ORDINANCE NO. 26884

8-7-07

An ordinance amending Ordinance No. 21608, passed by the Dallas City Council on March 24, 1993, which amended Chapter 51A of the Dallas City Code and re-established Conservation District No. 6 (the Hollywood/Santa Monica Conservation District), as amended by Ordinance No. 21779, passed by the Dallas City Council on August 25, 1993; changing the zoning classification on the following property:

BEING City Block 2/2703, the adjacent northwest half of Vivian Avenue, and City Block 1/2703, located on both sides of Shadyside Lane between Vivian Avenue and Lindsley Avenue,

from Tract II within Conservation District No. 6 to Tract IIA within Conservation District No. 6; providing procedures and regulations for Tract IIA; providing new Pages 6 and 10 of the conceptual plan; 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 the zoning classification is changed from Tract II within Conservation District No. 6 (the Hollywood/Santa Monica Conservation District) to Tract IIA within Conservation District No. 6 on the property described in Exhibit D, attached to and made a part of this ordinance.

SECTION 2. That Sections 1 to 13 of Ordinance No. 21608, as amended by Ordinance No. 21779, are amended to read as follows:

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SECTION 2. Zoning classification change. Chapter [CHAPTER] 51A, ["PART II OF THE DALLAS DEVELOPMENT CODE,"] of the Dallas City Code, as amended, is amended by re-establishing the zoning classification on the property described in attached Exhibit C as Conservation District No. 6, the Hollywood/Santa Monica Conservation District. Each of the three[two] tracts in this district at the time of passage of this ordinance are hereby renamed and re-established as Tracts [Subdistricts] I, II, and IIA of this district, which are described in attached Exhibit C. A map showing the boundaries of the district and its subdistricts is attached as Page 6 of Exhibit A[B]].

SECTION 3. <u>Purpose</u>. This district is amended and re-established to provide a means of conserving the Hollywood/Santa Monica neighborhood and to protect and enhance its significant architectural and cultural attributes.

SECTION 4. <u>Interpretations and definitions</u>. Unless otherwise stated:

- (a) all references to code sections in this ordinance refer to sections in Chapter [CHAPTER] 51A, ["PART II OF THE DALLAS DEVELOPMENT CODE,"] of the Dallas City Code, as amended, and
- (b) the definitions and provisions contained in <u>Chapter [CHAPTER]</u> 51A, ["PART II OF THE DALLAS DEVELOPMENT CODE,"] of the Dallas City Code, as amended, apply to this ordinance. In this ordinance:
- (1) ACCENT COLOR means color used in small amounts to trim and accentuate detailed architectural features such as narrow decorative moldings and window sashes.
- (2) ARCHITECTURAL ELEMENTS mean chimneys; roof style, pitch, materials, and overhang; building materials; window style; vent style; balconies; towers; wing walls; eave overhangs; window sashes; porches; crowns; pilasters; and other similar items.
- (3) BERM means a mound of earth used as a physical barrier between areas, or as a landscape architectural design feature.
- (4) BODY COLOR means the dominant paint color of a structure. The color of unpainted brick is the body color for most houses in this district.
- (5) CIRCULAR DRIVE means a non-permeable surface, located in a front yard or cornerside yard; used as an access to off-street parking or for off-street parking; and which has two curb cuts onto the same street.
- (6) CONTRIBUTING STRUCTURE means any structure listed as a contributing structure by street address or designated as a contributing structure on the map labelled "Architectural Styles" in Exhibit A. In the event of a discrepancy between the identity of a contributing structure in the list and in the map contained in Exhibit A, the text of the street address list prevails over the map. A contributing structure is one which exemplifies the district's original architectural appearance because of its identifiable style and form.
- (7) CORNER LOT means a lot that has frontage on two different streets.
- (8) CORNERSIDE LOT LINE means a lot line that abuts a cornerside yard.
- (9) CORNERSIDE FACADE means the main building facade facing the side street.

- (10) CORNERSIDE YARD means a side yard that abuts a street.
- (11) DIRECTOR means the director of [planning and] development services or the director's representative.
- (12) DOCUMENTED ASSURANCE means an architectural drawing or photograph delineating the original or existing appearance of the structure.
- (13) ESTABLISHED BUILDING LINE means the setback lines originally required on the lot when the subdivision plat was filed.
- (14) EXISTING STRUCTURE means a structure located in this district on September 27, 1989.
- (15) FENCE means a structure or hedgerow that provides a physical barrier.
- (16) FLUORESCENT COLOR means any color defined by the Munsell Book of Color as having a minimum value of eight and a minimum chroma of ten.
- (17) FOUNDATION PLANTINGS means a hedge or other planting material installed next to a structure to provide a cover or camouflage for the area between the ground and the bottom of a sill, or the top of a railing.
- (18) HALF STORY means the space in a structure located just under the roof rafters and above a finished floor.
- (19) HEIGHT means the vertical distance measured from grade to the highest point of the structure. (See attached Exhibit B.)
- (20) INSIDE LOT LINE means the side property line on a lot that:
 - A) separates the lot from adjoining property; and
- B) does not abut a public right-of-way such as a street or alley.
- (21) LOT means a building site, as defined in the Dallas Development Code, as amended.
- (22) METALLIC COLOR means a color containing metallic chips or a color intended to look like metal, such as silver or gold.

- (23) NONCONTRIBUTING STRUCTURE means any structure that is not a contributing structure or a significant structure.
- (24) PARKWAY means the area between the sidewalk and the curb, or the area between the sidewalk and the pavement if there is no curb.
- (25) REMODEL means renovation or repair that either changes the appearance of the structure or replaces original material with another material.
- (26) RETAINING WALL means a masonry, concrete, or stuccoed wall between six and 30 inches in height which is located in a front or side yard and is used to prevent the erosion of land.
- (27) ROOF RIDGE means the apex of any roof structure, regardless of its style or form.
- (28) ROLL FLOORING means flooring material commonly packaged in rolls, including, but not limited to, carpeting, synthetic turf, and vinyl floor and surface coverings.
- (29) ROLL ROOFING means roofing material commonly packaged in rolls.
 - (30) SIDE YARD means:
- (A) that portion of a lot extending from the front setback line to the rear setback line and the side lot line; or
- (B) that portion of a lot which is between a lot line and a setback line but is not a front or rear yard.
- (31) SIGNIFICANT STRUCTURE means any structure listed as a significant structure by street address or designated as a significant structure on the map labelled "Architectural Styles" in Exhibit A. In the event of a discrepancy between the identity of a significant structure in the list and in the map contained in Exhibit A, the text of the street address list prevails over the map. While not exemplary of the district's contributing architectural styles, a significant structure is:
 - (A) an original structure in the district;
- (B) of the same period as the district's contributing structures; and
- (C) representative of and comparable to the quality of construction, detailing, and workmanship of its particular style as the contributing structures are representative of their styles in the district.

- (32) STREET FACADE means any facade that faces a lot line that abuts a public street.
- (33) STREET FACADE WIDTH means the distance between the intersections of the front facade with each of its respective side walls.
- (34) THIS OR THE DISTRICT means the Hollywood/Santa Monica Conservation District.
- (35) TRIM COLOR means a color other than the body color. Wood colored translucent stains are included as trim colors. Trim color does not include the color of gutters, porch floors, and ceilings.
- (36) WRAP-AROUND means the continuation, for a distance of at least 25 feet behind and perpendicular to the street facades, of the masonry facade treatment on any new structure not intended to be constructed completely of masonry.

SECTION 5. Conceptual p[P]lan. The Hollywood/Santa Monica c[C]onceptual p[P]lan reflecting the history of this district, and illustrating architectural style requirements and the locations of contributing, significant, and noncontributing structures is attached to and made a part of this ordinance as Exhibit A. In the event of a conflict between the text of the main body of this ordinance and the conceptual plan, the text of the main body of this ordinance controls. Additional graphics are attached to and made a part of this ordinance as Exhibit B.

SECTION 6. Development standards.

- (a) Tract I. Except as otherwise provided, the development standards of the R-5(A) Single Family District apply to the area specified on the map as Tract I and designated as the R-5(A) Single Family Subdistrict of the Hollywood/Santa Monica Conservation District. (See attached Exhibit A.) The following development standards are applicable to Tract I of this district.
 - (1) Uses.
 - (A) The following uses are permitted in this tract:
 - (i) Duplex uses.

- (ii) Any use permitted in the R-5(A) Single Family District.
- (B) A minimum of two off-street parking spaces are required for each dwelling unit.
- (C) The following lots are limited exclusively to those uses permitted in the R-5(A) Single Family District:
 - (i) Lots that were vacant on September 27, 1989.
- (ii) Lots upon which structures have been intentionally removed, demolished, or destroyed.
- (D) The number of dwelling units on a building site may not be increased. If the number of dwelling units in a building is reduced, or the building is replaced with another building containing a lesser number of dwelling units, the building site must thereafter be limited to the lesser number of units.
- (2) <u>Lot size requirements</u>. Lots must have a minimum area of 5,000 square feet, a minimum depth of 100 feet, and a minimum width of 50 feet.
 - (3) <u>Minimum and maximum front yard setbacks for main structures.</u>

(A) Minimum front yard.

- (i) Except as provided below, a minimum 35-foot front yard setback must be provided on all building sites.
- (ii) The established building line must be used on blockfaces where the setback is greater than 35 feet.
- (B) <u>Maximum front yard</u>. A maximum 40-foot, or within 10 percent of the average front yard setback of both adjacent main structures, must be provided on all lots.
- (4) <u>Minimum side and cornerside yard setbacks for main structures</u>. A minimum side yard setback of five feet must be provided on all building sites.
- (5) <u>Minimum rear yard setback for main structures</u>. A minimum rear yard setback of 10 feet must be provided on all building sites.

(6) Setbacks for garages, carports, and accessory structures.

- (A) Except as provided below, detached garages, carports, and all other accessory structures must be located to the rear of the main structure. On corner lots, accessory structures must not be located closer to the cornerside lot line than the main structure.
- (B) Garages and carports on residential lots facing East Grand Avenue (Lots 1-8 of Block 13/2714; Lots 1-16 of Block 1/2709; and Lot 6 of Block 2702) may be located in front of the main structure as long as:
- (i) a minimum front yard setback of 35 feet is maintained;
- (ii) a garage or carport which meets building code requirements cannot be legally located to the rear of the main structure; and,
- (iii) the style, materials, roof pitch, color, and design are compatible with that of the main structure.
- (C) Attached front entry garages and carports are permitted if located on the rear 50 percent of the main structure. Existing garages and carports located on the front 50 percent of main structures may be replaced, repaired, or maintained, but may not be enlarged.
- (D) A rear yard setback of 20 feet is required for all rear entry garages and carports.
- (E) A cornerside yard setback of 20 feet is required for all side entry garages and carports that are accessed from the side street.
- (7) <u>Maximum lot coverage</u>. The maximum permitted lot coverage on each building site is 45 percent.

(8) Maximum building height.

- (A) Except as otherwise provided, the maximum permitted height for all structures is 24 feet.
- (B) If any portion of an existing structure's roof ridge exceeds the permitted maximum height, the lower portion of that structure's roof ridge may be raised to the height of the taller portion of the roof ridge.

(9) Stories.

- (A) Except as provided below, the maximum number of stories is one and one-half. New one and one-half story structures may be built to within plus or minus ten percent of the height of existing adjacent contributing or significant one and one-half story structures even if that height exceeds 24 feet.
- (B) Two story additions may be constructed on existing two story structures.
- (b) <u>Tracts II and IIA</u>. Except as otherwise provided, the development standards of the MF-2(A) Multifamily District apply to the area specified on the map as Tracts II <u>and IIA</u> and designated as the MF-2(A) Multifamily Subdistrict of the Hollywood/Santa Monica Conservation District. (See attached Exhibit A.) The following development standards are applicable to Tracts II and IIA of this district.

(1) <u>Uses and parking</u>.

- (A) The only uses allowed on Tracts II and IIA are those uses permitted in the MF-2(A) Multifamily District.
- (B) A minimum of two off-street parking spaces are required for each single family and duplex dwelling unit in Tract II. In Tract IIA A minimum of two off-street parking spaces are required for each dwelling unit, and for a shared access development as defined in Chapter 51A of the Dallas City Code, as amended, guest parking must also be provided at 0.125 unassigned spaces per dwelling unit. For purposes of guest parking, all of Tract IIA is considered to be one lot.
- (C) No required or excess off-street parking may be placed in the front or cornerside yard.
- (D) In Tract IIA, tandem parking (one parking space in front of another parking space) may be counted toward required parking, except for required guest parking.

(2) Lot size requirements.

- (A) In Tract II, 1[L]ots must have a minimum area of 10,000 square feet, a minimum depth of 100 feet, and a minimum width of 100 feet.
- (B) In Tract IIA, all lots (including lots within a shared access development) must have a minimum area of 1,200 square feet, a minimum depth of 50 feet and a minimum width of 18 feet. In a shared access development in Tract IIA, lot depth may be measured to the centerline of the shared access area.

- (3) <u>Minimum and maximum front yard setbacks for main structures.</u>
- (A) Minimum front yard. A minimum 35-foot front yard setback must be provided on all building sites in Tract II. A minimum 10-foot front yard setback must be provided on all building sites in Tract IIA.
- (B) <u>Maximum front yard</u>. No maximum front yard setback is required.
 - (4) Minimum side and cornerside yard setbacks for main structures.
- (A) In Tract II, a[A] minimum side yard setback of 20 feet and a minimum cornerside yard setback of 25 feet must be provided on all building sites, and $a[\cdot]$
- [(B) A] minimum spacing of 20 feet between buildings must be provided.
- (B) In Tract IIA, a minimum side yard setback of five feet and a minimum cornerside yard setback of 10 feet must be provided. In Tract IIA, a minimum spacing of 10 feet must be provided between each group of eight attached single family dwelling units, including those within a shared access development.
 - (5) Minimum rear yard setback for main structures.
- (A) A minimum rear yard setback of 20 feet must be provided on all building sites in Tract Π .
- (B) A minimum rear yard setback of 10 feet must be provided on all building sites in Tract IIA.
 - (6) <u>Setbacks for garages, carports, and accessory structures.</u>
- (A) <u>In Tract II, d[D]</u> etached garages and carports, and all other accessory structures must be located to the rear of the main structure.
- (B) In Tract II, a[A]ttached front entry garages and carports are permitted if located behind an imaginary line extending through the structure that divides the front 50 percent and the rear 50 percent of the main structure.

(C) In Tract IIA:

- (i) garages may not be entered directly from or have direct access from a public street;
- (ii) accessory mail kiosks may be located in the side, cornerside or rear yard; and

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- yard, but may be located in the side, cornerside or rear yard in accordance with the screening provisions of Chapter 51A of the Dallas City Code, as amended.
- (7) <u>Screening</u>. In addition to the requirements of Section 51A-4.602 of the Dallas Development Code, screening for multifamily uses must comply with the landscaping provisions of this ordinance.
- (8) <u>Maximum number of dwelling units.</u> The maximum number of dwelling units allowed in Tract IIA is 100.
- (9) <u>Maximum building height</u>. The maximum building height in Tract IIA is 45 feet as measured to the midpoint of the roof. The additional height restrictions imposed by residential proximity slope regulations do not apply to residential uses in Tract IIA.
- (10) <u>Maximum number of stories</u>. The maximum number of stories for any building in Tract IIA is three.
- (11) Maximum lot coverage. In Tract IIA, the maximum lot coverage for an individual lot is 90 percent if the coverage for Tract IIA as a whole does not exceed 60 percent. All parts of Tract IIA other than right-of-way are included as part of Tract IIA for this calculation (i.e. for the purpose of this calculation, common area, open space area, and area within a 100-year flood plain within Tract IIA are included as part of Tract IIA).
- (12) <u>Shared access development.</u> The shared access development provisions in Chapter 51A of the Dallas City Code, as amended, are amended for Tract IIA to allow a maximum of 42 individual lots per shared access development.
- (13) Open space area. In Tract IIA, no construction is permitted in the area bounded by the centerline of Vivian Avenue to a point 450 feet east of the centerline, extending from the south line of Shadyside Lane to the southern boundary of Tract IIA (the southern boundary line being approximately 215 feet in a southwesterly direction from the south line of Shadyside Lane).

SECTION 7. Architectural provisions.

(a) Regulation of architectural styles.

- (1) The regulations contained in this section apply to all structures in this district located on a lot. These provisions regulate those architectural elements located:
- (A) on the front 50 percent or 25 feet of a structure, whichever is less; and
 - (B) on any street facade of a structure.
- (2) The following architectural features may not be removed from any contributing or significant structure except on a temporary basis for the purpose of repair and maintenance, or except when the structure is scheduled for total demolition:
 - (A) Balustrades.
 - (B) Chimneys.
 - (C) Dormers.
 - (D) Exterior stained and leaded glass.
 - (E) Porches and porch columns.
 - (F) Porte cocheres.
 - (G) Roof eaves.
 - (H) Turrets.
 - (I) Window and door openings.
- (3) The facade treatments, materials, and design for new construction on vacant lots must be typical or look typical of the style and period of Tudor structures in the district. The street facades must:
- (A) be constructed with a minimum of 80 percent brick or stone veneers;
- (B) incorporate a minimum 25-foot brick or stone veneer wraparound in its design and construction if the proposed structure is not intended to be built completely with brick or stone veneers; and
- (C) comply with the architectural elements of the contributing style approved for construction on that lot.
- (4) The facade treatments, materials, and design for new construction on lots where structures have been intentionally removed, demolished, or destroyed must comply with the architectural styles illustrated in Exhibit A for Tudor structures and with the requirements of Section 7(a)(3) of this ordinance.

- (5) All remodeling, reconstruction, or alteration of an existing contributing or significant structure must comply with the requirements of the contributing or significant structure's designated style as established in Exhibit B. All of the architectural elements of the contributing or significant style must be incorporated into the new construction. As an alternative to compliance with a contributing or significant structure's designated style, the property owner may provide the director with documented assurance that the proposed work will reconstruct the original or existing architectural style and materials of the structure.
- (6) Existing noncontributing main structures may be remodeled or altered only if the work complies either with the architectural style requirements listed in Exhibit A or with the structure's existing architectural style. Any existing noncontributing structure that is damaged or destroyed by accident or act of God may be rebuilt in accordance with the provisions for nonconforming structures contained in Section 51A-4.704 of the Dallas Development Code, as amended.
- (7) Structures associated with utility and transportation uses and erected in a public right-of-way or easement are exempt from the architectural provisions of this ordinance.

(b) Accessory structures.

- (1) Accessory structures built to the rear of the main structure are exempt from any architectural regulations of this ordinance except on corner lots. On corner lots, all construction or remodeling of an accessory structure visible (not concealed by a screening fence or shrubbery) from the side street must be compatible with the common architectural style of other structures accessory to main structures of the same architectural style as that of the main structure on the lot in question.
- (2) Garages and carports on Tract I erected in front of the main structure must comply with the following regulations:
- (A) The proposed structure may not be erected any closer than 35 feet from the front property line and must meet the same side yard setback requirements as the main structure.
- (B) New construction of a garage or carport erected in front of the main structure must match or be compatible with that of the main structure in style, color, roof pitch, design, and form.
- (c) <u>Street facade width</u>. The minimum street facade width for all structures on Tracts I and II is 30 feet. <u>On Tract IIA</u>, the minimum street façade width for single family attached uses is 18 feet, and the minimum street façade width is 30 feet for all other uses.

- (d) Roofs. The following roof surfacing materials are prohibited for new construction or remodeling in this district for any pitched or sloping roofs:
 - (A) Metal.
 - (B) Corrugated, plastic, or asbestos.
 - (C) Mineral aggregate.
 - (D) Rolled roofing.

(e) Glass.

- (1) Only transparent or stained glass is permitted in window and door openings facing a street. Reflective, mirrored, translucent, or opaque glass is prohibited.
- (2) Unless a structure is scheduled for complete demolition, stained and leaded glass may only be removed from a contributing or significant structure on a temporary basis for replacement with comparable stained or leaded glass or for repair and maintenance. It is a defense to prosecution under this provision that the stained or leaded glass was removed by vandalism or an act of God. New materials used in reglazing stained and leaded glass must reproduce the appearance of the original glass.
- (3) Stained or leaded glass used to replace original or existing glass must be appropriate to or compatible with the style and period of the structure.

(f) <u>Enclosures</u>.

- (1) Except as otherwise provided, only glass, screen, and framing and glazing installation materials may be used to enclose porches. Brick or stone, including veneers of these materials, that match the existing materials of the main structure may also be used to partially enclose a porch opening as long as these materials are used in conjunction with those materials listed above and their use does not detract from the architectural style of the structure. Glass porch enclosures may include wood and metal mullions and muntins for the purpose of creating glazing patterns and may incorporate a compatible glazed door. Enclosures must be compatible with the architectural style of the structure.
- (2) Porte cocheres may not be enclosed with any building material, fence, or wall.

(g) Facade openings.

(1) The original facade openings must be retained.

- (2) Awnings must be designed and installed in a manner that is typical of the style and period of the contributing or significant structure. Fabric awnings are recommended, but wood or metal awnings which are typical of the period and style of the structure are permitted. Designs for awnings must be submitted to the director for review and approval before they are installed.
- (3) Shutters must be designed and installed in a manner that is typical of the style and period of the contributing or significant structure. New shutters must be wide enough to cover the facade opening. Designs for new or replacement shutters must be submitted to the director for review and approval before they are installed.

(h) Screen and storm doors and windows.

- (1) Screen and storm doors are permitted in this district.
- (2) The frame, casing, rails, stiles, and muntins of screen and storm doors and windows may:
 - (A) not consist of clear anodized or unfinished metal; and
- (B) include or incorporate decorative elements as long as these elements are typical of or compatible with the style and period of the main structure.

(i) Windows.

- (1) New or replacement windows must be appropriate to or compatible with the style and period of the structure.
- (2) Fixed plate glass windows are not permitted on a street facade except for:
 - (A) stained or leaded glass windows; or
 - (B) porch enclosures.
- (3) All windows must fit the structure's wall openings. Additional infill materials are not allowed.
- (4) Metal window frames facing the street must be painted with non-metallic paint and must be indistinguishable from original windows.
- (5) Window air conditioner units are not permitted in windows or walls on the front facade.

- (j) <u>Color</u>. A building facade may not be painted with more than one body color and three trim colors, except that in Tract IIA a maximum of two body colors and three trim colors are allowed.
- (1) <u>Brick surfaces</u>. Brick surfaces not previously painted must not be painted unless the applicant establishes that:
- (A) the color and texture of replacement brick cannot be matched with that of the existing brick surface;
- (B) the brick is not original or compatible with the style and period of the main building and the district;
- (C) painting is the only method by which the brick may be restored or preserved; or
- (D) painted brick is characteristic of the style and period of the main structure.
- (2) <u>Certain colors prohibited</u>. Flourescent and metallic colors are not permitted on the exterior of any structure in this district.

(3) Body and trim colors.

- (A) All structures must have a body color and no more than three trim colors, including any accent colors, except that in Tract IIA a maximum of two body colors and three trim colors are allowed. On a house with brick or stone veneer, the color of the brick or stone is considered to be the body color. Dominant, trim, and accent colors must be used in the locations shown on attached Exhibit B.
- (B) The colors of a structure must be complementary of each other and the overall character of this district.
- (C) The body color and trim colors of all structures should conform with the color ranges or their equivalents in value, chroma, and hue outlined in the Munsell Book of Color as follows:
- (i) <u>Value</u>. A body color should have a value of between six and nine, and a trim color should have a value of between three and nine.
- (ii) <u>Chroma</u>. A body color should have a chroma between one and four, and a trim color should have a chroma between one and six.

- (iii) <u>Hue.</u> A body color and a trim color should have a hue of between two and one-half and ten for red (R), green (G), blue (B), yellow (Y), yellow-red (YR), and green-yellow (GY). Neutral gray, absolute white, and black may also be permitted. Neutral gray must be equivalent in value to those ranges specified above. Black may only be used as an accent or trim color. Any colors or color schemes that are not within the specified allowable Munsell ranges must be reviewed and approved or denied by the director. The director shall not approve any colors or color schemes (or their equivalents) that are specifically excluded by this ordinance.
- (D) Complimentary color schemes are encouraged throughout each block face.
- (k) Wrought iron and metal elements. Wrought iron and metals resembling wrought iron are recognized as legitimate architectural and decorative elements in the district. Certain limits and restrictions that apply to their use are shown in Exhibit A.
- (1) Wrought iron and metal fences must be typical of the style and period of the structure.
- (2) Wrought iron and metal columns and trims on structures are not permitted. Other wrought iron and metal decorative elements must be:
- (A) typical of the style and period of the contributing or significant structure; and
- (B) reviewed and approved by the director when proposed for use on a structure or as part of other architectural elements to be used on a structure.
- (3) Wrought iron or metal security bars are not permitted as porch or porte cochere enclosures or on front facade openings.
- (l) <u>Handicapped access facilities</u>. Ramps, rails, and other structures necessary to provide access for handicapped persons are permitted. The following restrictions apply:
- (1) All handicapped facilities located on a structure must comply with all other applicable codes for their design, construction, and maintenance.
- (2) Except as provided below, handicapped access for new structures must be provided on the rear 50 percent of the main structure.
- (3) Handicapped access facilities may be allowed on the front 50 percent of an existing or new structure if the facilities are integrated into the overall design of the structure and are indistinguishable from an architectural element that is typical of the style and period of a contributing or significant styled structure in the district.

(m) Fences and walls.

- (1) Fences and walls are prohibited in the front yard except for the following:
 - (A) Balustrades.
 - (B) Porch rails.
 - (C) Hand rails.
- (D) Retaining walls no higher than 30 inches above grade, except that there is no limit to the height of retaining walls permitted in the front yard in Tract IIA.
- (2) Fences and walls must be located at least five feet behind the front facade of the main structure. On cornerside facades, fences may be erected along the property line beginning at the rear corner of a projection from the main structure. Where there is no projection, a fence may be erected to a point midway, measured from front to rear, of the length of the main structure. (See attached Exhibit B.) Fences located on cornerside yards shall not exceed six feet in height.

SECTION 8. <u>Landscaping provisions</u>. The regulations [contained] in this section apply to all lots in this district.

(a) <u>Driveways and curbing.</u>

- (1) All driveways and curbing located between a main structure and the front or cornerside lot line must be constructed with one of the following permanent outdoor paving materials: smooth finished concrete, interlocking concrete paving block, or brick and stone pavers. Asphalt, exposed aggregate pavement, and loose aggregate pavement, such as gravel and bark mulch, are not permitted in this area. Asphalt is permitted as a pavement material for institutional uses located in Tract I and for uses, other than single family and duplex, in Tract II.
- (2) No circular drives located in the front yard or the cornerside yard are permitted for single family and duplex uses.
- (3) Driveways are limited to one curb cut per lot and may not exceed 12 feet in width for single family uses, except that this provision does not apply to shared access developments in Tract IIA. Except as provided below, two curb cuts are permitted for institutional uses in Tract I and for uses, other than single family, in Tract II, as long as the total combined curbcut width does not exceed 24 feet.

- (4) On a corner lot, the curbcut on the side street may be 24 feet in width if it is either located behind the rearmost corner of the main structure, or the curbcut provides access to a garage or carport.
- (5) Driveways located in a front yard, cornerside yard, or parkway must not be blocked off, enclosed, or otherwise obstructed with fences, landscaping, or other materials.
- (b) <u>Sidewalks and front porches</u>. All sidewalks and porches located between a main structure and the front or cornerside lot line must be constructed with one of the following permanent outdoor paving materials: smooth finished concrete, interlocking concrete paving block, or brick and stone pavers. Asphalt, rolled flooring, exposed aggregate, and loose aggregate pavement, such as gravel and bark mulch, are not permitted in this area.

(c) Front yards and parkways.

- (1) No more than 30 percent of the required front yard or parkway may be covered with paving material.
- (2) No required or excess parking is permitted in the required front yard in Tract II.
- (3) No structures are permitted in the front yard, side yard, cornerside yard, or parkway, including mail boxes, pylons, satellite dishes, and accessory structures.
- (4) Temporary holiday decorations are permitted in the front yard, cornerside yard, and parkway during the appropriate season. This provision is not intended to infringe upon religious expression.
- (5) A minimum parkway of three feet must be maintained for the installation, repair, or replacement of a sidewalk. If a parkway is currently wider than three feet, the sidewalk must be constructed in a manner which maintains the existing or adjacent parkway width.
- (d) <u>Berms</u>. Earthen berms are not permitted in any front yard or parkway. Berms may be constructed in a cornerside yard if the berms:
 - (1) are located behind the front building line;
- (2) do not exceed a slope of one foot of height for each three feet of width; and
 - (3) do not exceed a maximum height of 30 inches above grade.

- (e) <u>Retaining walls</u>. Existing retaining walls may be repaired and maintained. New retaining walls must be made of brick, stone, or other masonry materials and must:
- (1) be set back from the public right-of-way a distance of at least two feet, except that the retaining wall may align with an existing and adjacent or adjoining retaining wall;
- (2) not exceed 30 inches in height at grade, except that there is no height restriction for new retaining walls in Tract IIA; and
- (3) match or be compatible with an adjacent or adjoining retaining wall; or
- (4) match or be compatible with the main structure on the lot where the wall is being constructed.

SECTION 9. Signs.

- (a) <u>Tract I.</u> All signs must comply with the provisions for non-business zoning districts contained in Article VII, "Sign Regulations," of the Dallas Development Code, as amended.
- (b) <u>Tracts II and IIA</u>. All signs must comply with the provisions for business zoning districts contained in Article VII, "Sign Regulations," of the Dallas Development Code, as amended.
- SECTION 10. <u>Nonconforming uses and structures</u>. The nonconformity provisions of <u>Chapter</u> [CHAPTER] 51A, ["PART II OF THE DALLAS DEVELOPMENT CODE,"] of the Dallas City Code, as amended, apply to the Hollywood/Santa Monica Conservation District.

SECTION 11. Review procedures.

(a) <u>Building permit review</u>.

(1) Upon receipt of an application for a building permit for work in this district, if the proposed construction or modification is located on a street facade, the building official shall refer the permit application and plans to the director to determine whether the project meets the requirements of this ordinance. The review must be conducted so that the decision on issuance of the building permit can be completed no later than 30 days from the date of submission of the completed application to the building official.

- (2) If the director determines that the application complies with the requirements of this ordinance, he shall refer the permit application, plans, and all other relevant information to the building official, who shall issue the permit if all requirements of the construction codes and other applicable ordinances have been met.
- (3) If the director determines that the application does not comply with the requirements of this ordinance, he shall state in writing the specific requirements to be met before issuance of a permit to authorize the work requested, and the building official shall deny the permit. The director shall give written notice to the applicant of his reason for recommending denial of a building permit application. Notice is given by depositing the notice properly addressed and postage paid in the United States mail. The notice must be sent to the address shown on the application.

(b) Work not requiring a building permit.

- (1) This ordinance applies to any exterior work on a lot regardless of whether the work requires a building permit. Any violation of a provision of this ordinance is subject to civil and criminal enforcement.
- (2) The director shall determine whether the proposed, in progress, or completed work or project meets the requirements of this ordinance. The review must be conducted so that the determination can be made no later than 10 days from the date of notification of the proposed, in progress, or completed work or project.
- (3) If the director determines that the plans or work complies with the requirements of this ordinance, he shall approve the plans and shall give written notice of his findings to the applicant.
- (4) If the director determines that the application does not comply with the requirements of this ordinance, he shall state in writing the specific requirements to be met before an approval is granted. The director shall give written notice to the property owner of his reason for denial of work. Notice is given by depositing the notice properly addressed and postage paid in the United States mail. The notice must be sent to the address shown on the application. In the event an address is not provided, the notice shall be sent to the address shown on the tax roll.

SECTION 12. Appeals.

- (a) An applicant may appeal any decision made by the director pursuant to this ordinance to the board of adjustment by filing a written request for appeal with the department of [planning and] development services within 10 days after notice is given to the applicant of the director's decision.
- (b) The director shall also notify the Hollywood/Santa Monica neighborhood organization within five days of the receipt of an applicant's request for appeal.

- (c) Appeal to the board constitutes the final administrative remedy available to an applicant.
- (d) In considering the appeal, the sole issue before the board shall be whether the director erred in his or her decision. The board shall consider the same standards that were required to be considered by the director in making his or her decision.
- (e) The board may not vary the provisions and intent of this ordinance unless the ordinance specifically provides for such a variance.

SECTION 13. Notice of hearing.

- (a) The board shall hold a public hearing on all appeals.
- (b) The director shall send written notice of the public hearing on the appeal to the board to the appellant and all owners of real property located within 200 feet, including streets and alleys, from the boundary of the area upon which the appeal is made. The notice must be given not less than 10 days before the day set for the hearing by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll.
- (c) The director shall give notice of the time and place of the public hearing in the official newspaper of the city at least 10 days before the hearing."

SECTION 3. The director of development development services shall correct Zoning District Map Numbers I-8 and I-9, in the offices of the city secretary, the building official, and the department of development services to reflect the changes in zoning made by this ordinance.

SECTION 4. That Pages 6 and 10 of the conceptual plan, Exhibit A of Ordinance No. 21608, as amended are replaced by the Pages 6 and 10, respectively, attached to this ordinance.

SECTION 5. That the Subarea Property Descriptions, Exhibit C of Ordinance No. 21608, as amended, is amended by adding the following to the end of the description of Subarea II:

", save and except the property in Tract IIA;

Tract IIA: Being the property more particularly described in Exhibit D which is attached to and made a part of Ordinance No. , passed by the Dallas City Council on August 8, 2007."

SECTION 6. That the city attorney is authorized to insert the enrolled number of this ordinance in the amendment to Exhibit C.

SECTION 7. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 8. That, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 9. 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 10. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By Vally Zibilich
Assistant City Attorney

Passed ____ AUG 0 8 2007

Exhibit D Property Description of Tract IIA within Conservation District No. 6 Page 1 of 7

A 4.213 acre tract of land situated in the A.T. Nanny Survey, Abstract No. 1094, Dallas County, Texas, said tract being all of Block 2/2703 of Shadywood Terrace, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 25, Page 251 of the Map Records of Dallas County, Texas and the northwest one-half (24 feet) of Vivian Avenue along said Block 2/2703; said Block 2/2703 also being the same tract of land described as "Tract 1" in Special Warranty Deed to The Housing Authority of the City of Dallas, Texas recorded in Instrument No. 20070051573 of the Official Public Records of Dallas County, Texas; said 4.213 acre tract being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod with "Pacheco Koch" cap found at the intersection of the southwest right-of-way line of Shadyside Lane (a variable width right-of-way, 50 feet wide at this point) with the northwest right-of-way line of Vivian Avenue (a 48 foot wide right-of-way);

THENCE, South 41 degrees, 29 minutes, 25 seconds East, a distance of 24.02 feet to a point in the centerline of said Vivian Avenue;

THENCE, South 45 degrees, 59 minutes, 54 seconds West, along the said centerline of Vivian Avenue, a distance of 178.37 feet to a point for corner;

THENCE, North 26 degrees, 41 minutes, 23 seconds West, departing the said centerline of Vivian Avenue, a distance of 25.14 feet to a point in a creek for corner; said point being the northeast corner of a tract of land described in a deed to Gustave Barbosa recorded in Volume 96173, Page 2848 of the Deed Records of Dallas County, Texas; said point also being on the said northwest line of Vivian Avenue;

THENCE, departing the said northwest line of Vivian Avenue, along the northerly line of said Barbosa tract and generally along said creek the following three calls:

North 02 degrees, 27 minutes, 26 seconds West, (plat: North 02 degrees, 24 minutes, 20 seconds West) a distance of 76.94 feet to a point for corner;

North 34 degrees, 57 minutes, 06 seconds West, (plat: North 34 degrees, 54 minutes West) a distance of 31.32 feet to a point for corner;

North 49 degrees, 21 minutes, 36 seconds West, (plat: North 49 degrees, 18 minutes, 30 seconds West) passing at a called distance of 46.66 feet the common most northerly corner of said Barbosa tract and the most easterly corner of Block D/2704 of Santa Monica Heights Addition Revised, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 73063, Page 0382 of the Deed

Exhibit D Property Description of Tract IIA within Conservation District No. 6 Page 2 of 7

Records of Dallas County, Texas, continuing along the northerly line of said Block D/2704, a total distance of 50.97 feet to a point for corner;

THENCE, continuing along the northerly line of Block D/2704, and generally along said creek, the following 13 calls:

North 51 degrees, 39 minutes, 06 seconds West, (plat: North 51 degrees, 36 minutes West) a distance of 50.00 feet to a point for corner;

North 79 degrees, 07 minutes, 36 seconds West, (plat: North 79 degrees, 04 minutes, 30 seconds West) a distance of 56.37 feet to a point for corner;

North 37 degrees, 04 minutes, 36 seconds West, (plat: North 37 degrees, 01 minutes, 30 seconds West) a distance of 51.66 feet to a point for corner;

North 60 degrees, 44 minutes, 36 seconds West, (plat: North 60 degrees, 41 minutes, 30 seconds West) a distance of 50.64 feet to a point for corner;

North 67 degrees, 17 minutes, 36 seconds West, (plat: North 67 degrees, 14 minutes, 30 seconds West) a distance of 51.92 feet to a point for corner;

North 69 degrees, 23 minutes, 46 seconds West, (plat: North 69 degrees, 20 minutes, 40 seconds West) a distance of 52.50 feet to a point for corner;

North 76 degrees, 21 minutes, 06 seconds West, (plat: North 76 degrees, 18 minutes West) a distance of 55.04 feet to a point for corner;

North 75 degrees, 24 minutes, 06 seconds West, (plat: North 75 degrees, 21 minutes West) a distance of 54.63 feet to a point for corner;

North 59 degrees, 37 minutes, 06 seconds West, (plat: North 59 degrees, 34 minutes West) a distance of 50.49 feet to a point for corner;

North 60 degrees, 44 minutes, 36 seconds West, (plat: North 60 degrees, 41 minutes, 30 seconds West) a distance of 50.64 feet to a point for corner;

North 40 degrees, 13 minutes, 06 seconds West, (plat: North 48 degrees, 10 minutes West) a distance of 50.09 feet to a point for corner;

North 55 degrees, 46 minutes, 26 seconds West, (plat: North 55 degrees, 43 minutes, 20 seconds West) a distance of 27.06 feet to a point for corner;

Exhibit D

Property Description of Tract IIA within Conservation District No. 6
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North 43 degrees, 05 minutes, 27 seconds West, (plat: North 39 degrees, 59 minutes, 30 seconds West) a distance of 50.91 feet (plat: 52.49 feet) to a point for corner;

THENCE, North 23 degrees, 14 minutes, 20 seconds East, (plat: North 22 degrees, 27 minutes, 20 seconds East) departing said creek, along the northerly line of said Block D/2704, a distance of 63.63 feet (plat: 54.54 feet) to a chain link fence post found for corner;

THENCE, North 45 degrees, 04 minutes, 00 seconds West, (plat: North 37 degrees, 34 minutes, 10 seconds West) along the north line of said Block D/2704, a distance of 90.22 feet (plat: 92.0 feet) to a 5/8-inch iron rod with "RPLS 4083" cap found for corner; said point being the common most northerly corner of said Block D/2704 and the most easterly corner of a tract of land described in a Warranty Deed to Neighbors United For Quality Education, Inc. recorded in Volume 2000213, Page 1510 of the Deed Records of Dallas County, Texas;

THENCE, North 45 degrees, 19 minutes, 36 seconds West, (plat: North 45 degrees, 35 minutes West) along the northerly line of said Neighbors United for Quality Education, Inc. tract, a distance of 85.83 feet (plat: 86.07 feet) to a 1/2-inch iron rod found for corner on the southerly right-of-way line of Lindsley Avenue (a 60 foot wide right-of-way). said point being the beginning of a non-tangent curve to the right whose center bears South 23 degrees, 45 minutes, 02 seconds East, a distance of 514.46 feet from said point;

THENCE, along the said southerly right-of-way line of Lindsley Avenue and said non-tangent curve to the right, through a central angle of 00 degrees, 45 minutes, 18 seconds, an arc distance of 6.78 feet, on a chord bearing and distance of North 66 degrees, 37 minutes, 37 seconds East, 6.78 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found for corner;

THENCE, North 67 degrees, 00 minutes, 16 seconds East, (plat: North 67 degrees, 12 minutes East) continuing along said southerly right-of-way line of Lindsley Avenue a distance of 127.79 feet (plat: 128.14 feet) to a 1/2-inch iron rod with "Pacheco Koch" cap found for corner at the beginning of a tangent curve to the right;

THENCE, along said tangent curve to the right, having a radius of 108.87 feet, through a central angle of 67 degrees, 25 minutes, 45 seconds, (plat: central angle of 67 degrees, 16 minutes, 20 seconds) an arc distance of 128.12 feet, (plat: arc distance 127.83 feet) on a chord bearing and distance of South 79 degrees, 16 minutes, 51 seconds East, 120.86 feet to a cut "+" in concrete found for corner on the southwest right-of-way line of Shadyside Lane (50 feet wide at this point); said point being the beginning of a reverse curve to the left;

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THENCE, along said southwest right-of-way line of Shadyside Lane the following four calls:

In a southeasterly direction, along said reverse curve to the left, having a radius of 1351.22 feet, through a central angle of 10 degrees, 31 minutes, 54 seconds, (plat: central angle of 10 degrees, 30 minutes) an arc distance of 248.37 feet, (plat: arc distance 247.62 feet) on a chord bearing and distance of South 50 degrees, 49 minutes, 56 seconds East, 248.02 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found for corner;

South 56 degrees, 05 minutes, 53 seconds East, (plat: 56 degrees, 01 minutes, 40 seconds East) a distance of 46.17 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found for corner; said point being the beginning of a tangent curve to the right;

In a southeasterly direction, along said tangent curve to the right, having a radius of 1018.03 feet, through a central angle of 18 degrees, 00 minutes, 00 seconds, an arc distance of 319.82 feet, on a chord bearing and distance of South 47 degrees, 05 minutes, 53 seconds East, 318.51 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found for corner; said point being the beginning of a reverse curve to the left;

In a southeasterly direction, along said reverse curve to the left, having a radius of 1578.15 feet, through a central angle of 06 degrees, 58 minutes, 20 seconds, an arc distance of 192.04 feet, on a chord bearing and distance of South 41 degrees, 35 minutes, 03 seconds East, 191.92 feet to the POINT OF BEGINNING;

CONTAINING, 183,498 square feet or 4.213 acres of land, more or less.

AND

A 3.266 acre tract of land situated in the A.T. Nanny Survey, Abstract No. 1094, Dallas County, Texas, said tract being all of Block 1/2703, of Shadywood Terrace, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 25, Page 251 of the Map Records of Dallas County, Texas; said tract also being all of the same tract of land described as "Tract 2" in Special Warranty Deed to The Housing Authority of the City of Dallas, Texas recorded in Instrument No. 20070051573 of the Official Public Records of Dallas County, Texas; said 3.266 acre tract being more particularly described as follows:

COMMENCING, at a 1/2-inch iron rod found at the intersection of the northwest right-of-way line of State Highway 78 (East Grand Avenue, a variable width right-of-way) with the southwest line of a 100 foot wide Dallas Area Rapid Transit right-of-way recorded in Volume 95201, Page 3378 of the Deed Records of Dallas County, Texas;

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THENCE, North 39 degrees, 45 minutes, 30 seconds West, along the said southwest line, a distance of 101.10 feet to a point;

THENCE, North 39 degrees, 11 minutes, 00 seconds West, along the said southwest line, a distance of 67.36 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found for the POINT OF BEGINNING; said point being the easternmost corner of said Block 1/2703;

THENCE, South 45 degrees, 00 minutes, 00 seconds West, departing said southwest line and along the southeast line of said Block 1/2703, a distance of 127.51 feet (plat: 127.15') to a 1/2-inch iron rod with "Pacheco Koch" cap found for corner on the northeast right-of-way line of Shadyside Lane (a variable width right-of-way, 53-foot wide at this point);

THENCE, along said northeast right-of-way line of Shadyside Lane the following six calls:

North 45 degrees, 04 minutes, 13 seconds West, (plat: North 45 degrees West) a distance of 116.06 feet (plat: 117.5 feet) to a "PK" nail with "Pacheco Koch" washer found for corner; said point being the beginning of a tangent curve to the right;

In a northwesterly direction along said tangent curve to the right, having a radius of 1528.15 feet, through a central angle of 06 degrees, 58 minutes, 20 seconds, an arc distance of 185.96 feet, on a chord bearing and distance of North 41 degrees, 35 minutes, 03 seconds West, 185.84 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found for corner; said point being the beginning of a reverse curve to the left;

In a northwesterly direction along said reverse curve to the left, having a radius of 1068.03 feet, through a central angle of 18 degrees, 00 minutes, 00 seconds, an arc distance of 335.53 feet, on a chord bearing and distance of North 47 degrees, 05 minutes, 53 seconds West, 334.15 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found for corner;

North 56 degrees, 05 minutes, 53 seconds West, (plat: North 56 degrees, 01 minutes, 40 seconds West) a distance of 46.17 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found for corner; said point being the beginning of a tangent curve to the right;

In a northwesterly direction along said tangent curve to the right, having a radius of 1301.22 feet, through a central angle of 10 degrees, 31 minutes, 54 seconds, (plat: central angle of 10 degrees, 30 minutes) an arc distance of 239.18 feet, (plat: arc distance 238.46 feet) on a chord bearing and distance of North 50 degrees, 49 minutes, 56 seconds West, 238.84 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found for corner;

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North 45 degrees, 33 minutes, 59 seconds West, (plat: North 45 degrees 31 minutes 40 seconds West) a distance of 4.74 feet (plat: 4.41 feet) to a 1/2-inch iron rod with "Pacheco Koch" cap found for corner at the beginning of a tangent curve to the right;

THENCE, in a northerly direction, along said tangent curve to the right, having a radius of 57.94 feet, through a central angle of 88 degrees, 55 minutes, 22 seconds, (plat: central angle of 89 degrees, 02 minutes) an arc distance of 89.92 feet, (plat: arc distance 90.03 feet) on a chord bearing and distance of North 01 degrees, 06 minutes, 18 seconds West, 81.17 feet to a 1/2-inch iron rod found for corner on the southeast right-of-way line of Lindsley Avenue (a 60 foot wide right-of-way); said point being the beginning of a reverse curve to the left;

THENCE, in a northeasterly direction, along said right-of-way line of Lindsley Avenue and said reverse curve to the left, having a radius of 378.71 feet, through a central angle of 09 degrees, 20 minutes, 06 seconds, (plat: central angle of 09 degrees, 04 minutes, 40 seconds) an arc distance of 61.70 feet, (plat: arc distance 60 feet) on a chord bearing and distance of North 38 degrees, 41 minutes, 20 seconds East, 61.63 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found for corner on said southwest line of Dallas Area Rapid Transit right-of-way;

THENCE, along the northeast line of said Block 1/2703 the following nine calls:

South 62 degrees, 57 minutes, 00 seconds East, a distance of 47.54 feet (plat: 47.68 feet) to a 1/2-inch iron rod with "Pacheco Koch" cap found for corner;

South 56 degrees, 55 minutes, 20 seconds East, a distance of 100.90 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found for corner;

South 55 degrees, 44 minutes, 40 seconds East, a distance of 101.20 feet to a point in an eleven-inch multi-trunk hackberry tree for corner;

South 53 degrees, 08 minutes, 00 seconds East, a distance of 102.00 feet to a 5/8-inch iron rod found for corner;

South 49 degrees, 55 minutes, 30 seconds East, a distance of 103.30 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found for corner;

South 47 degrees, 13 minutes, 50 seconds East, a distance of 105.68 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found for corner;

South 41 degrees, 52 minutes, 30 seconds East, a distance of 101.40 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found for corner;

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South 40 degrees, 28 minutes, 40 seconds East, a distance of 101.00 feet to a 1/2-inch iron rod with "Pacheco Koch" cap found for corner; from said point a 1/2-inch iron rod found bears South 06 degrees, 31 minutes, East, a distance of 1.9 feet;

South 39 degrees, 11 minutes, 00 seconds East, a distance of 234.83 feet to the POINT OF BEGINNING;

CONTAINING, 142,276 square feet or 3.266 acres of land, more or less.

072209



