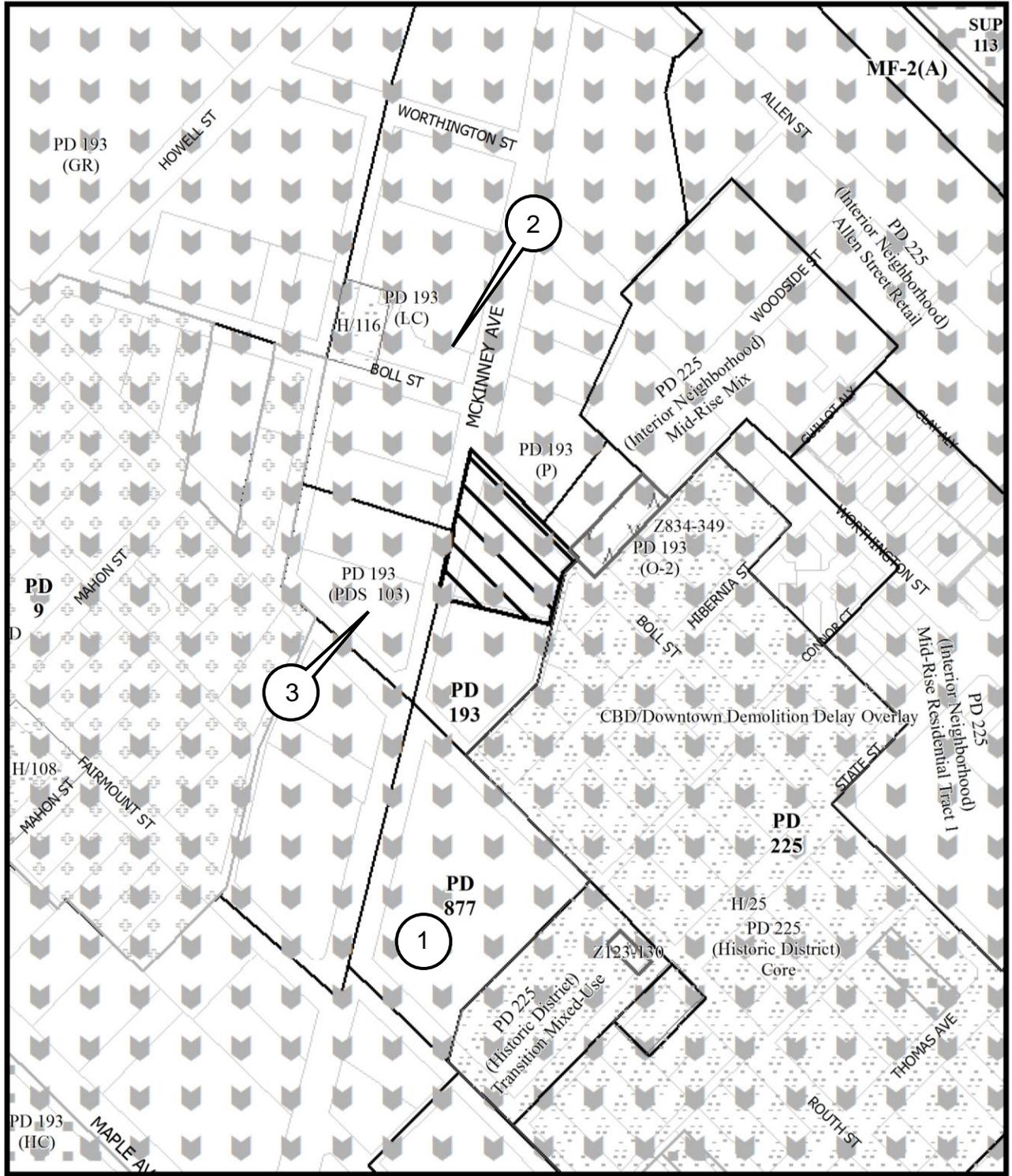
1:2,400

# AERIAL MAP

Case no:     **Z156-254**    

Date:     **11/3/2016**



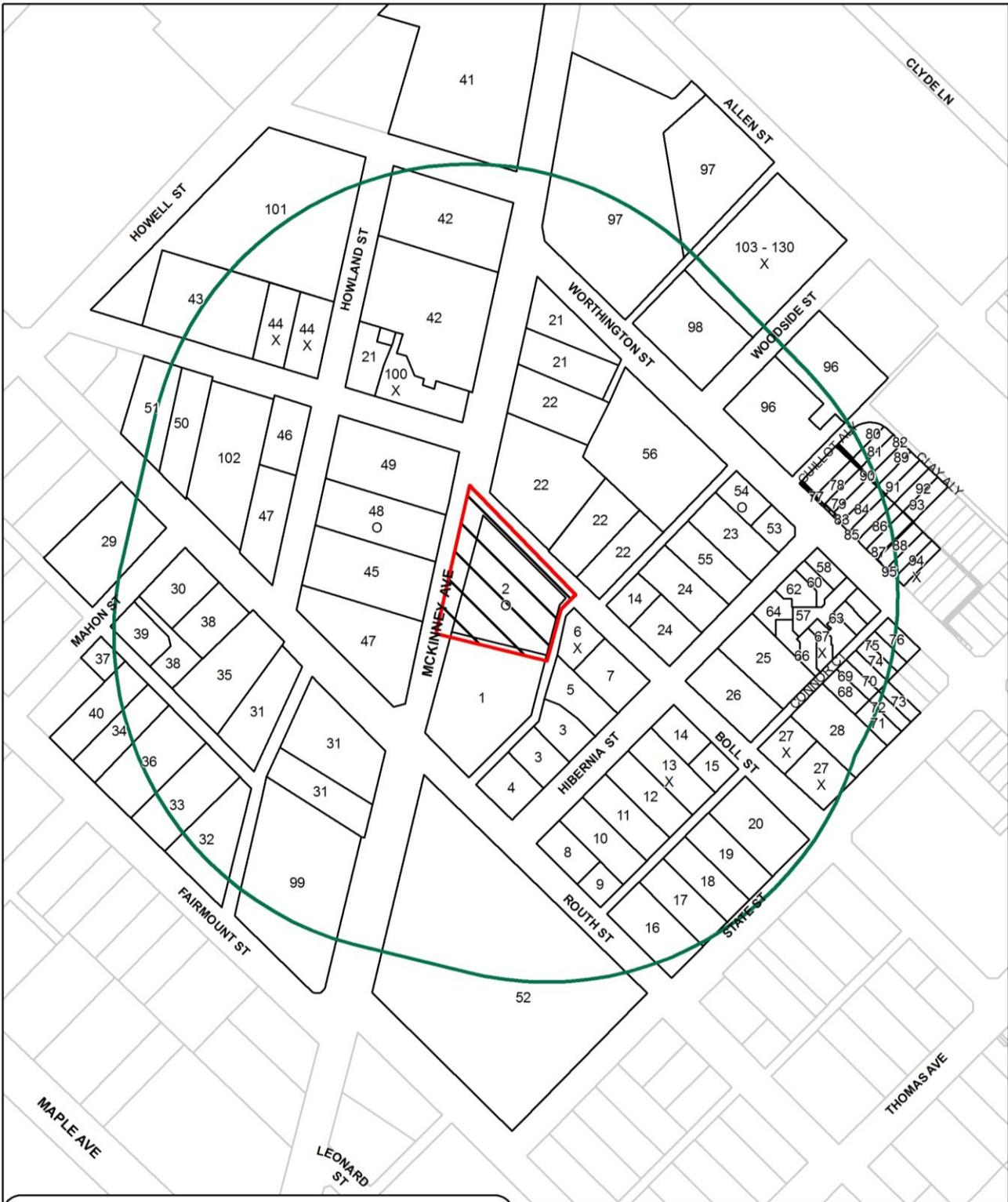


  
 1:2,400

# ZONING HISTORY

Case no:           Z156-254            
 Date:           11/2/2016

**CPC RESPONSES**



<u>130</u>	Property Owners Notified (121 parcels)
<u>3</u>	Replies in Favor (3 parcels)
<u>35</u>	Replies in Opposition (10 parcels)
<u>500'</u>	Area of Notification
<u>12/1/2016</u>	Date

**Z156-254**  
**CPC**



1:2,400

## Notification List of Property

*Z156-254*

*130 Property Owners Notified*

*3 Property Owners in Favor*

*35 Property Owners Opposed*

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2602 MCKINNEY AVE	UPTOWN ENERGY PARTNERS LP
O	2	2614 MCKINNEY AVE	J&K REAL ESTATE INV LTD
	3	2605 HIBERNIA ST	HUMPHRIES JOHN JR
	4	2500 ROUTH ST	FATIMA LLC
	5	2615 HIBERNIA ST	SWIFT DALE MATTHEW
X	6	2511 BOLL ST	FEFERMAN R JOSH
	7	2619 HIBERNIA ST	EHM PROPERTIES HIBERNIA LLC
	8	2600 HIBERNIA ST	INVOLVED FOR LIFE INC
	9	2414 ROUTH ST	ROUTH COFFEE HOUSE LLC
	10	2604 HIBERNIA ST	NICHOLS DOUGLAS R &
	11	2608 HIBERNIA ST	MARYE ERIC
	12	2614 HIBERNIA ST	SMITH STEPHEN S & MARLA F
X	13	2616 HIBERNIA ST	STAR B PROPERTIES LLC
	14	2620 HIBERNIA ST	HUMPHRIES JOHN F JR
	15	2415 BOLL ST	SMITH BRADLEY
	16	2601 STATE ST	KIRVEN JOE & GLORIA E LIVING TRUST
	17	2607 STATE ST	ARMSTRONG JOHN H & PAULINE PETERS
	18	2611 STATE ST	ARMSTRONG BERGER PARTNERS
	19	2615 STATE ST	SLATE RIVER PROPERTIES LP
	20	2621 STATE ST	PASCAL ENTERPRISES INC
	21	2714 MCKINNEY AVE	PASHA & SINA INC
	22	2516 BOLL ST	AJP PROPERTIES
	23	2715 HIBERNIA ST	HUMPHRIES JOHN F JR TR
	24	2707 HIBERNIA ST	FINCH MARK M
	25	2706 HIBERNIA ST	MYSLIWY ALLIE RAYMOND &
	26	2700 HIBERNIA ST	HUMPHRIES JOHN F

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	27	2701 STATE ST	ADA CAPITAL LTD
	28	2707 STATE ST	MEADOWS CURTIS W JR &
	29	2711 ROUTH ST	PEGASUS FOUNDATION THE
	30	2707 ROUTH ST	TURTLE CREEK MANOR INC
	31	2609 ROUTH ST	OR ASSET HOLDINGS LP
	32	2520 FAIRMOUNT ST	2520 FAIRMOUNT LLC
	33	2526 FAIRMOUNT ST	MURPHY PLAZA LLC
	34	2600 FAIRMOUNT ST	STARK JERRY COMPANIES INC
	35	2615 ROUTH ST	OR ASSET HOLDINGS LP
	36	2530 FAIRMOUNT ST	KORNYE GEORGE W &
	37	2512 MAHON ST	GINSBURG BROOKE &
	38	2703 ROUTH ST	DAYTON JOHN W & ARLENE J
	39	2518 MAHON ST	FAIRMOUNT CHURCH LLC
	40	2604 FAIRMOUNT ST	SMITH SHARON HAYSLIP &
	41	2811 MCKINNEY AVE	2811 MCKINNEY LL LLC
	42	2705 MCKINNEY AVE	MCKINNEY AVENUE PARTNERS LTD
	43	2718 BOLL ST	PUBS LAND PARTNERSHIP
X	44	2706 BOLL ST	STORY HERBERT B JR &
	45	2619 MCKINNEY AVE	SC ONE DALLAS LLC
	46	2703 BOLL ST	OGLE LINDA K ET AL
	47	2704 ROUTH ST	SC ONE DALLAS LLC
	49	2633 MCKINNEY AVE	CH RETAIL FUND I DALLAS MCKINNEY AVENUE LP
	50	2714 ROUTH ST	2714 ROUTH STREET LTD
	51	2724 ROUTH ST	FREESTONE HOLDINGS LLC
	52	2500 MCKINNEY AVE	LG ROUTH LP
	53	2501 WORTHINGTON ST	WOFFORD ANGELA
O	54	2505 WORTHINGTON ST	INTOWN CHABAD THE
	55	2711 HIBERNIA ST	DUNAWAY DIANE
	56	2521 WORTHINGTON ST	POST APARTMENT HOMES LP
	57	2415 WORTHINGTON ST	HIBERNIA TOWNHOUSES OWNER
	58	2718 HIBERNIA ST	ORR MATTHEW T

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	59	2429 WORTHINGTON ST	PINCHEV GABRIEL R
	60	2716 HIBERNIA ST	MIRZAI ANTHONY K
	61	2433 WORTHINGTON ST	STUPAY DOUGLAS
	62	2714 HIBERNIA ST	SORRELS BARRY J & BRENDA
	63	2437 WORTHINGTON ST	CDASM MANAGEMENT LLC
	64	2712 HIBERNIA ST	SCHMIDT GEORGE A
	65	2449 WORTHINGTON ST	MADAFFARI CARL
	66	2445 WORTHINGTON ST	CURRAN MARK &
X	67	2441 WORTHINGTON ST	FOXWORTH WARREN H & SUSAN
	68	2409 WORTHINGTON ST	CHOATE ROBERT K
	69	2411 WORTHINGTON ST	CARPENTER BRIAN ANDREW
	70	2413 WORTHINGTON ST	SHANNON TRUST
	71	2715 STATE ST	HUFF STEPHEN P & GWENDOLYN WILLIAMS
	72	2717 STATE ST	WOOD DON E & JENNIFER L
	73	2719 STATE ST	BURT GENE II
	74	2415 WORTHINGTON ST	ZAIDI SHAN Y
	75	2417 WORTHINGTON ST	MCDOWELL MARK
	76	2419 WORTHINGTON ST	HADSELL CHARLES C
	77	2510 WORTHINGTON ST	WILSON RICHARD
	78	2506 WORTHINGTON ST	DAVIS JONATHAN SCOTT
	79	2502 WORTHINGTON ST	MENDIS ROSHAN & DINELI
	80	2522 WORTHINGTON ST	CHINNAPOLAMADA GOUTHAM &
	81	2518 WORTHINGTON ST	THOMPSON V M
	82	2514 WORTHINGTON ST	HOWARD SCOTT HUNTER
	83	2448 WORTHINGTON ST	WORTHINGTON TWO LLC
	84	2444 WORTHINGTON ST	CROUSE SAMUEL V &
	85	2440 WORTHINGTON ST	MARCIAL JESUS DAVID &
	86	2436 WORTHINGTON ST	BOWMAN NICHOLAS J &
	87	2432 WORTHINGTON ST	FEIGLESON AMY R &
	88	2428 WORTHINGTON ST	WOODLEE MICHAEL A &
	89	2496 WORTHINGTON ST	BEAIRD MICHAEL TRAVIS

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	90	2492 WORTHINGTON ST	CURLETTI FAMILY TRUST THE
	91	2488 WORTHINGTON ST	MILLER RYAN TED
	92	2484 WORTHINGTON ST	ALKIER CHRISTOPHER
	93	2480 WORTHINGTON ST	BENBROOKS HOLDINGS LLC
X	94	2420 WORTHINGTON ST	COLEMAN ROBERT B &
	95	2424 WORTHINGTON ST	CONNER EUGENE
	96	2838 WOODSIDE ST	ALTA STATE THOMAS LP
	97	2808 MCKINNEY AVE	POST WORTHINGTON LP
	98	2801 WOODSIDE ST	WOODSIDE LTD LLC
	99	2515 MCKINNEY AVE	CHATEAU PLAZA HOLDINGS LP
X	100	2701 MCKINNEY AVE	STORY HERBERT B JR
	101	2626 HOWELL ST	TRINITY BELL APARTMENTS LLC
	102	2708 ROUTH ST	JTS ROUTH ST PARTNERS LLC
X	103	2885 WOODSIDE ST	BLAKELEY JULIE
X	104	2885 WOODSIDE ST	SORRELS BARRY J & BRENDA
X	105	2885 WOODSIDE ST	LANTZER JUSTIN &
X	106	2885 WOODSIDE ST	EIDEM JAMI M
X	107	2885 WOODSIDE ST	STYLIANOU CHRISTINA M
X	108	2885 WOODSIDE ST	SRISINROONGRUANG RATTAPOL
X	109	2885 WOODSIDE ST	FILES THOMAS
X	110	2885 WOODSIDE ST	LINN ALEXANDER S
X	111	2885 WOODSIDE ST	DO TUAN & THUY LAM
X	112	2885 WOODSIDE ST	MANCINI MARY & DAVID
X	113	2885 WOODSIDE ST	ELLIS TIMOTHY W & PAULA J
X	114	2885 WOODSIDE ST	GRISHAM CARISSA
X	115	2885 WOODSIDE ST	NAIGEON VIRGINIE ANDREE
X	116	2885 WOODSIDE ST	MOERSCH CHRISTOPHER &
X	117	2885 WOODSIDE ST	HIERSCHE JERRY L & CATHERINE S
X	118	2885 WOODSIDE ST	GRINNAN MARK DANIEL & JENNIFER LEE
X	119	2885 WOODSIDE ST	JACKSON TONY JARED
X	120	2885 WOODSIDE ST	ALLISON LODOWICK B

Z156-254(WE)

11/30/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	121	2885 WOODSIDE ST	MANCUSO DALE &
X	122	2885 WOODSIDE ST	CORDES ROBERT C & KRISTEN T
X	123	2885 WOODSIDE ST	FOSTER BRADLEY
X	124	2885 WOODSIDE ST	DUDLEY RICHARD C
X	125	2885 WOODSIDE ST	ONG ADRIAN
X	126	2885 WOODSIDE ST	BENNETT KELLY GEAN
X	127	2885 WOODSIDE ST	PHILATELICS & NUMISMATICS
X	128	2885 WOODSIDE ST	DAY KENNETH L
X	129	2885 WOODSIDE ST	JKL RENTALS LTD
X	130	2885 WOODSIDE ST	WILLIAMS LISA A TR
O	A1	2621 MCKINNEY AVE	BLACKFRIAR PROPERTY LLC

**AGENDA ITEM # 66**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 46 P; Q

**SUBJECT**

A public hearing to receive comments regarding an application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CC Community Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District on the northwest line of Pennsylvania Avenue, southwest of J.B. Jackson Jr. Boulevard

Recommendation of Staff: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and conditions

Recommendation of CPC: Denial without prejudice

Z156-335(WE)

**FILE NUMBER:** Z156-335(WE)                      **DATE FILED:** August 15, 2016

**LOCATION:** Northwest line of Pennsylvania Avenue, southwest of  
J.B. Jackson Jr. Boulevard

**COUNCIL DISTRICT:** 7                                      **MAPSCO:** 46P, 46Q

**SIZE OF REQUEST:** Approx. 2,250 sq. ft.              **CENSUS TRACT:** 203

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**APPLICANT:** SBA 2012 TC Assets, LLC

**OWNER:** Rickey A. Williams

**REPRESENTATIVE:** Jacob Hamilton

**REQUEST:** An application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CC Community Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.

**SUMMARY:** The purpose of this request is to allow for an existing cellular tower to remain on site. The previous Specific Use Permit expired.

**CPC RECOMMENDATION:**      **Denial without prejudice**

**STAFF RECOMMENDATION:**      **Approval** for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and conditions

**DESIGNATED ZONING CASE**

**BACKGROUND INFORMATION:**

- The applicant’s request for a Specific Use Permit for a tower/antenna for cellular communication will allow for the continued operation of the cellular communication at this location. The applicant did not renew the Specific Use Permit.
- On February 14, 2001, the City Council approved a Specific Use Permit for a tower/antenna for cellular communication for a ten year period with eligibility for automatic renewals for additional ten-year periods.
- The previous Specific Use Permit allowed the tower to be 78 feet, which is below the projected residential proximity slope by 41.63 feet. The nearest residential subdistrict is approximately 275.63 feet northeast of the request site.
- The current height of the tower /antenna for cellular communication is 78 feet.
- The request site is adjacent to a general merchandise or food store to the northwest, and a retail use to the northeast. The property southwest of the request site is undeveloped.

**Zoning History:** There has not been any zoning changes request in the area for the past five years.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Pennsylvania Avenue	Local	50 ft.	50 ft.

**Land Use:**

	Zoning within PD No. 595	Land Use
<b>Site</b>	CC Subdistrict	Cellular tower
<b>Northeast</b>	CC Subdistrict	Retail
<b>Southeast</b>	CC Subdistrict w/H/109	Office, Surface parking
<b>Southwest</b>	CC Subdistrict	Undeveloped
<b>Northwest</b>	CC Subdistrict	General merchandise or food store

**COMPREHENSIVE PLAN:** The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

There are no goals or policies supporting or opposing the request.

**STAFF ANALYSIS:**

**Land Use Compatibility:** The 2,250 square foot site is developed with a 78-foot high unmanned telecommunication facility (monopole tower). The applicant's request for a Specific Use Permit for a tower/antenna for cellular communication will allow for the continued operation of the existing tower. The CR Community Retail District permits, by right, a maximum height of 65 feet for a cellular tower. In February 2001, the City Council approved a Specific Use Permit for a tower/antenna for cellular communication with a maximum height of 78 feet, complying with the residential proximity slope.

In September 2011, the City Council approved Planned Development District No. 595 which changed the zoning district from a CR Community Retail District to a CC Community Commercial Subdistrict. The Development Code allows an unmanned telecommunication facility (monopole tower) to exceed the maximum height of 65 feet by a Specific Use Permit.

The request site is adjacent to a general merchandise or food store to the northwest, and a retail use to the northeast. The property southwest of the request site is undeveloped.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The applicant's request is consistent with the intent of the Dallas Development Code, because the height of the monopole is within the required residential proximity slope. In addition, the cellular tower is located on a block that is developed with retail uses. The tower/antenna for cellular communication will enhance the vital communication service throughout the area. Also, the use does not generate any traffic and a chain linked fence surrounds the site's perimeter. The applicant will provide shrubs around the

perimeter to screen a portion of the equipment. The City Plan Commission expressed concerns that the applicant was not complying with the standards that are associated with receiving a SUP and therefore, recommended denial of the applicant’s request for a Specific Use Permit for a tower / antenna for cellular communication.

**Development Standards:**

SUBDISTRICT_WITHIN PDD No. 595	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
CC Community commercial	0'	10' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.75 office 0.5 retail	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office, Utility and public service

**Landscaping:** The request will not trigger any landscaping requirements because the applicant is not increasing the existing floor area. However, staff is recommending the applicant plant a row of hedges around the site’s perimeter to screen the equipment.

The comply with the landscaping requirements for Specific Use Permit No. 1436, the applicant had to provide a six-foot chain link fence around the site’s perimeter. Any additional landscaping was not required.

**Traffic:** The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not impact the surrounding street system for the proposed development.

**Parking:** Parking will be provided in accordance to the parking requirements in the Dallas Development Code, as amended, which is one space if the cellular communication tower/antenna has an auxiliary building housing electronic and communication equipment (“auxiliary building”) greater than a 120 square feet. The applicant is providing one space on site.

**Notification Area:** On January 13, 2016, the City Council approved an amendment to the Development Code regarding tower/antenna for cellular communication use. One provision pertains to the notification area which requires written notification to the public hearing on an application for an SUP for a tower/antenna for cellular communication to all real property within 500 feet of the building site on which the tower/ antenna for cellular communication will be located.

The SUP will be placed on the entire lot instead of the specific location area of the tower/antenna for cellular communication as a result of the amendment.

**CPC Action** (November 10, 2016)

**Motion I:** In considering an application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CC Community Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District on the northwest line of Pennsylvania Avenue, southwest of J.B. Jackson Jr. Boulevard, it was moved to **hold** this case under advisement until December 1, 2016.

Maker: Houston  
Second: Peadon  
Failed: Carried: 5 to 9

For: 5 - Rieves, Houston, Shidid, Jung, Peadon

Against: 9 - Anglin, Davis, Anantasomboon, Haney, Housewright, Schultz, Murphy, Ridley, Tarpley

Absent: 0

Vacancy: 1 - District 7

**Motion II:** It was moved to recommend **denial without prejudice** of a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CC Community Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District on the northwest line of Pennsylvania Avenue, southwest of J.B. Jackson Jr. Boulevard, due to non-compliance with Section 51A-4.219 of the Dallas Development Code.

Maker: Davis  
Second: Schultz  
Result: Carried: 9 to 5

For: 9 - Anglin, Rieves, Davis, Anantasomboon, Haney, Housewright, Schultz, Murphy, Ridley

Against: 5 - Houston, Shidid, Jung, Peadon, Tarpley

Absent: 0

Vacancy: 1 - District 7

**Notices:** Area: 500 Mailed: 56  
**Replies:** For: 0 Against: 0

**Speakers:** For: Patrick Hardage, 4193 Wilada Dr., Dallas, TX, 75220  
Against: None

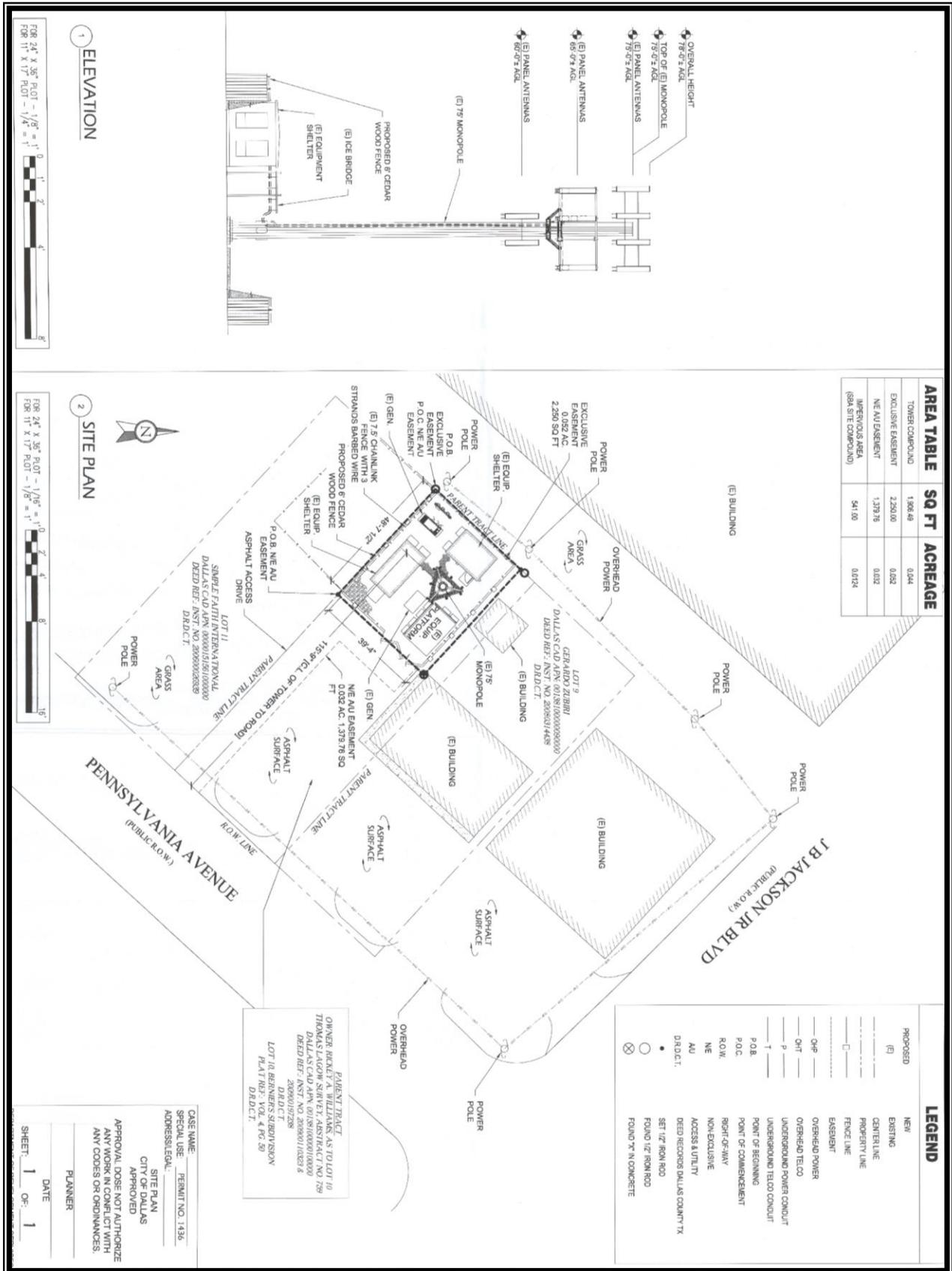
<p><b>LIST OF OFFICERS</b> SBA 2012 TC Assets, LLC</p>
--

- Thomas P. Hunt            Director, President
- Jeffery A. Stoops        Senior Vice President
- Jason Silberstein        Secretary

**PROPOSED SUP CONDITIONS**

1. **USE:** The only use authorized by this specific use permit is a tower/antenna for cellular communication.
2. **SITE PLAN:** Use and development of the Property must comply with the attached site plan and elevation.
3. **TIME LIMIT:** This specific use permit expires on (ten years from the passage of the ordinance), but is eligible for automatic renewal for additional 10-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for application for automatic renewal is strictly enforced.)
4. **COMMUNICATION TOWER:** Any antenna cells mounted on the tower/antenna for cellular communication must be mounted and any future co-location cells must be of the same type.
5. **FENCE:** A minimum six-foot fence must be provided in the location shown on the attached site plan.
6. **HEIGHT:** The tower/antenna for cellular communication may not exceed 78 feet in height.
7. **SCREENING:** A maximum of a three foot hedgerow must be planted and in place around the perimeter of the site (two years from the passage of the ordinance).
8. **SHARED USE WITH OTHER CARRIERS:** Any tower/antenna for cellular communication over 65 feet in height must be constructed to support the antenna arrays for at least two other wireless communications carriers, and the tower/antenna for cellular communication must be made available to other carriers upon reasonable terms.
9. **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.
10. **GENERAL REQUIREMENTS:** Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

**PROPOSED SITE PLAN**



AREA TABLE	SQ. FT.	ACREAGE
TOWER COMPOUND	1,966.49	0.04
EXCLUSIVE EASEMENT	2,250.00	0.052
NE AU EASEMENT	1,379.78	0.032
IMPERVIOUS AREA (SSA SITE COMPOUND)	541.00	0.0124

**1 ELEVATION**



**2 SITE PLAN**



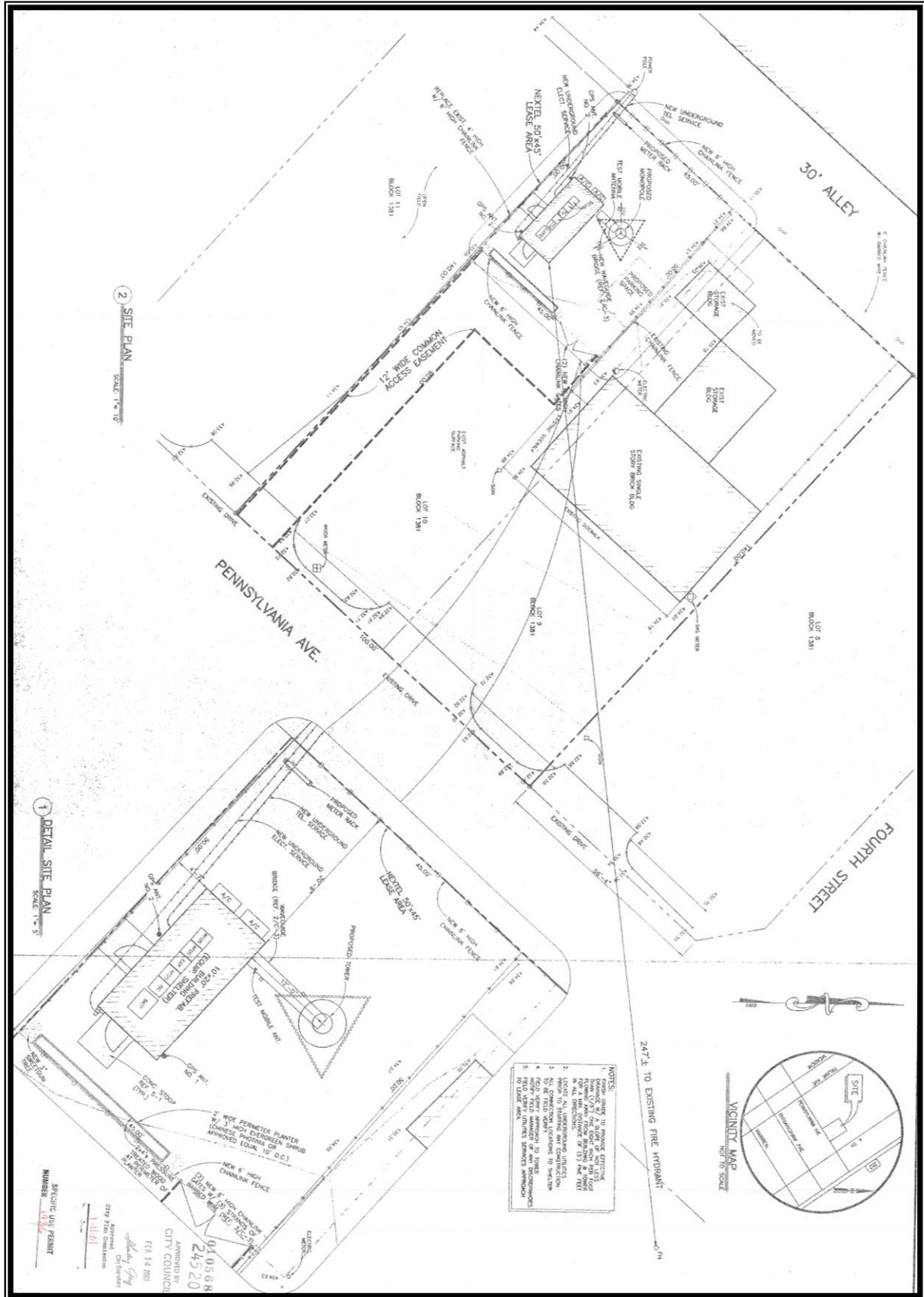
**LEGEND**

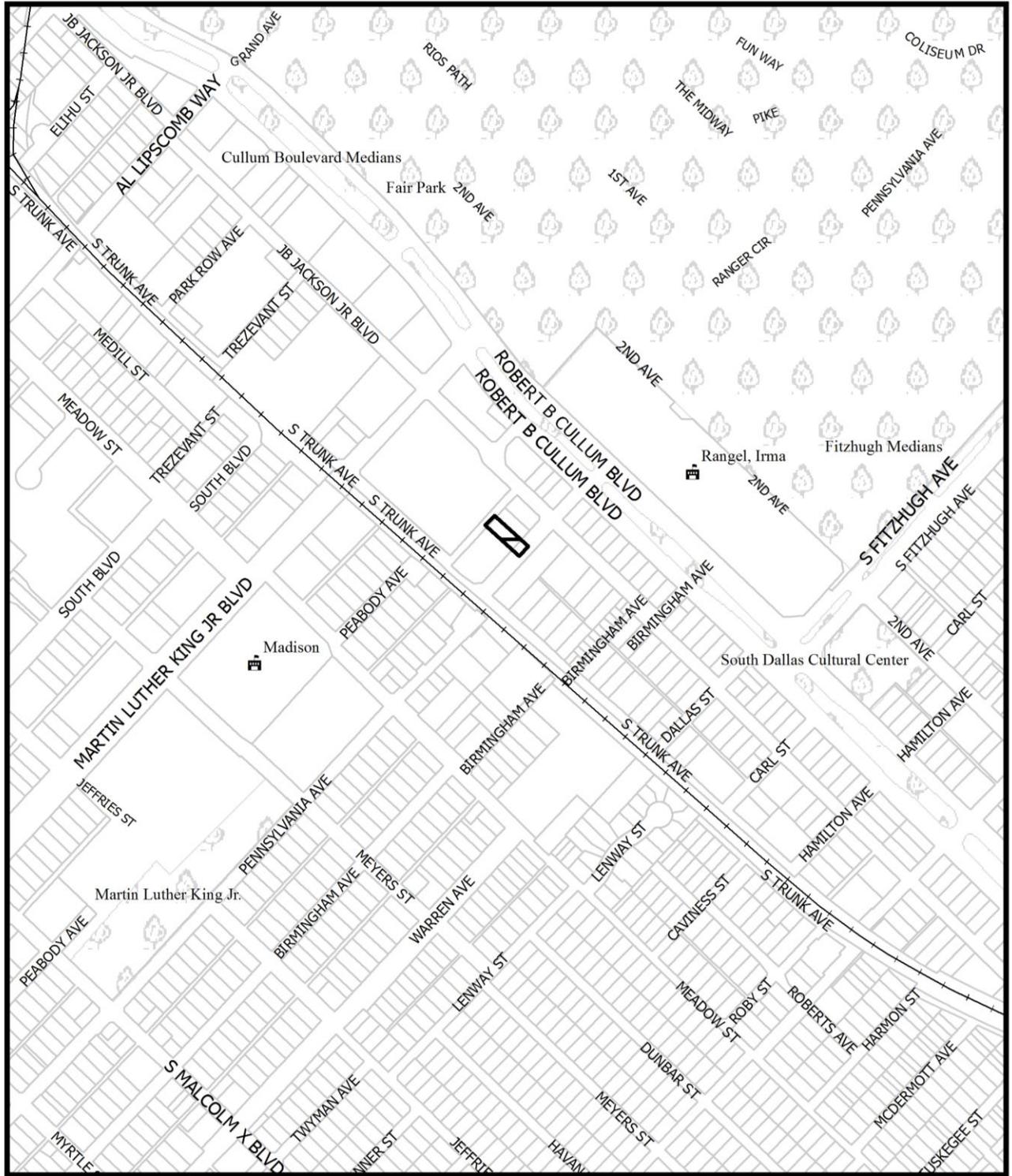
- PROPOSED
- EXISTING
- (E) CENTERLINE
- PROPERTY LINE
- FENCE LINE
- EASEMENT
- OVERHEAD POWER
- OVERHEAD TELCO
- UNDERGROUND POWER CONDUIT
- UNDERGROUND TELCO CONDUIT
- POINT OF BEGINNING
- POINT OF COMMENCEMENT
- RIGHT-OF-WAY
- ROW
- NE AU
- ACCESS & UTILITY
- DEED RECORDS DALLAS COUNTY TX
- D.D.C.T.
- SET 1/2" R.O.W. ROD
- FOUND 1/2" R.O.W. ROD
- FOUND "X" IN CONCRETE

CASE NAME: PERMIT NO. 1436  
 SPECIAL USE: SITE PLAN  
 ADDRESS/LEGAL: CITY OF DALLAS  
 APPROVED: APPROVED  
 APPROVAL DOSE NOT AUTHORIZE ANY WORK IN CONFLICT WITH ANY CODES OR ORDINANCES.  
 PLANNER: DATE: SHEET: 1 OF 1

PARENT TRACT  
 OWNER: ROCKWELL INVESTMENTS AS TO LOT 10  
 THOMAS LANGOW SURVEY, ABSTRACT NO. 759  
 DALLAS CAD APM 001810000100000  
 DEED REF: INST. NO. 200900110233 &  
 20090019728  
 LOT 10, BEAVERS SUBDIVISION  
 PLAT 189, VOL. 4 PC 50  
 D.D.C.T.

**APPROVED SITE PLAN**  
February 14, 2001

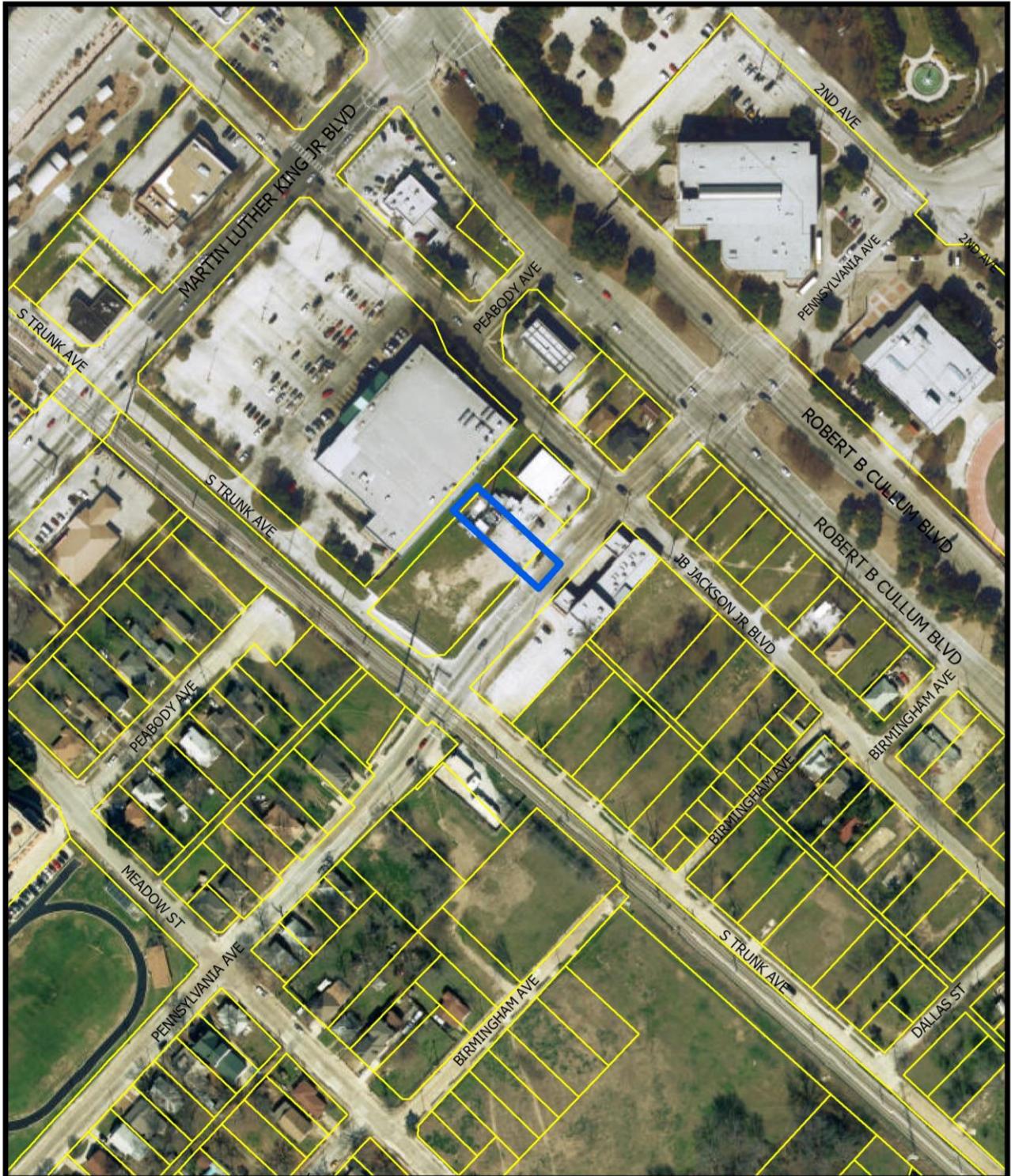




↑  
1:6,000

# VICINITY MAP

Case no: Z156-335  
Date: 10/6/2016

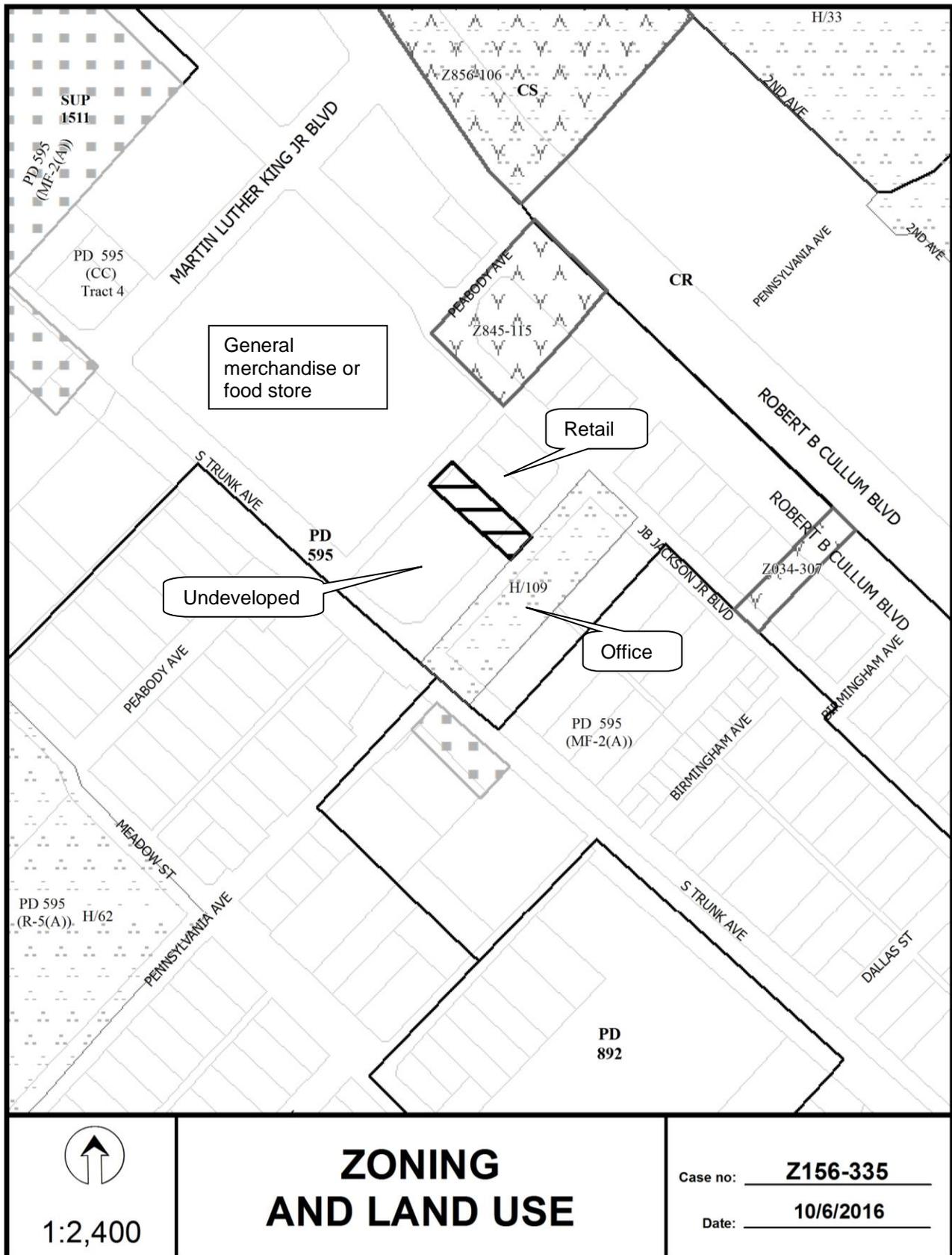


1:2,400

# AERIAL MAP

Case no:           Z156-335          

Date:           10/6/2016



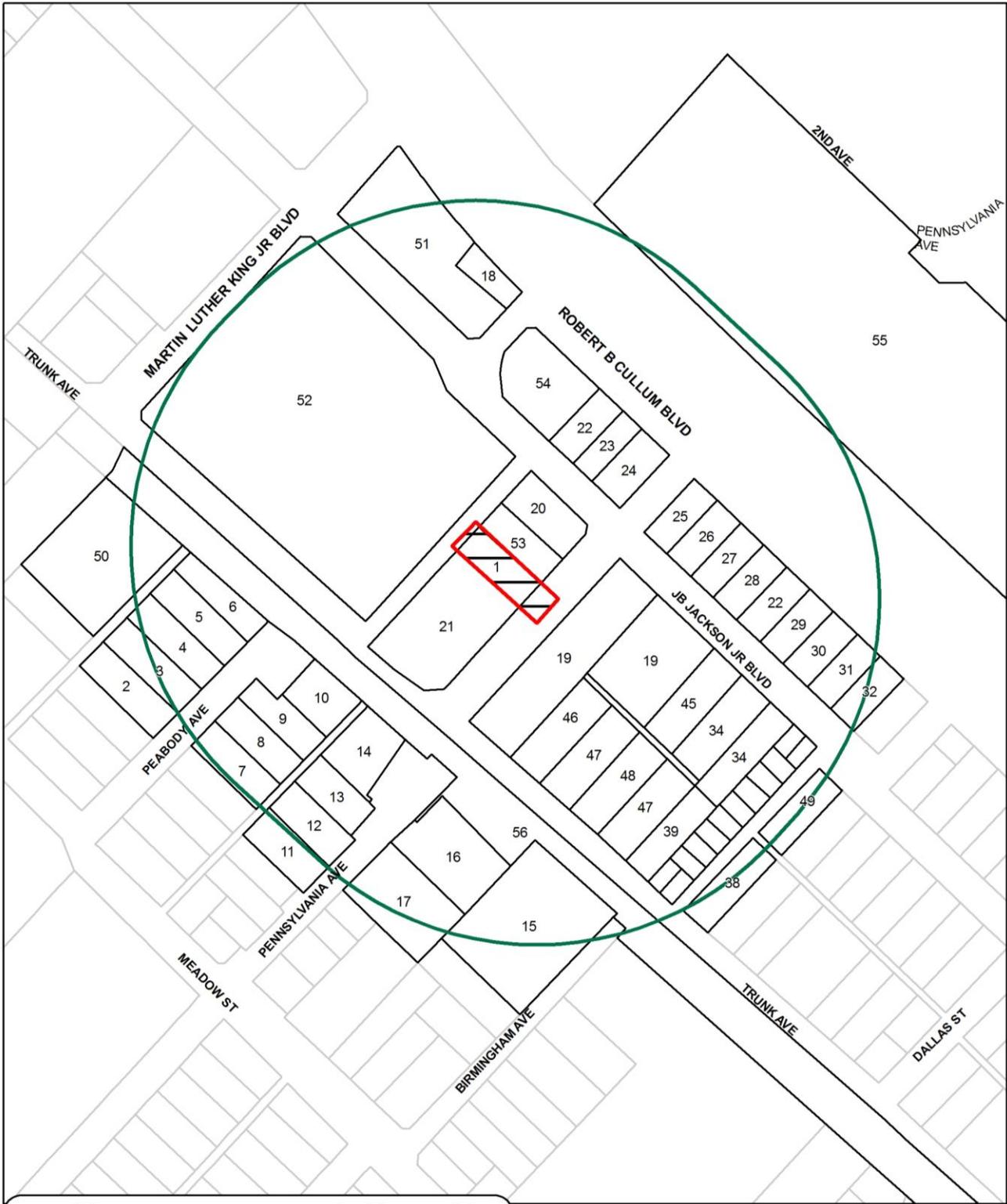
1:2,400

# ZONING AND LAND USE

Case no: **Z156-335**

Date: **10/6/2016**

**CPC RESPONSES**



<u>56</u>	Property Owners Notified (63 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>500'</u>	Area of Notification
<u>11/10/2016</u>	Date

**Z156-335**  
**CPC**



1:2,400

## **Notification List of Property**

**Z156-335**

**56 Property Owners Notified    0 Property Owners in Favor    0 Property Owners Opposed**

<b>Reply</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
	1	3223 PENNSYLVANIA AVE	WILLIAMS RICKEY A
	2	3113 PEABODY AVE	JBIII INVESTMENT INC
	3	3117 PEABODY AVE	JONES EMMA M
	4	3121 PEABODY AVE	BLANCO ROSA
	5	3125 PEABODY AVE	BLOW DON
	6	3131 PEABODY AVE	BLOW DON WAYNE
	7	3116 PEABODY AVE	PERALTA JUAN BENITEZ
	8	3122 PEABODY AVE	DECKARD ROSETTA & NATHANIEL
	9	3126 PEABODY AVE	DALLAS AREA RAPID TRANSIT
	10	3130 PEABODY AVE	DART
	11	3113 PENNSYLVANIA AVE	LEWIS JOHN A SR
	12	3117 PENNSYLVANIA AVE	MCMILLAN WILLIE EDWARD
	13	3121 PENNSYLVANIA AVE	GUERRA EMMANUEL
	14	3125 PENNSYLVANIA AVE	HUNTER DANNY J
	15	3131 BIRMINGHAM AVE	MULTIPLE STREAMS OF GRACE
	16	3128 PENNSYLVANIA AVE	SETTLES C L
	17	3116 PENNSYLVANIA AVE	TWO PODNERS
	18	1507 ROBERT B CULLUM BLVD	OTIS SCRUGGS
	19	3224 PENNSYLVANIA AVE	MITCHEM DERRICK
	20	3227 PENNSYLVANIA AVE	EJIGU HAILU &
	21	3203 PENNSYLVANIA AVE	SIMPLE FAITH
	22	1715 ROBERT B CULLUM BLVD	HOLMES RONNIE L
	23	1618 J B JACKSON JR BLVD	YELDELL CLAUD JR
	24	1620 J B JACKSON JR BLVD	ASKEW MATTIE LEE
	25	1702 J B JACKSON JR BLVD	HALL EMMA ESTATE OF
	26	1704 J B JACKSON JR BLVD	BROWN EARL RICHARD
	27	1710 J B JACKSON JR BLVD	HARRIS & HARRIS PPTIES LLC

11/09/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	28	1712 J B JACKSON JR BLVD	BEDFORD L A JR
	29	1718 J B JACKSON JR BLVD	BEDFORD L A JR
	30	1720 J B JACKSON JR BLVD	F & S PROPERTIES LLC
	31	1722 J B JACKSON JR BLVD	SMITH CHRISTINE
	32	1724 J B JACKSON JR BLVD	GREAT WESTERN FINCL SERV
	33	3213 BIRMINGHAM AVE	ALEXANDER BURLEE
	34	1725 J B JACKSON JR BLVD	EQUABLE INVESTMENT CORP
	35	1732 TRUNK AVE	R M W DEV INC
	36	3217 BIRMINGHAM AVE	MARTINEZ CHRISTINA
	37	3203 BIRMINGHAM AVE	DALLAS BLACK CHAMBER
	38	1733 J B JACKSON JR BLVD	GARTH ARKIT
	39	1722 TRUNK AVE	DALLAS BLACK CHAMBER
	40	1731 J B JACKSON JR BLVD	GARTH ARKIT
	41	3209 BIRMINGHAM AVE	MAY ALONZA
	42	3215 BIRMINGHAM AVE	NASH MILDRED
	43	3211 BIRMINGHAM AVE	STRINGER JERRY R
	44	1730 TRUNK AVE	MURRAY EUNICE
	45	1719 J B JACKSON JR BLVD	HUDSON JOE
	46	1708 TRUNK AVE	JUSGO INC
	47	1712 TRUNK AVE	SIMPLE FAITH INTERNATIONAL
	48	1716 TRUNK AVE	WAGONER ROBERT ETAL
	49	1801 J B JACKSON JR BLVD	MASON ARKIT EUGENE
	50	3116 MARTIN LUTHER KING JR BLVD	RESOURCES ASSISTANTS CORP
	51	3300 MARTIN LUTHER KING JR BLVD	NCNB TEXAS NATIONAL BANK
	52	3230 MARTIN LUTHER KING JR BLVD	2ML REAL ESTATE INTEREST INC
	53	3223 PENNSYLVANIA AVE	ZUBIRI GERARDO SR
	54	1707 ROBERT B CULLUM BLVD	MAVRICK DEVELOPMENT CORPORATION
	55	1718 ROBERT B CULLUM BLVD	Dallas ISD
	56	401 S BUCKNER BLVD	DART

**AGENDA ITEM # 67**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 8  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 66 L; M; Q; R

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for a mixed use development and an ordinance granting the termination of Specific Use Permit No. 1373 for a college, child-care facility, and public or private school on property zoned an R-7.5(A) Single Family District with Specific Use Permit No. 1373 on a portion and a CR Community Retail District generally on the northeast corner of Simpson Stuart Drive and Highland Hills Drive  
Recommendation of Staff and CPC: Approval, subject to a conceptual plan, Subarea A development plan, traffic management plan, and conditions; and approval of the termination of Specific Use Permit No. 1373  
Z156-342(SH)

**FILE NUMBER:** Z156-342(SH) **DATE FILED:** August 19, 2016

**LOCATION:** Generally on the northeast corner of Simpson Stuart Drive and Highland Hills Drive.

**COUNCIL DISTRICT:** 8 **MAPSCO:** 66-L, M, Q, R

**SIZE OF REQUEST:** Approx. 150 acres **CENSUS TRACT:** 114.01

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**OWNER/APPLICANT:** Paul Quinn College

**REPRESENTATIVE:** Rob Baldwin

**REQUEST:** An application for a Planned Development District for a mixed use development and termination of Specific Use Permit No. 1373 for a college, child-care facility, and public or private school on property zoned an R-7.5(A) Single Family District with Specific Use Permit No. 1373 on a portion and a CR Community Retail District.

**SUMMARY:** The purpose of this request is to allow for the construction of a mixed use development. The PDD will divide the property into two subareas. Subarea A will be subject to a development plan for a mixed use development comprised of ground floor retail; a child-care facility serving the residents, college students, and faculty of the adjacent college campus; and a maximum of 200 multifamily dwelling units. Subarea B will continue to be occupied by the college campus [Paul Quinn College], dormitories, child care facility, and private/public school uses.

**CPC RECOMMENDATION:** Approval, subject to a conceptual plan, Subarea A development plan, traffic management plan, and conditions; and approval of the termination of Specific Use Permit No. 1373

**STAFF RECOMMENDATION:** Approval, subject to a conceptual plan, Subarea A development plan, traffic management plan, and conditions; and approval of the termination of Specific Use Permit No. 1373

**DESIGNATED ZONING CASE**

**BACKGROUND INFORMATION:**

- The area of request is a 150-acre tract of land that is currently developed with Paul Quinn College, child care facility, and private/public school uses. A portion of the property at Simpson Stuart Road and Highland Hills Drive contains vacant retail and personal service buildings.
- The subject site is currently zoned an R-7.5(A) Single Family District with SUP No. 1373 on a portion and a CR Community Retail District. The purpose of the request is to change the zoning to a Planned Development District to facilitate a mixed use development in combination with the existing college.
- In conjunction with the proposed PDD, the applicant has requested termination of Specific Use Permit No. 1373 for a college, child-care facility, and public or private school, since it will be redundant after adoption of this new PDD.
- The PDD proposes to divide the property into two subareas. Subarea A will be subject to a development plan for a mixed use development comprised of ground floor retail; a child-care facility serving the residents, college students, and faculty of the adjacent college campus; and a maximum of 200 multifamily dwelling units. Subarea B will continue to be occupied by the college campus, dormitories, child care facility, and private/public school uses.
- The proposed conditions provide for slight deviations from the MU-1 Mixed Use District standards in order to accommodate the mixed-use development.

**Zoning History:**

1. Z156-349 On December 15, 2016, the City Plan Commission recommended denial without prejudice of an application for a Specific Use Permit for an open-enrollment charter school on property zoned a CR Community Retail District. The applicant has appealed CPC’s decision and the application will be forwarded to City Council for further consideration at their public hearing on February 8, 2017.
2. Z123-133 On April 10, 2013, the City Council approved a Specific Use Permit for a library, art gallery, or museum, limited to a public library, subject to a site plan, and conditions at the above referenced property, and approval of the termination of Specific Use Permit No. 487.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing ROW</b>
Simpson Stuart Road	Principal Arterial	100 feet
Highland Hills Drive	Local Street	50 feet

**Traffic:** The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed redevelopment will have no significant impact on the surrounding street system.

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	CR and R-7.5(A) w/SUP No. 1373	College, Child-care facility, Private/Public School, and Vacant Retail Buildings
<b>North</b>	CR and R-7.5(A)	Community Center and Single Family
<b>East</b>	R-7.5(A) and MF-2(A)	Undeveloped Land
<b>South</b>	R-5(A) and MF-2(A)	Single Family, Church, Public Library
<b>West</b>	CR and MF-1(A)	Post Office, Multifamily and Undeveloped Land

**COMPREHENSIVE PLAN:** The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request.

**URBAN DESIGN**

**GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE**

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other

The Neighborhood Plus Plan employs six strategic goals to shift our approach, policies and actions to achieve greater equity and prosperity for all Dallas residents, expand the range of housing options, and enhance the quality of neighborhoods. The requested PDD is well aligned with overarching goals as it will help to facilitate the planned growth of the college, as well as offer additional housing options, job opportunities and retail and personal uses including child-care services that will serve both the college students and the residents in the surrounding neighborhood.

**STAFF ANALYSIS:**

**Land Use Compatibility:**

The subject site is currently developed with Paul Quinn College, a private, faith-based liberal arts-inspired college that is regarded as the oldest historically black college west of the Mississippi River. In addition to the college campus, the site also includes a child

care facility and private/public school uses. A portion of the property at Simpson Stuart Road and Highland Hills Drive contains vacant retail and personal service buildings that will be demolished. The surrounding land uses include single family to the north; undeveloped land to the east; single family, church, and public library to the south; and a post office and multifamily uses to the west.

The subject site is currently zoned an R-7.5(A) Single Family District with SUP No. 1373 for a college, child-care facility, and public or private school on a portion of the site and a CR Community Retail District. The purpose of the request is to change the zoning to a Planned Development District to facilitate a mixed use development in conjunction with the existing college. In conjunction with the proposed PDD, the applicant has requested termination of SUP No. 1373, since it will be redundant after adoption of this new PDD.

The PDD proposes to divide the property into two subareas. Subarea A will be subject to a development plan for a mixed use development comprised of ground floor retail; a child-care facility serving the residents, college students, and faculty of the adjacent college campus; and a maximum of 200 multifamily dwelling units. There will be two access points from Simpson Stuart Road and one from Highland Hills Drive. As depicted on the development plan, a two-story retail building with a maximum floor area of 20,000 square feet will be located in the southwest corner of the property, at Simpson Stuart Road and Highland Hills Drive. Two residential buildings will be constructed along the southern and eastern boundary of the site. Accessory community amenity areas, including a pool and pool house, are proposed interior to the site. Subarea B will continue to be occupied by the college campus, dormitories, child care facility, and private/public school uses.

The proposed PDD conditions provide for slight modifications to the MU-1 Mixed Use District to: 1) accommodate the mix of uses; 2) request an exception from the urban form requirement; 3) seek relief from the parking regulations for multifamily and the integrated child-care facility, and 4) to adopt a mixed use parking chart. To mitigate for these deviations, the applicant is proposing architectural design elements, as well as enhanced pedestrian crossings at driveways that intersect Simpson Stuart Road or Highland Hills Drive. According to the applicant, the PDD conditions are also intended to help facilitate the planned growth of the college.

The purpose of the MU-1 zoning district is to provide for the development of moderate density retail, office, and/or multifamily residential uses in combination on single or contiguous building sites. The proposed mixed-use development will meet this intent by introducing new housing options to the area and encouraging additional retail and personal service uses to serve the adjacent community. The following table compares the development standards of the MU-1 district (developed as a mixed use project with a mix of two categories) to the proposed PDD conditions:

**Development Standards:**

<b><u>DISTRICT</u></b>	<b>SETBACKS</b>		<b>Density</b>	<b>Height</b>	<b>Stories</b>	<b>Lot Coverage</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
<i>Existing</i> MU-1 (MUP w/mix of 2)	15' with urban form	20' adjacent to residential	20 dua	120'	9	80%	Mixed Uses
<i>Applicant Request</i> Proposed PDD	15' without urban form	20' adjacent to residential	20 dua	60'	5	80%	Mixed Uses

**Design standards**

Urban design standards have been incorporated into the PDD conditions to ensure that development along Simpson Stuart Road enhances the character of the corridor and complements adjacent neighborhoods. The design standards are applicable to building facades that are parallel to and visible from Simpson Stuart Road and include provisions for building orientation, an enhanced public entrance, and architectural elements for facades exceeding 100 feet in length.

**Landscaping:**

Landscaping will be provided in accordance with Article X regulations.

**Parking:**

The PDD conditions propose to relax the parking regulations for multifamily uses by requesting a parking ratio of a minimum of 1.25 spaces per dwelling unit in lieu of the typical standard which necessitates one space per bedroom with a minimum of one space per dwelling unit. The conditions also propose no required parking for a child care facility located within a structure that also contains a multifamily use, a mixed use, or a college. Lastly, the off-street parking requirement for a mixed use development will be reduced in accordance with the mixed use development (MUD) parking chart. It is anticipated that many of the college students will reside in the proposed multifamily buildings and will utilize the retail services within the mixed use development. In addition to this, many of the students who have to travel to campus often carpool with one another. Lastly, since there are other alternative modes of transportation in the area and many of the uses have compatibly overlapping hours of operation, staff is supportive of the modified parking requirements.

**Traffic Management Plan:**

To accommodate the daily operation of the existing open-enrollment charter school on Subarea B, a traffic management plan has been offered by the applicant. According to the TMP, queuing is only permitted inside the property and student drop-off and pick-up

Z156-342(SH)

are not permitted within the city rights-of-way. The PDD conditions indicate that the open-enrollment charter school must amend the TMP before changing the traffic operation and queuing from that shown in TMP using the minor amendment fee and public hearing process. Staff finds this request to be reasonable and is supportive of it.

**List of Officers**

Paul Quinn College

Board of Trustees

Bishop Vashti Murphy McKenzie, *Chair*

Don J. Clevenger, Esq., *Vice Chair*

William Brewer, Esq.

Dr. .Jamal Harrison Bryant

Cherry Mills Boggess

Tamara Fields

Rev. Floyd Flake

Marybeth Gasman

Dr. Erma C. Johnson Hadley

Rev. Frederick D. Haynes, III, D.Min.

Matthew Hildreth

Rev. Daryl B. Ingram, D.Min.

Rev. George Johnson, Jr.

Tanya E. Sanders

David Stephens

Rev. Dr. Juan N. Tolliver

Rev. Mark Whitlock, II

Hiawatha Williams

**CPC ACTION – December 15, 2016:**

**Motion:** It was moved to recommend **approval** of a Planned Development District for a mixed use development, subject to a conceptual plan, Subarea A development plan, traffic management plan, and conditions; and **approval** of the termination of Specific Use Permit No. 1373 for a college, child-care facility, and public or private school on property zoned an R-7.5(A) Single Family District with Specific Use Permit No. 1373 on a portion and a CR Community Retail District generally on the northeast corner of Simpson Stuart Drive and Highland Hills Drive.

Maker: Haney

Second: Schultz

Result: Carried: 12 to 0

For: 12 - Anglin, Houston, Davis, Shidid, Haney, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0

Absent: 2 - Rieves, Anantasomboon

Vacancy: 1 - District 7

**Notices:** Area: 500

Mailed: 311

**Replies:** For: 18

Against: 26

**Speakers:** For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75206

Against: None

**PROPOSED PDD CONDITIONS**

**ARTICLE \_\_\_\_\_.**

**PD \_\_\_\_\_.**

**SEC. 51P-\_\_\_\_\_.101. LEGISLATIVE HISTORY.**

PD \_\_\_\_ was established by Ordinance No.\_\_\_\_\_, passed by the Dallas City Council on \_\_\_\_\_.

**SEC. 51P- \_\_\_\_\_.102. PROPERTY LOCATION AND SIZE.**

PD \_\_\_\_\_ is established on property located at the northeast corner of Simpson Stuart Road and Highland Hills Drive. The size of PD \_\_\_\_\_ is approximately 150.004 acres.

**SEC. 51P- \_\_\_\_\_.103. CREATION OF SUBAREAS.**

This district is divided into two subareas. Subarea A is intended for a mixed use development to include multifamily, child care facility, and neighborhood-serving retail uses. Subarea B is the campus for Paul Quinn College and may include college- and neighborhood-serving mixed uses.

**SEC. 51P- \_\_\_\_\_.104. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential zoning district.

**SEC. 51P- \_\_\_\_\_.105. EXHIBITS.**

The following exhibits are incorporated into this article:

- (1) Exhibit \_\_\_A: conceptual plan.
- (2) Exhibit \_\_\_B: Subarea A development plan.
- (3) Exhibit \_\_\_C: mixed use parking chart.
- (4) Exhibit \_\_\_D: traffic management plan.

**SEC. 51P- \_\_\_\_ .106. CONCEPTUAL PLAN.**

Development and use of the Property must comply with the conceptual plan (Exhibit \_\_\_\_A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

**SEC. 51P- \_\_\_\_ .107. DEVELOPMENT PLAN.**

(a) Subarea A. Development and use of the Property in Subarea A must comply with the Subarea A development plan (Exhibit \_\_\_\_A). If there is a conflict between the text of this article and the Subarea A development plan, the text of this article controls.

(b) Subarea B. A development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in Subarea B. Development plans may be submitted in phases. If there is a conflict between the text of this article and the development plan, the text of this article controls.

**SEC. 51P- \_\_\_\_ .108. MAIN USES PERMITTED.**

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the MU-1 Mixed Use District, subject to the same conditions applicable in the MU-1 Mixed Use District, as set out in Chapter 51A. For example, a use permitted in the MU-1 Mixed Use District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the MU-1 Mixed Use District is subject to DIR in this district; etc.

(b) A public school or open enrolment charter school is an additional use permitted by right.

(c) The following main uses are prohibited:

- Auto service center.
- General merchandise or food store 100,000 square feet or more.
- Mini-warehouse.
- Swap or buy shop.

**SEC. 51P- \_\_\_\_ .109. ACCESSORY USES.**

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

**SEC. 51P-\_\_\_\_.110. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

- (a) In general. Except as provided in this section, the yard, lot, and space regulations for the MU-1 Mixed Use District apply.
- (b) Front yard. No urban form setback is required.
- (b) Side and rear yard. An enclosed dumpster may be located in the side or rear yard.
- (c) Density. In Subarea A, maximum number of dwelling units is 200.
- (d) Floor area. In Subarea A, maximum non-residential floor area is 20,000 square feet.
- (e) Height. In Subarea A, maximum structure height is 60 feet.
- (f) Stories. In Subarea A, maximum number of stories above grade is five.

**SEC. 51P-\_\_\_\_.111. OFF-STREET PARKING AND LOADING.**

(a) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

- (b) Multifamily. A minimum of 1.25 spaces per dwelling unit is required.
- (c) Child care facility. No parking is required for a child care facility located within a structure also containing a multifamily use, mixed use, or a college, university, or seminary use.
- (d) Mixed use shared parking reduction.

(1) In general.

(A) The off-street parking requirement for a mixed use development may be reduced in accordance with the mixed use development (MUD) parking chart (Exhibit \_\_\_\_C).

(B) For purposes of this section, mixed use development means a subarea with more than one main use.

(C) This reduction may be used in combination with other parking reductions.

(2) Calculation of adjusted standard off-street parking requirement. The adjusted off-street parking requirement for a mixed use development is calculated as follows:

(A) First, the standard parking requirements for each of the uses in the mixed use development must be ascertained.

(B) Next, the parking demand for each use is determined for each of the five times of day shown in the MUD parking chart by multiplying the standard off-street parking requirement for each use by the percentage in the chart assigned to the category of use.

(C) Finally, the “time of day” columns are totaled to produce sums that represent the aggregate parking demand for the development at each time of day. The largest of these five sums is the adjusted off-street parking requirement for the development.

(3) Minimum parking requirement. If one or more of the main uses in a mixed use development is a retail or personal service use, the minimum parking requirement for the mixed use development cannot be reduced to a number of spaces that is less than the sum of the standard parking spaces required for each of the retail and personal service uses in the mixed use development.

(e) Location. The Property is considered one site for providing off-street parking.

**SEC. 51P- \_\_\_\_\_.112. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P- \_\_\_\_\_.113. LANDSCAPING.**

(a) Landscaping must be provided in accordance with Article X.

(b) Plant materials must be maintained in a healthy, growing condition.

**SEC. 51P- \_\_\_\_\_.114. SIGNS.**

Signs must comply with the provisions for business zoning districts in Article VII.

**SEC. 51P- \_\_\_\_\_.115. URBAN DESIGN.**

(a) Purpose. The purpose of the urban design standards is to ensure that development along Simpson Stuart Road enhances the character of the corridor and complements adjacent neighborhoods.

(b) Applicability. The urban design standards of this section apply to building facades that are parallel to and visible from Simpson Stuart Road.

(c) Orientation. The primary facade must be oriented to face the public right-of-way.

(d) Entrance. A minimum of one public entrance must be provided facing the street. Street-facing entrances must be architecturally prominent and clearly visible from the street. Buildings containing a retail use may have the required entrance face Highland Hills Drive or be oriented to the corner.

(e) Facades. Facades exceeding 100 feet in length must have a minimum of three of the following elements.

(1) Change in plane, such as an offset, reveal, recess, or projection. Changes in plane must have a width of no less than 24 inches and a depth of at least eight inches and may include columns, planters, arches, and niches.

(2) Architectural details such as raised bands and cornices.

(3) Architecturally prominent public entrance.

(4) Exterior solar shading devices such as vertical fins, horizontal sun shades, or overhangs.

(5) Awnings.

(6) Change in color.

(7) Change in material.

(8) Change in texture.

**SEC. 51P- \_\_\_\_ .116. TRAFFIC MANAGEMENT PLAN.**

(a) In general. Operation of an open-enrollment charter school must comply with the traffic management plan (Exhibit \_\_\_\_D). The open-enrollment charter school must amend the traffic management plan before changing the traffic operation and queuing from that shown in Exhibit \_\_\_\_D.

(b) Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within the city rights-of-way.

(c) Amendment. A traffic management plan may be amended using the minor amendment fee and public hearing process in Section 51A-4.1.105(k)(3) of Chapter 51A of the Dallas City Code, as amended. The city plan commission shall authorize changes in a traffic

management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

(d) Traffic study.

(1) If the traffic management plan is amended to utilize Bishop College Drive for vehicular traffic, the Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director with the amendment. After the initial traffic study, the Property owner or operator shall submit annual updates of the traffic study to the director by November 1st every two years.

(2) The traffic study must be in writing based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

- (A) ingress and egress points;
- (B) queue lengths;
- (C) number and location of personnel assisting with loading and unloading of students;
- (D) drop-off and pick-up locations;
- (E) drop-off and pick-up hours for each grade level;
- (F) hours for each grade level; and
- (G) circulation.

(3) Within 30 days after submission of an annual update of the traffic study, the director shall determine if the current traffic management plan is sufficient.

(A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

**SEC. 51P- \_\_\_\_ .117.                    ADDITIONAL PROVISIONS.**

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c) Pedestrian crossings at driveways that intersect Simpson Stuart Road or Highland Hills Drive must be enhanced, such as using striping, pavers, or providing a continuous elevation across the driveway. This requirement is applicable to those driveways within each phase of development.

**SEC. 51P-\_\_\_\_.118. COMPLIANCE WITH CONDITIONS.**

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

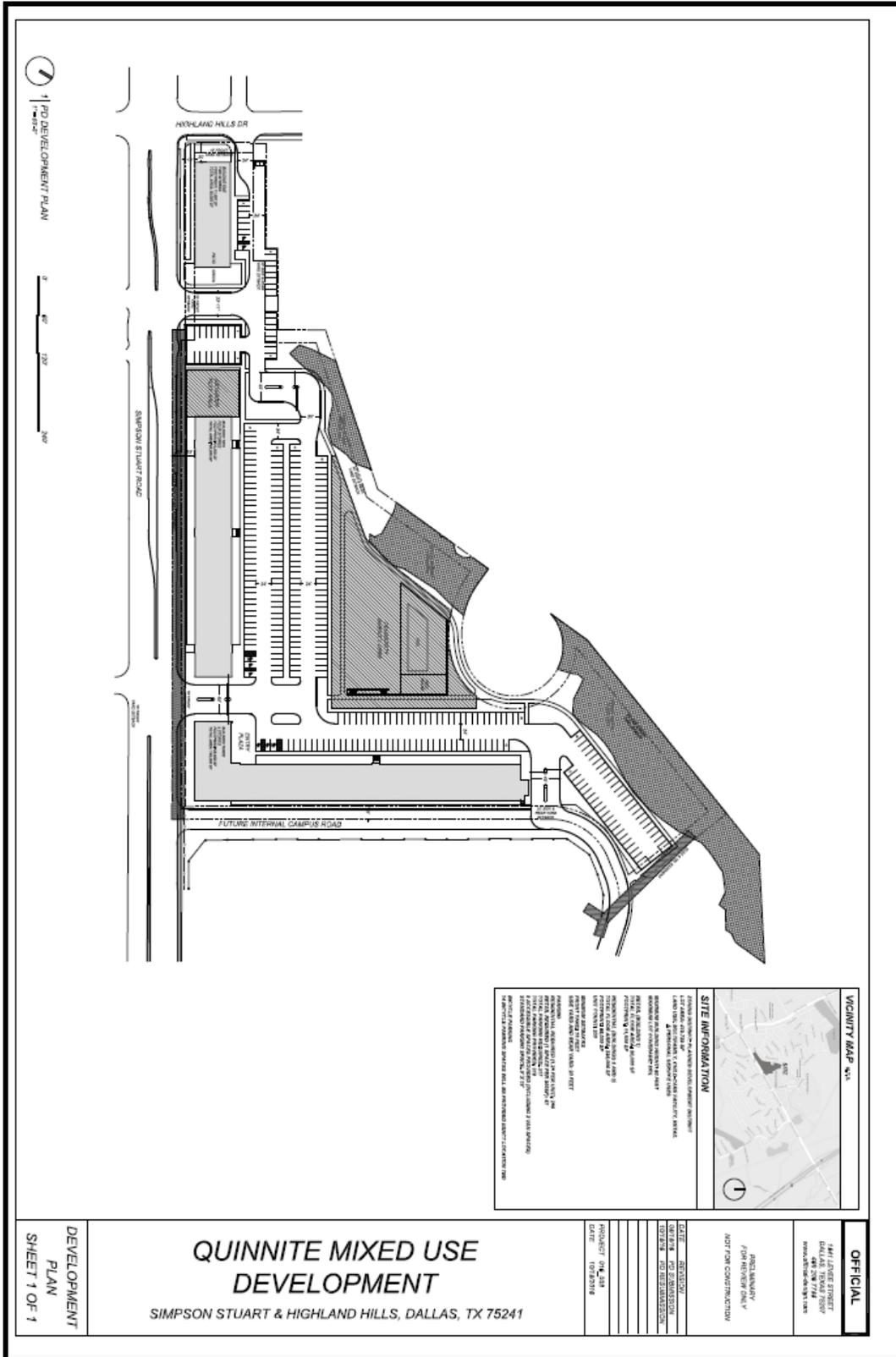
**Mixed Use Development Parking Chart  
(For calculating adjusted standard parking requirement)**

USE CATEGORY	Parking Adjustment Percentages by Time of Day (weekday)				
	Morning	Noon	Afternoon	Late Afternoon	Evening
Residential uses including multifamily	80%	60%	60%	70%	100%
Office uses	100%	80%	100%	85%	35%
Retail and personal service uses	60%	75%	70%	65%	70%
Bar and restaurant uses	20%	100%	30%	30%	100%
Child care facility	100%	80%	100%	85%	35%
Any other use*	100%	100%	100%	100%	100%

The adjusted standard off-street parking requirement for the development is the largest of the five “time of day” column sums.

\*If the use does not fit into one of the first five categories listed above, 100 percent assignment must be used in each of the time of day columns except the Director may assign parking adjustment percentages with a parking study.

**PROPOSED DEVELOPMENT PLAN (SUBAREA A)**



**VICINITY MAP** 4/11

**SITE INFORMATION**

PROJECT NAME: QUINNITE MIXED USE DEVELOPMENT (SUBAREA A)  
 LOCATION: SIMPSON STUART ROAD & HIGHLAND HILLS DRIVE, DALLAS, TEXAS 75241  
 PREPARED BY: [Firm Name]  
 DATE: [Date]

DEVELOPMENT  
 PLAN  
 SHEET 1 OF 1

**QUINNITE MIXED USE DEVELOPMENT**  
 SIMPSON STUART & HIGHLAND HILLS, DALLAS, TX 75241

**OFFICIAL**

PREPARED BY: [Firm Name]  
 DATE: [Date]

FOR REVIEW ONLY  
 NOT FOR CONSTRUCTION



November 4, 2016

PK# 3810-16.174

# TRAFFIC MANAGEMENT REVIEW

Project:

**Trinity Environmental Academy**

*In Dallas, Texas*

Prepared for:

**City of Dallas**

On behalf of:

**RMGM Developers**



*Steve E. Stoner*

11/4/16

Prepared by:



7557 Rambler Road, Suite 1400  
Dallas, Texas 75231-2388  
(972) 235-3031 [www.pkce.com](http://www.pkce.com)  
TX. REG. ENGINEERING FIRM F-14439  
TX. REG. SURVEYING FIRM LS-10193805-00

November 4, 2016



**INTRODUCTION**

The services of **Pacheco Koch** (PK) were retained by **RMGM Developers** to conduct a review of the existing traffic management conditions at the **Trinity Environmental Academy** (TriEA) located at 3837 Simpson Stuart Road on the campus of Paul Quinn College in Dallas, Texas. The review was requested by the City staff as part of the proposed zoning change for the Paul Quinn College (PQC) property. This review is site-specific for TriEA and relates to the peak traffic activity associated with pick-up and drop-off at the site.

**PROJECT DESCRIPTION**

Trinity Environmental Academy is a community-based, PreK-12<sup>th</sup> charter school focused on environmental education. The School opened in Fall 2015 with Grades K, 1<sup>st</sup> and 6<sup>th</sup>. The current enrollment (2016-2017) is summarized in the following table:

GRADE	STDUENTS
PreK	21
K	42
1 <sup>st</sup>	34
2 <sup>nd</sup>	39
6 <sup>th</sup>	51
7 <sup>th</sup>	55
TOTAL	242

The School provides a staggered release time for different grades. Current start and end times are listed below:

Primary School (Grades PreK-5<sup>th</sup>)

Start: 8:00 AM  
 End: 3:20 PM (M, Tu, Th, Fr), 1:55 (W)

Middle School (Grades 6<sup>th</sup>-8<sup>th</sup>)

Start: 8:00 AM  
 End: 3:50 PM (M, Tu, Th, Fr), 2:30 (W)

Approximately 20 students reside in the adjacent residential neighborhood and travel to/from the school in a "walking school bus", which is safely lead by a school staff member along neighborhood streets.

November 4, 2016



The remainder of students are dropped off and picked up by private automobile, which travel through PQC campus to the school's "carline". The school has prepared "carline" procedures, which are available on the school website.<sup>1</sup> A copy of those procedures are attached for reference

NOET: During off-peak times, the campus driveways are access-controlled with gates. On school days the driveway gates are scheduled to be opened 45 minutes prior to the end of classes. Based upon PK's observations, a queue does NOT develop at the gates before the gates are opened.

### **OBSERVATIONS**

PK conducted on-site traffic observations during the afternoon pick-up period on Wednesday, November 2, and Thursday, November 3, 2016. (School representatives confirmed that the morning traffic follows the same general protocol but is much less intense due to random arrivals and shorter duration for drop-offs, which is typical.)

All private vehicles enter and exit the School campus via the central Paul Quinn College driveway on Simpson Stuart Road as depicted in **Exhibit 1**. Vehicles are not allowed to drop-off or pick-up from Bishop College Drive. [Based upon PK's observations, no school-related vehicles were observed on Bishop College Drive.] All vehicles followed the school's "carline" procedures. A small number of vehicles opted to park in designated spaces in lieu of travel through the queue. For vehicles in the queue, students were loaded into vehicles safely and efficiently by school staff. At the peak conditions, the maximum car queue reached approximately 20 vehicles. The queue was contained entirely within the School/PQC campus and did not affect traffic operations on the public street.

For existing conditions, PK recommends no changes to the current procedures.

END OF MEMO

---

<sup>1</sup> <http://www.triea.org/parents/>

**APPENDIX A – Trinity Environmental Academy  
“Carline” Procedures 2015-2016**  
(Prepared by Trinity Environmental Academy)



## Trinity Environmental Academy Carline Procedures 2015-16

### **Morning Carline (Monday-Friday)**

All grades 7:15am-7:55am (classes begin promptly at 8:00am)

### **Afternoon (M, T, Th, F)**

Grades K-1 3:00-3:45 (gates open as early as 3:00; scholars will begin to release at 3:20)

**\*\* Scholars who have not been picked up will be escorted to the holding area at 3:45**

Grade 6 3:50-4:20 (scholars will begin to release at 3:50)

**\*\*Scholars who have not been picked up will be escorted to the holding area at 4:20**

### **Afternoon (Wednesday)**

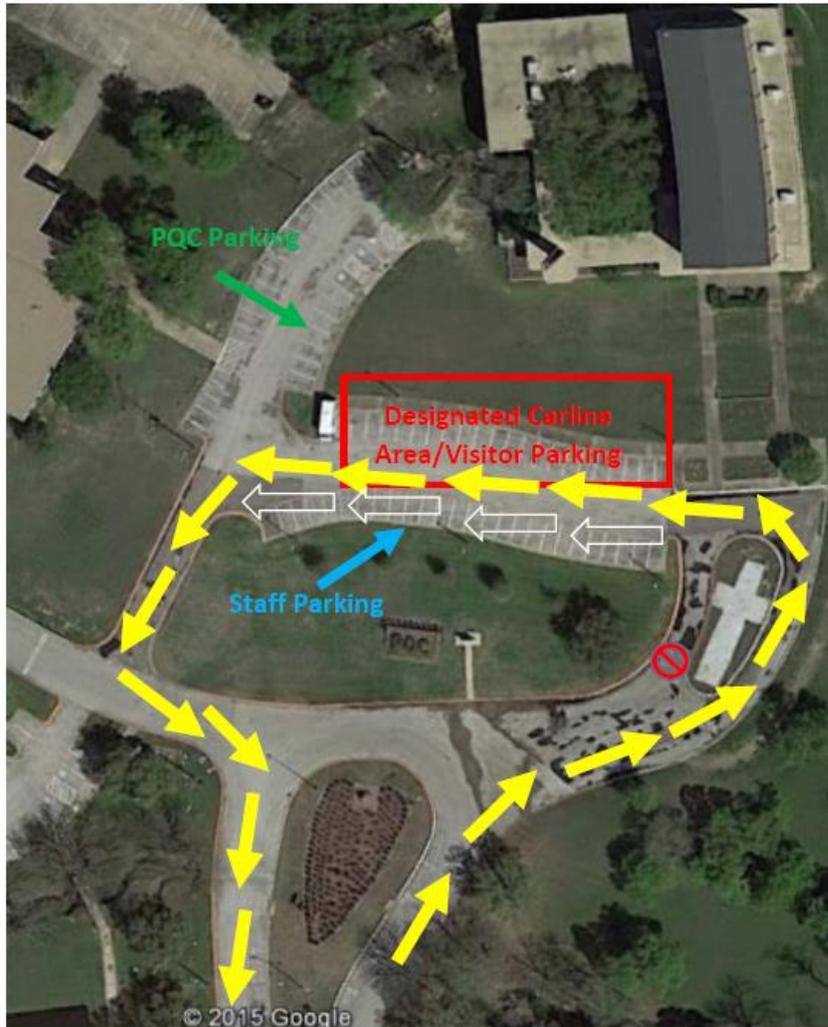
Grades K-1 1:55-2:30 (gates will open as early as 1:35; scholars will begin to release at 1:55)

**\*\* Scholars who have not been picked up will be escorted to the holding area at 2:30**

Grade 6 2:30-2:50 (scholars will begin to release at 2:30)

**\*\*Scholars who have not been picked up will be escorted to the holding area at 2:50**

### Carline Map:



\*\*If car line is too long, a second lane will form to expedite the process of dropping/picking up scholars (white arrows)



**All scholar dismissal procedures riding in cars:**

All parents/guardians that will be picking up their scholar will be given a front window decal that will identify the student and classroom they are located in. If a parent/guardian has failed to display the front window decal, you must park in the visitor's parking space and pick up the scholar through the front office.

Each parking tag will be associated with their grade level and student. (For example: K-17; 1-56; 6-91)

Teachers will hold all scholars in the classroom until their parking tag number has been called via walkie talkie. Once called, a scholar will be released from the classroom to exit through the main hallways where faculty/staff will assist scholar to their appropriate car.

**All scholar dismissal procedures for walking/riding the bus:**

Parents/guardians must complete and submit a walker/bus rider form. Scholars will be given a tag that denotes they will be walking off campus or riding the bus.

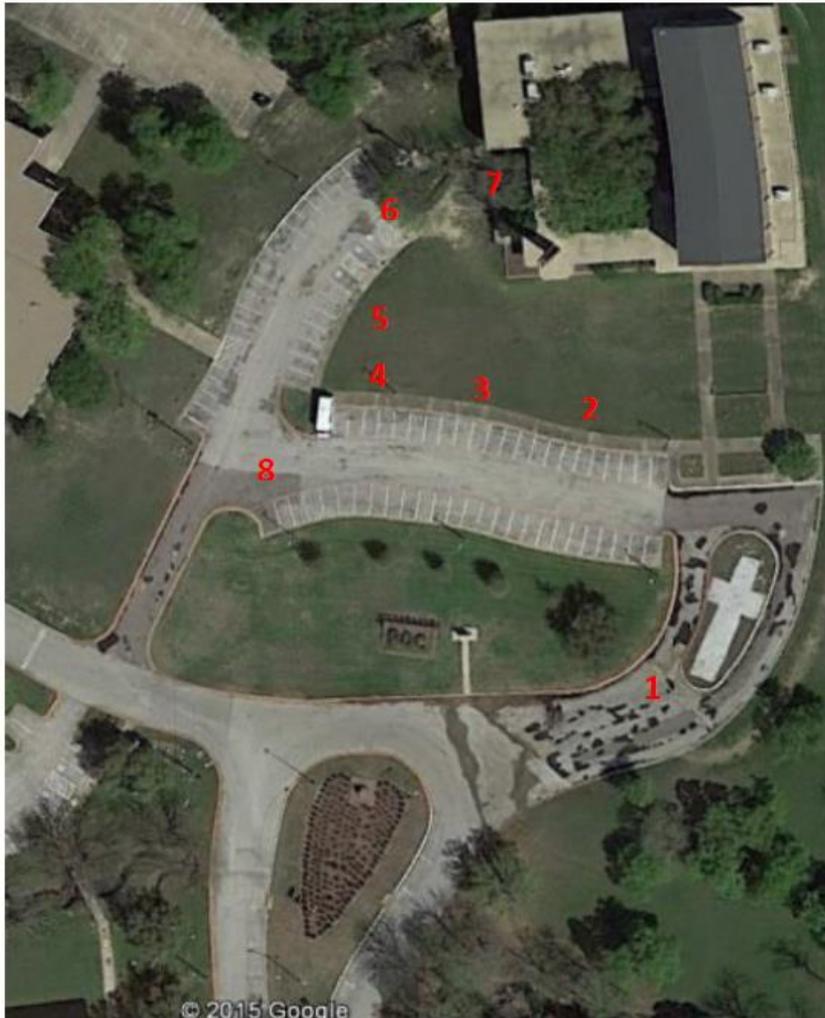
A faculty/staff member will meet all walkers/bus riders in a designated area to which the group of scholars will be escorted to the front gate. Once exited from the front gate, the scholar may not reenter.

**All scholar dismissal procedures for After Care:**

Primary scholars will be picked up individually at each classroom by an aftercare worker/volunteer at 3:20. Scholars will be taken to the aftercare classroom in which scholars will proceed in an extended education program.

Secondary scholars will be picked up individually at each classroom by an aftercare worker/volunteer at 4:15. Scholars will be taken to the aftercare classroom in which scholars will proceed in an extended education program.

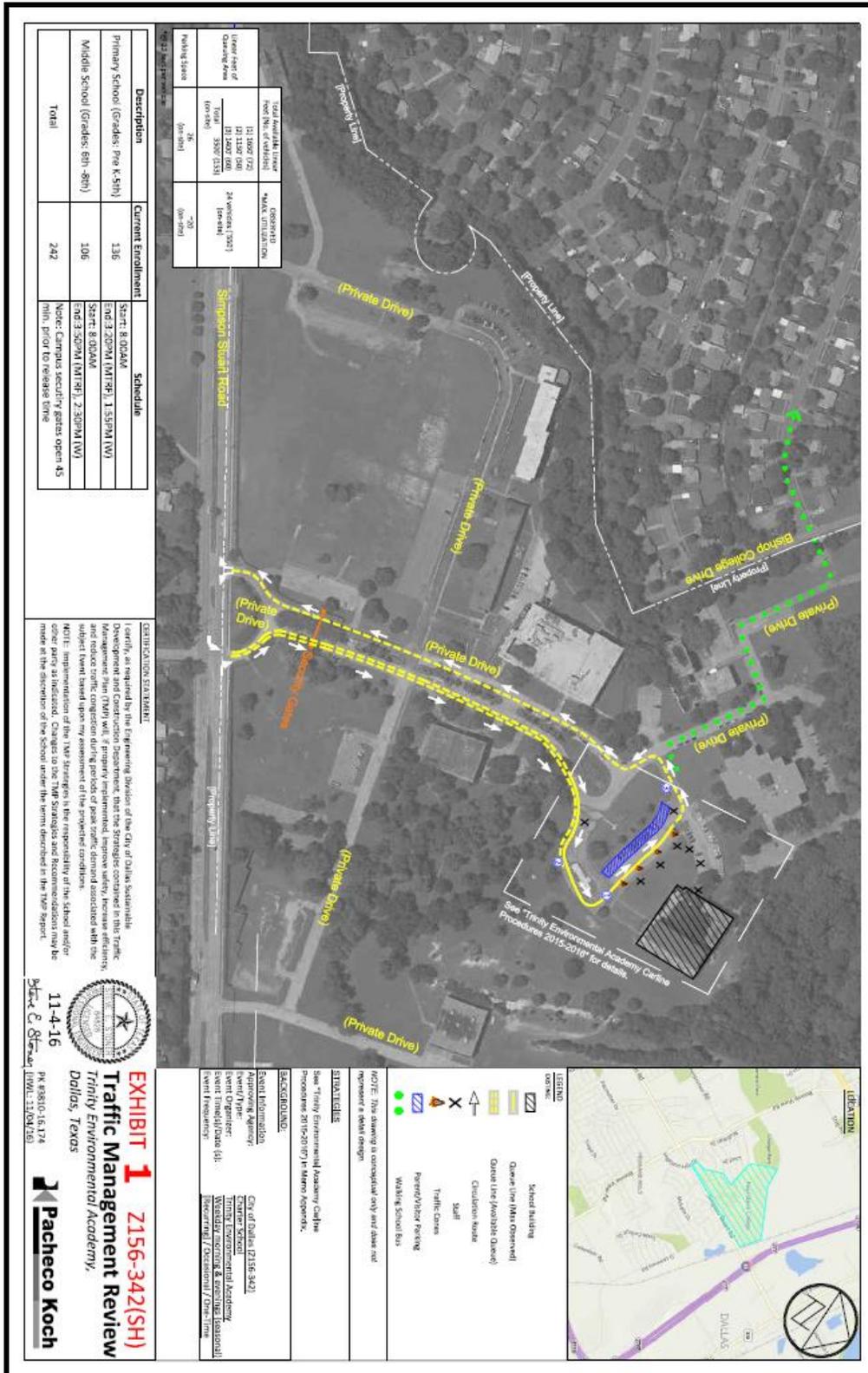
### Carline Duty Map:



#### Positions:

- 1- Calls numbers of parking tag as car approaches car line
- 2- Escorts scholar to car and ensures scholar gets in car safely
- 3- Escorts scholar to car and ensures scholar gets in car safely
- 4- Escorts scholar to car and ensures scholar gets in car safely
- 5- Escorts scholar to next faculty/staff
- 6- Escorts scholar to next faculty/staff
- 7- Helps identify scholar to parking tag number called
- 8- (if needed) direct traffic from two lanes to one lane

# PROPOSED TRAFFIC MANAGEMENT PLAN



Year/Grade/Level	Total No. of Students	% of Enrollment
1st-5th	131,189	7.2%
6th-8th	121,147	6.8%
9th-12th	121,147	6.8%
<b>Total</b>	<b>353,483</b>	<b>20.8%</b>

Description	Current Enrollment	Schedule
Primary School (Grades Pre K-5th)	136	Starts 8:00AM Ends 2:00PM (MTWTF) Starts 1:30PM (W)
Middle School (Grades 6th-8th)	106	Starts 8:00AM Ends 3:00PM (MTWTF) Starts 2:30PM (W)
<b>Total</b>	<b>242</b>	Note: Campus security gates open 45 min. prior to release time

**QUALIFICATIONS STATEMENT**  
 I certify, as required by the Engineering Division of the City of Dallas Sustainable Development and Construction Department, that the Strategic Plan in this Traffic Management Plan (TMP) will, if properly implemented, improve safety, increase efficiency, and reduce traffic congestion during periods of peak traffic demand associated with the subject event. I have taken into account any assessment of the proposed conditions.

**NOTE:** Implementation of the TMP Strategy is the responsibility of the school and/or made at the discretion of the school under the terms described in the TMP report.



**EXHIBIT 1 Z156-342(SH)**  
**Traffic Management Review**  
 Trinity Environmental Academy,  
 Dallas, Texas

11-4-16  
 Travis C. Starnes  
 PE 043010-16124  
 (972) 213-0470

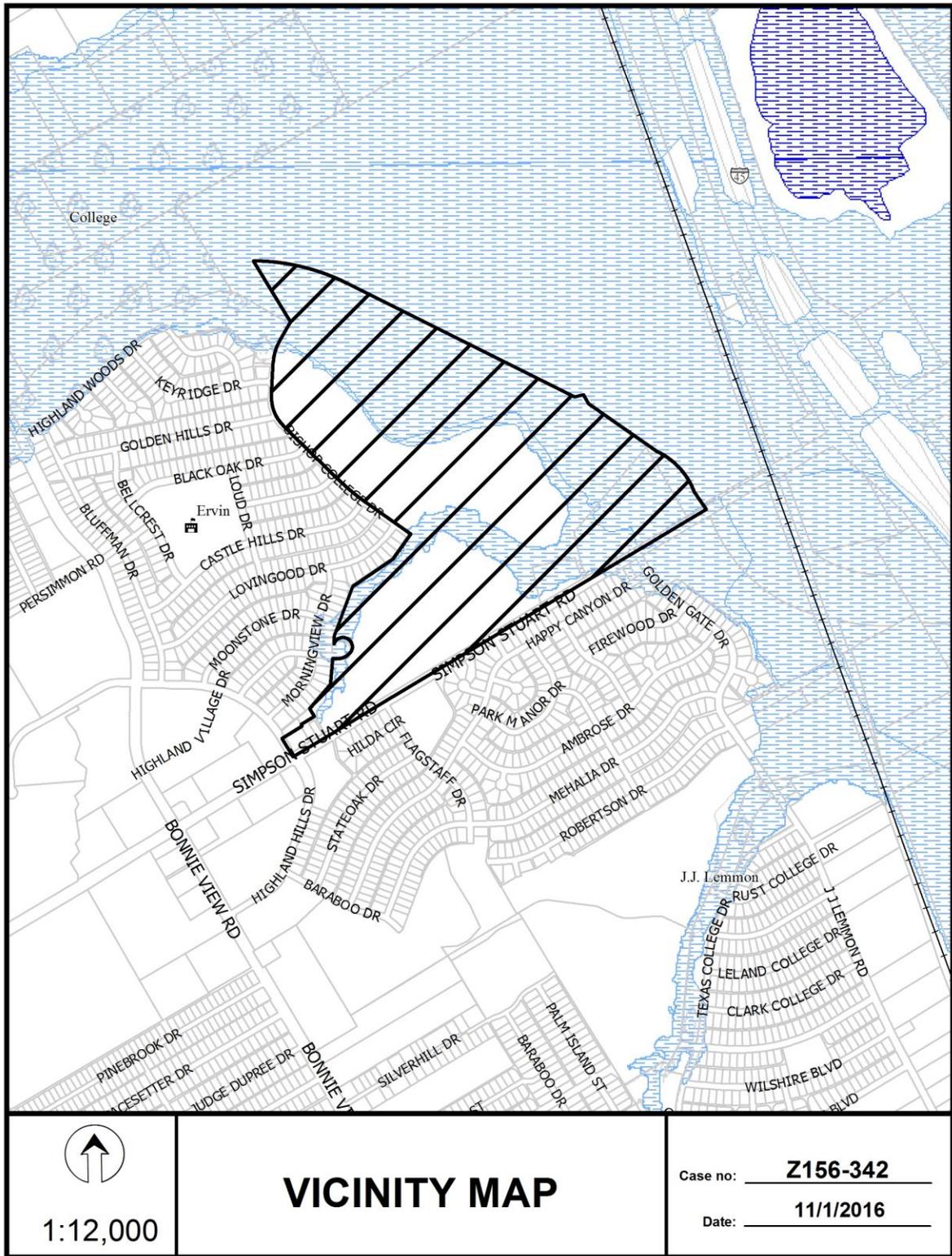
**Pacheco Koch**

**LEGEND**  
 SCHOOL BUILDING  
 Queue Line (Main Driveway)  
 Queue Line (Middle Drive)  
 Christian Music  
 Staff  
 Traffic Cams  
 Parent/Visitor Review  
 Walking School Bus

**NOTE:** This drawing is conceptual only and does not represent a final design.

**STATISTICS**  
 See Trinity Environmental Academy Campus Procedures 2015-2019 for more details.

**BACKGROUND**  
 School Information:  
 Reporting Agency: Trinity Environmental Academy  
 Event/Type: MIDDLE SCHOOL & SENIORS (SCHEDULE)  
 Event Organizer: Trinity Environmental Academy  
 Event Date/Time: WEDNESDAY, OCTOBER 11, 2016  
 Event Location: Dallas, TX



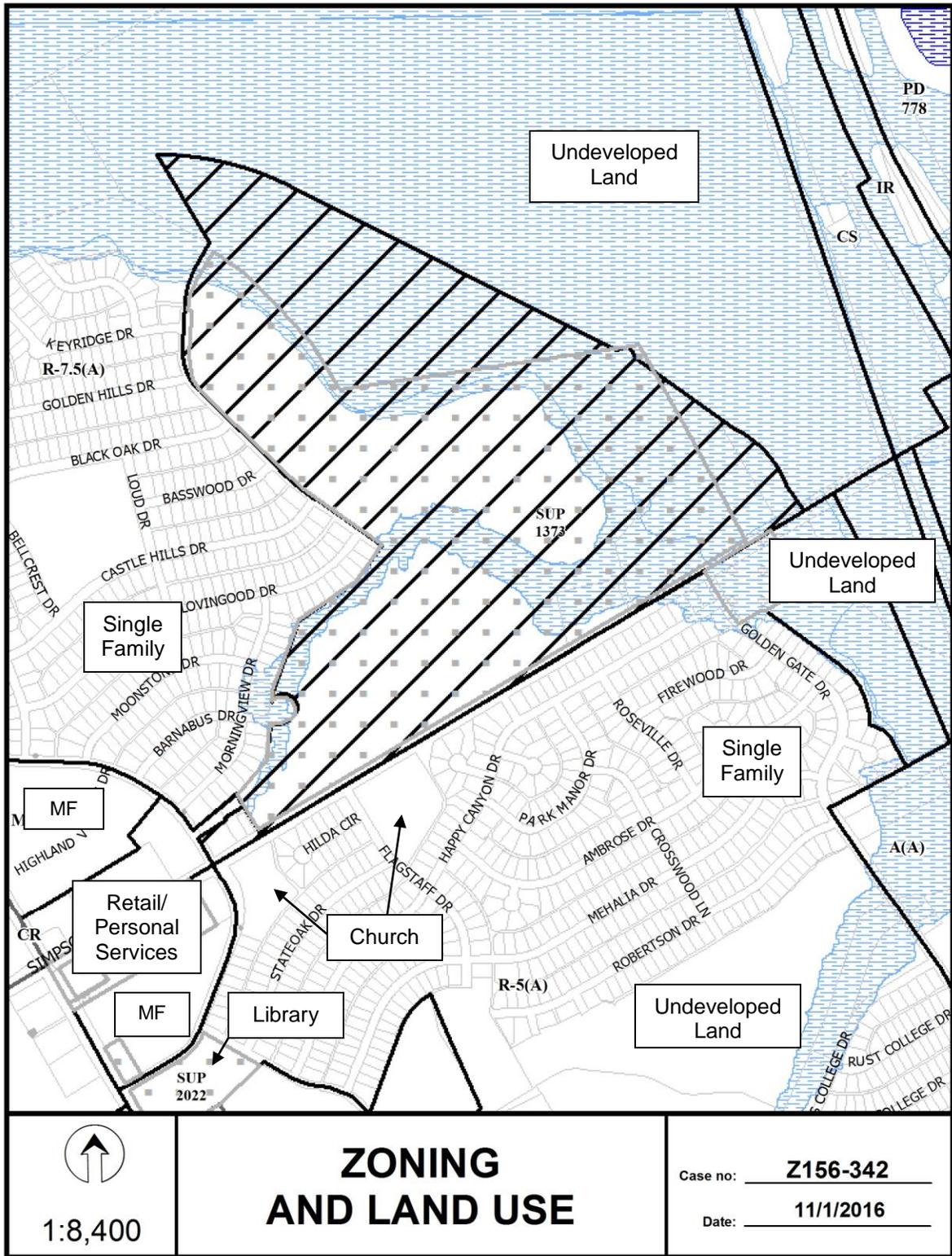


1:8,400

# AERIAL MAP

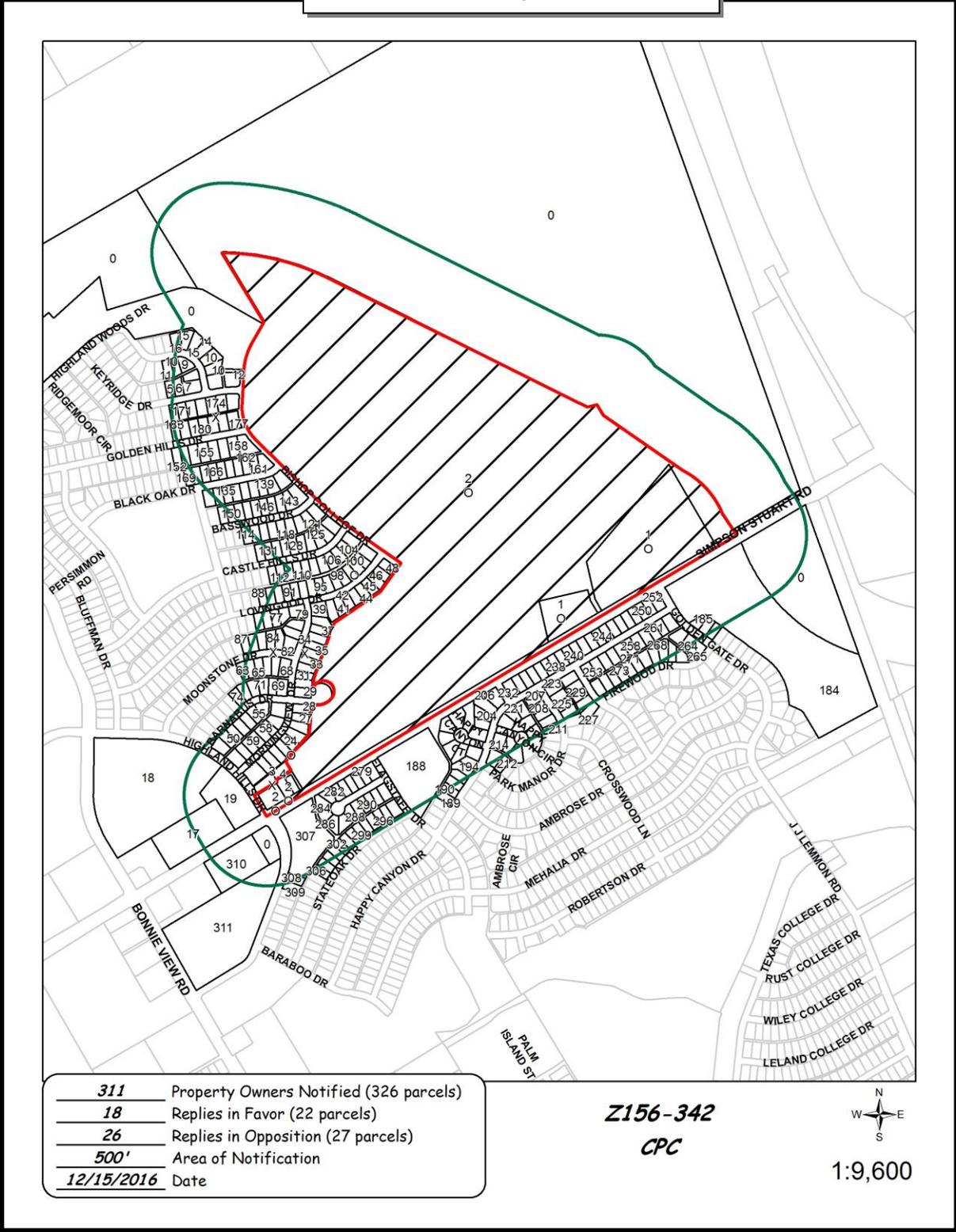
Case no: Z156-342

Date: 11/1/2016





**CPC Responses**



12/14/2016

**Reply List of Property Owners****Z156-342****311 Property Owners Notified****18 Property Owners in Favor****26 Property Owners Opposed**

<b>Reply</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
O	1	4109 SIMPSON STUART RD	QUINN PAUL COLLEGE OF THE
O	2	3837 SIMPSON STUART RD	PAUL QUINN COLLEGE
X	3	6042 HIGHLAND HILLS DR	DR C O SEARCY YOUTH FOUNDATION
	4	3709 SIMPSON STUART RD	SUNNYVALE BLDG CORP
	5	3527 KEYRIDGE DR	HENDERSON EZEKIEL
	6	3531 KEYRIDGE DR	LAWSON EVELYN
	7	3544 HIGHLAND WOODS DR	RUTHERFORD IDA MAE EST OF
	8	3536 HIGHLAND WOODS DR	SALISBURY & ASSOCIATES
	9	3526 HIGHLAND WOODS DR	SALISBURY & ASSOCIATE
	10	3516 HIGHLAND WOODS DR	MAHON JAMES S TRUSTEE
	11	3510 HIGHLAND WOODS DR	MAHON JAMES S TR
	12	3551 KEYRIDGE DR	2014 BAYAN TRUST THE
	13	3543 HIGHLAND WOODS DR	JONES MATTIE PARKER
	14	3529 HIGHLAND WOODS DR	MAHON JAMES S TRUSTEE
	15	3525 HIGHLAND WOODS DR	MAHON JAMES S TRUSTEE
	16	3517 HIGHLAND WOODS DR	MAHON JAMES S TRUSTEE
	17	3659 SIMPSON STUART RD	MOUNT TABOR BAPTIST
	18	5969 HIGHLAND VILLAGE DR	DALLAS HOUSING CORP
	19	3655 SIMPSON STUART RD	U S POSTAL SERVICE
X	20	3704 MORNINGVIEW DR	DR C O SEARCY YOUTH FOUNDATION
	21	3720 MORNINGVIEW DR	LANZA NELSON DAVID &
	22	3724 MORNINGVIEW DR	NIXON MRS GERTRUDE
O	23	3730 MORNINGVIEW DR	JACKSON EASTER L
O	24	3734 MORNINGVIEW DR	FITZGERALD CATHERINE & ET AL
	25	3740 MORNINGVIEW DR	DONNELL BOBBIE
	26	3744 MORNINGVIEW DR	GRAY RODERICK B

12/14/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	3750 MORNINGVIEW DR	BOYCE CLIFFORD & BRENDA
	28	3754 MORNINGVIEW DR	INGRAM RONALD D
	29	3806 MORNINGVIEW DR	HARRELL TERRY L
	30	3810 MORNINGVIEW DR	ANDREWS ARIC
	31	3816 MORNINGVIEW DR	CARTER RENEE
	32	3820 MORNINGVIEW DR	CLAYTON CARZETT
	33	3826 MORNINGVIEW DR	TYESKIE JAIME
X	34	3830 MORNINGVIEW DR	CORNISH NITA MICHELLE
	35	3836 MORNINGVIEW DR	THOMAS M M
	36	3840 MORNINGVIEW DR	SANDERS ORA
	37	3846 MORNINGVIEW DR	BELTRAN BENITA
	38	3850 MORNINGVIEW DR	FIELDS TERRIE L
	39	3856 MORNINGVIEW DR	NEAL MAXCINE
X	40	3912 LOVINGOOD DR	PAYNE ELZA J & LINNIE R
	41	3918 LOVINGOOD DR	GREEN JESSIE JR
	42	3922 LOVINGOOD DR	V L LACY & CO
X	43	3928 LOVINGOOD DR	OFFORD BOBBIE M
	44	3932 LOVINGOOD DR	THORNTON DAN ESTATE OF
	45	3938 LOVINGOOD DR	MOORE HERMAN ESTATE
	46	3942 LOVINGOOD DR	MCCOY KAYE FRANCIS
	47	3948 LOVINGOOD DR	ASHRIEF INTERNATIONAL INC
	48	3952 LOVINGOOD DR	DAVIS ANGELA
	49	3706 BARNABUS DR	HILL CAROLYN &
	50	3710 BARNABUS DR	WALKER JAMES E & KATHY
	51	3716 BARNABUS DR	PETTY JOSEPH ESTATE OF
	52	3720 BARNABUS DR	JACKSON IRA S
	53	3726 BARNABUS DR	RODRIGUEZ NILZA E
O	54	3732 BARNABUS DR	BOYKIN ELROY
	55	3742 BARNABUS DR	WASHINGTON GEORGE L
	56	3753 MORNINGVIEW DR	INGRAM RONALD
	57	3743 MORNINGVIEW DR	NIXON FREDERICK DREW

12/14/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	3731 MORNINGVIEW DR	JONES N E
	59	3721 MORNINGVIEW DR	ROBINSON BRENDA GAIL
	60	3715 MORNINGVIEW DR	RAY JACQUELINE &
O	61	3711 MORNINGVIEW DR	DAVIS MARY E
	62	3705 MORNINGVIEW DR	SANCHEZ ALBERTO & RITA
	63	3718 MOONSTONE DR	STANBERRY MARY
	64	3724 MOONSTONE DR	REPUCCI GABRIEL G
	65	3728 MOONSTONE DR	HIGGS LAWRENCE C
	66	3732 MOONSTONE DR	TATUM C
	67	3740 MOONSTONE DR	GRANVILLE LEROY EST OF
	68	3744 MOONSTONE DR	TORRES MONTOYA ADAN &
	69	3753 BARNABUS DR	MATLOCK RUBEN ESTATE
	70	3747 BARNABUS DR	MOORE JOHNNIE R ESTATE &
	71	3743 BARNABUS DR	WILLIAMS ANITRA R DAVIS &
	72	3739 BARNABUS DR	PENSCO TRUST CO
	73	3735 BARNABUS DR	CONNER DEBORAH
	74	3731 BARNABUS DR	ROBERSON DARYL
O	75	3816 LOVINGOOD DR	MOORE HAZEL W
	76	3820 LOVINGOOD DR	CAMPA FRANCISCO
	77	3826 LOVINGOOD DR	COOK WILLIE L
X	78	3830 LOVINGOOD DR	HARDIN OSCAR C
	79	3855 MORNINGVIEW DR	DEADMON ALFRED ET AL
	80	3847 MORNINGVIEW DR	WILLIAMS ROSCOE
	81	3839 MORNINGVIEW DR	MURRAY NANCY ANN
	82	3831 MORNINGVIEW DR	ANDERSON N JOE
	83	3739 MOONSTONE DR	MCSHANE ROOSEVELT
X	84	3735 MOONSTONE DR	WARE ROBERT ESTATE OF
X	85	3731 MOONSTONE DR	BAKER ROCHELLE
	86	3727 MOONSTONE DR	JACKSON LOUISE ESTATE OF
	87	3723 MOONSTONE DR	FIALLO JENEAN
	88	3819 LOVINGOOD DR	SHEPHERD OPHELIA

12/14/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	89	3825 LOVINGOOD DR	RIDER WILFORD & ANGELA
X	90	3829 LOVINGOOD DR	FOREST ANNIE SIMMS
	91	3835 LOVINGOOD DR	HODGE LOUISE &
	92	3839 LOVINGOOD DR	MANUS AUDREY &
	93	3845 LOVINGOOD DR	MILES JOHNNIE
X	94	3903 LOVINGOOD DR	STILL CALLIE M
	95	3909 LOVINGOOD DR	BYRD LEEMON JR
	96	3917 LOVINGOOD DR	TAYLOR PATSY & AMOS JR
	97	3923 LOVINGOOD DR	ROBERTSON HUGH A
	98	3929 LOVINGOOD DR	THOMAS RICHARD
	99	3933 LOVINGOOD DR	THOMPSON TOMMY SR
O	100	3939 LOVINGOOD DR	KELLY ROBERT ESTATE OF
	101	3947 LOVINGOOD DR	PIERCE HERMAN & LULA
	102	3951 LOVINGOOD DR	THOMPSON GWENDOLYN
	103	3878 CASTLE HILLS DR	WALKER FRED JR
	104	3872 CASTLE HILLS DR	MEADORS IRA GRAY
	105	3868 CASTLE HILLS DR	BRACKENS JOHNNIE L ESTATE
	106	3864 CASTLE HILLS DR	GRAY ROSIE B
	107	3860 CASTLE HILLS DR	HINTON ALICE C
	108	3856 CASTLE HILLS DR	HARRISON CHARLES E
	109	3850 CASTLE HILLS DR	SERRANO PROPERTIES
	110	3846 CASTLE HILLS DR	MCNEELY JOHN D
	111	3840 CASTLE HILLS DR	HOGUES HOMER
	112	3836 CASTLE HILLS DR	MCFARLAND BURNIS F EST OF
	113	3830 CASTLE HILLS DR	MORGAN WANDA J &
	114	3820 BASSWOOD DR	WAFER VIVIAN A
O	115	3826 BASSWOOD DR	COMPTON MARY E
	116	3830 BASSWOOD DR	BURLESON HIRAM O
O	117	3836 BASSWOOD DR	TUCKER CAREY
	118	3840 BASSWOOD DR	HUGHES STEFANI
	119	3846 BASSWOOD DR	TAYLOR CAMERON

12/14/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	3850 BASSWOOD DR	BOMBAY INVESTMENTS LLC
	121	3854 BASSWOOD DR	FINLEY VELMA
O	122	3860 BASSWOOD DR	DIXON ALEX & SANDRA
	123	3877 CASTLE HILLS DR	FISHER SOPHIE
	124	3871 CASTLE HILLS DR	ESSLINGER INV II LLC
	125	3863 CASTLE HILLS DR	CROSTIMBERS CAPITAL INC
	126	3857 CASTLE HILLS DR	ESTRADA ERIKA
	127	3851 CASTLE HILLS DR	SMITH LAWRENCE
	128	3847 CASTLE HILLS DR	BAGGETT JOSEPHINE
	129	3841 CASTLE HILLS DR	FREENEY KENNETH & CARRIE
	130	3837 CASTLE HILLS DR	NAVA FRANCISCO
	131	3831 CASTLE HILLS DR	ESSLINGER INVESTMENTS II LLC
	132	3827 CASTLE HILLS DR	LESTER GERALD JR &
	133	3804 BLACK OAK DR	ROSS GEORGE A & ANNIE L
	134	3808 BLACK OAK DR	RICHARDSON RUTH
	135	3812 BLACK OAK DR	SIMON GUST R
	136	3816 BLACK OAK DR	SCOTT LESSIE EST OF
	137	3820 BLACK OAK DR	WILLIAMS MASELINE
	138	3824 BLACK OAK DR	SMITH LULA MAE
	139	3828 BLACK OAK DR	NAULIS ROY W
	140	3832 BLACK OAK DR	REED CURTIS
	141	3836 BLACK OAK DR	WASHINGTON HAROLD D
	142	3859 BASSWOOD DR	ROSAS PAOLA &
	143	3851 BASSWOOD DR	HOLLAND GERALD LEANTHONY
	144	3845 BASSWOOD DR	KENNEDY STANLEY
	145	3839 BASSWOOD DR	WILLIS IVA M
	146	3835 BASSWOOD DR	NEW WORLD SERIES LLC SERIES W
	147	3829 BASSWOOD DR	RODRIGUEZ NAZARIO MORALES
	148	3825 BASSWOOD DR	FULLYLOVE BILLIE JEAN
	149	3819 BASSWOOD DR	BANKS BRENDA
	150	3815 BASSWOOD DR	HINES LARRY JR

12/14/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	151	3809 BASSWOOD DR	ROLLA JIMMIE LEE
	152	3758 GOLDEN HILLS DR	WHISNANT J CLIFTON
	153	3762 GOLDEN HILLS DR	DAVIS EUGENE
	154	3806 GOLDEN HILLS DR	COZINE GLORIA MCNEAL EST OF
	155	3810 GOLDEN HILLS DR	WEEKS GORDON
	156	3814 GOLDEN HILLS DR	HICKS MARY A ESTATE OF
	157	3818 GOLDEN HILLS DR	BROWN ARCHIE JR
	158	3822 GOLDEN HILLS DR	ENTRUST RETIREMENT SERVICES INC
	159	3830 GOLDEN HILLS DR	SEALS IRENE
	160	3831 BLACK OAK DR	KELLEY JAMES P
	161	3827 BLACK OAK DR	MCDONALD SHERMAN
	162	3823 BLACK OAK DR	ANDREWS PATRICK A &
	163	3819 BLACK OAK DR	REED MARTHA
	164	3815 BLACK OAK DR	SMITH HARRY L
X	165	3811 BLACK OAK DR	BRANTLEY RAY C
	166	3807 BLACK OAK DR	BARNES A P
	167	3803 BLACK OAK DR	HERNANDEZ FEDERICO &
	168	3765 BLACK OAK DR	ADAMS ARTHUR B
	169	3761 BLACK OAK DR	DANIELS PAUL & PAULA JONES
	170	3528 KEYRIDGE DR	THOMPSON EDWARD J
	171	3532 KEYRIDGE DR	SOLOMON RANSOM L
	172	3536 KEYRIDGE DR	MASINGALE JOSEPHINE
X	173	3540 KEYRIDGE DR	JACKSON JACKIE Y
X	174	3544 KEYRIDGE DR	MOORE CLEVELAND
	175	3548 KEYRIDGE DR	MYMBS GERALD RANDOLPH
O	176	3552 KEYRIDGE DR	PRITCHETT EMILY &
	177	3827 GOLDEN HILLS DR	RUSSELL BERTHA RENE
X	178	3821 GOLDEN HILLS DR	YOUNG DANIEL JR
	179	3819 GOLDEN HILLS DR	DESOTO REAL ESTATE RESOURCE
	180	3813 GOLDEN HILLS DR	SAMPLES EARNESTINE
	181	3809 GOLDEN HILLS DR	WARREN ELVA R

12/14/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	182	3805 GOLDEN HILLS DR	CHISOLM JOHN WESLEY & RUBY MAE
	183	3759 GOLDEN HILLS DR	JOHNSON HAZEL L
	184	4250 SIMPSON STUART RD	DALLAS COUNTY COMMUNITY
	185	5932 GOLDEN GATE DR	PARKER MARIE
	186	5936 GOLDEN GATE DR	JOHNSON DOLLIE
	187	5940 GOLDEN GATE DR	BROWN DONNELL
	188	3800 SIMPSON STUART RD	HIGHLAND HILLS METH CH
	189	3875 HAPPY CANYON DR	BROWN BERTHA R DUNN &
	190	3879 HAPPY CANYON DR	WRIGHT ALBERT MOSES EST O
	191	3883 HAPPY CANYON DR	COLE DORA L
	192	3887 HAPPY CANYON DR	SMITH HAROLD G
	193	3891 HAPPY CANYON DR	CASATO FUNDING I LLC
	194	3897 HAPPY CANYON DR	SIERRA JIMMY
	195	3905 HAPPY CANYON DR	BARRETT ERNESTINE DORIS
	196	3909 HAPPY CANYON CT	SANTIBANEZ RENE
	197	3915 HAPPY CANYON CT	BROOKS WILLIA A ESTATE
O	198	3919 HAPPY CANYON CT	DIGGLES BREVELY HARPER
	199	3923 HAPPY CANYON CT	LEWIS CORMA JEAN EST OF
	200	3927 HAPPY CANYON CT	WILLIAMS VENOY
	201	3931 HAPPY CANYON CT	COLFIN AI TX 1 LLC
	202	3935 HAPPY CANYON DR	JACKSON IDA B
	203	3945 HAPPY CANYON DR	PENSCO TRUST COMPANY
	204	3955 HAPPY CANYON DR	DRISDALE JULIUS L EST OF
	205	3965 HAPPY CANYON DR	WILLIAMS ARTHULENA TR
	206	3969 HAPPY CANYON DR	RHODES UDEAN
	207	5907 PARK MANOR DR	MCGREGOR ELBERT JR
	208	5911 PARK MANOR DR	HUTCHINS LILLIE L
	209	5917 PARK MANOR DR	ALMANZA MARTINEZ JOSE JUAN
	210	5921 PARK MANOR DR	SPENCER ROBERT S
	211	5929 PARK MANOR DR	HARRIS DORIS STEAN
	212	6057 PARK MANOR DR	WALKER ANTHONY DWAYNE &

12/14/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	213	6061 PARK MANOR DR	HAMILTON T C
	214	3936 HAPPY CANYON CIR	REESE JOYCE T EST OF
	215	3940 HAPPY CANYON CIR	JONES JAMES D
	216	3944 HAPPY CANYON CIR	HUTCHINS EUNICE LF ESTATE
	217	3952 HAPPY CANYON CIR	ZAHAV HOMES LLC
	218	3956 HAPPY CANYON CIR	FRANKLIN TONY E
	219	3960 HAPPY CANYON CIR	MINGO WILBUR RAY
X	220	3964 HAPPY CANYON DR	KING THERMON A
	221	3972 HAPPY CANYON DR	BELL PAULETTE
X	222	4004 HAPPY CANYON DR	HILL ALFRED J EST OF
	223	5908 PARK MANOR DR	RED MOON PROPERTIES LP
	224	5912 PARK MANOR DR	MCCLAIN JOYCE MARYLAND
	225	5918 PARK MANOR DR	WHITAKER OZELL & BOBBY
	226	5922 PARK MANOR DR	YOUNG LORRAINE ROSHELL BRADLEY
	227	5923 ROSEVILLE DR	HARWELL FLORENCE
	228	5919 ROSEVILLE DR	ANDERSON DORIS
	229	5915 ROSEVILLE DR	ALBERTY CLARA MAE
X	230	5911 ROSEVILLE DR	LAMB SHARON Y &
	231	5905 ROSEVILLE DR	COLLIER ULYSSES
	232	4005 HAPPY CANYON DR	SANTILLAN ANGELICA
O	233	4011 HAPPY CANYON DR	JORDAN WILSON JR &
X	234	4017 HAPPY CANYON DR	TAYLOR JENNIFER BARRY
	235	4021 HAPPY CANYON DR	TURNER JOHN E ESTATE OF
	236	4027 HAPPY CANYON DR	ALBERTY JAMES & CHRISTINE
	237	4031 HAPPY CANYON DR	JACKSON LAWRENCE L
	238	4035 HAPPY CANYON DR	HOWARD GLENN J
	239	4039 HAPPY CANYON DR	BROADY HOYAL B
	240	4043 HAPPY CANYON DR	HERNDON DAVID R
X	241	4107 HAPPY CANYON DR	ROBERSON CARLA D &
X	242	4111 HAPPY CANYON DR	GILBERT DOWELL
	243	4115 HAPPY CANYON DR	LEWIS CHARVELLA

12/14/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	244	4119 HAPPY CANYON DR	GARCIA NORBERTO
O	245	4123 HAPPY CANYON DR	COLEMAN DOROTHY
X	246	4127 HAPPY CANYON DR	MCDADE CLARA
X	247	4131 HAPPY CANYON DR	GILMORE VERA M
X	248	4135 HAPPY CANYON DR	MORGAN BENNIE C
	249	4139 HAPPY CANYON DR	ERVIN EARLEY E
	250	4143 HAPPY CANYON DR	JOHNSON IDELLA
	251	4147 HAPPY CANYON DR	GREEN BRIAN
	252	4153 HAPPY CANYON DR	ONEAL NORA MAE EST OF
	253	4108 HAPPY CANYON DR	YOUNG RUTHIE
	254	4112 HAPPY CANYON DR	HARPER LARON D
X	255	4116 HAPPY CANYON DR	LAMB ROBERT J & OLA MARIE
O	256	4120 HAPPY CANYON DR	SPILLMAN JOYCE F
	257	4126 HAPPY CANYON DR	COFFER BERNARD
	258	4130 HAPPY CANYON DR	BCI RENTAL INCOME FUND
X	259	4134 HAPPY CANYON DR	BRANCH DORIS F
	260	4138 HAPPY CANYON DR	POWELL ROBERT L
	261	4144 HAPPY CANYON DR	PHILL MISTY
	262	4154 HAPPY CANYON DR	FLUELLEN BOBBIE E
	263	5931 GOLDEN GATE DR	MOSELEY WILLIS G
	264	5935 GOLDEN GATE DR	JOHNSON LETERRENCE D
	265	5939 GOLDEN GATE DR	JOHNSON CARL
	266	4223 FIREWOOD DR	JACKSON LB
	267	4215 FIREWOOD DR	GRIFFIN KAREN BENSON
	268	4209 FIREWOOD DR	VILAY ANDY &
	269	4205 FIREWOOD DR	WEST BEVERLY
	270	4131 FIREWOOD DR	JOHNSON SHIRLEE B W &
	271	4127 FIREWOOD DR	KENNEY COJUANA &
	272	4123 FIREWOOD DR	ALBERTY CHARLES R
	273	4119 FIREWOOD DR	TAYLOR DOROTHY
	274	4115 FIREWOOD DR	MCDUFF DOROTHY

12/14/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	275	4111 FIREWOOD DR	FAGAN LEONARD SR
	276	4107 FIREWOOD DR	KNOTT WALTER LEE
	277	3725 HILDA CIR	BEAL VIOLA
	278	3739 HILDA CIR	HARGEST KEITH R
	279	3733 HILDA CIR	WILLIAMS THERESA D
	280	3729 HILDA CIR	SANCHEZ MARIA DOLORES &
	281	3721 HILDA CIR	AYALA EUGENIO &
	282	3717 HILDA CIR	WALKER BRENDA JEAN
	283	3709 HILDA CIR	COATES MARY ET AL
	284	3703 HILDA CIR	HARRIS SUE ANN
X	285	3704 HILDA CIR	ARRINGTON NATHANIEL EST
	286	3708 HILDA CIR	JEFFERSON ELDRIDGE &
	287	3712 HILDA CIR	CULVER MARY &
	288	3718 HILDA CIR	ESSLINGER INVESTMENTS IV LLC
	289	3722 HILDA CIR	BEASLEY LONNIE L
	290	3726 HILDA CIR	PAYNE ELEANOR M
	291	3730 HILDA CIR	ADKISON LEOLA EST OF
	292	3734 HILDA CIR	CRUMBY JUDITH L
	293	3740 HILDA CIR	WHITEHEAD PATTY RUTH
	294	3855 STATE OAK DR	RAMIREZ JUAN ADOLFO PAZ
	295	3847 STATE OAK DR	SHAW ROSELENE
	296	3843 STATE OAK DR	SHAW ROSELENE
	297	3839 STATE OAK DR	DONALDSON EARNEST LEE
	298	3835 STATE OAK DR	FISHER CHARLES LINSON &
	299	3831 STATE OAK DR	GATSON MAURICE
	300	3827 STATE OAK DR	SANTILLAN JOSE CARMEN
	301	3823 STATE OAK DR	SANTILLANHERNANDEZ MARIA ANGELICA
	302	3819 STATE OAK DR	CALLOWAY DAVID H
	303	3815 STATE OAK DR	POTTS KATIE
	304	3811 STATE OAK DR	LEE GLORIA JEAN
	305	3807 STATE OAK DR	BREWSTER RANDLE DEWAYNE

Z156-342(SH)

12/14/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	306	3803 STATE OAK DR	ANDERSON VERONICA C &
	307	3700 SIMPSON STUART RD	MOUNT TABOR BAPTIST
	308	6154 HIGHLAND HILLS DR	SILVA ELSA
	309	6158 HIGHLAND HILLS DR	PICKLES SHARON
	310	3546 SIMPSON STUART RD	MOUNT TABOR BAPTIST
	311	6271 HIGHLAND HILLS DR	HIGHLAND PARK INVESTMENT LLC

**AGENDA ITEM # 68**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 13  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 14 Z

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a new Planned Development District for residential uses and a private recreation center, club or area on property zoned Planned Development District No. 41 on the northwest corner of Forest Lane and Inwood Road  
Recommendation of Staff and CPC: Approval, subject to a development plan, buffer landscape plan, and conditions  
Z156-365(WE)

**FILE NUMBER:** Z156-365(WE)                      **DATE FILED:** September 16, 2016

**LOCATION:** Forest Lane and Inwood Road, northwest corner

**COUNCIL DISTRICT:** 13                              **MAPSCO:** 14-Z

**SIZE OF REQUEST:** Approx. 29.17 acres              **CENSUS TRACT:** 96.03

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**APPLICANT:** Greystar GP II, LLC  
Jesuit College Preparatory School

**OWNER:** Daniel Brothers LLP

**REPRESENTATIVE:** Bill Dahlstrom  
Jackson Walker LLP

**REQUEST:** An application for a new Planned Development District for residential uses and a private recreation center, club or area on property zoned Planned Development District No. 41.

**SUMMARY:** The purpose of the request is to redevelop the site to allow for the construction of multifamily, retirement housing and a private recreation center. The private recreation center will be developed with several athletic fields, a field house and surface parking.

**CPC RECOMMENDATION:** Approval, subject to a development plan, buffer landscape plan, and conditions.

**STAFF RECOMMENDATION:** Approval, subject to a development plan, buffer landscape plan, and conditions.

**DESIGNATED ZONING CASE**

**BACKGROUND INFORMATION:**

- The request site is developed with approximately 210 multifamily units with garages and a private community center. In the early 1970s, the Building Official issued a certificate of occupancy for the use.
- In February 1969, the City Council approved Planned Development District No. 41. In June 1972, the City Council approved a subsequent amendment to Planned Development District No. 41.
- The new Planned Development District will replace Planned Development District No. 41, upon approval of the request.
- The request for a Planned Development District will allow for the following uses to be developed on site: 1) approximately 225 unit retirement housing use; 2) 180 townhomes-like units, 3) 12 single story detached units, and 4) two athletic fields and a parking lot that will be used by Jesuit College Preparatory School of Dallas. The proposed development will be platted as one lot. As a result of the site being one lot, the construction of the units will be considered as multifamily.
- The surrounding land uses consist of single family and a flood plain to the west and two private schools: to the north, across Willow Lane [Jesuit School] and to the south, across Forest Lane [Hockaday School]. Properties to the east, across Inwood Road consist of a variety of retail uses.

**Zoning History:** There have been three zoning cases and one Board of Adjustment case in the area over the past five years.

1. Z112-258 On December 12, 2012, the City Council approved an amendment to Planned Development District No. 578 on the south line of Forest Lane, between Welch Road and Inwood Road.
2. Z123-242 On August 13, 2013, the City Council approved an amendment to Planned Development District No. 457 on the east line of Inwood Road, north of Forest Lane.
3. Z145-290 On October 15, 2015, the City Council approved an amendment to Specific Use Permit No. 7 for a private school on the west line of Inwood Road, south of Forest Lane.
4. BDA112-087 On September 19, 2012, the Board of Adjustment Panel B approved a special exception to the height regulations on the northwest corner of Allencrest Lane and Nashwood Lane.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Forest Lane	Principal Arterial	120 ft.	120 ft.
Inwood Road	Minor Arterial	100 ft.	100 ft.
Willow Lane	Local	60 ft.	60 ft.

**Land Use:**

	Zoning	Land Use
<b>Site</b>	PDD No. 41	Multifamily
<b>North</b>	PDD No. 353	Private school
<b>South</b>	PDD No. 578	Private school
<b>East</b>	PDD No. 457, PDD No. 458, CR	Retail
<b>West</b>	R-16(A), R-1/2(A)	Single Family

**COMPREHENSIVE PLAN:** The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request.

The request site is within a residential building block where the proposed residential development will continue to serve a specific need within the community. Multifamily use is a characteristic of the building block along with single family uses, and various types of retail, schools and institutional uses. These uses are major factors in supporting a community.

**LAND USE**

**GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods’ unique characteristics. Acknowledge the importance of neighborhoods to the city’s long-term health and vitality.

**URBAN DESIGN**

**GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY**

Policy 5.2.1 Maintain neighborhood scale and character.

**STAFF ANALYSIS:**

**Land Use Compatibility:** The 29.17 acre site is developed with approximately 210 multifamily units with garages and a private community center. The applicant proposes to raze the development to redevelop the site with a mix of residential uses. These uses will consist of townhomes, single story detached units, retirement housing, a private community center and two athletic fields that will be used by an adjacent private school. For the purpose of this development, the multifamily units will be developed with townhome-like units and single story detached units. The development code recognizes any residential development as multifamily uses as a result of the development being located on a single lot.

The proposed residential development and a private recreation center, club or area will be developed in three tracts. These tracts will depict the type of development that is being proposed within each tract. Tract 1, which will be developed with athletic fields and a field house, is located on the northern portion of the site. The proposed athletic fields and a field house will serve the adjacent private school [Jesuit School] in various types of sporting events and practices. The athletic fields will not be lit and will have netting along the Willow Lane. The netting will not exceed 25 feet in height. In addition, the surface parking lot within Tract 1 will be used exclusively by the private school; public parking on the lot is prohibited. There is no vehicular connection between the athletic fields and the remainder of the residential development.

The site's interior will primarily consist of 180 townhome-like development and 12 single-story dwelling units. There are several units that will be developed on the southern portion of the site, near Forest Lane and across a drainage channel. The majority of the townhome-like development will not exceed three stories. However, there are several two-story units that are being proposed within the development and will be constructed adjacent to the single story units along Inwood Road and Forest Lane. Due to the sensitivity of the single family dwellings that are adjacent to the request site and across a drainage channel, the applicant will locate the 12 one-story units along the western edge of the Property.

A retirement housing development is proposed to be developed in Tract 3. The density of the retirement housing will not exceed 225 units and a maximum height of 48 feet or three stories. A portion of the development facing Inwood Road and Forest Lane will not exceed two stories. The reduced height is compatible in scale with the adjacent retail and office uses that are located on the two major thoroughfares.

There are six driveway approaches to access the request site; one on Willow Lane, three on Inwood Road and two on Forest Lane. In addition, the applicant is proposing to limit access into the residential development by installing access gates. The portion of the retirement housing development will be accessible to the public for off-street parking as well as an 18,000 square foot open space area that is located on Inwood Road.

The surrounding land uses consist of single family and a flood plain to the west and two private schools to the north, across Willow Lane [Jesuit School] and to the south, across Forest Lane [Hockaday School]. Properties to the east, across Inwood Road consist of a variety of retail uses.

Staff has reviewed and supports the applicant’s request for a new Planned Development District for residential uses and a private recreation center, club or area, subject to a development plan, landscape plan and conditions.

**Development Standards:**

<b><u>DISTRICT</u></b>	<b><u>SETBACKS</u></b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Special Standards</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
PDD No. 41	Per plan'	Per plan	Per plan		60%	Proximity Slope Visual Intrusion	Attached living units, Detached living units
Proposed PDD Residential	Per plan	Per plan	225 retirement homes 180 townhomes 12 single family units	54' max	10% Tract 1 35% Tract 2 50% Tract 3	Proximity Slope Visual Intrusion	Multifamily (one story single family units), retirement housing, townhomes

**Landscaping:** Landscaping will be in accordance to the landscaping plan.

**Traffic:** The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

**CPC Action** (December 15, 2016)

**Motion:** It was moved to recommend **approval** of a new Planned Development District for residential uses and a private recreation center, club or area, subject to a revised development plan, buffer landscape plan, and revised conditions (as briefed) on property zoned Planned Development District No. 41 on the northwest corner of Forest Lane and Inwood Road.

Maker: Murphy  
Second: Anantasomboon  
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,  
Anantasomboon, Haney, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 7

**Notices:** Area: 500 Mailed: 80  
**Replies:** For: 19 Against: 1

**Speakers:** For: Mike Earing, 12345 Inwood Rd., Dallas, TX, 75244  
Lauren Law, 4941 Gulfstream Dr., Dallas, TX, 75244  
Lance Hanna, 60 E. Las Colinas Blvd., Irving, TX, 75039  
John Wilson, 1231 Shirestone Ln., Dallas, TX, 75244  
Lairs Sparks, 600 E. Las Colinas Blvd., Irving, TX, 75039  
Suzanne Yaeger, 4979 Nashwood Ln., Dallas, TX, 75244  
Timothy Mallad, 4959 Nashwood Ln., Dallas, TX, 75244  
Matthew Lewis, 12107 Drujon Ln., Dallas, TX, 75244  
J. Cullen Aderhold, 5218 Caladium Dr., Dallas, TX, 75229  
Against: None

**LIST OF PARTNERS**

**Greystar Real Estate Partner, LLC**

Robert A. Faith	CEO & President
William C. Maddux	Executive Managing Director & Vice President
J. Derek Ramsey	Executive Managing Director, Vice President & CFO
Andrew R. Livingstone	Executive Managing Director
Scott C. Wise	Executive Managing Director
Wesley H. Fuller	Executive Managing Director
Jim Chilton	Vice President

**LIST OF PARTNERS**  
Property Owners

Max A. Daniel, Jr.  
Richard H. Daniel  
Daniel 2006 Childrens Trust  
Theresa M. Daniel  
Myrtis D. Smith  
Charles Smith III  
Mary M. Smith  
Alycia S. Wootton  
Wilton J. Daniel, Jr., Survivors Trust  
Joe M. Daniel Jr. Family Trust  
John A. Daniel  
Sandra S. Morale-Bussell  
Christine M. Jones  
Nicholas B. Morale Jr.  
Barbara Bates  
Bobby Rhea Daniel

<b>LIST OF PARTNER/PRINCIPALS/OFFICERS</b>
--

**Jesuit College Preparatory**

<u>Board of Trustees</u>	<u>Officers</u>
Mr. William L. Antes II	Mr. William Antes, II
Mr. Kevin Bartholomew	Mr. David Berend
Mr. Edwin S. Bell, Jr. (Chair)	
Mr. David Berend	
Mr. J.D. Dell	
Mr. Michael A. Earsing	
Rev. Carlos D. Esparza, S.J.	
Mr. Thomas E. Garrison	
Rev. Francis W. Huete, S.J.	
Mr. John Leinbaugh	
Mr. Michael J. Marz	
Rev. Robert E. Murphy, S.J.	
Mr. Clinton B. Shouse	
Rev. Walter T. Sidney, S.J.	
Mr. Michael Terry	

**PROPOSED CPC PDD  
CONDITIONS**

**SEC. 51P-\_\_\_\_.101. LEGISLATIVE HISTORY.**

PD District \_\_\_\_ was established by Ordinance No. \_\_\_\_\_, passed by the Dallas City Council on \_\_\_\_\_.

**SEC. 51P-\_\_\_\_.102. PROPERTY LOCATION AND SIZE.**

PD District \_\_\_\_ is established on property generally located at the northwest corner of Forest Lane and Inwood Road. The size of PD District \_\_\_\_ is 29.17 acres.

**SEC. 51P-\_\_\_\_.103. DEFINITIONS AND INTERPRETATIONS**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this article:

(1) INDEPENDENT LIVING UNIT is a retirement housing use that includes, but is not limited to, housekeeping service, meal service, central dining facilities, and commercial cooking facilities.

(2) MASONRY means exterior construction materials consisting of brick, natural and manufactured stone, cast stone, architectural block, and 3-step stucco process for all structures.

(3) PERMITTED ATHLETIC FIELD USERS means:

(A) the school, its faculty, its students, and its alumni,

(B) participants in sports camps or other events sponsored by the school or its coaches,

(C) students attending private schools within a four mile radius of the school,

(D) students from other private schools who are engaged in athletic practices or competitions with the students of the school or of any of the other aforementioned schools, and

(E) coaches and spectators at any athletic practices or competitions or sports camps or other school-sponsored events allowed by any of the preceding clauses.

(4) QUALIFIED TREE means a healthy tree with a caliper of at least four inches that is either listed as an approved replacement tree in Section 51A-10.134, or one of the following varieties:

*Ulmus parvifolia sempervirens* | Athena Lacebark Elm  
*Magnolia grandiflora* | Little Gem Upright Magnolia  
*Cupressocyparis leylandii* | Leyland Cypress  
*Prunus caroliniana* | Carolina Cherrylaurel  
*Myrica cerifera* | Wax Myrtle  
*Ungnadia speciosa* | Mexican Buckeye  
*Cercis texensis* or *C. Mexicana* | Redbud  
*Sophora secundiflora* | Texas Mountain Laurel  
*Cotinus obovatus* | Texas Smoke Tree  
*Vitex agnus-castus* | Vitex

(5) SINGLE-STORY DETACHED DWELLING means a one-story structure entirely surrounded by open space.

(6) SCHOOL means a private school located north of Willow Lane in Planned Development District No. 353.

(7) TOWNHOME means a dwelling in a row of at least three attached dwelling units having its own front and rear access to the outside, and joined by common side walls.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a residential zoning district.

**SEC. 51P-\_\_\_104. EXHIBITS.**

The following exhibits are incorporated into this article:

- (1) Exhibit \_\_\_A: development plan.
- (2) Exhibit \_\_\_B: Former Planned Development District No. 41.
- (3) Exhibit \_\_\_C: buffer landscape plan.

**SEC. 51P-\_\_\_105. CREATION OF TRACTS**

This district is divided into three tracts: Tract 1, “Lot 1” as designated on the development plan (“Athletic Field Tract”); Tract 2, “Lots 2 and 4” as designated on the development plan (“Residential Tract”); and Tract 3, “Lot 3” as designated on the development plan (“Retirement Housing Tract”). Permits may be approved for each tract on an independent basis.

**SEC. 51P-\_\_\_\_.106. DEVELOPMENT PLAN**

Development and use of the Property must comply with the development plan (Exhibit \_\_\_\_A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

**SEC. 51P-\_\_\_\_.107. INGRESS AND EGRESS.**

(a) Ingress and egress are only allowed at the following locations:

(1) two curb cuts along Forest Lane, one of which (the one closer to Inwood Road) must be ingress only,

(2) two curb cuts along Inwood Road (on Tracts 2 and 3) and one curb cut along Inwood Road from Tract 1, and

(3) two curb cuts along Willow Lane, one of which is limited to ingress and egress of emergency vehicles.

(b) Ingress and egress points must be in the approximate locations shown on the development plan.

**SEC. 51P-\_\_\_\_.108. MAIN USES PERMITTED.**

(a) In general. Single-family attached and detached dwellings with garages and a private community center as defined in former Planned Development District No. 41 (Exhibit \_\_\_\_B) are permitted in Tracts 1, 2, and 3 in structures existing on (date of passage).

(b) Tract 1.

The following use is the only main use permitted:

- Private recreation center, club, or area

(c) Tract 2.

The following uses are the only main uses permitted:

- Single-story detached dwellings.
- Townhomes.
- Private street or alley.
- Private recreation center, club, or area.

(d) Tract 3.

(1) The following uses are the only main uses permitted:

-- Retirement housing. *[Including independent living units.]*

-- Private streets and alleys.

(2) The following main use is prohibited:

-- Convalescent and nursing homes, hospice care, and related institutions.

**SEC. 51P-\_\_\_\_.109. ACCESSORY USES.**

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

**SEC. 51P-\_\_\_\_.110. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) All tracts. The following regulations apply to all tracts:

(1) Front, side and rear yards.

(A) Setbacks only apply to external property lines adjacent to public streets.

(B) Except as provided in this section, or as shown on the development plan, no setbacks are required internal to this district or between tracts or lots.

(C) Minimum setback from the western Property boundary is as shown on the development plan.

(2) Height. The maximum height is as set forth in this section and as shown on the development plan. The following structures may project a maximum of six feet above the top of the ridge of the townhomes allowed on Tract 2 and the building allowed on Tract 3 (except that the top of any cupola or dome may not exceed 54 feet in height):

(A) Elevator penthouse or bulkhead.

(B) Ornamental cupola or dome.

(C) Chimney and vent stacks.

(b) Tract 1.

(1) Front, side and rear yards.

Lane is 15 feet.

(A) The minimum setback from Inwood Road and Willow

(B) The following items are permitted within setbacks:

(i) paving for the parking area shown on the development plan, curbs associated with such paving, lighting for such parking area (such lighting not to exceed 20 feet in height), and parking in such area;

(ii) sidewalks and lighting for sidewalks (such lighting not to exceed 15 feet in height);

(iii) athletic fields, netting, and poles for netting around athletic fields, such poles and netting not to exceed 25 feet in height and to be black in color, and

(iv) fencing, not to exceed eight feet in height, except as otherwise required in this article.

(2) Density. No maximum dwelling unit density.

(3) Floor area. The maximum combined floor area for all structures is 26,400 square feet. The maximum combined footprint for all structures is 13,200 square feet.

(4) Height. Maximum structure height is 25 feet for poles and netting, 20 feet for lighting, and 30 feet for fieldhouse.

(5) Lot coverage. Maximum lot coverage is 10 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(6) Lot size. There is no minimum lot size.

(7) Stories. The maximum number of stories above grade is two.

(c) Tract 2.

(1) Front, side, and rear yards.

(A) The minimum setback along Inwood Road is 25 feet.

(B) The minimum setback along Forest Lane is 15 feet.

(2) Density.

(i) The maximum number of townhomes is 180.

(ii) The maximum number of single-story detached dwelling units is 12.

(3) Floor area ratio. Maximum floor area ratio is 0.75.

(4) Height.

(A) Maximum structure height for single-story buildings is the lesser of the height shown on the development plan or

20 feet at the midpoint of the roof and 26 feet at the ridge, in either case not counting chimneys. All roofs must have a pitch of at least 5/12.

(B) Maximum structure height for two-story buildings is the lesser of the height shown on the development plan or 32 feet at the midpoint of the roof and 38 feet at the ridge. All roofs must have a pitch of at least 5/12.

(C) Maximum structure height for three-story buildings is the lesser of the height shown on the development plan or 42 feet at the midpoint of the roof and 48 feet at the ridge. All roofs must have a pitch of at least 5/12.

(5) Lot coverage. Maximum lot coverage is 35 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(6) Lot size. No minimum lot size.

(7) Stories.

(A) Except as provided in this paragraph, maximum number of stories above grade is three.

(B) Maximum number of stories above grade is one and two in the areas shown on the development plan.

(d) Tract 3.

(1) Front, side, and rear yards.

The minimum setback along Inwood Road and Forest Lane is 80 feet.

(2) Density. Maximum number of dwelling units is 225.

(3) Floor area ratio: Maximum floor area ratio is 1.25.

(4) Height. Maximum structure height is the lesser of the height shown on the development plan or 45 feet at the midpoint of the roof and 54 feet at the ridge. All roofs must have a pitch of at least 5/12.

(5) Lot coverage. Maximum lot coverage is 50 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(6) Lot size. No minimum lot size.

(7) Stories.

(A) Except as provided in this paragraph, maximum number of stories above grade is three.

(B) Maximum number of stories above grade is two in the areas shown on the development plan.

**SEC. 51P- \_\_\_\_ .111. OFF STREET PARKING AND LOADING**

(a) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) A minimum of two attached garage parking spaces must be provided for each townhome unit and single-story detached dwelling unit.

(c) No loading is required for the retirement housing use in Tract 3.

(d) No parking or loading is required for athletic facilities in Tract 1. Parking areas on Tract 1 must comply with the following:

(1) The easternmost portion of Tract 1 may be paved in the area shown on the development plan, but not to exceed 260 spaces.

(2) The parking area may be used between 7:00 a.m. and 9:00 p.m. for school activities other than parking, such as intramural basketball and physical education activities for students of the school.

- (3) Parking is permitted on the parking lots 24 hours a day.
- (4) The parking lot must be maintained in a good condition.
- (5) Any litter in the parking lot must be cleaned up promptly.
- (6) Parking lots may be used for parking of buses and trailers less than 37 feet in length in the area shown on the development plan.
- (7) Parking is limited to use by the school and permitted athletic field users and can be used as remote parking for the school.

**SEC. 51P-\_\_\_.112. ENVIRONMENTAL PERFORMANCE STANDARDS**

- (a) In general. Except as provided in this section, see Article VI.
- (b) Lighting.

(1) Lighting of athletic fields is prohibited without a specific use permit. If a specific use permit is requested, maximum light pole heights must be determined by a photometric study.

(2) Except as provided in this paragraph, all parking lots, street, and other external lighting must meet the requirements of Section 51A-13.601, "Site Lighting."

(A) Lighting standards along internal drives may not exceed 14 feet in height. Lighting standards along external drives may not exceed 20 feet in height.

(B) Light fixtures must be cut-off type luminaries that direct lighting downward.

(C) Parking lot lighting may not exceed 20 feet in height.

(D) In order to direct light downward and minimize the amount of light spillage into the night sky and onto adjacent property, all lighting fixtures must be full cutoff fixtures. Fixtures must be mounted in such a manner that the cone of light is contained onsite and does not cross any property line of the site. Lighting fixtures may not exceed 20 feet in height above the parking. Lighting fixtures may not be less than nine feet or more than 15 feet in height above the sidewalk in pedestrian areas. All light fixtures located within 50 feet of a residential district may not extend more than 15 feet in height.

(c) Loudspeakers. No loudspeakers or any other form of amplified sound equipment (whether permanent or temporary), including but not limited to microphones or bullhorns, may be used outside of any building on the Property except for fire or other emergency warning systems.

**SEC. 51P-\_\_\_\_.113. LANDSCAPING AND AMENITIES**

(a) Except as provided in this section, landscaping must be provided in accordance with Article X.

(b) Landscaping must be provided as shown on the buffer landscape plan (Exhibit \_\_\_\_C). This landscape counts towards the Article X requirements, but does not replace them. If there is a conflict between the text of this article and the buffer landscape plan, the text of this article controls.

(c) Uses in this district are not required to be screened from other uses within this district.

(d) Plant materials must be maintained in a healthy, growing condition. Dead or unhealthy plants, shrubs, trees, and other landscaping must be replaced promptly with healthy, comparable replacements.

(e) For each lot, landscaping must be installed within six months after the issuance of a certificate of occupancy to authorize the operation of a use on the lot.

(f) Landscaping and trees may be planted in the parkway and will be counted toward the requirements of Article X.

(g) Enhanced sidewalk with stamped concrete or brick pavers must be provided within the decorative park at the corner of Inwood Road and Forest Lane and at sidewalk crosswalks with driveways.

(h) Amenities must be placed far enough from the street curb so as not to create a physical barrier to vehicles.

(i) Sidewalks must extend along the entire frontage of the Property along Forest Lane, Inwood Road, and Willow Lane. Sidewalks must have wheelchair ramps as follows:

(1) where the sidewalk meets each driveway or curb cut,

(2) onto Forest Lane and onto Inwood Road at the corner of Forest Lane and Inwood Road (aligned with the crosswalks), and

(3) onto Inwood Road and onto Willow Lane at the corner of Inwood Road and Willow Lane (aligned with the crosswalks).

(j) Except as provided in this section, the minimum streetscape adjacent to Forest Lane, Inwood Road, and Willow Lane must be provided as follows:

(1) Forest Lane from the west boundary line to the Bachman Creek bridge.

(A) Minimum landscape buffer between the back of the street curb and the sidewalk is eight feet.

(B) Minimum sidewalk width is six feet.

(C) Minimum planting area between the sidewalk and perimeter fence is three feet.

(2) Forest Lane from Bachman Creek bridge to Inwood Road.

(A) Minimum landscape buffer between the back of the street curb and the sidewalk is eight feet.

(B) Minimum sidewalk width is six feet.

(C) Minimum planting area between the sidewalk and the perimeter fence is 25 feet.

(3) Inwood Road between Forest Lane and Tract 1.

(A) Minimum landscape buffer between the back of the street curb and the sidewalk is eight feet.

(B) Minimum sidewalk width is six feet.

(C) Minimum planting area between the sidewalk and the perimeter fence is 17 feet.

(4) Inwood Road fronting neighborhood open space area.

(A) Minimum landscape buffer between the back of the street curb and the sidewalk is eight feet.

(B) Minimum sidewalk width is six feet.

(C) Minimum planting area between the sidewalk and the perimeter fence is 10 feet.

(5) Inwood Road along Tract 1.

(A) Minimum landscape buffer between the back of the street curb and the sidewalk is six feet.

(B) Minimum sidewalk width is five feet.

(C) Minimum planting area between the sidewalk and the perimeter fence is four feet.

(6) Willow Lane.

(A) Minimum landscape buffer between the back of the street curb and the sidewalk is six feet.

(B) Minimum sidewalk width is five feet.

(C) Minimum planting area between the sidewalk and the perimeter fence is seven feet.

(k) The sidewalk locations in Subsection (j) may be adjusted as necessary if a field study determines that the sidewalks need to be relocated in order to preserve existing perimeter trees.

(l) The sidewalks on the existing bridges crossing the Bachman Branch Creek must remain the existing width.

(m) Planting areas (the areas between a sidewalk and a perimeter fence) along Forest Lane and Inwood Road must be landscaped and contain ornamental understory trees as shown on the landscape plan.

(n) Large canopy trees located between the street pavement and right-of-way/property line count as site trees.

**SEC. 51P-\_\_\_\_.114. OPEN SPACE**

(a) An open space area must be provided at the northwest corner of Inwood Road and Forest Lane as shown on the development plan. The open space must comply with the following requirements:

(1) The open space must encompass a minimum area of 4,000 square feet with at least 75 feet of frontage along both Inwood Road and Forest Lane.

(2) The open space must be landscaped with a lawn, trees, and shrubs.

(3) The following items may be included in the open space:

(i) Seasonal plantings (sometimes referred to as “color turns”).

(ii) A fountain, reflecting pond, or some other water feature.

(iii) Decorative shade structures.

(iv) Decorative lighting features.

(v) A sculpture or other piece of art.

(vi) A monument wall or other gateway welcome feature.

(4) At least 65 percent of the open space area must be turf, ground cover, mulch, or a water feature area. The balance of the area may be sidewalks.

(b) A neighborhood open space area must be provided along Inwood Road as shown on the development plan. The open space must comply with the following requirements:

(1) The open space must encompass a minimum area of 18,000 square feet.

(2) The open space must be landscaped with a lawn, trees, and shrubs.

(3) The following items may be included in the open space:

(A) A fountain, reflecting pond, or some other water feature.

(B) Seasonal plantings (sometimes referred to as “color turns”).

(C) Decorative shade structures.

(D) Decorative lighting features.

(E) A sculpture or other piece of art.

(F) A dog park.

(G) Benches or other forms of seating.

(4) At least 80 percent of the open space area must be turf, ground cover, or mulch. The balance of the area may be sidewalks.

(5) Site trees must be planted within the neighborhood open space area at the rate of one large canopy tree per 1,500 square feet of land area within the neighborhood open space area and may include perimeter street trees to the extent located within the neighborhood open space area. Each tree must be a qualified tree, with a caliper of six inches or greater, at the time of planting. Trees located within the neighborhood open space area that are qualified trees on the date of adoption of this ordinance count towards the total trees that must be planted in the neighborhood open space area.

(c) The area to the west side of the single-story detached dwellings shown on the development plan may only be green space.

**SEC. 51P--\_\_\_\_.115. TREE PRESERVATION, REMOVAL, AND REPLACEMENT.**

(a) Except as provided in this section, tree preservation, removal, and replacement must be provided in accordance with Article X.

(b) Large canopy qualified trees located between the edge of adjacent perimeter streets and the right-of-way/property line count towards the tree replacement requirements in Division 51A-10.130.

(c) Large canopy qualified trees that are removed from their original location on the Property, but relocated and preserved onsite, may be credited against tree mitigation requirements.

(d) The owner shall make commercially reasonable efforts to preserve the trees identified on the buffer landscape plan. Except as provided in this subsection, to the extent any of the trees identified on the buffer landscape plan cannot be preserved or die after development of the Property, the owner shall promptly replace them with qualified trees having with a combined caliper equal to or greater than the combined caliper of the trees being replaced, and replace large trees with large trees, and canopy trees with canopy trees. The two trees identified on the landscape plan as “declining health” (specifically, trees numbered 5523 and 5602) must be replaced with six caliper inch trees.

(e) To the extent that Article X would allow the owner to mitigate the loss of any trees on the property by planting replacement trees, the owner shall comply with the following:

(1) plant large canopy trees on the Property as replacement trees, except to the extent limited by site restraints,

(2) to the extent site constraints prevent the full replacement of all caliper inches lost on the Property, the owner shall replace caliper inches by planting large canopy trees on either side of Inwood Road or in the Inwood Road median (between Royal Lane and Harvest Hill), along either side of Forest Lane or in the Forest Lane median (between Midway Road and the Dallas North Tollway), and within the median between Inwood Road and Inwood Parkway south of Forest Lane, to the extent the owner can obtain the consent of the owners of such property to do so (and the owner shall make a reasonable effort to obtain such consent),

(f) To the extent the owner cannot replace all caliper inches lost on the Property through large canopy trees planted in accordance with Subsection (e), the owner shall plant replacement trees within one mile of the Property, or pay into the reforestation fund for any remaining caliper inches that could not be planted within one mile of the Property due to onsite or offsite constraints.

**SEC. 51P-\_\_\_\_.116.**

**DESIGN STANDARDS**

(a) Tract 1.

(1) Fieldhouse building design.

(A) Building architecture. The design of the fieldhouse building must generally conform to the same contemporary architectural style, color, and materials as the athletic tower structure on the school property north of Willow Lane in Planned Development District No. 353.

(B) Exterior façade materials. The exterior facades of the building must be a minimum of 95 percent masonry veneer (excluding doors, balconies, decorative trim, railings, windows, and garage doors) consisting of at least 75 percent brick, natural and manufactured stone, cast stone, architectural concrete, or architectural block, and the remainder being stucco (3-step process). The building must contain curtain wall fenestration on the first floor of the east façade and both floors of the north façade.

(C) Roof. The roof must be curved and may also contain clerestory additions and recessed flat roofs to conceal mechanical equipment.

(b) Tract 2.

(1) Articulation. Building articulation is required with a minimum depth of one foot for every 50 feet of length of a façade or for every two consecutive residential units, whichever is less.

(2) Building materials. The exterior facades of buildings must be a minimum of 95 percent masonry veneer (excluding doors, balconies, porches, decorative trim, railings, windows, and garage doors) consisting of at least 65 percent brick, natural and manufactured stone, cast stone, or architectural block, and the remainder being stucco (3-step process). Non-masonry materials, such as cementitious plank, may be utilized in covered, recessed patio/balcony areas, decorative trim, framing, and enclosed internal areas of a building.

(A) All primary entry doors and garage doors must be wood.

(B) Each façade must have two or more window types for variation. The main roof line of the front and rear elevations must have one vertical break or intersecting hip or gabled element.

(C) A minimum of three different facade materials are required on each facade.

(D) Any freestanding accessory structures, such as a club house, must maintain the same quantities of masonry as the townhomes.

(c) Tract 3.

(1) Articulation. Building articulation is required with a minimum depth of one foot for every 50 feet of length of a street-facing façade or for every two consecutive residential units, whichever is less.

(2) Building materials. The exterior facades of buildings must be a minimum of 95 percent masonry veneer (excluding doors, balconies, porches, decorative trim, railings, windows, and garage doors), consisting of at least 65 percent brick, natural and manufactured stone, cast stone, or architectural block, and the remainder being stucco (3-step process). Non-masonry materials, such as cementitious plank, may be utilized in recessed areas, decorative trim, framing, and recessed patio/balcony areas, and private enclosed internal courtyards.

(A) All garage doors must be wood.

(B) Each façade must have two or more window types for variation.

(C) The main roof line of each street-facing façade must be interrupted with a minimum of three intersecting hip or gabled elements.

(D) A minimum of three different facade materials are required on each facade.

(E) Any freestanding accessory structures, such as club house, must maintain the same quantities of masonry as the townhomes.

**SEC. 51P- \_\_\_\_ . 117.            SIGNS.**

Signs must comply with the provisions for non-business zoning districts in Article VII.

**SEC. 51P- \_\_\_\_ . 118.            FENCES.**

(a) Tract 1. The east and north sides of the tract must be fenced with decorative metal fencing with masonry columns spaced no further than 50 feet apart at a height no lower than six feet and no higher than eight feet. Access to the athletic fields must be controlled and limited to the school's and permitted athletic field users uses allowed herein. Masonry columns must be of the same materials and color as the masonry columns in the fence (on date of passage) on the school property along Forest Lane in Planned Development District No. 353.

(b) Inwood Road and Forest Lane. Portions of Tract 2 and 3 adjacent to Inwood Road and Forest Lane must be fenced with decorative metal fencing with masonry columns spaced no further than 50 feet apart at a height no lower than six feet and no higher than eight feet.

(c) Fence along west boundary. A masonry fence measuring eight feet in height must be located along the western boundary of Tract 2 in the approximate locations shown on the development plan. The existing masonry fence must remain along the western boundary of Tract 1 in the approximate locations shown on the development plan. Gates within the fences are limited to locations necessary for maintenance and repair of the fences and adjacent landscaping, and must be kept locked at all times except to the extent required for maintenance and repair.

(d) Fences along public streets. Fences measuring more than four feet in height may be located within front yards as shown on the development plan.

**SEC. 51P-\_\_\_.119.           ATHLETIC FIELDS.**

(a) The athletic fields on Tract 1 may only be used by the school or other permitted athletic field users for lacrosse, football, soccer, track, rugby, cross country, golf, tennis, volleyball, school physical education activities, and other athletic activities of the school. The athletic fields on Tract 1 are not available for public use.

(b) The athletic fields may only be used between 7:00 A.M. and 9:00 P.M. Use of the athletic fields outside these hours is prohibited.

(c) The athletic fields may not be used for band practice, drill team practice, or musical performances.

(d) The owner of Tract 1 may not lease or otherwise authorize use of the athletic fields to anyone other than permitted athletic field users.

(e) The fieldhouse shown on the development plan is limited to the following:

- (1) Restrooms.
- (2) Showers.
- (3) Locker rooms.
- (4) Equipment storage for athletic equipment used on the athletic fields.
- (5) Storage of maintenance equipment used to maintain the athletic fields.
- (6) Indoor golf simulator.
- (7) Sports conference rooms and offices.
- (8) Training rooms.

(9) Other school athletic uses.

(f) The fieldhouse must be located in the area shown on the development plan, with a maximum footprint of 13,200 square feet and a maximum height of 30 feet.

(g) Advertising, other than the name of the school and its mascot, is prohibited.

(h) No bleachers or similar types of seating may be provided for seating of spectators.

(i) Outside storage is prohibited.

(j) Permanent scoreboards are prohibited. Portable scoreboards are allowed.

**SEC. 51P-\_\_\_\_.120. ADDITIONAL PROVISIONS.**

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c) Dumpsters must be screened on three sides by minimum six-foot masonry walls with a capstone and must be gated with a self-closing gate.

(d) The boundaries along perimeter streets of tracts that permit residential uses are considered sites of origination for purposes of calculating the residential proximity slope on properties on the opposite sides of perimeter streets.

(e) The private recreation center, club, or area is only permitted in the area shown on the development plan and may not exceed the area shown on the development plan.

(f) Single-story detached dwellings and townhome units are not required to be platted on individual lots.

**SEC. 51P-\_\_\_\_.121. COMPLIANCE WITH CONDITIONS.**

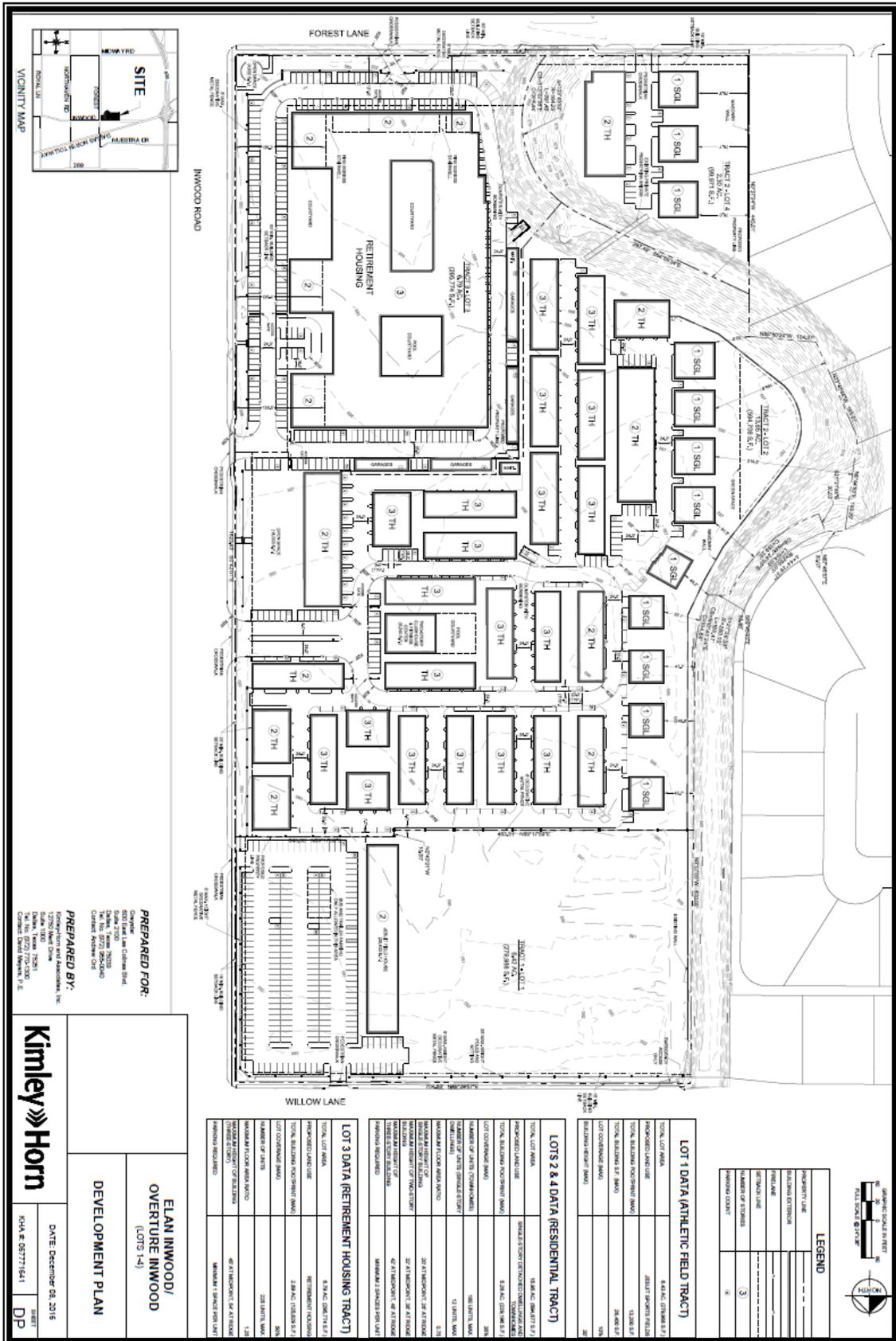
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full

Z156-365(WE)

compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

**PROPOSED DEVELOPMENT PLAN**



**PREPARED FOR:**  
 5001 East Lake Columbia Blvd  
 Columbia, SC 29904  
 Tel: 803.772.8500  
 Fax: 803.772.8500  
 www.kimley-horn.com

**PREPARED BY:**  
 Kimley-Horn and Associates, Inc.  
 17295 Ward Drive  
 Columbia, SC 29911  
 Tel: 803.772.7000  
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 www.kimley-horn.com

**Kimley-Horn**

**ELAM INWOOD/  
 OVERTURE INWOOD  
 (LOTS 1-4)  
 DEVELOPMENT PLAN**

DATE: DECEMBER 28, 2015  
 SHEET: DP  
 RHA # 05771541

LOT 1 DATA (ATHLETIC FIELD TRACT)	
TOTAL LOT AREA	6,416.00 SQ FT
PROPOSED LAYOUT	20 LOTS
TOTAL BUILDING FOOTPRINT (BAU)	20,000.00 SQ FT
TOTAL BUILDING HEIGHT (MAX)	3 STORIES
LOT COVERED (BAU)	31.2%
REMAINING OPEN SPACE	68.8%
REMARKS	SEE PLAN

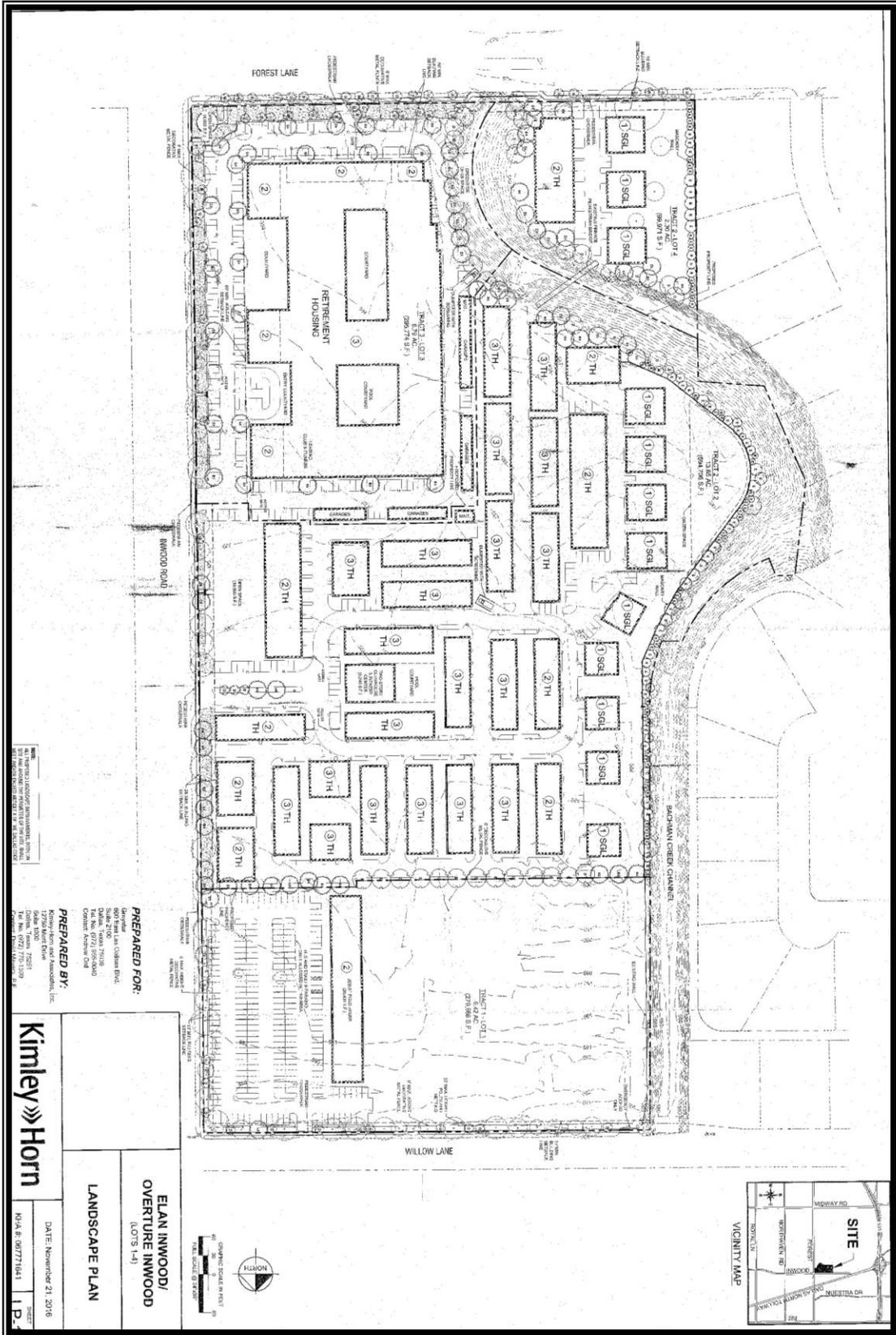
  

LOTS 2 & 4 DATA (RESIDENTIAL TRACT)	
TOTAL LOT AREA	15,840.00 SQ FT
PROPOSED LAYOUT	100 LOTS
TOTAL BUILDING FOOTPRINT (BAU)	150,000.00 SQ FT
TOTAL BUILDING HEIGHT (MAX)	3 STORIES
LOT COVERED (BAU)	25.0%
REMAINING OPEN SPACE	75.0%
REMARKS	SEE PLAN

LOT 3 DATA (RETIREMENT HOUSING TRACT)	
TOTAL LOT AREA	5,000.00 SQ FT
PROPOSED LAYOUT	20 LOTS
TOTAL BUILDING FOOTPRINT (BAU)	100,000.00 SQ FT
TOTAL BUILDING HEIGHT (MAX)	3 STORIES
LOT COVERED (BAU)	20.0%
REMAINING OPEN SPACE	80.0%
REMARKS	SEE PLAN

**PROPOSED BUFFER LANDSCAPE PLAN**



**PREPARED FOR:**  
 9007 Forest Lane Colliery Blvd.  
 Dallas, Texas 75243  
 Tel. No. 972-350-0400  
 Fax. No. 972-350-0401  
 Website: www.kimley-horn.com

**PREPARED BY:**  
 Kimley-Horn and Associates, Inc.  
 Dallas, Texas 75201  
 Scale: 1/8" = 1'-0"  
 Project No. 150771444

**Kimley-Horn**

**ELAN INWOOD/  
 OVERTURE INWOOD  
 (Lots 1-4)**

**LANDSCAPE PLAN**

DATE: November 21, 2016  
 SHEET: 1 P.

**PD No. 41 will be replaced with the new Planned Development District**

**PDD No. 41 CONDITIONS**

**ARTICLE 41.**

**PD 41.**

**SEC. 51P-41.101. LEGISLATIVE HISTORY.**

PD 41 was established by Ordinance No. 12440, passed by the Dallas City Council on February 10, 1969. Ordinance No. 12440 amended Ordinance No. 10962, Chapter 51 of the 1960 Revised Code of Civil and Criminal Ordinances of the City of Dallas. Ordinance No. 12440 was amended by Ordinance No. 13692, passed by the Dallas City Council on June 26, 1972.

**SEC. 51P-41.102. PROPERTY LOCATION AND SIZE.**

PD 41 is established on property generally located along the west line of Inwood Road between Forest Lane and Willow Lane. The size of PD 41 is approximately 32.25 acres.

**SEC. 51P-41.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51.

**SEC. 51P-41.104. DEVELOPMENT PLAN.**

Development must be in accordance with the development plan (Exhibit 41A). The development plan is composed of two separate plans - a site plan and lotting plan. [Note: *Ordinance No. 13692 substitutes a plot plan for the site plan and lotting plan attached to Ordinance No. 12440. No revisions, however, were made to the text of the development plan requirement.*]

**SEC. 51P-41.105. USES.**

The only permitted uses in this PD are single-family attached and detached dwellings with garages and a private community center as shown on the development plan. No more than 210 attached and detached units are permitted on the Property.

**SEC. 51P-41.106. DEVELOPMENT REGULATIONS.**

(a) In general.

(1) Attached living units. Each attached living unit must have separate heating and air conditioning, a minimum living area of 1,200 square feet, and be 80 percent masonry. The maximum length of any group of attached living units is six.

(2) Detached living units. Each detached living unit must have separate utilities with a minimum living area of 2,500 square feet and a two-car garage.

(b) Yards. Ten feet must be provided between the ends of detached living units. A 10 foot side yard must be provided on living units adjoining driveways or dedicated streets. All structures, including garages, must setback a minimum distance of 25 feet from the edge of private streets. The minimum distance between the fronts of structures facing on the permanent open space must be 65 feet. A minimum 10 foot rear yard must be provided for all units.

(c) Stories. All end living units, being those lots with numbers shown on the lotting plan, must be one story in height. This applies to all lots for attached living units shown as 40 foot widths. No living unit may exceed two standard stories.

(d) Coverage. Maximum lot coverage for a main structure and accessory structures is 60 percent.

(e) Lot size. Interior lots in Tract I must be a minimum of 30 feet by 100 feet and end lots must be a minimum of 40 feet by 100 feet.

**SEC. 51P-41.107. OFF-STREET PARKING.**

Off-street parking must be provided at a minimum ratio of two spaces per living unit.

**SEC. 51P-41.108. DRAINAGE.**

All requirements of the department of public works and transportation must be met with regard to the existing creek.

**SEC. 51P-41.109. SCREENING.**

A six-foot masonry screening wall must be provided on the west property line with the exception of that portion of the line within the existing creek. A five-foot masonry wall must be provided adjacent to dedicated streets. The required wall for the entire development must be constructed prior to occupancy of any living unit.

**SEC. 51P-41.110. SUBDIVISION PLAN.**

Prior to issuance of a building permit for all or part of this planned development, a subdivision plat of the entire area must be approved by the city plan commission and filed for record in the Office of the County Clerk, Dallas County, Texas.

**SEC. 51P-41.111. HOMEOWNERS' ASSOCIATION.**

All interior private drives, parking areas, driveways, recreational areas, and permanent open spaces must be maintained by a single maintenance corporation paid for by the residents of the area.

**SEC. 51P-41.112. PAVING.**

(a) All driveways, entrances, and parking areas must have a minimum surfacing of six inches compacted gravel and two coats of penetration asphalt. The developer shall bear the total cost and maintenance of all such improvements, including curb and drainage structures that may be necessary.

(b) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications to the satisfaction of the director of public works and transportation.

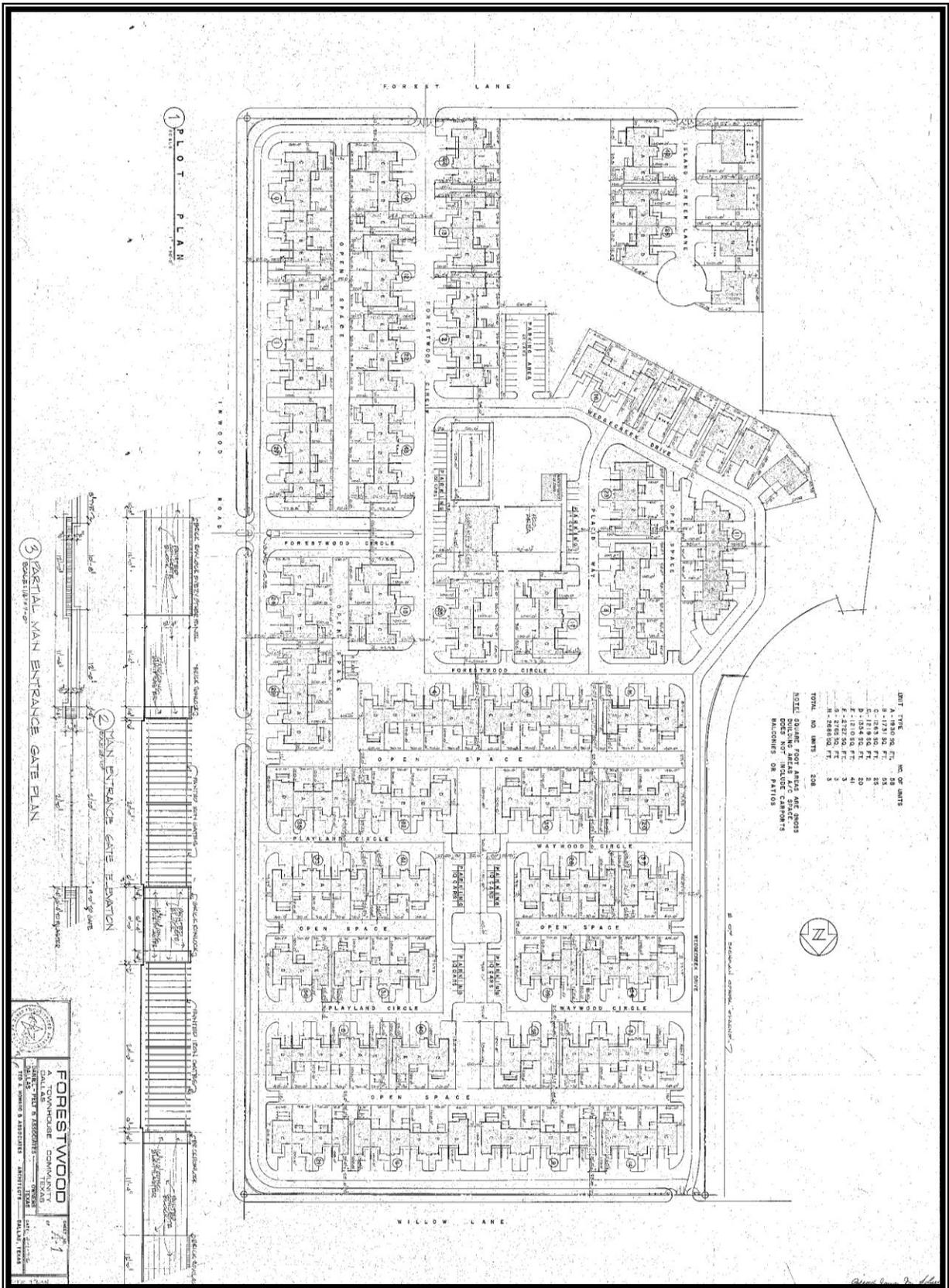
**SEC. 51P-41.113. COMPLIANCE WITH CONDITIONS.**

No certificate of occupancy may be issued by the building official until there has been full compliance with this article and any applicable provisions of the zoning ordinance and the building codes.

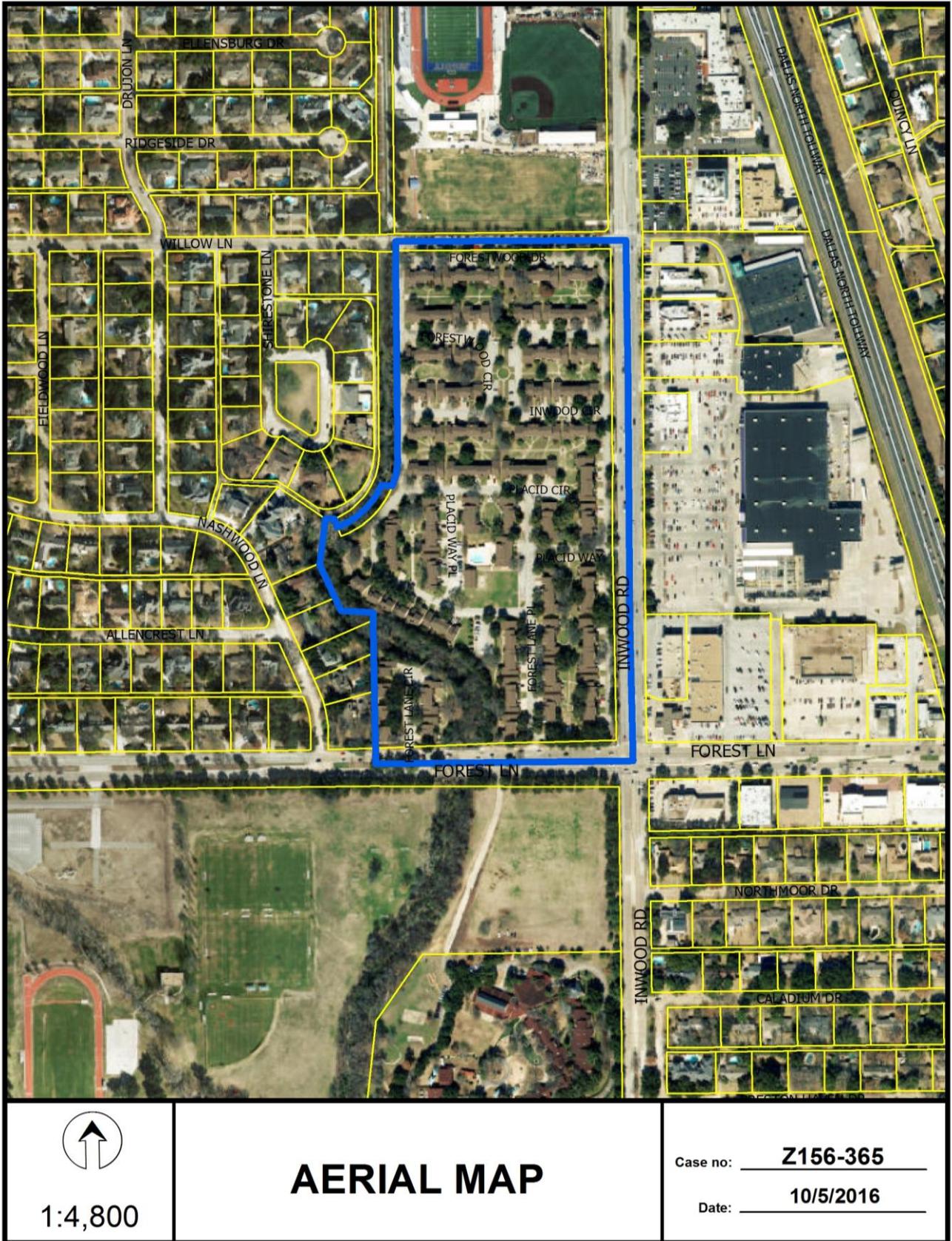
**SEC. 51P-41.114. ZONING MAP.**

PD 41 is located on Zoning Map No. D-7.

**EXISTING DEVELOPMENT PLAN  
PDD No. 41**





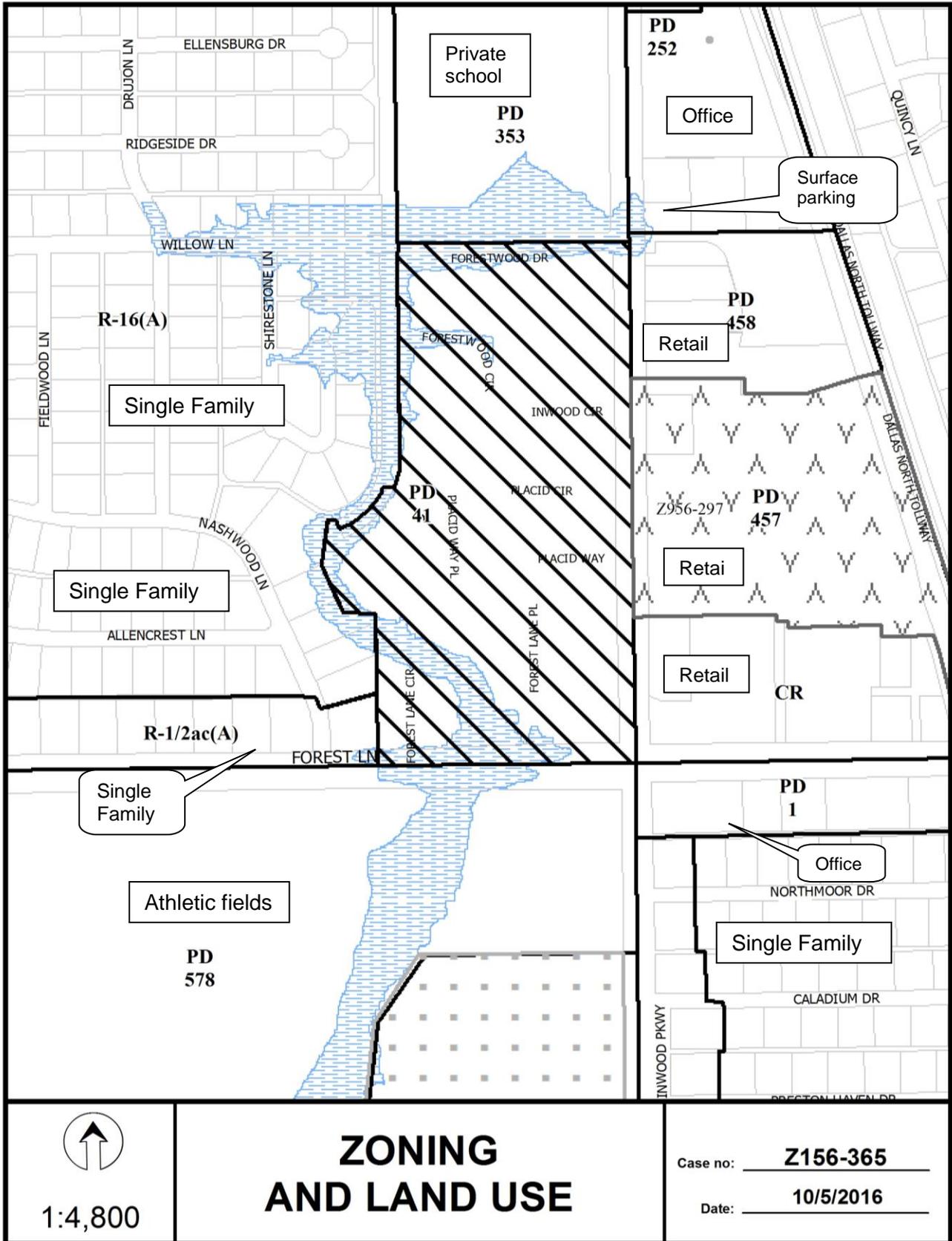


1:4,800

# AERIAL MAP

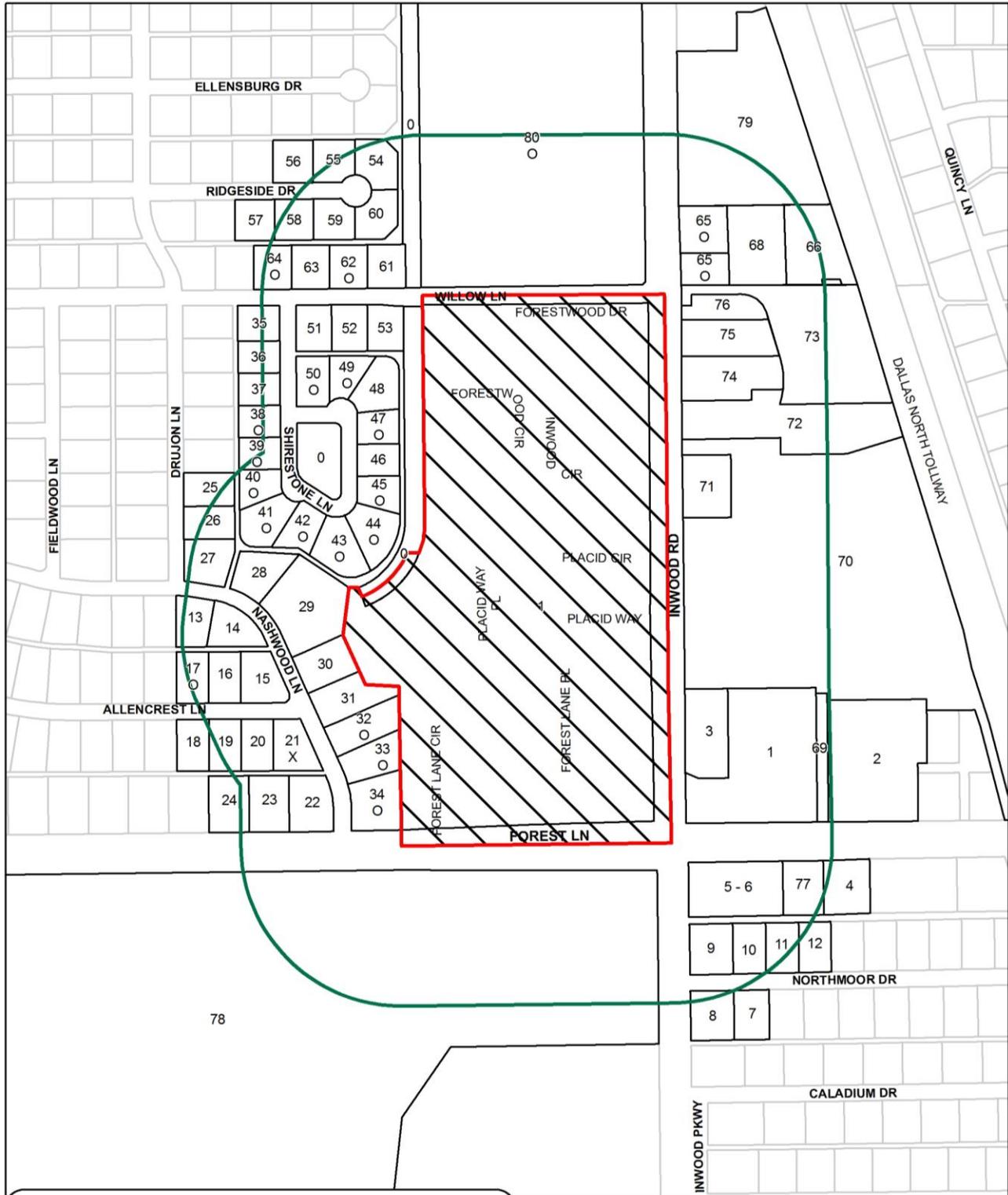
Case no: Z156-365

Date: 10/5/2016





**CPC RESPONSES**



<b>80</b>	Property Owners Notified (84 parcels)
<b>19</b>	Replies in Favor (20 parcels)
<b>1</b>	Replies in Opposition (1 parcels)
<b>500'</b>	Area of Notification
<b>12/15/2016</b>	Date

**Z156-365**  
**CPC**



1:4,800

## **Notification List of Property Owners**

**Z156-365**

**80 Property Owners Notified    19 Property Owners in Favor    1 Property Owners Opposed**

<b>Reply</b>	<b>Label #</b>	<b>Address</b>	<b>Owner</b>
	1	11804 INWOOD RD	DANIEL A H
	2	5333 FOREST LN	FOREST VILLAGE INC
	3	11804 INWOOD RD	FORESTWOOD CENTER LLP
	4	5300 FOREST LN	DEGRAZIER JOHN L LODGE 1349
	5	5200 FOREST LN	FOREST VILLAGE INC
	6	5200 FOREST LN	FORESTWOOD NATIONAL BANK
	7	5218 NORTHMOOR DR	SIMMONS MICHAEL OLIVER & LISEL M
	8	5208 NORTHMOOR DR	MANG JOHN E JR &
	9	5207 NORTHMOOR DR	REICHL SUE HARROLD
	10	5217 NORTHMOOR DR	CHO KYUNG KU &
	11	5227 NORTHMOOR DR	VAIDYA PARAG &
	12	5309 NORTHMOOR DR	BASS MARVIN R
	13	4908 NASHWOOD LN	LEMASTER TAYLOR & ASHLEY
	14	4918 NASHWOOD LN	PARRISH KATHRYN B
	15	4931 ALLENCREST LN	MACONACHY RYAN
	16	4923 ALLENCREST LN	SHAFIEY ALEXANDER
O	17	4915 ALLENCREST LN	SHAW SPENCER G & CHERRI A
	18	4916 ALLENCREST LN	DAVE NILESH & MANISHA REVOCABLE TRUST THE
	19	4924 ALLENCREST LN	GRAHAM ANDREW T & MARY
	20	4932 ALLENCREST LN	TARASZKI JASON & MARGARITA
X	21	4940 ALLENCREST LN	MOFFETT VICKI & JOHN III
	22	4949 FOREST LN	HARRIS MARILYN F TR
	23	4939 FOREST LN	BRIGGS THOMAS D & KAREN K
	24	4929 FOREST LN	MULLAPUDI RAMARAO & KALYANI S
	25	12026 DRUJON LN	SIMPSON RICHARD W III &
	26	12018 DRUJON LN	PEACE HUGH & JANA

12/14/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	4905 NASHWOOD LN	FRYE JERRY M & CATHY N
	28	4915 NASHWOOD LN	SEPULVEDA RICARDO
	29	4923 NASHWOOD LN	HART ROBERT S &
	30	4941 NASHWOOD LN	BRAND JEFF & SHEILA
	31	4951 NASHWOOD LN	MARANO ANGELA JAMISON
O	32	4959 NASHWOOD LN	MALLAD TIMOTHY A & TORI M
O	33	4969 NASHWOOD LN	PETRIKAS JAMES J & MARY ANN
O	34	4979 NASHWOOD LN	YAEGER SUZANNE IKARD
	35	12123 SHIRESTONE LN	CROSBIE JAMIE M
	36	12115 SHIRESTONE LN	AYCOCK ROBERT N ETAL
	37	12107 SHIRESTONE LN	BROWN BETTY R
O	38	12039 SHIRESTONE LN	OBERT BARBARA & STEVE
O	39	12031 SHIRESTONE LN	WILSON JOHN J & ANNE L
O	41	12017 SHIRESTONE LN	STOCKHAM MICHAEL WARREN & KIERSTEN W
O	42	12011 SHIRESTONE LN	JOHNSTON STUART G JR
O	43	12003 SHIRESTONE LN	SEAGRAM MICHAEL PAUL & GAIL MARIE
O	44	12004 SHIRESTONE LN	NOONAN GERALDINE S
O	45	12010 SHIRESTONE LN	SCOTT DAVID M & MELISSA K
	46	12018 SHIRESTONE LN	JUE DAVID N
O	47	12026 SHIRESTONE LN	ZELLERS THOMAS M &
	48	12030 SHIRESTONE LN	ANDERSON GEORGANNA KOCH
O	49	12034 SHIRESTONE LN	WEINKAUF JEAN B
O	50	12042 SHIRESTONE LN	DEVITO DONALD L
	51	5010 WILLOW LN	GIBSON JAY R &
	52	5018 WILLOW LN	DARTSON WILLIE MAE
	53	5026 WILLOW LN	HARRIS MARGARET D
	54	4949 RIDGESIDE DR	GOODSELL GARY & RITA
	55	4941 RIDGESIDE DR	SHERRARD SABER & JUANITA
	56	4933 RIDGESIDE DR	NOGLE HAROLD B & GAIL K
	57	4924 RIDGESIDE DR	BERNEY MAURA L
	58	4932 RIDGESIDE DR	LOUVIERE HENRY G JR & BARBARA B

12/14/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	59	4940 RIDGESIDE DR	MONTGOMERY JASON & NICOLE
	60	4948 RIDGESIDE DR	JOHNSON BROOK A & TRICIA L
	61	5025 WILLOW LN	WEAVER JOSEPH & MARGARET
O	62	5017 WILLOW LN	TRAN HIEP VAN & SAU THI
	63	5009 WILLOW LN	FATIMA LLC
O	64	4915 WILLOW LN	COLALUCA MARK & SHERI
O	65	12206 INWOOD RD	JESUIT COLLEGE PREPARATORY
	66	12250 INWOOD RD	SUMMER TREE JV
	67	12250 INWOOD RD	SUMMERTREE JOINT VENTURE
	68	12240 INWOOD RD	LUTADOR LLC
	69	5407 FOREST LN	FORESTWOOD CENTER JV
	70	11920 INWOOD RD	LOWES HOME CENTERS INC
	71	12050 INWOOD RD	CH RETAIL FUND I DALLAS
	72	12100 INWOOD RD	COLE MP PM PORTFOLIO LLC
	73	12200 INWOOD RD	EXTRA SPACE PPTIES 26 LLC
	74	12120 INWOOD RD	CHICK FIL A INC
	75	12130 INWOOD RD	SRI REAL ESTATE PROPERTIES
	76	12170 INWOOD RD	MU TECH ENTERPRISES LLC
	77	5232 FOREST LN	5232 FOREST LN LP
	78	11600 WELCH RD	HOCKADAY SCHOOL
	79	12240 INWOOD RD	INWOOD WILLOW INV PROP
O	80	12345 INWOOD RD	JESUIT HIGH SCHOOL
O	A1	12023 SHIRESTONE LN	SMITH HYDER KATHARINE E &

**AGENDA ITEM # 69**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 44 H; 45 E

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new subdistrict on property zoned Subdistricts 1 and 1C within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District at the southwest intersection of Inspiration Drive and North Stemmons Freeway

Recommendation of Staff and CPC: Approval, subject to conditions  
Z156-369(JM)

**FILE NUMBER:** Z156-369(JM)

**DATE FILED:** September 26, 2016

**LOCATION:** Southwest intersection of Inspiration Drive and North Stemmons Freeway.

**COUNCIL DISTRICT:** 6

**MAPSCO:** 44-H, 45-E

**SIZE OF REQUEST:** ±12.8 acres

**CENSUS TRACT:** 100.00

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**REPRESENTATIVE:** William S. Dahlstrom, Jackson Walker, LLP

**APPLICANT:** Radical Inspiration GP, LLC

**OWNER:** Radical 1323 Stemmons LP/Radical 1300 Inspiration LP/ Radical 1530 Inspiration LP

**REQUEST:** An application to create a new subdistrict on property zoned Subdistricts 1 and 1C within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District.

**SUMMARY:** The applicant is proposing a new subdistrict for consideration of the following for a high-density mixed-use development consisting of a professional sports franchise practice facility, commercial amusement (inside), or theater and, multifamily, and retail uses: 1) increase in floor area ratio from 4.0:1 to up to 5.5:1; 2) increase in structure height; 3) new bonuses for additional height; 4) allowing a beer or wine manufacturing use and an alcoholic beverage establishment (microbrewery, micro-distillery, or winery) use by right; 5) amending building site coverage requirements for structures above 85' and certain uses; 6) defining a professional sports franchise practice facility; and, 7) referring commercial amusement (inside) and theater uses with seating capacity greater than 10,000 to require a traffic impact analysis.

Staff has worked with the applicant to ensure the request is balanced by a commitment to the vision for the area. Where noted, staff has recommended a more defined commitment to balance the aggregate impact of the request.

**CPC RECOMMENDATION:** Approval, subject to conditions.

**STAFF RECOMMENDATION:** Approval, subject to conditions.

**DESIGNATED ZONING CASE**

**BACKGROUND INFORMATION:**

- Planned Development District No. 621 was created by City Council on June 8, 2011. It has been amended over the years to create new subdistricts within it.
- The ±.12.8 acre site is currently developed with a beer or wine manufacturing use/an alcoholic beverage establishment (microbrewery, micro-distillery, or winery) use, a private recreation center, and office uses.
- The request to create a new subdistrict with additional height bonuses and development rights include:
  - Allowing up to 350 feet in height with bonuses, after which, any legal height is allowed with approval of a development plan by the City Plan Commission.
    - Bonuses include the addition of a professional sports franchise practice facility, and a public trail on the site, dedicated to the City.
  - Increasing the floor area ratio (FAR) to 5.5: 1 from 4.0: 1.
- Staff supports the following:
  - Permitting a beer or wine manufacturing use and an alcoholic beverage establishment (microbrewery, micro-distillery, or winery) use by right in the new subdistrict.
  - Street-level parking structure concealment as required.
  - Requiring a new traffic impact analysis for a commercial amusement (inside), theater, or arena with a seating capacity of 10,000 or more.
  - Allowing up to 350 feet in height with bonuses, after which, any legal height is allowed.
    - New bonuses allowed under different allotments and with additional criteria.
  - Allowing an increase in FAR from 4.0:1 to up to 5.5:1 upon meeting additional design standards to minimize the impact or potential view obstruction (downtown views to the east).
- On December 15, 2016, the City Plan Commission recommended approval of the request for a new subdistrict subject to staff's recommended conditions with the following revisions:
  - Sec. 51P-621.109.(a)(6)(D) Building site coverage regulations would allow up to 130' before requiring a maximum floor plate of 60 percent of the lot area or 40,000 square feet, whichever is less. An added exemption for a commercial amusement (inside) use with a seating capacity of more than 12,500 has been allotted. A development plan is required to be approved by the CPC, with the criteria of providing a tower dimension with

perpendicular to views of downtown to the east at least two times longer than the tower dimension parallel to views to the southeast.

**Zoning History:** There have been four zoning cases in the area over the past five years.

1. Z112-254 On August 22, 2012, the City Council approved an expansion of Tract 1C (2.29 acres) of PDD No. 621 on property within the Tract 2 portion of PDD No. 621.
2. Z145-170 On March 23, 2016, the City Council approved an amendment to Planned Development District No. 582, the Victory Planned Development District.
3. Z156-140 On March 23, 2016, the City Council approved an application for an amendment to PDD No. 621 to create a new subdistrict (Subdistrict 1F).
4. Z134-140 On April 22, 2015, the City Council approved the renewal of SUP No. 1822 for an attached non-premise sign, an amendment to Tract I, Planned Development Subdistrict No. 11 of Planned Development District No. 193, the Oak Lawn Special Purpose District and an ordinance granting an amendment to Historic Overlay H/64, the Magnolia Station Historic District.

**Traffic:** The Engineering Division of the Sustainable Development and Construction Department has reviewed the applicant's request and traffic impact analysis and determined it will not negatively impact the surrounding street system. An additional provision was added to require a new traffic impact analysis for a commercial amusement (inside), theater, or arena with a seating capacity of 10,000 or more. The area subject to review will include the property and all property within a quarter mile. All infrastructure improvements essential to the operation of the use must be in place prior to the issuance of a certificate of occupancy for the use.

**Thoroughfares/Streets:**

Thoroughfares/Street	Existing ROW
Stemmons Freeway	Up to 450 feet
Inspiration Drive	70 feet
Slocum Street	90 feet

**Comprehensive Plan:** The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration* is comprised of a series of Building Blocks that depict general land use patterns.

The Plan identifies the request site as being located within an *Urban Mixed Use* Building Block. This building block incorporates a vibrant mix of residential and employment uses providing residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or mid-rise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. The intent of this building block was taken into consideration when drafting the conditions and additional criteria related to height and density bonuses.

The request complies with land use goals and policies of the Comprehensive Plan.

**LAND USE ELEMENT**

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas

**ECONOMIC ELEMENT**

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

GOAL 2.2 ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT

Policy 2.2.1 Focus economic development efforts on revitalization of the Trinity River Corridor.

**URBAN DESIGN ELEMENT**

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

**AREA PLAN:** The subject site is located within the Trinity River Corridor Comprehensive Land Use Plan, Downtown-Lakes District. The report identifies that the area will continue to have the most intense development pattern in Dallas. With the highest development intensity in this plan, this area extends across IH-35 from Downtown Dallas to the Trinity River levees and continues across the river to Oak Cliff and West Dallas. This development pattern should extend the existing downtown fabric and take full advantage of the appealing amenities planned in the central part of the Trinity River Corridor. Other land use modules provide for mixed use urban development as well. Mixed Use – High Density; Mixed Use – Adaptive Reuse; Residential Urban and Residential Riverside modules are all included in the plans for this district. The result should be a variety of exciting new urban neighborhoods and business areas.

**Land Use Compatibility:** PDD No. 621 was adopted by the City Council on August 28, 2002. Over the past 14 years, various parcels have been incorporated into the district as well as amendments to existing subdistricts. Prior to the creation of the district, the approximate 422 acres was home to various commercial and industrial uses. The area has experienced a redevelopment of various parcels that are more mixed use in application, with a commitment of the design package to accepting residents, tenants, and patrons by providing enhanced open space, a variety of retail and personal service uses, all within close proximity to mass transit and components of the trail system. This request is anticipated to continue this redevelopment vision and provides for the requested increase in floor area and height, subject to required design criteria to ensure increased vibrancy at street level is generated.

The site is separated by Stemmons Freeway to the east, and surrounded by Subdistrict 1 within PD No. 621 to the north, south, and west. Subdistrict 1 allows similar land uses and setbacks. Height restrictions limit development to between 130 and 150 feet depending on the level of residential uses. Subdistrict 1C was approved by City Council on June 8, 2008 to allow beer or wine manufacturing as a permitted use.

The vicinity is developed, with a mix of uses that represent the transition from an industrial area to a residentially influenced mixed use environment. One of the trailheads to the Trinity Strand Trail is situated further northwest from the site, with the DART Victory Station approximately half a mile from the site. Existing properties in the vicinity include multifamily units directly across Inspiration Drive, as well as a significant expanse of office showroom/warehouse uses along with some retail and personal service uses on the westerly boundaries along Slocum Street. The intent of the district is to be for medium density mixed-use. As the area is transitioning into mixed-use, new residential developments and entertainment venues have developed at adjoining sites. Across Stemmons Freeway, there are additional multifamily units, retail and personal service uses, and a major entertainment venue, along with the DART Victory Station.

	<b>Zoning</b>	<b>Land Use</b>
<b>Northwest</b>	PD No. 621, Subdistrict 1	Multifamily
<b>East</b>	PD No. 193 (I-2); PD No. 582, North Subdistrict/Entertainment Complex	Stemmons Freeway, then across: Multifamily, Retail & Personal Service, Commercial Amusement (Inside), and Transportation Uses (DART Victory Station)
<b>Southwest</b>	PD No. 621, Subdistrict 1	Retail & Personal Service and Office Showroom/Warehouse
<b>West</b>	PD No. 621, Subdistrict 1	Retail & Personal Service and Office Showroom/Warehouse

The area of request includes existing structures providing microbrewery/alcoholic beverage manufacturing uses, a private recreation center, and office uses. The proposed request is to allow the microbrewery/alcoholic beverage manufacturing uses by right, while adding the ability to build up on the site and create a high-density subdistrict. Additional height bonuses created for this subdistrict could provide a public trail and a professional sports franchise practice facility.

In context with the built environment, staff has requested the applicant provide for a vibrant pedestrian realm, inclusive of providing enhanced sidewalks to accommodate the proposed professional sports franchise practice facility and high-density development.

The majority of the proposal requests to be granted similar height bonuses and additional floor area as the three cases that were approved by Council in March 23, 2016 (Subdistricts 1E, 1F, and 1G). The previous three subdistricts proposed different mixed use models and were granted the additional floor area and height in order to secure a vibrant street-level mix of uses and design criteria. The proposed site differs from the previously approved subdistricts primarily because, while they intend to have a mixed use development, the applicant is unaware to what extent and has chosen to keep the variables less restrictive on potential uses.

Provision	Subdistrict				
	Z156-131; 1E	Z156-140; 1F	Z156-141; 1G	Proposed Subdistrict 1I— Staff's	Proposed Subdistrict 1I— Applicant's
<b>FAR</b>	186,437 sq. ft. Up to 450,000 w/mix of uses.	268,330 to 295,000 sq. ft.	245,678 sq. ft. Up to 450,000 w/mix of uses.	4.01:1 or up to 5.5:1 with mix of design criteria	5.5:1
<b>Height</b>	130'; 150' w/0.5 FAR residential component; 300' w/bonuses	130'; 150' w/0.5 FAR residential component; 300' w/bonuses	130'; 150' w/0.5 FAR residential component; 300' w/bonuses	130'; 150' w/0.5 FAR residential component; 350' w/bonuses; Any legal height.	130'; 150' w/0.5 FAR residential component; 350' w/bonuses; Any legal height after that with approval of a development plan by City Plan Commission.
<b>Building Coverage</b>	100%; Over 85', no more than 60% of lot area or 25,000 sq. ft., whichever is less	100%; Over 75', no more than 60% of lot area or 25,000 sq. ft., whichever is less	100%; Over 85', no more than 60% of lot area or 25,000 sq. ft., whichever is less	100%; Over 85', no more than 60% of lot area or 25,000 sq. ft., whichever is less; larger for sports facility with approval of a development plan by CPC	100%

A breakdown of requests, staff, and CPC recommendations is provided below:

Provision	Existing Subdistrict 1/1C	Proposed New Subdistrict	
		Staff Recommended	Applicant Requested
Uses	Mixed uses; medium density	Medium-high density <b>(CPC Rec)</b>	Medium-high density
		Allow a beer and wine manufacturing use by right <b>(CPC Rec)</b>	Allow a beer and wine manufacturing use by right
		Allow a microbrewery, microdistillery, or winery by right <b>(CPC Rec)</b>	Allow a microbrewery, microdistillery, or winery by right
Floor area ratio	4	4.0 to 5.5 with additional provisions <b>(CPC Rec)</b>	5.5
Height	130' (150' with 0.5 FAR residential component)	130' (150' with 0.5 FAR residential component) <b>(CPC Rec)</b>	130' (150' with 0.5 FAR residential component)
	Up to 270' per certain design criteria/amenity level	350' (subject to existing ord. Bonuses) plus addl. ten feet for mechanicals. <b>(CPC Rec)</b>	350' (subject to existing ord. Bonuses) plus addl. ten feet for mechanicals; addl bonus option for public trail (50')
Height Bonuses	Existing today: 12' for LEED 12' for pedestrian amenities totaling 25 points 15' for public water feature 40' for publicly accessible open space with certain criteria (public water feature can't be given bonus if they opt for this)	New proposed: 75' for a public trail with provisions. <b>Added provision clarifying cost calculation (CPC Rec)</b>  50' for a professional sports franchise practice facility <b>(CPC Rec)</b>  Any legal height after reaching 350' with bonuses <b>(CPC Rec)</b>	New proposed: 50' for a public trail with provisions  75' for a professional sports franchise practice facility  Any legal height with an approved development plan after reaching 350' with bonuses
Building Site (Lot) Coverage	100%	Restrict tower dimensions parallel to downtown: over 85' in height, floor plate of 25,000 sq. ft. or less w/a 3:1 proportion; OR for a commercial amusement (inside) use w/seating capacity of 10,000 or more, a height of up to 130' with up to 250,000 sq. ft. floor plate w/approval of a development plan by CPC—found not to adversely affect neighboring properties.	Restrict tower dimensions parallel to downtown: over 130' in height, floor plate of 40,000 sq. ft. or less w/a 2:1 proportion, except for a commercial amusement (inside) use w/seating capacity of 12,500 or more (exempt) w/approval of a development plan by the Department of Sustainable Development—found not to adversely affect neighboring properties. <b>(CPC Rec, but w/approval of dev. plan by CPC).</b>

While the applicant has requested minimal limitations to increase opportunities for creative design and mixed-uses, staff recommends adding additional criteria in support of the specific goals for PD No. 621. Considering no development plan is required with this PD, the conditions stand to guide development accordingly. Staff recommended conditions include:

- (a) Allowing the increase in floor area ratio (FAR) to 5.5 by assessing the following criteria (1) providing limitations on blank walls<sup>1</sup>, (2) building frontage requirements to ensure the buildings are brought to the street and (3) contain direct access for ground story uses to the sidewalk, (4) visible and vibrant ground story nonresidential uses, and (5) publically accessible open space.
- (b) The height bonus was reduced for the proposed professional sports franchise practice facility and increased for the more desirable public trail. This is in consideration of how a combination of bonuses could lead to the 350 foot maximum, allowing any legal height thereafter.
- (c) Additional provisions for the public trail considering design, standards, mobility and connectivity, pedestrian amenities, approval processes, ownership, and maintenance. A final provision allows for the public trail bonus to be satisfied by payment to the open space fund in-lieu of construction according to city standards and due to denial from TXDoT, the Park Board, the Park and Recreation Department, and/or City Council.
- (d) Tower dimensions restricting the size parallel to views of downtown.

The first, a 20 foot limitation on blank wall area, comes from the form districts requirement that the ground level of a mixed-use development have no more than 20 feet of blank wall area<sup>1</sup>. The second criteria prescribes a consistent street wall is constructed that requires that a minimum of 70 percent of the lot width along Inspiration Drive contains a building facade within 20 feet of the property line. This is slightly relaxed from a mixed-use form district which generally required 90 percent of the lot to have a façade within 20 feet of the property line. The intent of relaxing this standard is to provide added flexibility in design. Third, of the structure that is constructed facing Inspiration Drive, a minimum of 75 percent of the structure must contain one or more of the following: a restaurant without drive-in or drive-through service with an outside seating area of at least 500 square feet, residential units with direct street level access to the sidewalk, any non-residential uses with a ground-story facade must provide a minimum 50 percent transparency that provides views inside, or a publically accessible open space that complies with previously approved criteria with one exception on obstructions is provided.

Subdistricts in PD No. 621 typically require a tower exhibit in order to achieve heights with bonuses (above 130 to 150 feet). The applicant has requested not to submit a

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<sup>1</sup> BLANK WALL AREA means any portion of the exterior of a building that does not include a material change, windows or doors, or columns, pilasters, or other articulation greater than 12 inches in depth. Blank wall area is measured horizontally on each story.

tower exhibit in order to remain flexible on the design of the structure(s). Instead, the applicant would like to have the ability to build up to 350 feet, considering height bonuses, with no limiting or guiding criteria. However, the applicant has also requested to be able to reach any legal height after achieving 350 feet through bonuses, even self-imposing a development plan requirement for anything past 350 feet high. Staff has recommended additional provisions to ensure that the structures on this site are consistent with the PD and considerate of surrounding developments. The intent of providing a tower exhibit in this PD is to restrict the density and save the views of both the Trinity River, and downtown. All other subdistricts have conformed to these standards. Staff recommends that the subject site be held to additional height, floor area ratio, and site coverage standards to ensure suitability of the proposed development within the area, as described in staff's recommended conditions. In addition, staff has requested the submittal of a development plan in order to allow a floor plate larger than 25,000 square feet once the height limit of 85 feet has been reached (see building site coverage Sec.51P-621.109.(a)(6)). This will help ensure that as the flexible site is developed, sufficient consideration has been provided to staff, the CPC, and the public for proposed development of the site.

Due to the prescriptive criteria proposed for this request that will provide an engaged and attractive street level and the previously approved criteria for height bonuses and new height bonuses, staff recommends approval subject to staff's recommended conditions, because it offers alternative but appropriate design standards for a mixed-use development that meets the vision and purpose of the district.

**Owner/Applicant Partners/Principals/Officers**

**Officers:**

Mark Cuban – President

Robert Hart – Senior Vice President, Secretary, General Counsel

Dawn Knox – Vice President

**Sole Manager:**

Mark Cuban

**Sole Member:**

Alexissa LLC

**CPC Action:  
December 15, 2016**

**Motion:** It was moved to recommend **approval** of the creation of a new subdistrict, subject to revised staff's recommended conditions within Subdistricts 1 & 1C in Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, at the southwest intersection of Inspiration Drive and North Stemmons Freeway.

Maker: Anantasomboon  
Second: Anglin  
Result: Carried: 12 to 2

For: 12 - Anglin, Rieves, Houston, Davis, Shidid,  
Anantasomboon, Haney, Jung, Schultz,  
Peadon, Murphy, Tarpley

Against: 2 - Housewright, Ridley  
Absent: 0  
Vacancy: 1 - District 7

**Notices:** Area: 500 Mailed: 74  
**Replies:** For: 3 Against: 1

**Speakers:** For: Jonathan Vinson, 2323 Ross Ave., Dallas, TX, 75201  
Against: None

**CPC PD Conditions for  
New Subdistrict**

**ARTICLE 621.**

**PD 621.**

**Old Trinity and Design District Special Purpose District**

**SEC. 51P-621.101. LEGISLATIVE HISTORY.**

PD 621 was established by Ordinance No. 25013, passed by the Dallas City Council on August 28, 2002. (Ord. 25013)

**SEC. 51P-621.102. PROPERTY LOCATION AND SIZE.**

PD 621 is established on property generally bounded by Sylvan Avenue/Wycliff Avenue on the northwest, the meanders of the old channel of the Trinity River on the north, Interstate 35 on the east, Continental Avenue on the south, and the Trinity River Floodway on the west. The size of PD 621 is approximately 421.0323 acres. (Ord. Nos. 25013; 25560; 27006; 29127)

**SEC. 51P-621.102.1. CREATION OF SUBDISTRICTS.**

(a) Name. This special purpose district is to be known as the Old Trinity and Design District Special Purpose District.

(b) Creation of subdistricts.

(1) This special purpose district is divided into ~~ten~~ eleven subdistricts. Exhibit 621A describes the boundaries of each subdistrict. The map labelled Exhibit 621B shows the boundaries of each subdistrict. In case of a conflict, the verbal description in Exhibit 621A controls over the map in Exhibit 621B.

(2) Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, ~~and 1H, and 1I~~ are transit-oriented, mixed-use zoning districts for the development of combinations of medium-high density residential, retail, and office uses. Development should encourage residential, retail, office, and lodging uses in compatible combinations within walking distance of DART light-rail stations; conserve energy; provide for efficient traffic circulation; conserve land; minimize vehicular travel; encourage both day-time and night-time activity; encourage use of mass transit; increase pedestrian activity; and encourage bicycle usage. Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, ~~and 1H, and 1I~~ retain the potential for limited industrial and warehouse uses.

(3) Subdistrict 2 is for MU-3 Mixed Use District uses, bus or rail transit vehicle maintenance or storage facility uses, and commercial bus station and terminal uses. (Ord. Nos. 25013; 26975; 27006; 27280; 28231; 28819; 30040; 30041; 30042)

**SEC. 51P-621.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions in Chapter 51A apply to this article. The following definitions apply to this special purpose district:

(1) ANTIQUE SHOP means an establishment for the retail sale of articles such as glass, china, furniture, or similar furnishings and decorations that have value and significance as a result of age, design, or sentiment.

(2) ART GALLERY means an establishment where original works of art or limited editions of original works of art are bought, sold, loaned, appraised, or exhibited to the general public.

(3) ART OR CRAFT PRODUCTION FACILITY means a facility for the production of handcrafted art or craft products through processes such as kiln firing, glass blowing, welding, or woodworking and for sale of the products to the general public.

(3.1) BEER OR WINE MANUFACTURING means an enclosed facility that processes and manufactures alcoholic beverages. This use does not include the processing or manufacturing of distilled spirits.

(4) BUS OR RAIL TRANSIT VEHICLE MAINTENANCE OR STORAGE FACILITY means a facility for the maintenance, repair, or storage of bus, rail, or other transit vehicles, including the following accessory uses: sleeping facilities for bus, rail or transit vehicle drivers, vehicle paint and body shop, vehicle washing, vehicle fueling facilities, sanitary hoppers, oil storage, package express services, bus charter sales, offices, training facilities, vehicle storage, vehicle sales, and communication antennas.

(5) CANOPY TREE means a species of tree that normally bears crown foliage no lower than six feet above ground upon maturity.

(6) DUMPSTER means a movable container holding two cubic yards or more of garbage.

(7) FACADE means any separate face of a building that is visible from a street, alley, or railbed.

(8) MAJOR MODIFICATION means reconstruction, alteration, or renovation of an original building that exceeds 50 percent of the value of the original building assessed by the Dallas Central Appraisal District or any increase in the floor area of an original building if the expansion is over 50 percent for nonresidential projects, over 65 percent for mixed use projects, and over 75 percent for residential projects.

(9) MASSAGE ESTABLISHMENT means any building, room, place, or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician or chiropractor whether with or without the use of mechanical, therapeutic, or bathing devices, and includes Turkish bathhouses. This term does not include, however, duly licensed beauty parlors or barbershops or a place wherein registered physical therapists treat only patients recommended by a licensed physician and operated only under such physician's direction. "MASSAGE" means any process consisting of kneading, rubbing, or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electrical instruments or apparatus, or other special apparatus, but does not include massage by duly licensed physicians and chiropractors, and registered physical therapists who treat only patients recommended by a licensed physician and who operate only under such physician's direction, nor massage of the face practiced by beauty parlors or barbershops duly licensed under the penal code of the state.

(10) MEANDERS OF THE OLD TRINITY RIVER CHANNEL means the old Trinity River channel within this special purpose district, as shown on the map labelled Exhibit 621C.

(11) MIXED USE PROJECT means a development, on a single building site, that contains more than one use.

(12) NEW CONSTRUCTION means construction of a main structure that is not an original building.

(13) OPENING means a door, window, passageway, or any other similar architectural feature through which light or solid objects may pass.

(14) ORIGINAL BUILDING means a structure existing on the date of the establishment of this special purpose district, but does not include a structure that has undergone a major modification.

(15) OUTSIDE SEATING means the area between an omitted wall line and the structural wall when the area is used solely for seating of patrons.

(16) PIERCING SALON means a facility in which body piercing is performed. BODY PIERCING means the creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

(17) PROFESSIONAL SPORTS FRANCHISE PRACTICE FACILITY means a facility which includes a mix of the following: two full courts, locker rooms, a wet area with plunge pools, weight room and training area, a lounge area, and offices for staff related to the sports franchise.

(18) ~~H71~~ RAILBEDS means the areas shown on the map labelled Exhibit 621D.

(19) ~~H81~~ TATTOO STUDIO means an establishment in which tattooing is performed. TATTOOING means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.

(20) ~~H91~~ WALKING DISTANCE means the distance from the nearest point of a parking lot to the nearest public entrance of a main use, measured along the most convenient pedestrian walkway.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This special purpose district is considered to be a mixed use zoning district.

(d) The following rules apply in interpreting the use regulations in this article:

(1) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(2) The symbol *[L]* appearing after a listed use means that the use is permitted by right as a limited use only. (For more information regarding limited uses, see Section 51A-4.218, "Limited Uses.")

(3) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(4) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803, "Site Plan Review." "DIR" means "development impact review." For more information regarding development impact review generally, see Division 51A-4.800, "Development Impact Review.")

(5) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, "Site Plan Review," a site plan must be submitted and approved in accordance with the requirements of that section. "RAR" means "residential adjacency review." For more information regarding residential adjacency review generally, see Division 51A-4.800, "Development Impact Review.") (Ord. Nos. 25013; 25560; 28231)

**SEC. 51P-621.103.1. EXHIBITS.**

The following exhibits are incorporated into this article:

- (1) Exhibit 621A: Property and Subdistrict Descriptions.
- (2) Exhibit 621B: Subdistrict Map.
- (3) Exhibit 621C: Meanders of the Old Trinity River Channel
- (4) Exhibit 621D: Existing Railbeds.
- (5) Exhibit 621E: List of Native Plants.
- (6) Exhibit 621F: The Old Trinity and Design District "Woonerf-Living Streets" Conceptual Plan.
- (7) Exhibit 621G: Tower Diagrams for Subdistrict 1A.
- (8) Exhibit 621H: Tower Orientation.
- (9) Exhibit 621I: Tower Diagram for Subdistrict 1E.
- (10) Exhibit 621J: Tower Diagram for Subdistrict 1F.
- (11) Exhibit 621K: Tower Diagram for Subdistrict 1G.
- (12) Exhibit 621L: Tower Diagram for Subdistrict 1H.

**SEC. 51P-621.104. CONCEPTUAL PLAN.**

There is no conceptual plan for this special purpose district. (Ord. 25013)

**SEC. 51P-621.105. DEVELOPMENT PLAN.**

- (a) Except as otherwise provided in this article, no development plan is required, and the

provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

(b) Development of the railbeds as woonerf, as described in Exhibit 621F, is encouraged. The provisions of Exhibit 621F are not required. (Ord. Nos. 25013; 25560)

**SEC. 51P-621.106. MAIN USES PERMITTED.**

(a) Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, ~~and~~ 1H, and 1I.

(1) Agricultural uses.

None permitted.

(2) Commercial and business service uses.

Building repair and maintenance shop. [RAR]  
Catering service.  
Commercial cleaning or laundry plant. [SUP]  
Custom business services.  
Custom woodworking, furniture construction, or repair.  
Electronics service center.  
Job or lithographic printing. [RAR]  
Labor hall. [SUP]  
Machine or welding shop. [RAR]  
Medical or scientific laboratory.  
Technical school.  
Tool or equipment rental.

(3) Industrial uses.

Beer or wine manufacturing. [Limited to Subdistricts 1C, ~~and~~ 1D, and 1I.]  
Industrial (inside) for light manufacturing.  
Industrial (inside). [RAR]  
Temporary concrete or asphalt batching plant. [By special authorization of the building official]

(4) Institutional and community service uses.

Adult day care facility.  
Child-care facility.  
Church.  
College, university, or seminary.  
Community service center. [SUP]  
Convent or monastery.  
Halfway house. [SUP]  
Hospital. [RAR]  
Library, art gallery, or museum.  
Open-enrollment charter school. [SUP]  
Private school other than open-enrollment charter school. [SUP]  
Public school other than open-enrollment charter school. [SUP]

- (5) Lodging uses.  
Hotel or motel. [RAR]  
Lodging or boarding house. [SUP]
- (6) Miscellaneous uses.  
Carnival or circus (temporary). [By special authorization of the building official]  
Temporary construction or sales office.
- (7) Office uses.  
Financial institution without drive-in window.  
Financial institution with drive-in window. [SUP, except with RAR only for lots adjacent to Oak Lawn Avenue, Market Center Boulevard, or Turtle Creek Boulevard]  
Medical clinic or ambulatory surgical center.  
Office.
- (8) Recreation uses.  
Country club with private membership.  
Private recreation center, club, or area.  
Public park, playground, or golf course.
- (9) Residential uses.  
College dormitory, fraternity, or sorority house. [SUP]  
Duplex.  
Group residential facility. [SUP required if the spacing component of Section 51A-4.209(3) is not met. Permitted in this subdistrict subject to the same requirements as if located in an MU-3 Mixed Use District]  
Handicapped group dwelling unit. [SUP required if the spacing component of Section 51A-4.209(3.1) is not met. Permitted in this subdistrict subject to the same requirements as if located in an MU-3 Mixed Use District]  
Multifamily.  
Retirement housing. [SUP]  
Single family.
- (10) Retail and personal service uses.  
Alcoholic beverage establishments. [SUP except a microbrewery, micro-distillery, or winery is permitted in Subdistrict II. See Section 51A-4.210(b)(4).]  
Ambulance service. [RAR]  
Animal shelter or clinic without outside run. [RAR]  
Animal shelter or clinic with outside run. [SUP]  
Antique shop.  
Art gallery.  
Art or craft production facility. [Limited to 5,000 square feet or less of floor area]  
Auto service center. [SUP]

Billiard hall. [SUP]  
Bingo parlor. [SUP]  
Business school.  
Car wash. [SUP]  
Commercial amusement (inside). [See Section 51A-4.210(b)(7). Except as otherwise provided, permitted in this subdistrict subject to the same requirements as if located in an MU-3 Mixed Use District. Class E dancehalls, as defined in Chapter 14 of the Dallas City Code, are not permitted. Billiard hall by SUP only. Bingo parlor by SUP only. See Section 51P-621.117(c) for use with a seating capacity of 10,000 or more in Subdistrict II.]  
Commercial parking lot or garage.  
Dry cleaning or laundry store.  
Furniture store.  
General merchandise or food store 3,500 square feet or less.  
General merchandise or food store greater than 3,500 square feet.  
Home improvement center, lumber, brick, or building materials sales yard.  
Household equipment and appliance repair.  
Liquor store.  
Massage establishment. [SUP]  
Mortuary, funeral home, or commercial wedding chapel.  
Motor vehicle fueling station. [SUP]  
Nursery, garden shop, or plant sales.  
Outside sales. [SUP]  
Personal service uses.  
Piercing salon. [SUP]  
Restaurant without drive-in or drive-through service.  
Restaurant with drive-in or drive-through service. [SUP]  
Swap or buy shop. [SUP]  
Taxidermist.  
Tattoo studio. [SUP]  
emporary retail use.  
Theater. [Limited to 1,000 seats or fewer, except in Subdistrict II. See Section 51P-621.117(c) for use with a seating capacity of 10,000 or more in Subdistrict II]  
Truck stop. [SUP]  
Vehicle display, sales, and service. [SUP]

(11) Transportation uses.

Heliport. [SUP]  
Helistop. [SUP]  
Railroad passenger station. [SUP]  
Transit passenger shelter.  
Transit passenger station or transfer center. [By SUP or city council resolution]

(12) Utility and public service uses.

Electrical substation.  
Local utilities.  
Police or fire station.  
Post office.  
Radio, television, or microwave tower. [RAR]  
Tower/antenna for cellular communication.  
Utility or government installation other than listed. [SUP]

(13) Wholesale, distribution, and storage uses.

- Auto auction. [SUP]
- Contractor's maintenance yard. [RAR]
- Mini-warehouse. [SUP, except with RAR only if all on-site circulation is internal to the structure]
- Office showroom/warehouse.
- Recycling drop-off container. [SUP required if the requirements of Subparagraph (E) of Section 51A-4.213(11.2) are not satisfied]
- Trade center.
- Warehouse.

(b) Subdistrict 2.

(1) Except as otherwise provided in this subsection, the uses permitted in this subdistrict are the same as those uses permitted in the MU-3 Mixed Use District, subject to the same conditions applicable in the MU-3 Mixed Use District, as set out in the Dallas Development Code, as amended. For example, a use permitted in the MU-3 Mixed Use District only by specific use permit (SUP) is permitted in this special purpose district only by SUP; a use subject to development impact review (DIR) in the MU-3 Mixed Use District is subject to DIR in this special purpose district; etc.

(2) The following use is permitted in this subdistrict subject to residential adjacency review:

Bus or rail transit vehicle maintenance or storage facility. *IRAN*

(3) The following use is permitted in this subdistrict by specific use permit only:

-- Commercial bus station and terminal. [SUP]

(Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819; 30040; 30041; 30042)

**SEC. 51P-621.107. ACCESSORY USES.**

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, see Section 51A-4.217.

(b) The following accessory uses are not permitted in Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, ~~and~~ 1H, and 1I:

- Accessory medical/infectious waste incinerator.
- Accessory pathological waste incinerator.
- Amateur communications tower.
- Day home.
- General waste incinerator.
- Private stable.

(c) Except as otherwise provided in this section, accessory uses in Subdistrict 2 must comply with the accessory use regulations applicable to the MU-3 Mixed Use District.

(d) The following accessory uses are permitted by SUP only:

Accessory outside storage. [SUP]  
Pedestrian skybridges. [SUP]  
(Ord. Nos. 25013; 25560; 26975; 27280; 28231;  
28819)

**SEC. 51P-621.108. CREATION OF A BUILDING SITE.**

- (a) The building official shall not issue a certificate of occupancy or a building permit until:
- (1) a building site has been established under Section 51A-4.601, "Creation of a Building Site"; or
  - (2) the yard, lot, and space requirements of a lot or parcel can be determined from property lines described in deed records. (Ord. 25013)

**SEC. 51P-621.109. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

- (a) Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, ~~and~~ 1H, and 1I.
- (1) Front yard. No minimum front yard.
  - (2) Side and rear yard. No minimum side or rear yard.
  - (3) Density. No maximum density.
  - (4) Floor area.
    - (A) For Subdistricts 1, 1A, 1C, and 1D, maximum floor area ratio is 4.0.
    - (B) For Subdistrict 1B, maximum floor area is 449,316 square feet.
    - (C) Except as provided in this subparagraph, for Subdistrict 1E, maximum floor area is 186,437 square feet.
      - (i) Mix of uses with a hotel or motel use. Maximum floor area may be increased to 450,000 square feet if a structure contains a hotel or motel use with a minimum of 150 guest rooms and a minimum of 7,000 square feet of floor area for retail and personal service uses at street level.
        - (aa) If a restaurant without drive-in or drive-through service is located at street level, an outside seating area of 700 square feet, for all restaurants combined, must be provided and must face a public right-of-way or abandoned railroad right-of-way.
        - (bb) An outside seating area does not count toward the minimum 7,000 square feet of floor area requirement for retail and personal service uses.
      - (ii) Mix of uses without a hotel or motel use. Maximum floor area

may be increased to 450,000 square feet if a multifamily use with a minimum of 135 dwelling units has a minimum of 7,000 square feet of floor area for retail and personal service uses at street level.

(aa) If a restaurant without drive-in or drive-through service is located at street level, an outside seating area of 700 square feet, for all restaurants combined, must face a public right-of-way or abandoned railroad right-of-way.

(bb) An outside seating area does not count toward the minimum 7,000 square feet of floor area requirement for retail and personal service uses.

(D) Except as provided in this subparagraph, for Subdistrict 1F, maximum floor area is 268,330 square feet. Maximum floor area may be increased to 295,000 square feet if a structure contains a minimum of 3,000 square feet of floor area for retail and personal service uses located at street level.

(i) If a restaurant without drive-in or drive-through service is located at street level as part of the 3,000 square feet of floor area requirement for retail and personal service uses, an outside seating area of 800 square feet, for all restaurants combined, must be provided along Edison Street and the southeastern Property line.

(ii) An outside seating area does not count toward the minimum 3,000 square feet of floor area requirement for retail and personal service uses.

(E) Except as provided in this subparagraph, for Subdistrict 1G, maximum floor area is 245,678 square feet.

(i) Mix of uses with a hotel or motel use. Maximum floor area may be increased to 450,000 square feet if a structure contains a:

(aa) hotel or motel use with a minimum of 100 guest rooms;

(bb) a multifamily use with a minimum of 120 dwelling units;

and

(cc) a minimum of 4,000 square feet of floor area for retail and personal service uses at ground level.

(11) If a restaurant without drive-in or drive-through service is located at ground level, an outside seating area of 500 square feet, for all restaurants combined, must be provided and must face a Property line other than Stemmons Freeway.

(22) An outside seating area does not count toward the minimum 4,000 square feet of floor area requirement for retail and personal service uses.

(ii) Mix of uses without a hotel or motel use. Maximum floor area may be increased to 450,000 square feet if a structure contains a multifamily use with a minimum of 200 dwelling units and a minimum of 4,000 square feet of floor area for retail and personal service uses located at ground level.

(aa) If a restaurant without drive-in or drive-through service is located at ground level, an outside seating area of 500 square feet, for all restaurants combined, must be provided and must face a Property line other than Stemmons Freeway.

(bb) An outside seating area does not count toward the minimum 4,000 square feet of floor area requirement for retail and personal service uses.

(F) Except as provided in this subparagraph, in Subdistrict 1H, maximum floor area ratio is 4.0. Maximum floor area ratio may be increased to 5.0 for a residential use if it complies with the following:

(i) Any ground-story blank wall area, as defined in Section 51A-13.201(5), along Hi Line Drive does not exceed a maximum of 30 linear feet.

(ii) A minimum of 70 percent of the lot width along Hi Line Drive contains a building façade within 20 feet of the Property line.

(iii) A minimum of 75 percent of a structure at street level along Hi Line Drive must have one or more of the following:

(aa) residential units with direct street level access to the sidewalk;

(bb) for the portion of the structure that contains a lobby, a ground-story façade providing a minimum of 50 percent window pane surface area that allows views into the structure at a minimum depth of four feet; or

(cc) a publically accessible open space area that complies with the criteria of Section 51P-621.109(a)(5.1)(G).

(iii) The sidewalk along Hi Line Drive has a minimum unobstructed width of eight feet.

**CPC's Recommendation:**

(G) Except as provided in this subparagraph, in Subdistrict 1I, maximum floor area ratio is 4.0. Maximum floor area ratio may be increased to 5.5 for mixed-uses if it complies with the following:

(i) Any ground-story blank wall area, as defined in Section 51A-13.201(5), along Inspiration Drive does not exceed a maximum of 20 linear feet.

(ii) A minimum of 70 percent of the lot width along Inspiration Drive contains a building façade within 20 feet of the Property line.

(iii) A minimum of 75 percent of a structure at street level along Inspiration Drive must have one or more of the following:

(aa) If a restaurant without drive-in or drive-through service is located at ground level, an outside seating area of at least 500 square feet, for all restaurants combined, must be provided and must face a Property line other than Stemmons Freeway.

(bb) residential units with direct street level access to the sidewalk;

(cc) for the portion of the structure that contains a non-residential use, a ground-story façade providing a minimum of 50 percent window pane surface area that allows views into the structure at a minimum depth of four feet; or

(dd) a publically accessible open space area that complies with the criteria of Section 51P-621.109(a)(5.1)(G).

**Applicant's Request:**

(G) For Subdistrict 1I, maximum floor area ratio is 5.5.

(5) Height.

(A) Except as provided in this subsection, maximum height is:

(i) 150 feet for buildings having an FAR for residential uses of 0.5 or more; and

(ii) 130 feet for all other buildings and structures.

(B) In Subdistricts 1E, 1F, 1G, ~~and~~ 1H, and 1I, mechanical equipment, elevator overrides, penthouses, parapet walls, and related equipment and structures may extend an additional 10 feet in height above the maximum structure height.

**CPC's Recommendation:**

(5.1) Height bonuses for Subdistricts 1A, 1B, 1D, 1E, 1F, 1G, [and] 1H, and 1I. One or more of the following height bonuses may be combined to achieve a maximum building height of 270 feet for Subdistricts 1A, 1B, and 1D, and a maximum building height of 300 feet for Subdistricts 1E, 1F, 1G, and 1H. In Subdistrict 1I, the maximum height that may be achieved with the combination of bonuses is 350 feet; after which, any legal height may be obtained. In Subdistrict 1F, the development must comply with Section 51P-621.109(a)(4)(D)(i) and (ii) to receive a height bonus. In Subdistrict 1G, the development must comply with Section 51P-621.109(a)(4)(E)(i) or (ii) to receive a height bonus. In Subdistrict 1H, the development must comply with Section 51P-621.109(a)(4)(F)(i) through (iv) to receive a height bonus.

**Applicant's Request:**

(5.1) Height bonuses for Subdistricts 1A, 1B, 1D, 1E, 1F, 1G, [and] 1H, and 1I. One or more of the following height bonuses may be combined to achieve a maximum building height of 270 feet for Subdistricts 1A, 1B, and 1D, and a maximum building height of 300 feet for Subdistricts 1E, 1F, 1G, and 1H. In Subdistrict 1I, the maximum height that may be achieved with the combination of bonuses is 350 feet. In Subdistrict 1I, the maximum height that may be achieved with the combination of bonuses is 350 feet which may be increased to any allowed legal height with the approval of a development plan provided a combination of bonuses to achieve 350 feet in height has been achieved. In Subdistrict 1F, the development must comply with Section 51P-621.109(a)(4)(D)(i) and (ii) to receive a height bonus. In Subdistrict 1G, the development must comply with Section 51P-621.109(a)(4)(E)(i) or (ii) to receive a height bonus. In Subdistrict 1H, the development must comply with Section 51P-621.109(a)(4)(F)(i) through (iv) to receive a

(A) Tower size and orientation. Building height may be increased a maximum of 60 feet if (See Exhibit 621G for Subdistrict 1A. See Exhibit 621H for Subdistrict 1B. See Exhibit 621I for Subdistrict 1E. See Exhibit 621J for Subdistrict 1F. See Exhibit 621K for Subdistrict 1G. See Exhibit 621L for Subdistrict 1H.):

- (i) in Subdistrict 1A and 1D:
  - (aa) the portion of the building above 75 feet in height has a floor plate of 12,500 square feet or less; and
  - (bb) the tower dimension perpendicular to the east Trinity River levee is at least three times longer than the tower dimension parallel to the east Trinity River levee (tower dimension is measured at the widest point of the building facade).
- (ii) in Subdistrict 1B:
  - (aa) the portion of the building above 75 feet has a floor plate of 25,000 square feet or less;
  - (bb) the tower is oriented as indicated on Exhibit 621H; and
  - (cc) the longer tower dimension is at least three times longer than the short tower dimension (tower dimension is measured at the widest point of the building facade).

- (iii) in Subdistrict 1E and 1G:
  - (aa) the portion of the building above 85 feet has a floor plate of 25,000 square feet or less;
  - (bb) the tower is oriented as indicated on Exhibit 6211 (for Subdistrict 1E) or Exhibit 621K (for Subdistrict 1G); and
  - (cc) the longer tower dimension is at least two times longer than the short tower dimension (tower dimension is measured at the widest point of the building facade).

- (iv) in Subdistrict 1F:
  - (aa) the portion of the building above 75 feet has a floor plate of 25,000 square feet or less;
  - (bb) the tower is oriented as indicated on Exhibit 621J; and
  - (cc) the longer tower dimension is at least one-and-a-half times longer than the short tower dimension (tower dimension is measured at the widest point of the building facade).

- (v) in Subdistrict 1H:
  - (aa) the portion of a building above 85 feet has a floor plate of 25,000 square feet or less;
  - (bb) towers are oriented as indicated on Exhibit 621L; and
  - (cc) the longer tower dimension is at least one and a half times longer than the short tower dimension (tower dimension is measured at the widest point of the building façade).

(B) Street-level parking structure concealment. Building height may be increased a maximum of 36 feet if:

- (i) the building is located in Subdistricts 1A, 1B, 1D, ~~1H~~, or 1I and:
  - (aa) the building has street-level office showroom/warehouse, office, restaurant, or residential uses that conceal 100 percent of the street-level parking structure facade; and
  - (bb) the street-level uses have a minimum depth of 30 feet measured from the building facade.
- (ii) the building is located in Subdistrict 1E and except as provided in this subparagraph:
  - (aa) the development complies with Section 51P-621.109(a)(4)(C)(i) or (ii);

(bb) one hundred percent of the street-level parking structure facade is screened as follows:

(I) the building has street-level office showroom/warehouse, office, restaurant, hotel or motel, retail and personal service, or residential uses that conceal a minimum of 85 percent of the street-level parking structure facade (excluding driveway entrances);

(II) the remainder of the street-level parking structure facade is screened with a solid material that is architecturally compatible with the main building.

(cc) the street-level uses have a minimum depth of 30 feet measured from the building facade.

(iii) the building is located in Subdistrict 1F and:

(aa) the building has street-level office showroom/warehouse, office, restaurant, hotel or motel, retail and personal service, or residential uses that conceal 100 percent of the street-level parking structure facade facing Edison Street (excluding driveway entrances);

(bb) any street-level parking structure facade must provide screening that is architecturally compatible with the building and conceals a minimum of 50 percent of the street-level parking structure facade facing Stemmons Freeway (excluding driveway entrances); and

(cc) the street-level uses have a minimum depth of 30 feet measured from the building facade.

(iv) the building is located in Subdistrict 1G and:

(aa) except as provided in this provision, the building has ground-level office showroom/warehouse, office, restaurant, hotel or motel, retail and personal service, or residential uses that conceal 70 percent of the ground-level parking structure facade on the south side of the parking structure;

(bb) the ground-level uses have a minimum depth of 30 feet measured from the building facade; and

(cc) for facades facing Stemmons Freeway, ground-level office showroom/warehouse, office, restaurant, hotel or motel, retail and personal service, or residential uses or screening of any portion of a ground-level parking structure facade are not required.

(v) the building is located in Subdistrict 1I and:

(aa) except as provided in this provision, the building has ground-level office showroom/warehouse, office, restaurant, hotel or motel, retail and personal service, or residential uses that conceal 70 percent of the ground-level parking structure facade. The remainder of the street-level parking structure facade shall be screened with a solid material that is architecturally compatible with the main building.

(bb) the ground-level uses have a minimum depth of 30 feet measured from the building façade; and

(cc) for facades facing Stemmons Freeway, ground-level office showroom/warehouse, office, restaurant, hotel or motel, retail and personal service, or residential uses or screening of any portion of a ground-level parking structure façade are not required.

(C) LEED rating.

(i) Building height may be increased a maximum of 12 feet if the building is eligible for silver, gold, or platinum designation under the United States Green Building Leadership in Energy and Environmental Design (LEED) rating system.

(ii) Determination of eligibility.

(aa) A United States Green Building Council's Leadership in Energy and Environmental Design (LEED) checklist, effective May 1, 2004, must be submitted with an application for a building permit for development, indicating how development will comply with a certified designation. The development plans submitted for a building permit must be certified by a LEED accredited professional designated by the department of sustainable development and construction.

(bb) Before the issuance of a building permit, the building official shall determine that the project is consistent with the standards and criteria for a LEED certified designation.

(cc) If the developer is unable to achieve all of the green building rating system points identified on the checklist, the developer must replace any points not achieved with other green building rating system points acceptable under the United States Green Building Council's LEED rating system.

(dd) The checklist, certified development plans, and any supporting documents and templates related to the points previously approved by the city for the LEED certified level designation must be submitted with an application for a certificate of occupancy. A certificate of occupancy may not be issued until a LEED accredited professional designated by the department of sustainable development and construction certifies that the building complies with the LEED certified designation.

(D) Pedestrian amenities. Building height may be increased a maximum of 12 feet if the building achieves 25 points under Section 51P-621.113(c)(3).

(E) Public art or water feature. In Subdistricts 1E, 1F, 1G, ~~and~~ 1H, and 1I, building height may be increased a maximum of 15 feet if:

(i) in Subdistricts 1E, and 1F, the building achieves 15 points under Section 51P-621.113(c)(4);

(ii) the public art or water feature is located in exterior open space and has a minimum of 600 square feet of land area, and includes a minimum of two of the following:

(aa) benches and/or seat walls;

(bb) trash receptacles;

(cc) shade structure, awning, trees; and

(iii) In Subdistrict 1E, the development complies with Section 51P-621.109 (a)(4)(C)(i) or (ii).

(F) Electric charging stations. In Subdistricts 1E, 1F, 1G, ~~and~~ 1H, and 1I building height may be increased a maximum of 15 feet if the development provides a minimum of five electric charging stations for the charging of electrically-powered motor vehicles, with a minimum of two of the stations that are accessible to the public. For purposes of this subparagraph, accessible to the public means an electric charging station that is visible from a public right-of-way or signage or other identification if either or all of the spaces are located within a structure.

(G) Publicly accessible open space. In Subdistrict 1F ~~and~~ 1H, and 1I, building height may be increased a maximum of 40 feet if street-level publicly accessible open space is provided in accordance with this subparagraph. If building height is increased under this subparagraph, it may not be increased an additional 15 feet under Subparagraph (E) for the same open space.

(i) The open space must have a minimum of 1,000 square feet of land area.

(ii) The open space must be clearly visible and adjacent to, or a part of, a public sidewalk, subject to the following maximum elevations between the grade of the sidewalk and the grade of the open space:

**Publicly Accessible Open Space Elevation**

<u>Open Space Land Area</u>	<u>Maximum elevation above sidewalk grade</u>
500 square feet or less	6 inches or less
501-1,000 square feet	12 inches or less
1,001-2,000 square feet	2 feet or less
2,001-3,000 square feet	3 feet or less
3,001 square feet and greater	4 feet or less

(iii) The open space may not be designed to allow vehicular access.

(iv) In Subdistrict 1F, obstructions are not allowed above the plaza except awnings, trellises, or similar structures to enhance usability. In Subdistricts 1H and 1I, obstructions with a minimum clearance of 14 feet in height from the grade of the plaza are allowed within the publically accessible open space.

(v) A minimum of 25 percent of the land area must be improved with plantings, sculptures, pools, or similar features.

(vi) A minimum of 25 percent of the land area must be improved to provide shade, using trees, awnings, shade structures, or other means to provide users refuge from the elements.

(vii) Lighting must be provided to maintain a minimum of 0.2 footcandles across all walkable and seating areas inside and adjacent to the open space area. Illumination must be provided from one hour after sunset to one hour after sunrise.

(viii) All light sources that illuminate the open space area must be shielded from direct view.

(ix) The open space must provide a minimum of three of the following:

(aa) seating areas.

(bb) children's play area.

(cc) water feature.

(dd) public art.

(ee) historical monument.

(ff) trash and recycling receptacles.

(gg) windows and doors from an abutting building facing the public art.

(hh) drinking fountains.

**CPC's Recommendation:**

(H) Professional sports franchise practice facility. In Subdistrict 1I, building height may be increased a maximum of 50 feet if a professional sports franchise practice facility is constructed in Subdistrict 1I.

**Applicant's Request:**

(H) Professional sports franchise practice facility. In Subdistrict 1I, building height may be increased a maximum of 75 feet if a professional sports franchise practice facility is constructed in Subdistrict 1I.

**CPC's Recommendation:**

(I) Public trail. In Subdistrict 1I, building height may be increased a maximum of 75 feet if a public trail is provided extending from Slocum Street along the south boundary of Subdistrict 1I and connecting to the existing DART Victory Station before credit is given for additional height. Furthermore, the public trail shall meet the City of Dallas park and recreation department standards for hike and bike trails, measuring a minimum of 12-feet in width and composed of a minimum of five-inches thick reinforced concrete with a minimum shoulder of twenty-four inches. Amenities such as trash receptacles, benches, bubblers, lighting, signage, striping, traffic control devices, and other trail-related items must be included as determined by park and recreation department staff during the design of the trail. Other trail-related items include landscaping which coordinates with the development. The public trail must be reviewed and approved by the park board. Upon connection to the DART Victory Station, a 25 foot easement must be dedicated exclusively to the city to assure its availability to the public for pedestrian access. Upon dedication to the city, maintenance will be completed by the city.

(i) Additionally, a development agreement approved by the city council that details infrastructure and service provisions and phasing, and assigns cost responsibilities for the provision of recreational services and facilities is required before this requirement is satisfied.

(ii) If the Texas Department of Transportation or the Dallas Area Rapid Transit (DART) authority denies the application to connect the trail through right-of-way to the DART Victory Station and no other reasonable means of connection is available; or, if the park and recreation department, park board, and property owner cannot come to an agreement for the design of the trail:

(aa) In-lieu of providing the trail connection and to satisfy the requirement of this bonus, a contribution may be made to the open space fund as described in SEC. 51P-621.112(b)(6)(A). The contribution shall be determined based on an estimate of the cost of the construction of the proposed trail. The estimate shall be provided by the developer and approved by the City of Dallas park and recreation department.

**Applicant's Request:**

(H) Public trail. In Subdistrict 1I, building height may be increased a maximum of 50 feet if a public trail, measuring a minimum of 12-feet in width, is provided extending from Slocum Street and Inspiration Drive along the south and southwest boundaries of Subdistrict 1I. The trail must be constructed of a weatherproof material.

(6) Building site coverage.

(A) Except as provided in this paragraph, maximum building site coverage is

100 percent.

(B) For Subdistricts 1A, 1B, and 1F, any portion of a building that is above 75 feet in height may not have a floor plate greater than 60 percent of the lot area or 25,000 square feet, whichever is less (See Exhibit 621G for Subdistrict 1A. See Exhibit 621H for Subdistrict 1B. See Exhibit 621J for Subdistrict 1F.).

(C) For Subdistricts 1E, 1G, and 1H, any portion of a building that is above 85 feet in height may not have a floor plate greater than 60 percent of the lot area or 25,000 square feet, whichever is less (See Exhibit 621I for Subdistrict 1E. See Exhibit 621K for Subdistrict 1G. See Exhibit 621L for Subdistrict 1H.)

**CPC's Recommendation:**

(D) In Subdistrict 1I any portion of a building that is above 130 feet in height may have a floor plate of up to 60 percent of the lot area or 40,000 square feet, whichever is less;

(i) if such building contains a commercial amusement (inside) use with a seating capacity of more than 12,500, the building is not subject to the floor plate limitation in (D)(i) above; and,

(ii) a development plan for a building referenced in subparagraph (ii) above must be approved by the City Plan Commission confirming that the tower dimension perpendicular to views of downtown to the east is at least two times longer than the tower dimension parallel to views to the southeast (tower dimension is measured at the widest point of the building facade).

**Staff's Recommendation:**

(D) In Subdistrict 1I any portion of a building that is above 85 feet in height may not have a floor plate greater than 60 percent of the lot area or 25,000 square feet, whichever is less except that:

(i) the floor plate above 85 feet may be increased to a maximum of 42,000 square feet with approval of a development plan by the city plan commission if the construction of a professional sports franchise practice facility above 85 feet cannot be completed without the increase. The increase in floor plate must not be found to adversely affect neighboring properties. The tower dimension perpendicular to views to the southeast is at least three times longer than the tower dimension parallel to views to the southeast (tower dimension is measured at the widest point of the building facade); or,

(ii) a commercial amusement (inside) use with a seating capacity of 10,000 or more may utilize a floor plate of up to 250,000 square feet at a height of up to 130 feet with approval of a development plan by the city plan commission and must not be found to adversely affect neighboring properties.

**Applicant's Request:**

(D) In Subdistrict 1I any portion of a building that is above 130 feet in height may have a floor plate of up to 60 percent of the lot area or 40,000 square feet, whichever is less;

(i) if such building contains a commercial amusement (inside) use with a seating capacity of more than 12,500, the building is not subject to the floor plate limitation in (D)(i) above; and,

(ii) a development plan for a building referenced in subparagraph (ii) above must be approved by the Department of Sustainable Development and Construction confirming that the tower dimension perpendicular to views of downtown to the east is at least two times longer than the tower dimension parallel to views to the southeast (tower dimension is measured at the widest point of the building facade).

(7) Building site size. No minimum building site size.

(8) Stories. No maximum number of stories.

(b) Subdistrict 2.

(1) Except for a bus or rail transit vehicle maintenance or storage facility, the yard, lot, and space regulations applicable to the MU-3 Mixed Use District, as amended, apply to this subdistrict.

(2) The following yard, lot, and space regulations apply to bus or rail transit vehicle maintenance or storage facility uses:

(A) Front yard. No minimum front yard.

(B) Side and rear yard. No minimum side or rear yard.

(C) Density. No maximum density.

(D) Floor area. Maximum floor area ratio (FAR) is 4.0.

(E) Height. Maximum structure height is 200 feet.

(F) Building site coverage. Maximum building site coverage is 100 percent.

(G) Building site size. No minimum building site size.

(H) Stories. No maximum number of stories. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819; 30040; 30041; 30042)

**SEC. 51P-621.110. OFF-STREET PARKING AND LOADING.**

(a) General requirements applicable to all subdistricts.

(1) Except as otherwise provided in this section, off-street parking and loading must be provided in compliance with Division 51A-4.300, "Off-Street Parking and Loading Regulations." In the event of a conflict between this section and Division 51A-4.300, this section controls.

(2) If several uses are located on a single building site, the off-street parking requirement is the sum of the requirements for each use, and off-street parking spaces for one use may not be counted toward the off-street parking requirement of another use, except as otherwise provided in this section.

(3) If more than 10 off-street parking spaces are required, handicapped parking must be provided pursuant to Section 51A-4.305, "Handicapped Parking Regulations."

(b) Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, [and] 1H, and 1I.

(1) Except for the uses listed below, consult the use regulations in Division 51A-4.200, "Use Regulations," for the specific off-street parking requirements for each use.

(A) Alcoholic beverage establishment. One space per 105 square feet of floor area. No parking is required for outside seating up to 10 percent of the total floor area of the alcoholic beverage establishment. Outside seating may not be converted to interior floor area unless the additional required parking is provided.

(B) Antique shop. One space per 600 square feet of floor area.

(C) Art gallery. One space per 600 square feet of floor area.

(D) Art or craft production facility. One space per 1,000 square feet of floor area.

(E) Beer or wine manufacturing. One space per 600 square feet of floor area.

(F) Dance hall. One space per 25 square feet of floor area.

(G) Duplex.

(i) One space per dwelling unit with one or fewer bedrooms.

(ii) Two spaces per dwelling unit with more than one bedroom.

(iii) In Subdistrict 1B, parking may be gated or otherwise secured if Dallas Fire Code requirements are met.

(H) Furniture store. One space per 1,000 square feet of floor area.

(I) General merchandise or food store 3,500 square feet or less. One space per 275 square feet of floor area.

(J) General merchandise or food store greater than 3,500 square feet. One

space per 275 square feet of floor area.

(K) Multifamily.

(i) One-and-one-half spaces per dwelling unit.

(ii) In Subdistricts 1B and 1I, parking may be gated or otherwise secured if Dallas Fire Code requirements are met.

(L) Office. One space per 358 square feet of floor area.

(M) Office showroom/warehouse. One space per 1,100 square feet of floor area up to 20,000 square feet, and one space per 4,100 square feet of floor area over 20,000 square feet.

(N) Personal service uses. One space per 275 square feet of floor area.

(O) Restaurant. One space per 105 square feet of floor area. No parking is required for outside seating up to 10 percent of the total floor area of the restaurant. Outside seating may not be converted to interior floor area unless the additional required parking is provided.

(P) Single family.

(i) One space per dwelling unit with one or fewer bedrooms.

(ii) Two spaces per dwelling unit with more than one bedroom.

(iii) In Subdistrict 1B, parking may be gated or otherwise secured if Dallas Fire Code requirements are met.

(2) Parking reductions.

(A) Bicycle parking. The off-street parking requirement for nonresidential uses located within 600 feet of the centerpoint of the intersection of Slocum Street and Cole Street may be reduced by 10 percent if:

(i) one five-bicycle parking stand for each 100 feet of street frontage is provided in the front yard of the building site; and

(ii) a minimum 12-foot-wide pedestrian and bicycle path is provided to link the building site with a DART light rail station.

(B) Employment centers adjacent to shuttle or bus stops. The following uses may provide off-street parking as specified if the use is within 1,000 feet of a shuttle stop or bus stop that provides a direct link to the Victory rail transit station or the Market Center rail transit station and if the use has 75,000 or more square feet of floor area:

(i) Industrial (inside). One space per 750 square feet of floor area.

(ii) Office. One space per 450 square feet of floor area.

(C) On-street parking. On-street parking spaces adjacent to a building site may be credited toward the off-street parking requirement of uses on the building site, even if the parking, backing, or maneuvering must be performed in the public right-of-way. On-street parking must be striped in accordance with standard city specifications.

(i) Head-in parking. One head-in parking space may be credited for each nine feet of frontage of the building site. Angled head-in parking must be angled more than 60 degrees but less than 90 degrees to the curb. The closest point of any angled head-in parking space may not be located closer than 10 feet to any perpendicular (90 degree) head-in parking space.

(ii) Parallel parking. One parallel parking space may be credited for each 22 feet of frontage of the building site.

(D) Special exception. 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.

(3) Delta theory.

(A) Except as otherwise provided in this paragraph, see Section 51A-4.704(b)(4). In the event of a conflict between this paragraph and Section 51A-4.704(b)(4), this section controls.

(B) The right to carry forward nonconforming parking and loading spaces does not terminate.

(4) Special parking.

(A) In general. Except as otherwise provided in this paragraph, see Division 51A-4.320, "Special Parking Regulations."

(B) Special parking allowed. Except as specifically modified in this section, required off-street parking may be special parking.

(C) Remote parking for nonresidential uses.

(i) Required off-street parking for nonresidential uses may be remote parking.

(ii) Remote parking for nonresidential uses must be located within 1,000 feet of the use served by the remote parking. The building official may extend the distance for remote parking to no more than 1,500 feet if a shuttle from the remote parking is provided. A license is required to authorize an extension of distance beyond 1,500 feet.

(iii) Remote parking lots must meet on-site parking landscape requirements.

(iv) Parking located in a railbed may be used as remote parking.

(D) Shared parking. Except for residential uses in Subdistrict 1B, if more than one type of use is located on a building site, all uses on the building site must share parking. Table 1 must be used to calculate the required off-street parking spaces when parking is shared. The number of off-street parking spaces that must be provided for the development is the largest number of spaces required

under any of the five time-of-day columns For example, in the morning, a development with residential and office uses must provide 80 percent of the off-street parking that would normally be required for the residential uses and 100 percent of the off-street parking that would normally be required for the office uses. Likewise, in the afternoon, that development must provide 60 percent of the off-street parking that would normally be required for the residential uses and 100 percent of the off-street parking that would normally be required for the office uses. A similar calculation must be performed for each time of day. If the number of spaces required in the morning is greater than the number of spaces required during any other time of day, then the number of spaces required in the morning must be provided. Likewise, if the number of spaces required in the late afternoon is greater than the number of spaces required during any other time of day, then the number of spaces required in the late afternoon must be provided.

**Table 1: Shared Parking Table  
(For calculating the parking requirement for shared parking)**

Use Category	% Morning	% Noon	% Afternoon	% Late Afternoon	% Evening
Residential	80	60	60	70	100
Office-related	100	80	100	85	35
Retail-related	60	75	70	65	70
Bar and Restaurant	20	100	30	30	100
Warehouse/ Showroom	100	75	100	65	35
All other	100	100	100	100	100

(5) Cash in lieu of required parking. A property owner may make a one-time cash payment to the Old Trinity and Design District Parking Fund in lieu of providing required parking for a use in an original building. The amount of the payment is calculated by using the following formula:

$$\text{National median cost per square foot} \times 350 \times \text{Dallas cost index} \times \text{Number of required spaces not provided} \times .75 = \text{Payment required}$$

where "national median cost per square foot" is the national median cost per square foot of a parking space in a parking garage. Both the "national median cost per square foot" and the "Dallas cost index" must be derived from the most recent issue of Building Construction Cost Data, published by the Robert Snow Means Company, Inc., of Kingston, Massachusetts, unless another comparable publication is designated by the director. The department shall administer a city account to be known as the Old Trinity and Design District Parking Fund. Funds from the Old Trinity and Design District Parking Fund must be used only for the acquisition or construction of parking garages or other parking improvements within Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, ~~and~~ 1H, and 1I. The payment into the Old Trinity and Design District Parking Fund is due at the time of application for a building permit.

(6) Fees for required parking. Fees may be charged for use of required parking.

(7) Parking structure screening. In Subdistricts 1E, 1F, 1G, ~~and~~ 1H, ~~and~~ 1I, any portion of a street-level parking structure facade that is concealed by a street-level use is considered screened.

(c) Subdistrict 2. The off-street parking requirement for a bus or rail transit vehicle maintenance or storage facility is one space per 1,500 square feet of floor area. For all other uses, consult the use regulations contained in Division 51A-4.200, "Use Regulations," for the specific off-street parking/loading requirements for each use. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819;

Z156-369(JM)

30040; 30041; 30042)

**SEC. 51P-621.111. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI. (Ord. 25013)

**SEC. 51P-621.112. LANDSCAPING.**

(a) General requirements applicable to all subdistricts.

(1) Required tree species. All required trees must be from the following list of Texas native species:

<u>Scientific name</u>	<u>Common name</u>
Aesculus glaba v. arguta	Texas buckeye
Aesculus pavia	Red buckeye
Bumelia lanuginosa	Woolly-bucket bumelia
Carya illinoensis	Pecan
Carya texana	Black hickory
Diospyros virginiana	Common persimmon
Ilex decidua	Deciduous holly
Ilex vomitoria	Yaupon holly
Juglans nigra	Black walnut
Juniperus virginiana	Eastern red cedar
Morus rubra	Red mulberry
Myrica cerifera	Wax myrtle
Prunus mexicana	Mexican plum
Quercus macrocarpa	Bur oak
Quercus marilandica	Blackjack oak
Quercus shumardii	Shumard red oak
Quercus stellata	Post oak
Quercus virginiana	Live Oak
Rhamnus caroliniana	Carolina buckthorn
Rhus copallina	Flameleaf sumac
Rhus virens	Evergreen sumac
Sapindus drummondii	Western soapberry
Sophora affinis	Eve's necklace
Taxodium distichum	Bald cypress
Ulmus americana	American elm
Ulmus crassifolia	Cedar elm
Viburnum rufidulum	Rusty blackhaw viburnum
Zanthoxylum clavaherculis	Hercules' club

(2) Prohibited trees.

(A) The following trees may not be planted within this special purpose district:

<u>Scientific name</u>	<u>Common name</u>
Populus deltoides	Cottonwood
Albizia julbrissen	Mimosa

(B) Bradford pears (*pyrus calleryana*) may be planted as site trees. Bradford pears may not be used as street trees, used as landscape buffer trees, or planted in the public right-of-way.

(3) Street trees.

(A) In Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, ~~and~~ 1H, and 1I, one street tree must be provided per 25 feet of street frontage, with a minimum of one street tree per building site. In Subdistrict 2, one street tree must be provided per 50 feet of street frontage, with a minimum of one street tree per building site.

(B) Street trees must be located on the building site within 50 feet of the projected street curb, except that street trees may be located in the public right-of-way if all private licensing requirements of the city code and charter are met and a right-of-way landscape permit is obtained from the city. For purposes of this subparagraph, "projected street curb" means the future location of the street curb consistent with the City of Dallas Thoroughfare Plan as determined by the director of public works and transportation.

(C) Street trees must be provided for all new construction.

(4) Landscaping in the public right-of-way.

(A) Landscaping may be located in the public right-of-way if a right-of-way landscape permit is obtained from the city.

(B) Plants in the public right-of-way may not obstruct visibility or create a traffic hazard. See Section 51A-4.602(d), "Visual Obstruction Regulations."

(C) The city council hereby grants a non-exclusive revocable license to the owners or tenants (with written consent of the owner) of all property within this special purpose district for the exclusive purpose of authorizing compliance with the landscaping requirements of this special purpose district. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a right-of-way landscape permit in accordance with the Dallas Building Code. This private license will not terminate at the end of any specific time period; however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, at any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(D) A property owner or tenant is not required to comply with any right-of-way landscaping requirement to the extent that compliance is made impossible due to the city council's revocation of a right-of-way landscape permit or the revocation of the private license granted under this subsection.

(E) Upon the installation of landscaping in the public right-of-way, the owners or tenants shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(F) Each owner or tenant is responsible for maintaining the landscaping in a healthy, growing condition, and for keeping the premises safe and in good condition and repair, at no expense to the city, and the city is absolutely exempt from any requirements to make repairs or maintain the landscaping. The granting of a license for landscaping under this subsection does not release the owner or tenant from liability for the installation or maintenance of trees and landscaping in the public right-of-way.

(5) Visual obstruction regulations. A property owner is not required to comply with the landscaping requirements of this section to the extent that compliance is made impossible by Subsection (d), "Visual Obstruction Regulations," of Section 51A-4.602, "Fence, Screening, and Visual Obstruction Regulations."

(b) Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, ~~and~~ 1H, and 1I.

(1) General requirement. Except as otherwise provided in this section, landscaping must be provided as required by Article X.

(2) Landscaping in railbeds.

(A) Any landscaping planted in the area to the centerline of a railbed may be used to satisfy required landscaping for the adjacent property. Landscaping planted in a railbed may not be located in an access easement.

(B) The requirements of Section 51A-10.125(b)(5), "Parking Lot Trees," do not apply to parking located within a railbed.

(3) Parking lot buffer. A five-foot-wide landscaped strip must be located along any edge of a parking lot or parking structure that is visible at grade level from a street. A minimum three - inch-caliper tree must be located every 15 feet, or fraction thereof, or clustered every 30 feet within the landscaped strip.

(4) Plant requirements. Plants used to satisfy the landscape requirements must comply with the following requirements:

(A) A large evergreen shrub must have the ability to grow to a minimum height of three feet within three years.

(B) Solid sod or hydro-mulch grass may be used.

(C) Artificial plant materials may not be used.

(D) Any required landscaping that dies must be replaced.

(5) Landscape plan. A landscape plan must accompany any application for a building permit to expand floor area if the expansion is over 50 percent for nonresidential projects, over 65 percent for mixed use projects, or over 75 percent for residential projects. A landscape plan must earn at least 50 points (out of a total of 155 possible points.) The points awarded for providing these features are provided in parentheses. Existing landscaping qualifies for points.

(A) Lighting. (Total possible points = 20) Ten points each are awarded for providing tree lighting, light bollards, light poles, building facade lighting, or landscaped area lighting, up to a maximum of 20 points. The lighting provided must be at least 1.5 foot-candles in intensity over adjacent pedestrian areas.

(B) Landscaping on rooftops and facades. (Total possible points = 30) Ten points each are awarded for large planters, hanging planters, exterior embedded or extended planters, and vine supports on rooftops or along front facades up to a maximum of 30 points. Vines within ground-based planters must be able to extend above one-half the total height of the ground story of the main structure.

(C) Landscape buffer. (Total possible points = 25) The landscape buffer must be a minimum of 80 square feet. A mix of plant materials may be used.

(D) Tree canopy at the street frontage. (Total possible points = 20) Points may be obtained for planting canopy trees along the entire street frontage, exclusive of vehicular and pedestrian entrances and exits. The trees may be planted in the right-of-way if a right-of-way landscape permit is obtained. Ten points are awarded for planting these trees at a density of one tree per 30 linear feet of street frontage and 20 points are awarded for planting these trees at a density of one tree per 15 linear feet of street frontage. Note: Power lines may affect the types of trees used.

(E) Seasonal color landscaping. (Total possible points = 20) Points may be obtained for providing a landscape area for seasonal color in planting beds, raised planters, or pots. Five points are awarded for a landscape area that is equal to at least one-fourth of a square foot multiplied by the number of feet of street frontage. Ten points are awarded for a landscape area that is equal to at least one-half of a square foot multiplied by the number of feet of street frontage. Fifteen points are awarded for a landscape area that is equal to at least three-fourths of a square foot multiplied by the number of feet of street frontage. The plants in the landscape area must be changed at least twice per year with the appropriate seasonal color plants. This area must contain the appropriate seasonal landscaping at all times except when the landscaping is being changed at the beginning of a new season.

(F) Native plant landscaping. (Total possible points = 20) Points may be obtained for providing a landscape area containing native plants. Five points are awarded for a landscape area that is equal to at least one-fourth of a square foot multiplied by the number of feet of street frontage. Ten points are awarded for a landscape area that is equal to at least one-half of a square foot multiplied by the number of feet of street frontage. Fifteen points are awarded for a landscape area that is equal to at least three-fourths of a square foot multiplied by the number of feet of street frontage. Native plants listed in Exhibit 621E must be used.

(G) Creation of open space. (Total possible points = 20) Five points are awarded per 200 square feet of open space if the open space is a minimum of 500 feet from the building site but within this special purpose district. For purposes of this subparagraph, "open space" means a space containing no structures or pavement at or above grade, and containing only grass or other vegetation. Open space must be available for use by the public. The open space must be maintained in a state of good repair and neat appearance at all times by the owner of the property for which the building permit was issued.

(6) Open space fund. If a property owner in Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, ~~and~~ 1H, and 1I cannot plant all of the required trees on the building site, or the property owner in Subdistricts 1G and 1I cannot plant all of the required trees on the building site or within 1,000 feet of the building site, the property owner shall comply with the following requirements for no more than 50 percent of the required trees:

(A) Make a payment into the Old Trinity and Design District Open Space Fund. The department shall administer a city account to be known as the Old Trinity and Design District Open Space Fund. Funds from the Old Trinity and Design District Open Space Fund must be used only for acquiring and maintaining property for parks and open-space within this special purpose district. The amount of the payment required per tree not planted is calculated by using the formula for appraising the value of a two-inch-caliper tree, as derived from the most recent edition of the *Guide for Establishing Values of Trees and Other Plants* published by the Council of Tree and Landscape Appraisers, unless another publication is designated by the building official, and adding the cost of planting and maintaining a two-inch tree for two years.

(B) Plant trees within:

(i) portals to the Trinity River (as identified in the Trinity River Corridor Comprehensive Land Use Plan) within this special purpose district,

(ii) along that portion of the Old Trinity Trail within this special purpose district, or

(iii) along the meanders of the Old Trinity River channel, as shown

(7) Parking/landscaping zone. Where there is at least a 70-foot space between buildings, a parking/landscaping zone meeting the following requirements is allowed in the space between the two buildings, but is not required. The composition of the parking/landscaping zone, moving from one building facade across to the other building facade, is as follows:

(A) First, a minimum six-foot-wide sidewalk parallel to the facade of the first building.

(B) Second, a parking area between six feet from the first building facade to 16 feet from the first building facade. This parking area must have angled head-in parking at an angle of 60 degrees to 90 degrees. A landscaped area containing one tree must be located between every fifth parking stall. Trees in the parking area must be spaced 46 to 50 feet on center, and must be 12 to 16 feet away from the first building facade. One parking stall may be omitted to allow for a loading dock to remain functional.

(C) Third, a minimum of 26 feet of right-of-way for the two-way traffic in the middle.

(D) Fourth, a matching parking area from between 16 feet from the second building facade to six feet from the second building facade.

(E) Fifth, a matching six-foot-wide sidewalk parallel to the facade of the second building.

(c) Subdistrict 2. Except as otherwise provided in this section, all properties in Subdistrict 2 must comply with Article X. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819; 30040; 30041; 30042)

**SEC. 51P-621.113.**

**ARCHITECTURAL DESIGN GUIDELINES.**

(a) Purpose. The architectural design guidelines of this section are intended to preserve the historical, cultural, and architectural importance and significance of Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, ~~and~~ 1H, and 1I. These architectural design guidelines are intended to encourage adaptive reuse of existing buildings; new contemporary and creative construction and major modifications that will enhance the architectural character of the district; and sustainable, green, energy efficient design and construction.

(b) Facade requirements for new construction and major modifications in Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, ~~and~~ 1H, and 1I.

(1) Facades must be brick, concrete masonry, glass, hollow tile, stone, or other fireproof materials, except that wooden siding, wooden sheets, and metal may not be used on more than 50 percent of any facade.

(2) Facades consisting of more than 80 percent glass, excluding glass block, are prohibited.

(3) The maximum permitted reflectance of glass used as a facade material varies depending on where the glass is used. The reflectance of glass used on the first two stories may not exceed 15 percent. The reflectance of glass used above the first two stories may not exceed 27 percent. Reflectance is the percentage of available visible light energy reflected away from the exterior surface of the glass. The higher the percentage, the more visible light reflected and the more mirror-like the glass will appear.

(c) Design test requirements in Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, ~~and~~ 1H, and 1I. New construction or a major modification must earn at least 50 points for properties with a floor area ratio of 2.0 or less, and at least 70 points for properties with floor area ratios greater than 20 (out of 205 possible points). The total possible points in any category are provided in parentheses.

(1) Maintenance of original facades. (Total possible points = 10) Ten points are awarded for the adaptive reuse of an original building if its original facade design elements are not altered.

(2) Ground floor uses, building facades, and roofs. (Total possible points = 20) Points may be earned as follows:

(A) Retail and showroom uses. Ten points are awarded if a building's ground floor (excluding halls, restrooms, utility areas, and other public spaces) is allocated to retail and personal service uses or office showroom/warehouse uses.

(B) Restaurant uses. Ten points are awarded if a building's ground floor (excluding halls, restrooms, utility areas, and other public spaces) includes restaurant uses.

(C) Facade treatments. Ten points are awarded if the building's front facade is given texture and complexity by the inclusion of ground level entries more than 14 feet in height, porticos, indented entries, belt coursing or other horizontal banding, grid coursing, articulation of window openings, corner pilasters, rustication of the first floor, changes of color, or ornamental iron.

(3) Pedestrian amenities. (Total possible points = 25) Five points each are awarded for benches, trash receptacles, awnings/canopies, bicycle parking racks, and pedestrian street lamps. These items should be creative and contemporary. Pedestrian amenities must be located within the curb-to-building area of the building site, but, if a hardship prohibits locating these in the curb-to-building area of the building site, the amenities may be placed within the public right-of-way as long as they meet city standards and licensing requirements and do not block free movement of pedestrians. Pedestrian amenities must be maintained and operated by the owner of the building site. If there is more than one owner, all owners are jointly responsible for maintenance. Such amenities include:

- (A) Benches or exterior seating areas (maximum of one every 50 feet).
- (B) Trash receptacles (maximum of five points).
- (C) Awnings/canopies along the front facade.
- (D) One five-bicycle stand per 100 feet of street frontage.
- (E) At least one pedestrian street lamp (freestanding or wall mounted) per 50 feet of street frontage.

(4) Public art or water features. (Total possible points = 15) Fifteen points are awarded for public art or water features costing at least \$2,500, limited to one per building site. In order to qualify for public art points, the public art must be visible from a public right-of-way at all times. Examples of public art could include art in an atrium or lobby that is visible from a public right-of-way, art incorporated into the sidewalk or building facade, or freestanding art. For purposes of this paragraph, "water features" means: fountains, pools, mechanical water jets, or similar water devices.

(5) Paving material. (Total possible points = 15) Five points are awarded per one-third increment of an outdoor private walkway area accessible to the public that is covered by decorative pavement. For purposes of this paragraph, "decorative pavement" means: colored concrete pavers; brick; stone; stamped, textured, or colored concrete; and exterior grade tile.

(6) Pedestrian orientation of building facade. (Total possible points = 20) Twenty points are awarded if a minimum of 25 percent of the front facade has transparent display windows or windows affording views into retail, office, or lobby space. The transparency requirement applies to the first 16 feet of height of the facade.

(7) Structured parking facilities. (Total possible points = 50) Fifty points are awarded for a structured parking facility if the design matches the facade of a new building or architecturally complements the facade of an original building.

(8) Energy conservation. (Total possible points = 15) Ten points are awarded for using solar, geothermal, or other non-petroleum, non-coal energy sources. Five points are awarded for

planting twice the number of canopy trees required by Section 51P-621.112, "Landscaping."

(9) Permeable surface. (Total possible points = 15) Five points are awarded each third of an outdoor walkway or driveway with a permeable surface.

(10) LEED's credit. (Total possible points = 20) Twenty points are awarded for a project with a floor area ratio of more than 2.0 when the project complies with the following:

(A) A United States Green Building Council's Leadership in Energy and Environmental Design (LEED) Checklist, effective May 1, 2004, must be submitted with an application for a building permit for development, indicating how development will comply with a certified designation (26 to 32 project points). The development plans submitted for a building permit must be certified by a LEED accredited professional designated by the department of development services. Prior to the issuance of a building permit, the building official shall determine that the project is consistent with the standards and criteria for a LEED certified designation.

(B) If the developer is unable to achieve all of the green building rating system points identified on the checklist, the developer must replace any points not achieved with other green building rating system points acceptable under the United States Green Building Council's LEED rating system.

(C) All supporting documentation and templates related to the points previously approved by the city for the LEED certified level designation must be submitted with an application for a certificate of occupancy. A certificate of occupancy may not be issued until a LEED accredited professional designated by the department of development services certifies that the building complies with the LEED certified designation (26 to 32 project points).

(d) Approval by development plan. The city plan commission may approve new construction or a major modification that does not meet the requirements of Subsections (b) and (c) of this section if the development plan and elevations show that the new construction or major modification is consistent with the spirit and intent of this section.

(e) Fences and Walls in Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, ~~and~~ 1H, and 1I. Fences and walls longer than 200 feet adjacent to any public street must be designed to prevent visual monotony through use of offsets, changes of materials and textures, gates or openings, or landscaping. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819; 30040; 30041; 30042)

**SEC. 51P-621.114. SITE DESIGN REQUIREMENTS.**

(a) Above-grade off-street parking. Parking is permitted on any level of a building.

(b) Median and curb cuts along Industrial Boulevard. Median and curb cuts to access railbeds for off-street parking from Industrial Boulevard, between Continental Avenue and Sylvan/Wycliff Avenue, must be approved by the director of public works and transportation. Traffic must be one-way from Industrial Boulevard westbound to Levee Street.

(c) Sidewalk standards for new construction.

(1) In general.

(A) Sidewalks complying with the standards of this subsection must be provided for all new construction.

(B) If a sidewalk is to be located in a front yard, a sidewalk easement must be dedicated to the city to assure its availability to the public for pedestrian access.

(C) Except as otherwise provided in this subsection, the requirements of Chapter 43, "Streets and Sidewalks," apply to all sidewalks.

(2) Location.

(A) Sidewalks must be located along the entire length of the street frontage.

(B) On state highways, sidewalks must be provided in the parkway, subject to Texas Department of Transportation approval. If Texas Department of Transportation approval cannot be obtained, the property is exempt from this requirement.

(C) Sidewalks must be located between five feet and 10 feet from the back of the projected street curb, except that sidewalks on Oak Lawn Avenue, Irving Boulevard, Market Center Boulevard, and Turtle Creek Boulevard must be located between five feet and 12 feet from the back of the projected street curb. Sidewalks may be located farther from the projected street curb to the extent necessary to preserve existing trees or structures or to comply with landscaping requirements.

(D) In Subdistricts 1E, 1F, ~~and~~ 1G, and 1I, design and construction must be level with any connecting sidewalk for sidewalks crossing drive approaches.

(3) Width.

(A) Sidewalk widths must match the width of existing sidewalks in front of adjacent properties at the point of convergence. Where there are different sidewalk widths on each side of the street frontage, the new sidewalk must taper or expand to meet the incongruous sidewalks.

(B) Sidewalks must have an unobstructed minimum width of four feet, except that sidewalks on **Oak** Lawn Avenue, Irving Boulevard, Market Center Boulevard, and Turtle Creek Boulevard must have an unobstructed minimum width of six feet and sidewalks in Subdistrict II must have a minimum unobstructed width of eight feet. For purposes of this provision, "unobstructed" means by structures or landscaping, excluding utility poles and service boxes.

(d) License to allow compliance with ADA requirements.

(1) If there is no other way to install ramps required by the Americans with Disabilities Act or similar state laws other than to install the ramps in the public right-of-way, the city council hereby grants a non-exclusive revocable license to the owners or tenants (with written consent of the owner) of all property within this special purpose district for the exclusive purpose of authorizing compliance with the Americans with Disabilities Act or similar state laws. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a building permit in accordance with the Dallas Building Code. This private license will not terminate at the end of any specific time period; however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, at any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become

entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(2) Upon the installation of ramp in the public right-of-way, the owners or tenants shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(3) Each owner or tenant is responsible for maintaining any ramps in good condition and repair, at no expense to the city, and the city is absolutely exempt from any requirements to make repairs or maintain any ramps. The granting of a license for ramps under this subsection does not release the owner or tenant from liability for the installation or maintenance of ramps in the public right-of-way.

(e) Exemption for Subdistrict 2. The site design requirements of this section do not apply to a bus or rail transit vehicle maintenance or storage facility use in Subdistrict 2. (Ord. Nos. 25013; 25560; 26102; 30040; 30041; 30042)

**SEC. 51P-621.115. SCREENING REGULATIONS.**

(a) Parking lot screening.

(1) Except as otherwise provided in this section, Section 51A-4.301(f), "Screening Provisions for Off-Street Parking," applies to all parking lots and parking structures.

(2) Fences may complement but not substitute for parking lot trees and shrubbery.

(3) The provision of screening for surface parking only applies to new construction. All surface parking must be screened from a street or access easement by using one or more of the following three methods to separately or collectively attain a minimum height of three feet above the parking surface:

(A) Earthen berm planted with turf grass or groundcover recommended for local area use by the director of parks and recreation. The berm may not have a slope that exceeds one foot of height per three feet of width.

(B) A fence constructed of one or more of the following: brick, stone, concrete masonry, stucco, concrete, wood, or other durable material. Wrought iron fences are allowed.

(C) Hedge-like evergreen plant materials recommended for local area use by the city arborist. The plant materials must be located in a bed that is at least three feet wide with a

minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed 36 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years.

(b) Screening of off-street loading spaces, dumpsters, and garbage storage areas.

(1) Except as otherwise provided in this subsection, screening of off-street loading spaces, dumpsters, and garbage storage areas must be provided in compliance with Section 51A-4.602, "Fence, Screening, and Visual Obstruction Regulations."

(2) All off-street loading spaces, dumpsters, and garbage storage areas must be screened from all public streets adjacent to the building site. Screening is not required on sides that are not visible from a public street.

(3) Screening of all off-street loading spaces, dumpsters, and garbage storage areas must be at least six feet in height.

(4) Screening is not required in the railbeds.

(c) Outdoor storage areas. Except for vehicle display, sales, and service uses and nursery, garden shop, and plant sales uses, all outdoor storage areas for commercial and business services uses and industrial uses must be entirely screened by an eight-foot solid screening fence, vegetative materials, or other alternative deemed appropriate by the building official.

(d) Exemption for Subdistrict 2. The screening regulations of this section do not apply to a bus or rail transit vehicle maintenance or storage facility use in Subdistrict 2. (Ord. Nos. 25013; 25560)

**SEC. 51P-621.116. SIGNS.**

(a) Except as otherwise provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) In Subdistrict 2, detached premise signs existing on the date of establishment of this special purpose district may remain, provided the sign and sign supports are maintained in a state of good repair and neat appearance at all times. See Section 51A-7.210, "General Maintenance."

(c) Projecting attached premise signs for retail and personal service uses are allowed, provided they do not project more than five feet from the building facade and are between nine and 15 feet above the sidewalk. For purposes of this provision, a "projecting attached premise sign" means an attached premise sign projecting more than 12 inches from a building at an angle other than parallel to the facade. (Ord. Nos. 25013; 25560)

**SEC. 51P-621.117. ADDITIONAL PROVISIONS.**

(a) The entire Property and any improvements in the public right-of-way must be properly maintained in a state of good repair and neat appearance. The city may remove any improvements in the public right-of-way that are not maintained in a state of good repair and neat appearance at the sole expense of the property owner, and may use any available legal remedy to recover the cost of removal from the property owner.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. Nos. 25013; 25560; 26102)

(c) A traffic impact analysis (TIA) is required in addition to the requirements in Division 51A-4.800, Development Impact Review (DIR), for a commercial amusement (inside), theater, or arena with a seating capacity of 10,000 or more. The area subject to review will include the property and all property within a quarter mile. All infrastructure improvements essential to the operation of the use must be in place prior to the issuance of a certificate of occupancy for the use. The time period for review of the TIA and DIR is extended to 60 calendar days.

**SEC. 51P-621.118.**

**COMPLIANCE WITH CONDITIONS.**

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work or a certificate of occupancy to authorize the operation of a use in this special purpose district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 25013; 26102)

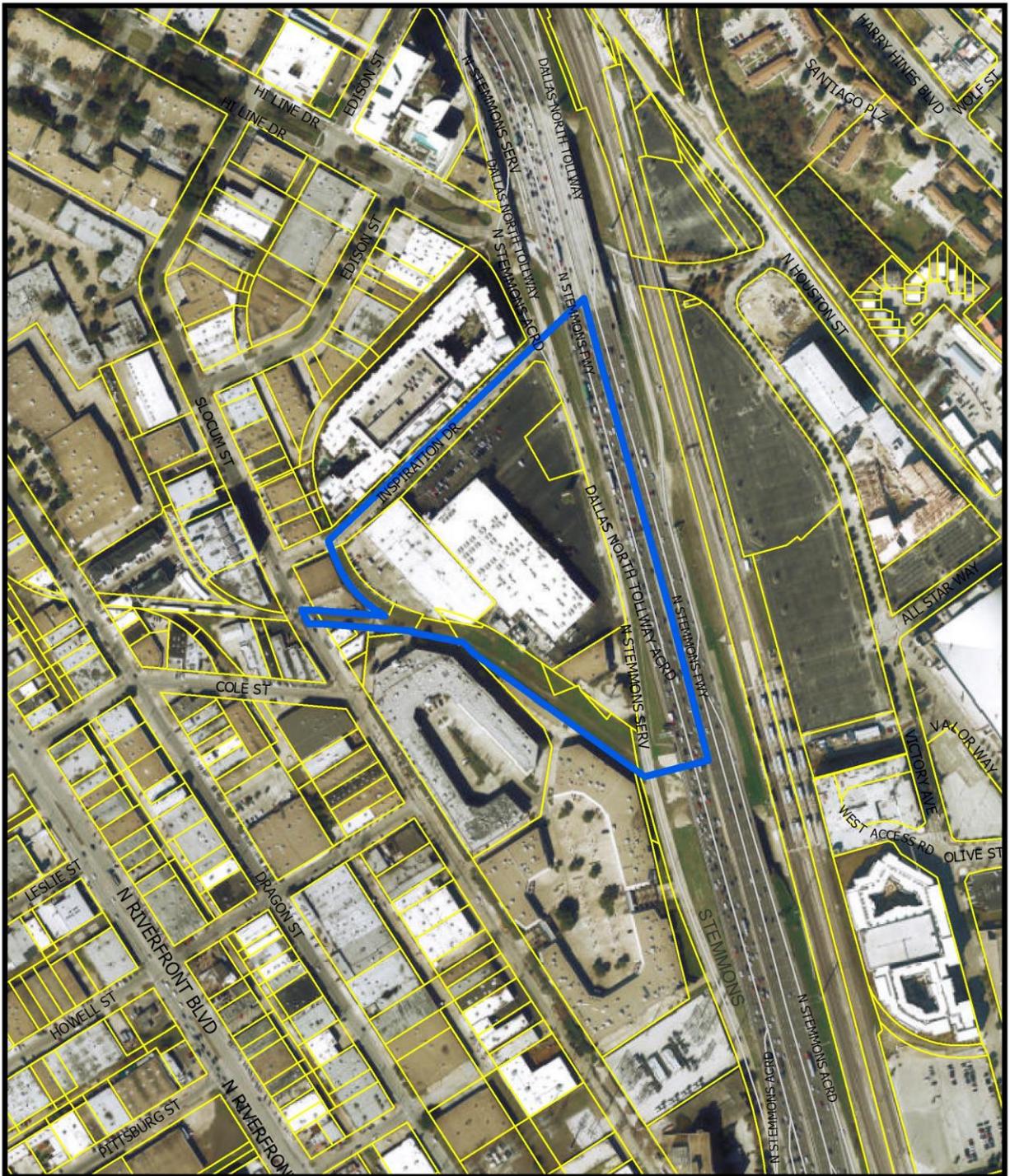


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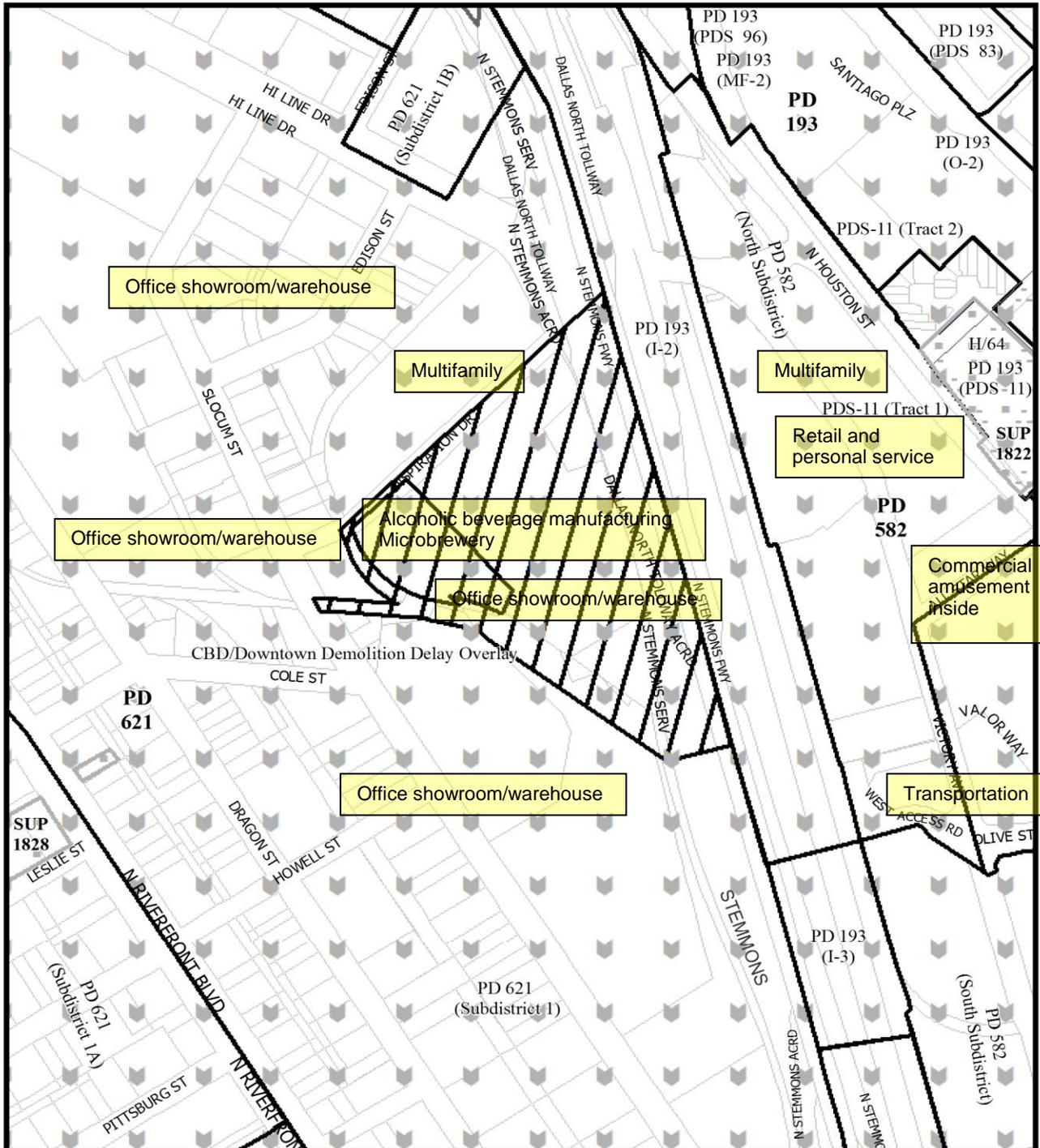
### VICINITY MAP

Case no: **Z156-369**

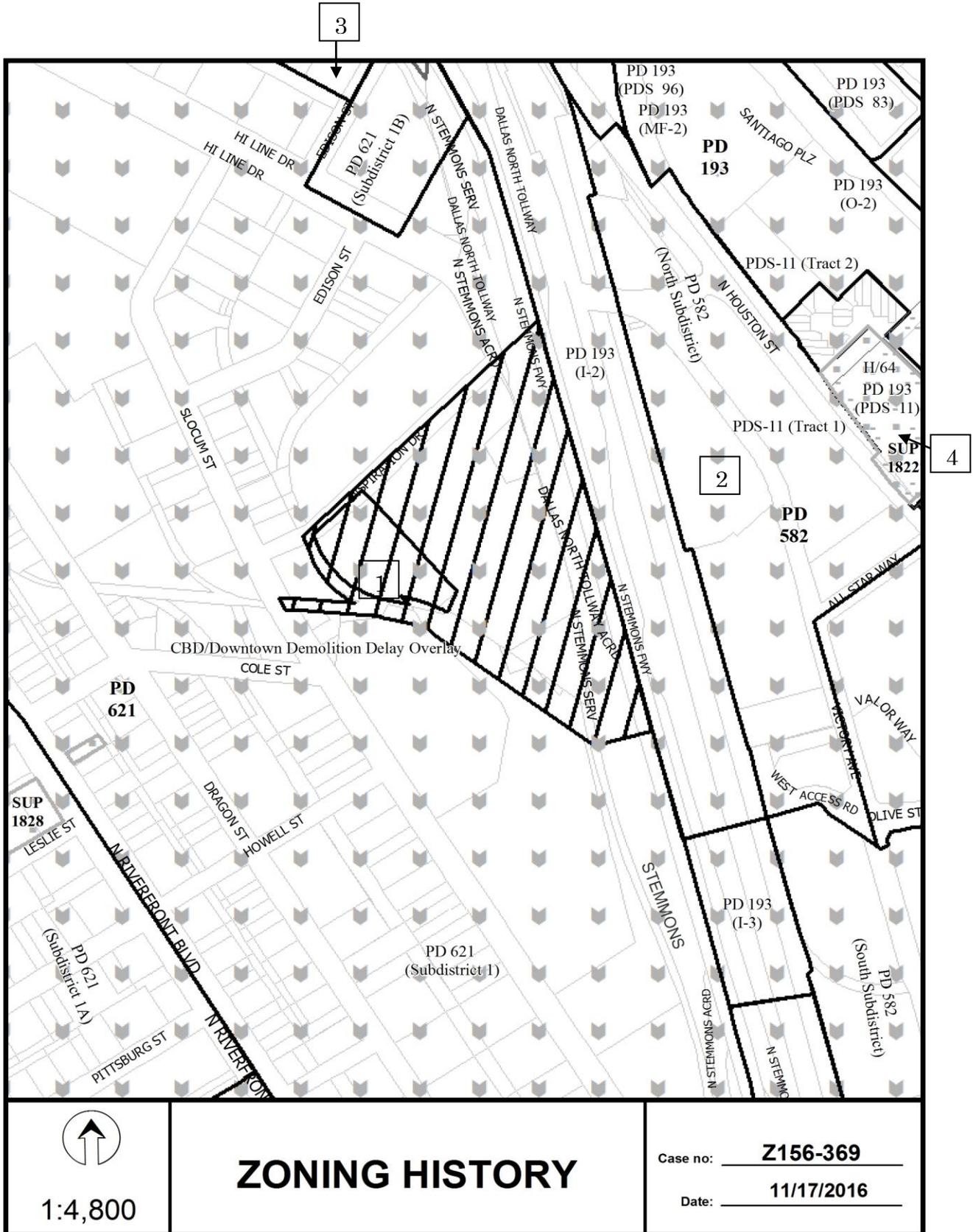
Date: **11/17/2016**



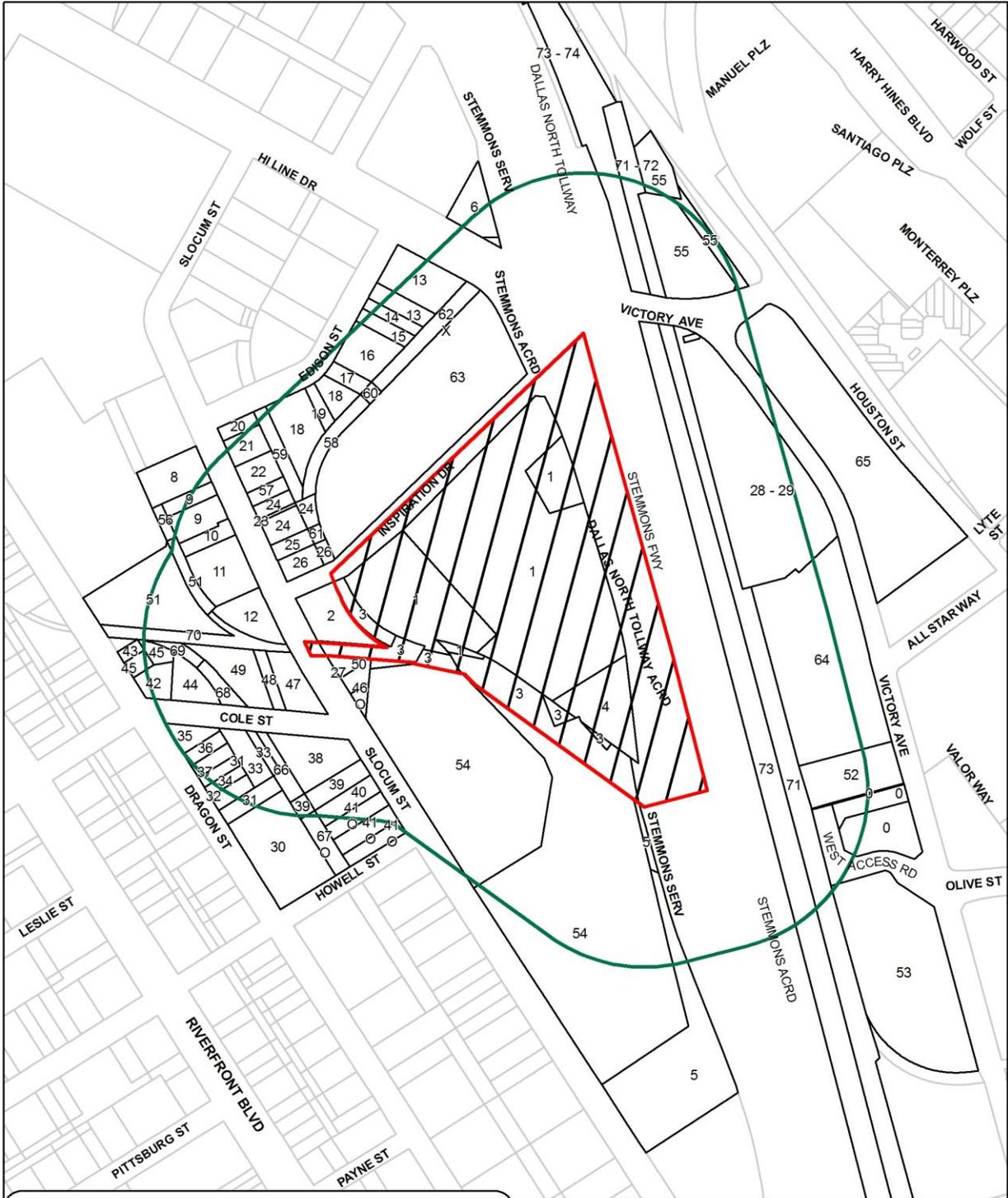
 1:4,800	<h1>AERIAL MAP</h1>	Case no: <u>    <b>Z156-369</b>    </u> Date: <u>    <b>11/17/2016</b>    </u>
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 1:4,800	<h2>ZONING AND LAND USE</h2>	Case no: <u>          Z156-369          </u> Date: <u>          11/17/2016          </u>
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**CPC Responses**



<u>74</u>	Property Owners Notified (102 parcels)
<u>3</u>	Replies in Favor (5 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>500'</u>	Area of Notification
<u>12/15/2016</u>	Date

**Z156-369**  
**CPC**



1:4,800

12/14/2016

***Reply List of Property Owners******Z156-369******74 Property Owners Notified******3 Property Owners in Favor******1 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1530	INSPIRATION DR	GROSSMAN & FRANK
2	1322	SLOCUM ST	CHANG THOMAS B S &
3	1500	INSPIRATION DR	METROPLEX DESIGN DISTRICT LLC
4	1323	N STEMMONS FWY	RADICAL 1323 STEMMONS LP
5	1023	N STEMMONS FWY	TEXAS UTILITIES ELEC CO
6	1330	HI LINE DR	STUDIO 1330 LTD
7	1332	HI LINE DR	NEUHOFF TRACT JV
8	1435	SLOCUM ST	ENGLISH DANNA
9	1423	SLOCUM ST	TOMLIN GERALD &
10	1411	SLOCUM ST	KING SIU FONG
11	1403	SLOCUM ST	DRAGON POPERTY FUND LTD
12	1333	SLOCUM ST	PST PPTIES LLC
13	1550	EDISON ST	1550 EDISON LLC
14	1546	EDISON ST	GETZENDANER WM H JR
15	1544	EDISON ST	DK PROPERTIES LLC
16	1532	EDISON ST	1532 EDISON LLC
17	1526	EDISON ST	WILLIAMSEDISON PROPERTIES LLC
18	1522	EDISON ST	SKL INVESTMENT
19	1516	EDISON ST	SKL INVESTMENT COMPANY
20	1436	SLOCUM ST	YANG SALIMMA &
21	1428	SLOCUM ST	COUNTRY FRENCH ANTIQUES
22	1418	SLOCUM ST	NUSSBAUMER BERNARD LUCIEN &
23	1408	SLOCUM ST	TIMBERLAND PARTNERS
24	1406	SLOCUM ST	TIMBERLAND PARTNERS LP
25	1404	SLOCUM ST	TEDCO PPTY TYLER LTD
26	1400	SLOCUM ST	MCNALLY ANNICK

12/14/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	1316 SLOCUM ST	LAWSON HOWARD L TR
	28	1200 FLYNN ST	ST LOUIS S W RAILWAY CO
	29	2825 ALAMO ST	ANLAND NORTH II LP
	30	1202 DRAGON ST	DRAGON ST PROPERTIES LP
	31	1230 DRAGON ST	KING MARTHA ET AL
	32	1300 DRAGON ST	HILL RUSTY
	33	318 COLE ST	318 COLE INVESTMENTS LP
	34	1302 DRAGON ST	HEADINGTON REALTY & CAPITAL LLC
	35	1330 DRAGON ST	GOODCHILD RESTORATIONS
	36	1310 DRAGON ST	RIDER JULIA
	37	1308 DRAGON ST	1215 SLOCUM INVESTMENT
	38	1227 SLOCUM ST	SLOCUM LTD
	39	1217 SLOCUM ST	BERLIN RONALD P & GAIL M
	40	1215 SLOCUM ST	DOCE QUINCE SLOCUM LLC
O	41	1209 SLOCUM ST	LISPORT PROPERTIES LP
	42	1400 DRAGON ST	D C ENTERPRISES INC
	43	1414 DRAGON ST	RUTT CAPITAL LLC
	44	315 COLE ST	STANZEL RICHARD C &
	45	1410 DRAGON ST	SWAIN MARY LINDA
O	46	1308 SLOCUM ST	THE ZUEGER 1ST FAMILY LP
	47	1313 SLOCUM ST	BAYSWATER 1313 LLC
	48	331 COLE ST	BAYSWATER 331 LLC
	49	327 COLE ST	CHIRNSLEY LLC
	50	1312 SLOCUM ST	LAWSON HOWARD L
	51	1430 DRAGON ST	DRAGON PROPERTY FUND LTD
	52	1 VICTORY AVE	DALLAS AREA RAPID TRANSIT
	53	2425 VICTORY AVE	BEHRINGER HARVARD ARPEGGIO LTD
	54	1025 N STEMMONS FWY	DD DUNHILL LLC &
	55	1400 ALAMO ST	PR GENESIS KATY LP
	56	1400 SLOCUM ST	TOMLIN GERALD JR
	57	1414 SLOCUM ST	ZAMIN ENTERPRISES LLC

12/14/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	1522 EDISON ST	SKL INVESTMENT CO LTD
	59	1504 EDISON ST	SKL INVESTMENT CO LTD
	60	1526 EDISON ST	WILLIAMS EDISON PROPERTIES LLC
	61	1400 INSPIRATION DR	TEDCO PROPERTY TYLER LTD
X	62	1401 HI LINE DR	1532 EDISON LLC
	63	1531 INSPIRATION DR	ALTA DESIGN DISTRICT LP
	64	2825 ALAMO ST	ANLAND NORTH COMM LP
	65	2823 N HOUSTON ST	CAMDEN PROPERTY TRUST
	66	300 COLE ST	YIP RICHARD
O	67	300 HOWELL ST	SOMERSET ASSET MGMT LLC
	68	300 COLE ST	AZIMI MASOUD ET AL
	69	300 COLE ST	STANZEL INVESTMENTS LLC
	70	1400 DRAGON ST	DRAGON PROPERTY FUND LTD
	71	555 2ND AVE	DART
	72	555 2ND AVE	DART
	73	1900 OAK LAWN AVE	DART & FT WORTH TRANSP AUTH
	74	1900 OAK LAWN AVE	DART & FT WORTH TRANSP AUTH

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 13  
**DEPARTMENT:** Planning and Urban Design  
**CMO:** Alan Sims, Chief of Neighborhood Plus, 670-1611  
**MAPSCO:** 24R V; 25N P Q R S T U V W X

---

**SUBJECT**

A public hearing to receive comments regarding consideration of a resolution adopting the Northwest Highway and Preston Road Area Plan; this area plan, if adopted, will be used as a planning and implementation guide for future development in the area generally bounded by Meadowbrook Drive on the west, Walnut Hill Lane on the north, Hillcrest Road on the east, and Greenbrier Drive on the south - Financing: No cost consideration to the City

**BACKGROUND**

In 2014, the Northwest Highway and Preston Road Area Plan Advisory Task Force (ATF) was formed as a part of a City initiated area planning effort led by the North Central Texas Council of Governments (NCTCOG) through the NCTCOG Sustainable Development Grant Program. This Task Force consisted of area residents and property owners representing seven distinct zones within the planning area. The ATF raised \$100,000 in matching funds required for the NCTCOG grant for a total budget of \$350,000 for this planning effort.

After a publicized request for proposals process and interviews conducted by the NCTCOG with City of Dallas and TxDOT staff participation, a planning consultant team was hired to conduct data collection and the planning process. The Area Plan Advisory Task Force took the lead in developing the Northwest Highway and Preston Road Area Plan, relying on planning expertise from the consultant team, staff support, and extensive public input including a paper and internet survey, interview sessions and open house events.

## **BACKGROUND** (Continued)

The Northwest Highway Preston Road Area Plan has the following content sections:

- Area Highlights and Existing Conditions section provides an overview of Northwest Highway and Preston Road, with a focus on traffic, residential neighborhood's character, multifamily developed areas and their storm-water deficiencies, and the Preston Center area and the parking garage located there.
- The 'Preferred Vision Scenarios' describes the consensus vision reached by the Advisory Task Force for the zones in the planning area including the single family residential areas, multifamily residential areas, and the core commercial area of Preston Center.
- The Key Policies, Strategies and Actions section lists key ATF recommendations and actions they felt would be critical for the successful implementation of projects in the area.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On June 17, 2015, the Dallas City Council authorized a resolution supporting a Regional Transportation Council (RTC) Sustainable Development Program grant of \$250,000 in RTC funds for the Northwest Highway and Preston road Area Plan by Resolution No. 15-1156.

On December 15, 2016, the City Plan Commission was briefed on the Northwest Highway and Preston Road Area Plan.

On January 5, 2017, the City Plan Commission recommended approval of the Northwest Highway and Preston Road Area Plan with the following changes:

- The 'Summary of Policies and Strategic Actions' prepared by City Staff be listed in the plan's Table of Contents and included in the document as an appendix.
- Include a statement to the Appendix Section titled Pedestrian Recommendations for Zone 4 on page III-10, that the City should consider using the public right-of-way to create a connected urban form.

## **FISCAL INFORMATION**

No cost consideration to the City

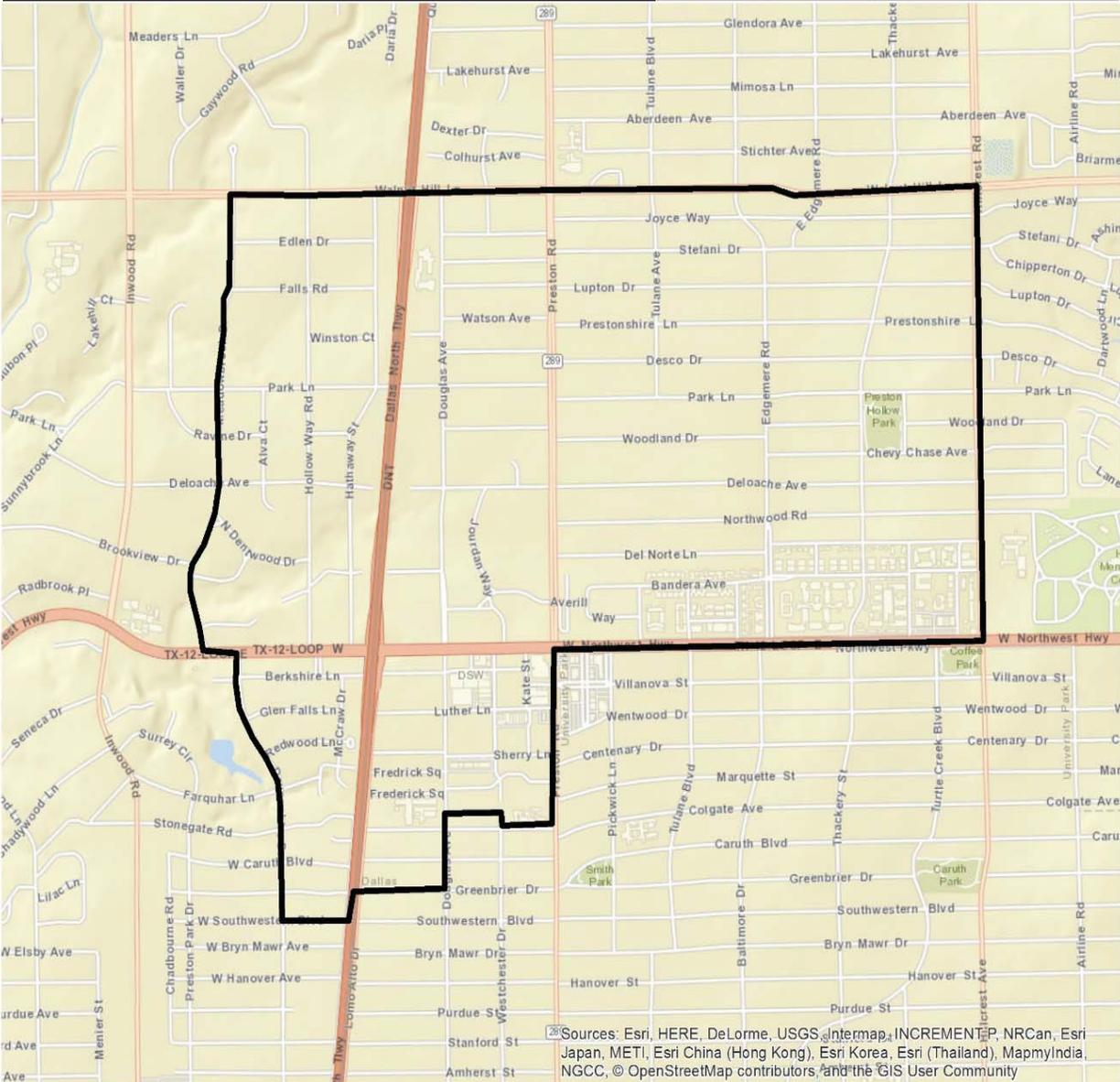
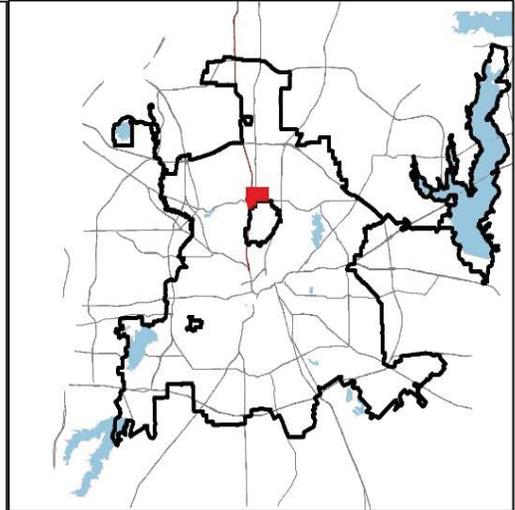
## **MAP**

Attached

# Northwest Highway and Preston Road Area Plan Map

Council District: 13

MAPSCO: 24R V; 25N P Q R S T U V W X



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community



January 25, 2017

**WHEREAS**, on June 17, 2015, the Dallas City Council authorized a resolution supporting a Regional Transportation Council (RTC) Sustainable Development Program grant of \$250,000 in RTC funds for the Northwest Highway and Preston Road Area Plan by Resolution No. 15-1156; and

**WHEREAS**, the City of Dallas established the Northwest Highway and Preston Road Advisory Task Force to create a plan in the area generally bounded by Meadowbrook Drive on the west, Walnut Hill Lane on the north, Hillcrest Road on the east, and Greenbrier Drive on the south; and

**WHEREAS**, Northwest Highway and Preston Road Area Advisory Task Force, a group consisting of members representing homeowner organizations, business and property owners, and area residents worked in conjunction with the City of Dallas, the North Central Texas Council of Governments and area consultants to develop the Northwest Highway and Preston Road Area Plan; and

**WHEREAS**, the Northwest Highway and Preston Road Area Plan identifies issues, goals and recommendations providing guidance for future land development for the Northwest Highway and Preston Road Area;

**NOW, THEREFORE,**

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

**SECTION 1.** That the Northwest Highway and Preston Road Area Plan is hereby adopted as a planning and implementation guide for future development to benefit the citizens of the Northwest Highway and Preston Road community.

**SECTION 2.** That the City Council directs the City Manager to consider and consult the recommendations of this Plan in conjunction with other adopted plans in the context of future actions affecting the Northwest Highway and Preston Road area.

**SECTION 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

# NORTHWEST HIGHWAY AND PRESTON ROAD AREA PLAN



**ADVISORY TASK FORCE FINAL REPORT  
DECEMBER 2016**

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# Introductory Comments

Preston Center and the surrounding residential neighborhoods are great assets for the City of Dallas, and they contribute greatly to the City's tax base. The residential neighborhoods have been very desirable places to live for over 60 years, and they have naturally evolved with new custom homes and multi-family residences replacing older housing stock to maintain their vitality. While Preston Center was originally the premier retail center for North Dallas, it has evolved into one of the most successful office sub-markets in the greater Dallas area, and the retail component has gravitated toward restaurants and neighborhood services.

While it is quite clear that Preston Center has more potential than has been realized to date, area residents have opposed most redevelopment proposals because of concerns over traffic congestion and commercial encroachment on their neighborhoods. In addition, commercial property owners have differing views on how, and if, significant redevelopment efforts should proceed. Over the past 30 years, numerous studies have been completed on traffic and parking issues, and development restrictions have been imposed to protect residential neighborhoods. But, there has been no consensus on how to make Preston Center into an even better community asset.

The Northwest Highway and Preston Road Area Plan Advisory Task Force was established in 2015 to study both the problems and the opportunities that exist in the neighborhood, and to develop a consensus vision that could provide a road map for future development initiatives. The Advisory Task Force membership is comprised of both residential and commercial property owners in the Study Area. Through a comprehensive analysis of the facts and opinions presented in numerous public meetings, and by gaining a better understanding of each constituency's concerns, the Advisory Task Force developed and unanimously approved the attached Area Plan.

This may represent the first time that all constituencies have come together to endorse a plan for the redevelopment of Preston Center. It is hoped that the Area Plan will provide a road map for future development decisions in and around Northwest Highway and Preston Road. We appreciate all the time and effort that went into the development of this Area Plan.

Jennifer Staubach Gates  
Dallas City Council Member  
District 13  
December 15, 2016

# Acknowledgments

Numerous individuals including City of Dallas elected and appointed officials, City Staff, members of the Advisory Task Force (ATF), key stakeholders and citizens, North Central Texas Council of Governments (NCTCOG) and the Texas Department of Transportation (TxDOT) provided knowledge, assistance and insight throughout the process of developing the vision and strategy for the Northwest Highway and Preston Road Area Plan. Specific Contributions of the following are greatly appreciated:

## Northwest Highway and Preston Road Advisory Task Force (ATF)

Bill Archer - Zone 1  
Baxter Brinkmann - Zone 2  
Leland Burk - Zone 1  
Steve Dawson - Zone 4  
Betsy Del Monte - Zone 5  
Jay Grogan - Zone 3  
Meredith Houston - Zone 2  
Peter Kline - Zone 2  
Maureen McCaffrey - Zone 6  
Laura Miller - Zone 7  
Patti Niles - Zone 4  
Ashley Parks - Zone 3  
Mark Roppolo - Zone 1  
William Willingham - Zone 1

## University Park

Jacob Speer - Director of Public Works

## North Central Texas Council of Governments (NCTCOG)

Michael Morris, P.E. - Director of Transportation  
Karla Weaver, AICP - Program Manager  
Trey Ingram - Transportation Planner

## City of Dallas

Jennifer Staubach Gates - Dallas City Council District 13  
Carolyn Williamson - Council Assistant District 13  
Margot Murphy - City Plan Commission  
Tammy Palomino - Assistant City Attorney  
Peer Chacko - Chief Planning Officer and Director  
Luis Tamayo - Chief Planner  
Asma Shaikh - Planner

## Texas Department of Transportation (TxDOT)

Willie Bolden - Construction Engineer, Mesquite Area Office  
Brandon Bowie - Engineering Tech  
Noel Paramanathan - Area Engineer, Mesquite Area Office

## Meeting Facilities

Christ the King Catholic Church  
University Park United Methodist Church  
Walnut Hill Recreation Center

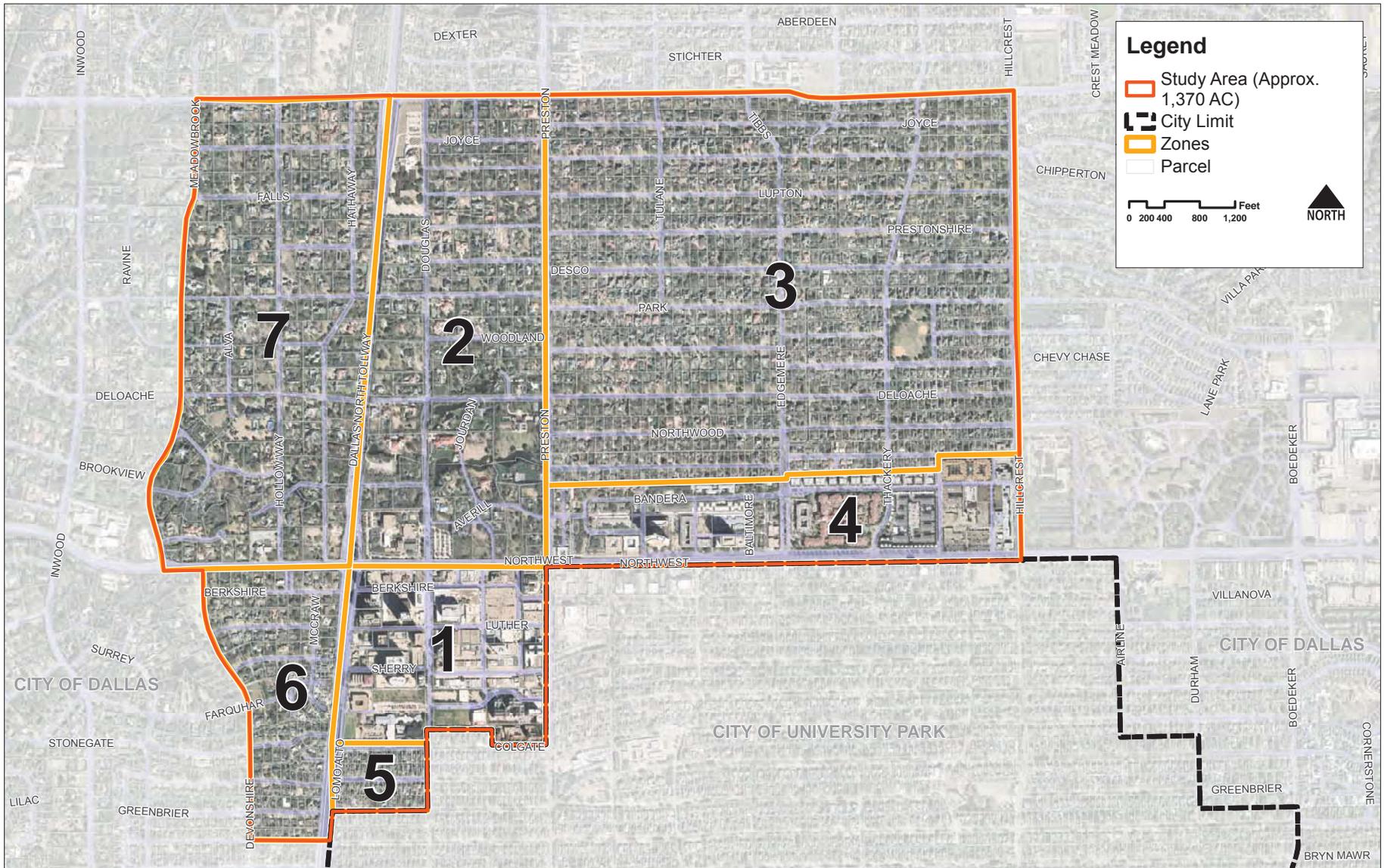
## Consulting Team

Kimley-Horn  
Fregonese Associates  
Public Information Associates  
Gram Traffic NTX Inc.  
CJ Hensch & Associates, Inc.

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Figure 1 - Study Area Zone Boundaries



# Background

Dallas City Council District 13 is a significant contributor to the City of Dallas property tax base. Preston Center and the surrounding residential neighborhoods are located in the heart of District 13 and have a big impact on its tax base. Maintaining and improving the vitality and quality of this neighborhood is a priority for the City.

The Northwest Highway and Preston Road Area Plan was commissioned after a series of contested zoning cases in and around Preston Center made it clear that both residential and commercial property owners share serious concerns about traffic congestion, parking problems, and aging and inadequate City infrastructure. Due to disagreement about how to resolve those issues, it was agreed that a common vision was needed for how Preston Center and the surrounding neighborhoods should evolve over time to maintain and enhance the vitality of the area.

The Study Area is located five miles north of downtown and adjacent to (but does not include) the City of University Park, in which the portion of Preston Center east of Preston Road and most residential areas to the south of Preston Center are located. This Northwest Highway and Preston Road Area Plan relates exclusively to the commercial areas and adjacent single-family and multi-family residential neighborhoods located within the City of Dallas.

The Study Area is bounded by Walnut Hill Lane on the north, Hillcrest Road on the east, Meadowbrook Drive and Devonshire Drive on the west, and Southwestern Boulevard and the City of University Park City limits on the south. The Study Area includes approximately 1,370 acres within the City of Dallas and was, for the purposes of this review, divided into seven zones, each with unique characteristics and issues.

The seven zones in the Study Area were represented by property owners who volunteered to participate in the Area Plan process as members of an Advisory Task Force (ATF). The ATF's role was to provide direction, guidance, and feedback in establishing the vision for the area. Additionally, the ATF was charged with communicating with people within their respective zones to encourage community-wide participation in meetings, to obtain feedback on specific issues and topics, and to review Area Plan progress to confirm that it was consistent with their expressed vision for the area.

The plan presented in this report is based on the synthesis of direct input from property owners, community meetings, Advisory Task Force work sessions, research and recommendations from project consultants, and information provided by City and regional officials. The study was paid for by the North Central Texas Council of Governments (NCTCOG) and donations from business and residential property owners in the Study Area and facilitated by logistical and in-kind support from the City of Dallas. While it would be impossible to satisfy all property owners in the Study Area, there has been a concerted effort to develop a consensus among the members of the Advisory Task Force on how to best protect and enhance property values for the overall Study Area, and create a balance between a robust development climate and the quality of life for area residents.

COUNCIL DISTRICT 13 TAX BASE COMPARISON	
Study Area:	
Tax value =	\$2.87 Billion
Total Value =	\$3.48 Billion
Council District 13:	
Tax Value =	\$15.49 Billion
Total Value =	\$19.91 Billion
City of Dallas:	
Tax Value =	\$79.79 Billion
Total Value =	\$106.08 Billion

Source: 2014 DCAD Data File

# Executive Summary

The creation of this Northwest Highway and Preston Road Area Plan has been a collaborative effort of homeowners, condominium and apartment residents, commercial property owners, and representatives from the City of Dallas and Regional Transportation organizations. Consultants were retained to gather data and research on a variety of issues that impact the Study Area. The final conclusions and recommendations in the Area Plan were developed and unanimously approved by the Advisory Task Force, which was comprised of 14 volunteers who represented the various constituencies who make up the Study Area.

## Issues

There is a broad consensus of opinion among residents and commercial property owners that Preston Center and the surrounding neighborhoods suffer from serious traffic congestion, parking and infrastructure issues.

Research on traffic volumes and patterns support this conclusion and show that almost half of the congestion on Northwest Highway is caused by regional traffic passing through the Study Area. The resulting congestion has caused area residents to object to most major development proposals in and around Preston Center, out of concern that even worse traffic will seriously impact the quality of life in their neighborhoods.

The availability of parking in and around Preston Center is also a major issue to both commercial property owners and to neighborhood residents. Consultants conducted a parking study (See Appendix IV) that found sufficient parking spaces to support the normal needs of existing businesses in Preston Center. However, during the period being studied, approximately 10% of the adjacent retail space was vacant and the study included some tenant-parking only spaces as being publicly available. The ATF believes that if Preston Center is developed to its full potential, there will be a serious shortage of convenient parking for customers and employees. In addition, the vast majority of the public parking is located in an obsolete 60-year-old parking structure that visually dominates the area.

**COMMUNITY ISSUES & CONCERNS**

- Traffic Congestion
- Availability of Convenient Parking
- Quality and Condition of Infrastructure

## Single Family Residential Neighborhoods

The residential neighborhoods that surround Preston Center are well established and are among the highest value in the entire City of Dallas. These neighborhoods are well maintained, and over the past 20 years the residential tax base has increased significantly as older homes have been replaced with new custom homes. The Advisory Task Force concluded that the Area Plan must make it a priority to protect and preserve the vitality and quality of life in these neighborhoods. Residents are very concerned that residential proximity slope projections be maintained to minimize commercial and multi-family encroachment on their neighborhoods and want to see greater efforts to mitigate traffic. They have also expressed interest in efforts to make their neighborhoods more pedestrian friendly, with better access to Preston Center.



## Multi-Family Residential Neighborhoods

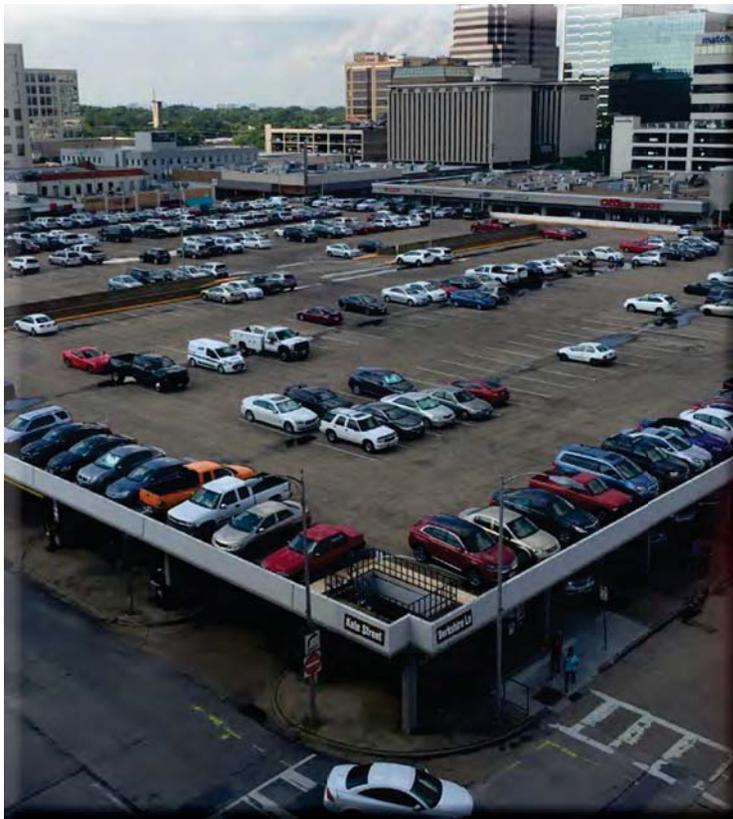
Most of the multi-family residential units in the Preston Center area are located along the north side of Northwest Highway, between Preston and Hillcrest Roads. Originally developed in the 1960's, this neighborhood contains both high-rise and low-rise condominiums, rental apartments, senior living facilities, and limited commercial developments near the intersection of Northwest Highway and Hillcrest Road. Over the past ten years, a significant portion of this neighborhood has been redeveloped. Most of the residents in this multi-family neighborhood and in the adjoining single family neighborhoods to the north want to limit additional redevelopment projects to a maximum of four stories, with smaller building footprints and more green space.

There are serious deficiencies in the storm water drainage systems serving this neighborhood, causing recurring flooding and property damage, and continuing redevelopment will exacerbate these issues. The City of Dallas needs to address these problems in order to accommodate the increased density that is permitted under current zoning.

## Preston Center

Preston Center was established about 65 years ago as a thriving suburban retail center, but it has since evolved into one of the most successful office sub-markets in the region. Today, Preston Center has approximately 3 million square feet of office space, 500,000 square feet of retail space, a hotel, and 129 multi-family residential units. As NorthPark was developed and expanded as the premier regional shopping center, the nature of the Preston Center retail space has shifted toward restaurants and retailers that primarily serve the immediate neighborhood.

From a planning perspective, redevelopment of the old retail areas of Preston Center (generally bounded by Northwest Highway, Preston Road, Sherry Lane and Douglas Avenue) has the greatest potential to enhance the overall neighborhood and significantly increase the area tax base for the City of Dallas. From a practical perspective, however, there are several factors that complicate the ability to execute any plan:



- Property ownership in the planning area is broken into small parcels and no single owner currently controls sufficient land to dramatically change the nature of development in the area.
- Current zoning permits a wide variety of land uses on most parcels, but because most sites are too small to accommodate underground parking, the typical land use is one-story retail.
- Traditionally, the most profitable development opportunities in Preston Center have been single parcel office buildings. From a neighborhood perspective, office buildings are the least desirable stand-alone land use because they generate significant traffic, concentrated during rush hour.
- The area is visually dominated by an obsolete 60-year-old parking garage that is owned by the City, but is operated and maintained by a private corporation. The replacement and/or redevelopment of the garage is complicated by numerous deed restrictions and easements, some of which require unanimous approval of adjoining property owners.
- Preston Center has very little green space, and the streetscape and lighting is not consistent. In contrast, the portion of Preston Center located in University Park (east of Preston Road) is under common ownership and has achieved a much more upscale and inviting environment.

## Community Vision

This report presents an Area Plan for the Northwest Highway and Preston Road neighborhoods that is based on a community vision for the future. The Advisory Task Force was comprised of representatives of all major constituencies who reside in and/or own commercial property in the Study Area. Based on extensive discussions of issues and opportunities, community input during public meetings and private conversations with constituents, and research findings provided by government officials and project consultants, the following Community Vision evolved:

### COMMUNITY VISION STATEMENT

The Northwest Highway and Preston Road area will maintain and enhance its position as one of the most desirable and livable residential areas in the City of Dallas, offering stable, protected neighborhoods with a range of great housing alternatives, from rental apartments to estate properties. A renewed, walkable Preston Center will serve as an urban core for the surrounding neighborhoods, with a balanced mixture of office, retail, residential, hospitality and entertainment facilities, making it possible to live, work and play without getting into your automobile.

- The overall vision for the Study Area is for Preston Center to become a revitalized and expanded urban core, surrounded by vibrant, high-quality residential neighborhoods that are protected from commercial and multi-family encroachment within their current boundaries.
- Both residential and commercial property owners visualize improved mobility in the Study Area. If aggressive and continuing steps are taken by City of Dallas and Regional Transportation officials to mitigate traffic congestion, the majority of constituents support efforts to rejuvenate and increase the density of development in and around Preston Center.
- The single-family residential neighborhoods surrounding Preston Center are vibrant and have been continually maintained as some of the most desirable places to live in Dallas. In a natural cycle of renewal, many of the older houses have been replaced with larger custom homes. The vision for these neighborhoods is to maintain their exclusively residential nature, and to maintain and improve pedestrian and bicycle accessibility.
- Multi-family residential developments would be encouraged in Preston Center (Zone 1) in addition to the current concentration of condominiums and apartments along Northwest Highway, between Preston and Hillcrest Roads (Zone 4). While a significant portion of the current multi-family in Zone 4 has already been redeveloped, this renewal and replacement of housing stock is visualized to continue, with increased density but with building heights not exceeding four stories in Zone 4. In and around Preston Center (Zone 1), new mid-rise and high-rise residential and mixed-use construction would be allowed and encouraged.
- Preston Center is visualized as a mixed-use urban core for the Study Area. The vision is to create a new community center that would be easily accessible from the surrounding neighborhoods, but where people can live, work, shop and be entertained without needing to use an automobile. The goal would be to redevelop much of the current retail space in buildings that feature ground floor retail businesses, with residential units on the upper floors.

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## Critical Elements

Any comprehensive plan for the Northwest Highway and Preston Road Area must address two critical elements: traffic congestion and the obsolete parking structure that visually dominates Preston Center.

The accompanying report addresses numerous opportunities to mitigate traffic on Northwest Highway and on Preston Road. Several mitigation projects have already been initiated by TxDOT and were under way at the time of the study. In addition, regional transportation authorities are currently studying a variety of projects that would enhance mobility and lessen traffic issues in the area. The active pursuit of these alternatives will be critical to support the visualized increase in density in Preston Center and to sustain community support for this Area Plan.

The biggest impediment to the successful redevelopment of Preston Center is the existing City-owned parking structure that dominates the area. Over the past 30 years, much of the retail space surrounding the garage has been renovated or replaced with newer versions of the one-story spaces that have been there for the past 60 years. The current garage exacerbates traffic issues in Preston Center and materially limits the desirability of the neighborhood for serious redevelopment efforts. If the goal is to create a new urban center, the existing parking structure must be replaced or totally redeveloped so that sufficiency and accessibility of parking is improved and new community spaces created. This will be a complicated project, and it will be expensive.

The Advisory Task Force concluded that the optimal solution was to propose a new underground parking garage with a park at ground level. This would literally change the landscape in Preston Center, creating a highly desirable centerpiece for the entire neighborhood. The market potential for mixed-use development around the park is significantly greater than would be expected from a major renovation/expansion of the existing garage. While the existing garage is a deterrent to high quality development, a new underground parking facility and park would make the neighborhood surrounding it one of the most desirable new development locations in the City of Dallas.

Based on preliminary conversations with both private and public entities, there appears to be great potential for the creation of public-private partnerships to build and maintain the park and the garage. In addition, an underground parking facility would provide great opportunities to mitigate traffic congestion through direct garage access from Northwest Highway and Preston Road. However, if public/private financing for the ideal solution cannot be identified within 24 months of the date of this report, an alternative plan to expand and upgrade the current garage should be pursued.



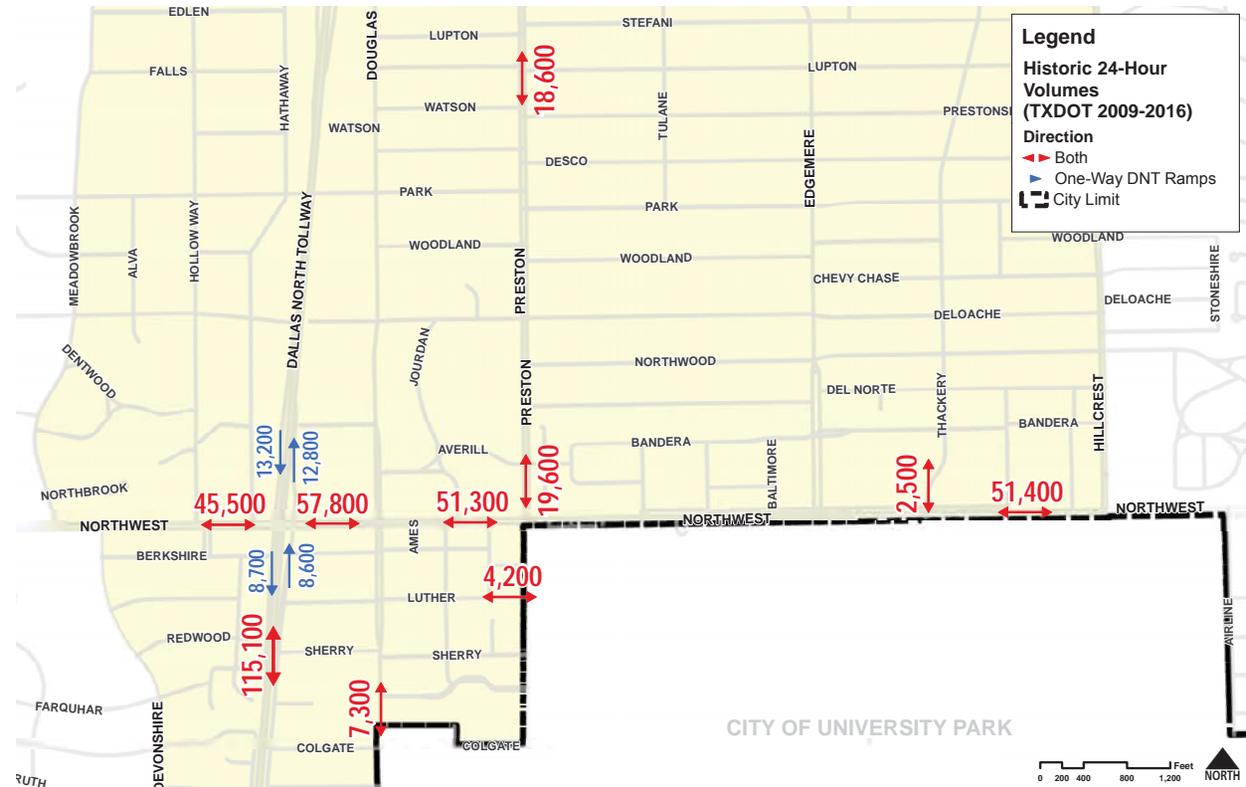
# Area Highlights and Existing Conditions

## Location and Traffic

The Study Area is at the crossroads of two significant regional access highways – the Dallas North Tollway and Northwest Highway -- that carry heavy commuter traffic loads, in addition to serving the businesses and residential neighborhoods that are located there. Almost half of the 57,800 vehicles that traverse the study area on Northwest Highway daily are non-local “pass-through” commuters. The interchange between the Dallas North Tollway and Northwest Highway is out of date and unnecessarily contributes to the serious congestion in and around Preston Center. In addition, the lack of full Dallas North Tollway interchanges at Lovers Lane and Walnut Hill Lane exacerbate traffic issues on Northwest Highway. (See Appendix II, Transportation and Circulation)

Historically, concerns over increased traffic have caused neighborhood residents to oppose most major development proposals for the Study Area. City, state and regional authorities are beginning to actively implement improvements in signal light technologies and higher capacity turn lanes that should help mitigate some of the traffic issues. Other major traffic mitigation projects are currently being studied in conjunction with the Area Plan, but there is much work to be done.

Figure 2 - 24 Hour Traffic Volumes



Source: Historical traffic data from TxDOT Date: 2009-2016



## Single-Family Residential Neighborhoods (Zones 2, 3, 5, 6 and 7)

The single-family residential neighborhoods in the study area are among the highest value and most sought after in the City of Dallas. Over the past 20 years, most of these neighborhoods have been substantially redeveloped with new custom homes, and they represent a significant portion of the residential tax base in the City. The area residents represent a highly sought after demographic group for retailers and restaurants: according to the U.S. Census for 2010, the Study Area was home to 6,736 residents, 41 percent between the ages of 35 and 64, with an additional 28% age 65 and over. The largest demographic in the Study Area (38 percent of households) had a household income over \$150,000 per year in 2013; only 9 percent of Dallas fell within this income bracket during that same census. These homeowners are very concerned about protecting the quality and character of their neighborhoods and are generally opposed to any zoning changes that would permit the development of anything other than single-family residences.



## Multi-Family Neighborhoods (Zone 4)

This zone is located immediately north of Northwest Highway, between Hillcrest and Preston Roads. Originally developed in the 1960's, this neighborhood contains both high-rise and low-rise condominiums, rental apartments, senior living facilities and limited commercial developments. (See Appendix I, Existing Zoning). Over the past ten years, there have been a number of redevelopment projects in this neighborhood and this trend is likely to continue, as it did in the single-family neighborhoods to the north. Presently, there are approximately 2,250 units of multifamily housing in Zone 4.

To date, most of the Zone 4 redevelopment activity has occurred east of Edgemere Road and very few sites remain available for redevelopment. The only commercial developments in the zone are located at the southeast corner, near the intersection of Hillcrest Road and Northwest Highway. The majority of the new multi-family developments in eastern half of the zone are luxury rental apartments.



West of Edgemere Road, Zone 4 is primarily comprised of multi-family condominiums that were developed prior to 1975. While some of the condominiums are available for rental, the majority of the housing in the western part of Zone 4 is owner occupied. Two high-rise buildings (Preston Tower and the Athena) were constructed in 1966 but current zoning prohibits the development of more high-rise buildings in the Zone. The typical condominium developments in Zone 4 are two-story garden apartments. The Laurel Apartments, now under construction at Preston Road and Northwest Highway, is the first major redevelopment project in the western part of Zone 4.



Preston Tower and the Athena



Typical Residential Development West of Edgemere Road

If the entirety of Zone 4 was redeveloped under current zoning, theoretical density could be doubled. However, the combination of deed restrictions, relatively new developments that do not max out density, and demand for larger, more spacious residential units probably limit likely growth to less than the density currently allowed.

Homeowners and residents in Zone 4 report serious deficiencies in the storm water drainage systems serving the neighborhood as it now exists, causing recurring flooding and property damage in several areas. During heavy rains on July 4, 2016, the 29-story Preston Tower condominium building experienced significant flooding in its parking garage, due to an inability of the City's storm water drainage system to accommodate the record rainfall in the area. Continuing redevelopment will exacerbate this problem, and the City of Dallas needs to address these issues in order to accommodate the increased density that is permitted under current zoning. Additionally, inadequate sidewalks and an over-reliance on parking on City streets adversely impact auto and pedestrian mobility within the neighborhood.

Current residents are receptive to continued redevelopment and increased density, but they also want to preserve the quality of life in the neighborhood. For planning purposes, there is a general willingness to accept four-story structures in return for smaller building footprints that would preserve open spaces. Residents strongly desire that all new developments meet city codes for on-site parking, and they would greatly prefer underground parking whenever feasible. There is a broad consensus that the zone should remain residential in nature, and that retail and office development should be limited to the existing commercial area at the southeastern corner of the zone.

## Preston Center (Zone 1)

Preston Center was originally developed in the 1950's as a premier suburban shopping center north of downtown Dallas. Neiman Marcus and Sanger Harris department stores were the original anchors to a thriving retail center. Land was conveyed to the City of Dallas and parking was constructed to provide free short-term parking for customers of the retail stores. Subsequently, the surrounding owners built a second level of parking to insure that the employees who worked in Preston Center would have access to free, all-day parking. Several office buildings were added in the neighborhood, and the area thrived until NorthPark opened in 1965 and persuaded Neiman Marcus to relocate. NorthPark quickly became the premier location for retailers serving North Dallas, and Preston Center struggled to compete for tenants and customers. The Foley's Department Store (formerly Sanger Harris) was closed in 1999. Over the past 40 years, most of the new development activity in Preston Center has been focused on creating a significant office sub-market.

### PRESTON CENTER HIGHLIGHTS

Office Buildings - 3 Million Sq. Ft.

Retail Space - 500,000 Sq. Ft.

Hotel - 224 Rooms

Multi-Family Residential - 129 Units

Today, Preston Center has approximately 3 million square feet of office space and 500,000 square feet of retail space, as well as 129 multi-family residential units and a hotel. Land ownership in Preston Center is broken into numerous small parcels, and development has historically occurred on a parcel-by-parcel basis, as opposed to a planned mixed-use community. Preston Center's location, tight street grid and neighborhood demographics should lend itself to a vibrant and walkable mixed-use environment.

From a market perspective, Preston Center is considered to be one of the Dallas area's prime office sub-markets, outperforming most other sub-markets in both occupancy and rental rates. Preston Center office buildings are highly valued, and they add significantly to the City's tax base.



The retail properties are primarily single-story buildings concentrated in the eastern half of Zone 1, mostly situated around an obsolete, 60-year old parking structure that visually dominates the neighborhood and has become an eyesore. The garage is City-owned, encumbered by numerous private deed restrictions and easements, and is operated and maintained through a licensing agreement by a private corporation, which, together with a legal judgment resulting from a 2006 lawsuit between the City and adjacent property owners, complicates efforts to replace it. While most of the retail property owners have upgraded the exterior appearance of their structures, the garage and City infrastructure in the area (including streets, alleys and sidewalks) have deteriorated and severely compromise the ability to attract retail tenants that reflect the market potential.



Preston Center Retail Facilities in City of Dallas

In contrast, the portion of Preston Center that is located in University Park has been upgraded significantly and commands retail rents that are generally much higher than the rents in the Dallas portion. There are numerous examples of mixed-use projects in the Dallas area and in other comparable cities that illustrate the potential for a higher density redevelopment of the eastern half of Zone 1 that could have a significant positive impact on the Dallas tax base. But current traffic congestion and parking challenges need to be addressed by local, regional and state authorities in order to facilitate such development, and projects that seek to mitigate traffic and parking problems should be encouraged.



Preston Center Retail Facilities in University Park

## Preston Center Parking

Adequacy of Preston Center parking for retail is a hot-button issue that is often debated, but there is clearly a shortage of parking at peak lunchtime hours during the week. Cars circle the one-way streets around the parking garage and the lanes inside the garage, constantly searching for open spaces; this creates both auto congestion and unsafe pedestrian conditions throughout Preston Center. The parking in Preston Center currently consists of a mix of on-street facilities, off-street small lots, a two-level parking deck, and several garages that primarily serve tenants (see Figures IV-1 and IV-2).

A week-long parking study was taken in January 2016 to analyze the existing parking supply and demand for Preston Center. This study was conducted over an 8 hour span each day for 7 consecutive days. At the time of the parking study, approximately half of the 110,000 square foot Preston Center Pavilion (former Sanger Harris store) was not occupied, alleviating demand on the city-owned garage. The parking consultant identified open parking spaces without adjusting their findings to reflect that fact that over 10 percent of the total Preston Center retail space was vacant. Parking Study Highlights are located in the Appendix IV.

While the consultants' parking study appears to indicate an ample supply of parking spaces on a technical basis, the ATF believes that many of these spaces are not readily available – in part because the consultants included parking spaces that are reserved for individual tenants, as being available to the general public. As such, true parking space supply on a practical basis remains wholly inadequate.

The parking study showed that on-street facilities are full during peak periods near the parking deck, and the parking deck peaks (Monday-Friday, 12-1 pm) at approximately 80% occupancy. The private and reserved spaces are at approximately 50% occupancy on weekdays throughout the day, and public parking facilities are approaching the recommended effective capacity of 85% during the midday peak period. Appendix IV, Figure IV-1, demonstrates the overall occupancy for the parking within Preston Center broken down hourly and by day. Parking is busiest during the weekday lunch peak.

Besides counting parking supply and demand, the average parking duration was summarized for each parking area. Appendix IV, Figure IV-6, shows the average duration observed on a weekday. Another item worth noting is that a large number of vehicles (over 100) on the lower parking deck were observed to exceed the three-hour time limit that is meant to promote turnover; this implies that employees working in Preston Center are using this parking that is meant for visitors. It is recommended in the short term that employees be encouraged to park on the upper deck and enforcement of parking restrictions be increased to enhance the turnover of high demand facilities.



# Establishing a Community Vision

By engaging in a thorough community and stakeholder engagement process, several development scenarios were created and analyzed for the study area. Out of this process, a Broad Vision Statement was developed for the entire study area (see Page 11), and then Preferred Vision scenarios were detailed for each of the seven zones, with consideration given to the collective preferences of the property owners in each zone and the inter-relationships between zones.



## COMMUNITY ENGAGEMENT

7 Public Advisory Task Force Meetings

1-2 Formal Stakeholder Meeting for each Zone

An On-Line Community Survey

3 Community Open Houses

Numerous Stakeholder Interviews

Several Private Task Force Work Sessions

The final Preferred Vision scenarios recommended in this report were based on four key assumptions that were particularly important to stakeholders:

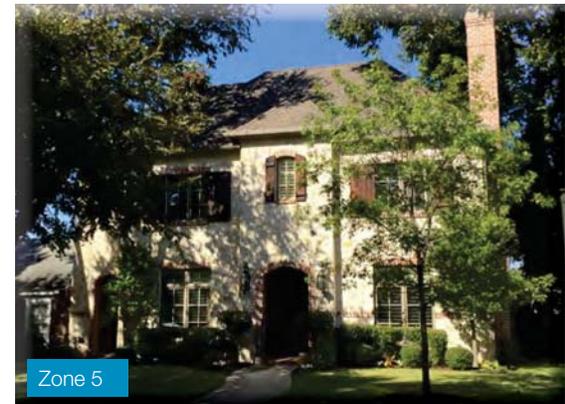
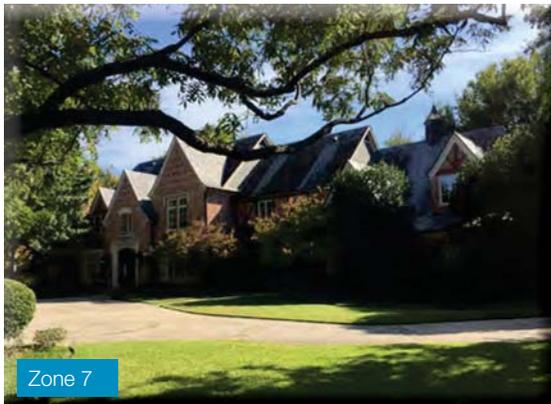
1. Existing zoning rights for property owners would not be removed or downgraded, and additional zoning incentives should be established to encourage particular types of redevelopment.
2. City of Dallas proximity slope requirements should be maintained for the benefit of existing residential neighborhoods.
3. Existing private deed restrictions should remain in place, unless removed by the property owners.
4. Local, regional and state transportation authorities should pro-actively work to adopt recommended mobility solutions and explore additional ways to mitigate existing traffic and parking problems in the study area. Neighborhood support for the increased density that is incorporated into the Preferred Vision will likely follow an active, multi-governmental program to address current and future traffic and parking issues.

# Preferred Vision Scenarios

## Single-Family Residential Neighborhoods (Zones 2, 3, 5, 6 and 7)

The Preferred Vision for Zones 2,3,5,6 and 7 is to maintain existing single-family residential zoning and to encourage continuous revitalization of neighborhoods in order to maintain their livability and stability over the long term. Efforts should be made to enhance pedestrian and bicyclist mobility within the neighborhoods and to create safer connectivity to Preston Center (see Appendix III, Pedestrians and Bicycles).

No multi-family or commercial development is envisioned within these zones. This sentiment was made very tangibly at the March 30, 2016 Advisory Task Force meeting, when petitions signed by 24 Zone 2 property owners were presented to the ATF, stating their “vigorous” opposition to any change in the current single-family zoning in their neighborhood. The petition was initiated in response to the acquisition and demolition of five single-family homes on 10 acres along Northwest Highway, between Douglas Avenue and Preston Road. It stated, “In an area where single-family zoning is sacred, increased density, hi-rise condominiums, mixed use or commercial developments have no place and do not belong.”



## Multi-Family Neighborhoods (Zone 4)

Zone 4 is envisioned as a renewable, multi-family enclave giving preference to owner-occupied condominium units and senior living facilities. Retail and commercial development is limited to the existing area at the southeast corner of the zone.

The Preferred Vision would maintain an orientation toward large, owner-occupied condominiums appealing to people ready to downsize from single-family homes, but who would enjoy living in the Preston Hollow area. The vision would allow for the gradual augmentation of various housing types in the neighborhood, with higher density than now exists, but with the understanding that particular attention be given to the need for improved infrastructure, most especially the enhancement of existing storm water drainage systems. In addition, new developments should include on-site parking for residents and guests (preferably underground), greater landscaping and open space, and pedestrian-friendly amenities (see Appendix II). Building heights within the zone should be restricted by the existing City of Dallas proximity slope limitations designed to protect the single-family neighborhoods located north of Bandera Avenue; and throughout the zone, new multi-family residential structures would not exceed four stories in height. The plan envisions the highest density development to be concentrated along the Northwest Highway frontages. The two existing high-rise residential structures would continue to be the only such buildings in the zone.

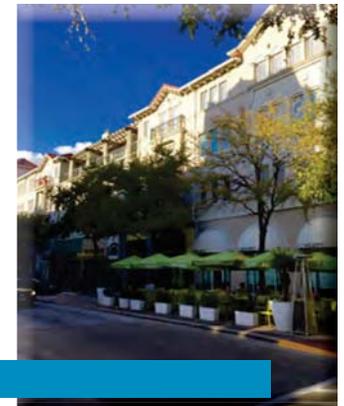
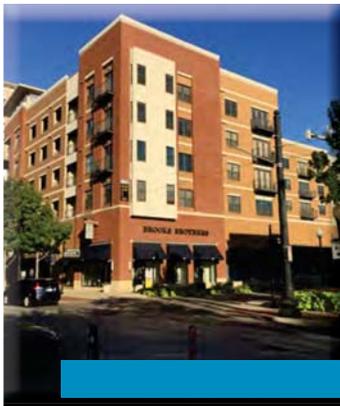
Over the past ten years, a significant portion of Zone 4 has been or is currently being redeveloped, and the existing redevelopment projects are generally representative of the quality and scale that is envisioned. The Preferred Vision consists mainly of replacing the remaining older, multi-family housing stock. Although some areas of Zone 4 are subject to deed restrictions that limit density, current zoning generally allows for three-story, multi-family construction that would dramatically increase lot coverage and reduce the open spaces and landscaping that now exist. The Preferred Vision assumes that much of the current zoning will be changed as this area is redeveloped, permitting increased height as a trade-off for reduced lot coverage and other features that would improve the quality of life in the neighborhood and meet the needs of the community.



## Preston Center (Zone 1)

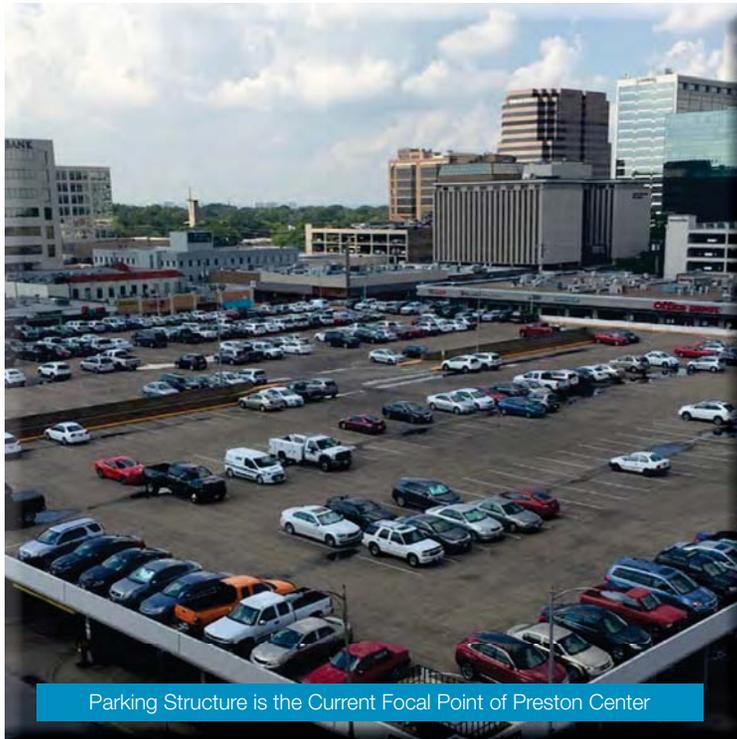
The development of a Preferred Vision for Preston Center required some fundamental decisions on the part of the Task Force. The plan could either attempt to realize the true potential of some of the most prime real estate in the City of Dallas, or it could be constrained by a variety of very real complications that would result in simply trying to make the best of what presently exists. Ultimately the Task Force opted for a bold vision that would transform this area into a vibrant mixed-use community center, where people can live, work, shop and be entertained. The achievement of this bold vision will be complicated, and it will require creativity, cooperation and significant investment on the part of the City of Dallas, regional and state transportation authorities, and the private sector.

The vibrant, mixed-use concept that is envisioned for Preston Center would build on the highly successful office market that now exists, adding new residential units to the mix while replacing and repositioning much of the existing retail space. Most of the existing office buildings are situated in the southern and western portions of the zone. While there are still developable parcels of land in these areas, most of the envisioned new development would occur in the eastern half of the zone, which is currently dominated by one-story retail establishments. The Preferred Vision would encourage the development of multi-story buildings that feature retail space on the ground floor and residential and/or office uses on the upper floors, particularly on the sites that surround the parking garage. The West Village area in Dallas is an example of the type of neighborhood envisioned here (but with significantly better access to public parking and much more green space). Based on the success of the initial, one-square-block development in West Village, the surrounding blocks have been developed in a similar format, with street level retail and restaurant spaces and compatible office projects. It is reasonable to assume that a similar expansion would, over time, happen in Preston Center. Recognizing that not all developments will be mixed use, the ultimate build out would undoubtedly include additional residential, retail, office and hospitality.

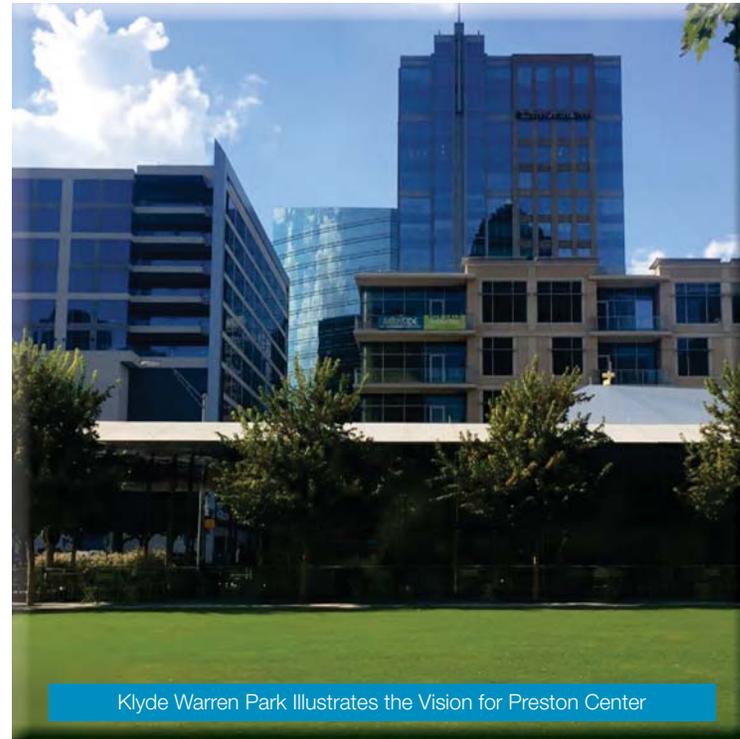


Examples of Mixed-Use Buildings with Ground Floor Retail Located in West Village, Dallas, Texas

The most critical element in the Preferred Vision for Preston Center is the redevelopment of the existing City-owned parking structure. It is totally unrealistic to expect 21st century mixed-use development to happen when the focal point of the entire neighborhood is an obsolete, 60-year old parking deck. The ideal plan would be to build a new underground parking garage with increased capacity (potentially doubling the 800-space capacity of the current garage) and a new public park as a centerpiece for the neighborhood. This would permit the creation of additional street level parking and a very pedestrian friendly environment. In order to take full advantage of the opportunity to create a vibrant neighborhood around the park, the City of Dallas must work with adjacent property owners to create a consistent streetscape design with wider sidewalks, enhanced landscaping and decorative lighting (see Appendix III). In addition, the City of Dallas policies and practices must encourage the use of sidewalk areas for outdoor dining. This would be an expensive undertaking, but it would have the greatest potential to maximize the surrounding property values, generate increased property and sales tax revenues for the City of Dallas, and encourage new development in the neighborhood. However, if public/private financing for the ideal solution cannot be identified within 24 months of the date of this report, an alternative plan to expand and upgrade the current garage should be pursued.



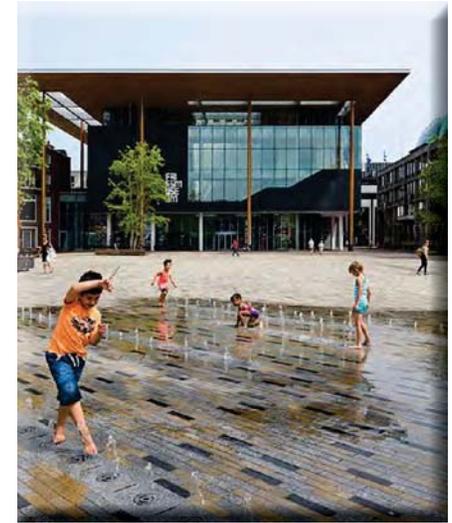
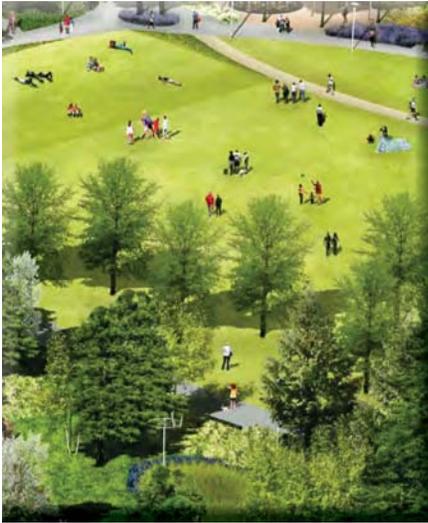
Parking Structure is the Current Focal Point of Preston Center



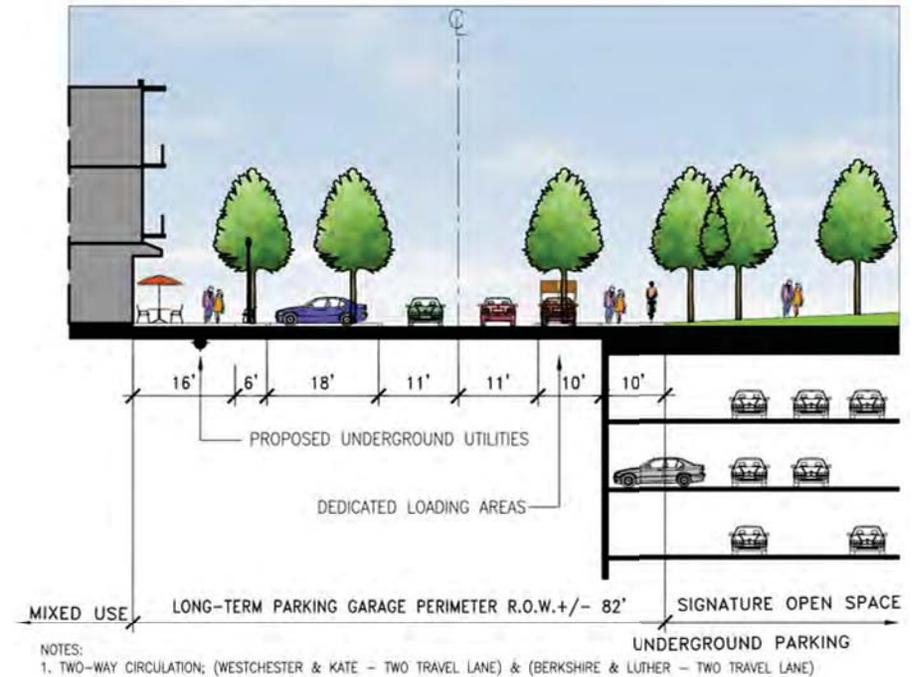
Klyde Warren Park Illustrates the Vision for Preston Center

# Conceptual Illustration of Signature Park





Current zoning in Preston Center allows for a significant increase in density (see Appendix I, Existing Zoning) and many sites could be redeveloped as office space, which would have the greatest negative impact on traffic congestion in the area. In contrast, according to national parking standards adopted by the City of Dallas, residential development would have substantially less impact on traffic. Additionally, multi-family housing is critical for the creation of the type of mixed-use environment encompassed in the Preferred Vision for Zone 1. Since real estate developers typically seek the highest and best use for development sites, the City of Dallas should support more density, building height, Floor to Area Ratios (FAR) and other land use concessions through the zoning process to encourage Zone 1 property owners to develop residential projects where commercial office could be built now by right. This should be done without compromising proximity slope protections for surrounding neighborhoods and while traffic solutions for the area are being actively pursued.



# Bicycle and Pedestrian Access

A key desire expressed on numerous occasions by the community was better and safer pedestrian and bicycle connectivity to Zone 1 from the surrounding neighborhoods. The Preferred Vision for Zone 1 also includes a pedestrian tunnel or bridge under or over Northwest Highway to allow area residents to bike, walk, jog or roller blade to Preston Center safely and easily. Per community feedback, the pedestrian tunnel and/or pedestrian bridge would appropriately be located between Douglas Avenue and Pickwick Lane and the exact location is subject to a detailed study by the City and TxDOT. (See Appendix III, Pedestrian and Bicycles)



# Key Policies, Strategies and Actions

The Northwest Highway and Preston Road Area Plan has been developed through the collaborative efforts of a broad cross section of property owners in the Study Area. Community preferences have been balanced with commercial and residential property rights. The Task Force members have solicited and received input from their various constituencies and have represented those interests in a good faith effort to create a consensus plan for the Study Area.

An overriding concern of virtually all participants has been related to traffic congestion, parking problems and infrastructure deficiencies in the Study Area. These issues have been the basis for numerous zoning controversies in recent years. Projects that seek to mitigate these issues should be encouraged. The Task Force has received support from the City of Dallas and from regional and state transportation officials to pursue an aggressive program to mitigate these issues. These efforts represent a fundamental foundation for the consensus plan, which was developed and presented to the City in October 2016 for adoption by the City Plan Commission and City Council.

The following assumptions underlie the Preferred Visions for Zones 1 through 7 and will be critical for the successful implementation of the Plan:

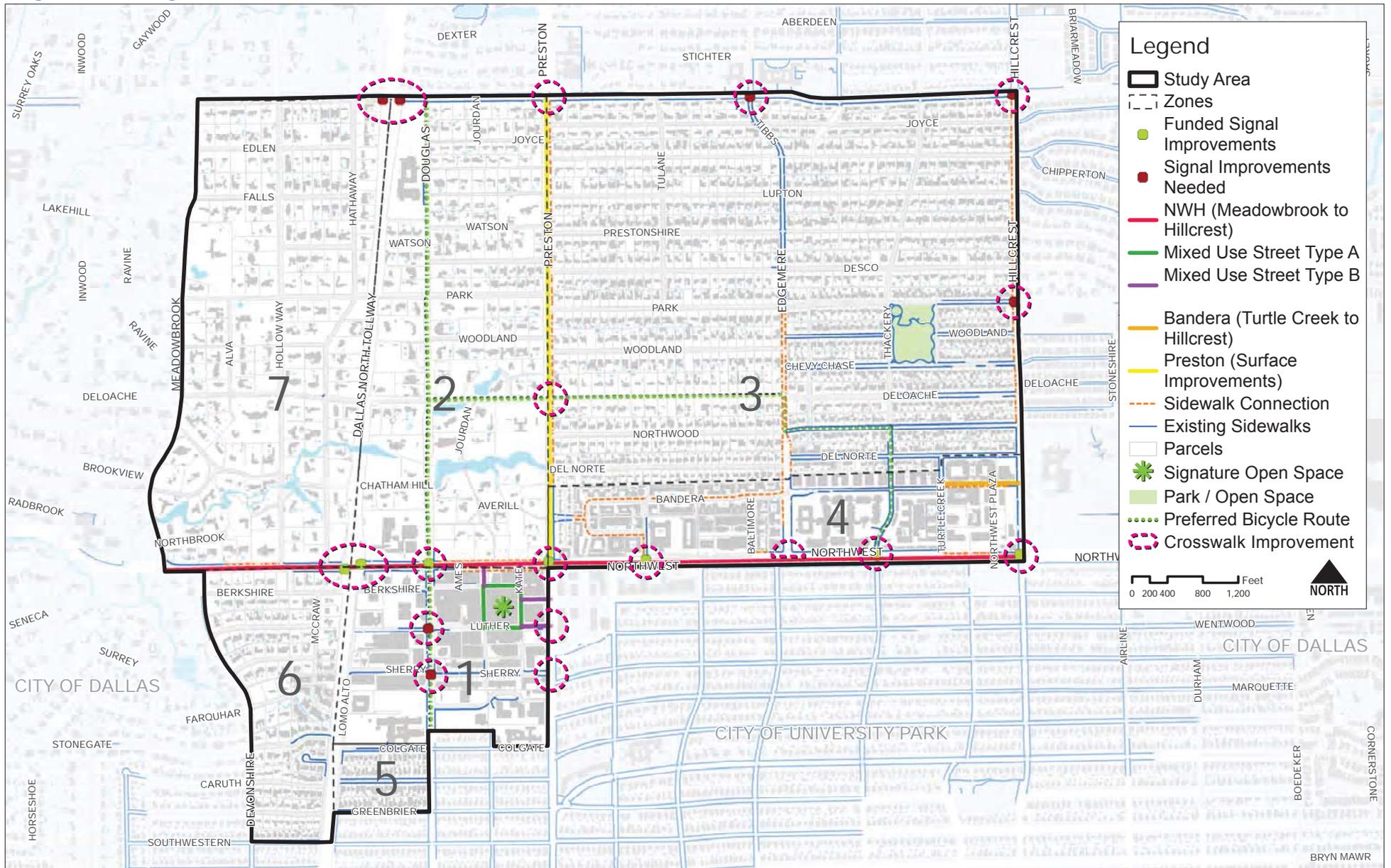
- NCTCOG should expedite further study of design, cost and transportation system connections for the proposed underground parking facility in Zone 1.
- The City of Dallas should inventory critical infrastructure needs in the study area, with particular attention to the storm sewer problems in Zone 4 and the condition of streets, alleys, sidewalks and lighting in Zone 1.
- The City of Dallas should actively support both design and operational initiatives to encourage the development of a vibrant, pedestrian friendly environment at the core of Preston Center (see Appendix III, Pedestrians and Bicycles). Streetscape designs should anticipate extensive sidewalk dining and entertainment, and citywide policies and regulations should be evaluated to insure that they do not unnecessarily restrict desirable activities that would add life and vitality to the neighborhood. As the area redevelops, sidewalks in the City of Dallas right-of-way should be a minimum of 8 feet in width in Preston Center.
- As soon as a decision is made regarding the replacement versus renovation/expansion of the Preston Center Parking Garage, the City of Dallas should concurrently develop recommendations on how to best improve circulation, reduce traffic congestion, and improve wayfinding and public realm improvements within Preston Center. In addition, the City should support the creation of a Public Improvement District (PID) and/or Tax Increment Financing District (TIF), or other funding mechanisms, in order to create a revenue stream for public improvements and ongoing maintenance of city-owned infrastructure and facilities.
- NCTCOG should study the feasibility and cost of constructing a tolled, underground tunnel of yet-to-be-determined length beneath or near Northwest Highway (or other traffic infrastructure) to divert non-local, through commuter traffic from the study area. The Advisory Task Force requested on 1/28/16 that NCTCOG study such a tunnel, including the pros and cons of varying lengths (from a few blocks to eight miles) and the viability of an underground connection between the tunnel and the proposed new Preston Center garage.

- NTCCOG should work with the North Texas Tollway Authority (NTTA) and the Texas Department of Transportation (TxDOT), which owns and maintains Northwest Highway, to develop a plan to improve the Northwest Highway/Dallas North Tollway interchange.
  - If engineering issues can be solved, a Texas U-turn should be built on the south side of Northwest Highway where it crosses the Dallas North Tollway. This would enable cars to leave Preston Center and enter the southbound Dallas North Tollway without accessing Northwest Highway.
  - The northbound Tollway exit ramp at Northwest Highway should be redesigned, if feasible, so exiting cars can make an immediate right turn on Sherry Lane and Luther Lane, allowing people to access numerous high-rise buildings without going around the block.
- New exit ramps should be built (where none exist now) along southbound Dallas North Tollway at Walnut Hill and at Lovers Lane in order to reduce traffic exiting at Northwest Highway.
- The signal light installed in 2015 in front of the City of Dallas Fire Station No. 27 at Northwest Highway just west of Douglas Avenue, should be deactivated at all times, except when emergency vehicles are in active service and need to exit the firehouse.
- TxDOT, NCTCOG, the City of Dallas and University Park should study the feasibility of adding one or more pedestrian bridges or tunnels across Northwest Highway in order to connect residential neighborhoods to Preston Center East and West.

## Next Steps

Although the Northwest Highway and Preston Road Area Plan does not bind the City of Dallas to implement any of its recommendations, it is the hope of both the 14-member Advisory Task Force and the many area stakeholders they represented over the course of 18 months, that current and future City officials will use this document as an important guideline for any development decisions made in the study area (see Figure 4 “Long-Term Framework Plan”).

Figure 4. Long-Term Framework Plan



# **APPENDICES**

**I. EXISTING ZONING**

**II. TRANSPORTATION AND CIRCULATION**

**III. PEDESTRIANS AND BICYCLES**

**IV. PARKING STUDY**

**V. COMMUNITY AND STAKEHOLDER INVOLVEMENT**

**VI. FUNDING OPPORTUNITIES**

**VII. SUMMARY OF POLICIES AND STRATEGIC ACTIONS**

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# I. EXISTING ZONING

# Existing Zoning

The majority of the Study Area (Zones 2, 3, 5, 6, and 7) is zoned single family residential, with densities ranging from 1 to 6 units per acre. Of the multifamily zoning in the area (one hi-rise in Zone 1 and virtually all of Zone 4), densities range from 14.5 DU/ac in duplexes, to up to 90 DU/ac in MF-3; however, the majority of non-PD multifamily is MF-1, which has average densities of 25 DU/ac in projects citywide. Finally, in Zone 4, there is a small amount of single-use community retail, and limited office zoning along Northwest Highway.

The complex part of zoning within the Study Area came from numerous planned development districts (PD), the most complex being PD-314 in Preston Center. The following is a brief summary of these PDs:

- PD-15: PD that covers the condo towers along Northwest Highway, that provides maximum unit count
- PD-33: Single family zoning variation
- PD-142: Single family zoning variation
- PD-314: Preston Center Special Purpose District, which includes multiple subsections, with varying regulations. See attached zoning summary matrix.
- PD-470: Parking lot
- PD-570: Multifamily zoning variation
- PD-766: Community retail zoning variation
- PD-854: Community retail zoning variation
- PD-874: Multifamily zoning variation; retirement home
- PD-910: Single family zoning variation

Figure I-1: Existing Zoning

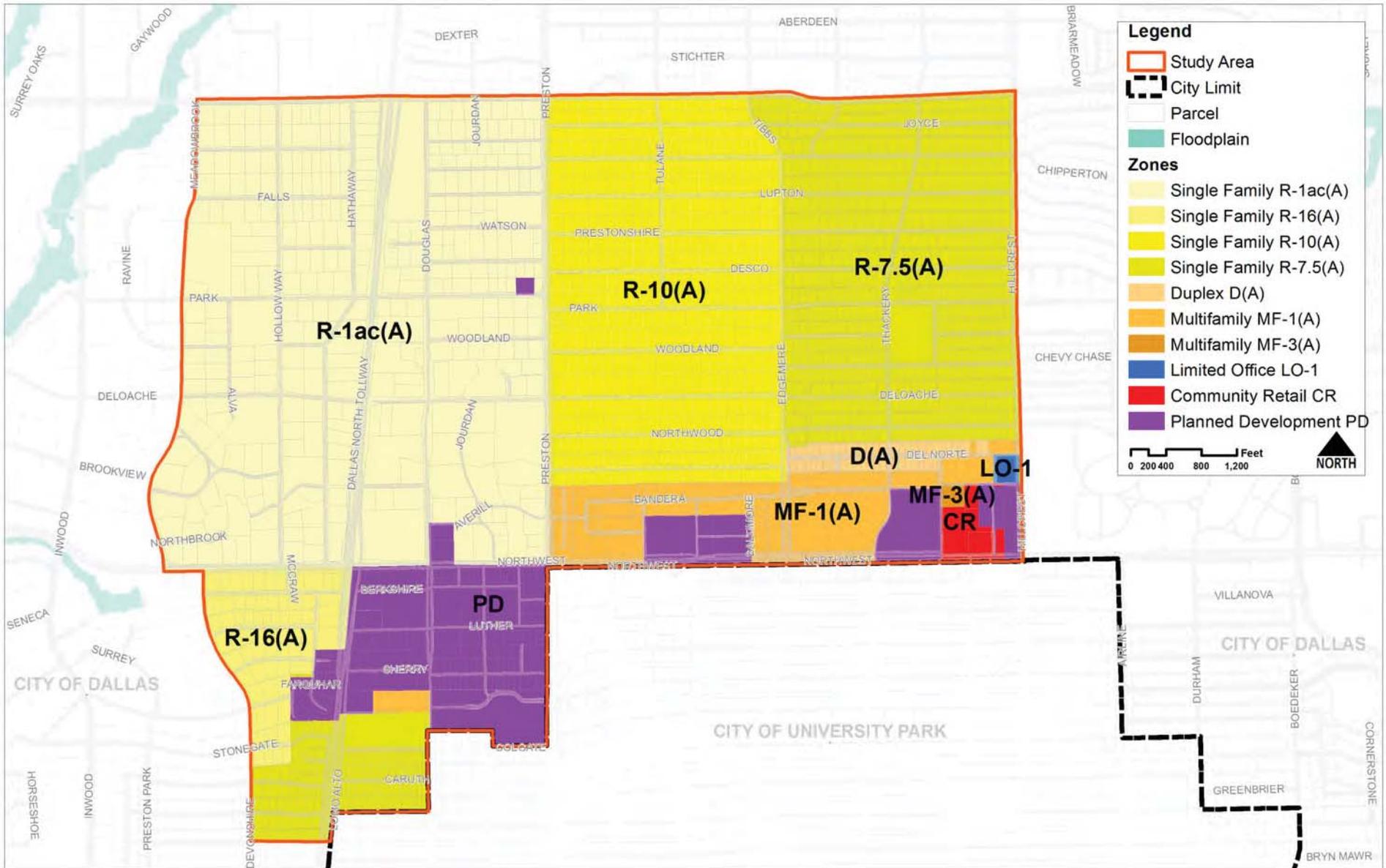


Figure I-2: Planned Developments

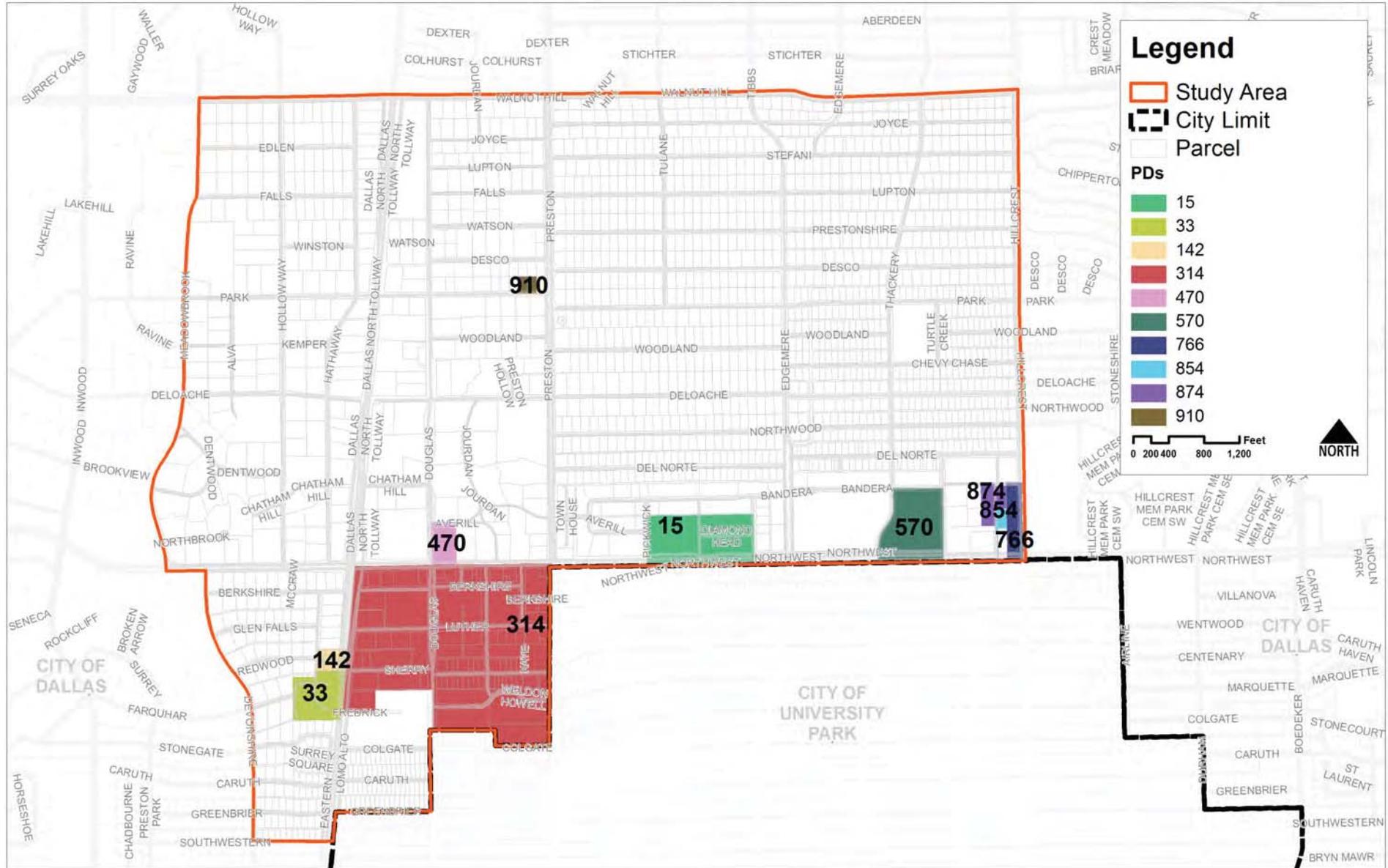
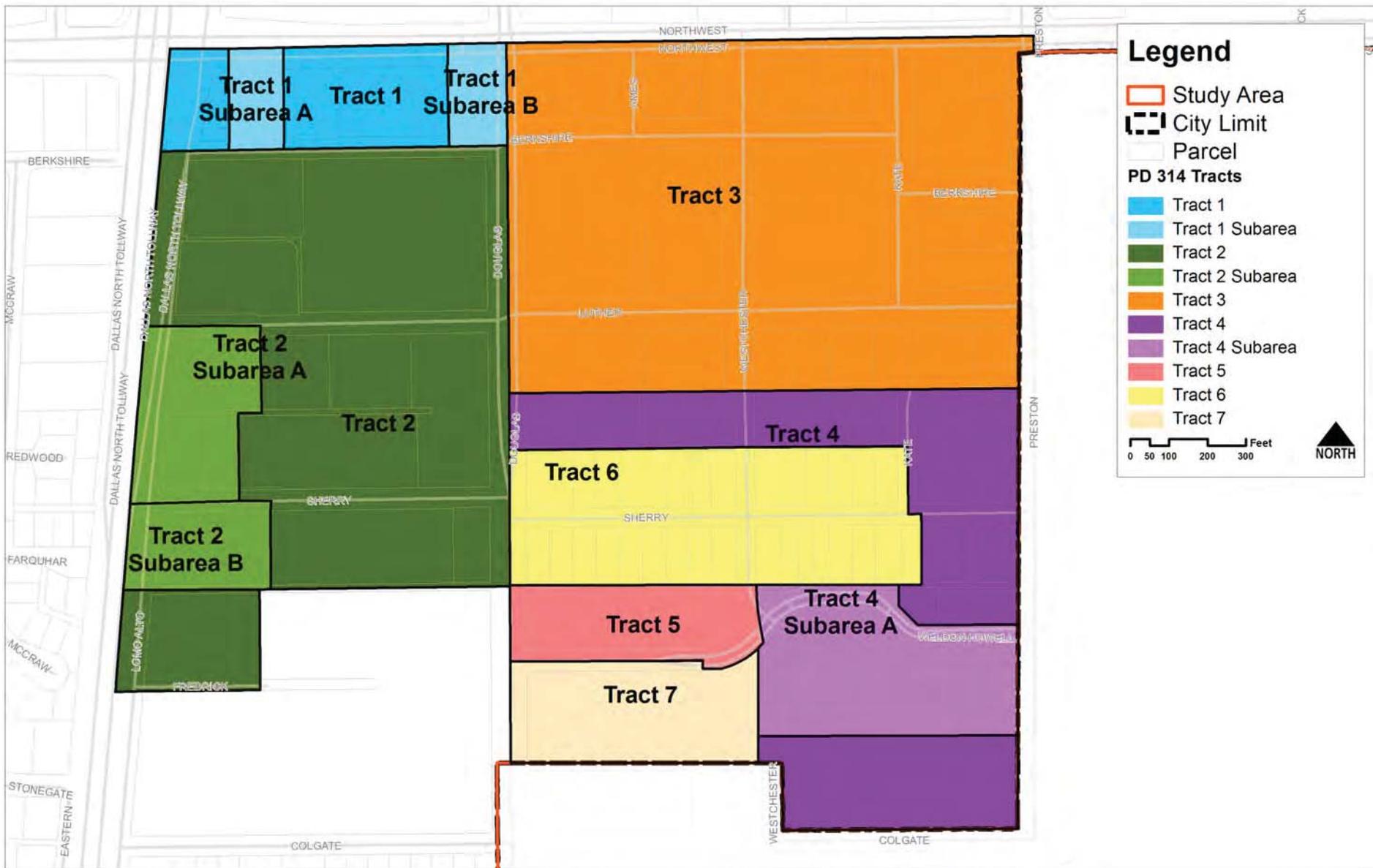


Figure I-3: Planned Development 314



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## II. TRANSPORTATION AND CIRCULATION

# Transportation and Circulation

The Northwest Highway and Preston Road Area is situated five miles north of downtown Dallas and adjacent to University Park and Highland Park. The area is served by regional facilities – the Dallas North Tollway, Northwest Highway (Loop 12) and Preston Road. Few locations in Dallas enjoy convenient and direct regional access while maintaining the sense of rural neighborhood with tree-lined, two-lane, curbless roads, large residential lots and a sense of being in the country. Preston Center has an existing fine-grained, street grid that supports the opportunity for walkability and encourages traffic to slow down. The study recommends enhancements to further support the full realization of a multi-modal environment. The tight grid of streets serving Preston Center offers great potential to emphasize a mixed-use environment with walkable and bikeable streets, enhanced landscaping and subsurface parking.

## Motor Vehicles

### Existing and Planned Roadways

The City of Dallas Thoroughfare Plan is shown in Figure II-1. Within the Study Area, Northwest Highway (Loop 12) is a six-lane divided facility with a raised median separating travel directions and a posted speed limit of 35 miles per hour. Based on its function, the roadway facility is categorized in the City of Dallas Thoroughfare Plan as S-6-D which translates to a Principal Arterial with a standard roadway section with 107' of Right-of-Way (ROW), six 11 foot wide lanes and a 15 foot wide median in some areas. In the section between Hillcrest Road and Preston Road there are parallel service roads providing direct access to adjacent properties. Northwest Highway serves as a major east-west thoroughfare in north Dallas for commuter traffic connecting the I35E Stemmons Freeway corridor, Dallas North Tollway, US 75 North Central Expressway corridor and Garland Road (SH 78) in east Dallas. Northwest

Northwest Highway is “on-system,” meaning it is part of the State highway system, and is primarily the responsibility of TxDOT for maintenance of the roadway. A construction contract on Northwest Highway to improve traffic signals and intersections from Midway to Boedeker (including creating dual left-turn lanes at major intersections) was let in 2015 by TxDOT.

Preston Road is a six-lane divided facility with a raised median and a posted speed limit of 35 miles per hour. The Existing Speed Limits in the Study Area are shown in Figure II-2. Based on its function, Preston is designated on the City of Dallas Thoroughfare Plan as M-6-D (A) which translates to a Principal Arterial with a minimum cross-section of six 11 foot lanes and a 14 foot median in a 100' ROW. Preston Road is an important north-south thoroughfare providing regional circulation from the south in Highland Park and University Park to I635 LBJ Freeway and ultimately north to Frisco. Preston Road is designated SH 289 north of Northwest Highway and is under State highway maintenance responsibility. A construction contract to repair and overlay the existing travel lanes of Preston Road was let in 2015 by TxDOT. South of Northwest Highway, Preston Road is a major arterial

in the town limits of University Park. It is currently constructed as a six-lane facility with a continuous left-turn lane and parallel and head in parking in sections along the commercial land uses and along the boundary of Zone 1 in the Study Area.

Hillcrest Road establishes the east boundary of Zone 4 in the Study Area. It is a six-lane divided facility with a raised median and a posted speed limit of 35 miles per hour. Based on its function, Hillcrest is designated on the City of Dallas Thoroughfare Plan as M-6-D (A) which translates to a Minor Arterial with a minimum cross-section of six 11 foot lanes and a 14 foot median in a 100' ROW. Hillcrest Road is an important north-south thoroughfare providing regional circulation from the south in Highland Park and University Park to I635 LBJ Freeway and north to Richardson.

Inwood Road is a four-lane divided facility with a raised median and a posted speed limit of 35 miles per hour. Based on its function, Inwood is designated on the City of Dallas Thoroughfare Plan as S-4-D (A) which translates to a Minor Arterial with a Standard cross-section of four 11 foot lanes and a narrow median that varies from four feet to 14 feet in an 80' ROW. Inwood Road is an important north-south thoroughfare providing regional circulation from Southwest Medical District north to I-635 LBJ Freeway and the Town of Addison.

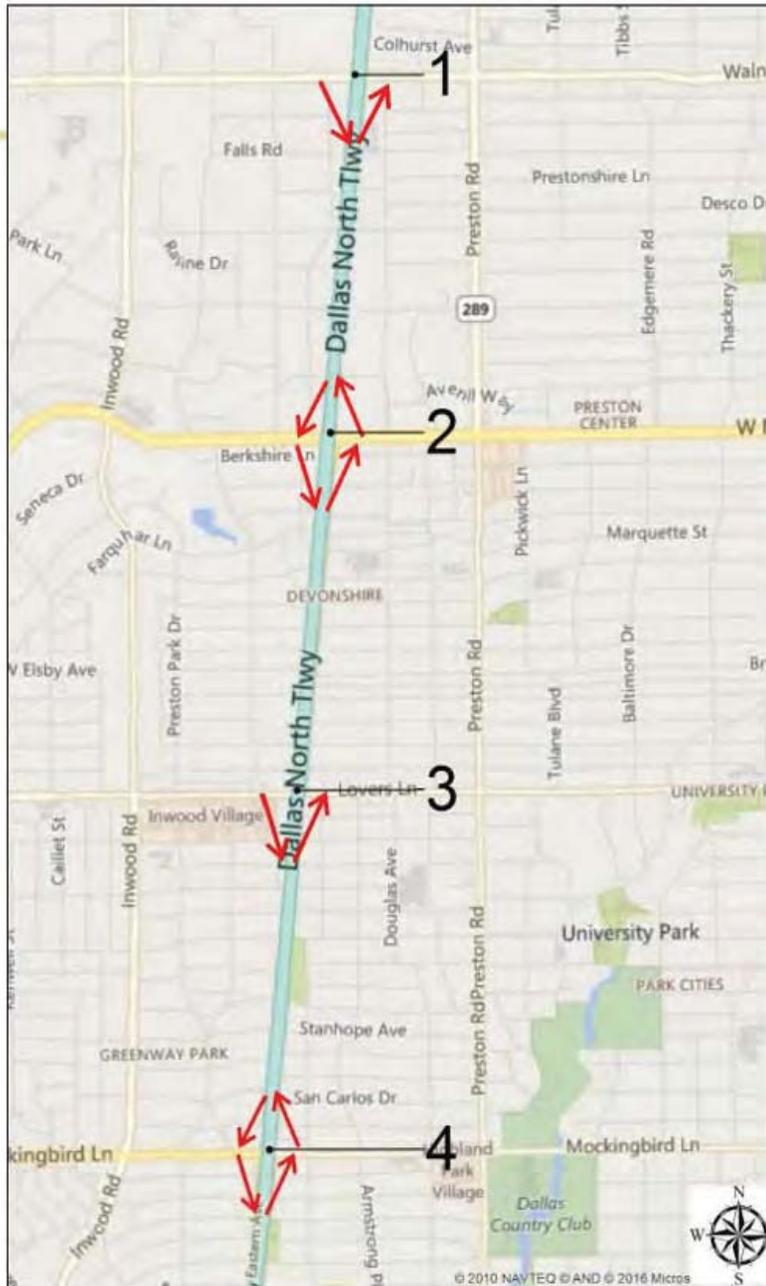
Walnut Hill Lane establishes the north boundary of the Study Area. It is a six-lane divided facility with a raised median and a posted speed limit of 35 miles per hour. Based on its function, Walnut Hill is designated on the City of Dallas Thoroughfare Plan as M-6-D (A) which translates to a Major Arterial with a minimum cross-section of six 11 foot lanes and a 14 foot median in a 100' ROW. Walnut Hill Lane is a major east-west thoroughfare in north Dallas for commuter traffic connecting the I-35E Stemmons Freeway corridor, Dallas North Tollway (to and from the south only), US 75 North Central Expressway corridor eventually making its way east to the city of Garland.

Within Zone 1, Douglas Avenue and Sherry Lane are designated City of Dallas thoroughfares. Between Lomo Alto (the Northbound Service Road of the Dallas North Tollway) and Douglas Avenue, Sherry Lane is a four-lane undivided Community Collector in a standard cross-section in a 60' ROW. The intersection of Sherry Lane and Douglas Avenue is offset and signalized requiring an extra signal phase to accommodate through traffic. Between Douglas Avenue and Preston Road, Sherry Lane is two lanes and undivided. Douglas Avenue is four lanes undivided with no raised medians. Dedicated left-turn storage is provided at Northwest Highway (dual left-turn lanes) and Luther Lane. North of Northwest Highway, Douglas Avenue is a residential road with "road humps" (or speed bumps) to discourage cut-through traffic traveling north to Walnut Hill. In this area, Douglas Avenue does not have curb and gutter (a "rural" type cross-section) and speeds are encouraged below 25 miles per hour.

The Dallas North Tollway has a full diamond interchange at Northwest Highway and a half diamond at Walnut Hill. Current weaknesses on the Dallas North Tollway that contribute to excess traffic on Northwest Highway are identified on the following page in Figure II-4.

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# Dallas North Tollway



Source: North Central Texas Council of Governments

- **1. Walnut Hill Lane**
  - Entrance/exit ramps to/from the south only
  - Limited right-of-way (ROW) on east side
  - Neighborhood concerns for full access
- **2. Loop 12 (Northwest Highway)**
  - Full north/south access in place
  - Intersection improvements needed to accommodate heavy turning movements
  - Texas U-turn (northbound-to-southbound)
  - Improvements that widen bridge deck must consider existing low vertical clearance on the tollroad
- **3. Lovers Lane**
  - Restricted ROW on north side of interchange
  - Parallel local streets adjacent to DNT
  - Added effects if Lovers Lane is widened
- **4. Mockingbird Lane**
  - Full north/south access in place
  - Improvements needed to accommodate increased demand (Love Field)

Figure II-1: City of Dallas Thoroughfare Plan





# City of Dallas Complete Streets Vision Map

The city council adopted the City of Dallas Complete Streets Design Manual on January 27, 2016. The Manual provides policies and design best practice guidelines to City agencies, design professionals, private developers, and community groups for improvement of streets and pedestrian areas throughout Dallas. The Manual promotes higher quality street designs that create safe, multimodal streets for all users. The manual is intended to work alongside the Dallas Thoroughfare Plan and the Dallas Development Code to provide the policy framework for design and use of Dallas' roadway network.

The excerpt from the Complete Streets Vision Map for the Study Area is illustrated in Figure II-3. The map designates thoroughfares into contextual street types. These designations are intended to serve as overlays in the Thoroughfare Plan functional and dimensional classification system. The Contextual Street Types Vision Map identifies five contextual street types: commercial, mixed-use, residential, parkway, and industrial. These designations are intended to provide the first step in determining how a particular street should be designed in the future and the enhancement elements potentially needed given the use, capacity, and context of the adjacent land uses and the Study Area.

In the Northwest Highway and Preston Road Area Plan Study Area, Hillcrest Road, Preston Road, Inwood Road and Walnut Hill lane are all abutted by almost exclusively residential development and thus have the Complete Streets Vision Map contextual street type designation of "residential". This should be taken into consideration as improvements are envisioned for these roadways. Even though Northwest Highway carries a substantial amount of regional traffic, it is abutted by residential land uses from the Dallas North Tollway west beyond Inwood Road and from Preston Road east to Hillcrest Road. These sections are designated "residential" on the Complete Streets Vision Map. Northwest Highway and Preston Road adjacent to Zone 1 are designated "commercial" on the Complete Streets Vision Map based on the abutting land uses. Within Zone 1, Colgate, Weldon Howell, Sherry and Douglas are all designated "mixed-use" type streets on the Dallas Complete Streets Vision Map.

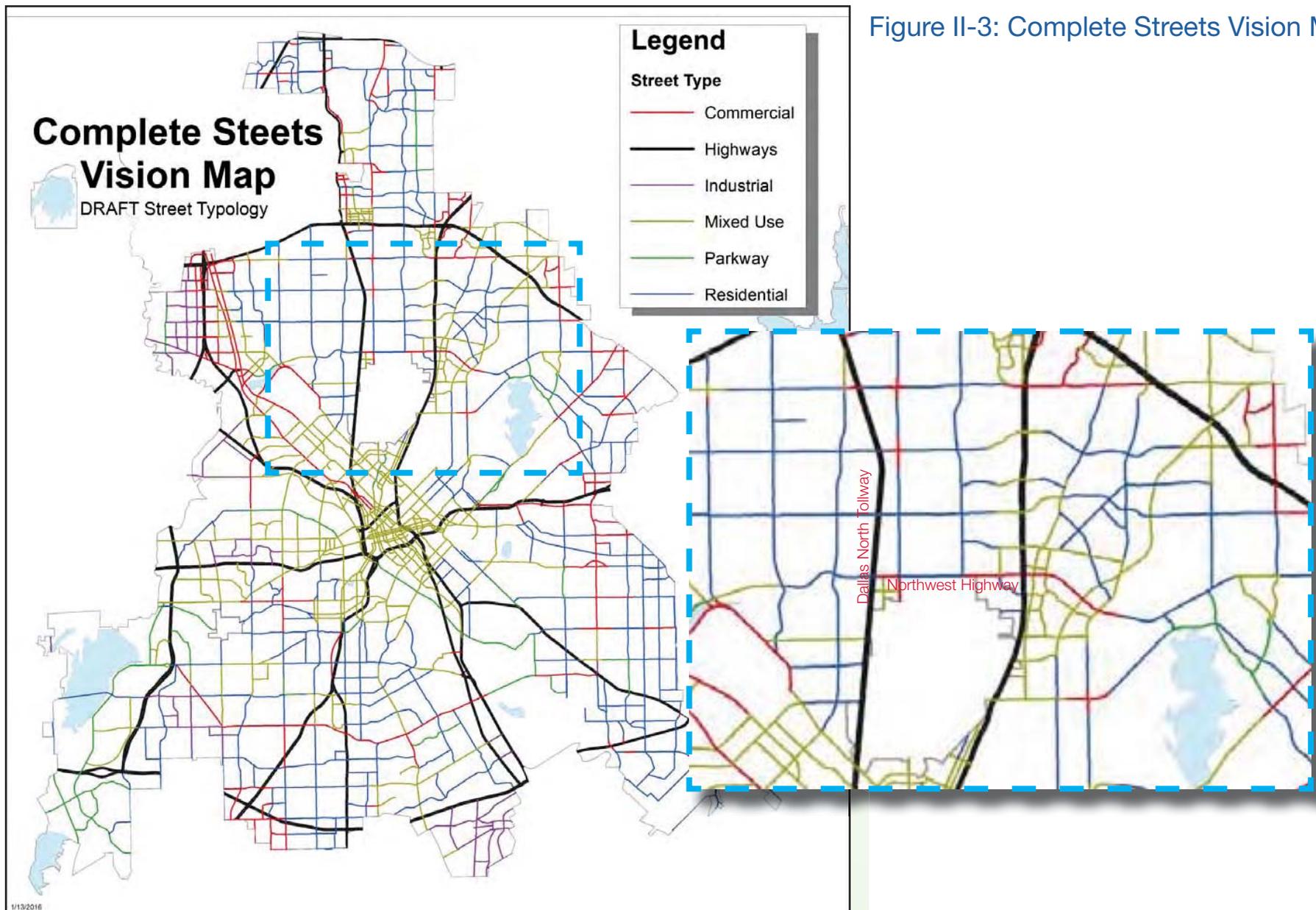


Figure II-3: Complete Streets Vision Map

This vision map is intended to be incorporated into the Thoroughfare Plan and periodically updated through the Thoroughfare Plan amendment process.

# Traffic Counts

The consultants conducted 24-hour traffic volume counts and turning movement counts throughout the Study Area. The Traffic Count Locations are shown in Figure II-4. The documented 24-hour traffic volumes on all approaches to the interchange of the Dallas North Tollway and Northwest Highway, Preston Road and Northwest Highway, Northwest Highway west of Hillcrest, Preston Road between Park Lane and Walnut Hill, Douglas south of Weldon Howell, and Thackery north of Northwest Highway (a total of 20 locations).

The consultants conducted turning movement counts at all of the intersections in Zone1 and along Northwest Highway at Holloway, DNT, Douglas, Westchester, Kate, Preston, Pickwick, Edgemere, Thackery and Hillcrest. In additional turning movement counts were conducted on Park Lane at Douglas and Preston; and at Preston and Averill way. All 30 turning movement count locations are shown in Figure II-4.

## 24-Hour Counts

As represented in Figure II-5, 24-Hour Volumes ranging from years 2009 and later, for the following roadways were observed on a typical weekday:

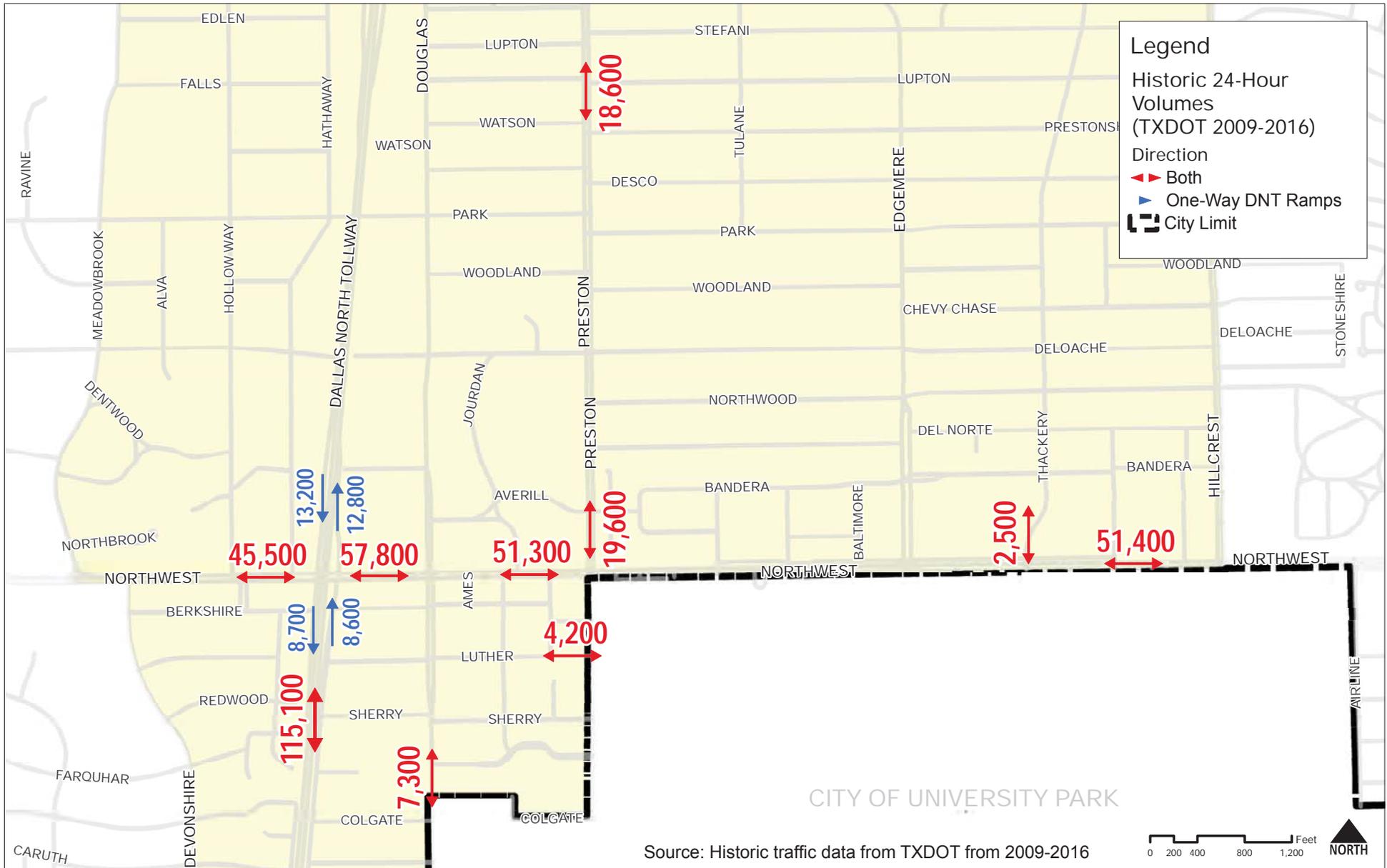
- Northwest Highway – 45,500 – 57,800 vehicles per day (VPD);
- Dallas North Tollway – 115,100 VPD;
- Preston Road – 18,600 – 19,600 VPD;
- Douglas Avenue – 7,300 VPD;
- Luther Lane – 4,200 VPD; and
- Thackery – 2,500 VPD.

Figure II-4: Traffic Count Locations



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Figure II-5: 24 Hour Traffic Volumes



# Auto Crash Data

Data was collected from the City of Dallas and NCTCOG for the recorded auto crashes in the Study Area. The data was provided in total for the years 2009 through 2013 combined and is presented in Figure II-6.

The highest auto crash density locations were intersections along Northwest Highway. The Dallas North Tollway interchange intersections had a “High” (90-95 crashes within 200’) crash density rating. The intersections of Northwest Highway at Preston Road, Hillcrest, Douglas, Pickwick and Thackery all ranked “moderate” crash density. The intersections of Walnut Hill and Preston and at the DNT intersections ranked “moderate” crash density. All of the intersections in the Study Area with “moderate” or “high” crash densities are currently signalized. “Low” crash densities are measured at less than 5 crashes within a 200’ radius. Roughly two- thirds of crashes occurred on Dallas North Tollway or Northwest Highway.

Figure II-6: 2009-2013 Auto Crashes

Figure II-6: 2009-2013 Auto Crashes



# Traffic Signal Improvements

Shown in Figure II-7 are the intersections that are currently being reconstructed by TxDOT along Northwest Highway in the contract that was initiated in 2015. These signalized intersections are being redesigned from single left-turn lanes to dual left-turn lanes, with replacements of the signals, all within the existing right-of-way. The Dallas signals within the study area on Northwest Highway are currently communicating and coordinated and running fixed times. All signals will be rebuilt and have working detection in the following months. Also shown in Figure II-7 are the signals that the consultants determined are functioning correctly.

The consultants have also identified the University Park signal located at the intersection of Berkshire/ Villanova and Preston Road as needing to be reconstructed to reestablish synchronization with the City of Dallas signal at Northwest Highway and Preston, along with the repair and upgrade of vehicle detection and pedestrian activation.

The ATF recommends that the City of Dallas deactivate the signal light installed in 2015 in front of City of Dallas Fire Station No. 27 at Northwest Highway just west of Douglas Avenue except when vehicles need to exit the firehouse in the event of an emergency. (At a minimum, eastbound vehicles on Northwest Highway should be allowed to take a right on red at that light in order to enter Douglas Avenue southbound.)

Figure II-7: Traffic Signals



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### III. PEDESTRIANS AND BICYCLES

# Pedestrian Accessibility

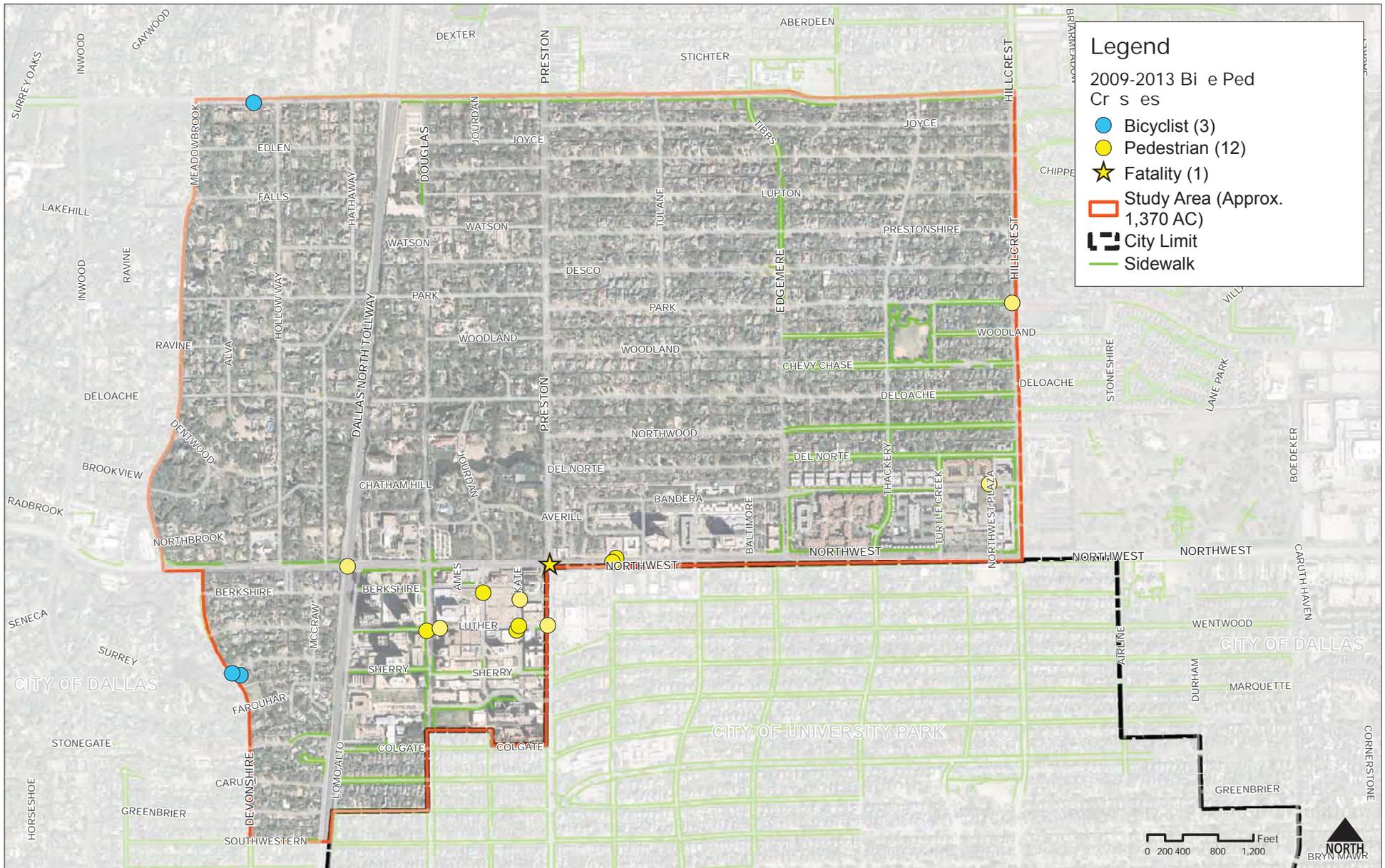
The Northwest Highway and Preston Road Area Plan study team inventoried facilities that support an active pedestrian and bicycle environment. Local parks, trails and sidewalks are presented in Figure III-1. Zone 4 east of Edgemere to Hillcrest has connected sidewalks, while Zone 4 west of Edgemere to Preston lack sidewalk connectivity. Zone 1 has a relatively complete sidewalk system on newly developed sites but lacking sidewalk connectivity in established development. The majority of the Study Area in the central and westerly portion has “rural” style roads with very few sidewalks. These narrow streets have open bar ditches and tend to encourage drivers to slow down and discourage cut through traffic. The street grid in these areas is generally friendly to bicyclists because the vehicular traffic is slower. Illustrated in Figure III-1 is the one-quarter mile radius (approximate 5-minute walking distance) and the one-half mile radius from the center of the Preston Center parking garage. Preston Center is close to the majority of residential in the Study Area.



# Bike and Pedestrian Crash Data

In the period from 2009 through 2013 when the vehicular crash data was being compiled, a comparable set of bicycle and pedestrian crash data was compiled by the City of Dallas and the NCTCOG. A single pedestrian/vehicular fatality was documented at the intersection of Northwest Highway and Preston Road. During the same period 12 non-fatal pedestrian/vehicular crashes were documented. The majority occurred in Preston Center or on Northwest Highway. One pedestrian/vehicular crash occurred on Hillcrest and another adjacent on Bandera. The three documented bicycle/vehicular crashes all occurred west of DNT, one on Walnut Hill and two on Devonshire.

Figure III-2: 2009-2013 Bike and Pedestrian Crashes



# City of Dallas Bike Plan

The adopted 2011 City of Dallas Bike Plan overlays on the Study Area and represents another contextual factor that should be considered along with the Complete Streets Vision Map and Dallas Thoroughfare Plan when evaluating accessibility. Shown in Figure III-3 are recommended bike facilities (defined as separate or shared lanes for bicycles) which for the most part have not been implemented at this time. Currently, “shared bike lanes” (which are recommended only for slower, residential streets) are identified for Douglas, Hollow Way, Edgemere, Thackery, Park Lane, Berkshire (west of DNT), and Devonshire. Future off-street dedicated bike lanes are proposed on the current 2011 City of Dallas Bike Plan for Preston Road and Northwest Highway. The ATF and stakeholders have questioned the advisability of unprotected “on-street” bike lanes on Preston Road or Northwest Highway due to the high traffic volumes on both.

Figure III-3: 2011 Dallas Bike Plan



## Pedestrian Recommendations for Zone 1 at Northwest Highway and Preston Road:

Both Northwest Highway and Preston Road are currently auto-oriented and are extremely difficult to cross or walk along safely. Improvements to make these roadways more inviting and walkable are key to providing options for accessing the Preston Center amenities from adjacent neighborhoods. (NOTE: Specific pedestrian-related recommendations could be modified in the short term, depending on the outcome of the design of the new, city-owned parking garage being proposed for Preston Center; likewise, if a traffic tunnel is constructed under Northwest Highway, as desired, these pedestrian-related recommendations could also change.)

The following pedestrian improvements are recommended on and near this primary intersection:

- Provide enhanced crosswalks/pavement markings at Northwest Highway and Hillcrest, Thackery, Preston, Pickwick, Douglas, and the Dallas North Tollway. Also provide same along Douglas from Northwest Highway to Sherry Lane at every intersection.
- Maximize widths of sidewalks overall as property redevelops with a goal of providing a minimum of eight-foot sidewalks.
- Complete missing sidewalks on Northwest Highway and Preston Road. (Initiate a sidewalk improvement program funded through private/public funds.)
- Improve walkways along building frontages (on the south side of Northwest Highway) through signage and markings so that there is a clear walkway along the building. This provides pedestrians with a clear path to walk along the building frontage along Northwest Highway, without having to walk along the road, through the parking lots, which is now the practice.
- Provide crosswalks at cross streets within Preston Center at Northwest Highway, and assess potential for six-foot pedestrian refuge islands at the intersection of Preston and Northwest Highway (explore potential to narrow each traffic lane by one foot to obtain sufficient median width).
- Provide sidewalk and trees along the north side of Northwest Highway as the property develops, and delineate a sidewalk through the wide driveway area on the outside of the office building at the northwest corner of Northwest Highway and Preston Road.
- Explore underground or above-ground crossings from neighborhoods on the north side of Northwest Highway to Preston Center, and reconfigure streets connecting with Zone 1 to enhance entrances, control access and improve landscaping.
- Coordinate with Northwest Bible Church to replace their existing wall along Northwest Highway, just west of the Dallas North Tollway, to allow a sidewalk along Northwest Highway.

## Pedestrian Recommendations for Zone 1 inside Preston Center:

Although the priority for Zone 1 is to construct a new, underground parking garage to improve parking and traffic circulation and spur economic development, an initial first step in transforming Zone 1 into the vibrant, walkable mixed-use community envisioned by stakeholders is to begin improving internal and external connectivity and circulation and improving the public realm, street character and amenities. Laying this ground work will support future mixed-use development and associated improvements.

The following pedestrian improvements are recommended for Zone 1:

- Provide publicly accessible small open space areas integrated into development.
- Provide public realm enhancements including seating areas, small planting areas, etc. This applies per new development or roadway configuration.
- Provide streetscape enhancements such as outdoor seating areas, landscape zones, street trees, shade structures and lighting.
- Consider narrowing traffic lanes where possible within Preston Center street grid in order to widen sidewalks and calm traffic.
- Provide bicycle parking and bicycle rack zones.
- Provide crosswalk improvements.
- Continue pedestrian crossing on Kate Street to highlight walkway along buildings (south side of Northwest Highway).
- Provide organized walkway along buildings fronting Northwest Highway to replace continuous sidewalk.
- Provide way finding throughout the zone.
- Provide dedicated loading and valet zones.
- Develop a way finding theme and plan that can be implemented over time as redevelopment occurs.

## Pedestrian Recommendations for Zone 4:

Improvements to the streetscape and public realm that serve and enhance the existing land uses allow residents to connect to an increasingly walkable neighborhood. These improvements will also serve to ready the area for strategic longer term redevelopment at the desire and timing of existing property owners.

The following pedestrian improvements are recommended for Zone 4:

- Upgrade street trees and provide new street trees in areas with gaps in tree cover.
- Provide perimeter sidewalk connections along Preston, Walnut Hill, Hillcrest and Northwest Highway.
- Support resident requests to install sidewalks on a block-by-block basis, with owner initiation per city policy.
- Complete sidewalks on Edgemere and Hillcrest.
- Improve crosswalks from Zone 4 across Northwest Highway at Edgemere.
- Redesign Bandera to 12' lanes and 5' sidewalks on the south side.
- Follow city bike plan to place a shared-use trail along the east side of Preston Road from Northwest Highway to Walnut Hill Lane.
- Identify opportunities for strategic open space enhancements such as outdoor seating areas, landscape zones, street trees, shade structures and lighting.
- City should consider using the public right-of-way to create a connected urban form

## Pedestrian Recommendations for Zones 2, 3, 5, 6 and 7:

No changes are recommended in the permitted land uses for Zones 2, 3, 5, 6 and 7. These neighborhoods are anticipated to be single family detached with any development being redevelopment of existing uses on an individual basis into single-family structures. It is anticipated that vacant lots will be developed consistent within current zoning regulations. Pedestrian, bicycle and public realm amenities will be provided consistent with residents' desires and initiated by neighborhoods on a case-by-case basis.

The following pedestrian improvements are recommended for all five zones:

- Recognize that neighborhoods have differing needs and desires.
- Provide sidewalk connections where requested by neighborhoods.
- Provide curb and gutter and other roadway improvements as initiated by neighborhoods.
- Improve quality and safety of pedestrian and bicycle connections within neighborhoods as well as to adjacent neighborhoods.
- Provide a pedestrian tunnel under (or a bridge over) Northwest Highway at an appropriate location between Douglas Avenue and Pickwick Lane (exact location subject to detailed study).

The following pedestrian improvements recommended for Zone 2:

- Provide a wide sidewalk and trees along Northwest Highway.
- Coordinate with Northwest Bible Church to replace their existing wall along Northwest Highway, just west of the Dallas North Tollway, to allow a sidewalk along Northwest Highway.
- Provide access and shelter to the Dallas Area Rapid Transit (DART) bus stops along Northwest Highway.

The following pedestrian improvements are recommended for Zone 3:

- Provide perimeter sidewalk connections along Preston Road, Walnut Hill Lane, Hillcrest Road and Northwest Highway.
- Follow bike plan to place a shared-use trail along the east side of Preston Road from Northwest Highway to Walnut Hill Lane.
- Complete sidewalks on Edgemere and Hillcrest.

# Transit

- Existing DART routes are presented in Figure III-4. DART currently operates 1 (one) cross-town route (#428) on Northwest Highway providing connections to three light-rail stations at Bachman Lake, White Rock and South Garland Transit Center.
- Route #428 allows cross-town access to the north-south routes on Preston Road (route #36), Hillcrest Road (route # 521) and Midway Road (route # 31).
- DART currently provides “local” service (route # 36) on Preston Road connecting Cityplace/Uptown, Highland Park, and University Park to the south and LBJ and Addison to the north.
- Bus stops are provided at on Northwest Highway at Preston Road, Hillcrest, Thackery, Pickwick, Hathaway and Hollow Way in the Study Area.
- A “rail feeder” bus travels north and south on Hillcrest and McKinney/ Cole (route #521) from the Cityplace/Uptown Station north to Mockingbird Station, past SMU and then loops around the commercial development in the northwest quadrant of Hillcrest and Northwest Highway.
- Zone 3 and Zone 4 fall within the North Dallas DART On-Call zone which provides personalized “on-call” service to the Walnut Hill Station.
- There are four express routes that travel the Dallas North Tollway, but none serve Preston Center.



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## IV. PARKING STUDY

# Parking Study Highlights

## Parking

Adequacy of Preston Center parking for the retail is an issue that is often debated. A week long parking study was conducted by the consultants in January 2016 to analyze the existing parking supply and demand for Preston Center. This study was conducted for 8 hours a day for 7 days straight.

The parking in Preston Center currently consists of a mix of on-street facilities, off-street small lots, a two-level parking deck, and several garages that primarily serve tenants (see Figure IV-1 and IV-3). The on-street facilities are full during peak periods near the parking deck, and the parking deck peaks at approximately 80% occupancy. The private and reserved spaces are at approximately 50% occupancy on weekdays throughout the day (although owners of those lots strongly dispute those findings), and public parking facilities are approaching the recommended effective capacity of 85% during the midday peak period. Figure IV-2 demonstrates the overall occupancy for the parking within Preston Center broken down hourly and by day. Parking is busiest during the weekday lunch peak (see Figure IV-2). It is important to note that at the time of the Parking Study, half of Preston Center's largest leasable property adjacent to the garage (the former Sanger Harris store, now occupied by Marshall's, among others) was empty, alleviating considerable demand on both street parking and the city-owned parking garage.

Besides counting parking supply and demand, the average parking duration was summarized for each parking area. Figure IV-4 shows the average duration observed on a weekday. Another item worth noting is that a large number of vehicles (over 100) on the lower city-owned parking deck were observed to exceed the three-hour time limit that is meant to promote turnover; this implies that employees working in Preston Center are using this parking which is meant for visitors. It is recommended that employees be encouraged to park on the upper deck and enforcement of parking restrictions be increased to enhance the turn-over of high demand facilities. In addition, a parking guidance system is recommended to provide parking space availability at the parking deck.



Figure IV-1: Preston Center Parking Occupancy During Lunch Peak Hour

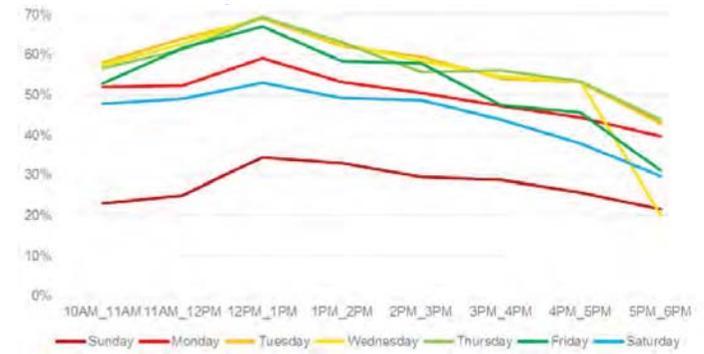
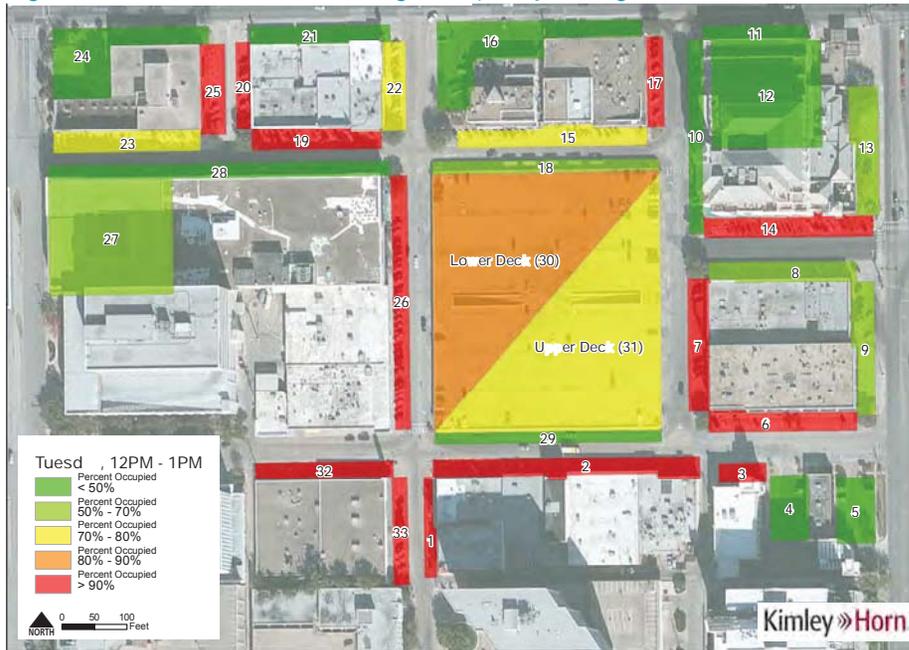
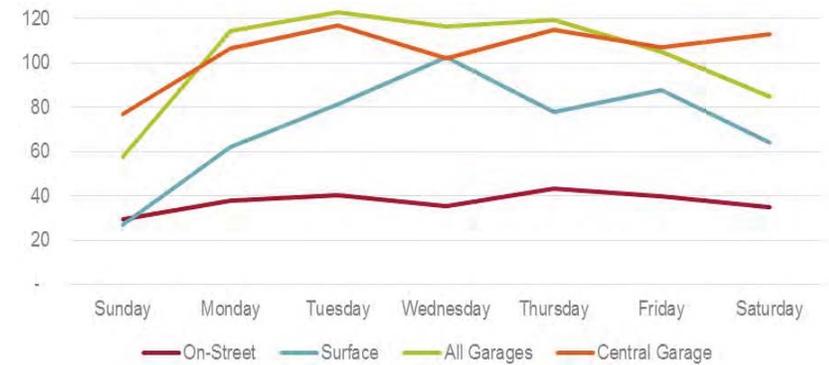


Figure IV-2: Preston Center Overall Parking Occupancy (Garage, On-Street, Surface)

Figure IV-3: Preston Center Parking Duration (minutes), Thursday



(ABOVE) Figure IV-4: Preston Center Average Parking Duration (Minutes)

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## V. COMMUNITY AND STAKEHOLDER INVOLVEMENT

# Community and Stakeholder Involvement

Stakeholder and public involvement was an important element of the Northwest Highway and Preston Road Area Plan.

Goals of stakeholder and public communications included:

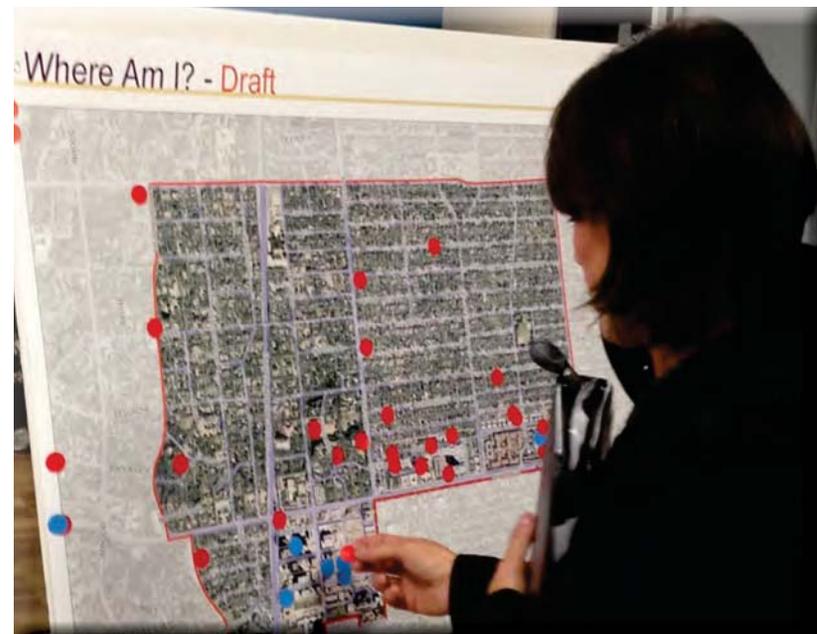
- Provide information and accept comments from the start of the study through its completion;
- Ensure property owners, representatives of potentially impacted entities and other key stakeholders, in addition to the general public, are offered opportunities to obtain information, ask questions and make comments;
- Implement multiple communication tools to maximize exposure to a wide range of audiences.



## Stakeholder Interviews

Small group and one-on-one interviews were conducted with neighborhood residents, business and property owners, City of Dallas departments and development interests. The interviews sought to determine current conditions and identify future plans that could influence the long-term vision for the area. Stakeholder interviews were held for the different zones on the following dates:

- Zone 3 – (5 Attendees) 9-29-18
- Zone 1 – (6 Attendees) 9-29-15
- Zone 2 – (10 Attendees) 10-1-15
- Zone 4 – (38 Attendees) 10-7-15
- Zone 6 & 7 – (14 Attendees) 10-7-15
- Zone 5 – (No Attendees) 10-15-15



## Advisory Task Force (ATF) Feedback

A panel of representatives from each of the study's seven zones met frequently to provide input, ask questions and work toward consensus on various issues. This Advisory Task Force met formally 7 times over the course of the study (and many times on an informal basis). At the start of the study, ATF members provided issues and concerns that should be addressed during the study, along with information about current zoning allowances. The ATF then provided feedback about potential development and transportation scenarios, and after listening to constituents, reached consensus with a broad vision statement, recommended development scenarios, and crafted a blue print for achieving them.

## Community Survey

An online survey was made available from September 28 – November 23, 2015 to all residents, property and business owners and anyone else with an interest in the project. Emails inviting recipients to take the Online Survey were sent to all known email addresses in the Study Area. A link to the survey was provided to all ATF members asking them to forward the link to the survey to their contacts within their zones, and post cards displaying the online address of the survey were sent to 3568 property addresses within the Study Area. The survey gauged perceptions and attitudes on a variety of existing area issues and proposed measures in the study area. A total of 388 surveys was submitted.

Highlights of the survey results include:

- The highest priorities for improvements to Preston Center included additional parking, easier and safer pedestrian access, connections to adjacent neighborhoods and landscaping/green space.
- Improving traffic conditions, eliminating cut-through traffic and reducing congestion at key intersections were the highest priorities among transportation issues.
- Nearly half of respondents access Northwest Highway three to five times per day.
- Respondents desire to access Preston Center by walking.
- Bicycle lanes or paths are highly desired.



## Community Open House Input

Two open house meetings were conducted to provide information and gather feedback from local residents, and business and property owners. Notices of the meetings were mailed to each property owner in the Study Area. ATF members distributed notices to their neighborhoods and an email blast was sent to everyone on the study email list.

The first open house took place on Tuesday, November 3, 2015 at the Walnut Hill Recreation Center, 10011 Midway Road, Dallas, TX 75229. Sixty-seven people attended the open house. The purpose of the open house was to gather comments about existing traffic, parking, aesthetics, and development, and ideas about attendees' vision for the future of the area.

Three written comments were submitted at the open house and one comment via postal mail a few days later. Comments included requesting a pedestrian bridge over Preston Road; suggesting a redesign of the Dallas North Tollway and Northwest Highway intersection; building a larger public parking garage with ramps in Preston Center; urging a delay in any further development until the traffic impacts are known of current new construction; and finding ways to keep traffic from blocking intersections in Preston Center.

The second open house was conducted on June 2, 2016, at the University Park United Methodist Church, 4024 Caruth Blvd., Dallas, TX 75225. A total of 167 people attended this meeting, where they were shown possible future scenarios for the area and asked to provide comments.

As of June 27, 2016, a total of 82 comments were submitted. Seventy-three of those comments were comment forms either submitted at the open house or via postal mail, while the other nine comments were letters sent via postal mail or emails.



The majority of comments indicated:

- There are concerns that not enough is being done to address congested traffic and parking particularly since additional people and motor vehicles are expected to be present when current construction projects are completed and new residents and offices are in place. Many commenters noted the horrific traffic conditions existing currently on residential streets.

Highlights of feedback received at the open house included:

- More information about the traffic impacts from development should be made available to residents.
- Less residential density is preferred, on the north side of Northwest Highway.
- More landscaping and green space is needed at Preston Center.
- More sidewalks are needed in all zones.
- Measures to reduce the speed of traffic and make intersections safer are needed in several areas.
- Additional parking is needed in Preston Center.



## Web Presence

Information about the study, access to the survey, display boards and presentations made at ATF and public meetings were available online at [www.nctcog.org/planningstudies](http://www.nctcog.org/planningstudies).

## Public Comments

Over the duration of the study, comments from the public ranged from requests to restrict development, particularly in or near zones with single-family residences, to allowing more multi-family housing to accommodate seniors. Comments indicated a desire to see traffic reduced, parking increased and walkways or bicycle paths provided for accessing Preston Center from nearby residential neighborhoods.

In addition to the comments submitted at public meetings and via ATF members, there were comments submitted via e- and postal mail and by telephone.

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## VI. FUNDING OPPORTUNITIES

# Funding Opportunities

## Use of Special Districts

Special Districts to Help Fund Infrastructure and Development. A wide variety of special districts are used in Dallas and elsewhere to assist with development and redevelopment that achieves an adopted community vision.

Tax Increment Finance (TIF) Districts are the most common district used to support capital investment in Dallas. TIFs are often used in areas where existing property values are low and planned development will result in a significant increase in property value. In this case, a ‘base’ property value is established and a TIF plan is created with specific assumptions about development, future value, and capital investment. As development occurs and the property value increases, taxes are levied on the new property value. The taxes related to the ‘base’ value are provided to the appropriate taxing entities. The taxes related to the ‘increment’ of new property value are provided to the TIF fund. In this way, new private investment covers the cost of the infrastructure needed to support the area’s development. Dallas currently has 18 active TIF Districts, generally located near downtown or a DART station – areas where significant public investment and policy attention are changing the character of large areas.

Since the Preston Center area already has high property values, and the city’s current policy would not support development of a TIF district in this area, it is unlikely that this tool could be used to fund improvements.

Special Districts to Help Fund Operations and Maintenance. Special districts, or Public Improvement Districts (PID), may be used in a particular area where operations and maintenance are desired that are different from the levels provided citywide. Primary characteristics of a PID are that these activities are overseen by a Board of Directors (and often, a paid staff member) and they are paid for by special assessments of the property within the district. Creation of a PID requires the support of property owners in the area as well as the City Council.

PID’s can be valuable tools to implement the Northwest Highway and Preston Road Area Plan Vision. They can fund enhanced landscaping and amenity installation and maintenance, identity and wayfinding programs, parking, and other activities. The limits to their role relate to the level at which property owners are willing to assess themselves to provide funding for these operations. A Preston Center business association would need to take the lead on efforts to discuss these activities and potential funding with local property owners to determine whether, and at what level, there might be support for special district creation. The Uptown Dallas Association is a good example of a PID that contributed to the investment in and ongoing operations of a mixed use area.

Special Districts to Help Fund Capital and Operations. Municipal Management Districts (MMD’s), can be used to fund both capital investment and the operation and maintenance needs of a specific part of a city. Depending on the results of discussions about PID formation, Preston Center stakeholders could consider an effort to establish an MMD. MMD’s are created by the state legislature at the request of the City. Their specific

provisions are tailored to the individual MMD. For the MMD's created in Dallas to date, the district supports development plans by a single developer or owner who has made a substantial commitment to the area. MMD's may assess taxes and issue bonds to support investment in the area.

## Other Development Incentives

Development Review Incentives. Communities that are already largely built out is the need to coordinate the review of many issues by many departments. For example, a redevelopment project in Preston Center will need to meet the requirements administered by the City of Dallas zoning and permitting offices. In addition, it will need to coordinate with Texas Department of Transportation and potentially the City's Office of Economic Development (if it is seeking the use of a special district), the Stormwater Management Division (for review of drainage and retention facilities on the site), and other City departments, depending on the specific details of the project.

The City of Dallas has an express permit review option for projects seeking a faster review and approval process. Projects must meet certain consistency requirements and applicants pay an additional fee for the service. Projects that are consistent with this plan should qualify for this express permit service.

Park and Landscaping Incentives. The Northwest Highway and Preston Road Area Plan Vision includes recommendations for landscaping and a signature park. These improvements will occur as part of public infrastructure projects (for investments in the public rights-of-way) and private development projects (for areas that are on private property). The Vision should be communicated to all decision-makers and investors who are considering projects in the study area. Funding for these improvements could come from a variety of sources:

- For private developments, these improvements should be funded as part of the new development.
- For public improvement projects, these improvements should be included in the project's capital funding, which could come from TxDOT, other regional transportation funding such as the NCTCOG, Dallas County, or City of Dallas bond funds.

If a PID is created in the study area, it could participate in the funding, as well. Some of these improvements may help achieve other objectives. For example, they may support the stormwater management objectives of the Transportation Integrated Stormwater Management (TriSWM) program. The purpose of TriSWM is to provide planning and design guidance and a framework for incorporating effective and environmentally sensitive stormwater management practices into the street and roadway project development process and to encourage a greater uniformity in developing plans for storm water management systems, refer to NCTCOG TriSWM Brochure – 2014 for thorough description. If so, they may reduce development costs for infrastructure and may qualify the project for development incentives.

# **Northwest Highway & Preston Road Area Plan**

## Summary of Policies and Strategic Actions

December 15<sup>th</sup> 2016

# Northwest Highway & Preston Road Area Plan

## Area Wide Recommendations

Sr. No	Land Development Policies	Pg No
1	The overall vision for the Study Area is for Preston Center to become a revitalized and expanded urban core, surrounded by vibrant, high-quality residential neighborhoods that are protected from commercial and multi-family encroachment within their current boundaries.	11
2	Existing zoning rights for property owners would not be removed or downgraded, and additional zoning incentives should be established to encourage particular types of redevelopment	22
3	City of Dallas proximity slope requirements should be maintained for the benefit of existing residential neighborhoods	22
4	Neighborhood support for the increased density that is incorporated into the Preferred Vision will likely follow an active, multi-governmental program to address current and future traffic and parking issues.	22

Sr. No	Strategic Actions	Pg No
1	TxDOT, NCTCOG, the City of Dallas and University Park should study the feasibility of adding one or more pedestrian bridges or tunnels across Northwest Highway.	30
2	NTCCOG should work with the North Texas Tollway Authority (NTTA) and the Texas Department of Transportation (TxDOT), to develop a plan to improve the Northwest Highway/Dallas North Tollway interchange. (See Dallas North Tollway attachment) <ul style="list-style-type: none"> <li>• A Texas U-turn should be built on the south side of Northwest Highway</li> <li>• The northbound Tollway exit ramp at Northwest Highway should be redesigned.</li> <li>• New exit ramps should be built (where none exist now) along southbound Dallas North Tollway at Walnut Hill and at Lovers Lane</li> </ul>	31
3	The signal light installed in 2015 in front of the City of Dallas Fire Station No. 27 should be deactivated	31

# Northwest Highway & Preston Road Area Plan

## Zone 1 Recommendations

Sr. No	Land Development Policies	Pg No
1	Multi-family residential developments would be encouraged in Preston Center (Zone 1). The City of Dallas should support more density, building height, Floor to Area Ratios (FAR), and other zoning related incentives, to encourage Zone 1 property owners to develop residential projects where commercial office could be built now by right. This should be done without compromising proximity slope protections for surrounding neighborhoods and while traffic solutions for the area are being actively pursued.	11
2	Encourage the development of multi-story buildings that feature retail space on the ground floor with residential and/or office uses on the upper floors, particularly on the sites that surround the parking garage.	25
3	Most of the envisioned new development would occur in the eastern half of Zone 1, which is currently dominated by one-story retail establishments.	25,28
4	The community desires better and safer pedestrian and bicycle connectivity to Zone 1 from the surrounding neighborhoods.	29
5	The City of Dallas should actively support both design and operational initiatives to encourage the development of a vibrant, pedestrian friendly environment at the core of Preston Center. The City of Dallas must work with adjacent property owners to create a consistent streetscape design with wider sidewalks, enhanced landscaping, decorative lighting, and to encourage the use of sidewalk areas for outdoor dining, entertainment and other desirable activities that would add life and vitality to the neighborhood.	26, 30
6	<p>The following pedestrian improvements are recommended:</p> <ul style="list-style-type: none"> <li>• Maximize widths of sidewalks in the City of Dallas right of way, with a minimum of eight-foot sidewalks.</li> <li>• Improve walkways along building frontages (on the south side of Northwest Highway) through signage and markings.</li> <li>• Provide sidewalk and trees along the north side of Northwest Highway as properties develop.</li> <li>• Provide publicly accessible small open space areas integrated into developments.</li> <li>• Provide streetscape enhancements such as outdoor seating areas, landscape zones, street trees, shade structures and lighting.</li> <li>• Provide bicycle parking and bicycle rack zones.</li> <li>• Provide crosswalk improvements.</li> <li>• Provide way finding throughout the zone.</li> <li>• Provide dedicated loading and valet zones.</li> </ul>	Appendix III-8,III-9

Sr. No	Strategic Actions	Pg No
1	<p>NCTCOG should expedite further study of design, cost and transportation system connections for the proposed underground parking facility in Zone 1.</p> <ul style="list-style-type: none"> <li>• The ideal plan would be to build a new underground parking garage with increased capacity (potentially doubling the 800-space capacity of the current garage), a new public park as a centerpiece for the neighborhood, additional street level parking, and a very pedestrian friendly environment.(See Conceptual Illustration of Signature Park and Long-term Parking Garage Perimeter Cross-section attachments)</li> <li>• However, if public/private financing for the ideal solution cannot be identified within 24 months of the date of this report, an alternative plan to expand and upgrade the current garage should be pursued.</li> </ul>	12, 26, 30
2	As soon as a decision is made regarding the replacement versus renovation/expansion of the Preston Center Parking Garage, the City of Dallas should immediately develop recommendations on how to best improve circulation and reduce traffic congestion within Preston Center and should support the creation of a Public Improvement District (PID) or Tax Increment Financing District (TIF), or other funding mechanisms, in order to create a revenue stream for public improvements and ongoing maintenance of city-owned infrastructure and facilities.	30
3	<p><b>Proposed Physical Improvements</b> (See Long Term Framework Plan attachment)</p> <ul style="list-style-type: none"> <li>• Provide enhanced crosswalks/pavement markings at Northwest Highway and Hillcrest, Thackery, Preston, Pickwick, Douglas, and the Dallas North Tollway. Also provide same along Douglas from Northwest Highway to Sherry Lane at every intersection.</li> <li>• Assess potential for six-foot pedestrian refuge islands at the intersection of Preston and Northwest Highway (explore potential to narrow each traffic lane by one foot to obtain sufficient median width).</li> <li>• Complete missing sidewalks on Northwest Highway and Preston Road. (Initiate a sidewalk improvement program funded through private/public funds.)</li> <li>• Consider narrowing traffic lanes where possible within Preston Center street grid in order to widen sidewalks and calm traffic.</li> <li>• Continue pedestrian crossing on Kate Street to highlight walkway along buildings (south side of Northwest Highway).</li> <li>• Delineate a sidewalk through the wide driveway area on the outside of the office building at the northwest corner of Northwest Highway and Preston Road.</li> <li>• Reconfigure streets connecting with Zone 1 to enhance entrances, control access and improve landscaping.</li> <li>• Coordinate with Northwest Bible Church to replace their existing wall along Northwest Highway, just west of the Dallas North Tollway, to allow a sidewalk along Northwest Highway.</li> <li>• Provide underground or above-ground crossings from neighborhoods on the north side of Northwest Highway to Preston Center and reconfigure streets connecting with Zone 1 to enhance entrances, control access and improve landscaping.</li> </ul>	Appendix III-8,III-9

# Northwest Highway & Preston Road Area Plan

## Zone 4 Recommendations

Sr. No	Land Development Policies	Pg No
1	Zone 4 should remain residential in nature, and retail and office development should be limited to the existing commercial area at the southeastern corner of the zone. Zone 4 is envisioned as a renewable, multifamily enclave giving preference to owner-occupied condominium units and senior living facilities.	18,24
2	Current zoning will be changed as this area is redeveloped, permitting increased height as a tradeoff for reduced lot coverage. Up to four-story structures would be acceptable in return for smaller building footprints that would preserve open spaces. Highest density developments are to be concentrated along the Northwest Highway frontages. The two existing high-rise residential structures would continue to be the only such buildings in the zone.	9, 24,18
3	New developments should meet City codes for on-site parking for residents and visitors, and underground parking would be greatly preferred whenever feasible.	18
4	New developments should include greater landscaping and open space, and pedestrian-friendly amenities.	24

Sr. No	Strategic Actions	Pg No
1	There are serious deficiencies in the storm water drainage system. The City of Dallas needs to address these problems in order to accommodate the increased density that is permitted under current zoning.	9
2	<p><b>Proposed Physical Improvements</b> (See Long Term Framework Plan attachment)</p> <ul style="list-style-type: none"> <li>• Provide perimeter sidewalk connections along Preston, Walnut Hill, Hillcrest and Northwest Highway.</li> <li>• Support resident requests to install sidewalks on a block-by-block basis</li> <li>• Complete sidewalks on Edgemere and Hillcrest.</li> <li>• Improve crosswalks from Zone 4 across Northwest Highway at Edgemere.</li> <li>• Redesign Bandera to 12' lanes and 5' sidewalks on the south side.</li> <li>• Follow the City Bike Plan to place a shared-use trail along the east side of Preston Road from Northwest Highway to Walnut Hill Lane.</li> </ul>	Appendix III-10

# Northwest Highway & Preston Road Area Plan

## Zone 2,3,5,6,7 Recommendations

Sr. No	Land Development Policies	Pg No
1	Maintain existing single-family residential zoning. No multi-family or commercial development is envisioned within these zones.	23
2	Efforts should be made to enhance pedestrian and bicyclist mobility within the neighborhoods.	23

Sr. No	Strategic Actions	Pg No
1	<p><b>Proposed Physical Improvements</b> (See Long Term Framework Plan attachment)</p> <ul style="list-style-type: none"> <li>• Improve quality and safety of pedestrian and bicycle connections within neighborhoods as well as to adjacent neighborhoods, while recognizing that neighborhoods have differing needs and desires.</li> <li>• Provide sidewalk connections, curb and gutter and other roadway improvements where requested by neighborhoods.</li> <li>• Provide underground or above-ground crossings from neighborhoods on the north side of Northwest Highway to Preston Center and reconfigure streets connecting with Zone 1 to enhance entrances, control access and improve landscaping.</li> <li>• Provide access and shelter to the Dallas Area Rapid Transit (DART) bus stops along Northwest Highway in Zone 2.</li> <li>• Complete sidewalks on Edgemere and Hillcrest in Zone 3.</li> <li>• Follow the City Bike Plan to place a shared-use trail along the east side of Preston Road from Northwest Highway to Walnut Hill Lane in Zone 3.</li> </ul>	Appendix III-11

# Dallas North Tollway

## 1. Walnut Hill Lane

- Entrance/exit ramps to/from the south only
- Limited right-of-way (ROW) on east side
- Neighborhood concerns for full access

## 2. Loop 12 (Northwest Highway)

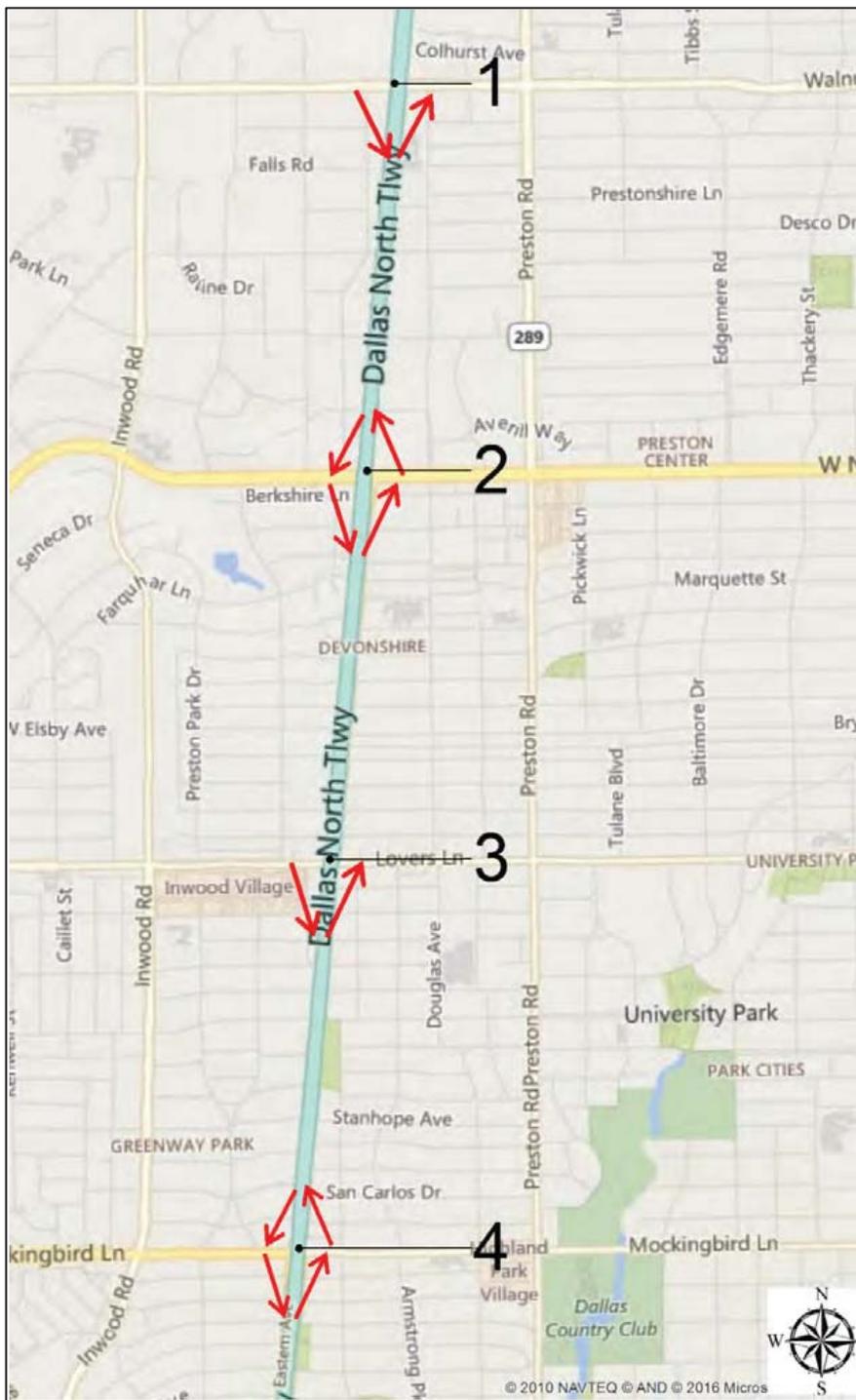
- Full north/south access in place
- Intersection improvements needed to accommodate heavy turning movements
- Texas U-turn (northbound-to-southbound)
- Improvements that widen bridge deck must consider existing low vertical clearance on the tollroad

## 3. Lovers Lane

- Restricted ROW on north side of interchange
- Parallel local streets adjacent to DNT
- Added effects if Lovers Lane is widened

## 4. Mockingbird Lane

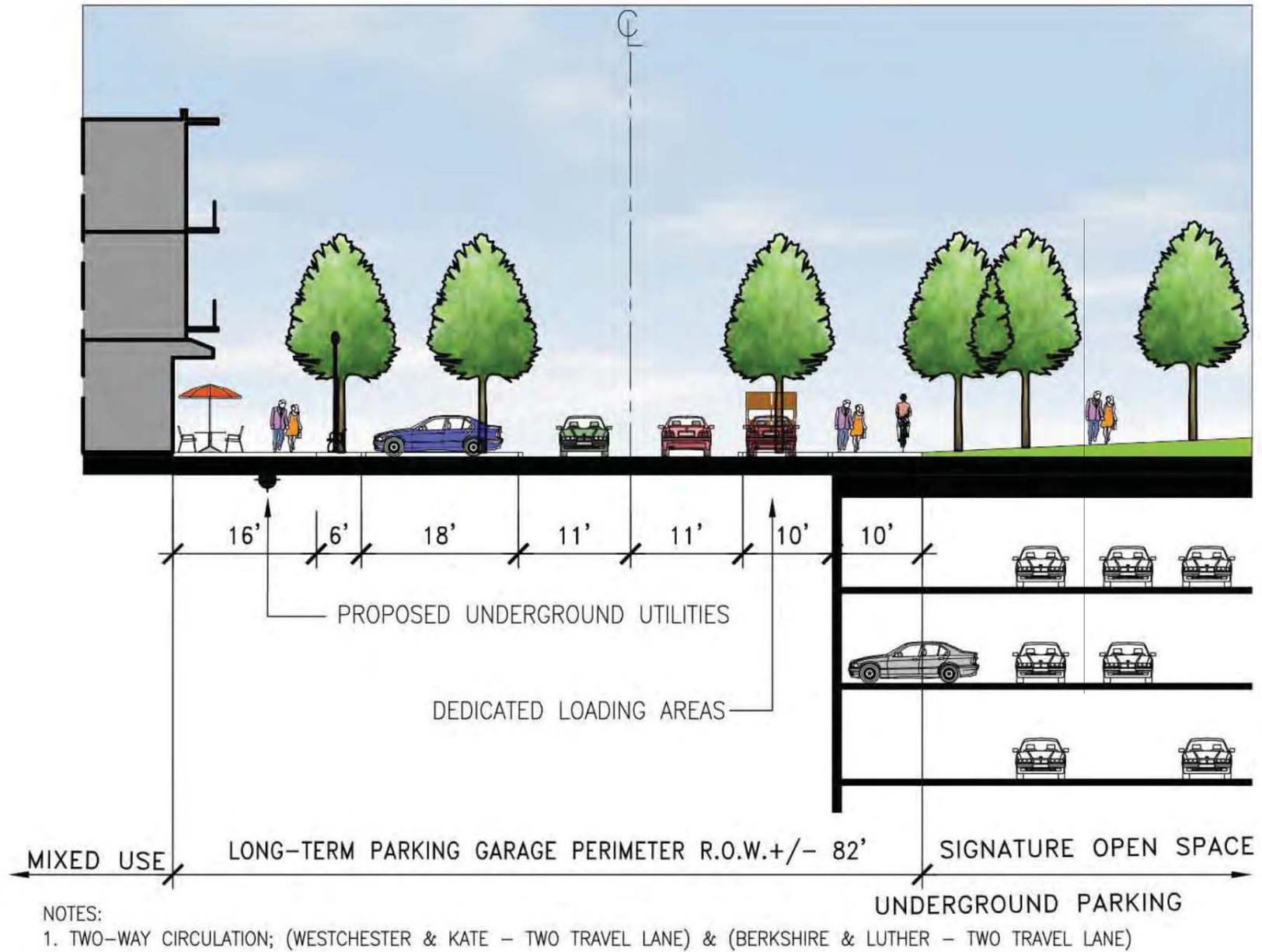
- Full north/south access in place
- Improvements needed to accommodate increased demand (Love Field)



# Conceptual Illustration of Signature Park



# Long-term Parking Garage Perimeter Cross-section







**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 1  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 54 H

---

**SUBJECT**

A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from a public school, W. H. Adamson High School, as required by Section 6-4 of the Dallas City Code to allow a mixed beverages permit (Chapter 28) for a restaurant without drive-in or drive-through service with a food and beverage certificate [Los Sapitos, Inc. dba Las Ranitas] on the west corner of East Jefferson Boulevard and South Crawford Street - AV167-001 - Financing: No cost consideration to the City

**BACKGROUND**

Section 6-4 of Chapter 6, "Alcoholic Beverages," of the Dallas City Code allows Council to grant a variance from the usual spacing required between an alcohol business and a protected use. The usual spacing requirement is 300 feet in a direct line from the property line of the public DISD school to the property line of the place of business.

The standard for approval of the variance is that:

A. the application is for one of the following permits pursuant to the following chapters of the Texas Alcoholic Beverage Code:

- (i) a brewer's permit, Chapter 12;
- (ii) a distiller's and rectifier's permit, Chapter 14;
- (iii) a winery permit, Chapter 16;
- (iv) a wine and beer retailer's permit, Chapter 25;
- (v) a wine and beer retailer's off-premise permit, Chapter 26;
- (vi) a mixed beverage permit with a food and beverage certificate, Chapter 28;  
or
- (vii) a manufacturer's license, Chapter 62.

**BACKGROUND** (Continued)

- B. the application is for one of the following land uses:
  - (i) general merchandise or food store use with 10,000 square feet or more of floor area;
  - (ii) restaurant without drive-in or drive-through service with a food and beverage certificate pursuant to the Texas Alcoholic Beverage Code;
  - (iii) alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery; or
  - (iv) alcoholic beverage manufacturing.
  
- C. alcoholic beverages will not be sold by drive-in or drive-through service; and
  
- D. enforcement of the spacing requirements in this particular instance:
  - (i) is not in the best interest of the public;
  - (ii) constitutes waste or inefficient use of land or other resources;
  - (iii) creates an undue hardship on an applicant for an alcohol permit;
  - (iv) does not serve its intended purpose;
  - (v) is effective or necessary;
  - (vi) or for any other reason that the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

An application for a waiver of the spacing requirements was submitted on December 9, 2016, by Los Sapiros, Inc. dba Las Ranitas. W. H. Adamson High School, located to the north of the request site, creates the need for the variance.

The approximate 0.66 acre request site, which is located in the RR Regional Retail District, contains a restaurant that has operated under a private club license since January 2, 1992. An auto service center is located to the northeast, a funeral home is located to the east, a municipal service center is located to the southeast, a grocery store is located to the south, and a restaurant and offices are located to the west.

The public school is located to the north of the request site. According to Dallas Central Appraisal District Records, W. H. Adamson High School was originally constructed in 1931 on a parcel bound by North Beckley Avenue, East 8<sup>th</sup> Street, North Crawford Street, and East 9<sup>th</sup> Street. The original school was approximately 700 feet from the request site, measured property line to property line. On August 25, 2010 the City Council approved Planned Development District No. 682 which allowed a public school use on properties northeast, east, and southeast of the original high school and allowed the original high school to be converted into administrative offices. The school then expanded and constructed a baseball field across the alley to the northwest of the request site and a softball field to the north of the request site which triggered the need for the alcohol variance. The new school campus was issued a certificate of occupancy in August of 2012.

## **BACKGROUND** (Continued)

While the required spacing from a school is measured property line to property line, the walking distance from the main school building's property line at East 9<sup>th</sup> Street and North Crawford Street to the northern corner of the request site's property is approximately 750 feet.

Felix G. Botello Elementary, another public school, is located east of the request site with a distance between its property line and the property line of the request site of approximately 407 feet, exceeding the minimum 300 foot spacing requirement.

Since the protected site contains intervening streets, athletic fields, and parking areas between the main school building and the existing restaurant, staff has no objection to this request because the walking distance from the restaurant entrance to the closest main school building's entrance is approximately 1,140 feet.

This item requires two seconds to pass.

## **PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On November 9, 2009, the City Council approved an amendment to Section 6-4 of Chapter 6, "Alcoholic Beverages," of the Dallas City Code to allow a process for a variance to the spacing requirements between a business selling alcohol and a public or private school.

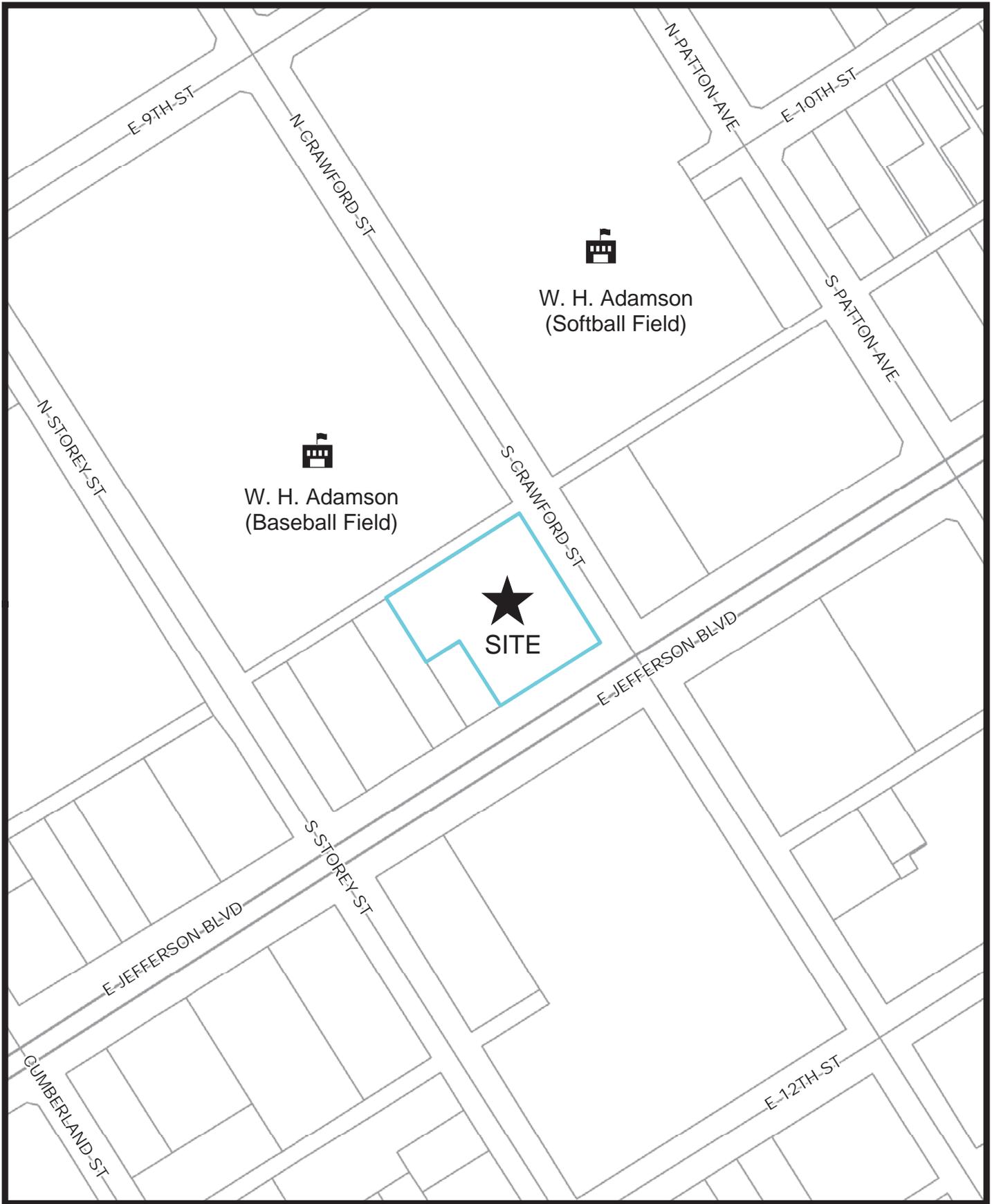
On October 26, 2011, September 26, 2012, and January 22, 2014, the City Council further amended Section 6-4 of Chapter 6.

## **FISCAL INFORMATION**

No cost consideration to the City.

## **MAP**

Attached.



**AV167-001**



1:2,000

★ Approximate location of business requesting alcohol variance



Land use requiring spacing from business requesting alcohol sales: school



CITY OF DALLAS

# APPLICATION FOR A VARIANCE FROM THE MINIMUM DISTANCE REGULATIONS RELATED TO THE SALE OF ALCOHOLIC BEVERAGES

Chapter 6—Alcoholic Beverages, City of Dallas Code of Ordinances

Applicant Los Sapiros Inc DBA Las Ranitas  
 (Must match the business name on TABC application)

Contact person, title Raul Estrada owner Property owner's name Raul Estrada  
 (Land owner, business owner, representative)

Contact person's phone 214 946 0404 Address of request site 325 Efferson Blvd

Contact person's address 325 Efferson Blvd Dallas TX 75203 Protected use's address Restaurant Dallas, TX 75203

- |   |   |   |
|---|---|---|
| <b>Type of protected use:</b>   | <b>Type of business seeking to sell alcohol:</b>  | <b>Type of TABC permit(s) to be sought:</b>   |
| <input type="radio"/> Church<br><input checked="" type="radio"/> Public school / open-enrollment charter school<br><input type="radio"/> Private school<br><input type="radio"/> Public hospital<br><input type="radio"/> Daycare/child-care facility | <input type="radio"/> Alcoholic beverage manufacturing<br><input type="radio"/> General merchandise or food store with 10,000 square feet or more floor area<br><input type="radio"/> Microbrewery, microdistillery, or winery<br><input checked="" type="radio"/> Restaurant without drive-in or drive-through service | <input type="radio"/> Brewer's permit, "B" / Manufacturer's license, "BA"<br><input type="radio"/> Distiller's and rectifier's permit, "D"<br><input checked="" type="radio"/> Food and beverage certificate, "FB"<br><input checked="" type="radio"/> Mixed beverage permit, "MB"<br><input type="radio"/> Wine and beer retailer's off-premise permit, "BQ"<br><input type="radio"/> Wine and beer retailer's permit, "BG"<br><input type="radio"/> Winery, "G" |

The nonrefundable variance application fee is \$1,200.00 and the sign fee, which is between \$10 and \$50 depending on street frontages. A statement explaining how the request meets the standard below is required as part of this application. The burden of proving that the request meets the standard is solely the responsibility of the applicant. Additional evidence supporting the request may be submitted along with this application.

Enforcement of the spacing requirements in this particular instance (1) is not in the best interest of the public; (2) constitutes waste or inefficient use of land or other resources; (3) creates an undue hardship on an applicant for an alcohol permit; (4) does not serve its intended purpose; is not effective or necessary; or (5) for any other reason that the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

### REQUIRED ATTACHMENTS:

- Statement of request
- Sealed alcohol survey showing 300 foot radius and door to door measurements (*protected use must be indicated on this survey*)
- List of officers for alcohol business and property owner

### AUTHORIZATION BY PROPERTY OWNER(S)

I, Raul Estrada, the owner of the property to be considered, hereby authorize the above business and representative to file this application for a variance from the requirements of Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances.

Raul Estrada  
 Owner's Printed Name

[Signature]  
 Owner's Signature

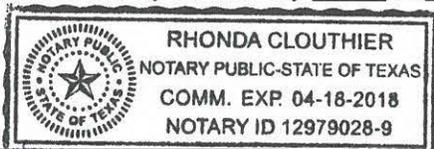
### APPLICANT ACKNOWLEDGEMENT AND AFFIDAVIT

I have read, examined, and completed this application; and know the information provided to be true and correct. I hereby apply for a variance from the distance requirements in Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances. I understand that this application, including all submitted documentation, are public information and can be made available through an Open Records Request per the Texas Public Information Act (Texas Government Code, Chapter 552).

Raul Estrada  
 Applicant's Printed Name

[Signature]  
 Applicant Signature

Sworn to and subscribed before me by on this day 8 of December in the year 2016, to certify which witness my hand and seal of office.



[Signature]

Notary Public in and for the State of Texas

Date received: 12/9/16 Receipt No.: 6952 Case number: AV167-001

SRM

\$1200 AV  
 & 20.00 signs

2 signs



## Franchise Tax Account Status

As of : 12/08/2016 13:01:52

**This Page is Not Sufficient for Filings with the Secretary of State**

### LOS SAPITOS, INC.

**Texas Taxpayer Number** 17524662685

**Mailing Address** 325 E JEFFERSON BLVD DALLAS, TX 75203-2631

**Right to Transact Business in Texas** ACTIVE

**State of Formation** TX

**Effective SOS Registration Date** 01/13/1993

**Texas SOS File Number** 0125650300

**Registered Agent Name** RAUL B ESTRADA

**Registered Office Street Address** 325 E. JEFFERSON DALLAS, TX 75203

## STATEMENT OF REQUEST

Request is being made for a Variance in regard to alcohol services in a restaurant within 300 FT of a public school.

Applicant has operated a restaurant business at 325 E Jefferson Blvd Dallas Texas 75203 for over 25 years we are a neighborhood staple and have been at this location prior to W.H. Adamson High School expansion.

This property has been operating under a Private Club Permit and has never had any issues in regards to the being located within 300 FT of a public school. We have great Mexican food and have always been good neighbors with Adamson. Over the years we have students work as Hostess and servers; we currently have two students.

This property would like to operate under a Mixed Beverage Permit to facilitate the adverse additional record keeping requirements for our current Private Club Permit. Nothing would change but the additional record keeping requirements for our current license.

This property will not cause any additional traffic in the area as the location has been operating with no issues.

We would respectfully request your consideration.

Thank you.

Applicant Information:

Los Sapitos / Las Ranitas

Raul Estrada, President

# Officers and Directors Info

**Officers and Directors**  
**LOS SAPITOS, INC.**  
Report Year :2015

Officer and director information on this site is obtained from the most recent Public Information Report (PIR) processed by the Secretary of State (SOS). PIRs filed with annual franchise tax reports are forwarded to the SOS. After processing, the SOS sends the Comptroller an electronic copy of the information, which is displayed on this web site. The information will be updated as changes are received from the SOS. You may order a copy of a Public Information Report from or Comptroller of Public Accounts, Open Government Division, PO Box 13528, Austin, Texas 78711.

<b>Title</b>	<b>Name and Address</b>
DIRECTOR	<b>RAUL B ESTRADA</b> 325 E JEFFERSON BLVD DALLAS, TX 75203
PRESIDENT	<b>RAUL B ESTRADA</b> 325 E JEFFERSON BLVD DALLAS, TX 75203
DIRECTOR	<b>RAUL B ESTRADA</b> 325 E JEFFERSON BLVD DALLAS, TX 75203
PRESIDENT	<b>RAUL B ESTRADA</b> 325 E JEFFERSON BLVD DALLAS, TX 75203





January 25, 2017

**WHEREAS**, Subsection 6-4(g) of the Dallas City Code authorizes the City Council to grant variances from the alcohol spacing requirements prescribed by Subsection 6-4(a) of the Dallas City Code; and

**WHEREAS**, Los Sapitos, Inc. dba Las Ranitas has submitted an application for a mixed beverages permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code for a restaurant without drive-in or drive-through service with a food and beverage certificate, and is requesting a variance to the alcohol spacing requirements for a property on the west corner of East Jefferson Boulevard and South Crawford Street, south of W. H. Adamson High School, a public school; and

**WHEREAS**, the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, finds that enforcement of the alcohol spacing requirements in this particular instance:

- (1) is not in the best interest of the public;
- (2) constitutes waste or inefficient use of land or other resources;
- (3) creates an undue hardship on an applicant for an alcohol permit;
- (4) does not serve its intended purpose; and
- (5) is not effective or necessary; and

**WHEREAS**, the City Council desires to grant the alcohol spacing variance; **Now, Therefore,**

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

**Section 1.** That the variance to the alcohol spacing requirements for Los Sapitos, Inc. dba Las Ranitas, for property on the west corner of East Jefferson Boulevard and South Crawford Street, south of W. H. Adamson High School, a public school, is granted, subject to the following conditions:

- (1) This alcohol spacing variance is valid only for a mixed beverages permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code.
- (2) This alcohol spacing variance is valid only for a restaurant without drive-in or drive-through service with a food and beverage certificate in the location shown on the attached location map.
- (3) Alcoholic beverages may not be sold by drive-in or drive-through service.

January 25, 2017

- (4) This alcohol spacing variance is valid for subsequent renewals of the alcohol permit.
- (5) This alcohol spacing variance may not be transferred to another location or to another alcohol permit holder.

**Section 2.** 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.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

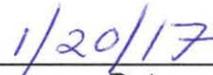
By \_\_\_\_\_  
Assistant City Attorney

**JANUARY 25, 2017 CITY COUNCIL ADDENDUM  
CERTIFICATION**

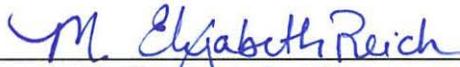
This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated January 25, 2017. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez  
City Manager



Date



Elizabeth Reich  
Chief Financial Officer



Date



RECEIVED

2017 JAN 20 PM 4: 21

CITY SECRETARY  
DALLAS, TEXAS

**ADDENDUM  
CITY COUNCIL MEETING  
WEDNESDAY, JANUARY 25, 2017  
CITY OF DALLAS  
1500 MARILLA  
COUNCIL CHAMBERS, CITY HALL  
DALLAS, TX 75201  
9:00 A.M.**

**REVISED ORDER OF BUSINESS**

Agenda items for which individuals have registered to speak will be considered no earlier than the time indicated below:

9:00 a.m.      **INVOCATION AND PLEDGE OF ALLEGIANCE**

**OPEN MICROPHONE**

**CLOSED SESSION**

**MINUTES**

Item 1

**CONSENT AGENDA**

Items 2 - 42

**CONSENT ADDENDUM**

Item 1

**ITEMS FOR INDIVIDUAL CONSIDERATION**

No earlier  
than 9:15 a.m.

Items 43 - 45  
Addendum Items 2 - 4

**PUBLIC HEARINGS AND RELATED ACTIONS**

1:00 p.m.

Items 46 - 71

## Handgun Prohibition Notice for Meetings of Government 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."*

**ADDENDUM  
CITY COUNCIL MEETING  
JANUARY 25, 2017  
CITY OF DALLAS  
1500 MARILLA  
COUNCIL CHAMBERS, CITY HALL  
DALLAS, TEXAS 75201  
9:00 A. M.**

ADDITIONS:

Closed Session

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- Legal issues related to the Dallas Police & Fire Pension System.

CONSENT ADDENDUM

**Housing/Community Services**

1. Authorize an amendment to Resolution No. 16-1988, previously approved on December 14, 2016, for the amendment of the Loan Agreement between Carpenter's Point, L.P., a Texas limited partnership, and the City of Dallas to allow an increase for refinancing of the developer's first lien loan from \$3.3M to \$3.4M for the Carpenter's Point Senior Apartments project, located at 4645 Dolphin Road - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION

**City Attorney's Office**

2. A resolution **(1)** encouraging councilmembers who serve as Dallas Police & Fire Pension System ("System") trustees to take all available actions to address the System's dire financial situation; **(2)** authorizing reimbursement of the councilmembers' costs arising from any such actions; **(3)** reaffirming the City's dedication to providing a secure retirement for its first responders and their families, while not jeopardizing the public treasury; and **(4)** reaffirming the City's dedication to seeking balanced and responsible legislation with the System for as long as those efforts appear to have a chance of success - Financing: This action has no cost consideration to the City

**ADDENDUM  
CITY COUNCIL MEETING  
JANUARY 25, 2017**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

**City Secretary's Office**

3. A resolution realigning the North Texas Education Finance Corporation (NFC) Board of Directors terms to begin October 1 of odd-numbered years and expire September 30 of odd-numbered years - Financing: No cost consideration to the City
4. A resolution designating an absence by Councilmember B. Adam McGough as being for "Official City Business" - Financing: No cost consideration to the City

**ADDENDUM DATE January 25, 2017**

ITEM		IND							DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
1			7	C	HOU	NC	NA	NA	Authorize an amendment to Resolution No. 16-1988, previously approved on December 14, 2016, for the amendment of the Loan Agreement between Carpenter's Point, L.P., a Texas limited partnership, and the City of Dallas to allow an increase for refinancing of the developer's first lien loan from \$3.3M to \$3.4M for the Carpenter's Point Senior Apartments project, located at 4645 Dolphin Road - Financing: No cost consideration to the City
2			N/A	I	ATT	NC	NA	NA	A resolution (1) encouraging councilmembers who serve as Dallas Police & Fire Pension System ("System") trustees to take all available actions to address the System's dire financial situation; (2) authorizing reimbursement of the councilmembers' costs arising from any such actions; (3) reaffirming the City's dedication to providing a secure retirement for its first responders and their families, while not jeopardizing the public treasury; and (4) reaffirming the City's dedication to seeking balanced and responsible legislation with the System for as long as those efforts appear to have a chance of success - Financing: This action has no cost consideration to the City
3			N/A	I	SEC	NC	NA	NA	A resolution realigning the North Texas Education Finance Corporation (NFC) Board of Directors terms to begin October 1 of odd-numbered years and expire September 30 of odd-numbered years - Financing: No cost consideration to the City
4			N/A	I	SEC	NC	NA	NA	A resolution designating an absence by Councilmember B. Adam McGough as being for "Official City Business" - Financing: No cost consideration to the City

**TOTAL                    \$0.00**



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Housing/Community Services  
**CMO:** Alan Sims, Chief of Neighborhood Plus, 670-1611  
**MAPSCO:** 47N

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**SUBJECT**

Authorize an amendment to Resolution No. 16-1988, previously approved on December 14, 2016, for the amendment of the Loan Agreement between Carpenter’s Point, L.P., a Texas limited partnership, and the City of Dallas to allow an increase for refinancing of the developer’s first lien loan from \$3.3M to \$3.4M for the Carpenter’s Point Senior Apartments project, located at 4645 Dolphin Road - Financing: No cost consideration to the City

**BACKGROUND**

This item is being added to the addendum as the loan closing date is before the next available agenda.

In December 2016, the City approved a request from Carpenter’s Point, LP to refinance its first lien loan from \$2.1M to \$3.3M to allow for a lower interest rate from approximately 8% to 3%, and to subordinate the City’s existing lien to the refinanced loan. The City’s consideration for the refinance included the lower interest rate, a payment to the City in the amount of \$247,360.58, an annual accrued interest payment from available cash flow, and increased replacement reserves by \$110,000.00. Because of the delays in finalizing the subordination agreement with Fannie Mae, the lender has required the developer to escrow a restabilization reserve equal to six months of debt service. In order to cover this reserve, the lender is increasing loan proceeds for Carpenter’s Point from the originally proposed \$3.3 million to \$3.4 million.

City Council approval of this item will authorize the City Manager to modify the loan agreement amendment and the subordination agreement to reflect the higher refinance balance of \$3.4 million.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On November 10, 2008, City Council approved a development loan in the amount of \$928,473 with a one percent (1%) interest rate with Carpenter's Point, LP, by Resolution No. 08-3056.

Information about this item was provided to the Housing Committee on December 5, 2016.

On December 14, 2016, City Council authorized an amendment to the Loan Agreement between Carpenter's Point, L.P., a Texas limited partnership, and the City of Dallas to: **(1)** allow for refinancing of the developer's first lien loan from \$2.1M to \$3.3M for the Carpenter's Point Senior Apartments project, located at 4645 Dolphin Road, and to maintain the City's subordinated position; **(2)** accept partial payment of \$247,361 in principle and interest toward the City's current loan balance of \$995,479 for the seven and a half year period that has lapsed; and **(3)** amend the terms of the loan to **(a)** a new loan balance of \$745,041; **(b)** include an annual accrued interest payment of \$7,450 paid from available cash flow, due each January 15<sup>th</sup>, beginning January 15, 2018 through the term of the loan, January 15, 2040; and **(c)** at the time of closing, increase the replacement reserves by \$110,000 from \$140,000 to \$250,000 to be maintained through the life of the loan, by Resolution No. 16-1988.

## **FISCAL INFORMATION**

No cost consideration to the City

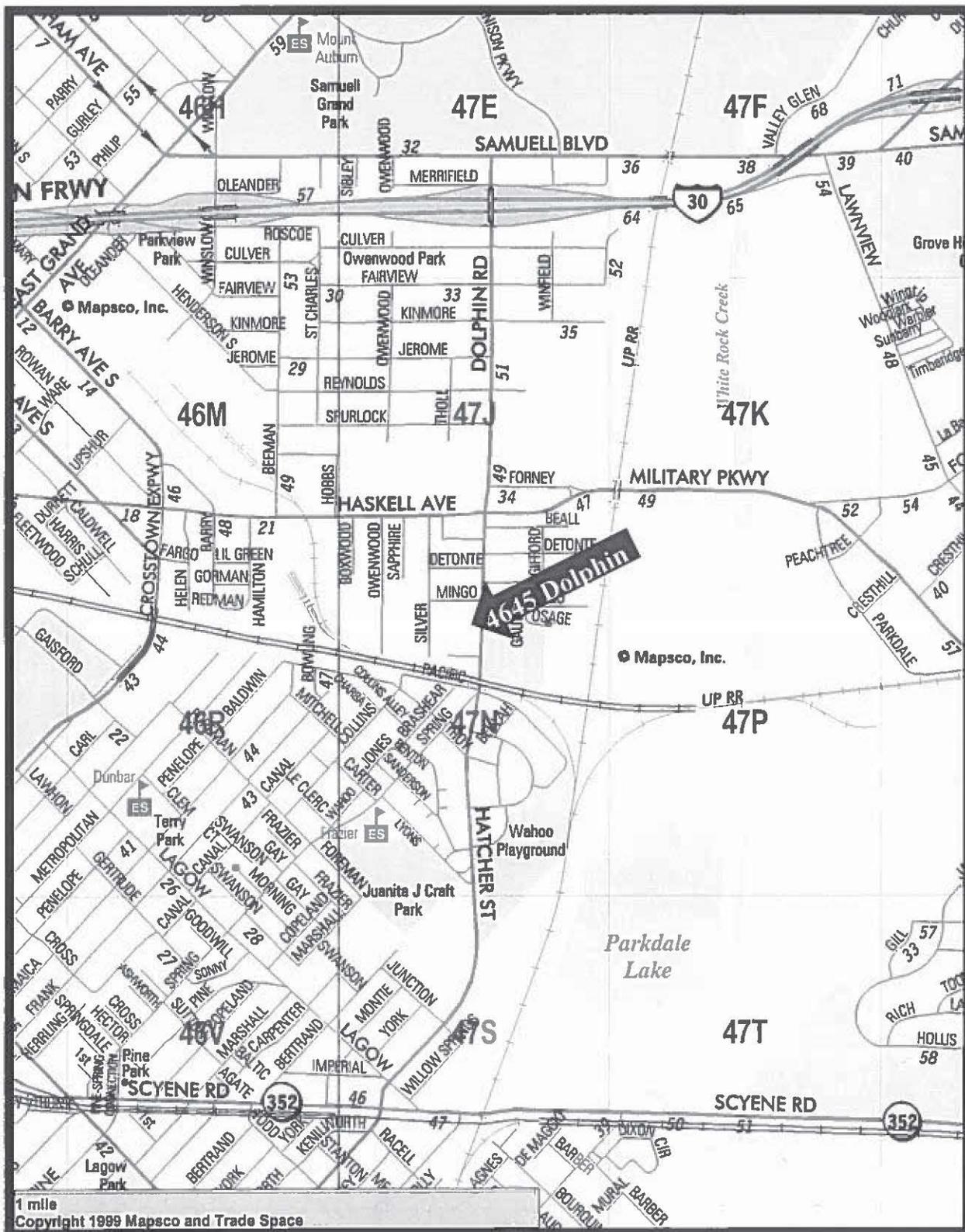
## **OWNER/DEVELOPER**

**Carpenter's Point, LP**

George King, Limited Partner

## **MAP**

Attached



1 mile  
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**MAPSCO 47N**

January 25, 2017

**WHEREAS**, the City of Dallas seeks to preserve decent affordable housing and a suitable living environment; and

**WHEREAS**, on November 10, 2008, City Council approved a development loan in the amount of \$928,473 with a one percent (1%) interest rate with Carpenter's Point, LP, by Resolution No. 08-3056; and

**WHEREAS**, on December 14, 2016, City Council authorized an amendment to the Loan Agreement between Carpenter's Point, L.P., a Texas limited partnership, and the City of Dallas to: **(1)** allow for refinancing of the developer's first lien loan from \$2.1M to \$3.3M for the Carpenter's Point Senior Apartments project, located at 4645 Dolphin Road, and to maintain the City's subordinated position; **(2)** accept partial payment of \$247,361 in principle and interest toward the City's current loan balance of \$995,479 for the seven and a half year period that has lapsed; and **(3)** amend the terms of the loan to **(a)** a new loan balance of \$745,041; **(b)** include an annual accrued interest payment of \$7,450 paid from available cash flow, due each January 15<sup>th</sup>, beginning January 15, 2018 through the term of the loan, January 15, 2040; and **(c)** at the time of closing, increase the replacement reserves by \$110,000 from \$140,000 to \$250,000 to be maintained through the life of the loan, by Resolution No. 16-1988; and

**WHEREAS**, Carpenter's Point desires to continue its efforts to provide decent affordable housing to low income seniors; **NOW, THEREFORE,**

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

**Section 1.** That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to amend the loan agreement amendment and subordination to allow for refinancing of the developer's first lien loan of \$3.4M for the Carpenter's Point Senior Apartments project, located at 4645 Dolphin Road.

**Section 2.** That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the loans, until such time as the loan documents are duly approved by all parties and executed.

**Section 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**KEY FOCUS AREA:** E-Gov  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** N/A  
**DEPARTMENT:** City Attorney's Office  
**CMO:** Larry Casto, 670-3491  
**MAPSCO:** N/A

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**SUBJECT**

A resolution **(1)** encouraging councilmembers who serve as Dallas Police & Fire Pension System (“System”) trustees to take all available actions to address the System’s dire financial situation; **(2)** authorizing reimbursement of the councilmembers’ costs arising from any such actions; **(3)** reaffirming the City’s dedication to providing a secure retirement for its first responders and their families, while not jeopardizing the public treasury; and **(4)** reaffirming the City’s dedication to seeking balanced and responsible legislation with the System for as long as those efforts appear to have a chance of success - Financing: This action has no cost consideration to the City

**BACKGROUND**

The System provides retirement, disability, and death benefits to sworn employees of the city’s police and fire departments. The System is governed by state law, Article 6243a-1 of the Texas Revised Civil Statutes (“Article 6243a-1”). The System’s board of trustees consists of twelve members, four of whom are councilmembers.

The city is currently exploring legislation to amend Article 6243a-1 because, among other reasons, its governance structure does not provide the state or the city with adequate control over the System and how the assets are administered. This has led to the current state of emergency, wherein the System may run out of money to pay benefits in as little as 10 years. The city is exploring every possible solution within its power to remedy this emergency.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

City Council was briefed in closed session on September 21, 2016.

City Council was briefed in closed session on October 11, 2016.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)** (Continued)

City Council was briefed in closed session on November 9, 2016.

City Council was briefed in closed and open session on December 7, 2016.

City Council was briefed in closed session on January 4, 2017.

City Council was briefed in closed session on January 11, 2017.

City Council was briefed in closed and open session on January 18, 2017.

**FISCAL INFORMATION**

This action has no cost consideration to the City.

**KEY FOCUS AREA:** E-Gov  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** N/A  
**DEPARTMENT:** City Secretary  
**CMO:** Rosa A. Rios, 670-3738  
**MAPSCO:** N/A

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**SUBJECT**

A resolution realigning the North Texas Education Finance Corporation (NFC) Board of Directors terms to begin October 1 of odd-numbered years and expire September 30 of odd-numbered years - Financing: No cost consideration to the City

**BACKGROUND**

This item is on the addendum to allow city staff sufficient time to research and compile information.

The Dallas City Council, under the authority granted by Texas Education Code Sections 53.35(b) and 53A.35(b), (the Act), authorized the creation of a non-profit corporation on February 22, 2012, to act on its behalf in financing and refinancing, under the Act, education facilities, housing facilities and facilities incidental, subordinate or related thereto, including acquiring land, all for the purpose of aiding public schools and private schools under the Act.

The City Manager nominates individuals, with formal approval by the full City Council. Currently board members terms expire February 22 on even numbered years. This resolution harmonizes the board with the terms of most other City of Dallas boards and commissions. Newly appointed members will serve 2-year terms to begin October 1 of odd-numbered years and expire September 30 of odd-numbered years. Existing members are not affected by this change.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

**FISCAL INFORMATION**

No cost consideration to the City.

January 25, 2017

**WHEREAS**, on February 22, 2012, pursuant to the authority granted by Sections 53.35(b) and 53A.35(b), Texas Education Code, as amended (collectively referred to herein as the "Act"), the Dallas city council authorized the creation of a non-profit corporation (the "Corporation") to act on its behalf in financing and refinancing, under the Act, education facilities, housing facilities and facilities incidental, subordinate or related thereto, including acquiring land, all for the purpose of aiding public schools and private schools under the Act; and

**WHEREAS**, 11 members are nominated by the City Manager and appointed by the City Council to serve on the North Texas Education Finance Corporation (NFC) Board of Directors; and

**WHEREAS**, all NFC Board of Directors terms expire February 22 on even numbered years according to Resolution No. 12-0575, passed by the City Council on February 22, 2012; and

**WHEREAS**, to harmonize NFC Board of Directors terms to the standard terms as for most other boards and commissions, their terms should be realigned to begin October 1 and end September 30 of odd numbered years;

**Now, Therefore,**

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

**SECTION 1.** That all NFC Board of Directors terms shall begin October 1 of odd-numbered years and expire September 30 of odd-numbered years.

**SECTION 2.** That the city council may, by resolution, remove any NFC Board of Directors appointed by this resolution, at any time, with or without cause. That such NFC Directors may be removed only upon the affirmative vote of nine City Council members and through the adoption of another resolution.

**SECTION 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**KEY FOCUS AREA:** E-Gov  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** N/A  
**DEPARTMENT:** City Secretary  
**CMO:** Rosa A. Rios, 670-3738  
**MAPSCO:** N/A

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**SUBJECT**

A resolution designating an absence by Councilmember B. Adam McGough as being for "Official City Business" - Financing: No cost consideration to the City

**BACKGROUND**

This item is on the addendum to allow council members additional time to request approval of their outstanding absences (if applicable) as "Official City Business."

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation...for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization of or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation.

**BACKGROUND** (Continued)

Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

The proposed resolution authorizes and directs the city secretary to amend the minutes of city council meetings, without further city council action or approval, to reflect when the absences by designated council members have been deemed by the city council to be for "official city business."

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

**FISCAL INFORMATION**

No cost consideration to the City.

January 25, 2017

**WHEREAS**, Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation... for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business"; and

**WHEREAS**, Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation; and

**WHEREAS**, Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) referenced above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter; and

**WHEREAS**, Councilmember B. Adam McGough participated in event(s) and/or meeting(s), as described in **Exhibit A** attached, which required him to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted;

**Now, Therefore,**

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

January 25, 2017

**SECTION 1.** That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, the event(s) and/or meeting(s) described in **Exhibit A**, attached, are hereby deemed to be for "official city business," and any absences from city council meeting(s) and/or city council committee meeting(s), on the date(s) noted in **Exhibit A**, by Councilmember B. Adam McGough because of his participation in any event(s) and/or meeting(s) will not be counted against him in determining his annual compensation under Chapter III, Section 4 of the Dallas City Charter.

**SECTION 2.** That, in accordance with Section 4.11(a) of the City Council Rules of Procedure, the City Secretary shall maintain a record of the absence on official city business so that such absence(s) will not count against Councilmember B. Adam McGough in determining his annual compensation under Chapter III, Section 4 of the Dallas City Charter.

**SECTION 3.** That the City Secretary is authorized and directed to amend the minutes of each city council meeting held on the date(s) specified in Exhibit A, if applicable, to reflect that the absences by Councilmember B. Adam McGough as described in Exhibit A, were for "official city business," and no further city council action or approval of those minutes is required.

**SECTION 4.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

EXHIBIT A  
 CITY COUNCIL MEMBER(S)  
 REQUEST ABSENCE AS OFFICIAL CITY BUSINESS

COUNCILMEMBER	DATE	MEETING(S) MISSED	PURPOSE/LOCATION	ABSENCE TYPE
B. Adam McGough	1/9/2017	Public Safety Committee	Worked on other city business; city staff conference call	Absent more than 50%



**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Sustainable Development and Construction  
City Attorney's Office  
Water Utilities

**CMO:** Mark McDaniel, 670-3256  
Larry Casto, 670-3491

**MAPSCO:** 69AD

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**SUBJECT**

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceedings styled City of Dallas v. Linda Sue Reid, et al., Cause No. CC-16-03154-C, pending in Dallas County Court at Law No. 2, to acquire approximately 59,276 square feet of land located near the intersection of Seagoville Road and Interstate Highway 20 for the Southwest 120/96-inch Water Transmission Pipeline Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$220,634 (\$216,145 being the amount of the award, plus closing costs and title expenses not to exceed \$4,489); an increase of \$8,679 from the amount Council originally authorized for this acquisition - Financing: Water Utilities Capital Construction Funds

**BACKGROUND**

On April 22, 2015, City Council authorized the acquisition of this property by Resolution No. 15-0763. The property owner was offered \$207,466 which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer and the City filed an eminent domain proceeding to acquire the property. After a hearing on October 13, 2016, the Special Commissioners awarded the property owner \$216,145.

This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$8,679 more than the City Council originally authorized for this acquisition.

The City has no control over the Special Commissioners appointed by the judge or any award that is subsequently rendered by the Special Commissioners. The City, in order to acquire possession of the property and proceed with its improvements, must deposit the amount awarded by the Special Commissioners in the registry of the Court.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized acquisition on April 22, 2015, by Resolution No. 15-0763.

Information about this item will be provided to the Economic Development Committee on January 17, 2017.

**FISCAL INFORMATION**

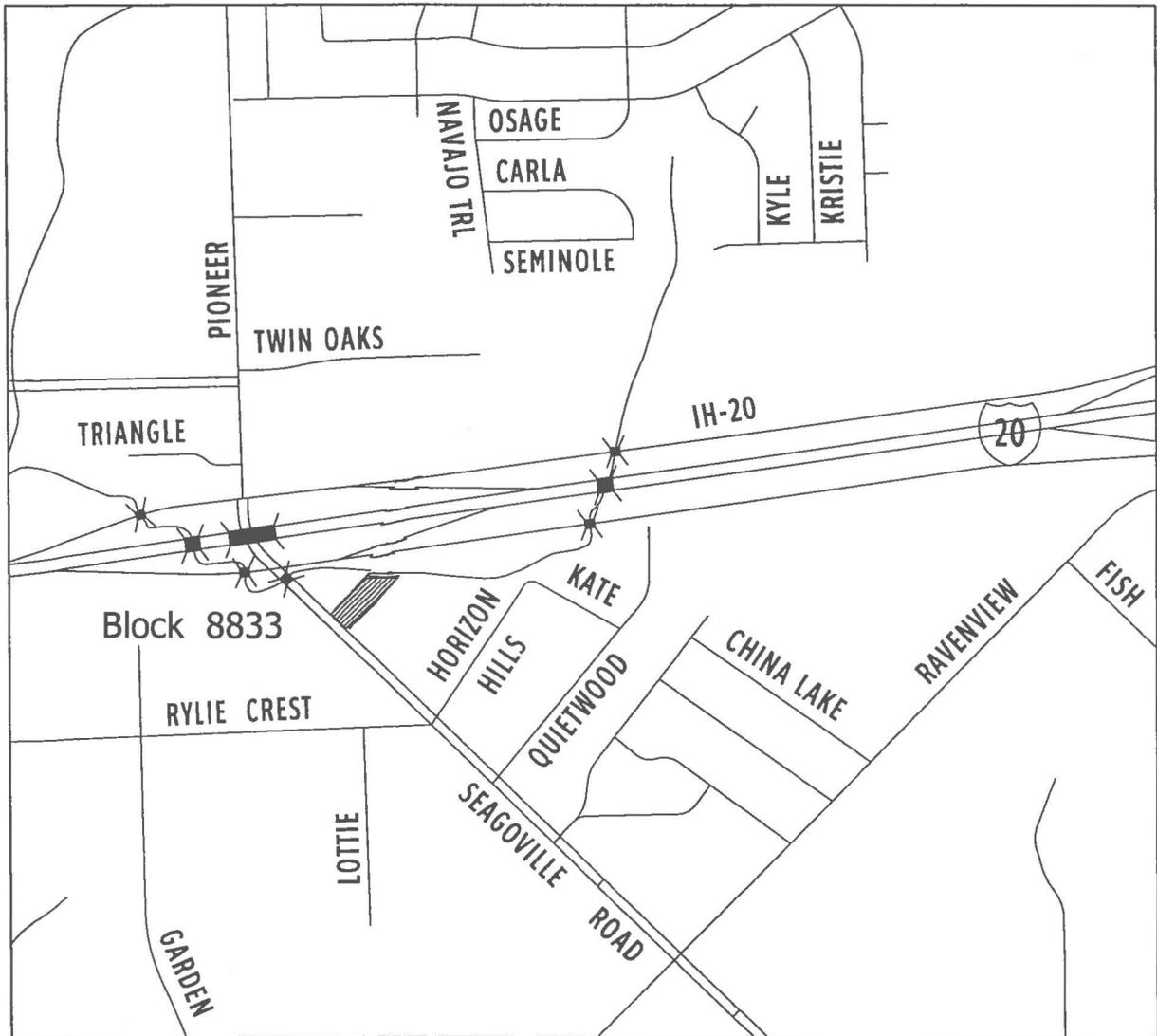
Water Utilities Capital Construction Funds - \$220,634 (\$216,145, plus closing costs and title expenses not to exceed \$4,489)

**OWNER**

Linda Sue Reid

**MAP**

Attached



SUBJECT:





January 25, 2017

**A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS AWARD, AND SETTLEMENT OF THE CONDEMNATION PROCEEDING AND IF OBJECTIONS ARE FILED, THE LAWSUIT ARISING FROM THE CONDEMNATION PROCEEDING FOR THE AWARD.**

**IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:**

"CONDEMNATION PROCEEDING": Cause No. CC-16-03154-C, in Dallas County Court at Law No. 2, and styled City of Dallas v. Linda Sue Reid, et al., filed pursuant to City Council Resolution No. 15-0763.

"PROPERTY": Approximately 59,276 square feet of land located in Dallas County, as described in the Condemnation Suit.

"PROJECT": Southwest 120/96-inch Water Transmission Pipeline Project

"OFFICIAL OFFER": \$207,466

"AWARD": \$216,145

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed: \$4,489

"AUTHORIZED AMOUNT": Not to exceed: \$220,634

"DESIGNATED FUNDS":

\$211,955 from Water Utilities Capital Construction Funds, Fund No. 0102, Department DWU, Unit CW40, Activity MPSA, Program No. 706623, Object 4210, Encumbrance No. CT-DWU706623CPDS

\$8,679 from Water Utilities Capital Construction Funds, Fund No. 0102, Department DWU, Unit CW40, Activity MPSA, Program No. 706623, Object 4210, Encumbrance No. CT-DWU706623CPDS

**WHEREAS**, the OFFICIAL OFFER having been made and refused, the City Attorney filed the CONDEMNATION PROCEEDING for the acquisition of the PROPERTY for the PROJECT; and,

**WHEREAS**, the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING made an Award which the City Council wishes to deposit with the County Clerk of Dallas County, Texas, so that the City may take possession of the PROPERTY; and,

January 25, 2017

**WHEREAS**, the owner of the PROPERTY objected to the AWARD, which converted the CONDEMNATION PROCEEDING into a lawsuit; and,

**WHEREAS**, the City Council desires to authorize the City Attorney to settle the CONDEMNATION PROCEEDING and, if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING for an amount not to exceed the AWARD; **Now, Therefore,**

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

**SECTION 1.** That the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in the amount of the AWARD payable to the District Clerk of Kaufman Dallas County, Texas, to be deposited by the City Attorney with the Clerk and in the amount of the CLOSING COSTS and TITLE EXPENSES payable to the title company closing the transaction described herein. The AWARD, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 2.** That the City Attorney is authorized to settle the CONDEMNATION PROCEEDING, and if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING, for an amount not to exceed the AWARD.

**SECTION 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED AS TO FORM:**  
**LARRY E. CASTO**  
City Attorney

BY

  
Assistant City Attorney