

FILE NUMBER: Z212-324(MP)

DATE FILED: August 23, 2022

LOCATION: North corner of North Good Latimer Expressway and Swiss Avenue

COUNCIL DISTRICT: 14

SIZE OF REQUEST: 0.642 acres

CENSUS TRACT: 48113002200

APPLICANT: Scenic RE, LLC

REPRESENTATIVE: Tommy Mann, Winstead PC

OWNER: 1031 Solutions LLC; Steward Financial LLC

REQUEST: An application for a new subarea on property zoned Subarea 5 within Planned Development District No. 298, the Bryan Area Special Purpose District.

SUMMARY: The purpose of the request is to allow for modified development standards primarily related to definitions, setbacks, lot coverage, floor area ratio, parking, landscaping, design standards, and mixed income housing to develop the site with multifamily and retail uses.

STAFF RECOMMENDATION: Approval, subject to a development plan, a landscape plan, and staff's recommended conditions.

CPC RECOMMENDATION: Approval, subject to a development plan, a landscape plan, and conditions.

PLANNED DEVELOPMENT DISTRICT NO. 298:

<https://dallascityhall.com/departments/city-attorney/Articles/PDF/Article%20298.pdf>

BACKGROUND INFORMATION:

- The property is currently developed with a vacant commercial structure and is zoned Subarea 5 within Planned Development District No. 298.
- The applicant proposes to redevelop the site with a mixed-use complex that includes residential and ground-floor retail uses. The subdistrict would define a special project to tie changes to the subdistrict with provision of mixed income housing.
- The existing Subarea 5 along North Good Latimer Expressway and I-345 is generally a commercial and mixed-use district. The applicant is not modifying the allowable uses of Subarea 5. Instead, they propose a new subarea with all the uses of Subarea 5, plus the newly defined use of microunits.
- The new subdistrict would allow for increased floor area ratio and proposes urban design standards such as increased sidewalk widths, pedestrian amenities, enhanced facades, and open space.

Zoning History:

There have not been any zoning cases in the area in the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Proposed / Existing
North Good Latimer Expressway	Principal Arterial	118' ROW / 90' Bike Plan
Swiss Avenue	Local Street	68'

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the Traffic Impact Analysis dated December 30, 2022 and determined that it will not significantly impact the surrounding roadway system.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006, outlining several goals and policies which serve as a framework for assisting in evaluating

the applicant's request. The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.4 Capitalize on transit oriented development opportunities.

1.1.4.1 Maximize development opportunities around DART stations.

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 2.2.8 Target business recruitment to match industry with specific geographic areas.

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

Policy 5.1.3 Encourage complementary building height, scale, design and character.

Policy 5.1.4 Enhance visual enjoyment of public space.

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.2 Promote the character of the city's significant districts, linkages and areas.

Policy 5.2.4 Enhance retail, industrial and business operations.

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Policy 5.3.3 Encourage transit-oriented developments and transit centers.

Overall, the development advances the Comprehensive Plan's goals to encourage transit-oriented development, strengthen neighborhood character and identity through design standards, and create new and targeted retail and business operations. The increase in floor area is sited appropriately according to the policies of the Comprehensive Plan, where it can be supported by transit and businesses within walking distance. The inclusion of ground floor retail or restaurant uses strategically encourages the ongoing development of North Good Latimer as an active commercial corridor.

Neighborhood Plus Plan

Strategic Goal 6. Enhance Rental Housing Options

Goal 6.1 Raise the quality of rental property through better design standards, proactive and systematic code enforcement, and zero tolerance towards chronic offenders.

Goal 6.2 Expand affordable housing options and encourage its distribution throughout the city and region.

Goal 6.3 Align planning, funding and community investments within a quarter mile of DART stations to promote transit-oriented development.

Area Plans:

Bryan Area Study

The Bryan Area Study reviews the objectives of Planned Development District No. 298. The study area has a tremendous mix of land uses that include residential, retail, commercial, industrial, office, and institutional. The study's recommendations were developed to help improve the development potential of PD 298, increase the appeal of the district, and encourage investment into the area. The recommendations were also given to help improve the pedestrian activity throughout the district and create a more vibrant community.

The applicant's request complies with the following objectives of the Bryan Area Study.

1. Promote an urban character
2. Encourage residential development
3. Encourage redevelopment and commercial activity
5. Enhance the physical appearance and promote an urban character within Bryan area

The proposed subarea meets the above objectives of the Bryan Area Study by increasing residential density to redevelop an under-utilized site, while including design standards that enhance the urban character and physical appearance of any resultant development.

The 360 Plan

The 360 Plan is a strategic document that sets a clear, cohesive vision for Downtown Dallas and its surrounding neighborhoods, guiding the City Center to continued, long-term success. The plan was adopted by City Council in April 2011 and updated in 2015, 2016, and 2017. The area of request is located within the Deep Ellum/Baylor area of the plan.

The applicant's proposal to introduce additional housing at a mix of income levels meets the 360's strategy to Build Complete Neighborhoods through the following goals:

1 DIVERSIFY AND GROW HOUSING

2 CREATE VIBRANT PARKS AND NEIGHBORHOOD SPACES

The applicant's proposed multifamily uses will diversify the area's housing stock with new construction residential and 5% of units of mixed income housing. The applicant's mix of uses, commercial and residential, will add activation to a developing restaurant and retail corridor along Good Latimer while providing additional housing at a variety of income levels.

The applicant's proposal to include amended parking and mobility provisions meets the 360's strategy to Advance Urban Mobility through the following goals:

1 ADOPT URBAN MOBILITY PRINCIPLES

6 REFORM THE APPROACH TO PARKING

The applicant's pedestrian and transit-oriented design and dynamic parking standards encourage walking and transit ridership by adding new housing density immediately adjacent to higher frequency transit lines and daily services.

The applicant's inclusion of urban design standards meets the 360's strategy to Promote Great Placemaking through the following goals:

1 ENSURE EXCELLENT URBAN DESIGN TO ENHANCE QUALITY OF LIFE AND ECONOMIC VALUE

2 ACTIVATE THE PUBLIC REALM

The project's standards for maximum parking, transparency, maximum setbacks, high quality sidewalks, pedestrian amenities, street-level retail, and street trees all contribute to the 360 plan's placemaking and urban design goals.

Surrounding Land Uses:

	Zoning	Land Use
Site	Planned Development District No. 298, Subarea 5	Vacant Structure
Northwest	Planned Development District No. 298, Subarea 5	Office
Southwest	CA-2(A) Central Area	DART Green Line Station, Restaurants without drive-in or drive through
Southeast	Planned Development District No. 298, Subarea 5	Undeveloped, Private recreation center, club or area
Northeast	Planned Development District No. 298, Subarea 5	Medical clinic

Land Use Compatibility:

The property is currently located within Subarea 5 of Planned Development District No. 298, the Bryan Area Special Purpose District, which allows a mix of uses, including the proposed uses of multifamily and retail. Property northwest of the site, across an alley, is used as an office and associated surface parking. Property to the northeast of the site is built out as a medical clinic. Properties to the southeast of the site are undeveloped, surface parking, and a private recreation center, club or area. Directly to the southwest of the site is the Deep Ellum DART Station, served by the Green Line. Across North Good Latimer Expressway further southwest, properties are built out as multiple restaurants without drive throughs.

The uses allowed within the proposed development are consistent with and would complement the existing neighborhood character. The inclusion of ground floor commercial adds neighborhood destinations, aids in placemaking, and serves as additional employment in proximity to nearby housing. The additional housing density further supports surrounding retail.

The applicant also proposes to include as part of the special project a minimum of 18 micro-units, which the conditions define as an efficiency, studio, or one-bedroom unit less than 400 square feet in size. These would provide an additional housing style that may not exist under typical residential development. The applicant will be required to include at least 18 of such units and they may not be counted as part of the 5% of mixed income housing units.

The proposed development plan depicts the development as a mixed use tower with a larger podium below 67 feet in height. The lower portions of the building, including ground floor retail, would be located close to the sidewalk. The plan includes only one driveway across sidewalks, which limits potential vehicular conflict with pedestrians, and depicts loading and unloading maneuvering from the adjacent alley. As such, the project adds appropriately designed density in a site well suited to accommodate it.

Development Standards:

<u>DISTRICT</u>	SETBACKS		Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear				
Existing Subarea 5, PD 298	5' / 15' Max	Side: 0' or 10' Rear: 5'	270'	90%	Glass Reflectivity Maximums	Retail, Office, Multifamily, Light Industrial
Proposed Subarea, PD 298	0' / 30' Max from grade to 60' No Max above 60' in height	Side: 0' No rear setback on site	270'	90% 55% above 70'	4.1107 Urban Design Standards, with modification	Retail, Office, Multifamily, Light Industrial Microunits

The proposed conditions include modified setbacks. The front setback in the base zoning has a 5 foot minimum setback and a 15 foot maximum for the two frontages. The proposed conditions modify these by allowing a degree of variation at the ground level (up to 30 foot maximum) and allowing upper portions of the building to not have a maximum setback, so that the tower can be setback further from the street as the height proceeds above the pedestrian realm. Likewise, the maximum lot coverage decreases above this point, which limits building bulk towards the upper floors. The requested changes do not modify the maximum height in the district.

Although the bonus to FAR constitutes an increase in floor area from the existing Subarea 5, which is currently 4:1, it is in keeping with the higher FAR across North Good Latimer Expressway, where the FAR is consistently 20.0:1 without height restriction. Increased FAR would have the benefit of added density in a transit-accessible location and within walking distance to retail, services, and employment.

Design Standards:

The proposed subdistrict includes many design elements that enhance the appearance and function of the development and mitigate the impact of other increased development standards. Except as modified by the design standards section of the PD, the

development must meet the requirements of Chapter 51A-4.1107, which are the urban design standards for developments with mixed income housing.

The following list includes the standards of 4.1107 that must be included without modification:

- Front yard fencing is limited to 4 feet in height
- Transparency: All street facing facades must have at a minimum one window and one primary entrance facing the street. A transparent surface is required for every 25 feet of façade.
- Pedestrian scale lighting: 1.5 foot-candles of illumination is required along public sidewalks, exterior lighting must be down and generally away from adjacent residential
- Surface parking is prohibited between the street facing façade and street

Design Standards specifically added or modified in this PD subdistrict:

•**Individual Entries:** Street levels for multifamily on Swiss Avenue will require 60% of ground floor units to have individual entries with access to the sidewalks. This is not as appropriate along the North Good Latimer Expressway frontage, where ground floor retail or restaurant must be located.

•**Sidewalks:** 10 foot unobstructed sidewalk is required along the Good Latimer frontage. The Swiss Avenue frontage requires a minimum width of 6 feet with a minimum unobstructed width of 5 foot 9 inches to allow for structural features. Sidewalk driveway crossings must be distinct and level. The site also only includes one driveway access point, which limits the degree of conflict with sidewalks. This additional width supersedes that which is required by 4.1107.

•**Open Space:** 4.1107 typically requires 10% minimum open space. The applicant has requested to vary this to 9%. This is appropriate given the urban character of the site and the fact that the site is also within walking distance to community-scale and neighborhood parks.

•**Ground Floor Activation:** 3,000 square feet of retail, restaurant, or personal services uses are required to front Good Latimer Expressway. 4.1107 does not require this, so this is additional public benefit offered by the applicant.

•**Maximum Parking Standards:** Maximum parking that may be provided is 1.5 spaces per unit. This encourages a degree of transit-orientation, limits vehicle traffic, and ensures a more activated public realm. 4.1107 does not require this, so this is additional public benefit offered by the applicant.

•**Structured Parking:** A minimum of 25% of all required off-street parking must be located below grade. A maximum of 6 stories of parking may be above grade which must be screened specifically as defined by the conditions. Street facing levels 1, 4, 5, and 6 must be wrapped with floor area. The remainder, floors 2 and 3, and the non-street facing sections of 1, 4, 5, and 6 must be screened to obscure headlights. The required 2 medium loading spaces must be provided within a parking structure accessed from the alley. These standards serve to keep the public realm activated, protect pedestrian safety along the frontages, and maintain human scale massing at the street level. 4.1107 requires screening or active uses. The requirement for four floors to be wrapped with at least 15 feet in depth of active uses is additional public benefit offered in comparison to 4.1107.

•**Micro-mobility:** Micro-mobility charging and parking for at least 10 vehicles must be provided along public streets. This is an additional public benefit offered in comparison to 4.1107.

Additionally, the existing PD prohibits highly reflective glass as a building material. This constitutes glass with exterior reflectivity in excess of 27 percent. The applicant intends to meet this standard, which ensures additional activation as lower reflectivity better integrates building interiors with the public realm.

Parking:

The proposed development is required to provide parking in accordance with Chapter 51A-4.1107, which calls for a minimum of 0.5 spaces per unit. The proposed subarea also includes a maximum number of parking spaces that may be provided per unit, which is 1.5 spaces per unit.

Additionally, the applicant proposes that a minimum of 10 percent of required off-street parking spaces shall service electric vehicles, with the required type of spaces as follows:

- A minimum of 1 percent of required off-street parking spaces must be EV installed parking spaces;
- A minimum of 2 percent of required off-street parking spaces must be EV ready; and
- A minimum of 7 percent of all required off-street parking spaces must be EV capable.

Landscaping:

Landscaping on the property must be provided in accordance with PD No. 298 and the proposed landscape plan. Staff evaluates the landscape plan as meeting the spirit of Article X and PD No. 298, providing a minimum of five medium or large trees and four

small trees along the street frontages, which provides an appropriate spacing of street trees along both frontages, roughly 30 feet for large trees and 15 feet for small trees. The conditions also allow for landscaping within the right of way which allows for street buffering by trees and lower plantings.

Mixed Income Housing

The applicant is proposing to tie the changes to the subdistrict to the provision of mixed income housing. The conditions as proposed by the applicant call for 1.5 percent of units to be provided at 51 to 60 percent of AMFI and another 3.5 percent of units to be provided at 61 to 80 percent of AMFI.

Staff recommendation is 5% of mixed income units to be provided at 51-60 AMFI. This is based on the standard for the “C” category MVA utilized in the wider Mixed Income Housing Development Bonus program. These categories and standards are based on the principle of avoiding the concentration of poverty and for allowing for lower-income housing in higher-resource areas. As such, the MVA category for this area calls for the inclusion of a lower AMFI bracket than is proposed by the applicant.

Market Value Analysis

[Market Value Analysis \(MVA\)](#), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is located within the “C” MVA category.

List of Officers

OFFICERS AND DIRECTORS

Applicant/Prospective Purchaser:

SCENIC RE, LLC

Managing Member: Michael Pullman

Managing Member: Evan Podob

Managing Member: Adam Pullman

Property Owners: 1031 SOLUTIONS LLC

Managing Member: Barry Beitler

Managing Member: Logan Beitler

STEWARD FINANCIAL LLC

Managing Member: Barry Beitler

Managing Member: Logan Beitler

**CPC Action
April 20, 2023**

Note: Staff briefed this item before the public hearing was opened.

Motion: It was moved to recommend **approval** a new subarea, subject to a development plan, a landscape plan, as briefed; and staff's recommended conditions, as briefed (dated April 18, 2023); with the applicant's request for percentage under the MIH program on property zoned Subarea 5 within Planned Development District No. 298, the Bryan Area Special Purpose District, on the north corner of North Good Latimer Expressway and Swiss Avenue.

Maker: Kingston

Second: Hampton

Result: Carried: 12 to 0

For: 12 - Popken, Hampton, Herbert, Anderson, Shidid,
Carpenter, Wheeler-Reagan, Jung,
Housewright, Stanard, Kingston, Rubin

Against: 0

Absent: 3 - Blair, Treadway, Haqq

Vacancy: 0

Notices: Area: 500 Mailed: 147

Replies: For: 0 Against: 1

Speakers: For: Tommy Mann, 500 Winstead Building, Dallas, TX, 75201
Matt Kontaros, Address not given

Against: None

PROPOSED PD CONDITIONS
All changes highlighted

ARTICLE 298.

PD 298.

Bryan Area Special Purpose District

SEC. 51P-298.101. LEGISLATIVE HISTORY.

PD 298 was established by Ordinance No. 20049, passed by the Dallas City Council on August 24, 1988. Ordinance No. 20049 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended. Subsequently, Ordinance No. 20049 was amended by Ordinance No. 20820, passed by the Dallas City Council on November 28, 1990, and Ordinance No. 21885, passed by the Dallas City Council on November 10, 1993. (Ord. Nos. 10962; 19455; 20049; 20820; 21885; 24914)

SEC. 51P-298.102. PROPERTY LOCATION AND SIZE.

PD 298 is established on property generally bounded by North Central Expressway, Roseland Avenue and its northeastward prolongation, Fitzhugh Avenue, San Jacinto Street, Peak Street, Gaston Avenue, and Good-Latimer Expressway. The size of PD 298 is approximately 455.04 acres. (Ord. Nos. 20049; 24914; 27573)

SEC. 51P-298.103. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions.

(1) **COMMERCIALLY COMPATIBLE SINGLE FAMILY USE** means a moderately dense single family use that is compatible with commercial development. The residential proximity slope does not emanate from commercially compatible single family uses.

(2) **GROUND COVER** means living plant material of species which generally reach a height of three inches or less upon maturity, installed in such a manner so as to form a continuous cover over the ground.

(3) **LABOR AGENCY** means an agency that offers or attempts to procure or procures employment for common workers, or that offers or attempts to procure or procures common workers for employers. For purposes of this definition, "common worker" means an individual who performs labor involving physical toil that does not require a particular skill, training in a particular occupation, craft, or trade, or

practical or familiar knowledge of the principles or processes of an art, science, craft, or trade.

(4) NEW CONSTRUCTION means a structure built after March 28, 2018.

(5) PARKWAY means the portion of a right-of-way located between the street curb and the property line of an adjoining lot.

(6) PEDESTRIAN LINKAGE STREETS mean streets in the Bryan Area SPD that serve as linkages between major activity centers and that are designed to promote pedestrian use.

(7) ORIGINAL BUILDING means the structure known as the Dallas Independent School District Administration Building in the location shown on Exhibit 298L and detailed in Exhibit 298M.

(8) PROJECTED STREET CURB means the future location of the street curb consistent with the city thoroughfare plan as determined by the director of public works and transportation.

(9) TREE PLANTING ZONE means the area parallel to and between two and one-half and ten feet from the back of the projected street curb.

(b) Interpretations. Unless otherwise stated, all references to code sections in this article refer to sections in Chapter 51A. In addition, the definitions, interpretations, and other provisions of Chapter 51A apply to the Bryan Area SPD unless expressly modified by these conditions. (Ord. Nos. 20049; 24914; 30817)

SEC. 51P-298.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 298A: subarea boundary map.
- (2) Exhibit 298B: Subarea 9 requirements.
- (3) Exhibit 298C: major street and pedestrian linkage systems.
- (4) Exhibit 298D: standard construction details for barrier free ramps.
- (5) Exhibit 298E: use chart.
- (6) Exhibit 298F: property descriptions for portions of Subareas 1, 3, 4, and 4A.

- (7) Exhibit 298G: development plan for Subarea 5A.
- (8) Exhibit 298I: master parking and floor area plan for the Baylor Expanded District.
- (9) Exhibit 298I-1: master parking and floor area plan supplement for the Baylor Expanded District.
- (10) Exhibit 298I-2: total floor area tabulation form for the Baylor Expanded District.
- (11) Exhibit 298J: tabulation of total floor area in Subarea 12A.
- (12) Exhibit 298K: development plan for Subarea 10B.
- (13) Exhibit 298L: development plan for Subarea 1C.
- (14) Exhibit 298M: Subarea 1C original building façade elevation.
- (15) Exhibit 298N: Subarea 1C conceptual elevation.
- (16) Exhibit 298O: Subarea 1C landscape plan.
- (17) Exhibit 298P: development plan for Subarea 4A.
- (18) Exhibit 298Q: landscape plan for Subarea 4A.
- (19) Exhibit 298R: traffic management plan for Subarea 4A.
- (20) Exhibit 298S: property and subarea property descriptions.
- (21) Exhibit 298T: development plan for Subarea 5B.

(22) Exhibit 298U: landscape plan for Subarea 5B. (Ord. Nos. 28056; 29390; 30159; 30817; 30911; 31758)

SEC. 51P-298.104. CREATION OF SUBAREAS.

A map showing the boundaries of the 2324 subareas of the Bryan Area SPD is provided as Exhibit 298A. (Ord. Nos. 20049; 24914; 25177; 25960; 26179; 26308; 26388; 26707; 28056; 29099; 29390; 30817; 30911; 31758; 32099)

SEC. 51P-298.105. SUBAREA 9 AND 9A CONDITIONS.

[Omitted for brevity]

SEC. 51P-298.105.1. DEVELOPMENT PLANS.

(a) Except as provided in this section, 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 and use of Subarea 5A must comply with the development plan for Subarea 5A (Exhibit 298G). If there is a conflict between the text of this article and the development plan for Subarea 5A, the text of this article controls.

(c) Development and use of Subarea 10B must comply with the development plan for Subarea 10B (Exhibit 298K). If there is a conflict between the text of this article and the development plan for Subarea 10B, the text of this article controls.

(d) Development and use of Subarea 1C must comply with the development plan for Subarea 1C (Exhibit 298L). If there is a conflict between the text of this article and the development plan for Subarea 1C, the text of this article controls.

(e) Development and use of Subarea 4A must comply with the development plan for Subarea 4A (Exhibit 298P). If there is a conflict between the text of this article and the development plan for Subarea 4A, the text of this article controls.

(f) For development that qualifies as a Special Project under Section 51P-298-121.2, development and use of Subarea 5B must comply with the development plan for Subarea 5B (Exhibit 298T). If there is a conflict between the text of this article and the development plan for Subarea 5B, the text of this article controls. (Ord. Nos. 25177; 25960; 29390; 30159; 30817; 30911)

SEC. 51P-298.106. LANDSCAPING.

(a) General requirements. Except for Subareas 4A and 5B, the landscaping provisions of Article X apply in the Bryan Area SPD. The following additional requirements apply in all subareas except Subareas 1A, 4A, 5B, 6, and 9. Compliance with previously approved landscape plans is not required.

(b) Street trees.

(1) Location, number, and type of trees required.

(A) Except as provided in this subsection, each building site must have at least one tree located within the tree planting zone. A tree is not considered located within the tree planting zone unless its trunk is entirely within the zone.

(B) The number of trees required is calculated by dividing the number of feet of lot frontage by 30 for property abutting pedestrian linkage streets and by 50 in all other cases. Fractions are rounded to the nearest whole number, with .5 being rounded up to the next higher whole number.

(C) All required trees must be recommended for local area use by the director of parks and recreation and must be "canopy trees" and "large trees" as defined in Article X.

(D) In Subarea 10B, street trees are not required along Carmel Street.

(E) In Subarea 12A, street trees required in the tree planting zone may not be planted within a utility easement or within ten feet of an existing utility. If a street tree interferes with utilities in the tree planting zone, the building official may approve alternate landscape materials in the tree planting zone. If alternate landscape materials cannot be approved in the tree planting zone due to utility conflicts, the building official may allow street trees to be planted between the right-of-way and a building facade.

(F) In Subarea 5A, a total of 36 street trees are required. However, only nine street trees are required along Texas Street.

(G) In Subarea 1C, landscaping must be provided as shown on the Subarea 1C landscape plan (Exhibit 298O). The Subarea 1C landscape plan must comply with the landscaping regulations of this district with the following modifications:

(i) Street trees may count as site trees.

(ii) The number of street trees required along Ross Avenue may be reduced to encourage preservation of existing trees. For each existing healthy tree that is preserved, the lot frontage may be reduced by 50 feet.

(iii) Except where conflicts with utilities exist, the area within the corner plaza, and where preserving existing trees, the tree planting zone must be located between the projected street curb and the required sidewalk. If a street tree interferes with utilities in the tree planting zone, two small trees may replace a required large canopy tree within the tree planting zone.

(iv) For landscaping purposes, replacement trees must be of a similar species of removed trees.

(2) Minimum tree height and trunk caliper. Required trees must have a minimum height of 15 feet, and a minimum trunk caliper of four inches.

(3) Tree spacing requirements. Required trees must be spaced as uniformly as practicable. The center of a trunk of a required tree, measured at grade, must be within the following distance of the center of the trunk of another required tree, measured at grade:

(A) Thirty feet along pedestrian linkage streets, as shown in Exhibit 298C.

(B) Fifty feet along all other streets.

(4) Tree grates required in sidewalks. Tree grates must be provided for all trees within a public sidewalk. These tree grates must:

(A) conform to city standards and specifications; and

(B) be large enough to permit healthy tree growth.

(5) Points for street trees. Each tree provided in accordance with Paragraph (3)(A) is awarded eight points. Each tree provided in accordance with Paragraph (3)(B) is awarded six points.

(c) Front yard landscaping and parkway landscaping.

(1) Three points will be awarded if, along pedestrian linkage streets, enhanced paving is provided in at least 50 percent of the area between the main structure and the curb, or if ground cover is provided in 25 percent of this area.

(2) Building sites along pedestrian linkage streets must achieve at least one-half of their landscaping credits in the area between the main structure and the curb.

(d) Sidewalks.

(1) Where the director of public works and transportation determines that sufficient right-of-way exists, sidewalks must be a minimum of eight feet in width for pedestrian linkage streets and, except as provided in this subsection, six feet in width in all other cases. If the director of public works and transportation determines that the foregoing standard cannot be satisfied within existing right-of-way, a sidewalk must be no less than four feet in width.

(2) Barrier free ramps, as shown on Drawing No. 1007 of the department of public works and transportation "Standard Construction Details" (Exhibit 298D), must be provided in the Bryan Area SPD.

(3) In Subarea 10B, sidewalks are not required along Carmel Street.

(4) In Subarea 1C, the following modifications apply to sidewalks:

(i) Sidewalk crossings within driveways must be constructed of a material that differs in color or materials from that of the vehicular ingress and egress driveways.

(ii) A sidewalk easement is required for the required sidewalk width located outside of the right-of-way.

(iii) Along San Jacinto Street and Washington Street, a minimum of four feet of tree planting area must abut the curb, and a minimum of six feet of sidewalk width is required abutting the tree planting area. Along Villars Street, a minimum of two and one-half feet of planting area must abut the curb, and a minimum of six feet of sidewalk width is required abutting the tree planting area.

(e) Pedestrian amenities.

(1) Three points will be awarded for pedestrian scale lighting. To qualify as pedestrian scale lighting, lighting must:

(A) provide a minimum of 1.5 footcandles; and

(B) be mounted at a height no greater than 14 feet.

(2) A building site located in Subarea 3 must achieve at least two points in the parkway fronting the pedestrian linkage streets through the use of pedestrian scale lighting or pedestrian facilities as described in Section 51A-10.107(f)(2).

(3) In Subarea 10B, sidewalks are not required along Carmel Street.

(f) Parkway landscape permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or pavement [other than for the sidewalk required under Paragraph (4) of this section] in the parkway. An application for a parkway landscape permit, if required, must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the parkway affected and the construction and planting proposed.

(2) Upon receipt of the application and any required fees, the director shall circulate it to all affected city departments and utilities for review and comment. If,

after receiving comments from affected city departments and utilities, the director determines that the construction and planting proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, he shall issue a parkway landscape permit to the property owner; otherwise, he shall deny the permit.

(3) A property owner is not required to comply with any parkway landscaping requirement of this subsection if compliance is made impossible due to the director's denial of a parkway landscape permit.

(4) A parkway landscape permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the director's revocation of a parkway landscape permit.

(5) The issuance of a parkway landscape permit under this section does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees, landscaping, or pavement in the public right-of way.

(g) Subarea 4A. Landscaping must be provided as shown on the landscape plan for Subarea 4A (Exhibit 298Q). If there is a conflict between the text of this article and the landscape plan for Subarea 4A, the text of this article controls.

(h) Subarea 5B: For development that qualifies as a Special Project under Section 51P-298-121.2, landscaping must be provided as shown on the landscape plan for Subarea 5B (Exhibit 298U). If there is a conflict between the text of this article and the landscape plan for Subarea 5B, the text of this article controls. (Ord. Nos. 20049; 24914; 25177; 25960; 28056; 29390; 29558; 29852; 30159; 30817; 30911)

SEC. 51P-298.107. USES.

(a) The use chart (Exhibit 298E) establishes for each subarea the permitted and limited uses, and those uses requiring a specific use permit.

(b) Commercially compatible single family uses must comply with the following requirements:

(1) This use is subject to the standards and definitions of Subparagraphs (A), (D), and (E) of Section 51A-4.209(6). Except in portions of Subareas 1, 3, and 4, as described in Exhibit 298F, this use is also subject to the off-street parking requirements of Subparagraph (C) of Section 51A-4.209(6).

(2) Except in portions of Subareas 1, 3, and 4, as described in Exhibit 298F, a minimum of 12 dwelling units per acre is required.

(3) No residential proximity slope emanates from building sites developed with this use.

(4) This use is permitted in all subareas except Subarea 9, as shown on Exhibit 298E.

(5) In portions of Subareas 1, 3, and 4, as described in Exhibit 298F, this use is subject to the following standards:

(A) Maximum dwelling unit density is 18 dwelling units per acre.

(B) Maximum structure height is 36 feet.

(C) Maximum number of stories is two.

(D) Maximum lot coverage is 60 percent.

(E) Minimum lot size is 2,000 square feet.

(F) One off-street parking space is required per lot.

(c) Labor agency uses must comply with the following requirements:

(1) This use is permitted by SUP only in the subareas indicated in Exhibit 298E.

(2) Operation of this use must be conducted wholly inside. A waiting area must be shown on the site plan which is large enough to accommodate all common worker candidates. The specific use permit ordinance may limit the number of common worker candidates permitted in the waiting area of the labor agency use.

(3) The site plan must show a separate area for pickup and drop-off of all persons using the facility. This area must not include the right-of-way area.

(4) This use is treated as an office use for purposes of calculating off street loading requirements.

(d) A governmental installation: inside vehicle service center use must comply with the following requirements:

(1) Definition: An installation owned or leased by a governmental entity or agency where vehicles are repaired, maintained, serviced, or stored in conjunction with the normal operation of the entity or agency. This use includes periodic vehicular inspection, maintenance, and repair, as well as modification of vehicles and their equipment to accomplish the particular purposes of the governmental entity or agency.

(2) Subareas permitted: Permitted by right in Subarea 5 only.

(3) Required off-street parking: One space per 500 square feet of floor area.

(4) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 60,000	1
Each additional 60,000 or fraction thereof	1

(5) Additional provisions:

(A) Except for permitted accessory uses, this use must be wholly contained inside of an enclosed structure.

(B) The sale of goods and services to the public is prohibited. (Ord. Nos. 20049; 20820; 21885; 24914; 25960; 26179; 26388; 26707; 26994; 27322)

SEC. 51P-298.108. NONCONFORMING USES.

(a) Except as provided in this section, the nonconforming use provisions in Chapter 51A apply.

(b) In Subarea 1, all nonconforming uses must be brought to conformance no later than April 26, 2008, except that those uses that became nonconforming as a result of city council action on April 27, 2005 must be brought to conformance no later than April 26, 2010. The owner of a nonconforming use in Subarea 1 may appeal to the board of adjustment for a later compliance date at any time up to the conformance date set forth in this subsection if the owner will not be able to recover his investment in the use (up to the date of nonconformance) by the conformance date set forth in this subsection. The fee for the appeal of the compliance date is the same as the fee for a nonresidential special exception before the board of adjustment as set forth in Chapter 51A. (Ord. Nos. 20049; 24914; 25960)

SEC. 51P-298.109. RESIDENTIAL PROXIMITY SLOPE.

A 1:3 residential proximity slope emanates from the property line of any property within Subarea 6 or any R(A), D(A), or TH(A) district adjacent to the Bryan Area SPD. A 1:1 residential proximity slope emanates for a distance of 50 feet from the property line of any MF(A) district or planned development district for multifamily uses adjacent to the

Bryan Area SPD. If any portion of a structure is over 26 feet in height, that portion may not be located above the applicable residential proximity slope. Exceptions:

(1) The residential proximity slopes does not apply to limit the height of structures located within Subareas 1C and 7.

(2) 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. (Ord. Nos. 20049; 24914; 30817)

SEC. 51P-298.110. MAXIMUM HEIGHTS.

(a) In general. Except as provided in this section and Sections 51P-298.107(b) and 51P-298.109, maximum structure heights for each subarea within the Bryan Area SPD are as follows:

<u>Subarea</u>	<u>Maximum Structure Height (in feet)</u>
1, 1A, and 1B	120
1C	80
3	160
4 and 4A	54
5 <u>and 5B</u>	270
5A	180
6	36-40
7	39
8	100
10, 10A, 10B, and 10C	100
11 and 11A	100
12 and 12A	160
13	54

(b) Subareas 1C and 12A, and 5B.

(1) The following structures may project a maximum of 12 feet above the maximum structure height, may not collectively exceed 1,000 square feet of footprint, and must be located a minimum of ten feet from a building edge:

- (i) Chimney and vent stacks.
- (ii) Communication towers.
- (iii) Elevator penthouse or bulkhead.

(iv) Visual screens that surround roof mounted mechanical equipment.

(v) Lighting protection equipment *[In Subarea 5B only]*.

(vi) Parapet wall *[In Subarea 5B only]*.

(2) Stairs may project a maximum of 12 feet above the maximum structure height.

(3) A permeable roof deck covering not exceeding 900 square feet, including an arbor or a trellis, for a roof deck may project a maximum of 12 feet above the maximum structure height and must be located a minimum of ten feet from a building edge.

(4) Mechanical equipment, ducts, and cooling towers may project a maximum of four feet above the maximum structure height, may not exceed a footprint of 4,600 square feet, must be screened with a minimum four foot-high solid material, and must be located a minimum of ten feet from the edge of a building.

SEC. 51P-298.111. STORIES IN SUBAREA 7.

[Omitted for brevity]

SEC. 51P-298.112. SETBACKS.

(a) Front yard.

(1) Except as provided in this paragraph, the minimum front yard setback is five feet in all subareas.

(2) No minimum front yard setback is required in Subareas 1A and 1B for structures in existence on November 10, 2010.

(3) Except as provided in this paragraph, the maximum front yard setback is 15 feet in Subareas 1, 1A, 1B, 3, 4, 4A, 5, 8, 10, 10A, 10C, 12, and 13 in front yards fronting on Pedestrian Linkage Streets as shown on Exhibit 298C.

(4) No maximum front yard setback is required in Subareas 1A and 1B for structures in existence on November 10, 2010.

(5) Maximum front yard setback is 25 feet in Subareas 6 and 7.

(6) No maximum front yard setback is required in Subareas 11A and 12A.

(7) Minimum front yard setback is five feet in Subarea 5A. Encroachments of up to four feet into the required front yard are permitted at the following locations:

(A) along Cantegral Street from the curb of Live Oak Street to the residential parking entrance drive;

(B) along Live Oak Street in the area identified on the development plan for Subarea 5A as the translucent patio rail; and

(C) along Texas Street from Live Oak Street to the off-street loading dock.

(8) For Subarea 1C, the following front yard regulations apply:

(A) Ross Avenue. Minimum front yard is 21 feet for the original building and 26 feet for new construction. Maximum front yard is 30 feet for new construction.

(B) Washington Avenue and San Jacinto Street. Minimum front yard is five feet. Maximum front yard is 20 feet.

(C) Villars Street. Minimum front yard is 10 feet. No maximum front yard.

(D) Urban form. For portions of a building above 70 feet in height, minimum setback is 35 feet.

(E) Facade placement. A minimum of 70 percent of the street-facing facade must be located between the minimum and maximum setbacks. All other portions of the facade must only comply with the minimum setback.

(F) Projections. Balconies, unenclosed porches, stairs, and stoops may project up to five feet into the required front yard.

(9) For Subarea 5B, the following front yard regulations apply for a special project:

(A) Except as provided in this paragraph, no minimum front yard.

(B) For portions of a building 60 feet and lower, maximum front yard is 30 feet. Building facades may be set back farther than 30 feet in order to accommodate driveways and utilities.

(C) For portions of a building above 60 feet, no maximum front yard applies.

(b) Side yard.

(1) Except as provided in this paragraph, no side yard setback is required in Subareas 1, 1A, 1B, 1C, 3, 4, 4A, 5, 5A, 7, 8, 10, 10C, 11, 12, and 13; however, if a side yard setback is provided, it must be a minimum of 10 feet.

(2) No side yard setback is required in Subarea 6; however, if a side yard setback is provided, it must be a minimum of five feet.

(3) No side yard setback is required in Subareas 5B, 10A, 10B, 11A, and 12A.

(4) No side yard setback is required in Subareas 1A and 1B for structures in existence on November 10, 2010.

(c) Rear yard.

(1) Except as provided in this subsection, the minimum rear yard setback is five feet in all subareas.

(2) No rear yard setback is required for a special project in Subarea 5B. (Ord. Nos. 20049; 24914; 25960; 26388; 28056; 29099; 29390; 30159; 30817; 30911; 32099)

SEC. 51P-298.113. MAXIMUM COVERAGE.

Unless further restricted under Section 51P-298.107(b), maximum lot coverages in each subarea within the Bryan Area SPD are as follows:

<u>Subarea</u>	<u>Maximum Lot Coverage (percent)</u>
1, 1A, 1B, and 1C	90
3	70*
	80***
4 and 4A	90
<u>5, 5A, and 5B</u>	<u>90****</u>
6	80
7	70*
	90**
8	70*
	80***
10, 10A and 10B	90
10C	70
11 and 11A	70*
	80***

12 and 12A
13

90
90

*Applies if less than one-half of the floor area of the structure is occupied by residential uses.

**Applies if at least one-half of the floor area of the structure is occupied by residential uses.

***Applies if at least 10 percent of the floor area of the structure is occupied by residential uses.

****In Subarea 5B, maximum lot coverage above a height of 70 feet is 55 percent for a special project:

(Ord. Nos. 21885; 24914; 25960; 26388; 28056; 29099; 29390; 30159; 30817; 30911; 32099)

SEC. 51P-298.114. SIGNS.

(a) In general. Except as provided in this section, the sign provisions for business zoning districts in Division 51A-7.300 apply to all subareas except Subareas 6 and 9. The sign provisions for non-business zoning districts in Division 51A-7.400 apply in Subarea 6. Subarea 9 is subject to the definitions and provisions of either business signs or non-business signs in Chapter 51A, whichever apply in accordance with those provisions. The signage provisions of Division 51A-7.200 apply in all subareas except that no detached premise sign with an effective area greater than 200 square feet is permitted in any subarea.

(b) Subarea 5A.
[Omitted for brevity]

(c) Subarea 1C. The existing attached signage on the original building that reads, "Dallas Independent School District," is permitted without the Dallas Independent School District occupying the premises and does not count against the number of attached signs. (Ord. Nos. 20049; 24914; 26388; 30159; 30817)

SEC. 51P-298.115. PARKING REQUIREMENTS.

(a) The parking provisions in Chapter 51A apply in the Bryan Area SPD, except as modified below:

(1) General merchandise establishments located in Subarea 3 are only required to provide one parking space per 250 square feet of floor area.

(2) In Subarea 4A, for a public senior high school, the minimum off-street parking is three and one-half spaces per classroom.

(3) In Subarea 5A, a minimum of 30 bicycle parking spaces are required. Bicycle parking must comply with Section 51A-4.332.

(4) In order to provide adequate off-street parking for large scale mixed use development projects, the following are excluded in the calculation of off-street parking requirements:

(A) Ten percent of the required parking for the office use when that use totals in excess of 150,000 square feet in floor area and is developed on the same lot with a use qualifying for an exception under Subparagraphs (B) or (C).

(B) Ten percent of the required parking for the hotel and motel use when that use totals in excess of 150 guest rooms and is developed on the same lot with a use qualifying for an exception under Subparagraphs (A) or (C).

(C) Ten percent of the required parking for the retail and personal service uses, when those uses total in excess of 15,000 square feet in floor area and are developed on the same lot with a use qualifying for an exception under Subparagraphs (A) or (B).

(D) Fifteen percent of the required parking for college, university, or seminary classrooms when developed on a campus providing at least 100 units of campus housing.

(E) Fifty percent of the required parking for the following uses when developed on the same lot with an office use with more than 15,000 square feet of floor area or a hotel or motel use with more than 125 guest rooms:

- (i) Bar, lounge, or tavern;
- (ii) Catering service;
- (iii) Country club with private membership; or
- (iv) Restaurant without drive-in or drive-through service.

(5) The college, university, or seminary use located at 3909 Swiss Avenue must provide the following required off-street parking:

(A) one space per 25 square feet of classroom; and

(B) that parking required in Section 51A-5.209 for all residential uses located in the campus area.

All required parking must be provided within the campus area generally bounded by North Washington Avenue, Floyd Street, Haskell Avenue, Swiss Avenue, Peak Street, and Live Oak Avenue.

(6) Office uses, other than medical office uses, in all subareas except Subarea 9 are only required to provide one parking space per 366 square feet of floor area. Medical office uses, and any office use located in Subarea 9, must provide parking in accordance with the requirements of Chapter 51A.

(7) A labor agency use must provide one parking space per 200 square feet of office floor area, and one parking space per 50 feet of lobby floor area.

(8) The city council shall consider the feasibility of reducing the parking requirements for any structure that is designated as a historic landmark in the Bryan Area SPD.

(b) Special parking provisions in Subareas 10A, 11A, and 12A. Except as provided in this subsection, the following special parking provisions apply to Subareas 10A, 11A, and 12A.

[Omitted for brevity]

SEC. 51P-~~298.115.1~~298.116.1. SUBAREA 4A TRAFFIC MANAGEMENT PLAN.

[Omitted for brevity]

SEC. 51P-~~298.116~~298.117. FLOOR AREA RATIO AND FLOOR AREA.

(a) Maximum floor area ratios in each subarea within the Bryan Area SPD are as follows:

<u>Subarea</u>	<u>Maximum Floor Area Ratio</u>
1, 1A, 1B, and 1C	4:1
3	4:1
4 and 4A	2:1
5	4:1
5A	5.85:1
5B	4:1***
6	None
7	3:1*
	2:1**
8	2.5:1
10, 10A, 10B, and 10C	3:1
11 and 11A	2.5:1
12 and 12A	4:1
13	2:1

*Applies if at least one-half of the floor area of the structure is occupied by residential uses.

**Applies in all other cases.

*** May be increased to 11.4 to 1 if a for a special project: is achieved in accordance with Sec. 51P-298.121.2.

(b) The maximum total floor area permitted in Subarea 12A is 1,334,848 square feet. (Ord. Nos. 20049; 24914; 25960; 26388; 28056; 29099; 29390; 30159; 30817; 30911; 32099)

**SEC. 51P-~~298.117~~298.118. RECONCILIATION OF REGULATIONS
APPLICABLE TO SUBAREA 6.**

[Omitted for brevity]

SEC. 51P-~~298.118~~298.119. HIGHLY REFLECTIVE GLASS PROVISIONS.

Highly reflective glass may not be used as an exterior building material on any building or structure in the Bryan Area SPD. For the purposes of these restrictions, highly reflective glass means glass with exterior visible reflectance percentages in excess of 27 percent. Visible 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 surface will appear.) (Ord. Nos. 20049; 24914)

SEC. 51P-~~298.119~~298.120. FENCES.

(a) Fencing material for properties fronting on Ross Avenue, Live Oak Street, and Gaston Avenue must be wrought iron, tubular steel, or similar material, or a combination of these items, with up to a four-foot-high masonry base.

(b) Fencing material for all other properties must be wrought iron, tubular steel, chain link, wood, or similar materials or a combination of these items with up to a four-foot-high masonry base.

(c) Razor wire and barbed wire fencing are prohibited in this district within 50 feet of the back-of-curb on the following streets:

- (1) Gaston.
- (2) Good Latimer.
- (3) Haskell.
- (4) Live Oak.
- (5) Peak.
- (6) Ross.

(7) Washington.

(d) Nonconforming razor wire and barbed wire fencing materials must be removed by April 26, 2008.

(e) Maximum fence height.

(1) Except as further limited in this subsection, maximum fence height is nine feet.

(2) For all residential uses, maximum fence height in the required front yard is four feet.

(f) Razor wire and barbed wire fencing are prohibited in Subarea 1A. (Ord. Nos. 25960; 28056)

SEC. 51P-298.120-298.121. SPECIAL PROVISIONS FOR SUBAREAS 5A, 10A, 11A, AND 12A.

[Omitted for brevity]

SEC. 51P-298.121.1. SPECIAL PROVISIONS FOR SUBAREA 1C.

[Omitted for brevity]

SEC. 51P-298-121.2. SPECIAL PROVISIONS FOR A SPECIAL PROJECT IN SUBAREA 5B.

(a) **Definitions.** In this section,

(1) **ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE)** means the conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

(2) **EV INSTALLED** means a designated parking space with a branch circuit for EVSE servicing electric vehicles and an electric vehicle charging station installed.

(3) **EV READY** means a designated parking space which is provided with one dedicated branch circuit for EVSE servicing electric vehicles.

(4) EV CAPABLE means electric capacity, conduit, and space to support a circuit for each EV parking space, and the installation of raceways, both underground and surface mounted, as required, to support the EVSE.

(5) MICRO-MOBILITY CHARGING means an electrical charging station or outlet available for charging micro-mobility vehicles such as e-scooters and e-bikes.

(6) MICRO-UNIT means an efficiency, studio, or one-bedroom unit less than 400 square feet in size.

(7) SPECIAL PROJECT means a development containing retail and multifamily uses with a floor-to-area ratio greater than 4.0 to 1 that satisfies the requirements of this section and fulfilling all requirements of this section.

(b) Sustainable Design Features for a Special Project. The following sustainable design features are required for a special project under this section.

(1) Photovoltaic cells for producing solar energy shall be located on the main building and cover a minimum roof surface area of 4,000 square feet.

(2) Drip irrigation shall be utilized for maintenance of plantings, and plant species that are native or adapted to north central Texas with low or very low water consumption characteristics and intended to attract and create habitat for bees, birds, butterflies, or a combination thereof shall be used on site. Such landscaping shall be maintained in such a way as to promote the healthy development and continuance of such habitants, and use of pesticide, herbicides and fungicides is prohibited.

(3) Recycling containers shall be available for residents and on-site workers.

(4) Water efficient plumbing fixtures shall be utilized.

(5) Electric vehicle charging. A minimum of 10 percent of required off-street parking spaces shall service electric vehicles, with the required type of spaces as follows:

(A) A minimum of 1 percent of required off-street parking spaces must be EV installed parking spaces;

(B) A minimum of 2 percent of required off-street parking spaces must be EV ready; and

(C) A minimum of 7 percent of all required off-street parking spaces must be EV capable.

(D) EV ready parking spaces must include a circuit that terminates in a suitable termination point such as a receptacle or junction box and be located in close proximity to the proposed location of the EV parking spaces.

(6) Micro-mobility charging and parking. Micro-mobility charging and parking for at least 10 vehicles must be provided along public streets.

(7) Windows for dwelling units shall be double-pane and double-laminated.

(c) Micro-units. The minimum number of micro-units is 18.

(d) Development Bonus for Mixed-Income Housing.

Staff Recommendation:

(1) Except as provided in this subsection, a special project qualifies for the development bonus in this subsection if 5 percent of the total residential units, not including micro-units, are available to households earning between 51 percent and 60 percent of the area median family income in compliance with Division 51A-4.1100, as amended.

CPC Recommendation and Applicant's Request:

(1) Except as provided in this subsection, a special project qualifies for the development bonus in this subsection if 1.5 percent of the total residential units, not including micro-units, are available to households earning between 51 percent and 60 percent of the area median family income and another 3.5 of the total residential units, not including micro-units, are available to households earning between 61 percent and 80 percent of the area median family income in compliance with Division 51A-4.1100, as amended.

(2) Except as provided in this section, compliance with Section 51A-4.1107 is required.

(A) Multifamily off-street loading and parking shall be required as provided in Section 51P-298.121.2(h).

(B) Screening around service areas for trash collection may be accomplished by means of a roll-up door.

(C) A minimum of 60 percent of the street-level units adjacent to Swiss Avenue must have individual entries that access the street with an improved path connecting to the sidewalk. For at-grade open space, a minimum of 60 percent of the

open-space fronting units adjacent to Swiss Avenue must have individual entries that access the open space.

(D) Sidewalks:

(i) A minimum 10-foot-wide unobstructed sidewalk is required along Good Latimer Expressway.

(ii) Along Swiss Avenue, minimum sidewalk width is as shown on the landscape plan for Subarea 5B. Minimum unobstructed width is 5-feet-9 inches for segments no greater than 4 linear feet to allow for structural features or trees. Unobstructed sidewalk widths may not conflict with door openings.

(iii) At each intersection of driveway and sidewalk, crosswalks must be constructed of a material that differs in finish and color from that of vehicular ingress and egress driveways.

(iv) Sidewalks must be continuous and level across all driveways and curb cuts and designed to be at the same grade as the existing sidewalk, subject to approval of the director.

(v) Buildings may overhang sidewalks at a minimum clearance of 16 feet above the sidewalk surface.

(E) A minimum of six medium or large trees and four small trees are to be located between the building façade and curb along Swiss Avenue and Good Latimer Expressway.

(F) At least 9 percent of the building site must be reserved as open space for activity such as active or passive recreation, playground activity, or landscaping. Open space may consist of either hardscape or softscape or any combination thereof.

(e) Ground-level Activation. A minimum of 3,000 square feet of retail, restaurant, or personal service uses must front along Good Latimer, and At least one ground-level pedestrian entrance into the building must be located on Swiss Avenue.

(f) Landscaping in the public right-of-way. Landscaping may be located in the public right-of-way abutting a building site if a right-of-way landscape permit is obtained from the city.

(g) Landscaping in the parkway.

(1)Private license granted.

(A) The city council hereby grants a revocable, non-exclusive license to the owners or tenants (with the written consent of the owner) of all property in Subarea 5B for the exclusive purpose of authorizing compliance with the parkway landscaping and pedestrian improvements abutting right-of-way. "Parkway" means the portion of a street right-of-way between the street curb and the lot line. 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. This private license will not terminate at the end of any specific period, however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, 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 obtaining 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 a 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 city.

(B) An owner or tenant is not required to comply with any landscaping requirement to the extent that compliance is made impossible due to the city council's revocation of the private license granted by this paragraph.

(C) Upon the installation of landscaping and related amenities, such as irrigation systems, trees, and a painted bicycle lane, in the public rights-of-way, the owner or tenant 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.

(D) Each owner or tenant is responsible for maintaining the landscaping in a healthy, growing condition, for keeping related amenities in good repair and condition, and for keeping the premises safe and from deteriorating in value or condition, at no expense to the city. The city is absolutely exempt from any requirements to make repairs or to maintain the landscaping, related amenities, or the premises. The granting of a license for landscaping and related amenities under this subsection does not release the owner or tenant from liability for the installation or maintenance of trees, landscaping, and related amenities in the public right-of-way.

(2) Right-of-way landscape permit.

(A) It is the responsibility of the property owner to apply for and obtain a right-of-way landscape permit before locating trees, landscaping, or related amenities in the right-of-way. An application for a right-of-way landscape permit must be made to the building official. The application must be in writing on a form approved by the building official and accompanied by plans or drawings showing the area of the right-of-way affected and the planting or other amenities proposed.

(B) Upon receipt of the application and any required fees, the building official shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the building official determines that the construction, planting, or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the building official shall issue a right-of-way landscape permit to the property owner; otherwise, the building official shall deny the permit

(C) A property owner is not required to comply with any parkway landscaping requirement of this article if compliance is made impossible due to the building official's denial of a right-of-way landscape permit.

(D) A parkway landscape permit issued by the building official is subject to immediate revocation upon written notice if at any time the building official determines that the use of the right-of-way authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any right-of-way landscaping requirement of this subsection if compliance is made impossible due to the building official's revocation of a right-of-way landscape permit.

(E) The issuance of a right-of-way landscape permit under this paragraph does not excuse the property owner, his agents, or employees from liability for the installation or maintenance of trees or other amenities in the public right-of-way.

(h) Off-street parking.

(1) The minimum off-street parking required is 0.5 spaces per unit. The maximum amount of spaces that may be provided is 1.5 spaces per unit.

(2) Residential parking spaces may be shared with retail and commercial uses.

(3) A minimum of 25% of all required off-street parking must be located below grade.

(4) Tandem parking.

(a) For multifamily uses, private parking may be tandem (one parking space in front of another parking space); guest parking may not be tandem.

(b) Tandem parking is not required to be valet operated.

(c) No more than 15 percent of required parking may be tandem spaces.

(5) A maximum of 6 stories of parking may be located above-grade and must be screened in accordance with the following:

(a) Street-facing portions of Levels 1, 4, 5, and 6. These portions must be screened by a minimum of 15 feet of floor area in depth.

(b) All portions not screened by floor area. These portions must be screened through the use of panels, or other architectural elements that also obscure sloping ramps and headlights length from view. Screening may include architectural grill work or other materials that provide ventilation. The garage is not required to be fully enclosed to satisfy this condition.

(6) Loading.

(a) Two medium-sized loading spaces are required.

(b) Loading spaces must be located within a parking structure, but maneuvering into and out of loading spaces may occur within an alley.

(i) Floor Area Ratio. The maximum floor area ratio for a Special Project is 11.4 to 1.

(i) Signage.

(1) One attached sign is allowed above a height of 70 feet.

(2) An attached sign located above 70 feet in height may not be back-lit, and any illumination must be directed toward the building façade.

(3) Maximum size of an attached sign above 70 feet in height is 80 square feet.

(l) Housing units located within 1,000 feet of a light-rail station line must utilize measures for noise abatement and control to achieve an interior auditory environment not to exceed a day- night average sound level of 45 decibels through measures that may include:

(1) site orientation or layout for buildings to serve as a noise shield;

(2) integration of a buffer, barrier, or open space or other site layout measures;

(3) building layout to consider location of exterior balconies and terraces to mitigate noise introduction into the building;

(4) exterior wall assemblies to include sound attenuation measures through wall construction and detailing; or

(5) exterior door and window specifications and detailing such as fully insulated and sealed perimeters.

SEC. 51P-~~298.121~~298.122.

GENERAL REQUIREMENTS.

Development of the Property must comply with the requirements of all ordinances, rules, and regulations of the city. (Ord. Nos. 20049; 24914; 25960; 26102; 26388)

SEC. 51P-~~298.122~~298.123.

COMPLIANCE WITH CONDITIONS.

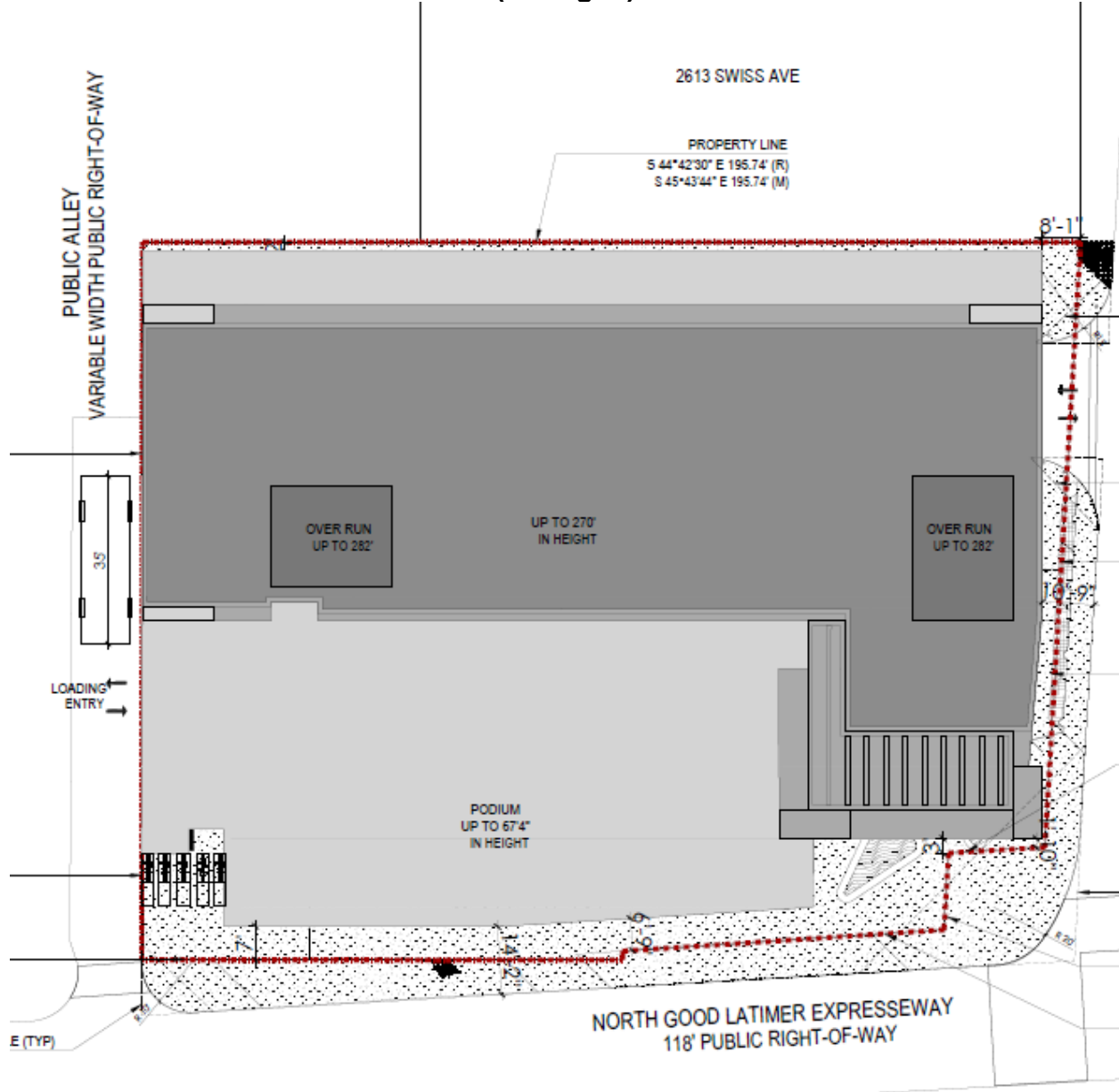
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit or certificate of occupancy for a use in this planned development 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. 20049; 24914; 25960; 26102; 26388)

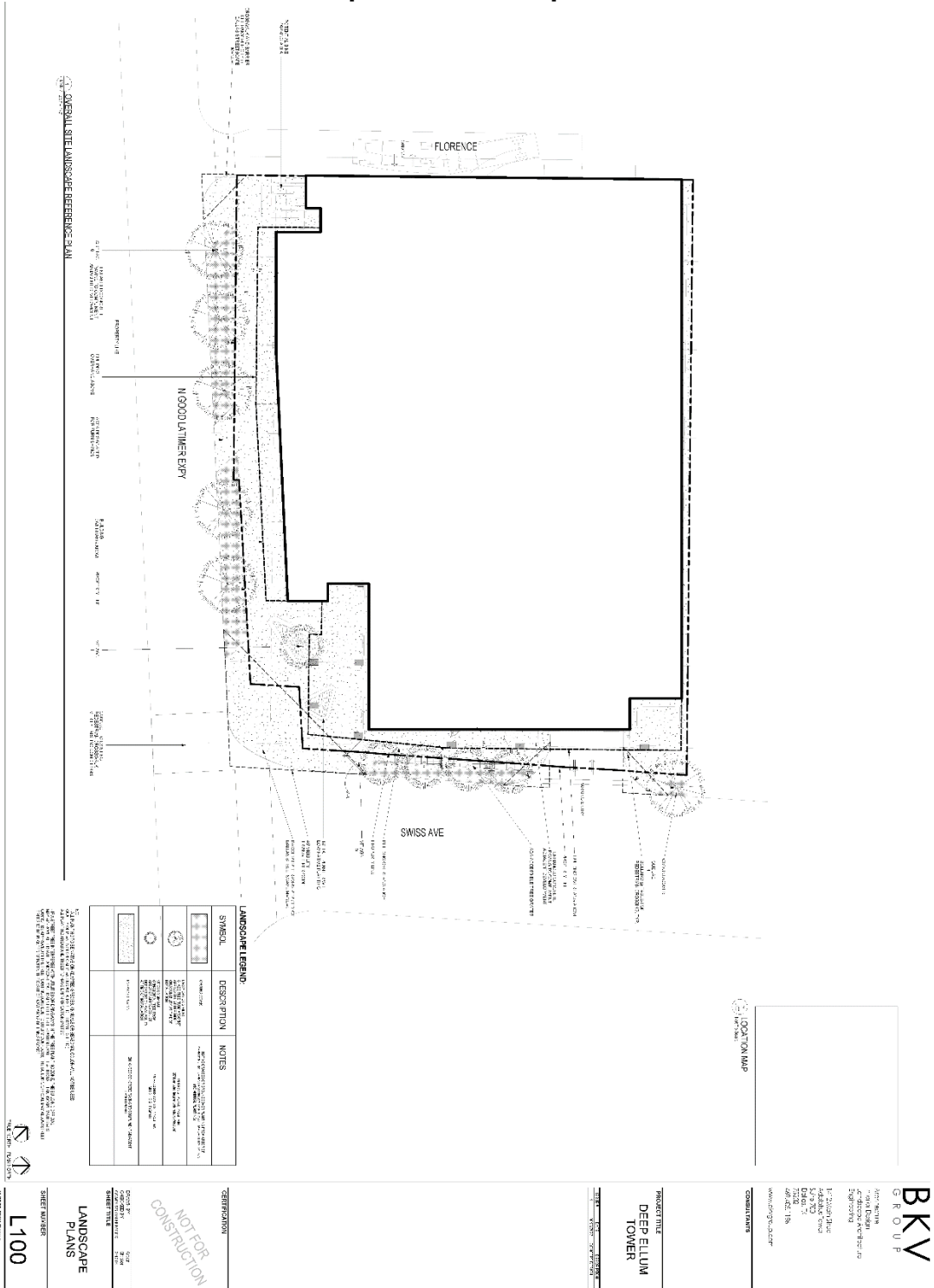
Proposed Development Plan



Proposed Development Plan (Enlarged)



Proposed Landscape Plan



BKV
 GROUP
 1401 Ross Ave.
 Suite 600
 Dallas, TX 75202
 Phone: 214.337.2000
 Fax: 214.337.2001
 Website: www.bkvgroup.com

LOCATION MAP

PROJECT TITLE
 DEEP ELLUM
 TOWER

COMMITMENTS

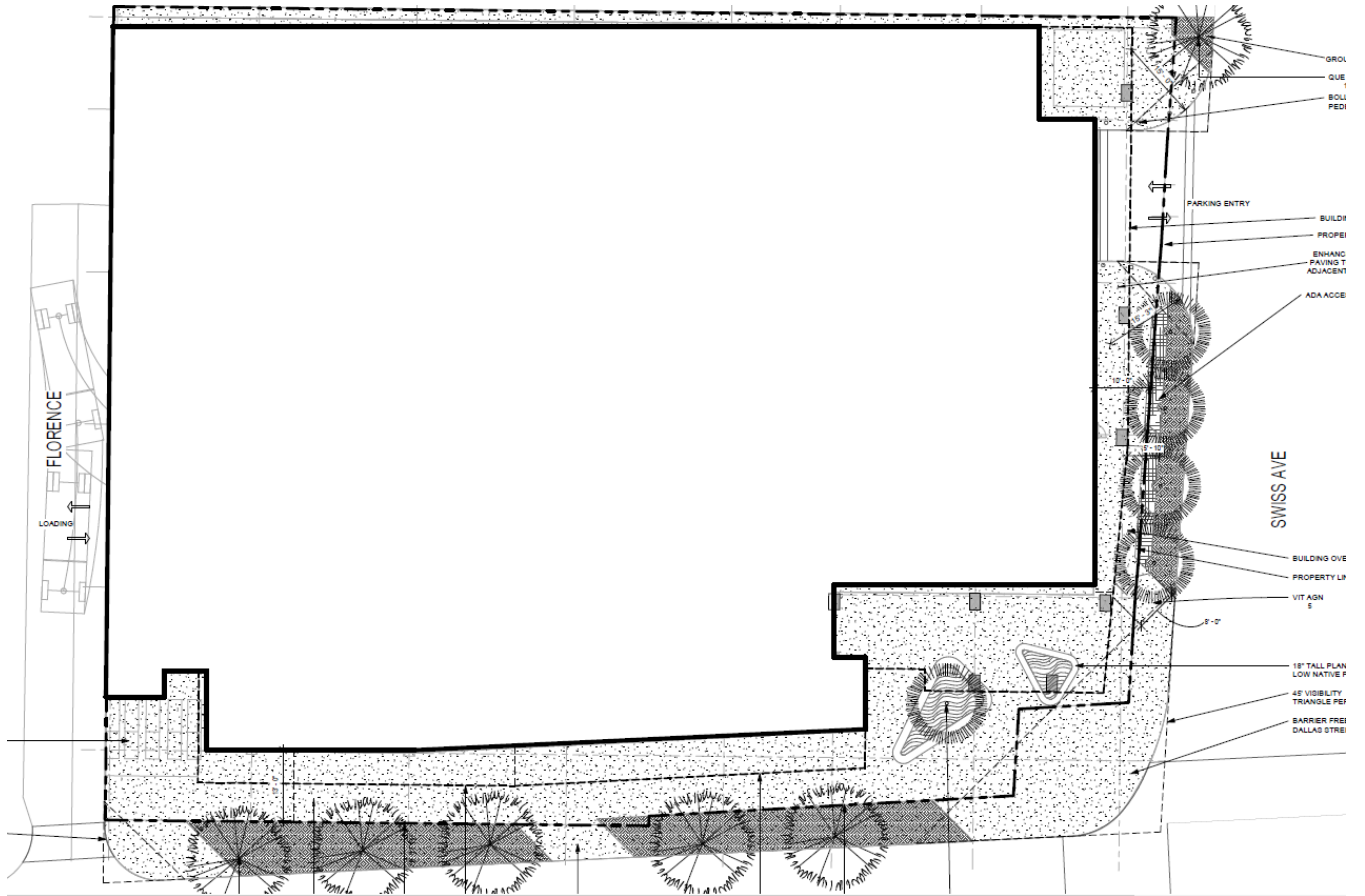
LANDSCAPE LEGEND

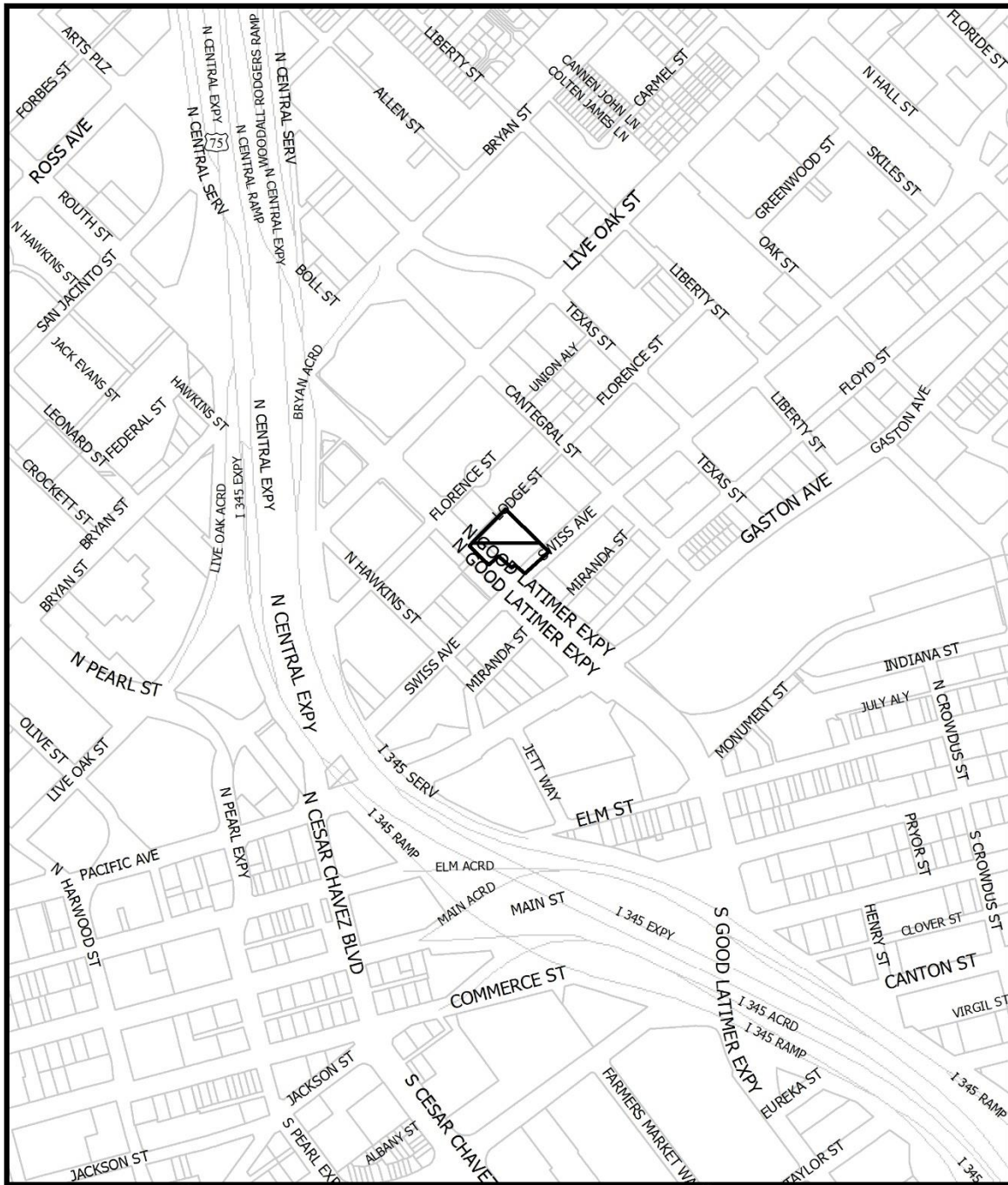
SYMBOL	DESCRIPTION	NOTES
[Symbol]	[Description]	[Notes]
[Symbol]	[Description]	[Notes]
[Symbol]	[Description]	[Notes]

LANDSCAPE PLANS
 SHEET NUMBER
L100

NOT FOR CONSTRUCTION

Proposed Landscape Plan (Enlarged)



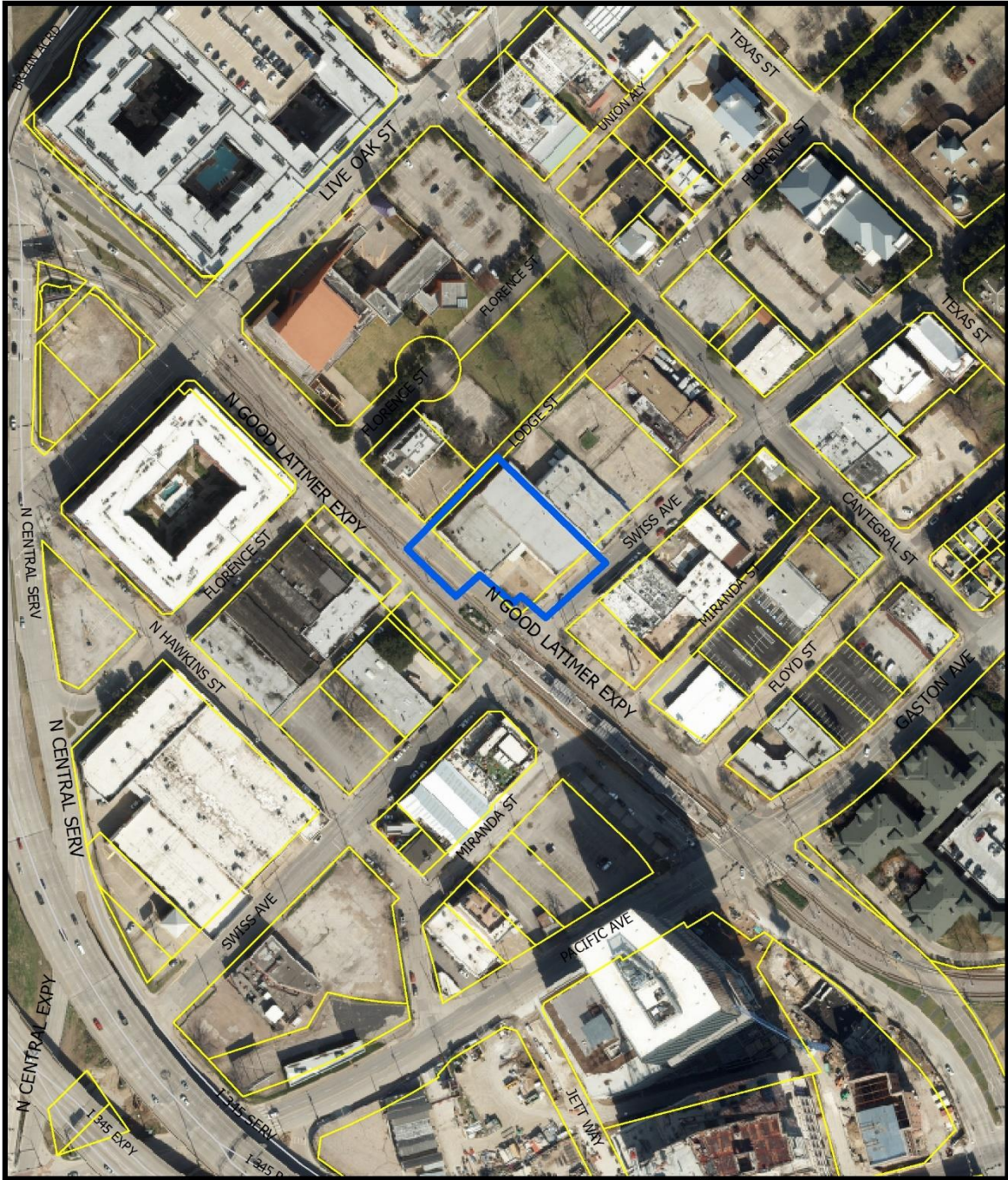


1:6,000

VICINITY MAP

Case no: Z212-324

Date: 4/3/2023

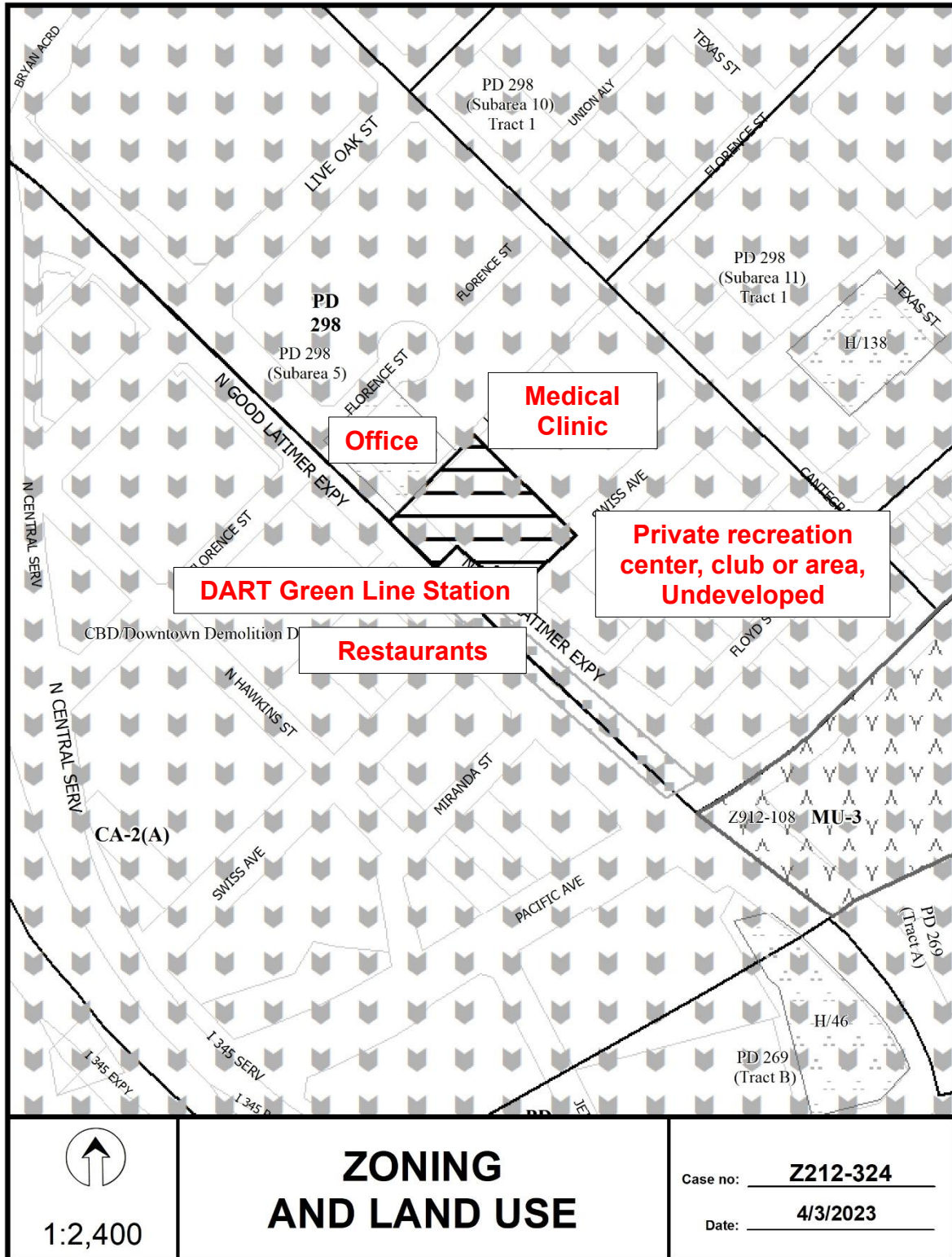


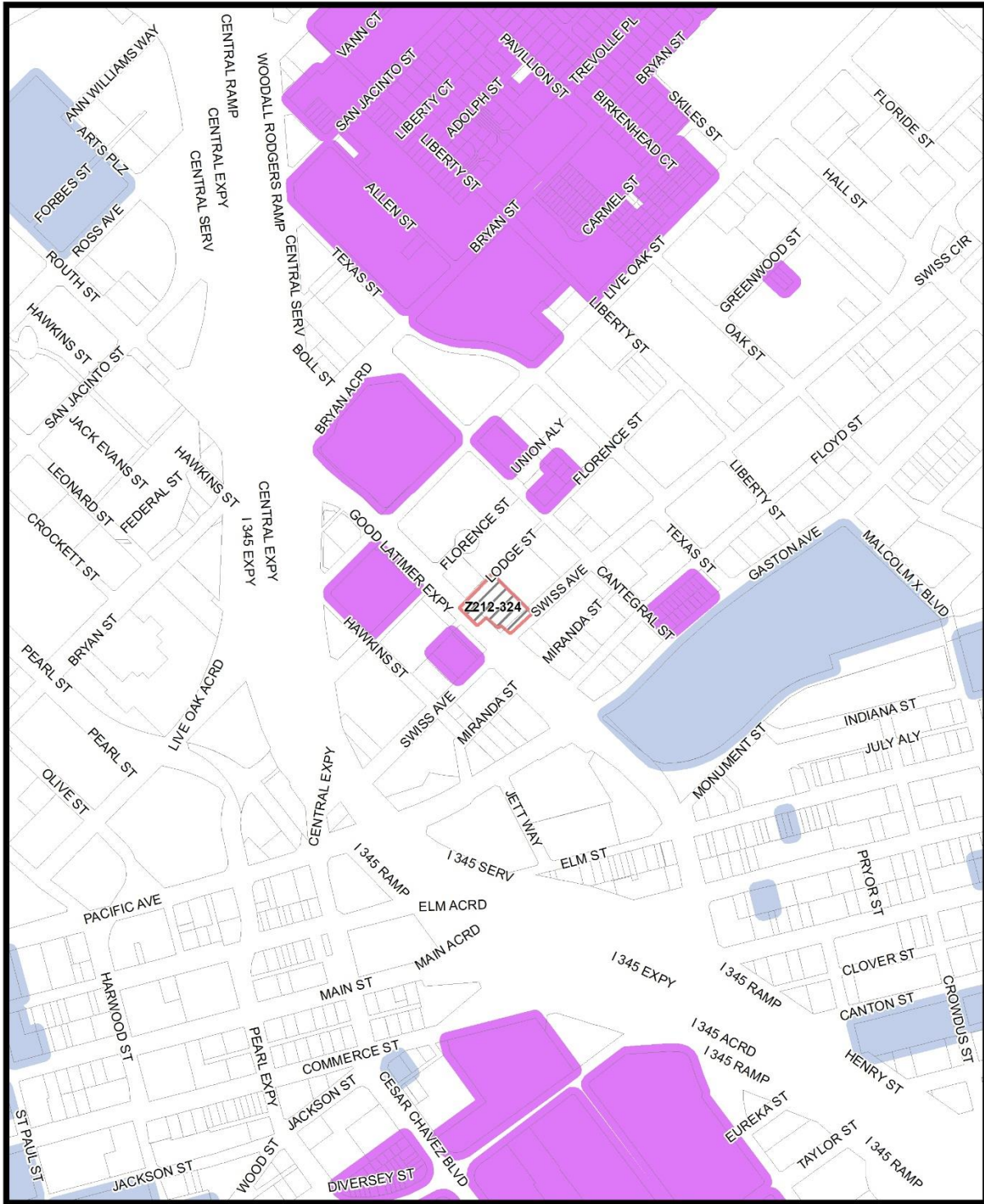
1:2,400

AERIAL MAP

Case no: Z212-324

Date: 4/3/2023





1:6,000

Market Value Analysis

Printed Date: 4/3/2023



147	Property Owners Notified (58 parcels)
0	Replies in Favor (0 parcels)
1	Replies in Opposition (1 parcels)
500'	Area of Notification
4/20/2023	Date

Z212-324
CPC



1:2,400

04/19/2023

Reply List of Property Owners**Z212-324****147 Property Owners Notified 0 Property Owners in Favor 1 Property Owners Opposed**

Reply	Label #	Address	Owner
	1	606 N GOOD LATIMER EXPY	1031 SOLUTIONS LLC &
	2	2633 SWISS AVE	MARTINEZ FERNANDO
	3	2613 SWISS AVE	BONNESS PROPERTY COMPANY
	4	624 N GOOD LATIMER EXPY	MEADOWS FOUNDATION INC
X	5	2424 SWISS AVE	WESTDALE PROPERTIES
	6	2439 SWISS AVE	PSA INSTITUTIONAL PARTNERS LP
	7	2501 PACIFIC AVE	PACIFICO PARTNERS LTD
	8	2515 PACIFIC AVE	FRANCOR LLC
	9	2525 PACIFIC AVE	ALFRALYN LLC
	10	2509 PACIFIC AVE	NOLIMITER LLC
	11	404 HAWKINS ST	BB PHASE II LLC
	12	402 N GOOD LATIMER EXPY	SHARED HOUSING CENTER
	13	2615 FLOYD ST	GREENWAYCP 2601 LP
	14	2619 FLOYD ST	GREENWAY-CP 2601 LP
	15	2635 FLOYD ST	RESURRECTION LLC
	16	2606 SWISS AVE	DALLAS AREA RAPID TRANSIT
	17	2636 SWISS AVE	GREENWAY CP 2601 LP
	18	2633 GASTON AVE	GASTON2633 AMG LLC
	19	615 N GOOD LATIMER EXPY	GREENWAY GOOD LATIMER LP
	20	2700 LIVE OAK ST	UNION ALLEY I LTD PS
	21	606 CANTEGRAL ST	CANTEGRAL LP
	22	2707 FLORENCE ST	CARTUSCIELLO CODY A
	23	600 CANTEGRAL ST	DEVLIN ESTANISLADA FLANIGAN
	24	2705 SWISS AVE	SHAMBU NATH LLC
	25	2627 LIVE OAK ST	ELAN DALLAS CITY LIGHTS OWNER LP
	26	505 N GOOD LATIMER EXPY	BB DALLAS LLC &

04/19/2023

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	2614 SWISS AVE	CAMPBELL J W &
	28	2615 GASTON AVE	GREENWAY CP 2601 LP
	29	2711 FLORENCE ST	PACHECO LEONARD JOSHUA
	30	2711 FLORENCE ST	CILLESSEN CRAIG & KATE
	31	2711 FLORENCE ST	ZAG IRREVOCABLE TRUST
	32	2757 SWISS AVE	DALLAS CASA
	33	2712 SWISS AVE	TUESDAY REAL ESTATE LLC &
	34	2727 FLOYD ST	URSA REAL ESTATE HOLDINGS LLC
	35	2700 FLOYD ST	BAILEY CECIL C
	36	403 REUNION BLVD	DALLAS AREA RAPID TRANSIT
	37	403 REUNION BLVD	DALLAS AREA RAPID TRANSIT
	38	403 REUNION BLVD	DALLAS AREA RAPID TRANSIT
	39	403 REUNION BLVD	DALLAS AREA RAPID TRANSIT
	40	403 REUNION BLVD	DALLAS AREA RAPID TRANSIT
	41	403 REUNION BLVD	DALLAS AREA RAPID TRANSIT
	42	2700 SWISS AVE	2700 SWISS AVENUE LLC
	43	2710 SWISS AVE	URSA REAL ESTATE HOLDINGS LLC
	44	2502 LIVE OAK ST	HEAD ZEL N
	45	2502 LIVE OAK ST	ZIZZO JONATHAN BUCK
	46	2502 LIVE OAK ST	SHADDIX ROBIN &
	47	2502 LIVE OAK ST	LANGLITZ JEFFREY R &
	48	2502 LIVE OAK ST	MARSH TONY
	49	2502 LIVE OAK ST	WIMBERLEY TODD J
	50	2502 LIVE OAK ST	MCPHAIL DUNCAN WILLIAM &
	51	2502 LIVE OAK ST	COPPER REALTY LLC
	52	2502 LIVE OAK ST	MASH LANA K & ANTHONY J ARAGONA
	53	2502 LIVE OAK ST	CAMPBELL CHRISTOPHER B
	54	2502 LIVE OAK ST	TRINH DIEM D
	55	2502 LIVE OAK ST	HARTMAN DAVID E
	56	2502 LIVE OAK ST	JEFFRIES CAMILLE P
	57	2502 LIVE OAK ST	KIM PAUL C

04/19/2023

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	2502 LIVE OAK ST	CLAYTON RODRICK D
	59	2502 LIVE OAK ST	TERRELL PAUL A & NORMA L
	60	2502 LIVE OAK ST	JIMENEZ OSCAR P
	61	2502 LIVE OAK ST	VINSON DANA N
	62	2502 LIVE OAK ST	BREITHAAPT CATHERINE H
	63	2502 LIVE OAK ST	LLOYD GEOFFREY D &
	64	2502 LIVE OAK ST	GAMBLE BRYSON
	65	2502 LIVE OAK ST	OSBORN ELIZABETH C
	66	2502 LIVE OAK ST	GRANT KIMBERLY
	67	2502 LIVE OAK ST	MEYERS JARED IRREVOCABLE
	68	2502 LIVE OAK ST	HARVEY WILLIAM P III
	69	2502 LIVE OAK ST	ROSS MICHAEL CADEN
	70	2502 LIVE OAK ST	CHESLER ADAM
	71	2502 LIVE OAK ST	JOHN MICHAEL
	72	2502 LIVE OAK ST	YOUNG VERONICA NAVARRO &
	73	2502 LIVE OAK ST	LEE BRET R & SHERRY Y
	74	2502 LIVE OAK ST	AVANT BENJAMIN O
	75	2502 LIVE OAK ST	CROSSLAND AARON
	76	2502 LIVE OAK ST	DHANE BEAU J &
	77	2502 LIVE OAK ST	SOROLA OSCAR JR &
	78	2502 LIVE OAK ST	ELSKAMP WILLIAM J JR
	79	2502 LIVE OAK ST	RUDD ZACHARY TAYLOR
	80	2502 LIVE OAK ST	CARLSON ERIK
	81	2502 LIVE OAK ST	AVILA MANUELA
	82	2502 LIVE OAK ST	STATES DANIEL R &
	83	2502 LIVE OAK ST	ANDRICOPOULOS JOHN STEVEN
	84	2502 LIVE OAK ST	HOLMES KATHRYN M
	85	2502 LIVE OAK ST	MARTINEZ BRIAN C
	86	2502 LIVE OAK ST	NICHOLSON ADAM
	87	2502 LIVE OAK ST	SEKHON JASON
	88	2502 LIVE OAK ST	DLABAJ KELLY M

04/19/2023

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	2502 LIVE OAK ST	MARTIN ELIZABETH
	90	2502 LIVE OAK ST	FURZE ALEXIS D
	91	2502 LIVE OAK ST	CARLYLE DAN A
	92	2502 LIVE OAK ST	FORD ERIC
	93	2502 LIVE OAK ST	MAYO MARLON O
	94	2502 LIVE OAK ST	LEE DAVID C
	95	2502 LIVE OAK ST	SESSLER COLTON &
	96	2502 LIVE OAK ST	GREER JESSE VAWTER
	97	2502 LIVE OAK ST	BURGESS ERICK A
	98	2502 LIVE OAK ST	PENTECOST VINCENT T
	99	2502 LIVE OAK ST	ALANIS JAMES
	100	2502 LIVE OAK ST	RAUNIKAR INGRID
	101	2502 LIVE OAK ST	SHIEMKE VERONICA
	102	2502 LIVE OAK ST	SOTO EDEN F
	103	2502 LIVE OAK ST	WATKINS PHYLLIS R
	104	2502 LIVE OAK ST	KENT RACHEL
	105	2502 LIVE OAK ST	CANALES MICHAEL
	106	2502 LIVE OAK ST	JOHNSON ANDREW MCCLURE
	107	2502 LIVE OAK ST	REED LIVING TRUST
	108	2502 LIVE OAK ST	SHAH ANKIT ATUL &
	109	2502 LIVE OAK ST	GONZALES CARLOS &
	110	2502 LIVE OAK ST	KELLY JAMES BLAKE
	111	2502 LIVE OAK ST	ROTHERMEL RYAN R
	112	2502 LIVE OAK ST	VILLA STEVEN
	113	2502 LIVE OAK ST	SIFRIT DANIEL W
	114	2502 LIVE OAK ST	GRABEKLIS JAY
	115	2502 LIVE OAK ST	MOORE BENJAMIN DAVID
	116	2502 LIVE OAK ST	DEMARCO MIKE
	117	2502 LIVE OAK ST	WALLACE SHELLEY
	118	2502 LIVE OAK ST	ARMSTEAD BREIONNE
	119	2502 LIVE OAK ST	GREENWELL ALEXANDER

04/19/2023

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	2502 LIVE OAK ST	HEROLD BENJAMIN H
	121	2502 LIVE OAK ST	VILLALOBOS CEDRIC ALEJANDRO
	122	2502 LIVE OAK ST	BROMBAL ALEXANDER S
	123	2502 LIVE OAK ST	ROBERT JAMES E &
	124	2502 LIVE OAK ST	WAGLIARDO ERIC
	125	2502 LIVE OAK ST	MILLER KEVIN &
	126	2502 LIVE OAK ST	BAILEY DIETRICH D
	127	2502 LIVE OAK ST	WONG PATRICK ELLIOTT
	128	2502 LIVE OAK ST	SANDERS KAREN D
	129	2502 LIVE OAK ST	ORTEGA JAIME
	130	2502 LIVE OAK ST	SHIELDS WILLIAM OLIVER II
	131	2502 LIVE OAK ST	STARKS WAYNE R
	132	2502 LIVE OAK ST	BOATNER JOHN S
	133	2502 LIVE OAK ST	EGGLESTON KATRIONA &
	134	2502 LIVE OAK ST	HARRELL SHARRON
	135	2502 LIVE OAK ST	BELLEHENRY CHRISTINA & TWAIN
	136	2502 LIVE OAK ST	BENGTSON KIMBERLY
	137	2502 LIVE OAK ST	KHAN HAMIDA
	138	2502 LIVE OAK ST	BRUNKER DOUGLAS B
	139	2502 LIVE OAK ST	YOUNGPETER JESSICA
	140	2502 LIVE OAK ST	EAGYE GORDON MAXWELL III
	141	2502 LIVE OAK ST	PROTERRA NICHOLAS RYAN
	142	2502 LIVE OAK ST	VEGA JAIME D
	143	2502 LIVE OAK ST	WAGNER MARK A
	144	2502 LIVE OAK ST	OLVERA CARLOS A
	145	2502 LIVE OAK ST	S & L FRANK TRUST THE
	146	2502 LIVE OAK ST	BARNES ZACKERY EARL
	147	2502 LIVE OAK ST	SAVAGE JAY &